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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

ERIC POSEY,

Plaintiff,

v.

IDAHO FAMILY POLICY CENTER, INC.;
BLAINE CONZATTI; and JOSH BALES,

Defendants.

Case No. CV01-24-17929

**PLAINTIFF'S OMNIBUS MOTION IN
LIMINE**

Defendants believe Eric Posey does not deserve their respect because he has different values and beliefs than them. As Edward Clark (an Idaho Family Policy Center employee) testified, he often relayed “fun fact[s]” about Mr. Posey to Blaine Conzatti—such as that Mr. Posey has an emotional support animal and finds it spiritually fulfilling to escape in the wilderness—thinking it was “entertaining” how Mr. Posey’s beliefs “struck of absurdity.” Declaration of Wendy J. Olson in Support of Omnibus Motion in Limine (“Olson Decl.”), Ex. 4 (Clark Dep. 80:19–81:15). With that moral arrogance, Mr. Conzatti had no qualms about perpetuating a lie at the expense of a person he did not value if it meant he could advance his legislative agenda. Sadly, those same sentiments have carried through to this litigation. Defendants seek to escape culpability for their lies by introducing irrelevant evidence and arguments that could prejudice or mislead a jury, such as evidence about Mr. Posey’s sexual orientation and gender identity, Mr. Posey’s attorney’s political and religious views, and the morality and purported deviant fetishes of drag performers generally. Mr. Posey moves the Court for an order excluding the following evidence and argument:

A. Evidence and argument related to Mr. Posey’s sexual orientation

Mr. Posey is proud to be a gay man. His sexual orientation, however, has no bearing on whether Defendants defamed him when they falsely said that he exposed his genitals. As a result, Mr. Posey’s sexual orientation is irrelevant under Idaho Rule of Evidence 401. Nonetheless, Defendants asked Mr. Posey to identify any Grindr account he has owned or operated since January 1, 2022. *Id.*, Ex. 6 (Interrogatory No. 32). Grindr is a dating application for the LGBTQ community. Defendants’ request suggests they want to use information about Mr. Posey’s sexual orientation in this case. That topic is irrelevant and thus inadmissible under Idaho Rule of Evidence 402. Further, evidence or testimony about Mr. Posey being gay could cause unfair prejudice at trial and any potential probative value is far outweighed by the potential prejudicial effect. Idaho

R. Evid. 403. As a result, any evidence or argument about Mr. Posey’s sexual orientation should be excluded.

B. Evidence and argument related to whether Mr. Posey is transgender or has used hormone replacement therapy

During Mr. Posey’s deposition, without any explanation of why, Defendants’ counsel asked Mr. Posey “Have you ever taken hormone replacement therapy?” *Id.*, Ex. 1 (Posey Dep. 262:7–8). Hormone replacement therapy is often used by transgender individuals as part of gender-affirming care. Whether Mr. Posey is transgender (he is not) has no bearing on whether Defendants defamed Mr. Posey when they falsely stated that he exposed his genitals. Any evidence or argument about Mr. Posey’s gender status is irrelevant under Idaho Rule of Evidence 401 and thus should be excluded under Idaho Rule of Evidence 402. Further, any evidence or argument about Mr. Posey’s gender status could introduce unfair prejudice, mislead the jury about what it means for Mr. Posey to perform in drag, and otherwise waste time and introduce undue delay. As a result any evidence or argument about whether Mr. Posey is transgender or has used hormone replacement therapy should also be excluded under Idaho Rule of Evidence 403.

C. Evidence and argument related to Mr. Posey’s legal team

Mr. Posey’s claims turn on whether Defendants defamed him when they made false statements about his performance on June 11, 2022. But Defendants—who do not respect Mr. Posey—cannot appreciate how they damaged his life, so they try to shift this case to be about Mr. Posey’s attorneys. When Mr. Posey filed suit (after Defendants refused a simple request to take down what they had posted), Defendants’ first response was to tell the press: “We will not be intimidated by leftist bullying tactics[.]” *Id.*, Ex. 7. In short order, Defendants posted the “lawsuit against us smacks of the politically motivated lawfare that has characterized the progressive left

in recent years. The drag queen's attorney, Wendy Olson of Stoel Rives, is a longtime Democratic legal activist." *Id.*, Ex. 8 (<https://idahofamily.org/were-being-sued/>).

Defendants' deposition testimony confirmed they want to make this case about Mr. Posey's attorneys. Mr. Conzatti confirmed that the statements about leftist bullying tactics referred to Mr. Posey's legal team, and he explained his views about Ms. Olson's career. *Id.*, Ex. 3 (IFPC Dep. Vol. 2 486:25–489:8).

When asked who he discussed his upcoming deposition with, Edward Cark (an IFPC employee) went out of his way to bring up Ms. Olson, responding:

A. [...] For at least the past two and a half weeks I've prayed daily about these depositions and specifically for Ms. Olson in these depositions and this entire case.

Q. Why Ms. Olson?

A. Because, as far as I'm aware, she's really been the head attorney working on this case, and it's important to me that the spirit of God is at work throughout this entire process and, if possible, is able to get ahold of Ms. Olson's heart.

Q. [...] Is there any concern for Ms. Olson that you're holding apart from what you just stated?

A. I mean, as a Christian, I believe that unless her faith is placed in Jesus Christ and him alone, then she will have to atone, by herself, for all of the sins that she's committed on this earth. And none of us are without sin. All of us in this room have fallen short of the glory of God as we're told in Romans 3:23. And, as a result, I am concerned for her and just the state of her soul after death and the eternal punishment that she may be facing if she doesn't come to faith in Jesus Christ.

