

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; AL RAMIREZ, 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

**STIPULATION RE: DISMISSAL OF
MEDICAL DEFENDANTS AND
CLAIMS**

Plaintiff, Adree Edmo, by and through her counsel of record, Lori Rifkin of the Rifkin Law Office, Dan Stormer and Shaleen Shanbhag of the firm Hadsell Stormer Renick & Dai, LLP, Craig H. Durham and Deborah A. Ferguson of the firm Ferguson Durham, PLLC, and Amy Whelan and Julie Wilensky of the National Center for Lesbian Rights; Defendants Corizon, LLC, Scott Eliason, Murray Young and Catherine Whinnery, by and through their counsel of record, Dylan A. Eaton of the firm Parsons Behle and Latimer; and Defendants Idaho Department of Correction, Henry Atencio, Al Ramirez, Jeff Zmuda, Howard Keith Yordy, Richard Craig and Rona Siegert, by and through their counsel of record, Steven R. Kraft of the firm Moore Elia & Kraft, LLP (collectively “the Parties”), hereby agree and stipulate to the following:

- A. The Parties agree that Corizon, LLC may be substituted for Corizon, Inc. in this case as the proper corporate party defendant.
- B. Pursuant to F.R.C.P. 41(a)(1)(A)(ii), the Parties agree that any and all of Plaintiff's claims for damages relief, including but not limited to general, special and punitive damages relief, against Dr. Eliason and Corizon in the Third Amended Complaint (Dkt. 172) and in this case are dismissed in their entirety.
- C. The Parties agree that Plaintiff maintains her remaining Eighth Amendment claim (Third Amended Complaint, Dkt. 172, Claim 1, Failure to Provide Medical Treatment (8th Amendment)) solely for purposes of pursuing attorneys' fees and costs and Defendants reserve all rights and defenses thereto.
- D. Pursuant to Ninth Circuit Court opinions in this case, including the August 23, 2019 Ninth Circuit panel Opinion, the Parties agree that any and all of Plaintiff's claims, including but not limited to all damages and injunctive relief claims, against Defendants Murray Young, M.D. and Catherine Whinnery, M.D., are dismissed with prejudice.
- E. The Parties agree that all claims for damages relief asserted against any and all Defendants, including in the Third Amended Complaint (Dkt. 172), are dismissed and the sole remaining claim to be decided by the District Court in the case is Plaintiff's claim for attorneys' fees and costs, including attorneys' fees on appeal, as may be allowed by applicable rules and laws.

F. The Parties request that the Court modify the time requirements of Idaho L. Civ. R. 54.2(b) to permit Plaintiff to file her motion for attorneys' fees and costs, and Bill of Costs (hereinafter "motion for fees and costs"), within 30 days from when the Court issues its order dismissing damages claims in this case, regardless of whether said motion is filed within 14 days of any entry of judgment or orders of dismissal pursuant to Fed. R. Civ. P. 41(a). Additionally, the Parties agree that Defendants may file their response to Plaintiff's motion for fees and costs within 30 days after said motion is filed. The Parties agree that any reply brief may be filed within 21 days from when Defendants file their response to Plaintiff's motions for fees and costs.

DATED this 23rd day of September, 2021.

PARSONS BEHLE & LATIMER

By: /s/ Dylan A. Eaton

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

DATED this 23rd day of September, 2021.

RIFKIN LAW OFFICE

By: /s/ Lori Rifkin

Lori Rifkin
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23rd day of September, 2021, 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:

Craig H. Durham
Deborah A. Ferguson
FERGUSON DURHAM, PLLC
chd@fergusondurham.com
daf@fergusondurham.com
(Counsel for Plaintiff)

Amy Whelan
Julie Wilensky
National Center for Lesbian Rights
awhelan@nclrights.org
jwilensky@nclrights.org
(Counsel for Plaintiff)

Steven R. Kraft
Peter R. Thomas
MOORE ELIA & KRAFT, LLP
steve@melawfirm.net
peter@melawfirm.net
(Counsel for Defendants Idaho Department of Correction, Henry Atencio, Al Ramirez, Jeff Zmuda, Howard Keith Yordy, Richard Craig, and Rona Siegert)

Dan Stormer
Shaleen Shanbhag
HADSELL STORMER RENICK & DAI,
LLP
dstormer@hadsellstormer.com
sshahbhag@hadsellstormer.com
(Counsel for Plaintiff)

Lori E. Rifkin
RIFKIN LAW OFFICE
lrifkin@rifkinlawoffice.com
(Counsel for Plaintiff)

By: /s/ Dylan A. Eaton
Dylan A. Eaton