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Attorneys for Plaintiff

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 RESPONSE TO
DEFENDANT'S MOTION FOR
PROTECTIVE ORDER [DKT 72]**

For the reasons set forth in its motion for a protective order (Dkt. 70) and reply in support thereof (Dkt. 74), St. Luke's Health System, Ltd. opposes Defendant Raul Labrador's motion for this Court to enter the District of Idaho Model Protective Order (Dkt. 72) in this case. St. Luke's incorporates its arguments in those pleadings in this response.

PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR PROTECTIVE ORDER [DKT 72] - 1

The parties negotiated a protective order for months, reaching a point at which there was only one difference between the parties. This Court should not allow the Defendant to retreat from its agreement. Moreover, the District of Idaho Model Protective Order is inadequate. It does not include an Attorney Eyes Only provision. An Attorney Eyes Only provision is critical here given the highly sensitive, medical, and private information concerning reproductive choices, including abortion, in the documents requested by the Attorney General in discovery. There is a strong privacy interest in the confidentiality of this information, the public disclosure of which will cause nonparties who have not injected themselves in this litigation to be subject to embarrassment, harassment, and retaliation. *See e.g., Planned Parenthood of S.Ariz. v. Lawall*, 307 F.3d 783, 790 (9th Cir. 2002) (recognizing privacy protections for information regarding an abortion decision).

Accordingly, for the reasons set forth in St. Luke's pleadings in support of its requested protective order, this Court should deny the Defendant's motion for this Court to enter the Model Protective Order.

DATED: December 23, 2025

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