

## Idaho Victims Records Case:

- Memorandum in Support of Ex Parte Application for Restraining Order
- Memorandum in Support of Preliminary and Permanent Injunction
- Order Granting Temporary Restraining Order
- Order Granting Partial Permanent Injunction

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IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT  
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF LATAH

KAREN LARAMIE,

Plaintiff,

vs.

the CITY OF MOSCOW, a municipal  
corporation,

Defendant.

Case No. CV29-25-0755

MEMORANDUM IN SUPPORT OF EX  
PARTE MOTION FOR TEMPORARY  
RESTRAINING ORDER

COMES NOW Plaintiff, by and through her attorneys of record, Leander L. James of the firm James, Vernon & Weeks, P.A., and respectfully presents the following in support of Plaintiff's motion for an ex parte temporary restraining order.

**I. TEMPORARY RESTRAINING ORDER**

Plaintiffs request an ex parte temporary restraining order and a subsequent preliminary injunction in accordance with I.R.C.P. 65 enjoining the Defendant, the City of Moscow, from disclosing any images, video media or audio media, related to the homicide investigation of the victims of Brian Kohberger which contain the following information that is protected under the Idaho Public Records Act (IPRA) Idaho Code §74-101 et. seq., specifically I.C. §74-124 and I.C. §74-101:

MEMORANDUM IN SUPPORT OF EX PARTE MOTION FOR TEMPORARY  
RESTRAINING ORDER: 1

1. Images of the interior of Maddison Mogen's (hereafter "Maddie") residence;
2. Images of the murder scenes, including images of pools of blood, blood splatters and dried blood;
3. Images of the personal property and items of the victims of the homicide found inside the interior and exterior of the residence, including but not limited to containers of alcohol, underwear, ID cards and other personal items;
4. Images of witnesses, including witnesses hugging each other and sobbing;
5. Video and audio media containing sounds of the witnesses, including sounds of them sobbing; and
6. Video and audio media containing statements of witnesses given to law enforcement officials, including statements evidencing their extreme emotions.

## **II. LEGAL STANDARD**

Plaintiff's Motion for a Temporary Restraining Order and lawsuit for Preliminary Injunction is governed by Rule 65 of the Idaho Rules of Civil Procedure. It may issue without written or oral notice if an affidavit/declaration or a verified complaint clearly shows that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition. I.R.C.P. 65(b).

A preliminary injunction may be granted by the Court when it appears by the complaint that the plaintiff is entitled to the relief demanded and that relief, or any part of it, consists of restraining the commission or continuance of the acts complained of, either for a limited period or perpetually. It may also issue when it appears by the complaint or affidavit/declaration that the commission or continuance of some act during litigation would produce great or irreparable injury to the plaintiff.

## II. BASIS FOR MOTION

The facts presented in the Verified Complaint establish that the Plaintiff is the mother of Maddison Mogen. On November 13, 2022, Maddie, Kaylee Goncalves, Xana Kernodle and Ethan Chapin (Victims) were present within the residence at 1122 King Road in Moscow Idaho. On that night, the victims were stabbed to death by Bryan Kohberger within the residence. Kohberger has admitted to stabbing the four victims.

Law Enforcement, in furtherance of the investigation of the Homicide of the Victims, took photos of the interior and residence of 1122 King Road in Moscow Idaho. These images of the crime scene included images of the death scenes, the bodies of the Victims, stab wounds, their blood, their personal items and effects, and other personal matter. Further video and audio media were recorded by law enforcement as they entered the residence, performed protective sweeps, and began their investigation of crime scene showing similar images.

Continuing their investigation, law enforcement documented their investigation by taking photos, recording video and audio of relevant witnesses to the case. Some video and audio contained witness's statements, and at times crying and emotional lability of the witnesses.

On August 12, 2025, Leander L. James Attorney for the Plaintiffs was informed by Mia Bautista, City Attorney of the City of Moscow, that in response to a request for examination of public records pursuant to Idaho Code § 74-103, the City had begun to release images related to those requests. Ms. Bautista also confirmed that the Defendant intends to begin releasing further images and video media and other media in response to those requests. The City's attorney provided Mr. James with copies of some of the images and video media. Upon reviewing them, Mr. James requested that the City not disclose the images and video media that Plaintiff moves to protect from

disclosure in this action. The City's attorney responded that the City disagrees and will be disclosing the images and video media.

### III. ARGUMENT

Rule 65 allows the issuance of an ex parte temporary restraining order under two circumstances: "(1) when it appears by the complaint that the plaintiff is entitled to the relief demanded, and that relief, or any part of it, consists of restraining the commission or continuance of the acts complained of, either for a limited period or perpetually; [and] (2) when it appears by the complaint or affidavit that the commission or continuance of some act during litigation would produce waste, or great or irreparable injury to the plaintiff. I.R.C.P. Rule 65(e)(1)-(2). Both circumstances here are present.

The Defendant's release of this private information is in violation of an exemption to the release of public records where an "unwarranted invasion of personal privacy exists". Idaho Code § 74-124(1)(c). The statute further defines this invasion as when "Disclosure of information used to identify, locate, or harass a juvenile, a victim of an alleged crime of mass violence or domestic violence, or a victim of physical or sexual abuse; or [d]isclosure where release of information is likely to violate legitimate and substantial privacy interests of the person identified when such interests are weighed against general public information." Idaho Code § 74-101(17)(a).

The determination of what matter is subject to this exemption is best demonstrated in the case of *Gaylord v. Clifford et al.*, Case No. CV01-24-17522 (Ada County Dist. Ct., March 14, 2025), Memorandum Decision Granting Petition for Order to Disclose Public Records. There, the Court recognized that a right to privacy exists to death scene images citing the legislative intent, and federal law; however, ruled that camera footage that never showed the victim or their injuries was able to be disclosed, because the victim is not visible or audible during the media.

The facts here are distinguished from those in *Gaylord*. The Plaintiff seeks to enjoin the Defendant from presenting any images related to the murder scenes, the bodies of the Victims, their blood and other gruesome matter. Despite some redaction, the Plaintiff still reports that the release of these images has and would invade her “privacy and the privacy of [her] deceased daughter.” Decl. of Karen Laramie, p. 3. Given these facts, the verified complaint meets the first criteria and shows that the Plaintiff can establish a clear violation of Idaho Code § 74-124 and therefore is entitled to the relief consisting of restraining the City from releasing the documents.

Further, the second criterion is also met. The evidence shows that materials contained in the images being released or in the process of being released would “cause great or irreparable injury to the plaintiff[s]”. I.R.C.P. Rule 65(e)(2). The Plaintiff experienced ongoing emotional damages related to the murder of their daughter, and the act of releasing the images will likely exacerbate the emotional pain of parents who have gruesomely lost their child. In the Plaintiff’s declaration she notes that she is “experiencing extreme emotional distress with physical manifestations” because of the acts of the defendant. Decl. of Karen Laramie, p. 2. The likelihood of embarrassment and emotional distress constitutes the harm that the exception seeks to protect against.

In the Court’s detailed analysis in *Gaylord, supra.*, the Court goes on at length to describe the contents of the body camera footage. In doing so, the Court makes several important factual observations: 1) Deputy Bolter’s “injuries are not visible on the camera, and he cannot be heard saying anything”; 2) “The video shows only blue sky with light clouds”; 3) “[The body camera] comes to rest a few feet away, still pointing at the sky . . . It shows mostly sky.” 4) “**Deputy Bolter is never visible, nor are any of his injuries.**” *Id.*, at 7-9 (emphasis added). By contrast, images 493, 494 and 497-560 depict injuries (blood pooled, splattered and dried is part of a stab injury)

and part of a person's body (their blood). The *Gaylord* Court further observes that the body camera footage was taken by a public officer during a "traffic stop in a parking lot open to the public." *Id.*, at 39. By contrast, there are photographs in this case depicting the private interior of the residence, including personal items of the decedents.

The *Gaylord* Court, citing *Schuyler v. Curtis* 42 N.E. 22 (N.Y. 1985), observed that in that case the "surviving relatives had a right to protect the 'character' or memory of a deceased relative' from being interfered with." *Gaylord v. Clifford*, *supra*, pg. 18. The *Gaylord* court observes, "Thus, according to the Court in *Shulyer*; the inquiry into the extent of a privacy right was an objective, not subjective, one." *Id.* The *Gaylord* Court goes on to adopt that standard. The *Gaylord* Court then recognized the right to privacy of "death scene images":

In *National Archives and Records Admin. v. Favish*, 541 U.S. 157 (2004), the Supreme Court decided family members of a deceased person have a personal privacy interest in avoiding public disclosure of photographs of their deceased family member's corpse and other "death-scene images." *Id.* at 170. The United States Supreme Court pointed to state supreme courts which have recognized privacy interests in autopsy records, and photographs of a deceased body. *See Id.* at 169 (citing *Reid v. Pierce County*, 961 P.2d 333, 342 (Wash.1998), *McCambridge v. Little Rock*, 766 S.W.2d 909, 915 (1989), and *Bazemore v. Savannah Hospital*, 155 S.E. 194 (Ga. 1930) (per curiam)). The Supreme Court discussed the long history at common law reflecting reverence for the dead and the views held by many that the body after death is sacred. *See Id.* Thus, courts have recognized the emotional impact of images of bodies being desecrated as a privacy interest protected against unwarranted invasion under 5 U.S.C. § 552(b)(7)(C). The Court held that release of the death-scene and autopsy photos of a lawyer for President Clinton who committed suicide in a public park would be an unwarranted invasion of that privacy interest.

...

As discussed above, the Supreme Court in *Favish* held the personal privacy interest mentioned in the FOIA includes a privacy interest in avoiding public disclosure of

photographs of their deceased family member's corpse and other death-scene images. A similar interest was recognized by the federal district court in *New York Times* regarding the Challenger astronauts' voices. As discussed above, recognizing this type of privacy interest is consistent with the common law dating back to *Schuyler* and with privacy protections afforded family members at common law today in Idaho and other states. This Court concludes the Idaho Legislature intended "personal privacy interest" in I.C. § 74-124(1)(c) to include a right vested in the family members of a deceased person to avoiding public disclosure of their deceased family member's corpse and other death-scene images in such a way that impugns the character of their deceased relative or their memory of them.

*Id.*, pg. 21 and pp. 23-24.

