

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

Childrens Home Network of Idaho,
Kuna Early Learning, Upriver Youth
Leadership Council Inc, Giraffe
Laugh Inc, Wild Science Explorers,
United Way of North Idaho Inc,
United Way of South Central Idaho
Inc, United Way of Southeastern
Idaho Inc, Marsing School District,
Notus School District, Murtaugh
School District, Idaho AEYC,
Elizabeth Oppenheimer, United Way
of Idaho Falls and Bonneville County
Inc, Upper Valley Child Advocacy
Center Inc, Tidwell Social Work
Services and Consulting Inc, Basin
School District, Kuna Counseling
Center LLC, Real Solutions
Counseling LLC, Life Counseling
Center Inc, Kendrick School District,
Idaho Resilience Project Inc, Hope
Education Consulting LLC, United
Way of Treasure Valley Inc,
Middleton Counseling, Cascade
School District, KoolMinds Academy
of Learning, Emmett School District,
Willow Center Inc, Community Youth
in Action Inc, Lincoln County Youth
Center, Brighter Future Health Inc,
Green Apple Project, 2C Kids
Succeed, Parma School District,
Madison School District

Plaintiff,

vs.

Raul Labrador, Lincoln Wilson
Defendant.

Case No. CV01-23-04242

Memorandum Decision and Order
Granting in Part, Denying in Part
Preliminary Injunction

On March 15, 2023, the Plaintiffs filed in District Court for Ada County a
Verified Complaint Pursuant to Idaho Code § 48-611 to Set Aside Civil Investigative
Demand and for Other Injunctive and Declaratory Relief. Count III of the Amended



Verified Complaint prays for a preliminary injunction enjoining the Attorney General from demanding responses from the thirty-eight Plaintiffs.

I. NOTICE

Pursuant to Idaho Rule of Civil Procedure 65(b)(2), a temporary restraining order may only be granted without written or oral notice to the adverse party or attorney, if the applicant's attorney certified to the court in writing the efforts, if any, which have been made to give the notice and the reasons supporting the party's claim that notice should not be required. The Court declined to issue the Temporary Restraining Order ex parte and without proper notice so the Court held a hearing on March 17, 2023. At that hearing, the parties agreed to stay the time for responses until the preliminary injunction could be heard. The Court entered its Order Staying Responses to Civil Investigative Demands and Notice of Preliminary Injunction Hearing following that hearing.

II. PRELIMINARY INJUNCTION HEARING

On March 28, 2023, the Court held a hearing on the Plaintiffs' request for preliminary injunction as requested in Count III of the Amended Verified Complaint and its prayer for a preliminary injunction enjoining the Attorney General from demanding response to the Civil Investigative Demands (CIDs). The hearing was then continued until April 7, 2023 for the parties to brief whether an in camera review of records was appropriate, for a review and partial disclosure of those records, and for closing arguments.

Appearances: Greg Chaney appeared for the Plaintiffs.

Timothy Longfield and Lincoln Wilson appeared as attorneys for Defendants

The Court considered:

Amended Verified Complaint, filed March 16, 2023, which is verified only by Elizabeth Oppenheimer;

Declarations filed in support of Plaintiffs' Complaint from Kristal Kangas-Hanes, Jean Mutchie, Brian Hunicke, Norm Stewart, Honey Sayler, Lorraine Fscilla, Elizabeth Oppenheimer, Steve Kirkland, Ludee Vermaas, Craig Woods, Katherine Francis, Sharlene Johnson, Bill Maikranz, Jim Grigg (2 declarations), Amy Call,



Rebecca Wood, Jeff D. Wright, Breanna Anderson, Gabriel Iacoboni, Tim Jackson, Michele Capps, Mark Tucker, Tanya K. Nelson, Anselme Sadiki, Christin Werseme, Ashley Stallings, Tony Fisk, Becky Leatham, Stoney Winston, Shantay Bloxham, Marissa Jenks, and Randy Lords; and the Declaration of Counsel (Chaney) Authenticating Statements of Party Opponent, filed March 21, 2023.

Declaration of Timothy Longfield filed in opposition along with two declarations reviewed in camera based on the Attorney General's claim of privilege pursuant to Idaho Rule of Evidence 509 and subject to the Order for Redacted Disclosure and Protective Order and Order Sealing Affidavits Pursuant to I.R.E. 509, both entered April 7, 2023.

The Court also took judicial notice pursuant to Idaho Rule of Evidence 201 of:

- The fact that Raul Labrador became Attorney General of the State of Idaho on the first Monday in January of 2023 which was January 2, 2023;
- The fact that a Petition to Set Aside Civil Investigative Demands has been filed in Ada County CV01-23-4832 on March 23, 2023 with Dave Jeppesen (Director of Idaho Health and Welfare (IDHW)), Jennifer Palagi (Deputy Director of IDHW), and Shane Leach (Self-Reliance Division Administrator of IDHW) as Petitioners that requests the District Court set aside three Civil Investigative Demands issued by the Idaho Attorney General's Office to the three Petitioners seeking information about the Community Grant Program;
- The fact that a Declaration of Dave Jeppesen was filed March 23, 2023 in Ada County CV01-23-4832 and attached as Exhibit B to Plaintiffs' Motion for Judicial Notice, filed March 23, 2023, along with the Jeppesen Declaration attachments labeled as Exhibits A and B. The Court took judicial notice that this Declaration is filed in a similar proceeding before the District Court but no decision on the merits has been made in that case. So, the Court does not consider its actual contents of this Declaration or its attachments since the facts are subject to reasonable dispute because its facts cannot be accurately



and readily determined from sources whose accuracy cannot reasonably be questioned.

- The fact that a Petition to Set Aside Civil Investigative Demands has been filed in Ada County CV01-23-5072 on March 27, 2023 with Ericka Rupp as Petitioner that requests the District Court set aside a Civil Investigative Demand issued by the Idaho Attorney General's Office to the Petitioner seeking information about the Community Grant Program. Again, the Court took judicial notice that this Petition is filed in a similar proceeding before the District Court but no decision on the merits has been made in that case. So, the Court does not consider the court file's actual contents since the facts are subject to reasonable dispute because its facts cannot be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

The Court considered the evidence presented at the hearing including the admitted exhibits (Defendants' Ex. A, F, J, Q) and the testimony of Elizabeth Oppenheimer.

The Court also considered the Defendants' Notice of Supplemental Authority, filed April 6, 2023, which is Senate Bill 1203 signed into law on April 5, 2023.

