IN THE SUPREME COURT OF THE STATE OF IDAHO

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, Plaintiff/Respondent, vs. DIEGO RODRIGUEZ, an individual, Defendant/Appellant, AMMON BUNDY, an individual; AMMON BUNDY FOR GOVERNOR, a political organization; 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/Appellants.	Idaho Supreme Court Case # 51244-2023 Ada County District Court CV01-22-06789

APPELLANT'S BRIEF

APPEAL FROM THE DISTRICT COURT, STATE OF IDAHO
JUDGES LYNN NORTON & NANCY BASKINS

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INTRODUCTION

Comes now Diego Rodriguez to make his case for the appeal of the defamation case against him and defendant, Ammon Bundy.

The necessity and importance of public trust in the judicial system and judicial process may never have been more apparent than it is right now in the beginning of 2025. As published in the article, ***Losing Faith: Why Public Trust in the Judiciary Matters, And What Judges Can Do About It"*** [1], by Judicature (the Bolch Judicial Institute and Duke Law School) *"The Court's rating hit a historic low, with just 25 percent of Americans reporting 'quite a lot' or 'a great deal' of confidence in the Court…"* This means that 75% of American's don't trust the court! The Institute for the Advancement of the American Legal System declared in their report, ***Public Perspectives on Trust and Confidence in the Courts,*** that *"Researchers have frequently studied public trust and confidence in the legal system, with a large body of survey and public polling data highlighting … the role of politics in judicial decision-making."*[2]

Public trust in the Judiciary has been sinking progressively, and now almost exponentially, because of a constant stream of negative stories regarding the use of the Judiciary as a weapon to harm political opponents. The term "lawfare" has been coined to represent this reality, as it is a combination of the words "law" and "warfare," and it plainly denotes the use of the legal process (law) as a weapon to harm your political opponents (warfare)[3].

While this term and the reality of the existence of *lawfare* has been well known and discussed for decades, it has not only grown worse over the years, but recent prominent headlines and stories

[1] Losing Faith: Why Public Trust in the Judiciary Matters, And What Judges Can Do About It: https://judicature.duke.edu/articles/losing-faith-why-public-trust-in-the-judiciary-matters/).
[2] Public Perspectives on Trust and Confidence in the Courts: https://iaals.du.edu/publications/public-perspectives-trust-and-confidence-courts
[3] https://dictionary.cambridge.org/us/dictionary/english/lawfare

from highly visible members of our society, including but not limited to: celebrities, political leaders, and even the President of the United States, Donald Trump, have highlighted the reality of lawfare and the negative effect it has on our society.

People know corruption and tyranny when they see it. And when institutions that are supposed to protect and serve the people—like the Judicial Branch of government and the entire Judiciary as a whole—are used as tools in the quiver of bad actors to harm those who oppose them, the public sees it, recognizes it, and abhors it. If and when this is allowed to stand (as it commonly is), then the Judiciary will rightfully lose public trust, and citizens will continue to conclude and assume that our justice system is no longer just, that it cannot be trusted, and that those entrusted with power in this branch are not righteous, moral, or respectable. This trend can only continue for so long before the ultimate consequences are absolute chaos and the destruction of a civil society.

And yet, *it is so easy to have this trend reversed*. It is and would be so easy to put the American public's confidence back into the hands of the American Judiciary. It is as easy as this—***judges simply need to render justice at every opportunity***. That is, after all, the purpose of the Judiciary—to render justice! **Micah 6:8** *"He hath shewed thee, O man, what is good; and what doth the LORD require of thee, but to do justly, and to love mercy, and to walk humbly with thy God." (KJV).* The problem is that the modern-day Judiciary has confused justice with "legalese," and they have more highly respected citations from case law over plainly written Constitutional rights.

This ends up becoming a battle between legal teams and legal maneuverings instead of plain and simple justice, according to Constitutional rights and common law. In the end, even if one is innocent and proven to be innocent in court, his finances and life are destroyed in the process. Ultimately, the watching public concludes that *there's only justice for those who can afford it*.

This is why it is particularly important and a genuine moral imperative for Appellate courts

to render justice and to judge righteously *whenever injustice has been done by a lower court.* Human beings understand and accept that other human beings make mistakes and are prone to error. And judges likewise can err. This is why the appellate system exists—to ensure that justice has the opportunity to prevail when injustice is done by a lower court.

The problem the public has and the reason for record high levels of distrust in the Judiciary is the ***consistency*** with which tyranny, illegality, and immorality, are handed out by multiple levels of the Judiciary. This should never happen if the system was clean and the members of the process (i.e. judges) were honest, ethical, of high repute, and free of corruption. Remember, the public knows corruption and tyranny when they see it. And no amount of legalese, political spin, ivory tower explanations, or "penumbras," will ever convince an informed public that the tyranny they plainly see before their very eyes, is not in fact, tyranny.

When a former President can be prosecuted and found guilty of 34 felonies because his accountants allegedly miscategorized expenses on tax returns; or when an outspoken critic of government like Alex Jones can have the judge on his case openly tell the jury that he is guilty, and then have his entire life destroyed through a legal process that ultimately renders a judgment against him for more than $1.2 billion dollars—an absurd figure that cannot be considered "just" by any sane human being—all because he *questioned* whether or not news about a school shooting was real or not; when thousands of innocent American citizens can be put into prison for entering the Capitol on January 6th, 2020 without due process while drug dealers and other serious criminals are freed by the courts on a regular basis; and when the Bundy Family can be physically tortured, abused, and prosecuted needlessly without breaking any single law, without even initially being charged with a crime, and with prosecutors and judges subjecting them to endless amounts of emotional and legal torture along with psychological abuse (like 10 months of solitary confinement), only for the entire

case to ultimately be overturned because of an exorbitant amount of lawbreaking by the Federal Government in the process, including serious prosecutorial misconduct; and any of a number of thousands of other highly public court cases that are evidently and obviously seen as *unjust* and *immoral*; and with the bad actors, be they lawyers, prosecutors, or judges, all being a part of the "Judiciary," then no one should wonder or question why the public's confidence and faith in that same Judiciary is at an all-time low and why our society teeters on the precipice of disaster.

The human spirit yearns for justice. *Proverbs 21:15 "When justice is done, it is a joy to the righteous but terror to evildoers." (ESV)* And in our society, justice is supposed to be delivered by the aptly named, "Justice Department," the Judicial branch of our 3 branches of government. But whenever there is a prominent case where the political interests of groups in power clash with their opposition, the public has become accustomed to seeing INJUSTICE naturally, organically, and automatically flow from this same Judicial branch. This disgusts, infuriates, and discourages the people—to the point that they have no more trust in the process or the system. When the "bad guys" win and the "good guys" lose, the people know it! And when it happens *consistently*, the people will cease to have confidence in the system altogether. A historic low of 25% confidence in the Judicial system is not an accident, and it is not caused by "opposition propaganda" alone. It exists because of repeated injury against innocent citizens. It exists because INJUSTICE prevails too often. *Leviticus 19:15 "<u>You shall do no injustice in judging a case</u>; you shall not be partial to the poor or show a preference for the mighty, but in righteousness and according to the merits of the case judge your neighbor." (KJV)*

<u>But again, the solution is so simple. Judges simply need to do right and RENDER JUSTICE.</u> Every time. *Zechariah 7:9 "Thus says the Lord of hosts, <u>Render true judgments</u>, show kindness and mercy to one another." (ESV)* If an error is made, then it must be quickly rectified by

those who have the power to do so. Otherwise, every judge who refuses to do right, and who refuses to render justice, and who refuses to right the wrongs of lower courts, will ultimately be held responsible for the total collapse of our civilization. Judges right now, and appellate courts in particular, have the power and authority, given to them by both "We the People" and ordained by Almighty God Himself, to execute justice properly and speedily. It is my simple prayer, that this appellate court will do that very thing. That they will see the travesty of this unbelievable lawsuit, in which innocent people were targeted because of their political opposition to highly connected powers in the State of Idaho, and because of their exposé on a genuine *government subsidized child trafficking system*, which continues unabated to this day. *Isaiah 10:1-2"Woe to those judges who issue unrighteous decrees, and to the magistrates who keep causing unjust and oppressive decisions to be recorded, to turn aside the needy from justice…" (Amplified Bible)*

This case is a case about ***Lawfare***. It is a case of political persecution. It is a case about a government subsidized, politically connected entity, St. Luke's Hospital, attacking two small families who publicly denounced St. Luke's Hospital for participating and profiting off of the forceful kidnapping of a small baby—who was the grandson of one of the defendants! A case like this one is so burdensome on the conscience of the American people—it is so egregious and so unconscionable that many citizens have publicly professed that they entirely "gave up" on America after seeing the horrible injustice(s) and tyranny which took place in this specific case. Yes, this case has "gone viral," and not only has video evidence from the case been seen over 20 million times, but a documentary has already been created and published that has likewise been seen millions of times[4]. Additionally, millions of American citizens and onlookers from overseas wait, even now, to see if this court will finally RENDER JUSTICE and see to it that righteousness prevails, and ultimately,

[4] "These Little Ones" https://rumble.com/v1efm0d-world-premiere-these-little-ones.html

that the rule of law is properly followed and obeyed in the State of Idaho. Or, will Idaho's power players and the politically well-connected continue to rule and bulldoze any semblance of the rule of law, righteousness, or basic human decency?

As the Colorado Judicial Institute stated in their article, ***Why is public trust in the judicial system important?*** in answer to the question ***"What helps build public trust in the judicial system?"*** part of the response was simple: *"Judges must be fair, knowledgeable, efficient, and respectful. Judges must make decisions based only on the facts and the law, without being influenced by personal feelings, politics, or outside pressure."*[5]

The case before you today is so outrageously simple that it is shocking it has even come this far. Any honest judge who is "fair and knowledgeable" who will make a decision *"based only on the facts and the law, without being influenced by personal feelings, politics, or outside pressure"* can come to no other conclusion than the case by St. Luke's Hospital against Diego Rodriguez and Ammon Bundy was fraudulent, based on zero evidence, was politically motivated, was used as a smokescreen to prevent the public from paying attention to what Mr. Bundy and Mr. Rodriguez were stating, was a textbook example of a S.L.A.P.P. lawsuit (a strategic lawsuit against public participation), that the judgment against them was a total and complete miscarriage of justice, that cases like this should have no place in the American court system, and that every member of the judicial system who participated up to this point should be ashamed of what they have done or allowed to take place.

With that, let facts of this case now be submitted both to this court and to a candid world…

[5] https://coloradojudicialinstitute.org/what-we-do/public-education/explainer-why-is-public-trust-in-the-judicial-system-important.html

FACTS AND PROCEDURAL BACKGROUND

This fraudulent "defamation case" came to be after a series of tragic and traumatic events that have been completely disregarded in the court room, though they have been fully and completely published and exposed to the watching public. The story began when Diego Rodriguez's daughter, Marissa Anderson, began to feed solid foods to his grandson, "Baby Cyrus," when he was around 7 months old. Baby Cyrus did not take well to solid foods and began to vomit profusely as a result. The amount of vomiting was not "normal," so Marissa and her husband, Levi Anderson, began taking Baby Cyrus to multiple healthcare professionals in order to determine what the cause was, and ultimately, to find a solution.

During one visit to Functional Medicine of Idaho, the nurse practitioner informed Levi and Marissa that Baby Cyrus was very dehydrated as a result of his vomiting and that she wanted him to be rehydrated before continuing with any further diagnosis. She claimed that the only place where an infant could receive an I.V. for hydration was at St. Luke's Hospital. Levi and Marissa were very hesitant to take Baby Cyrus to St. Luke's because of their terrible reputation with medical malpractice[6], poor care of their patients, their insistence on the use of dangerous allopathic treatments, and the fact that they were responsible for killing a small infant who was the son of a family friend[7].

Nevertheless, the nurse ensured them that this would be quick and easy, and that after rehydration with an I.V., Baby Cyrus could rapidly return to the Functional Medicine of Idaho Clinic.

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[6] One example is the story of another infant child killed by medical malpractice as reported in this article, *"Medicine mistake kills child at St. Luke's in Twin Falls."* https://www.idahostatesman.com/news/local/article41570394.html

[7] A close family friend, Ed Danti, had his son, Luka, killed due to medical malpractice by incompetent doctors at St. Luke's Hospital nearly 10 years prior. Luke was likewise the approximate age as Baby Cyrus when he was killed. Ed's personal testimony can be seen here: https://stlukesexposed.gs/truth-about-st-lukes/how-st-lukes-killed-a-10-month-old-baby/

So, Marissa and Levi reluctantly took Baby Cyrus to St. Luke's Hospital where they met with Dr. Natasha Erickson.

Dr. Erickson treated them horribly and became particularly hostile after she learned that Baby Cyrus had not been vaccinated according to the standardized vaccine schedules that hospitals and Big Pharma companies profit off of (see the Anderson's affidavit attesting to this fact in Exhibit A). That interaction triggered a series of events that would later end in violence and the abduction of Baby Cyrus, illegally and immorally by Meridian Police Officers (a list of 8 specific laws that were broken by Meridian Police Officers when they kidnapped baby Cyrus can be seen in Exhibit B), and aided and abetted by St. Luke's Hospital and other officials at the Idaho Department of Health and Welfare (IDHW).

In short, ***Baby Cyrus was medically kidnapped by force and at the point of a gun***. Baby Cyrus's mother was arrested and taken while Levi was violently assaulted by cops so that they could keep him away from his own son. In fact, Marissa, Baby Cyrus's mother, begged officer Jeff Fuller (Badge #3138) to let her accompany Baby Cyrus to the hospital, but he refused. When Marissa asked "Why" she was not allowed to be with her own baby, even after letting them know that Baby Cyrus needs her breastmilk because he can't eat any other food, officer Jeff Fuller offered no explanation and ordered her to be separated from her infant son. (We later learned that the only reason for this is because all of the institutions that receive government funding from this kidnapping process will not receive a dime if the parent(s) are still with the child. A child must be separated from his parents before government funding can become available.) This can all be seen on video[8]. The entire story has been published and can be seen and read at BabyCyrus.com. In fact, millions of people from around the world have seen or read the story, as the entire process was captured on video and

[8] https://freedomman.gs/cyrus/videos/

streamed live while it happened. The video(s) subsequently "went viral" and as of the time of the filing of this Appeal, they have been viewed over 20 million times. A documentary which highlighted the kidnapping called, "*These Little Ones"* has also been viewed nearly 3 million times on Rumble.com with millions of more views on various online platforms and publishing outlets[9].

The kidnapping was illegal according to both Idaho State Law and US code, and a separate lawsuit has been filed against the Meridian Police Department, the Idaho Department of Health and Welfare, and St. Luke's Hospital.

It is truly impossible to describe what it feels like to have a member of your family kidnapped, particularly right before your very eyes when the kidnappers have guns and are threatening to shoot you. Until you've experienced it for yourself, you can never know the feeling of destitution, despair, devastation, pain, sorrow, anguish, agony, torment, and outright emotional and psychological torture! In fact, the psychological damage is so severe that many parents and family members who have been victimized by having a child kidnapped commit suicide (a highly public example of this was highlighted in the nationally renowned documentary, *Take Care of Maya*, published by Netflix, a case in which the Hospital ended up losing a lawsuit, with many parallels to the Baby Cyrus case, and ended with a judgment of over $213 million). Many others result in divorce or other mental health issues.

Yet, this is what the Rodriguez and Anderson families endured at the hands of the Meridian Police Department, the Idaho Department of Health and Welfare, and St. Luke's Hospital. And to add insult to injury, after participating in the Medical Kidnap of Diego Rodriguez's grandson, they sued Diego Rodriguez and his good friend, Ammon Bundy, for speaking out against them! Imagine being sued by people who participated in raping or murdering your family member because you

[9] https://rumble.com/v1efm0d-world-premiere-these-little-ones.html

publicly denounced them for doing so. That is exactly what is happening in this case. Only, most parents will tell you openly that they would rather be raped or murdered as opposed to having their child forcefully kidnapped from them. To a parent, there is no more heinous, egregious, or painful act of violence against you than to have your child kidnapped by force.

Yet, in their fraudulent lawsuit against these families, St. Luke's Hospital acts like they have somehow been victimized because these families and their friends simply **spoke the truth** in public about their actions. But no attention has been paid to the legitimate and serious torture and devastation that they put these families through. What these bad actors, including St. Luke's Hospital, did to these families was downright wicked and evil. Yet what Diego and Ammon had done to St. Luke's Hospital was simple and honorable—*they told the public the factual truth about what St. Luke's had done.*

Fortunately, Baby Cyrus' family's deep-rooted faith allowed them to bind together and seek refuge from the Divine, and with literally thousands of supporters praying in support of their family, and asking Jesus Christ to see to it that Baby Cyrus was returned to their family safely, a miracle came to pass, and Baby Cyrus was returned in 6 days.

While in the custody or "care" of St. Luke's Hospital, Baby Cyrus was treated horribly. They had no care or concern for the fact that Baby Cyrus could only receive his mother's breastmilk at the time (and would vomit any other food). They left Baby Cyrus alone for hours at a time to wallow in his own vomit, and the acids from his vomit left physical burn marks on his cheeks and skin (see Exhibit C). Dr. Natasha Erickson, who had previously seen Baby Cyrus, was unfortunately unable to determine the cause of his vomiting and not only misdiagnosed Baby Cyrus, but further harmed him. In fact, they were only able to increase his weight by shoving a feeding tube through his nose and into his stomach and also by connecting an I.V. to his body to artificially pump his body full of

liquids. Also, Nurse Tracy Jungmann took the feeding tube that was dangling outside of Baby Cyrus's body, which was exposed to the air and had touched other unsanitary surfaces, and rammed it back through his nose and into his gut (see Exhibit C1). During this time, Baby Cyrus contracted a C-DIFF infection which is seriously harmful and normally only contracted in hospital environments (see Exhibit D).

The treatment Baby Cyrus received at St. Luke's Hospital was so horrible that he could have easily died. In fact, St. Luke's Hospital has killed other infants due to incompetence and medical malpractice[10], including the infant son of a close friend (see Exhibit E). Additionally, researchers at John Hopkins University, which is a medical university and 100% in support and favor of the medical industry, published a report demonstrating that errors from doctors are the 3rd leading cause of death in America, behind heart disease and cancer (see Exhibit F). So, the idea that parents or anyone should blindly trust doctors and hospitals is an affront to common sense, science, parental rights, and the body sovereignty of individuals. The least likely place for a child to die is in the arms and care of its mother! *So why on earth would an infant who needs its mother's breastmilk to survive be forcefully taken from its mother to be put in the control and care of a system that is responsible for the 3rd leading cause of death in America?*

The claim that was made by St. Luke's Hospital, the Idaho Department of Health and Welfare, and the Meridian Police Department was that Baby Cyrus was in "imminent danger." And a child being in "imminent danger" gives a police officer the authority to separate a child from its family. I.C. § 16-1608. "Imminent Danger" in this context meant that Baby Cyrus was *about to die* and needed immediate medical treatment. However, all three of these institutions knew that Baby

[10] *"Medicine mistake kills child at St. Luke's in Twin Falls."* https://www.idahostatesman.com/news/local/article41570394.html

Cyrus was not in imminent danger as they had already prepared a foster parent to take Baby Cyrus home that same evening, within minutes from the time he was kidnapped! (see Exhibit G – Proof that Baby Cyrus was never in Imminent Danger). ***It is quite obvious that you don't believe a child is in "imminent danger" and about to die when you are planning to dump that child off into the hands of a stranger within minutes after kidnapping him***.

Once Baby Cyrus was taken, Mr. Rodriguez dedicated every waking moment to researching the laws and history of this form of "Medical Kidnap," and he, along with many others who were supporting their family, learned quickly that the entire kidnapping was both *immoral* and *illegal*. Multiple laws were broken and there was no valid or legal reason to have kidnapped Baby Cyrus (Exhibit B – Laws that Were Broken). The only genuine reason that Baby Cyrus could have been taken is because of the financial incentive put in place by the ASFA (Adoption Safe Family Act) law, which was signed by Bill Clinton in 1997 and championed by his wife, Hillary.

This law makes federal funds available (taken out of Social Security Title IV) to each of the 50 states when they forcefully remove children from their parents' custody (Exhibit H – the ASFA Law). All 50 states have been taking advantage of these funds since 1997, and Idaho is no exception. Many of these children literally disappear. In fact, Child Protective Services nationwide have admitted to losing at least 100,000 children (Exhibit I). Many others are abused, sexually exploited, and trafficked. These are not wild claims, rather they are carefully researched and proven realities that have been published by in-depth journalistic reports, whistleblowers, and investigators. A list of proofs and evidences to this end can be found in Exhibit J (including the special report, *The Corrupt Business of Child Protective Services*, by esteemed Georgia Senator, Nancy Schaeffer).

The entire process can be described as nothing less than *government subsidized child trafficking*. Readers of this Appeal, should not be shocked or angered by a citizen like Mr. Rodriguez

making such a claim. Rather, they should be shocked and appalled that the government could be capable of such a thing. And yet, this is not new. The government, at every level, has demonstrated the capacity to commit all manner of atrocities as long as they can get away with it. And these atrocities continue unabated until someone comes along and stops it!

A good judge, a good police officer, a good politician, or any otherwise "good" public official will take the opportunity that was given to them by Divine Providence, and use the position of power or influence they have, *to finally put a stop to the atrocities that other sectors of our government are committing*. And this is the opportunity that is before this court today—to be "one of the good guys" and to ensure justice is done in this case and in doing so, to send a message that government subsidized child trafficking will not be permitted or protected any more in the State of Idaho!

As Mr. Rodriguez learned this information, he shared it and published it daily while Baby Cyrus was being held unlawfully at St. Luke's Hospital. While Cyrus was there, St. Luke's was being compensated by the government (see Exhibit K – Proof St. Luke's was compensated by the government). Further evidence exists that government funds are made available to many different levels of government involved in the process including: the Meridian Police Department, the Idaho Department of Health and Welfare, St. Luke's Hospital, the ambulance company, and a myriad of government programs that all dip their hand in the proverbial cookie jar.

Mr. Rodriguez published this information on his personal blog website: *The Freedom Man Press*, and also live and in public during various meetings and live protests that were held daily in front of both St. Luke's Hospital and the Idaho Department of Health and Welfare (once Baby Cyrus was moved to that location).

Everything Mr. Rodriguez said was either true or something he believed to be true. It is all still true to this day and/or still something he believes to be true to this day. Mr. Rodriguez has

paperwork, supporting documents, and/or other corroborating evidence for each and every single claim that he made (see Exhibit N).

After Baby Cyrus was returned on March 17th, 2022, just 6 days after he was taken on the evening of March 11th, Baby Cyrus was still technically considered "a ward of the State of Idaho." In fact, the cruel and immoral social worker (Kelly Shoplock) told Levi and Marissa that the state was now Cyrus's "third parent" and that they could not make decisions for Baby Cyrus without the state's consent.

After much public exposure and pressure, the State finally relented and dismissed the entire case, releasing their control on Baby Cyrus on May 4th, 2022. The case was dropped completely because it was fraudulent (see Exhibit L - Case Dismissed). No charges were ever brought against Levi and Marissa because there was not a shred of evidence that they ever broke a law or did anything wrong. And there definitely was no evidence that they harmed Baby Cyrus or neglected him. The charges against Marissa, who was arrested simply because she would not give Baby Cyrus to the police officer (Steven Hansen Badge #3534) who demanded that she do so, and who threatened Marissa by saying that "harm" would come to Baby Cyrus if she did not give Baby Cyrus to him (all of this was captured on video and has left the watching world aghast at the level of criminal tyranny displayed by these police officers from Meridian). In short, not a single charge was ever brought against Marissa or Levi, and every element of the case was dismissed because the process was all fraudulent.

The Anderson and Rodriguez families then left and moved to Florida. A couple of days after arriving in Florida, they received the news that St. Luke's Hospital was suing Diego Rodriguez and his good friend, Ammon Bundy, for "defamation" because they publicly exposed everything St. Luke's did to their family and Baby Cyrus, and they simply wanted to silence Diego and Ammon

for doing so, and likewise, they wanted the public to see the amount of harm Diego and Ammon would endure at their hand to chill the public from speaking out in the future.

Colloquially, the lawsuit they brought against Diego and Ammon is called a S.L.A.P.P. suit or a *strategic lawsuit against public participation.* As stated by the Free Speech Center, *"In the case of a SLAPP action, or strategic lawsuit against public participation, the actual purpose is to silence and even punish the defendant for speaking out on a matter of public interest through a costly and lengthy legal battle. Such a lawsuit also discourages others from speech that might prompt the plaintiff to go after them, too."*[11]

Thirty-three states have laws against SLAPP suits, but unfortunately, Idaho isn't one of them. But just because there is no law or statute against it in Idaho, that doesn't mean that SLAPP suits are not unjust and that action should not be taken to prevent them from occurring in Idaho.

The point is still obvious—St. Luke's Hospital, being the most influential corporation in the state of Idaho, having the highest number of employees in the State[12], receiving more government funding than any other institution, and having a revolving door between itself and high ranking and influential members of Idaho's government, was just publicly exposed and humiliated by some innocent citizens after St. Luke's participated in the kidnap of an infant family member. They could not allow this to stand, and so they drafted up this SLAPP suit to do exactly what SLAPP suits are designed to do—*to silence and even punish the defendant for speaking out on a matter of public interest through a costly and lengthy legal battle.*

Now that you know the background of this lawsuit, let's talk about many of the ways that the

[11] https://firstamendment.mtsu.edu/article/slapp-suits/
[12] According to the Idaho Department of Labor, the largest employer in the state is St. Lukes Health System with over 15,000 employees. https://worldpopulationreview.com/state-rankings/largest-employer-by-state, and https://www.idahostatesman.com/news/business/article282848943.html

Constitutional Rights of Diego and Ammon were completely violated and why in order for justice to be done, this case must be overturned, and this appeal must be granted with the original judgment overturned.

ISSUES ON APPEAL

1. Can a clearly biased judge be allowed to preside over a case without properly recusing herself?
2. Can the right to freedom of speech and the cherished right to criticize others in public be violated when powerful entities are offended that they are exposed in the process?
3. Can due process rights be violated where a defendant is literally prohibited from bringing any evidence which would show his innocence to the case or courtroom?
4. Can a Judge issue sanctions against a Defendant for not complying with discovery obligations when those discovery obligations were not relevant to the case, would constitute an unnecessary invasion of privacy, and when the same standard was not applied to the Plaintiff?
5. Can a judgment from a biased jury be allowed to stand?

STANDARD OF REVIEW

The Idaho Supreme Court review conflicts of interests for judges and when judges must recuse themselves de novo. "The Idaho Constitution created the judicial branch of government in Idaho and vested in the judiciary certain powers." *Talbot v. Ames Const.*, 127 Idaho 648, 651 (1995) (citing Idaho Const. art. II, § 1; art. V, §§ 2, 13). "The regulation of the practice of law is an inherent power of the judiciary[,]" *Pichon v. Benjamin*, 108 Idaho 852, 854 (1985), and "ultimately of the Supreme Court, of this State[.]" *Kyle v. Beco Corp.*, 109 Idaho 267, 271 (1985). The Court "ha[s] the power, right, and duty to safeguard ethical practices of attorneys [**and judges**] in this

State—even in the exceedingly rare circumstance a conflict of interest presents itself on appeal. *Litster Frost Injury Lawyers, PLLC v. Idaho Injury Law Group, PLLC*, 171 Idaho 1, 20 (2022).

ARGUMENT

A. Judge Lynn Norton should have recused herself because of conflicts of interest and a definite appearance of bias/prejudice against the defendants.

Judge Lynn Norton's outrageous and tyrannical actions in this case are quite baffling until you learn of her marital association and consequent bias against defendant, Ammon Bundy. Ammon and his family are renowned worldwide as *"being the only people ever to stand up to the Federal Government and live to tell about it."* In 2014, the Bundy family was involved in a highly publicized "standoff" between the Bureau of Land Management (BLM) and Cliven Bundy's ranch in Bunkerville, Nevada (Cliven is Ammon's father).[13] After videos of the BLM physically and violently assaulting the Bundy family went viral on social media, thousands of American Patriots showed up to defend the Bundy family. *United States v. Bundy*, 968 F.3d 1019, 1024 (C.A.9 (Nev.), 2020). It was an international news incident. Trial commenced on October 30, 2017. *Id*. at 1025. On December 20, 2017, the district court concluded that the trial could not proceed because it became clear that the government prosecutors had repeatedly withheld material exculpatory and impeachment evidence from the Bundy defendants. *Id*. at 1028-9. The court stopped short of dismissing the case, instead asking for briefing on whether "mistrial should be with or without prejudice." *Id*. On January 8, 2018, after permitting written briefing, the district court concluded that the *Brady* violations were so egregious and prejudicial that the indictment needed to be dismissed with prejudice. *Id*. The Ninth Circuit Court of Appeals later affirmed the district court's decision to dismiss the case with prejudice. *Id*. at 1045.

[13] The Court can take judicial notice of the 51 page Federal Criminal Indictment filed on February 17, 206, in Case No. 2:16-cr-00046-GMN-PAL. Attached hereto as Exhibit Z for the Court's convenience.

One of the documents wrongfully withheld by the government was an internal whistle-blower memorandum regarding possible bias by BLM Agent Dan Love, who oversaw the BLM actions at the Bundy ranch. *Id*. at fn. 5. Attached as Exhibit P is a copy of the internal whistle-blower memorandum. a whistleblower named "Larry 'Clint' Wooten" came forward and described the culture of the BLM, the organization where he once worked, and plainly stated, that the BLM *"...portrayed extreme unprofessional bias, adversely affected our agency's mission and likely the trial regarding Cliven Bundy and his alleged co-conspirators and ignored the letter and intent of the law. The issues I uncovered in my opinion also likely put our agency and specific law enforcement supervisors in potential legal, civil, and administrative jeopardy." Exh. P., p. 2.*

In the end, the US Government, mainly through the BLM, spent over $100 million in an attempt to destroy the Bundy family[14]. Initially, they were successful and were able to wrongfully put members of the Bundy family in prison, while awaiting a trial, but ultimately, after 2 years of injustice and maltreatment, the Bundy family was exonerated, released from prison, and the court cases were dismissed in Nevada and Ammon was acquitted in Oregon after a jury trial.[15] Both because it was demonstrated that they had done no wrong and broken no laws, and additionally, the cases were thrown out because of "prosecutorial misconduct" when it was demonstrated that the government itself broke many laws, violated rights, and withheld exculpatory evidence in its quest to destroy the Bundy family. (*United States v. Bundy*, 968 F.3d 1019 (C.A.9 (Nev.), 2020).

As a result, the BLM saw itself, and sees itself to this day, as the *archenemy of the Bundy Family*. Exh. P. Wooten goes on to describe a culture at the BLM that openly mocked the Bundy

[14] According to federal lawsuit filed in the United States District Court District of Nevada, p. 3, ¶ 7, Case No. 2:23-cv-01724-RFB-VCF (2023).

[15] Ammon Bundy was also charged in Oregon Federal Court in Case No. 3:16-cr-00051-HZ-10. He was ultimately acquitted after spending almost two years in prison awaiting trial. See https://www.cnn.com/2016/10/27/us/oregon-standoff-ammon-bundy-acquittal/index.html

family, bragged about violently abusing members of the family, and gave every indication that they wanted to see the members of the Bundy family killed. Exh. P., p. 5 ("Pretty much a shoot first, ask questions later,"). The BLM's whistleblower himself, describes an overall culture of hatred and desire for vengeance against the Bundy family—all for simply defending their innocence against an aggressive BLM agency.

The Reason this is Relevant

Judge Lynn Norton's outrageous and egregious actions in this lawsuit become more understandable once you learn that ***she is married to a well-paid, long time official of the Bureau of Land Management, Einar J. Norton*** (see Exhibit Q).

Imagine Einar J. Norton having daily conversations for months and extended conversations for years about how much he hates the Bundy family with his wife, Judge Lynn Norton. Then years later, the most visible member of the Bundy Family, Ammon Bundy, shows up in his wife's jurisdiction in a civil matter in which she has total power and control to now destroy Ammon Bundy and the other defendants as she sees fit. Truly, only with this context do Judge Lynn Norton's outrageous and egregious actions even make any sense.

According to the American Bar Association Rule 2.11(A), *"A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned…" See also*, Idaho Code of Judicial Conduct, 2.11. Judge Lynn Norton's impartiality is not only questionable in this case, it is demonstrably flawed as she is the long-time spouse of any employee of the specific organization that has already been recorded and exposed as being destructive and hateful towards the Bundy Family.

Title 28 § 455 of the United States Code (the "Judicial Code") likewise provides standards for judicial disqualification or recusal. The official rule states that *"[a]ny justice, judge, or*

magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

According to Idaho Rules of Civil Procedure 40 (b)(1)(d), a judge should be disqualified if *"the judge is biased or prejudiced for or against any party or the subject matter of the action."* Also, according to Idaho Code of Judicial Conduct Rule 2.11 (A), *"A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned."* The official commentary of ICJC 2.11 goes on to clarify, *"[1] Under this Rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A)(1) through (5) apply…[2] A judge's obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed."*

In America, a defendant has a due process right to an impartial judge under the US federal Constitution. (U.S. Const., 14th Amend.; *"A fair trial in a fair tribunal is a basic requirement of due process." In re Murchison* (1955) 349 U.S. 133, 137. This "*most basic tenet of our judicial system helps to ensure both the litigants' and the public's confidence that each case has been adjudicated by a neutral and detached arbiter." Hurles v. Ryan* (2014) 752 F.3d 768, 788 (9th Cir. 2014). Although fairness *"requires an absence of actual bias in the trial of cases,"* it is *"endeavored to prevent even the probability of unfairness."* (*Murchison*, 349 U.S. at 136; see also *Greenway v. Schriro* 653 F.3d 790, 806 (9th Cir. 2011) *("[a] showing of judicial bias requires facts sufficient to create actual impropriety or an appearance of impropriety".)*[16]

A trial court judge has a duty to assure that a *"…defendant is afforded a bona fide and fair*

[16] 1 See https://www.lexico.com/en/definition/bias (as of June 6, 2020).
2 Full citation: *Catchpole v. Brannon* (1995) 36 Cal.App.4th 237, 245, overruled on other grounds by *People v. Freeman* (2010) 47 Cal.4th 993, 1006, fn. 6.)

adversary adjudication." (People v. McKenzie (1983) 34 Cal.3d 616, 626.) To that end, the trial court judge *"should not only be fair in fact, but it should also appear to be fair. And where the contrary appears, it shocks the judicial instinct to allow the judgment to stand."* (Pratt v. Pratt (1903) 141 Cal. 247, 252, emphasis added.)

In fact, the law demonstrates that the inquiry into judicial bias is an objective one that does not require proof of actual bias. *"[D]ue to the sensitivity of the question and inherent difficulties of proof as well as the importance of public confidence in the judicial system,"* it is not required that actual bias be proved. (Catchpole v. Brannon, supra, 36 Cal.App.4th at p. 246.)

Judge Lynn Norton's marriage to a ranking official within the Bureau of Land Management, which has an empirically demonstrable hatred for the Bundy family, most definitely gives the *appearance of impartiality and the appearance of impropriety.* And her presiding over the case does not *appear to be fair*, which is the standard set by law and existing precedence. In fact, being married to someone with the mere appearance of bias in a particular case is such a specific violation of the impartiality provisions of 28 US Code § 455, that the word "spouse" in connection with the judge in question is mentioned 6 times. No sane person could conclude that Judge Lynn Norton was not impartial in this case and should therefore have recused herself from this case.

Psalm 82:2 "How long will you magistrates or judges judge unjustly and show partiality to the wicked?" (Amplified Bible).

*"In reviewing a claim of judicial bias or misconduct, the appellate court's role 'is not to determine whether the trial judge's conduct left something to be desired, or even whether some comments would have been better left unsaid. Rather, we must determine whether the judge's behavior was so prejudicial that it denied [the defendant] a fair, as opposed to a perfect, trial…'"(*People v. Abel *(2012) 53 Cal.4th 891, 914.*

The consequences of her presiding over this case amount to a full-fledged denial of Diego and Ammon's due process rights and have so substantially affected the outcome of the case as to render the entire case outcome as unsound, erroneous, fundamentally flawed, and even fraudulent. After all, it was Judge Lynn Norton's decree and order which issued the default judgment without allowing the jury to hear the other side. *This means that Judge Lynn Norton, who is and was a demonstrably biased and partial judge, is the sole reason why the jury never heard or saw any evidence demonstrating that every claim that Diego and Ammon made was true, that St. Luke's Hospital does receive compensation when medically kidnapped children are put in their "care," that Dr. Natasha Erickson most definitely threatened the Anderson family with CPS if she was not obeyed (this is even proven in their own medical records), and that every other claim the Plaintiffs made against the defendants was false.*

Incidentally, after Judge Lynn Norton issued her unconscionable, illegal, immoral, and unconstitutional order to violate Diego Rodriguez's due process rights, and to prevent him from bringing any evidence in his favor to the court trial, while simultaneously striking all of his responses from the record, ensuring that the jury could never see it—Judge Norton then dismissed herself from the case, like an arsonist or bomber who sets a building ablaze or to explode, and then walks away from the scene leaving others to clean up the damage they left behind. To be clear, Judge Lynn Norton did preside over the case for at least 9 months, which was sufficient time to damage the defendants intentionally, BEFORE she ultimately dismissed herself from the case, and only AFTER she had inflicted the maximum amount of damage by inappropriately issuing a default judgment in order to harm the defendants who she demonstrably had a bias against. See Aug. R. p. 1-2. [17]

[17] Appellant is filing a motion to augment the record to include the June 21, 2023, Voluntary Disqualification pursuant to Idaho Rules of Civil Procedure 40(c) filed and signed by Judge Norton.

Judge Lynn Norton demonstrated an outrageous, unethical, and legally inappropriate bias which, particularly in modern times, has done and will continue to do, great harm to the image of the Judiciary and the people's lack of trust in it. In fact, the universal recognition of Judicial Bias is equally recognized and believed in by both sides of the political spectrum as referenced in the article, *"Left and right agree on one thing: The justice system is corrupted by bias."*[18] Only the Appellate Court can undo the harm that was done to the image of the Judiciary by Judge Lynn Norton by upholding this Appeal and overturning this tyrannical judgment.

Judge Lynn Norton's egregious and unconscionable actions in this case were not limited to what has been noted above or below in this appeal. In fact, she committed at least 12 different acts of judicial misconduct during the course of this court trial, and they have been clearly described on my website here: https://stlukesexposed.gs/lawsuit/judicial-misconduct/lynn-norton/

Additionally, a complaint was filed with the Idaho Judicial Council (see Exhibit R), describing her misconduct, but as one would imagine, her partner in Judicial misconduct, Nancy Baskins sits on the Idaho Judicial Council, and they returned the complaint by stating, "*the Judicial Council finds no violations of any ethical Canons on the part of Judge Norton."* (See Exhibit S) However, at the time of the filing of this complaint, we were not aware of Judge Norton's conflict of interest, being the spouse of Einar Norton, of the BLM, so I did not make that claim against her.

A conflict of interest this severe and egregious that clearly demonstrates a failure to have an impartial trial with a fair and impartial judge is sufficient on its own to overturn this case.

Judge Norton showed her bias by issuing the following orders and then recusing herself 19 days before trial:

[18] https://www.politico.com/news/2024/07/01/justice-system-bias-supreme-court-00165991. See also: https://www.ncja.org/crimeandjusticenews/left-right-agree-justice-system-is-flawed-by-bias-political-agendas

- On July 12, 2022, Judge Norton issued an Order against Diego Rodriguez ordering him to "to respond to those Interrogatories on or before August 5, 2022" (R. pp. 201-2) even though Diego was not served with the Complaint and Summons until September 7, 2022. R. pp. 203-16.
- Judge Norton issue another order against Diego Rodriguez forcing him to pay legal fees to the plaintiff's attorney even though the court lacked jurisdiction before Diego was served. R. pp. 571-6. For an Idaho court to exercise personal jurisdiction over an out-of-state defendant, two requirements must be met: "(1) the act giving rise to the cause of action must fall within the scope of Idaho's long-arm statute, Idaho Code section 5-514; and (2) jurisdiction must not violate the out-of-state defendant's due process rights." Gailey v. Whiting, 157 Idaho 727, 730, 339 P.3d 1131, 1134 (2014) (citing Knutsen v. Cloud, 142 Idaho 148, 150, 124 P.3d 1024, 1026 (2005)).
- Judge Norton issued an order demanding that Diego Rodriguez, a citizen of the state of Florida, attend a deposition in Boise, Idaho at his own expense. R. p. 2355 – 2366.
- Judge Norton issued a warrant for Diego Rodriguez's arrest with excessive bail of $75,000 for civil contempt of court, violating the US Constitution and the Idaho State Constitution. [19]
- Judge Norton issued a warrant for Ammon Bundy's arrest with excessive bail of $250,000 for civil contempt of court, violating the US Constitution and the Idaho State Constitution. [20]
- Judge Norton issued an order striking all of Diego Rodriguez's answers from the record, violating his due process rights. R. pp. 4023 – 4024.
- Judge Norton denied Diego Rodriguez, a citizen of Florida, access to his pre-trial hearing via video when he requested it. R. pp. 4025 – 4036.
- Judge Norton demanded that Diego Rodriguez produce his 2022 tax returns in the year 2022, when they had no relevance to the case and they were not even required to be filed until April 2023. R. pp. 1779 – 1782.

Taken as a whole, Judge Norton ruled against Diego Rodriguez on every opportunity and then ultimately recused herself. There is no way for the public to have confidence that Judge Norton

[19] This Court can take judicial notice of the bail set for Diego Jesus Rodriguez in the amounts of $25,000 and $50,000 at https://apps.adacounty.id.gov/sheriff/reports/warrants.aspx.

[20] This Court can take judicial notice of the bail set for Ammon Edward Bundy in the amount of $250,000 for civil contempt at https://apps.adacounty.id.gov/sheriff/reports/warrants.aspx.

used her discretion appropriately or if she was controlled by the bias that had developed inside of her home as the BLM led its attack against the Bundy family from 2012 through the appeal in 2020. The evidence produced herein should be either reviewed by this Court or this Court should remand this case for an evidentiary hearing to determine if Judge Norton's husband had introduced bias into their home due to his job at the BLM.

B. The Idaho District Court failed to uphold the defendants' Constitutional right to free speech and to criticize others in public.

The United States Constitution guarantees our right to free speech and this has always included the right to criticize others in public. In fact, public criticism and uncomfortable speech is the exact reason why Freedom of Speech laws exist. We don't need a law to permit speech that everyone loves. However, powerful institutions never want to be exposed when they do wrong, and only when our government properly upholds our right to Freedom of Speech can these otherwise inordinately powerful institutions be put in check. The defendants in this case, both Diego Rodriguez and Ammon Bundy, utilized their right to Free Speech to publicly and openly expose many criminal, immoral, and unethical deeds being done by St. Luke's Hospital. That is their right. Any attack against them for doing so is an attack against Constitutional rights and any lawsuit which would try to restrict their right of free speech is abominable and should be dismissed immediately.

Diego and Ammon both understand and respect the fact that the right to free speech exists, while also recognizing that defamation laws exist which do, in fact, abridge the right to genuine free speech. Nevertheless, "defamation" laws have been upheld by the courts, but they are supposed to be applied very narrowly and only when very specific evidence of intentional malfeasance is present. More specifically, "defamation" can only occur when the statements made by those accused of defamation were false, and were *knowingly* false by those who made them, and also when these

alleged malicious false claims are made because they are used in order to make money off of them.

"In a defamation action, a plaintiff must prove that the defendant: (1) communicated information concerning the plaintiff to others; (2) that the information was defamatory; and (3) that the plaintiff was damaged because of the communication." Clark v. Spokesman–Review, 144 Idaho 427, 430 (2007). *Statements of opinion enjoy the constitutional protection provided by the First Amendment. Gertz v. Robert Welch, Inc*., 418 U.S. 323, 339–40 (1974). *Elliott v. Murdock*, 161 Idaho 281, 287 (Idaho, 2016).

In this case, ***every single statement that Diego and Ammon made that St. Luke's has claimed was "defamatory" is and was factual***. But Judge Lynn Norton prevented any of that information from being presented in the courtroom. This is likewise a violation of due process rights.

Additionally, St. Luke's Hospital and their counsel, Holland and Hart law firm, presented zero evidence that 1) the statements that Diego and Ammon made were knowingly false or that Diego and Ammon did not believe that the statements they made were true, and 2) that Diego and Ammon gained any money from such statements. On the contrary, the efforts that were made by both Diego and Ammon cost them money and they were both willing to spend whatever money was necessary in order to see Baby Cyrus returned to his family, and later to also expose the evils that were uncovered during the process. In short, the Plaintiff has completely failed to demonstrate actual defamation by law, and therefore has no right to abridge the defendant's freedom of speech.

The complaint against Diego Rodriguez and Ammon Bundy alleges 8 separate counts, with the primary one being "Defamation." The additional counts were "Invasion of Privacy," "Intentional Infliction of Emotional Distress," "Trespass," "Unfair Business Practices," "Idaho Charitable Solicitation Act," and "Civil Conspiracy to Commit Defamation."

According to Idaho Civil Jury Instruction (IDJI) 4.82 (Exhibit M), in order to be guilty of the

charge of "Defamation" in the State of Idaho, a plaintiff must prove ALL of the following elements:

1. The defendant communicated information concerning the plaintiff to others;
2. The information impugned the honesty, integrity, virtue or reputation of the plaintiff or exposed the plaintiff to public hatred, contempt or ridicule; and
3. The information was false;
4. The defendant knew it was false, or reasonably should have known that it was false;
5. The plaintiff suffered actual injury because of the defamation; and
6. The amount of damages suffered by the plaintiff.

The Plaintiffs in this case never proved that the "information" was false or that the defendant KNEW it was false. On the contrary, all of the claims in the final complaint from the Plaintiff regarding defamatory statements made by Diego Rodriguez and/or Ammon Bundy can be demonstrated to be true (see Exhibit N for the evidence). They are all true to this day, or Diego and Ammon still otherwise believe them to be true. Therefore, the minimum requirement for a defamation charge was not met, and the Constitutional Right to freedom of speech can simply not be usurped for a lower defamation claim, particularly when the requirements for defamation have not been met by the Plaintiffs.

The entire case should be thrown out simply on the basis that Diego and Ammon's right to free speech was violated since every claim that Diego and Ammon made was true, or believed to be true, and the 6 requirements to prove defamation were therefore not met.

C. The Defendants' due process rights, as guaranteed in the 14th Amendment to the US Constitution were violated.

It could have been very easily demonstrated to a jury that every single claim made by either Diego Rodriguez or Ammon Bundy regarding St. Luke's Hospital was either completely true, or it was something they believed to be true (as demonstrated in Exhibit N), if they had been allowed to

present their case or evidence in the court trial. However, Judge Lynn Norton made an order in this case *preventing any evidence in their favor from being presented in the trial and striking all of Diego's responses from the record, ensuring that the jury would never be able to see, hear, or read any of the facts of the case*. A violation of due process this outrageous is shocking to the conscience of the public and so egregious that it severely degrades the public's confidence in our judicial process. When a Judge acts so inappropriately, as to literally issue an order that one would not even imagine possible in the Soviet Union, the public does not easily recover from this type of injury and the image of the Judiciary is permanently stained. In fact, the order said very specifically, *"This court will not consider opposing argument or evidence from Diego Rodriguez during a default damages hearing."* (See Exhibit O – Order preventing evidence).

The excuse Judge Lynn Norton used in this outright violation against Mr. Rodriguez's due process rights was that these were her "sanctions for Diego Rodriguez's non-compliance with discovery obligations." However, she did not equally apply the same sanctions, or any sanctions at all, against the Plaintiff who likewise did not comply with *their* Discovery obligations.

Most importantly, the sanctions applied by Judge Norton were issued because Mr. Rodriguez did not provide discovery for requests which were designed only to frustrate and harass, to subject him to harm or, or to invade his privacy. These same Discovery requests were entirely irrelevant to the case and would *never lead to admissible evidence*. For example, Judge Norton was demanding that Mr. Rodriguez provide legal and financial documents related to Power Marketing, LLC, the company that Mr. Rodriguez works for, to provide his Tax Returns for 2023 by February 2023 (even though they were not due until April 15th, 2024), and to provide other documents which Mr. Rodriguez had already stated he did not have. What relevance do Mr. Rodriguez's tax returns or the legal documents associated with the company he works for have to do with a defamation case?

Obviously, NONE WHATSEOVER! These requests were inappropriate and were plainly designed to frustrate and harass the defendant, and to unnecessarily invade his privacy.

Any reasonable and relevant Discovery was provided to the Plaintiffs, and Mr. Rodriguez sat for a deposition and was prepared to sit for a second deposition, having already given the Plaintiff's counsel the dates available to do so. Therefore, it is evident that Judge Norton, being biased against the defendants, used her power to issue the harshest sanctions available, even though they were inappropriate and robbed the defendants of their due process rights.

If a judge can issue a default judgment whenever she wants, for whatever purpose, or simply because she is biased, then what purpose is there for a court system? If Mr. Rodriguez truly was not obedient to a lawful instruction from the court, Judge Lynn Norton can rightfully use the power of "contempt of court" to issue a sanction against Mr. Rodriguez. But instead, she demonstrated her bias by issuing an inappropriate default judgment, which ultimately violated due process rights.

Furthermore, with so much at stake, can sanctions like a complete default judgment be applied against Mr. Rodriguez simply because he did not comply with discovery obligations? Is that justice? Can his due process rights be violated just because a judge claims he did not comply with discovery obligations (even though those same discovery "obligations" were abhorrent, inappropriate, and irrelevant)? No decent human being would contend so. Furthermore, if such sanctions were allowable or appropriate, why was no warning issued? Certainly, a different outcome could have resulted if Judge Norton would have simply issued a statement warning Mr. Rodriguez that if he did not comply with his alleged Discovery Obligations by a certain date, that he would automatically forfeit the case (or be held in contempt). Instead, Judge Lynn Norton unilaterally used the powers that have been entrusted to her to violate Mr. Rodriguez's due process rights and to ensure that NO EVIDENCE proving his innocence could or would ever be allowed to be seen, read, or

heard by the jury.

In fact, to demonstrate how outrageously unjust and lopsided Judge Lynn Norton's "sanctions" were against Diego Rodriguez, consider that she issued no sanctions against the Plaintiffs in this case for *likewise refusing* to provide discovery that *was* entirely relevant and would have lead to admissible evidence. Discovery requests by Diego Rodriguez that were completely refused and rejected included:

- The amount of money St. Luke's hospital received for having Baby Cyrus in their possession.
- The amount of money St. Luke's receives on an annual basis for receiving children from CPS.
- The salary and total compensation package for Chris Roth in comparison to previous CEOs.
- The number of children who have died in St. Luke's hospital due to medical error.
- The number of people who died on ventilators at St. Luke's hospital during the COVID pandemic.

These discovery requests were entirely relevant and necessary because they were at the heart of the case, since St. Luke's claimed that the statements Diego and Ammon made regarding them were false! How then could these entirely relevant and substantive discovery requests by Mr. Rodriguez be rejected (they were never provided to Mr. Rodriguez) without sanctions by Judge Norton? In fact, while these discovery requests, along with other relevant discovery requests, that were made by Diego Rodriguez were simply refused by the Plaintiffs, Judge Lynn Norton never made any demands or orders against the Plaintiffs for rejecting them, yet she issued sanctions against Diego Rodriguez for not providing discovery requests to totally irrelevant issues that were designed to simply frustrate, harass, and cause injury to Mr. Rodriguez—and would ultimately just serve as a complete waste of time and an unnecessary invasion of his privacy.

Judge Lynn Norton's sanctioning against Diego Rodriguez was a very notable, plain, and

evident abuse of judicial power that makes no sense—unless there was some form of judicial bias she has against Diego or Ammon—and it is and was a clear violation of their due process rights.

How can one expect fairness or justice in a trial if the defendant is not given a chance to provide evidence to support his case? Or how can a jury be expected to know the facts relevant to a case if the defendants answers to the case were all stricken from the record by judicial decree?

The touchstone of due process "is the opportunity to be heard at a meaningful time and in a meaningful manner." *Hopkins v. Pneumotech, Inc.*, 152 Idaho 611, 615 (2012) (internal quotation marks omitted) (citing *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976)). Due process is not a rigid concept; instead, "it is a flexible concept calling for such procedural protections as are warranted by the particular situation." *Bradbury v. Idaho Judicial Council*, 136 Idaho 63, 72 (2001).

This argument (#3) is sufficient to completely throw out the entire case as Diego and Ammon's 14th Amendment due process rights were clearly violated when Judge Lynn Norton issued an order preventing any evidence in the defendants favor from ever being seen by the jury.

D. The jury was likewise biased by their own background and associations.

Mr. Rodriguez received a list of potential jurors from the court, though he was not allowed to participate in the jury selection process. The original list of names from the court amounted to 200 people (see Exhibit U). Of that list, at least 30 of them had occupations which would indicate partiality/bias, or at least give the *appearance* of it. This includes employees or spouses of employees of St. Luke's Hospital, the City of Meridian, the Idaho Department of Health and Welfare, and even an employee of the Bureau of Land Management (who consider themselves the archenemies of the Bundy family)!

Of these 30 potential jurors, at least 13 of them are employed by or are married to employees of St. Luke's Hospital (the Plaintiff). At the beginning of the *voir dire*, newly appointed Judge Nancy

Baskins promptly dismissed 9 of those people recognizing and admitting that their inclusion on the jury would constitute a perception of partiality and bias—and obviously so, as their income is derived from the Plaintiff!

However, there were still at least 4 members of the potential jury who were employed by or spouses of employees of St. Luke's Hospital. No sane person could imagine that a trial could be impartial when the jury has members who are financially benefited by the Plaintiff!

Additionally, there were still an additional 18 potential members of the jury who have openly hostile relationships with the defendants, including employees for the Idaho Department of Health and Welfare (who were responsible for Baby Cyrus's kidnapping and who are being sued by the family of the defendants), employees for the Bureau of Land Management (who we have already established have a culture of hatred against the Bundy family), and employees of St. Luke's partners or industry contemporaries (who likewise will defend the Plaintiffs since they regularly engage in the exact same practices that were under scrutiny in this lawsuit).

Furthermore, there were at least 40 potential jurors whose employment (or the employment of their spouse) was not listed. Or, they were listed as retired without any opportunity to ask if they were retired from St. Luke's Health Systems (Exhibit V). As St. Luke's Health Systems is the largest employer in the State of Idaho and the majority of its employees live in Ada County where this trial was held, there is a very high mathematical likelihood that a large percentage of the final jury pool were actual employees of St. Luke's Hospital (aka the Plaintiff), or members of other groups predisposed with a bias against the defendants.

Diego Rodriguez filed a petition with Judge Nancy Baskins to release the identity of the final jury pool to ensure that he received a fair and impartial jury, but she denied his request. R. p. 4106-7.

The *appearance* of partiality, bias, prejudice, and impropriety are altogether exacerbated by the nature of the judgment itself, particularly considering that the Plaintiff's Counsel asked for a $37 million judgment which was $30 million more (or 528% more) than what the final Fourth Amended complaint asked for, and the jury in turn awarded a judgement of $52.5 million, which was $15.5 million MORE than what the Plaintiff's counsel had asked the jury for. What kind of a jury awards MORE than what the Plaintiff is asking for, even after the Plaintiff made a request that was already 528% MORE than what they originally requested in their final complaint? What kind of jury even knows that is possible, or would make the internal arguments with one another to make that type of award, UNLESS they were insiders and had a connection to the Plaintiff to begin with? Whether that is true or not, it certainly APPEARS to be plausible and the legal precedent or standard necessary in order for "judicial bias" or the failure of due process to ensure a "fair and impartial" jury is for there to be the *appearance of impropriety* or the *appearance of impartiality*. These facts, as presented above, most definitely give that appearance.

"The Sixth Amendment guarantees criminal defendants a verdict by an impartial jury," and *"[t]he bias or prejudice of even a single juror is enough to violate that guarantee."* Id. at 1111. *"Accordingly, '[t]he presence of a biased juror cannot be harmless; the error requires a new trial without a showing of actual prejudice.' "* *United States v. Kechedzian*, 902 F.3d 1023, 1027 (C.A.9 (Cal.), 2018).

This appearance of impropriety and appearance of impartiality during the jury selection process and by members of the jury stand alone as being sufficient to overturn this case.

E. The Jury was inappropriately prejudiced on purpose by Judge Nancy Baskins.

Judge Nancy Baskins was assigned to take over this case after Judge Lynn Norton dismissed herself from the case. Judge Nancy Baskins then took over and first presided over the *voir dire*, in

which she quite apparently prejudiced the jury against Diego Rodriguez by completely lying about him. Tr. 33, L. 9-11; Tr. 37, L. 23-25. and Diego Rodriguez filed a petition with the court requesting to appear via video call, through Webex or Zoom (the Ada County Court typically uses Webex). Tr. 20, L. 3-5. Judge Lynn Norton had previously told Diego Rodriguez that if he wanted to participate in court hearings or proceedings via video call, he would need to submit a request to the court in order to do so. R. p. 391.

Since Diego Rodriguez lives in Orlando, Florida over 2,500 miles away, it is simply not reasonable to expect him to physically come to the courtroom, particularly when appearing in court via video has become standard protocol for years now.

Diego, did in fact, submit a request to the court requesting access to attend the trial and participate yet never received a response. Aug. R. pp. 3-4. So, Diego followed up with the Court Clerk inquiring about participation via video, but Judge Nancy Baskins rejected Diego's request as can be seen below in the official court transcripts in which she stated the following, *"...the Court declines the email request to the extent it was, through my clerk, to attend and participate via Webex..."* Tr. 20, l. 3-5.

When she stated this, the potential jury members had not yet entered the court room. Later, once the prospective jury members entered the courtroom, Judge Nancy Baskins asked them if they would have any trouble or problem serving as members of the jury. At least one prospective juror noted that they would have difficulty serving as a juror without having the defendants actually present in the room. Judge Nancy Baskins outright lied by responding as follows: *"...the defendants have elected not to participate in the jury trial..."* Tr. 33, L. 9-11. and later she stated, *"...they were allowed to participate in this process and they've elected not to appear."* Tr. 37, L. 23-25.

This is an outright lie as the record shows. Nancy Baskins first stated that Diego's request to

"attend and participate" Tr. 20, L. 5. was declined by her. She then told the jury to their faces that Diego was *"allowed to participate in this process"* Tr. 20, L. 24. but that he *"elected not to appear."* Tr. 20, L. 25. Her own words testify against her—she lied about Diego Rodriguez. This type of lie is an outright affront to the judicial process as it not only demonstrates partiality and bias on the part of Judge Nancy Baskins, but it tampered with the administration of justice by inappropriately prejudicing the jury against Mr. Rodriguez, and is a clear example of *jury tampering*. This lie against defendant Diego Rodriguez would undoubtedly have a negative effect on the jury's perception of the defendant, and would ensure that the jury would see Diego Rodriguez in an unfavorable light.

