



COME NOW Defendants Idaho Department of Correction, Henry Atencio, Jeff Zmuda, Howard Keith Yordy, Richard Craig, and Rona Siegert (collectively referred to as the “IDOC Defendants”), by and through their counsel of record, Moore Elia Kraft & Hall, LLP, and pursuant to District Local Rule Civ. 7.1(b)(1), hereby submit this reply brief support of the *IDOC Defendants’ Motion for Extension of Time and Request for a Status Conference* (Doc. 63).

### INTRODUCTION

As set forth in the IDOC Defendants’ *Motion for Extension of Time and Request for Status Conference* and the *Memorandum in Support*, good cause exists to grant Defendants an extension under Rule 6 of the Federal Rules of Civil Procedure and Rule 6.1 of the Local Rules of Civil Procedure for the District of Idaho to respond to Plaintiff’s *Motion for Preliminary Injunction*. Specifically, in order to provide an adequate and complete response to Ms. Edmo’s *Motion for Preliminary Injunction*, these Defendants request additional time to fully analyze and evaluate the new facts and opinions presented by Ms. Edmo’s counsel and retained experts; conduct discovery; and consult with Defendants’ own retained experts, employees, and witnesses. The procedural posture of this case has not yet allowed for the taking of depositions or any other discovery. Accordingly, the IDOC Defendants have yet to fully investigate and address all of Ms. Edmo’s claims, especially those claims and opinions presented for the first time in the Plaintiff’s *Motion*.

Extending the time for these Defendants to respond to Ms. Edmo’s request for a preliminary injunction comports with due process, provides Defendants with a full opportunity to be heard on the complex issues raised, and allows this Court to base its decision regarding the Plaintiff’s *Motion* on a full set of facts, information, and analysis. The vital issues presented in this case require that this Court be fully briefed of the many facts and issues that are not

contained within the Declarations and briefing filed by Ms. Edmo. For the foregoing reasons and those set forth below, good cause exists to allow Defendants additional time to respond to Plaintiff's *Motion for Preliminary Injunction*.

### ANALYSIS

Good cause exists to grant the IDOC Defendants additional time to respond in light of the procedural posture of this case. Defendants have complied in good faith with the following language in the Court's *Initial Review Order*:

If, instead of filing an answer, Defendant files a motion to dismiss under Federal Rule of Civil Procedure 12(b) or a motion for summary judgment under Rule 56 that addresses preliminary procedural issues rather than the merits, **then disclosures and discovery shall be automatically stayed** ...

(Dkt. 12, p. 25) (Emphasis added). In lieu of filing an *Answer*, Defendants filed their *First Motion for Dispositive Relief* (Dkt. 39), which was recently granted in part and denied in part by this Court. (Dkt. 66). Consistent with the above-cited language, discovery in this case was therefore automatically stayed. Complying with the Court's *Order*, Defendants did not engage in discovery and awaited the Court's decision before requesting Plaintiff's deposition and subpoenaing her pre-incarceration medical records.

Ms. Edmo argues in her *Opposition to Defendants' Motion for Extension of Time* that, because Ms. Edmo is in IDOC custody and because Defendants have access to her medical records, they have available to them "all of the relevant information necessary to respond to Ms. Edmo's motion." (Dkt. 65).<sup>1</sup> To the contrary, there is a significant amount of information pertinent to Plaintiff's *Motion for Preliminary Injunction* that Defendants do not have access to

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<sup>1</sup> In *Plaintiff's Motion for Preliminary Injunction* (Dkt. 62) and in *Plaintiff's Opposition to Defendants' Motion for Extension of Time to Respond to Plaintiff's Motion for Preliminary Injunction and Request for Status Conference* (Dkt. 65), Ms. Edmo implies on multiple occasions that Defendants improperly withheld Ms. Edmo's medical records. Counsel for the IDOC Defendants disagrees with that implication and, in an effort to correct the record, please see the *Declaration of Counsel Brady J. Hall* filed contemporaneously herewith on June 8, 2018.

in the limited time allowed to respond to the Plaintiff's *Motion*, and plan to obtain through discovery, interviews, and consultation with experts.

For example, Defendants intend to obtain Ms. Edmo's pre-incarceration medical records regarding her treatment in Fort Hall, the behavioral unit in Pocatello, and her prior substance abuse treatment. Furthermore, Defendants intend to take the deposition of Ms. Edmo regarding her *Declaration* testimony and the information she provided to her retained experts, along with other issues regarding her incarceration and participation (or lack thereof) in treatment while in IDOC custody. Defendants also need to take the deposition of Ms. Edmo's retained experts, Dr. Ettner and Dr. Gorton, to determine the basis for their opinions and confirm whether Ms. Edmo was the sole source of much of the information relied upon.

