

LAWRENCE G. WASDEN  
ATTORNEY GENERAL

BRIAN P. KANE, ISB # 6264  
Chief Deputy

STEVEN L. OLSEN, ISB #3586  
Chief of Civil Litigation Division

MEGAN A. LARRONDO, ISB #10597

ROBERT A. BERRY, ISB #7742

CORY M. CARONE, ISB #11422

Deputy Attorneys General

Civil Litigation Division

Office of the Attorney General

954 W. Jefferson Street, 2<sup>nd</sup> Floor

P. O. Box 83720

Boise, ID 83720-0010

Telephone: (208) 334-2400

Fax: (208) 854-8073

[megan.larrondo@ag.idaho.gov](mailto:megan.larrondo@ag.idaho.gov)

[robert.berry@ag.idaho.gov](mailto:robert.berry@ag.idaho.gov)

[cory.carone@ag.idaho.gov](mailto:cory.carone@ag.idaho.gov)

*Attorneys for Respondents*

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

BRANDEN JOHN DURST, a qualified  
elector of the State of Idaho

Petitioner,

v.

IDAHO COMMISSION FOR  
REAPPORTIONMENT, and LAWRENCE  
DENNEY, Secretary of State of the State of  
Idaho, in his official capacity

Respondents.

Supreme Court Dkt. Nos. 49261-2021  
and 49267-2021

**CONDITIONAL NON-  
OPPOSITION TO CITY OF  
EAGLE'S MOTION FOR LEAVE  
TO FILE AMICUS CURIAE BRIEF**

ADA COUNTY, a duly formed and existing county pursuant to the laws and Constitution of the State of Idaho,

Petitioner,

v.

IDAHO COMMISSION FOR REAPPORTIONMENT, and LAWERENCE DENNEY, Secretary of State of the State of Idaho, in his official capacity,

Respondents.

Respondents Idaho Commission for Reapportionment and Lawrence Denney do not oppose the City of Eagle's Motion for Leave to File Amicus Curiae Brief on the condition that they be given the opportunity to file a response if the City of Eagle is granted leave to file an amicus brief.

The City of Eagle represents that it has "similar interests to Ada County" but that it "also has specific and unique interests in the outcome of this matter." Motion for Leave, at 2. If leave is granted, the City of Eagle's amicus brief would "show its own unique issues and drawbacks" with Plan L03. *Id.* at 2. Respondents doubt whether the City of Eagle's intended briefing would clarify any of the issues before the Court, as it is apparent that the City of Eagle intends to present hyper-local quibbles with a couple of the lines drawn in Plan L03. *Id.* (describing the intended brief as outlining "its specific interest in preserving the current districting" and demonstrating that Plan L03 is less attractive "to its local elected officials, and its voters and taxpayers.").

That said, Respondents do not oppose the City of Eagle's request to participate as amicus if they are given the opportunity to respond. Because any amicus brief filed by the City of Eagle would be filed after Respondents have filed their Response brief in this matter, Respondents should

be given the opportunity to file a written response to any new arguments raised in the briefing if the requested leave is granted.

Respectfully submitted this 16th day of December, 2021.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By: /s/ Megan A. Larrondo  
Megan A. Larrondo  
Deputy Attorney General

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 16, 2021, I filed the foregoing electronically through the iCourt E-File system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notification of Service.

Lorna K. Jorgensen  
Leon Samuels  
Ada County Prosecutor's Office  
Deputy Prosecuting Attorneys  
Civil Division  
[ljorgensen@adaweb.net](mailto:ljorgensen@adaweb.net)  
[lsamuels@adacounty.id.gov](mailto:lsamuels@adacounty.id.gov)  
[civilpfiles@idaweb.net](mailto:civilpfiles@idaweb.net)

*Counsel for Petitioner Ada County*

Bryan D. Smith, Esq.  
Bryan N. Zollinger, Esq.  
SMITH, DRISCOLL & ASSOCIATES, PLLC  
[bds@eidaholaw.com](mailto:bds@eidaholaw.com)  
[bnz@eidaholaw.com](mailto:bnz@eidaholaw.com)  
[filing@eidaholaw.com](mailto:filing@eidaholaw.com)

*Counsel for Petitioner Branden Durst*

Victor S. Villegas  
BORTON-LAKEY LAW & POLICY  
141 E. Carlton Ave.  
Meridian, ID 83642  
[victor@borton-lakey.com](mailto:victor@borton-lakey.com)

*Counsel for Proposed Amici, City of Eagle*

By: Megan A. Larrondo  
Megan A. Larrondo