Finally, the Court considered the parties' briefs submitted in support of and opposition to preliminary injunction and the parties' oral arguments.

The Court did not consider evidence ruled inadmissible at the hearing. The Court, in its discretion, also did not consider the following paragraphs of the informer declaration for evidentiary reasons:

- Contains hearsay without sufficient foundation to be admissible evidence 13, 15, 16, 21-25, 27, 29, 32-34, 43, 49, 61, 69-73, and its Exhibit D;
- Contains irrelevant information that does not have a tendency to make a fact that is of consequence in determining this action more or less probable than it would be without the evidence and lacks sufficient foundation of personal knowledge so it is speculative 15;



- Lacks sufficient foundation of personal knowledge so it is speculative 17, 30;
- Contains irrelevant information that does not have a tendency to make a fact that is of consequence in determining this action more or less probable than it would be without the evidence and also contains hearsay without sufficient foundation to be admissible evidence 28;
- Contains hearsay without sufficient foundation to be admissible evidence and lacks sufficient foundation of personal knowledge so it is speculative 31;
- Contains irrelevant information that does not have a tendency to make a fact that is of consequence in determining this action more or less probable than it would be without the evidence 45, 46, 47, 48, 50.

After the hearing was over and while this matter was under advisement, the Defendant filed a Motion to Submit Additional Materials in Camera under Idaho Rule of Evidence 509, filed April 25, 2023. To the extent the Defendants seek the Court to modify this preliminary injunction, the Defendants must file a motion for modification, notice the matter for hearing, and provide the time for any response as required by the Idaho Rules of Civil Procedure.

III. REASONS FOR ISSUANCE

The CIDs served on the Plaintiffs by the Attorney General state three bases for the authority to demand the information sought: Idaho Code §§ 48-1908(1)(in the Idaho Charitable Assets Protection Act), 48-1204(1)(in the Idaho Charitable Solicitation Act), and 48-611(1)(in the Idaho Consumer Protection Act). The Court notes that the Idaho Charitable Assets Protection Act and the Idaho Charitable Solicitation Act laws became effective July 1, 2020. This is a case of first impression for this court.

A. The Idaho Charitable Assets Protection Act

The Idaho Charitable Assets Protection Act provides for investigatory authority of the Attorney General in Idaho Code § 48-1908(1) which states,

Whenever the attorney general has reason to believe that an accountable person or charitable organization has violated or is



violating the provisions of section 48-1906, 48-1907, or 48-1909, Idaho Code, the attorney general may:

(1) Serve investigative demands using the same procedures and in the same manner as described in section 48-611, Idaho Code [Idaho Consumer Protection Act]; . . .

The Idaho Charitable Assets Protection Act, Idaho Code § 48-1906(1)(a), defines, in relevant part, acts unlawful under this statute to include:

(1) It is unlawful for an accountable person or charitable organization to knowingly use, or allow to be used, the charitable organization's charitable assets in a manner that is inconsistent with:(a) Law applicable to the charitable asset....¹

The act also specifies penalties for unlawful acts include a civil penalty up to no more than ten thousand dollars (\$10,000) per violation and recovery of any unlawfully diverted charitable assets. IDAHO CODE §§ 48-1912, -1914. Further, Idaho Code § 48-1910(2) also provides for the following remedies:

Whenever the attorney general has reason to believe that a charitable organization violated or is violating the provisions of section [48-1907](#), Idaho Code, the attorney general, acting in the public interest, may bring an action in the name of the state against such organization and any agents of the organization:

(a) To enjoin any action dissolving the charitable organization, or the dissolving, converting to a noncharitable organization, terminating, or disposing of all or substantially all of the charitable organization's charitable assets by issuance of a temporary restraining order or preliminary or permanent injunction, upon the giving of appropriate notice to the alleged violator as provided in the Idaho rules of civil procedure;

(b) To obtain appointment of a master, receiver, or escrow agent to gather, account for, and oversee charitable assets whenever it shall appear that all or substantially all of the charitable organization's

¹ Idaho Code § 48-1906(2) also provides when an accountable person is not liable under the statute providing exceptions if there is a discharge of duties and compliance under Idaho Code §§ 30-30-618 and 30-30-623, complied with the applicable trust instrument, qualifies for immunity under Idaho Code § 6-1605, or acted in compliance with a court order regarding a matter for which the attorney general received timely notice as provided by applicable law, thereby providing the attorney general time to file any objection and be heard by the court regarding the matter. The Court finds these exceptions do not apply and therefore will not consider this subsection further.



charitable assets may be dissolved, converted, terminated, or disposed of during the course of the proceedings;

(c) To terminate a charitable organization and liquidate its charitable assets in accordance with its governing instrument or applicable law.

(d) In cases where the charitable organization's accountable person or persons knew of and intended to violate the notice provisions of section 48-1907, Idaho Code, to recover from the charitable organization's accountable persons civil penalties of up to five thousand dollars (\$5,000), as determined by the district court; and

(e) To obtain other appropriate relief.

Idaho Code § 48-1913 provides:

Any civil penalties, costs, or attorney's fees sued for and recovered by the attorney general under this chapter shall be remitted to the consumer protection fund created in section 48-606, Idaho Code, and shall be used for the furtherance of the attorney general's duties and activities under the provisions of this chapter, pursuant to legislative appropriation.

B. The Idaho Charitable Solicitation Act

The Idaho Charitable Solicitation Act provides authority to enforce and carry out this act to the Attorney General and the District Court, with Idaho Code § 48-1204(1) stating,

The attorney general and the district court shall have the same authority in enforcing and carrying out the provisions of this chapter as is granted the attorney general and district courts under the Idaho consumer protection act, chapter 6, title 48, Idaho Code.

The Idaho Consumer Protection Act provides for investigatory authority of the Attorney General in Idaho Code § 48-611(1) which states

(1) When the attorney general has reason to believe that a person has engaged in, is engaging in, or is about to engage in any act or practice declared to be unlawful by this act, he may execute in writing and cause to be served upon any person who is believed to have information, documentary material or physical evidence relevant to the alleged or suspected violation, an investigative demand requiring such person to furnish a report in writing setting forth the relevant facts and circumstances of which he has knowledge, or to appear and testify or to produce relevant documentary material or physical evidence for examination, at such reasonable time and place as may be stated in the investigative demand, concerning the advertisement, sale or offering for sale of any goods or services or the conduct of any trade or commerce that is the subject matter of the investigation. The return date in said



investigative demand shall be not less than twenty (20) days after serving of the demand.

