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DISTRICT COURT SEVENTH JUDICIAL DISTRICT  
BONNEVILLE COUNTY IDAHO

IN RE:

Case No.: CV10-20-7357

DEPOSITION OF EMMALEE  
ROBINSON, an individual.

RULE 27(a) PETITION TO  
PERPETUATE TESTIMONY

GREGORY GRAF,  
  
Petitioner.

Petitioner, Gregory Graf (Graf), through counsel, Beard St. Clair Gaffney PA, respectfully petitions this Court for leave to perpetuate testimony pursuant to Rule 27(a) of the Idaho Rules of Civil Procedure by taking the deposition of EmmaLee Robinson (Robinson). In support of his petition, Graf alleges as follows:

**ANTICIPATED COGNIZABLE ACTION – IRCP 27(A)(1)(A)**

1. Graf is an individual residing at all times relevant in Idaho Falls, Bonneville County, Idaho.
2. Robinson is an individual residing at all times relevant in Idaho Falls, Bonneville County, Idaho.

3. John Does and/or Jane Does are individuals and/or entities who, on information and belief, have engaged in a civil conspiracy to defame, undermine, and silence Graf.

4. Graf anticipates bringing an action against Does 1-10, but must take the deposition of Robinson to identify the participants in the civil conspiracy. Upon discovery of their true identities, Plaintiff intends to bring a complaint against Does 1-10 in their true and correct names to recovery for the reputational injury he has suffered.

**SUBJECT MATTER OF EXPECTED ACTION – IRCP 27(A)(1)(B)**

5. Graf is actively involved in local politics and is frequently involved in supporting Republican candidates in local and state elections, including primary elections.

6. As a result of his involvement, Graf has possession of opposition research related to political candidates including both Republican and Democratic candidates.

7. Specifically, Graf has possession of opposition research related to Representative Chad Christensen (Christensen).

8. As a consequence of his involvement in political campaigns, specifically including campaigns opposed to Christensen and/or other candidates closely aligned with Christensen, Graf has become the target of considerable ire from Christensen, candidates and political operators closely aligned with and supportive of Christensen, and several individuals closely aligned with the more extreme and radical factions of the Idaho Republican party.

9. The hostility toward Graf, following his support of successful Republican candidates in primary races, has resulted in extreme attacks against Graf including death threats; threats to the safety of his family, specifically including his children, by posting

photographs on the social media pages of extremist groups including “The Real 3%ers Idaho,” an Idaho offshoot of the far right national militia movement and paramilitary group known as the Three Percenters.

10. The Three Percenters (also known as 3%ers, III%ers, and Threepers) are recognized by the Anti-Defamation League as anti-government extremists with “a track record of criminal activity ranging from weapons violations to terrorist plots and attacks.

11. On information and belief, Christensen is closely aligned with The Real 3%ers Idaho having formerly held administrative privileges for the groups Facebook page before the group was banned from that social media platform as part of its efforts to remove violence-inducing conspiracy networks.

12. On September 28, 2019, Graf was a presenter at a Candidate Training Workshop held in the Centennial Courtroom of the Bonneville County Courthouse sponsored by Region 7 of the Idaho Republican Party.

13. Christensen appeared at the event accompanied by Eric Parker (Parker), a member of The Real 3%ers Idaho and notorious for his guilty plea on an obstruction charge arising from his participation in the 2014 Bundy Ranch standoff in Bunkerville, Nevada where Parker was photographed pointing a rifle in the direction of federal law enforcement officers, and other members of The Real 3%ers Idaho.

14. Christensen and Parker’s presence did not appear to be motivated by a bona fide interest in the meeting, but rather an opportunity for The Real 3%ers Idaho to confront and intimidate Graf.

15. While various other presenters shared their information uninterrupted except by bona fide questions, at the conclusion of Graf’s presentation, Parker began

heckling him and disrupting his efforts to respond to bona fide questions from participants.

16. Without involvement or input from Graf, an unknown attendee at the Candidate Training Workshop observed that an associate of Christensen and Parker appeared to be carrying a concealed handgun in the Bonneville County Courthouse in violation of Idaho Code § 18-3302C and contacted law enforcement.

17. After Parker heckled and harassed Graf and the Candidate Training Workshop was concluded, Christensen, Parker, and their associates withdrew to the parking lot of the Bonneville County Courthouse where they were approached by law enforcement.

18. The exchange between Christensen, Parker, and their associates on the one hand, and law enforcement on the other, was filmed and the footage confirmed they were armed, although they claimed in the footage to have retrieved their firearms from their vehicles after exiting the Bonneville County Courthouse.

19. Almost immediately following this exchange, Graf was notified by an event attendee that militia members, presumably referring to Parker and his associates, were waiting to confront him in the parking lot.

20. During the exchange, the video footage was posted to the Facebook page of The Real 3%ers Idaho as a Facebook live video with editorial commentary at the end of the video falsely accusing Graf of contacting law enforcement with the alleged specific intent of provoking an altercation that would result in the shooting of Parker by law enforcement.

21. Just shy of 13 months following this Candidate Training Workshop altercation, Graf had his first encounter with Robinson when she contacted him on Facebook.

