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Attorneys for Plaintiff

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

ADREE EDMO (a/k/a MASON EDMO),

Plaintiff,

v.

IDAHO DEPARTMENT OF CORRECTION;  
JOSH TEWALT, in his official capacity;  
BREE DERRICK, in her official capacity; AL  
RAMIREZ, in his official capacity;  
CORIZON, LLC; and SCOTT ELIASON;

Defendants.

Case No.: 1:17-cv-00151-BLW

**PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' MOTION TO STAY**

## INTRODUCTION

Defendants Idaho Department of Corrections (“IDOC”) and Corizon are trying to play a shell game with Plaintiff and the Court. The Court issued its order awarding attorneys’ fees and costs on September 30, 2022 (“fee order”). In December 2021, while Plaintiff’s motion for fees was still pending, Defendants entered into a contractual agreement whereby Corizon promised to pay any legal fees and costs awarded to Ms. Edmo in this case, and to indemnify IDOC and the State for those amounts. *See* Declaration of Lori Rifkin in Support of Plaintiff’s Opposition (“Rifkin Decl.”) at ¶ 6. Defendants’ stay motion failed to inform the Court of their agreement. Nor did Defendants inform this Court that Corizon has restructured itself as a new entity—YesCare Corporation. As a result of that restructuring, YesCare has acquired all Corizon employees and active contracts. *See id.* ¶¶ 8-12.

Despite Defendants’ recognition that the Court’s fee order holds IDOC and Corizon Defendants jointly and severally liable, IDOC Mot. at 13 & Corizon Jdr. at 7, the State has made it clear that it does not intend to pay one dollar of this Court’s award of attorneys’ fees and costs to Plaintiff. According to Governor Little, Idaho has “ensure[d] no public dollars are paid to the former inmate or her lawyers.” *See* Rifkin Decl. ¶ 7. And Corizon has privately indemnified IDOC from paying any attorneys’ fees and costs in this matter while at the same time restructuring its business so as to potentially claim to be unable to satisfy this Court’s fee order at the end of the appellate process. Tellingly, while IDOC asserted the Court should exempt it from posting a bond because it is a public entity, IDOC did not once affirm its ability or willingness to pay the fee order if it is upheld on appeal, which is a precondition to courts granting bond exemptions for public entities. Corizon then filed a joinder to the stay motion based *solely* on the rationale that the State of Idaho is solvent, without offering any statement or evidence of

Corizon's ability or intention to pay. Defendants then asked this Court to permit them to continue to withhold payment on the fee order *and* bypass posting an appeal bond expressly in order to pressure Plaintiff to settle for a lesser payment through the mediation process.<sup>1</sup> IDOC Mot. at 15.

Under these circumstances, Defendants do not even remotely meet the requirements for a stay. The Court should deny their motion and order that, within seven days, Defendants either pay the judgment, including applicable interest, or post an appeal bond for at least 133% of the awarded amount.<sup>2</sup>

### **RELEVANT FACTUAL AND PROCEDURAL BACKGROUND**

On October 4, 2022, following this Court's September 30, 2022, fee order, the Associated Press reported that IDOC and Corizon had entered into an agreement in December 2021 through which Corizon agreed to pay the costs of any legal fees awarded to Ms. Edmo in this case. Rifkin Decl. ¶ 6 & Exh. A. On October 7, 2022, Boise State Public Radio News quoted Idaho Governor Little saying, "We were successful in vindicating our public servants and ensuring no public dollars are paid to the former inmate or her lawyers." The Governor was further quoted stating that he is "committed to defending our public servants from baseless legal attacks and ensuring critical public dollars are not diverted away from the priorities of keeping the public safe and rehabilitating offenders," and "[t]hat is why I fought to ensure that the hardworking

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<sup>1</sup> Defendants claim that Plaintiff's agreement to participate in the Ninth Circuit's mediation process amounts to a concession that Plaintiff is not entitled to the full amount of fees and costs awarded by this Court. IDOC Mot. at 12. Plaintiff's willingness to participate in this standard process does no such thing. Defendants' statements are baseless, untrue, and run afoul of Federal Rule of Evidence 408's prohibition on using participation in compromise negotiations "to prove or disprove the validity or amount of a disputed claim."

<sup>2</sup> As of today's date, post-judgment interest has accrued in the amount of \$21,767.96. Rifkin Decl. ¶ 4. Since the Court's fee judgment, Plaintiff has incurred additional fees and costs in connection with enforcing the judgment, and expects to incur substantial additional fees and costs on appeal, all of which Plaintiff reserves the right to seek at a later date. *Id.* ¶ 5.

taxpayers of Idaho are not forced to pay for a convicted sex offender’s gender reassignment surgery.” *Id.* at ¶ 7 & Exh. B.

On October 17 and November 14, 2022, at the request of Corizon counsel, Plaintiff’s counsel participated in telephone conferences regarding possible settlement of Defendants’ appeal of the Court’s fee order. Rifkin Decl. ¶ 8. In addition to Corizon counsel Dylan Eaton, Corizon was represented on the call by Scott King, who identified himself as Corizon’s former General Counsel and confirmed that he is currently Chief Legal Officer for YesCare Corporation, and Isaac Lefkowitz, who identified himself as the sole Director of Corizon. *Id.*; *see also* Exh. H to Rifkin Decl. at p.10 (Verification). No representatives from IDOC participated in the call. *Id.*

Public documents from May 2022 report the formation of a new company called “YesCare Corporation,” comprised of the former Corizon team and employees, that would offer correctional healthcare to states and municipalities nationwide. Rifkin Decl. ¶ 9 & Exh. C. According to YesCare Corporation, YesCare acquired all of the employees and active contracts of Corizon in early 2022. *Id.* ¶ 10 & Exh. D. YesCare’s website states that its corporate headquarters are in Texas, while its client services contact information lists Brentwood, Tennessee, the same place as Corizon’s principal place of business.<sup>3</sup> *Id.* ¶¶ 10-11 & Exhs. D & E. Two years earlier, Corizon had been purchased by investment firm Flacks Group, according to a statement on the Flacks Group website. *Id.* ¶ 12 & Exh. F. According to Corizon’s CEO,

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<sup>3</sup> Through a maneuver known as the “Texas two-step,” companies such as Johnson & Johnson (J&J), for example, have attempted to utilize “a Texas state statute which allows companies to split themselves into two separate entities and ringfence all legal liabilities into one of them. The so called “BadCo” entity then files for insolvency.” *See* Jamie Smyth, Kate Beioley, & Sujeet Indap, Financial Times, ‘Texas two-step’ outcry risks ending fee bonanza for law firm Jones Day, February 26, 2022, available at: <https://www.ft.com/content/de1da1ea-d19a-4f2d-a790-8ff45368d7d1>; *see also* Brian Mann, NPR, *Rich companies using a quiet tactic to block lawsuits: bankruptcy*, April 22, 2022, available at: <https://www.npr.org/2022/04/02/1082871843/rich-companies-are-using-a-quiet-tactic-to-block-lawsuits-bankruptcy>.

Flacks Group substantially reduced Corizon's then-existing debt burden. *Id.*

On November 3, 2022, after the automatic stay on this Court's fee judgment expired, making the judgment due and payable, Plaintiff propounded Requests for Production to Defendant Corizon under Fed. R. Civ. P. 69(a)(2) in order to aid in execution of the judgment. Rifkin Decl. ¶¶ 2 & 13 & Exh. G. This discovery included requests for documents related to Defendant Corizon's current assets, debts, and liabilities, as well as request for documents related to the relationship between Corizon, YesCare Corporation, and Flacks Group, these entities' assets, debts, and liabilities, and these entities' agreements with respect to who is responsible for Corizon's debts and liabilities. *Id.* On December 5, 2022, Corizon served its response to Plaintiff's Requests for Production, in which Corizon produced zero documents, claimed that Corizon "has no known responsive documents," and objected to documents requested from YesCare and Flacks because "Flacks Group and YesCare Corp are not parties to this litigation." *Id.* ¶ 14 & Exh. H.

On November 8, 2022, Plaintiff's counsel hand-delivered to the Idaho State Treasurer and Controller's Offices the Abstract of Judgment issued by the Clerk of Court on November 2, 2022, along with a letter requesting payment of the judgment with applicable interest, and copied IDOC counsel on these communications. Rifkin Decl. ¶ 15 & Exh. I. Plaintiff did not receive payment or any other response to this letter from the State of Idaho or IDOC. *Id.*

As of the date of this filing, Defendants have not paid any amount of this Court's fee order nor posted any appeal bond in this case. Rifkin Decl. ¶ 3. Applying the federal post-judgment interest rate under 28 U.S.C. § 1961 for the week ending September 23, 2022, the amount of interest that accrues daily is approximately \$294.16, or approximately \$8824.85 per month, or approximately \$105,898.14 per year. *Id.* ¶ 4. To date, \$21,767.96 in post-judgment interest has accrued. *Id.*

## ARGUMENT

### I. The Fed. R. Civ. P. Rule 62(b) Bond Procedure Applies to this Case

Federal Rule of Civil Procedure 62(b) provides Defendants a ready procedure by which to obtain the stay they seek: “At any time after judgment is entered, a party may obtain a stay by providing a bond or other security.” Rather than avail themselves of this process and request approval of an appeal bond, Defendants now: 1) argue without any support that Rule 62(b) does not apply and they are automatically entitled to a stay without posting a bond, and 2) notwithstanding Rule 62(b), ask the Court to stay its judgment without provision of any bond or other surety.

Fed. R. Civ. P. 62(b) is the clearly applicable legal standard in this case. Rule 62(f), cited by Defendants, applies when a judgment has been converted to a lien on property under state law, which has not happened here.<sup>4</sup> Plaintiff obtained a judgment against Defendants under federal law and obtained a writ of execution from the federal court pursuant to Fed. R. Civ. P. 69 and 42 U.S.C. § 1988. Idaho state law specifically sets forth the steps necessary to convert a federal district court judgment to a lien on property under state law—and also makes clear that, prior to these steps, the judgment does not constitute such lien: “A transcript or abstract of any judgment or decree of...any court of the United States...may be recorded with the recorder of any county of this state, who shall immediately record and docket the same as by law provided, and from the time of such recording, and not before, the judgement so recorded becomes a lien upon all real property of the judgment debtor in the county...” Idaho Code § 10-1110 (emphasis added). Plaintiff has not recorded this Court’s judgment under Idaho law, and, despite IDOC’s

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<sup>4</sup> Rule 62(f) states: “If a judgment is a lien on the judgment debtor’s property under the law of the state where the court is located, the judgment debtor is entitled to the same stay of execution the state court would give.”

suggestion otherwise, there is also no automatic lien on property under Idaho state law.<sup>5</sup>

“Federal Rule of Civil Procedure 62(f) provides for a stay of execution only when the judgment results in an automatic lien on the real property of the losing party.” *Mueller v. Haw. Dep’t of Pub. Safety*, No. 17-00571 HG-WRP, 2022 WL 614983, at \*2 (D. Haw. Mar. 2, 2022). In *Mueller*, the district court found that, similar to other states, “a judgment may become a lien on the real property of a judgment debtor in Hawaii, but only after the creditor records the judgment in the Bureau of Conveyances.” *Id.* (citing a similar case and law in California, *Aldasoro v. Kennerson*, 915 F. Supp. 188, 190-91 (S.D. Cal. 1995)). “When state law requires additional steps for a judgment to become a lien against real property, this does not meet the exemption requirements of Rule 62(f).” *Id.*; accord *Tangen v. Ideacom of the Gulf Coast, Inc.*, No. 12-0267-CG-M, 2014 WL 12784561, at \*1 (S.D. Ala. Mar. 13, 2014) (“Judgments that are not properly recorded are not liens on the judgment debtor’s property under Alabama law, and so do not constitute a lien within the meaning of Rule 62(f).”). Because Plaintiff here has not taken the steps required under Idaho law to convert her judgment to a state lien against real property, Rule 62(b), not 62(f), applies.

