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WY Teton County District
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FILED

*Attorney for Defendants State of Wyoming,
Governor Gordon, Attorney General Hill*

**IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
IN AND FOR TETON COUNTY, WYOMING**

DANIELLE JOHNSON; KATHLEEN DOW;)
GIVOANNINA ANTHONY, M.D.; RENE R.)
HINKLE, M.D.; CHELSEA'S FUND; and)
CIRCLE OF HOPE HEALTHCARE d/b/a)
Wellspring Health Access,)

Plaintiffs,)

v.)

Civil Action No. 18853

STATE OF WYOMING; MARK GORDON,)
Governor of Wyoming; BRIDGET HILL,)
Attorney General for the State of Wyoming;)
MATTHEW CARR, Sheriff Teton County,)
Wyoming; and MICHELLE WEBER, Chief of)
Police, Town of Jackson, Wyoming,)

Defendants.)

**STATE DEFENDANTS' RULE 56.1 STATEMENT
OF DISPUTED MATERIAL FACTS TO BE TRIED**

As required by Rule 56.1(b) of the Wyoming Rules of Civil Procedure, Defendants
State of Wyoming, Wyoming Governor Mark Gordon, and Wyoming Attorney General

Bridget Hill (the State Defendants) hereby submit their “statement of material facts as to which it is contended that there exists a genuine issue to be tried.” Wyo. R. Civ. P. 56.1(b).

The State Defendants do not contend that there are genuine issues as to any material facts that need to be tried in this case. In making this statement, the State Defendants do not waive their right to contest the materiality of any of the facts listed in Plaintiffs’ Rule 56.1(a) statement or otherwise referenced in their summary judgment briefing (their opening legal memorandum and combined response/reply memorandum). The question of whether a fact is material for purposes of summary judgment is a question of law for this Court. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986) (stating that “the substantive law will identify which facts are material”).

The State Defendants also do not waive their right to contest the facts listed in Plaintiffs’ Rule 56.1(a) statement or otherwise referenced in their summary judgment briefing on other grounds. For example, paragraphs 17, 34, and 70 in Plaintiffs’ Rule 56.1(a) are not facts, but instead are Plaintiffs’ interpretation of the State Defendants’ response to written discovery. The State Defendants’ answers speak for themselves. As another example, the statements in paragraphs 2, 5, 15, 16, 35, 43, and 89 are not facts, they are legal conclusions.

DATED this 5th day of October 2023.

/s/Jay Jerde

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of October, 2023, a true copy of the foregoing was served via email, and mailed, postage prepaid, to the following:

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