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

REBECCA ROE, et al.,

Plaintiffs,

v.

DEBBIE CRITCHFIELD, et al.,

Defendants.

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

**Plaintiffs' Response to Defendants'
Motion for Leave to Submit
Supplemental Information Regarding
Motion for Extension of Time [Dkt. 28]**

Defendants' Motion for Leave to Submit Supplemental Information (Dkt. 28) does not establish "good cause" for an extension to the briefing schedule on Plaintiffs' Motion for Preliminary Injunction. D. Idaho Loc. Civ. R. 6.1. Plaintiffs filed their Complaint (Dkt. 1) and Motion for Preliminary Injunction (Dkt. 15) on July 6, 2023, yet Defendants waited nearly two weeks before making their first request for discovery on July 19, 2023.¹ Defendants do not explain this delay, nor do they explain why they are entitled to expedited discovery before the parties have had an opportunity to participate in a Rule 26(f) conference. *See Shoshone-Bannock Tribes of The Fort Hall Rsrv. v. United States*, No. 4:18-CV-00285-DCN, 2021 WL 1928532, at *4 (D. Idaho May 13, 2021) ("In authorizing expedited discovery, a court must consider 'good cause.'") (quoting *Wicklund v. Ada Cty.*, No. CV 09-673-S-CWD, 2010 WL 2428753, at *4 (D. Idaho June 11, 2010), *aff'd*, 431 F. App'x 614 (9th Cir. 2011)); *see also* Fed. R. Civ. P. 30(a)(2)(A)(iii). Rather, Defendants' Motion is based on Defendants' disappointment that Plaintiffs' counsel agreed to meet and confer one day later in response to Defendants' demand for a same-day or next-day meeting regarding their request for expedited discovery, which is not sufficient to warrant an extension.

Even if Defendants could make the required showing for tailored expedited discovery or an extension of the briefing schedule (which they have not), the Court need not delay temporary relief to Plaintiffs, as the Court possesses the power to issue a temporary restraining order to preserve the status quo pending a decision on Plaintiffs' Motion for Preliminary Injunction. *See* Plaintiffs' Partial Opposition to Defendants' Motion for Extension of Time (Dkt. 25) at 2-3; *see also Hecox v. Little*, 479 F. Supp. 3d 930, 972 (D. Idaho 2020) (explaining that the relevant

¹ Defendants requested depositions of "adult plaintiffs" and Plaintiffs' experts. There are no adult Plaintiffs. *See* Dkt. 1.

“status quo” is “the legally relevant relationship between the parties before the controversy arose”); *Arizona Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1061 (9th Cir. 2014) (“[L]ike other injunctions that prohibit enforcement of a new law or policy, Plaintiffs’ requested injunction is prohibitory.”).

Dated: July 20, 2023

/s/ Nicholas R. Sidney

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Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of July, 2023, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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/s/ Nicholas R. Sidney

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