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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

ST. LUKE'S HEALTH SYSTEM, LTD.,

Plaintiff,

v.

RAÚL LABRADOR, Attorney General of the  
State of Idaho,

Defendant.

Case No. 1:25-cv-00015-BLW

**PLAINTIFF'S MOTION FOR A  
TEMPORARY RESTRAINING ORDER**

On January 15, 2025, this Court denied Plaintiff St. Luke's Health System Ltd.'s ("St. Luke's") Motion for Expedited Consideration of its Motion for a Preliminary Injunction. *See* Order & Notice of Hearing, ECF No. 12. The Court wrote that, at the time, the request was "based

on speculation” that the “new administration might move to vacate the [existing] injunction and dismiss the action” in *United States v. Idaho*, 22-cv-0329-BLW. *Id.* at 2. Accordingly, the Court indicated that it would revisit taking expedited action “if the United States unequivocally signals its intention to dismiss its complaint or seek to vacate the injunction in *United States v. Idaho* before” the Court could hold a preliminary injunction hearing. *Id.* It further ordered that the parties must “notify the Court immediately” if the parties in *United States v. Idaho* take an action that would “impact the injunction now in place.” *Id.* at 3. St. Luke’s does so now.

At 1:37 MT on Monday, March 3, 2025, counsel for St. Luke’s received an email from counsel for the United States stating: “As a courtesy, I wanted to let you know that a few minutes ago I reached out to counsel for the State of Idaho and the Idaho Legislature, informing them that the United States would like to dismiss its claims in the above case, without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), which requires ‘a stipulation of dismissal signed by all parties who have appeared.’ I stated that, if possible, the United States would like to file the Stipulation of Dismissal on Wednesday, March 5, 2025.” Declaration of Wendy J. Olson (“Olson Decl.”), Exhibit A. As the Court is aware, a hearing on the Motion for a Preliminary Injunction filed by St. Luke’s and Attorney General Labrador’s Motion to Dismiss is scheduled for March 5, 2025.

St. Luke’s inquired about the Attorney General’s position on this Motion yesterday evening. The Attorney General did not respond. *Id.* ¶¶ 4-5. St. Luke’s also requested the Attorney General’s position on a stipulation that this Court should consider the record in *United States v. Idaho* to be filed in this case, thus mooting the pending Motion for Consolidation. Again, he did not respond. *Id.*

In light of these developments, St. Luke’s respectfully moves for a temporary restraining order (“TRO”) to maintain the status quo until such time as the Court issues its decision on the

pending Motion for a Preliminary Injunction. A dismissal under Rule 41(a) “is effective on filing” and “automatically terminates the action.” *Concha v. London*, 62 F.3d 1493, 1506 (9th Cir. 1995); *see also Com. Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1077 & n.4 (9th Cir. 1999). Entry of a Rule 41(a) stipulation will therefore throw into question the status of the existent preliminary injunction. As set forth in the Motion for Preliminary Injunction and Motion to Expedite St. Luke’s has filed, it is critical that there not be any period during which the Idaho law is not enjoined to the extent it conflicts with EMTALA. *See* Mem. in Support of Mot. for Prelim. Injunction at 19–20; Mot. to Expedite, ECF No. 3. In deciding this Motion, the Court should also immediately grant the pending Motion to Consolidate so that, pursuant to Federal Rule of Civil Procedure 42(a)(3), the record in *United States v. Idaho* may be deemed filed in this case.

Even a short period without an injunction would require Idaho hospitals to train their staff about the change in legal obligations, distracting them from providing medical care to their patients, and would once again require them to airlift patients out of state should a medical emergency arise so that those patients can consider the full spectrum of medically indicated care, including termination of pregnancy. A TRO is necessary to avoid that harm to patients<sup>1</sup> and their families as well as to St. Luke’s and its staff.

“[T]he legal standards applicable to TROs and preliminary injunctions are ‘substantially identical.’” *Washington v. Trump*, 847 F.3d 1151, 1159 n.3 (9th Cir. 2017) (quoting *Stuhlberg Int’l Sales Co., Inc. v. John D. Brush & Co., Inc.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001)). For

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<sup>1</sup> Experience in other states has shown that pregnancy becomes far more dangerous after states prohibit pregnancy termination because those bans lead to “delays in care” that can cause or exacerbate serious health conditions. *Texas Banned Abortion. Then Sepsis Rates Soared.*, ProPublica (Feb. 20, 2025), <https://www.propublica.org/article/texas-abortion-ban-sepsis-maternal-mortality-analysis>. In Texas, for instance, following the state’s abortion ban, sepsis among pregnant patients has “surge[d].” *Id.*

either, a moving party must show “(1) a likelihood of success on the merits; (2) a likelihood of irreparable harm to the moving party in the absence of preliminary relief; (3) that the balance of equities tips in favor of the moving party; and (4) that an injunction is in the public interest.” *Idaho v. Coeur d’Alene Tribe*, 49 F. Supp. 3d 751, 762 (D. Idaho 2014) (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)); *Coffman v. Queen of Valley Med. Ctr.*, 895 F.3d 717, 725 (9th Cir. 2018). As the parties have already fully briefed the pending Motion for Preliminary Injunction, St. Luke’s here incorporates by reference its arguments in support of temporary relief. See Mem. in Support of Mot. for Prelim. Injunction, ECF No. 2-1; Reply in Support of Mot. for Prelim. Injunction, ECF No. 27.