In preparation for such depositions, Defendants must consult with their own retained experts, along with Ms. Edmo's treatment providers and IDOC staff regarding the testimony of Ms. Edmo and the opinions of her experts. Counsel for Ms. Edmo asserts in her *Opposition* that defendants in other cases with similar issues, such as those in *Norsworthy v. Beard*, 87 F. Supp. 3d 1164, 1169 (N.D. Cal.), (appeal dismissed and remanded, 802 F.3d 1090 (9th Cir. 2015)), were able to comply with the motion briefing schedule without an extension. However, counsel's statement overlooks the fact that in *Norsworthy*, the parties had taken at least six depositions prior to the hearing on the plaintiff's motion for preliminary injunction, defendants' retained expert had provided opinions to the Court via declaration, and defendants further provided declarations from a number of treatment providers and department of corrections employees. *Id.* It is highly unlikely that such significant discovery took place in just 21 days.

In addition, IDOC Defendants intend to prepare declarations to respond to the extensive expert opinions filed by Ms. Edmo last Friday, June 1, 2018, at 5:05 p.m. As it currently stands,

Defendants have been provided little more than two weeks to go back through the years of medical records cited by Ms. Edmo's experts and discuss the treatment issues raised by those experts with multiple treatment providers. During such a process, those providers must analyze the Plaintiff's claims and expert opinions, re-familiarize themselves with the treatment and records, and assist counsel in preparing their declaration testimony for this Court. Similarly, IDOC Defendants must interview IDOC security staff and prepare declarations regarding IDOC policies and security concerns, which is an important issue regarding which the Court has yet to hear any briefing or testimony. Furthermore, counsel must consult with IDOC grievance staff regarding several issues that appear to be raised by Ms. Edmo's experts for the first time. For example, it is unclear whether Ms. Edmo has exhausted the grievance process regarding the withdrawal of her prescription for Spironolactone.

The current briefing schedule simply does not allow for sufficient time to perform these tasks, particularly considering the schedules of Ms. Edmo's treatment providers and IDOC staff. These providers and staff work full time, treating and supervising other inmates, some of whom have very serious medical and mental health needs. Ms. Edmo is not the only inmate with mental health needs. Such staff and treatment providers also presumably have personal lives and family vacations planned in the coming weeks. Similarly, defense counsel's workload and personal life creates additional time constraints. Since the filing of Ms. Edmo's *Motion* late last week, defense counsel has worked with diligence, delaying work on other cases to interview treatment providers and staff, reviewing medical records, and reviewing Ms. Edmo's experts' opinions. Still, counsel has six depositions scheduled during the week of June 18, 2018, all of which are scheduled to take place in Coeur d'Alene, Idaho. Counsel scheduled his family vacation to take place in North Idaho that same week.

Ms. Edmo asserts that a six-month extension of time for Defendants' response will severely prejudice her because she is currently "suffering serious physical, psychological, and emotional harm and is at serious risk of death by suicide or attempts to perform self-surgery without necessary medical treatment." (Dkt. 65, p. 2). However, Krina Stewart, Ms. Edmo's current treating Mental Health Clinician, who has treated her overall mental health for the last two years, describes a much different clinical picture. *See* June 8, 2018 *Declaration of Krina Stewart*, ¶¶ 6-9. Specifically, in her most recent clinical visit on May 18, 2018, Ms. Edmo denied having current suicidal ideations or plans to self harm. *Id.*, ¶ 8. Her affect and clinic picture during that visit was consistent with how she had presented during treatment with Ms. Stewart over the year prior. *Id.* Also during that recent visit, Ms. Edmo presented as functional and goal-oriented, discussing her recent marriage and her full-time job. *Id.* Ms. Edmo reported missing her husband, but denied any additional mental health concerns. *Id.* Ms. Edmo is also currently housed in a "general population" unit and is being considered for a transfer to a unit for "highly-functioning" inmates. *Id.*, ¶ 11. It is Ms. Stewart's opinion that Ms. Edmo's clinical picture over the last year regarding her symptoms of Gender Dysphoria and overall mental health do not support the representations advanced by Ms. Edmo's counsel in her *Opposition* brief. *Id.*, ¶ 8. Accordingly, Ms. Edmo is not at an immediate serious risk of harm if disposition of her *Motion for Preliminary Injunction* is delayed six months or any reasonable time period beyond the next two weeks. Such a timeline is consistent with Dr. Gorton's prescription for a consultation for sex reassignment surgery to take place "as soon as possible but at a minimum within the next 6 months." (Dkt. 62-1, p. 87) (emphasis added).

In support of Plaintiff's argument that good cause does not exist to grant Defendants additional time to respond to her *Motion*, Ms. Edmo's counsel argues that Defendants have

ignored “the wealth of the evidence” and “the uncontroverted evidence” presented by Plaintiff’s experts. However, as described above, there is evidence countering Ms. Edmo’s expert’s conclusions, and Defendants are confident much more conflicting evidence will be provided if Defendants are permitted the requisite time to prepare responses. Furthermore, in what amounts to circular reasoning, counsel for Plaintiff argues that, because of the “wealth of evidence” presented by Plaintiff’s experts that Ms. Edmo is suffering from a serious risk of harm, Defendants are not entitled to any additional time to respond. Indeed, it is the filing of the new, detailed, and lengthy opinions of Plaintiff’s experts that necessitate additional time for Defendants to develop and provide testimony like that of Ms. Stewart. Due process dictates that the IDOC Defendants are entitled to the opportunity to present to this Court the full picture of Ms. Edmo’s incarceration, medical treatment, and current medical condition. Affording Defendants additional time to present the whole story will no doubt further justice, benefit this Court, and hopefully provide an earlier ultimate resolution of this dispute by avoiding an appealable issue as to whether Defendants were provided the requisite due process to respond. These Defendants request additional time to present the other side of this case, and have demonstrated good cause to do so without prejudice to Ms. Edmo.