## II. A Supersedeas Bond is Necessary to Protect Plaintiff

Under Rule 62(b), “[t]he purpose of the bond requirement is to protect the non-appealing party’s rights.” *Balla v. Idaho State Bd. of Corr.*, No. 1:CV 81-1165-BLW, 2010 WL 3001442, at \*1 (D. Idaho Jul. 28, 2010); see also *NLRB v. Westphal*, 859 F.2d 818, 819 (9th Cir. 1988) (“The posting of a bond protects the prevailing plaintiff from the risk of a later uncollectible judgment and compensates [her] for delay in the entry of the final judgment.”). A party seeking

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<sup>5</sup> In the case IDOC cites on this topic, *Kalange v. Rencher*, 136 Idaho 192, 30 P.3 970 (2001), the Idaho Supreme Court discussed the importance of the actual recording process. See, e.g., 136 Idaho at 196 (“Kalange failed to protect himself by recording the 1991 note and \$50,000 alternative performance payment appearing in the 1994 loan agreement. He cannot now be heard to complain that these unrecorded interests are subordinate to Rencher’s interest.”).

a stay without a bond bears the burden of demonstrating that the non-appealing party's rights will be sufficiently protected without this surety. *See Wunschel & Small, Inc. v. United States*, 554 F. Supp. 444, 445 (U.S. Cl. Ct. 1983) ([T]he court's discretion to issue a stay without a supersedeas bond is limited; it must be exercised sparingly and with due regard for the interest of the appellee in securing prompt and certain satisfaction of its judgment."); *Poplar Grove Planting & Ref. Co., Inc. v. Bache Halsey Stuart, Inc.*, 600 F.2d 1189, 1191 (5th Cir. 1979) (holding that burden is on moving party to objectively demonstrate reasons from departing from usual requirement of full security supersedeas bond); *see also United States v. Moses*, No. 4:19-cv-00108-DCN, 2021 WL 1617376, at \*2 (D. Idaho Apr. 23, 2021) (applying *Poplar Grove* holding that burden is on moving party); *Twin Falls NSC, LLC v. Southern Idaho Ambulatory Surgery Ctr., LLC*, No. 1:19-cv-00009-DCN, 2020 WL 7265839, at \*3 (D. Idaho Dec. 10, 2020) (same); *Dixon v. City of Coeur D'Alene*, No. 2:10c-v-00078-LMB, 2011 WL 13137320, at \*2 (D. Idaho Dec. 19, 2011) (same). Defendants come nowhere close to meeting their burden: indeed, their failure to disclose Corizon's corporate restructuring and their private indemnification agreement to this Court amply demonstrates why the protection of a bond is indispensable in this case.

### **III. The Equities Weigh Strongly Against Granting a Stay Without a Bond**

The question of whether a district court should stay enforcement of a judgment pending appeal without requiring the losing party to post a bond is an equitable decision, and this Court uses a four-factor test to evaluate the equities: (1) the likelihood of success on the merits, (2) the extent of irreparable injury if a stay does not issue, (3) the balance of the hardships, and (4) the public interest. *Balla*, 2010 WL 3001442, at \*1. All equitable concerns here weigh strongly in favor of requiring Defendants to post an appeal bond that covers the full amount of the Court's

fee order plus an additional 33% to cover interest and additional attorneys' fees and costs that may be incurred on appeal and in enforcing the judgment.

**A. Defendants Cannot Show Likelihood of Success on the Merits**

Defendants have presented no information or argument demonstrating a likelihood that they will prevail on appeal; rather, they offer nothing more than a recitation of previous arguments that this Court rejected in its September 30, 2022 fee order. The law has not changed since the Court entered its order: Ninth Circuit caselaw squarely establishes the propriety of applying a fee multiplier in PLRA cases where the appropriate factors are met. Defendants' appeal of this Court's detailed and well-reasoned fee order is nothing more than an attempt to delay their payment of the award.

**B. The Only Risk of Injury is to Plaintiff**

Defendants have not provided the Court any evidence warranting a finding that compliance with the fee order or posting of an appeal bond would present financial hardship or any other injury. Indeed, while Defendant IDOC vaguely asserted a general interest of the taxpayers in access to this money, Defendant Corizon offered a detailed description of the State of Idaho's solvency and the "very healthy general fund" currently at the State's disposal, Corizon Jdr. at 5-6, making an appeal bond "little more than a minor inconvenience." *Balla*, 2010 WL 3001442, at \*1. Neither IDOC nor Corizon offered evidence that payment of the judgment or posting of the bond will actually impose a concrete or specific hardship on the State of Idaho or its taxpayers. Similarly, Corizon did not offer any evidence of injury from having to pay the order or post a bond. Rather, Defendants simply stated their preference that the money remain in their own coffers. Defendants do not establish that they would suffer any injury, let alone irreparable injury, if this Court does not grant a stay.

On the other hand, Defendants' refusal to pay the judgment does cause injury to Plaintiff

and to civil rights plaintiffs generally. In the first instance, it delays payment of attorneys' fees and costs already owing for work done primarily between 2017-2020. Congress enacted 42 U.S.C. § 1988, which provides for Plaintiff's fee award, "to ensure 'effective access to the judicial process' for persons with civil rights grievances." *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983) (quoting H.R. Rep. No. 94-1558, at 1 (1976)). If the Court grants Defendants' motion to stay execution of the fee order, Plaintiff's right to "effective access to the judicial process" via the collection of attorney fees will be compromised. By extension, the rights of other civil rights plaintiffs will be similarly undermined.

Moreover, if, after losing on appeal, Corizon asserts that it is insolvent and/or has filed for bankruptcy á la the "Texas two-step," and claims it cannot pay the fee order, and IDOC, relying on Defendants' internal indemnification agreement, also refuses to pay the order, Plaintiff will be forced to go through extensive enforcement procedures to collect against Defendants that will expend substantial time and resources of Plaintiff and this Court (and the U.S. Marshal's Office). Defendants' conduct to date—refusing to pay the judgment when it became due or to post a bond on appeal, which would have automatically stayed the judgment—demonstrates the probability of this scenario. Their conduct also means that this Court should deny Defendants' request to stay Plaintiff's already-propounded Rule 69 discovery seeking information to assist in collecting against Defendants. Defendant Corizon refused to provide any substantive responses to Plaintiff's Requests for Production and the State did not even bother to acknowledge Plaintiff's demand for payment. Defendants have thus made it abundantly clear that they will pursue any and all possible avenues of obstruction to Plaintiff's execution of the fee order.

### **C. The Balance of Hardships Tips Entirely in Plaintiff's Favor**

Throughout this case, Defendants have consistently applied a scorched-earth litigation

strategy, including repeatedly failing to comply with Court orders to effectuate the injunction.<sup>6</sup> There is thus very little doubt that Defendants will continue to create as many obstacles as possible to Plaintiff's ultimate collection of fees and costs, making an appeal bond indispensable in this case. *See Mueller*, 2022 WL 614983, at \*4 ("The Defendant State of Hawaii has a history of delay and incomplete compliance with Court orders in this case" that supports the need for a supersedeas bond to protect Plaintiff's ability to collect."); *Parkcrest Builders, LLC v. Hous. Auth. of New Orleans*, No. 15-1533 c/w 16-14118, 16-15849, 2018 WL 6267285, at \*3 (E.D. La. Nov. 30, 2018) (There can be no doubt that [Housing Authority of New Orleans] has strenuously resisted satisfying the judgment it owes liberty. Indeed, HANO's refusal to reasonably cooperate spurred this extensive litigation."); *Paeste v. Guam*, No. 11-0008-CBM, 2014 WL 12725108, at \*4 (D. Guam May 28, 2014) ("This entire case is about the Government of Guam's unwillingness to timely pay its obligations. The Government of Guam has also raised baseless arguments in its present attempts to avoid paying Plaintiffs... The Court is not persuaded that the Government of Guam will pay timely should Defendants lose their appeal."); *id.* ("Defendants have already demonstrated an unwillingness to pay Plaintiffs' attorney's fees. For example, Defendants did not request a stay and offer to post a bond in this case until five months after the Court's Attorney's Fee Order.").

As this Court has previously noted, IDOC and the State of Idaho's financial stability make an appeal bond "little more than a minor inconvenience." *Balla*, 2010 WL 3001442, at \*1; *see also Mueller*, 2022 WL 614983, at \*4-5 ("Numerous courts have required government appellants to post a bond on appeal even where there is evidence of funds available to pay a judgment. . . . If there is no issue with the State's ability to pay and it is financially solvent as it

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<sup>6</sup> Because this Court is familiar with this history, Plaintiff will not restate it here, but incorporates by reference the detailed recounting in Plaintiff's filings in support of Plaintiff's motion for attorneys' fees and costs. ECF Nos. 315-1, 315-2 & 321.

contends, it ‘makes a supersedeas bond little more than a minor inconvenience’ and supports requiring the State to post the bond.”) (quoting *Balla*); accord *Parkcrest Builders*, 2018 WL 6267285, at \*4 (“A supersedeas bond can be obtained at a fraction of the price of the final judgment. Given HANO’s continued failure to establish some type of positive protection of the judgment creditor’s rights, the Court must once again reject HANO’s request to stay without posting bond.”) (internal quotation marks omitted).

Defendants only purported hardship is their spurious claim that payment of the fee order or posting a bond now would make it unreasonably complicated if Defendants should somehow succeed in overturning part of the fee order on appeal. IDOC asserts this would amount to “unscrambling the egg [f]rom an accounting standpoint,” IDOC Mot. at 11, and Corizon bemoans the “complex” collections process “due to the multiple defendants involved—including a state agency, a corporation who was acting as an agent of the State, and multiple individual defendants.” Corizon Jdr. at 4. In reality, in the unlikely event this Court’s fee order is overturned on appeal, it would result in a simple accounting transaction that a multi-billion dollar for-profit corporation and a State government entity should easily be able to grasp: if the fee award had been paid, Plaintiff would return the amount specified by the appellate court to the Defendant(s) who paid it; if the bond had been posted, the bond company would release Defendants’ surety. As Defendants acknowledged in their briefing, they are jointly and severally liable for the judgment. That judgment became due on October 31, 2022, after the 30-day automatic stay expired. Fed. R. Civ. P. 62(a) & Rifkin Decl. ¶ 2. Plaintiff may collect against any of them—and any of them, alone or in combination, can post the necessary bond, just as countless other co-litigants do. Defendants’ internal agreements or disagreements about how much each will pay do not constitute a legally cognizable hardship.

**D. Defendants' Request for a Stay Contravenes the Public Interest**

In enacting 42 U.S.C. § 1988, Congress determined that the public interest is best served by requiring government entities that violate people's civil rights to promptly pay awards of attorneys' fees and costs. As Defendants emphasize, Plaintiff's counsel accepted this civil rights case at the request of the Court on a *pro bono* basis. Allowing Defendants to evade payment of statutorily-allowed fees and costs after Plaintiff decisively proved a constitutional violation would embolden other government entities and their for-profit contractors to engage in similar behavior while also discouraging attorneys from helping the victims of such abuse vindicate their rights. The public interest underlying 42 U.S.C. § 1988 similarly supports protecting Plaintiff's ability to collect on her fee award through Defendants' posting of an appeal bond.

Defendants, on the other hand, have not made any showing that the public interest would be harmed by either payment of the fee award or posting a bond prior to obtaining a stay. *See Balla*, 2010 WL 3001442, at \*2.