Therefore, in reading the two statutes together, this Court finds that the “reason to believe that a person has engaged in, is engaging in, or is about to engage in any act or practice declared to be unlawful by [the Charitable Solicitation Act]” is the standard to be applied is the standard to be applied in this case.

The Idaho Charitable Solicitation Act, Idaho Code § 48-1203, defines acts unlawful under this statute include:

(1) It is unlawful for any person, except a religious corporation, a religious association, a religious educational institution or a religious society, in the planning, conduct or execution of any charitable solicitation, to utilize any unfair, false, deceptive, misleading or unconscionable act or practice. In deciding whether an act or practice is unfair, false, deceptive, misleading or unconscionable within the meaning of this subsection, definitions, standards and interpretations relating thereto under the Idaho consumer protection act and regulations promulgated thereunder shall apply.

(2) It is unlawful for a religious corporation, a religious association, a religious educational institution or a religious society, in the planning, conduct or execution of any charitable solicitation, knowingly and willfully to utilize any false, deceptive or misleading act or practice.

...²

For remedies, Idaho Code § 48-1205 allows a private cause of action under the same provisions as the Idaho Consumer Protection Act to remedy violations of this act. The Act also allows the same remedies that can be pursued by the Attorney General under the Consumer Protection Act which are set forth in Idaho Code § 48-606(1) and include:³

² There is also a third subsection of this statute that prohibits a person or charitable organization from using a container in public places to solicit contributions in particular ways that is not set forth here since there is no allegation in the complaint that any violation by the Plaintiffs may have been by using a container to solicit donations.

³ “Unless the attorney general finds in writing that the purposes of this chapter will be substantially and materially impaired by delay in instituting legal proceedings, he shall, before initiating any legal proceedings as provided in this section, give notice in writing that such proceedings are contemplated to the person against whom proceedings are contemplated and allow such person a reasonable opportunity to appear before the attorney general and execute an assurance of voluntary compliance or a consent judgment as in this chapter provided.” IDAHO CODE § 48-606(3) (emphasis added).



(1) Whenever the attorney general has reason to believe that any person is using, has used, or is about to use any method, act or practice declared by this chapter to be unlawful, and that proceedings would be in the public interest, he may bring an action in the name of the state against such person:

- (a) To obtain a declaratory judgment that a method, act or practice violates the provisions of this chapter;
- (b) To enjoin any method, act or practice that violates the provisions of this chapter by issuance of a temporary restraining order or preliminary or permanent injunction, upon the giving of appropriate notice to that person as provided by the Idaho rules of civil procedure;
- (c) To recover on behalf of consumers actual damages or restitution of money, property or other things received from such consumers in connection with a violation of the provisions of this chapter;
- (d) To order specific performance by the violator;
- (e) To recover from the alleged violator civil penalties of up to five thousand dollars (\$5,000) per violation for violation of the provisions of this chapter; and
- (f) To recover from the alleged violator reasonable expenses, investigative costs and attorney's fees incurred by the attorney general.

Again, any fines, costs or fees recovered are paid into the Attorney General's consumer protection account.⁴

C. Procedural Mechanism for a Petition in District Court

The counsel for the Attorney General's Office stated that Idaho Code § 48-611(1) of the Idaho Consumer Protection Act was only cited as the procedural basis for the CIDs and that no Plaintiff is believed to have engaged in any act that was actually unlawful under the Idaho Consumer Protection Act. Idaho Consumer Protection Act states,

(1) When the attorney general has reason to believe that a person has engaged in, is engaging in, or is about to engage in any act or practice declared to be unlawful by this act, he may execute in writing and cause to be served upon any person who is believed to have information, documentary material or physical evidence relevant to the alleged or suspected violation, an investigative demand requiring such person to furnish a report in writing setting forth the relevant facts and circumstances of which he has knowledge, or to appear and testify

⁴ I.C. §48-1204(2).



or to produce relevant documentary material or physical evidence for examination, at such reasonable time and place as may be stated in the investigative demand, concerning the advertisement, sale or offering for sale of any goods or services or the conduct of any trade or commerce that is the subject matter of the investigation. The return date in said investigative demand shall be not less than twenty (20) days after serving of the demand.

(2) At any time before the return date specified in an investigative demand, or within twenty (20) days after the demand has been served, whichever period is shorter, a petition to extend the return date, or to modify or set aside the demand, stating good cause, may be filed in the district court of the county where the person served with the demand resides or has his principal place of business or in the district court in Ada County.

Idaho Code § 48-614 provides the procedure if any person fails or refuses to obey an investigative demand issued by the attorney general which is that the attorney general may, after notice, apply to a district court of the county in which the person resides or has a principal place of business (or if the person does not reside in or have a principal place of business in this state, the attorney general may apply to any district court in this state) and, after hearing thereon, request an order for that person to comply with the investigative demand, can enjoin the suspected violation, or grant other relief until the person complies with the investigative demand.

The Court finds Idaho Consumer Protection Act and its corresponding case law is persuasive authority when considering the procedure and actions taken by the parties related to the civil investigative demands in this case.

D. Constitutional Provisions

While both the Idaho Charitable Assets Protection Act and the Idaho Charitable Solicitation Act allow a petition in District Court to be filed within twenty days of service of a CID, neither statute sets out the procedural mechanism for the proceeding.

A civil investigative demand is essentially an administrative subpoena. Therefore, this case is similar to a motion to quash a subpoena under Idaho Rule of Civil Procedure 45(j)(6)(B)(1) which allows a petition in the court where discovery is conducted or where the deponent resides or transacts business. That rule allows a court to quash or modify a subpoena if it is unreasonable, oppressive, fails to allow time



for compliance, requires disclosure of privileged or other protected matter and no exception or waiver applies, or subjects a person to undue burden; or the court may require payment for reasonable costs of complying with the subpoena to be paid by the party that issued the subpoena.⁵ The comment to this rule states that any petition must comply with the law of Idaho which include Idaho's procedural, evidentiary, and conflict of laws rules. Therefore, this Court determines that the rules of evidence apply in this proceeding.