"Remarks or comments by a trial judge which would tend to prejudice either of the parties to a jury trial are proscribed because of the great possibility that such an expression will influence the jurors." State of Idaho vs. Russell Lee White, 51 P.2d 1344-1348 (1976).

Judge Nancy Baskins' intentional lie against defendant Diego Rodriguez unquestionably denied him a fair trial, particularly when held in context with the other egregious and unconscionable violation of rights against the defendants. All of these actions would have a certain compounding effect in the eyes of the jury members, especially considering the high possibility that several of them could have been employees of the Plaintiff, or otherwise have direct ties to the Plaintiff.

Jury tampering, particularly by a clearly biased Judge not only amounts to Judicial Misconduct, but it is sufficient on its own to completely throw out this lawsuit.

No doubt, counsel for the Plaintiffs took Judge Baskins' cue regarding Diego's inability to attend the trial in person because of Judge Baskins' denial of his request to appear via Webex. Plaintiffs' counsel opening statements to the jury were "**Ammon Bundy and Diego Rodriguez are cowards for not being here.**" Tr. p. 175, L. 8-9. He continued this throughout the trial:

- "Now, we will provide you with the evidence, and we will provide you with the testimony, much of it through the video **of the two cowards** who are not here," Tr. p. 179, L. 17-20.
- "Q. So, Doctor, if Diego Rodriguez and Ammon Bundy weren't such **cowards** to be here, what would you tell them?" Tr. p. 857, L. 19-21.
- "Your Honor, ladies and gentlemen of the jury, on July 10th, the first thing I think I said was that Mr. Bundy and Mr. Rodriguez were cowards for not being here." Tr. p. 1888, L. 21-4.

F. Nancy Baskins allowed members of the jury to stay who openly stated that they had biases against Ammon Bundy violating the defendant's 6th Amendment right to a fair and impartial jury.

The transcripts of the *voir dire*, show that Judge Nancy Baskins quickly dismissed anyone who indicated that they had a *favorable* view of Ammon Bundy. The Idaho Supreme Court has interpreted Rule 47 of the Idaho Rules of Civil Procedure to mean the trial court bears primary responsibility for selecting competent and impartial jurors. *Quincy v. Joint Sch. Dist. No. 41, Benewah Co.*, 102 Idaho 764, 768 (1981). For this reason, judges may freely question panel members to gain further insight into their views and obtain clarification on their ability to keep an open mind. *Id*. Here, the Court should have protected the integrity of the process because Diego was excluded from participating because he lived out of state.

However, whenever someone had a *negative* view of Ammon Bundy or a *favorable* view of St. Luke's, Judge Nancy Baskins allowed them to stay, and ultimately, chose multiple jurors who had indicated that they had a previous BIAS AGAINST Ammon and a BIAS IN FAVOR of St. Luke's. As the official case transcript reads:

Juror No. 47

"Juror Number 47, how do you know Mr. Bundy.
PROSPECTIVE JUROR: I do not know him personally, and the kind of

> work I do, I'm always aware of his activities and I work for the legislature, and I'm director of the Office of Performance Evaluations, which is a legislative agency. So I know him, I read about his activities as part of my job there…THE COURT: So if you hear information about Mr. Bundy in this case, do you think you could be fair and impartial towards Mr. Bundy? PROSPECTIVE JUROR: I have certain views about Mr. Bundy, and -- THE COURT: So it's okay to have views, people have views. The question is 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.
> PROSPECTIVE JUROR: I think I can be fair in the proceedings here, and I don't know about how others will perceive my involvement."

Tr. 89 L. 25; Tr. 90, L. 21. **Juror 47**, who clearly stated that he had "certain views" about Mr. Bundy, which were taken to be negative in context, was then chosen to sit on the jury. Additionally, Juror 47 stated plainly, "I know Dave Jeppesen." Tr. 119, L. 6.[21] "I have a close working relationship with him." Tr. 119, L. 10-11. **Juror 47,** who has a clear appearance of bias due to a *"close working relationship"* with a party central to this case, who is also a named defendant in a separate lawsuit by the defendant [22] was also chosen to serve on the jury.

Juror No. 20

> Juror 20 made the following statement:
> "I do have some bias towards both parties in this case, and I'm still -- yeah, navigating if I can hold those biases aside, but I still have some questions. St. Luke's saved my life in a battle with cancer four years ago and **I also have some negative bias towards the defendant."**

Tr. 104, L. 17-22. **Juror 20**, who admitted to personal bias was then chose to serve on the jury. In

[21] Dave Jeppesen was the Director of the Idaho Department of Health and Welfare, and was publicly exposed by Diego and Ammon during the entire Baby Cyrus ordeal, and he has also been named as a defendant in a separate lawsuit by defendant Diego Rodriguez.
[22] Diego Rodriguez v. David Jeppesen et al., Case No. 24-cv-00486-WWB-EJK.

response to the question asked by Judge Nancy Baskins, "Do you feel you could be impartial?" Tr. 105, L. 5-6. Juror 20 responded, "I'll certainly do my best." Tr. 105, L. 7. **Juror 20 did not even say he could be impartial!** He used a slight of tongue to avoid answering the question.

Juror No. 42

Juror 42 noted that they read an article about the case (which have all shown to be negatively biased against the defendants) so the court asked:

> Can you set aside what you a read or heard today and if selected decide this solely on the evidence presented in the courtroom?
> PROSPECTIVE JUROR: **It would be difficult doing so.** I have family who work now in the health care industry, so I would be favorable toward their position.
> THE COURT: You feel like you might be bias toward the medical providers?
> PROSPECTIVE JUROR: **In favor of their position, yes.**"

Tr. page 99, L. 6-15. When asked if he could set aside is admitted bias, Juror 42 simply responded, "I would do my best." Tr. 99, L. 25. **Juror 42**, who also plainly admitted to his own bias, was also chose to sit on the jury.

Juror No. 25

Juror 25 stated, *"I did work for Ada County property and evidence in the past, and I know with other things I've dealt with property of some of the defendants…"* Tr. page 125, L. 20-22. This is very important and relevant the Ada County Sheriff has had multiple negative encounters with Ammon Bundy due to Ammon's multiple protests against the Idaho State government. How could a juror who has worked in a capacity that already views the defendant in a negative light, seeing the

defendant as a criminal, be a fair or impartial juror? We don't even allow criminals to be displayed in their orange jump suits in front of a jury as to not create a negative bias or association with the prison system, however, here, someone who handled Ammon Bundy's property **in jail** was allowed to be on the jury after having that negative association burned into his memory. Nevertheless, **Juror 25** was chosen to sit on the jury.

At least 4 members of the jury openly admitted their own bias or are very evidently biased based on their relationship or experience with the defendants (Jurors 20, 25, 42, & 47) but they were specifically chosen to serve on the jury anyway. This is a blatant violation of the defendant's 6th amendment right to a fair and impartial jury.

Additionally, as plainly seen here, Judge Nancy Baskins did not equally apply the same standard to those with evident biases and prejudices towards both the defendants and Plaintiffs in this case. In other words, prospective jurors who demonstrated a bias *against* the Plaintiffs were promptly removed without question, while jurors who demonstrate a bias against the Defendants or in favor of the Plaintiffs were allowed to sit on the jury.

Juror 34

For example, Juror 34 noted, *"I was recently let go from St. Luke's and have an ongoing work comp case with them that is not going well."* Tr. 47, L. 5-7. This prospective juror was immediately dismissed without any more questioning.

Juror 51

And Juror 51 stated, *"I would be very much against St. Luke's. I can tell you that right off the bat. THE COURT: Okay. So this would not be an appropriate case for you to serve on."* Tr. 85, L. 1-14.

This is clear evidence of bias on behalf of Judge Nancy Baskins. This is also a clear violation

of due process rights and the specific right to a fair and impartial jury, and the right to have an impartial judge presiding over the case. It is fully understood and recognized that jurors are not necessarily disqualified for having an opinion about someone before a trial begins, but Judge Nancy Baskins very specifically excluded and dismissed anybody who stated that they had a positive view of the defendants, but allowed jurors to stay who openly stated that they had a negative view of the defendants. She was evidently stacking the deck against the defendants and this is not permissible in what should otherwise be an honorable court proceeding.

"Trial court's failure to dismiss prospective juror for cause on basis that he was biased violated defendant's constitutional right to an impartial jury, such that she was entitled to new trial…" *State v. Hauser*, 143 Idaho 603 (Idaho App., 2006)

This plain demonstration of bias and manipulation during the jury selection process is clear evidence of bias and prejudice on behalf of Judge Nancy Baskins and of the final jury selection itself, and is not only prohibited by law, but is a why the Judiciary is viewed negatively in the eyes of the public. The case must be thrown out on this fact alone and remanded for a new trial.

G. CONSEQUENCES AND IMPACT OF THIS UNJUST CASE

No judge should make a ruling on a case with only a concern for the consequences of their judgment. On the contrary, rulings should be made based on facts, evidence, and the proper application of legitimate and just laws. However, when serious injuries based on INJUSTICE have been done because of the failure to apply the rule of law, the consequences and impact become all the more severe, and the need for rectification and restitution are likewise more urgent and imperative.

Such is the necessity on this very case. You have before you a case where an infant child, "Baby Cyrus," was immorally, unethically, and illegally kidnapped and placed in the "care" or

"custody" of St. Luke's Hospital, an institution that received compensation from government sources for having Baby Cyrus in their possession. The family of Baby Cyrus, along with thousands of friends and concerned citizens, including multiple members of the Idaho State Legislature, the existing Lieutenant Governor, and other renowned voices made a public outcry over the terrible injustice that took place which was both unconscionable and egregious to the hearts and souls of all decent people. Most specifically, Baby Cyrus's grandfather, Diego Rodriguez, along with family friend, Ammon Bundy, used their voices and platforms to publish the details of the kidnapping of Baby Cyrus, and to share the facts and evidences which exposed the evil deeds of the parties involved, which included (but was not limited to): St. Luke's Hospital, the Idaho Department of Health and Welfare, and the Meridian Police Department. Every statement that they made was either true or something they believed to be true (and still do). In order to shut down the negative public perception and to prevent any other victims of their tyranny from coming forward, St. Luke's Hospital decided to use "lawfare" tactics and initiate a S.L.A.P.P. suit against Diego Rodriguez and Ammon Bundy which St. Luke's fully knew Diego and Ammon would be unable to fight against (as Diego and Ammon did not have the time, money, or resources to fight back). Additionally, even if Diego and Ammon had the resources, the lawsuit itself, as a genuine "SLAPP suit" is designed to be such a nightmarish, cumbersome, and intolerable process, that the *"process is the punishment."* Considering St. Luke's Hospital has claimed to have spent over $700,000 in legal fees attacking Diego and Ammon for exercising their first amendment rights in order to save Diego's grandson from serious harm and potential death at the hands of St. Luke's Hospital—all things being equal, Diego and Ammon would likewise need to spend at least $700,000 themselves in order to fight back—a sum that no average citizen can pay. And why should anyone have to endure that type of extortion? Are our cherished rights only available to those who can afford the legal representation

to defend themselves once they are attacked by unscrupulous organizations who hand blank checks to even more unscrupulous lawyers in order to destroy their political and public opponents? In fact, a very high-ranking member of the Ada County government, with direct access to members and employees of the Ada County Court, has plainly stated that he was informed that, "St. Luke's Hospital gave Holland and Hart a blank check to do whatever is necessary to destroy Ammon and Diego."

Considering that St. Luke's Health Systems is the largest employer in the State of Idaho, with deeply embedded political connections who also receive hundreds of millions of dollars in government subsidies (that they have received and continue to receive on an annual basis); and the intermixing of public funds and private funds is impossible to separate; this means that any legal action they take against citizens is, in and of itself, government subsidized. By extension, this means that this lawfare-based SLAPP suit against Diego and Ammon is an attack against innocent citizens that is subsidized by the government itself.

Interestingly enough, it is against IRS code for a non-profit organization (which St. Luke's is registered as), to interfere or intervene in the political campaign of any candidate[23]. This means that St. Luke's Hospital suing the *Bundy for Governor* campaign in the midst of his campaign for governor should not have been allowed, at least not without St. Luke's losing their non-profit status. I recognize and understand that this appellate court has no say in that matter, but I point it out to demonstrate the brazenness and the otherwise impudent and audacious behavior of St. Luke's Hospital and their unprincipled and conscienceless legal counsel, Holland and Hart. They have gotten away with so much unlawfulness and unethical behavior for so long, that they truly don't

[23] https://www.irs.gov/charities-non-profits/charitable-organizations/restriction-of-political-campaign-intervention-by-section-501c3-tax-exempt-organizations

believe they will ever have to suffer any consequences for it. *Ecclesiastes 8:11 "Because sentence against an evil work is not executed speedily, therefore the heart of the sons of men is fully set in them to do evil." (KJV).* As judges, you know that when there are no consequences against those who do an "evil work," they just continue to do more and more evil. Usually, with their evil works getting more and more severe as time goes on.

That is the sum total of the true story. Diego Rodriguez's grandson was kidnapped. Diego publicly denounced the entities responsible for kidnapping him as did their family friend, Ammon Bundy. They told the truth in every statement they made (and they have the evidence to back up every single claim as seen in Exhibit N). St. Luke's in turn sued them for denouncing the injustice against Baby Cyrus. Judge Lynn Norton then deprived Diego of his right to show his evidence to the jury which would exonerate him completely. Judge Lynn Norton also violated her own responsibility to recuse herself from the case since she is married to Einar J Norton, a longtime employee of the Bureau of Land Management which is on record for being antagonistic and hateful to the Bundy Family. And Judge Nancy Baskins later tampered with the jury, ensuring that people with biases against the defendants were selected for the jury, while people with biases in favor of the defendants were promptly removed, she overtly lied about Diego Rodriguez to the jury to further damage the jury's perception of Diego as a defendant, and potentially allowed employees, spouses of employees, or other known enemies of the defendants to sit on the jury.

This is a measure and level of injustice that is beyond shocking to the American conscience and is completely unconscionable, as has been mentioned multiple times. The American people stand back in horror and disgust at this plain miscarriage of justice and this Soviet style attack of innocent people by a system that is supposed to protect them.

Only the Appellate courts have the ability to right this wrong. The world is watching.

Literally. Most specifically, the following 5 realities will come to pass if this UNJUST ruling and judgment in this tyrannical SLAPP suit is not overturned:

1. Undermining of faith and confidence in the Judiciary.

Confidence in the Judiciary is already at an all-time low in American History. This case is an opportunity to begin to turn the tide and to have American citizens sit back and say, "Justice was done. There is still hope in America." *Because unlike the jury in this case, the people of America have seen the evidence.* They have watched the videos. They have downloaded the documentation and done the research. They know that there was not a single shred of "defamation" that occurred. They know that Diego and Ammon spoke the truth. They know that Diego and Ammon's 14th amendment due process rights were violated and their 1st amendment rights were trampled upon. The public knows as the evidence was streamed live in real-time, and is to this day available online for the entire world to see (at BabyCyrus.com and StLukesExposed.gs).

2. Precedence set which further undermines the cherished right to Freedom of Speech.

The true core of this case is not one about "defamation" but about freedom of speech. Do innocent citizens who have been harmed by powerful institutions have the right to publicly and freely speak out against those who have harmed them? Or will their lives be destroyed in the court system for opening their mouths and speaking out against those who abused them? Allowing this case to stand would set a horrible precedent that large institutions like St. Luke's Hospital who receive hundreds of millions in government funds and have deeply embedded connections at the highest levels of government, can never be publicly criticized, scrutinized, or exposed—for in doing so, the voices who speak against them will have their lives destroyed and plundered by the very legal system which was designed to protect them. This court cannot allow such a pernicious precedent to stand.

3. Complete devastation of the lives of two innocent families.

It would be impossible to describe the horror that innocent families like Diego Rodriguez and Ammon Bundy have had to endure during this legal process. Consider that Ammon Bundy had his house and apple farm stolen from him. His bank accounts were seized, his wife's bank accounts were frozen, and even his father-in-law's bank account and his son's missionary bank account were frozen by these heartless lawyers.

Diego has a $100 billion negative entry on his bank account (see Exhibit Y). Reams and reams of documents show up via mail on a weekly basis and the ability for these men to earn incomes in order to continue to provide for their families are frustrated at every turn. Both men stand in constant physical jeopardy as they both have warrants out for their arrest in the State of Idaho, which include excessive bail amounts which are likewise prohibited by the US Constitution (Ammon's bail is $250,000 and Diego has two warrants for $25,000 and $50,000). 28 U.S. Code § 2007 and the Idaho State Constitution, Article 1, Section 15, both prevent debtor's prisons, plainly stating that, *"There shall be no imprisonment for debt…"* Yet, St. Luke's Hospital with their nefarious partners in crime, Holland and Hart, are trying desperately to put Diego and Ammon in jail for a civil lawsuit. This alone is evidence that they have no interest in justice. They only want to use whatever tools they have available to harm these men. If they believed they were right, they would simply want public apologies and other restitution. Imprisoning people for telling the truth about horrible things that you have done is not JUSTICE. And it is not Constitutional.

Just ask yourself the question, if everything you've ever worked for in your entire life, including your home, your belongings, your money, your businesses, real estate, and more; and all future efforts or endeavors were impossible to begin because of constant pending legal action against you, all because you publicly exposed evil using your God given and Constitutionally protected right

to free speech, how would you feel? What would you do?

This is the devastation that Diego and Ammon are facing and continually face on a daily basis. This court has the power to end this tyranny against these men and their families.

4. Long-term blowback from members of society.

Blowback should only be of concern when it happens because of *genuine injustice*. And that is the real concern in this case. The injustice is obvious and according to statistics from website analytics, millions of people worldwide know about the case of Baby Cyrus and the subsequent lawsuit against Ammon and Diego. And thousands have pored over the details of the story, including having read all of the evidence which clearly demonstrate the lies told by St. Luke's, along with the documentation which shows that everything Diego and Ammon said was either true or things they believed to be true (and still do).

History has shown us that negative blowback from injustice in our court system has only created future disasters, that otherwise would have been prevented had the Judiciary simply done its job and *rendered justice* when they had the opportunity to do so.

5. Emboldening of bad actors to further tyrannize the innocent.

As already stated, when, *"...sentence against an evil work is not executed speedily, therefore the heart of the sons of men is fully set in them to do evil."* If bad actors in the judicial system, whether they be lawyers, prosecutors, judges, or others; are allowed to be used by other powerful entities, institutions or individuals, in order to punish political opponents or any other voice they see as opposition to themselves, then not only does that essentially eliminate the right of Free Speech and allow the most vulnerable in our society to be abused and tyrannized by the most powerful among us, but it ultimately means that we don't live in a true FREE SOCIETY, and it likewise emboldens these same bad actors to do worse and to continue to harm and abuse whoever they

choose.

There are bad actors everywhere. There are bad cops and good cops. Bad preachers and good preachers. Bad fathers and good fathers. Bad judges and good judges. If the good cops don't put a stop to the bad cops, then what hope do we have? If good preachers don't condemn the bad preachers, then their abuse will continue. If good fathers don't denounce bad fathers, then their cruelty will not be prevented or shut down. *And if good judges don't stop the bad judges, then all of these negative consequences will continue and increase in their severity.*

A society can only truly be free when every member of society, rich and poor, strong and weak, politically connected and politically unaffiliated, man and woman, adult and child, has the same access to the same rights, privileges, and tools as the others. No society can claim to be free when only the rich and the powerful have the ability to destroy their enemies because they alone have the means to use the Judiciary as a tool against their opponents. That is not only unfair and unjust, but it is truly UN-AMERICAN.

CONCLUSION

This appeal contains 7 sound and legal arguments demonstrating a failure to properly apply the law to the case against Diego Rodriguez and Ammon Bundy, a total and complete violation of due process rights, and an unconscionable and egregious demonstration of partiality and judicial bias against the defendants.

More specifically, the Idaho Supreme Court needs to overturn this case on appeal because the Idaho District court failed to uphold the defendant's Constitutional right to free speech and to expose the powerful entities that had harmed Baby Cyrus and his family; and because the defendant's due process rights, as guaranteed in the 14th Amendment to the US Constitution were violated when Judge Lynn Norton issued an order preventing defendant Diego Rodriguez from presenting any

evidence in his favor at the trial, striking his responses from the record, and by issuing a default judgment against the defendants as a supposed "sanction" for not "complying with discovery obligations" which were irrelevant and would not lead to admissible evidence, and Judge Norton likewise did not equally apply the same judgment regarding failure to comply with discovery obligations to the Plaintiffs who also refused to provide discovery for requests made by the defendants which were materially and substantively relevant to the case; and because Judge Lynn Norton should have recused herself from the case because her marriage to a high paid, longtime employee of the Bureau of Land Management, an entity which has been already proven through the "whistleblower" testimony of one of their employees, Larry "Clint" Wooten, to have a culture of hatred and disdain for the Bundy family, demonstrates a clear conflict of interest and appearance of bias/prejudice against the defendants; and because the jury itself was likewise biased since members of the jury were likely employees of St. Luke's Hospital, or spouses of employees of St. Luke's Hospital, or other employees or spouses of employees of any of several interested parties who have a bias in favor of St. Luke's and/or against the defendants; and because the final jury selection was inappropriately prejudiced on purpose by Judge Nancy Baskins when she lied about Diego Rodriguez during the *voir dire* process; and because Judge Nancy Baskins allowed members of the jury to be selected after openly stating that they had biases against Ammon Bundy; and because the case should never have been allowed to go to a jury trial since it was a default judgment.

Any one of these issues is sufficient to completely throw the case out and have it overturned. But all seven of them together demonstrate an outrageous and egregious amount of injustice, malfeasance, and downright evil. Circumstances like this demand justice—and that opportunity for justice is only afforded to the Appellate court system—which now has the chance to render justice!

At the very least, it is more than reasonable to ask for a re-trial, so that this case can be held

with an *unbiased judge*, and an *actual fair and impartial jury* made up of a cross section of the community that *has not been tampered with*, where the jury has a chance to see the *actual evidence* in the case which would demonstrate that the claims made against Diego Rodriguez and Ammon Bundy are completely false. I, Diego Rodriguez, as a citizen of the United States, am completely willing to accept total responsibility for whatever an honest and true court case determines about me. I am confident that an actual IMPARTIAL jury who is allowed to see the *actual evidence* in the case will rule in my favor, and if not, then I am prepared to deal with the consequences. But it should not be too much to ask that the Judiciary allow for real justice through an honest judicial process without biased judges and partial juries who have been tampered with.

Diego Rodriguez respectfully requests this Court reverse the trial court's judgment to ensure justice is done in this case. The world is watching and there has never been a more poignant time or need for the citizens of America to have their faith restored in the Judicial process, which has been absolutely destroyed and dismantled over the years. There is no better time to do justly than now.

DATED this 8th day of January, 2025.

/s/ Diego Rodriguez
Diego Rodriguez

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 8th day of January, 2025, the foregoing document was electronically filed with the Clerk of the Court, and that a copy was served on the following parties or counsel by:

Erik F. Stidham (ISB #5483) HOLLAND & HART LLP 800 W. Main Street, Suite 1750 Boise, ID 83702-5974 Ammon Bundy PO Box 1062 Cedar City, Utah, 84720	[ ] Mail [ ] Fax [x] iCourt Service [ ] Email [ ] Mail [ ] Fax [x] iCourt Service [ ] Email

DATED this 8th day of January, 2025.

/s/ Diego Rodriguez
Diego Rodriguez

EXHIBIT A

Anderson affidavit describing the treatment they received from Dr. Natasha Erickson

To whom it may concern,

In March of 2022 when we took our son, "Baby Cyrus" Anderson to St. Luke's Hospital, we were attended to by Dr. Natasha Erickson.

Dr. Erickson's treatment of us was as horrible as it was astonishing. She lacked professionalism, care, and interest in our experiences with our son. She would not listen to us nor did she care to hear or learn about Cyrus's past experiences or medical history.

Furthermore, once she learned that Baby Cyrus had not been vaccinated according to the common vaccine schedule promoted by the pharmaceutical companies and Allopathic hospitals who profit off of them, her treatment of our family became quite hostile.

In fact, she threatened to contact CPS on our family if we did not obey her and follow her rules or instructions. She told us that we would be required to sign an AMA form, which apparently means "Against Medical Advice," and said that she would then contact CPS.

Out of fear for Baby Cyrus's wellbeing, particularly due to the destructive nature of the CPS system, we reluctantly stayed at St. Luke's to pacify and appease Dr. Ericksons' demands.

I, Levi Anderson, and I, Marissa Anderson, do swear that the foregoing is true and correct.

Signed:

OATH

Before me, Fatimah N Shabazz a Notary Public in and for Osceola County, State of Florida, personally appeared before me by means of [X] physical presence or [ ] remote online notarization Levi Anderson Marissa Anderson and being first duly sworn by me upon their oath, says that the facts alleged in the foregoing instruments are true.

(Signed) Fatimah N. Shabazz NOTARY PUBLIC

Levi Anderson

Levi Anderson (SEAL)

Marissa Anderson

FATIMAH N. SHABAZZ
MY COMMISSION • HH 451354
EXPIRES: October 14, 2027

EXHIBIT B

List of laws broken by the Meridian Police Department when they Kidnapped Baby Cyrus (this demonstrates that the kidnapping was malicious and not necessary, further proving that Diego and Ammon's words were responsive to actual criminal actions and not defamatory in any way)

#1 - Idaho Statute 16-1601 was broken
No effort was made to maintain family unity, on the contrary, Baby Cyrus was ripped away from his parents and his breast-feeding mother was arrested and put in jail without just cause and without any evidence to justify her arrest.

TITLE 16
JUVENILE PROCEEDINGS

CHAPTER 16
CHILD PROTECTIVE ACT

16-1601. POLICY. The policy of the state of Idaho is hereby declared to be the establishment of a legal framework conducive to the judicial processing, including periodic review of child abuse, abandonment and neglect cases, and the protection of any child whose life, health or welfare is endangered. At all times, the health and safety of the child shall be the primary concern. Each child coming within the purview of this chapter shall receive, preferably in his own home, the care, guidance and control that will promote his welfare and the best interest of the state of Idaho, and if he is removed from the control of one (1) or more of his parents, guardian or other custodian, the state shall secure adequate care for him; provided, however, that the state of Idaho shall, to the fullest extent possible, seek to preserve, protect, enhance and reunite the family relationship. Nothing in this chapter shall be construed to allow discrimination on the basis of disability. This chapter seeks to coordinate efforts by state and local public agencies, in cooperation with private agencies and organizations, citizens' groups, and concerned individuals, to:

(1) Preserve the privacy and unity of the family whenever possible;

(2) Take such actions as may be necessary and feasible to prevent the abuse, neglect, abandonment or homelessness of children;

(3) Take such actions as may be necessary to provide the child with permanency including concurrent planning;

(4) Clarify for the purposes of this act the rights and responsibilities of parents with joint legal or joint physical custody of children at risk; and

(5) Maintain sibling bonds by placing siblings in the same home when possible, and support or facilitate sibling visitation when not, unless such contact is not in the best interest of one (1) or more of the children.

History:

[16-1601, added 1976, ch. 204, sec. 2, p. 732; am. 1982, ch. 186, sec. 1, p. 492; am. 1991, ch. 212, sec. 1, p. 501; am. 1996, ch. 272, sec. 1, p. 885; am. 1998, ch. 257, sec. 1, p. 851; am. 2001, ch. 107, sec. 1, p. 352; am. 2003, ch. 279, sec. 1, p. 748; am. 2018, ch. 287, sec. 1, p. 675.]

Anyone who will watch the videos for themself will see that the actions taken by police officers under the direction of CPS/Idaho Department of Health and Welfare did not obey §16-601. Baby Cyrus was snatched out of his mother's arms, was taken out of his home and the privacy and unity of the family was not preserved even though it was more than "possible."

https://legislature.idaho.gov/statutesrules/idstat/Title16/T16CH16/SECT16-1601/

#2 - Idaho Statute 16-1627 was broken

No physician who had personally diagnosed Baby Cyrus gave any evidence that Baby Cyrus's life would be endangered.

TITLE 16
JUVENILE PROCEEDINGS

CHAPTER 16
CHILD PROTECTIVE ACT

16-1627. AUTHORIZATION OF EMERGENCY MEDICAL TREATMENT. (1) At any time whether or not a child is under the authority of the court, the court may authorize medical or surgical care for a child when:

(a) A parent, legal guardian or custodian is not immediately available and cannot be found after reasonable effort in the circumstances of the case; or

(b) A physician informs the court orally or in writing that in his professional opinion, the life of the child would be greatly endangered without certain treatment and the parent, guardian or other custodian refuses or fails to consent.

(2) If time allows in a situation under subsection (1)(b) of this section, the court shall cause every effort to be made to grant each of the parents or legal guardian or custodian an immediate informal hearing, but this hearing shall not be allowed to further jeopardize the child's life.

(3) In making its order under subsection (1) of this section, the court shall take into consideration any treatment being given the child by prayer through spiritual means alone, if the child or his parent, guardian or legal custodian are adherents of a bona fide religious denomination that relies exclusively on this form of treatment in lieu of medical treatment.

(4) After entering any authorization under subsection (1) of this section, the court shall reduce the circumstances, finding and authorization to writing and enter it in the records of the court and shall cause a copy of the authorization to be given to the physician or hospital, or both, that was involved.

(5) Oral authorization by the court is sufficient for care or treatment to be given by and shall be accepted by any physician or hospital. No physician or hospital nor any nurse, technician or other person under the direction of such physician or hospital shall be subject to criminal or civil liability for performance of care or treatment in reliance on the court's authorization, and any function performed thereunder shall be regarded as if it were performed with the child's and the parent's authorization.

History:

[(16-1627) 16-1616, added 1976, ch. 204, sec. 2, p. 742; am. 1996, ch. 272, sec. 12, p. 894; am. and redesig. 2005, ch. 391, sec. 29, p. 1287.]

There was not a written or oral testimony from a physician that has been provided as evidence in this case that Baby Cyrus's "life was greatly endangered" by simply being with his own parents.

https://legislature.idaho.gov/statutesrules/idstat/Title16/T16CH16/SECT16-1627/

#3 - Idaho Statute 32-1010 was broken

The government of Idaho did not preserve the fundamental rights of the parents as guaranteed in this statute. They also did not satisfy the requirements noted in section 32-1013 (read below):

TITLE 32
DOMESTIC RELATIONS

CHAPTER 10
PARENT AND CHILD

32-1010. IDAHO PARENTAL RIGHTS ACT. (1) This section through section 32-1014, Idaho Code, shall be known and may be cited as the "Idaho Parental Rights Act."

(2) The interests and role of parents in the care, custody and control of their children are both implicit in the concept of ordered liberty and deeply rooted in our nation's history and tradition. They are also among the unalienable rights retained by the people under the ninth amendment to the constitution of the United States.

(3) The interests of the parents include the high duty and right to nurture and direct their children's destiny, including their upbringing and education.

(4) The state of Idaho has independent authority to protect its parents' fundamental right to nurture and direct their children's destiny, upbringing and education.

(5) The protections and rights recognized in sections 32-1011 through 32-1014, Idaho Code, are rooted in the due process of law guaranteed pursuant to section 13, article I, of the constitution of the state of Idaho.

(6) Governmental efforts that restrict or interfere with these fundamental rights are only permitted if that restriction or interference satisfies the strict scrutiny standard provided in section 32-1013, Idaho Code.

(7) Nothing in this act shall be construed as altering the established presumption in favor of the constitutionality of statutes and regulations.

(8) The provisions of the Idaho parental rights act are hereby declared to be severable, and if any provision of the act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of the act.

History:

[32-1010, added 2015, ch. 219, sec. 1, p. 681; am. 2021, ch. 286, sec. 1, p. 860.]

https://legislature.idaho.gov/statutesrules/idstat/Title32/T32CH10/SECT32-1010/

The Parental Rights Act was completely disregarded and disobeyed. Section 6 above notes that the Idaho State Government only has permission to interfere with Parental Rights if the "strict scrutiny standard" provided in Section 32-1013 is satisfied.

Well that "strict scrutiny standard" reads as follows:

32-1013. INTERFERENCE WITH FUNDAMENTAL PARENTAL RIGHTS RESTRICTED.
(1) Neither the state of Idaho, nor any political subdivision thereof, may violate a parent's fundamental and established rights protected by this act, and any restriction of or interference with such rights shall not be upheld unless it demonstrates by clear and convincing evidence that the restriction or interference is both:
(a) Essential to further a compelling governmental interest; and
(b) The least restrictive means available for the furthering of that compelling governmental interest.

How was kidnapping Baby Cyrus essential to further a compelling government interest? And how is kidnapping him and terminating parental rights the "least restrictive means of furthering" that non-existent "compelling governmental interest."

This law was broken, plain and simple.

#4 - Idaho Statute 16-1629 subsection 11 was broken
After Baby Cyrus was wrongfully kidnapped by the State of Idaho, he still should have been placed with a "fit and willing" relative according to this Idaho Statute. There were any of a number of fit and willing relatives or "fit and willing non relatives with a significant relationship with the child," but the state made zero effort to place Baby Cyrus with any of them. They broke this law:

(11) At any time the department is considering a placement pursuant to this chapter, the department shall make a reasonable effort to place the child in the least restrictive environment to the child and in so doing shall consider, consistent with the best interest and special needs of the child, placement priority of the child in the following order:
(a) A fit and willing relative;
(b) A fit and willing nonrelative with a significant relationship with the child;
(c) Foster parents and other persons licensed in accordance with chapter 12, title 39, Idaho Code, with a significant relationship with the child;
(d) Foster parents and other persons licensed in accordance with chapter 12, title 39, Idaho Code.

https://legislature.idaho.gov/statutesrules/idstat/Title16/T16CH16/SECT16-1629/

#5 - Idaho Statute 32-1013 was broken

This law requires that both a “compelling government interest” and “the least restrictive means available for the furthering of that compelling government interest” be demonstrated in order to justify the forceful taking of a child. In Baby Cyrus’ case, no evidence was presented and Baby Cyrus was simply kidnapped and taken away from his breast feeding mother. All evidence from doctors who reviewed Baby Cyrus demonstrated that he was healthy and in no imminent danger. This law was broken.

TITLE 32
DOMESTIC RELATIONS

CHAPTER 10
PARENT AND CHILD

32-1013. INTERFERENCE WITH FUNDAMENTAL PARENTAL RIGHTS RESTRICTED. (1) Neither the state of Idaho, nor any political subdivision thereof, may violate a parent’s fundamental and established rights protected by this act, and any restriction of or interference with such rights shall not be upheld unless it demonstrates by clear and convincing evidence that the restriction or interference is both:

(a) Essential to further a compelling governmental interest; and

(b) The least restrictive means available for the furthering of that compelling governmental interest.

(2) The foregoing principles apply to any interference whether now existing or hereafter enacted.

(3) Nothing in this act shall be construed as invalidating the provisions of the child protective act in chapter 16, title 16, Idaho Code, or modify the burden of proof at any stage of proceedings under the child protective act.

(4) When a parent’s fundamental rights protected by this act are violated, a parent may assert that violation as a claim or defense in a judicial proceeding and may obtain appropriate relief against the governmental entity.

(5) If a parent prevails in a civil action against the state, or a political subdivision thereof, as provided in subsection (4) of this section, the parent is entitled to reasonable attorney’s fees and costs.

History:

[32-1013, added 2015, ch. 219, sec. 4, p. 681.]

https://legislature.idaho.gov/statutesrules/idstat/Title32/T32CH10/SECT32-1013/

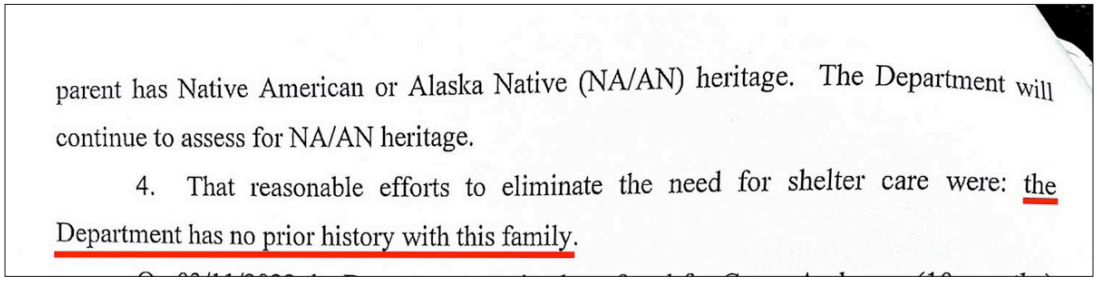
#6 - Idaho Statute 16-1610(2)(i) was broken
This law requires that the government provide PROOF that "reasonable efforts have been made prior to the placement of the child in care to prevent the removal of the child from his home." Absolutely ZERO efforts were made and they even admit this in their own documentation which you can see below:

(i) If the child has been or will be removed from the home, the petition shall state that:
(i) Remaining in the home was contrary to the welfare of the child;
(ii) Vesting legal custody of the child in the department or other authorized agency is in the best interests of the child; and
(iii) Reasonable efforts have been made prior to the placement of the child in care to prevent the removal of the child from his home or, if such efforts were not provided, that reasonable efforts to prevent placement were not required because aggravated circumstances were found;

https://legislature.idaho.gov/statutesrules/idstat/Title16/T16CH16/SECT16-1610/

Again, the State of Idaho requires in State Statute 16-1610 subsection i-3, that "reasonable efforts be made prior to the placement of the child in care to prevent the removal of the child from his home." In other words, it is required in the state of Idaho that CPS demonstrate that it made "reasonable efforts" to ensure that a child is not forcibly removed from its parents when it is not necessary. The proof of these "reasonable efforts" must be attested to in the affidavit. But the only thing Roxanne Printz put in her affidavit was:

"4. That reasonable efforts to eliminate the need for shelter care were: the Department has no prior history with this family."


parent has Native American or Alaska Native (NA/AN) heritage. The Department will continue to assess for NA/AN heritage.

4. That reasonable efforts to eliminate the need for shelter care were: the Department has no prior history with this family.

If you are shaking your head in dismay trying to figure out what that means, you are not alone. This is a clear demonstration of either one, total incompetence or two, blatant disregard for the rule of law. There is no third option. It appears that Roxanne Printz is using a form letter or template and simply copying and pasting information into this document and that she copied and pasted a statement that has nothing to do with "reasonable efforts to eliminate the need for shelter care."

#7 - Idaho Statute 16-1602 was violated

Idaho State Law requires that "abuse" be defined as something that was CAUSED by the parents through "conduct or omission." Therefore if Levi and Marissa Anderson (Baby Cyrus's parents) were to be charged with "abuse," evidence would have to be shown which demonstrated that they were the cause of Baby Cyrus's "failure to thrive." Not a single shred of evidence was provided in the entire process.

16-1602. DEFINITIONS. For purposes of this chapter:
(1) "Abused" means any case in which a child has been the victim of:
(a) Conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, head injury, soft tissue swelling, failure to thrive or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence; or
(b) Sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, human trafficking as defined in section 18-8602, Idaho Code, or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child.

https://legislature.idaho.gov/statutesrules/idstat/Title16/T16CH16/SECT16-1610/

#8 - Idaho Statute 16-1608 was violated

Idaho State Law requires that a child may only be taken from his family "where the child is endangered in his surroundings and prompt removal is necessary to prevent serious physical or mental injury to the child or where the child is an abandoned child." Baby Cyrus was neither abandoned nor was any evidence ever provided which demonstrated that he was endangered had he not been "removed" from his parents physical custody. REMEMBER—they kidnapped Baby Cyrus! If they were concerned for his health and welfare, they could have allowed the parents to accompany Baby Cyrus to the hospital, which the video record demonstrates they were unwilling to do!

16-1608. EMERGENCY REMOVAL.
(1) (a) A child may be taken into shelter care by a peace officer without an order issued pursuant to subsection (4) of section 16-1611 or section 16-1619, Idaho Code, only where the child is endangered in his surroundings and prompt removal is necessary to prevent serious physical or mental injury to the child or where the child is an abandoned child pursuant to the provisions of chapter 82, title 39, Idaho Code.
(b) An alleged offender may be removed from the home of the victim of abuse or neglect by a peace officer without an order, issued pursuant to subsection (5) of section 16-1611, Idaho Code, only where the child is endangered and prompt removal of an alleged offender is necessary to prevent serious physical or mental injury to the child.

https://legislature.idaho.gov/statutesrules/idstat/Title16/T16CH16/SECT16-1608/

EXHIBIT C

Burn marks on Cyrus' cheeks from St. Luke's Hospital, ignoring his needs, and leaving him in a pool of his own vomit.

The burn marks on his face are consistent with leaving vomit on a baby's face. Cyrus was left in a pool of his own vomit by St. Luke's Hospital and they even admit to it in their medical record (next page).

Provider Communication by Jennifer Weatherford, RN at 3/14/2022 0245

PROVIDER COMMUNICATION

Reason for Communication: **Review Case/Status Update**
Time Communicated to Provider: **3/14/2022 2:45 AM**
Provider notified: **Natasha D. Erickson, MD**
This RN entered room at approximately 0245 to start next NG feed and found patient asleep with large amount of emesis on patient and blanket. Order to continue with next bolus feed and call if patient has another emesis.

Electronically signed by Jennifer Weatherford, RN at 3/14/2022 2:48 AM

Progress Notes by Jennifer Weatherford, RN at 3/14/2022 0628

Pt had supervised visit with parents x2 hours off unit. NG dislodged during supervised visit. Pt had emesis x2 after breastfeeding and had another emesis shortly after returning to floor. Held feeds for 1 hour. At 2300 Pt turning from bottle and gagging when bottle offered. NG replaced and feed ran per order. Pt tolerated feed until large emesis within 30 minutes of next feed. MD aware and order to continue with feeds as ordered.At 0230 Pt continued to turn from bottle and gag when offered. Feed gavaged and pt tolerated next feed with only small emesis. At 0600 feed patient eagerly took 20ml from bottle and then spit nipple out and turned away from bottle. The remainder of feed gavaged. Pt has had good uop this shift and consoles easily when held or swaddled.

Electronically signed by Jennifer Weatherford, RN at 3/14/2022 6:41 AM

The attendant nurse came into Baby Cyrus's room to note that he had been sleeping in a pool of his own vomit (a large amount of emesis). This is maltreatment and never would have happened had Cyrus not been illegally kidnapped. His parents took care of him, unlike St. Luke's Hospital.

EXHIBIT C1

Affidavit from the Anderson family regarding Nurse Tracy Jungman's treatment of Baby Cyrus.

To whom it may concern,

In March of 2022, after our son, Cyrus Anderson was taken into CPS custody, we were introduced to Dr. Tracy Jungmann at the Idaho Department of Health and Welfare offices. When she was reinserting the nasal gastric tube down Cyrus' nose, she never cleaned the dirty NG tube that had been exposed for hours before that. She used her ungloved/unwashed hands, and when we asked if she should be wearing gloves, she responded by saying that since it's inserted through the mouth that it doesn't need to be clean. She said that just like babies can put dirty hands in their mouth, that the NG tube, likewise, does not have to be clean. She said it in a condescending way like she was looking down on us for even asking.

On another visitation with our son, Marissa was holding Cyrus and making him laugh when Tracy Jungmann snatched Cyrus out of Marissa's hand to hold and play with him because he was "being so cute." She (Jungmann) acted like that was her child who she had a right to and never asked to hold him. She didn't care about the fact that it was the only hour that we got to spend with our son. I felt that we were disrespected by her because of this.

We saw her multiple times after this, and she maintained her condescending attitude towards us by treating us like we were children who didn't know what we were doing.

I, Levi Anderson, and I, Marissa Anderson, do swear that the foregoing is true and correct.

Signed:

OATH

Before me, Fatimah Shabazz a Notary Public in and for Osceola County, State of Florida, personally appeared before me by means of [✓] physical presence or [ ] remote online notarization Levi Anderson Marissa Anderson and being first duly sworn by me upon their oath, says that the facts alleged in the foregoing instruments are true.

(SEAL) (Signed) NOTARY PUBLIC

Levi Anderson

Marissa Anderson

FATIMAH N. SHABAZZ
MY COMMISSION # HH 451354
EXPIRES: October 14, 2027

EXHIBIT D

Proof that C-DIFF infections come from hospitals and prolonged insertion of nasogastric tubes (like St. Luke's put in Baby Cyrus' nose). This is further proof of the maltreatment Baby Cyrus received at the hands of St. Luke's.

This is the article titled, **"Clostridium difficile Infection in Infants and Children"** published by the American Association of Pediatrics.

> The intestine of the newborn infant is sterile, but by 12 months of age, an infant's intestine has flora similar to that of an adult.[5] *C difficile* carriage rates average 37% for infants 0 to 1 month of age and 30% between 1 and 6 months of age.[5] Vaginal delivery, premature rupture of membranes, and previous administration of antimicrobial agents have little effect on carriage rates, but exposure to environments where *C difficile* is present (eg, ICUs) is important.[6,–8] The organism has been recovered from the hands of hospital personnel, baby baths, oximeters, electronic thermometers, and hospital floors. Breastfed infants have lower carriage rates than do formula-fed infants (14% vs 30%, respectively).[9] At 6 to 12 months of age, approximately 14% of children are colonized with *C difficile*, and by 3 years of age, the rate is similar to that of nonhospitalized adults (0% to 3%).[5] Recognized risk factors for older children acquiring CDI included antimicrobial therapy, use of proton pump inhibitors, repeated enemas, use of diapers, prolonged nasogastric tube insertion, gastrostomy and jejunostomy tubes, underlying bowel disease, gastrointestinal tract surgery, renal insufficiency, and impaired humoral immunity. Carriage rates in hospitalized children and adults approximate 20%.[4] Many of these risk factors are common among hospitalized children; the presence of risk factors does not necessarily prove causation of CDI in an individual patient.

https://publications.aap.org/pediatrics/article/131/1/196/30895/Clostridium-difficile-Infection-in-Infants-and

According to the Center for Disease Control, C. DIFF infections are generally acquired after a stay at a hospital. Baby Cyrus did not have a C. DIFF infection before he went to St. Luke's Hospital. Only after he was returned to his family was he diagnosed with a C.DIFF infection.

Who is at risk

While *C. diff* infection can affect anyone, most cases occur when you've been taking antibiotics or soon after you've finished taking antibiotics. People are up to 10 times more likely to get *C. diff* infection while taking an antibiotic or during the three months after, with longer courses potentially doubling their risk. [2] [3]

Other risk factors

- Older age (65 or older)
- Recent stay at a hospital or nursing home

https://www.cdc.gov/c-diff/about/index.html

EXHIBIT E

Testimony from retired Veteran, former police officer, and personal friend of the Anderson family, Ed Danti.

Ed Danti is a local Idaho businessman and a former police officer and retired veteran. His own son, Luka, was killed through medical malpractice at the very same St. Luke's Hospital where Baby Cyrus was held.

Marissa and Levi were fully aware of Ed's story WAY BEFORE Cyrus was ever taken to St. Luke's hospital and were reasonably terrified of treatment they could receive at St. Luke's as a result of Ed's experience.

Here are Ed's own words that he delivered while standing at a protest rally in front of St. Luke's hospital while Baby Cyrus was being held captive inside:

"This is a lot harder than I thought it would be. Forgive me for a second, I have a little bit of a trigger. 13 years ago almost, my son died in that hospital [pointing to St. Luke's Hospital] at the age of 10 months old. So this affects me a lot harder. Being back here, I haven't been here since the day he died here. So I'm a little emotional about it, I apologize. He died, because he was having a routine surgery to remove a PICC line out of his heart, and the pediatric surgeon mis-threaded the catheter into his aorta and he bled out before she could repair it. So I know all too well what happens inside these walls."

https://stlukesexposed.gs/truth-about-st-lukes/how-st-lukes-killed-a-10-month-old-baby/

EXHIBIT F

John Hopkins University study showing that MEDICAL ERRORS from doctors and hospitals are the 3rd leading cause of death in the USA.

https://www.cnbc.com/2018/02/22/medical-errors-third-leading-cause-of-death-in-america.html

Burden of serious harms from diagnostic error in the USA

David E Newman-Toker ,[1,2] Najlla Nassery,[3] Adam C Schaffer,[4,5] Chihwen Winnie Yu-Moe,[5] Gwendolyn D Clemens,[6] Zheyu Wang,[6,7] Yuxin Zhu,[1,6] Ali S. Saber Tehrani,[1] Mehdi Fanai,[1] Ahmed Hassoon,[1,2] Dana Siegal[8,9]

► Additional supplemental material is published online only. To view, please visit the journal online (http://dx.doi.org/10.1136/bmjqs-2021-014130).

For numbered affiliations see end of article.

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ABSTRACT

Background Diagnostic errors cause substantial preventable harms worldwide, but rigorous estimates for total burden are lacking. We previously estimated diagnostic error and serious harm rates for key dangerous diseases in major disease categories and validated plausible ranges using clinical experts.

Objective We sought to estimate the annual US burden of serious misdiagnosis-related harms (permanent morbidity, mortality) by combining prior results with rigorous estimates of disease incidence.

Methods Cross-sectional analysis of US-based nationally representative observational data. We estimated annual incident vascular events and infections from 21.5 million (M) sampled US hospital discharges (2012–2014). Annual new cancers were taken from US-based registries (2014). Years were selected for coding consistency with prior literature. Disease-specific incidences for 15 major vascular events, infections and cancers ('Big Three' categories) were multiplied by literature-based rates to derive diagnostic errors and serious harms. We calculated uncertainty estimates using Monte Carlo simulations. Validity checks included sensitivity analyses and comparison with prior published estimates.

Results Annual US incidence was 6.0 M vascular events, 6.2 M infections and 1.5 M cancers. Per 'Big Three' dangerous disease case, weighted mean error and serious harm rates were 11.1% and 4.4%, respectively. Extrapolating to all diseases (including non-'Big Three' dangerous disease categories), we estimated total serious harms annually in the USA to be 795 000 (plausible range 598 000–1 023 000). Sensitivity analyses using more conservative assumptions estimated 549 000 serious harms. Results were compatible with setting-specific serious harm estimates from inpatient, emergency department and ambulatory care. The 15 dangerous diseases accounted for 50.7% of total serious harms and the top 5 (stroke, sepsis, pneumonia, venous thromboembolism and lung cancer) accounted for 38.7%.

Conclusion An estimated 795 000 Americans become permanently disabled or die annually across care settings because dangerous diseases are misdiagnosed. Just 15 diseases account for about half of all serious harms, so the problem may be more tractable than previously imagined.

WHAT IS ALREADY KNOWN ON THIS TOPIC

⇒ Diagnostic errors are known to be common, costly and often catastrophic in their health outcomes for patients.
⇒ Nevertheless, current estimates of the aggregate burden of serious harms resulting from medical misdiagnosis vary widely.

WHAT THIS STUDY ADDS

⇒ This study provides the first national estimate of permanent morbidity and mortality resulting from diagnostic errors across all clinical settings, including both hospital-based and clinic-based care (0.6–1.0 million each year in the USA alone).
⇒ It does so via an approach that extrapolates from disease-based estimates for the most common dangerous conditions that often cause serious harms when missed—vascular events, infections and cancers.

HOW THIS STUDY MIGHT AFFECT RESEARCH, PRACTICE OR POLICY

⇒ Because the overall burden of serious misdiagnosis-related harms is quite large, improving diagnosis of dangerous diseases most often responsible—stroke, sepsis, pneumonia, venous thromboembolism and lung cancer—constitutes an urgent public health imperative.

INTRODUCTION

Diagnostic error is a major source of preventable harms worldwide across clinical settings,[1–6] but epidemiologically valid estimates of overall misdiagnosis-related morbidity and mortality are lacking. The US National Academy of Medicine describes improving diagnosis in healthcare as a 'moral, professional, and public health imperative'.[7] In its 2015 report, the National Academy concluded that 'most people will experience at least

one diagnostic error in their lifetime, sometimes with devastating consequences'. However, the report also noted that, 'the available research estimates [*are*] not adequate to extrapolate a specific estimate or range of the incidence of diagnostic errors in clinical practice today'.[7] This concern is reflected in the wide variation of US estimates for total annual diagnostic errors (12 million (M) to >100 M) and serious misdiagnosis-related harms (40 000 to 4 M).[8] No studies have yet used nationally representative datasets to measure aggregate US diagnostic errors or harms.

Given wide variation in prior estimates of total diagnostic errors and harms,[8 9] we pursued a novel disease-based approach to constructing a national estimate that would span ambulatory clinic, emergency department and inpatient care. The disease-based approach leveraged three major disease categories—vascular events, infections and cancers (the 'Big Three')—found in both malpractice claims and clinical studies of diagnostic error to account for three-quarters of serious harms.[9] To estimate the total US burden of medical misdiagnosis, we multiplied national estimates of disease incidence (including those initially misdiagnosed) by the disease-specific proportion of patients with that disease experiencing errors and harms. We did this for 15 key diseases causing the most harms, then extrapolated to the grand total across all diseases. To assess the robustness of our final estimates, we used sensitivity analyses to measure the impact of methodological choices and tested validity via comparison to prior literature and expert review.

METHODS

This was a three-part research study in which the first two published components[8 9] form the basis of the current analysis, which represents the third and final component (online supplemental file 1-A1). The main goal of this three-phase research project was to estimate the total number of serious misdiagnosis-related harms (ie, permanent disability or death) occurring annually in the USA across all care settings (ambulatory clinic, emergency department and inpatient). As reported previously,[8 9] each study phase was designed to answer a key question from a specific data source that would support the final estimate: (1) what dangerous diseases account for the majority of serious misdiagnosis-related harms? (using 10 years of data from a large, nationwide malpractice database representing ~30% of all US claims, then comparing the proportion of 'Big Three' diseases with that from clinical practice-based (non-claims) studies[9]; (2) how common are diagnostic errors potentially causing harm among these dangerous diseases? (using estimates of error and harm rates from high-quality clinical studies,[3 8] further validated by experts) and, for this final component, (3) what is the overall epidemiological incidence of diagnostic errors and harms among these dangerous diseases? (using nationally representative databases to measure dangerous disease incidence and multiply these by error and harm rates). This final analysis also extrapolates to all (including non-'Big Three') diagnostic errors and serious misdiagnosis-related harms by using the previously reported[9] attributable fraction of 'Big Three' diseases in clinical practice. We constructed our scientific approach such that the final grand total estimates for errors and harms in the USA are based on clinical literature and US population incidence, not malpractice claims. This is because (a) no error or harm rates were taken from claims-based studies, (b) the extrapolation from 'Big Three' disease estimates to the grand total were based on the proportion of 'Big Three' diseases causing errors and harms from clinical studies (described in '*Outcome measures*' section) and (c) any impact of having used malpractice claims to construct the original disease list or weights are mathematically unrelated to the grand totals (online supplemental file 1-A2). We summarise key aspects of prior study methods[8 9] as needed for readers to follow this final component.

Diagnostic error, misdiagnosis-related harm and harm severity definitions

As reported previously,[8 9] we used published definitions for diagnostic error[7] and misdiagnosis-related harms.[10] In this study, we considered only false negative diagnoses (ie, initially missed or delayed) and associated harms.[3 8] Harms from *inappropriate use* or *overuse* of diagnostic tests,[11 12] or from *overdiagnosis* (ie, overtreatment of correctly diagnosed conditions that, left undiagnosed, would be unlikely to impact patient health)[10 13] were not considered. Harm severity was categorised according to a recognised insurance industry standard for measuring severity of injury in malpractice claims.[14 15] *Serious (high-severity) misdiagnosis-related harms* were defined as scale scores 6–9 representing serious permanent morbidity or mortality (box 1).[9]

Although technically proportions, we use the more common terminology 'rates' to describe diagnostic errors and misdiagnosis-related harms for ease of readability. The *diagnostic error rate* is the proportion of patients with a target disease who were not diagnosed in accurate and timely fashion; the *misdiagnosis-related harm rate* is the proportion of patients with a target disease who were not diagnosed in accurate and timely fashion and suffered serious harms from the target disease.

Current study design and data sources

This cross-sectional study multiplied literature-based estimates of diagnostic errors and harms (reported previously by our team[3 8]) by nationally representative epidemiological data on disease incidence (reported here for the first time) to estimate total misdiagnosis-related harms. Multiplying disease incidence by the disease-specific proportion of patients experiencing

Box 1 NAIC scale with specific exemplars used as anchors by CRICO in coding malpractice claim severity

NAIC 6—permanent significant (eg, deafness, loss of single limb, loss of eye, loss of one kidney or lung; cancers where there is a large tumour possibly with lymph node involvement—this includes cancers that are stage III and stage IV such as breast cancer with total mastectomy, lung cancer with pneumonectomy or a small cell lung cancer that is inoperable because it has already spread too far).

NAIC 7—permanent major (eg, paraplegia, blindness, loss of two limbs, brain damage).

NAIC 8—permanent grave (eg, quadriplegia, severe brain damage, lifelong care or fatal prognosis; cancer cases with distant metastasis and/or a prognosis of <6 months).

NAIC 9—death (including fetal and neonatal death).

CRICO, Controlled Risk Insurance Company; NAIC, National Association of Insurance Commissioners.

errors and harms will result in total estimates across care settings (ambulatory clinics, emergency department and inpatient). False negative diagnostic error and harm rates for 15 key diseases ((1) stroke, (2) venous thromboembolism, (3) arterial thromboembolism, (4) aortic aneurysm/dissection, (5) myocardial infarction, (6) sepsis, (7) pneumonia, (8) meningitis/encephalitis, (9) spinal abscess, (10) endocarditis, (11) lung cancer, (12) breast cancer, (13) colorectal cancer, (14) melanoma, (15) prostate cancer) were summarised from clinical studies and vetted by experts.[8] Our team published a follow-on systematic review[3] updating error rates for vascular events and infections. For the present study, we used updated rates only for diseases for which we found high-quality studies that could be subjected to formal meta-analysis[3] (diseases #1, 2, 4, 5, 6). For updated rates, we reapproached relevant experts if revised rates had >1% absolute difference and the previous point estimate fell outside the new estimate's CI. Only stroke met these criteria; we reapproached two emergency physicians and two stroke neurologists to assess the face validity of the revised rates. As reported previously, for unnamed 'other' diseases within each 'Big Three' category (ie, where it was not possible to find literature-derived rates), we substituted the average rate for that category.[8] To ensure that estimates in this final national analysis were optimised and comparable, we repeated the same statistical procedures as before[8] but using the revised error rates.

As reported previously,[3 8] diagnostic error rates were all based on studies of missed or delayed diagnoses (ie, false negatives) among patients with true disease and were abstracted from the highest quality clinical studies we could find. All studies used for these calculations had to have clinical source populations, so no malpractice or autopsy studies were included. In some cases, studies were from countries outside the USA (Australia, Canada, New Zealand, the UK and several European nations).[3 8] We discarded lower-quality studies when more rigorous studies (eg, systematic reviews, population-based sampling, large sample sizes, rigorous case ascertainment) were available. Error rates for vascular events and infections were predominantly derived from studies in emergency department or inpatient settings, while error rates for cancers were predominantly registry based.[3 8] Disease-specific misdiagnosis-related harm rates were derived by multiplying high-quality data on disease-agnostic (non-disease-specific) harms per diagnostic error (from well-respected clinical studies) by disease-specific harm-severity weights (from malpractice claims)[8] (online supplemental file 1-A2).