**IV. The Court Should Require Defendants to Promptly Pay the Fee Order or Post an Appeal Bond for 133% of the Award**

Defendants' litigation history in this case establishes the need for an appeal bond to ensure payment not only of the original fee award—with interest that will accrue over another one-to-two years of appellate litigation—but that will also adequately cover already-incurred and future attorneys' fees and costs for enforcing the fee order, including defending it on appeal. *See Cotton v. City of Eureka*, 860 F. Supp. 2d 999, 1027 (N.D. Cal. 2012) (finding the amount of the bond should be sufficient to pay judgment plus interest, costs, and any other relief, including attorneys' fees, the appellate court may award); *see also Paeste*, 2014 WL 12725108, at \*5 (collecting cases ruling that supersedeas bonds include the amount of the judgment, costs on appeal, interest, and damages for delay). Anticipated future fees and costs include the strong

likelihood that Defendants will request a rehearing en banc after a loss from a Ninth Circuit panel, and that Defendants will then petition for certiorari review by the U.S. Supreme Court after failing to overturn the fee order through the rehearing en banc process. Defendants' prior actions demonstrate that they are also likely to multiply the litigation through various motions to stay and other appellate motions they arbitrarily file as "urgent" or "emergency," requiring immediate response by Plaintiff. And, as described herein, Defendants are already resisting Plaintiff's enforcement of the fee award, including by refusing to respond to legitimate discovery requests under Rule 69, which will ultimately require yet additional discovery and motion practice.<sup>7</sup>

Accordingly, Plaintiff requests that the Court find Defendants are not entitled to a stay without posting an appeal bond for at least 133% of the total award of fees and costs in its September 30, 2022, Order, or \$3,500,018.69.

### CONCLUSION

For the foregoing reasons, this Court should deny Defendants' motion to stay, and order that, within seven days, Defendants either pay the judgment, which is due and owing, including applicable interest, or post an appeal bond for at least 133% of the awarded amount.

Dated: December 12, 2022

Respectfully Submitted,

FERGUSON DURHAM  
HADSELL STORMER RENICK & DAI LLP  
NATIONAL CENTER FOR LESBIAN RIGHTS  
RIFKIN LAW OFFICE

By: /s/ Lori Rifkin  
Lori Rifkin  
Attorneys for Plaintiff

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<sup>7</sup> This is also a reason the Court should deny Defendants' request to stay Rule 69 discovery, as this information will be needed in order for Plaintiff to promptly collect the Judgment, either now or in the future.

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Attorneys for Plaintiff

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

ADREE EDMO (a/k/a MASON EDMO),

Plaintiff,

v.

IDAHO DEPARTMENT OF CORRECTION;  
JOSH TEWALT, in his official capacity;  
BREE DERRICK, in her official capacity; AL  
RAMIREZ, in his official capacity;  
CORIZON, LLC; and SCOTT ELIASON,

Defendants.

Case No.: 1:17-cv-00151-BLW

**DECLARATION OF LORI RIFKIN IN  
SUPPORT OF PLAINTIFF'S OPPOSITION  
TO MOTION TO STAY**

**DECLARATION OF LORI RIFKIN**

I, Lori Rifkin, hereby declare and state:

1. I am an attorney licensed to practice law in the state of California and am admitted *pro hac vice* before this Court, and am counsel of record for Plaintiff in this action. The information contained herein is based on my personal knowledge, or upon review of files and documents generated or received and regularly maintained by my office in connection with this case. If called upon, I could testify in a court of law to the accuracy of the matters set forth herein.

2. Pursuant to Fed. R. Civ. P. 62(a), this Court's September 30, 2022, fee judgment became due on October 31, 2022, after the automatic 30 day stay expired.

3. As of today's date, Defendants have not paid any amount of the Court's award of attorneys' fees and costs nor posted any appeal bond in this case.

4. As of today's date, 74 days following judgment, post-judgment interest has accrued in the amount of \$21,767.84 (\$294.16/day) at a rate of 4.08%, the applicable federal post-judgment interest rate under 28 U.S.C. Section 1961 for the week ending September 23, 2022. At the applicable rate, the amount of interest that accrues is approximately \$294.16 per day, or approximately \$8824.85 per month, or approximately \$105,898.14 per year.

5. Since the Court's fee judgment, additional fees and costs have been incurred in connection with enforcing the judgment, and substantial additional fees and costs are expected to be incurred on appeal, all of which Plaintiff reserves the right to seek at a later date.

6. On October 4, 2022, the Associated Press reported that the Idaho Department of Corrections and Corizon entered into an agreement in December 2021 through which Corizon agreed to pay the costs of any legal fees awarded to Ms. Edmo in this case. Attached as **Exhibit A** is a true and correct copy of the October 4, 2022 AP article. I have independently confirmed with a reporter that such indemnification agreement between IDOC and Corizon exists and that the agreement was signed by IDOC Director Josh Tewalt and a Corizon attorney.

7. On October 7, 2022, Boise State Public Radio News reported that the Governor of Idaho issued a statement following this Court's fee order, saying, "We were successful in vindicating

our public servants and ensuring no public dollars are paid to the former inmate or her lawyers.” The Governor further stated that he is “committed to defending our public servants from baseless legal attacks and ensuring critical public dollars are not diverted away from the priorities of keeping the public safe and rehabilitating offenders,” and “[t]hat is why I fought to ensure that the hardworking taxpayers of Idaho are not forced to pay for a convicted sex offender’s gender reassignment surgery.” Attached as **Exhibit B** is a true and correct copy of the October 7, 2022 Boise State Public Radio News article.

8. On or around October 17, 2022 and November 14, 2022, Plaintiff’s counsel Amy Whelan and I participated in telephone conferences regarding possible settlement of Defendants’ appeal of the Court’s order awarding attorneys’ fees and costs with Corizon counsel Dylan Eaton, Scott King, who identified himself as Corizon’s former General Counsel and confirmed that he is currently Chief Legal Officer for YesCare Corporation, and Isaac Lefkowitz, who identified himself as the sole Director of Corizon. No counsel or representatives from IDOC participated in these calls.

9. A statement published on businesswire reported that, on May 16, 2022, “the dedicated employees of Corizon Health are now YesCare, launching a powerful vision for correctional healthcare nationwide and announcing corporate leadership to drive the company’s next chapter. . . . YesCare, composed of the former Corizon Health team, is a leading provider of correctional healthcare services in the United States, offering quality healthcare services to states and municipalities across the country.” A true and correct copy of the statement published on businesswire is attached hereto as **Exhibit C**.

10. YesCare Corporation’s website states, “YesCare acquired all of the employees and active contracts of Corizon Health in early 2022.” YesCare’s website also states that its corporate headquarters are in Texas, and provides its client services contact information as located in Brentwood, Tennessee. Attached hereto as **Exhibit D** are true and correct copies of screenshots of YesCare’s website taken on October 20, 2022 and December 12, 2022.

11. Corizon’s principal place of business is Brentwood, Tennessee, according to the company’s LinkedIn profile and Wikipedia pages. Attached hereto as **Exhibit E** are true and correct



# EXHIBIT A

# Transgender inmate who sued Idaho to get \$2.5M in legal fees

Posted: October 4, 2022 7:21 AM

by [Associated Press](https://www.kxly.com/author/ap-content/) (https://www.kxly.com/author/ap-content/)



BOISE, Idaho (AP) — A federal judge has ordered Idaho and its prison medical care provider to pay more than \$2.5 million in legal fees to a transgender inmate who sued after she was denied gender confirmation surgery.

The cost, however, will not come out of taxpayer dollars. Instead, it will be covered by Corizon Correctional Healthcare under a separate agreement with the state.

Adree Edmo sued the state and the Idaho Department of Correction's health care provider, Corizon, in 2017, alleging that they were violating her Eighth Amendment right against cruel and unusual punishment by denying her gender confirmation surgery. Edmo identifies as female, but she had long been housed in the men's prison while she served a 10 year sentence for sexually abusing a 15-year-old boy.

In her lawsuit, she asked a judge to order the state to allow her to change her name, provide her with access to gender-appropriate clothing, transfer her to a women's correctional facility and provide her with gender confirmation surgery.

U.S. District Judge B. Lynn Winmill [ruled in 2018](https://apnews.com/article/u-s-supreme-court-nampa-idaho-bced09b07040abe323e19f299f412266) (https://apnews.com/article/u-s-supreme-court-nampa-idaho-bced09b07040abe323e19f299f412266) that the state must provide Edmo with the surgery and said that continuing to deny the treatment would place her at risk of irreparable harm. Edmo had shown that she had a serious medical need for the surgery because she had severe gender dysphoria — a condition that occurs when the incongruity between a person's assigned gender and their gender identity is so severe that it impairs their ability to function.


[LEARN MORE](#)


The state appealed Winmill's ruling,. It was two more years before Edmo [received the gender confirmation surgery](https://apnews.com/article/u-s-supreme-court-nampa-idaho-bced09b07040abe323e19f299f412266), becoming the second person in the U.S. to undergo the surgery while incarcerated. She was transferred to a women's prison to serve the remainder of her sentence, and was released in 2021.

During the appeal process, the 9th U.S. Circuit Court of Appeals dismissed Edmo's claims that Idaho Department of Correction employees and officials were "deliberately indifferent" to her medical needs. But the appellate court did find that a Corizon physician was deliberately indifferent in the case.

Edmo asked Winmill to award her more than \$2.8 million in attorney's fees and other court expenses. She was represented in the case by seven different attorneys, including Boise attorneys Deborah Ferguson and Craig Durham, lawyers with the National Center for Lesbian Rights, and representatives from several other law firms.

The judge lowered that figure to roughly \$2.5 million after agreeing with the defendants that some of the charges were too high — including hourly rates for a few hearings that multiple attorneys attended.

Corizon and the Idaho Department of Correction agreed in December that Corizon pay the costs of any legal fees awarded to Edmo in the case, and in exchange the state wouldn't ask Corizon to also cover the cost of the state's attorneys.

Corizon's contract with the state includes wording that says it must defend and "hold harmless" the state from any claims or costs incurred because of negligent or wrongful acts of Corizon employees.

**READ: [Supreme Court hears N. Idaho family's lawsuit in first day back](https://www.kxly.com/supreme-court-hears-n-idaho-familys-lawsuit-in-first-day-back/)**

**READ: [University of Idaho prohibits faculty from promoting abortion, birth control](https://www.kxly.com/university-of-idaho-prohibits-faculty-from-promoting-abortion-birth-control/)**

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# EXHIBIT B



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## Mountain West News Bureau

A regional collaboration of public media stations that serve the Rocky Mountain States of Colorado, Idaho, Nevada, New Mexico, Utah and Wyoming.

# Idaho's failed legal fight against an inmate's gender affirming surgery nets plaintiffs' attorneys \$2.58 million in fees

Boise State Public Radio News | By [Madelyn Beck](#)

Published October 5, 2022 at 10:01 AM MDT



LISTEN • 1:21



Black And Pink / Facebook

Adree Edmo became the first incarcerated person to get court-ordered gender confirmation surgery in July 2020. Now, the team of lawyers that fought for her treatment will be granted nearly \$2.6 million in attorneys' fees.

Back in 2017, Edmo's attorneys sued the Idaho Department of Correction and its health insurance provider to secure gender reassignment surgery for Edmo.

They argued she had life-threatening gender dysmorphia – a condition where a person experiences significant stress over being born in a body that doesn't match their gender

BSPR News On-Air  
**All Things Considered**

identity – and that the surgery was healthcare that should be provided by the state and its former private insurance provider, Corizon.

Edmo's attorneys argued that not doing so was cruel and unusual punishment. An Idaho district court judge agreed in 2018, before the case was appealed to the 9th Circuit Court.

