LAWRENCE WASDEN ATTORNEY GENERAL

BRIAN KANE, ISB #6264 Assistant Chief Deputy Attorney General

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

MICHAEL S. GILMORE, ISB #1625 KARIN D. JONES, ISB #6846 Deputy Attorneys General Statehouse, Room 210 P.O. Box 83720 Boise, ID 83720-0010 Telephone: (208) 334-4130 Fax: (208) 854-8073

mike.gilmore@ag.idaho.gov karin.jones@ag.idaho.gov

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

DONALD N. DAIEN,	laintiff,) Case No. 09-022-S-REB
vs. BEN YSURSA, in his official capacity as Secretary of State of the State of Idaho,)) AFFIDAVIT OF COUNSEL) MICHAEL S. GILMORE
D	efendant.)
STATE OF IDAHO)	SS.	
COUNTY OF ADA)		

Your affiant, Michael S. Gilmore, Deputy Attorney General, being first duly sworn upon oath, and states upon personal knowledge as follows:

- 1. I am Deputy Attorney General for the State of Idaho and am one of the counsel of record in this case.
- 2. Exhibit F to my Affidavit is a copy of Plaintiff's Response to Defendant's First Set of Interrogatories and Requests for Production of Documents (And Requests for Admission)

that were provided by Plaintiff's Counsel in answer to Defendant's discovery.

- 3. Exhibit G to my Affidavit is a copy of Plaintiff's Response to Defendant's First Set of Interrogatories that were provided by Plaintiff's Counsel in answer to Defendant's discovery.
- 4. Exhibit H to my Affidavit are copies of self-authenticating documents from the case of *State of Idaho v. Carol E. Johnson*, Idaho State District Court, Nez Perce County, Case No. CR2004-0006670:
 - H-1. Criminal Complaint charging Ms. Johnson with Making a False Affidavit on a Petition, I.C. § 34-1818, 34-1822, and 18-111, a Felony.
 - H-2. Magistrate's Finding of Probable Cause Upon Defendant's Appearance Pursuant to Summons.
 - H-3. Order Binding Over, binding Ms. Johnson over for a felony trial.
 - H-4. Information accusing Ms. Johnson of Making a False Affidavit on a Petition, I.C. § 34-1818, 34-1822, and 18-111, a Felony.
 - H-5. Idaho Criminal Rule 11 Plea Agreement by Ms. Johnson to plead guilty to Making a False Affidavit on a Petition, I.C. § 34-1818, 34-1822, and 18-111, a Felony.
 - H-6. Idaho Criminal Rule 11 Order accepting Ms. Johnson's guilty plea.
 - H-7. Commitment of Ms. Johnson to Board of Correction.
 - H-8. Judgment of Conviction for Ms. Johnson for Making a False Affidavit on a Petition, I.C. § 34-1818, 34-1822, and 18-111, a Felony.
 - H-9. Order Suspending Sentence and Order of Probation for Ms. Johnson.
 - H-10. Report of Probation Violation for Ms. Johnson.
 - H-11. Bench Warrant for Ms. Johnson for violating terms of probation.

5. This concludes my affidavit.

Michael S Gilmore

Deputy Attorney General

SUBSCRIBED AND SWORN to before me this 2009.

Notary Public_

Residing at: Boise, Idaho

My Commission Expires: 12-20-2010

ADDITION OF COUNSEL MICHAEL S. GILMORE - 2

CERTIFICATE OF SERVICE			
I HEREBY CERTIFY that on this 8 th day of September 2009, I electronically filed the foregoing AFFIDAVIT OF COUNSEL MICHAEL S. GILMORE with the Clerk of the Court using the CM/ECF system, which sent a Notice of Electronic Filing to the following persons:			
Robert E. Barnes The Bernhoft Law Firm, S.C. 207 E. Buffalo St., Ste. 600 Milwaukee, WI 53202	☐ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: (414) 276-2822 ☐ CM/ECF		
Christ T. Troupis Troupis Law Office PA PO Box 2408 Eagle, ID 83616	☐ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: (414) 276-2822 ☐ CM/ECF		

/s/ Karin D. Jones

Michael S. Gilmore Karin D. Jones Deputy Attorneys General