

Erika Birch (ISB No. 7831)
Strindberg Scholnick Birch
Hallam Harstad Thorne
American Civil Liberties Union of
Idaho Foundation Cooperating Attorney
1516 W. Hays Street
Boise, Idaho 83702
Tel: (208) 336-1788
erika@idahojobjustice.com

Danielle Conley*
Margaret A. Upshaw*
Cherish A. Drain*
Latham & Watkins LLP
555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Tel: (202) 637-2200
Fax: (202) 637-2201
danielle.conley@lw.com
maggie.upshaw@lw.com
cherish.drain@lw.com

Scarlet Kim*
Andrew Beck*
Elizabeth Gyori*
American Civil Liberties
Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Tel: (212) 549-2633
Fax: (212) 549-2649
scarletk@aclu.org
abeck@aclu.org
egyori@aclu.org

Samir Deger-Sen*
Latham & Watkins LLP
1271 Avenue of the Americas
New York, NY 10020
Tel: (212) 906-1200
Fax: (212) 751-4864
samir.deger-sen@lw.com

Attorneys for Plaintiffs

Additional attorneys listed on next page

** Pro hac vice applications forthcoming*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO
SOUTHERN DIVISION**

IDAHO FEDERATION OF TEACHERS et al.,

Plaintiffs,

v.

RAÚL LABRADOR, in his official capacity as
Attorney General of the State of Idaho, et al.,

Defendants.

Case No. 1:23-cv-353

**MOTION FOR PRELIMINARY
INJUNCTION**

Peter Trombly*[†]
Margaret Babad*
Emily True*
Latham & Watkins LLP
1271 Avenue of the Americas
New York, NY 10020
Tel: (212) 906-1200
Fax: (212) 751-4864
peter.trombly@lw.com
molly.babad@lw.com
emily.true@lw.com

Marissa Marandola*
Latham & Watkins LLP
200 Clarendon Street
Boston, MA 02116
Tel: (617) 948-6000
Fax: (617) 948-6001
marissa.marandola@lw.com

** Pro hac vice applications forthcoming*

[†] Admitted to practice in Virginia only

Dina Flores-Brewer (ISB No. 6141)
American Civil Liberties Union of
Idaho Foundation
P.O. Box 1897
Boise, ID 83701
Tel: (208) 344-9750
dfloresbrewer@acluidaho.org

Amanda Barnett*
Latham & Watkins LLP
355 S. Grand Avenue, Suite 100
Los Angeles, California 90071-1560
Tel: (213) 485-1234
Fax: (213) 891-8763
amanda.barnett@lw.com

Seth Kreimer*
3501 Sansom St.
Philadelphia, PA
skreimer@law.upenn.edu

Attorneys for Plaintiffs

MOTION FOR PRELIMINARY INJUNCTION

Under Federal Rule of Civil Procedure 65(a), Plaintiffs Idaho Federation of Teachers; University of Idaho Faculty Federation, Local 3215 of the American Federation of Teachers; Aleta Quinn; Casey Johnson; Markie McBrayer; Zachary Turpin; Kathryn Blevins; and Heather Witt move for a preliminary injunction against Raúl Labrador, in his official capacity as Attorney General of the State of Idaho; Jan M. Bennetts, in her official capacity as Ada County Prosecuting Attorney; Stephen F. Herzog, in his official capacity as Bannock County Prosecuting Attorney; and Bill Thompson, in his official capacity as Latah County Prosecuting Attorney, to prohibit enforcement of the No Public Funds for Abortion Act’s prohibitions with respect to “promot[ing] abortion” and “counsel[ing] in favor of abortion.” Idaho Code §§ 18-8705(1), (2). Plaintiffs’ arguments in support of this motion are fully set forth in the attached memorandum of law and supporting declarations.

Dated: August 8, 2023

Respectfully submitted,

Samir Deger-Sen*
Peter Trombly*†
Margaret Babad*
Emily True*
Latham & Watkins LLP
1271 Avenue of the Americas
New York, NY 10020
Tel: (212) 906-1200
Fax: (212) 751-4864
samir.deger-sen@lw.com
peter.trombly@lw.com
molly.babad@lw.com
emily.true@lw.com

/s/ Erika Birch
Erika Birch (ISB No. 7831)
Strindberg Scholnick Birch
Hallam Harstad Thorne
American Civil Liberties Union of
Idaho Foundation Cooperating Attorney
1516 W Hays St.
Boise, Idaho 83702
Tel: (208) 336-1788
erika@idahojobjustice.com

///

Danielle Conley*
Margaret A. Upshaw*
Cherish A. Drain*
Latham & Watkins LLP
555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Tel: (202) 637-2200
Fax: (202) 637-2201
danielle.conley@lw.com
maggie.upshaw@lw.com
cherish.drain@lw.com

Marissa Marandola*
Latham & Watkins LLP
200 Clarendon Street
Boston, MA 02116
Tel: (617) 948-6000
Fax: (617) 948-6001
marissa.marandola@lw.com

Amanda Barnett*
Latham & Watkins LLP
355 South Grand Avenue, Suite 100
Los Angeles, California 90071-1560
Tel: (213) 485-1234
Fax: (213) 891-8763
amanda.barnett@lw.com

Scarlet Kim*
Andrew Beck*
Elizabeth Gyori*
American Civil Liberties
Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Tel: (212) 549-2633
Fax: (212) 549-2649
scarletk@aclu.org
abeck@aclu.org
egyori@aclu.org

Dina Flores-Brewer (ISB No. 6141)
American Civil Liberties Union of
Idaho Foundation
P.O. Box 1897
Boise, ID 83701
Tel: (208) 344-9750
dfloresbrewer@acluidaho.org

Seth Kreimer*
3501 Sansom Street
Philadelphia, PA
skreimer@law.upenn.edu

** Pro hac vice applications forthcoming*

† Admitted to practice in Virginia only

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 8, 2023, I filed the foregoing Motion for Preliminary Injunction electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Not Applicable (no defendant has yet appeared)

And I FURTHER CERTIFY that on such date I caused the foregoing, along with all attendant Declarations and Exhibits, to be served on the following non-CM/ECF registered participants *via* Electronic mail with a hard copy to follow via U.S. first class mail, postage prepaid addressed as follows:

Raúl R. Labrador
Office of the Attorney General State
of Idaho
700 W. Jefferson St.
P.O. Box 83720
Boise, ID 83720-0010
aglabrador@ag.idaho.gov

Jan M. Bennetts
Ada County Prosecuting Attorney
Adan County Prosecutor's Office
200 West Front Street, Room 3191
Boise, ID 83702
jbennetts@adacounty.id.gov

Stephen F. Herzog
Bannock County Prosecuting
Attorney
624 E Center St, Room 204
Pocatello, ID 83201
sherzog@bannockcounty.us

Bill Thompson
Latah County Prosecuting Attorney
Latah County Courthouse
522 S Adams Street, Room 211
Moscow, ID 83843
bthompson@latah.id.us
paservice@latahcountyid.gov

/s/ Erika Birch

Erika Birch (ISB No. 7831)