Then, those circuit court judges agreed, too. In 2019, they found that the state must provide Edmo's sex reassignment surgery, writing "responsible prison officials were deliberately indifferent to Edmo's gender dysphoria, in violation of the Eighth Amendment."

The state appealed to the U.S. Supreme Court, which declined to hear the case.

Edmo got that surgery in 2020, was transferred to a women's prison, and was released from prison July 2021. She was serving a 10-year sentence for sexually abusing a 15-year-old boy when she was 22.

Since then, the team of lawyers who represented Edmo sought attorney fees from the losing parties. Late last year, they requested about \$2.82 million in fees, saying they had represented Edmo on a "contingency basis," knowing they may never be compensated.

"Securing competent counsel to represent Ms. Edmo was especially important given the unpopularity of her case ... and the legal landscape in Idaho," they wrote. "Idaho has no state laws that expressly protect transgender people from discrimination and was the first state to try to ban transgender children from playing sports."

Idaho Federal District Judge B. Lynn Winmill reduced the attorneys' request to about \$2.58 million over several things like vague timesheets and items that can't be reimbursed, like time talking to the press.

One of Edmo's attorneys, Amy Whelan with the National Center for Lesbian Rights, said the court's decision was a "detailed and thoughtful decision."

"Federal law requires defendants to pay the reasonable attorney fees and costs of a civil rights plaintiff that proves that her civil rights complaint has been violated, so this order reflects that law," she said.

Winmill also felt the requested hourly rates for attorneys was reasonable, including \$465 an hour for many of the lawyers. Winmill stated that this rare increased payment was warranted, given the unique technicalities in the case, the attorney's success and the general rates for Boise counsel.

Boise civil rights attorney Howard Belodoff submitted a declaration attesting to the

He said in an interview that it may seem like a lot, but in this case, “it required a lot of expert testimony, and it took an exceptional amount of time, and it also required the primary attorney to devote all her efforts to this particular case.”

Beyond that, he said people should also question the decision of bodies like the state of Idaho in fighting these cases – and accruing these fees.

“They choose to do that, and if they choose to do that, the consequence is: When you lose, you pay. It’s as simple as that,” he said.

Belodoff noted that the state could still appeal Winmill’s attorney fee decision to the 9th Circuit Court.

[According to the Associated Press](#), the Idaho Department of Correction won’t be paying those attorney fees, but instead insurance provider Corizon will pay while the state pays its own attorneys for years of litigation.

Gov. Brad Little issued a statement about the finding, saying, “We were successful in vindicating our public servants and ensuring no public dollars are paid to the former inmate or her lawyers.”

Little did not mention how much time and resources state attorneys spent on this case.

He added that he’s “committed to defending our public servants from baseless legal attacks and ensuring critical public dollars are not diverted away from the priorities of keeping the public safe and rehabilitating offenders.”

“That is why I fought to ensure that the hardworking taxpayers of Idaho are not forced to pay for a convicted sex offender’s gender reassignment surgery, especially when it is contrary to the medical opinions of the treating physician and multiple mental health professionals.”

However, the 9th Circuit Court found that even though Edmo’s doctor and two other physicians agreed with a treatment plan excluding surgery, “general agreement in a medically unacceptable form of treatment does not somehow make it reasonable.”

“It is enough that [her doctor] knew of and disregarded an excessive risk to Edmo’s health by rejecting her request for [gender confirmation surgery] and then never re-evaluating his decision despite ongoing harm to Edmo,” the judges wrote.

Edmo’s case could affect how prisons across the nation handle transgender inmates with gender dysphoria and their medical needs.

**For a more in-depth look at Adree Edmo’s case, [check out the Mountain West News Bureau podcast](#) [Locked](#)**

BSPR News On-Air

**All Things Considered**

*This story was produced by the Mountain West News Bureau, a collaboration between Wyoming Public Media, Boise State Public Radio in Idaho, KUNR in Nevada, the O'Connor Center for the Rocky Mountain West in Montana, KUNC in Colorado, KUNM in New Mexico, with support from affiliate stations across the region. Funding for the Mountain West News Bureau is provided in part by the [Corporation for Public Broadcasting](#).*

**Tags**

Law & Justice

Adree Edmo

idoc

Transgender Rights



**Madelyn Beck**

Madelyn Beck is Boise State Public Radio's regional reporter with the Mountain West News Bureau.

[See stories by Madelyn Beck](#)

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4 hours ago



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December 5, 2022



Julia Tai will conduct Handel's 'Messiah' for Boise Philharmonic

December 5, 2022

# EXHIBIT C



## Leading Healthcare Group Forms YesCare, Debuting New Vision and Leadership

*Led by CEO Sara Tirschwell and new C-suite leadership, YesCare will advance an innovative and more compassionate model of care for correctional patients*

*Key priority areas include women's health and behavioral health services including therapies for addressing suicide and addiction across its facilities nationwide*

May 16, 2022 08:07 AM Eastern Daylight Time

HOUSTON--(BUSINESS WIRE)--Today, the dedicated employees of Corizon Health are now YesCare, launching a powerful vision for correctional healthcare nationwide and announcing corporate leadership to drive the company's next chapter. Under CEO Sara Tirschwell's stewardship, YesCare will partner with state and local government clients to set and deliver on higher standards for care in corrections.

"YesCare is committed to outcome-driven solutions for the patients and communities we serve. We will lead the industry toward the earlier and more concentrated deployment of resources because reentry preparation should start the moment an individual enters our care," **Ms. Tirschwell** said. "To accomplish this, we are proud to have the most diverse executive leadership in the industry, a reflection of our diverse and talented workforce. Together, our mission is to turn the goals of recovery and rehabilitation into a reality."

Understanding that 95% of incarcerated individuals return to society, the company is investing in an expanded roster of programming, from expanded wellness to behavioral health, addiction treatment, suicide prevention, care for the aging and women's health education.

Central to this focus will be a nationwide expansion of YesCare's recently piloted suicide prevention program and YesCare's Women's Health Education, which debuted at the state of Maryland's Correctional Institution for Women in 2020. The landmark program educates women on their individual healthcare needs, empowering them with the skills for self-care and the tools to access external care.

Led by Ms. Tirschwell, YesCare's experienced senior team has a thoughtfully constructed strategy to guide the company through a pivotal time. Staffing challenges, criminal justice reform, the aging of the prison population, rising substance use, suicides and mental health issues and a growing awareness of the importance of saving productive lives, collectively set the stage for change. YesCare is utilizing all of its corporate resources, and those of its related companies, to meet staffing needs and is prioritizing the perspectives of its clinical and operational experts in solving for better risk-adjusted patient and societal outcomes.

Tirschwell comes to YesCare after a successful thirty-year career in finance, where she distinguished herself as a forward-thinking, hands-on investor. She subsequently moved into executive leadership where she quickly established herself as a change agent. Tirschwell brings highly relevant experience to YesCare from behavioral health, government relations, and decades of investing in healthcare services.

A number of newly promoted staff will steer YesCare toward a more compassionate future in correctional care, including:

- **Dana Bell, Chief of Staff**, serves as a client advocate and provides strategic and administrative support to the CEO. She also coordinates new business development and contract retention for the company's clients nationwide. She is actively involved in strategic sales planning, proposal development, pro forma development, and ongoing client satisfaction. Bell brings over 15 years of corrections industry experience.
- **Brandon De Julius, Chief Administrative Officer**, oversees operations and implements YesCare strategies to meet client needs. De Julius has been with YesCare for over 12 years, based in Philadelphia where he previously served as Vice President for the company's contract with the Philadelphia Department of Prisons.
- **Regina Lindsay, Senior Vice President of Human Resources**, leads all YesCare Human Resources functions including talent management, recruiting, compensation and benefits, employee engagement, HR

operations, labor relations and a commitment to promote a culture of continuous growth and development in the business. Lindsay has spent more than 15 years in various organizations providing strategic HR guidance to senior leaders.

- **Michael Middleton, Chief Information Officer**, is responsible for the organization's overall information technology strategy, initiatives, and associated operations. He brings over 20 years of IT experience in a variety of roles working largely with state organizations.
- **Leonora Muhammad, DNP, APRN, Chief Nursing Executive**, heads patient care provided by all site, regional and corporate nursing teams. Dr. Muhammad evaluates patient services processes across the organization for quality, cost effectiveness, efficiency, and regulatory compliance.
- **Michael Murphy, SVP of State Client Relations and Business Development**, builds, maintains and strengthens relationships with YesCare's State partners to achieve client goals and identifies opportunities for future growth. Murphy joined YesCare after more than 35 years in the corrections industry.
- **Mary Silva, MBA, BSN, RN, Chief Clinical Officer**, develops and executes clinical strategies that prioritize staffing, safety and effectiveness. She has over 25 years of correctional healthcare administration and nursing experience.
- **Bruce Teal, SVP of Community Client Relations and Business Development**, builds, maintains and strengthens relationships with YesCare's city and county partners to achieve client goals and identifies opportunities for future growth. Teal joined YesCare after more than 25 years in the corrections industry.
- **Steve Tomlin, SVP of Reentry and Community Partnerships**, oversees reentry, behavioral health programs, and community partnerships. Tomlin has 30 years experience in facility management, hands-on operations, behavioral health, and quality control.
- **Dr. Anthony Waters, PsyD, Chief of Behavioral Health**, coordinates and heads behavioral health services. Dr. Waters has over 14 years of experience in correctional behavioral health.

Utilizing state of the art technology, YesCare's approach delivers curated, quality healthcare centered around giving individuals the tools to succeed in and out of the correctional space. Targeted specifically to support a disproportionately trauma-inflicted population, this vision will solidify YesCare's standing as the most compassionate provider of correctional healthcare.

YesCare is part of a consortium of related entities that includes healthcare staffing companies with over 19,000 healthcare professionals, hundreds of skilled nursing homes and assisted living facilities, laboratories and pharmacies, addiction treatment companies (including MAT), among others.

#### **About YesCare**

YesCare, composed of the former Corizon Health team, is a leading provider of correctional healthcare services in the United States, offering quality healthcare services to states and municipalities across the country. Built on more than 40 years of innovation and expertise, the YesCare team provides services at 52 facilities across the nation, serving an average of 50,000 patients each day. YesCare offers comprehensive solutions for dental care, medical care, behavioral care, pharmaceutical and re-entry services. YesCare's compassionate model puts the best interests of patients and communities first.