Immediate relief is needed in light of the United States’ planned dismissal.

### **CONCLUSION**

For the foregoing reasons, St. Luke’s requests immediate entry of a temporary restraining order to preserve the status quo and allow the Court to fully consider the parties’ positions on a preliminary injunction.

Dated: March 4, 2025

Respectfully submitted,

Wendy J. Olson

/s/ Wendy J. Olson

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 4, 2025, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which sent a notice of electronic filing to the following persons:

Brian V. Church  
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*Attorneys for Attorney General Labrador*

*Attorneys for Amici American Hospital Association, America's Essential Hospitals, and the American Association of Medical Colleges*

*/s/ Wendy J. Olson*

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ST. LUKE’S HEALTH SYSTEM, LTD.,  
  
Plaintiff,

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RAÚL LABRADOR, Attorney General of the  
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Case No. 1:25-cv-00015-BLW

**DECLARATION OF ENDY OLSON  
IN SUPPORT OF PLAINTIFF ST  
LUKE’S HEALTH SYSTEM LTD’S  
MOTION FOR A TEMPORARY  
RESTRAINING ORDER**

I, Wendy J. Olson, declare as follows:

1. I am a partner at Stoel Rives LLP and an attorney of record for Plaintiff St.

Luke’s Health System, LTD. in the above-entitled matter. As such, I have personal knowledge of

the facts and statements contained in this Declaration. I submit this Declaration in support of Plaintiff St. Luke's Health System, Ltd.'s Motion for a Temporary Restraining Order.

2. Attached hereto as E \_\_\_\_\_ A is a true and correct copy of an email from counsel for the United States in United States v. State of Idaho, No. 1:22-cv-329 and received by St. Luke's counsel on March 3, 2025, at 1:36 p.m. mountain time.

3. The email states that the United States would like to file a stipulated dismissal of its case under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

4. In response to that email, at 8:03 p.m. mountain time on March 3, 2025, I emailed counsel for the United States and counsel for Attorney General Raul Labrador to inquire whether it would agree to wait to file such a stipulated dismissal until after this Court rules on St. Luke's motion for preliminary injunction. I further inquired whether Attorney General Labrador would agree to have the district court record in United States v. State of Idaho considered filed in this case so that St. Luke's motion to consolidate would be moot.

5. As of the execution of this declaration and the filing of St. Luke's motion for a temporary restraining order, neither counsel for the United States nor counsel for Attorney General Labrador has responded.

I certify under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct to the best of my knowledge.

DATED: March 4, 2025

STOEL RIVES LLP

/s/ Wendy J. Olson  
Wendy J. Olson



**CERTIFICATE OF SERVICE**

I hereby certify that on March 4, 2025, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which sent a notice of electronic filing to the following persons:

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Stephen Lee Adams  
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*Attorneys for Attorney General Labrador*

*Attorneys for Amici American Hospital Association, America's Essential Hospitals, and the American Association of Medical Colleges*

/s/ Wendy J. Olson

# Exhibit A

**From:** [Schwei, Daniel S. \(CIV\)](#)  
**To:** [Harrison, Lindsay C.](#); [Giaquinto, Ruby C.](#); [Montgomery, Sophia W.](#); [Amunson, Jessica Ring](#)  
**Cc:** [Haas, Alex \(CIV\)](#)  
**Subject:** Notice re United States v Idaho, No. 22-cv-329 (D. Idaho)  
**Date:** Monday, March 3, 2025 3:36:39 PM

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**External Email - Do Not Click Links or Attachments Unless You Know They Are Safe**



Lindsay et al.,

As you may recall, I am one of the attorneys for the United States in *United States v. State of Idaho*, No. 1:22-cv-329 (D. Idaho filed Aug. 2, 2022).

As a courtesy, I wanted to let you know that a few minutes ago I reached out to counsel for the State of Idaho and the Idaho Legislature, informing them that the United States would like to dismiss its claims in the above case, without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A) (ii), which requires “a stipulation of dismissal signed by all parties who have appeared.” I stated that, if possible, the United States would like to file the Stipulation of Dismissal on Wednesday, March 5, 2025.

Thank you again for your assistance throughout the above matter.

Best,  
Daniel

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