We derived population-based data on disease incidence from public use datasets employing nationally representative sampling or census methods. This represents the number at risk for diagnostic error across all clinical settings. All age groups were included. The annual incidence of specific conditions within the 'Big Three' disease categories (ie, vascular events, infections and cancers) was measured using discharge data from two sources: (1) the National Inpatient Sample (NIS) (2012–2014), Healthcare Cost and Utilisation Project (HCUP), Agency for Healthcare Research and Quality[16] and (2) North American Association of Central Cancer Registries (NAACCR)[17] curated by the American Cancer Society (ACS) (2014).[18] The year 2014 was chosen as the last full year in which national data were coded using the International Classification of Diseases 9th revision, Clinical Modification (ICD-9-CM), prior to the 2015 transition to the International Classification of Diseases 10th revision, Clinical Modification, for coding consistency with the previously published components of the study.[8 9]

Disease incidence data for vascular events and infections

The conservative assumption was made that incident cases of dangerous (life or limb-threatening) vascular events and infections in the USA would eventually involve a hospitalisation, even if the patient was initially misdiagnosed in an ambulatory care setting. Outpatient (eg, primary care, emergency department) visit diagnoses were *not* included separately in the disease incidence calculations because they would risk inflating disease incidence estimates through double counting. For example, if 'myocardial infarction' cases that were correctly diagnosed in outpatient care (and then later confirmed as an inpatient) had been included in the analysis, the same incident cases would be counted twice. Out-of-hospital deaths from these conditions were not considered, as cause-of-death

listings on death certificates are known to be inaccurate for some conditions (eg, myocardial infarction).[19]

HCUP NIS data were used to measure US inpatient hospital stays, counting discharge or in-hospital death diagnoses coded in either the principal or first-listed secondary diagnosis positions, as these diagnoses are often of equal, competing weight.[20] We chose this approach for the primary analysis because (1) using second-position codes can increase sensitivity without sacrificing specificity[21] and (2) 'secondary' diseases are also incident disease cases with the potential to be misdiagnosed, independent from the 'primary' disease (eg, a comorbid stroke in a patient with endocarditis might also be missed and this additional missed opportunity could also harm the patient).

Disease-level and 'Big Three' category-level code groupings were the same as those used in prior project phases[8 9] and double-checked for coherence with NIS analysis (online supplemental file 1-A3). These were derived from HCUP's Clinical Classification Software, which groups ICD-9-CM codes into clinically meaningful categories. We used NIS data (2012–2014) to estimate the annual number of hospital discharges nationwide by disease and category. A 3-year average was chosen to improve stability of incidence measures for rare conditions (eg, spinal abscess). We followed standard procedures for NIS data to derive nationally representative estimates (online supplemental file 1-A4).[22]

Disease incidence data for cancers

Inpatient hospital stays would not be a good proxy for incident cancer cases, since cancers are treated in outpatient settings and patients are usually only hospitalised for complications. Instead, national incidence counts by cancer site (ie, body location) were obtained from the 2014 ACS report.[18] As stated in the report, counts were based primarily on incidence data collected by the NAACCR, which represents 89% of the US population. ACS also used other unidentified sources to generate their final counts, but, because both NAACCR and ACS treat these registry-based estimates as a census (ie, no sampling-related uncertainty), we did the same. Some ACS categories were grouped to match the prior disease classification from earlier study phases (eg, colon and rectum cancer grouped as 'colorectal').[8 9]

Outcome measures

The main outcome measures were estimates of total annual diagnostic errors (false negatives) and serious misdiagnosis-related harms (permanent morbidity or mortality) in the USA for 2014, across all clinical settings. Outcomes were calculated for the 'Big Three' disease categories, including 15 specific diseases (ie, the previously identified[9] top five vascular events, infections and cancers), 'other' (non-top five) diseases within each category and corresponding category totals.

In turn, these 'Big Three' results were used to calculate a grand total (including non-'Big Three' dangerous diseases) using the clinical proportion of diagnostic errors (58.5%) and serious harms (75.8%) attributable to 'Big Three' diseases.[9] These proportions derive exclusively from research studies based in clinical practice (ie, not malpractice claims studies) (*see prior citation,[9] p. 237*). Mathematically, the grand total of diagnostic errors was calculated by dividing the 'Big Three' total number of diagnostic errors by 0.585. Similarly, the grand total of serious misdiagnosis-related harms was calculated by dividing the 'Big Three' total number of serious misdiagnosis-related harms by 0.758.

Using the proportion of deaths among serious harms across clinical settings (~46.7%),[6 23] we estimated total deaths (total serious harms × proportion of deaths among serious harms=total deaths). By subtraction, we estimated total disabilities (total serious harms–total deaths=total disabilities).

Uncertainty estimates were calculated using a probabilistic sampling approach based on Monte Carlo simulations[24] (full statistical R V.4.2.2 code is provided in online supplemental file 2). In this manuscript, many ranges are denoted 'probabilistic plausible ranges' (PPRs), rather than 95% CIs. This is because they rely on some diagnostic error rates (n=5 cancers) that use literature-derived (and expert-validated) plausible ranges (PRs) rather than statistically derived 95% CIs, reflecting uncertainty beyond mere sampling error[8] (online supplemental file 1-A5). We used PRs for the top five cancers because different studies defined diagnostic delays of different lengths—defining shorter delays as errors created an upper PR bound, while defining longer delays as errors created a lower PR bound.[8]

Sensitivity analyses and validity checks

We used five separate approaches to assess the robustness of our final results: (1) sensitivity analyses using different data assumptions ((a) one-way analyses to assess the impact of uncertainty in model parameters by using the lower and higher uncertainty bounds rather than the point estimate and (b) the impact of analysing disease incidence for vascular events and infections using only principal NIS diagnoses) (online supplemental file 1-B1,B2); (2) assessing the risk of misestimating deaths by undercounting (incident cases resulting in prehospital death) or overcounting (patients admitted more than once in a given year, yet who could only die once) (online supplemental file 1-B3,B4); (3) comparison with independent hospital and autopsy estimates (online supplemental file 1-C1,C2); (4) triangulation of data derived from studies of diagnostic errors and harms across clinical settings (inpatient, emergency department, ambulatory clinics)

(online supplemental file 1-C3) and (5) an iterative process of expert review by 24 clinical domain experts (following the same method used in our prior publication to validate estimates of error and harm rates),[8] which served as a final check on the face validity of our disease-specific incidence and total harm estimates.

Statistical analysis and reporting

We used sample sizes, totals, means, medians, 95% CIs, IQRs and PPRs to describe populations and outcomes, as appropriate. NIS analysis was conducted using the PROC SURVEYMEANS procedure in SAS V.9.3 (Cary, North Carolina, USA). All other statistical calculations were performed using R V.4.2.2 (Vienna, Austria). This manuscript follows Enhancing the QUAlity and Transparency Of Health Research (Strengthening the Reporting of Observational Studies in Epidemiology)[25] reporting guidelines for observational studies.

Role of the funding source

The funders had no role in study design, data collection and analysis, decision to publish or preparation of the manuscript.

RESULTS

Quality of data sources for error and harm rates

Error and harm rates were published previously.[3 8] For 14 of 15 diseases (besides arterial thromboembolism, where we aggregated four retrospective case series), condition-specific diagnostic error rates were derived from high-quality clinical literature. This included clinical studies with strong designs (large prospective clinical trials or studies using population-based sampling or registries) or meta-analyses of high-quality clinical studies. For condition-specific diagnostic error rates, there were 47 source studies (vascular events (n=28), infections (n=10), cancers (n=9)) representing 942 916 patients (median study sample n=397 (IQR 176–1914); median per-disease sample n=2343 (IQR 398–10 351)). For disease-agnostic harm rates, there were five source studies representing 1216 diagnostic errors and 374 serious harms.[8] Each study operationalised definitions slightly differently (eg, nature of diagnostic reference standard), but all definitions for errors/harms were consistent with published definitions described in the 'Methods' section.

US population-based incidence of vascular events, infections, and cancers

The total NIS sample from 2012 to 2014 included 21.5 M hospitalisations (for all conditions, not just vascular events or infections), representing a weighted national estimate of 107.4 M total discharges (mean annual 35.8 M). In 2014, the sample was taken from 4411 different hospitals across 45 states (representing ~80% of hospitals and 90% of states in the USA). The mean weighted annual number of incident vascular events was 6.0 M (95% CI 5.9 to 6.0). Patients had a median age of 67.5 years (IQR 57.2–78.2, range 0–90); 44.8% were female and 70.0% were non-Hispanic white. The mean weighted annual number of incident infections was 6.2 M (95% CI 6.1 to 6.3). Patients had a median age of 63.7 years (IQR 52.8–79.8, range 0–90); 51.3% were female and 68.6% were non-Hispanic white. The number of incident cancer cases in 2014 was 1.5 M. Patients had a median age of just over 65 years (<20, 0.9%; 20–49, 11.8%; 50–64, 33.2%; 65–74, 28.5%; ≥75, 250.7%); 50.7% were female and 80.0% were non-Hispanic white. The estimated total annual incidence of all 'Big Three' diseases was 13.7 M (43.5% vascular events, 45.2% infections, 11.3% cancers) (table 1).

Overall incidence of diagnostic errors and serious harms

Table 1 shows annual estimated disease incidence, diagnostic errors, and serious misdiagnosis related harms by disease and by category (and denotes whether uncertainty for each parameter is represented by CI, PR, or PPR). Serious misdiagnosis-related harms are summarized in Figures 1 and 2. Across the 'Big Three' categories, there were 1.51M (PPR 1.12-1.89) missed diagnoses and 603,000 (PPR 454,000-776,000) serious harms; mean diagnostic error and serious harm rates per true disease case for any 'Big Three' disease (including 'other' subcategories) were 11.1% and 4.4%, respectively. The 15 individually analyzed 'Big Three' diseases together accounted for 403,000 serious harms (50.7% of the grand total); mean diagnostic error and serious harm rates per true disease case for the 15 specific diseases (excluding 'other' subcategories of the 'Big Three') were 11.1% and 6.1%, respectively. Among these, five conditions linked to the largest numbers of serious harms (stroke, sepsis, pneumonia, venous thromboembolism, and lung cancer) together accounted for 308,000 serious harms (38.7% of the grand total). Across all dangerous diseases (including non 'Big Three'), the grand total estimate was 2.59M (PPR 1.92-3.23) missed diagnoses and 795,000 (PPR 598,000-1,023,000) serious harms (broken down as 371,000 total deaths and 424,000 total disabilities).

Sensitivity analyses and validity checks

The population-level serious harm totals were most sensitive to harm rates for the highest-incidence infections ('other' infections, sepsis, pneumonia) and stroke, but even if each of these harm rates were placed at the lower plausible bound of harms for that specific disease, the grand total of serious harms across all diseases would still be over 500 000 (online supplemental file 1-B1). Using only principal diagnosis NIS codes, which assumes a lower disease incidence and reduces any residual risks of double counting, gave lower estimates by about 30% (grand totals 1.78 M missed diagnoses and 549 000 serious harms (online

Table 1 Annual US incidence of dangerous diseases, diagnostic errors and serious misdiagnosis-related harms

'Big Three' disease	Disease incidence* n, in thousands (95% CI)	Diagnostic error rate* % (95% CI, PR, PPR†)	Diagnostic errors n, in thousands (PPR)	Serious misdiagnosis-related harm rate* % (PPR)	Serious harms n, in thousands (PPR)
Vascular					
Stroke	952 (937 to 967)	17.5% (95% CI 9.5 to 27.3)	166 (90–260)	9.8% (5.3–15.5)	94 (51–148)
Venous thromboembolism	320 (315 to 324)	20.4% (95% CI 17.0 to 23.9)	65 (54–77)	10.9% (8.9–13.1)	35 (28–42)
Arterial thromboembolism	173 (170 to 176)	23.9% (95% CI 18.9 to 29.5)	41 (33–51)	12.7% (9.9–16.0)	22 (17–28)
Aortic aneurysm and dissection	96 (93 to 99)	35.6% (95% CI 21.0 to 51.7)	34 (20–50)	22.1% (13.0–32.5)	21 (12–31)
Myocardial infarction	1242 (1219 to 1266)	1.5% (95% CI 1.0 to 2.2)	19 (13–27)	0.8% (0.5–1.2)	10 (7–15)
Top five vascular events subtotal	2783 (2754 to 2811)	11.7% (PPR 8.8–15.1)	326 (245–421)	6.5% (4.9–8.5)	182 (136–237)
Other vascular events	3173 (3131 to 3215)	11.7% (PPR 8.8–15.1)‡	372 (279–480)	1.4% (1.1–1.9)	46 (34–59)
Total vascular events	5956 (5905 to 6006)	11.7% (PPR 8.8–15.1)	697 (524–900)	3.8% (2.9–5.0)	228 (170–296)
Infection					
Sepsis	1345 (1325 to 1365)	9.9% (95% CI 2.8 to 20.6)	134 (38–278)	5.9% (1.7–12.3)	79 (23–165)
Pneumonia	1469 (1452 to 1486)	9.5% (95% CI 2.3 to 14.3)	140 (34–210)	4.6% (1.1–7.0)	68 (16–103)
Meningitis and encephalitis	47 (46 to 48)	25.6% (95% CI 20.8 to 30.8)	12 (10–15)	14.7% (11.8–18.1)	7 (6–9)
Spinal abscess	14 (13 to 14)	62.1% (95% CI 54.6 to 69.2)	8 (7–9)	36.7% (31.5–42.2)	5 (4–6)
Endocarditis	34 (33 to 35)	25.5% (95% CI 21.7 to 29.6)	9 (7–10)	13.8% (11.5–16.4)	5 (4–6)
Top five infections subtotal	2909 (2882 to 2936)	10.4% (PPR 4.6–14.9)	303 (133–435)	5.6% (2.5–8.3)	164 (73–242)
Other infections	3286 (3249 to 3323)	10.4% (PPR 4.6–14.9)‡	342 (151–491)	3.3% (1.4–4.7)	107 (47–154)
Total infections	6195 (6150 to 6241)	10.4% (PPR 4.6–14.9)	645 (284–925)	4.4% (1.9–6.4)	271 (120–395)
Cancer					
Lung cancer	224§	22.5% (PR 11.3–37.8)	50 (25–85)	14.2% (7.1–24.1)	32 (16–54)
Breast cancer	235§	8.9% (PR 8.5–26.3)	21 (20–62)	4.5% (4.2–13.4)	11 (10–31)
Colorectal cancer	137§	9.6% (PR 8.4–47.7)	13 (12–65)	5.6% (4.9–28.1)	8 (7–38)
Melanoma	76§	13.6% (PR 6.8–25.0)	10 (5–19)	5.7% (2.8–10.6)	4 (2–8)
Prostate cancer	233§	2.4% (PR 1.7–13.8)	6 (4–32)	1.3% (0.9–7.4)	3 (2–17)
Top five cancers subtotal	905§	11.1% (PPR 10.1–20.9)	100 (92–189)	6.3% (5.6–12.0)	57 (51–108)
Other cancers	640§	11.1% (PPR 10.1–20.9)‡	71 (65–134)	7.4% (6.7–14.2)	47 (43–91)
Total cancers	1545§	11.1% (PPR 10.1–20.9)	171 (156–323)	6.8% (6.1–12.8)	105 (94–198)
Additional totals					
Total big three (top five only)	6597 (6558 to 6636)	11.1% (PPR 8.3–13.8)	729 (549–913)	6.1% (4.6–7.8)	403 (305–511)
Total big three (top five+other)	13 697 (13 628 to 13 765)	11.1% (PPR 8.2–13.8)	1514 (1122–1889)	4.4% (3.3–5.7)	603 (454–776)
Grand total¶	N/A¶	N/A¶	2588 (1918–3230)	N/A¶	795 (598–1023)

*Disease incidence as measured here is an estimate of total 'true disease' cases (rather than only 'correctly diagnosed' cases). Diagnostic error and serious misdiagnosis-related harm rates were published previously[3 8] (reference #3: stroke, venous thromboembolism, aortic aneurysm and dissection, myocardial infarction, sepsis; reference #8: all other individual diseases). These rates derive from studies of 'true disease' cases. The 'diagnostic error rate' and 'serious misdiagnosis-related harm rate' are both given with respect to the overall dangerous disease incidence. For example, for stroke (shown in the first content row of table 1): (a) diagnostic errors are derived as ~952 000 (column #2)×17.5% (column #3)=~166 000 (column #4); (b) serious misdiagnosis-related harms are derived as ~952 000 (column #2)×9.8% (column #5)=~94 000 (column #6).

†Shown are either 95% CIs, PRs or PPRs. True statistical 95% CIs were used when data allowed their calculation without expert input. PRs were used when there was heterogeneity in the findings across disease-specific studies of similar quality or when two different error rates were defined within a single study based on different lengths of diagnostic delay; PRs were thus defined and determined based partially on input from relevant domain experts, as described in the 'Methods' section, so reflect more than just sampling-related variability. PPRs derive from Monte Carlo analysis, which included a mix of diagnostic error rates that used 95% CIs and those that used PRs. Because simulations used some PRs (n=5 cancers), all Monte Carlo results are reported as PPRs.

‡Because we could not estimate error rates for the residual, unnamed non-top five 'other' diseases within each 'Big Three' category, we used the mean error rate for the top five diseases (eg, for unnamed 'other' vascular events, we used the mean diagnostic error rate for stroke, venous thromboembolism, arterial thromboembolism, aortic aneurysm and dissection and myocardial infarction). We used disease incidence-weighted means (eg, the error rate for myocardial infarction had proportionally more impact on the final mean than the error rate for aortic aneurysm and dissection, because there are ~13-fold more incident cases of myocardial infarction). PPRs derive from Monte Carlo analysis.

§Because North American Association of Central Cancer Registries and American Cancer Society treat estimates as a complete census of cases (ie, no sampling-related uncertainty), no 95% CIs are represented.

¶The 'Grand Total' is calculated from the 'Big Three' to all dangerous diseases causing serious misdiagnosis-related harms, based on the proportion of errors (58.5%) and serious harms (75.8%) attributable to the 'Big Three' in previously published clinical literature.[8] Thus, no estimates are provided for 'disease incidence', 'diagnostic error rate' or 'serious harm rate' columns. PPRs derive from Monte Carlo analysis.

PPR, probabilistic plausible range; PR, plausible range.

supplemental file 1-B2)). The impact of methodological assumptions on undercounting (online supplemental file 1-B3) and overcounting (online supplemental file 1-B4) were both estimated at <8% and likely offsetting.

Validity checks assessed current results based on similarity to (or coherence with) values derived independently using setting-specific (eg, hospital-based) medical literature. Estimated misdiagnosis-attributable death rates were 14.1% (n=~371 000 of 2.6 M US deaths in 2014) for the primary analysis and 9.8% (n=~256 000 of 2.6 M US deaths in 2014) for the principal-only analysis (online supplemental file 1-C1). By comparison, the literature-derived rate of misdiagnosis-attributable deaths based on hospital autopsies (8.4%, 95% CI

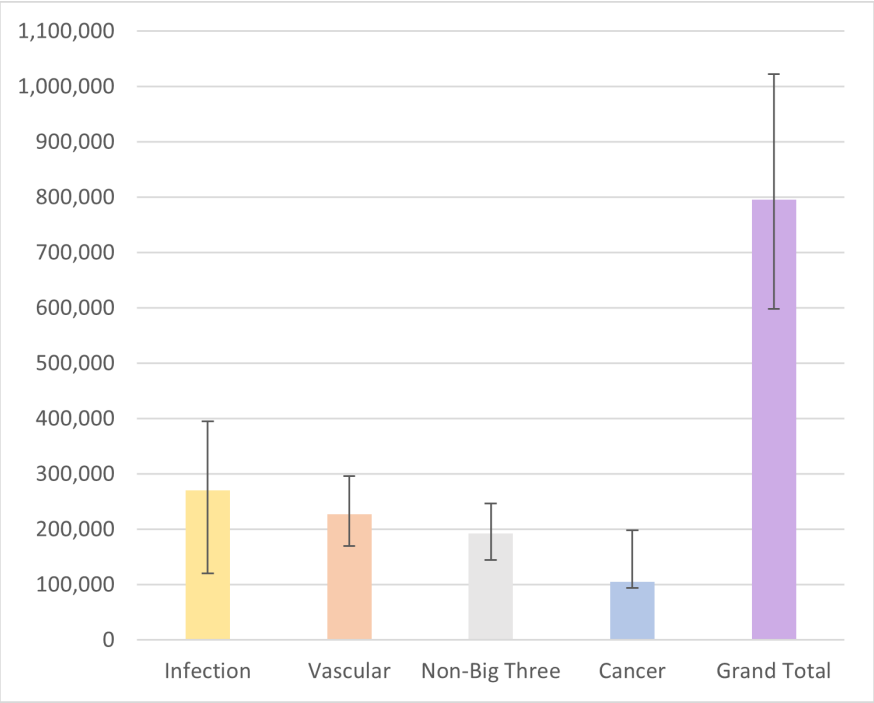

Figure 1 Annual population incidence of serious misdiagnosis-related harms from vascular events, infections, cancers and all non-'Big Three' others. The estimated grand total annual US incidence for serious harms (combining 'Big Three' harms with other non-'Big Three' harms) is 795 000 (probabilistic plausible range (PPR) 598 000–1 023 000). Whiskers denote PPRs from the Monte Carlo analysis.

5.2 to 13.1) and inpatient diagnostic adverse events (~7.4%) were lower, as expected (online supplemental file 1-C1,C2). Our disease-based estimate of total serious misdiagnosis-related harms (across clinical settings) of ~795 000 (PPR 598 000–1 023 000) was comparable to independent literature-derived values using a setting-based (rather than disease-based) approach, which assessed ~855 000 (490 000-1 659 000) serious misdiagnosis-related harms (online supplemental file 1-C3). Estimates of inpatient misdiagnosis-related deaths derived from our disease-based approach (~105 000) fall within the uncertainty bounds of those derived independently from previously published medical literature on hospital autopsies (~82 000 (51 000–128 000)) and hospital-based adverse events

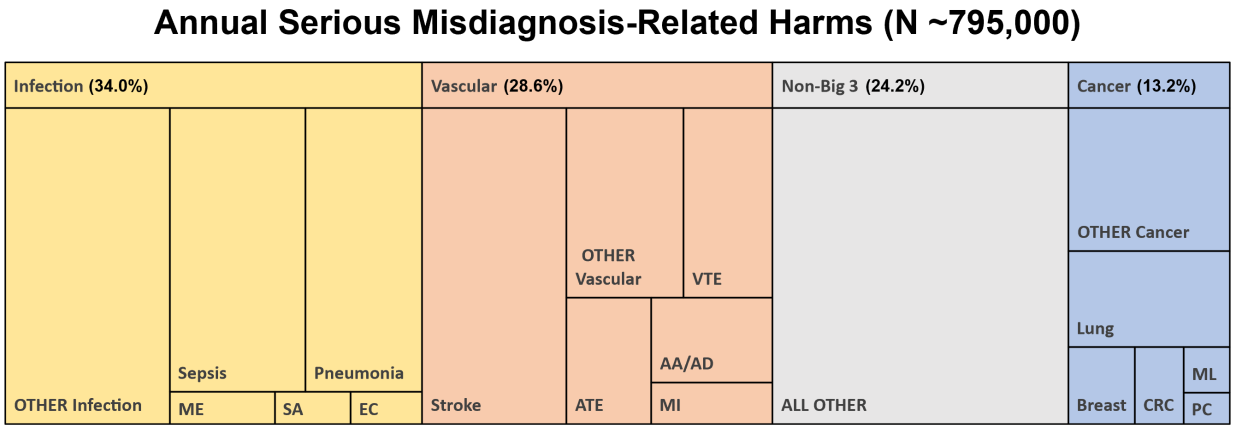

Figure 2 Fraction of serious misdiagnosis-related harms in the USA attributed to the top diseases by category. The treemap diagram proportionally represents hierarchical categories and specific diseases causing serious harms when the diagnosis is incorrect. As we reported previously, based solely on clinical studies, 'Big Three' diseases account for 75.8% of all serious harms.[9] The current analysis shows these are broken down as 34.0% infections, 28.6% vascular events and 13.2% cancers. Taken together, the top five vascular events, infections and cancers account for 50.7% of all serious harms; the five most frequently harmful conditions across 'Big Three' categories account for 38.7% of all serious harms. AA/AD, aortic aneurysm/aortic dissection; ATE, arterial thromboembolism; CRC, colorectal cancer; EC, endocarditis; ME, meningitis/encephalitis; MI, myocardial infarction; ML, melanoma; PC, prostate cancer; SA, spinal abscess; VTE, venous thromboembolism.

(~72 000 (51 000–113 000)) (online supplemental file 1-C3). Per-visit serious harm rates by either method were estimated at 0.08% (online supplemental file 1-C3). After iterative review and feedback (described previously),[8] final estimates for disease-specific incidence, error/harm rates and total serious harms were deemed face valid by 24 clinical domain experts.

DISCUSSION

This manuscript provides the first robust, national annual US estimate for serious misdiagnosis-related harms (nearly 800 000 combined deaths (~371 000) or permanent disabilities (~424 000)) across care settings (ambulatory clinic, emergency department and inpatient). Even with the most conservative assumptions about disease incidence or disease-specific harms, we estimated the number affected to be over 500 000. The number of affected patients is large, and this makes diagnostic error a pressing public health concern. Our results also suggest that meaningful progress could be made by addressing just a few dangerous diseases that are relatively common—reducing diagnostic errors by ~50% for the 15 named dangerous diseases could potentially prevent ~200 000 serious misdiagnosis-related harms while reducing diagnostic errors by ~50% for the five most harmful diseases (stroke, sepsis, pneumonia, venous thromboembolism and lung cancer) could prevent ~150 000.

Sensitivity analyses and validity checks show serious misdiagnosis-related harm results are robust. The impact of methods-induced undercounting and overcounting were relatively small and likely cancel one another. The credibility of our current estimate is bolstered by convergent construct validity with two alternative methods of estimation using the rate of misdiagnosis-attributable deaths based on hospital autopsies and inpatient diagnostic adverse events. Care setting-based estimates using independent, disease-agnostic data from two large systematic reviews (inpatient[1] and emergency department[3]) also corroborate our findings.

Our results suggest that diagnostic error is probably the single largest source of deaths across all care settings (~371 000) linked to medical error. This number may exceed estimated deaths from all other patient safety concerns combined, regardless of which prior estimate of total deaths due to medical error (range 12 500–250 000[26]) is considered. This seems plausible because prior estimates systematically undercount diagnostic errors and diagnostic errors more often cause serious harms than other errors.[27]

How many misdiagnosis-associated disabilities or deaths are preventable and how much (or little) longevity might potentially be reclaimed for affected patients is uncertain. Preventability is inconsistently judged by different raters, and some remain sceptical that error prevention can meaningfully increase longevity with a good quality of life.[28] Nevertheless, there are numerous anecdotes of otherwise healthy young patients in whom a half-century or more of quality life years are likely to have been saved through prompt diagnosis.[29] For some of the most harmful diseases in our list, correct initial diagnosis has been associated with substantial reductions in morbidity or mortality (eg, ischaemic stroke (~fivefold),[3] aneurysmal subarachnoid haemorrhage (~fivefold),[30] ruptured abdominal aortic aneurysm (~twofold)).[31] Finally, large variation in diagnostic error and harm rates across demographic groups, diseases, clinical settings and individual institutions point to strong prospects of preventability for at least some harms.[3 32]

Although the study estimated total diagnostic errors (2.59 M), this reflects only errors in patients with dangerous diseases, not all diagnostic errors. Total annual diagnostic errors in the USA likely number in the tens of millions, but the total is likely highly contingent on the threshold for defining a diagnostic error.[8] This is different, however, than serious harms (death and permanent disability), which are more objectively defined, so less subject to this particular type of methodological heterogeneity.[8]

The large absolute numbers of patients harmed should not be mistaken for an inordinately high per-incident case or per-visit risk. According to these results, a patient with a life-threatening or limb-threatening disease has a ~11% chance of being missed; because of the substantial risk of harm when a dangerous disease is missed, that same patient also has a ~4% overall chance of dying or becoming permanently disabled pursuant to a misdiagnosis. Admittedly, both are higher than what medical experts generally think of as an 'acceptable' miss rate for dangerous diseases (eg, <0.5%–1%).[33–35] However, given over 1 billion healthcare visits per year in the USA,[8] a patient visiting a doctor for any reason (ie, who may or may not have a dangerous underlying disease) likely has a <0.1% chance of suffering serious misdiagnosis-related harms. Thus, patients should not panic or lose faith in the healthcare system.

Although the present study focused on US-based estimates, some of our disease-specific error rates were based on data from other high-income countries outside the USA,[3 8] and there is good reason to believe that diagnostic errors and misdiagnosis-related harms represent a global problem. There is meta-analytic evidence that hospital-based diagnostic error and harm rates are comparable across North America and Europe, but higher in other countries that were studied.[1] Measured error and harm rates in primary care[4 6 36] and emergency departments[3] are similar in the USA, the UK and Western Europe. In 2015, Organisation for Economic Co-operation and Development (OECD) nations averaged 6.5 doctor consultations per person year[37] and had ~1.3 billion persons[38]—if per-visit serious harm rates are comparable to the USA, this would translate to roughly 7 M serious misdiagnosis-related harms in OECD nations (including the USA). Less

is known about the scope and nature of diagnostic errors in low-income and middle-income nations. However, access to basic diagnostic testing resources are very limited in many low-income and middle-income countries,[39 40] and diagnostic delays for life-threatening diseases can be substantial,[41–43] so the global burden for ~7.9 billion persons is likely several-fold higher.

Disease distributions for serious misdiagnosis-related harms differ across clinical settings and age groups. Missed vascular events and infections dominate in hospitals and emergency departments, while missed cancers likely dominate in primary care.[3 9] In adult care, vascular events are typical, while in paediatric care, infections are typical.[3] Thus, diseases that should be the focus of interventions to improve diagnostic performance would ideally be tailored to the specific clinical context.

This study focused on missed diagnoses (false negatives) of dangerous diseases. While it is desirable to prevent false negatives, practical realities may constrain our ability to do so. Implications for improving diagnosis must consider these results in the broader diagnostic context which includes overuse of diagnostic tests, false positive (mis-)diagnoses, incidental findings and overdiagnosis,[10] because these are also associated with substantial harms[12 44 45] and increased healthcare costs.[46] Reducing missed diagnoses by increasing sensitivity at the expense of specificity (ie, trading false negatives for false positives by shifting clinical decision thresholds around ordering tests or interpreting test results) should not be considered 'improving diagnosis'.[47 48] Instead, diagnostic innovations that increase both sensitivity and specificity at a given test threshold are needed,[47] as recently shown in a pilot tele-consult programme for dizziness and stroke in the emergency department.[49] Economic modelling may be an important means to estimate the full future impact of solutions designed to improve diagnosis, before they are implemented.[47]

Limitations

Our approach relies on literature-derived estimates being roughly representative of US national diagnostic error and serious harm rates, which cannot be directly verified. Although some estimates based on older studies might not generalise to current practice, limited available evidence suggests diagnostic errors are either stable or rising over time in the USA.[3 50] Population-based incidence estimates for vascular events and infections using the NIS are based on administrative codes that could not be independently clinically verified by our team, but annual disease-specific incidence values were deemed face valid by relevant specialists. Our approach is limited by drawing together data from several sources, each with its own uncertainty, so our final estimates are necessarily less precise than would be desirable. This estimate does not account for the sometimes profound effects of non-disabling suffering due to diagnostic delays of non-lethal illnesses, including prolonged diagnostic odysseys,[51] chronic side effects and risks of treatments administered for diseases patients do not actually have (false positives)[52 53] and the substantial health effects and economic consequences of overtesting[12 44] and overdiagnosis.[45] Nevertheless, our national extrapolations are based on current best evidence regarding error/harm rates, triangulate well with data from other sources and are face valid to disease-specific domain experts.

CONCLUSIONS

Across clinical settings (ambulatory clinics, emergency department and inpatient), we estimate that nearly 800 000 Americans die or are permanently disabled by diagnostic error each year, making it the single largest source of serious harms from medical mistakes. We believe this is the best estimate currently possible, and, in an area of patient safety where estimates vary widely, results presented here offer an important scientific advance for the field. Although not all these harms are necessarily preventable, our findings add urgency to what the US National Academy of Medicine has already labelled a 'moral, professional, and public health imperative'. Policymakers have recently taken notice,[54] but diagnostic error-related research still remains substantially underfunded relative to its public health impact[48]—to make progress, this must change. Research and quality improvement programmes should include a strong focus on prompt diagnosis of vascular events, infections and cancers, with an emphasis on the top 15 dangerous diseases identified in this study, which together likely account for half of all serious misdiagnosis-related harms. Prospective, interventional studies are needed to confirm the real-world preventability of these harms.

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Correction notice This article has been corrected since it was first published online. The following section has been removed from the funding statement: (EPC VI (TOPIC ID 503-4262).

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Contributors DEN-T (guarantor): I accept full responsibility for the finished work and the conduct of the study, had access to the data, and controlled the decision to publish. I declare that I designed the study; had primary oversight over the data analysis; designed the figures; authored the primary

manuscript draft and all major revisions and that I have seen and approved the final version. I served as an unpaid member of the Board of Directors of the Society to Improve Diagnosis in Medicine, and as its President (2018–2020). I serve as a medico-legal consultant for both plaintiff and defence in cases related to diagnostic error. I have no other relevant conflicts of interest. NN: I declare that I assisted in study design and conduct; edited the manuscript for scientific content and that I have seen and approved the final version. I have no conflicts of interest. ACS: I declare that I assisted in study design and conduct; edited the manuscript for scientific content and that I have seen and approved the final version. I have no conflicts of interest. CWY-M: I declare that I assisted in study conduct; edited the manuscript for scientific content and that I have seen and approved the final version. I have no conflicts of interest. ASST: I declare that I assisted in study conduct; edited the manuscript for scientific content and that I have seen and approved the final version. I have no conflicts of interest. GDC: I declare that I assisted in study conduct; edited the manuscript for scientific content and that I have seen and approved the final version. I have no conflicts of interest. ZW: I declare that I designed the statistical analysis, including Monte Carlo simulations to create probabilistic plausible range estimates; edited the manuscript for scientific content and that I have seen and approved the final version. I have no conflicts of interest. YZ: I declare that I assisted in the design and conduct of the statistical analysis, including Monte Carlo simulations to create probabilistic plausible range estimates; edited the manuscript for scientific content and that I have seen and approved the final version. I have no conflicts of interest. MF: I declare that I assisted in study conduct; edited the manuscript for scientific content and that I have seen and approved the final version. I have no conflicts of interest. AH: I declare that I assisted in study conduct; edited the manuscript for scientific content and that I have seen and approved the final version. I have no conflicts of interest. DS: I declare that I assisted in study design and conduct; edited the manuscript for scientific content and that I have seen and approved the final version. I previously served as an unpaid member of the Board of Directors of the Society to Improve Diagnosis in Medicine.

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Competing interests DEN-T has a career focus and conducts research related to diagnostic errors, including in patients with dizziness and stroke. He serves as the principal investigator for multiple grants and contracts on these topics. DEN-T is a former volunteer President and member of the Board of Directors of the Society to Improve Diagnosis in Medicine. Johns Hopkins has been loaned research equipment (video-oculography (VOG) systems) by two companies for use in DEN-T's research; one of these companies has also provided funding for DEN-T's research on diagnostic algorithm development related to dizziness, inner ear diseases and stroke. DEN-T has no other financial interest in these or any other companies. DEN-T is an inventor on a provisional patent (US PCT/US2020/070304) for smartphone-based stroke diagnosis in patients with dizziness. He gives frequent academic lectures on these topics and occasionally serves as a medico-legal consultant for both plaintiff and defence in cases related to dizziness, stroke and diagnostic error. DS is also a former volunteer member of the Board of Directors of the Society to Improve Diagnosis in Medicine. There are no other conflicts of interest. None of the authors have any financial or personal relationships with other people or organisations that could inappropriately influence (bias) their work.

Patient consent for publication Not applicable.

Ethics approval No human subjects participated in this study, and no institutional review board approval was needed.

Provenance and peer review Not commissioned; externally peer reviewed.

Data availability statement Data are available in a public, open access repository. Data on disease incidence used for the study are all publicly available; these public-use datasets and accompanying standard data dictionaries may be found at the URL locations cited in the references list. Additional details regarding sources and methods for diagnostic error and harm rate calculations may be found in three prior publications (PMID: 31535832, 32412440, 36574484), including their associated appendices and online supplemental materials.

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EXHIBIT G

Proof that Baby Cyrus was never in "imminent danger."

“Imminent Danger” Means You Are About to Die
The declaration of “imminent danger” to a child is governed by Idaho Law. More specifically it is written in §16-1608(1)(a) (https://legislature.idaho.gov/statutesrules/idstat/Title16/T16CH16/SECT16-1608/). The explanation of it can be found in this “Idaho Child Protection Manual”(https://freedomman.gs/pdf/Idaho-Child-Protection-Manual.pdf) published by the Idaho Department of Health and Welfare. Here’s what it states on page 21:

> ***A. Declaration of Imminent Danger***
>
> The first and most common way in which a CPA proceeding is initiated occurs when a law enforcement officer declares a child to be in imminent danger pursuant to Idaho Code section §16-1608(1)(a). A declaration of imminent danger can be made “only where the child is endangered in his surroundings and prompt removal is necessary to prevent serious physical or mental injury to the child or where the child is an abandoned child . . .”[10]

Generally speaking, for adults and for contexts outside of “child protection,” the term “imminent danger” usually refers to the potential for immediate death (https://definitions.uslegal.com/i/imminent-danger/).

However, the legal definition in Baby Cyrus’s case (as you can read above) is that they claim Cyrus was *“endangered in his surroundings and prompt removal is necessary to prevent serious physical or mental injury to the child.”*

However, the only “evidence” that Cyrus was in any danger at all was that he had lost 35 grams (1.23 ounces) and that he was therefore “underweight.” Nobody denies that. And this, of course, is due to his episodes of vomiting (which St. Luke’s was never able to properly diagnose due to the incompetence of Dr. Natasha Erickson).

But none of that constitutes “imminent danger.” And most importantly—it was not caused by Cyrus’s parents and ZERO EVIDENCE was presented to the contrary.

The evidence below shows that Baby Cyrus was medically not in imminent danger, and that St. Luke’s Hospital knew he was not in imminent danger:

EVIDENCE 1 - St Luke’s was prepared to give Baby Cyrus to an untrained foster care parent within minutes of taking him. The medical records show that CPS had already determined that Baby Cyrus was NOT in “imminent danger” as they already had identified a foster family to drop Baby Cyrus off with the night he was kidnapped, but decided against doing so because protesters outside of the hospital made them think it was a security risk to take Cyrus to a foster home:

H&P by Natasha D. Erickson, MD at 3/12/2022 0304

PEDIATRIC HOSPITALIST ADMISSION NOTE

ADMITTING ATTENDING
Natasha D. Erickson, MD

ADMISSION DIAGNOSES
Active Problems:
Malnutrition (HCC)
Failure to thrive (child)

CHIEF COMPLAINT
Weight loss

HISTORY OF PRESENT ILLNESS
Cyrus is a 10 m.o. male discharged from the hospital on 3/4, who presents with weight loss in the setting of failure to thrive. Patient was admitted from 3/1-3/4 after being referred for admission due to severe malnutrition. Initially the patient required NG feeds, but at discharge, he was taking bottle feeds without issue. He was discharged home with an NG in place and family was provided syringe feeding supplies in case the patient's po intake dropped off. Family did not go home with a feeding pump as they declined this, citing cost (they are self-pay). He was scheduled to see his PCP on 3/6, but did not show for the appointment. Home health was also not able to get in touch with the family. Case was discussed on 3/11 with Tracy Jungman with CARES who reported the child had not been seen and despite multiple attempts to contact the family, the patient had not returned for a weight check. Ultimately, health and welfare and law enforcement became involved. It is my understanding a warrant was issued and the child was removed from the home and declared immediately. He was brought to the Meridian ED for evaluation. Health and welfare identified a foster family but due to protesters surrounding the hospital regarding this case, it was felt that discharge with the foster family from the ED was unsafe for all involved. For this reason, the patient was transferred to Boise for further care.

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Think about it—if you think a child is so sick as to be at the point of death, or in "imminent danger," do you then rip him out of the hands of his nursing mother and dump him off with a bunch of strangers? Obviously not!

The reason they do it is simple—the State of Idaho gets paid when they take a baby away from its family and then they get paid AGAIN once that baby is placed in foster care. This is child trafficking for profit—plain and simple. St. Luke's was (and continues to be) a willful participant in this process.

EVIDENCE 2 - The St. Luke's Physician very specifically stated that Baby Cyrus was a "healthy baby with no interventions" and that "no acute life threats were noted. By definition, this means that Baby Cyrus was not in imminent danger and most specifically that St. Luke's was 100% perfectly and completely aware of this as they were the one's who declared it! The ambulance report below states this very specifically:

Extremities Findings: NAE without difficulty.
Mental Status: Normal Baseline for Patient
Neurological: Normal Baseline for Patient, Strength-Normal

Impression / Diagnosis

System: Global
Symptoms: Transport Only
Impression: Other: Dehydration
CMS Condition: Patient Safety (monitoring required)
Initial Patient Acuity: Lower Acuity (Green)

Activity

Time	H.R. / H.R. Method	B.P. / Method	RA SpO2 / LOC	Resp / Resp Effort	Rhythm	GCS / GCS Qual	ECG Method	Temp / Ambient Temp	Prtcl	Pain	CRW*
Action	Comment										
01:59	Staged in the front of SLRMC at the request of the sending physician.										
02:00			Alert	Normal		4/5/6 Legitimate values w/o interventions such as intubation and sedation		36.6°C		0	#1
Operations	The sending physician handed us the pt secured in his car seat. She indicated the pt was in stable condition and requested that we leave promptly. She stated, "Just go! This is a healthy baby with no interventions." Joint Commission Time Out: Complete, Right Consent, Right Patient.										
02:02	The pt, in his car seat, was secured to our gurney. Pt is a 10 month old male acting appropriately for age. Pt is looking around at surroundings and interacting appropriately. Skin is PWD. Primary assessment completed. Airway is patent and maintainable by pt. Breathing appears non-labored with no accessory muscle use noted. Brachial pulse is normal and of normal strength. No acute life threats noted.							23			
02:05	Pt does not appear to be in any physical distress.		Alert	28 Normal		4/5/6 Legitimate values w/o interventions such as intubation and sedation		PM		0	#1
02:13											
Operations	Transport was uneventful to SLRMC. Operations: Patient Offload - Cold by . Pt unloaded and moved via stretcher/car seat secured to pediatric unit. No change in pt condition.										
02:19			Alert	Normal		4/5/6 Legitimate values w/o interventions such as intubation and sedation				0	#1
	Verbal SBAR pt report/handoff and care were given to the receiving RN. Left car seat and diaper bag at destination.										

* Assessment made by

Pertinent Factors Affecting Care: None

The report, as seen above, from Baby Cyrus's medical records plainly declare:

The sending physician handed us the pt [i.e. patient] secured in his car seat. She indicated the pt was in stable condition and requested that we leave promptly. She stated, "just go! This is a healthy baby with no interventions"…no acute life threats noted.

The physician at St. Luke's hospital literally stated that Baby Cyrus was in her professional diagnosis, "a healthy baby," and did not have or have need of any medical "interventions." In her estimation, Baby Cyrus did not need any medical support—he was just fine!

And remember, the term “imminent danger” specifically means that your life is threatened or that serious harm or injury is imminent. Regarding this, the physician stated very plainly that there were “no acute life threats noted.”

So in Baby Cyrus’s case, Meridian Police Department and CPS are using the false claim of “imminent danger” to kidnap Baby Cyrus and arrest Marissa, his nursing mother, even though:

1. CPS itself did not believe Baby Cyrus was in “imminent danger.”
2. The attending physician didn’t believe Baby Cyrus was in “imminent danger.”
3. The only “professional” who declared Baby Cyrus to be in “imminent danger” was a nurse who diagnosed Baby Cyrus without ever laying eyes on him.

EXHIBIT H

The Adoption and Safe Families Act
(signed into law in 1997 by Bill Clinton and championed by his wife, Hillary Clinton)

Public Law 105–89
105th Congress

An Act

To promote the adoption of children in foster care.

Nov. 19, 1997
[H.R. 867]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Adoption and Safe Families Act of 1997.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

42 USC 1305 note.

(a) SHORT TITLE.—This Act may be cited as the "Adoption and Safe Families Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS

SEC. 101. CLARIFICATION OF THE REASONABLE EFFORTS REQUIREMENT.

(a) IN GENERAL.—Section 471(a)(15) of the Social Security Act (42 U.S.C. 671(a)(15)) is amended to read as follows:

"(15) provides that—

"(A) in determining reasonable efforts to be made with respect to a child, as described in this paragraph, and in making such reasonable efforts, the child's health and safety shall be the paramount concern;

"(B) except as provided in subparagraph (D), reasonable efforts shall be made to preserve and reunify families—

"(i) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home; and

"(ii) to make it possible for a child to safely return to the child's home;

"(C) if continuation of reasonable efforts of the type described in subparagraph (B) is determined to be inconsistent with the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child;

"(D) reasonable efforts of the type described in subparagraph (B) shall not be required to be made with respect to a parent of a child if a court of competent jurisdiction has determined that—

"(i) the parent has subjected the child to aggravated circumstances (as defined in State law, which definition may include but need not be limited to abandonment, torture, chronic abuse, and sexual abuse);

"(ii) the parent has—

"(I) committed murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

"(II) committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

"(III) aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter; or

"(IV) committed a felony assault that results in serious bodily injury to the child or another child of the parent; or

"(iii) the parental rights of the parent to a sibling have been terminated involuntarily;

"(E) if reasonable efforts of the type described in subparagraph (B) are not made with respect to a child as a result of a determination made by a court of competent jurisdiction in accordance with subparagraph (D)—

"(i) a permanency hearing (as described in section 475(5)(C)) shall be held for the child within 30 days after the determination; and

"(ii) reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child; and

"(F) reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts of the type described in subparagraph (B);".

(b) DEFINITION OF LEGAL GUARDIANSHIP.—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following:

"(7) The term 'legal guardianship' means a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decisionmaking. The term 'legal guardian' means the caretaker in such a relationship.".

(c) CONFORMING AMENDMENT.—Section 472(a)(1) of such Act (42 U.S.C. 672(a)(1)) is amended by inserting "for a child" before "have been made".

(d) RULE OF CONSTRUCTION.—Part E of title IV of such Act (42 U.S.C. 670–679) is amended by inserting after section 477 the following:

"SEC. 478. RULE OF CONSTRUCTION. 42 USC 678.

"Nothing in this part shall be construed as precluding State courts from exercising their discretion to protect the health and safety of children in individual cases, including cases other than those described in section 471(a)(15)(D).".

SEC. 102. INCLUDING SAFETY IN CASE PLAN AND CASE REVIEW SYSTEM REQUIREMENTS.

Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(1) in section 422(b)(10)(B)— 42 USC 622.

(A) in clause (iii)(I), by inserting "safe and" after "where"; and

(B) in clause (iv), by inserting "safely" after "remain"; and

(2) in section 475— 42 USC 675.

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "safety and" after "discussion of the"; and

(ii) in subparagraph (B)—

(I) by inserting "safe and" after "child receives"; and

(II) by inserting "safe" after "return of the child to his own"; and

(B) in paragraph (5)—

(i) in subparagraph (A), in the matter preceding clause (i), by inserting "a safe setting that is" after "placement in"; and

(ii) in subparagraph (B)—

(I) by inserting "the safety of the child," after "determine"; and

(II) by inserting "and safely maintained in" after "returned to".

SEC. 103. STATES REQUIRED TO INITIATE OR JOIN PROCEEDINGS TO TERMINATE PARENTAL RIGHTS FOR CERTAIN CHILDREN IN FOSTER CARE.

(a) REQUIREMENT FOR PROCEEDINGS.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following:

"(E) in the case of a child who has been in foster care under the responsibility of the State for 15 of the most recent 22 months, or, if a court of competent jurisdiction has determined a child to be an abandoned infant (as defined under State law) or has made a determination that the parent has committed murder of another child of the parent, committed voluntary manslaughter of another child of the parent, aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter, or committed a felony assault that has resulted in serious bodily injury to the child or to another child of the parent, the State shall file a petition to terminate the parental rights of the child's parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), and, concurrently, to identify, recruit, process, and approve a qualified family for an adoption, unless—

"(i) at the option of the State, the child is being cared for by a relative;

"(ii) a State agency has documented in the case plan (which shall be available for court review) a compelling reason for determining that filing such a petition would not be in the best interests of the child; or

"(iii) the State has not provided to the family of the child, consistent with the time period in the State case plan, such services as the State deems necessary for the safe return of the child to the child's home, if reasonable efforts of the type described in section 471(a)(15)(B)(ii) are required to be made with respect to the child.".

(b) DETERMINATION OF BEGINNING OF FOSTER CARE.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by subsection (a), is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) a child shall be considered to have entered foster care on the earlier of—

"(i) the date of the first judicial finding that the child has been subjected to child abuse or neglect; or

"(ii) the date that is 60 days after the date on which the child is removed from the home.".

(c) TRANSITION RULES.— 42 USC 675 note.

(1) NEW FOSTER CHILDREN.—In the case of a child who enters foster care (within the meaning of section 475(5)(F) of the Social Security Act) under the responsibility of a State after the date of the enactment of this Act—

(A) if the State comes into compliance with the amendments made by subsection (a) of this section before the child has been in such foster care for 15 of the most recent 22 months, the State shall comply with section 475(5)(E) of the Social Security Act with respect to the child when the child has been in such foster care for 15 of the most recent 22 months; and

(B) if the State comes into such compliance after the child has been in such foster care for 15 of the most recent 22 months, the State shall comply with such section 475(5)(E) with respect to the child not later than 3 months after the end of the first regular session of the State legislature that begins after such date of enactment.

(2) CURRENT FOSTER CHILDREN.—In the case of children in foster care under the responsibility of the State on the date of the enactment of this Act, the State shall—

(A) not later than 6 months after the end of the first regular session of the State legislature that begins after such date of enactment, comply with section 475(5)(E) of the Social Security Act with respect to not less than ⅓ of such children as the State shall select, giving priority to children for whom the permanency plan (within the meaning of part E of title IV of the Social Security Act) is adoption and children who have been in foster care for the greatest length of time;

(B) not later than 12 months after the end of such first regular session, comply with such section 475(5)(E) with respect to not less than ⅔ of such children as the State shall select; and

(C) not later than 18 months after the end of such first regular session, comply with such section 475(5)(E) with respect to all of such children.

(3) TREATMENT OF 2-YEAR LEGISLATIVE SESSIONS.—For purposes of this subsection, in the case of a State that has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(4) REQUIREMENTS TREATED AS STATE PLAN REQUIREMENTS.—For purposes of part E of title IV of the Social Security Act, the requirements of this subsection shall be treated as State plan requirements imposed by section 471(a) of such Act.

(d) RULE OF CONSTRUCTION.—Nothing in this section or in part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.), as amended by this Act, shall be construed as precluding State courts or State agencies from initiating the termination of 42 USC 675 note.

parental rights for reasons other than, or for timelines earlier than, those specified in part E of title IV of such Act, when such actions are determined to be in the best interests of the child, including cases where the child has experienced multiple foster care placements of varying durations.

SEC. 104. NOTICE OF REVIEWS AND HEARINGS; OPPORTUNITY TO BE HEARD.

Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by section 103, is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following:

"(G) the foster parents (if any) of a child and any preadoptive parent or relative providing care for the child are provided with notice of, and an opportunity to be heard in, any review or hearing to be held with respect to the child, except that this subparagraph shall not be construed to require that any foster parent, preadoptive parent, or relative providing care for the child be made a party to such a review or hearing solely on the basis of such notice and opportunity to be heard.".

SEC. 105. USE OF THE FEDERAL PARENT LOCATOR SERVICE FOR CHILD WELFARE SERVICES.

Section 453 of the Social Security Act (42 U.S.C. 653) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by inserting "or making or enforcing child custody or visitation orders," after "obligations,"; and

(B) in subparagraph (A)—

(i) by striking "or" at the end of clause (ii);

(ii) by striking the comma at the end of clause (iii) and inserting "; or"; and

(iii) by inserting after clause (iii) the following:

"(iv) who has or may have parental rights with respect to a child,"; and

(2) in subsection (c)—

(A) by striking the period at the end of paragraph (3) and inserting "; and"; and

(B) by adding at the end the following:

"(4) a State agency that is administering a program operated under a State plan under subpart 1 of part B, or a State plan approved under subpart 2 of part B or under part E.".

SEC. 106. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE FOSTER AND ADOPTIVE PARENTS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting "; and"; and

(3) by adding at the end the following:

"(20)(A) unless an election provided for in subparagraph (B) is made with respect to the State, provides procedures

for criminal records checks for any prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments are to be made under the State plan under this part, including procedures requiring that—

"(i) in any case in which a record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children (including child pornography), or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, if a State finds that a court of competent jurisdiction has determined that the felony was committed at any time, such final approval shall not be granted; and

"(ii) in any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if a State finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years, such final approval shall not be granted; and

"(B) subparagraph (A) shall not apply to a State plan if the Governor of the State has notified the Secretary in writing that the State has elected to make subparagraph (A) inapplicable to the State, or if the State legislature, by law, has elected to make subparagraph (A) inapplicable to the State.".

SEC. 107. DOCUMENTATION OF EFFORTS FOR ADOPTION OR LOCATION OF A PERMANENT HOME.

Section 475(1) of the Social Security Act (42 U.S.C. 675(1)) is amended—

(1) in the last sentence—

(A) by striking "the case plan must also include"; and

(B) by redesignating such sentence as subparagraph (D) and indenting appropriately; and

(2) by adding at the end the following:

"(E) In the case of a child with respect to whom the permanency plan is adoption or placement in another permanent home, documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, a fit and willing relative, a legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child specific recruitment efforts such as the use of State, regional, and national adoption exchanges including electronic exchange systems.".

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TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

SEC. 201. ADOPTION INCENTIVE PAYMENTS.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 473 the following:

42 USC 673b.

"SEC. 473A. ADOPTION INCENTIVE PAYMENTS.

"(a) GRANT AUTHORITY.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts for this purpose, the Secretary shall make a grant to each State that is an incentive-eligible State for a fiscal year in an amount equal to the adoption incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

"(b) INCENTIVE-ELIGIBLE STATE.—A State is an incentive-eligible State for a fiscal year if—

"(1) the State has a plan approved under this part for the fiscal year;

"(2) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year;

"(3) the State is in compliance with subsection (c) for the fiscal year;

"(4) in the case of fiscal years 2001 and 2002, the State provides health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement between a State and an adoptive parent or parents; and

"(5) the fiscal year is any of fiscal years 1998 through 2002.

"(c) DATA REQUIREMENTS.—

"(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary the data described in paragraph (2)—

"(A) for fiscal years 1995 through 1997 (or, if the first fiscal year for which the State seeks a grant under this section is after fiscal year 1998, the fiscal year that precedes such first fiscal year); and

"(B) for each succeeding fiscal year that precedes the fiscal year.

"(2) DETERMINATION OF NUMBERS OF ADOPTIONS.—

"(A) DETERMINATIONS BASED ON AFCARS DATA.—Except as provided in subparagraph (B), the Secretary shall determine the numbers of foster child adoptions and of special needs adoptions in a State during each of fiscal years 1995 through 2002, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State and approved by the Secretary by August 1 of the succeeding fiscal year.

"(B) ALTERNATIVE DATA SOURCES PERMITTED FOR FISCAL YEARS 1995 THROUGH 1997.—For purposes of the determination described in subparagraph (A) for fiscal years 1995 through 1997, the Secretary may use data from a source

or sources other than that specified in subparagraph (A) that the Secretary finds to be of equivalent completeness and reliability, as reported by a State by November 30, 1997, and approved by the Secretary by March 1, 1998.

"(3) NO WAIVER OF AFCARS REQUIREMENTS.—This section shall not be construed to alter or affect any requirement of section 479 or of any regulation prescribed under such section with respect to reporting of data by States, or to waive any penalty for failure to comply with such a requirement.

"(d) ADOPTION INCENTIVE PAYMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the adoption incentive payment payable to a State for a fiscal year under this section shall be equal to the sum of—

"(A) $4,000, multiplied by the amount (if any) by which the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; and

"(B) $2,000, multiplied by the amount (if any) by which the number of special needs adoptions in the State during the fiscal year exceeds the base number of special needs adoptions for the State for the fiscal year.

"(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—For any fiscal year, if the total amount of adoption incentive payments otherwise payable under this section for a fiscal year exceeds the amount appropriated pursuant to subsection (h) for the fiscal year, the amount of the adoption incentive payment payable to each State under this section for the fiscal year shall be—

"(A) the amount of the adoption incentive payment that would otherwise be payable to the State under this section for the fiscal year; multiplied by

"(B) the percentage represented by the amount so appropriated for the fiscal year, divided by the total amount of adoption incentive payments otherwise payable under this section for the fiscal year.

"(e) 2-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the succeeding fiscal year.

"(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

"(g) DEFINITIONS.—As used in this section:

"(1) FOSTER CHILD ADOPTION.—The term 'foster child adoption' means the final adoption of a child who, at the time of adoptive placement, was in foster care under the supervision of the State.

"(2) SPECIAL NEEDS ADOPTION.—The term 'special needs adoption' means the final adoption of a child for whom an adoption assistance agreement is in effect under section 473.

"(3) BASE NUMBER OF FOSTER CHILD ADOPTIONS.—The term 'base number of foster child adoptions for a State' means—

"(A) with respect to fiscal year 1998, the average number of foster child adoptions in the State in fiscal years 1995, 1996, and 1997; and

"(B) with respect to any subsequent fiscal year, the number of foster child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 1997 and ends with the fiscal year preceding such subsequent fiscal year.

"(4) BASE NUMBER OF SPECIAL NEEDS ADOPTIONS.—The term 'base number of special needs adoptions for a State' means—

"(A) with respect to fiscal year 1998, the average number of special needs adoptions in the State in fiscal years 1995, 1996, and 1997; and

"(B) with respect to any subsequent fiscal year, the number of special needs adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 1997 and ends with the fiscal year preceding such subsequent fiscal year.

"(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For grants under subsection (a), there are authorized to be appropriated to the Secretary $20,000,000 for each of fiscal years 1999 through 2003.

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended, but not after fiscal year 2003.