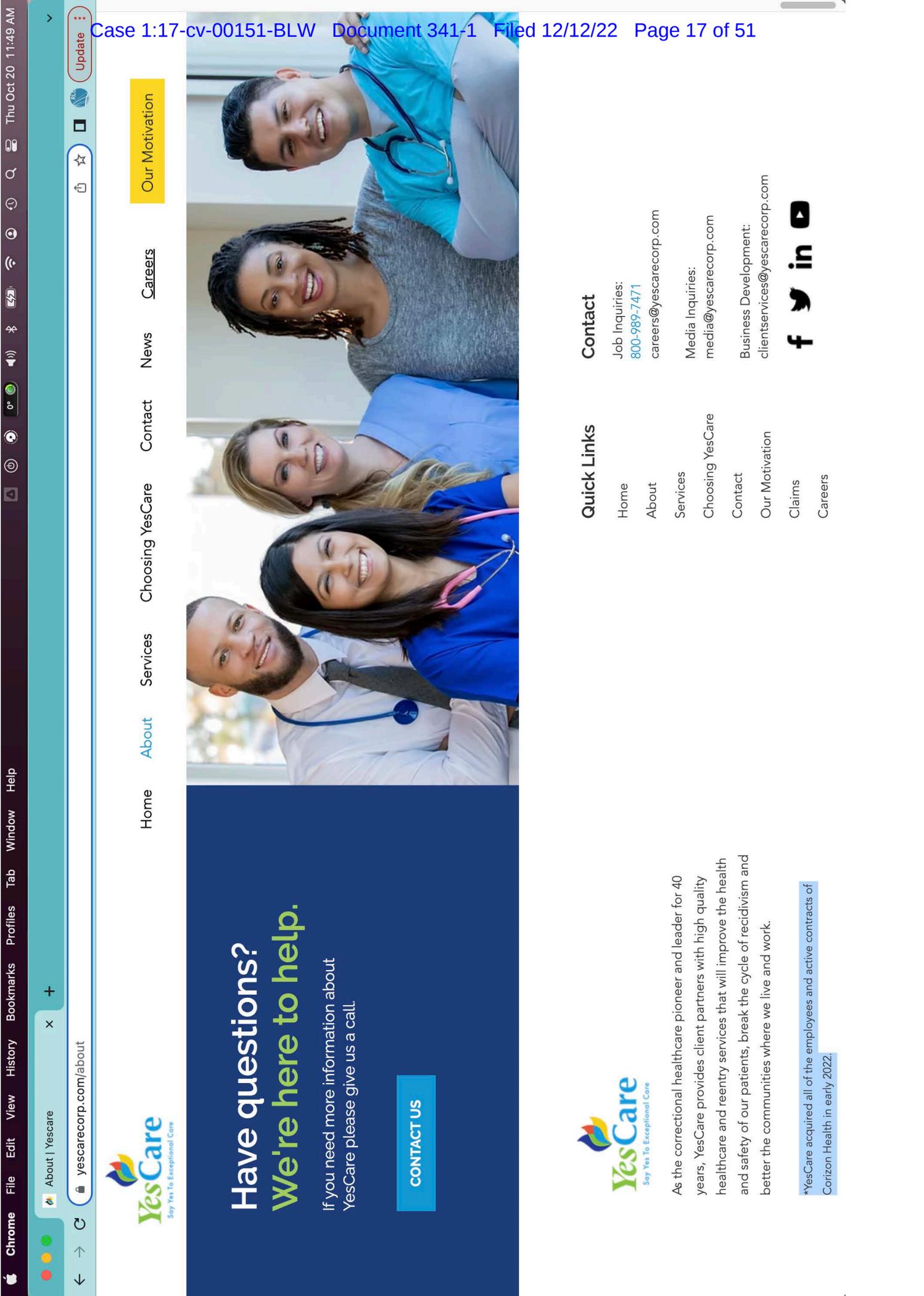
For more information, please visit [www.yescarecorp.com](http://www.yescarecorp.com).

#### **Contacts**

**Alex Macfarlane, SKDK**

**[amacfarlane@skdknick.com](mailto:amacfarlane@skdknick.com)**

# EXHIBIT D



Update

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Home

Our Motivation



# Have questions? We're here to help.

If you need more information about YesCare please give us a call.

CONTACT US



As the correctional healthcare pioneer and leader for 40 years, YesCare provides client partners with high quality healthcare and reentry services that will improve the health and safety of our patients, break the cycle of recidivism and better the communities where we live and work.

\*YesCare acquired all of the employees and active contracts of Corizon Health in early 2022.

## Quick Links

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- Choosing YesCare
- Contact
- Our Motivation
- Claims
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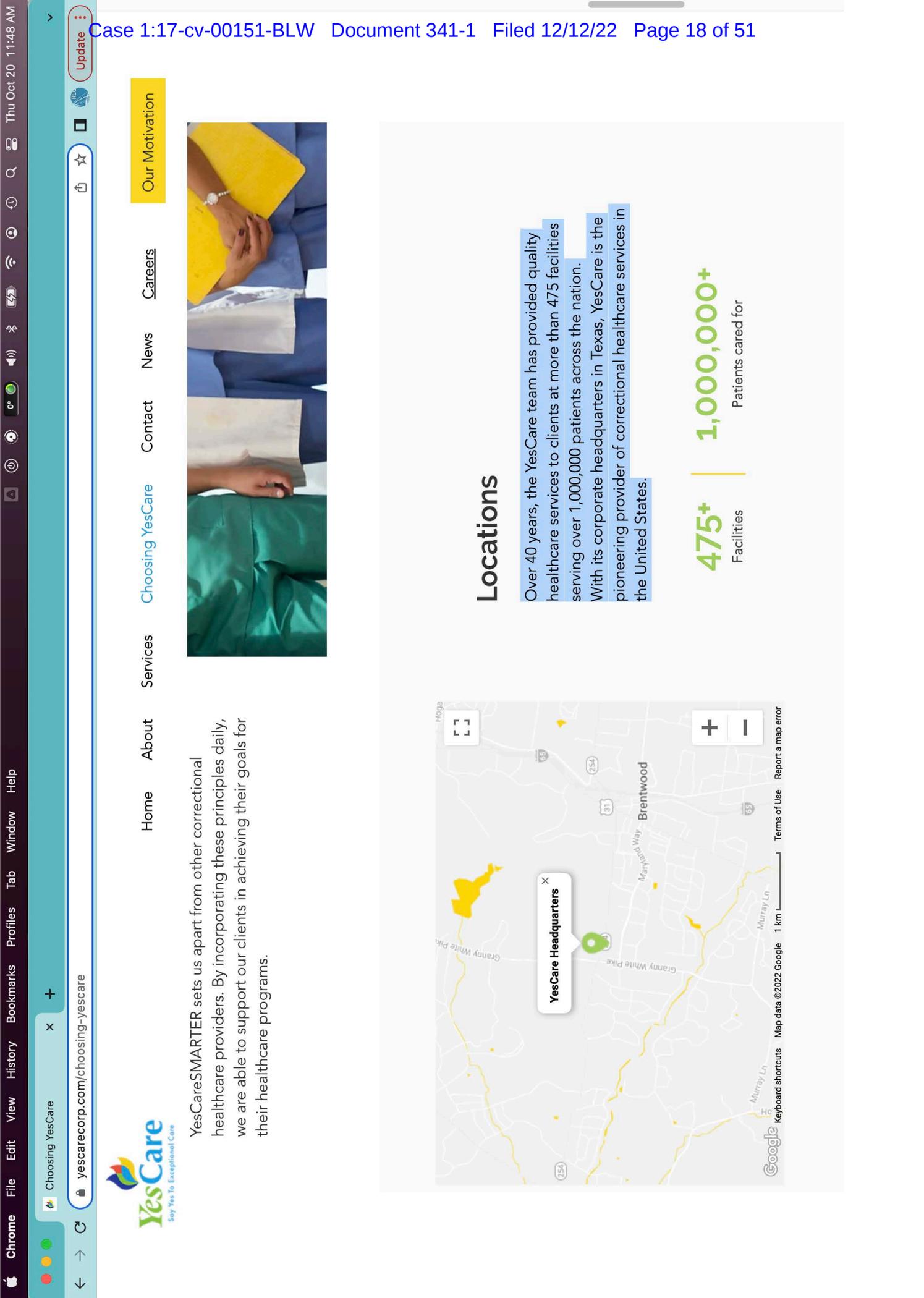
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Job Inquiries:  
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careers@yescarecorp.com

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clientservices@yescarecorp.com

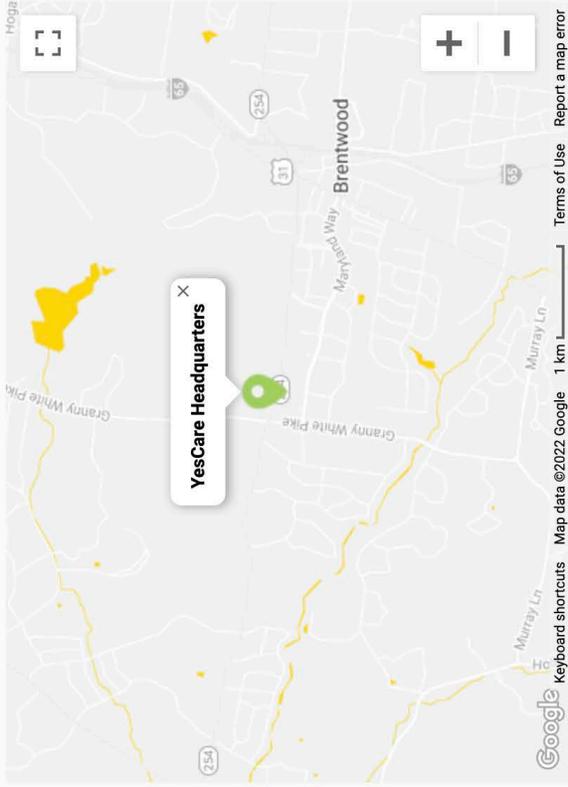




YesCareSMARTER sets us apart from other correctional healthcare providers. By incorporating these principles daily, we are able to support our clients in achieving their goals for their healthcare programs.



Our Motivation



## Locations

Over 40 years, the YesCare team has provided quality healthcare services to clients at more than 475 facilities serving over 1,000,000 patients across the nation. With its corporate headquarters in Texas, YesCare is the pioneering provider of correctional healthcare services in the United States.

475+ Facilities | 1,000,000+ Patients cared for

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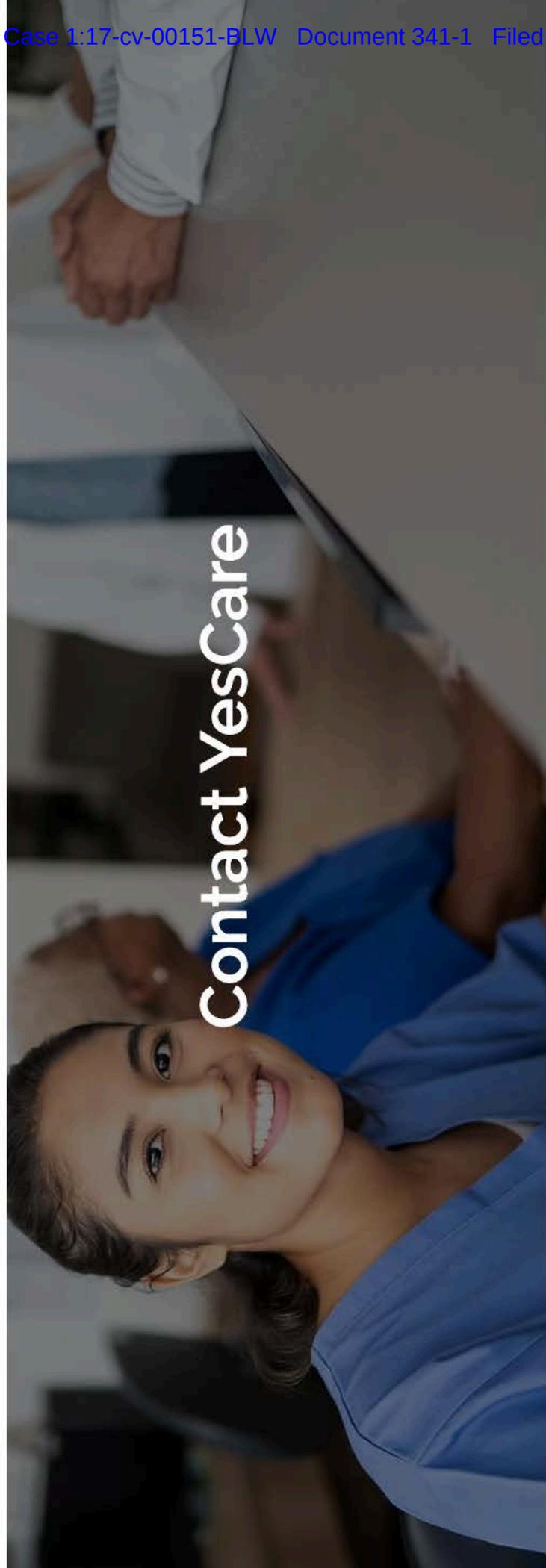
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Our Motivation

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# Contact YesCare

## YesCare Client Services

205 Powell Place, Suite 104 | Brentwood, TN 37027 | 800-729-0069 | [clientservices@yescarecorp.com](mailto:clientservices@yescarecorp.com)

## YesCare Careers Contact

For questions regarding our employment opportunities please fill out the form [below](#).

