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

STACY SEYB, M.D.

Plaintiff,

v.

MEMBERS OF THE IDAHO BOARD OF
MEDICINE, in their official capacities; *et al.*,

Defendants,

Case No. 1:24-cv-00244-BLW

**MEMBERS OF THE IDAHO BOARD
OF MEDICINE'S PROPOSED
FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

The Members of the Idaho Board of Medicine, submit their proposed Findings of Fact and Conclusions of Law.

I. Preliminary Issues

Plaintiff Dr. Stacy Seyb lacks standing to bring any of his claims, on behalf of himself or any hypothetical patients. The Board of Medicine is also not a proper Defendant.

A. Proposed Findings of Fact

1. Prior to this lawsuit, and at the time the lawsuit was filed, Plaintiff did not know that the Idaho Defense of Life Act did not require “a particular level of immediacy” in the threat to a mother’s life to perform an abortion under the life-of-the-mother exception. *Planned Parenthood Great Nw. v. State*, 522 P.3d 1132, 1203 (Idaho 2023).
2. Prior to this lawsuit, and at the time the lawsuit was filed, Plaintiff did not know that the Idaho Defense of Life Act did “not require *objective* certainty” that a mother’s life is at risk in order to perform an abortion under the life-of-the-mother exception. *Id.*
3. Prior to this lawsuit, and at the time the lawsuit was filed, Plaintiff believed that an abortion was permitted only when a woman was in a very unstable condition, contrary to Idaho law as interpreted in *Planned Parenthood Great Nw.*
4. Plaintiff did not receive any training on the Idaho Defense of Life Act.
5. Prior to this lawsuit, Plaintiff had not read the *Planned Parenthood Great Nw. v. State* case, nor had he received any training on the case. Physicians have an obligation to understand and obey laws related to their profession.
6. Consequently, Plaintiff’s profession that he intends to start practicing abortions which are prohibited under the statute is not credible, as he has not previously attempted to determine whether an abortion would be allowed under Idaho law under the actual standard used under Idaho law, and cannot know whether the abortions he has performed in the past would be allowed under Idaho law.
7. Prior to this lawsuit, and at the time the lawsuit was filed, Plaintiff did not perform abortions for reasons of mental health, and has never been asked to perform such an abortion in his 20 years of practice.
8. Plaintiff practices in an in-patient setting, and Plaintiff testified that abortions done for mental health reasons are performed in an outpatient setting. He stated that an abortion for mental health reasons would probably need to occur earlier in pregnancy and would be less expensive at an outpatient facility. He indicated that his outpatient facility does not perform abortions. Accordingly, the nature of his medical practice makes it exceptionally unlikely that he will ever perform an abortion for mental health reasons.

9. Plaintiff at most has a hypothetical intent to violate the law at some unknown date in the future. It is highly speculative whether Plaintiff will ever receive a request to perform an abortion for mental health reasons.
10. Consequently, Plaintiff's statement that he intends to perform abortions for reasons of protecting the pregnant woman's mental health is not credible.
11. Plaintiff can only speculate in estimating how many patients he may have in the future on a month-to-month basis that will, in his estimation, want an abortion in situations that are currently not allowed under Idaho law. Given his ignorance as to the meaning of Idaho's law, he also cannot opine on whether any of those cases would be allowed under Idaho law or not.
12. The Idaho Board of Medicine (including its agents, employees or officers of the Idaho Board of Medicine) has never threatened Plaintiff with discipline for performing an abortion.
13. Neither the Ada County Prosecuting Attorney nor Attorney General Raúl Labrador, nor any other Idaho prosecutorial authority, has threatened Plaintiff with prosecution for performing an abortion.
14. There is no evidence before the Court of any threat by any prosecutorial authority within Idaho to prosecute any doctor for violating Idaho Code § 18-622 or Idaho Code § 18-8805.
15. The Idaho Board of Medicine interprets its authority to impose a professional license suspension for a violation of Idaho Code § 18-622 or Idaho Code § 18-8805 as arising only when a doctor has been convicted in criminal court of violating Idaho Code § 18-622 or Idaho Code § 18-8805.
16. The Idaho Board of Medicine has disavowed any authority to impose a professional license suspension on any doctor for a violation of Idaho Code § 18-622 or Idaho Code § 18-8805 unless the doctor has first been convicted in criminal court of violating Idaho Code § 18-622 or Idaho Code § 18-8805.