In *Gaylord*, the body camera footage did not objectively rise to the level of impugning the character of Deputy Bolter or his family's memory of him because "Deputy Bolter is not visible or audible during the recordings." *Id.*, pg. 24. Objectively, the images would not cause emotional harm to Deputy Bolters' family members. *Id.* By contrast, the gruesome photographs in this case depict the decedents' blood and death scene. Disclosure of these images would amount to negligent infliction of emotional distress to the family members of the children, a recognized tort in Idaho. See, *Schrivver v. Raptosh*, 557 P.3d 398, 2024 Ida. LEXIS 109, 2024 LX 80636, 2024 WL 4395178. As recognized by the *Gaylord* Court, a tort claim is a basis to withhold these images. Further, releasing images of the interior of the home, with its many containers of alcohol and other items associated with "partying," impugns the character of the murdered children. It is reasonably objective to conclude that the worldwide media will interpret these images to speculate the children were raging partiers, abused alcohol and drugs and engaged in salacious activity.

The *Gaylord* Court instructs us to analyze "unwarranted invasion of personal privacy" under Idaho's tort law. Thus, if "a family member would be able to sue, either a private person or the government, in tort to prevent widespread publication of such private information or to remedy

the harm caused by its publication [u]nder those circumstances a government agency would be justified in denying a request to access public records under I.C. section 74-124(1)(c).” If the interior images of the house are disclosed, Plaintiff would have a claim of negligent infliction of emotional distress. The images of the murder scene, including the blood, are horrific and would objectively cause her emotional distress. Similarly, the images of alcoholic beverages, and other “partying” images will objectively distress them, particularly in this highly publicized case where the media frenzy has resulted in wild, salacious and speculative allegations about the children.

The *Gaylord* court goes on to say, “Liability for a claim of invasion of privacy by intrusion ‘must be based upon an intentional interference with the plaintiff’s interest in solitude or seclusion, either as to his person or as to his private affairs or concerns.’ *Uranga*, 138 Idaho at 553, 67 P.3d at 32; *Hoskins*, 132 Idaho at 317, 971 P.2d at 1141. Because the right of privacy is measured by the reasonable person standard, ‘[t]he right of privacy is relative to the customs of the time and place, and is determined by the norm of the ordinary person.’ *Jensen v. State*, 139 Idaho 57, 62 (2003) quoting 62A Am Jur 2d, Privacy § 40 (1990).” *Id.*, at 39. The Court also identifies the torts of “false light” and “appropriation” as bases to withhold information. *Id.*, at 40.

In the *Gaylord* decision, the Court applied these standards to Deputy Bolter’s body camera during a “traffic stop in a parking lot open to the public,” which does not depict the death scene, the Court concluded “A police-citizen interaction in a public place is not the kind of subject matter either Deputy Bolter or his family would have a right to keep private.” *Id.*, pg. 39. By contrast, photographs of the interior of the residence that depict the death scenes, alcoholic beverage containers, other “party images,” and private items such as underwear and the murdered children’s private lifestyle are images Plaintiff has a right to keep private. Disclosure of these would invade Plaintiff’s solitude and seclusion for a number of reasons, including: 1) some depict images of

blood spattered, pooled and dry of either Plaintiff's child or her friends; 2) images of the interior of the house depict numerous bottles and cans of alcoholic beverages and other "party" images that objectively could cast the decedents as abusing alcohol and potentially drugs; 3) images of the children's rooms depict personal items, including underwear, which intrudes into the personal life style of these children. And, as outlined above, disclosing the images of the interior of the home and the crime scene gives rise to a negligent infliction of emotional distress claim on the part of Plaintiff and, therefore, is a basis for the City to withhold these images from disclosure to the World.

For all the foregoing reasons, this Court should grant Plaintiff's Ex Parte Motion for a Temporary Restraining Order and permanent injunction against Defendant the City of Moscow.

DATED this 12<sup>th</sup> day of August, 2025. JAMES, VERNON & WEEKS, P.A.

BY: /s/ Leander L. James  
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IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT  
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF LATAH

KAREN LARAMIE, an individual; STACY  
CHAPIN, an individual; JAMES CHAPIN,  
an individual; and MAIZIE CHAPIN, an  
individual,

Plaintiff,

vs.

the CITY OF MOSCOW, a municipal  
corporation,

Defendant.

Case No. CV29-25-0755

MEMORANDUM IN SUPPORT OF  
PRELIMINARY AND PERMANENT  
INJUNCTION

COMES NOW Plaintiffs, by and through their attorney of record, Leander L. James of the firm James, Vernon & Weeks, P.A., and respectfully present the following in support of Plaintiffs' claim for a permanent injunction, enjoining the City of Moscow from releasing any images that are exempt under the Idaho Public Records Act (IPA), or the release of which would violate Plaintiffs' common law right to privacy.

**I. FACTS**

On November 13, 2022, Bryan Kohberger (Kohberger) stabbed to death Ethan Chapin, Madison Mogen, Kaylee Goncalves, and Xana Kernodle in the house where Madison, Kaylee, and

Xana resided and Ethan was visiting, 1122 King Road in Moscow, Idaho. Amended Declaration of Stacy Chapin in Support of Motion for Temporary Restraining Order and Injunction (S. Chapin Dec.), pars. 1 and 2. The Moscow City Police Department (MPD) investigated the murders, taking at least 186 photographs and body-worn camera footage of the crime scene. Declaration of Laurie M. Hopkins (Hopkins Dec.), pars. 11 and 13. These images were provided to the Court in camera on or about August 13, 2025. *Id.*, par. 11.

Prior to the City's disclosure of images, none of the images were placed into the public domain. None were admitted into evidence since the criminal case against Kohberger was resolved with a plea agreement, conviction and commitment. *State of Idaho v. Bryan C. Kohberger*, Ada County Case No. CR01-24-1665, Judgement of Conviction and Commitment (July 23, 2025). The Laramies and the Chapins supported the plea agreement in part to avoid the trauma of these images becoming public at trial.

The case of *State of Idaho v. Bryan C. Kohberger* "garnered worldwide interest." Order Granting Plaintiff's Motion for Temporary Restraining Order, pg. 2, on file. Prior to July 23, 2025, the City of Moscow (City) received public record requests for any and all investigatory records related to the Kohberger investigation. Hopkins Dec, par. 5. Since July 23, 2025, the City has received over 1,150 Public Records Requests for the MPD's investigative records involving the Kohberger investigation. *Id.* The 1,150 requesters ask for crime scene photographs, 911 calls, police reports, body-worn camera footage, witness statements, autopsy reports, investigatory records and all evidence collected during the investigation. *Id.*

Two Hundred Fifty (250) of the requesters make broad requests for the crime scene photographs, including those taken during the investigation. *Id.*, par. 6. A minimum of 100 requesters have made broad requests for the body camera footage of the initial responding police

officers, including a request for all video footage taken and collected during the investigation. *Id.*, par. 7. Fifty (50) of the requesters appear to be associated with national media organizations, local and regional news, crime shows and podcasts. *Id.*, par. 8. The remaining requesters do not indicate their employment affiliation. *Id.*

The City has at least 186 photographs taken by the MPD during the early stages of the investigation into the murders. *Id.*, par. 11. The City blurred certain parts of these photographs, but not others. *Id.* The City blurred depictions of the victims' bodies, but did not otherwise blur or blackout the interior of the house or the locations where the victims were found. *Id.*, pars. 11 and 13. The City purports to have "blur[red] out any depictions of the bodies of any of the victims" (*Id.* par. 11); however, in the photographs and video camera footage, images are partially visible under the blurring. See images under seal reviewed by the Court in camera.<sup>1</sup> On August 7, 2025, the City disclosed these photographs to one requester of the 250 parties that had requested crime scene photographs in the City's possession. Hopkins Dec, par. 12. On August 21, 2025, the City disclosed Officer Nunes's bodycam video, with some blurring, directly to a requesting party with plans to disclose this same video to additional requesters as time permits. *Id.*, par. 15. The City provided further blurred photographs to additional requesters on August 18, 2025, and it will continue to provide these directly to requesters as time permits. *Id.*

Stacy Chapin, the mother of Ethan Chapin, saw what she believes are Ethan's feet in an image she inadvertently saw online. S. Chapin Dec., par. 6. Some of these photographs and body camera video footage depict the death scenes; pools of blood; blood splattered on walls, furniture, the floor and other locations;<sup>2</sup> images of the bodies under covers surrounded by blood, including

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<sup>1</sup> These include images 423-604 and four body camera videos, including those of Officers Nunes, Blaker and Gunderson.

<sup>2</sup> For example, see images under seal 493-494, 497-505, 545-548, 550-560 and video footage of death scenes.

images of a bedspread outline of one of the decedent's knees;<sup>3</sup> images of the victims' personal items; an unflushed toilet;<sup>4</sup> images of the interior of Maddie, Kaylee, and Xana residence, including their personal items, underwear and other clothes, beds, and ID card and other personal items; video footage of witnesses sobbing, wailing; and other personal and emotionally charged images and video footage audio. See images under seal reviewed by the Court in camera.

On August 11, 2025, the City's Attorney contacted the Attorney for Karen Laramie and informed him that images of the Moscow murder scenes had been disseminated to the media, specifically the news station KTVB, and that the City intended to disseminate additional images and body cam footage to the media. Declaration of Leander L. James in Support of Temporary Restraining Order (James Dec.), par. 2. On August 11, 2025, the City provided Ms. Laramie's Attorney with copies of images and video. *Id.*, par. 3. In the early morning of August 12, 2025, Ms. Laramie's Attorney wrote the City Attorney a detailed email with legal analysis explaining why certain images are exempt from disclosure under the IPA. *Id.*, par. 4. The City's attorney responded that the City would continue to disclose the image, video and audio media containing personal and private information in the coming days. *Id.*

The City's disclosure of the photographs and video footage, and the prospect of further disclosure of the photographs and video footage, have caused Plaintiffs and Hunter Chapin extreme emotional distress with physical manifestations. Laramie Dec., S. Chapin Dec., and Amended Declaration of Maizie Chapin in Support of Motion for Temporary Restraining Order and Injunction (M. Chapin Dec.), generally. The physical manifestations include sleep disturbance, shaking and sobbing. S. Chapin Dec., par. 12, M. Chapin Dec., par. 7. Jim and Stacy inadvertently encountered a death scene photograph online on August 7, 2025, with no warning

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<sup>3</sup> For example, see images 550-558.

<sup>4</sup> Image 492.

that these images had been released. S. Chapin Decl., par. 6. This resulted in trauma and horror for Jim and Stacy Chapin and continued to reopen their wound over the death of Ethan. *Id.* They live in fear that the City will release additional images to the World. *Id.*, par. 8. Jim, Stacy, Maizie and Huner live in fear of seeing more of these images online. *Id.*

The release of these photographs and video footage is an invasion into the privacy of Plaintiffs and Hunter Chapin. S. Chapin Dec., pars. 12 and 18; M. Chapin Dec., pars. 15 and 21; Laramie Dec., par. 10. Release of these photographs and video footage has and will cause Plaintiffs and Hunter Chapin irreparable and permanent harm. S. Chapin Dec., par. 19; M. Chapin Dec., pars. 8, 11, 18, 19, 20; Laramie Dec., par. 10 and 11.