## Media Contact

If you are a member of the news media, we want to respond quickly and accurately to any questions you may have. Please send your inquiry and our team will contact you right away: [media@yescarecorp.com](mailto:media@yescarecorp.com)

# EXHIBIT E



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Clinically-focused.  
Patient-centered.  
Evidence-based.

## Corizon Health

Clinically-focused. Patient-centered. Evidence-based.

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### About

As the correctional healthcare pioneer and leader for 40 years, Corizon Health provides client partners with high quality healthcare and reentry services that will improve the health and safety of our patients, reduce recidivism and better the communities where we live and work.

See all details

### Page posts



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We have had a great time exhibiting at the 40th Annual Jail Improvement Conference hc ...see more



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# Corizon

From Wikipedia, the free encyclopedia

**Corizon Health, Inc.**, formed by a 2011 merger of **Correctional Medical Services, Inc. (CMS)** and **Prison Health Services, Inc. (PHS)**, is a privately held prison healthcare contractor in the United States.<sup>[4]</sup> The company provides healthcare and pharmacy services (PharmaCorr) to approximately 28 clients in 15 U.S. states, including 139 state prisons, municipal jails, and other facilities. Serving over 115,000 inmates, Corizon Health offers dental, mental health, optometry services, and substance abuse treatment as well as general healthcare.<sup>[5]</sup> The company is headquartered in Brentwood, Tennessee.<sup>[6]</sup>

In October 2019, senior director of quality and patient safety Leonora Muhammad became the second recipient of the Young Professional award from the National Commission on Correctional Health Care.<sup>[7]</sup>

<b>Contents</b> <span>[hide]</span>
1 Merger
2 Controversies
3 See also
4 References
5 External links

## Merger [ edit ]

CMS became Corizon Health, Inc., in 2011,<sup>[8]</sup> after essentially merging its operations with PHS Correctional Healthcare (previously known as Prison Health Services, Inc.), its largest competitor in the correctional health care industry. PHS's headquarters, in Brentwood, Tennessee, is now the headquarters for Corizon Health. The company has been majority-owned by hedge fund BlueMountain Capital Management for a few years until the private investment company Flacks Group acquired the company in 2020. Flacks Group is now a sole investor in Corizon Health. With the Flacks Group acquisition, Corizon Health managed to reduce its debt burden. The transaction included an acquisition of PharmaCorr that is Corizon's in-house pharmacy. Corizon Health's PharmaCorr is the only in-house pharmacy in the corrections industry.<sup>[9][10][citation needed]</sup>

## Controversies [ edit ]

Corizon was sued for malpractice 660 times between 2011 and 2016.<sup>[11][12]</sup>



<b>Type</b>	Private
<b>Founded</b>	1978 (Before 2011 known as CMS) <sup>[1]</sup>
<b>Headquarters</b>	Brentwood, Tennessee, United States
<b>Key people</b>	CEO James Hyman
<b>Revenue</b>	\$1.5 billion in 2015 <sup>[2]</sup>
<b>Owner</b>	Flacks Group <sup>[3]</sup>



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# EXHIBIT F

FLACKS GROUP < <https://flacksgroup.com> >

News < <https://flacksgroup.com/category/news/> >

July 13, 2020

## Nashville Business Journal: Flacks Group takes a longer-term view on Corizon and reduces its debt



Area mergers and acquisitions have largely been put on pause due to Covid-19, but one deal that did get done...

Area mergers and acquisitions have largely been put on pause due to Covid-19, but one deal that did

**FLACKS GROUP** < <https://flacksgroup.com> >

Hyman said. "As we started to talk to people in the industry ... we realized that we were going to face other types of investors that might be better than our previous investors. Our previous investors were basically banks and the private equity firms. They have a pretty clear mandate of rapid growth, rapid exit. ... What we got [instead] was someone who could take a longer-term view ... and they were willing to substantially reduce our debt burden."

Brentwood-based Corizon, which provides health care services to the prison industry, announced last week it had been bought by investment firm Flacks Group.

Terms of the deal were not disclosed, and Hyman would not disclose Corizon's pre-deal debt level except to say, "It was a lot of debt, and we substantially reduced it."

Corizon provides primary medical services, behavioral health, dental care and pharmacy services to 149 facilities in 16 states, employing more than 5,000 people, according to the release. The company generates approximately \$800 million in annual revenue.

The sale comes less than a year after Hyman was named CEO of Corizon, replacing Steve Rector.

Miami-based Flacks Group specializes in the "operational turn-around of under-utilized companies," according to a news release announcing the sale. The firm employs more than 7,500 people and has more than \$2.5 billion of assets under management.

Despite not having experience in the corrections or health care industries, Hyman said Flacks was a good fit for Corizon because they can provide the necessary tools to improve and grow the business. While much of that plan is on hold due to the pandemic, Hyman said Corizon hopes to continue to win new contracts in the coming months.

"What they have invested in in the past is management teams that have a clear view of what they want to do to drive a successful business, and Flacks can provide the resources and support to enable that plan," Hyman said. "For us ... Flacks gives us a partner that isn't driven by immediate short-term needs. ... They bring a partnership owner that's willing to take management's plan and invest in that and be a part of it."

Hyman said the company is not anticipating a vaccine to be widely available until the middle of 2021, which means not only could the company's growth be slowed but that Corizon must continue to care for corrections inmates in a pandemic environment.

Hyman said that virtually every state prison system has moved to 100% testing but that not all local jails are testing each detainee as they come in. Inmates that are sick are isolated in an infirmary or sent to a hospital, if necessary.

**FLACKS GROUP** < <https://flacksgroup.com> >

process, helping our patients through that process is going to be all consuming for the next 12 months.”

see more: [The Business Journals](#) <

<https://www.bizjournals.com/nashville/news/2020/07/13/reasoning-for-corizons-sale-was-simple-debt.html>>

---

**News** < <https://flacksgroup.com/category/news/> >



## Latest news and insights



# EXHIBIT G

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(*pro hac vice*)  
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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

ADREE EDMO (a/k/a MASON EDMO),

Plaintiff,

v.

IDAHO DEPARTMENT OF CORRECTION;  
JOSH TEWALT, in his official capacity;  
BREE DERRICK, in her official capacity; AL  
RAMIREZ, in his official capacity; HOWARD  
KEITH YORDY, in his individual capacity;  
CORIZON, LLC; SCOTT ELIASON;  
MURRAY CRAIG; RONA SIEGERT;  
CATHERINE WHINNERY; and DOES 1-15;  
Defendants.

Case No.: 1:17-cv-00151-BLW

**PLAINTIFF'S REQUESTS FOR  
PRODUCTION OF DOCUMENTS TO  
DEFENDANT CORIZON, LLC; FED. R. CIV.  
P. 69, SET ONE**

**PROPOUNDING PARTY:** PLAINTIFF Adree Edmo  
**RESPONDING PARTY:** DEFENDANT Corizon, LLC  
**FRCP 69 SET NUMBER:** ONE

Pursuant to Rules 26, 34, and 69 of the Federal Rules of Civil Procedure, Plaintiff Adree Edmo hereby requests that Defendant Corizon, LLC. produce for inspection and copying the documents and things requested herein within 30 days after service of this request, at the offices of FERGUSON DURHAM, PLLC, 223 N. 6th Street, Suite 325, Boise, ID 83702, or at such other time and place as shall be mutually agreed upon by the parties.

## **I. DEFINITIONS AND SCOPE**

### **A. DEFINITIONS**

1. The terms “RESPONDING PARTY,” “YOU,” or “YOUR” refer to, without limitation, Defendant Corizon, LLC. and all officers, representatives, employees, agents, consultants, attorneys, and any other person(s) acting or purporting to act on Corizon, LLC’s behalf.

2. The term “DOCUMENT” has the meaning prescribed in Rule 34 of the Federal Rules of Civil Procedure, and includes the original and every non-identical copy or reproduction in YOUR possession, custody, or control, and further is used in a broad sense to refer to any tangible object or electronic image or file that contains, conveys, or records information. DOCUMENT has the broadest possible meaning and includes anything coming within the definition of “writings” and “recordings” as set forth in Rule 1001(1) of the Federal Rules of Evidence. DOCUMENT includes, but is not limited to, all of the following: papers, communications, correspondence, emails, MS Excel files, MS Word files, MS PowerPoint files, text files, text messages, instant messages, postings on internet websites or blogs or social media including Twitter and Facebook, training manuals, employee manuals, policy statements, trade letters, envelopes, memoranda, telegrams, cables, notes, messages, reports, studies, press releases, comparisons, books, accounts, checks, audio and video recordings and transcriptions

thereof, pleadings, testimony, articles, bulletins, pamphlets, brochures, magazines, questionnaires, surveys, charts, maps, plans, graphs, computer programs, photographs, newspapers, calendars, desk calendars, pocket calendars, lists, logs, publications, notices, diagrams, instructions, diaries, minutes of meetings, orders, resolutions, agendas, memorials or notes of oral communications (whether by telephone or face-to-face), contracts, agreements, memoranda of understanding, and letters of intent. DOCUMENT includes any writings recorded or stored in any medium or location, including desktop computers, laptops, PDAs, cell phones, home computers used for work, calendars, computer tapes, computer drives or memories, computer diskettes or disks, email, CD-ROMs, DVDs, BlackBerrys, iPhones, or other similar handheld devices used to send and receive electronic mail, instant messaging (“IM”), blog or other internet or intranet posting, text messages, Twitter postings, Facebook postings, social media websites, cloud storage services such as DropBox and Google+, or any other tangible thing on which any handwriting, typing, printing, photostatic, electronic or other form of communication or information is recorded or reproduced. DOCUMENT also includes all notations on any of the foregoing; all originals, file copies or other unique copies of the foregoing; all versions or drafts of the foregoing, whether used or not; and all metadata.

3. “COMMUNICATIONS” refers to any oral, written, in person, or any other form of relay, transmission, or transference of information by any means whatsoever, including, but not limited to, by way of meetings, conferences, mail, computer, telephone, telefax, telex, voice mail, electronic mail, radio, video, sound recordings, television, social media (including but not limited to Twitter, Facebook, Instagram, and Snapchat) messages or postings, instant messaging (“IM”), internet or intranet postings, blog postings, messages or comments made on websites or message boards, messages made through applications on smart phones or tablets, or any other medium.

4. “ELECTRONICALLY STORED INFORMATION” or “ESI” carries its broadest possible meaning consistent with Fed. R. Civ. P. 34(a) and Fed. R. Evid. 1001.

5. “NATIVE FORMAT” means the format of ESI in the application in which such ESI was originally created.

6. “RELATE” or “RELATE TO” means referring, regarding, describing, referencing, or pertaining, in any manner whatsoever, in whole or in part, directly or indirectly, implicitly or explicitly.

7. “Any” and “All,” as used herein, shall include “each” and “every” and are not to be construed to limit a request.

8. “INCLUDING” means “including, but not limited to,” and is not to be construed to limit a request.

9. In interpreting these requests, any masculine, feminine or neutral term includes all other genders; the singular includes the plural and vice versa; the words “or,” “and” and “and/or,” shall be read in the conjunctive and in the disjunctive whenever they appear, and shall be read to bring within the scope of request the broadest amount of information.

10. “IDOC” refers to the Idaho Department of Correction.

