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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

| | | |
|---------------------------------------|---|---|
| ADREE EDMO, |) | Case No. 1:17-cv-151-BLW |
| |) | |
| Plaintiff, |) | IDOC DEFENDANTS’ RESPONSE TO |
| vs. |) | PLAINTIFF’S SUBMISSION OF |
| |) | DEPOSITION TESTIMONY [DKT. 141 & |
| |) | DKT. 142] |
| IDAHO DEPARTMENT OF |) | |
| CORRECTION; HENRY ATENCIO, in |) | |
| his official capacity; JEFF ZMUDA, in |) | |
| his official capacity; HOWARD KEITH |) | |
| YORDY, in his official and individual |) | |
| capacities; CORIZON, INC.; SCOTT |) | |
| ELIASON; MURRAY YOUNG; |) | |
| RICHARD CRAIG; RONA SIEGERT; |) | |
| CATHERINE WHINNERY; AND |) | |
| DOES 1-15; |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

COME NOW Defendants Idaho Department of Correction (“IDOC”), Henry Atencio, Jeff Zmuda, Howard Keith Yordy, Richard Craig, and Rona Siegert (hereinafter collectively “IDOC Defendants”), by and through their counsel of record, Moore Elia Kraft & Hall, LLP, and pursuant to this Court’s comments on the record at the evidentiary hearing on October 12, 2018 (Tr. 446:4 – 447:18), hereby provide a response to Plaintiff’s *Submission of Impeachment Evidence for the Declaration of Impeachment Evidence for the Declaration of Krina Stewart* (Dkt. 141) and Plaintiff’s *Submission of Impeachment Evidence for the Declaration of Keith Yordy* (Dkt. 142), including cross-designations of additional deposition testimony for context.

At the outset, the IDOC Defendants note that the testimony designated by the Plaintiff is neither “impeachment” nor “contradictory” evidence. Rather, the deposition testimony identified by Plaintiff consists mostly of testimony clarifying or explaining Ms. Stewart or Mr. Yordy’s *Declarations* (Dkt. 101-1 and Dkt. 101-12-17). Further, Plaintiff’s *Submissions* go beyond simply designating deposition testimony and identifying the declaration testimony that the excerpts supposedly impeach or contradict. Instead, Plaintiff paraphrases the testimony in a self-serving and at times argumentative fashion. Notwithstanding, the IDOC Defendants hereby designate the following excerpts from Ms. Stewart and Mr. Yordy’s deposition transcripts to provide additional context to their sworn testimony:

Deposition Testimony of Krina Stewart

1. Pg. 59, ll. 17-25;
2. Pg. 60, ll. 1-19;
3. Pg. 71, l. 25 to pg. 72, ll. 1-21.

Deposition Testimony of Warden Keith Yordy

1. Pg. 25, ll. 3-21;
2. Pg. 68, ll. 9-25 to pg. 69, ll. 1-21;
3. Pg. 74, ll. 20-25 to pg. 75, ll. 1-5.

DATED this 26th day of October, 2018.

Moore Elia Kraft & Hall, LLP

/s/ Marisa S. Crecelius
Marisa S. Crecelius

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of October, 2018, I caused to be served the foregoing document to the following parties or counsel by email.

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