## **II. RELEVANT PROCEDURAL HISTORY**

On August 12, 2025, Karen Laramie, the mother of Maddison Mogen, filed a verified Complaint for injunctive relief, an Ex Parte Motion for Temporary Restraining Order under I.R.C.P. 65(b), the James Dec., and Karen Laramie's Declaration in Support of Motion for Temporary Restraining Order. Documents on file. Although Laramie requested an "ex parte" temporary restraining order, Laramie's counsel had been in contact with the City's attorney and provided the City with notice and a copy of the filings.

Because parties' counsel have been in communication regarding the temporary restraining order request and the representations made throughout the criminal case concerning the overwhelming volume of evidentiary materials reviewed by the attorneys for the State of Idaho and the criminal defendant, the Court found it prudent to have an "in chambers" zoom meeting with Laramie's counsel and the City's counsel on August 13, 2025, to discuss more specifically the

volume, scope, and type of investigatory materials the City intends to release as it relates to Laramie's claim.

Following the meeting and upon the parties' agreement, the City provided the Court four redacted videos and approximately 181 redacted photographs for "in-camera" review. Due to the immediacy of the restraining order request as outlined in ILR.C.P. 65 and the non-ex parte nature of Laramie's filing, the City was afforded the opportunity to provide a response to the motion for temporary restraining order and did so on August 14, 2025. On August 15, 2025, having reviewed the relevant pleadings, the Court granted Plaintiff's Temporary Restraining Order, prohibiting the City "from disclosing any images, audio, or video depicting the inside of Madison Mogen's bedroom." Order Granting Plaintiff's Motion for Temporary Restraining Order, on file.

On August 18, 2025, Plaintiff filed the Declaration of Stacy Chapin in Support of Motion for Temporary Restraining Order. On August 23, 2025, Plaintiffs filed their First Amended Complaint, adding Stacy Chapin, James Chapin and Maizie Chapin as plaintiffs. On August 23, 2025, Plaintiffs filed the Declaration of Maizie Chapin in Support of Motion for Temporary Restraining Order and Injunction. On August 26, 2025, Defendant filed the Declaration of Laurie M. Hopkins. On August 26, 2025, Plaintiffs filed the Amended Declaration of Maizie Chapin in Support of Motion for Temporary Restraining Order and Injunction and the Amended Declaration of Stacy Chapin in Support of Motion for Temporary Restraining Order and Injunction.

On August 25, 2025, the Parties filed a Stipulation of the Parties Submitting This Matter for a Decision on the Permanent Injunction Based on the Declarations, Pleadings and Briefing on File. On August 26, 2025, Defendant filed its Response to Motion for Preliminary Injunction or Other Relief. On August 26, 2025, the Court ordered that a hearing on the Permanent Injunction will take place on August 28, 2025 via Zoom, live streamed to the public, and per the Stipulation

of the Parties, the declarations and verified pleadings submitted are admissible evidence to be considered by the Court.

### III. LEGAL STANDARD

The Court has the power to grant injunctive relief. I.R.C.P. 65.

Preliminary injunctions are designed to protect clearly established rights from imminent or continuous violation during litigation. *See Gordon v. U.S. Bank Nat'l Ass'n*, 166 Idaho 105, 455 P.3d 374, 384 (2019) (quoting *Brady v. City of Homedale*, 130 Idaho 569, 572, 944 P.2d 704, 707 (1997)) ("A district court should grant a preliminary injunction 'only in extreme cases where the right is very clear and it appears that irreparable injury will flow from its refusal.'"). A permanent injunction, on the other hand, is entered at the resolution of the case, and requires a showing of threatened or actual irreparable injury; in addition, in order to deny a permanent injunction the trial court must be persuaded that there is "no reasonable expectation that the wrong will be repeated." *O'Boskey*, 112 Idaho at 1007, 739 P.2d at 306. In other words, a trial court may appropriately deny a preliminary injunction at the outset of a case when there are complex issues of fact and law yet to resolve, but correctly grant a permanent injunction once those issues have been resolved in favor of the plaintiff. The two types of injunction serve different purposes and the distinction between the two and the different tests to be applied to them should not be conflated.

*Gem State Roofing, Inc. v. United Components, Inc.*, 168 Idaho 820, 834-835, 488 P.3d 488, 502-503 (2021). "[I]rreparable injury is any impossible to repair injury . . ." *McCann v. McCann*, 152 Idaho 809, 820, 275 P.3d 824, 835, (2012).

### IV. LAW

The IPA grants a general right to the public to examine and copy public records of the state. I.C. § 74-102(1). "Under the Act, public records are presumed 'open unless provided otherwise by statute.'" *Cover v. Idaho Bd. of Corr.*, 167 Idaho 721, 727, 476 P.3d 388, 394 (2020), citing *Wade v. Taylor*, 156 Idaho 91, 97, 320 P.3d 1250, 1256 (2014). "A public agency or independent public body corporate and politic shall either grant or deny a person's request to examine or copy public records" within specified time periods. I.C. §74-103(2).

Bases for denial include exemptions set forth in Idaho Code § 74-124(1)(c), which provides

in pertinent part:

(1) Notwithstanding any statute or rule of court to the contrary, nothing in this chapter nor chapter 10, title 59, Idaho Code, shall be construed to require disclosure of investigatory records compiled for law enforcement purposes by a law enforcement agency, but such exemption from disclosure applies only to the extent that the production of such records would:

...

(c) Constitute an unwarranted invasion of personal privacy.

...

*Id.*

An "unwarranted invasion of personal privacy" means:

(i) Disclosure of information used to identify, locate, or harass a juvenile, a victim of an alleged crime of mass violence or domestic violence, or a victim of physical or sexual abuse; or

(ii) Disclosure where release of information is likely to violate legitimate and substantial privacy interests of the person identified when such interests are weighed against general public information.

I.C. § 74-101(17)(a).

Independent of the IPA, Plaintiffs have a common law right of privacy. The Idaho

Supreme Court has articulated four categories of invasion of privacy:

This Court has recognized four categories of invasion of privacy: (1) Intrusion upon the plaintiff's seclusion or solitude, or into his private affairs; (2) Public disclosure of embarrassing private facts about the plaintiff; (3) Publicity which places the plaintiff in a false light in the public eye; and (4) Appropriation, for the defendant's advantage, of the plaintiff's name and likeness. *Hoskins v. Howard*, 132 Idaho 311, 971 P.2d 1135 (1999).

*Uranga v. Federated Publs., Inc.*, 138 Idaho 550, 553, 67 P.3d 29, 32 (2003).

## V. ARGUMENT

A. Defendant did not redact the images.

Defendant contends “these photographs blur out any depiction of the victims’ bodies, and remove the, [sic] names, faces of any non-sworn law enforcement officers, and any other personal identifying information.” Response to Motion for Preliminary Injunction or Other Relief (Defendant’s Response), pg. 4. Regarding the bodycam videos, Defendant similarly contends “redactions to those videos prepared at that time blurred out any images of the victims’ bodies, and other personal identifying information concerning anyone depicted in them who was not a sworn law enforcement officer. Defendant’s Response, pg. 5.

Plaintiffs respectfully contend that these statements are not accurate because: 1) the images, including the slain victims, are still present in the photographs and videos and can be partially seen through the blur; and 2) blood, which is biologically a part of the victims’ bodies, is clearly visible. Indeed, would Defendants contend that in an investigation of a murder where the hand is severed from the body that blurring the body except for the hand constitutes blurring “out *any* depiction of the victims’ bodies.” (Emphasis added). No. Defendant fails to appreciate that it did not blur out an important part of the victims’ bodies in this case: their blood.

Other images, such as the video and audio of a sobbing witness, are not sufficiently redacted to hide the identity of the person, and they tragically display the witness's emotional harm with physical manifestations (sobbing).

Blurring is not redacting. “The process of redaction is when a document is modified, edited or revised to have *all confidential and sensitive information* taken out of it.” <https://thelawdictionary.org/redaction/> (emphasis added). While the City claims it “redacted” certain images, the fact is that the images are still there, only blurred. Blurring

an image is not taking out “all confidential and sensitive information.” *Id.* The information, such as the dead bodies, is still there, merely harder to see. As Plaintiff Stacy Chapin explains, “We assure you that seeing a redacted photo is just as traumatizing because our son is still in the picture, clear or not. They are heartbreaking and continue to reopen a wound that has yet to heal.” S. Chapin Dec., par. 6. Further, these blurred images can surely be used to “identify or locate” the victim, which is violative of IC. § 74-101(17)(a)(i).

The City should be ordered to completely remove all confidential and sensitive information, not just blur it. The City should further redact all images of the death scene and the victims’ blood.

B. The City, and by extension this Court, has an affirmative duty to apply the IPA’s exemptions to all images falling within the exemption.

The City is not entirely incorrect to say it “is required by law to disclose investigatory records on request, unless it is demonstrated that a specific exception to disclose applies.” Defendants' Response, pg. 8. The IPA does not require a “demonstration” by someone that an exception applies. To the contrary, the plain language of the IPA places an affirmative duty on the City to “either grant or deny a person’s request to examine or copy public records” within specified time periods. I.C. §74-103(2). The word “shall” is mandatory, requiring the City, and by extension, this Court, to determine whether to grant a request or deny it. *Id.* The reason for denying the request is that a given record falls within an exemption under the IPA; therefore, the City has an affirmative duty to determine whether an exemption applies to any of the photographs and bodycam video in this case. The obligation is triggered when any person

makes a request. *Id.* It is not triggered by someone coming forward and “demonstrating” that an exception applies.

This point can be emphasized by a simple analogy. Imagine an officer enters a private residence to investigate a potential crime with a body camera recording and happens upon a naked girl coming out of a shower. Under I.R.C.P. §74-124(1)(c), the images of the naked girl are exempt from disclosure because they are an unwarranted invasion of personal privacy. Upon any request for them, the agency “shall deny a person's request to examine or copy” them. I.C. §74-103(2). The girl does not have to come forward and file a lawsuit, as the Plaintiffs did in this case, to trigger the agency’s duty to apply the statute. The duty to correctly apply the IPA is triggered when there is a request under the plain language of the statute.

Further, the analysis of whether disclosing the images is an unwarranted invasion is an “objective” analysis, not subjective. *Gaylor v. Clifford, supra*. Thus, even if the girl came forward and said she had no problem with the disclosure of the naked images, the agency would be bound to withhold them because any reasonable person would find the disclosure to be an unwarranted invasion of the person’s privacy.