11. “CORIZON” refers without limitation, to Corizon, LLC, and all officers, representatives, employees, agents, consultants, attorneys, and any other person(s) acting or purporting to act on Corizon, LLC’s behalf.

## **B. SCOPE**

1. Requests for production of DOCUMENTS are inclusive of requests for ELECTRONICALLY STORED INFORMATION.

## **II. INSTRUCTIONS**

1. For each item or category, YOUR written response must either state that inspection and related activities will be permitted as requested, or state an objection to the request, including the reasons for the objection. An objection to part of a request must specify the part and permit inspection of the rest. (Fed. R. Civ. P. 34(b)).

2. Documents shall be produced as they are kept in the usual course of business, or

shall be organized and labeled to correspond with the categories in the request. (Fed. R. Civ. P. 34(b)(i)). Any ESI should be produced in NATIVE FORMAT, along with any applications/programs necessary to read such ESI, if applicable.

3. If YOU produce a document that falls within the specifications of more than one request, please identify each request to which the document responds.

4. Responsive documents shall be produced without deletion or redaction and include all notes, cover memoranda, routing slips, appendices, drafts, revisions, attachments and enclosures.

5. In responding the following requests, YOU are required to furnish such information as is available to YOU, including but not limited to information in the possession of YOUR investigators, employees, agents, representatives, guardians, attorneys, investigators for YOUR attorneys, or any other person or persons acting on YOUR behalf.

6. If YOU cannot fully produce the documents requested below after exercising due diligence to secure them, respond and produce the document(s) to the extent possible, specify the portion of any request for production of documents to which YOU are unable fully to respond, state the facts upon which YOU base YOUR contention that YOU are unable fully to respond to such portion, and state any knowledge, information, or belief YOU have concerning such portion.

7. If YOU object to the production of any document on the grounds that it is protected from disclosure by the attorney-client privilege, work-product doctrine, or any other privilege, YOU are requested to identify each document for which the privilege is claimed and give all information required by applicable case law, including but not limited to the following:

- (a) The name of the writer, sender, or initiator of each copy of the document;
- (b) The name of the recipient, addressee, or party to whom any copy of the document was sent, or who received any copy of the document;
- (c) The date of each copy of the document, if any, or an estimate of its date;

- (d) A statement of the basis for the claim of privilege; and
- (e) A description of the document sufficient for the Court to rule on the applicability and appropriateness of the claimed privilege.

8. If in answering these requests YOU claim any ambiguity in either a request or a definition or instruction applicable thereto, identify in YOUR response the language YOU consider ambiguous and state the interpretation YOU are using in responding.

9. If YOU or YOUR attorneys know of the existence, past or present, or any document described in any of these requests, but such document is not presently in YOUR possession, custody, or control or in the possession, custody, or control of YOUR agents, representatives, or attorneys, YOU shall so state in response to the request, identify such document in response to the request, and identify the individual in whose possession, custody, or control the document was last known to reside. If any responsive documents have been destroyed or otherwise removed from YOUR custody or control, please state when, how, and why such document was destroyed or removed from YOUR custody.

10. The obligation to provide the documents and things sought by these discovery requests is continuing pursuant to the requirements of Rule 26(e) of the Federal Rules of Civil Procedure.

### **III. REQUEST FOR PRODUCTION OF DOCUMENTS**

#### **REQUEST FOR PRODUCTION NO. 1:**

Any and all DOCUMENTS RELATING TO agreements or contracts between CORIZON and Flacks Group RELATING TO the acquisition of CORIZON by Flacks Group.

#### **REQUEST FOR PRODUCTION NO. 2:**

Any and all DOCUMENTS RELATING TO agreements or contracts between CORIZON and Flacks Group RELATING TO any assumption of assets, debts, or liabilities.

#### **REQUEST FOR PRODUCTION NO. 3:**

Any and all DOCUMENTS RELATING TO agreements or contracts between CORIZON and

Flacks Group RELATING TO reduction of CORIZON'S debt level, as referenced, for example, by James Hyman in an article on Flacks Group's website dated July 13, 2020 (available at <https://flacksgroup.com/flacks-group-takes-a-longer-term-view-on-corizon-and-reduces-its-debt/>).

**REQUEST FOR PRODUCTION NO. 4:**

Any and all DOCUMENTS RELATING TO agreements or contracts between CORIZON, Flacks Group, and/or YesCare Corp. RELATING TO any assumption of assets, debts, or liabilities.

**REQUEST FOR PRODUCTION NO. 5:**

Any and all DOCUMENTS RELATING TO YesCare's acquisition of all the employees and active contracts of CORIZON, as referenced, for example on YesCare Corp.'s website (available at <https://www.yescarecorp.com/about>).

**REQUEST FOR PRODUCTION NO. 6:**

Any and all DOCUMENTS RELATING TO the restructuring, reorganization, or other business transition of CORIZON to YesCare.

**REQUEST FOR PRODUCTION NO. 7:**

Any and all DOCUMENTS reflecting or RELATING TO the current assets of CORIZON.

**REQUEST FOR PRODUCTION NO. 8:**

Any and all DOCUMENTS reflecting or RELATING TO the current assets of YesCare Corp.

**REQUEST FOR PRODUCTION NO. 9:**

Any and all DOCUMENTS reflecting or RELATING TO the current assets of Flacks Group.

**REQUEST FOR PRODUCTION NO. 10:**

Any and all DOCUMENTS reflecting or RELATING TO the current debts and liabilities of CORIZON.

**REQUEST FOR PRODUCTION NO. 11:**

Any and all DOCUMENTS reflecting or RELATING TO the current debts and liabilities of YesCare Corp.

**REQUEST FOR PRODUCTION NO. 12:**

Any and all DOCUMENTS reflecting or RELATING TO the current debts and liabilities of Flacks Group.

**REQUEST FOR PRODUCTION NO. 13:**

Any and all DOCUMENTS reflecting bank accounts currently maintained by CORIZON.

**REQUEST FOR PRODUCTION NO. 14:**

Any and all DOCUMENTS reflecting bank accounts currently maintained by YesCare Corp.

**REQUEST FOR PRODUCTION NO. 15:**

Any and all DOCUMENTS reflecting bank accounts currently maintained by Flacks Group.

**REQUEST FOR PRODUCTION NO. 16:**

Any and all DOCUMENTS RELATING TO the corporate governance or organizational structure of CORIZON from 2017 through present.

**REQUEST FOR PRODUCTION NO. 17:**

Any and all DOCUMENTS RELATING TO the corporate governance or organizational structure of YesCare Corp. from 2021 through present.

Dated: November 2, 2022

Respectfully Submitted,

NATIONAL CENTER FOR LESBIAN RIGHTS  
FERGUSON DURHAM  
HADSELL STORMER & RENICK LLP  
RIFKIN LAW OFFICE

By: /s/ Lori Rifkin

Lori Rifkin  
Attorneys for Plaintiff

**PROOF OF SERVICE**

I am employed in the county of Alameda, State of California. I am over the age of 18 and not a party to the within action; my business address is 3630 High St., #18917, Oakland, CA 94619.

On November 3, 2022, I served the foregoing document described as: **PLAINTIFF’S REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANT CORIZON LLC, FED. R. CIV. P. 69**, on the interested parties in this cause as follows:

Steven R. Kraft Special Deputy Attorney General Moore Elia Kraft & Hall, LLP Post Office Box 6756 Boise, Idaho 83707 Telephone: (208) 336-6900 Facsimile: (208) 336-7031 Emails: steve@melawfirm.net	Attorneys for Defendants IDAHO DEPARTMENT OF CORRECTION; JOSH TEWALT, in his official capacity; BREE DERRICK, in her official capacity; AL RAMIREZ, in his official capacity; HOWARD KEITH YORDY, in his individual capacity.
J. Kevin West, Esq. Dylan A. Eaton, Esq. Parsons, Behle & Latimer 800 W. Main Street, Suite 1300 Boise, Idaho 83702 Telephone: (208) 562-4900 Facsimile: (208) 562-4901 Email: DEaton@parsonsbehle.com KWest@parsonsbehle.com	Attorneys for Defendants CORIZON, LLC; SCOTT ELIASON; MURRAY CRAIG; RONA SIEGERT; CATHERINE WHINNERY

**XX ELECTRONIC MAIL**

XX I served the above-mentioned document electronically on the parties listed at the e-mail addresses above and, to the best of my knowledge, the transmission was complete and without error in that I did not receive an electronic notification to the contrary

Executed on November 3, 2022 at Homer, Alaska

XX (Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the serve was made.

/s/ Lori Rifkin  
 \_\_\_\_\_  
 Lori Rifkin  
 Declarant

# EXHIBIT H

J. Kevin West, ISB #3337  
[KWest@parsonsbehle.com](mailto:KWest@parsonsbehle.com)  
Dylan A. Eaton, ISB #7686  
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Facsimile: (208) 562-4901

Counsel for Defendants Corizon, LLC and Scott Eliason

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

**DEFENDANT CORIZON, LLC'S  
RESPONSES TO PLAINTIFF'S  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS; FED. R. CIV.  
P. 69, SET ONE**

Defendant, Corizon, LLC, by and through its counsel of record, Parsons Behle & Latimer, hereby submits its responses to Plaintiff's Requests for Production of Documents; Fed. R. Civ. P. 69, Set One, dated November 3, 2022, as follows:

**DEFENDANT CORIZON'S RESPONSES TO PLAINTIFF'S RULE 69 REQUEST FOR PRODUCTION OF DOCUMENTS**

**REQUEST FOR PRODUCTION NO. 1:**

Any and all DOCUMENTS RELATING TO agreements or contracts between CORIZON and Flacks Group RELATING TO the acquisition of CORIZON by Flacks Group.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

Defendant Corizon, LLC objects to Request for Production No. 1 on the grounds that the Flacks Group is not a party, vague as to the term "acquisition", may seek proprietary information and documents, and this Request for Production is irrelevant and not proportional to the needs of the case because the Flacks Group is no longer an owner of Corizon, LLC, its parent companies, or its affiliates. Subject to and without waiving said objections, Corizon, LLC has no responsive documents in its possession, custody, or control as Defendant understands this request.

**REQUEST FOR PRODUCTION NO. 2:**

Any and all DOCUMENTS RELATING TO agreements or contracts between CORIZON and Flacks Group RELATING TO any assumption of assets, debts, or liabilities.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

Defendant Corizon, LLC objects to Request for Production No. 2 on the grounds that the Flacks Group is not a party, vague as to the term "assumption", may seeks proprietary information and documents, and this Request for Production is irrelevant and not proportional to the needs of the case because the Flacks Group is no longer an owner of Corizon, LLC, its parent companies, or affiliates. Subject to and without waiving said objections, Corizon, LLC has no known responsive documents in its possession, custody or control as Defendant understands this request.

**REQUEST FOR PRODUCTION NO. 3:**

Any and all DOCUMENTS RELATING TO agreements or contracts between CORIZON and Flacks Group RELATING TO reduction of CORIZON’S debt level, as referenced, for example, by James Hyman in an article on Flacks Group’s website dated July 13, 2020 (available at <https://flacksgroup.com/flacks-group-takes-a-longer-term-view-on-corizon-and-reduces-its-debt/>).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

Defendant Corizon, LLC objects to Request for Production No. 3 on the grounds that the Flacks Group is not a party, vague as to the phrase “reduction of Corizon’s debt level”, may seek proprietary information and documents, lacks foundation as to the reliability of the information in the website article and lacks specificity as to which portion of the article, and this Request for Production is irrelevant and not proportional to the needs of the case because the Flacks Group is no longer an owner of Corizon, LLC, its parent, or affiliate companies. Subject to and without waiving said objections, Corizon, LLC has no responsive documents within its possession, custody, or control as Defendant understands this request.