### CONCLUSION

For the preceding reasons and the reasons set forth in their *Memorandum in Support*, the IDOC Defendants’ respectfully request that this Court grant the *IDOC Defendants’ Motion for Extension of Time to Respond to Plaintiff’s Motion for Preliminary Injunction* and allow these Defendants six months (or some other reasonable amount of time) to conduct limited discovery, obtain expert witness testimony, elicit testimony from those with first-hand knowledge, and prepare a full and complete response to the Plaintiff’s *Motion*. IDOC Defendants further request

that this Court set an immediate status conference to schedule briefing deadlines for the Plaintiff's *Motion*, along with litigation and discovery plans.

DATED this 8<sup>th</sup> day of June, 2018.

Moore Elia Kraft & Hall, LLP

/s/Brady J. Hall

*Attorneys for Defendants Idaho Department of  
Correction, Henry Atencio, Jeff Zmuda, Howard  
Keith Yordy, Richard Craig, and Rona Siegert*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8<sup>th</sup> day of June, 2018, I filed the foregoing 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:

Dan Stormer  
[dstormer@hadsellstormer.com](mailto:dstormer@hadsellstormer.com)  
Lori Rifkin  
[lrifkin@hadsellstormer.com](mailto:lrifkin@hadsellstormer.com)  
Shaleen Shanberg  
[sshanberg@hadsellstormer.com](mailto:sshanberg@hadsellstormer.com)  
HADSELL STORMER & RENICK, LLP  
*(Counsel for Plaintiff)*

Craig Durham  
[chd@fergusondurham.com](mailto:chd@fergusondurham.com)  
Deborah Ferguson  
[daf@fergusondurham.com](mailto:daf@fergusondurham.com)  
FERGUSON DURHAM, PLLC  
*(Counsel for Plaintiff)*

Amy Whelan  
[awhelan@nclrights.org](mailto:awhelan@nclrights.org)  
Julie Wilensky  
[jwilensky@nclrights.org](mailto:jwilensky@nclrights.org)  
NATIONAL CENTER FOR LESBIAN  
RIGHTS  
*(Counsel for Plaintiffs)*

Dylan Eaton  
[deaton@parsonsbehle.com](mailto:deaton@parsonsbehle.com)  
J. Kevin West  
[kwest@parsonsbehle.com](mailto:kwest@parsonsbehle.com)  
PARSONS, BEHLE & LATIMER

/s/ Brady J. Hall  
Brady J. Hall

LAWRENCE G. WASDEN  
ATTORNEY GENERAL  
STATE OF IDAHO

BRADY J. HALL (ISB No. 7873)  
SPECIAL DEPUTY ATTORNEY GENERAL  
[brady@melawfirm.net](mailto:brady@melawfirm.net)  
MARISA S. CRECELIUS (ISB No. 8011)  
[marisa@melawfirm.net](mailto:marisa@melawfirm.net)  
*Moore Elia Kraft & Hall, LLP*  
Post Office Box 6756  
Boise, Idaho 83707  
Telephone: (208) 336-6900  
Facsimile: (208) 336-7031

*Attorneys for Defendants Idaho Department of Corrections, Henry Atencio, Jeff Zmuda, Howard Keith Yordy, Richard Craig, and Rona Siegert*

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

ADREE EDMO,	)	Case No. 1:17-cv-151-BLW
	)	
Plaintiff,	)	<b>DECLARATION OF COUNSEL BRADY J.</b>
	)	<b>HALL</b>
vs.	)	
	)	
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.	)	
_____	)	

I, Brady J. Hall, hereby declare under penalty of perjury that the foregoing is true and correct:

1. I am over the age of eighteen and am competent to testify to the matters stated herein. I make this declaration based upon my own personal knowledge.

2. I am one of the attorneys of record for Defendants Idaho Department of Corrections, Henry Atencio, Jeff Zmuda, Howard Keith Yordy, Richard Craig, and Rona Siegert (“IDOC Defendants”) in this action.

3. On December 12, 2017, Lori Rifkin, one of Plaintiff Adree Edmo’s attorneys, emailed me in follow-up to a prior conversation during which Ms. Rifkin had asked if I would be able to provide her with a copy of Plaintiff’s medical records. I recall telling Ms. Rifkin that I would need to talk to counsel for Defendant Corizon, Dylan Eaton, because the medical records would ultimately be organized and produced by Corizon’s attorneys in discovery. I considered Ms. Rifkin’s inquiry an informal and premature request for documents that would soon be disclosed in the Defendants’ Rule 26 Initial Disclosures.

4. I responded to Ms. Rifkin’s email on December 13, 2017, at which time I told her that, “I recall stating I would have to ask Corizon about releasing the records before the deadline for initial disclosures. I did, but I don’t think we ever came to a decision. I will follow up with Dylan today.” After connecting with Mr. Eaton, I emailed Ms. Rifkin back on December 18, 2017 stating that “the preference is to wait and provide everything at the time of the initial disclosure deadline.” A true and correct copy of my email correspondence with Ms. Rifkin is attached hereto as **Exhibit A**.