"(i) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may, directly or through grants or contracts, provide technical assistance to assist States and local communities to reach their targets for increased numbers of adoptions and, to the extent that adoption is not possible, alternative permanent placements, for children in foster care.

"(2) DESCRIPTION OF THE CHARACTER OF THE TECHNICAL ASSISTANCE.—The technical assistance provided under paragraph (1) may support the goal of encouraging more adoptions out of the foster care system, when adoptions promote the best interests of children, and may include the following:

"(A) The development of best practice guidelines for expediting termination of parental rights.

"(B) Models to encourage the use of concurrent planning.

"(C) The development of specialized units and expertise in moving children toward adoption as a permanency goal.

"(D) The development of risk assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.

"(E) Models to encourage the fast tracking of children who have not attained 1 year of age into pre-adoptive placements.

"(F) Development of programs that place children into pre-adoptive families without waiting for termination of parental rights.

"(3) TARGETING OF TECHNICAL ASSISTANCE TO THE COURTS.—Not less than 50 percent of any amount appropriated pursuant to paragraph (4) shall be used to provide technical assistance to the courts.

"(4) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary of Health and Human Services not to exceed $10,000,000 for each of fiscal years 1998 through 2000.".

(b) DISCRETIONARY CAP ADJUSTMENT FOR ADOPTION INCENTIVE PAYMENTS.—

(1) SECTION 251 AMENDMENT.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)), as amended by section 10203(a)(4) of the Balanced Budget Act of 1997, is amended by adding at the end the following new subparagraph: *Ante*, p. 698.

"(G) ADOPTION INCENTIVE PAYMENTS.—Whenever a bill or joint resolution making appropriations for fiscal year 1999, 2000, 2001, 2002, or 2003 is enacted that specifies an amount for adoption incentive payments pursuant to this part for the Department of Health and Human Services—

"(i) the adjustments for new budget authority shall be the amounts of new budget authority provided in that measure for adoption incentive payments, but not to exceed $20,000,000; and

"(ii) the adjustment for outlays shall be the additional outlays flowing from such amount.".

(2) SECTION 314 AMENDMENT.—Section 314(b) of the Congressional Budget Act of 1974, as amended by section 10114(a) of the Balanced Budget Act of 1997, is amended— *Ante*, p. 688.

(A) by striking "or" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; or"; and

(C) by adding at the end the following:

"(6) in the case of an amount for adoption incentive payments (as defined in section 251(b)(2)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985) for fiscal year 1999, 2000, 2001, 2002, or 2003 for the Department of Health and Human Services, an amount not to exceed $20,000,000.".

SEC. 202. ADOPTIONS ACROSS STATE AND COUNTY JURISDICTIONS.

(a) STATE PLAN FOR CHILD WELFARE SERVICES REQUIREMENT.—Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(12) contain assurances that the State shall develop plans for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.".

(b) CONDITION OF ASSISTANCE.—Section 474 of such Act (42 U.S.C. 674) is amended by adding at the end the following:

"(e) Notwithstanding subsection (a), a State shall not be eligible for any payment under this section if the Secretary finds that, after the date of the enactment of this subsection, the State has—

"(1) denied or delayed the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or

"(2) failed to grant an opportunity for a fair hearing, as described in section 471(a)(12), to an individual whose allegation of a violation of paragraph (1) of this subsection is denied by the State or not acted upon by the State with reasonable promptness.".

42 USC 5111 note.

(c) STUDY OF INTERJURISDICTIONAL ADOPTION ISSUES.—

(1) IN GENERAL.—The Comptroller General of the United States shall—

(A) study and consider how to improve procedures and policies to facilitate the timely and permanent adoptions of children across State and county jurisdictions; and

(B) examine, at a minimum, interjurisdictional adoption issues—

(i) concerning the recruitment of prospective adoptive families from other States and counties;

(ii) concerning the procedures to grant reciprocity to prospective adoptive family home studies from other States and counties;

(iii) arising from a review of the comity and full faith and credit provided to adoption decrees and termination of parental rights orders from other States; and

(iv) concerning the procedures related to the administration and implementation of the Interstate Compact on the Placement of Children.

(2) REPORT TO THE CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of the Congress a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) recommendations on how to improve procedures to facilitate the interjurisdictional adoption of children, including interstate and intercounty adoptions, so that children will be assured timely and permanent placements.

SEC. 203. PERFORMANCE OF STATES IN PROTECTING CHILDREN.

(a) ANNUAL REPORT ON STATE PERFORMANCE.—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

42 USC 679b.

"SEC. 479A. ANNUAL REPORT.

"The Secretary, in consultation with Governors, State legislatures, State and local public officials responsible for administering child welfare programs, and child welfare advocates, shall—

"(1) develop a set of outcome measures (including length of stay in foster care, number of foster care placements, and number of adoptions) that can be used to assess the performance of States in operating child protection and child welfare programs pursuant to parts B and E to ensure the safety of children;

"(2) to the maximum extent possible, the outcome measures should be developed from data available from the Adoption and Foster Care Analysis and Reporting System;

"(3) develop a system for rating the performance of States with respect to the outcome measures, and provide to the States an explanation of the rating system and how scores are determined under the rating system;

"(4) prescribe such regulations as may be necessary to ensure that States provide to the Secretary the data necessary to determine State performance with respect to each outcome measure, as a condition of the State receiving funds under this part; and

"(5) on May 1, 1999, and annually thereafter, prepare and submit to the Congress a report on the performance of each State on each outcome measure, which shall examine the reasons for high performance and low performance and, where possible, make recommendations as to how State performance could be improved.".

(b) DEVELOPMENT OF PERFORMANCE-BASED INCENTIVE SYSTEM.—The Secretary of Health and Human Services, in consultation with State and local public officials responsible for administering child welfare programs and child welfare advocates, shall study, develop, and recommend to Congress an incentive system to provide payments under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq., 670 et seq.) to any State based on the State's performance under such a system. Such a system shall, to the extent the Secretary determines feasible and appropriate, be based on the annual report required by section 479A of the Social Security Act (as added by subsection (a) of this section) or on any proposed modifications of the annual report. Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a progress report on the feasibility, timetable, and consultation process for conducting such a study. Not later than 15 months after such date of enactment, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the final report on a performance-based incentive system. The report may include other recommendations for restructuring the program and payments under parts B and E of title IV of the Social Security Act. 42 USC 679b note.

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

SEC. 301. EXPANSION OF CHILD WELFARE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Section 1130(a) of the Social Security Act (42 U.S.C. 1320a–9) is amended to read as follows:

"(a) AUTHORITY TO APPROVE DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—The Secretary may authorize States to conduct demonstration projects pursuant to this section which the Secretary finds are likely to promote the objectives of part B or E of title IV.

"(2) LIMITATION.—The Secretary may authorize not more than 10 demonstration projects under paragraph (1) in each of fiscal years 1998 through 2002.

"(3) CERTAIN TYPES OF PROPOSALS REQUIRED TO BE CONSIDERED.—

"(A) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address barriers

that result in delays to adoptive placements for children in foster care.

"(B) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address parental substance abuse problems that endanger children and result in the placement of children in foster care, including through the placement of children with their parents in residential treatment facilities (including residential treatment facilities for post-partum depression) that are specifically designed to serve parents and children together in order to promote family reunification and that can ensure the health and safety of the children in such placements.

"(C) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to address kinship care.

"(4) LIMITATION ON ELIGIBILITY.—The Secretary may not authorize a State to conduct a demonstration project under this section if the State fails to provide health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement between a State and an adoptive parent or parents.

"(5) REQUIREMENT TO CONSIDER EFFECT OF PROJECT ON TERMS AND CONDITIONS OF CERTAIN COURT ORDERS.—In considering an application to conduct a demonstration project under this section that has been submitted by a State in which there is in effect a court order determining that the State's child welfare program has failed to comply with the provisions of part B or E of title IV, or with the Constitution of the United States, the Secretary shall take into consideration the effect of approving the proposed project on the terms and conditions of the court order related to the failure to comply.".

42 USC 1320a–9 note.

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) shall be construed as affecting the terms and conditions of any demonstration project approved under section 1130 of the Social Security Act (42 U.S.C. 1320a–9) before the date of the enactment of this Act.

(c) AUTHORITY TO EXTEND DURATION OF DEMONSTRATIONS.—Section 1130(d) of such Act (42 U.S.C. 1320a–9(d)) is amended by inserting ", unless in the judgment of the Secretary, the demonstration project should be allowed to continue" before the period.

SEC. 302. PERMANENCY HEARINGS.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by striking "dispositional" and inserting "permanency";

(2) by striking "eighteen" and inserting "12";

(3) by striking "original placement" and inserting "date the child is considered to have entered foster care (as determined under subparagraph (F))"; and

(4) by striking "future status of" and all that follows through "long term basis)" and inserting "permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent, placed for adoption and the State will file a petition for termination of parental rights, or referred for legal guardianship, or (in cases where

the State agency has documented to the State court a compelling reason for determining that it would not be in the best interests of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another planned permanent living arrangement".

SEC. 303. KINSHIP CARE.

42 USC 5113 note.

(a) REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall—

(A) not later than June 1, 1998, convene the advisory panel provided for in subsection (b)(1) and prepare and submit to the advisory panel an initial report on the extent to which children in foster care are placed in the care of a relative (in this section referred to as "kinship care"); and

(B) not later than June 1, 1999, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a final report on the matter described in subparagraph (A), which shall—

(i) be based on the comments submitted by the advisory panel pursuant to subsection (b)(2) and other information and considerations; and

(ii) include the policy recommendations of the Secretary with respect to the matter.

(2) REQUIRED CONTENTS.—Each report required by paragraph (1) shall—

(A) include, to the extent available for each State, information on—

(i) the policy of the State regarding kinship care;

(ii) the characteristics of the kinship care providers (including age, income, ethnicity, and race, and the relationship of the kinship care providers to the children);

(iii) the characteristics of the household of such providers (such as number of other persons in the household and family composition);

(iv) how much access to the child is afforded to the parent from whom the child has been removed;

(v) the cost of, and source of funds for, kinship care (including any subsidies such as medicaid and cash assistance);

(vi) the permanency plan for the child and the actions being taken by the State to achieve the plan;

(vii) the services being provided to the parent from whom the child has been removed; and

(viii) the services being provided to the kinship care provider; and

(B) specifically note the circumstances or conditions under which children enter kinship care.

(b) ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate, shall convene an advisory panel which shall include parents, foster

parents, relative caregivers, former foster children, State and local public officials responsible for administering child welfare programs, private persons involved in the delivery of child welfare services, representatives of tribal governments and tribal courts, judges, and academic experts.

(2) DUTIES.—The advisory panel convened pursuant to paragraph (1) shall review the report prepared pursuant to subsection (a), and, not later than October 1, 1998, submit to the Secretary comments on the report.

SEC. 304. CLARIFICATION OF ELIGIBLE POPULATION FOR INDEPENDENT LIVING SERVICES.

Section 477(a)(2)(A) of the Social Security Act (42 U.S.C. 677(a)(2)(A)) is amended by inserting "(including children with respect to whom such payments are no longer being made because the child has accumulated assets, not to exceed $5,000, which are otherwise regarded as resources for purposes of determining eligibility for benefits under this part)" before the comma.

SEC. 305. REAUTHORIZATION AND EXPANSION OF FAMILY PRESERVATION AND SUPPORT SERVICES.

(a) REAUTHORIZATION OF FAMILY PRESERVATION AND SUPPORT SERVICES.—

(1) IN GENERAL.—Section 430(b) of the Social Security Act (42 U.S.C. 629(b)) is amended—

(A) in paragraph (4), by striking "or" at the end;

(B) in paragraph (5), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(6) for fiscal year 1999, $275,000,000;

"(7) for fiscal year 2000, $295,000,000; and

"(8) for fiscal year 2001, $305,000,000.".

(2) CONTINUATION OF RESERVATION OF CERTAIN AMOUNTS.—Paragraphs (1) and (2) of section 430(d) of the Social Security Act (42 U.S.C. 629(d)(1) and (2)) are each amended by striking "and 1998" and inserting "1998, 1999, 2000, and 2001".

(3) CONFORMING AMENDMENTS.—Section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) is amended—

(A) in subsection (c), by striking "1998" each place it appears and inserting "2001"; and

(B) in subsection (d)(2), by striking "and 1998" and inserting "1998, 1999, 2000, and 2001".

(b) EXPANSION FOR TIME-LIMITED FAMILY REUNIFICATION SERVICES AND ADOPTION PROMOTION AND SUPPORT SERVICES.—

(1) ADDITIONS TO STATE PLAN.—Section 432 of the Social Security Act (42 U.S.C. 629b) is amended—

(A) in subsection (a)—

(i) in paragraph (4), by striking "and community-based family support services" and inserting ", community-based family support services, time-limited family reunification services, and adoption promotion and support services,"; and

(ii) in paragraph (5)(A), by striking "and community-based family support services" and inserting ", community-based family support services, time-limited family reunification services, and adoption promotion and support services"; and

(B) in subsection (b)(1), by striking "and family support" and inserting ", family support, time-limited family reunification, and adoption promotion and support".

(2) DEFINITIONS OF TIME-LIMITED FAMILY REUNIFICATION SERVICES AND ADOPTION PROMOTION AND SUPPORT SERVICES.—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)) is amended by adding at the end the following:

"(7) TIME-LIMITED FAMILY REUNIFICATION SERVICES.—

"(A) IN GENERAL.—The term 'time-limited family reunification services' means the services and activities described in subparagraph (B) that are provided to a child that is removed from the child's home and placed in a foster family home or a child care institution and to the parents or primary caregiver of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the 15-month period that begins on the date that the child, pursuant to section 475(5)(F), is considered to have entered foster care.

"(B) SERVICES AND ACTIVITIES DESCRIBED.—The services and activities described in this subparagraph are the following:

"(i) Individual, group, and family counseling.

"(ii) Inpatient, residential, or outpatient substance abuse treatment services.

"(iii) Mental health services.

"(iv) Assistance to address domestic violence.

"(v) Services designed to provide temporary child care and therapeutic services for families, including crisis nurseries.

"(vi) Transportation to or from any of the services and activities described in this subparagraph.

"(8) ADOPTION PROMOTION AND SUPPORT SERVICES.—The term 'adoption promotion and support services' means services and activities designed to encourage more adoptions out of the foster care system, when adoptions promote the best interests of children, including such activities as pre- and post-adoptive services and activities designed to expedite the adoption process and support adoptive families.".

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) PURPOSES.—Section 430(a) of the Social Security Act (42 U.S.C. 629(a)) is amended by striking "and community-based family support services" and inserting ", community-based family support services, time-limited family reunification services, and adoption promotion and support services".

(B) PROGRAM TITLE.—The heading of subpart 2 of part B of title IV of the Social Security Act (42 U.S.C. 629 et seq.) is amended to read as follows:

"Subpart 2—Promoting Safe and Stable Families".

(c) EMPHASIZING THE SAFETY OF THE CHILD.—

(1) REQUIRING ASSURANCES THAT THE SAFETY OF CHILDREN SHALL BE OF PARAMOUNT CONCERN.—Section 432(a) of the Social Security Act (42 U.S.C. 629b(a)) is amended—

(A) by striking "and" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8); and

(C) by adding at the end the following:

"(9) contains assurances that in administering and conducting service programs under the plan, the safety of the children to be served shall be of paramount concern.".

(2) DEFINITIONS OF FAMILY PRESERVATION AND FAMILY SUPPORT SERVICES.—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "safe and" before "appropriate" each place it appears; and

(ii) in subparagraph (B), by inserting "safely" after "remain"; and

(B) in paragraph (2)—

(i) by inserting "safety and" before "well-being"; and

(ii) by striking "stable" and inserting "safe, stable,".

(d) CLARIFICATION OF MAINTENANCE OF EFFORT REQUIREMENT.—

(1) DEFINITION OF NON-FEDERAL FUNDS.—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)), as amended by subsection (b)(2), is amended by adding at the end the following:

"(9) NON-FEDERAL FUNDS.—The term 'non-Federal funds' means State funds, or at the option of a State, State and local funds.".

42 USC 629a note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect as if included in the enactment of section 13711 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–33; 107 Stat. 649).

SEC. 306. HEALTH INSURANCE COVERAGE FOR CHILDREN WITH SPECIAL NEEDS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 106, is amended—

(1) in paragraph (19), by striking "and" at the end;

(2) in paragraph (20), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(21) provides for health insurance coverage (including, at State option, through the program under the State plan approved under title XIX) for any child who has been determined to be a child with special needs, for whom there is in effect an adoption assistance agreement (other than an agreement under this part) between the State and an adoptive parent or parents, and who the State has determined cannot be placed with an adoptive parent or parents without medical assistance because such child has special needs for medical, mental health, or rehabilitative care, and that with respect to the provision of such health insurance coverage—

"(A) such coverage may be provided through 1 or more State medical assistance programs;

"(B) the State, in providing such coverage, shall ensure that the medical benefits, including mental health benefits, provided are of the same type and kind as those that would be provided for children by the State under title XIX;

"(C) in the event that the State provides such coverage through a State medical assistance program other than the program under title XIX, and the State exceeds its funding for services under such other program, any such child shall be deemed to be receiving aid or assistance under the State plan under this part for purposes of section 1902(a)(10)(A)(i)(I); and

"(D) in determining cost-sharing requirements, the State shall take into consideration the circumstances of the adopting parent or parents and the needs of the child being adopted consistent, to the extent coverage is provided through a State medical assistance program, with the rules under such program.".

SEC. 307. CONTINUATION OF ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENTS ON BEHALF OF CHILDREN WITH SPECIAL NEEDS WHOSE INITIAL ADOPTION HAS BEEN DISSOLVED.

(a) CONTINUATION OF ELIGIBILITY.—Section 473(a)(2) of the Social Security Act (42 U.S.C. 673(a)(2)) is amended by adding at the end the following: "Any child who meets the requirements of subparagraph (C), who was determined eligible for adoption assistance payments under this part with respect to a prior adoption, who is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died, and who fails to meet the requirements of subparagraphs (A) and (B) but would meet such requirements if the child were treated as if the child were in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under this part and the prior adoption were treated as never having occurred, shall be treated as meeting the requirements of this paragraph for purposes of paragraph (1)(B)(ii).".

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to children who are adopted on or after October 1, 1997. 42 USC 673 note.

SEC. 308. STATE STANDARDS TO ENSURE QUALITY SERVICES FOR CHILDREN IN FOSTER CARE.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 106 and 306, is amended—

(1) in paragraph (20), by striking "and" at the end;

(2) in paragraph (21), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(22) provides that, not later than January 1, 1999, the State shall develop and implement standards to ensure that children in foster care placements in public or private agencies are provided quality services that protect the safety and health of the children.".

TITLE IV—MISCELLANEOUS

SEC. 401. PRESERVATION OF REASONABLE PARENTING. 42 USC 671 note.

Nothing in this Act is intended to disrupt the family unnecessarily or to intrude inappropriately into family life, to prohibit

the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting.

42 USC 671 note.

SEC. 402. REPORTING REQUIREMENTS.

Any information required to be reported under this Act shall be supplied to the Secretary of Health and Human Services through data meeting the requirements of the Adoption and Foster Care Analysis and Reporting System established pursuant to section 479 of the Social Security Act (42 U.S.C. 679), to the extent such data is available under that system. The Secretary shall make such modifications to regulations issued under section 479 of such Act with respect to the Adoption and Foster Care Analysis and Reporting System as may be necessary to allow States to obtain data that meets the requirements of such system in order to satisfy the reporting requirements of this Act.

SEC. 403. SENSE OF CONGRESS REGARDING STANDBY GUARDIANSHIP.

It is the sense of Congress that the States should have in effect laws and procedures that permit any parent who is chronically ill or near death, without surrendering parental rights, to designate a standby guardian for the parent's minor children, whose authority would take effect upon—

(1) the death of the parent;
(2) the mental incapacity of the parent; or
(3) the physical debilitation and consent of the parent.

SEC. 404. TEMPORARY ADJUSTMENT OF CONTINGENCY FUND FOR STATE WELFARE PROGRAMS.

(a) REDUCTION OF APPROPRIATION.—Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)) is amended by inserting ", reduced by the sum of the dollar amounts specified in paragraph (6)(C)(ii)" before the period.

(b) INCREASE IN STATE REMITTANCES.—Section 403(b)(6) of such Act (42 U.S.C. 603(b)(6)) is amended by adding at the end the following:

"(C) ADJUSTMENT OF STATE REMITTANCES.—

"(i) IN GENERAL.—The amount otherwise required by subparagraph (A) to be remitted by a State for a fiscal year shall be increased by the lesser of—

"(I) the total adjustment for the fiscal year, multiplied by the adjustment percentage for the State for the fiscal year; or

"(II) the unadjusted net payment to the State for the fiscal year.

"(ii) TOTAL ADJUSTMENT.—As used in clause (i), the term 'total adjustment' means—

"(I) in the case of fiscal year 1998, $2,000,000;

"(II) in the case of fiscal year 1999, $9,000,000;

"(III) in the case of fiscal year 2000, $16,000,000; and

"(IV) in the case of fiscal year 2001, $13,000,000.

"(iii) ADJUSTMENT PERCENTAGE.—As used in clause (i), the term 'adjustment percentage' means, with respect to a State and a fiscal year—

"(I) the unadjusted net payment to the State for the fiscal year; divided by

"(II) the sum of the unadjusted net payments to all States for the fiscal year.

"(iv) UNADJUSTED NET PAYMENT.—As used in this subparagraph, the term, 'unadjusted net payment' means with respect to a State and a fiscal year—

"(I) the total amount paid to the State under paragraph (3) in the fiscal year; minus

"(II) the amount that, in the absence of this subparagraph, would be required by subparagraph (A) or by section 409(a)(10) to be remitted by the State in respect of the payment.".

(c) RECOMMENDATIONS FOR IMPROVING THE OPERATION OF THE CONTINGENCY FUND.—Not later than March 1, 1998, the Secretary of Health and Human Services shall make recommendations to the Congress for improving the operation of the Contingency Fund for State Welfare Programs.

SEC. 405. COORDINATION OF SUBSTANCE ABUSE AND CHILD PROTECTION SERVICES.

Reports.
42 USC 613 note.

Within 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, based on information from the Substance Abuse and Mental Health Services Administration and the Administration for Children and Families in the Department of Health of Human Services, shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report which describes the extent and scope of the problem of substance abuse in the child welfare population, the types of services provided to such population, and the outcomes resulting from the provision of such services to such population. The report shall include recommendations for any legislation that may be needed to improve coordination in providing such services to such population.

SEC. 406. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

42 USC 671 note.

(a) IN GENERAL.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available under this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

TITLE V—EFFECTIVE DATE

42 USC 622 note.

SEC. 501. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act take effect on the date of enactment of this Act.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

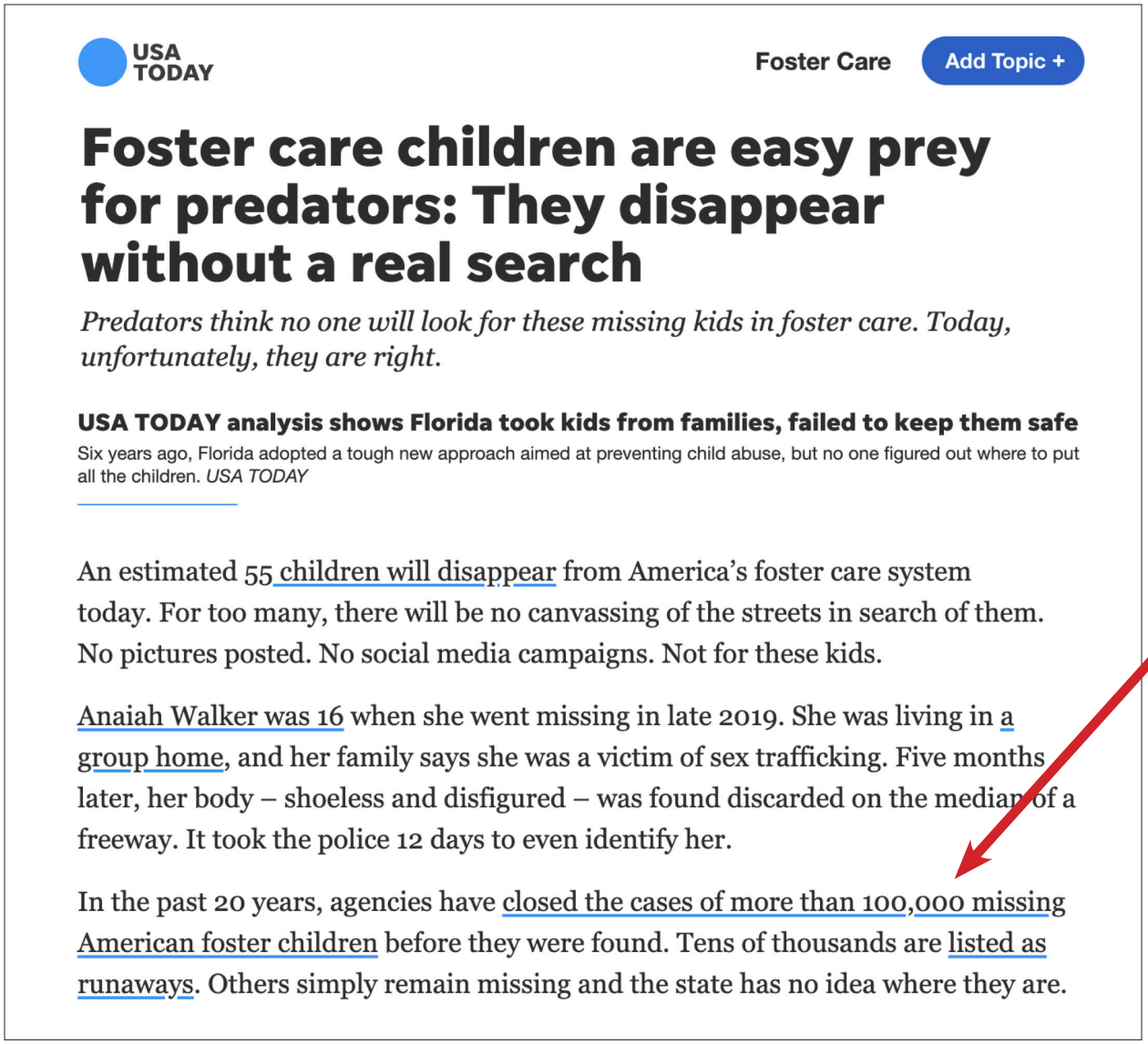
Approved November 19, 1997.

LEGISLATIVE HISTORY—H.R. 867:

HOUSE REPORTS: No. 105–77 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 143 (1997):
Apr. 30, considered and passed House.
Nov. 8, considered and passed Senate, amended.
Nov. 13, House concurred in Senate amendment with an amendment. Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):
Nov. 19, Presidential remarks.

EXHIBIT I

Child Protection Services has lost more than 100,000 children over the last 20 years.



USA TODAY

Foster Care Add Topic +

Foster care children are easy prey for predators: They disappear without a real search

Predators think no one will look for these missing kids in foster care. Today, unfortunately, they are right.

USA TODAY analysis shows Florida took kids from families, failed to keep them safe

Six years ago, Florida adopted a tough new approach aimed at preventing child abuse, but no one figured out where to put all the children. *USA TODAY*

An estimated 55 children will disappear from America's foster care system today. For too many, there will be no canvassing of the streets in search of them. No pictures posted. No social media campaigns. Not for these kids.

Anaiah Walker was 16 when she went missing in late 2019. She was living in a group home, and her family says she was a victim of sex trafficking. Five months later, her body – shoeless and disfigured – was found discarded on the median of a freeway. It took the police 12 days to even identify her.

In the past 20 years, agencies have closed the cases of more than 100,000 missing American foster children before they were found. Tens of thousands are listed as runaways. Others simply remain missing and the state has no idea where they are.

https://www.usatoday.com/story/opinion/columnist/2022/02/24/children-disappear-foster-care-trafficking/6829115001/

EXHIBIT J

Proof of sexual exploitation and child trafficking being facilitated by Child Protective Services (including the special report, *The Corrupt Business of Child Protective Services,* by esteemed Senator Nancy Schaeffer of Georgia)

Evidence 1 - Georgia Senator Nancy Schaeffer's Report, the Corrupt Business of Child Protective Services. Incidentally, Senator Nancy Schaeffer was murdered in her home after publishing this report. The "official story" was that her husband murdered her and then committed suicide. But the actual evidence demonstrates that such a possibility would be unthinkable. Senator Schaeffer and her husband had been happily married for over 52 years and had a happy family life. The truth about the details of their murder can be found in these articles:

- https://www.ajc.com/news/local/what-really-took-lives-schaefer-case/BF1mNNltQJBjJTv6xlfiPN/
- https://www.wingsforjustice.com/fight-cps-cause-murder/

Evidence 2 - Legally Kidnapped book by Carlos Morales. In the second edition of the book, Child Protective Services whistleblower, Carlos Morales, exposes the dangerous tactics and overt corruption that he witnessed as a CPS investigator. Through keen insight, analysis, war stories, and interviews with attorneys & judges, Carlos Morales speaks truth to power in this shocking book. Unlike anything ever published, he breaks down exactly what families should do to protect themselves from this monolithic agency that has destroyed the lives of children & parents. Parents across the country have already used his legal recommendations and saved not only thousands of dollars on lawyer fees, but also protected the future of their family. It is imperative that people understand Child Protective Services in order to save their families, and this book accomplishes that in a gripping and thought provoking manner.

https://www.amazon.com/Legally-Kidnapped-Against-Protective-Services/dp/1511607203/

Evidence 3 - Social Work Today Report: *Foster Care Youths at Risk for Child Sex Trafficking* **-** https://www.socialworktoday.com/news/enews_1118_1.shtml

Evidence 4 - Children's Legal Rights Journal: *Sratistically Speaking: The Overrepresentation of Foster Youth in Sex Trafficking* - https://lawecommons.luc.edu/cgi/viewcontent.cgi?article=1160&context=clrj

Evidence 5 - US Department of Health and Human Services Office of the Inspector General Report: *States' Prevention of Child Sex Trafficking in Foster Care* - https://oig.hhs.gov/reports-and-publications/workplan/summary/wp-summary-0000396.asp
"...the Administration for Children and Families reviewed statistics from several studies and found that up to 90 percent of children who were victims of sex trafficking had been involved with child welfare services, which include foster care."

Evidence 6 - US Government Administration for Children and Families Report: *Responding to Human Trafficking among Children and Youth in Foster Care and Missing from Foster Care* - https://www.acf.hhs.gov/policy-guidance/responding-human-trafficking-among-children-and-youth-foster-care-and-missing

Evidence 7 - One Family Illionois Special Report: *The Foster Care to Human Trafficking Pipeline: Why Children and Teens in Foster Care are More Likely to Be Trafficked* - https://onefamilyillinois.org/the-foster-care-to-human-trafficking-pipeline/

Evidence 8 - National Center for Juvenile Justice Report/Webinar: *The Disturbing Connection Between Foster Care and Domestic Child Sex Trafficking* - https://www.ncjfcj.org/webcasts/the-disturbing-connection-between-foster-care-and-domestic-child-sex-trafficking/

Evidence 9 - The Better Care Network Report: *An Unholy Alliance: The Connection Between Foster Care and Human Trafficking* - https://bettercarenetwork.org/sites/default/files/An%20Unholy%20Alliance%20-%20The%20Connection%20Between%20Foster%20Care%20and%20Human%20Trafficking.pdf

Evidence 10 - Voice for Children Report: *Foster Care and Human Trafficking* - https://www.speakupnow.org/foster-care-and-human-trafficking/

Evidence 11 - Polaris Project Special Report: *Child Trafficking and the Child Welfare System* - https://polarisproject.org/wp-content/uploads/2019/09/Child-Welfare-Fact-Sheet.pdf

Evidence 12 - New York Times Article: *Sex-Trafficking Couple Exploited Foster Care Loophole, Officials Say* - https://www.nytimes.com/2022/03/09/nyregion/sex-trafficking-couple-foster-care.html

Evidence 13 - Center for Public Justice Special Report: *Working Together to Disrupt the Foster Care to Human Trafficking Pipeline* - https://cpjustice.org/church-and-state-working-together-to-disrupt-the-foster-care-to-human-trafficking-pipeline/

Child sex trafficking is a particularly difficult crime to study and measure, but the few reports on trafficking tell us that kids who are trafficked more often than not have come from the foster care system. Here is what we know:

- The National Center for Missing and Exploited Children estimates that almost 1 in 5 children who went missing from child welfare in 2021 were victims of child sex trafficking.
- A 70-city raid by the FBI in 2013 found that 60% of the children trafficked in those cities were from foster care or group homes.
- In 2012, 86 of the 88 victims of child sex trafficking identified by the state of Connecticut were involved with the child welfare system, and most of them reported experiencing abuse while in foster care or a residential placement.

Evidence 14 - Etactics Special Report: *37+ Foster Care and Human Trafficking Statistics* - https://etactics.com/blog/foster-care-and-human-trafficking
From the report:
Foster Care and Human Trafficking Victims
Unfortunately, the foster care system is a pipeline to trafficking.

98%

of children who are sex trafficking survivors had previous involvement with child welfare services.

- An unknown number of kids who disappear from foster care end up trafficked.
- Experts estimate that there are several thousands of foster kids that are actively trafficked today. (https://2b997067-e6f0-44b9-abf5-69867df2e6d3.usrfiles.com/ugd/2b9970_059b8c1746d64a588d8616fc27c3678b.pdf)
- Out of all the children reported missing who are likely sex trafficking victims, 60% were in foster care or group homes when they ran away. (https://citylimits.org/2015/01/23/why-traffickers-prey-on-foster-care-kids/)
- Almost 50% of domestic minor sex trafficked (DMST) adolescents in New York had some involvement with child welfare and the juvenile justice system. (https://www.mdpi.com/2076-0760/7/8/135/htm)
- 63% of the 270 surveyed adolescent sex trafficking victims reported that they had some involvement with the child welfare system while trafficked. (https://www.socialworktoday.com/news/enews_1118_1.shtml)

Evidence 15 - CBS News: *DCFS placed troubled teen girl with 24-year-old pimp as foster parent* - https://www.cbsnews.com/chicago/news/dcfs-teen-girl-pimp-foster-parent/

Evidence 16 - The Archibald Project Report: *Foster Care and Human Trafficking* - https://thearchibaldproject.com/foster-care-and-human-trafficking/

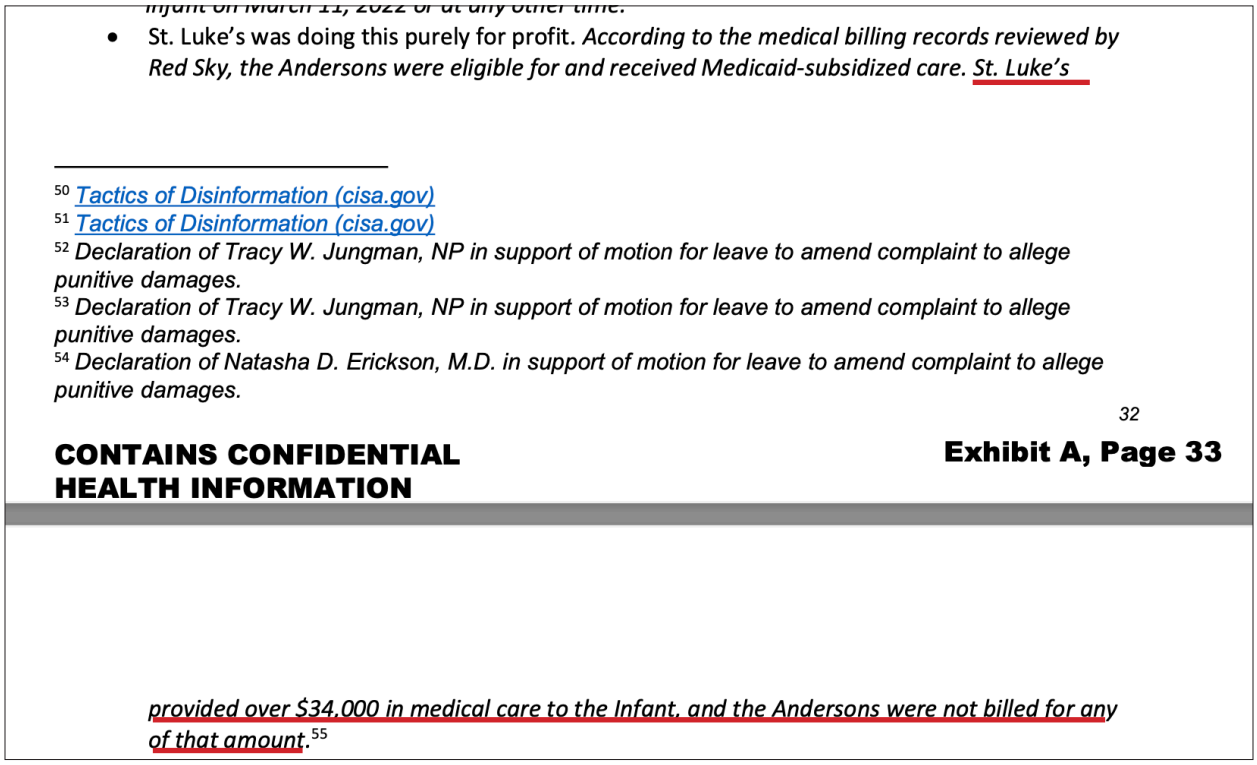
Evidence 17 - The Texas Public Policy Foundation Special Report: *Texas Foster Kids at Greater Risk of Human Trafficking* - https://www.texaspolicy.com/texas-foster-kids-at-greater-risk-of-human-trafficking/

The number of reports and article online describing how sex offenders, child rapists, and pedophiles are Foster Parents and have harmed children in their “care” is alarming. This exhibit simply does not have space to include them all. One only has to do their own online search to continue the discovery for themselves.

EXHIBIT K

Proof St. Luke's was being compensated by the government for Baby Cyrus

Jessica Flynn of Red Sky, Inc., who was a paid expert for St. Luke's, perhaps unknowingly, shared that she personally saw the billing records from St. Luke's to Medicaid indicating that they received $34,000 in compensation from Medicaid for having Baby Cyrus in their care:



- St. Luke's was doing this purely for profit. *According to the medical billing records reviewed by Red Sky, the Andersons were eligible for and received Medicaid-subsidized care. St. Luke's*

[50] *Tactics of Disinformation (cisa.gov)*
[51] *Tactics of Disinformation (cisa.gov)*
[52] *Declaration of Tracy W. Jungman, NP in support of motion for leave to amend complaint to allege punitive damages.*
[53] *Declaration of Tracy W. Jungman, NP in support of motion for leave to amend complaint to allege punitive damages.*
[54] *Declaration of Natasha D. Erickson, M.D. in support of motion for leave to amend complaint to allege punitive damages.*

32

CONTAINS CONFIDENTIAL HEALTH INFORMATION

Exhibit A, Page 33

provided over $34,000 in medical care to the Infant, and the Andersons were not billed for any of that amount.[55]

This can be found on page 33 of Exhibit A from the original lawsuit. This was the 526 page filing titled, "Plaintiff's Expert Disclosure with Exhibits." The footnote 55 referenced at the end of the statement above said the following:

[55] *Medical billing provided to Red Sky*

It is also worthwhile to note, that according to a signed affidavit by Marissa and Levi Anderson, St. Luke's quite falsely stated that Marissa and Levi were eligible for Medicaid because they never provided St. Luke's with any documentation.

In other words, St. Luke's did ask Marissa and Levi for financial information to allegedly determine if they were eligible, but Levi and Marissa never provided it to St. Luke's. St. Luke's has no documentation after Cyrus was taken and put on Medicaid, and they apparently just billed Medicaid for his previous hospital stay as well. It is evident St. Luke's just did whatever they had to do to get paid, whether that is legal or illegal, we don't know. ***But the point is simple—St. Luke's was compensated by Medicaid for having Baby Cyrus, just like Diego and Ammon stated.***

Additionally, St. Luke's Hospital, also perhaps unknowingly, ADMITTED to being compensated by Medicaid for Baby Cyrus in their own complaint. The image below is from page 24 of the Fourth Amended complaint:

> 107. Medicaid covered the Infant's medical bills for both ER visits and admissions. Despite absence of insurance, the Infant's family does not have any outstanding balance due to St. Luke's. The Infant's family never paid anything for and owe nothing for the care the Infant received at St. Luke's, including the care received during the hospital stay March 1-4, 2022 which was initiated by the Infant's parents.

Likewise, an official from St. Luke's Hospital testified in the trial that they were compensated by Medicaid (this can be found on page 1584 of the official transcript):

Does St. Luke's regularly provide medical treatment to children who are in the care of the Department of Health & Welfare?

A. We do.

Q. How is St. Luke's paid, if at all, for the medical services that St. Luke's provides to these children?

A. We are almost always paid by Medicaid.

Q. When St. Luke's is paid by Medicaid, does that cover St. Luke's costs to provide the care

It should also be noted that Levi and Marissa never asked for Medicaid to cover their expenses, nor did they authorize St. Luke's to place their family, or Baby Cyrus, on Medicaid in order to pay for their expenses. Their affidavit attesting to this fact is below:

To whom it may concern,

In March of 2022, while our son, Cyrus was admitted to Saint Luke's hospital, the staff asked for us to disclose financial information and documentation as part of a screening to see if we were eligible for Medicaid coverage. We never did the screening and never provided financial documentation.

After our son was taken into CPS custody and put on Medicaid, St. Luke's Hospital used that Medicaid coverage to pay the bill for the previous hospital stay before Cyrus had Medicaid coverage.

It was stated in court documents that we were screened for and eligible for Medicaid (referring to before Cyrus was in state custody). This is entirely false.

We never requested to be, or authorized for our family or Cyrus to be placed on Medicaid, or to use any Medicaid benefits.

I, Levi Anderson, and I, Marissa Anderson, do swear that the foregoing is true and correct.

Signed:

Notary Public State of Florida
Quran Lateef Barfield Shabazz
My Commission HH 520831
Expires 4/25/2028

Levi Anderson 1/2/25

Notary Public State of Florida
Quran Lateef Barfield Shabazz
My Commission HH 520831
Expires 4/25/2028

Marissa Anderson 1/2/25

OATH

Before me, Quran Lateef-Barfield Shabazz a Notary Public in and for Osceola County, State of Florida, personally appeared before me by means of [X] physical presence or [ ] remote online notarization Levi Nathaniel Anderson and being first duly sworn by me upon their oath, says that the facts alleged in the foregoing instruments are true.

(SEAL) (Signed) _____ NOTARY PUBLIC

OATH

Before me, Quran Lateef-Barfield Shabazz a Notary Public in and for Osceola County, State of Florida, personally appeared before me by means of [X] physical presence or [ ] remote online notarization Marissa Larena Charcylo and being first duly sworn by me upon their oath, says that the facts alleged in the foregoing instruments are true.

(SEAL) (Signed) _____ NOTARY PUBLIC

EXHIBIT L

Case dismissal against Levi and Marissa Anderson

Filed: 05/04/2022 14:47:52
Fourth Judicial District, Ada County
Phil McGrane, Clerk of the Court
By: Deputy Clerk - Storey, Holli

JAN M. BENNETTS
Ada County Prosecuting Attorney

Kyle Bringhurst
Deputy Prosecuting Attorney
Idaho State Bar No. 8442
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208) 287-7749
acpocpcourtdocs@adacounty.id.gov

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

MAGISTRATE DIVISION

IN THE INTEREST OF:	)	**Case No. CV01-22-03645**
	)	
	)	**ORDER TO VACATE**
CYRUS ANDERSON	)	**TEMPORARY LEGAL CUSTODY**
	)	**AND DISMISS CHILD**
	)	**PROTECTIVE CASE**
A Child Under Eighteen	)	
Years of Age	)	

Good cause existing, and upon Petitioner's dismissal of its Petition, that it appears that it is in the best interest of the child for the Department of Health and Welfare to vacate its legal custody over the above named child, and dismiss the Child Protective Case.

WHEREAS, the State has dismissed its Petition and it appears to be in the best interest of the child, **IT IS HEREBY ORDERED** that the Department of Health and Welfare's Legal Custody is hereby vacated, and the Child Protective Case is hereby dismissed.

DATED May 4, 2022.

5/4/2022 2:41:17 PM

JUDGE

EXHIBIT M

Idaho Civil Jury Instruction (IDJI) 4.82

IDJI 4.82 – Elements of defamation – general case

INSTRUCTION NO. _____

In order to prove a claim of defamation, the plaintiff has the burden of proving each of the following elements;

1. The defendant communicated information concerning the plaintiff to others; and

2. The information impugned the honesty, integrity, virtue or reputation of the plaintiff or exposed the plaintiff to public hatred, contempt or ridicule; and

3. The information was false; and

4. The defendant knew it was false, or reasonably should have known that it was false; and

5. The plaintiff suffered actual injury because of the defamation; and

6. The amount of damages suffered by the plaintiff.

Comments:

See Carver v. Ketchum, 53 Idaho 595, 26 P.2d 139; Klam v. Koppel, 63 Idaho 171, 118 P.2d 729; Adair v. Freeman, 92 Idaho 773, 451 P.2d 519.

EXHIBIT N

Evidence disallowed in the Trial which proves that every claim Diego or Ammon made was true or something they believed to be true.

In section 93 of the Fourth Amended Complaint, St. Luke's Hospital makes the following claim: *"Defendants incited their followers by publishing patently untrue statements and providing direction to cause harm, including falsely stating the following:"*

The claims St. Luke's made in Section 93 are 100% false. St. Luke's simply lied as will be demonstrated below. However, since Judge Lynn Norton prohibited any evidence from being presented in favor of the defendants (violating their due process rights), the following evidences have never been seen by the court or by a jury. However, the informed public is well aware of each and every one of these evidences, as they have seen them online at StLukesExposed.gs as well as on other platforms.

LIST OF ALLEGED DEFAMATORY CLAIMS:

93 a. St. Luke's Parties were participating in a conspiracy to kidnap, traffic, sexually abuse, and kill children;
I (Diego Rodriguez) don't know if I ever used the word "conspiracy" or not, but it is still accurate to say that St Luke's parties were absolutely "participating" in a process that kidnaps children. That process is initiated by Child Protective Services, where children who have not been abused or abandoned by their parents are forcefully removed from their parent's custody and then taken to St. Luke's Hospital. Once they are at St. Luke's Hospital, St. Luke's is then compensated both directly and indirectly by the Idaho Department of Health and Welfare and/or through Medicaid or other government funds. The proof for this is the following:

1. St. Luke's has admitted this in their own complaint:

> 107. Medicaid covered the Infant's medical bills for both ER visits and admissions.
>
> Despite absence of insurance, the Infant's family does not have any outstanding balance due to St. Luke's. The Infant's family never paid anything for and owe nothing for the care the Infant received at St. Luke's, including the care received during the hospital stay March 1-4, 2022 which was initiated by the Infant's parents.

2. The *Idaho Child Welfare Act*[1] which exists as a response to the *Adoption Safe Families Act*[2] enacted in 1997 by the Federal Government (which was signed into law by Bill Clinton and championed by Hillary Clinton), makes funding available to hospitals and other institutions when children are forcefully removed from their parents (the

1 https://legislature.idaho.gov/statutesrules/idstat/Title16/T16CH16/SECT16-1602/
2 https://www.congress.gov/bill/105th-congress/house-bill/867 (the ASFA bill can also be seen as Exhibit H.

funds come from Social Security Title IV). So this is not unique to St. Luke's Hospital. In fact, nearly every allopathic hospital in the country likewise participates in this type of *government subsidized child trafficking operation*. So both the existence and provisions of the Idaho Child Welfare Act and the Adoption Safe Families Act (can be seen as Exhibit H) serve as public proof to the reality that hospitals like St. Luke's are compensated for participating in this forceful kidnap of children.

3. Baby Cyrus was illegally taken and his stay at St. Luke's Hospital was "not medically necessary" by the verbal admission of St. Luke's own doctor(s). If a child is illegally kidnapped, and it is not "medically necessary" for that child to be in St. Luke's care, then the *only conclusion is that St. Luke's is keeping children in their care for the compensation they receive*. See Exhibit G where it is proven that St. Luke's officials stated that Baby Cyrus's abduction and his subsequent retention at St. Luke's facilities was "not medically necessary" and that he was not in any "imminent danger."

93 b. St. Luke's Parties were running a child trafficking ring in order to profit from tax dollars;
Again, I (Diego Rodriguez), do not remember using the exact phrase or term, "running" a child trafficking ring. Nevertheless, I still know and believe that St. Luke's is actually participating in a "government subsidized child trafficking ring." That is a fact as proved above. The definition I am using for a "government subsidized child trafficking ring" is: *a group of entities and/or individuals who are involved in the forced kidnap of minor children and who are compensated by the government in the process.*

That is the definition of a "government subsidized child trafficking ring" and that is 100% exactly what St. Luke's Hospital is participating in. The statement was true in 2022 and it is still true today.

93 c. St. Luke's Parties were abusing and harming the Infant in irreparable ways;
Again, I don't remember making this statement in this exact way, however, it is a fact that St. Luke's Parties were harming the infant (Baby Cyrus). First of all, no sane individual would imagine that strangers, foster parents, social workers, and doctors whose medical errors are responsible for being the 3rd highest cause of death in America (see Exhibit F - John Hopkins University study showing that MEDICAL ERRORS from doctors and hospitals are the 3rd leading cause of death in the USA), are a better or safer environment for a 10 month old infant over his mother, father, and loving family. The 3 simple proofs of this are:

1. If St. Luke's cared about Baby Cyrus and did not want him harmed, they would have ensured Baby Cyrus was with his mother who could breastfeed him. Both the Meridian Police Department and St. Luke's Hospital knew that Cyrus needed his mother's breastmilk in order to eat, since his undiagnosed sickness (which Dr. Natasha Erickson was simply unable, through ignorance or incompetence, to diagnose), meant that he

would vomit everything that he ate with the exception of his mother's breastmilk. They simply refused to let Marissa, Cyrus's mother, stay with Cyrus to keep him nursed and healthy. This caused Cyrus harm, and *serious* harm at that.

2. Baby Cyrus was so poorly cared for in St. Luke's hospital that they left him with his face wallowing in a pool of his own vomit until he got actual burn marks on his face from this negligence:

Had Cyrus been with his parents, he never would have been abandoned and uncared for like he was with St. Luke's. Further evidence of this can be seen in Exhibit C, where St. Luke's nurse admits in the medical records that Baby Cyrus was left wallowing in a pool of his own vomit (i.e. "emesis").

3. Baby Cyrus likely contracted a C-DIFF infection while at St. Luke's hospital that is outrageously harmful and which took well over a year to finally eliminate. The evidence supporting this assertion can be found in Exhibit D.

93 d. St. Luke's Parties harmed and killed babies all the time;
This is absolutely true. Here are at least two examples of babies that St. Luke's killed through medical malpractice or general incompetence:

- Exhibit E - Testimony from retired Veteran, former police officer, and personal friend of the Anderson family, Ed Danti. In Ed's own words, *"13 years ago almost, my son died in that hospital [pointing to St. Luke's Hospital] at the age of 10 months old. So this affects me a lot harder. Being back here, I haven't been here since the day he died here. So I'm a little emotional about it, I apologize. He died, because he was having a routine surgery to remove a PICC line out of his heart, and the pediatric surgeon mis-threaded the catheter into his aorta and he bled out before she could repair it. So I know all too well what happens inside these walls."*

- Another article proving that St. Luke's kills babies through incompetence is here: "Medicine mistake kills child at St. Luke's in Twin Falls." https://www.idahostatesman.com/news/local/article41570394.html This article plainly states, *"A child has died at St. Luke's Magic Valley Medical Center after being given the wrong medicine, hospital staff said Friday in a press conference."*

So the claim made by the defendants was completely true.

93 e. St. Luke's Parties kidnapped the Infant and other children;
I (Diego Rodriguez) don't believe I have ever said that St. Luke's "kidnapped the infant and other children," as I don't even believe that. What I have said, and which is still true, is that St. Luke's *participates* in the kidnapping of children. The kidnapping itself, however, was done by the Meridian Police Department.

93 f. St. Luke's Parties were "moronic imbeciles" who neglected the Infant;
I (Diego Rodriguez) likewise don't remember saying this, but I have zero problem claiming it. I do believe that many employees and executives at St. Luke's hospital are moronic imbeciles. In particular, CEO Chris Roth is a moronic imbecile for caring more about money and his pocketbook than the lives and health of babies. Dr. Natasha Erickson is a moronic imbecile for using her position as a doctor to threaten families into compliance or face the wrath of CPS. She is also incompetent and unprofessional. Nurse Tracy Jungman is a moronic imbecile for being careless and shoving an exposed NG tube into Baby Cyrus's nose and gut without being sterilized, which we believe is the source of his C-DIFF infection.

So while I don't recall using the term "moronic imbeciles," I'll gladly claim it and add to it that St. Luke's parties are: evil, wicked, incompetent, inept, unprofessional, morally wrong, sinful, vile, dishonorable, corrupt, careless, diabolical, nefarious, horrible, and contemptible, while being willing participants in a government subsidized child trafficking operation.

And in America, I am free to say whatever I want about St. Luke's, particularly and especially because it is true.

93 g. St. Luke's Parties stole the Infant;
Again, I (Diego Rodriguez) don't believe I ever said this. I simply said that St. Luke's *participated* in the "Medical Kidnap" of Baby Cyrus. This is still true, since Baby Cyrus was forcefully kidnapped by the Meridian Police Department and then held at St. Luke's Hospital for multiple days against the wishes of Cyrus's parents. (See the definition of "kidnap" and "medical kidnap" in section 141(d) below.

93 h. St. Luke's changed the Infant into someone who was unrecognizable, lethargic, and unresponsive;
This is true, and the pictures prove it:

The picture above was taken after St. Luke's had possession of Baby Cyrus. He did not look or act like this BEFORE St. Luke's had him.

St. Luke's has no idea what this baby was like before he was kidnapped. It was Cyrus's mother, Marissa, who carried this baby in her womb for 9 months, and cared for him and nursed him for his entire life up to that point who made the statement that Cyrus was "unrecognizable, lethargic, and unresponsive." How dare St. Luke's act like they can determine whether or not Baby Cyrus was changed or not! Any decent human being will believe an infant's mother over greedy doctors and bureaucrats.

93 i. St. Luke's failed to keep the Infant clean;
This again, is completely true. Simply read the report where St. Luke's nurse admits to finding Cyrus in a pool of his own vomit ("emesis"), along with the picture to prove it (above). The following report and additional pictures can be found in Exhibit C:

Provider Communication by Jennifer Weatherford, RN at 3/14/2022 0245

PROVIDER COMMUNICATION

Reason for Communication: **Review Case/Status Update**
Time Communicated to Provider: **3/14/2022 2:45 AM**
Provider notified: **Natasha D. Erickson, MD**
This RN entered room at approximately 0245 to start next NG feed and found patient asleep with large amount of emesis on patient and blanket. Order to continue with next bolus feed and call if patient has another emesis.

Electronically signed by Jennifer Weatherford, RN at 3/14/2022 2:48 AM

Progress Notes by Jennifer Weatherford, RN at 3/14/2022 0628

Pt had supervised visit with parents x2 hours off unit. NG dislodged during supervised visit. Pt had emesis x2 after breastfeeding and had another emesis shortly after returning to floor. Held feeds for 1 hour. At 2300 Pt turning from bottle and gagging when bottle offered. NG replaced and feed ran per order. Pt tolerated feed until large emesis within 30 minutes of next feed. MD aware and order to continue with feeds as ordered.At 0230 Pt continued to turn from bottle and gag when offered. Feed gavaged and pt tolerated next feed with only small emesis. At 0600 feed patient eagerly took 20ml from bottle and then spit nipple out and turned away from bottle. The remainder of feed gavaged. Pt has had good uop this shift and consoles easily when held or swaddled.

Electronically signed by Jennifer Weatherford, RN at 3/14/2022 6:41 AM

Generated on 3/24/22 10:33 AM Page 189

93 j. St. Luke's caused the Infant "suspicious" bruising;
St. Luke's did cause suspicious bruising. Here is a picture to prove it:

You can clearly see the bruising on his little hands along with 4 prick marks, consistent with needle injections. These bruises and marks on his body were not there BEFORE

Baby Cyrus was medically kidnapped and taken to St. Luke's Hospital.

93 k. St. Luke's lied about the Infant's treatment;
The Anderson family *believes* that St. Luke's lied about the infant's treatment as they refused to give the medical records to the family, which is required by law. Cyrus's father (Levi Anderson) had to make a legal threat from the family lawyer in order to get the Medical Records and even then, St. Luke's delayed the production of the medical records for hours. Why? What were they doing, hiding, or attempting to change? Accessing medical records is as simple as pushing PRINT on a computer screen. The only logical reason for a refusal to provide medical records and then a delay would be because they were trying to conceal or cover up parts of the medical record in order to hide the realities of the treatment Baby Cyrus received.

93 l. St. Luke's Parties vaccinated the Infant against the family's wishes;
Nobody ever said this. What we did say was that we were worried that they could vaccinate Baby Cyrus. And we still have no idea if he was vaccinated or not. He has pricks on his hands (as seen in the picture above in section 93 j.) consistent with vaccine injections. And since the medical records were not immediately delivered to the family, we have no way of knowing if records of vaccine injections were removed or covered up by St. Luke's parties who feared further legal action from the Anderson family.

93 m. St. Luke's Parties were "medically negligent";
They were medically negligent. They left Baby Cyrus in a pool of his own vomit. They refused to listen to the child's mother who needed to be with Cyrus to feed him! According to Legal Match, the legal definition of "medical negligence" is:

> *The incorrect, careless, or negligent treatment of a patient by a medical professional is known as medical negligence. This may involve careless behavior on the part of a nurse, doctor, surgeon, pharmacist, dentist, or other medical personnel.*[3]

According to the American Bar Association, the term "medical malpractice" is defined[4]:

> *What is medical malpractice? Medical malpractice is negligence committed by a professional health care provider—a doctor, nurse, dentist, technician, hospital or hospital worker—whose performance of duties departs from a standard of practice of those with similar training and experience, resulting in harm to a patient or patients.*

3 https://www.legalmatch.com/law-library/article/what-is-medical-negligence.html
4 https://www.americanbar.org/groups/public_education/resources/law_issues_for_consumers/everyday-law0/health_care/personal_injury/medical_malpractice/

If a child can only feed from his mother's breastmilk, then it is by definition, medically negligent, to prevent that child's mother from being with her child 24/7 in order to ensure the child lives and thrives. Additionally, if health care "professionals" can leave an infant child with symptoms of continuous vomiting, alone in a bed to wallow in his own vomit, where he could easily choke on his own vomit and die, that is the quintessential example of "*incorrect, careless, or negligent treatment."* So yes, St. Luke's hospital was medically negligent with Baby Cyrus!

