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

**PLANNED PARENTHOOD GREAT  
NORTHWEST, HAWAII, ALASKA, INDIANA,  
KENTUCKY**, on behalf of itself, its staff, physicians  
and patients, **CAITLIN GUSTAFSON, M.D.**, on  
behalf of herself and her patients, and **DARIN L.  
WEYHRICH, M.D.**, on behalf of himself and his  
patients,

Plaintiffs,

v.

**RAÚL LABRADOR**, in his official capacity as  
Attorney General of the State of Idaho; **MEMBERS  
OF THE IDAHO STATE BOARD OF MEDICINE**  
and **IDAHO STATE BOARD OF NURSING**, in their  
official capacities, **COUNTY PROSECUTING  
ATTORNEYS**, in their official capacities,

Defendants.

Case No. 1:23-cv-142

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*\* Pro hac vice applications forthcoming*

## **DECLARATION OF REBECCA GIBRON**

I, Rebecca Gibron, hereby declare as follows:

1. I am over the age of eighteen. I make this declaration based on personal knowledge of the matters stated herein and on information known or reasonably available to my organization. If called to do so, I am competent to testify as to the matters contained herein.

### **Personal Background**

2. I am the CEO of Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky (“Planned Parenthood”), a not-for-profit corporation organized under the laws of the State of Washington and doing business in Idaho. I submit this declaration in support of Plaintiffs’ Motion for a Temporary Restraining Order and/or Preliminary Injunctive Relief.

3. In that position I am responsible for Planned Parenthood’s operations, including its health centers in the State of Idaho. I have worked for Planned Parenthood or its predecessor organizations since 1997, and I have served as its CEO since December 2021. Prior to becoming CEO, I worked for Planned Parenthood and its predecessor organizations in a variety of roles, including as the Chief Operating Officer and the CEO of Planned Parenthood of Idaho.

4. Planned Parenthood is the largest provider of reproductive health services in Idaho, operating two health centers in the State in Ada County and Twin Falls County. We provide a broad range of reproductive and sexual health services, including but not limited to, well person examinations, birth control, testing and treatment for sexually transmitted infections, cancer screening, and pregnancy testing. Planned Parenthood’s licensed providers provide both medication and procedural abortions in states where it is legal to do so but have not provided any abortions in Idaho since the abortion ban at issue in this case took effect last summer.

5. I am chiefly responsible for the internal management and business operations of Planned Parenthood. My primary goal is to ensure that all of our patients have access to quality

healthcare services. As a result of my responsibilities, I am familiar with our operations, including the services we provide and the communities we serve.

6. I understand that Idaho law makes it a felony for any person to “perform[] or attempt[] to perform an abortion.” Idaho Code § 18-622(2) (the “Total Abortion Ban”). I also understand that the law also provides for the revocation of suspension of health care professionals’ licenses when licensed professional assists with an abortion that itself violates the law.

7. I also understand that, on March 27, 2023, Idaho Attorney General Raúl Labrador issued a letter interpreting Idaho’s criminal prohibitions on abortion. I have read Attorney General Labrador’s letter and understand it to interpret the statute to bar medical providers from referring patients across state lines for abortions. Based on this interpretation, the Total Abortion Ban would put our staff at risk of ruinous penalties for providing information about abortion in states where it is lawful. In the absence of judicial relief, we will be unable to provide Idaho patients with quality reproductive healthcare services, including the provision of information to patients in Idaho health centers. As a result, Planned Parenthood’s pregnant patients would face serious health risks because we would be unable to provide them with necessary care, as detailed below.

8. The Attorney General’s interpretation also turns on reading Idaho’s abortion ban to apply in some way to at least some abortions in other states. This interpretation of Idaho law risks further isolating Idaho patients by cutting them off from critical health care in other states that is legal in those states. I fear that Planned Parenthood, or our providers and other staff, may face attempts to impose licensing or even criminal penalties if they provide abortions to Idahoans in states where abortion is lawful.

## **Planned Parenthood's Services in Idaho**

9. Planned Parenthood operates two health centers in Idaho, located in Meridian and Twin Falls. At these health centers, patients can receive testing, treatment and vaccines for certain sexually transmitted infections, cervical cancer screening, mammogram referrals, fibroids evaluations, and annual wellness checks, among other services. In 2021, Planned Parenthood's Idaho health centers served 7,930 patients in 12,908 patient encounters.