However, the Attorney General has enforcement authority over unlawful acts discovered as a result of compliance with Civil Investigative Demands including imposing significant fines and even a mechanism to force dissolution of a charitable organization violating the Idaho Charitable Assets Protection Act. Further, evidence of criminal intent and criminal acts discovered through an investigative demand can quickly lead to criminal investigations (although through other law enforcement agencies such as the Idaho State Police or county or city agencies) and perhaps criminal charges. The Defendants have asserted that the Attorney General's Office is a law enforcement agency related to investigative demands. *Bolger v. Lance*, 137 Idaho 792, 794–97, 53 P.3d 1211, 1213–16 (2002). While noting that *Bolger* arose in the context of the Public Records Act, the Defendant argues, "It would make no sense to exempt investigative records from disclosure through a public records request while simultaneously allowing investigated parties to demand unfettered access to those records in a proceeding directly challenging the Attorney General's authority to investigate them."⁶ This Court agrees. So, this Court also agrees with Plaintiffs that there are constitutional underpinnings and implications in this case.

The Fourth Amendment of the United States Constitution provides in relevant part, "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." U.S. CONST.

⁵ The comment to this rule states that this rule requires that any application to the court for a protective order, or to enforce, quash, or modify a subpoena, or for any other dispute relating to discovery under this rule, must comply with the law of Idaho. Those laws include Idaho's procedural, evidentiary, and conflict of laws rules.

⁶ Brief in Support of Attorney General's Motion to Submit Confidential Materials in Camera under Idaho Rule of Evidence 509, filed Mar. 29, 2023, p. 5, fn. 3.



amend. IV. Further, Article 1, Section 17 of the Idaho Constitution protects Idahoans from unreasonable searches and seizures. It reads,

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue without probable cause shown by affidavit, particularly describing the place to be searched and the person or thing to be seized.

Notwithstanding the similarity between Article 1, Section 17 of the Idaho Constitution and the Fourth Amendment to the United States Constitution, the Idaho Supreme Court interprets our state constitution as more protective of the rights of Idaho citizens than the United States Supreme Court's interpretation of the federal constitution.” *State v. Guzman*, 122 Idaho 981, 987, 842 P.2d 660, 666 (1992) (citing *PruneYard Shopping Center v. Robins*, 447 U.S. 74, 80–82, 100 S.Ct. 2035, 64 L.Ed.2d 741 (1980)).

The Plaintiffs urge the Court to analyze the CIDs using the constitutional requirements for search warrants which would include a finding of probable cause to issue such demand. This Court finds that a finding of probable cause is not required for the Attorney General to issue CIDs within its statutory authority. But as noted in *In re Western Acceptance Corp., Inc.*, 117 Idaho 399, 400, 788 P.2d 214, 215 (1990), an investigative demand does not constitute an unqualified power of the attorney general to require the presentation of the information sought. This Court cannot find, and the parties did not cite, any Idaho law that exactly defines the legal framework of that “qualified” power of the attorney general to issue these demands.

First, there is no right of privacy for grant applications, status reports, or receipts that support expenditures. As discussed below, the grant applicants were on notice that they must maintain and produce certain records, including their grant applications or receipts, invoices, staff payroll information, and a written record of spending, and may be required to produce those records upon demand within twenty days. So, a CID for that materials does not invoke constitutional concerns even if such demand is made by the Attorney General rather than the Idaho Department of Health and Welfare. The grant guides do not limit the Attorney General’s ability to conduct a lawful investigation when he has statutory authority to do so.

However, the CIDs in this case go beyond requesting organizational records, including e-mails and communications, and requests personal e-mails,



conversations, social media posts, charitable donation records, and what any person viewed related to any Community Partner Program grant and is so broad to include all employees of the organization.

Typically, federal civil investigative demands require the requesting agency to state the nature of the conduct constituting an alleged violation under investigation and the applicable provision of the law alleged to be violated. These CIDs are not that specific. Each CID in this case cites the general Idaho Code provisions with no other specificity related to what person or charitable organization is under investigation or why the Attorney General believes an act was unlawful or who may have committed such unlawful act. So, just because a person or entity receives a CID does not mean that person or entity is or is not the target of an investigation.

This Court finds that the legal framework for these CIDs is more akin to the criminal standard for law enforcement to have a reasonable articulable suspicion to stop or detain someone for investigative purposes: The statutory standard requires the attorney general to have reason to believe that a person has, is, or about to use charitable assets unlawfully for the Idaho Charitable Solicitation Act, or has reason to believe that an accountable person or charitable organization has violated or is violating the Idaho Charitable Assets Protection Act. This “reason to believe” there is an unlawful act constrains the Attorney General from issuing CIDs just because all people are capable of committing bad acts or crimes or just a general suspicion that an organization applied for a grant so that application may have been fraudulent. The next qualifications are that legal privileges still apply to responses for such demands. These CIDs permit responses that include claims of privileges through a privilege log for documents or tangible things and would also permit constitutional claims of privilege, including the right against self-incrimination when it applies,⁷ as well as legal privileges in the 500 series of the rules of evidence. The final qualification is the opportunity for district court review to quash or modify demands. The Court reads this statutory authority to quash or modify a subpoena to be the right of the Court to modify if a demand is unreasonable, oppressive, fails to allow time for

⁷ Sowle, Claude, “*The Privilege against Self-Incrimination: Principles and Trends*,” 51 JOURNAL OF CRIM. L. & CRIMINOLOGY, pp. 131-137 (1960).



compliance, requires disclosure of privileged or other protected matter and no exception or waiver applies, or subjects a person or entity responding to an undue burden.

Against this legal framework, this Court analyzes the CIDs at issue in this case.

E. Plaintiffs Green Apple Project, Notus School District, and Upper Valley Child Advocacy Center have not been served with CIDs

Considering the evidence presented at the preliminary injunction hearing, this Court finds that three Plaintiffs, along with Does 1-70, have failed to show that they are entitled to relief at this time. The evidence before the Court is that Green Apple Project, by Declaration of Gabriel Lacoboni filed after the preliminary injunction hearing, filed April 20, 2023, says that Giraffe Laugh was served with a CID, but there is not evidence before this Court that Green Apple Project has been served with a CID. Notus School District did not file a declaration, and Upper Valley Child Advocacy Center, Inc., by Declaration of Ashley Stallings, testifies that it has not been served with a CID. An issue becomes “moot” if it does not present a real and substantial controversy that is capable of being concluded by judicial relief. Therefore, without proof of service of a CID, there is nothing to enjoin at this point.

Therefore, the Court denies a preliminary injunction prohibiting the Attorney General from serving a CID on Green Apple Project, Notus School District, and Upper Valley Child Advocacy Center, Inc. If such service is made, these Plaintiffs have twenty days after service to bring it to this Court’s attention if this litigation is still pending and these Plaintiffs have not been dismissed. Otherwise, they will have to begin a new suit in District Court if they desire to contest the CIDs.

