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Inc., Scott Eliason, Murray Young, and
Catherine Whinnery*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ADREE EDMO,

Plaintiff,

v.

IDAHO DEPARTMENT OF
CORRECTION; HENRY ATENCIO, in his
official capacity; JEFF ZMUDA, in his
official capacity; HOWARD KEITH
YORDY, in his official and individual
capacities; CORIZON, INC.; SCOTT
ELIASON; MURRAY YOUNG; RICHARD
CRAIG; RONA SIEGERT; CATHERINE
WHINNERY; AND DOES 1-15;

Defendants.

CIVIL ACTION FILE

NO. 1:17-cv-151-BLW

**NOTICE OF DEFENDANTS' JOINT
PRELIMINARY INJUNCTION APPEAL**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1291 and/or 28 U.S.C. § 1292(a)(1), Defendants Corizon Inc., Scott Eliason, Murray Young, Catherine Whinnery, by and through their counsel of record, Parsons Behle & Latimer, and Idaho Department of Corrections, Henry Atencio, Jeff Zmuda, Richard Craig, Rona Siegert, and Howard Keith Yordy, by and through their counsel of record, Moore Elia Kraft & Hall. LLP, appeal to the Ninth Circuit Court of Appeals from the Order (Dkt. No. 196) entered by Chief U.S. District Court Judge B. Lynn Winmill on May 31, 2019, which specifically, in part, renewed the preliminary mandatory relief set forth in the Court's December 13, 2018 Findings of Fact, Conclusions of Law, and Order (Dkt. No. 149), along with those matters inextricably bound up with the Orders.

Defendants recognize that the Ninth Circuit's limited remand advised that neither party would be required to file a new notice of appeal. (Consolidated Case Nos. 19-35017 and 19-35019, Dkt. 90, p. 4). However, on limited remand the District Court both clarified its previous injunction and appeared to issue a new injunction. As a result, Defendants file this notice of appeal in an abundance of caution and to avoid any possibility of waiving their right to appeal the issuance of a new injunction.¹

Defendants also recognize that Circuit Rule 3-3(b) requires the parties to arrange for the expedited preparation of the transcript from the district court and an expedited briefing schedule. Defendants request that the Court stay this requirement until it decides whether it will consolidate, dismiss, or allow this appeal to continue.

¹ To the extent the district court issued a new injunction, Defendants respectfully request that the Ninth Circuit stay that injunction for the reasons set forth in Defendants prior motion to stay. (Case No. 19-35017, Dkt. 15). Defendants would be pleased to provide additional briefing regarding their request for a stay if the Court so directs.

DATED this 28th day of June, 2019.

PARSONS BEHLE & LATIMER

By: /s/ Dylan A. Eaton

Dylan A. Eaton
Counsel for Defendants-Appellants Corizon
Inc., Scott Eliason, Murray Young, and
Catherine Whinnery

DATED this 28th day of June, 2019.

MOORE ELIA KRAFT & HALL, LLP

By: /s/ Brady J. Hall

Brady J. Hall
Counsel for Defendants-Appellants Idaho
Department of Correction, Henry Atencio, Jeff
Zmuda, Howard Keith Yorby, Richard Craig, and
Rona Siegert

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of June, 2019, 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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