10. Until the Supreme Court decided *Dobbs v. Jackson Women's Health Organization*, 142 S. Ct. 2228 (2022), Planned Parenthood centers, including in Idaho, provided both medication and procedural abortions. After state laws banning abortion went into effect in Idaho, Planned Parenthood stopped providing abortions in Idaho. Our health centers provide abortion in other states where doing so is legal, including in Washington.

11. Although Planned Parenthood is no longer able to provide abortions in Idaho, our Idaho health centers continue to see pregnant patients who would elect to have an abortion for economic, family, medical, or other personal reasons.

12. Before Attorney General Labrador's letter, our health center staff would engage with these patients in a discussion about their pregnancy options, treatment plan and need for further care based on their decision and would provide a packet of printed information depending on what the patient needed.

13. The packet of information would include general information about different pregnancy options, including abortion; a list of "Abortion Providers Nearest to You" that lists both health centers operated by both Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky and other providers in Washington, Montana, Nevada, Wyoming, Oregon, and Utah; a

sheet with information about funds that can help with travel and/or appointment costs; and a flier on “Abortion law in Idaho” that states that abortion is banned in Idaho.

14. If the patient wanted to go to one of our health centers in a nearby state that is part of Planned Parenthood Great Northwest, Hawai’i, Alaska, Indiana, Kentucky, our staff in Idaho could schedule an appointment for them. If the patient wanted to go to a health center that is not part of Planned Parenthood, staff would provide patients with the information about other providers so that they could call themselves.

**The Effects of the Attorney General’s Interpretation of Idaho Code Section 18-622**

15. Informing patients about and referring patients for abortion services is essential to Planned Parenthood’s mission: to provide comprehensive reproductive health care services, which are vital for public health, especially for medically underserved populations—of which there are many in the State. Portions of 39 of the State’s 44 counties have been designated by the federal government as Medically Underserved Population Areas.

16. The Attorney General’s overbroad interpretation of Idaho Code § 18-622 will prevent Planned Parenthood and our dedicated team of medical professionals from fulfilling this mission.

17. Medical providers will be unable to ensure care for their patients by recommending providers who can provide the necessary care that Idaho does not permit. Doctors, nurses, and other staff in Idaho will be forced to stop providing information and recommendations about abortion services because they fear criminal prosecution and losing their professional licenses.

18. Many patients will not know how to access an abortion in another state or will choose not to do so because the information did not come from a trusted medical source. Patients may not even know that abortion remains legal in other states, or in which states it remains legal.

19. Many patients will face delays in finding this information and accessing care. These delays and disruptions in care come with serious health, social, and socioeconomic risks.

20. Delays in accessing abortion, or being unable to access abortion at all, pose risks to patients' health because, while abortion is a very safe procedure throughout pregnancy, the risks of abortion increase with gestational age. Additionally, if individuals are forced to carry a pregnancy to term against their will, that can pose a risk to both their physical health, as childbirth is far riskier than abortion, as well as their mental and emotional health and the stability and wellbeing of their family, including existing children. Some patients who are unable to access legal abortion may attempt an abortion on their own without access to accurate medical information.

21. These harms will be widespread, but they will fall hardest on those who already face the biggest barriers to information and care—low-income individuals, patients in rural areas, and communities of color.

22. Beyond the harms to our patients, Planned Parenthood's staff fear they could be subjected to attempts to bring civil or even criminal charges against them, based on the Attorney General's interpretation of the Total Abortion Ban.

23. This is in part because The Attorney General's interpretation seems calculated to increase confusion about what remains legal and what does not, by construing Idaho's abortion ban to apply in some way to at least some abortions in other states.

24. Planned Parenthood providers are also concerned about the licensure penalties for providing referrals to patients for out-of-state abortions or otherwise giving "support or aid," which the Attorney General says violates the law. This is especially true for providers who are licensed in Idaho and another state. Some Planned Parenthood providers who are licensed in Idaho wish to

provide abortions outside of Idaho but fear that doing so could result in the revocation of their Idaho licenses despite the fact that abortion is lawful in those other states. Other Planned Parenthood providers who are licensed in Idaho and another state may choose to give up their Idaho licenses altogether to avoid the Attorney General's threats to their licenses.



Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 5, 2023 in Boise Idaho

Rebecca Gibron

Rebecca Gibron