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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,  
ET AL.

Defendants.

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

**PLAINTIFF'S APPLICATION  
FOR EX PARTE ORDER FOR WRIT OF  
EXECUTION**

**(ATTACHMENTS A & B FILED UNDER  
SEAL)**

The Plaintiff, by and through her attorneys of record, and pursuant to District Local Civil Rule 7.2, hereby applies for an ex parte order issuing the Second Amended Writ of Execution directed to the United States Marshal for the District of Idaho, against the Idaho Department of Corrections, a Defendant in this matter, to satisfy the Judgment the District Court entered in

favor of Plaintiff Adree Edmo on September 30, 2022, as set forth in the Second Amended Writ of Execution. The Second Amended Writ of Execution and Instructions to U.S. Marshal are attached hereto.<sup>1</sup>

Dated: January 30, 2023

Respectfully Submitted,  
NATIONAL CENTER FOR LESBIAN RIGHTS  
FERGUSON DURHAM  
HADSELL STORMER & RENICK LLP

By:           /s/ - Deborah A. Ferguson            
Deborah A. Ferguson  
Attorneys for Plaintiff

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<sup>1</sup> These Attachments are being filed under seal pursuant Plaintiff's Motion to File Under Seal, filed concurrently.

ATTACHMENT A  
[FILED UNDER  
SEAL]

**ATTACHMENT B**  
**[FILED UNDER**  
**SEAL]**

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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;  
CORIZON, LLC; and SCOTT ELIASON;  
Defendants.

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

**DECLARATION OF DEBORAH A.  
FERGUSON IN SUPPORT OF PLAINTIFF'S  
APPLICATION FOR EX PARTE ORDER &  
MOTION TO SEAL**

I, Deborah Ferguson, hereby declare and state as follows:

1. I am a partner at Ferguson Durham, PLLC, and local counsel for Ms. Edmo in this action. I am submitting this declaration in support of the Plaintiff's application for ex parte order and motion to seal. I have personal knowledge of the matters stated in this declaration and could competently testify to these facts.

2. On September 30, 2022, the Court entered Judgment in favor of Plaintiff Adree Edmo for \$2,586,048.80 for attorneys' fees and \$45,544.20 in litigation expenses against Defendants 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. The Judgment of \$2,631,593.00 is subject to the provisions of 28 U.S. Code Section 1961.

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

4. On December 28, 2022, the Court issued a stay of the attorneys' fee Judgment and all proceedings to enforce it that automatically terminated upon the conclusion of mediation with the Ninth Circuit Mediation Program. (Dkt. 345). The order provided that within fourteen days after the stay lifts, Defendants shall pay the fees and costs awarded to Plaintiff by the Court's September 30, 2022, Order (Dkt. 323) or post a supersedeas bond to obtain a stay in accordance with Rule 62(b) of the Federal Rules of Civil Procedure.

5. The Ninth Circuit mediator released the case from mediation on January 13, 2023, more than fourteen days ago.

6. As of today's date, Defendants have not paid the fee Judgment or any part of it, nor posted a supersedeas bond to obtain a stay in accordance with Rule 62(b) of the Federal Rules of Civil Procedure.

7. Post-judgment interest has accrued at a rate of 4.08%, the applicable federal post-

judgment interest rate under 28 U.S.C. § 1961 for the week ending September 23, 2022. At the applicable rate, the amount of interest that accrues is \$294.16/day. Accordingly, as of today's date, 123 days following judgment, post-interest judgment has accrued in the amount of \$36,181.68.

8. The Court has authority to issue ex parte orders under District Local Civil Rule 7.2.

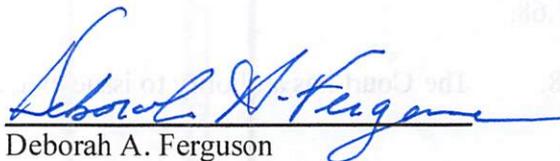
9. As a result of my consultations with the office of the U.S. Marshal for the District of Idaho, it is my understanding that a federal court writ of execution and accompanying instructions to the U.S. Marshal must contain specific information as to the account number and location of bank account upon which the Marshal is directed to execute. Such information is included in Attachment A (Second Amended Writ of Execution) and Attachment B (Instructions to U.S. Marshal) to Plaintiff's Application for Ex Parte Order. It is my understanding that these types of documents are typically filed under seal.

10. The Second Amended Writ of Execution and Instructions to U.S. Marshal attached to the application for ex parte order directing the U.S. Marshal to serve the Second Amended Writ of Execution have been filed under seal and with a request for an ex parte order 1) because they contain sensitive bank account information including account numbers that are not typically available to the public; and 2) so that the funds contained in the bank account held in the name of the State of Idaho are not removed before the U.S. Marshal executes the writ and directs the bank to send the judgment due and owing to the U.S. District Court for the District of Idaho.

11. Opposing counsel representing the Defendants have been notified of the application for an ex parte order through ECF service of the application. Defendants have not been served with copies of the documents filed under seal for the same reason that the documents

were filed under seal.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Boise, Idaho on January 30, 2023.

  
Deborah A. Ferguson