Finally, Defendants cite *Wade v. Taylor*, 156 Idaho 91, 320 P.3d 1250 (2014) for the proposition that “the party opposing disclosure generally ‘has the burden of demonstrating that the records are exempt from disclosure.’” Response, pg. 10. That’s not what the Court in *Wade* said. The Court concluded that, “*the party withholding disclosure* has the burden to show a reasonable probability that disclosure of the investigatory records would result in one or more of the harms identified by Idaho Code section 9-335(1)(a)-(f).” *Wade v. Taylor*, 156 Idaho 91, 96, 320 P.3d 1250, 1255 (2014) (emphasis added). Plaintiffs are not the “party withholding

disclosure.” *Id.* Plaintiffs are injured parties seeking to enjoin the party disclosing the images from disclosing them.

Thus, the City, and by extension this Court, has the affirmative duty to examine the images in the photographs and body camera video, and the audio in the videos and determine under an objective standard which are subject to the unwarranted invasion of personal privacy exception.

C. Plaintiffs have standing, and Disclosure of death scene images constitutes an unwarranted invasion of Plaintiffs’ personal privacy under the IPA, warranting a permanent injunction prohibiting the City from disclosing any death scene images.

Defendant questions Plaintiffs’ “standing” to bring this action, citing I.C. §74-101(17)(ii). Defendant’s Response, pg. 12. First, Defendant overlooks that subsection (i) applies because, as explained further herein, disclosure of the death scene images can be used to identify or locate a victim of an alleged crime of mass violence or physical abuse. The bodies are located in the images.

Second, regarding subsections (i) and (ii), Defendant wrongfully assumes that parents and siblings of a deceased person are not “victims.” The IPA does not define the word “victim.” Immediate family members of homicide victims are treated as victims in other parts of the Idaho Code. See I.C. 19-5306(3). It is reasonable to interpret the word “victim” in the IPA as similarly including immediate family members. Under subsection (i), the disclosure of information may be used by those on the internet to “harass” the immediate family members, I.C. §74-101(17)(i), as bloggers and others have already done to them and witnesses. Under

subsection (ii), as discussed further herein, the disclosure is an unwarranted invasion of the immediate family members' privacy.

Third, subsection (ii) applies to the "person identified." Defendant seems to assume this term means only the murder victims in this case, but the statute does not use the word "victim." A reasonable statutory interpretation is that "the person identified" is the person who is identified as having their privacy interests violated. The persons identified in this case whose privacy interests are being violated are the immediate family members.

Fourth, it does not make sense to interpret the IPA to mean the Legislature did not want immediate family members in death cases to have a right to privacy under the exemption when the Legislature gave immediate family members the right to victim compensation under I.C. 19-5306.

Fifth, as set forth in the *Gaylord* analysis, and adopted by this Court, in death cases, the privacy interests are held by the family members. *Gaylord, supra*.

This Court has correctly determined that disclosure of death scene images is an unwarranted invasion into the personal privacy of the family members:

[T]he U.S. Supreme Court has held that the federal Freedom of Information Act ("FOIA") recognizes surviving family members' right to personal privacy with respect to their close relative's "death-scene images." *Nat'l Archives & Recs. Admin. v. Favish*, 541 U.S. 157, 170, 124 S. Ct. 1570, 1579, 158 L. Ed. 2d 319 (2004). And most recently, another Idaho District Court in Ada County found that "family members of a deceased person" have a right to avoid "public disclosure of their deceased family member's corpse and other death-scene images" that would impugn the character of the deceased or of the family's memory of the deceased. *See Gaylord v. Clifford, et al.*, Ada County Case CV01-24- 17522 (Memorandum Decision and Order, dated March 14, 2025). Therefore, the "weighty privacy interests" family members have in "death-scene images" of close relatives must be weighed against the public interest in disclosure to determine if disclosure would result in an "unwarranted" invasion of privacy. *Id.* at 171, 124 S. Ct. at 1580.

In this particular case, Laramie has a recognized privacy interest in preventing disclosure of images or videos depicting her deceased daughter and the "death scene" that would impugn the character of her daughter or her memory of her daughter.

*Laramie v. City of Moscow*, Order Granting Plaintiff's Motion for Temporary Restraining Order, pg. 9 (August 15, 2025).

Plaintiffs' right to privacy under the IPA is codified in Idaho Code § 74-124(1)(c), *supra.*, and I.C. § 74-101(17)(a)(i) and (ii), *supra.* These images are a violation of I.C. § 74-101(17)(a)(i) because disclosure of the information may be used to "identify [or] locate a victim of an alleged crime of mass violence or . . . a victim of physical . . . abuse." The victims are in the images, even if they have been blurred, and one can use the images to identify and locate them. The images are a violation of I.C. § 74-101(17)(a)(ii), because, as the Court has found, disclosure of them "is likely to violate the legitimate and substantial privacy interests" of the decedents' family members "when such interests are weighed against the general public information." *Id.*

Contrary to Defendants' contention that Plaintiffs' "have not demonstrated why their interests outweigh the public interest in disclosure" (Response, pg. 13), Plaintiffs have placed ample evidence into the record to so demonstrate. Plaintiffs are enduring severe emotional harm with physical manifestations, and this harm will only worsen as more death scene images and other images are released. Plaintiffs' privacy interests in not having their family members' death scene images circulated around the world are high, especially because the release of these images has and will cause them irreparable and permanent harm in the form of severe emotional distress with physical manifestations. By contrast, the public's interest in seeing pools of blood, dead bodies under covers and blurred images of the bodies is low, particularly considering the autopsy reports have already been released detailing their wounds and how they died. At most,

the public may have an interest in seeing the “knife sheath” that led to Koghberger’s arrest, but that image can be shown without showing any of the death scene by simply blocking out the death scene around it.

Images of the bedrooms where the murders took place are death scene images clearly showing pools of blood; blood splattered on walls, furniture, the floor and other locations; images of the victim’s bodies under covers; an image of Ethan’s feet; an image of a bedspread outline of one of the decedent’s knees; and other images. Disclosure and planned disclosure of these images have and will cause the Plaintiffs severe emotional distress with physical manifestations. The emotional damages are real, palpable, understandable and irreparable. For example, Plaintiffs now live with the knowledge that death scene images are circulating on the internet and the fear that Plaintiffs may inadvertently encounter them. They live with the fear that the City may disclose more gory images of their loved ones’ murder scenes. Plaintiffs have encountered some of these images online and likely will encounter others. Once seen, they cannot be unseen. Once this irreparable harm occurs, it cannot be undone, warranting a permanent injunction. I.R.C.P. 65, *McCann v. McCann*, 152 Idaho 809, 820, 275 P.3d 824, 835, (2012).

While the Court limited its TRO ruling to images of Karen Laramie’s daughter, the City has since applied the ruling to the death scene images of Ethan Chapin, thus indicating the City has determined that disclosing those images may be an invasion of the privacy interests of Ethan’s parents and siblings. Further, Ethan’s parents and sister have now joined this action as plaintiffs, and the Court’s analysis of Karen Laramie’s privacy interests applies equally to their

privacy interests. The Court should extend the TRO or the temporary or permanent Injunction, if granted, to Ethan's family members.

D. Disclosure of death scene images constitutes an unwarranted invasion of Plaintiffs' common law right to privacy.

In *Reid v. Pierce County*, 136 Wn.2d 195, 961 P.2d 333, (1998), Plaintiffs, relatives of deceased persons, filed an action against defendants, a county and its employees, alleging that defendants' appropriation and displaying to others photographs of corpses of plaintiffs' deceased relatives constituted negligent infliction of emotional distress, the tort of outrage, a violation of their state rights of privacy, and a common law invasion of privacy. The Washington Supreme Court reversed the superior court's grant of summary judgment against plaintiffs on the common law invasion of privacy claim because the immediate relatives of the deceased had a protectable privacy interest in the autopsy records and photographs of the decedents. The Court observed, "We fail to see how autopsy photographs of the Plaintiffs' deceased relatives do not constitute intimate details of the Plaintiffs' lives or are not facts Plaintiffs do not wish exposed "before the public gaze." *Reid v. Pierce County*, 136 Wn.2d at 210, 961 P.2d at 341 (1998).

Idaho has recognized the common law tort of invasion of privacy:

This Court has recognized four categories of invasion of privacy: (1) Intrusion upon the plaintiff's seclusion or solitude, or into his private affairs; (2) Public disclosure of embarrassing private facts about the plaintiff; (3) Publicity which places the plaintiff in a false light in the public eye; and (4) Appropriation, for the defendant's advantage, of the plaintiff's name and likeness. *Hoskins v. Howard*, 132 Idaho 311, 971 P.2d 1135 (1999).

*Uranga v. Federated Publs., Inc.*, 138 Idaho 550, 553, 67 P.3d 29, 32 (2003).

Plaintiffs respectfully contend that disseminating death image photographs of their children and siblings (no matter how blurred) is an intrusion into their seclusion, solitude and private affairs.

E. The Court's reliance on *Gaylord v. Clifford* is sound.

The Court's TRO analysis incorporated the well-researched and well-reasoned opinion of *Gaylord v. Clifford et al.*, Case No. CV01-24-17522 (Ada County Dist. Ct., March 14, 2025), Memorandum Decision Granting Petition for Order to Disclose Public Records. In *Gaylord*, the Hon. Judge Johnathan Medema describes the contents of the body camera footage in detail. In doing so, the Court makes several important factual observations: 1) Deputy Bolter's "injuries are not visible on the camera, and he cannot be heard saying anything"; 2) "The video shows only blue sky with light clouds"; 3) "[The body camera] comes to rest a few feet away, still pointing at the sky . . . It shows mostly sky." 4) "***Deputy Bolter is never visible, nor are any of his injuries.***" *Id.*, at 7-9 (emphasis added).

Images such as images 493, 494 and 497-560 depict injuries (blood pooled, splattered and dried is part of a stab injury) and part of a person's body (their blood). The *Gaylord* Court further observes that the body camera footage was taken by a public officer during a "traffic stop in a parking lot open to the public." *Id.*, at 39. By contrast, there are photographs in this case depicting the private interior of the residence, including personal items of the decedents.