93 n. St. Luke's was "world famous" for "mistreating people," "killing people," and "stealing babies from their parents";
It is true that there are hundreds, if not thousands, of people who will tell you their horror stories regarding their treatment at St. Luke's. In fact, after Baby Cyrus was kidnapped, I (Diego Rodriguez), had conversations DAILY with people telling me their horror stories. In nearly every case, people were afraid to speak out because of the retaliation they feared receiving. Or, it was just too costly to try to fight back against St. Luke's, who has an inordinate amount of power and influence in Ada County. So yes, in that sense, St. Luke's *is* famous for mistreating people and if the trial would have been allowed to continue properly and legally, we could have had dozens of witnesses take to the stand to describe the horrible treatment they received at the hands of St. Luke's. But, that was not permitted by Judge Lynn Norton.

As far as "killing people," we have already provided evidence for that in section 93d above. And as for "stealing babies all the time," this again is in reference to them participating in the government subsidized child trafficking system, where conscienceless police officers kidnap children and then turn them over to St. Luke's Hospital who is then compensated by the government. Those are all facts and are not disputed.

93 o. St. Luke's forced the Infant to take "toxic poison" which was then allowed to stay in the Infant's body for days;
This statement is improperly represented. What I (Diego Rodriguez) said was that St. Luke's forced the infant to take a barium contrast test, which can be dangerous and even deadly. Yes, barium contrast tests are commonly used tools in the medical field, but just because something is commonly used that doesn't make it safe. Vaccines are just one example of something that is commonly used that are remarkably ineffective and dangerous. Chemotherapy is another example of something that is toxic and poisonous and likely kills more people than it helps. But, it is commonly accepted. So something can be simultaneously accepted by the medical community and also toxic and/or dangerous for humans.

In the case of the barium contrast test, it appears again to be something that St. Luke's used simply to gain more revenue since they did not care to learn from Cyrus's parents about what they had already tried, and what Baby Cyrus's medical history already

was. They just went on to order every test imaginable, using Cyrus like an ATM card, while literally scanning a barcode on his wrist, like a clerk at the Walmart checkout, and ordering test after test after test, most of which would have been entirely unnecessary had Dr. Natasha Erickson bothered to actually listen to Cyrus's parents regarding Cyrus's history.

According to the National Institute of Health, in their article describing, "Contrast Agent Toxicity" they state the following:

> *Contrast toxicity occurs when the substances used as contrast agents - iodine, barium, gadolinium, or microbubbles as mentioned above - cause harmful effects to organic tissues. Toxicity may occur when the health history of a patient is not fully understood, especially regarding allergies, cardiac conditions, or renal disease. Special populations including pregnant women, breastfeeding women, and patients taking metformin also merit further consideration of possible injury from contrast use. Radiologists performing contrast-enhanced imaging frequently do not know the patient well and must rely on a referring physician's judgment or a time-limited informed consent process to assess the appropriateness of the requested study.*[5] [emphasis added]

Additionally, the Center for Disease Control published a report, "Barium Toxicity After Exposure to Contaminated Contrast Solution" which stated the following:

> *Barium-containing contrast solutions are commonly used in radiologic studies. On May 22, 2003, three patients at radiology clinics in Goias State, Brazil, were hospitalized after ingesting such solutions; two persons died within 24 hours of hospitalization. Exposure occurred during radiologic examination of the upper or lower gastrointestinal tract. An investigation was conducted by municipal and state public health authorities with assistance from the Ministry of Health's National Agency for Sanitary Surveillance (ANVISA) and Brazil's Field Epidemiology Training Program (FETP), known locally as EPISUS. This report summarizes the results of that investigation, which found that 44 persons had suspected barium toxicity (Figure), nine of whom died. Eight of the nine deaths were linked to a single lot of brand A contrast solution. A national recall was announced on May 23, and the manufacturing facility was inspected and closed. Clinicians should be alert for signs of barium toxicity in patients in the hours after administration of contrast solutions during radiologic studies.*[6] [emphasis added]

So the point is simple and obvious, barium contrast tests can be dangerous and/

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5 https://www.ncbi.nlm.nih.gov/books/NBK537159/
6 https://www.cdc.gov/mmwr/preview/mmwrhtml/mm5243a5.htm

or toxic, and St. Luke's forced a barium contrast on Baby Cyrus without his parent's consent. Again, the statement made by the defendants was ABSOLUTELY TRUE.

93 p. St Luke's Parties changed and falsified information in the medical records to protect themselves;
Again, we never stated that we knew that St. Luke's changed and falsified information, only that we believe that they could have, and believe that it is likely that they did, simply based on St. Luke's suspicious handling of Levi and Marissa's request for Cyrus's medical records (see above in response to 93k).

93 q. Mr. Roth was guilty of criminal accessory of child abduction and deprivation of rights under color of law;
I (Diego Rodriguez) never said this. And I don't know if Ammon said this or not. But it certainly sounds like a reasonable charge to me since Mr. Roth, as the Chief Executive Officer of the hospital, could have moved quickly to have Cyrus returned to his parents. Instead, he chose to do everything possible to keep Cyrus and to maximize the compensation that St. Luke's would receive from him.

93 r. Mr. Roth personally profited from the pandemic;
This is a quite notable fact. According to Health Leaders, St. Luke's hospital received over 31 million dollars in CARES ACT funding from the pandemic.[7]

RECEIVED BETWEEN $30M TO $39M:

- Lehigh Valley Hospital, $39,417,817
- UCSD Medical Center, $39,206,024
- Norton Hospitals Inc, $38,967,185
- University Of Utah, $38,704,232
- The Methodist Hospital, $38,406,580
- Prisma Health-Upstate, $38,182,241
- Rush University Medical Center, $37,087,688
- Montefiore Medical Center, $36,893,063
- Vanderbilt University Medical Center, $36,417,034
- The University Of Chicago Medical Center, $35,925,481
- Christiana Care Health Services Inc, $35,618,488
- West Penn Allegheny Health System, $35,351,987
- SSM Health Care St Louis, $34,931,468
- State University Of Iowa, $34,754,656
- Nyu Winthrop Hospital, $33,812,553
- Trustees Of The University Of Pennsylvania, $33,309,540
- Fresno Community Hospital And Medical Center, $33,030,945
- Nationwide Children'S Hospital, $32,311,564
- North Shore University Hospital, $32,183,293
- Barnes Jewish Hospital, $31,699,737
- St Lukes Regional Medical Center, $31,407,620
- Fairview Health Services, $31,383,885
- Northshore University Healthsystem, $31,236,704
- Swedish Medical Center, $31,201,140
- University Of Alabama At Birmingham, $30,968,283

7 https://www.healthleadersmedia.com/finance/see-which-providers-received-most-cares-act-relief-fund-payments

Of course, this was just the first wave of funding, and it was only direct funding. There were more federal funds opened up to hospitals like St. Luke's as a result of the pandemic.

According to the Paddock Post, Chris Roth's annual compensation as of June 4th, 2021, was $801,517[8]. By the end of 2022, after CARES ACT funds had been disbursed to St. Luke's hospital, and according to GiveFreely.com, Chris Roth's compensation had increased to $1,269,840 in annual compensation[9]. That is an increase of $468,323 or a 58% increase in compensation.

Most recently, according to Pro Publica, Chris Roth's compensation at the end of 2023 has ballooned to a whopping $1,635,112[10]. That's a 204% increase since the pandemic started. Not bad for a "non profit organization," eh? This is particularly troublesome considering the amount of layoffs that St. Luke's has had recently claiming financial troubles[11], while they have spent over $700,000+ on legal fees fighting this baseless SLAPP suit against us, and while their Chief Executive Officer has seen a personal compensation increase of over 200%!

Furthermore, money earned by St. Luke's hospital is synonymous with money earned by Chris Roth, since his compensation plan is directly connected to the revenue of St. Luke's Hospitals.

So yes, Chris Roth absolutely benefited and profited off of the pandemic both directly and indirectly, particularly from CARES ACT funds. The case could further be made that he likewise profited from the manipulation of his staff and the public during the COVID era, when employees were fired for not getting vaccinated and other treacherous acts, which St. Luke's profited from, were taken.

93 s. Dr. Erickson was responsible for the Infant's kidnapping;
This is true. The reason why Dr. Erickson was at least *partly* responsible for the kidnapping of Baby Cyrus is because it was her actions that set off the entire train of events that lead to Baby Cyrus's kidnapping. Consider the following:

- It was Dr. Natasha Erickson who first threatened to call CPS if Levi and Marissa did not obey her.
- It was Dr. Natasha Erickson who set up Levi and Marissa with their appointment with Nurse Aaron Dykstra of Functional Medicine of Idaho. In fact, the medical records show that Nurse Dykstra and Dr. Erickson were in communication after the

8 https://paddockpost.com/2021/06/04/executive-compensation-at-st-lukes-health-system-boise-id/
9 https://givefreely.com/charity-directory/nonprofit/ein-562570681/
10 https://projects.propublica.org/nonprofits/organizations/820161600
11 https://www.idahostatesman.com/news/business/article272296353.html https://idahocapitalsun.com/briefs/st-lukes-cuts-2-of-workforce-as-covid-relief-wanes-but-costs-remain-high/ https://boisedev.com/news/2023/02/08/st-lukes-job-cuts/ https://newsradio1310.com/st-lukes-layoffs23/

appointments were made.
- Nurse Aaron Dykstra is the one who made the final call to CPS after Marissa canceled her appointment for the weigh-in of Baby Cyrus.

If Dr. Erickson would not have been an incompetent doctor, Baby Cyrus's condition of "cyclic vomiting syndrome" could have been diagnosed properly and none of the rest of the kidnapping would have happened.

If Dr. Erickson would not have been a horrible doctor who threatens innocent families with CPS intervention when she doesn't get her way or doesn't like the choices that families make, then none of this would have happened.

It can be surmised (though not proven until testified about in the courtroom), that Dr. Erickson was the one who goaded Aaron Dykstra to call CPS since she is the one who set up the appointment with Nurse Dykstra in the first place and was also in contact with him after the fact.

93 t. Dr. Erickson participated in kidnapping "hundreds of children" with the help of a judge;
This certainly is and was possible, but only God knows because St. Luke's refused discovery on the matter, and Dr. Erickson was never questioned under oath in a courtroom. I, Diego Rodriguez, do believe that she has undoubtedly participated in the kidnapping of hundreds of children simply based on her behavior.

When Levi and Marissa were with her, she became hostile towards them because they did not follow the vaccine schedule that is known to cause harm to children (though still fully accepted by hospitals and doctors who profit off of such vaccines). *Dr. Erickson's immediate reaction was to threaten to call CPS* (see Exhibit A for the affidavit attesting to this fact, along with section 141g below). This type of immediate reaction was like a reflex for Dr. Erickson, which lets me know that it is a reaction she has given repeatedly and habitually for as long as she has been a doctor. There is simply no doubt in my mind that this amounts to hundreds of children kidnapped over the course of her career.

93 u. The Infant "possibly could lose his life because of the decisions of people [at St. Luke's] who don't even care" about the Infant;
This is and was absolutely accurate and true. Baby Cyrus was sick and nobody disputes that. He was vomiting sometimes hundreds of times in a single day. This was the cause of him being "underweight," and the only way to keep Cyrus nourished enough was through his mother's own breastmilk. Keeping Cyrus away from his mother which was his only source of nourishment could have easily caused Cyrus's death.

Additionally, St. Luke's was not properly attending to him. Cyrus was left to wallow in

a pool of his own vomit. He could have easily choked and drowned in his own vomit due to St. Luke's incompetence. The fact that they left him alone in his own vomit is enough to demonstrate that they don't care about him, and they definitely don't care about him as much as his own family!

93 v. The hospital made the Infant "more sickly";
This is a fact that has already been substantiated in response to both 93h and 93i above.

93 w. Followers should put "physical pressure" on those "that are causing the problem";
I, Diego Rodriguez, do not remember making this statement and unless a video could be provided demonstrating that I actually said it, I would simply not believe it because it is not the type of phrase or vocabulary that I use. Regardless, if such a phrase was ever used by any person, at any time, it is not a "defamatory" or "libelous" statement.

93 x. Followers should disrupt St. Luke's operations by protesting, calling in, donating money, making noise, and giving the hospital "hell";
I don't know who, if anybody, made this statement, but there is not a single defamatory statement made in this claim. Protesting is not defamatory, calling in is not defamatory, donating money is not defamatory, making noise is not defamatory, and "giving the hospital hell" is not defamatory.

93 y. God should "crush the necks of those that are evil."
I (Diego Rodriguez) don't remember saying this, and it is not the type of saying I typically use, so I highly doubt that I said it as quoted. Nevertheless, I like the way it sounds and I am happy to claim it. Therefore, I will happily say today that I certainly hope that God would "crush the necks of those that are evil." And by that I mean to say that I hope and pray that God would execute justice on every evildoer in this case. We, as believers in Christ Jesus, do not believe that we have the authority to take vengeance into our own hands. Truly, vengeance belongs to God and Him alone:

Romans 12:19 "Dearly beloved, avenge not yourselves, but rather give place unto wrath: for it is written, Vengeance is mine; I will repay, saith the Lord." (KJV)

So while my faith teaches me that I may not take vengeance into my own hands, I can still pray that justice would be done and that God would see to it that every evil person would have "their necks crushed" by the hand of justice according to God's will. If that means that they all end up in prison, then so be it. A prison sentence for those responsible is undoubtedly acceptable in a case like this. Of course, God himself has already judged kidnappers as being worthy of death:

Exodus. 21:16 *"Anyone who kidnaps another and either sells him or still has him when he is caught must be put to death." (NIV)*

The second set of defamatory claims were listed under section 141 of the Fourth Amended Complaint as follows:

141 a. Defendant Rodriguez falsely and publicly accused St. Luke's of being "world famous" for "mistreating people," "killing people," and "stealing babies from their parents."
The evidence and response to this claim was already answered above in section 93n.

141 b. Defendant Rodriguez falsely and publicly accused St. Luke's of forcing the Infant to take "toxic poison."
The evidence that this is true was already referenced above in Section 93o. Most specifically, the toxic poison that Defendant Rodriguez was referring to was a barium contrast which has been shown to be dangerous and toxic. Additional proof can be seen here:

- https://www.ncbi.nlm.nih.gov/books/NBK537159/
- https://wellwisp.com/side-effects-of-barium-ct-scan/
- https://my.clevelandclinic.org/health/drugs/19502-barium-sulfate-oral-suspension
- https://www.cdc.gov/mmwr/preview/mmwrhtml/mm5243a5.htm

141 c. Defendant Rodriguez falsely and publicly accused Plaintiffs of participating in an organized crime ring and "harming" the infant.
The proof that the Plaintiffs participated in a government subsidized child trafficking ring has already been noted above in Section 93a and 93b. It should be noted that the term defendant Diego Rodriguez has used is not an "organized crime ring," rather, a "government subsidized child trafficking ring." And the definition for a "government subsidized child trafficking ring" being used is: *a group of entities and/or individuals who are involved in the forced kidnap of minor children and who are compensated by the government in the process.*

141 d. Defendants falsely and publicly accused Plaintiffs of kidnapping children.
As noted in Sections 93a and 93b above, it is true that defendants accused Plaintiffs of "participating" in the kidnap of children; most specifically, in the "medical kidnap" of children. But this accusation is demonstrably true, and the Plaintiffs do participate in kidnap and/or "medical kidnap" on a regular basis.

In actuality, there is NO DISPUTE as to whether or not the Plaintiffs participate in this process. The dispute is simply over the fact that the Plaintiffs don't like this process being called "medical kidnap" or "kidnapping." But the fact that they are compensated

by the government when children, who were taken by force from their parents, are then taken to St. Luke's hospital(s) for review and/or "care" is not disputed. This is a fact that even St. Luke's admits to. The dispute is over the description of this act as "medical kidnap" or "kidnap." By the definition used repeatedly by Defendants, what St. Luke's is doing is clearly "medical kidnap."

In fact, the definition of the word "kidnapping" according to the Global Legal Lexicon[12] is as follows:

> *n. the taking of a person against his/her will (or from the control of a parent or guardian) from one place to another under circumstances in which the person so taken does not have freedom of movement, will, or decision through violence, force, threat or intimidation.*

This description perfectly fits what happened to Baby Cyrus and the action in which St. Luke's participated in. So, the accusation by defendants Diego Rodriguez and Ammon Bundy are demonstrably true.

As described on the website, MedicalKidnap.com, the term "medical kidnapping" is defined as:

> *Medical kidnapping is defined as the State taking away children from their parents and putting them into State custody and the foster care system, simply because the parents did not agree with a doctor regarding their prescribed medical treatment for the family."*[13]

Attorney Kevin Patrick Seaver, who is a specialist in law concerning Child Protective Services, defines Medical Kidnapping as follows[14]:

> *What is Hospital Medical Kidnapping and Why Does it Occur?*
> *Hospital medical kidnapping is a grave concern for families, especially those whose children have faced abuse. This term refers to situations where doctors and other medical professionals in hospitals keep children against the parents' wishes, often leading to long, stressful separations.*

In fact, the Idaho State Statute regarding "kidnapping says the following:

> 18-4501. Kidnaping defined. Every person who wilfully:
> 1. Seizes, confines, inveigles or kidnaps another, with intent to cause him, without authority of law, to be secretly confined or imprisoned within this state, or to be sent out of this state, or in any way held to service or kept or detained against his will; or,

12 https://legaldictionary.io/kidnapping
13 https://medicalkidnap.com/2016/03/02/medical-kidnapping-a-threat-to-every-child-in-america-today/
14 https://seaverdcflawyer.com/hospital-medical-kidnapping/

2. Leads, takes, entices away or detains a child under the age of sixteen (16) years, with intent to keep or conceal it from its custodial parent, guardian or other person having lawful care or control thereof, or with intent to steal any article upon the person of the child; or,
3. Abducts, entices or by force or fraud unlawfully takes or carries away another at or from a place without the state, or procures, advises, aids or abets such an abduction, enticing, taking or carrying away, and afterwards sends, brings, has or keeps such person, or causes him to be kept or secreted within this state; or,
4. Seizes, confines, inveigles, leads, takes, entices away or kidnaps another against his will to extort money, property or any other thing of value or obtain money, property or reward or any other thing of value for the return or disposition of such person is guilty of kidnaping.

This is an exact description of what took place with Baby Cyrus! Cyrus was seized at the point of a gun, without authority of law (as already proven with the evidence provided in Exhibit B - list of laws broken by Meridian Police Department in the kidnapping of Baby Cyrus, along with the evidence provided that Baby Cyrus was never in "imminent danger" in Exhibit G); Cyrus was a child under the age of sixteen years, and he was kept from his parents within the state of Idaho; and St. Luke's aided and abetted in this process, and they did so against the will of Cyrus's parents in order to extort money or to obtain money from the government. This is 100% exactly, the perfect definition of what happened.

141 e. Defendants repeatedly told their followers and supporters to disrupt St. Luke's operations by protesting, calling in, donating money, and making noise. Followers heeded these commands, resulting in serious threats to Plaintiffs.
Even if this were true, as noted in 93x above, none of the above mentioned actions, are defamatory or libelous. Therefore this argument and claim should be considered superfluous and irrelevant.

141 f. Defendant PRN published a wanted poster featuring a headshot of Mr Roth with the caption: "WANTED: Chris Roth, President/CEO of St. Luke's." Under the headshot, the website falsely accused Mr. Roth of "Criminal accessory of child abduction and deprivation of rights under color of law." Defendants encouraged protestors to make signs using this image.
This has already been responded to in section 93q above.

141 g. Defendant FMP published a list of pictures under the heading: "Main People Responsible for Baby Cyrus's Kidnapping." Dr. Erickson's picture was the first on the list. FMP then falsely stated that Dr. Erickson "was the first to call CPS" and accused her of being "the initial trigger that got everything started."

FMP later added NP Jungman to the list.
Dr. Natasha Erickson is definitely one of the main people responsible for Baby Cyrus's kidnapping. And she was definitely the first person to threaten to call CPS. This has already been established by the signed and notarized affidavit of Marissa and Levi Anderson, Baby Cyrus's parents.

Additionally, although Dr. Natasha Erickson feverishly denies making any threat to contact CPS or having made any contact with CPS, she plainly recorded in her own medical notes that she did make such a threat:

Assessment & Plan Note by Natasha D. Erickson, MD at 3/1/2022 1839

10 month old male admitted with failure to thrive and recurrent episodes of vomiting. He is severely malnourished. Initially mother's milk supply was reported to be good, but it is dwindling. I suspect that perhaps milk supply has been more diminished than mother has perceived given the severity of the patient's malnutrition. With the changing history of where the patient has reportedly received care, I am concerned that the patient's history is also unclear and he may have been struggling with weight issues for longer than formerly appreciated. I am unable to obtain any growth curves and it appears the patient never had a newborn screen.
He continues to have some vomiting, but it is intermittent. His weight is up today, but this may reflect fluids that were initially given, particularly since the patient has not been on full calorie feeds. Refeeding labs are reassuring today.

It is quite clear the patient is going to need NG feeds for an extended period of time, in addition to close PCP follow up, outpatient home nursing, feeding therapy, etc. I have discussed the patient with his PCP, Nadia Kravchuk, NP, who also expressed a high level of concern for the severity of malnutrition. She stated that she is not comfortable managing outpatient NG feeding for an infant. However, she has referred to her practice partner who has much more experience with such issues, including placing NG feeds on infants. The patient is scheduled to see Aaron Dykstra on Monday.

The patient's thyroid studies are suppressed. I have discussed this with peds endocrinology. It is possible that he is euthyroid sick due to his severe malnutrition. However, suppressed TSH and free T4 could also suggest central hypothyroidism.

Given the patient has not had any significant monitoring for development, it is possible that there is an underlying medical disorder resulting in the patient's failure to thrive. However, prior to pursuing what could be a very extensive (and possibly unfruitful, let alone expensive) evaluation, would like to continue to advance tube feeds and monitor weight gain, particularly since the majority of cases of failure to thrive is due to insufficient caloric intake.

I have had several conversations with the family today that the patient should remain hospitalized while we continue to work on feeds and monitor for weight gain. I would not recommend discharge today and leaving AMA would result in a CPS referral. Family states they are willing to stay as long as needed. Appreciate social work seeing the family.

FEN/GI: Continue NG feeds. Will advance to goal calories today. May do breastmilk or nutramigen. Will not fortify feeds at this time, but this may be needed, particularly if the patient appears to be volume sensitive. Will begin to arrange home tube feeding supplies, appreciate PCC assistance. Recheck CMP, Phos tomorrow to monitor for refeeding syndrome.

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Natasha Erickson has simply perjured herself when she claimed to have never threatened to call CPS on Levi and Marissa for refusing to go along with her. "AMA" in this context means "against medical advice." Natasha Erickson was stating that if Marissa and Levi went against her medical advice, that would "result in a CPS referral." In fact, the Court Transcript shows that Dr. Erickson had the following exchange with Holland and Hart attorney, Erik Stidham (on pages 974-975):

Q. And can you read, you know, near that "donate" button, can you read the text there, Dr. Erickson?

A. It says, "Natasha Erickson, St. Luke's Doctor. (She was the first to treat Marissa and Levi with hostility because Cyrus was unvaccinated and because they asked to leave St. Luke's after Cyrus got his IV and was rehydrated. She threatened to call CPS if they decided to leave early, so Levi and Marissa stayed (under threat). In spite of the fact that they stayed, the next day CPS came to "interview" Marissa — putting Marissa and Levi on "watch" with CPS. This was the initial trigger that got everything started.)"

Q. Is any of that true?

974

A. No.

When Dr. Natasha Erickson answered “no” to the question, “is any of that true?” she was stating, under penalty of perjury that she did not threaten to call CPS if Marissa and Levi left early or rejected her advice. She has repeated on numerous occasions in the case record, that she “never” made any contact at all with CPS. And she stated it again here under oath, under penalty of perjury.

Yet, her own medical records BETRAY HER, as she plainly stated that she told Levi and Marissa that if Marissa and Levi went against her medical advice, that would “result in a CPS referral.” Additionally, Marissa and Levi have claimed from the outset of this case, that Dr. Erickson did in fact, make this specific threat, and they have signed an affidavit (Exhibit A) attesting to it. So, Dr. Erickson’s own medical records and Levi and Marissa’s testimony all agree—*Dr. Erickson definitely threatened to call CPS!*

Finally, in another medical record, even though Dr. Natasha Erickson has gone on

record in this case as saying she has never had any contact with CPS regarding Baby Cyrus, the medical report (page 161 of the medical record) likewise indicates that she did, in fact, make the referral to CPS:

Situation: Cyrus Anderson is a 10 m.o. male who was admitted for failure to thrive. Social work consult from Natasha D. Erickson, MD for failure to thrive, ward of the state.

	03/12/22 1751
Referral Data	
Referral Source	Provider
Referral Name	Natasha D. Erickson, MD
Reason for Consult	Other (Comment) *(failure to thrive, ward of the state)*

141 h. Defendant Rodriguez falsely and publicly stated that Dr. Erickson "had a panic attack and literally sent a CPS worker or social worker to [Rodriguez's] daughter's hospital room to interview her."

Having a "panic attack" in this context, was evidently a figure of speech. Nevertheless, it is true that after Dr. Natasha Erickson had threatened to call CPS, a CPS social worker did show up to interview Marissa. That is likewise noted in the Medical Records. So, people with common sense put two and two together. On one day, you get threatened with a visit from CPS, and then afterwards, a CPS social worker does, in fact, show up to interview you. So the obvious and natural conclusion is that the doctor who threatened to call CPS was the same doctor who contacted CPS.

141 i. Defendant Rodriguez falsely and publicly stated that Dr. Erickson is incompetent at her profession, stating the "hospital doesn't understand even the basic common-sense things that anybody understands."

I (Diego Rodriguez), do in fact, believe that Dr. Erickson is absolutely incompetent at her job for at least the following four reasons:

1. She refused to listen to Levi and Marissa and their history with Baby Cyrus and was more interested in getting Cyrus on their standard allopathic treatment protocols. It is incompetence for a doctor to ignore the history of an infant child from the experience of the parents.
2. Her hostility towards parents who refuse vaccines demonstrate a lack of critical thinking skills necessary for medical competence.
3. Her use of physical threats, by way of CPS, demonstrate total incompetence and an inability to deal with informed parents who question her. Competent doctors do not have to resort to threats of force or violence.
4. Her absolute inability to ever properly diagnose Cyrus even after having him under her "care" on two separate occasions for multiple days demonstrate a total lack of professionalism and competence. Cyrus has now been properly diagnosed with "Cyclic Vomiting Syndrome," by several other medical professionals, including MDs who were not medically incompetent like Dr. Natasha Erickson was.

141 j. Defendants FMP and Rodriguez published the false statement that experts at St. Luke's "harm and kill babies all the time." This false accusation is intended to defame doctors at St. Luke's including Dr. Erickson.
This is a true statement and has already been responded to above in section 93d above.

141 k. Defendant Bundy falsely and publicly accused Judge Fortier of taking "hundreds of children.. with this Doctor Natasha D. Erickson."
It is true that Judge Fortier has been one of the primary judges responsible for the illegal and improper abduction of healthy children from innocent families. The case of Baby Cyrus is not unique in that sense. In fact, according to Idaho's published statistics, the state of Idaho takes an average of 4 children away from their families on a daily basis. According to the Children's Bureau (an office of the Aministration for Children and Families), their own internal auditing demonstrates that 83.3% of all children taken from their families were "found to be nonvictims of maltreatment." In other words, 83.3% of the time, when children are taken from their parents, it was for no reason at all[15]. The parents were innocent. It was simply a scam.

Children's Bureau
An Office of the Administration for Children & Families

> More than half (54.5 percent) of referrals were screened in for investigation or assessment by CPS agencies in the 45 States that reported statistics for both screened-in and screened-out reports. Approximately one-fifth (16.7 percent) of the children investigated were found to be victims of abuse or neglect—a rate of 8.9 per 1,000 children in the population. The remainder of the children investigated (83.3 percent) were found to be nonvictims of maltreatment or received an alternative response. The following, also illustrated in figure 1, are additional details about the dispositions of the investigations (duplicate count):[4]

Nevertheless, hospitals, doctors, police agencies, and dozens of other institutions were all compensated during the process. Whether Judge Laurie Fortier is somehow compensated behind the scenes remains to be known. But it is very suspicious that her lesbian lover is Laurie Thompson, who is the "Bureau Chief Facilities Standards" at the Idaho Department of Health and Welfare (IDHW). This means that Laurie Thompson is the person at the IDHW who is responsible for ensuring that the money that is made available by the federal government, specifically by the ASFA act, is in fact received by proper compliance with the federal law.

15 https://freedomman.gs/pdf/CPS-Maltreatment.pdf

So the woman who is responsible for ensuring that the IDHW gets paid for children taken by CPS is the lesbian lover to a woman who is responsible for legally justifying taking those same children away from their parents.

That is very suspicious at the least and it should be investigated. (For more information see: *Laurie Fortier and Laura Thompson: a Tale of Idaho's Lesbian Power Couple at the Heart of Child Trafficking* (https://freedomman.gs/cyrus/kidnappers/laurie-fortier-laura-thompson/)

141 l. Defendants FMP and Rodriguez published the false statements that NP Jungman "personally financially benefitted from this Child trafficking" and that she "takes innocent little children that have just been ripped from their families and starts looking at and asking them about their privates."
It is true that everyone involved somehow benefits personally even if it is simply through their own salary. If they work for a company who financially benefits (like St. Luke's), then by extension, they are likewise benefiting since their salary comes from the beneficiaries.

And yes, it is true, that NP Jungman does look at children's privates. It's part of her job. As a nurse with *Faces of Hope* and *St. Luke's CARES*, it is part of her job to take children and examine their private parts in order to allegedly look for evidence of rape or other sexual activity. While on the witness stand, NP Jungman never denied the fact that she looks at children's privates nor that she talks to these children about their privates. St. Luke's attorneys were very careful to avoid asking that question, and since Judge Norton prohibited our participation, there was no opportunity to cross examine her and get her answer on the record. But it is a simple matter of common, every day protocol—that is what nurses at Faces of Hope and St. Luke's CARES do every day.

141 m. Defendants FMP and Rodriguez published a false statement implying that NP Jungman commited "medical malpractice."
Detective Jeff Fuller from the Meridian Police Department told the Anderson family that he was declaring Baby Cyrus in "imminent danger" based on what Nurse Tracy Jungman had told him. We've already established that he had no legal right to declare Baby Cyrus in "imminent danger" in Exhibit G — proof that baby Cyrus was never in "imminent danger."

However, it was Detective Fuller who relayed to the Anderson family that Nurse Jungman was the medical authority who diagnosed Cyrus over the phone and gave him the necessary justification to falsely declare Cyrus to be in "imminent danger." The other detective on site, Detective Hansen, made a similar declaration in his actual police report regarding the incident:

Contact with Tracy Jungman (NP-CARES):

A short time later, myself and Detective Fuller made contact with Tracy, who was looking over the medical records for Cyrus. Tracy advised us the following in summary:

Admin	
Officer(s) Reporting	Ada No.
Det. Steven Hansen	**3534**
Approved Supervisor	Ada No / Approved Date
Sgt. Chris Figal	**3128** / **03/15/2022 10:16**

Meridian Police Department
Supplemental Report

RD: **769** DR# **2022-1535**

1. Incident Topic	2. Subject/Victim's Name	
CHILDREN-INJURY TO CHILD IMMINENT DANGER	ANDERSON, CYRUS	
3. Address		**4. Phone**
1876 E ADELAIDE DR , MERIDIAN		
5. Date Occurred	**6. Time Occured**	**7. Route To** / **8. Division**
03/01/2022	15:00	COUNTY PROSECUTOR, DETECTIVE, ADA IMMINENT DANGER PA / CID

Cyrus presented at the hospital on March 1, 2022 due to throwing up and not being able to eat. It was documented Cyrus was under the 2nd Percentile in weight and was failing to thrive. Cyrus presented at the hospital with a weight of 6.38kg. On March 4, 2022, when Cyrus was discharged, he weighed 6.545kg. Tracy advised it was clear, under supervision, the child would eat with no problems and was easily able to gain weight.

On Monday, 03-07-2022, Cyrus presented at Functional Medicine of Idaho to see Dr. Dykstra. Cyrus presented at the weight of 6.51kg, which means he lost 35grams in a period of three days. Dr. Dykstra documented this was concerning, however decided to schedule another weight check appointment for 03-11-2022, of which Cyrus never showed up for. Due to concerns of weight loss, Dr. Dykstra called in the H&W Referral.

Tracy advised there were concerns about both Marissa and Levi being more worried about insurance and how they were going to pay for Cyrus's treatment documented in the medical records. Tracy advised both Marissa and Levi were also threatening to leave even though Medical Doctors were advising against it due to sever Medical need. Tracy also advised upon discharge, Marissa and Levi were given a feeding tube for Cyrus and provided In Home Health for the 5th and 6th of March. Tracy advised Home Health documented multiple attempts were made to contact Marissa and Levi, however they failed to call them back or cooperate with the service.

Tracy advised there are significant concerns for Cyrus due to his status less than a week ago. Constant weight loss of this nature could easily cause chronic brain and organ malfunctions. This could eventually lead to Kidney Failure, which would ultimately cause death.

Any and all statements made about Nurse Jungman were made based on first hand experience that the Anderson family had with Nurse Jungman or any other information we received at the time and believed to be true (as noted above).

141 n. Defendant Rodriguez falsely stated that St. Luke's was involved in kidnapping the Infant for profit.

As already referenced multiple times in at least section 93a and 93b.

141 o. Defendant Rodriguez stated that St. Luke's is connected to a medical mafia.
The term "medical mafia" is a figure of speech and one that is meant to not only infer, but explicitly state that St. Luke's Hospital does not act in the best interests of its customers/patients; rather, it makes decisions based on profit. And that many institutions and entities, including "Big Pharma" companies, and others with vested profit interests in keeping people sick, all work together to maximize their own profits. I am not the only one to believe this nor state this—in fact, multiple documentaries and books from both researchers and investigative reporters have published the same conclusions over the course of several decades now.

Not only did I believe that statement or any similar statement when, and if, I ever said it, but I still believe it to this day. The evidence is overwhelming—nobody with an open mind and honest heart could believe otherwise.

141 p. Defendant Bundy falsely stated that Dr. Erickson misdiagnosed the Infant.
Dr. Erickson did misdiagnose the infant. That's a fact. We now know that Baby Cyrus has "Cyclic Vomiting Syndrome," something that Dr. Erickson was never able to diagnose.

141 q. Defendant Bundy falsely stated that Chris Roth and Dr. Erickson are the ones who took the Infant from his parents.
Nobody believes this and this is simply the misappropriation of Ammon's words. Ammon knows full well that it was the Meridian Police Department who took the infant from his parents, and nobody is disputing that.

r. Defendant Bundy falsely stated that St. Luke's misdiagnosed the Infant multiple times.
This is still an accurate statement as noted above in 141p. Dr. Natasha Erickson, nor any other medical "professional" at St. Luke's Hospital was able to diagnose Baby Cyrus. And to be fair, the Anderson family, and both Diego Rodriguez and Ammon Bundy do not expect St. Luke's to be perfect in their ability to diagnose every condition, disease, or ailment from those who enter in to their hospital.

The point is that you can't use FORCE or the threat of force to kidnap children, for which you are then compensated by the government, and use "medical necessity" as a cover for your kidnapping when you are incapable of making proper medical diagnoses in the first place.

If St. Luke's was simply humble and took the approach that parents know best, and that children are the responsibility of their parents, and that parents should never be separated from their children by force when there is no evidence of danger or harm

from the parents, then none of this would have ever happened. It's as simple as that.

141 s. Defendant Bundy falsely states that St. Luke's mistreated and neglected the Infant while the Infant was in their care.

This has already been demonstrated multiple times, particularly in section 93h, 93i, and 93j above.

141 t. Defendant Bundy falsely stated that St. Luke's targeted the Infant for kidnapping because of Bundy's opposition to COVID "corruption".

This is entirely possible though it was not possible to cross examine witnesses on the stand to determine the validity of this claim or not. The reasoning behind this statement is because of the following statement in the medical record:

Situation: Cyrus Anderson is a 10 m.o. male who was admitted for failure to thrive. Social work consult from Natasha D. Erickson, MD for failure to thrive, ward of the state.

	03/12/22 1751
Referral Data	
Referral Source	Provider
Referral Name	Natasha D. Erickson, MD
Reason for Consult	Other (Comment) *(failure to thrive, ward of the state)*

Background: Per chart review (provider note dated 3/12): *Cyrus James Anderson is a 10 m.o. male with history of admission for severe malnutrition who presents with a chief complaint of failure to thrive.*

Patient was initially brought to the Meridian emergency department then transferred to the Boise hospital. Social work at Meridian faxed copy of the declaration paperwork they were provided, this was placed in the patient's hard chart. Patient's shelter care hearing is 3/15/22.

Assessment: Social work spoke with Child Protective Services (CPS), 208-334-5437, who clarified that parents have decision making capacity but that if the hospital feels it is needed we can use our policy of having two providers agree and sign off on care plan to make decisions for this patient. CPS worker also advised that law enforcement made it seem like they would not want the patient's parents to visit while in the hospital and CPS is in agreement with this.

Patient's family is connected to Ammon Bundy who is running for governor. There was a planned protest that occurred in front of the Boise St. Luke's hospital on 3/12/22 regarding this case.

Social work spoke with CARES provider regarding this patient and attended an interdisciplinary meeting with providers, floor personel, security, administrative supervisors and other staff, CPS worker Jennifer and a CPS supervisor were also involved in this meeting.

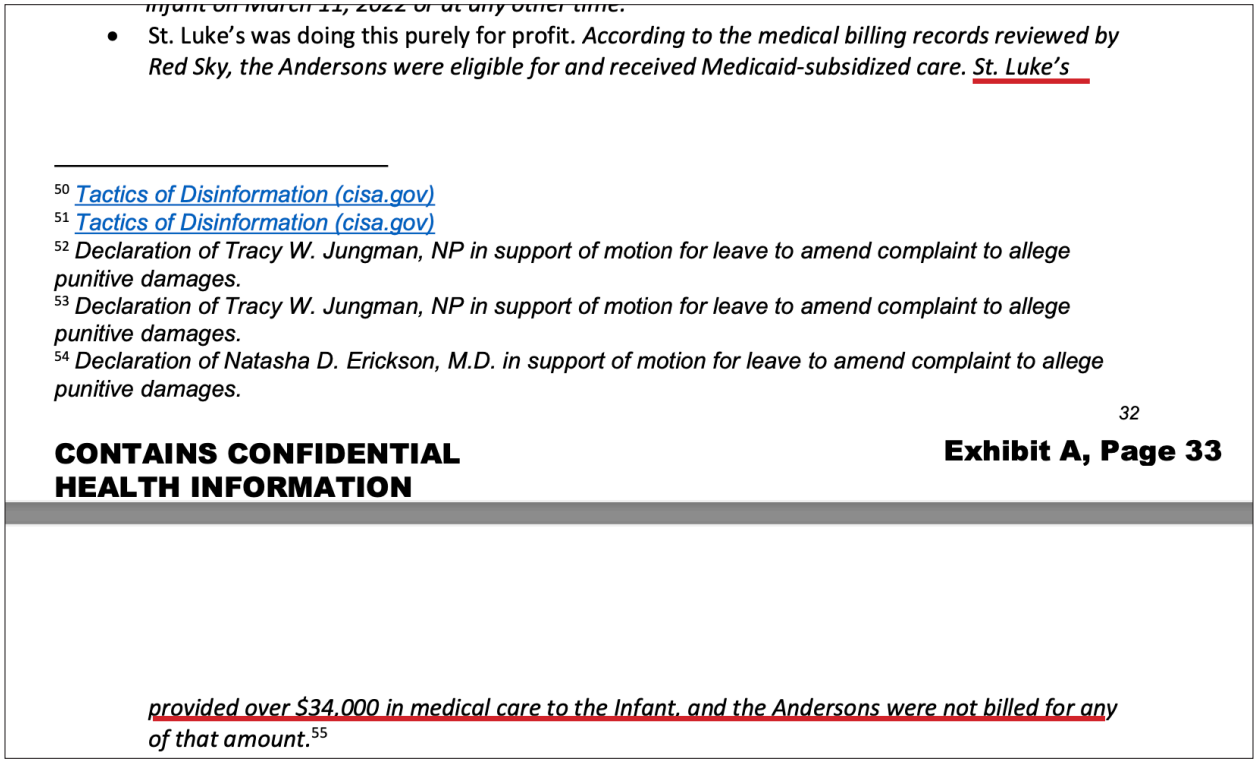
While defendant Ammon Bundy was running for governor, he was very vocal in his opposition to corruption from the government that took place during the "COVID pandemic." Much of this corruption is now coming full circle, and most authorities are admitting to lies, deceit, and corruption all over the nation. Lawsuits are now being won in favor of people who were forced by government institutions and hospitals to do things contrary to their rights. Ammon was at the forefront of this opposition early on and continued his vocal opposition throughout his gubernatorial campaign. The fact that the Anderson family was "connected to Ammon Bundy who is running for

governor" has no place in a medical record unless there was some underlying reason for it. This is the source and the reasoning behind such claims made by the defendant. Therefore, those claims were not only believed to be true by the defendant, but they are entirely plausible and still believed to be plausible to this day.

141 u. Defendant Rodriguez falsely stated St. Luke's is involved in child trafficking, and in any number of wicked and heinous offenses against people of faith, specifically.

The point has already been made multiple times that St. Luke's Hospital is most definitely a participant in the government subsidized child trafficking ring which is funded by the ASFA Act and which takes innocent children from innocent families and funnels them through a web of systems, tools, and protocols, all designed to access public funds for the forceful kidnap of these same children. Many of these children are lost, as has already been noted in this lawsuit, with at least 100,000 of them being identified as permanently lost by the system, and many other studies have shown that the CPS system is a gateway to sex trafficking through the foster care program. These are known facts. Defendant Diego Rodriguez has simply stated them to be so, and he continues to know and believe that St. Luke's Hospital is, in fact, a knowing and willing participant in this system, and that they profit wildly off of it.

In fact, as demonstrated in Exhibit K, St. Luke's hospital received at least $34,000 in payments from Medicaid for having Baby Cyrus in their "care" for only a few days (see Exhibit K for more evidence):



infant on March 11, 2022 or at any other time.

- St. Luke's was doing this purely for profit. *According to the medical billing records reviewed by Red Sky, the Andersons were eligible for and received Medicaid-subsidized care. St. Luke's*

[50] *Tactics of Disinformation (cisa.gov)*
[51] *Tactics of Disinformation (cisa.gov)*
[52] *Declaration of Tracy W. Jungman, NP in support of motion for leave to amend complaint to allege punitive damages.*
[53] *Declaration of Tracy W. Jungman, NP in support of motion for leave to amend complaint to allege punitive damages.*
[54] *Declaration of Natasha D. Erickson, M.D. in support of motion for leave to amend complaint to allege punitive damages.*

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CONTAINS CONFIDENTIAL HEALTH INFORMATION

Exhibit A, Page 33

provided over $34,000 in medical care to the Infant, and the Andersons were not billed for any of that amount.[55]

EXHIBIT O

Order by Judge Norton prohibiting Diego Rodriguez from presenting any evidence in his favor, and striking his responses from the record ensuring the jury would never have an opportunity to see evidence to exonerate him.

Filed: 6/13/2023 at 9:35 a .m.
Fourth Judicial District, Ada County
Trent Tripple, Clerk of the Court
By: Janine Korsen Deputy Clerk

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

St Lukes Health System LTD, St Lukes Regional Medical Center LTD, Chris Roth, Natasha Erickson, MD, Tracy Jungman
Plaintiff,
vs.
Ammon Bundy, Ammon Bundy for Governor, Diego Rodriguez, Freedom Man PAC, Peoples Rights Network, Freedom Man Press LLC
Defendant.

Case No. CV01-22-06789

Order Striking Answers and Order for Default of Diego Rodriguez

As sanctions for Diego Rodriguez's non-compliance with discovery obligations, the Clerk of Court is to strike Diego Rodriguez's Answer, filed September 6, 2022, and also Diego Rodriguez's Answer to the Fourth Amended Complaint, filed March 15, 2023.

An Order of Default is entered against Diego Rodriguez.

This Court will deem admitted any factual allegations pled by Plaintiffs in the Fourth Amended Complaint against Diego Rodriguez;

This Court will make a determination of damages based on supporting evidence submitted by the Plaintiffs at the default damages hearing since the claims are not for a sum certain; and

This court will not consider opposing argument or evidence from Diego Rodriguez during a default damages hearing.

IT IS ORDERED

Dated: 6/12/2023 10:28:16 PM

Lynn Norton
District Judge

CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham	efstidham@hollandhart.com	[X] E-mail
Diego Rodriguez	freedommanpress@protonmail.com	[X] E-mail

Trent Tripple
Clerk of the Court

Dated: 06/13/2023

By: *Janine Korsen*
Deputy Clerk

EXHIBIT P

The Wooten Letter (Whistleblower exposé which demonstrated the culture of hate against the Bundy family by the Bureau of Land Management)

Myhre, Steven (USANV)

[redacted]

Begin forwarded message:

From: Larry Wooten [redacted]
Date: November 27, 2017 at 4:41:07 PM EST
[redacted]
Subject: Discovery Issues within the Las Vegas Cliven Bundy Trial

Good afternoon sir.

Please excuse this rather long email and my direct contact. I have tried to resolve these issues through my chain of command, but I have failed.

On November 15, 2017, your contact information was provided during discovery training hosted by the United States Attorney's Office in Boise, Idaho.

I feel it is my obligation to report the below referenced issues.

Additionally, the U.S. Office of Special Counsel also directed me the Department of Justice Office of Professional Responsibility.

I apologize for contacting you directly. However, I felt you would want to know of these issues.

Please let me know if you have any questions.

My contact information is included in the below narrative.

Respectfully,

Larry "Clint" Wooten

From: Larry C. Wooten
Special Agent
U.S. Department of Interior, Bureau of Land Management
1387 S. Vinnell Way, Boise, ID 83709
Office Phone [redacted] Gov't Cell Phone: [redacted],
Email: [redacted]
Personal Cell Phone [redacted] Personal Email [redacted]

To: Andrew D. Goldsmith
Associate Deputy Attorney General
National Criminal Discovery Coordinator
Email: [redacted]

Subject: Disclosure and Complaint Narrative in Regard to Bureau of Land Management Law Enforcement Supervisory Misconduct and Associated Cover-ups as well as Potential Unethical Actions, Malfeasance and Misfeasance by United States Attorney's Office Prosecutors from the District of Nevada, (Las Vegas) in Reference to the Cliven Bundy Investigation

Reference: DI-17-2830, MA-17-2863, LM14015035, District of Nevada Case 2:16-cr-00046-GMN-PAL (United States of America v. Cliven Bundy, et al)

Issue: As a U.S. Department of Interior (DOI), Bureau of Land Management (BLM), Office of Law Enforcement and Security (OLES) Special Agent (SA) and Case Agent/Lead Investigator for the Cliven Bundy/2014 Gold Butte Trespass Cattle Impound Case out of the District of Nevada in Las Vegas (Case 2:16-cr-00046-GMN-PAL-United States of America v. Cliven Bundy, et al), I routinely observed, and the investigation revealed a widespread pattern of bad judgment, lack of discipline, incredible bias, unprofessionalism and misconduct, as well as likely policy, ethical, and legal violations among senior and supervisory staff at the BLM's Office of Law Enforcement and Security. The investigation indicated that these issues amongst law enforcement supervisors in our agency made a mockery of our position of special trust and confidence, portrayed extreme unprofessional bias, adversely affected our agency's mission and likely the trial regarding Cliven Bundy and his alleged co-conspirators and ignored the letter and intent of the law. The issues I uncovered in my opinion also likely put our agency and specific law enforcement supervisors in potential legal, civil, and administrative jeopardy.

When I discovered these issues, I promptly reported them to my supervisor (a BLM Assistant Special Agent-in-Charge, but also my subordinate co-case agent). Often, I realized that my supervisor was already aware of the issues, participated in, or instigated

the misconduct himself, was present when the issues were reported to both of us, or was the reporting party himself. When I reported these issues, my supervisor seemed generally unsurprised and uninterested and was dismissive, and seemed unconcerned.

I tried to respectfully and discretely urge and influence my supervision to stop the misconduct themselves, correct and/or further report the issues as appropriate and remind other employees that their use of electronic communications was likely subject to Federal Records Protections, the case Litigation Hold, the Freedom of Information Act (FOIA) and Case/Trial Discovery. I also tried to convey to my supervisor that the openly made statements and actions could also potentially could be considered bias, used in witness impeachment and considered exculpatory and subject to trial discovery.

As the Case Agent and Lead Investigator for the DOI/BLM (for approximately 2 years and 10 months), I found myself in an unusual situation. I was specifically asked to lead a comprehensive, professional, thorough, unbiased and independent investigation into the largest and most expansive and important investigation ever within the Department of Interior. Instead of having a normal investigative team and chain of command, a BLM Assistant Special Agent-in-Charge (ASAC) decided to act as a subordinate co-case agent, but also as my supervisor. Agent's senior to me acted as my helpers. I was basically the paper work, organizational and research guy. I did all the stuff that the senior and supervisory agents didn't want to do, but they called me the "Case Agent" and "Lead Investigator." They often publicly recognized and thanked me, and nominated me for many awards, but their lack of effort and dependability led to numerous case issues. During this timeframe, my supervisor (but subordinate), a BLM ASAC specifically wanted and had the responsibility of liaison and coordinator for interaction with higher agency officials, cooperating/assisting agencies and with the U.S. Attorney's Office. Although the BLM ASAC was generally uninterested in the mundane day to day work, he specifically took on assignments that were potentially questionable and damaging (such as document shredding research, discovery email search documentation and as the affiant for the Dave Bundy iPad Search Warrant) and attended coordination and staff meetings. Sometimes, I felt like he wanted to steer the investigation away from misconduct discovery by refusing to get case assistance, dismissing my concerns and participating in the misconduct himself. In February of 2017, it became clear to me that keeping quite became an unofficial condition of my future employment with the BLM, future awards, promotions, and a good future job reference.

The longer the investigation went on, the more extremely unprofessional, familiar, racy, vulgar and bias filled actions, open comments, and inappropriate electronic communications I was made aware of, or I personally witnessed. In my opinion, these issues would likely undermine the investigation, cast considerable doubt on the professionalism of our agency and be possibly used to claim investigator bias/unprofessionalism and to impeach and undermine key witness credibility. The ridiculousness of the conduct, unprofessional amateurish carnival atmosphere, openly made statements, and electronic communications tended to mitigate the defendant's culpability and cast a shadow of doubt of inexcusable bias, unprofessionalism and embarrassment on our agency. These actions and comments were in my opinion offensive in a professional federal law enforcement work environment and were a clear

violation of professional workplace norms, our code of conduct, policy, and possibly even law. The misconduct caused considerable disruption in our workplace, was discriminatory, harassing and showed clear prejudice against the defendants, their supporters and Mormons. Often times this misconduct centered on being sexually inappropriate, profanity, appearance/body shaming and likely violated privacy and civil rights.

Many times, these open unprofessional and disrespectful comments and name calling (often by law enforcement supervisors who are potential witnesses and investigative team supervisors) reminded me of middle school. At any given time, you could hear subjects of this investigation openly referred to as "ret*rds," "r*d-necks," "Overweight woman with the big jowls," "d*uche bags," "tractor-face," "idiots," "in-br*d," etc., etc., etc. Also, it was common to receive or have electronic communications reported to me during the course of the investigation in which senior investigators and law enforcement supervisors (some are potential witnesses and investigative team members) specifically made fun of suspects and referenced "Cliven Bundy felony...just kind of rolls off the tongue, doesn't it?," dildos, western themed g@y bars, odors of sweat, playing chess with menstru*ting women, Cliven Bundy shitthing on cold stainless steel, personal lubricant and Ryan Bundy holding a giant penis (on April 12, 2014). Extremely bias and degrading fliers were also openly displayed and passed around the office, a booking photo of Cliven Bundy was (and is) inappropriately, openly, prominently and proudly displayed in the office of a potential trial witness and my supervisor and an altered and degrading suspect photos were put in an office presentation by my supervisor. Additionally, this investigation also indicated that former BLM SAC Dan Love sent photographs of his own feces and his girl-friend's vagina to coworkers and subordinates. It was also reported by another BLM SAC that former BLM SAC Dan Love told him that there is no way he gets more pu$$y than him. Furthermore, I became aware of potentially captured comments in which our own law enforcement officers allegedly bragged about roughing up Dave Bundy, grinding his face into the ground, and Dave Bundy having little bits of gravel stuck in his face (from April 6, 2014). On two occasions, I also overheard a BLM SAC tell a BLM ASAC that another/other BLM employee(s) and potential trial witnesses didn't properly turn in the required discovery material (likely exculpatory evidence). My supervisor even instigated the unprofessional monitoring of jail calls between defendants and their wives, without prosecutor or FBI consent, for the apparent purpose of making fun of post arrest telephone calls between Idaho defendants/FBI targets (not subjects of BLM's investigation). Thankfully, AUSA Steven Myhre stopped this issue. I even had a BLM ASAC tell me that he tried to report the misconduct, but no one listened to him. I had my own supervisor tell me that former BLM SAC Dan Love is the BLM OLES "Directors boy" and they indicated they were going to hide and protect him. The BLM OLES Chief of the Office of Professional Responsibility/Internal Affairs indicated to me the former BLM OLES Director protected former BLM SAC Love and shut the Office of Professional Responsibility out when misconduct allegations were reported about Love and that the former BLM OLES Director personally (inappropriately) investigated misconduct allegations about Love. Another former BLM ASAC indicated to me that former BLM SAC Love was a liability to our agency and the Cliven Bundy Case. I was even told of threats of physical harm that this former BLM SAC made to his subordinate employee and his family.

Also, more and more it was becoming apparent that the numerous statements made by potential trial witnesses and victims (even by good officers under duress), could potentially cast an unfavorable light on the BLM. (See openly available video/audio footage titled "The Bundy Trial 2017 Leaked Fed Body Cam Evidence," or a video posted on You Tube titled "Leaked Body Cams from the Bundy Ranch!" published by Gavin Seim.) Some of these statements included the following: "Jack-up Hage" (Wayne Hage Jr.), "Are you fucXXXX people stupid or what," "Fat dude, right behind the tree has a long gun," "MotherFuXXXX, you come find me and you're gonna have hell to pay," "FatAsX slid down," "Pretty much a shoot first, ask questions later," "No gun there. He's just holding his back standing like a sissy," "She must not be married," "Shoot his fucXXXX dog first," "We gotta have fucXXXX fire discipline," and "I'm recording by the way guys, so…" Additional Note: *In this timeframe, a key witness deactivated his body camera.* Further Note: *It became clear to me a serious public and professional image problem had developed within the BLM Office of Law Enforcement and Security. I felt I needed to work to correct this and mitigate the damage it no doubt had already done.*

This carnival, inappropriate and childish behavior didn't stop with the directed bias and degradation of subjects of investigations. The childish misconduct extended to citizens, cooperators from other agencies and even our own employees. BLM Law Enforcement Supervisors also openly talked about and gossiped about private employee personnel matters such as medical conditions (to include mental illness), work performance, marriage issues, religion, punishments, internal investigations and derogatory opinions of higher level BLM supervisors. Some of these open comments centered on B1ow J0bs, Ma$terbation in the office closet, Addiction to P0rn, a Disgusting Butt Crack, a "Weak Sister," high self-opinions, crying and scared women, "Leather Face," "Mormons (little Mormon Girl)," "he has mental problems and that he had some sort of mental breakdown," "PTSD," etc., etc., etc.

Additionally, it should be noted that there was a "religious test" of sorts. On two occasions, I was asked "You're not a Mormon are you" and I was told "I bet you think I am going to hell, don't you." (I can explain these and other related incidents later.)

The investigation also indicated that on multiple occasions, former BLM Special Agent-in-Charge (SAC) Love specifically and purposely ignored U.S. Attorney's Office and BLM civilian management direction and intent as well as Nevada State Official recommendations in order to command the most intrusive, oppressive, large scale, and militaristic trespass cattle impound possible. Additionally, this investigation also indicated excessive use of force, civil rights and policy violations. The investigation indicated that there was little doubt there was an improper cover-up in virtually every matter that a particular BLM SAC participated in, or oversaw and that the BLM SAC was immune from discipline and the consequences of his actions. (I can further explain these issues later. These instances are widely documented.)

As the investigation went on, it became clear to me that my supervisor wasn't keeping the U.S. Attorney's Office up to date on substantive and exculpatory case findings and

unacceptable bias indications. Therefore, I personally informed Acting United States Attorney Steven Myhre and Assistant United States Attorney (AUSA) Nadia Ahmed, as well as Federal Bureau of Investigation (FBI) Special Agent Joel Willis by telephone of these issues. When I did, my supervisor in my opinion deceptively acted ignorant and surprised. As the case continued, it became clear to me that once again, my supervisor failed to inform the U.S. Attorney's Office Prosecution Team about exculpatory key witness statements. Note: *During this investigation, my supervisor would also deceptively indicate to the Prosecution Team that no one else was in the room when he was on speakerphone. Thereby, allowing potential trial witnesses and his friends to inappropriately hear the contents of the discussion.*

My supervisor even took photographs in the secure command post area of the Las Vegas FBI Headquarters and even after he was told that no photographs were allowed, he recklessly emailed out photographs of the "Arrest Tracking Wall" in which Eric Parker and Cliven Bundy had "X's" through their face and body (indicating prejudice and bias). Thereby, making this electronic communication subject to Federal Records Protections, the Litigation Hold, Discovery, and the FOIA.

On February 16, 2017, I personally informed then AUSA (First Assistant and Lead Prosecutor) Steven Myhre of those specific comments (which I had previously disclosed to, and discussed with my supervisor) and reminded Special Assistant United States Attorney (SAUSA) Erin Creegan about an email chain by a particular BLM SAC in reference to the Arrest of David Bundy on April 6, 2014, in which prior to Dave Bundy's arrest, the BLM SAC and others were told not to make any arrests. When I asked Mr. Myhre if the former BLM SAC's statements like "Go out there and kick Cliven Bundy in the mouth (or teeth) and take his cattle" and "I need you to get the troops fired up to go get those cows and not take any crap from anyone" would be exculpatory or if we would have to inform the defense counsel, he said something like "we do now," or "it is now."