F. Remaining Plaintiffs submitted Community Grant Program applications

The evidence before the Court is that each of the remaining Plaintiffs submitted applications for an award of a grant from the Community Grant Program and relied upon the Idaho Department of Health and Welfare’s Grant Guide for Community Organizations (Oppenheimer Dec. Ex. J) and Idaho Department of Health and Welfare’s Phase 2 Grant Guide for Community Organizations (Oppenheimer Dec. Ex. K). These guides state,

Accountability



It is important for all of us to be accountable for this funding as this grant opportunity is our taxpayer dollars at work. This funding will be subject to audit by IDHW. You must maintain legible documentation for 5 years showing how you spent the funds for your business.

You should maintain receipts and/or accounting for all the grant money that you spend. This could include receipts, invoices, staff payroll information, and a written record of your spending. Keep the information in a safe place protected from floods, mold, infestations, and fire. If you are storing this information on your computer, please be sure that you back it up to a separate drive or location.

You are not required to send your records to the Department unless you are requested to do so.

Access to Documentation

Organizations must grant the Department and its agents, immediate access to records for review and copying during normal business hours. The Department and its authorized agents may remove from the provider's premises copies of any records used to document expenses or purchases associated to the grant funding.

The Department may request in writing to have copies of records supplied by the organization. The requested copies must be furnished within twenty (20) working days after the date of the written request, unless an extension of time is granted by the Department for good cause. Failure to timely provide requested copies will be a refusal to provide access to records.

Any organization that does not maintain documentation sufficient to support all related expenditure of grant funds, or who fails to provide such documentation when requested, will be issued an overpayment by IDHW that will be recouped in accordance with Idaho Administrative Code.

(Ex. J, p. 7; Ex. K, p. 8). Plaintiffs' counsel argues this language gives exclusive authority to the Idaho Department of Health and Welfare to request the above-described documentation so it would prevent the Attorney General from also requesting information related to the Community Grant Program application and expenditures. This Court disagrees. While this document placed grant applicants and grant recipients on notice that they must keep documentation related to grant receipts and expenditures for five years (and back that documentation up if stored on a computer) and be able to produce that information on twenty days' notice, this section of the guides does not limit the investigation only to IDHW or its agents if there is some other statutory authority for such investigation.



Therefore, the Court finds that grant applicants were on notice that they must maintain the records described in the guides and produce those records within twenty days of any demand made within five years. To the extent that the Plaintiffs claim that responses to the CID by production of copies of their grant applications or receipts, invoices, staff payroll information, and a written record of spending within twenty days is unduly burdensome, this Court finds it is not since the grant applicants were aware of this requirement when they applied for the grants.

Further, the guides require certain grant reporting which includes status reports to IDHW. Pages 7-8 of Exhibit J and pages 8-9 of Exhibit K require grant recipients to file status reports. It states,

Reporting

For each payment period funds are received, status reports should be provided to the Department that relays the information of your program's progress. IDHW will be participating in an impact study, and additional information will be requested throughout the grant period. IDHW will provide additional tools and templates to gather such information.

Status reports

Describe the progress of your program's proposal.

- Number of children impacted.
 - o # Served by racial/ethnic population
 - o # Enrolled in program by gender
- How much funds have been spent?
 - o Provide an actual breakdown
- Did you meet your objectives?
 - o Describe how?

While the guides did not explicitly require the grant recipients to save copies of their applications or status reports, it would be reasonable for an organization to do so. To the extent that the entities maintain copies of their the grant application(s) and status reports, those reports may be reasonably requested through a CID.

For matters specified in the grant guides that must be maintained and reported, the Plaintiffs have failed to show good cause why that information should not be produced pursuant to a Civil Investigative Demand for this specific information. The time has been extended under an agreement of the parties so this



Court will not further extend the time to respond to the CIDs although it will set the response date in this order.

The Idaho Legislature established Idaho's Community Partner Grant Program through two House Bills that became law: HB 400 §2 (2021) and HB 764 §6 (2022). These were appropriations bills and are codified in Idaho's Session Laws: for HB 400 §2 (2021) is in 2021 Session Laws Chapter 353, for sections 1 and 2 that became effective May 10, 2021; and then HB 764 §6 (2022) is in 2022 Session Law Chapter 190 that became effective July 1, 2022. Both statutes state, "Community provider grants shall be used only for in-person educational and enrichment activities that focus on student needs and for providing behavioral health supports to address student needs. Grants shall be used for servicing school-aged participants ages 5 through 13 years, as allowable by federal guidance."

The evidence before this Court at the preliminary hearing is that the purpose of this legislation was to disburse federal money given to Idaho to address student learning loss during the COVID-19 pandemic. The appropriations were directed to Idaho Department of Health and Welfare to administer the Community Partner Grant Program. Then, on April 5, 2023, Senate Bill 1203, 67th Leg., Reg. Sess. (Idaho 2023), § 1, was signed into law that rescinded \$14,394,000.00 in funds allocated to the Idaho Department of Health and Welfare for the Community Partner Grant Program, removed authority from the Idaho Department of Health and Welfare to administer remaining Community Partner Grant Program funds, and reassigned the responsibility for the Community Partner Grant Program to the Idaho Department of Labor. Still, Governor Little's words in his transmittal for Senate Bill 1203 cautions that his signature on the bill is not be construed as an agreement or finding of any wrongdoing or that any ineligible payments were made, but does not the legislative audit process has just begin and the courts have not concluded there was malfeasance.

G. The Idaho Charitable Solicitation Act and the Idaho Charitable Assets Protection Act apply to all Plaintiffs, including school districts

Eight of the remaining Plaintiffs are school districts (Basin, Cascade, Emmett, Kendrick, Kendrick for Julietta Elementary School, Madison, Marsing and Murtaugh).



The Idaho Charitable Solicitation Act specifically defines “charitable organization” in Idaho Code § 48-1202(1) to mean:

- (a) Any person determined by the Internal Revenue Service to be tax exempt pursuant to section 501(c)(3) of the Internal Revenue Code; or
- (b) Any person who is or who holds himself out to be established for any benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare or advocacy, public health, environmental, civic, veteran or other eleemosynary purpose or for the benefit of law enforcement personnel, firefighters or other persons who protect the public safety, or any person who in any manner engages in a charitable solicitation.