The *Gaylord* Court, citing *Schuyler v. Curtis* 42 N.E. 22 (N.Y. 1985), observed that in that case the "surviving relatives had a right to protect the 'character' or memory of a deceased relative' from being interfered with." *Gaylord v. Clifford*, supra, pg. 18. The *Gaylord* court observes, "Thus, according to the Court in *Shulyer*; the inquiry into the extent of a privacy right was an objective, not subjective, one." *Id.* The *Gaylord* Court goes on to adopt that standard. The *Gaylord* Court then recognized the right to privacy of "death scene images":

In *National Archives and Records Admin. v. Favish*, 541 U.S. 157 (2004), the Supreme Court decided family members of a deceased person have a personal

privacy interest in avoiding public disclosure of photographs of their deceased family member's corpse and other "death-scene images." *Id.* at 170. The United States Supreme Court pointed to state supreme courts which have recognized privacy interests in autopsy records, and photographs of a deceased body. *See Id.* at 169 (citing *Reid v. Pierce County*, 961 P.2d 333, 342 (Wash.1998), *McCambridge v. Little Rock*, 766 S.W.2d 909, 915 (1989), and *Bazemore v. Savannah Hospital*, 155 S.E. 194 (Ga. 1930) (per curiam)). The Supreme Court discussed the long history at common law reflecting reverence for the dead and the views held by many that the body after death is sacred. *See Id.* Thus, courts have recognized the emotional impact of images of bodies being desecrated as a privacy interest protected against unwarranted invasion under 5 U.S.C. § 552(b)(7)(C). The Court held that release of the death-scene and autopsy photos of a lawyer for President Clinton who committed suicide in a public park would be an unwarranted invasion of that privacy interest.

...

As discussed above, the Supreme Court in *Favish* held the personal privacy interest mentioned in the FOIA includes a privacy interest in avoiding public disclosure of photographs of their deceased family member's corpse and other death-scene images. A similar interest was recognized by the federal district court in *New York Times* regarding the Challenger astronauts' voices. As discussed above, recognizing this type of privacy interest is consistent with the common law dating back to *Schuyler* and with privacy protections afforded family members at common law today in Idaho and other states. This Court concludes the Idaho Legislature intended "personal privacy interest" in I.C. § 74-124(1)(c) to include a right vested in the family members of a deceased person to avoiding public disclosure of their deceased family member's corpse and other death-scene images in such a way that impugns the character of their deceased relative or their memory of them.

*Id.*, pg. 21 and pp. 23-24.

In *Gaylord*, the body camera footage did not objectively rise to the level of impugning the character of Deputy Bolter or his family's memory of him because "Deputy Bolter is not visible or audible during the recordings." *Id.*, pg. 24. Objectively, the images would not cause emotional harm to Deputy Bolters' family members. *Id.* By contrast, the gruesome photographs in this case depict the decedents' blood and death scene. Disclosure of these images would amount to negligent infliction of emotional distress to the family members of the children, a recognized tort

in Idaho. See, *Schrivver v. Raptosh*, 557 P.3d 398, 2024 Ida. LEXIS 109, 2024 LX 80636, 2024 WL 4395178. As recognized by the *Gaylord* Court, a tort claim is a basis to withhold these images. Further, releasing images of the interior of the home, with its many containers of alcohol and other items associated with “partying,” impugns the character of the murdered children. .

The *Gaylord Court* instructs us to analyze “unwarranted invasion of personal privacy” under Idaho’s tort law. Thus, if “a family member would be able to sue, either a private person or the government, in tort to prevent widespread publication of such private information or to remedy the harm caused by its publication [u]nder those circumstances a government agency would be justified in denying a request to access public records under I.C. section 74-124(1)(c).” If the interior images of the house are disclosed, Plaintiff would have a claim of negligent infliction of emotional distress. The images of the murder scene, including the blood, are horrific and would objectively cause her emotional distress. Similarly, the images of alcoholic beverages, and other “partying” images will objectively distress them, particularly in this highly publicized case where the media frenzy has resulted in wild, salacious and speculative allegations about the children.

The *Gaylord* court goes on to say, “Liability for a claim of invasion of privacy by intrusion ‘must be based upon an intentional interference with the plaintiff’s interest in solitude or seclusion, either as to his person or as to his private affairs or concerns.’ *Uranga*, 138 Idaho at 553, 67 P.3d at 32; *Hoskins*, 132 Idaho at 317, 971 P.2d at 1141. Because the right of privacy is measured by the reasonable person standard, ‘[t]he right of privacy is relative to the customs of the time and place, and is determined by the norm of the ordinary person.’ *Jensen v. State*, 139 Idaho 57, 62 (2003) quoting 62A Am Jur 2d, Privacy § 40 (1990).” *Id.*, at 39. The Court also identifies the torts of “false light” and “appropriation” as bases to withhold information. *Id.*, at 40.

In the *Gaylor* decision, the Court applied these standards to Deputy Bolter’s body camera during a “traffic stop in a parking lot open to the public,” which does not depict the death scene, the Court concluded “A police-citizen interaction in a public place is not the kind of subject matter either Deputy Bolter or his family would have a right to keep private.” *Id.*, pg. 39. By contrast, photographs of the interior of the residence that depict the death scenes, alcoholic beverage containers, other “party images,” and private items such as underwear and the murdered children’s private lifestyle are images Plaintiff has a right to keep private. Disclosure of these would invade Plaintiff’s solitude and seclusion for a number of reasons, including: 1) some depict images of blood spattered, pooled and dry of either Plaintiff’s child or her friends; 2) images of the interior of the house depict numerous bottles and cans of alcoholic beverages and other “party” images that objectively could cast the decedents as abusing alcohol and potentially drugs; 3) images of the children’s rooms depict personal items, including underwear, which intrudes into the personal life style of these children. And, as outlined above, disclosing the images of the interior of the home and the crime scene gives rise to a negligent infliction of emotional distress claim on the part of Plaintiff and, therefore, is a basis for the City to withhold these images from disclosure to the World.

## VI. CONCLUSION

For all the foregoing reasons, this Court should grant Plaintiffs’ request for a permanent injunction, enjoining Defendant from releasing any more images that are exempted under the IPA, including the death scene images.

DATED this 27th day of August, 2025 JAMES, VERNON & WEEKS, P.A.

BY: /s/ Leander L. James  
LEANDER L. JAMES  
*Attorneys for Plaintiffs*

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

KAREN LARAMIE,	)	
	)	Case No. CV29-25-0755
Plaintiff,	)	
	)	
vs.	)	ORDER GRANTING PLAINTIFF’S
	)	MOTION FOR TEMPORARY
	)	RESTRAINING ORDER
The CITY OF MOSCOW, a municipal	)	
corporation,	)	
	)	
Defendant.	)	

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This matter is before the Court on Plaintiff, Karen Laramie’s (“Laramie”) Ex Parte Motion for Temporary Restraining Order. Laramie seeks to temporarily restrain and permanently enjoin the Defendant, City of Moscow (“City”), from releasing records related to the homicide that took place in November 2022 pursuant to I.R.C.P. 65 and I.C. §74-124(1)(c).

I. BACKGROUND

On November 13, 2022, four University of Idaho students were tragically murdered in Moscow, Idaho.<sup>1</sup> The events took place at 1122 King Road, a private home shared by the victims, one of whom was Madison Mogen (“Mogen”). In the hours and days following the incident, multiple law enforcement agencies partnered to investigate and process the crime scene. Among the first to respond was the Moscow Police Department (“MPD”). As part of the investigation, videos,

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<sup>1</sup> For purposes of this Ex Parte Motion for Temporary Restraining Order, the Court will not recount in detail the horrific facts of the underlying criminal matter except to the extent necessary to address Laramie’s motion.

photographs, reports, and other evidentiary materials were generated, which ultimately led to the Defendant's arrest.

For a multitude of reasons, the criminal case garnered worldwide interest. Shortly after the November 13, 2022, the City of Moscow ("City") began receiving public records requests seeking to obtain any or all materials related to the case. Until July 2, 2025, the criminal case was pending trial, and until July 17, 2025, a non-dissemination order was in place, which prevented the disclosure of certain records to preserve the parties' right to a fair trial. Initially, the City denied requests to disclose records pursuant to I.C. §§74-124(1)(a) ("production would interfere with enforcement proceedings") and (1)(b) ("production would deprive a person of a right to a fair trial or an impartial adjudication"). On July 23, 2025, a Judgment of Conviction and Commitment was entered concluding the criminal proceeding.

To date, the City has received nearly 1,000 public records requests for any or all information related to the criminal investigation. Because the criminal matter has concluded, the City is working to respond to these voluminous requests, and so far, has provided redacted police officer reports made available via a weblink and on August 11, 2025, disclosed approximately 181 redacted photographs from the crime scene taken by MPD to a particular requestor. On August 11 or 12, 2025, the City provided copies of these redacted photographs and certain redacted video to Laramie's counsel and informed counsel that the City would be disclosing the redacted videos, including redacted body camera ("bodycam") videos from MPD officers that depict the crime scene, as well as other materials within the coming days. Upon reviewing the photographs and video provided, Laramie's counsel emailed a response to the City objecting to the release of any additional materials in the case.

On August 12, 2025, Laramie, Mogen's mother, filed a Complaint for "an injunction restraining the City of Moscow from releasing further images related to the homicide investigation of

Plaintiff's daughter." Specifically, Laramie seeks an injunction preventing the City from releasing: "(1) images of the interior of Madison Mogen's residence; (2) images of the murder scenes, including images of pools of blood, blood splatters and dried blood; (3) images of the personal property and items of the victims of the homicides found inside the interior and exterior of the residence, including but not limited to containers of alcohol, underwear, ID cards and other personal items; (4) images of witnesses, including hugging each other and sobbing; (5) video and audio media containing sounds of the witnesses, including sounds of them sobbing; and (6) video and audio media containing statements of witnesses given to law enforcement officials, including statements evidencing their extreme emotions." Laramie argues the City's release of such photographs, videos, and audio constitutes an "unwarranted invasion of personal privacy," which has caused or will cause her "extreme emotional distress with physical manifestations" and which "may cause the public to disparage or blame the victims of this tragic crime."

Along with her Complaint, Laramie filed an Ex Parte Motion for Temporary Restraining Order under I.R.C.P. 65(b). Although Laramie requests an "ex parte" temporary restraining order, Laramie's counsel has been in contact with the City and its attorney(s) and provided the City with notice and a copy of the filing. Because parties' counsel have been in communication regarding the temporary restraining order request and the representations made throughout the criminal case concerning the overwhelming volume of evidentiary materials reviewed by the attorneys for the State of Idaho and the criminal defendant, the Court found it prudent to have an "in chambers" zoom meeting with Laramie's counsel and the City's counsel on August 13, 2025 to discuss more specifically the volume, scope, and type of investigatory materials the City intends to release as it relates to Laramie's claim. Following the meeting and upon the parties' agreement, the City provided the Court four redacted videos and approximately 181 redacted photographs for "in-camera" review.

As noted previously, the City has already disclosed the redacted photographs prior to Laramie's complaint being filed, but is waiting to release the videos and other materials pending the Court's ruling. Additionally, due to the immediacy of the restraining order request as outlined in I.R.C.P. 65 and the non ex-parte nature of Laramie's filing, the City was afforded the opportunity to provide a response to the motion for temporary restraining order and did so on August 14, 2025. Now, having reviewed the relevant pleadings, the Court issues the following order granting Laramie's Ex Parte Motion for Temporary Restraining Order.