On February 18, 2017, I was removed from my position as the Case Agent/Lead Investigator for the Cliven Bundy/Gold Butte Nevada Case by my supervisor despite my recently documented and awarded hard work and excellent and often praised performance. Additionally, a BLM ASAC (my supervisor, but also my co-case agent) violated my privacy and conduced a search of my individually occupied secured office and secured safe within that office. During this search, the BLM ASAC without notification or permission seized the Cliven Bundy/Gold Butte Nevada Investigative "hard copy" Case File, notes (to include specific notes on issues I uncovered during the 2014 Gold Butte Nevada Trespass Cattle Impound and "lessons learned") and several computer hard drives that contained case material, collected emails, text messages, instant messages, and other information. Following this seizure outside of my presence and without my permission, the BLM ASAC didn't provide any property receipt documentation (DI-105/Form 9260-43) or other chain of custody documentation (reasonably needed for trial) on what was seized. The BLM ASAC also directed me to turn over all my personal case related notes on my personal calendars and aggressively questioned me to determine if I had ever audio recorded him or a BLM SAC. I was also aggressively questioned about who I had told about the case related issues and other severe issues uncovered in reference to the case and Dan Love (see Congressional

Subpoena by former Congressman Jason Chaffetz and the February 14, 2017, letter that Congressman Jason Chaffetz and Congressman Blake Farenthold sent the U.S. Department of Interior's Deputy Inspector General, Ms. Mary L. Kendall regarding Dan Love allegedly directing the deletion of official documents). Also after this, I believe I overheard part of a conversation in an open office space where my supervisor was speaking to a BLM SAC as they discussed getting access to my government email account. Note: *The personal notes that I was directed to turn in and the items seized from my office and safe wasn't for discovery, because I was transferring to another agency, because I was the subject of an investigation, or because my supervisor simply needed to reference a file. These items were taken because they contained significant evidence of misconduct and items that would potentially embarrass BLM Law Enforcement Supervision.* Additional Note: *The BLM ASAC also ordered me not to contact the U.S. Attorney's Office, even on my own time and with my personal phone. Later, when I repeatedly asked to speak with the BLM OLES Director, my requests went unanswered until April 26, 2017. The BLM ASAC simply told me it is clear no one wants to speak with me and that no one is going to apologize to me.* Further Note*: In this same secured individual office space and safe, I kept copies of my important personal documents such as medical records, military records, family personal papers, computer passwords, personal property serial numbers, etc., as a precaution in case for some reason my house is destroyed and personal papers are lost/destroyed. It was clear to me the BLM ASAC didn't know what he seized and when I told him about my personal papers, the BLM ASAC just told me "no one is interested in your medical records." It is unknown what unrelated case materials, notes, and personal documents were actually taken and it is impossible for me, any misconduct investigator, or any attorney to prove to a court or Congress what case information was taken. I still haven't heard back what (if any) personal items were in the seized materials and I don't know where the seized materials are being stored. It should be noted that I am missing personal medical physical results that I previously has stored in my office. Additionally, I believe if the BLM ASAC found my accidently seized medical records, instead of giving them back to me, he would shred them just like I have seen him shred other items from an agent that he didn't like. (I can elaborate on this.)*

Please Note: *This seized case related material (to include the hard drives) contains evidence that directly relates to a BLM SAC's heavy handedness during the 2014 Gold Butte Nevada Trespass Cattle Impound, the BLM SAC ignoring U.S. Attorney's Office and higher level BLM direction, documentation of the BLM SAC's alleged gross supervisory misconduct, potential misconduct and violation of rights issues during the 2014 Gold Butte Nevada Trespass Cattle Impound, as well as potential emails that were possibly identified and captured before they could have been deleted (as identified as an issue in the Office of Inspector General Report and possibly concerning a Congressional subpoena). I believe this information would likely be considered substantive exculpatory/jencks material in reference to the Cliven Bundy Nevada Series of Trials and would be greatly discrediting and embarrassing, as well as possibly indicate liability on the BLM and the BLM SAC.*

I am convinced that I was removed to prevent the ethical and proper further disclosure of the severe misconduct, failure to correct and report, and cover-ups by BLM OLES

supervision. My supervisor told me that AUSA Steven Myhre "furiously demanded" that I be removed from the case and mentioned something about us (the BLM, specifically my supervisor) not turning over (or disclosing) discovery related material (which is true), issues I had with the BLM not following its own enabling statute (which is true, I can elaborate on that later), and a personal issue they thought I had with former BLM SAC Dan Love. Note: *Prior to taking the assignment as Bundy/Gold Butte Investigation Case Agent/Lead Investigator for the BLM/DOI, I didn't know and had never spoken to former BLM SAC Dan Love. I was new to the agency and I was also specifically directed to lead an unbiased, professional, and independent investigation, which I tried to do, despite supervisory misconduct. Time after time, I was told of former BLM SAC Love's misconduct. I was told by BLM Law Enforcement Supervisors that he had a Kill Book" as a trophy and in essence bragged about getting three individuals in Utah to commit suicide (see Operation Cerberus Action out of Blanding, Utah and the death of Dr. Redd), the "Failure Rock," Directing Subordinates to Erase Official Government Files in order to impede the efforts of rival civilian BLM employees in preparation for the "Burning Man" Special Event, unlawfully removing evidence, bragging about the number of OIG and internal investigations on him and indicating that he is untouchable, encouraging subordinates not to cooperate with internal and OIG investigations, his harassment of a female Native American subordinate employee where Mr. Love allegedly had a doll that he referred to by the employees name and called her his drunk little Indian, etc., etc., etc. (I can further explain these many issues.)*

Following this, I became convinced that my supervisor failed to properly disclose substantive and exculpatory case and witness bias related issues to the U.S. Attorney's Office. Also, after speaking with the BLM OLES Chief of the Office of Professional Responsibility/Internal Affairs and two former BLM ASAC's, I became convinced that the previous BLM OLES Director Salvatore Lauro not only allowed former BLM SAC Dan Love complete autonomy and discretion, but also likely provided no oversight and even contributed to an atmosphere of cover-ups, harassment and retaliation for anyone that questioned or reported former BLM SAC Dan Love's misconduct.

In time, I also became convinced (based on my supervisor and Mr. Myhre's statements) that although the U.S. Attorney's Office was generally aware of former BLM SAC Dan Love's misconduct and likely civil rights and excessive force issues, the lead prosecutor (currently the Acting Nevada United States Attorney) Steven Myhre adopted an attitude of "don't ask, don't tell," in reference to BLM Law Enforcement Supervisory Misconduct that was of a substantive, exculpatory and incredible biased nature. Not only did Mr. Myhre in my opinion not want to know or seek out evidence favorable to the accused, he and my supervisor discouraged the reporting of such issues and even likely covered up the misconduct. Furthermore, when I did report the misconduct, ethical, professional, and legal issues, I also became a victim of whistleblower retaliation.

Additionally, AUSA Steven Myhre adopted a few troubling policies in reference to this case. When we became aware that Dave Bundy's seized iPad likely contained remarks from BLM Law Enforcement Officers that is potentially evidence of civil rights violations and excessive use of force, Mr. Myhre and my supervisor not only apparently failed initiate the appropriate follow-on actions, Mr. Myhre apparently failed to notify the

Defense Counsel and also decided not to return the iPad back to Dave Bundy, even though the iPad wasn't going to be searched pursuant to a search warrant or used as evidence in trial and Dave Bundy claimed he needed the iPad for his business. Mr. Myhre also adopted a policy of not giving a jury the option or ability to convict on lesser offenses and instead relied on a hard to prove, complicated prosecution theory in order to achieve maximum punishments (which has generally failed to this point). Also, the government relied on factually incorrect talking points and on (or about) February 15, 2017, misrepresented the case facts about government snipers during trial (it is unknown if this misrepresentation was on purpose or accidental, I can explain this in detail). Note: *The investigation indicated that there was at least one school trained Federal Sniper equipped with a scoped/magnified optic bolt action precision rifle, another Federal Officer equipped with a scoped/magnified optic large frame (308 caliber) AR style rifle, and many officers that utilized magnified optics with long range graduated reticles (out to 1,000 meters-approximately 500 meters on issued rifles depending on environmental conditions) on standard law enforcement issued AR (223 caliber/5.56mm) and that often officers were in "over watch" positions. Additionally, the investigation also indicated the possibility that the FBI and the Las Vegas Metropolitan Police Department had law enforcement snipers/designated marksmen on hand for possible deployment.*

The reporting of these severe issues and associated cover-ups are a last resort. I tried continually to respectfully and discretely influence my chain of command to do the right thing and I made every effort to make sure the Prosecution Team had the information they needed and were accurate in their talking points. I just wanted the misconduct to stop, the necessary and required actions be taken and I wanted to be sure these issues wouldn't create a fatal error in the case and further undermine our agency's mission. I also needed to be convinced that I was correct. If I was wrong, or errors were simply mistakes or simple errors in professional judgement or discretion, I didn't want to create more problems or embarrass anyone. However, my personal experience and investigation indicated that not only did my management fail to correct and report the misconduct, they made every effort to cover it up, dismiss the concerns, discourage its reporting and retaliate against the reporting party. I also tried to make sure that despite my supervisor's failings, the Prosecution Team had the most accurate information in terms of case facts, Discovery, and witness liability.

The Whistleblower Retaliation and agency wrongdoing is being investigated by the U.S. Office of Special Counsel and is also being looked at by the House Committee on Natural Resources (Subcommittee on Oversight & Investigations) and the House Oversight and Government Reform Committee (Subcommittee on the Interior, Energy, and the Environment). Additionally, a formal complaint has been filed with my agency in reference to the religious, sexually vulgar, and the other workplace harassment. Furthermore, there have been several investigations by the DOI Office of Inspector General (OIG) that at least in part contributed to the recent firing of BLM Special Agent-in-Charge Dan Love (which I wasn't a part of).

I ask that your office ensure that Acting United States Attorney Steven Myhre and the rest of the Cliven Bundy/Gold Butte Nevada Prosecution and Investigative Team is

conducting the prosecution in an ethical, appropriate, and professional matter. I also specifically ask that your office provide oversight to Mr. Myhre and his team regarding the affirmative responsibility to seek out evidence favorable to the accused, not to discourage the reporting of case issues and suspected misconduct, to report/act on suspected civil rights violations and not to retaliate against an agent that does his required duty. I also ask that your office ensure that the Prosecution Team is free of bias and has ethically and correctly turned over exculpatory evidence to the Defense. I ask that as appropriate, prosecution team bias (by Mr. Myhre and possibly by AUSA Daniel Schiess) and factually incorrect talking points (by AUSA Nadia Ahmed and Mr. Myhre) be disclosed and corrected. Note: *Mr. Myhre previously referred to the defendants as a cult and Mr. Schiess said let's get these "shall we say Deplorables." I was also asked "You're not a Mormon are you." (I can explain these and similar issues in detail.)*

I don't make this complaint lightly. I do this with a heavy heart and I hope that at least in some ways I am mistaken. However, I know that is extremely unlikely. When we speak I can identify subjects, witnesses, and the location of evidence and corroborating information.

I believe this case closely mirrors the circumstances of former Alaska Senator Ted Stevens trial. As you may notice from the trials and several defense cross-examinations, very little of the impeachment and exculpatory issues were brought up by the defense. I believe this is most likely because the defense counsel was unethically not made aware of them and the severe issues were covered up. Additionally, I believe I can easily show that both my supervision and possibly Mr. Myhre entered into an unethical agreement to remove me from being the lead investigator and case agent for the BLM/DOI due to my objection to, and disclosure of outrageous misconduct, the belief that my testimony under oath would embarrass supervisory law enforcement officials in our agency and negatively affect the prosecution, my insistence that my supervisor stop his individual misconduct, correct the misconduct of other employees and report the misconduct as appropriate (for counseling, correction, discipline and the possible required internal investigations) and my belief that my agency is violating the letter and intent of the law.

In regard to prosecution team misconduct, I believe some of it may be attributable to simple mistakes and simple poor judgement. However, I believe it is unlikely (if my supervisor's statements to me are true) that Mr. Myhre wasn't himself acting unethically and inappropriately. Prior to the last few weeks of the investigation, I held Mr. Myhre in the highest of regards. He is an extremely hard worker and very intelligent. However, I feel that his judgement is likely clouded by extreme personal and religious bias and a desire to win the case at all costs. I feel he is likely willing to ignore and fail to report exculpatory material, extreme bias and act unethically and possibly deceptively to win.

All in all, it is my assessment and the investigation showed that the 2014 Gold Butte Trespass Cattle Impound was in part a punitive and ego driven expedition by a Senior BLM Law Enforcement Supervisor (former BLM Special Agent-in-Charge Dan Love) that was only in part focused on the intent of the associated Federal Court Orders and the mission of our agency (to sustain the health, diversity, and productivity of America's public lands for the multiple use and enjoyment of present and future generations). My

investigation also indicated that the involved officers and protestors were themselves pawns in what was almost a great American tragedy on April 12, 2014, in which law enforcement officers (Federal, State, and Local), protestors, and the motoring public were caught in the danger area. This investigation also indicated, the primary reasons for the escalation was due to the recklessness, lack of oversight, and arrogance of a BLM Special Agent-in-Charge and the recklessness, failure to adhere to Federal Court Orders and lack of recognition of the Federal Government in matters related to land management within Nevada, by Rancher Cliven Bundy.

The investigation further indicated that the BLM SAC's peers didn't likely attempt to properly influence or counsel the BLM SAC into more appropriate courses of action and conduct or were unsuccessful in their attempts. The investigation indicated that it was likely that the BLM SAC's peers failed to report the BLM SAC's unethical/unprofessional actions, misconduct, and potential crimes up the chain of command and/or to the appropriate authorities, or that the chain of command simply ignored and dismissed these reports. The investigation further indicated when individuals did report issues with the BLM SAC, the reports were likely ignored or marginalized by higher BLM OLES officials. The investigation also indicated that former BLM OLES Director Salvatore Lauro likely gave the former BLM SAC complete autonomy and discretion without oversight or supervision. The investigation further indicated that it was unlikely that the BLM OLES Director wasn't aware of the BLM SAC's unethical/unprofessional actions, poor decisions, misconduct, and potential crimes. My investigation and personal observations in the investigation further revealed a likely unethical/unlawful "cover-up" of this BLM SAC's actions, by very senior law enforcement management within BLM OLES. This investigation indicated that on numerous occasions, senior BLM OLES management broke their own policies and overlooked ethical, professional, and conduct violations and likely provided cover and protection for the BLM SAC and any activity or operation this BLM SAC was associated with. My investigation further indicated that the BLM's civilian leadership didn't condone and/or was likely unaware of the BLM SAC's actions and the associated cover-ups, at least until it was too late.

During the investigation, I also came to believe that the case prosecution team at United States Attorney's Office out of Las Vegas in the District of Nevada wasn't being kept up to date on important investigative findings about the BLM SAC's likely alleged misconduct. I also came to believe that discovery related and possibly relevant and substantive trial, impeachment, and biased related and/or exculpatory information wasn't likely turned over to, or properly disclosed to the prosecution team by my supervisor.

I also came to believe there were such serious case findings that an outside investigation was warranted on several issues to include misconduct, ethics/code of conduct issues, use of force issues (to include civil rights violations), non-adherence to law, and the loss/destruction of, or purposeful non-recording of key evidentiary items (Unknown Items 1 & 2, Video/Audio, April 6, 2014, April 9, 2014, April 12, 2014-the most important and critical times in the operation). I believe these issues would shock the conscious of the public and greatly embarrass our agency if they were disclosed.

Ultimately, I believe I was removed from my position as Case Agent/Lead Investigator for the Cliven Bundy/Gold Butte, Nevada Investigation because my management and possibly the prosecution team believed I would properly disclose these embarrassing and substantive issues on the stand and under oath at trial (if I was asked), because my supervision believed I had contacted others about this misconduct (Congress, possibly the defense and press) and possibly audio recorded them, because I had uncovered, reported, and objected to suspected violations of law, ethics directives, policy, and the code of conduct, and because I was critical of the misconduct of a particular BLM SAC. This is despite having already testified in Federal Grand Jury and being on the trial witness list.

The purpose of this narrative is not to take up for or defend the actions of the subjects of this investigation. To get an idea of the relevant historical facts, conduct of the subjects of the investigation and contributing factors, you may consider familiarizing yourself with the 2014 Gold Butte Timeline (which I authored) and the uncovered facts of this investigation. The investigation revealed that many of the subjects likely knowingly and willingly ignored, obstructed, and/or attempted to unlawfully thwart the associated Federal Court Orders through their specific actions and veiled threats, and that many of the subjects also likely violated several laws. This investigation also showed that subjects of the investigation in part adopted an aggressive and bully type strategy that ultimately led to the shutdown of I-15, where many armed followers of Cliven Bundy brandished and pointed weapons at Federal Officers and Agents in the Toquop Wash near Bunkerville, Nevada, on April 12, 2014, in a dangerous, high risk, high profile national incident. This investigation further indicated that instead of Cliven Bundy properly using the court system or other avenues to properly address his grievances, he chose an illegal, uncivilized, and dangerous strategy in which a tragedy was narrowly and thankfully avoided.

Additionally, it should be noted that I was also personally subjected to Whistleblowing Discouragement, Retaliation, and Intimidation. Threatening and questionable behaviors included the following: Invasion of Privacy, Search and Seizure, Harassment, Intimidation, Bullying, Blacklisting, Religious "tests," and Rude and Condescending Language. Simply put, I believe I was expected to keep quiet as a condition of my continued employment, any future promotions, future awards, or a favorable recommendation to another employer.

During the course of the investigation, I determined that any disagreement with the BLM SAC, or any reporting of his many likely embarrassing, unethical/unprofessional actions and misconduct was thought to be career destroying. Time and time again, I came to believe that the BLM SAC's subordinates and peers were afraid to correct him or properly report his misconduct (despite a duty to act) out of fear for their own jobs and reputation.

Sometimes, I felt these issues (described in depth below) were reported to me by senior BLM OLES management and line Rangers/Agents/employees because they personally didn't like a particular BLM SAC (although, some of these same people seemed to flatter, buddy up to, openly like, and protect the BLM SAC). Sometimes, I thought BLM OLES management wanted to talk about these actions because they thought these blatant

inappropriate acts by a BLM SAC and others were funny. Sometimes, I thought the reporting parties wanted the misconduct corrected and the truth to come to light, but they were afraid/unwilling to report and correct the misconduct themselves. Sometimes, I thought the reporting parties just wanted to get the issues off their chest. Sometimes, I thought supervisors wanted to report the misconduct to me, so they could later say they did report it (since I was the Case Agent/Lead Investigator). Therefore, in their mind limit their liability to correct and report the misconduct and issues. However, it was confusing that at the same time, I thought some of these reporting parties (particularly in management) sought deniability and didn't want to go "on the record." These same reporting/witnessing parties in most cases apparently refused to correct the misconduct and further report it to higher level supervision, the Office of Inspector General, and the U.S. Attorney's Office (as required/necessary) and even discouraged me from further reporting and correcting the issues. When I did try to correct and further report the issues as I believed appropriate and necessary, these same supervisors (who were reporting/witnessing parties) acted confused and unaware. Ultimately, I became an outcast and was retaliated against.

I also feel there are likely a great many other issues that even I am not aware of, that were likely disclosed or known to my supervisor, at least two other BLM SACs, the former BLM SAC's subordinates, and the former BLM OLES Director. In addition to the witnesses I identify, I would also recommend interviews with the BLM OLES Chief of the Office of Professional Responsibility/Internal Affairs and I would recommend reviews of my chain of command's emails and text messages.

Unfortunately, I also believe that the U.S. Attorney's Office Prosecution Team may have adopted an inappropriate under the table/unofficial policy of "preferred ignorance" in regard to the likely gross misconduct on the part of senior management from the BLM Office of Law Enforcement and Security and Discovery/Exculpatory related trial issues.

What indicated to me there was likely deception and a failure to act on the part of my supervision was the actions, comments, and questions of senior BLM Law Enforcement Officials, comments by the BLM's Chief of the Office of Professional Responsibility (Internal Affairs), and the pretrial Giglio/Henthorn Review.

Additionally, actions, comments, and questions by the U.S. Attorney's Office Lead Prosecutor, the strategy to deny the Dave Bundy iPad evidence from coming to light, the direction by a BLM ASAC for me not to speak with any member of the Prosecution Team, and factually deceptive/incorrect talking points (snipers, Bundy property, Bundy cattle overall health, etc.), indicated to me the Prosecution Team wanted to possibly and purposefully remain ignorant of some of the case facts and possibly use unethical legal tricks to prevent the appropriate release of substantive/exculpatory and bias/impeachment material. I believe that it is more likely than not, that there was not only a lack of due diligence by the Prosecution Team in identifying and locating exculpatory material, but there was also a desire to purposely stay ignorant (which my chain of command was happy to go along with) of some of the issues and likely an inappropriate strategy to not disclose substantive material to the Defense Counsel and initiate any necessary civil rights related or internal investigations. Furthermore, I was surprised about the lack of

Defense Counsel questions about critical vulnerabilities in the case that should have been disclosed to the Defense in a timely manner. It is my belief that the Defense Counsel was simply ignorant of these issues.

Also, please keep in mind that I am not an "Internal Affairs," "Inspector General," or "Office of Professional Responsibility Investigator." Therefore, I couldn't, and can't independently conduct investigations into government law enforcement personnel. Additionally, I haven't been formally trained on internal investigations. Therefore, my perception, the opinions I offer, and the fact pattern that I found relevant was gained from my experience as a regular line investigator and former uniformed patrol and Field Training Officer (FTO).

Each, and every time I came across any potential criminal, ethical, or policy related issue, in the course of my duties as the DOI/BLM Case Agent/Lead Investigator for the Gold Butte/Cliven Bundy Nevada Investigation, I reported the issues up my chain of command with the intent to run an independent and unbiased, professional investigation, as I was instructed. Later, I determined my chain of command was likely already aware of many of these issues and were likely not reporting those issues to the prosecution team and higher headquarters. Later, I also was informed by the BLM Office of Professional Responsibility (OPR) Chief that any issues that had anything to do with a particular favored BLM SAC, the BLM OLES Director looked at himself instead of OPR. The OPR Chief told me he was shut out of those types of inquiries. I noted in the pre-trial Giglio/Henthorn Review that this appeared to be accurate. I also noted that these types of issues I discovered apparently weren't properly investigated as required. The bad joke I heard around the office was that the BLM SAC knew where the BLM OLES Director had buried the pr0stitutes body and that is why the BLM OLES Director protects him.

I know good people make mistakes, are sometimes immature and use bad judgement. I do it all the time. I am not addressing simple issues here. However, some simple issues are included to indicate a wide spread pattern, openly condoned prohibited/unprofessional conduct and an inappropriate familiar and carnival atmosphere. Additionally, the refusal to correct these simple issues and conduct discrepancies, harassment, and ultimately cover-ups and retaliation are indicated and explained throughout this document.

Since I wasn't a supervisor and since I was one of the most junior criminal investigators in our agency, I tried to positively influence those above me by my example and discrete one on one mentoring and urging. I simply wanted the offensive and case/agency destructive conduct to stop, to correct the record where appropriate, and inform those who we had a duty to inform of the potential wrong-doing. I attempted to positively influence my management in the most respectful and least visible way possible. In order to accomplish this, I adopted a praise in public and counsel in private approach. When that failed to work for the long term, I had to become more "matter of fact" (but always respectful), when that failed to work I resorted to documenting the instances and discussions. Later, I resorted to official government email to make a permanent record of the issues. When this failed to deter the offensive conduct or instigate appropriate action by my supervision, I had to notify others and identify witnesses. I respected and stayed

within my chain of command until I was expressly forbidden from contacting the U.S. Attorney's Office and my requests to speak with the BLM OLES Director went unanswered.

Simply put, as a law enforcement officer, I can't allow injustices and cover-ups to go unreported or half-truths and skewed narratives go unopposed. I have learned that when conduct of this sort isn't corrected, then by default it is condoned, and it becomes unofficial policy. When I determined there were severe issues that hurt more than just me, and I determined that my supervision apparently lacked the character to correct the situation, I knew that duty fell to me. I still felt I could accomplish this duty without embarrassing my supervision, bringing shame on our agency, or creating a fatal flaw in our investigation.

Initially, I felt I could simply mentor and properly influence my supervision to do the right thing. Time and time again, I urged my supervision to correct actions and counsel individuals who participate in conduct damaging to our agency and possibly destructive to the integrity of our case or future investigations. I attempted to urge my supervision to report certain information to senior BLM management and the U.S. Attorney's Office. Note: *Evidence of some of this offensive conduct is potentially available through Freedom of Information Act (FOIA) requests and subject to a Litigation Hold, may be considered Exculpatory Material in trial discovery process, and may be subject to federal records protections. Additionally, in many instances, I can provide evidence, identify the location of evidence and identify witnesses.*

Ultimately, in addition to discovering crimes likely committed by those targeted in the investigation, I found that likely a BLM Special Agent-in-Charge recklessly and against advisement from the U.S. Attorney's Office and apparent direction from the BLM Deputy Director set in motion a chain of events that nearly resulted in an American tragedy and mass loss of life. Additionally, I determined that reckless and unprofessional conduct within BLM Law Enforcement supervisory staff was apparently widespread, widely known and even likely "covered up." I also found that in virtually every case, BLM senior law enforcement management knew of the suspected issues with this BLM SAC, but were either too afraid of retaliation, or lacked the character to report and/or correct the suspected issues.

Note: *This entire document was constructed without the aid of my original notes due to their seizure by a BLM Assistant Special Agent-in-Charge outside of my presence and without my knowledge or permission. Additionally, I was aggressively questioned regarding the belief that I may have audio recorded BLM OLES management regarding their answers concerning this and other issues. All dates, times, and quotes are approximate and made to the best of my ability and memory. I'm sure there are more noteworthy items that I can't recall at the time I constructed this document.* Also Note: *The other likely report worthy items were seized from me on February 18, 2017, and are believed to be in the possession of a BLM ASAC. I recommend these items be safeguarded and reviewed.*

As the case agent/lead investigator for the DOI in the Cliven Bundy investigation out of the District of Nevada, I became aware of a great number of instances when senior BLM OLES leadership were likely involved in **Gross Mismanagement** and **Abuse of Authority** (which may have posed a substantial and specific threat to employee and public safety as well as wrongfully denied the public Constitutionally protected rights). The BLM OLES leadership and others may have also violated **Merit System Principles** (Fair/Equitable Treatment, High Standards of Conduct, Failing to Manage Employee Performance by Failing to Address Poor Performance and Unprofessional Conduct, Potential Unjust Political Influence, and Whistleblower Retaliation), **Prohibited Personnel Practices** (Retaliation Against Whistleblowers, Retaliation Against Employees that Exercise Their Rights, Violation of Rules that Support the Merit System Principles, Enforcement of Policies (unwritten) that Don't Allow Whistleblowing), **Ethics Rules** (Putting Forth an Honest Effort in the Performance of Duties, the Obligation to Disclose Waste, Fraud, Abuse, and Corruption, Endeavoring to Avoid Any Action that Creates the Appearance that there is a Violation of the Law, and Standards of Ethical Conduct for Employees), **BLM OLES Code of Conduct** (Faithfully Striving to Abide by all Laws, Rules, Regulations, and Customs Governing the Performance of Duties, Potentially Violating Laws and Regulations in a Unique Position of High Pubic Trust and Integrity of Profession and Confidence of the Public, Peers, Supervisors, and Society in General, Knowingly Committing Acts in the Conduct of Official Business and/or in Personal Life that Subjects the Department of Interior to Public Censure and/or Adverse Criticism, Conducting all Investigations and Law Enforcement Functions Impartially and Thoroughly and Reporting the Results Thereof Fully, Objectively, and Accurately, and Potentially Using Greater Force than Necessary in Accomplishing the Mission of the Department), **BLM Values** (To serve with honesty, integrity, accountability, respect, courage and commitment to make a difference), **BLM Guiding Principles** (to respect, value, and support our employees. To pursue excellence in business practices, improve accountability to our stake holders and deliver better service to our customers), **BLM OLES General Order 38** (Internal Affairs Investigations), **Departmental and Agency Policies** (BLM Director Neil Kornze Policy on Equal Opportunity and the Prevention of Harassment dated January 19, 2016, DOI Secretary Sally Jewell Policy on Promoting an Ethical Culture dated June 15, 2016, DOI Secretary Sally Jewell Policy on Equal Opportunity in the Workplace dated September 14, 2016, DOI Deputy Secretary of Interior Michael Connor Policy on Workplace Conduct dated October 4, 2016, DOI Secretary Ryan Zinke Policy on Strengthening the Department's Ethical Culture dated March 2, 2017, DOI Secretary Ryan Zinke Policy on Harassment dated April 12, 2017, Memorandum dated December 12, 2013, from Acting DOI Deputy Assistant Secretary for Human Capital and Diversity Mary F. Pletcher titled "The Whistleblower Protection Enhancement Act of 2012 and Non-Disclosure Policies, Forms, Agreements, and Acknowledgements, Email Guidance by Deputy Secretary of Interior David Bernhardt titled "Month One Message," dated August 1, 2017, Email Guidance by Deputy Secretary of Interior David Bernhardt titled "Month Two Message," dated September 22, 2017, BLM Acting Deputy Director of Operations John Ruhs guidance contained in an Email titled "Thank You for Making a Difference," dated September 29, 2017, which referenced BLM Values and Guiding Principles, BLM/DOI Email and Computer Ethical Rules of Behavior, BLM "Zero Tolerance" Policy Regarding Inappropriate Use of the Internet, 18 USC 1663 Protection of Public Records

and Documents, 18 USC 4 Misprison of a Felony, 18 USC 1519 Destruction, Alteration, or Falsification of Records in Federal Investigations, 18 USC 241 Conspiracy Against Rights, 18 USC 242 Deprivation of Rights Under Color of Law, 43 USC 1733 (c) (1) Federal Land Policy Management Act, 43 USC 315 (a) Taylor Grazing Act, 5 USC 2302 Whistleblower Protections-Prohibited Personnel Practices/Whistleblower Protection/Enhancement Acts, 5 CFR 2635 Gifts Between Employees, 5 USC 7211 Employees Rights to Petition Congress, and Public Law 112-199 of November 27, 2012.

Additionally, the BLM Criminal Investigator/Special Agent Position Description (LE140) in part states the following: "Comprehensive and professional knowledge of the laws, rules, and regulations which govern the protection of public lands under jurisdiction of the Bureau of land Management, and their applicability on a national basis,"(under Factor 1, Knowledge Required by the Position), "Knowledge of the various methods, procedures, and techniques applicable to complex investigations and other law enforcement activities required in the protection of natural resources on public land. The applicable methods, procedures, and techniques selected require a high degree of judgement that recognizes sensitivity to the violations, as alleged, discretion in the manner that evidence and facts are developed, and an awareness of all ramifications of a criminal investigation. The incumbent must have the ability to establish the interrelationship of facts and evidence and to present findings in reports that are clear, concise, accurate, and timely submitted for appropriate review and action." (under Factor 1, Knowledge Required by the Position), "Comprehensive knowledge of current and present court decisions, criminal rules of evidence, constitutional law, and court procedures to be followed in criminal matters, formal hearings and administrative matters in order to apply court and constitutional requirements during the conduct of an investigation and to effectively testify on behalf of the Government." (under Factor 1, Knowledge Required by the Position), "great discretion must be taken to avoid entrapment of suspects and to protect the integrity of the investigation" (under Factor 4, Complexity), and "The incumbent must be able to safely utilize firearms...." (Factor 8, Physical Demands)

Please also note the potential Constitutional issues regarding "religious tests," search and seizure, and speech/assembly protections.

Please further note the following Rules of Criminal Procedure/Evidence: Memorandum of Department Prosecutors dated January 4, 2010, from David W. Ogden to the Deputy Attorney General, Rule 16, 18 USC 3500-the Jencks Act, the Brady Rule, Giglio, U.S. Attorney's Manuel 9-5.001 Policy Regarding Disclosure of Exculpatory and Impeachment Information, 9-5.100 Policy Regarding the Disclosure to Prosecutors of Potential Impeachment Information Concerning Law Enforcement Agency Witnesses, American Bar Association Standards 3-1.2 The Function of the Prosecutor, 3-2.8 Relations with the Courts and Bar, 3-3.1 Conflict of Interest, 3-3.11 Disclosure of Evidence by the Prosecutor, 3-5.6 Presentation of Evidence, and 3-6.2 Information Relevant to Sentencing.

Case Details: 2-year/10-month case, approximately 570 DOI Exhibits/Follow-on Turn-in Items, approximately 508 DOI Identified Individuals-19 Defendants

Employee Experience: Almost 14 Years as a Federal and State Law Enforcement Officer, Tactical Team Member, State Field Training Officer, Federal and State Law Enforcement Instructor, 10 Years as a United States Marine Infantry Officer/Enlisted Infantryman (7 Active-Captain, 3+Reserve Sergeant), Personally managed in excess of 330 individuals and intimately led over 50 individuals, organized and managed law enforcement investigative and raid operations for more than 100 participants. Conducted official sworn statements and testimony several hundred times.

Relevant Employee Awards: Directors Award at the Federal Law Enforcement Training Center (FLETC), DEA Surveillance Leader Award, $5,000.00 and $500.00 DEA Performance Cash Awards, Department of Justice (DOJ)/DEA Superior Service Award for the designated priority and organized crime investigation in the Division, FLETC "Most Wanted" Officer Award, 2015 $1,000.00 BLM Performance Cash Award, 2015 BLM 16 Hour Time Off Performance Award, 2016 BLM Special Agent of the Year Nomination, 2016 DOI Honor Award for Superior Service, 2016 $5,000.00 BLM Cash Performance Award, 2016 Letter of Appreciation, 2016 Additional $1,000.00 BLM Cash Award, Glock Pistol Award, and a Knife Gift.
***I was told my supervision was again putting me in for "Agent of the Year" and as recently as 2/13/2017 was told "I want you to know what a great job you are doing."**

Employee Conduct: professional, takes initiative, eager to work hard and accept additional responsibilities, does not jump the chain of command, respectful and polite with a "can do" attitude, and does not use disrespectful or unprofessional language. Per my fiscal year (FY) evaluations on my Employee Performance Appraisal Plans, I have been rated as an Exceptional/Superior Employee. Additionally, I have never been the subject of a disciplinary measure, instead I was consistently the subject of praise and appreciation.

Thank you. Please let me know when you have questions. I can go through each incident and reference the available evidence/corroborating information, identify the subject of the disclosure and identify any witnesses

Sent from my Verizon Wireless 4G LTE smartphone

EXHIBIT Q

Proof that Judge Lynn Norton is married to Einar Norton, a longtime employee of the Bureau of Land Management

THE SPOKESMAN-REVIEW
Spokane, Washington Est. May 19, 1883

Eye On Boise

By Betsy Z. Russell
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Betsy Z. Russell joined The Spokesman-Review in 1991. She currently is a reporter in the Boise Bureau covering Idaho state government and politics, and other news from Idaho's state capital.

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Fri., July 8, 2011

Idaho's number of women judges stays even - last in nation

X Facebook Reddit

When Gov. Butch Otter today appointed Ada County Deputy Prosecutor Lynn Graham Norton to be a 4th District judge, replacing retiring Judge Darla Williamson, he kept the state's number of women judges the same - the lowest in the country, at just over 11 percent. Otter has appointed judges to 24 open positions on the state Supreme Court, Court of Appeals and district courts; just two were women. However, the vast majority of the applicants for the positions were men. This time, of nine applicants, four were women; of the four finalists, two were female. In addition to Norton, the other finalists were Charles F. Peterson Jr., Christine M. Salmi, and Jeffrey A. Thomson. Click below to read Otter's full announcement about Norton's appointment.

C.L. "Butch" Otter
GOVERNOR

NEWS RELEASE
FOR IMMEDIATE RELEASE:
July 8, 2011

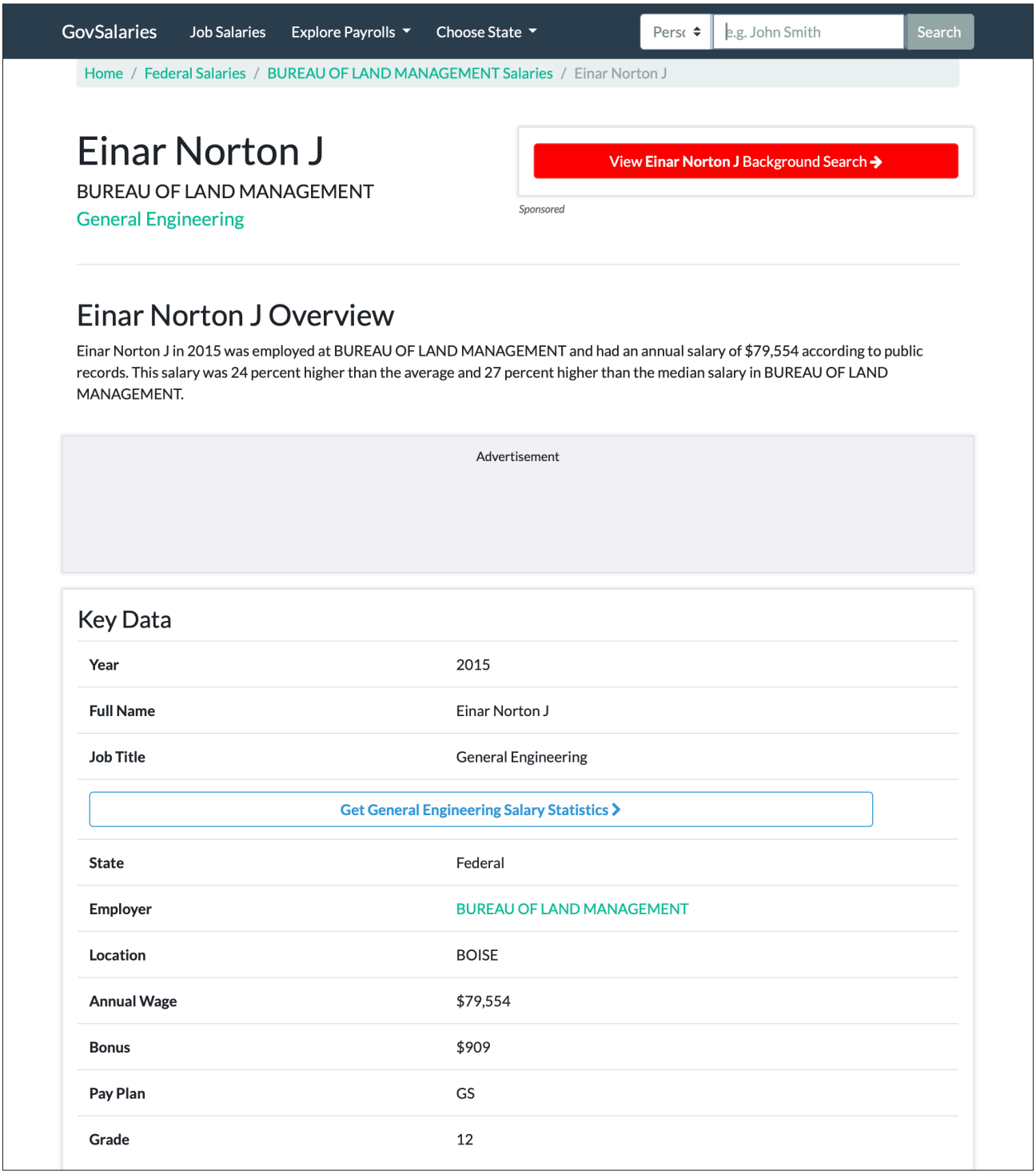
ADA COUNTY DEPUTY PROSECUTOR APPOINTED TO FOURTH DISTRICT BENCH

(BOISE) – Governor C. L. "Butch" Otter today named veteran Ada County Deputy Prosecutor Lynn Graham Norton to fill the Fourth District Court vacancy being left by the retirement of Boise-based Judge Darla Williamson.

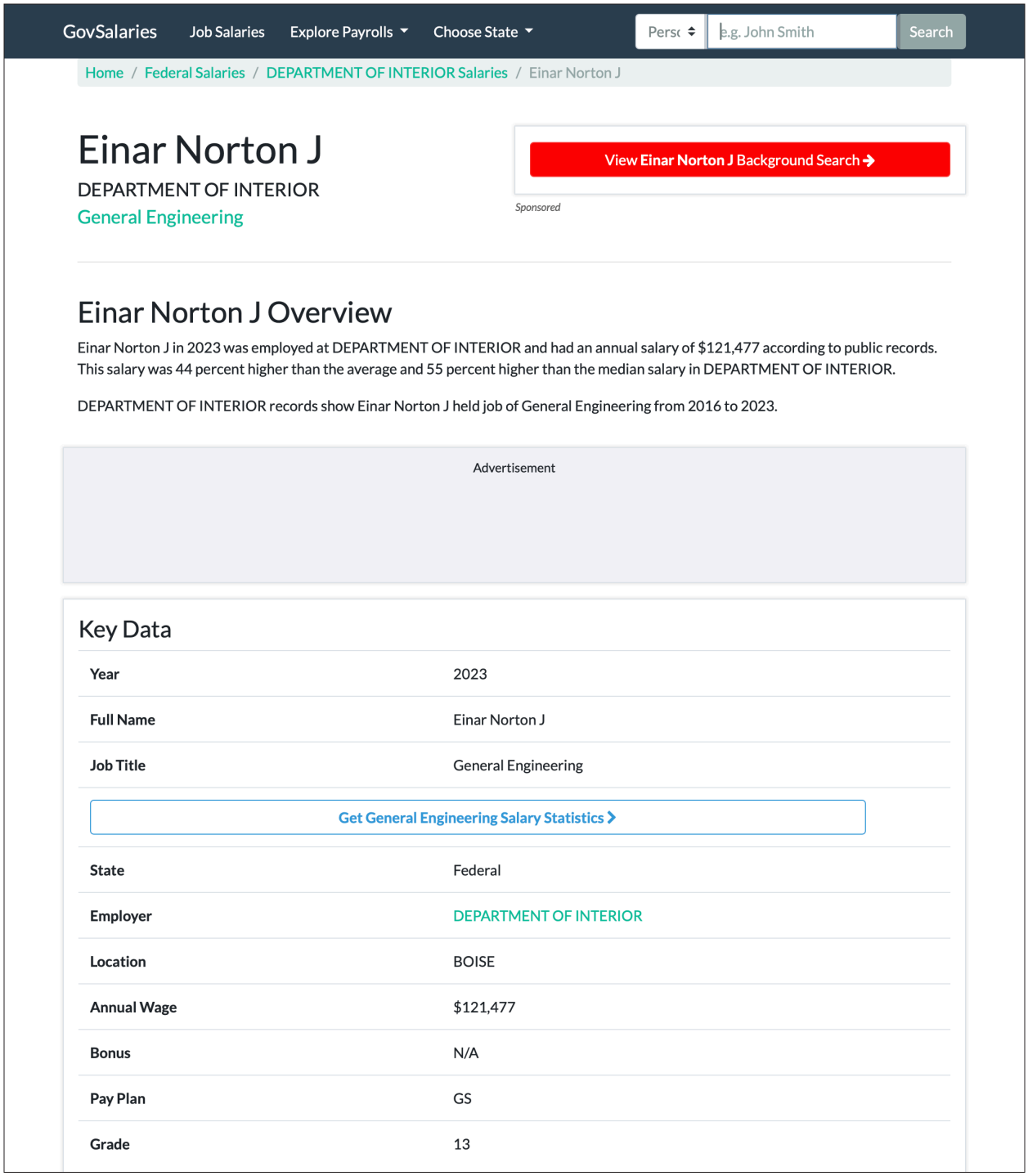
Norton grew up in Alabama and received her bachelor's and law degrees from the University of Alabama. She also has served 21 years as an attorney in the United States Air Force and Air Force Reserve, rising to the rank of colonel. Norton served with the 366th Fighter Wing at Mountain Home Air Force Base from 2008 to 2010.

She was among four candidates submitted for the Governor's consideration by the Idaho Judicial Council. Norton and her husband, Einar, have four children.

https://www.spokesman.com/blogs/boise/2011/jul/08/idahos-number-women-judges-stays-even-last-nation/



https://govsalaries.com/norton-einar-j-58721325



The **Department of the Interior** is the **Bureau of Land Management**.
https://govsalaries.com/norton-einar-j-176822446

It is relevant to note that Einar Norton's salary has increased from $79,544 in 2015 to $121,477 in 2023. That is a $41,933 increase (or a 52% increase) in just 8 years—this is a pay increase far outpacing the wage increases of other Federal jobs.

Lynn and Einar Norton

https://www.youtube.com/watch?v=Tp4WZ_1T9zc

EXHIBIT R

Judicial Complaint filed against Judge Lynn Norton

July 3rd, 2023

Idaho Judicial Council
P.O. Box 1397
Boise, ID 83701

To the Idaho Judicial Council –

I believe and have evidence that Judge Lynn Norton has violated the Code of Judicial Conduct by specifically failing to perform her duties impartially and diligently, and also by prejudicial conduct to the administration of justice that brings the office into disrepute.

Below, I have included 8 very specific things she has done which demonstrate her misconduct as a judge, her violations of both the U.S. Constitution and the Idaho State Constitution, and her general tyranny over American Citizens:

1. She issued an order against Diego Rodriguez without having jurisdiction over him or the case in question.

On July 12th, Judge Lynn Norton issued an order against Diego Rodriguez ordering him to "to respond to those Interrogatories on or before August 5, 2022." However, Diego Rodriguez was not officially served in this matter until September 7th, 2022. Therefore, Judge Lynn Norton did not have jurisdiction over Diego Rodriguez or this case until September 7th. Any orders issued before September 7th, 2022 are unlawful. And in this order itself, Judge Lynn Norton acknowledges the fact that Diego Rodriguez and Ammon Bundy, the defendants in this case, were not notified of the order since it is noted that neither of their address were on file as can be seen in the screenshot below (also attached as Exhibit A):

CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham
PO Box 2527
Boise, ID 83701

efstidham@hollandhart.com [X] E-mail

No known address is court file for:

Ammon Bundy

Diego Rodriguez

Dated: 07/12/2022

Phil McGrane
Clerk of the Court

By: *Janine Korsen*
Deputy Clerk

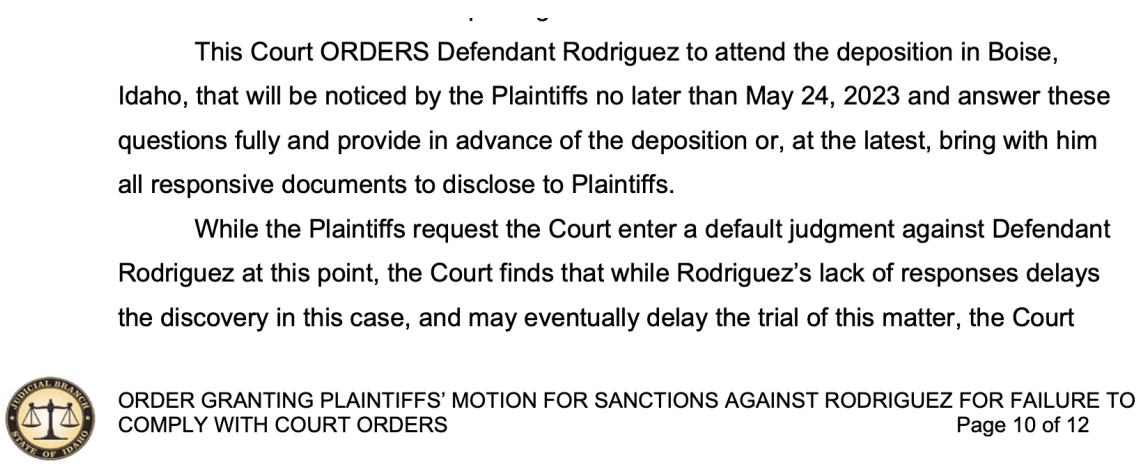
CLERK OF THE DISTRICT COURT FOURTH JUDICIAL DISTRICT ADA COUNTY, IDAHO

2. Judge Lynn Norton used her previous unlawful order as the premise to issue another order against Diego Rodriguez forcing him to pay legal fees to the plaintiff's attorney.
On November 29th, 2022, Judge Lynn Norton issued an additional order against Diego Rodriguez, ordering him to pay $5,408.10 of fees to the plaintiff's attorney based on the claim that Diego Rodriguez did not obey the previous order. However, Diego Rodriguez is not bound to obey an unlawful order.

Her claim is that Diego Rodriguez had to obey the unlawful order simply because Diego did not file a Rule 12(b) motion. However, a Rule 12(b) motion cannot apply to a case where the defendant still has yet to be legally served. Rule 12(b) applies to Diego's response, which he did file, on September 6th, 2022.

In no wise, does the lack of filing of a 12(b) motion change the fact that the court cannot issue orders against Diego Rodriguez BEFORE Diego has been legally served. (This order can be seen as Exhibit B.)

3. Judge Lynn Norton issued an order demanding that Diego Rodriguez, a citizen of the state of Florida, attend a deposition in Boise, Idaho at his own expense.
On April 24, 2023, Judge Lynn Norton issued an order demanding that Diego Rodriguez attend a deposition in Boise, Idaho as can be seen in the screenshot below:



This Court ORDERS Defendant Rodriguez to attend the deposition in Boise, Idaho, that will be noticed by the Plaintiffs no later than May 24, 2023 and answer these questions fully and provide in advance of the deposition or, at the latest, bring with him all responsive documents to disclose to Plaintiffs.

While the Plaintiffs request the Court enter a default judgment against Defendant Rodriguez at this point, the Court finds that while Rodriguez's lack of responses delays the discovery in this case, and may eventually delay the trial of this matter, the Court

This is a civil case and this order is therefore a violation of the Rules of Civil Procedure Rule 45 (c)(1) plainly states: *For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows: (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or (B) within the state where the person resides, is employed, or regularly transacts business in person.*

I live in Florida, over 2,000 miles away from Boise, Idaho, and Judge Lynn Norton is fully aware of that fact and has stated so in multiple rulings and orders. Judge Lynn

Norton is intentionally issuing unlawful orders, apparently, just to cause Diego Rodriguez harm and frustration.

4. Judge Lynn Norton refused to obey Idaho Civil Rules and Procedure Rule #55 and put Ammon Bundy in jeopardy of his life, liberty, and property by breaking this law/rule.

Ammon Bundy is a defendant named in this case, and decided to ignore the case and allow himself to suffer by receiving a default judgment as this is what the Idaho Rules of Civil Procedure demand and declare, *"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the court must order entry of the party's default."*

Judge Lynn Norton refused to obey the Idaho Civil Rules and Procedure #55 and has therefore brought additional harm and injustice to Ammon Bundy.

5. Judge Lynn Norton unlawfully held Ammon Bundy in contempt of court and has put his life, liberty, and property in jeopardy without cause.

Judge Lynn Norton signed a warrant to arrest Ammon Bundy for contempt of court for allegedly violating a protective order that was issued against him. However, Ammon Bundy would never be subject to the protective order in the first place, had Judge Lynn Norton obeyed the I.R.C.P. Rule #55 which she is required to do.

Nevertheless, even if Ammon was subject to such protective order, he plainly did not violate it. The protective order states, and is attached as Exhibit D, *"Any person who, by direct or indirect force, or by any threats to a person or property, or by any manner wilfully intimidates, threatens or harasses any person because such person has testified or because he believes that such person has testified in this lawsuit may be held in contempt of court."*

Ammon Bundy simply never did such a thing. On the contrary, in a general article not aimed or directed at any person, and especially not at any person in this case, Ammon Bundy made a call for peaceful unity. Later in his article, he went on to say, *"Stop thinking that the courts or elected representatives are going to save us. Stop worshiping the police or anyone else that secures more power to the institutions that threaten freedom. Stop wasting your time thinking that congress or the president is where the solution resides. Stop being afraid. Stop thinking that remaining free is easy, it's not! The people must balance the power that is forming against them. We must peacefully unite, plan and prepare so we are ABLE to defend ourselves as necessary. The right to defend yourself is a right that is given to you from God and a right that is protected in our founding documents. The same documents that mean nothing unless they can be enforced by the people."*

This is the written section of Ammon's article that Judge Lynn Norton claims violated the unlawful protective order that was issued against Ammon. Again, it was unlawful because it never would have been issued had Judge Norton obeyed the rules which

govern her behavior. Additionally, even if the order were lawful, Ammon's words were clearly not a violation of the order and anybody can plainly see that to be true.

Judge Norton has thereby violated Ammon Bundy's rights and has put his life and liberty in jeopardy as he has been subject to physical threats, harm, and harassment by law enforcement as a result of Judge Norton's orders. If Ammon, or anyone close to him, is harmed as a result of this order, it will be the fault of Judge Lynn Norton and her violations of law, the Idaho State Constitution, and the U.S. Constitution, which demonstrate her Judicial Misconduct by specifically failing to perform her duties impartially and diligently, and also by prejudicial conduct to the administration of justice that has brought the entire institution of the "Justice Department" of Idaho into disrepute.

6. Judge Lynn Norton issued a warrant for Diego Rodriguez's arrest with excessive bail, violating the US Constitution and the Idaho State Constitution.
The 8th Amendment to the US Constitution plainly states that "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Yet, Judge Lynn Norton issued a warrant for the arrest of Diego Rodriguez in this civil matter with a bail set at $25,000. That is an unconscionable sum of money and is clearly excessive by anyone's judgment or estimation. There is no reasonable or logical reason for such an excessive amount of bail to be placed, particularly when fines for contempt of court in civil cases in Ada County normally amount to $250 or less, and it definitely gives the impression to the public that Judge Lynn Norton is simply being vindictive against Diego Rodriguez since he has exercised his 1st amendment right of freedom of speech and has published many articles exposing what he believes to be corruption and tyranny on behalf of Judge Lynn Norton.

The Idaho State Constitution likewise in section 6 states, "Excessive bail shall not be required, nor excess fines imposed, nor cruel and unusual punishments inflicted." And to further demonstrate how excessive this bail is and how it is a deep violation of constitutionally protected rights, it must be noted that Idaho State Statute § 7-610 puts a limit of $5,000 as the fine for contempt of court: "Upon the answer and evidence taken, the court or judge must determine whether the person proceeded against is guilty of the contempt charged, and if it be adjudged that he is guilty of the contempt, a fine may be imposed on him not exceeding five thousand dollars ($5,000)."

7. Judge Lynn Norton issued a warrant for Ammon Bundy's arrest with excessive bail, violating the US Constitution and the Idaho State Constitution.
In the same manner listed above, Judge Lynn Norton issued a warrant for arrest for Ammon Bundy, which was unlawful, and also violated the Constitution with excessive bail issued at $10,000.

8. Judge Lynn Norton issued an order striking all of Diego Rodriguez's answers from the record, violating his due process rights.
How can justice be served or proper judgments be made by any jury or public enquirer, if the defendant's responses to the complaint and allegations made against him are struck from the record? This is judicial bias and misconduct of the highest order and

has brought significant disrepute to the Idaho Judicial system. (Order attached as Exhibit E).

9. Judge Lynn Norton, in the same order, has prohibited Diego Rodriguez from presenting any evidence contrary to the allegations made against him by the plaintiffs.

This is a most egregious and heinous order that makes even the casual observer consider that communist tyranny is more just than Judge Lynn Norton's court room. This is the epitome of judicial misconduct and should never be tolerated.

10. Judge Lynn Norton denied Diego Rodriguez, a citizen of Florida, access to his pre-trial hearing via video when he requested it.

Judge Lynn Norton denied Diego Rodriguez access to the pre-trial hearing via videoconference because a member of the public had previously recorded a hearing and recorded it contrary to her orders. This recording was later posted to a Telegram group where Diego Rodriguez is allegedly an "administrator" of the page. Diego Rodriguez, however, did not instruct this person to make that record, nor did he have any influence over that person, and was not in communication with that person in any way. What another member of the public does should not have any effect or rendering upon judgment for Diego or any other defendant in this case. Judge Lynn Norton is therefore punishing Diego Rodriguez for the actions of another. This is judicial misconduct. (This order can be seen as Exhibit F).

11. Judge Lynn Norton demanded that Diego Rodriguez produce his 2022 tax returns in the year 2022, when they had no relevance to the case and they were not even required to be filed until April 2023.

While this issue might seem like a simple error and oversight on behalf of Judge Lynn Norton, when taken together with the other long train of abuses and usurpations, it demonstrates her continued violations of rights, her disregard for law and order, and her general tyrannical nature. One can only wonder how many people she has tyrannized and how often her tyranny has been exercised upon the citizens of Idaho. (This order can be seen as Exhibit G.)

12. Judge Lynn Norton ordered sanctions against Diego Rodriguez for not providing discovery requests which were entirely irrelevant and would not lead to admissible evidence, but she issued no sanctions against the Plaintiffs in this case for refusing to provide discovery that was entirely relevant and would have lead to admissible evidence.

Discovery requests by Diego Rodriguez that were completely refused and rejected included:

The amount of money St. Luke's hospital received for having Baby Cyrus in their possession.

The amount of money St. Luke's receives on an annual basis for receiving children from CPS.

The salary and total compensation package for Chris Roth in comparison to previous CEOs.

The amount of children who have died in St. Luke's hospital.
The number of people who died on ventilator's at St. Luke's hospital during the COVID pandemic.

These, along with other relevant discovery requests, that were made by Diego Rodriguez were simply rejected and Judge Lynn Norton never made any demands or orders against the Plaintiffs for rejecting these required requests, yet she issued sanctions against Diego Rodriguez for not providing discovery requests to totally irrelevant issues that were designed to simply frustrate, harass, and cause injury to Mr. Rodriguez—and would ultimately just serve as a complete waste of time and an unnecessary invasion of his privacy.

I certify that, to the best of my knowledge, the foregoing is true and correct.

Sincerely,

Diego Rodriguez
1317 Edgewater Dr #5077
Orlando, FL 32804
freedommanpress@protonmail.com

EXHIBIT A

Filed: 7/12/2022 at 4:58 p .m.
Fourth Judicial District, Ada County
Phil McGrane, Clerk of the Court
By: Janine Korsen Deputy Clerk

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

St Lukes Health System LTD, St Lukes Regional Medical Center LTD, Chris Roth, Natasha Erickson, MD, Tracy Jungman
Plaintiff,
vs.
Ammon Bundy, Ammon Bundy for Governor, Diego Rodriguez, Freedom Man PAC, Peoples Rights Network, Freedom Man Press LLC
Defendant.

Case No. CV01-22-06789

AMENDED ORDER GRANTING MOTION TO EXPEDITE DISCOVERY

THIS MATTER having come before the Court for hearing on June 3, 2022 on Plaintiffs Chris Roth and Natasha Erickson's Motion to Expedite Discovery, the Court finds good cause to approve said Motion.

NOW, THEREFORE, it is hereby ordered that the Motion to Expedite Discovery is GRANTED and:

- Plaintiffs Chris Roth and Natasha Erickson are GRANTED leave to serve the Expedited Interrogatories set out in Exhibits A & B to the Declaration of Erik Stidham ISO Motion to Expedite Discovery to Defendants Ammon Bundy and Diego Rodriguez respectively; and
- Defendants Ammon Bundy and Diego Rodriguez are ORDERED to respond to those Interrogatories **on or before August 5 , 2022.**

IT IS ORDERED.