So, school districts established for educational purposes do fall within this broad definition. The act’s definition of “charitable solicitation” includes “any oral or written request, directly or indirectly, for money, ... financial assistance ... on the plea or representation that such money, ... financial assistance ... will be used for a charitable purpose or benefit a charitable organization.”⁸ A “charitable purpose” is defined to include any educational purpose under the act.⁹ Given the language of the act its plain meaning, this Court does find that school districts fall within the constraints of the Idaho Charitable Solicitations Act so can be subject to the Attorney General’s powers when a civil investigative demand is issued.

The Idaho Charitable Assets Protection Act defines these same terms differently. Idaho Code § 48-1903 uses these definitions:

- (1) "Accountable person" means a director, officer, executive, manager, trustee, agent, or employee of a charitable organization.
- ...
- (3) "Charitable asset" means any interest in real or personal property and any other article, commodity, or thing of value that is impressed with a charitable purpose but does not include private assets held in a split-interest trust, as described in section 4947(a)(2) of the Internal Revenue Code, as referenced in section 63-3004, Idaho Code.
- (4) "Charitable organization" means a person who holds charitable assets regardless of the legal form.
- (5) "Charitable purpose" means the relief of poverty, the advancement of knowledge, education, or religion, or the promotion of health, the environment, civic or patriotic matters, or any other purpose, the achievement of which is beneficial to the community.

⁸ Idaho Code § 48-1202(2)(b).

⁹ Idaho Code § 48-1202(2)(b).



(6) "Person" has the same meaning as that term is defined in section 15-1-201(34), Idaho Code.

Idaho Code § 15-1-201(34) defines "person" to mean "an individual, a corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity." Using the plain meaning of the words in this statute, the Court finds that a school district, although also a governmental subdivision, is also a charitable organization if it holds charitable assets regardless of legal form, which includes money from a grant impressed with a charitable purpose, which includes education. Therefore, this Court finds that a school district also falls within the constraints of the Idaho Charitable Assets Protection Act so can be subject to the Attorney General's powers when a civil investigative demand is issued.

Further, when a statute includes specific definitions, the Court is required to use that definition in that statute. Therefore, the Court will not adopt Plaintiffs' position that the Court should use definitions from tax exemption cases that exclude grants from income¹⁰ since the legislature could have made those exemptions in these definitions but did not. Therefore, this Court will consider the remaining thirty-five Plaintiffs and each's position on its CID under these acts.

H. The Plaintiffs have failed to show the Attorney General has no reason to believe that the Plaintiffs have engaged in, are engaging in, or is about to engage in any act that is unlawful under the Idaho Charitable Assets Protection Act and/or the Idaho Charitable Solicitation Act

Each remaining named Plaintiff filed a declaration acknowledging that they were a Community Partner Program grant recipient but denying any knowledge of wrongdoing in applying for, receiving, or expending funds. The Court notes that only one CID was to an individual person—Elizabeth Oppenheimer—while all the rest are to charitable organizations. A denial in a declaration is not dispositive of whether the Attorney General has reason to believe that the entity or another person has been, is, or is about to engage in some unlawful act(s) under the Idaho Charitable Assets Protection Act and/or the Idaho Charitable Solicitation Act.

¹⁰ Citing *Community Action Agency, Inc. v. Board of Equalization of Nez Perce County*, 138 Idaho 8, 257 P.3d 793 (2002).



House Bill 400 (2021) and House Bill 764 (2022) enacted into law in Idaho differs in language from the Community Partner Grant guides. This law provides, in relevant part, “Community provider grants shall be used only for in-person educational and enrichment activities that focus on student needs and for providing behavioral health supports to address student needs. Grants shall be used for serving school-aged participants ages 5 through 13 years, as allowable by federal guidance.” (Hrg. Ex. E.) Based upon the difference in the language of the guides and House Bills 400 and 764 authorizing the Community Partner Grant program, this Court finds that there is reason for the Attorney General to believe that grant recipients did, are or are about to engage in acts that violate House Bills 400 and/or 764 if the recipients only serve children four years old or younger or only provide online educational or enrichment activities. This is not the Court’s opinion that the law was violated by any Plaintiff – it is a determination that the Attorney General has shown he had reason to believe that some charitable organizations or accountable persons, used or allowed to be used its charitable assets in a manner inconsistent with the law. However, the statutes that permit investigation into the solicitation and use of charitable assets requires the Attorney General have a reason to believe that there was a knowing violation of the law.

1. Plaintiffs included in affidavits submitted to the Attorney General’s Office

The Attorney General submitted in camera two declarations received as part of its current active investigation into Community Grant Program distributions and expenditures. These two declarations specifically identify three individuals who were willing to testify under oath that there was a reason to know a violation of the statute.

Plaintiffs have failed to show the Attorney General has no reason to believe that the Plaintiffs have engaged in, are engaging in, or is about to engage in any act that is unlawful under the Idaho Charitable Assets Protection Act and/or the Idaho Charitable Solicitation Act. Specifically, the Attorney General has shown that he has reason to believe that the Plaintiffs identified in these sworn statements, all accountable persons or charitable organizations, knowingly used, or allow to be used, its charitable assets in a manner that is inconsistent with the law applicable to the charitable asset.

This finding applies to the following Plaintiffs:



2C Kids Succeed	Jean Mutchie	3/13/2023
Basin School District	Brian Hunicke	3/6/2023
Giraffe Laugh Inc	Lorraine Fascilla	3/4/2023
Idaho Association for the Education of Young Children, Inc (IAEYC)	Elizabeth Oppenheimer	3/6/2023
Elizabeth Oppenheimer (personally)	Elizabeth Oppenheimer	3/6/2023
Kendrick School District	Steve Kirkland	3/14/2023
Kendrick School District for Juliaetta Elementary School	Steve Kirkland	3/10/2023
Kuna Early Learning Center	Ludee Vermaas	3/6/2023
Marsing School District	Norm Stewart	3/6/2023
Murtaugh School District	Michele Capps	3/9/2023
United Way of Idaho Falls & Bonneville County, Inc.	Christine Wiersema	3/14/2023
United Way of North Idaho Inc.	Mark Tucker	3/7/2023
United Way of South Central Idaho Inc.	Bill Maikranz	3/7/2023
United Way of Southeastern Idaho Inc.	Shantay Bloxham	3/9/2023
United Way of Treasure Valley Inc	Tim Jackson	3/3/2023

Therefore, the Court denies a preliminary injunction that would prohibit the Attorney General's Office from investigating whether there were, are or will be violations of the Idaho Charitable Assets Protection Act and/or the Idaho Charitable Solicitation Act by the Plaintiffs listed above. These Plaintiffs must respond to the CIDs no later than May 17, 2023.