22. Robinson is a licensed resident producer licensed by the Idaho Department of Insurance and the operator of a State Farm Insurance Office in Idaho Falls, Idaho.

23. Christensen is also a resident producer licensed by the Idaho Department of Insurance.

24. Christensen works out of the State Farm Insurance Office operated by Robinson.

25. On or about October 19, 2020, Graf posted a comment on social media in response to an article by East Idaho News relating to Christensen.

26. In response to Graf's comment, Robinson engaged Graf in an online conversation about Christensen asking specifically if Graf had information about Christensen, to which Graf responded, "Respectfully are you asking for yourself or for Chad? I'm happy to have a detailed conversation with you about this offline, that would be fair to Chad."

27. Graf specifically declined to share opposition research information about Christensen in a public forum out of an express desire to be fair to Christensen.

28. With specific intent to avoid public disclosure of information about Christensen, Graf moved the conversation to a more private forum through Facebook Messenger (Messenger), which provides for direct and private messaging between Facebook users without posting the communication in a public forum.

29. Through Messenger, Robinson responded to Graf stating, "No (sic) this isn't for Chad. I hired him a few weeks ago. . . . I am starting to see some red flag (sic)

and your comment concerned me.” She added, “I had a few people warn me when I hired him but nothing substantial” and “At first there was nothing but I am seeing some red flags. I have an all women’s office except for him.”

30. With Robinson’s assurance that she was not seeking information on Christensen’s behalf, but was instead concerned about her workplace and the information she had already received from other sources about Christensen, Graf agreed to have a conversation with Robinson on the phone.

31. Graf contacted Robinson by phone and shared extensive information obtained by him about Christensen while conducting opposition research related to political campaigns.

32. Unbeknownst to Graf, Robinson was recording the conversation and had, on information and belief, either conspired with or was being relied upon by one or more Does to record the conversation.

33. At the beginning of the recording, Robinson can be heard discussing the impending phone call with an unknown individual, specifically including the plan to record the conversation.

34. Following the phone call, Robinson continued the ruse by engaging Graf in further discussion regarding her concerns about Christensen and how she might go about removing him from her office.

35. Following her exchanges with Graf, Robinson or Does 1-10 delivered the recording to individuals associated with the website [keepidahofree.org](http://keepidahofree.org) (Keep Idaho Free) and material contained therein has been used for the development of several online articles on Keep Idaho Free falsely accusing Graf of attempting to “Get Rep. Christensen fired[.]”

36. Keep Idaho Free expressly confirms that Robinson's motives were impure and conspiratorial stating, "Chad's employer will sound as though she agrees with Graf during the phone call, but her intention was only to agree with Graf in order to get him to reveal his alleged claims."

37. Based upon the foregoing, the expected action would involve potential claims against Does 1-10 for civil conspiracy to cause reputational injury and defamation. In addition, the action may involve claims against Robinson depending on the nature of her relationship with Does 1-10.

**FACTS TO BE ESTABLISHED/REASONS TO PERPETUATE – IRCP  
27(A)(1)(C)**

38. Through Robinson's deposition, the principal facts to be established include those set forth in Paragraphs 22 through 37, above, along with the identities of Does 1-10.

39. In the absence of perpetuating Robinson's testimony, Graf has no ability to identify who is involved in the plan to harm his reputation and no ability to seek redress for his injuries.

**NAMES OF POTENTIAL ADVERSE PARTIES AND THEIR ADDRESSES –  
IRCP 27(A)(1)(D)**

40. Graf has no actual knowledge regarding the individuals involved with and/or directing Robinson in her efforts to obtain information from Graf.

**NAME, ADDRESS, AND EXPECTED SUBSTANCE OF TESTIMONY OF  
DEPONENT– IRCP 27(A)(1)(E)**

41. The only proposed deponent is Robinson whose business address is 780 N. Holmes, Idaho Falls, ID 83401.

42. The anticipated substance of Robinson's deposition includes:

- a. The identity of all individuals with whom she communicated about her exchanges with Graf, both before and after those exchanges took place;
- b. The substance of those communications;
- c. The identity of all individuals with whom she communicated about recording her exchanges with Graf;
- d. The identity of all individuals to whom Robinson provided a copy of the recording; and
- e. Whether Robinson's "intention was only to agree with Graf in order to get him to reveal his alleged claims" as represented by Keep Idaho Free.

#### **PRAYER FOR RELIEF**

Petitioner, as a consequence of the foregoing, prays relief of this Court as follows:

1. Entry of an order setting a hearing on this petition at least 28 days after filing of this petition enabling Graf to provide notice to Robinson as required by Rule 27(a)(2) of the Idaho Rules of Civil Procedure;
2. Entry of an order authorizing Graf to examine Robinson under oath pursuant to Rule 27(a)(1) of the Idaho Rules of Civil Procedure; and
3. Such other relief as may be just and equitable under the totality of the circumstances.

Dated: November 25, 2020.

/s/ Jared W. Allen  
Jared W. Allen  
Of Beard St. Clair Gaffney PA  
Attorney for Petitioner