Dated: 7/12/2022 4:30:22 PM

Lynn Norton
District Judge

CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham PO Box 2527 Boise, ID 83701	efstidham@hollandhart.com	[X] E-mail

No known address is court file for:

Ammon Bundy

Diego Rodriguez

Phil McGrane
Clerk of the Court

Dated: 07/12/2022

By: *Janine Korsen*
Deputy Clerk

EXHIBIT B

Filed: 11/29/2022 at 10:27 a .m.
Fourth Judicial District, Ada County
Phil McGrane, Clerk of the Court
By: Janine Korsen Deputy Clerk

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

St Lukes Health System LTD, St Lukes Regional Medical Center LTD, Chris Roth, Natasha Erickson, MD, Tracy Jungman
Plaintiff,
vs.
Ammon Bundy, Ammon Bundy for Governor, Diego Rodriguez, Freedom Man PAC, Peoples Rights Network, Freedom Man Press LLC
Defendant.

Case No. CV01-22-06789

Memorandum Decision and Order Denying Reconsideration and Granting/Awarding Deposition Fees and Costs Against Diego Rodriguez

Defendant Rodriguez's Motion to Cancel or Reconsider the Court's Order on Motions for Sanctions and Memorandum in Support, filed Oct. 4, 2022, and Plaintiffs' Motion for Award of Attorneys' Fees Against Diego Rodriguez Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions, filed October 19, 2022, came before the Court for hearing on November 22, 2022.

Appearances: Eric Stidham for Plaintiffs
Diego Rodriguez did not appear
Orders of default are entered for the other defendants

On October 4, 2022, Defendant Rodriguez filed a Motion to Cancel or Reconsider the Court's Order on Motions for Sanctions and Memorandum in Support. A Notice of Hearing was filed on November 7, 2022 that noticed the matter for hearing on November 22, 2022 before the District Court, Ada County Courthouse, Boise, Idaho.

On October 19, 2022, the Plaintiffs filed a Motion for Award of Attorneys' Fees Against Diego Rodriguez Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions. The Plaintiffs noticed the matter for hearing on November 22, 2022. All hearings before the District Court are in person and no motion for a videoconference hearing was filed by either party.

Diego Rodriguez did not appear at the hearing on November 22, 2022. No motion to appear by videoconference was filed by Diego Rodriguez. All hearings at the

District Court level, even in civil cases, are being held in person unless a party moves for an exception to appear by videoconference.

The Fourth Judicial District Local Rules provide the following when a party fails to appear at a civil hearing:

> 5.1. If the moving party or his or her attorney fails to appear to argue a contested motion at the time set, the court may summarily deny the motion for failure to prosecute pursuant to I.R.C.P. 41(b) or I.R.F.L.P. 123 or may deem the motion withdrawn.
>
> 5.2. If the moving party or his or her attorney appears to argue the motion at the time set, if the opposing party or his or her attorney does not appear, and if the motion has been properly and timely noticed for hearing with proof of due service, the court may render a decision on the merits of the motion.

I. RODRIGUEZ'S MOTION TO RECONSIDER SANCTIONS RELATED TO EXPEDITED DISCOVERY

Defendant Rodriguez's did not file a separate memorandum or affidavit but stated: "Included within this motion is a memorandum supporting the facts and law for this request as well as a verification from Diego Rodriguez that the statements contained herein are true." Instead, his motion and memorandum are combined in his Motion to Cancel or Reconsider the Court's Order on Motions for Sanctions and Memorandum in Support.[1] Plaintiffs responded[2] with supporting declaration from counsel.[3]

While the Court could consider the motion withdrawn or summarily deny the motion pursuant to Fourth Judicial District Local Rule 5.1, the Court reads the motion in part as a request to disallow fees requested by the Plaintiffs in their Motion for Sanctions which was heard in oral argument at the same hearing. To that extent, the Court considers Rodriguez's Motion to Cancel or Reconsider as a written responsive argument to the Plaintiffs' Motion for Sanctions.

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[1] Verified Motion to Cancel or Reconsider Court's Order on Motions for Sanctions and Memorandum in Support ("Def's Memo"), filed Oct. 4, 2022.

[2] Plaintiffs' Opposition to Defendant Diego Rodriguez's Verified Motion to Cancel or Reconsider Court's Order on Motions for Sanctions and Memorandum in Support ("Response"), filed Nov. 15, 2022.

[3] Declaration of Erik F. Stidham in Support of Plaintiffs' Opposition to Defendant Diego Rodriguez's verified Motion to Cancel or Reconsider the Court's Order on Motions for Sanctions ("Stidham Reconsider Dec'), field Nov. 15, 2022.

On July 12, 2022, the court entered an Amended Order Granting Motion for Expedited Discovery allowing Plaintiffs leave to serve expedited Interrogatories on Diego Rodriguez and ordering a response by August 5, 2022. Diego Rodriguez did not respond to the expedited Interrogatories and the Court entered an Order on September 6, 2022 addressing sanctions for the failure to respond to the Interrogatories. In relevant part of the Order the Court stated:

> The Court also ORDERS that Defendant Rodriguez is to pay the costs of the deposition that are costs that would not have been incurred but for Mr. Rodriguez's failure to respond to the Interrogatories proposed by Plaintiffs since Mr. Rodriguez was on notice of Plaintiffs' intent to seek this discovery and was mailed the Court's Orders for at least three months prior to the hearing on September 6, 2022.
>
> Further, the Court finds it must award the Plaintiffs' the costs and fees incurred in filing the motion for sanctions and appearing at the hearing on September 6, 2022.

Rodriguez now seek reconsideration of that Order and requests the Court vacate the portion of the order that requires him to pay the deposition costs and awards the Plaintiff fees for conducting the deposition.

First, Rodriguez asserts that the Order is void because he was not properly served with process and sanctions were imposed before his Answer was due on September 7, 2022. There is no dispute for purposes of this motion that Defendant Rodriguez is not a resident of Idaho and is currently a resident of Florida. The Plaintiffs argue that Rodriguez was properly served and had actual knowledge of the lawsuit and the Court's Order well before September 6, 2022. The Plaintiffs also assert that Rodriguez has waived any claim that this court lacks jurisdiction over the defendant because he did not file a Rule 12 motion prior to filing his answer.

The Court agrees that Defendant Rodriguez has waived any claim for lack of personal jurisdiction since no claim for lack of jurisdiction was raised by Rodriguez by filing a Rule 12(b) motion before filing his responsive pleading and no claim of lack of jurisdiction was raised in the Answer that he filed. Therefore, the Court finds that Rodriguez has waived any claim that the Court lacks jurisdiction over him or to enter orders against him in this case.

Next, the Court finds Diego Rodriguez was properly served with process in this case. The publications informed Rodriguez that at "Any time after 21 days following the last publication of this summons, the court may enter a judgment against you without further notice, unless prior to that time you have filed a written response in the proper form." The last publication of the summons in the Idaho Statesman and the Orlando Sentinel was August 8, 2022, which meant his deadline to answer was August 29, 2022. However, the final publication date of the summons in the Orlando Weekly was on August 17, 2022,[4] so his deadline to answer was September 7, 2022 under that publication. However, the deadline to Answer is not dispositive of this issue. The Court finds that the Defendant was properly served and had notice of the hearing on sanctions and Defendant Rodriguez did not attend that hearing before the Court entered its Order on the Motion for Sanctions. While there was a procedural deficiency in the original service of process attempted on Rodriguez, this deficiency was corrected prior to the Court's Order for Sanctions. And the Court would finally note that expedited discovery may occur before there is a responsive pleading or before the deadline for a responsive pleading in a litigation – as was ordered in this case.

Finally, the Court's original purpose for the Amended Order Granting Motion for Expedited Discovery and then for imposing sanctions for noncompliance with that Amended Order, and that Rodriguez knowingly failed to comply with this Court's Order that required him to answer the expedited discovery has not been disproven. Further, the Court does not find that the Order on Motion for Sanctions is confusing or vague as to Defendant Rodriguez. The Plaintiffs have presented sufficient evidence that Rodriguez was aware of the Amended Order for Expedited Discovery, was served the Order and the Interrogatories, and did not comply by answering the Interrogatories, and that noncompliance necessitated a deposition to obtain answers to those questions. Therefore, the Court finds its September 6, 2022 Order was not procedurally deficient and does not violate Rodriguez's constitutional rights or his right to due process. Defendant Rodriguez's Motion to Cancel or Reconsider the Court's Order on Motions for Sanctions and Memorandum in Support, filed October 4, 2022, is **DENIED**.

[4] Proof of Publication, Diego Rodriguez, filed Aug. 19, 2022.

II. PLAINTIFFS' MOTION FOR FEES AND COSTS AGAINST RODRIGUEZ FOR DEPOSITION

The Plaintiffs' Motion for Award of Attorneys' Fees Against Diego Rodriguez Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions,[5] with supporting memorandum[6] and declaration from attorney Erik Stidham,[7] requests an award of $5,945.55 to Plaintiffs for costs and fees associated with the Rodriguez deposition to obtain the answers to the expedited discovery ($537.45 for the Reporting/Stenographer charges and $5,408.10 in attorney fees). The deadline for filing any motion to disallow fees and costs under Idaho Rule of Civil Procedure 54 was November 2, 2022. No Motion to Disallow was filed, and although the Court reads Rodriguez's motion for reconsideration in part as a motion to disallow, Rodriguez did not raise any specific arguments related to the reasonableness of the fees request. Therefore, the Court will simply consider whether the fees are reasonable under I.R.C.P. 54.

After considering the factors in I.R.C.P. 54(e)(3), the court finds that the hourly rate charged this client and the billed hours requested for the deposition are reasonable. Therefore, the Court **GRANTS** Plaintiffs' Motion for Award of Attorneys' Fees Against Diego Rodriguez Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions, filed October 19, 2022, and the Court awards Plaintiff the $5,408.10 of fees and costs incurred in the deposition. The Plaintiffs must submit a proposed order and the proposed order may require payment by Defendant Rodriguez to the Plaintiffs no later than thirty days after that order is entered.

IT IS ORDERED

Dated: 11/28/2022 6:28:26 PM

Lynn Norton
District Judge

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5 Plaintiffs' Motion for Award of Attorneys' Fees Against Diego Rodriguez Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions, filed Nov. 19, 2022.

6 Memorandum in Support of Plaintiffs' Motion for Award of Attorneys' Fees Against Diego Rodriguez Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions ('Fees Memo"), filed Nov. 19, 2022.

7 Declaration of Erik F. Stidham in Support of Plaintiffs' Motion for Award of Attorneys' Fees Against Diego Rodriguez Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions ("Stidham Fee Dec"), filed Nov. 19, 2022.

CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham	efstidham@hollandhart.com	[X] E-mail
Diego Rodriguez	freedommanpress@protonmail.com	[X] E-mail

Phil McGrane
Clerk of the Court

Dated: 11/29/2022

By: *Janine Korsen*
Deputy Clerk

EXHIBIT C

Filed: 4/25/2023 at 8:42 a .m.
Fourth Judicial District, Ada County
Trent Tripple, Clerk of the Court
By: Janine Korsen Deputy Clerk

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

St Lukes Health System LTD, St Lukes Regional Medical Center LTD, Chris Roth, Natasha Erickson, MD, Tracy Jungman
Plaintiff,
vs.
Ammon Bundy, Ammon Bundy for Governor, Diego Rodriguez, Freedom Man PAC, Peoples Rights Network, Freedom Man Press LLC
Defendant.

Case No. CV01-22-06789

ORDER GRANTING PLAINTIFFS' MOTION FOR SANCTIONS AGAINST RODRIGUEZ FOR FAILURE TO COMPLY WITH COURT ORDERS

Plaintiffs filed a Motion for Sanctions Against Defendant Diego Rodriguez for Failure to Comply with Court Orders, filed March 7, 2023, that came before the Court for hearing on March 21, 2023.

Appearances: Erik Stidham for Plaintiffs

Diego Rodriguez, a self-represented litigant, did not appear at this hearing

On March 7, 2023, Plaintiffs filed a Motion for Sanctions against Defendant Diego Rodriguez for Failure to Comply with Court Orders[1] with supporting memorandum[2] and Declaration from Erik Stidham.[3]

The Notice of Hearing for March 21, 2023 was served on Diego Rodriguez. Pursuant to Idaho Rule of Civil Procedure 7(b)(3)(B), any opposing memoranda or brief must be filed with the court and served so as to be received by the parties at least seven days before the hearing.

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[1] Motion for Sanctions Against Defendant Diego Rodriguez for Failure to Comply with Court Orders, filed Mar. 7, 2023.

[2] Memorandum in Support of Plaintiffs' Motion for Sanctions Against Defendant Diego Rodriguez for Failure to Comply with Court Orders, ("Pl. Memo") filed Mar. 7, 2023.

[3] Declaration of Erik Stidham in Support of Plaintiffs' Motion for Sanctions Against Defendant Diego Rodriguez for Failure to Comply with Court Orders, filed Mar. 7, 2023.

Diego Rodriguez is representing himself. "*Pro se* litigants are held to the same standards and rules as those represented by an attorney." *Twin Falls Cnty. v. Coates*, 139 Idaho 442, 445, 80 P.3d 1043, 1046 (2003). *Pro se* litigants are not accorded any special consideration simply because they are representing themselves and are not excused from adhering to procedural rules. *Nelson v. Nelson*, 144 Idaho 710, 170 P.3d 375, 383 (2007); *Sammis v. Magnetek, Inc.*, 130 Idaho 342, 346, 941 P.2d 314, 318 (1997); *Golay v. Loomis*, 118 Idaho 387, 392, 797 P.2d 95, 100 (1990), *quoting Golden Condor, Inc. v. Bell*, 112 Idaho 1086, 1089 n.5, 739 P.2d 385, 388 n.5 (1987).

Diego Rodriguez filed an untimely Motion for Dismissal of Plaintiff's Motion for Sanctions Against Defendant Diego Rodriguez for Failure to comply with Orders, filed March 21, 2023, and a Memorandum in Support, filed March 20, 2023. Although styled as a motion to dismiss, the Court considers the substance of the memorandum to be an opposition brief opposing the sanctions requested in Plaintiffs Motion for Sanctions against Defendant Diego Rodriguez.

Diego Rodriguez did not appear at the hearing on March 21, 2023. No motion to appear by videoconference was filed by Diego Rodriguez. All hearings at the District Court level, even in civil cases, are being held in person unless a party moves for an exception to appear by videoconference.

The Fourth Judicial District Local Rules provide the following when a party fails to appear at a civil hearing:

> 5.2. If the moving party or his or her attorney appears to argue the motion at the time set, if the opposing party or his or her attorney does not appear, and if the motion has been properly and timely noticed for hearing with proof of due service, the court may render a decision on the merits of the motion.

The Court considered the Plaintiffs' motion, memorandum and declaration filed. The Court also considered Rodriguez's motion to dismiss and memorandum as a response.

FACTS AND PROCEDURAL BACKGROUND

This order addresses the latest motion in an ongoing discovery dispute that began with discovery requests served approximately a year ago. Specifically, on May 12, 2022, Plaintiffs moved this Court to permit expedited discovery requests for all defendants. The Court entered its Order Granting Motion for Expedited Discovery on

June 3, 2022 and then an Amended Order Granting Motion to Expedite Discovery on July 12, 2022. The deadline for Diego Rodriguez to respond to the expedited interrogatories was August 4, 2022. Rodriguez did not timely respond to those interrogatories so the Plaintiffs moved for sanctions.[4] This Court entered its Order on Motions for Sanctions on September 8, 2022, requiring Diego Rodriguez to sit for a deposition to answer the questions posed in Interrogatories numbers 1, 2, 3, 4, and 5. The costs of that deposition were ordered at Rodriguez's expense since the deposition costs would not have been incurred but for Mr. Rodriguez's failure to respond to the Interrogatories proposed by Plaintiffs.[5]

Ultimately, that limited deposition was conducted by videoconference on October 5, 2022.[6] At that deposition, Diego Rodriguez testified that his residence is in Florida but would not specifically identify an address.[7] Following a Motion and Memorandum of Fees, and hearing on that motion on November 22, 2022,[8] this Court entered an Order Awarding Fees[9] requiring Rodriguez to pay $5,408.10 in deposition costs incurred by Plaintiffs when Plaintiffs counsel traveled to the place designated in the Notice of Deposition at the time designated in the Notice of Deposition.

Because of Rodriguez's efforts to encourage members of the public to join the October 5, 2022 video deposition, this Court entered an Order for Protection RE: Depositions, filed November 29, 2022, limiting attendance at future depositions in this

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4 Memorandum in Support of Motion for Sanctions and For Contempt (Diego Rodriguez), filed Aug. 9, 2022; Decl. of Erik F. Stidham in Support of Mot. for Sanctions and for Contempt, filed Aug. 9, 2022 ("Despite being served with the Amended Order and having more than four weeks to comply with the Court's directive, Mr. Rodriguez has not responded to Plaintiffs' interrogatories in any way." ¶ 4.); Decl. of Erik F. Stidham in Support of Mot. for Award of Attorneys' Fees Against Diego Rodriguez Pursuant to Court's September 8, 2022 Orders on Motions for Sanctions, filed Oct. 19, 2022 ("Although Rodriguez's email correspondence continued to obstruct any in-person deposition, as he refused to disclose his location so that St. Luke's counsel could hold the deposition where he claims to currently reside or be located, the deposition was scheduled to move forward via Zoom on October 5, 2022." ¶ 9.)

5 Order on Motions for Sanctions, filed Sept. 8, 2022,

6 Declaration of Erik F. Stidham in Support of Motion for Sanctions and Protective Order Relating to Limited Deposition of Diego Rodriguez Set for October 5, 2022, filed Oct. 4, 2022.

7 Dec of Erik Stidham in Support of Motion to Compel, filed Dec. 6, 2022, ¶8 and Ex. D, pp. 10-15.

8 Rodriguez did not file any written response to this motion and did not appear at the November 22, 2022 hearing.

9 Order Awarding Fees, filed Dec. 13, 2022.

case to legal counsel, the individual parties, and a single designated representative of the legal entity parties.

On December 6, 2022, the Plaintiffs filed a Motion to Compel Discovery from Rodriguez, with a memorandum and a declaration in support. The Court entered its Order Compelling Defendant Rodriguez to Respond to Discovery on February 8, 2023. This Order was for Rodriguez to supplement his deposition responses to Interrogatory Nos. 1, 2, 3, 4, 5 with full responses; fully respond to Interrogatory Nos. 6, 8, 11, 14, 15, 28, and 29-32; respond to Requests for Production No. 16, 19, 22, 23, 37, and 41; and to appear in-person for a deposition in December 2022.[10]

The motion currently before the Court requests this Court to sanction Diego Rodriguez under Idaho Rule of Civil Procedure 37 for (1) his refusal to pay $5,408.10 in deposition costs incurred to obtain answers to expedited discovery requests within the timeframe in the Order Awarding Fees entered December 13, 2022; and also sanction Rodriguez for (2) violating the Order Compelling Rodriguez to Respond to Discovery entered February 8, 2023 by (a) failing to provide viable dates and for attempting to designate Brazil for a deposition and (b) failing to supplement his written discovery responses as ordered.[11]

Defendant Rodriguez's response contests the legality of the Order Awarding Fees for reasons stated in his motion to cancel or reconsider the Order on motions for Sanctions.[12] Related to failing to attend the December deposition, Rodriguez states he provided dates for deposition and offered to attend the deposition by Zoom/video conference from outside the United States.[13] His response did not address the failure to supplement his responses to the interrogatories and requests for production.

The trial in this case is set for July 10, 2023.

LEGAL STANDARD

The pertinent rules regarding obtaining discovery have previously been set forth in this Court's orders on the Plaintiffs' motions to compel and will not be reiterated here.

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10 Order Compelling Defendant Rodriguez to Respond to Discovery, filed Feb. 8, 2023.

11 Pl. Memo, p. 2.

12 Response, p. 2.

13 Id. pp. 3-4.

Idaho Rule of Civil Procedure 26(b)(1) addressed the scope of discovery in general and states:

> Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows: (1) Parties may obtain discovery **regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action**, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. **It is not grounds for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.**

(emphasis added).

Then, Idaho Rule of Civil Procedure 26(b)(5)(A) more specifically provides:

> **Privileged information withheld.** When a party withholds information otherwise discoverable under these rules by claiming it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.

(emphasis in original).

Rule 37(a)(3) states that for purposes of sanctions for violation of orders on motions for orders compelling discovery, the court is to treat evasive or incomplete answers as a failure to answer.

Idaho Rule of Civil Procedure 11 provides in pertinent part that:

> [t]he signature of an attorney or party constitutes a certificate that the attorney or party has read the pleading, motion or other paper; that to the best of the signer's knowledge, information, and belief after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.
> . . .
> If a pleading, motion or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of the

> reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

Idaho Rule of Civil Procedure 37(d)(2) provides that if a party fails, after being served with proper notice, to appear for that person's deposition; or after being properly served with interrogatories or a request for production or inspection, fails to serve its answers, objections, or written response, then the Court may order sanctions which may include those listed in Rule 37(b)(2)(A)(i) through (vi).

> (i) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;
>
> (ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
>
> (iii)striking pleadings in whole or in part;
>
> (iv) staying further proceedings until the order is obeyed;
>
> (v) dismissing the action or proceeding in whole or in part;
>
> (vi) rendering a default judgment against the disobedient party; or
>
> (vii) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination and initiating contempt proceedings.

Instead of or in addition to these sanctions, Idaho Rule of Civil Procedure 37(d)(3) provides the court must require the party failing to act pay the reasonable expenses, including attorney's fees, caused by the failure, unless the failure was substantially justified or other circumstances make an award of expenses unjust.

The Court of Appeals of Idaho has also set forth the circumstances under which a court may impose the more severe sanctions including dismissing an action with prejudice or entering a default judgment as a sanction:

> [F]or a trial court to properly dismiss a case with prejudice for failure to comply with procedural rules, several circumstances must be shown: (1) a clear record of delay; (2) ineffective lesser sanctions; and (3) at least one aggravating factor of (a) delay from intentional conduct; (b) delay by the [party] personally; or (c) delay causing prejudice to the [opposing party]. These factors must appear in the record in order to facilitate appellate review.

Peterson v. McCawley, 135 Idaho 282, 16 P.3d 958 (Ct. App. 2000) (citing *Ashby v. Western Council, Lumber Production and Industrial Workers*, 117 Idaho 684, 687 791 P.2d 434, 437 (1990)). The Idaho Supreme Court has held "[a]n award of costs and explicit warnings are among the appropriate preliminary measures which a trial court may take to force compliance with procedural rules before taking the drastic measure of dismissal with prejudice." *Ashby*, 117 Idaho at 688, 791 P.2d at 438.

ANALYSIS

Once again, this Court is to determine whether Defendant Rodriguez should be sanctioned—this time for failing to fully supplement his discovery responses and failing to provide deposition dates in a reasonable location for a deposition as required in the February 8, 2023 Order.

1. The request to sanction Rodriguez for refusing to pay deposition costs and also for violating the Order Compelling Rodriguez to Respond to Discovery, entered February 8, 2023, by failing to provide viable dates and for attempting to designate Brazil for a deposition

Defendant Rodriguez's response contests the legality of the Order Awarding Fees for reasons stated in his motion to cancel or reconsider the order on motions for sanctions. Rodriguez's response essentially states that he was not obligated to sit for the deposition noticed in a Notice of Deposition because it was inconvenient since he was out of the country. Mr. Rodriguez is a party to this litigation and has filed an Answer. While the Court required the parties to try to find a mutual date, time and place for the deposition, Mr. Rodriguez was not reasonable in designating Brazil as the place for the deposition or in providing reasonable deposition dates complying with the Order Compelling Rodriguez to Respond to Discovery. Therefore, Plaintiffs noticed a deposition according to the Idaho Rules of Civil Procedure and Defendant Rodriguez was required by the rules to attend that deposition. Defendant Rodriguez did not file a motion with the court for a protective order requesting the Court change the date, time or place of the noticed deposition. Rather, he unnecessarily caused expense for the Plaintiffs.

The Court will enter a sanction for failing to pay the deposition costs ordered in the Order Awarding Fees entered December 13, 2022 and also for violating the Order

Compelling Rodriguez to Respond to Discovery, entered February 8, 2023, by failing to provide viable dates and for attempting to designate Brazil for a deposition.

The Court will appoint a Discovery Referee or Discovery Master, pursuant to Idaho Rule 53. The Plaintiffs are to notice a deposition of Defendant Diego Rodriguez in Boise, Idaho, before May 24, 2023. The Defendant Rodriguez is required to travel to Boise, Idaho, to attend. Since the Defendant is unwilling to pay Plaintiffs costs for trying to conduct the deposition at the address where Rodriguez testifies that he resides, and the Defendant attempted to have others attend his videoconferenced deposition, the Court will require the travel costs for Diego Rodriguez to attend the deposition in Boise, Idaho, to be born by Rodriguez.

This deposition is to be conducted no later than May 24, 2023.

2. **The request to sanction Rodriguez for violating the Order Compelling Rodriguez to Respond to Discovery, entered February 8, 2023, by failing to supplement his written discovery responses**

As stated above, Rule 37(a)(3) states that for purposes of sanctions for violation of orders on motions for orders compelling discovery, the court is to treat evasive or incomplete answers as a failure to answer.

The Court determined in its Memorandum Decision on Motion to Compel Diego Rodriguez to Respond to Discovery, entered February 8, 2023, how Rodriguez's responses were deficient and how he needed to supplement those responses to comply with providing full responses as required by Rule 37.

Again, the Defendant could have responded with a privilege log to certain requests or seek a protective order from the Court. He did neither. The Court does not find Rodriguez's continuing objection to the court's previous orders and this motion substantially justified. Therefore, this Court finds that Defendant Rodriguez's incomplete answers, which have not been supplemented as required by the Order Compelling Rodriguez to Respond to Discovery, is a failure to answer those interrogatories and requests for production.

Since supplemental responses to interrogatories and responsive documents to the requests for production were not produced complying with the Court's previous order, the Plaintiffs Motion for Sanctions Against Defendant Diego Rodriguez for Failure to Comply with Court Orders, filed March 7, 2023, is GRANTED.

3. Order for sanctions

Rule 37(b)(2) provides in pertinent part that if a party fails to obey an order to provide discovery, then the court may make such orders in regard to the failure as are just. The Court enters an Order directing a Discovery Referee or Discovery Master to be available to resolve discovery disputes between Plaintiffs and Rodriguez during the deposition in Boise, Idaho, and that during this deposition Diego Rodriguez must answer opposing counsel's questions asking him to:

1) supplement his earlier deposition responses and now fully respond to Interrogatories 1, 2, 3, 4 and 5 for expedited discovery;
2) provide the phone number and address for every person identified in his response to Interrogatory 6 except Dr. Natasha Erickson, Tracy Jungman, and Chris Roth;
3) respond fully to Interrogatory 8;
4) respond fully to Interrogatory 11 with "admission against interest" defined as "A person's statement acknowledging a fact that is harmful to the person's position, esp[ecially] as a litigant" and further provides that "An admission against interest must be made either by a litigant or by one in privity with or occupying the same legal position as the litigant." BLACK'S LAW DICTIONARY, *Admission* (11th ed. 2019);
5) supplement the response Interrogatory 14 to respond fully to all details requested of all conversations and/or discussions;
6) supplement his response to Interrogatory 15 to fully include "all forms, methods, apps, or types of communication you used to communicate with any person about any issue involved in this lawsuit.";
7) supplement his response to Interrogatory 28 to answer whether any immediate family member(s) or business entity owned or controlled by Diego Rodriguez or any immediate family member of Diego Rodriguez received any money or other things of value as requested in Interrogatory 28;
8) supplement responses to Interrogatories 29 through 32 to include any information related to donations to Rodriguez, his businesses, the People's Rights Network, or donations on behalf of the infant's family, and must include

any information that Diego Rodriguez has knowledge of related to public assistance or insurance coverage for Baby Cyrus' care. Defendant Rodriguez must respond fully to each aspect of Interrogatories 29 through 32 based upon his own knowledge and belief;

And he must provide to Plaintiffs before the deposition, or at the latest bring with him to the deposition:

9) all emails and text messages between Diego Rodriguez and Ammon Bundy that relate to this lawsuit or the underlying subject matter in this case as requested in Request for Production 16;

10) supplement Request for Production 19 to provide the requested types of documents Power Marketing LLC and also to include any other responsive documents for businesses, whether incorporated or not, or entity that holds itself out as a business in addition to Power Marketing LLC;

11) supplement Request for Production 22 to produce all contracts and business relationships between the parties in this case including those specifically named in Request for Production 22 or others that exist;

12) produce tax returns responsive to Request for Production 23 but subject to a confidentiality order that restricts the disclosure of any tax returns marked confidential to being viewed only by the attorneys assigned to this case and filed as a sealed exhibit subject to Idaho Court Administrative Rule 32;

13) supplement Request for Production 37 to include all exchanges of money or funds between the people and entities identified Request for Production 37;

14) must fully respond to Request for Production 41 because the writings are relevant and are not privileged.

This Court ORDERS Defendant Rodriguez to attend the deposition in Boise, Idaho, that will be noticed by the Plaintiffs no later than May 24, 2023 and answer these questions fully and provide in advance of the deposition or, at the latest, bring with him all responsive documents to disclose to Plaintiffs.

While the Plaintiffs request the Court enter a default judgment against Defendant Rodriguez at this point, the Court finds that while Rodriguez's lack of responses delays the discovery in this case, and may eventually delay the trial of this matter, the Court

still must impose lesser sanction than a default judgment at this point and provide Defendant Rodriguez with another opportunity to fully respond to comply with this Court's Order Compelling Rodriguez to Respond to Discovery, entered February 8, 2023, by attending a deposition and providing the required information.

Further, this Court GRANTS Plaintiffs' request for a Discovery Referee to preside over discovery disputes between Rodriguez and the Plaintiffs, as was requested at the hearing on April 18, 2023. Since the discovery referee is an experienced Senior Judge, she will be permitted to rule on discovery motions, including future motions for sanctions, if any, and the Discovery Referee or Discovery Master may determine sanctions if Rodriguez fails to provide the documents responsive to the requests for production or fails to fully answer the interrogatories ordered in this decision.

CONCLUSION

The Court GRANTS Plaintiffs' Motion for Sanctions against Defendant Diego Rodriguez for Failure to Comply with Court Orders, filed March 7, 2023.

The Court also awards costs to the Plaintiffs for the filing of this motion and the Plaintiffs must file a memorandum of costs within fourteen days of the date this order is filed.

IT IS SO ORDERED

Dated 4/24/2023 9:46:58 PM

Lynn G. Norton
District Judge

CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham	efstidham@hollandhart.com	[X] E-mail
Diego Rodriguez	freedommanpress@protonmail.com	[X] E-mail

Freedom Man PAC
C/O Diego Rodriguez
1317 Edgewater DR #5077
Orlando, FL 32804

[ ] By E-mail [X] By mail
[ ] By fax (number)
[ ] By overnight delivery / FedEx
[ ] By personal delivery

Freedom Man Press LLC
C/O Diego Rodriguez
1317 Edgewater DR #5077
Orlando, FL 32804

[ ] By E-mail [X] By mail
[ ] By fax (number)
[ ] By overnight delivery / FedEx
[ ] By personal delivery

Dated: 04/25/2023

Trent Tripple
Clerk of the Court

By: *Janine Korsen*
Deputy Clerk

CLERK OF THE DISTRICT COURT FOURTH JUDICIAL DISTRICT ADA COUNTY, IDAHO

EXHIBIT D

Filed: 1/19/2023 at 11:55 a .m.
Fourth Judicial District, Ada County
Trent Tripple, Clerk of the Court
By: Janine Korsen Deputy Clerk

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

St Lukes Health System LTD, St Lukes Regional Medical Center LTD, Chris Roth, Natasha Erickson, MD, Tracy Jungman
Plaintiff,
vs.
Ammon Bundy, Ammon Bundy for Governor, Diego Rodriguez, Freedom Man PAC, Peoples Rights Network, Freedom Man Press LLC
Defendant.

Case No. CV01-22-06789

Protective Order

THIS MATTER, having come before the Court on December 20, 2022 for hearing on Plaintiffs' Motion for Protective Order filed May 11, 2022, the Court finds good cause to grant such motion.[1]

IT IS HEREBY ORDERED that any person, including all Defendants and any agent of any Defendant served with this Order, are prohibited from engaging in the following actions related to this case:

(1) Any person who, by direct or indirect force, or by any threats to a person or property, or by any manner wilfully[2] intimidates, threatens or harasses any person because such person has testified or because he[3] believes that such person has testified in this lawsuit may be held in contempt of court.

[1] For reasons stated at the hearing, the Court determined it would prepare its own Protection Order rather than signing the proposed order lodged by the Plaintiffs on May 11, 2022.

[2] For purposes of this Order, this Court will apply the definition of "willfully" in Idaho Criminal Jury Instruction 340. An act is done "willfully" when done on purpose. One can act willfully without intending to violate the law or this order, to injure another, or to acquire any advantage.

[3] The Court uses the term "he" in this Order, as the Legislature does in statutes. But the entirety of this Order applies to any person, regardless of gender.

(2) Any person who, by direct or indirect force, or by any threats to a person or property, or by any manner wilfully[4] intimidates, influences, impedes, deters, threatens, harasses, obstructs or prevents a witness, or any person who may be called as a witness, or any person he believes may be called as a witness in this lawsuit from testifying freely, fully and truthfully in this civil proceeding may be held in contempt of court.

The fact that a person was not actually prevented from testifying shall not be a defense to a charge of contempt for the actions in subsections (1) and/or (2) of this Order.

Those that have filed testimony in this matter to date include Chris Roth, Dr. Natasha Erickson, Tracy Jungman, Dr. Jeffrey Erickson, Dr. Jamie Price, Dr. Camille LaCroix, David Barton, William T. Teninty, Jenna Balvin, Sara Berry, Jessica Flynn, John Coggins, Dennis Mesaros, Donna English, William Woods, Abby Abbondandolo, Katy Alexander, Marle Hoff, and Erik Stidham or any associated attorney at HOLLAND & HART LLP. Those who have been identified as a person who may be called as a witness to date include those listed above and also includes Eron Sanchez, Aaron Dykstra, Nice Loufoua, Meridian Police Detective Steve Hanson, Meridian Police Detective Jeff Fuller, Meridian Police Sergeant Christopher McGilvery, Meridian Police Officer Sean King, Judge Laurie Fortier, Kelly Shoplock, Joseph Robert Shoplock, Kristen Nate, Roaxanne, Printz, and Kyle Bringhurst. This protection order also applies to any subsequently-disclosed witness(es) as part of the formal discovery process in this case.

This Order is binding upon Diego Rodriguez and Ammon Bundy, and also any officers, agents, and/or employees of Ammon Bundy for Governor, Freedom Man PAC, Peoples Rights Network, and/or Freedom Man Press LLC, and any other person who receives actual notice of this order by personal service or in any manner allowed for service of a complaint or summons in the Idaho Rules of Civil Procedure.

IT IS ORDERED: 1/18/2023 5:55:18 PM

Lynn Norton
District Judge

[4] *Id*.

CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham	efstidham@hollandhart.com	[X] E-mail
Diego Rodriguez	freedommanpress@protonmail.com	[X] E-mail

St Lukes Health System LTD	Through counsel Erik Stidham
St Lukes Regional Medical Center LTD	Through counsel Erik Stidham
Chris Roth	Through counsel Erik Stidham
Natasha D Erickson MD	Through counsel Erik Stidham
Ammon Bundy 4615 Harvest Lane Emmett, ID 83617	[ ] By E-mail [X] By mail
Ammon Bundy for Governor P.O. Box 37 Emmett, ID 83617	[ ] By E-mail [X] By mail
Peoples Rights Network 4615 Harvest Lane Emmett, ID 83617	[ ] By E-mail [X] By mail
Freedom Man PAC C/O Diego Rodriguez 9169 W. State Street, Ste. 3177 Boise ID 83714	[ ] By E-mail [X] By mail
Freedom Man Press LLC C/O Diego Rodriguez 1317 Edgewater Dr. #507 Orlando, FL 32804	[ ] By E-mail [X] By mail

Dated: 01/19/2023

Trent Tripple
Clerk of the Court

By: *Janine Korsen*
Deputy Clerk

EXHIBIT E

Filed: 6/13/2023 at 9:35 a .m.
Fourth Judicial District, Ada County
Trent Tripple, Clerk of the Court
By: Janine Korsen Deputy Clerk

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

St Lukes Health System LTD, St Lukes Regional Medical Center LTD, Chris Roth, Natasha Erickson, MD, Tracy Jungman
Plaintiff,
vs.
Ammon Bundy, Ammon Bundy for Governor, Diego Rodriguez, Freedom Man PAC, Peoples Rights Network, Freedom Man Press LLC
Defendant.

Case No. CV01-22-06789

Order Striking Answers and Order for Default of Diego Rodriguez

As sanctions for Diego Rodriguez's non-compliance with discovery obligations, the Clerk of Court is to strike Diego Rodriguez's Answer, filed September 6, 2022, and also Diego Rodriguez's Answer to the Fourth Amended Complaint, filed March 15, 2023.

An Order of Default is entered against Diego Rodriguez.

This Court will deem admitted any factual allegations pled by Plaintiffs in the Fourth Amended Complaint against Diego Rodriguez;

This Court will make a determination of damages based on supporting evidence submitted by the Plaintiffs at the default damages hearing since the claims are not for a sum certain; and

This court will not consider opposing argument or evidence from Diego Rodriguez during a default damages hearing.

IT IS ORDERED

Dated: 6/12/2023 10:28:16 PM

Lynn Norton
District Judge

CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham	efstidham@hollandhart.com	[X] E-mail
Diego Rodriguez	freedommanpress@protonmail.com	[X] E-mail

Trent Tripple
Clerk of the Court

Dated: 06/13/2023

By: *Janine Korsen*
Deputy Clerk

EXHIBIT F

Filed: 6/13/2023 at 9:45 a .m.
Fourth Judicial District, Ada County
Trent Tripple, Clerk of the Court
By: Janine Korsen Deputy Clerk

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

St Lukes Health System LTD, St Lukes Regional Medical Center LTD, Chris Roth, Natasha Erickson, MD, Tracy Jungman
Plaintiff,
vs.
Ammon Bundy, Ammon Bundy for Governor, Diego Rodriguez, Freedom Man PAC, Peoples Rights Network, Freedom Man Press LLC
Defendant.

Case No. CV01-22-06789

Order Following Pretrial Conference and Order on Plaintiffs' Motion for Jury Trial against Defaulted Defendants

Date of Hearing: June 6, 2023

APPEARANCES:

Plaintiff Attorney:	Erik Stidham
Defendant Diego Rodriguez:	A self-represented litigant, did not appear

"Pro se litigants are held to the same standards and rules as those represented by an attorney." *Suitts v. Nix*, 141 Idaho 706, 709, 117 P.3d 120, 123 (2005) (quoting *Twin Falls County v. Coates*, 139 Idaho 442, 445, 80 P.3d 1043, 1046 (2003)). Additionally, "Pro se litigants are not accorded any special consideration simply because they are representing themselves and are not excused from adhering to procedural rules." *Nelson*, 144 Idaho at 718, 170 P.3d at 383 (citing *Sammis v. Magnetek, Inc.*, 130 Idaho 342, 346, 941 P.2d 314, 318 (1997)).

A. Diego Rodriguez's failure to appear and failure to comply with Notice of Trial Setting and Order Governing Proceedings

This final Pretrial Conference came before the Court on June 6, 2023 for a formal pretrial conference that was noticed for hearing in this Court's Notice of Trial Setting and Order Governing Further Proceedings, filed October 17, 2022. That Notice and Order stated:

> A pretrial conference is hereby set for **TUESDAY, JUNE 6, 2023 at 2:30 p.m.** All pretrial materials in |.R.C.P. 16 must be filed on or before the pretrial conference date. A copy of exhibit lists, witness lists, and requested jury instructions (jury trial) or proposed findings of fact and conclusions of law (court trial) shall be submitted no later than this hearing. It is sufficient for the parties to identify unmodified pattern jury instructions by number. Counsel will retain the exhibits until the day of trial and will not lodge actual exhibits with the clerk. All parties must be represented at the pretrial conference. Counsel must be the handling attorney, or be fully familiar with the case and have authority to bind the client and law firm to all matters within |.R.C.P. 16. This conference will include a discussion of whether an alternate judge may be available to try this case, if necessary, and any changes to the dates or times the alternate judge may require. If scheduling issues remain, an additional status conference will be set at the pretrial conference.

(Emphasis in original). A status conference was also noticed in that Notice and Order for May 23, 2023 at 2:30 p.m. On May 23, 2023, Diego Rodriguez also did not appear at the Court's status conference set in the Notice of Trial Setting and Order Governing Further Proceedings, filed October 17, 2022. Rather, a second Notice of Removal to Federal Court that was not file stamped by the Federal court and that had a blank certificate of service was left in the Clerk of the District Court's office on the first floor of the Ada County Courthouse by an unidentified person. This court reviewed the notice, with its lack of file stamp and lack of certificate of service, knowing that jurisdiction had already been returned to state court on a previous attempt to remove this matter to Federal court, and determined this Notice was "frivolous." Considering Judge Nye's ruling that Rodriguez's May 23, 2023 Notice was "moot" and that Rodriguez was not entitled to reconsideration of his previous order returning jurisdiction to the state court, this Court considers Rodriguez's second attempt to remove this matter to Federal Court on the day reset on a Motion for Contempt against Rodriguez and on the date of the status conference set in the Notice of Trial Setting to be bad faith on the part of Diego Rodriguez. The Court entered an Order Following Status Conference on May 23, 2023 capturing the discussion during the May 23, 2023 hearing, reiterating the information from the Notice of Trial Setting and Order Governing Proceedings, ordered that the final Pretrial Conference was an in-person hearing at the Ada County Courthouse, and reiterated that Diego Rodriguez attendance was required at the pretrial conference.

While Diego Rodriguez did not appear at the hearing on May 23, 2023, several of

his supporters did attend that hearing. No request to obtain approval of presiding judge to video/audio record, broadcast, or photograph a court proceeding was filed before this proceeding (or any proceeding to date in this case). Administrative Order No. 21-05-21-1—which notice is posted throughout the Ada County Courthouse—clearly states,

> The use or possession of video, audio, and photographic equipment [defined in footnote 1, This includes any camera, body cam, gopro, or any other type of device or equipment that can be used to photograph or record and these devises will not be allowed into a courthouse or court facility without permission outlined in this Order; but this Order does not prohibit entering with a cell phone, so long as the cell phone is not being used to photograph, video, broadcast or record.] to cover, broadcast, or record court proceedings is permitted inside Ada County Courthouse courtrooms or other rooms where court proceedings are being held only with the prior written approval of the presiding judge in the particular proceeding sought to be recorded.

Pursuant to Idaho Court Administrative Rule 45, whether to permit recording, broadcasting, or photography of a court proceeding is within the discretion of the court and is not subject to appellate review. On May 23, 2023 on the record at 2:38 p.m., the Court noticed that David Pettinger was in the courtroom with a cell phone turned on and without permission of the court. Pettinger advised the court he was using his phone for news as a reporter for the Idaho Dispatch. The Court notes that the Idaho Dispatch published St. Luke's expert witness list prepared in this case about a month before any witness list was filed with the Court which has caused distress in a potential witness in this case and that witness feels the posts are intimidating.[1] Since no request to video/audio record, broadcast, or photograph a court proceeding had been made or approved, as was required by Fourth Judicial District Administrative Order No. 21-05-21-1[2] and Idaho Court Administrative Rule 45, Pettinger and all other attendees were told they could not record or use a digital device including any cell phone in the courtroom. Pettinger was given a pen and paper by the court to use during the hearing. Pettinger left the courtroom in a disruptive way after the Court announced its probable cause determination on the Motion for Contempt against Rodriguez and that the Court would enter a Warrant of Attachment for Rodriguez and set bond since the Court was

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1 Declaration of Rachel Thomas, M.D., filed May 10, 2023, ¶¶ 6, 18.

2 Filed in this case and served on Diego Rodriguez on November 29, 2022.

convinced Rodriguez would not otherwise appear in a courtroom to address the Motion for Contempt. Pettinger later returned to the courtroom for the remainder of this hearing and also for the hearing at 4 p.m. the same day. Pettinger and others also attended multiple days of an unrelated jury trial before Judge Norton held between May 20, 2023 and June 5, 2023. Judge Norton and bailiffs have repeatedly informed them that use of cell phones during court proceedings is not permitted.

Plaintiffs filed a Notice to Court of Audio Recording, filed June 2, 2023, with a conventionally-filed digital file, and Declaration in support, alerting the court that an audio recording of the May 23, 2023 hearing had been posted by Devin Miller on a "Telegram" chat page for which Defendant Diego Rodriguez is the administrator of the page. This Court finds this recording and posting of the recording without this Court's permission was a violation of this Court's bench order entered at the May 23, 2023, as well as a violation of Fourth Judicial District Administrative Order No. 21-05-21-1 and Idaho Court Administrative Rule 45 since the recording was made and broadcasted without permission of the presiding judge.

This Court notes that Diego Rodriguez had previously tried to broadcast a videoconferenced deposition in this case and disrupted those proceedings which is why the court entered it Order for Protection re: Depositions,[3] filed and served with the Court's Notice of Fourth Judicial District Administrative Order No. 21-05-21-1 the same day, and also ordered Rodriguez to sit for an in-person deposition.[4]

Therefore, when Diego Rodriguez filed a Notice Requesting Remote Video Access to Hearing, filed at 11:06 p.m. on June 5, 2023 but not brought to the judge's attention until 1:01 p.m. on the day of the Pretrial Conference, the Court denied this late-filed request to convert the in-person pretrial conference to a videoconference. For the reasons stated above, the Court denied Rodriguez's late-filed request to attend the June 6, 2023 hearing by videoconference. Pursuant to Idaho Supreme Court Order in re: Remote Court Proceedings, entered January 6, 2023 but effective April 1, 2023, the assigned judge has the discretion to hold proceedings in person or remotely, subject to

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[3] Order for Protection re: Depositions, filed Nov. 29, 2022,

[4] Order Compelling Defendant Rodriguez to Respond to Discovery, filed Feb. 8, 2023. Sanctions for violation of this order are addressed in a separate decision by this Court.

the approval of each Administrative District Judge, and the order provides that "To protect the integrity of the remote proceeding, an assigned judge has the discretion to enter other orders or impose additional requirements to promote the safety of participants or to promote efficiency." That order only permits live streaming of proceedings with specific findings by the assigned judge which this judge could not find given the prior violations of this court's orders in these proceedings. Since the Court had not granted leave for Rodriguez to attend the formal Pretrial Conference by videoconference, his appearance was required in person at the Ada County Courthouse.

Diego Rodriguez failed to attend the formal Pretrial Conference.

Diego Rodriguez also failed to file all pretrial materials required in Idaho Rule of Civil Procedure 16 and this Court's Notice of Trial Setting and Order Governing Further Proceedings, filed October 17, 2022. All witness lists, exhibit lists, proposed jury instructions were ordered to be filed on or before the June 6, 2023 pretrial conference date. Diego Rodriguez has also failed to comply with the Stipulation for Scheduling and Planning filed October 11, 2022, and ordered by the Notice of Trial Setting and Order Governing Further Proceedings. The Court also determined other Motions for Sanctions against Rodriguez addressed in this Court's Memorandum Decision and Orders for Sanctions on Motions for Sanctions Re: Depositions and also the Order Granting in Part Plaintiffs' Amended Motion for Sanctions against All Defendants, issued contemporaneously with this Order.

Idaho Rule of Civil Procedure 16(c), Final pretrial conference and order, requires that at least 30 days before trial, the court must engage in a pretrial process, which may include a formal pretrial conference, where the parties are required to confirm that the matter is proceeding to trial in manner required by the scheduling order. If a formal pretrial conference is held, it must be on the record. Idaho Rule of Civil Procedure 16(e)(1) then states,

> The court may sanction any party or attorney if a party or attorney if a party or attorney:
> (A) fails to obey a scheduling or pretrial order;
> (B) fails to appear at a scheduling or pretrial conference;
> (C) is substantially unprepared to participate in a scheduling or pretrial conference; or
> (D) fails to participate in good faith.

Idaho Rule of Civil Procedure 16(e)(2) then provides,

> The court may make such orders as are just, and may, along with any other sanction, make any of the orders allowed under Rule 37(b)(2)(A). Also, in addition to or in the place of any other sanction, the court must require the party or the party's attorney, or both, pay any expenses incurred because of noncompliance with this rule, including attorney's fees, unless the court finds noncompliance was substantially justified or that circumstances are such that such an award of expenses would be unjust.

Idaho Rule of Civil Procedure 37(b)(2)(A) includes a list of permissible sanctions for the court which includes, but is not limited to:

> (i) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;
>
> (ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
>
> (iii)striking pleadings in whole or in part;
>
> (iv) staying further proceedings until the order is obeyed;
>
> (v) dismissing the action or proceeding in whole or in part;
>
> (vi) rendering a default judgment against the disobedient party; or
>
> (vii) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination and initiating contempt proceedings.

For Diego Rodriguez's noncompliance with the Notice of Trial Setting and Order Governing Further Proceedings, filed October 17, 2022, the Stipulation for Scheduling and Planning, filed October 11, 2022, and the Order Following Status Conference, filed May 23, 2023, this Court strikes Diego Rodriguez's Answer, filed September 6, 2022, and his Answer to the Fourth Amended Complaint and Demand for Jury Trial, filed March 15, 2023.

The Court has already entered sanctions against Diego Rodriguez for his failures to comply with discovery requests and notices of depositions in the Motions for Sanctions against Rodriguez addressed in this Court's Memorandum Decision and Orders for Sanctions on Motions for Sanctions Re: Depositions and also the Order Granting in Part Plaintiffs' Amended Motion for Sanctions against All Defendants entered contemporaneously. If the Court had not already stricken his answer and entered an

order of default for the reasons stated in those decisions, the Court would order the same sanctions under Idaho Rule of Civil Procedure 16 for his failure to comply with the pretrial conference requirements in Rule 16 and this Court's Notice of Trial Setting and Order Governing Proceedings.

B. Plaintiffs' Motion for Hearing on Damages Before Jury

The Plaintiffs filed a Motion and Memorandum in Support of Motion for Hearing on Damages Before a Jury Relating to Defaulted Defendants Ammon Bundy, Ammon Bundy for Governor, and People's Rights Network, both filed May 9, 2023. The matter was originally noticed for oral argument on May 23, 2023 and then re-noticed for June 6, 2023.

No written opposition brief was filed by any defendant to this motion, including Diego Rodriguez.

The Court notes that by the time this matter came before the Court for hearing, Orders of Default had been entered Ammon Bundy, Ammon Bundy for Governor, the People's Rights Network, Freedom Man PAC, and Freedom Man LLC who have all failed to file any responsive pleading.[5] Diego Rodriguez was the only defendant that had filed an Answer to the Fourth Amended Complaint, the operative complaint in this proceeding. However, as sanctions for Diego Rodriguez's conduct in this case and pursuant to separate orders, the Court has stricken Diego Rodriguez's Answer and also entered an Order of Default against Diego Rodriguez.

The Plaintiffs' motion advocates for the Court to conduct a jury trial as a default damages hearing for the defaulted defendants, citing Article I, Section 7 of the Idaho Constitution which states, in relevant part, "The right of trial by jury shall remain inviolate…." The Court does not find that this constitutional provision mandates that Idaho courts must conduct every evidentiary matter as a jury trial, so this Court finds that a jury trial is not required related to determining liability for damages by defaulted defendants.

Rather, Idaho Rule of Civil Procedure 55 states:

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[5] The following are the Orders of Default related to the Fourth Amended Complaint filed March 3, 2023: Order of Default on Fourth Amended Complaint Against Ammon Bundy, Ammon Bundy for Governor, and People's Rights Network, filed Apr. 24, 2023; and Order of Default by Freedom Man Press LLC and Freedom Man PAC, filed June 1, 2023.

(b) Entering a Default Judgment.

(1) *For Sum Certain*. If a claim is for a sum certain or a sum that can be made certain by computation, the court, on the claimant's request, with an affidavit showing the amount due, must order judgment for that amount and costs against the party who has been defaulted for not appearing and who is neither a minor nor an incompetent person and has been personally served, other than by publication or personal service outside of this state. The affidavit must show the method of computation, together with any original instrument evidencing the claim unless otherwise permitted by the court. An application for a default judgment must also contain written certification of the name of the party against whom judgment is requested and the address most likely to give the defendant notice of the default judgment. The clerk must use this address in giving the party notice of judgment.

(2) *Other Cases*. In all other cases, the party must apply to the court for a default judgment. A default judgment may be entered against a minor or incompetent person only if represented by a general guardian, conservator, or other like fiduciary who has appeared. If the party against whom a default judgment is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 3 days before the hearing. The court may conduct hearings or make referrals when, to enter or effectuate judgment, it needs to:

(A) conduct an accounting;

(B) determine the amount of damages;

(C) establish the truth of any allegation by evidence; or

(D) investigate any other matter.

The Idaho rules specifically identify that an evidentiary hearing by the court before a default judgment differs from an uncontested trial.[6] Idaho Rule of Civil Procedure

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[6] If any default is set aside before default judgment is entered, this Court notes that a jury trial and default damages evidentiary hearing are not required to be separate proceedings. The Court can conduct a default damages hearing related to the defaulted damages simultaneously with a trial related to claims against Rodriguez since some of the evidence may be the same evidence although offered against different defendants, especially related to the Plaintiffs' civil conspiracy claim. Further, this Court notes that Idaho Rule of Civil Procedure 39(c), enacted in 2016 related to trial by jury or by the court, permits an advisory jury, stating:

> In an action not triable of right by a jury, the court, on motion or on its own:
>
> (1) may try any issue with an advisory jury; or
>
> (2) may, with the parties' consent, try any issue by a jury whose verdict has the same effect as if a jury trial had been a matter of right.

So, if any Order of Default is set aside, and claims against that defendant are tried by a jury, then the Court may have all but the equitable claims against the defaulted defendants presented to the same jury

55(a)(3) clarifies that an "uncontested trial is not a default," stating, "This rule [related to entry of default] does not prevent trial of an action if a responsive pleading has been filed even if the defendant does not participate in the trial or oppose the claim. A trial in this circumstance is not a default hearing."

Considering these rules, this Court finds that a jury trial is not required for defaulted defendants. The Court can make the required determinations at an evidentiary hearing before entry of a default judgment for the defaulted defendants. Since Diego Rodriguez's Answer to the Fourth Amended Complaint and Demand for Jury Trial was stricken as a sanction for a variety of violations of court orders in this case, then Plaintiffs may proceed to a default damages hearing against Diego Rodriguez as a defaulted defendant as well.

The Court sets the default damages hearing for Ammon Bundy, Ammon Bundy for Governor, the People's Rights Network, Freedom Man PAC, and Freedom Man LLC, along with a default damages evidentiary hearing for Diego Rodriguez, for ten hearing days beginning July 10, 2023 as detailed in this Order since that time was previously reserved as the trial of this matter.

C. Pretrial Conference Matters

Considering the decision entering an Order of Default against Diego Rodriguez as a sanction for his violation for not attending the Pretrial Conference and sanctions for other motions, and the fact that the five remaining defendants already have Orders of Default entered, this Court will convert the ten-day jury trial that is set to begin July 10, 2023, into a default damages hearing for all defendants. There are other matters scheduled on Judge Norton's trial calendar during that time. If this case is assigned to an alternate judge for the damages hearing, you will receive notice by a separate order.

HEARING SCHEDULE: The hearing schedule will be as follows:[7]

Monday, July 10, 2023 from 8:30 a.m. until 5 p.m.

Tuesday, July 11, 2023 from 8:30 a.m. until 2 p.m.

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as an advisory jury, although the court would still retain its authority to render its own decision on damages and other matters involving the defaulted defendants.

[7] This schedule applies only if the case is heard by Judge Norton.

Wednesday, July 12, 2023 from 8:30 a.m. until 1 p.m.

Skip Thursday, July 13, 2023.

Friday, July 14, 2023 from 8:30 a.m. until 5 p.m.

Monday, July 17, 2023 from 8:30 a.m. until 5 p.m.

Tuesday, July 18, 2023 from 8:30 a.m. until 2 p.m.

Wednesday, July 19, 2023 from 8:30 a.m. until 1 p.m.

Skip Thursday, July 20, 2023.

Friday, July 21, 2023 from 8:30 a.m. until 5 p.m.

Monday, July 24, 2023 from 8:30 a.m. until 5 p.m.

Tuesday, July 25, 2023 from 8:30 a.m. until 2 p.m.

COURT REPORTER:

There is currently a court reporter shortage in the Fourth Judicial District that is addressed in Fourth Judicial District Administrative Order 22-09-02, Court Reporter Attendance Suspension and Fourth Judicial District Administrative Order 22-04-29, Court Reporter Assignment Priority. Civil evidentiary hearings in district court are eighth in priority for assignment of a court reporter. There may not be a court reporter available for this hearing and the For The Record audio recording would be the official record in this hearing if no court reporter is available to cover this hearing. This hearing may also be reported remotely. If it is reported remotely, please be mindful to always speak clearly and near a microphone to assist in accurate reporting.

JURY INSTRUCTIONS/PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Plaintiffs filed their proposed jury instructions related to claims against Diego Rodriguez on June 6, 2023. The Plaintiffs also filed their proposed findings of fact and conclusions of law for a default damages hearing, and their alternative jury instructions for defaulted defendants, on June 6, 2023. The Court will provide an opportunity to amend before closing the evidentiary hearing.

Diego Rodriguez did not file any proposed jury instructions or proposed findings of fact and conclusions of law on or before June 6, 2023.

EXHIBITS:

The Plaintiffs filed their exhibit list on June 6, 2023. Diego Rodriguez failed to file any exhibit list on or before June 6, 2023. The Plaintiffs counsel inquired about digital

exhibits and the Court informed him that the Exhibits Clerk in the Clerk of the District Court's Office could provide additional instruction on the format (e.g., CD, DVD, flash drive, etc.) of any digital exhibits offered at trial.

WITNESSES:

The Plaintiffs filed their witness list on June 6, 2023 and Diego Rodriguez did not file any witness list on or before June 6, 2023. The Plaintiffs list thirty-five witnesses.

If any witness testimony is to be offered through affidavits, declarations, or depositions, the Court orders that those exhibits are to be marked and lodged with the in-court clerk no later than July 6, 2023.

No scheduling conflicts for any witnesses were noticed at the pretrial conference. Any scheduling conflicts of witnesses should be noticed to the court no later than July 6, 2023.

MOTIONS:

The Plaintiffs filed their Motions in Limine on June 6, 2023.

The Court set a status conference in this case for June 20, 2023 at 4 p.m. The Court will also hear the Plaintiffs Motions in Limine at that time. The Court will also discuss its trial calendar and trial priorities at that conference.

Please contact Judge Norton's in-court clerk, Janine Korsen, if any additional hearings are requested in this case.

IT IS SO ORDERED.

