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

MARCH FOR OUR LIVES IDAHO and
IDAHO ALLIANCE FOR RETIRED
AMERICANS,

Plaintiffs,

v.

PHIL MCGRANE, in his official
capacity as the Idaho Secretary of
State,

Defendant.

Case No. 1:23-cv-00107-AKB

**NOTICE OF SUPPLEMENTAL
AUTHORITY**

On summary judgment, MFOL and the Alliance based their organizational standing on a diversion-of-resources theory. Dkt. 57 at 2-5. They said that MFOL “has had to divert resources away from its normal activities to combat the impacts of House Bill 124 and House Bill 340,” *id.* at 3, and that “House Bill 340 inevitably will force the Alliance to divert resources away from other activities,” *id.* at 4 (cleaned up). They advanced no other Article III injury.

The Supreme Court has now clarified that Plaintiffs’ sole organizational standing theory is insufficient. Accordingly, Defendant Phil McGrane gives the Court notice of the supplemental authority attached as Exhibit A, *Food and Drug Administration v. Alliance for Hippocratic Medicine*, 602 U.S. ___, ___ S.Ct. ___, 2024 WL 2964140 (June 13, 2024).¹ The Supreme Court, in a unanimous decision, rejected ‘diversion of resources’ organizational standing. Specifically, the Court rejected the claim that, “standing exists when an organization diverts its resources in response to a defendant’s actions. Indeed, that theory would mean that all the organizations in America would have standing to challenge almost every federal policy that they dislike, provided they spend a single dollar opposing those policies. [*Havens Realty Corp v. Coleman*, 455 U.S. 363 (1982)] does not support such an

¹ And as the Idaho Supreme Court held in *BABE VOTE v. McGrane*, 546 P.3d 694 (Idaho 2023), organizations just like MFOL and the Alliance are not injured by conducting voter education initiatives in response to new laws like HB 340 and HB 124 because “the mission of these organizations *is* voter education. We agree with the Secretary that educating voters about the need to produce identification at the polls is not a new harm; it is part of the organizations’ mission.” *Id.* at 706.

expansive theory of standing.” *Alliance for Hippocratic Medicine*, 602 U.S. at ____,
2024 WL 2964140 at *13.

DATED: June 24, 2024.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By: /s/ James E. M. Craig
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 24, 2024, I electronically filed the foregoing 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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