5. I thought my response to Ms. Rifkin’s request was reasonable in light of the logistical challenges of bates stamping and producing some records prematurely, and in believing (perhaps naively) that initial disclosure would be exchanged sooner than later. My response was not a deliberate effort to delay or stall. I was also not aware of any procedural rule

or practice that obligated Defendants to produced documents prior to exchanging initial disclosures. Moreover, offenders within the custody of the IDOC are generally not permitted to review his or her medical file pursuant to Idaho Code § 74-113(3)(e).

6. After our email correspondence in December 2017, Ms. Rifkin did not make another request for medical records until May 11, 2018 at which time Ms. Rifkin sent the letter attached hereto as **Exhibit B**. I was not previously aware of IDOC Directive 108.06.03.061, section 05.04.00, which states as follows:

**05.04.00. Copies of Medical Records**

Medical records or information - Under no circumstances shall any prisoner's or probationer's medical records be released to another offender.

Medical records or copies thereof will only be released to the following individuals and only under the following specific circumstances:

By court order;

By written request of the offender's designated attorney, upon the attorney's letterhead, with attached consent of release of information signed by the offender;

By written request of an offender's physician upon that physician's letterhead, with attached consent of release of medical records or information, signed by the offender.

Another state agency upon transfer or IDOC staff on a need to know basis – i.e.: Problem lists to those (social workers) responsible for parole plan preparation.

7. Upon receipt of Ms. Rifkin's letter, I reviewed the referenced policy and confirmed with the Attorney General's office as to the sufficiency of Ms. Rifkin's May 11, 2018 request. This was the first request for medical records made by Ms. Rifkin that was on Ms. Rifkin's letterhead and included an executed release of information completed by Plaintiff as required by the policy. The Attorney General's office expressed to me that they had no concerns with producing the medical records, so I requested that Mr. Eaton obtain updated medical records for production to Ms. Rifkin by May 30, the date that Ms. Rifkin requested that the records be produced.

8. On May 14, I emailed Ms. Rifkin stating that, “I have approval to release the records. Dylan Eaton represents Corizon. I understand Dylan will request updated records from his client for production and that the same should be ready on or before May 30. The records will likely come from Dylan’s office.”

9. Finally, on May 30, and consistent with Ms. Rifkin’s request, Mr. Eaton provided copies of Plaintiff’s complete medical file to Ms. Rifkin. Attached hereto as **Exhibit C** is a true and correct copy of email correspondence regarding the May 30, 2018 production of Plaintiff’s medical records.

10. Also, prior to Plaintiff having filed the motion for preliminary injunction (Doc. 62) on June 1, 2018, I had previously arranged to travel to Coeur d’Alene, Idaho for the entire week of June 18, 2018 to participate in depositions in a separate civil action that I am defending, and to vacation with my family on the lake. I was not made aware prior to June 1, 2018 that Plaintiff would be filing a motion for preliminary injunction that would require Defendants to respond within 21 days.

DATED this 8<sup>th</sup> day of June, 2018.

/s/ Brady J. Hall

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8<sup>th</sup> day of June, 2018, I filed the foregoing 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:

Dan Stormer  
[dstormer@hadsellstormer.com](mailto:dstormer@hadsellstormer.com)  
Lori Rifkin  
[lrifkin@hadsellstormer.com](mailto:lrifkin@hadsellstormer.com)  
Shaleen Shanberg  
[sshanberg@hadsellstormer.com](mailto:sshanberg@hadsellstormer.com)  
HADSELL STORMER & RENICK, LLP  
*(Counsel for Plaintiff)*

Craig Durham  
[chd@fergusondurham.com](mailto:chd@fergusondurham.com)  
Deborah Ferguson  
[daf@fergusondurham.com](mailto:daf@fergusondurham.com)  
FERGUSON DURHAM, PLLC  
*(Counsel for Plaintiff)*

Amy Whelan  
[awhelan@nclrights.org](mailto:awhelan@nclrights.org)  
Julie Wilensky  
[jwilensky@nclrights.org](mailto:jwilensky@nclrights.org)  
NATIONAL CENTER FOR LESBIAN  
RIGHTS  
*(Counsel for Plaintiffs)*

Dylan Eaton  
[deaton@parsonsbehle.com](mailto:deaton@parsonsbehle.com)  
J. Kevin West  
[kwest@parsonsbehle.com](mailto:kwest@parsonsbehle.com)  
PARSONS, BEHLE & LATIMER  
*(Counsel for*

*/s/Brady J. Hall*  
Brady J. Hall

## Brady Hall

---

**From:** Brady Hall  
**Sent:** Monday, December 18, 2017 2:24 PM  
**To:** 'Lori Rifkin'  
**Subject:** RE: Edmo v. IDOC et al; medical records

Lori:

I spoke with Corizon's attorney and the preference is to wait and provide everything at the time of the initial disclosure deadline.

