

LAWRENCE G. WASDEN  
ATTORNEY GENERAL

STEVEN L. OLSEN, ISB #3586  
Chief of Civil Litigation

CLAY R. SMITH, ISB #6385  
CARL J. WITHROE, ISB #7051  
954 W. Jefferson Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0010  
Telephone: (208) 334-2400  
Facsimile: (208) 854-8073  
[clay.smith@ag.idaho.gov](mailto:clay.smith@ag.idaho.gov)  
[carl.withroe@ag.idaho.gov](mailto:carl.withroe@ag.idaho.gov)  
Attorneys for Defendant Wasden

THOMAS C. PERRY, ISB #7203  
CALLY A. YOUNGER, ISB # 8987  
Counsel to the Governor  
Office of the Governor  
P.O. Box 83720  
Boise, ID 83720-0034  
Telephone: (208) 334-2100  
Facsimile: (208) 334-3454  
[tom.perry@gov.idaho.gov](mailto:tom.perry@gov.idaho.gov)  
[cally.younger@gov.idaho.gov](mailto:cally.younger@gov.idaho.gov)  
Attorneys for Defendant Otter

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

ANIMAL LEGAL DEFENSE FUND, <i>et al.</i>	)	
	)	
Plaintiffs,	)	Case No. 1:14-cv-00104-BLW
	)	
vs.	)	
	)	
C.L. "BUTCH" OTTER, in his official	)	<b>DEFENDANTS' NOTICE OF</b>
capacity as Governor of Idaho; LAWRENCE	)	<b>SUPPLEMENTAL AUTHORITY</b>
WASDEN, in his official capacity as Attorney	)	
General of Idaho,	)	
	)	
Defendants.	)	

Defendants submit as supplemental authority relevant to the pending motion to dismiss (Dkt. 12) the Ninth Circuit's opinion in *Arizona Dream Act Coalition v. Brewer*, No. 13-16248 (9th Cir. Jul. 7, 2014). The opinion is appended.

In relevant part, *Arizona Dream Act Coalition* addressed the question whether the plaintiffs had established a likelihood of success with respect to an equal protection claim under the Fourteenth Amendment. The claim arose from the Arizona Department of

Transportation's policy of not accepting Employment Authorization Documents issued by the United States Department of Homeland Security under the Deferred Action for Childhood Arrivals ("DACA") program as proof of a driver's license applicant's lawful presence in this country. The Court of Appeals agreed with the district court that the policy treated DACA recipients disparately to other individuals holding Employment Authorization Documents under other deferred action provisions. Slip Op. at 19.

The Court then applied traditional rational basis analysis and held that the Arizona officials failed to establish a legitimate state interest furthered by the policy. In so holding, it considered each of the five justifications proffered by the officials. Slip Op. at 20-24. The Court concluded this aspect of its analysis with a discussion of a rationale that the officials did not advance:

The record does suggest one additional reason for Defendants' policy, but that reason does not establish that Defendants' classification of DACA recipients is rationally related to a legitimate state interest. Defendants' policy appears intended to express animus toward DACA recipients themselves, in part because of the federal government's policy toward them. Such animus, however, is not a legitimate state interest.

*Id.* at 25. The opinion is relevant to, and consistent with, Defendants' equal protection analysis at pages 16 and 17 of Docket 12-1 and page 8 of Docket 35 that addresses the role of animus in rational basis review; *i.e.*, where the *only* plausible justification for a statute or regulation is animus against a politically unpopular group, the law fails rational basis review. Conversely, where a rational basis exists, the presence or alleged presence of animus does not affect the law's validity for equal protection purposes.

DATED this 8th day of July 2014.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By /s/ Clay R. Smith  
CLAY R. SMITH  
CARL J. WITHROE  
Deputy Attorneys General

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8th day of July 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that sent a Notice of Electronic Filing to the following persons:

Justin Marceau  
[jmarceau@law.du.edu](mailto:jmarceau@law.du.edu)

David P. Claiborne  
[david@sawtoothlaw.com](mailto:david@sawtoothlaw.com)

Matthew Liebman  
[mliebman@aldf.org](mailto:mliebman@aldf.org)

Charles A Brown  
[CharlesABrown@cableone.net](mailto:CharlesABrown@cableone.net)

Matthew Strugar  
[matthew-s@petaf.org](mailto:matthew-s@petaf.org)

Bruce D Brown  
[bbrown@bakerlaw.com](mailto:bbrown@bakerlaw.com)

Paige M. Tomaselli  
[ptomaselli@centerforfoodsafety.org](mailto:ptomaselli@centerforfoodsafety.org)

Leslie Brueckner  
[lbrueckner@publicjustice.net](mailto:lbrueckner@publicjustice.net)

Richard Alan Eppink  
[reppink@acluidaho.org](mailto:reppink@acluidaho.org)

Jeffery S. Gulley  
[jeffg@whistleblower.org](mailto:jeffg@whistleblower.org)

Maria E. Andrade  
[mandrade@andradelegal.com](mailto:mandrade@andradelegal.com)

Norman M. Semanko  
[nms@moffatt.com](mailto:nms@moffatt.com)

Thomas C. Perry  
[tom.perry@gov.idaho.gov](mailto:tom.perry@gov.idaho.gov)

Rachel Meeropol  
[rachelm@ccrjustice.org](mailto:rachelm@ccrjustice.org)

Cally A. Younger  
[cally.younger@gov.idaho.gov](mailto:cally.younger@gov.idaho.gov)

Michael J. Bartlett  
[bartlett@nbmlaw.com](mailto:bartlett@nbmlaw.com)

Daniel V. Steenson  
[dan@sawtoothlaw.com](mailto:dan@sawtoothlaw.com)

Marty Durand  
[marty@idunionlaw.com](mailto:marty@idunionlaw.com)

Craig Durham  
[craig@chdlawoffice.com](mailto:craig@chdlawoffice.com)

James M. Piotrowski  
[james@idunionlaw.com](mailto:james@idunionlaw.com)

*/s/ Clay R. Smith*

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Clay R. Smith