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*Attorneys for Defendants Corizon, LLC,
Dr. Scott Eliason, Dr. Murray Young, and
Dr. Catherine Whinnery*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ADREE EDMO,

Plaintiff,

v.

IDAHO DEPARTMENT OF
CORRECTION, et al.,

Defendants.

CIVIL ACTION FILE

NO. 1:17-cv-151-BLW

**DECLARATION OF DYLAN A. EATON
IN SUPPORT OF DEFENDANTS' JOINT
OBJECTIONS TO ABSTRACT OF
JUDGMENT AND WRIT OF
EXECUTION (DKT. 331) AND JOINT
MOTION FOR EXTENSION (DKT. 332)**

I, Dylan A. Eaton, declare as follows:

1. I am a shareholder with the firm Parsons Behle & Latimer, counsel of record for Defendants Corizon, LLC, Dr. Scott Eliason, Dr. Catherine Whinnery, and Dr. Murray Young ("Corizon Defendants") in the above-referenced action, and duly licensed to practice law in the State of Idaho and before this Court. I make this declaration based upon personal knowledge and can testify as to the truth of the statements contained herein if called upon as a witness.

2. I make this affidavit in support of *Defendants' Joint Objections to Abstract of Judgment and Writ of Execution* (Dkt. 331) and *Defendants' Joint Motion for Extension of Time to Respond to Plaintiff's Motion for Issuance of Writ of Execution and Discovery* (Dkt. 332), both filed contemporaneously herewith.

3. The first time I saw the Abstract of Judgment (Dkt. 325) was when it was issued as signed by the court clerk on November 2, 2022. I did not see any motion or *proposed* Abstract of Judgment filed in advance of the court issuing the signed Abstract of Judgment on November 2. Prior to the signed Abstract of Judgment being issued, I was not notified that Plaintiff's counsel was contacting the court or court clerk, to the extent they did, regarding obtaining an Abstract of Judgment. Further, I was not included in any communications with the court or court clerk either, to the extent such communications occurred.

4. On behalf of Corizon Defendants, I have been engaged in settlement discussions with Plaintiff's counsel for the last few weeks. Last Wednesday, November 16, 2022, Plaintiff's counsel indicated they would prefer and are willing to engage in formal mediation with the parties. My clients also agree to mediate through the 9th Circuit mediation. In light of Defendants' recently filing a Notice of Appeal, there is an initial call among the parties' counsel and the 9th Circuit mediator currently schedule for November 29, 2022.

5. On Friday, November 18, 2022, I sent an email to Lori Rifkin asking her to call me and providing my phone number. Ms. Rifkin has not called me back to date since I sent this email.

6. On Monday, November 21, 2022, I emailed Plaintiff's counsel to request that they extend deadlines to respond to Plaintiff's Motion for Issuance of Writ of Execution and responses to discovery pending mediation. Soon thereafter, I then received an auto email response from Ms. Rifkin's email indicating she was out of the office until November 28. I then, via email, asked

for a response from other Plaintiff's counsel, to which attorney Deborah Ferguson simply responded by suggesting Defendants should just post a bond. (I am not providing the supporting emails discussed in this declaration because they are attached to settlement negotiation communications, which I obviously do want to reveal as they are confidential.) I did not feel Ms. Ferguson's email was responsive to my email, so I then left a voice message for Ms. Ferguson on Monday, November 21, 2022, asking for her to call me. Ms. Ferguson has not returned my call to date since I left this message to date.

7. Plaintiff served Rule 69 written requests for production on Corizon on November 3, 2022.

8. Attached as **Exhibit A** hereto is a true and correct copy of the CM/ECF email notice I received from the Court when Plaintiff filed her Motion for Issuance of Writ of Execution, which shows that Defendants' deadline to respond to this motion is November 23, 2022.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 23, 2022, at Boise, Idaho.

/s/ Dylan A. Eaton
Dylan A. Eaton

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23rd day of November, 2022, 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:

Lori E. Rifkin
RIFKIN LAW OFFICE
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(Counsel for Plaintiff)

Amy Whelan
National Center for Lesbian Rights
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(Counsel for Plaintiff)

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

By: /s/ Dylan A. Eaton

Dylan A. Eaton

4891-9903-9551.v1

Exhibit A

From: ecf@id.uscourts.gov
Sent: Wednesday, November 2, 2022 11:48 AM
To: CourtMail@idd.uscourts.gov
Subject: Activity in Case 1:17-cv-00151-BLW Edmo v. Corizon Incorporated et al Motion for Writ

This Message Is From an External Sender

This message came from outside your organization.

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

District of Idaho (LIVE) NextGen 1.6

Notice of Electronic Filing

The following transaction was entered by Rifkin, Lori on 11/2/2022 at 11:47 AM MDT and filed on 11/2/2022

Case Name: Edmo v. Corizon Incorporated et al

Case Number: [1:17-cv-00151-BLW](#)

Filer: Adree Edmo

Document Number: [326](#)

Docket Text:

[MOTION for Writ of Execution Lori E Rifkin appearing for Plaintiff Adree Edmo. Responses due by 11/23/2022 \(Attachments: # \(1\) Affidavit Declaration in Support of Motion for Writ of Execution, # \(2\) Proposed Writ of Execution\)\(Rifkin, Lori\)](#)

1:17-cv-00151-BLW Notice has been electronically mailed to:

Amy Whelan awhelan@nclrights.org, EFiling@nclrights.org

Bryce C Jensen bjensen@parsonsbehle.com, docket@parsonsbehle.com, ecf@parsonsbehle.com, salbrecht@parsonsbehle.com

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1:17-cv-00151-BLW Notice will be served by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1089316566 [Date=11/2/2022] [FileNumber=2394491-0]
] [11b68ae58c4dc9c26cc6f5624011323f222316399cd71c9dbc290b47b96921542ec
0c32f661c33ba0b770ecb046015b4d9308ced93dc2f5a4948a1c622c74258]]

Document description:Affidavit Declaration in Support of Motion for Writ of Execution

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1089316566 [Date=11/2/2022] [FileNumber=2394491-1]
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b2624290638350787d293ef1379bcd43c0bab9dcac775c21e7e4d4861ce37]]

Document description: Proposed Writ of Execution

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1089316566 [Date=11/2/2022] [FileNumber=2394491-2]
] [54a90e2937648702ae1812226545527d38f9602d4abc345950946e1872b44d694dd
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