**Brady J. Hall**

MOORE ELIA  
KRAFT & HALL LLP

702 W. Idaho Street, Suite 800 | Boise, ID 83702  
P.O. Box 6756 | Boise, ID 83707  
Telephone: (208) 336-6900 Fax: (208) 336-7031  
[www.melawfirm.net](http://www.melawfirm.net)

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---

**From:** Lori Rifkin [mailto:[lrifkin@hadsellstormer.com](mailto:lrifkin@hadsellstormer.com)]  
**Sent:** Monday, December 18, 2017 2:14 PM  
**To:** Brady Hall  
**Subject:** RE: Edmo v. IDOC et al; medical records

Brady,

I'm following up on the below request for Ms. Edmo's records. What did Corizon say?

Thanks,

Lori Rifkin

Hadsell Stormer & Renick LLP  
626-585-9600  
[lrifkin@hadsellstormer.com](mailto:lrifkin@hadsellstormer.com)

---

**From:** Lori Rifkin  
**Sent:** Wednesday, December 13, 2017 9:48 AM  
**To:** 'Brady Hall' <[Brady@melawfirm.net](mailto:Brady@melawfirm.net)>  
**Subject:** RE: Edmo v. IDOC et al; medical records

Brady,

Thanks for the response. Please let me know what Dylan says.

**From:** Brady Hall [<mailto:Brady@melawfirm.net>]  
**Sent:** Wednesday, December 13, 2017 7:05 AM  
**To:** Lori Rifkin <[lrifkin@hadsellstormer.com](mailto:lrifkin@hadsellstormer.com)>  
**Subject:** Re: Edmo v. IDOC et al; medical records

Lori:

I'm doing well, thank you. I recall stating I would have to ask Corizon about releasing the records before the deadline for initial disclosures. I did, but I don't think we ever came to a decision. I will follow up with Dylan today.

Brady Hall  
702 West Idaho Street  
Suite 800  
Boise, Idaho 83702  
208.336.6900  
[Brady@melawfirm.net](mailto:Brady@melawfirm.net)

On Dec 12, 2017, at 5:05 PM, Lori Rifkin <[lrifkin@hadsellstormer.com](mailto:lrifkin@hadsellstormer.com)> wrote:

Hi Brady,

I hope you're doing well. We had spoken in October about getting Ms. Edmo's IDOC medical records and you had agreed to provide those. We have not received them yet - can you please confirm that we will receive them no later than December 20? Thank you.

Sincerely,

Lori Rifkin

Hadsell Stormer & Renick LLP  
Tel: 626-585-9600  
Fax: 626-577-7079  
[lrifkin@hadsellstormer.com](mailto:lrifkin@hadsellstormer.com)

HADSELL  
STORMER  
RENICK

LLP

Denise Ballesteros  
Isela Barrios  
Springsong Cooper  
Cornelia Dai  
Valeria De Gonzalez  
Barbara Enloe Hadsell  
Nancy Hanna  
Caitlan McLoon  
Joshua Nuni  
Brian Olney  
Cindy Pánuco  
Joshua Piovita-Scott  
Shaleen Shanbhag  
Randy Renick  
Lori Rifkin  
Dan Stormer

May 11,

**VIA ELECTRONIC MAIL ONLY**

Brady J. Hall (ISB No. 7873)  
Moore Elia Kraft & Hall, LLP  
Post Office Box 6756  
Boise, Idaho 83707  
Email: brady@melawfirm.net

**Re: RECORDS REQUEST FOR ADREE EDMO (Inmate #94691)**  
***Edmo v. Idaho Department of Correction, et al., Case No.: 1:17-cv-00151-BLW***

Dear Mr. Hall,

Pursuant to IDOC Directive 108.06.03.061, section 05.04.00 (attached), I am requesting a full copy of my client's Adree Edmo's (legal name Mason Dean Edmo) medical records for the duration of her incarceration in IDOC. Attached is a release signed by Ms. Edmo. Please produce the records or make them available for copying no later than May 30, 2018.

Sincerely,



Lori Rifkin

Enclosures

128 North Fair Oaks Avenue, Pasadena, California 91103  
Tel: 626.585.9600 • Fax: 626.577.7079 • www.hadsellstormer.com  
Pasadena | Los Angeles | Emeryville | Garden Grove



DEPARTMENT OF CORRECTION  	<b>INSTITUTIONAL SERVICES DIVISION</b>	<b>DIRECTIVE NUMBER:</b> 108.06.03.061	<b>PAGE NUMBER:</b> 1 of 4
		<b>SUBJECT:</b> Medical Records Confidentiality	Adopted: 06-01-95 Revised: 07-01-00 Reformatted: 03-2001

**01.00.00. POLICY OF THE DEPARTMENT**

It is the policy of the Idaho Board of Correction that all records maintained by the Department of Correction shall be open to the public for inspection and copying at all reasonable times, unless the information is specifically exempted from disclosure by law.

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**03.00.00. REFERENCES**

Department Policy 108, Public Access to Records.

Department Policy 401, Hospitalization, Institutional Clinical Services, and Treatment.

Idaho Code, Title 74, Chapter 1, Public Records, 74-101 through 74-126.

IDAPA 06.01.01., Rules of the Board of Correction, Section 108, Idaho Public Records Act.