## II. LAW

Pursuant to Rule 65 of the Idaho Rules of Civil Procedure, a party may petition the court for an injunction and/or restraining order in a civil proceeding. Rule 65(b) allows a court to issue a temporary restraining order pending a hearing for injunctive relief without notice to the adverse party if: "(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damages will result to the movant before the adverse party can be heard in opposition; and (B) the movant or the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required." I.R.C.P. 65(b). If a temporary restraining order is issued without notice, or "ex-parte," the adverse party may appear and move to dissolve or modify the temporary order. I.R.C.P. 65(b)(4).

A court may grant a preliminary injunction after the adverse party has received notice if the moving party establishes one of the grounds for issuing injunctive relief set forth in I.R.C.P. 65(e)(1)-(5). One ground for issuing a preliminary injunction is "when it appears by the complaint that the plaintiff is entitled to the relief demanded, and that relief, or any part of it, consists of restraining the commission or continuance of the acts complained of, either for a limited period or perpetually." I.R.C.P. 65(e)(1). Alternatively, a preliminary injunction may be granted where the party seeking the

injunction demonstrates it will suffer great or irreparable injury during the litigation if the injunction is not granted, or where the party seeking the injunction will have his or her rights violated by the defendant's actions during the litigation rendering the requested judgment ineffectual. I.R.C.P. 65(e)(2) and (e)(3).

“A preliminary injunction ‘is granted only in extreme cases where the right is very clear and it appears that irreparable injury will flow from its refusal.’” *Brady v. City of Homedale*, 130 Idaho 569, 572, 944 P.2d 704, 707 (1997) (quoting *Harris v. Cassia County*, 106 Idaho 513, 518, 681 P.2d 988, 993 (1984)). Irreparable injury is any injury that is impossible to remedy or repair. *See McCann v. McCann*, 152 Idaho 809, 820, 275 P.3d 824, 835 (2012). This standard requires the moving party to show a “substantial likelihood of success” on its underlying claims, thereby illustrating that the moving party is entitled to the relief sought. *Planned Parenthood Great Nw. v. State*, 172 Idaho 321, 326, 532 P.3d 801, 806 (2022).

“Whether to grant or deny a preliminary injunction is a matter for the discretion of the trial court.” *Brady v. City of Homedale*, 130 Idaho 569, 572, 944 P.2d 704, 707 (1997). However, “a preliminary injunction is the ‘strong arm of equity’ which, as an extraordinary remedy, must be exercised with great restraint.” *Planned Parenthood Great Nw.*, 172 Idaho at 325, 532 P.3d at 805. If a preliminary injunction or restraining order is issued, the movant must “give security in an amount that the court considers proper to pay the costs and damages, including reasonable attorney’s fees, sustained by any party found to have been wrongfully enjoined or restrained.” I.R.C.P. 65(c).

### III. ANALYSIS

In accordance with the Idaho Public Records Act, there is a presumption that all public records in this state are open for inspection except as otherwise provided by statute. I.C. § 74-102(1). “Public record” is defined as “any writing containing information related to the conduct or administration of

the public's business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics." I.C. § 74-101(13). Every person has a right to examine and take a copy of such public records. I.C. § 74-102(1). "[T]he motivation of the person requesting the public record is irrelevant. The public's right, and consequently, any individual person's right, to inspect a public record is conditioned solely on whether the document is a public record that is not expressly exempted by statute." *Wade v. Taylor*, 156 Idaho 91, 101, 320 P.3d 1250, 1260 (2014) (internal quotation marks and citation omitted).

Specific to this case, law enforcement investigatory records are public records. "Investigatory record' means information with respect to an identifiable person, group of persons or entities compiled by a public agency pursuant to its statutory authority in the course of investigating a specific act, omission, failure to act, or other conduct over which the public agency has regulatory authority or law enforcement authority." I.C. § 74-101(6). Generally, investigatory records as defined by I.C. § 74-101(6) are subject to disclosure under the Idaho Public Records Act. However, there are certain exceptions to disclosure as enumerated in I.C. § 74-124(1)(a) – (g). One exception is where production of records would constitute an unwarranted invasion of personal privacy. I.C. § 74-124(1)(c). An "unwarranted invasion of personal privacy" means:

- (i) Disclosure of information used to identify, locate, or harass a juvenile, a victim of an alleged crime of mass violence or domestic violence, or a victim of physical or sexual abuse; or
- (ii) Disclosure where release of information is likely to violate legitimate and substantial privacy interests of the person identified when such interests are weighed against general public information.

I.C. § 74-101(17)(a).

In this case, Laramie argues that disclosure of the public records, specifically photographs and bodycam videos created by law enforcement at the scene of her daughter's murder, would constitute an "unwarranted invasion of personal privacy," and therefore, the City's disclosure would violate I.C.

§ 74-124(1)(c). The parties agree that the records to be disclosed are public records and more specifically, law enforcement investigatory records. The records reviewed in-camera by the Court, which, amongst others, are the subject of Laramie's motion, contain the following:

- 1) 181 photographs of the crime scene depicting the exterior and interior of the residence in the hours following the incident. The exterior photographs include the parking area and area surrounding the home, and the interior and exterior of multiple vehicles. The photographs have been redacted to blur out any identifying information such as license plate or VIN numbers. The interior photographs depict the house as it existed when law enforcement arrived on scene showing various alcohol and food containers/garbage, interior decorations, individual rooms, stairways, bathrooms, and general living rooms as well as the two rooms where the four deceased victims were located. The photographs have been redacted to blur out the decedents' bodies but do show blood spatter and other blood stains consistent with a crime scene.
- 2) Four redacted MPD bodycam videos from initial responding officers. The videos similarly depict the exterior and interior of the residence and have been redacted to blur out any personal identifying information on items depicted such as license plate or VIN numbers, ID cards, photographs, or other miscellaneous items within the home. Further, the videos have been redacted to blur out the decedents' bodies but do show blood spatter and other blood stains consistent with a crime scene. The videos also depict law enforcement conducting on-scene interviews, including video and audio of witnesses and other individuals at the scene, as well as interactions between law enforcement as the investigation begins to unfold. The videos have been redacted to blur out the faces of

witnesses and other non-law enforcement present and the audio is redacted as to any personal identifying information.

The inquiry for the Court is whether the City's production of the investigatory records, even in their redacted form, would constitute an unwarranted invasion of personal privacy. More narrowly, however, the inquiry for the purposes of Laramie's motion for temporary restraining order is limited to whether immediate and irreparable injury, loss, or damages will result to her before the City may be heard and Laramie's complaint for injunctive relief may be fully adjudicated.

First, the Court must determine what privacy interest, if any, Laramie has in the law enforcement records she seeks to keep from public disclosure. As cited above, an unwarranted invasion of personal privacy is defined as either "disclosure of information used to identify . . . a victim of an alleged crime of mass violence" or "disclosure where release of information is likely to violate legitimate and substantial privacy interests of the person identified when such interests are weighed against general public information." I.C. § 74-101(17)(a). Aside from this definition, there is little Idaho law concerning what constitutes an unwarranted invasion and the Idaho Supreme Court has not yet addressed what constitutes an "unwarranted invasion of personal privacy." However, the U.S. Supreme Court has held that the federal Freedom of Information Act ("FOIA") recognizes surviving family members' right to personal privacy with respect to their close relative's "death-scene images." *Nat'l Archives & Recs. Admin. v. Favish*, 541 U.S. 157, 170, 124 S. Ct. 1570, 1579, 158 L. Ed. 2d 319 (2004). And most recently, another Idaho District Court in Ada County found that "family members of a deceased person" have a right to avoid "public disclosure of their deceased family member's corpse and other death-scene images" that would impugn the character of the deceased or of the family's memory of the deceased. *See Gaylord v. Clifford, et al.*, Ada County Case CV01-24-17522 (Memorandum Decision and Order, dated March 14, 2025). Therefore, the "weighty privacy

interests” family members have in “death-scene images” of close relatives must be weighed against the public interest in disclosure to determine if disclosure would result in an “unwarranted” invasion of privacy. *Id.* at 171, 124 S. Ct. at 1580.

In this particular case, Laramie has a recognized privacy interest in preventing disclosure of images or videos depicting her deceased daughter and the “death scene” that would impugn the character of her daughter or her memory of her daughter. It must be specifically noted that Laramie’s privacy interest does not extend to the other victims in this case. On balance, the public has an interest in the investigatory records concerning this horrific tragedy and how the investigation was conducted. For purposes of a temporary restraining order, Laramie has asserted that the City’s release of the redacted photographs has caused her irreparable harm in the form of severe emotional distress with physical manifestations and the City’s impending release of the videos will further exacerbate this irreparable harm.


There can be no doubt that the images, videos and other investigatory records in this case are incredibly disturbing and elicit an emotional response. The records are very difficult to digest and do provide a raw view into the horrific tragedy on November 13, 2022. Upon review of the limited items provided to the Court (4 bodycam videos and 181 photographs), the Court generally finds the disclosure of major portions of the videos and photographs would not constitute an unwarranted invasion of Laramie’s personal privacy. However, there are portions of the videos and photographs, even in their current redacted state, more particularly, Officer Warner’s bodycam video, that could constitute an unwarranted invasion of Laramie’s privacy at this time. Therefore, the Court finds that a temporary restraining order that restrains the City from further releasing any images, audio, or video depicting the inside of Mogen’s bedroom is warranted until a hearing on the preliminary injunction may be held.

IV. ORDER

For the reasons stated herein,

IT IS HEREBY ORDERED that Laramie's Ex Parte Motion for Temporary Restraining Order is GRANTED.

Dated: 8/15/2025

  
Megah E. Marshall  
District Judge

CERTIFICATE OF SERVICE

I certify that copies of the Order Granting Plaintiff's Motion for Temporary Restraining Order were delivered to the following:

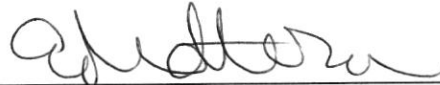
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on this 15 day of August 2025.

JULIE FRY  
CLERK OF THE COURT

By:   
Deputy Clerk

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

KAREN LARAMIE, an individual, STACY CHAPIN, an individual, JAMES CHAPIN, an individual, and MAIZIE CHAPIN, an individual,	)	Case No. CV29-25-0755
	)	
	)	MEMORANDUM DECISION
	)	GRANTING IN PART PLAINTIFFS'
Plaintiffs,	)	COMPLAINT FOR PERMANENT
	)	INJUNCTION
vs.	)	
	)	
The CITY OF MOSCOW, a municipal corporation,	)	
	)	
Defendant.	)	

This matter is before the Court on Plaintiffs' Complaint for injunctive relief seeking to restrain and permanently enjoin the Defendant, City of Moscow ("the City"), from releasing certain records related to the homicide of their family members pursuant to I.R.C.P. 65 and I.C. §74-124(1)(c).