Id., Ex. 4 (Clark Dep. 15:8–16:7).

Defendants continued attacking Mr. Posey's legal counsel as trial approaches. A post last month cast counsel as sinners, requesting prayers "for the repentance and salvation of the drag performer plaintiff and his legal team in this case, that their hearts would soften and change to be receptive to the Gospel." *Id.*, Ex. 9 (<https://idahofamily.org/call-to-prayer-standing-with-ifpc/>).

Defendants' beliefs about the morality or politics of Mr. Posey's legal team has no bearing on whether they defamed Mr. Posey when they falsely stated that he exposed his genitals. Any evidence or argument about Mr. Posey's legal team is irrelevant under Idaho Rule of Evidence 401 and should thus be excluded under Idaho Rule of Evidence 402. Further, any evidence or argument about the morality or political views of Mr. Posey's legal team could introduce unfair prejudice against Mr. Posey, confuse the jury that that this case is about Mr. Posey's legal team's views instead of the statements Defendants made, mislead the jury that the claims in this case are about Mr. Posey's legal team's views instead of the statements Defendants made, and otherwise cause undue delay and waste time. Any argument and evidence about Mr. Posey's legal team should thus also be excluded under Idaho Rule of Evidence 403.

D. Evidence and argument related to the morality or fetishes of drag performers, generally

Mr. Posey's claims are about the false statements Defendants made about him—not Defendants' views on drag performers or drag shows generally. As evidenced by the commentary about legal counsel described above, Defendants often pretend they are the victim, wrongly asserting that they are being sued for defamation because of their general views about the immorality of drag performers and drag shows. In deposition testimony, Defendants have also referenced "literature" they contend show that drag performers have deviant sexual fetishes: "I mean, I've read much academic literature on the performance of drag performances. I've done research into the sexual fetishes and perversions that oftentimes undergird drag performances and -- and motivate the performers who engage in them. Yeah. I mean, I -- I feel like I'm fairly well-read in gender queer theory and the academic literature on the topic. *Id.*, Ex. 2 (IFPC Vol. 1 Dep. 217:20–218:3).

Mr. Posey's claims are about the statements Defendants have made about him personally, not Defendants' views about the morality of drag performers or drag shows generally. Evidence or argument about the general immorality or sexual fetishes of drag performers have no bearing on whether Defendants defamed Mr. Posey when they made false statements about him specifically. Those arguments and evidence are irrelevant under Idaho Rule of Evidence 401 and thus should be excluded under Idaho Rule of Evidence 402. Further, any "evidence" about the purported fetishes of drag performers is intended only to invoke bias against Mr. Posey, confuse the issues in this case to be about drag performers generally instead of about statements about Mr. Posey specifically, and mislead the jury that this case is about Defendants' views about drag performers or drag shows generally instead of the false statements they made about Mr. Posey specifically. The Court should thus exclude any argument or evidence about the general morality or fetishes of drag performers under Idaho Rule of Evidence 403.

E. Evidence and argument related to Mr. Posey's eviction

Before Mr. Posey moved to Idaho, he was evicted from an apartment in Florida after facing financial difficulties during the Covid-19 pandemic. That eviction does not relate to Defendants' false statements about Mr. Posey, but Defendants asked Mr. Posey about the eviction in his deposition anyway. *Id.*, Ex. 1 (Posey Dep. 113:15–115:7). Any evidence or argument about Mr. Posey's eviction should be excluded under Idaho Rule of Evidence 402 because it is irrelevant to any of the claims or defenses in this case. Any evidence or argument about Mr. Posey's eviction should also be excluded under Idaho Rule of Evidence 403, as it invokes prejudice about Mr. Posey based on his financial condition and inability to pay rent.

F. Any prayers or references to God during testimony

As previewed in their motion for summary judgment, Defendants make much of their religious beliefs. During depositions, many witnesses often went out of their way to comment on

their prayers. *Id.*, Ex. 4 (Clark Dep. 15:8–16:24) (testifying that he is concerned for Plaintiff’s counsel’s “and the eternal punishment that she may be facing if she doesn’t come to faith in Jesus Christ”); *id.*, Ex. 2 (IFPC Vol. 1 Dep. 271:24–272:10); *id.*, Ex. 3 (IFPC Vol. 2. 398:22–399:3) (testifying that defense of lawsuit is based in “trusting God to defend us” and that “God calls us to stand strong in the face of bullies”); *id.*, Ex. 5 (Bushnell Dep. 89:8–89:16, 108:22–25 (testifying that she asked that “God’s will would be done” with respect to Plaintiff’s lawsuit). Any witness’s religious beliefs or prayer life have no bearing on whether Defendants defamed Mr. Posey. Any references to prayers or God should thus be excluded under Idaho Rule of Evidence 402. Further, any invocation of God or prayer may introduce unfair prejudice or mislead the jury, thus such testimony should also be excluded under Idaho Rule of Evidence 403.

DATED: July 30, 2025

STOEL RIVES LLP

/s/ Wendy J. Olson

Wendy J. Olson

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of July 2025, I served a true and correct copy of the within and foregoing **PLAINTIFF'S OMNIBUS MOTION IN LIMINE** upon the following named parties by the method indicated below, and addressed to the following:

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☐ U.S. Mail
☐ Via email
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/s/ Wendy J. Olson

Wendy J. Olson