Standards for Adult Correctional Institutions, Third Edition, Standards 3-4377.

Standards for Health Services in Prisons, P-61.

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#### **04.00.00. DEFINITIONS**

Facility Health Authority: The on-site Health Authority or senior health staff assigned.

Inmate: An individual in the physical custody of the Board. (See also Offender)

Medical Authority: Idaho Department of Correction Health Services Chief.

Medical Director: A physician (M.D.) either employed by the Idaho Department of Correction or the physician in charge if medical services are privatized.

Offender: A person under the legal care, custody, supervision or authority of the Board of Correction including a person within or without the state pursuant to agreement with another state or a contractor.

Qualified Health Professional: Physician, physician assistant, nurse practitioner, nurse, dentist, mental health professional and others who by virtue of their education, credentials, and experience are permitted by law within the scope of their professional practice are to evaluate and care for patients.

Regional Health Manager: The individual assigned as the primary manager who is administratively responsible for the delivery of medical services if health services are privatized.

#### **05.00.00. PROCEDURE**

##### **05.01.00. Medical records**

The active medical record shall be maintained in the medical unit at the facility holding the offender. The medical record will be filed separately from the confinement record except during transit periods.

Access to the medical record shall be controlled by the medical health authority or his designee.

Any information gathered or recorded about alcohol or drug abuse shall be confidential under federal regulations.

##### **05.02.00. Inactive Medical Records**

The inactive medical record shall be maintained at the records section of IDOC central office when an offender leaves the custody of the Department of Correction.

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**05.03.00. Information Sharing**

The facility health authority shall share information which includes access to the medical file with the facility administrator (warden or superintendent) or designee on a need-to-know basis, concerning an offender's medical management and security requirements.

When divulging any information, the confidential relationship between physician and patient extends to offender patients and their physicians or other health providers.

There also may be circumstances which justify advising correctional staff concerning appropriate housing and/or working conditions resulting from an offender's health status, or to protect the health and safety of the offender, other offenders and the correctional staff.

In most instances, unless required by law, it is not necessary to reveal specific diagnosis.

For purposes of unit team management concerns the IDOC psychologists, social workers, and clinicians shall have access to the medical file in the medical units.

**05.04.00. Copies of Medical Records**

Medical records or information - Under no circumstances shall any prisoner's or probationer's medical records be released to another offender.

Medical records or copies thereof will only be released to the following individuals and only under the following specific circumstances:

By court order;

By written request of the offender's designated attorney, upon the attorney's letterhead, with attached consent of release of information signed by the offender;

By written request of an offender's physician upon that physician's letterhead, with attached consent of release of medical records or information, signed by the offender.

Another state agency upon transfer or IDOC staff on a need to know basis – i.e.: Problem lists to those (social workers) responsible for parole plan preparation.

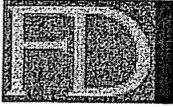
<b>DIRECTIVE NUMBER:</b> 108.06.03.061	<b>SUBJECT:</b> Medical Records Confidentiality	<b>PAGE NUMBER:</b> 4 of 4
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**05.05.00. Offender Right to Review Medical Records**

An offender does not have the right to review his medical file (Idaho Code, Title 9, Chapter 3, Public Records Act 9-342 (31)(e)).

\_\_\_\_\_  
Administrator, Institutional Services Division

\_\_\_\_\_  
Date



**AUTHORIZATION TO RELEASE  
RECORDS AND INFORMATION**

I, Adree Edmo (also known as Mason Dean Edmo), IDOC No. 94691, DOB [REDACTED]

[REDACTED] hereby voluntarily consent to the American Civil Liberties Union of Idaho, and any of their agents, employees, or contractors, releasing any and all information or records regarding my medical and mental health care and treatment to the following attorneys, or their agents, upon request:

Ms. Lori Rifkin  
Hasdell, Stormer, and Renick  
128 N. Fair Oaks Ave.  
Suite 204  
Pasadena, CA 91103  
T: 626-585-9600  
F: 626- 577-7079

Ms. Amy Whelan  
Nation Center for Lesbian Rights  
870 Market Street Suite 370  
San Francisco CA 94102  
T: 415.392.6257  
F: 415.392.8442

Mr. Craig Durham or Ms. Deborah Ferguson  
FERGUSON/DURHAM, PLLC  
223 N. 6th Street, Suite 325  
Boise, ID, 83702  
T: 208-345-5183  
F: 208-906-8663

AUTHORIZATION TO RELEASE INFORMATION - 1

My authorization is limited to releasing information and records to counsel and their agents, and it extends to no other persons.

My authorization is freely given, and I understand that I may revoke permission at any time.

Signed this 29<sup>th</sup> day of June 2017.

  
\_\_\_\_\_  
Adree Edmo (a/k/a Mason Dean Edmo)

AUTHORIZATION TO RELEASE INFORMATION - 2

## Brady Hall

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**From:** Dylan A. Eaton <DEaton@parsonsbehle.com>  
**Sent:** Wednesday, May 30, 2018 6:48 PM  
**To:** Lori Rifkin; Dan Stormer; awhelan@nclrights.org; daf@fergusondurham.com; chd@fergusondurham.com; Brady Hall; Shaleen Shanbhag; Julie Wilensky  
**Cc:** J. Kevin West; Jennifer M. Cafferty; Lauri A. Ehredt; Jessica Valdenegro  
**Subject:** RE: Adree Edmo v. IDOC, et al.

