

Diego Rodriguez
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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**

ST. LUKE’S HEALTH SYSTEM, LTD; ST.
LUKE’S REGIONAL MEDICAL CENTER,
LTD; CHRIS ROTH, an individual; NATASHA
D. ERICKSON, MD, an individual; and TRACY
W. JUNGMAN, NP, an individual,
Plaintiffs,

vs.

AMMON BUNDY, an individual; AMMON
BUNDY FOR GOVERNOR, a political
organization; DIEGO RODRIGUEZ, an
individual; FREEDOM MAN PRESS LLC, a
limited liability company; FREEDOM MAN
PAC, a registered political action committee; and
PEOPLE’S RIGHTS NETWORK, a political
organization,
Defendants.

Case No. CV01-22-06789

**MOTION TO DISQUALIFY JUDGE
NANCY BASKINS**

MOTION TO DISQUALIFY JUDGE NANCY BASKINS

Comes now defendant, Diego Rodriguez, to make motion to disqualify Judge Nancy Baskins from this case due to unfair bias and prejudice against defendants Diego Rodriguez and Ammon Bundy.

According to Idaho Code. Judi. Cond. 2.3 “*A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice. (B) A judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status,*

socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so."

Judge Nancy Baskins has demonstrated clear bias and prejudice in this case against both defendants, Diego Rodriguez and Ammon Bundy when she:

1. Lied to the jury in this case when she told them that Diego had "*elected* not to participate in the jury trial..." even though she previously acknowledged, as noted in the court record and in the audio recording of the *voir dire* that she had received communication from Diego Rodriguez requesting to participate via video and she plainly admitted that she, "...*declines* the email request to the extent it was, through my clerk, *to attend and participate* via Webex..." Diego Rodriguez had likewise filed a motion/memorandum requesting to appear via video which is also part of the court record. This blatant lie captured on the court record and audio recording, negatively influenced the jury against Diego Rodriguez and clearly demonstrates a bias or prejudice by Judge Nancy Baskins against defendant Diego Rodriguez.

2. Judge Nancy Baskins likewise *dismissed* jurors who admitted to having a favorable opinion of defendant Ammon Bundy, but *allowed* jurors who admitted to having a negative opinion of defendant Ammon Bundy on the jury. The audio recording from the *voir dire* on July 10th, 2023 shows the following:

1:57:00:

Judge asks if anyone knows Ammon Bundy personally.

Juror 47: *"I work for the legislatureI read about his activities as part of my job."*

Judge: *"If you hear information about Mr. Bundy in this case, do you think you can be fair and impartial toward Mr. Bundy?"*

Juror 47: *"I have certain views about Mr. Bundy..."*

Judge: *"Would those views impact your ability to serve as a fair and impartial juror knowing that Mr. Bundy's conduct may be discussed even as part of the damages jury trial?"*

Juror 47: *"I can be fair in the proceedings here, I don't know how others will perceive my involvement."*

Judge: *"I'll let counsel do some follow up, but at this time I am not excusing you."*

(Juror 47 chosen to serve on the trial)

2:09:10:

Juror 42 read article that morning and claimed he would be in favor of St Luke's due to his family members who are in the healthcare industry. Judge asks if he can put aside his bias, juror states *"I will do my best."* Judge does not excuse.

(Juror 42 chosen to serve on the trial)

02:14:45:

Juror 20: *"St. Luke's saved my life...and I also have some negative bias toward the defendant."*

Judge: *"Do you feel you could be impartial?"*

Juror: *"I will certainly do my best."*

(Juror 20 chosen to serve on the trial)

02:33:16:

Juror 47: *"I know Dave Jeppesen...I have a working relationship with him."* Juror works for the office of performance evaluations. *"It is my job to be objective."*

(Juror 47 chosen to serve on the trial)

These are very clear and evident demonstrations of bias and prejudice on behalf of Judge Nancy Baskins where she plainly did not apply the same judgment to the Plaintiffs as she did to the Defendants. These biases along with others have been published and can be found here: <https://stlukes.exposed/lawsuit/judicial-misconduct/nancy-baskins/>.

Judge Nancy Baskins clearly knows of the publication above demonstrating her bias and prejudice and one cannot expect her to rule objectively in this case without having the desire to seek vengeance against the defendants who have publicly exposed her.

Core to this very case is the claim and appearance of Judicial tyranny, bias, prejudice, and corruption; Nancy Baskins herself being an example of these aforementioned ills. It would do irreparable harm to the image of the Idaho Legal System if a judge with a known and evidence-based bias/prejudice against defendants Ammon Bundy and Diego Rodriguez were allowed to maintain judicial authority over this case.

Judicial bias like that seen with Judge Nancy Baskins undermines the core principles of justice, including fairness, equality, and due process, and can have serious consequences for the individuals involved in legal proceedings.

The United States Supreme Court found that the right to a fair trial in a fair tribunal is a basic requirement of due process and not only is a biased decisionmaker constitutionally unacceptable but our system of law has always endeavored to prevent even the probability of unfairness. In *re Murchison*, 75 S.Ct. 623 (1955).

For the reasons stated above, I, Diego Rodriguez, move to disqualify Judge Nancy Baskins from this case and submit that this filing likewise serve as my official affidavit for this motion to disqualify Judge Nancy Baskins.

DATED: June 14th, 2024

By: /s/ Diego Rodriguez

Diego Rodriguez

CERTIFICATE OF SERVICE

I certify I served a copy to: (name all parties or their attorneys in the case, other than yourself)

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DATED: June 14th, 2024

By: /s/ Diego Rodriguez

Diego Rodriguez