

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.

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 LAWRENCE DENNEY, Secretary of State of the State of Idaho, in his official capacity,

Respondents.

Order Consolidating Actions and Resetting Briefing Schedule

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

1. A MOTION TO CONSOLIDATE AND ALIGN BRIEFING SCHEDULE was filed by counsel for Respondents in Supreme Court Docket Nos. 49261-2021 and 49267-2021 on November 19, 2021. Respondents request consolidation of these matters as both actions challenge the legislative redistricting plan on similar grounds, and a that a new briefing schedule be set to align briefing for the consolidated cases.
2. A RESPONSE TO MOTION TO CONSOLIDATE AND ALIGN BRIEFING SCHEDULE was filed by Petitioner Branden Durst in Supreme Court Docket No. 49261-2021 on November 22, 2021.
3. A NOTICE OF NON-OPPOSITION TO MOTION TO CONSOLIDATE was filed by counsel for Petitioner Ada County in Supreme Court Docket No. 49267-2021 on November 22, 2021.

WHEREAS, Idaho Appellate Rule 5(c) directs that special writs shall issue only upon petitions verified by the party beneficially interested and upon briefs in support thereof filed with the Clerk of the Supreme Court, this Court shall direct Petitioners to file an opening brief with this Court, as one was not provided when the Petitions were filed; therefore,

THIS COURT ORDERS AS FOLLOWS:

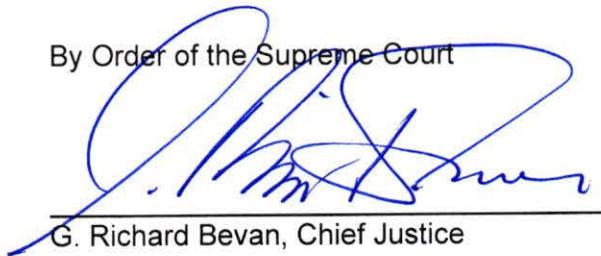
Respondents' MOTION TO CONSOLIDATE AND ALIGN BRIEFING SCHEDULE is GRANTED, and Supreme Court Docket Nos. 49261-2021 and 49267-2021 shall be CONSOLIDATED under 49261-2021 for all purposes, and all documents filed after the date of this Order shall be filed in Docket No. 49261-2021, and include both docket numbers.

Petitioners shall file opening briefs no later than Thursday, December 2, 2021, at 5:00 p.m. Any affidavits or declarations shall be due at this time. Respondents shall file a single Response brief to both Petitions no later than Thursday, December 16, 2021, at 5:00 p.m. Any affidavits or declarations shall be due at this time. The Petitioners may file Reply briefs, which shall be due no later than Thursday, December 23, 2021, at 5:00 p.m.

Oral argument shall be heard January 2022. Counsel for the parties shall provide their available dates for oral argument to the Clerk of this Court no later than December 2, 2021.

Dated November 23rd, 2021.

By Order of the Supreme Court


G. Richard Bevan, Chief Justice

ATTEST:


Melanie Gagnepain, Clerk

cc: Counsel of Record