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Attorneys for Defendant Raúl Labrador

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

PAM POE, by and through her parents and
next friends, Penny and Peter Poe, et al.

Plaintiffs,

v.

RAÚL LABRADOR, in his official capacity as
Attorney General of the State of Idaho, et al.

Defendants.

Case No. 1:23-cv-00269-BLW

NOTICE OF APPEAL

**PRELIMINARY
INJUNCTION APPEAL**

**ELEVENTH AMENDMENT
IMMUNITY APPEAL**

Defendant Raúl Labrador, in his official capacity as Attorney General for the State of Idaho, hereby appeals to the Ninth Circuit Court of Appeals the district court’s December 26, 2023 Memorandum Decision and Order [Dkt. 78], granting Plaintiffs’ Motion for a Preliminary Injunction. Attorney General Labrador further appeals the district court’s decision [Dkt. 78] denying Attorney General Labrador’s Motion to Dismiss, which motion argued that he is immune from suit under the Eleventh Amendment. *See* 28 U.S.C § 1292(a)(1); *Puerto Rico Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc.*, 506 U.S. 139, 147 (1993) (“We hold that States and state entities that claim to be ‘arms of the State’ may take advantage of the collateral order doctrine to appeal a district court order denying a claim of Eleventh Amendment immunity.”).

FORM 1 INFORMATION

- Date case was first filed in U.S. District Court: May 31, 2023
- Date of judgment or order being appealed: December 26, 2023.
- Docket entry number of judgment or order appealed from: 78
(Memorandum Decision and Order).
- Docketing fee of \$605 paid to the U.S. District Court for the District of Idaho.
- Appellant: Defendant Raúl Labrador.
- This is not a cross-appeal.

- A representation statement follows on the next page.

DATED: January 3, 2024.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By: /s/ James E. M. Craig
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Chief, Civil Litigation and
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REPRESENTATION STATEMENT

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 3, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which caused the same to be served by electronic service upon all counsel of record.

/s/ James E. M. Craig

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