2. Plaintiffs not included in affidavits submitted to the Attorney General's Office

For the following Plaintiffs, the Attorney General has failed to show sufficient evidence at the preliminary injunction hearing to believe that certain Plaintiffs have engaged in, are engaging in, or are about to engage in any act that is unlawful under the Idaho Charitable Assets Protection Act and/or the Idaho Charitable Solicitation Act. This finding applies to the following Plaintiffs:

Brighter Future Health Inc	Marissa Jenks	3/4/2023
Cascade School District	Kristal Kangas-Hanes	3/9/2023
Children's Home Society of Idaho	Anselme Sadiki	3/4/2023
Community Youth in Action Inc	Becky Leatham	3/9/2023
Emmett School District	Craig Woods	3/9/2023
Hope Education Consulting LLC	Honey Saylor	3/11/2023
Idaho Resilience Project Inc.	Katherine Francis	3/6/2023
Koolminds Academy of Learning	Amy Call	3/6/2023



Kuna Counseling Center LLC	Jim Grigg	3/7/2023
Life Counseling Center, Inc	Jeff D. Wright	3/7/2023
Lincoln County Youth Center	Rebecca Wood	3/9/2023
Madison School District	Randy Lords	3/9/2023
Parma School District	Stoney Winston	3/6/2023
Real Solutions Counseling LLC	Jim Grigg	3/7/2023
Stillwater Connection LLC dba Middleton Conseling	Tanya K. Nelson	3/5/2023
Tidwell Social Work Services and Consulting Inc.	Tony Fisk	3/6/2023
Upriver Youth Leadership Council, Inc	Sharlene Johnson	3/10/2023
Wilderness Science Education Inc dba Wild Science Explorers	Breanna Anderson	3/5/2023
Willow Center Inc	Gabriel Iacoboni	3/9/2023

While grant applications and reports were obtained for some of these Plaintiffs, no sworn testimony from the Attorney General or any other witness was presented during the in camera review stating that the Attorney General has reason to believe that these Plaintiffs knowingly used, or allow to be used, its charitable assets in a manner that is inconsistent with the law applicable to the charitable asset. So, the Court finds a preliminary injunction for the CIDs sent to these Plaintiffs is warranted in part. Still, the applicants were notified by the program guides that documentation of the grant applications, expenditures and status reports could be demanded by an investigative demand. Therefore, the Attorney General can issue or redraft their CIDs for these Plaintiffs to request Community Partner Grant Program grant applications, receipts, invoices, staff payroll information, status reports, and a written record of spending for their grant receipts maintained in compliance with the Community Partner Grant Program grant requirements.

I. Whether the CIDs may be overbroad

Count III, Preliminary Injunction, of the Amended Complaint next makes an alternative request to require the Attorney General’s Office to modify the Civil Investigative Demands served on the Plaintiffs. Although the Attorney General’s Office suggests in their brief in opposition that their office would engage in a collaborative discussion with the Plaintiffs to narrow the scope of the CIDs, such collaborative discussion is not actually required to obtain relief from the District Court pursuant to Idaho Code §§ 48-1908(1), 48-1204(1), or the procedure in 48-611(1). This is not a petition filed under the Administrative Procedures Act that requires



exhaustion of administrative remedies before a petition can be filed in District Court. If a person or organization has been served with a Civil Investigative Demand, they have the right to petition before the District Court for relief from the CID entirely, for modification of the CID, or to extend the time to respond to the CID. The CIDs served on the Plaintiffs are very broad, seeking a variety of information from even before the statutes implementing the Community Grant Program even became law. If the Court does not grant the preliminary injunction,

- It appears by the Amended Complaint that Plaintiffs in section H.2. above are entitled to the relief demanded, and
- Any part of such relief consists in restraining commission the acts complained of.
- It appears by the Amended Complaint and Declarations filed in support requiring the Plaintiffs to respond to the CIDs during this litigation would produce great or irreparable injury to plaintiffs in section H.2. above since requiring them to respond to the demands would deprive them of their opportunity to exercise their statutory right to pursue relief from the District Court.
- It appears by the Amended Complaint and Declarations filed in support that requiring the Plaintiffs in section H.2. to respond to the CIDs during this litigation the Attorney General's Office would tend to render the judgment in this case ineffectual.

Therefore, the Court will grant in part the relief requested but only as to the Plaintiffs listed in section H.2. of this decision and the preliminary injunction will only be effective if and when these Plaintiffs post the required bond.

As to all Plaintiffs listed in section H.1. of this decision except for Elizabeth Oppenheimer, they each submitted a declaration that generally states, "Complying with Exhibit A would be burdensome and require a substantial amount of time and resources on behalf of myself and my staff." Such general conclusory statements of burden and inconvenience is insufficient to establish that the CIDs are unreasonable, oppressive, fails to allow time for compliance, or subjects the organization to an undue burden. The CIDs still allow for any claim of privilege to be raised in any response. The standard is not whether it is a burden to respond to the CID but whether there is an undue burden in responding. Therefore, the Plaintiffs listed in section H.1. except for Elizabeth Oppenheimer have failed to show they should be relieved from responding to the CIDs because response is unreasonable, oppressive, fails to allow time for compliance, or subjects the organization to an undue burden.



Related to Elizabeth Oppenheimer and IAEYC, Oppenheimer's Declaration does specify her objections to the CID served on IAEYC and on her personally. Her declaration claims that responding to the CID would require hiring a forensic document examiner to search and review responsive items, costing a substantial sum of money. Yet, her testimony at the hearing explained that her organization has a substantial sum of money. Still, this Court appreciates the time and expense of search of records for electronically stored information and it is unduly burdensome to place all of the burden on the organization. Therefore, the Court will require IAEYC to search its server and ask its employees to search any computer that belongs to the organization that is not connected to a central server to search for the term "Community Partner Grant Program" and provide responsive documents. If the Attorney General's Office wants any additional search terms included, it must specify what search terms it actually wants the organization to search for. The organization would then have the ability to object to a specific search term.

The same will apply to Elizabeth Oppenheimer's CID in her personal capacity.

