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Attorneys for State of Idaho

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE
MAGISTRATE DIVISION**

RIDGELINE MEDICAL, LLC, and Idaho
Limited Liability Company,

Plaintiff,

v.

DAVID LYON,

Defendant.

Case No. CV10-21-4497

**MEMORANDUM IN SUPPORT
OF STATE OF IDAHO'S
MOTION TO INTERVENE**

The State of Idaho ("the State"), by and through Attorney General Lawrence G. Wasden ("the Attorney General") and pursuant to Idaho Code § 10-1211 and Rules 24(a)(1) and 24(c) of the Idaho Rules of Civil Procedure, submits its Memorandum in

Support of State of Idaho's Motion to Intervene to defend the constitutionality of the Idaho Patient Act, title 48, chapter 3, Idaho Code.

Background

Plaintiff Ridgeline Medical, LLC, ("Ridgeline Medical") sued Defendant David Lyon ("Lyon") to recover a medical debt of \$777. *See* Memorandum Decision and Order Re: Motion for Summary Judgment at 2 (October 27, 2022) ("Memorandum Decision"). Lyon filed a counterclaim against Ridgeline Medical, claiming the healthcare facility violated the Idaho Patient Act, title 48, chapter 3, Idaho Code. *See* Memorandum Decision at 2. The parties stipulated to the facts of the case and filed motions for summary judgment. *See* Memorandum Decision at 2-3.

Ridgeline Medical argued in its Motion for Summary Judgment that the Idaho Patient Act is unconstitutional because it violates the First Amendment's right to petition and right to free speech, the Fourteenth Amendment's Equal Protection and Due Process clauses, and the Eighth Amendment's right against excessive fines. *See* Memorandum Decision at 6. Ridgeline Medical, however, failed to serve the Attorney General as required by Idaho Code § 10-1221 with written notice of Ridgeline Medical's constitutional challenge. The Court entered its Memorandum Decision on October 27, 2022, finding sections of the Idaho Patient Act

unconstitutional under the First and Eighth Amendments. *See* Memorandum Decision at 39-40.

The State asserts the Idaho Patient Act is constitutional and does not infringe on Ridgeline Medical's or other health care entities' or providers' constitutional rights. Accordingly, the State seeks to intervene in this matter to defend the constitutionality of the Idaho Patient Act.

The State is Entitled to Intervene in This Action
Pursuant to Idaho Code § 10-1211

Idaho Code § 10-1221 gives the Attorney General, acting on behalf of the State, a right to be heard and intervene in proceedings where a party challenges a statute's constitutionality. The statute reads:

When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, such municipality shall be made a party, and shall be entitled to be heard, and if the statute, ordinance or franchise is alleged to be unconstitutional, the attorney general of the state shall also be served, and be entitled to be heard and may intervene.

Rule 24(a)(1) of the Idaho Rules of Civil Procedure requires courts to permit a party to intervene when the party "is given an unconditional right to intervene by an Idaho statute."

As a constitutional officer and “legal counsel for the Idaho Legislature, the Attorney General is charged with defending the validity of legislative enactments.”

Wasden v. State Bd. of Land Com'rs, 153 Idaho 190, 195, 280 P.3d 693, 698 (2012).

The Attorney General is uniquely situated and statutorily required to protect the State's interests in court proceedings. *See also* Idaho Code § 67-1401(1) (defining the Attorney General's duty to represent the State's interests in administrative and court matters).

The Attorney General was not served with Ridgeline Medical's constitutional challenge of the Idaho Patient Act and did not learn of this matter until December 8, 2022—six weeks after the Court issued its Memorandum Decision finding sections of the Idaho Patient Act unconstitutional. As soon as the Attorney General became aware of this matter, he contacted the Court and the parties, requesting the Court delay entering a final judgment until the Attorney General has an opportunity to review the pleadings and research the issues. *See* Attorney General's Letter to Court (Dec. 9, 2022).

The Attorney General has a right under Idaho Code § 10-1211 to be heard in this case and, upon learning of the action, promptly took steps to inform the parties and the Court of this right. Accordingly, the Attorney General asks this Court to

allow him to intervene in this matter to protect the State's interests in upholding the Idaho Patient Act's constitutionality.

Conclusion

Pursuant to Idaho Code § 10-1211 and the Idaho Rules of Civil Procedure, the Attorney General asks this Court to grant the State's Motion to Intervene. The State then will provide briefing to the Court and the parties as to all issues.

December 16, 2022

/s/ Brett T. DeLange
BRETT T. DeLANGE
Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2022, a true and correct copy of the foregoing document was served on the following persons as indicated below:

Bryan N. Zollinger, Esq. Smith, Driscoll & Associates, PLLC <i>Attorney for Plaintiff</i>	By iCourt: filing@eidaholaw.com
Edward W. Dindinger, Esq. Dindinger & Kohler, PLLC <i>Attorney for Defendant</i>	By iCourt: service@dklawboise.com

/s/ Brett T. DeLange
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Deputy Attorney General