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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

REBECCA ROE, by and through her
parents and next friends, Rachel and Ryan
Roe; SEXUALITY AND GENDER
ALLIANCE, an association

Plaintiffs,

v.

DEBBIE CRITCHFIELD, in her official
capacity as Idaho State Superintendent of
Public Instruction, et al.,

Defendants.

Case No. 1:23-cv-00315-DCN

**MOTION FOR LEAVE TO
SUBMIT SUPPLEMENTAL
INFORMATION REGARDING
MOTION FOR EXTENSION OF
TIME [Dkt. 25]**

Defendants seek the Court's leave to notify the Court of a development today that provides additional warrant for granting the extension Defendants have requested to respond to Plaintiffs' Complaint and motion for preliminary injunction.

This development concerns limitations on Defendants' ability to take discovery in connection with the preliminary injunction motion. Today, counsel for Defendants reached out to Plaintiffs to request a Rule 26(f) conference to take place by June 20, 2023 so that Defendants can commence discovery in connection with Plaintiffs' motion for preliminary injunction. *See* Fed. R. Civ. P. 26(d). As Defendants explained, that includes, among other things, depositions of Plaintiffs' experts and the adult Plaintiffs in this case. However, Plaintiffs, who are represented by a coalition of twelve lawyers from three firms, stated that they could not confer until next week—four days before they ask that Defendants' brief be due. Defendants objected and requested that Plaintiffs make one of their attorneys available to confer on June 20 so as not to prejudice Defendants' ability to seek discovery in connection with the hearing. Plaintiffs declined, but offered to confer on June 21. Defendants have now accepted that time and have scheduled a conference.

These developments warrant extending the briefing schedule as Defendants request. Defendants acted diligently to request a Rule 26(f) conference right after they completed briefing on their motion to extend the briefing schedule. Defendants recognize that Plaintiffs' counsel have busy schedules that may prevent them from being available to confer on short notice. But that also means, if the Court follows Plaintiffs' request to adopt the default briefing schedule, that it will not be possible for Defendants to serve any discovery and receive responses under default timeframes before the hearing on Plaintiffs' motion. Because Defendants have expeditiously pursued discovery shortly after this action was filed, they should not be

deprived of the opportunity to learn that information before the Court hears this important motion.

The Court should therefore grant Defendants' motion for leave to submit the foregoing supplemental information and should grant the extension requested in their motion, Dkt. 25.

DATED: July 19, 2023.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By: /s/ Lincoln D. Wilson
LINCOLN DAVIS WILSON
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 19, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to the following persons:

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