I. BACKGROUND

On November 13, 2022, four University of Idaho students, Madison Mogen ("Mogen"), Kaylee Goncalves ("Goncalves"), Xana Kernodle ("Kernodle"), and Ethan Chapin ("Chapin") (collectively "decedents") were tragically murdered in Moscow, Idaho. The events took place at 1122 King Road, a private home shared by Mogen, Goncalves, and Kernodle. At the time of the murders, Chapin was staying at the residence with Kernodle. In the hours and days following the incident,

multiple law enforcement agencies partnered to investigate and process the crime scene. Among the first to respond was the Moscow Police Department (“MPD”). As part of the investigation, videos, photographs, reports, and other evidentiary materials were generated, which ultimately led to Bryan Kohberger’s arrest.

For a multitude of reasons, the criminal case garnered worldwide interest. Until July 2, 2025, the criminal case was pending trial, and until July 17, 2025, a non-dissemination order was in place, which prevented the disclosure of certain records to preserve the parties’ right to a fair trial. On July 23, 2025, a Judgment of Conviction and Commitment was entered concluding the criminal proceeding.

Since July 23, 2025, the City has received over 1,150 public records requests for information related to the criminal investigation, including but not limited to: crime scene photographs, 911 calls, police reports, body camera footage, witness statements, autopsy reports, and MPD investigatory records. In response to the requests, the City made redacted police reports available to the public via a weblink and disclosed 186 photographs taken at the crime scene, some with blurring over the decedents’ bodies. On August 11, 2025, the City provided copies of these photographs and certain redacted video to Plaintiffs’ counsel and informed counsel that the City would be disclosing the redacted videos, including redacted body camera (“bodycam”) videos from MPD officers that depict the crime scene, as well as other materials within the coming days. Upon reviewing the photographs and video provided, Plaintiffs’ counsel emailed a response to the City objecting to the release of any additional materials in the case because it would constitute a violation of Plaintiffs’ personal privacy.

On August 12, 2025, Karen Laramie (“Laramie”), Mogen’s mother, filed this Complaint for “an injunction restraining the City of Moscow from releasing further images related to the homicide investigation of Plaintiff’s daughter.” Along with her Complaint, Laramie filed an Ex-Parte Motion

for Temporary Restraining Order under I.R.C.P. 65(b). Following an in-camera review of four redacted bodycam videos and approximately 181 photographs, an Order Granting Plaintiff's Motion for Temporary Restraining Order and a Temporary Restraining Order were issued on August 15, 2025, that temporarily restrained the City from disclosing any images, audio, or video depicting the inside of Mogen's bedroom until a hearing on the preliminary or permanent injunction. On August 21, 2025, the City released additional bodycam videos and crime scene photographs that blacked out the bedrooms entirely in lieu of blurring the decedents' bodies.

On August 23, 2025, Plaintiffs filed their First Amended Complaint adding Stacy and James Chapin, Chapin's parents, and Maizie Chapin, Chapin's sister, as plaintiffs. Plaintiffs seek a permanent injunction restraining the City from releasing: "(1) images of the interior of Victims' residence; (2) images of the Victims, whether blurred or not, (3) images of the bedrooms where the victims were murdered; (4) images of the death scenes/murder scenes, including images of pools of blood, blood splatters and dried blood; (5) images of the personal property and items of the Victims of the homicides found inside the interior and exterior of the residence, including but not limited to containers of alcohol, underwear, ID cards and other personal items; (6) images of witnesses, including witnesses hugging each other and sobbing; (7) video and audio media containing sounds of the witnesses, including sounds of them sobbing; and (8) video and audio media containing statements of witnesses given to law enforcement officials, including statements evidencing their extreme emotions."

On August 25, 2025, the parties submitted a Stipulation of the Parties Submitting this Matter for a Decision on the Permanent Injunction Based on the Declarations, Pleadings and Briefing on File. On August 28, 2025, a hearing was held on Plaintiffs' complaint via Zoom. Attorney Leander James appeared on behalf of Plaintiffs. City of Moscow Attorney Mia Batista, attorney Andrew

Pluskal, and attorney Bentley Stromberg appeared on behalf of Defendant City of Moscow. Following the hearing, the Court took the matter under advisement and issued an Amended Temporary Restraining Order which prohibited the City from disclosing any images, audio, or video depicting the inside of the bedrooms of Mogan, Goncalves, and Kernodle.

Now, having considered the evidence, pleadings, and argument, the Court issues the following memorandum decision granting in part Plaintiffs' complaint for permanent injunction.

## II. LEGAL STANDARD

Pursuant to Rule 65 of the Idaho Rules of Civil Procedure, a party may petition the court for an injunction and/or a restraining order in a civil proceeding. While Rule 65 addresses temporary restraining orders and preliminary injunctions, it only briefly addresses permanent injunctions by stating that “[b]efore or after beginning the hearing on a motion for a preliminary injunction, the court may advance the trial on the merits and consolidate it with the hearing.” Here, the parties stipulated to essentially forgo a hearing on a preliminary injunction and instead submit the matter for a decision on the permanent injunction at the August 28, 2025, hearing. Unlike a temporary injunction, “[a] permanent injunction . . . is entered at the resolution of the case, and requires a showing of threatened or actual irreparable injury.” *Gem State Roofing, Inc. v. United Components, Inc.*, 168 Idaho 820, 834, 488 P.3d 488, 502 (2021). Further, “in order to deny a permanent injunction the trial court must be persuaded that there is ‘no reasonable expectation that the wrong will be repeated.’” *Id.* (quoting *O’Boskey v. First Fed. Sav. & Loan Ass’n of Boise*, 112 Idaho 1002, 1007, 739 P.2d 301, 306 (1987)).

## III. ANALYSIS

### A. Idaho Public Records Act

In accordance with the Idaho Public Records Act (“IPRA”), there is a presumption that all public records in this state are open for inspection except as otherwise provided by statute. I.C. § 74-

102(1). “The IPRA provides a statutory mechanism by which members of the public may review public records so that they may be knowledgeable of the operations of their government, the performance of public officials, and the formulation of public policy.” *Wade v. Taylor*, 156 Idaho 91, 91, 320 P.3d 1250, 1256 (2014). A “public record” is defined as “any writing containing information related to the conduct or administration of the public’s business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics.” I.C. § 74-101(13). Every person has a right to examine and take a copy of such public records. I.C. § 74-102(1). But “the motivation of the person requesting the public record is irrelevant. The public’s right, and consequently, any individual person’s right, to inspect a public record is conditioned solely on whether the document is a public record that is not expressly exempted by statute.” *Wade*, 156 Idaho at 101, 320 P.3d at 1260 (internal quotation marks and citation omitted).

Specific to this case, law enforcement investigatory records are public records. “‘Investigatory record’ means information with respect to an identifiable person, group of persons or entities compiled by a public agency pursuant to its statutory authority in the course of investigating a specific act, omission, failure to act, or other conduct over which the public agency has regulatory authority or law enforcement authority.” I.C. § 74-101(6). Generally, investigatory records as defined by I.C. § 74-101(6) are subject to disclosure under the Idaho Public Records Act. When a request to examine is made, the public agency or custodian has a specific time in which to review the record and grant or deny the request. I.C. § 73-103. There are certain exceptions to disclosure as enumerated in I.C. § 74-124(1)(a) – (g) that justify a public agency denying a request. One exception is where production of records would constitute an unwarranted invasion of personal privacy. I.C. § 74-124(1)(c). An "unwarranted invasion of personal privacy" means:

- (i) Disclosure of information used to identify, locate, or harass a juvenile, a victim of an alleged crime of mass violence or domestic violence, or a victim of physical or sexual abuse; or
- (ii) Disclosure where release of information is likely to violate legitimate and substantial privacy interests of the person identified when such interests are weighed against general public information.

I.C. § 74-101(17)(a).

The parties agree that the records to be disclosed in this matter are public records and more specifically, law enforcement investigatory records. The inquiry for the Court is whether the specific records are exempt from disclosure under I.C. § 74-124(1)(c) such that the City should be restrained from releasing them to the public or any specific requestor. Plaintiffs argue disclosure of the public records, specifically photographs, audio, and video created by law enforcement at the crime scene or decedents' residence, would constitute an "unwarranted invasion of personal privacy," and therefore, the City's disclosure would violate I.C. § 74-124(1)(c). On the contrary, the City argues the records are not exempt from disclosure because Plaintiffs do not have standing or authority to assert a privacy interest either on behalf of themselves or on behalf of the decedents, and if Plaintiffs can establish a privacy interest, that interest is not outweighed by the public's interest in disclosure.

1. Plaintiffs have standing to assert a privacy interest in the records to be disclosed.

First, the Court must determine what privacy interest, if any, Plaintiffs have in the law enforcement records they seek to keep from public disclosure. To determine this, the Court must look to the language of the statute and the cases which interpret what constitutes an "unwarranted invasion" of personal privacy.

To begin, IPRA defines "an unwarranted invasion of personal privacy" as either: i) "disclosure of information used to identify, locate, or harass . . . a victim of an alleged crime of mass violence" or ii) "disclosure where release of information is likely to violate legitimate and substantial privacy

interests of the person identified when such interests are weighed against general public information.”  
I.C. § 74-101(17)(a).

Plaintiffs argue the plain language of the statute confers standing for them to bring this action because the information being disclosed depicts the victim’s bodies which identifies the victims and may be used to harass the family members who are considered victims as set forth in I.C. § 19-5306. This victim’s rights statute specifically defines victim as “an individual who suffers direct or threatened physical, financial or emotional harm as the result of the commission of a crime . . .” I.C. § 19-5306(5)(a). Further, Plaintiffs argue the language, “privacy interest of the person identified” is the person who identifies as having their privacy interest violated. Contrarily, the City argues that because the privacy interest of family members is not specifically mentioned in the statute, the legislature did not intend for such to exist under I.C. § 74-124(1)(c). Moreover, the legislature specifically defined the privacy interests of “any deceased person” in I.C. § 74-101(17)(b) when disclosure of certain information is permitted after notification to next-of-kin but opted not to include the same definition in (17)(a). The City acknowledges in drafting this provision that the legislature recognized privacy interests do not evaporate on death, yet argues because it did not include the same language in (17)(a) such provision does not grant Plaintiffs standing to assert a privacy interest on behalf of the decedents (unless a probate is opened and they are serving in a personal representative capacity).