Ms. Rifkin:

You are welcome.

It is my understanding this is a complete copy of Ms. Edmo's medical records from the IDOC prison chart through about May 2018 as reflected in these records.

As I indicated, we were just trying to protect Ms. Edmo's privacy by redacting her date of birth from the records. Such redactions would need to be done anyway if any of the records are filed with the court per court rules. I have never had anyone complain about such redactions before and usually they are grateful we are trying to protect privacy and have already done it for them. Additionally, sometimes *pro se* inmates (which I understand Edmo is no longer) will file their own medical records with the court without making the redactions. So, we typically make such redactions in inmate cases at the outset - again to try to protect privacy. In any event, if you want these records produced without the dates of birth redacted, please just let me know.

Regards,  
Dylan

---

**From:** Lori Rifkin [mailto:lrifkin@hadsellstormer.com]  
**Sent:** Wednesday, May 30, 2018 6:04 PM  
**To:** Dylan A. Eaton <DEaton@parsonsbehle.com>; Dan Stormer <dstormer@hadsellstormer.com>; awhelan@nclrights.org; daf@fergusondurham.com; chd@fergusondurham.com; Brady Hall <Brady@melawfirm.net>; Shaleen Shanbhag <sshahbhag@hadsellstormer.com>; Julie Wilensky <JWilensky@nclrights.org>  
**Cc:** J. Kevin West <KWest@parsonsbehle.com>; Jennifer M. Cafferty <JCafferty@parsonsbehle.com>; Lauri A. Ehredt <LEhredt@parsonsbehle.com>; Jessica Valdenegro <jessicav@hadsellstormer.com>  
**Subject:** RE: Adree Edmo v. IDOC, et al.

Mr. Eaton,

Thank you for these records. Can you please clarify whether the list below means that some documents from Ms. Edmo's medical file have been withheld? If so, please provide us with a list of what has been withheld and the basis. Please also explain why our client's own request for her records necessitated the redaction of her own date of birth.

In future correspondence, please also use professional courtesy in referring to our client with the appropriate title, which is Ms. Edmo.

Sincerely,

Lori Rifkin

Hadsell Stormer & Renick LLP  
Tel: 626-585-9600  
Fax: 626-577-7079  
[lrifkin@hadsellstormer.com](mailto:lrifkin@hadsellstormer.com)  
[www.hadsellstormer.com](http://www.hadsellstormer.com)

---

**From:** Dylan A. Eaton <[DEaton@parsonsbehle.com](mailto:DEaton@parsonsbehle.com)>  
**Sent:** Wednesday, May 30, 2018 4:48 PM  
**To:** Lori Rifkin <[lrifkin@hadsellstormer.com](mailto:lrifkin@hadsellstormer.com)>; Dan Stormer <[dstormer@hadsellstormer.com](mailto:dstormer@hadsellstormer.com)>; [awhelan@nclrights.org](mailto:awhelan@nclrights.org); [daf@fergusondurham.com](mailto:daf@fergusondurham.com); [chd@fergusondurham.com](mailto:chd@fergusondurham.com); Brady Hall <[Brady@melawfirm.net](mailto:Brady@melawfirm.net)>  
**Cc:** J. Kevin West <[KWest@parsonsbehle.com](mailto:KWest@parsonsbehle.com)>; Jennifer M. Cafferty <[JCafferty@parsonsbehle.com](mailto:JCafferty@parsonsbehle.com)>; Lauri A. Ehredt <[LEhredt@parsonsbehle.com](mailto:LEhredt@parsonsbehle.com)>  
**Subject:** RE: Adree Edmo v. IDOC, et al.

Counsel:

Pursuant to the attached letter, the Authorization to Release Records and Information enclosed with the letter, and the correspondence below, you may access Edmo's prison medical chart/prison medical records per this secure FTP site: <https://sft.parsonsbehle.com>.

I will send you the login and password information in a separate email momentarily.

**Your account expires 30 days from Wednesday, May 30, 2018.**

Please keep this information private and confidential. If you received this email by accident, please do not read and access it and delete it immediately.

Edmo's dates of birth have been redacted to protect privacy.

These medical records generally cover approximately January 2010 through May 2018 (Bates Numbers: Corizon 1 – 1347) and specifically include the following types of records:

1. Problem List
2. Screenings
3. Health Service Requests
4. NETs (Nursing Encounter Tools)
5. Progress Notes
6. Orders
7. Labs
8. Mental Health Records
9. Behavior Watch Notes
10. Segregation Records
11. Chronic Care
12. LTC Records
13. Consult Requests-Reports
14. Emergency Dept. Referrals
15. Offender Medical Status Report
16. Dental
17. Ophthalmic
18. Medication Administration Records
19. Non-Formulary Drug Tracking Forms

20. Idaho Medication Non-Adherence
21. Intra-System Transfer Forms
22. Receipt for Medical Product
23. Consents-Refusals
24. Correspondence by Edmo to PharmaCorr
25. St. Al's RMC Records
26. Health Service Encounters
27. Condensed Health Service Encounters
28. Vital Signs
29. FMHC-Emerald Clinic Records

Let me know if you have any issues accessing these documents.