**REQUEST FOR PRODUCTION NO. 4:**

Any and all DOCUMENTS RELATING TO agreements or contracts between CORIZON, Flacks Group, and/or YesCare Corp. RELATING TO any assumption of assets, debts, or liabilities.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

Defendant Corizon, LLC objects to Request for Production No. 4 on the grounds that the Flacks Group and YesCare Corp are not parties to this litigation, vague as to the term “and/or” and phrase “assumption of assets, debts or liabilities”, may seek proprietary information and

documents, and this Request for Production is irrelevant and not proportional to the needs of the case because the Flacks Group is no longer an owner of Corizon, LLC, its parent, or affiliate companies. Subject to and without waiving said objections, Corizon, LLC has no known responsive documents in its possession, custody, or control as Defendant understands this request.

**REQUEST FOR PRODUCTION NO. 5:**

Any and all DOCUMENTS RELATING TO YesCare's acquisition of all the employees and active contracts of CORIZON, as referenced, for example on YesCare Corp.'s website (available at <https://www.yescarecorp.com/about>).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

Defendant Corizon, LLC objects to Request for Production No. 5 on the grounds that YesCare Corp is not a party to this litigation, vague as to the phrase "acquisition of all the employees and contracts of Corizon and vague as to the part of the website being referenced, may seek proprietary information and documents, and this Request for Production is irrelevant and not proportional to the needs of the case. Subject to and without waiving said objections, Corizon, LLC has no known responsive documents in its possession, custody, or control as Defendant understands this request.

**REQUEST FOR PRODUCTION NO. 6:**

Any and all DOCUMENTS RELATING TO the restructuring, reorganization, or other business transition of CORIZON to YesCare.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

Defendant Corizon, LLC objects to Request for Production No. 6 on the grounds that YesCare Corp is not a party to this litigation, vague as to the phrase "restructuring, reorganization, or other business transition of Corizon to YesCare", may seek proprietary information and

documents, and this Request for Production is irrelevant and not proportional to the needs of the case. Subject to and without waiving said objections, Corizon, LLC has no known responsive documents in its possession, custody, or control as Defendant understands this request.

**REQUEST FOR PRODUCTION NO. 7:**

Any and all DOCUMENTS reflecting or RELATING TO the current assets of CORIZON.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

Defendant Corizon, LLC objects to Request for Production No. 7 as seeking proprietary information and documents, overbroad, and unduly burdensome. Subject to and without waiving said objections, Corizon, LLC has no known responsive documents in its possession, custody, or control as Defendant understands this request.

**REQUEST FOR PRODUCTION NO. 8:**

Any and all DOCUMENTS reflecting or RELATING TO the current assets of YesCare Corp.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

Defendant Corizon, LLC objects to Request for Production No. 8 on the grounds that YesCare Corp is not a party to this litigation, overbroad, unduly burdensome, may seek proprietary information and documents, and this Request for Production is irrelevant and not proportional to the needs of the case. Subject to and without waiving said objections, Corizon, LLC has no known responsive documents in its possession, custody, or control as Defendant understands this request.

**REQUEST FOR PRODUCTION NO. 9:**

Any and all DOCUMENTS reflecting or RELATING TO the current assets of Flacks Group.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

Defendant Corizon, LLC objects to Request for Production No. 9 on the grounds that the Flacks Group is not a party, overbroad, unduly burdensome, may seek proprietary information and documents, and this Request for Production is irrelevant and not proportional to the needs of the case because the Flacks Group is no longer an owner of Corizon, LLC, its parent companies, or affiliates. Subject to and without waiving said objections, Corizon, LLC has no known responsive documents within its possession, custody, or control as Defendant understands this request.

**REQUEST FOR PRODUCTION NO. 10:**

Any and all DOCUMENTS reflecting or RELATING TO the current debts and liabilities of CORIZON.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

Defendant Corizon, LLC objects to Request for Production No. 10 as overbroad, unduly burdensome, not proportional to the needs of the case, and may be seeking confidential, HIPAA protected, and proprietary information and documents. Subject to and without waiving said objections, LLC has no known responsive documents in its possession, custody or control as Defendant understands this request.

**REQUEST FOR PRODUCTION NO. 11:**

Any and all DOCUMENTS reflecting or RELATING TO the current debts and liabilities of YesCare Corp.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

Defendant Corizon, LLC objects to Request for Production No. 11 on the grounds that YesCare Corp is not a party to this litigation, overbroad, unduly burdensome, may seek proprietary information and documents, and this Request for Production is irrelevant and not proportional to

the needs of the case. Subject to and without waiving said objections, Corizon, LLC has no known responsive documents in its possession, custody or control as Defendant understands this request.

**REQUEST FOR PRODUCTION NO. 12:**

Any and all DOCUMENTS reflecting or RELATING TO the current debts and liabilities of Flacks Group.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

Defendant Corizon, LLC objects to Request for Production No. 12 on the grounds that the Flacks Group is not a party, overbroad, unduly burdensome, may seek proprietary information and documents, and this Request for Production is irrelevant and not proportional to the needs of the case because the Flacks Group is no longer an owner of Corizon, LLC, its parent companies, or affiliates. Subject to and without waiving said objections, Corizon, LLC has no known responsive documents in its possession, custody or control as Defendant understands this request.

**REQUEST FOR PRODUCTION NO. 13:**

Any and all DOCUMENTS reflecting bank accounts currently maintained by CORIZON.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

Defendant Corizon, LLC objects to Request for Production No. 13 as vague as to the term “maintained”, may seek proprietary information and documents, overbroad, and unduly burdensome. Subject to and without waiving said objections, Corizon, LLC has no known responsive documents in its possession, custody, or control as Defendant understands this request.

**REQUEST FOR PRODUCTION NO. 14:**

Any and all DOCUMENTS reflecting bank accounts currently maintained by YesCare Corp.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

Defendant Corizon, LLC objects to Request for Production No. 14 on the grounds that YesCare Corp is not a party to this litigation, vague as to “maintained”, overbroad, unduly burdensome, may seek proprietary information and documents, and this Request for Production is irrelevant and not proportional to the needs of the case. Subject to and without waiving said objections, Corizon, LLC has no known responsive documents in its possession, custody, or control as Defendant understands this request.

**REQUEST FOR PRODUCTION NO. 15:**

Any and all DOCUMENTS reflecting bank accounts currently maintained by Flacks Group.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

Defendant Corizon, LLC objects to Request for Production No. 15 on the grounds that the Flacks Group is not a party, overbroad, unduly burdensome, may seek proprietary information and documents, and this Request for Production is irrelevant and not proportional to the needs of the case because the Flacks Group is no longer an owner of Corizon, LLC, its parent companies, or affiliates. Subject to and without waiving said objections, Corizon, LLC has no known responsive documents in its possession, custody, or control as Defendant understands this request.

**REQUEST FOR PRODUCTION NO. 16:**

Any and all DOCUMENTS RELATING TO the corporate governance or organizational structure of CORIZON from 2017 through present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

Defendant Corizon, LLC objects to Request for Production No. 16 on the grounds that it is overbroad, unduly burdensome, may seek proprietary information and documents, vague as to the

phrase “corporate governance or organization structure of Corizon”, and irrelevant not proportional to the needs of the case, including regarding documents related to prior organizational structure of the company that are not current. Subject to and without waiving said objections, Corizon, LLC has no known responsive documents in its possession, custody, or control as Defendant understands this request.

**REQUEST FOR PRODUCTION NO. 17:**

Any and all DOCUMENTS RELATING TO the corporate governance or organizational structure of YesCare Corp. from 2021 through present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

Defendant Corizon, LLC objects to Request for Production No. 17 on the grounds that it is overbroad, unduly burdensome, may seek proprietary information and documents, vague as to the phrase “corporate governance or organization structure of YesCare Corp”, and irrelevant and not proportional to the needs of the case. Subject to and without waiving said objections, Corizon, LLC has no known responsive documents in its possession, custody, or control as Defendant understands this request.

DATED this 5th day of December, 2022.

PARSONS BEHLE & LATIMER

By: /s/ Dylan A. Eaton

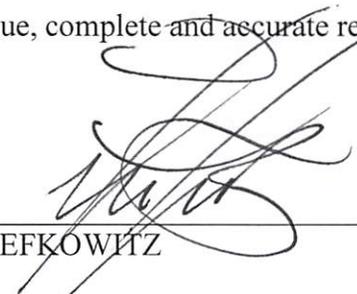
Dylan A. Eaton  
Counsel for Defendants Corizon, LLC  
and Scott Eliason

VERIFICATION

STATE OF New York )  
 ) ss.  
COUNTY OF New York )

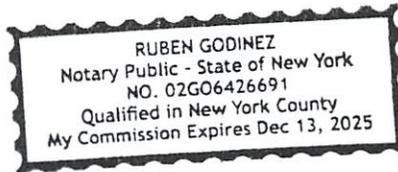
Isaac Lefkowitz, being first duly sworn upon oath, deposes and says:

That I am the Director of Corizon, LLC in the above-entitled action; that I have reviewed the foregoing and Corizon, LLC's responses to Plaintiff's Requests for Production of Documents; Fed. R. Civ. P. 69, Set One, and know the same to be true, complete and accurate responses to this set of discovery.

  
\_\_\_\_\_  
ISAAC LEFKOWITZ

SUBSCRIBED AND SWORN to before me this 5<sup>th</sup> day of December, 2022.

  
\_\_\_\_\_  
NOTARY PUBLIC in and for the State of New York  
My commission expires: 12/13/25



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 5th day of December, 2022, I served the foregoing electronically on the following parties or counsel:

Lori E. Rifkin  
RIFKIN LAW OFFICE  
[lrifkin@rifkinlawoffice.com](mailto:lrifkin@rifkinlawoffice.com)  
*(Counsel for Plaintiff)*

Amy Whelan  
National Center for Lesbian Rights  
[awhelan@nclrights.org](mailto:awhelan@nclrights.org)  
*(Counsel for Plaintiff)*

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

Dan Stormer  
Shaleen Shanbhag  
HADSELL STORMER RENICK & DAI,  
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*(Counsel for Plaintiff)*

Steven R. Kraft  
Peter R. Thomas  
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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

# EXHIBIT I

# FERGUSON/DURHAM PLLC

ATTORNEYS AT LAW

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November 8, 2022

Ms. Julie A. Ellsworth  
Idaho State Treasurer  
304 N. 8<sup>th</sup> Street, Room 403  
Boise, Idaho 83702

Mr. Brandon D. Woolf  
Idaho State Comptroller  
700 W. State Street  
Boise, Idaho 83720

Hand Delivery

Re: Demand for payment of judgment in Case No. 1:17-cv-00151-BLW

Dear Ms. Ellsworth and Mr. Woolf:

The U.S. District Court for the District of Idaho has issued its judgment for attorney fees and costs in the case of *Adree Edmo v. Idaho Department of Correction, et al.*, Case No. 1:17-cv-00151-BLW in the amount of \$2,631,593.00 plus interest. A certified copy of the Abstract of Judgment issued by the Clerk of the District Court is enclosed. Pursuant to 28 U.S.C. § 1961, interest on the judgment should be calculated from the date the judgment was issued on September 30, 2022 at a rate of 4.08%. As of today's date, interest has accrued in the amount of \$11,472.30, and continues to accrue at a rate of \$294.16 per day.

As this is the Court's final judgment and no post judgment remedies have been issued, the judgment is due and owing under F.R.C.P. 62(a). Payment in full should be made on or before Friday, November 11, 2022 by 5:00 p.m. M.S.T. to the Client Trust

Account of Ferguson Durham, PLLC, at Idaho Central Credit Union, Account No. 715195954. Thank you for your immediate attention to this matter.

Sincerely,

s/ Deborah A. Ferguson

cc: Steven R. Kraft, Special Deputy Attorney General