Interestingly, in arguing that Plaintiffs have no privacy interest to establish standing, the City “believes that it struck the appropriate balance” in “balancing the [Plaintiffs’] privacy and the interest in ‘an informed citizenry.’” The City’s actions in blurring certain portions of the investigatory records prior to disclosure and balancing Plaintiffs’ and the public’s interest cut against its standing argument. Well knowing that the presumption under IPRA is full disclosure, when asked why it took affirmative

action to blur or redact the initial disclosures prior to any court intervention, the City responded that it did so in reliance upon the exemption under I.C. § 74-124(1)(c). Thus, agreeing that if Plaintiffs had no privacy interest to assert on their own behalf or on behalf of the decedents, it would have been unnecessary to blur or redact the records. Instead, under its statutory obligation, “it was required by law to disclose investigatory records on request” with such redactions.

While Plaintiffs are considered “victims” and afforded certain rights as set forth in I.C. § 19-5306(5)(a), the Court finds I.C. § 74-101(17)(a)(i) does not have application in this particular case. The information to be disclosed is not being used to identify, locate, or harass a victim of an alleged crime of mass violence. There is no alleged (suspected or unproven) crime. The victims are known, located, and the murderer has been convicted and sentenced to life imprisonment. Likewise, disclosure is not being used to harass the victim, even if the term victim encompasses family members. However, I.C. § 74-101(17)(a)(ii) does apply here and provides standing for Plaintiffs to assert their claim.

The Idaho Supreme Court has yet to address the issue of whose privacy interest is protected under I.C. § 74-124(1)(c) or I.C. § 74-101(17)(a), but cases from the U.S. Supreme Court that have interpreted a similar provision under the federal Freedom of Information Act (FOIA) provide guidance. Under FOIA a public agency shall make records available except records or information compiled for law enforcement purposes that “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” 5 U.S.C.A. § 552(b)(7)(C). However, unlike IPRA, there is no definition of “unwarranted invasion of personal privacy” within FOIA’s statutory scheme, instead, leaving the issue of whose privacy interest may be asserted or protected to federal courts to interpret.

Of interest, in *Nat'l Archives & Recs. Admin. v. Favish*, the U.S. Supreme Court held that FOIA recognizes surviving family members' right to personal privacy with respect to their close relative's "death-scene images." 541 U.S. 157, 170, 124 S. Ct. 1570, 1579 (2004). In that case, the decedent's family members sought "to be shielded by the exemption to secure their own refuge from a sensation-seeking culture for their own peace of mind and tranquility, not for the sake of the deceased[']s" reputation or an interest personal to the decedent. *Id.* at 166, *Id.* at 1577. Even so, the Court held,

[W]e think it proper to conclude from Congress' use of the term "personal privacy" that it intended to permit family members to assert their own privacy rights against public intrusions long deemed impermissible under the common law and in our cultural traditions. This does not mean that the family is in the same position as the individual who is the subject of the disclosure. We have little difficulty, however, in finding in our case law and traditions the right of family members to direct and control disposition of the body of the deceased and to limit attempts to exploit pictures of the deceased family member's remains for public purposes. . . . Family members have a personal stake in honoring and mourning their dead and objecting to unwarranted public exploitation that, by intruding upon their own grief, tends to degrade the rites and respect they seek to accord to the deceased person who was once their own . . . [T]his well-established cultural tradition acknowledging a family's control over the body and death images of the deceased has long been recognized at common law.

*Id.* at 167 - 168, *Id.* at 1578.

Further, while not controlling, a District Court in Ada County also concluded that "family members of a deceased person" have a right to avoid "public disclosure of their deceased family member's corpse and other death-scene images" that would impugn the character of the deceased or of the family's memory of the deceased. *See Gaylord v. Clifford, et al.*, Ada County Case CV01-24-17522 (Memorandum Decision and Order, dated March 14, 2025).

Here, Plaintiffs seek relief both for their own privacy and on behalf of the decedents. Whether the "privacy interests of the person identified" is the decedent or the family members of the decedent, Plaintiffs have established a recognized privacy interest in preventing disclosure of images or videos

depicting their deceased family members and the “death scene” that would impugn the character of the decedents or their memory of them. Therefore, Plaintiff’s have standing under I.C. § 74-124(1)(c) to bring this claim.

2. Plaintiffs have proven their privacy interest in preventing disclosure of certain investigatory records, without additional redactions, outweighs the public’s interest in disclosure.

Having established Plaintiffs have standing to bring this claim, the next inquiry is whether their interest outweighs the public’s interest in disclosure. As stated in *Favish*,

Our ruling that the personal privacy protected by Exemption 7(C) extends to family members who object to the disclosure of graphic details surrounding their relative's death does not end the case. Although this privacy interest is within the terms of the exemption, the statute directs nondisclosure *only* where the information “could reasonably be expected to constitute an unwarranted invasion” of the family's personal privacy. The term “unwarranted” requires us to balance the family's privacy interest against the public interest in disclosure.

541 U.S. 157 at 171, 124 S.Ct. at 1580. Therefore, the “weighty privacy interests” family members have in “death-scene images” of close relatives must be weighed against the public interest in disclosure to determine if disclosure would result in an “unwarranted” invasion of privacy. *Id.*

There can be no doubt that the photographs, video, audio, and other investigatory records in this case are incredibly disturbing. The records are difficult to digest and provide a raw view into the horrific tragedy that occurred on November 13, 2022, that impacted Plaintiffs, a college community, and the world at large. Prior to releasing these records, the City took measures to blur the decedents’ bodies to prevent an unwarranted invasion of personal privacy while balancing the public’s interest, to comply with its statutory obligation. Plaintiffs have a recognized privacy interest, but on balance, the public has an interest in the investigatory records concerning this horrific tragedy and how the investigation was conducted. Regarding each set of investigatory records identified by Plaintiffs in

their complaint, their interests must be weighed against the public's to determine whether release would constitute an unwarranted invasion of personal privacy not just a warranted one.

Plaintiffs' privacy interest in preventing disclosure of the death-scene images that would impugn the character of the deceased or Plaintiffs' memory of them or continue to retraumatize them causing extreme emotional distress outweighs the public's interest in how the investigation was conducted or the scrutiny upon government action. Even the City's action in performing certain redactions supports this conclusion. There is little to be gained by the public in seeing the decedents' bodies, the blood soaked sheets, blood spatter or other death-scene depictions, whereas the dissemination of these images across the internet and in public spheres where Plaintiffs may come upon them by happenstance, as has already occurred, causing them extreme emotional distress is an unwarranted invasion of personal privacy.

The City has blurred certain portions of the investigatory records, but additional redactions are necessary to ensure there is no unwarranted invasion. The blurring is simply insufficient as it still allows the viewer to see the outline and contours of the decedents' bodies and invites, rather than dispels, any speculation about how, where, or why they were positioned. The fact remains; the murder investigation and the criminal case are closed. Releasing these records will have minor effect upon those who continue to be perplexed by the facts or fixated on unfounded conspiracies whereas it has and will continue to have profound effect upon the decedents' loved ones. The City may disclose the investigatory records in this matter, but must blackout any areas within the images, photographs, video, or other media that depict any portion of the decedents or their bodies and the blood immediately surrounding them.

Contrarily, the Court cannot find Plaintiffs' privacy interest outweighs the public's interest concerning the dissemination of audio, video, or photographs depicting: 1) the interior of the

bedrooms, except as provided above, 2) the exterior or interior, including rooms other than the bedrooms, of the residence, 3) the personal property and items of the decedents found inside the interior and exterior of the residence, including but not limited to containers of alcohol, underwear, ID cards and other personal items, 4) witnesses, including audio of crying, or 5) statements of witnesses given to law enforcement officials, including statements evidencing their extreme emotions. Despite the horrendous nature of this tragic event and its distressing dissemination across the world, the fact remains that it was a quadruple homicide with investigatory records. These records, much like many law enforcement investigatory records, invade the privacy province of individuals including suspects, witnesses, victims, and the like, and here, Plaintiffs and others, unnamed in this lawsuit. However, these records are precisely what the law affords the public to obtain under IPRA. Under the law and facts presented, the Court cannot find that Plaintiffs' privacy interest outweighs the public's interest regarding these items such that their release would constitute an unwarranted invasion of personal privacy. Further, releasing images that include alcohol containers, underwear, ID cards, or other personal items of the decedents may appear embarrassing or reveal speculation as to what may or may not have occurred within the residence, but it does not impugn the character of the decedents in a way that constitutes an unwarranted invasion of personal privacy. Therefore, the City shall, upon request and in accordance with its statutory obligation, disclose the investigatory records except as to the death-scene records noted above or those subject to any other statutory exemption or redaction rule.

- B. Release of certain images, video and audio have caused Plaintiffs to suffer irreparable injury and there is a reasonable expectation that continued release will cause further irreparable injury such that a permanent injunction is warranted.

As a final remedy, Plaintiffs' complaint seeks to permanently restrain the City from releasing the investigatory records described above pursuant to I.R.C.P. 65. To do so, Plaintiffs must show


threatened or actual irreparable harm and that there is a reasonable expectation that the wrong will be repeated. From the pleadings, the City does not dispute Plaintiffs' claim that they have suffered irreparable injury due to the initial disclosures, even in their redacted form. Instead, the City contends "it has made the only decision available to it under Idaho law" by blurring the bodies and requests the court find the initial redacted versions of the investigatory records be publicly disclosed.

Irreparable injury is any injury that is impossible to remedy or repair. Plaintiffs have set forth undisputed evidence that they have suffered and will continue to suffer irreparable injury including extreme emotional distress because of the City's release of certain records. More specifically, the injury sustained has physically manifested itself through sleep disturbance, shaking, and sobbing. While it is likely Plaintiffs have suffered these same or similar injuries prior to the City's disclosure due to the trauma they've endured from underlying circumstances over the last several years, the City has not disputed that its initial disclosure of video, audio, and photographs in their redacted form caused Plaintiffs the irreparable injury claimed. As such, Plaintiffs are entitled to relief.

#### IV. CONCLUSION

For the reasons set forth above, the City's disclosure of certain investigatory records would constitute an unwarranted invasion of personal privacy. Plaintiffs have established the disclosure of such records has caused irreparable injury and further disclosure will result in the wrong being repeated. Therefore, Plaintiffs' complaint for a permanent injunction is granted in part.

Dated: 10/1/2025

  
Megan E. Marshall  
District Judge

CERTIFICATE OF SERVICE

I certify that copies of the Memorandum Decision Granting Plaintiffs' Complaint for Permanent Injunction were delivered to the following:

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Bentley Stromberg  
Attorney for Defendant  
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on this 1 day of October 2025.

JULIE FRY  
CLERK OF THE COURT

By:   
Deputy Clerk