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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ADREE EDMO,

Plaintiff,

v.

IDAHO DEPARTMENT OF
CORRECTION; HENRY ATENCIO, in his
official capacity; JEFF ZMUDA, in his
official capacity; AL RAMIREZ, 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.

CIVIL ACTION FILE

NO. 1:17-cv-151-BLW

**DEFENDANTS CORIZON INC., SCOTT
ELIASON, MURRAY YOUNG, AND
CATHERINE WHINNERY'S JOINDER
IN IDOC DEFENDANTS' OBJECTION
AND REQUEST THAT THE COURT
REFRAIN FROM HEARING
PLAINTIFF'S EX PARTE
APPLICATION FOR EMERGENCY
RELIEF (DKT. 285)**

COME NOW Defendants, Corizon Inc., Scott Eliason, Murray Young, and Catherine Whinnery (“Corizon Defendants”), by and through their counsel of record, Parsons Behle & Latimer, and hereby submits this Joinder in IDOC Defendants’ Objection and Request That the Court Refrain From Hearing Plaintiffs’ Ex Parte Application for Emergency Relief, filed June 29, 2020 at Dkt. 287 (“Ex Parte Application”).

Corizon Defendants agree with the IDOC Defendants that the Court should not entertain Plaintiff’s request for ex parte relief and should instead allow all parties to present argument and evidence to the Court. Corizon Defendants appreciate that the Court has scheduled a hearing on this matter for July 1, 2020, which will provide Corizon Defendants an opportunity to present argument to the Court. However, Corizon Defendants believe they should also be allowed to present evidence to the Court regarding these issues.

Corizon Defendants also agree that the Ex Parte Application should be denied on the merits. The spread of the COVID-19 virus at the Idaho State Correctional Center (“ISCC”) has created a difficult situation, to say the least. Nevertheless, Corizon Defendants are working to minimize risks to inmates and prison staff of contracting COVID-19 while at the same time providing treatment to Corizon’s patients. Based on IDOC Defendants’ representations, it appears IDOC Defendants have taken reasonable steps to slow and contain the spread of COVID-19 at ISCC. However, the situation is dynamic and requires constant adaptation. Corizon Defendants and IDOC Defendants must consider not only the medical needs of individual patients but also the risk that treating those patients could spread COVID-19 to others. As a result, Corizon Defendants share IDOC Defendants’ concern that committing to any specific action days in the future would be unwise. Corizon Defendants can only commit to making a reasonable decision when the time comes, based on the facts and circumstances that exist at that time.

As a general matter, all non-emergent consults and offsite appointments for ISCC patients are currently supposed to be postponed. There are currently approximately 150 offsite medical appointments for inmates, including but not limited to some surgeries, that are postponed at ISCC, many of which are postponed due to the COVID-19 pandemic. Each offsite consult or request is reviewed on a case by case basis to determine whether it is urgent or emergent and balanced against the risk of spreading COVID-19. Corizon coordinates with IDOC in these efforts.

For these reasons, Corizon Defendants request that the Court deny Plaintiff's Ex Parte Application.

DATED this 30th day of June, 2020.

PARSONS BEHLE & LATIMER

By: /s/ Dylan A. Eaton

Dylan A. Eaton
Counsel for Defendants Corizon Inc.,
Scott Eliason, Murray Young, and
Catherine Whinnery

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of June, 2020, 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:

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