Regards,

Dylan Eaton  
Attorney for Corizon Defendants



A Professional  
Law Corporation

**Dylan A. Eaton • Attorney at Law**  
**Parsons Behle & Latimer**  
800 West Main Street, Suite 1300 • Boise, Idaho 83702  
Main 208.562.4900 • Direct 208.562.4911 • Fax 208.562.4901

[parsonsbehle.com](http://parsonsbehle.com) • [DEaton@parsonsbehle.com](mailto:DEaton@parsonsbehle.com) • [vCard](#)

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**From:** Brady Hall [<mailto:Brady@melawfirm.net>]  
**Sent:** Monday, May 14, 2018 4:09 PM  
**To:** 'Lori Rifkin' <[lrifkin@hadsellstormal.com](mailto:lrifkin@hadsellstormal.com)>  
**Cc:** Dylan A. Eaton <[DEaton@parsonsbehle.com](mailto:DEaton@parsonsbehle.com)>; Jessica Valdenegro <[jessicav@hadsellstormal.com](mailto:jessicav@hadsellstormal.com)>  
**Subject:** RE: Adree Edmo v. IDOC, et al.

Thanks, Lori. I have approval to release the records. Dylan Eaton represents Corizon. I understand Dylan will request updated records from his client for production and that the same should be ready on or before May 30. The records will likely come directly from Dylan's office. Please let me know if you have any questions.

Brady Hall  
702 West Idaho Street  
Suite 800  
Boise, Idaho 83702  
208.336.6900  
[Brady@melawfirm.net](mailto:Brady@melawfirm.net)

**From:** Lori Rifkin [<mailto:lrifkin@hadsellstormer.com>]

**Sent:** Monday, May 14, 2018 3:36 PM

**To:** Jessica Valdenegro <[jessicav@hadsellstormer.com](mailto:jessicav@hadsellstormer.com)>; Brady Hall <[Brady@melawfirm.net](mailto:Brady@melawfirm.net)>

**Cc:** Dan Stormer <[dstormer@hadsellstormer.com](mailto:dstormer@hadsellstormer.com)>; Shaleen Shanbhag <[sshanbhag@hadsellstormer.com](mailto:sshanbhag@hadsellstormer.com)>; Amy Whelan <[AWhelan@nclrights.org](mailto:AWhelan@nclrights.org)>; [chd@fergusondurham.com](mailto:chd@fergusondurham.com); [daf@fergusondurham.com](mailto:daf@fergusondurham.com); Tami Galindo <[tgalindo@hadsellstormer.com](mailto:tgalindo@hadsellstormer.com)>; Norma Molina <[nmolina@hadsellstormer.com](mailto:nmolina@hadsellstormer.com)>

**Subject:** Re: Adree Edmo v. IDOC, et al.

Counsel,

Attached please find Ms. Edmo's correct authorization, which was inadvertently omitted from the records request sent Friday. Please contact me should you have any questions.

Lori Rifkin

Hadsell Stormer & Renick LLP

626-585-9600

[lrifkin@hadsellstormer.com](mailto:lrifkin@hadsellstormer.com)

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**From:** Jessica Valdenegro <[jessicav@hadsellstormer.com](mailto:jessicav@hadsellstormer.com)>

**Date:** Friday, May 11, 2018 at 4:57 PM

**To:** "[brady@melawfirm.net](mailto:brady@melawfirm.net)" <[brady@melawfirm.net](mailto:brady@melawfirm.net)>

**Cc:** Dan Stormer <[dstormer@hadsellstormer.com](mailto:dstormer@hadsellstormer.com)>, Lori Rifkin <[lrifkin@hadsellstormer.com](mailto:lrifkin@hadsellstormer.com)>, Shaleen Shanbhag <[sshanbhag@hadsellstormer.com](mailto:sshanbhag@hadsellstormer.com)>, Amy Whelan <[AWhelan@nclrights.org](mailto:AWhelan@nclrights.org)>, "[chd@fergusondurham.com](mailto:chd@fergusondurham.com)" <[chd@fergusondurham.com](mailto:chd@fergusondurham.com)>, "[daf@fergusondurham.com](mailto:daf@fergusondurham.com)" <[daf@fergusondurham.com](mailto:daf@fergusondurham.com)>, Tami Galindo <[tgalindo@hadsellstormer.com](mailto:tgalindo@hadsellstormer.com)>, Norma Molina <[nmolina@hadsellstormer.com](mailto:nmolina@hadsellstormer.com)>

**Subject:** Adree Edmo v. IDOC, et al.

Counsel,

Please find attached correspondence from Lori Rifkin.

Regards,

*Jessica Valdenegro*

Paralegal

*Hadsell Stormer & Renick LLP*

128 N. Fair Oaks Ave.

Pasadena, CA 91103

Tel: (626) 585-9600

Fax: (626) 577-7079

Email: [jessicav@hadsellstormer.com](mailto:jessicav@hadsellstormer.com)