To the extent the Oppenheimer Declaration asserts that the search of an organization computer or file system would violate an employee's personal privacy, the CID to IAEYC can only require IAEYC to search its own digital devices for responsive information and a CID to IAEYC cannot demand a search of any digital device owned by a private individual. This CID is directed only at organizations and only requires disclosure of information possessed or retained by the organization. It does not require the organization to obtain information that it does not actually have in its possession. To the extent the Attorney General wants to obtain personal information of any employee of an organization, it is the Attorney General's responsibility to seek that information through a CID served on the individual employee since the employee has different constitutional protections and privileges available to them than does the charitable organization.

This Court disagrees that it would take months for IAEYC to produce a list of employees that have worked for IAEYC since between January 1, 2021 and the date of production which is the timeframe specified in the CID. The Court does not find this request to be overly broad or unduly burdensome.



Considering the information above, the Court will enjoin the Attorney General from requiring production of any information that the organization does not possess for the CID served on IAEYC or from placing an affirmative duty on IAEYC to ask its employees to search their personal digital devices for responsive information.

Further, for information requested in the CID to IAEYC and Elizabeth Oopenheimer, the Court will only require these to search digital devices for the term “Community Partner Grant Program” and provide responsive documents. If the Attorney General’s Office wants any additional search terms included, it must specify what search terms it actually wants to be searched. to IAEYC and Elizabeth Oppenheimer would then have the ability to raise any specific objection to a search term in its response to the Attorney General’s Office or to the Court.

J. Any allegation that response to the CIDs within twenty days is unreasonable has been overcome by the agreement of the parties

Count III, Preliminary Injunction, of the Amended Complaint then makes an alternative request to enjoin the Attorney General’s Office requiring a response within twenty days of service on any Defendant. However, the parties to this lawsuit agreed to extend the deadline to respond to the CIDs. The Court grants an extension to the Plaintiffs to respond to the CIDs to twenty days following this decision being entered. The Plaintiffs have failed to demonstrate further delay in response is necessary for those Plaintiffs who must respond to the CIDs.

The Court will require the Plaintiffs already served CIDs to respond to the CIDs consistent with this decision no later than May 17, 2023.

CONCLUSIONS

The Court denies a preliminary injunction prohibiting the Attorney General from serving a CID on Green Apple Project, Notus School District, and/or Upper Valley Child Advocacy Center, Inc.

The Court denies a preliminary injunction as to the following Plaintiffs so these Plaintiffs must respond to the These Plaintiffs must respond to the CIDs no later than May 17, 2023:

2C Kids Succeed	Jean Mutchie	3/13/2023
Basin School District	Brian Hunicke	3/6/2023
Giraffe Laugh Inc	Lorraine Fascilla	3/4/2023
Idaho Association for the Education of Young Children, Inc	Elizabeth	3/6/2023



(IAEYC)	Oppenheimer	
Elizabeth Oppenheimer (personally)	Elizabeth Oppenheimer	3/6/2023
Kendrick School District	Steve Kirkland	3/14/2023
Kendrick School District for Juliaetta Elementary School	Steve Kirkland	3/10/2023
Kuna Early Learning Center	Ludee Vermaas	3/6/2023
Marsing School District	Norm Stewart	3/6/2023
Murtaugh School District	Michele Capps	3/9/2023
United Way of Idaho Falls & Bonneville County, Inc.	Christine Wiersema	3/14/2023
United Way of North Idaho Inc.	Mark Tucker	3/7/2023
United Way of South Central Idaho Inc.	Bill Maikranz	3/7/2023
United Way of Southeastern Idaho Inc.	Shantay Bloxham	3/9/2023
United Way of Treasure Valley Inc	Tim Jackson	3/3/2023

However, the Court will enjoin the Attorney General from requiring production of any information IAEYC that the organization does not possess or from placing an affirmative duty on IAEYC to ask its employees to search their personal digital devices for responsive information.

Further, for information requested in the CIDs to IAEYC and Elizabeth Oppenheimer, the Court will only require these to search digital devices for the term “Community Partner Grant Program” and provide responsive documents. If the Attorney General’s Office wants any additional search terms included, it must specify what search terms it actually wants to be searched to IAEYC and Elizabeth Oppenheimer would then have the ability to raise any specific objection to a search term in its response to the Attorney General’s Office or to the Court.

The Court grants in part a preliminary injunction and enjoins the Attorney General from enforcing the provisions of the CID beyond requesting copies of Community Partner Grant applications, receipts, invoices, staff payroll information, status reports, and a written record of spending for their grant receipts for the following Plaintiffs.

Brighter Future Health Inc	Marissa Jenks	3/4/2023
Cascade School District	Kristal Kangas-Hanes	3/9/2023
Children's Home Society of Idaho	Anselme Sadiki	3/4/2023
Community Youth in Action Inc	Becky Leatham	3/9/2023
Emmett School District	Craig Woods	3/9/2023
Hope Education Consulting LLC	Honey Saylor	3/11/2023
Idaho Resilience Project Inc.	Katherine Francis	3/6/2023



Koolminds Academy of Learning	Amy Call	3/6/2023
Kuna Counseling Center LLC	Jim Grigg	3/7/2023
Life Counseling Center, Inc	Jeff D. Wright	3/7/2023
Lincoln County Youth Center	Rebecca Wood	3/9/2023
Madison School District	Randy Lords	3/9/2023
Parma School District	Stoney Winston	3/6/2023
Real Solutions Counseling LLC	Jim Grigg	3/7/2023
Stillwater Connection LLC dba Middleton Conseling	Tanya K. Nelson	3/5/2023
Tidwell Social Work Services and Consulting Inc.	Tony Fisk	3/6/2023
Upriver Youth Leadership Council, Inc	Sharlene Johnson	3/10/2023
Wilderness Science Education Inc dba Wild Science Explorers	Breanna Anderson	3/5/2023
Willow Center Inc	Gabriel Lacoboni	3/9/2023

The Court will require the Plaintiffs to post a \$25,000.00 bond (in total for all Plaintiffs) with the Ada County Clerk of Court. Once such bond is posted, Plaintiffs must notify the Court and opposing party that such bond has been posted. Once the bond is posted, then this Court will issue the actual preliminary injunction order.

IT IS SO ORDERED.

Dated: 4/26/2023



 Judge Lynn G. Norton

CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Gregory D. Chaney
 Lincoln Davis Wilson
 Timothy Longfield

efile@gregchaneylaw.com
 lincoln.wilson@ag.idaho.gov
 timothylongfield@gmail.com

E-mail
 E-mail
 E-mail

Trent Tripple
 Clerk of the Court

Dated: 04/27/2023

By: Janine Korsen
 Deputy Clerk