B. Proposed Conclusions of Law

The Board of Medicine is not an appropriate defendant and Plaintiff lacks both first-party and third-party pre-enforcement standing.

i. Members of the Idaho Board of Medicine Authority.

17. The Members of the Idaho Board of Medicine lack authority to suspend the professional license of any health care professional for violating the Defense of Life Act, Idaho Code § 18-622, unless that health care professional is first convicted in the criminal court of violating Idaho Code § 18-622.

18. The Members of the Idaho Board of Medicine lack authority to suspend the professional license of any health care professional for violating the Fetal Heartbeat Preborn Child Protection Act, Idaho Code § 18-8805, unless that health care professional is first convicted in the criminal court of violating Idaho Code § 18-8805.
19. Idaho Code § 19-101 restricts punishment for criminal offenses, such as Idaho Code § 18-622 and Idaho Code § 18-8805, to circumstances in which a legal conviction in a court having jurisdiction is obtained.
20. While Idaho Code § 54-1814(6) permits the Board of Medicine to discipline a doctor for performing an unlawful abortion, Idaho Code § 19-101 does not permit such discipline as a punishment for a violation of Idaho Code § 18-622 or 18-8805 unless the doctor has first been convicted of violating those sections in criminal court. Further, the Idaho Board of Medicine has disavowed any authority to impose a professional license suspension for a violation of Idaho Code § 18-622 or Idaho Code § 18-8805 unless there is first a conviction in criminal court.
21. An official capacity suit under *Ex parte Young* is only permissible where the defendant has “fairly direct” “connection with the enforcement” of the challenged laws. *Los Angeles Cnty. Bar Ass’n v. Eu*, 979 F.2d 697, 704 (9th Cir. 1992).
22. Plaintiff has sued to enjoin enforcement of two criminal statutes, Idaho Code § 18-622 and § 18-8805.
23. The Board of Medicine and its members lack criminal prosecutorial authority.
24. Consequently, the Members of the Idaho Board of Medicine do not possess enforcement authority sufficient to make them appropriate defendants for injunctive relief pursuant to *Ex parte Young* in the absence of an actual conviction for the violation of Idaho Code § 18-622 or Idaho Code § 18-8805.

ii. Standing

25. Plaintiff lacks standing to bring either of his claims.
26. Plaintiff fails to raise his own liberty interest in performing abortions that are otherwise unlawful under the challenged abortion statutes.
27. But to show Article III injury, Plaintiff must describe an invasion of his own “legally protected interest.” *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992); *see also Fellowship of Christian Athletes v. San Jose Unif. Sch. Dist. Bd. of Educ.*, 82 F.4th 664, 680–81 (9th Cir. 2023).
28. In the absence of Plaintiff having a “legally protected interest” to perform any specific procedure, *Lambert v. Yellowley*, 272 U.S. 581, 596 (1926); *Leigh v. Olson*, 497 F.Supp. 1340, 1345 n.2 (D.N.D. 1980), Plaintiff cannot show a concrete and particularized injury.

29. Thus, he lacks first party standing sufficient to bring his claims or the claims of others. *Fleck and Assoc. v. City of Phoenix*, 471 F.3d 1100, 1105 (9th Cir. 2006).
30. As to Plaintiffs' claims of third party standing, Plaintiff fails to show the necessary connection to a specific third party who suffers an injury in fact. Plaintiff does not show that any specific patient has a claimed medical need for an abortion that is prohibited by Idaho Code § 18-622 or Idaho Code § 18-8805. Specific to Count II, Plaintiff has never had a patient ask him for an abortion for a mental health reason.

DATED: May 11, 2026

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

/s/ Aaron M. Green

AARON M. GREEN

Deputy Attorney General

*Attorney for Defendants Members
of the Idaho Board of Medicine,
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Raúl Labrador*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on May 11, 2026, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to the following persons:

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