Dated 6/12/2023 10:29:25 PM

Lynn G. Norton
District Judge

CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham	efstidham@hollandhart.com	[X] E-mail
Diego Rodriguez	freedommanpress@protonmail.com	[X] E-mail

Trent Tripple
Clerk of the Court

Dated: 06/13/2023

By: *Janine Korsen*
Deputy Clerk

EXHIBIT G

Filed: 2/8/2023 at 10:00 a .m.
Fourth Judicial District, Ada County
Trent Tripple, Clerk of the Court
By: *Janine Korsen* Deputy Clerk

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

St Lukes Health System LTD, St Lukes Regional Medical Center LTD, Chris Roth, Natasha Erickson, MD, Tracy Jungman
Plaintiff,
vs.
Ammon Bundy, Ammon Bundy for Governor, Diego Rodriguez, Freedom Man PAC, Peoples Rights Network, Freedom Man Press LLC
Defendant.

Case No. CV01-22-06789

Order Compelling Defendant Rodriguez to Respond to Discovery

The Plaintiffs Motion to Compel, filed on December 6, 2022, is granted.

IT IS HEARBY ORDERED that the Defendant Diego Rodriguez must:

1) provide the phone number and address for every person identified in his response to Interrogatory 6 except Dr. Natasha Erickson, Tracy Jungman, and Chris Roth;
2) respond fully to Interrogatory 8;
3) respond fully to Interrogatory 11 with "admission against interest" defined as "A person's statement acknowledging a fact that is harmful to the person's position, esp[ecially] as a litigant" and further provides that "An admission against interest must be made either by a litigant or by one in privity with or occupying the same legal position as the litigant." BLACK'S LAW DICTIONARY, *Admission* (11th ed. 2019);
4) supplement the response Interrogatory 14 to respond fully to all details requested of all conversations and/or discussions;
5) supplement his response to Interrogatory 15 to fully include "all forms, methods, apps, or types of communication you used to communicate with any person about any issue involved in this lawsuit.";
6) supplement his response to Interrogatory 28 to answer whether any immediate family member(s) or business entity owned or controlled by Diego Rodriguez or any immediate family member of Diego Rodriguez received any money or other things of value as requested in Interrogatory 28;
7) supplement responses to Interrogatories 29 through 32 to include any information related to donations to Rodriguez, his businesses, the People's Rights Network, or

donations on behalf of the infant's family, and must include any information that Diego Rodriguez has knowledge of related to public assistance or insurance coverage for Baby Cyrus' care. Defendant Rodriguez must respond fully to each aspect of Interrogatories 29 through 32 based upon his own knowledge and belief;

8) produce all emails and text messages between Diego Rodriguez and Ammon Bundy that relate to this lawsuit or the underlying subject matter in this case as requested in Request for Production 16;
9) supplement Request for Production 19 to provide the requested types of documents Power Marketing LLC and also to include any other responsive documents for businesses, whether incorporated or not, or entity that holds itself out as a business in addition to Power Marketing LLC;
10) supplement Request for Production 22 to produce all contracts and business relationships between the parties in this case including those specifically named in Request for Production 22 or others that exist;
11) produce tax returns responsive to Request for Production 23 but subject to a confidentiality order that restricts the disclosure of any tax returns marked confidential to being viewed only by the attorneys assigned to this case and filed as a sealed exhibit subject to Idaho Court Administrative Rule 32;
12) supplement Request for Production 37 to include all exchanges of money or funds between the people and entities identified Request for Production 37;
13) must fully respond to Request for Production 41 because the writings are relevant and are not privileged;
14) supplement the Rodriguez deposition responses and now fully respond to Interrogatories 1, 2, 3, 4 and 5 for expedited discovery.

The Court ORDERS these responses must be provided to the Plaintiffs **no later than February 22, 2023.**

IT IS HEREBY ALSO ORDERED THAT Diego Rodriguez must sit for an in-person two-day deposition that will be two consecutive days. Diego Rodriguez is required to inform Plaintiffs' counsel, Erik Stidham, of two possible start dates for this deposition that are between February 25, 2023 and March 25, 2023 **by 12:00 p.m. on February 15, 2023**. Diego Rodriguez must inform Plaintiffs' counsel in what city, state, and country that he will be in on those provided dates. Plaintiffs' counsel will then choose one of those start dates. These communications must be conducted by email so there is a record of the discussion.

Plaintiffs' counsel must then file a Notice of Deposition setting the time and place for the two-day deposition consistent with the parties' emailed communications **by February 18, 2023**. Diego Rodriguez MUST then appear in-person at the noticed deposition.

The deposition will be CLOSED to the public pursuant to the separate Order for Protection RE: Depositions entered November 29, 2022, for ensure the efficacy of discovery and to protect the right of all parties to a fair trial.

Failure to comply with this Order can result in sanctions listed in Idaho Civil Rule of Procedure 37(b) which may include:

(i) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;

(ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;

(iii) striking pleadings in whole or in part;

(iv) staying further proceedings until the order is obeyed;

(v) dismissing the action or proceeding in whole or in part;

(vi) rendering a default judgment against the disobedient party; or

(vii) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination and initiating contempt proceedings; and

(viii) an award of fees and costs against the disobedient party for failing to comply with the Order to Compel.

IT IS ORDERED

Dated: 2/7/2023 5:46:11 PM

Lynn Norton
District Judge

CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham	efstidham@hollandhart.com	[X] E-mail
Diego Rodriguez	freedommanpress@protonmail.com	[X] E-mail

Trent Tripple
Clerk of the Court

Dated: 2/ 8 /2022

By: *Janine Korsen*
Deputy Clerk

JURAT
STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of

_____, 2023, by _____.

_____
Signature of Notary Public

_____
Print, Type or Stamp Name of Notary

Personally Known: ____

OR Produced Identification: ____

Type of Identification Produced: _____

EXHIBIT S

Judicial Complaint filed against Judge Lynn Norton returned by the Idaho Judicial Council

STATE OF IDAHO
JUDICIAL COUNCIL

October 7, 2023

PERSONAL AND CONFIDENTIAL

Diego Rodriguez
1317 Edgewater Drive, #5077
Orlando, FL 32804

Re: Complaint Against District Judge Lynn Norton

Dear Mr. Rodriguez:

The Idaho Judicial Council has concluded review of the complaint submitted regarding decisions and actions of District Judge Lynn Norton in the course of your civil litigation. Judicial Council Authority extends only to alleged violations of the Canons of Judicial Ethics and the Council therefore cannot review any decisions to determine if they are correct or not.

After review, the Judicial Council finds no violations of any ethical Canons on the part of Judge Norton. The complaint is therefore being dismissed without action and the file closed.

Sincerely,

Jeff M. Brudie
Executive Director

JMB:sh
2023-28 Ltr 01 Rodriguez

EXHIBIT T

Ammon Bundy's Affidavit describing why he chose to ignore the lawsuit

To whom it may concern –

In 2022, while running for Governor of the State of Idaho, a lawsuit was filed against me and a friend of mine, Diego Rodriguez, by St. Luke's Hospital, et al, claiming defamation against them.

The lawsuit was the result of Diego and I fighting publicly to have Diego's grandson, Baby Cyrus, returned safely to his family after he was illegally kidnapped and held captive at St. Luke's Hospital.

The lawsuit at the time requested a judgment of $50,000 as I understood it. Having already suffered at the hands of a fraudulent legal system in the past, including being falsely imprisoned, physically tortured, and suffering countless wrongs at the hands of the American judicial system, I had absolutely zero confidence that justice would prevail in this new case against me.

I learned that the Idaho Rules of Civil Procedure 55(a)(1), as issued by the Idaho Supreme Court, require that a judge issue a default judgment in a case *"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the court must order entry of the party's default."*

So, I had a decision to make—did I pause my campaign for Governor to fight this case and hire a law firm that would ultimately cost me several hundred thousand dollars in legal fees? Or, did I simply choose to allow the court to issue a default judgment against me for $50,000, and accept this form of abuse as a "lesser abuse" than what I would endure if I actual fought the case in court?

I chose the lesser option—as was my right to do so—and I intentionally ignored the court proceedings in order to ensure that the court would be forced to follow and obey IRCP rule #55 and issue a default judgment which would force me to pay $50,000. After all, IRCP rule #55 specifically states that the court "must order" entry of default against me if I don't respond.

That was my choice and my right. I made that choice consciously and intentionally. Judge Lynn Norton unfortunately rejected the rules of the Idaho Supreme Court, and disobeyed IRCP rule #55.

I, Ammon Bundy, do swear that the foregoing is true and correct.

DATED THIS DAY, the 20th of December, 2024.

Ammon Bundy
PO Box 1062
Cedar City, Utah, 84720

EXHIBIT U

List of Potential Jurors

Voir Dire Questionaire

CONFIDENTIAL INFORMATION
RETURN TO BAILIFF

Ada County
Jury Commissioner
Randy Rutland

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 1 Name: LEBLANE QUADIAS RAEQUAN Age: 21

NOT COMPLETE

Reporting # 2 Name: ROWLAND ZACHARY Age: 0

Marital Status: SINGLE

Years Idaho Resident: 3 Years Ada County Resident: 3 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: PREMIER WORKSPA

Spouse Employer:

Reporting # 3 Name: HUNGATE CAROL SUE Age: 67

Marital Status: MARRIED

Years Idaho Resident: 25 Years Ada County Resident: 25 Prior Residence: WV

Number of Children: 2 Age Youngest Child: 29 Age Oldest Child: 39

Current Employer: HOMEMAKER

Spouse Employer: SLEEP NUMBER

Reporting # 4 Name: MC CAIN CHERE LYNN Age: 59

Marital Status: MARRIED

Years Idaho Resident: 1 Years Ada County Resident: 1 Prior Residence: CA

Number of Children: 5 Age Youngest Child: 23 Age Oldest Child: 37

Current Employer: RETIRED

Spouse Employer: RETIRED

Reporting # 6 Name: MAY AMY C Age: 68

Marital Status: DIVORCED

Years Idaho Resident: 20 Years Ada County Resident: 20 Prior Residence: NV

Number of Children: 4 Age Youngest Child: 30 Age Oldest Child: 43

Current Employer:

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 7 Name: AREHART CHERYL Age: 63

Marital Status: MARRIED

Years Idaho Resident: 63 Years Ada County Resident: 63 Prior Residence: ID

Number of Children: 4 Age Youngest Child: 40 Age Oldest Child: 45

Current Employer: IGC

Spouse Employer: RETIRED

Reporting # 8 Name: YATES ASHLEY MARIE Age: 34

NOT COMPLETE

Reporting # 9 Name: KNOX SAMANTHA MARIE Age: 20

Marital Status: SINGLE

Years Idaho Resident: 20 Years Ada County Resident: 20 Prior Residence:

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: STUDENT

Spouse Employer:

Reporting # 10 Name: BRISBON BALEIGH ROSE Age: 18

Marital Status: SINGLE

Years Idaho Resident: 2 Years Ada County Resident: 2 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: SUBWAY

Spouse Employer:

Reporting # 11 Name: ZAROBAN STACIE ELLEN Age: 32

Marital Status: SINGLE

Years Idaho Resident: 32 Years Ada County Resident: 32 Prior Residence:

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: TOKUSAKU

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 12 Name: REMACLE GREGORY JAMES Age: 52

Marital Status: SINGLE

Years Idaho Resident: 52 Years Ada County Resident: 27 Prior Residence:

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: TRINITY TRAILER

Spouse Employer:

Reporting # 13 Name: PALACIO JENKINS NADINE VICTORI Age: 49

Marital Status: MARRIED

Years Idaho Resident: 25 Years Ada County Resident: 25 Prior Residence: CA

Number of Children: 4 Age Youngest Child: 24 Age Oldest Child: 34

Current Employer: DHW

Spouse Employer: FEDERAL GOV

Reporting # 14 Name: SCISCOE CORAL Age: 28

Marital Status: SINGLE

Years Idaho Resident: 28 Years Ada County Resident: 28 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: PATHWAYS OF ID

Spouse Employer:

Reporting # 15 Name: LIPSETT MIA ROSE Age: 0

Marital Status: SINGLE

Years Idaho Resident: 24 Years Ada County Resident: 24 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: CRAVIN'S CANDY

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 17 Name: LAMBERT HAYDEN MICHAEL Age: 0

Marital Status: SINGLE

Years Idaho Resident: 22 Years Ada County Resident: 22 Prior Residence:

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: MY PARENTS

Spouse Employer: N/A

Reporting # 19 Name: BOSWELL BENJAMIN JAMES Age: 21

Marital Status: SINGLE

Years Idaho Resident: 2 Years Ada County Resident: 21 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: BOSWELL PAVING

Spouse Employer:

Reporting # 21 Name: SUMMERS JAXON COOPER Age: 21

Marital Status: SINGLE

Years Idaho Resident: 21 Years Ada County Resident: 19 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: WALGREENS

Spouse Employer:

Reporting # 22 Name: SCOVELL SIMONE MICHELLE Age: 53

Marital Status: MARRIED

Years Idaho Resident: 26 Years Ada County Resident: 26 Prior Residence: CA

Number of Children: 2 Age Youngest Child: 15 Age Oldest Child: 18

Current Employer: HOMEKEEPER

Spouse Employer: GENPACT

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 23 Name: RAMPHAL THERESA Age: 60

Marital Status: MARRIED

Years Idaho Resident: 3 Years Ada County Resident: 3 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: RETIRED

Spouse Employer: RETIRED

Reporting # 24 Name: BRASHER SUMMER Age: 39

Marital Status: MARRIED

Years Idaho Resident: 6 Years Ada County Resident: 6 Prior Residence: CA

Number of Children: 4 Age Youngest Child: 5 Age Oldest Child: 16

Current Employer: HOMEMAKER

Spouse Employer: ELEVATE ACADEMY

Reporting # 26 Name: PERKINS ROBERT DOSS Age: 41

Marital Status: MARRIED

Years Idaho Resident: 10 Years Ada County Resident: 9 Prior Residence: AZ

Number of Children: 2 Age Youngest Child: 0 Age Oldest Child: 3

Current Employer: SELF EMPLOYED

Spouse Employer: SELF EMPLOYED

Reporting # 27 Name: SCHMIDT LINDSEY ALEXA Age: 24

Marital Status: SINGLE

Years Idaho Resident: 19 Years Ada County Resident: 19 Prior Residence:

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: SELF-EMPLOYED

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 28 Name: NAHMIAS DANIEL Age: 56

Marital Status: MARRIED

Years Idaho Resident: 3 Years Ada County Resident: 3 Prior Residence: CA

Number of Children: 3 Age Youngest Child: 10 Age Oldest Child: 16

Current Employer: LOWES

Spouse Employer: IDAHO FINANCE

Reporting # 29 Name: HAWKINS RANDALL CRAIG Age: 66

Marital Status: MARRIED

Years Idaho Resident: 6 Years Ada County Resident: 6 Prior Residence: CA

Number of Children: 4 Age Youngest Child: 26 Age Oldest Child: 35

Current Employer:

Spouse Employer:

Reporting # 34 Name: HOETKER LUKE MAKAI Age: 19

Marital Status: SINGLE

Years Idaho Resident: 17 Years Ada County Resident: 17 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer:

Spouse Employer:

Reporting # 35 Name: EZRILOV ALESHA A Age: 52

Marital Status: MARRIED

Years Idaho Resident: 4 Years Ada County Resident: 4 Prior Residence: CA

Number of Children: 2 Age Youngest Child: 18 Age Oldest Child: 20

Current Employer: -

Spouse Employer: LPL FINANCIAL

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 40 Name: BEASLEY COLEMAN KENYATTA Age: 61

Marital Status: MARRIED

Years Idaho Resident: 31 Years Ada County Resident: 31 Prior Residence: MT

Number of Children: 4 Age Youngest Child: 18 Age Oldest Child: 35

Current Employer: FAA

Spouse Employer: SELF

Reporting # 43 Name: DELANEY TIMOTHY JAMES Age: 68

Marital Status: MARRIED

Years Idaho Resident: 2 Years Ada County Resident: 2 Prior Residence: CA

Number of Children: 3 Age Youngest Child: 40 Age Oldest Child: 45

Current Employer: RETIRED

Spouse Employer: RETIRED

Reporting # 44 Name: MAHONEY STEFANIE LEIGH Age: 46

Marital Status: MARRIED

Years Idaho Resident: 13 Years Ada County Resident: 13 Prior Residence: NV

Number of Children: 1 Age Youngest Child: 3 Age Oldest Child: 0

Current Employer: UNEMPLOYED

Spouse Employer: R1

Reporting # 46 Name: RASKOPF LINDSAY RAE Age: 22

Marital Status: SINGLE

Years Idaho Resident: 7 Years Ada County Resident: 7 Prior Residence: NV

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: A NEW LEAF

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 48 Name: LUSSIER MARK THOMAS Age: 54

Marital Status: MARRIED

Years Idaho Resident: 4 Years Ada County Resident: 4 Prior Residence: CA

Number of Children: 2 Age Youngest Child: 13 Age Oldest Child: 24

Current Employer: LACEWORK

Spouse Employer:

Reporting # 51 Name: ROBARTS ANGIE ANNETTE Age: 57

Marital Status: MARRIED

Years Idaho Resident: 50 Years Ada County Resident: 23 Prior Residence: OR

Number of Children: 2 Age Youngest Child: 26 Age Oldest Child: 31

Current Employer:

Spouse Employer: SELF EMPLOYED

Reporting # 52 Name: JOHNSON ARTHUR FRANCIS Age: 75

Marital Status: MARRIED

Years Idaho Resident: 7 Years Ada County Resident: 7 Prior Residence: WA

Number of Children: 1 Age Youngest Child: 48 Age Oldest Child: 0

Current Employer: RETIRED

Spouse Employer: RETIRED

Reporting # 53 Name: SWANSON MARCUS ALLEN Age: 22

Marital Status: SINGLE

Years Idaho Resident: 3 Years Ada County Resident: 3 Prior Residence: OR

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: AMAZON

Spouse Employer:

Reporting # 54 Name: HRITSCO NICOLE ANN Age: 43

NOT COMPLETE

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 55 Name: MANTSCH SAMUEL ANTHONY Age: 0

Marital Status: SINGLE

Years Idaho Resident: 3 Years Ada County Resident: 3 Prior Residence: WI

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: KITTELSON

Spouse Employer:

Reporting # 61 Name: JOHNSON DAVID NATHANAEL Age: 23

Marital Status: SINGLE

Years Idaho Resident: 17 Years Ada County Resident: 17 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: CWI

Spouse Employer:

Reporting # 62 Name: JOHNSON LAURA CHRISTINE Age: 38

Marital Status: MARRIED

Years Idaho Resident: 6 Years Ada County Resident: 6 Prior Residence: TX

Number of Children: 3 Age Youngest Child: 5 Age Oldest Child: 14

Current Employer: SELF

Spouse Employer: SELF

Reporting # 63 Name: WEBSTER CORY C Age: 44

Marital Status: MARRIED

Years Idaho Resident: 19 Years Ada County Resident: 17 Prior Residence: IA

Number of Children: 2 Age Youngest Child: 6 Age Oldest Child: 15

Current Employer: JACOBS

Spouse Employer: USBR

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 66 Name: SCHLUND DEBBIE L Age: 57

Marital Status: MARRIED

Years Idaho Resident: 57 Years Ada County Resident: 25 Prior Residence: ID

Number of Children: 3 Age Youngest Child: 27 Age Oldest Child: 31

Current Employer: BOISE RACQUET

Spouse Employer: ST. LUKES

Reporting # 69 Name: GRUNZKE TERRY MALVIN Age: 50

Marital Status: MARRIED

Years Idaho Resident: 28 Years Ada County Resident: 21 Prior Residence: MN

Number of Children: 4 Age Youngest Child: 22 Age Oldest Child: 30

Current Employer: MICROSOFT

Spouse Employer: ST LUKES

Reporting # 70 Name: JACKSON-LAVIGNE NATHAN LEE Age: 23

Marital Status: SINGLE

Years Idaho Resident: 7 Years Ada County Resident: 3 Prior Residence: OR

Number of Children: 2 Age Youngest Child: 4 Age Oldest Child: 4

Current Employer: BLUE RIBBON LAN

Spouse Employer: PANDAMANIA

Reporting # 71 Name: WARD ADAM TYLER Age: 49

Marital Status: MARRIED

Years Idaho Resident: 24 Years Ada County Resident: 24 Prior Residence: WA

Number of Children: 2 Age Youngest Child: 15 Age Oldest Child: 20

Current Employer: BOISE SCHOOL DI

Spouse Employer: ESI

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 72 Name: POOL OLANA RAE Age: 46

Marital Status: SINGLE

Years Idaho Resident: 22 Years Ada County Resident: 22 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: ST. LUKES RMC

Spouse Employer:

Reporting # 74 Name: JEAN FRANK EDWARD Age: 63

Marital Status: MARRIED

Years Idaho Resident: 2 Years Ada County Resident: 2 Prior Residence: CA

Number of Children: 2 Age Youngest Child: 27 Age Oldest Child: 32

Current Employer: SAINT ALPHONSUS

Spouse Employer: SELF

Reporting # 75 Name: LOWE RYAN M Age: 52

Marital Status:

Years Idaho Resident: 52 Years Ada County Resident: 30 Prior Residence:

Number of Children: 2 Age Youngest Child: 24 Age Oldest Child: 27

Current Employer: SELF EMPLOYED

Spouse Employer: RYAN LOWE CONST

Reporting # 76 Name: CHUMA NATALIYA Age: 28

Marital Status: MARRIED

Years Idaho Resident: 24 Years Ada County Resident: 24 Prior Residence: ID

Number of Children: 2 Age Youngest Child: 1 Age Oldest Child: 3

Current Employer: ST LUKE'S

Spouse Employer: ST LUKE'S

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 77 Name: TOOHEY ALLISON DENA Age: 45

Marital Status: MARRIED

Years Idaho Resident: 4 Years Ada County Resident: 4 Prior Residence: CA

Number of Children: 2 Age Youngest Child: 15 Age Oldest Child: 17

Current Employer: NONE

Spouse Employer: ACSO

Reporting # 78 Name: BUDGE PAUL ALLEN Age: 60

Marital Status: SINGLE

Years Idaho Resident: 57 Years Ada County Resident: 30 Prior Residence: UT

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: TELEPERFORMANCE

Spouse Employer:

Reporting # 79 Name: ROEMER ALEXIS Age: 31

Marital Status: SINGLE

Years Idaho Resident: 3 Years Ada County Resident: 3 Prior Residence: CO

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: CBH HOMES

Spouse Employer:

Reporting # 81 Name: ZIMMERMAN KRISTOPHER CHARLES Age: 55

Marital Status: MARRIED

Years Idaho Resident: 18 Years Ada County Resident: 11 Prior Residence: CA

Number of Children: 2 Age Youngest Child: 7 Age Oldest Child: 8

Current Employer: SELF

Spouse Employer: N/A

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 86 Name: SMITH WANDA GARCIA Age: 37

Marital Status: MARRIED

Years Idaho Resident: 37 Years Ada County Resident: 37 Prior Residence: ID

Number of Children: 2 Age Youngest Child: 11 Age Oldest Child: 13

Current Employer: SALT DENTAL COL

Spouse Employer: NA

Reporting # 89 Name: MOHAN RAKESH Age: 56

Marital Status: MARRIED

Years Idaho Resident: 20 Years Ada County Resident: 20 Prior Residence: WA

Number of Children: 2 Age Youngest Child: 27 Age Oldest Child: 36

Current Employer: STATE OF IDAHO

Spouse Employer: NONE

Reporting # 91 Name: PATINO ANA SHARON Age: 25

NOT COMPLETE

Reporting # 92 Name: PEGAN KATHERINE MARIE Age: 34

Marital Status: SINGLE

Years Idaho Resident: 30 Years Ada County Resident: 30 Prior Residence: UT

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: STATE OF IDAHO

Spouse Employer: N/A

Reporting # 93 Name: FRIANEZA RODERICK CARLAS Age: 48

Marital Status: MARRIED

Years Idaho Resident: 20 Years Ada County Resident: 19 Prior Residence:

Number of Children: 2 Age Youngest Child: 13 Age Oldest Child: 15

Current Employer: MICRON

Spouse Employer: WEST ADA

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 95 Name: TAYLOR ARYA KAY Age: 23

Marital Status: SINGLE

Years Idaho Resident: 22 Years Ada County Resident: 22 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: OCDC OREGON

Spouse Employer:

Reporting # 96 Name: STARR JAMES RICHARD Age: 65

Marital Status: MARRIED

Years Idaho Resident: 6 Years Ada County Resident: 6 Prior Residence: CA

Number of Children: 4 Age Youngest Child: 26 Age Oldest Child: 43

Current Employer: CONNECT HEALTH

Spouse Employer: CONNECT HEATH

Reporting # 98 Name: MINARD ANGELINA MADISON Age: 22

Marital Status: SINGLE

Years Idaho Resident: 7 Years Ada County Resident: 7 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: USPS

Spouse Employer:

Reporting # 99 Name: CLEWS KARLY Age: 41

Marital Status: MARRIED

Years Idaho Resident: 3 Years Ada County Resident: 3 Prior Residence: MI

Number of Children: 2 Age Youngest Child: 5 Age Oldest Child: 7

Current Employer: N/A

Spouse Employer: ST LUKES

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 102 Name: DERRY RAE Age: 32

Marital Status: SINGLE

Years Idaho Resident: 7 Years Ada County Resident: 7 Prior Residence: IL

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: PAYLOCITY

Spouse Employer:

Reporting # 104 Name: BEERY JACOB WILLIAM Age: 26

Marital Status: SINGLE

Years Idaho Resident: 25 Years Ada County Resident: 15 Prior Residence: NV

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: DHI GROUP INC

Spouse Employer:

Reporting # 105 Name: PALMER BRIAN RAY Age: 0

Marital Status: MARRIED

Years Idaho Resident: 29 Years Ada County Resident: 28 Prior Residence: ID

Number of Children: 1 Age Youngest Child: 2 Age Oldest Child: 2

Current Employer: GC PAINTING

Spouse Employer: STAY AT HOME MO

Reporting # 107 Name: HAACKE BRENDON KEITH Age: 44

Marital Status: MARRIED

Years Idaho Resident: 4 Years Ada County Resident: 4 Prior Residence: NV

Number of Children: 5 Age Youngest Child: 3 Age Oldest Child: 23

Current Employer: U.S. BANK

Spouse Employer: HOMEMAKER

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 108 Name: WILCOX BRIAN LEON Age: 39

Marital Status: MARRIED

Years Idaho Resident: 3 Years Ada County Resident: 2 Prior Residence: CA

Number of Children: 2 Age Youngest Child: 16 Age Oldest Child: 18

Current Employer: LINKEDIN

Spouse Employer:

Reporting # 109 Name: MANGUS BERNADETTE A Age: 61

Marital Status: MARRIED

Years Idaho Resident: 23 Years Ada County Resident: 23 Prior Residence: WY

Number of Children: 4 Age Youngest Child: 25 Age Oldest Child: 32

Current Employer: ST LUKE

Spouse Employer: PREMIER

Reporting # 110 Name: RYSAVY BRANDON Age: 40

Marital Status: MARRIED

Years Idaho Resident: 4 Years Ada County Resident: 4 Prior Residence: PA

Number of Children: 1 Age Youngest Child: 1 Age Oldest Child: 0

Current Employer: BOISE VA

Spouse Employer: ST ALPHONSUS

Reporting # 111 Name: HESS ZACHARY DAVID Age: 19

Marital Status: SINGLE

Years Idaho Resident: 17 Years Ada County Resident: 17 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: N/A

Spouse Employer: N/A

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 112 Name: ROAN MACKENZIE Age: 25

Marital Status: SINGLE

Years Idaho Resident: 25 Years Ada County Resident: 25 Prior Residence:

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: LOVEVERY

Spouse Employer:

Reporting # 115 Name: FORBES CAMILLE CHAPPELL Age: 28

Marital Status: MARRIED

Years Idaho Resident: 3 Years Ada County Resident: 3 Prior Residence: UT

Number of Children: 3 Age Youngest Child: 1 Age Oldest Child: 7

Current Employer:

Spouse Employer: ORTHO DEVELOPME

Reporting # 116 Name: CADILLAC LEAH JEAN Age: 22

Marital Status: SINGLE

Years Idaho Resident: 14 Years Ada County Resident: 14 Prior Residence: WI

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: INSTACART

Spouse Employer:

Reporting # 117 Name: STEELE COEY LEE Age: 63

Marital Status: SINGLE

Years Idaho Resident: 63 Years Ada County Resident: 63 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: NORCO

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 119 Name: WEBBER DAVID Age: 43

Marital Status: MARRIED

Years Idaho Resident: 1 Years Ada County Resident: 1 Prior Residence: WA

Number of Children: 3 Age Youngest Child: 3 Age Oldest Child: 11

Current Employer: MICROSOFT

Spouse Employer: N/A

Reporting # 120 Name: WRIGHT DEVAN KYLER Age: 24

Marital Status: SINGLE

Years Idaho Resident: 24 Years Ada County Resident: 24 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: SUNSHINE WINDOW

Spouse Employer:

Reporting # 121 Name: HYSELL DAVID LEE Age: 41

Marital Status: SINGLE

Years Idaho Resident: 3 Years Ada County Resident: 3 Prior Residence: MT

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: N/A

Spouse Employer:

Reporting # 122 Name: BERG STEFANIE Age: 32

Marital Status: SINGLE

Years Idaho Resident: 5 Years Ada County Resident: 5 Prior Residence: WI

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: ST ALPHONSUS

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 123 Name: POPP STEPHEN RONALD Age: 62

Marital Status: MARRIED

Years Idaho Resident: 7 Years Ada County Resident: 7 Prior Residence: NV

Number of Children: 5 Age Youngest Child: 26 Age Oldest Child: 42

Current Employer: RETIRED POLICE

Spouse Employer: STAE OF IDAHO

Reporting # 124 Name: VEGA CHERYL Age: 40

Marital Status: MARRIED

Years Idaho Resident: 6 Years Ada County Resident: 6 Prior Residence: IL

Number of Children: 4 Age Youngest Child: 6 Age Oldest Child: 20

Current Employer: THE TERRACES OF

Spouse Employer: HOMEMAKER

Reporting # 125 Name: CARR STEVEN CHARLES Age: 60

Marital Status: MARRIED

Years Idaho Resident: 29 Years Ada County Resident: 29 Prior Residence: IL

Number of Children: 3 Age Youngest Child: 28 Age Oldest Child: 35

Current Employer: KLA-TENCOR

Spouse Employer: HIGH DESERT DEN

Reporting # 126 Name: FERNANDEZ ISABELLA MARLENE Age: 25

Marital Status: SINGLE

Years Idaho Resident: 2 Years Ada County Resident: 2 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: SALIX PHARMACEU

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 130 Name: HOURCADE MICHAEL JAY Age: 0

Marital Status: SINGLE

Years Idaho Resident: 36 Years Ada County Resident: 36 Prior Residence: LA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: IDAHO POWER

Spouse Employer:

Reporting # 132 Name: ANDREASEN KACEY Age: 43

Marital Status: MARRIED

Years Idaho Resident: 43 Years Ada County Resident: 16 Prior Residence:

Number of Children: 6 Age Youngest Child: 4 Age Oldest Child: 18

Current Employer: ST LUKE'S

Spouse Employer: BRANDEE SHANNON

Reporting # 133 Name: LAWRENCE MIRANDA E Age: 28

Marital Status: MARRIED

Years Idaho Resident: 5 Years Ada County Resident: 5 Prior Residence: PA

Number of Children: 1 Age Youngest Child: 6 Age Oldest Child: 6

Current Employer: BASKIN ROBBINS

Spouse Employer: SIGLER INC.

Reporting # 134 Name: VERHEIJEN ALEXIS MAKENZIE Age: 22

Marital Status: SINGLE

Years Idaho Resident: 0 Years Ada County Resident: 0 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer:

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 135 Name: GILLETTE DAKOTA Age: 28

Marital Status: MARRIED

Years Idaho Resident: 1 Years Ada County Resident: 1 Prior Residence: OR

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: ILIAD MEDIA GRO

Spouse Employer: DANIK GYM

Reporting # 137 Name: MONTGOMERY DYLAN LAYNE Age: 19

Marital Status: SINGLE

Years Idaho Resident: 19 Years Ada County Resident: 10 Prior Residence:

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer:

Spouse Employer:

Reporting # 138 Name: MONTGOMERY SPENCER A Age: 0

Marital Status: MARRIED

Years Idaho Resident: 8 Years Ada County Resident: 8 Prior Residence: UT

Number of Children: 3 Age Youngest Child: 1 Age Oldest Child: 6

Current Employer: FANNIE MAE

Spouse Employer: N/A

Reporting # 139 Name: TRONGALE ALEX WILLIAM Age: 21

Marital Status: SINGLE

Years Idaho Resident: 21 Years Ada County Resident: 21 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: BARTLETT HOMES

Spouse Employer: WEST ADA

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 140 Name: SMITH LEVI Age: 21

Marital Status: SINGLE

Years Idaho Resident: 3 Years Ada County Resident: 3 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: UNEMPLOYED

Spouse Employer:

Reporting # 141 Name: HEATH WESLEY CAMERON Age: 51

Marital Status: MARRIED

Years Idaho Resident: 51 Years Ada County Resident: 4 Prior Residence: ID

Number of Children: 1 Age Youngest Child: 27 Age Oldest Child: 27

Current Employer: ELM UTILITIES

Spouse Employer: ST. LUKES

Reporting # 143 Name: LEININGER JOHN MARK Age: 66

Marital Status: MARRIED

Years Idaho Resident: 1 Years Ada County Resident: 1 Prior Residence: ND

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: BOISE SCHOOLS

Spouse Employer: RETIRED

Reporting # 145 Name: SICKINGER ROBERT TODD Age: 61

Marital Status: DIVORCED

Years Idaho Resident: 45 Years Ada County Resident: 45 Prior Residence: ID

Number of Children: 2 Age Youngest Child: 18 Age Oldest Child: 18

Current Employer: RETIRED

Spouse Employer: NO SPOUSE

Reporting # 146 Name: SPANN DENNIS MICHAEL Age: 55

NOT COMPLETE

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 147 Name: BROWN SEAN G Age: 43

Marital Status: MARRIED

Years Idaho Resident: 43 Years Ada County Resident: 22 Prior Residence: ID

Number of Children: 3 Age Youngest Child: 8 Age Oldest Child: 15

Current Employer: RACE WINNING BR

Spouse Employer: NONE

Reporting # 148 Name: MITKO-PERKINS KAI RYAN Age: 20

Marital Status: SINGLE

Years Idaho Resident: 11 Years Ada County Resident: 10 Prior Residence: UT

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: STUDENT

Spouse Employer:

Reporting # 149 Name: MOSER MEGAN E Age: 21

Marital Status: SINGLE

Years Idaho Resident: 21 Years Ada County Resident: 2 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: HIGHDESERTDENTA

Spouse Employer:

Reporting # 150 Name: IRONS TERRY SUSAN Age: 67

Marital Status: DIVORCED

Years Idaho Resident: 64 Years Ada County Resident: 64 Prior Residence: OR

Number of Children: 2 Age Youngest Child: 39 Age Oldest Child: 42

Current Employer: FRED MYERS

Spouse Employer: N/A

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 151 Name: LYONS MEGGIE KATHLEEN Age: 35

Marital Status: MARRIED

Years Idaho Resident: 35 Years Ada County Resident: 26 Prior Residence:

Number of Children: 2 Age Youngest Child: 5 Age Oldest Child: 9

Current Employer: SAINT ALPHONSUS

Spouse Employer: INSIDER

Reporting # 154 Name: LOPEZ DE MORALES AUDELIA Age: 44

Marital Status: MARRIED

Years Idaho Resident: 4 Years Ada County Resident: 4 Prior Residence: NE

Number of Children: 3 Age Youngest Child: 6 Age Oldest Child: 16

Current Employer:

Spouse Employer:

Reporting # 155 Name: BOGDANOFF TAMMY JOY Age: 45

Marital Status: MARRIED

Years Idaho Resident: 30 Years Ada County Resident: 30 Prior Residence: OR

Number of Children: 2 Age Youngest Child: 13 Age Oldest Child: 15

Current Employer: BOISE SCHOOL DI

Spouse Employer: NORTH STAR CHAR

Reporting # 158 Name: ABEL-REGIDOR PAULINA Age: 28

Marital Status:

Years Idaho Resident: 0 Years Ada County Resident: 0 Prior Residence:

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer:

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 161 Name: KIMBROUGH CHEYENNE DAWN Age: 27

Marital Status: SINGLE

Years Idaho Resident: 23 Years Ada County Resident: 5 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: N/A

Spouse Employer:

Reporting # 163 Name: THOME SHERRI LEE Age: 67

Marital Status: MARRIED

Years Idaho Resident: 1 Years Ada County Resident: 1 Prior Residence: CA

Number of Children: 2 Age Youngest Child: 42 Age Oldest Child: 44

Current Employer: SELF EMPLOYED

Spouse Employer: ROCKHARBOR CHUR

Reporting # 164 Name: ULOTH SHERRY ANN Age: 50

Marital Status: MARRIED

Years Idaho Resident: 18 Years Ada County Resident: 18 Prior Residence: CA

Number of Children: 2 Age Youngest Child: 19 Age Oldest Child: 21

Current Employer: WINCO

Spouse Employer: UNEMPLOYED

Reporting # 166 Name: WILLINGHAM GLADIS DIANE Age: 74

Marital Status: MARRIED

Years Idaho Resident: 22 Years Ada County Resident: 22 Prior Residence: CA

Number of Children: 2 Age Youngest Child: 51 Age Oldest Child: 0

Current Employer:

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 169 Name: PALOVICH VINCENT PAUL Age: 42

Marital Status: SINGLE

Years Idaho Resident: 7 Years Ada County Resident: 7 Prior Residence: AZ

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: E&J GALLO

Spouse Employer:

Reporting # 172 Name: CENTANNI JOSEPH WILLIAM Age: 57

Marital Status:

Years Idaho Resident: 3 Years Ada County Resident: 3 Prior Residence: OR

Number of Children: 4 Age Youngest Child: 16 Age Oldest Child: 28

Current Employer: RIPLEY DOORN CO

Spouse Employer:

Reporting # 174 Name: GARABEDIAN ANNE MARIE Age: 50

Marital Status: MARRIED

Years Idaho Resident: 16 Years Ada County Resident: 16 Prior Residence: NV

Number of Children: 1 Age Youngest Child: 19 Age Oldest Child: 19

Current Employer: GARABEDIAN ASSC

Spouse Employer: SELF EMPLOYED

Reporting # 176 Name: MOORE NICHOLAS REX Age: 28

Marital Status: MARRIED

Years Idaho Resident: 1 Years Ada County Resident: 1 Prior Residence: UT

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: BLOCK, INC.

Spouse Employer: RECURSION

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 179 Name: MURAKAMI JANET M Age: 48

Marital Status: SINGLE

Years Idaho Resident: 37 Years Ada County Resident: 20 Prior Residence:

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: STATE POLICE

Spouse Employer:

Reporting # 180 Name: BILIMORIA THOMAS ANTHONY Age: 21

Marital Status: SINGLE

Years Idaho Resident: 7 Years Ada County Resident: 7 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: THE HOME DEPOT

Spouse Employer:

Reporting # 181 Name: MIRONOVICH LEO ALEXANDER Age: 31

Marital Status: MARRIED

Years Idaho Resident: 1 Years Ada County Resident: 1 Prior Residence: WI

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: BOISE STATE

Spouse Employer:

Reporting # 182 Name: RYMER WILLIAM LAW Age: 57

Marital Status: MARRIED

Years Idaho Resident: 7 Years Ada County Resident: 7 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: ST. LUKE'S HEAL

Spouse Employer: NA

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 184 Name: PIPER NICOLE MARIE Age: 35

Marital Status: MARRIED

Years Idaho Resident: 35 Years Ada County Resident: 35 Prior Residence:

Number of Children: 2 Age Youngest Child: 8 Age Oldest Child: 10

Current Employer: SELF

Spouse Employer: US ECOLOGY

Reporting # 185 Name: SMART WILLIAM JARED Age: 0

Marital Status: DIVORCED

Years Idaho Resident: 43 Years Ada County Resident: 35 Prior Residence: UT

Number of Children: 2 Age Youngest Child: 10 Age Oldest Child: 26

Current Employer: TANDEM DIABETES

Spouse Employer: N/A

Reporting # 186 Name: DEKOWSKI TERESA D Age: 53

Marital Status: MARRIED

Years Idaho Resident: 2 Years Ada County Resident: 2 Prior Residence: CA

Number of Children: 4 Age Youngest Child: 17 Age Oldest Child: 33

Current Employer: RETIRED

Spouse Employer: RETIRED

Reporting # 189 Name: WALKER JUDITH ANNE Age: 68

Marital Status: DIVORCED

Years Idaho Resident: 45 Years Ada County Resident: 45 Prior Residence: LA

Number of Children: 2 Age Youngest Child: 32 Age Oldest Child: 37

Current Employer: RETIRED

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 190 Name: WENGER JOANNE MARIE Age: 56

Marital Status: MARRIED

Years Idaho Resident: 10 Years Ada County Resident: 10 Prior Residence: WA

Number of Children: 3 Age Youngest Child: 14 Age Oldest Child: 21

Current Employer: HEALTHY FOUNDAT

Spouse Employer: COSTCO

Reporting # 191 Name: FEWKES JASON RYAN Age: 41

Marital Status: MARRIED

Years Idaho Resident: 41 Years Ada County Resident: 41 Prior Residence: ID

Number of Children: 2 Age Youngest Child: 7 Age Oldest Child: 11

Current Employer: BOISE SCHOOLS

Spouse Employer: BOISE SCHOOLS

Reporting # 193 Name: MARTIN JASON LEE Age: 42

Marital Status: MARRIED

Years Idaho Resident: 14 Years Ada County Resident: 14 Prior Residence: TX

Number of Children: 3 Age Youngest Child: 3 Age Oldest Child: 17

Current Employer: APPEVOLVE

Spouse Employer: ST. ALS

Reporting # 194 Name: HOWELL JENNIFER M Age: 39

Marital Status: MARRIED

Years Idaho Resident: 39 Years Ada County Resident: 12 Prior Residence:

Number of Children: 2 Age Youngest Child: 12 Age Oldest Child: 18

Current Employer: AETNA

Spouse Employer: BARRACUDA

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 197 Name: WATERS JULIE ANN Age: 42

Marital Status: MARRIED

Years Idaho Resident: 42 Years Ada County Resident: 42 Prior Residence:

Number of Children: 3 Age Youngest Child: 17 Age Oldest Child: 23

Current Employer: ATARAXIS

Spouse Employer: SELF

Reporting # 199 Name: SLOCUM JOSEPH STEPHEN Age: 0

Marital Status:

Years Idaho Resident: 0 Years Ada County Resident: 0 Prior Residence:

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer:

Spouse Employer:

Reporting # 201 Name: TILDEN KRISTIE ANNA Age: 47

Marital Status: MARRIED

Years Idaho Resident: 30 Years Ada County Resident: 30 Prior Residence: TX

Number of Children: 2 Age Youngest Child: 23 Age Oldest Child: 29

Current Employer: GOLDYS

Spouse Employer: BAIRDS

Reporting # 205 Name: WRIGHT KELLY JEANNE Age: 27

Marital Status: SINGLE

Years Idaho Resident: 2 Years Ada County Resident: 2 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: STREAMLINEVENTS

Spouse Employer: EEG

Voir Dire Questionaire

CONFIDENTIAL INFORMATION
RETURN TO BAILIFF

Ada County
Jury Commissioner
Randy Rutland

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 245 Name: BERGESON DILLON ROBERT Age: 24

Marital Status: SINGLE

Years Idaho Resident: 4 Years Ada County Resident: 4 Prior Residence: CO

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: SOCKEYE BREWING

Spouse Employer:

Reporting # 246 Name: GOEDEKING CARA JO Age: 52

Marital Status: MARRIED

Years Idaho Resident: 21 Years Ada County Resident: 21 Prior Residence: WA

Number of Children: 1 Age Youngest Child: 0 Age Oldest Child: 17

Current Employer: SELF

Spouse Employer: APPLIED MATERIA

Reporting # 247 Name: MOORE ANDREW GENE Age: 45

Marital Status: SINGLE

Years Idaho Resident: 42 Years Ada County Resident: 42 Prior Residence: ID

Number of Children: 1 Age Youngest Child: 20 Age Oldest Child: 20

Current Employer: MOORE COMMUNICA

Spouse Employer:

Reporting # 251 Name: BOUGHTON CASSIDY ANNE Age: 23

Marital Status: SINGLE

Years Idaho Resident: 3 Years Ada County Resident: 3 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: IDAHO AGC

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 252 Name: MATHISEN REVA FAY Age: 48

Marital Status: MARRIED

Years Idaho Resident: 45 Years Ada County Resident: 45 Prior Residence: OR

Number of Children: 5 Age Youngest Child: 18 Age Oldest Child: 27

Current Employer: 3WOOD PIZZA&PUB

Spouse Employer: 3 WOOD PIZZA AN

Reporting # 254 Name: BROCKBANK LUKAS Age: 19

Marital Status: SINGLE

Years Idaho Resident: 9 Years Ada County Resident: 9 Prior Residence: UT

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: AMAZON

Spouse Employer: NA

Reporting # 255 Name: AZALLION ANNA NICOLE Age: 24

Marital Status: SINGLE

Years Idaho Resident: 1 Years Ada County Resident: 1 Prior Residence: OH

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: E.W. SCRIPPS

Spouse Employer:

Reporting # 258 Name: THOMPSON RAELYNE L Age: 29

Marital Status: DIVORCED

Years Idaho Resident: 2 Years Ada County Resident: 2 Prior Residence: CA

Number of Children: 1 Age Youngest Child: 6 Age Oldest Child: 0

Current Employer: ST.LUKES

Spouse Employer: N/A

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 262 Name: THURSTON JO ANN Age: 53

Marital Status: MARRIED

Years Idaho Resident: 11 Years Ada County Resident: 11 Prior Residence: TX

Number of Children: 3 Age Youngest Child: 21 Age Oldest Child: 35

Current Employer: ASPEN CHIROPRAC

Spouse Employer: COPELAND

Reporting # 264 Name: ESTABROOK TIMOTHY Age: 22

Marital Status: SINGLE

Years Idaho Resident: 5 Years Ada County Resident: 5 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: SWIRE COCA-COLA

Spouse Employer:

Reporting # 265 Name: SCHOENBORN RICHARD DAVID Age: 60

Marital Status: SINGLE

Years Idaho Resident: 4 Years Ada County Resident: 4 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: RETIRED

Spouse Employer:

Reporting # 266 Name: MASTERSON TIERNEY GRACE Age: 18

Marital Status: SINGLE

Years Idaho Resident: 1 Years Ada County Resident: 1 Prior Residence: WA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer:

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 267 Name: HENDERSON RICHARD DEAN Age: 59

Marital Status: SINGLE

Years Idaho Resident: 34 Years Ada County Resident: 32 Prior Residence: OR

Number of Children: 2 Age Youngest Child: 36 Age Oldest Child: 37

Current Employer: A&I DISTRIBUTOR

Spouse Employer:

Reporting # 268 Name: PATTERSON ROBYN MICHELE Age: 50

Marital Status: DIVORCED

Years Idaho Resident: 10 Years Ada County Resident: 10 Prior Residence: UT

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: IDOC

Spouse Employer:

Reporting # 269 Name: BROUGHTON DERRIKK ALAN Age: 35

Marital Status: MARRIED

Years Idaho Resident: 20 Years Ada County Resident: 20 Prior Residence: ID

Number of Children: 2 Age Youngest Child: 0 Age Oldest Child: 2

Current Employer: INSIGHT DIRECT

Spouse Employer: CHUCK BORHOUM

Reporting # 271 Name: DICKINSON NATHAN ALEXANDER Age: 18

Marital Status: SINGLE

Years Idaho Resident: 18 Years Ada County Resident: 18 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer:

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 273 Name: MANALAKOS JOANNE Age: 47

Marital Status: MARRIED

Years Idaho Resident: 10 Years Ada County Resident: 2 Prior Residence: NV

Number of Children: 4 Age Youngest Child: 13 Age Oldest Child: 22

Current Employer: ST. LUKES

Spouse Employer: SELF

Reporting # 274 Name: MIDDLETON PAULA HENLEY Age: 57

Marital Status: MARRIED

Years Idaho Resident: 10 Years Ada County Resident: 10 Prior Residence: WA

Number of Children: 2 Age Youngest Child: 27 Age Oldest Child: 30

Current Employer: CITY OF MERIDIA

Spouse Employer: J.R.SIMPLOT CO.

Reporting # 276 Name: ROBERTSON AMBER MARIE Age: 38

Marital Status: MARRIED

Years Idaho Resident: 34 Years Ada County Resident: 34 Prior Residence: MN

Number of Children: 1 Age Youngest Child: 13 Age Oldest Child: 0

Current Employer: TOK COMMERCIAL

Spouse Employer:

Reporting # 279 Name: CRON TERESA MARIE Age: 54

Marital Status: MARRIED

Years Idaho Resident: 3 Years Ada County Resident: 3 Prior Residence: CA

Number of Children: 1 Age Youngest Child: 25 Age Oldest Child: 0

Current Employer: N/A

Spouse Employer: N/A

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 280 Name: LORD MORGAN RUTH Age: 38

Marital Status: MARRIED

Years Idaho Resident: 23 Years Ada County Resident: 16 Prior Residence: WA

Number of Children: 2 Age Youngest Child: 5 Age Oldest Child: 10

Current Employer: CLM MARKETING

Spouse Employer: GYRO SHACK

Reporting # 281 Name: KWAN KERI MEGUMI Age: 25

Marital Status: SINGLE

Years Idaho Resident: 5 Years Ada County Resident: 5 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: CARRINGTON

Spouse Employer: NA

Reporting # 282 Name: NEASE ARTHUR TRAVIS Age: 49

Marital Status: MARRIED

Years Idaho Resident: 4 Years Ada County Resident: 4 Prior Residence: WA

Number of Children: 2 Age Youngest Child: 10 Age Oldest Child: 22

Current Employer: POOLE JOINT REP

Spouse Employer: ST LUKES

Reporting # 284 Name: DIX LAUREN MARIE Age: 26

Marital Status: MARRIED

Years Idaho Resident: 2 Years Ada County Resident: 2 Prior Residence: MI

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: IDAHO DHW

Spouse Employer: LEARNING LAB

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 285 Name: KIRKPATRICK JENNIFER MARIE Age: 44

Marital Status: MARRIED

Years Idaho Resident: 13 Years Ada County Resident: 13 Prior Residence: NV

Number of Children: 2 Age Youngest Child: 17 Age Oldest Child: 21

Current Employer: UNITED HEALTHCA

Spouse Employer: BRUNEEL POINT S

Reporting # 286 Name: MEYER BRAXTON LUKE Age: 23

Marital Status: SINGLE

Years Idaho Resident: 15 Years Ada County Resident: 15 Prior Residence: TX

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: BYU-I AV DEPART

Spouse Employer:

Reporting # 288 Name: MAYES BRUCE L Age: 65

Marital Status: MARRIED

Years Idaho Resident: 33 Years Ada County Resident: 33 Prior Residence: CO

Number of Children: 2 Age Youngest Child: 22 Age Oldest Child: 24

Current Employer: N/A

Spouse Employer: N/A

Reporting # 289 Name: BOGGS BRIAN NEAL Age: 46

NOT COMPLETE

Reporting # 290 Name: LANDSBERG COLE Age: 0

Marital Status: SINGLE

Years Idaho Resident: 19 Years Ada County Resident: 19 Prior Residence: VA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: UNEMPLOYED

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 291 Name: BIRT LISA RENAE Age: 42

Marital Status: MARRIED

Years Idaho Resident: 18 Years Ada County Resident: 18 Prior Residence: UT

Number of Children: 2 Age Youngest Child: 11 Age Oldest Child: 15

Current Employer: ANSER CHARTER S

Spouse Employer: US BLM

Reporting # 292 Name: BALL JASON HAMLIN Age: 45

Marital Status: MARRIED

Years Idaho Resident: 13 Years Ada County Resident: 13 Prior Residence: MT

Number of Children: 4 Age Youngest Child: 15 Age Oldest Child: 21

Current Employer: TNB HOTELS

Spouse Employer: IDAHO STATE TAX

Reporting # 293 Name: SWAN LESLIE LYNN Age: 68

Marital Status: MARRIED

Years Idaho Resident: 3 Years Ada County Resident: 3 Prior Residence: WA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: RETIRED

Spouse Employer:

Reporting # 294 Name: MICHALISZYN DEIRDRE ELISE Age: 61

Marital Status: MARRIED

Years Idaho Resident: 12 Years Ada County Resident: 12 Prior Residence: SD

Number of Children: 1 Age Youngest Child: 30 Age Oldest Child: 30

Current Employer:

Spouse Employer: MICHAEL'S CRAFT

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 295 Name: FOSTER STERLING ALAN Age: 27

Marital Status: MARRIED

Years Idaho Resident: 25 Years Ada County Resident: 25 Prior Residence: UT

Number of Children: 2 Age Youngest Child: 1 Age Oldest Child: 5

Current Employer: WPL

Spouse Employer: FRED MEYER

Reporting # 299 Name: WOODHOUSE CARLY KEALOHA Age: 24

Marital Status: SINGLE

Years Idaho Resident: 3 Years Ada County Resident: 3 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: HYATT PLACE

Spouse Employer: NA

Reporting # 300 Name: WILLIAMS JOE R Age: 33

Marital Status: SINGLE

Years Idaho Resident: 29 Years Ada County Resident: 29 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: RISE OF IDAHO

Spouse Employer:

Reporting # 301 Name: WILLIAMS JESSICA ISABEL Age: 33

Marital Status: MARRIED

Years Idaho Resident: 4 Years Ada County Resident: 4 Prior Residence: CA

Number of Children: 1 Age Youngest Child: 1 Age Oldest Child: 0

Current Employer: WEST ADA SCHOOL

Spouse Employer: COMMERCIAL TIRE

Reporting # 303 Name: ASLAMI SHEKIB Age: 43

NOT COMPLETE

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 304 Name: TAYLOR SOREN RAY Age: 19

Marital Status: SINGLE

Years Idaho Resident: 19 Years Ada County Resident: 19 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: MONTANA ALEWORK

Spouse Employer:

Reporting # 305 Name: REYNOLDS HAYDEN JACKSON Age: 21

Marital Status:

Years Idaho Resident: 22 Years Ada County Resident: 22 Prior Residence:

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer:

Spouse Employer:

Reporting # 306 Name: LAVARIAS HALEY MICHIKO Age: 30

Marital Status: SINGLE

Years Idaho Resident: 1 Years Ada County Resident: 1 Prior Residence: CO

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: AYA HEALTHCARE

Spouse Employer: NA

Reporting # 308 Name: PUGRUD SCOTT NAM Age: 42

Marital Status: SINGLE

Years Idaho Resident: 43 Years Ada County Resident: 43 Prior Residence: NC

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: IDAHO POWER

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 310 Name: GIANCHETTA CHLOE Age: 23

Marital Status: SINGLE

Years Idaho Resident: 23 Years Ada County Resident: 8 Prior Residence:

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: MICHAEL PAYNE

Spouse Employer:

Reporting # 313 Name: PENNINGTON DOMINIQUE A Age: 30

Marital Status: MARRIED

Years Idaho Resident: 20 Years Ada County Resident: 5 Prior Residence: TN

Number of Children: 3 Age Youngest Child: 4 Age Oldest Child: 9

Current Employer: STAY AT HOME MO

Spouse Employer: BIRD SCOOTERS

Reporting # 314 Name: MARTIN THOMSON EUGENE Age: 22

Marital Status: SINGLE

Years Idaho Resident: 18 Years Ada County Resident: 18 Prior Residence: OR

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: BOISE CASCADE

Spouse Employer:

Reporting # 315 Name: KENNINGTON CASEY REDD Age: 40

Marital Status: MARRIED

Years Idaho Resident: 7 Years Ada County Resident: 7 Prior Residence: OR

Number of Children: 5 Age Youngest Child: 5 Age Oldest Child: 15

Current Employer: BOISE STATE UNI

Spouse Employer: N/A

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 317 Name: ALLEN STEVEN MARK Age: 37

Marital Status: SINGLE

Years Idaho Resident: 29 Years Ada County Resident: 17 Prior Residence:

Number of Children: 2 Age Youngest Child: 6 Age Oldest Child: 12

Current Employer: EDMARK TOYOTA

Spouse Employer: PAYLOCITY

Reporting # 318 Name: ARMOUR TERESA JANINE Age: 61

Marital Status: MARRIED

Years Idaho Resident: 4 Years Ada County Resident: 4 Prior Residence: CA

Number of Children: 3 Age Youngest Child: 30 Age Oldest Child: 34

Current Employer: N/A

Spouse Employer: N/A

Reporting # 320 Name: KENNY STEVEN ALLEN Age: 66

Marital Status: MARRIED

Years Idaho Resident: 7 Years Ada County Resident: 7 Prior Residence: CA

Number of Children: 3 Age Youngest Child: 30 Age Oldest Child: 39

Current Employer: RETIRED

Spouse Employer: RETIRED

Reporting # 322 Name: LYDON QUINN COLE Age: 19

Marital Status: SINGLE

Years Idaho Resident: 19 Years Ada County Resident: 19 Prior Residence:

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer:

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 323 Name: MYRON KURTIS MARTIN Age: 63

Marital Status: DIVORCED

Years Idaho Resident: 2 Years Ada County Resident: 2 Prior Residence: WA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: SELF

Spouse Employer:

Reporting # 324 Name: TREJO-GUZMAN ANA MARIA Age: 0

Marital Status: MARRIED

Years Idaho Resident: 41 Years Ada County Resident: 18 Prior Residence:

Number of Children: 2 Age Youngest Child: 15 Age Oldest Child: 18

Current Employer: PRIMARY HEALTH

Spouse Employer: MICRON TECHNOLO

Reporting # 326 Name: VERNAY VINCENT ANTHONY Age: 22

Marital Status: SINGLE

Years Idaho Resident: 3 Years Ada County Resident: 3 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: WAFD BANK

Spouse Employer: N/A

Reporting # 327 Name: MICHALOWSKI ANNEE KAE Age: 31

Marital Status: MARRIED

Years Idaho Resident: 31 Years Ada County Resident: 31 Prior Residence:

Number of Children: 1 Age Youngest Child: 1 Age Oldest Child: 0

Current Employer: ST. LUKE'S

Spouse Employer: INTERVARSITY CH

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 328 Name: TIBASIMWE SAMUEL Age: 22

Marital Status: SINGLE

Years Idaho Resident: 2 Years Ada County Resident: 2 Prior Residence: NY

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: LIONBRIDGE

Spouse Employer: N/A

Reporting # 329 Name: COOK SKY Age: 49

Marital Status:

Years Idaho Resident: 0 Years Ada County Resident: 0 Prior Residence:

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer:

Spouse Employer:

Reporting # 330 Name: RUBY GAYLENE BONNIE Age: 43

Marital Status: MARRIED

Years Idaho Resident: 43 Years Ada County Resident: 21 Prior Residence: ID

Number of Children: 4 Age Youngest Child: 12 Age Oldest Child: 19

Current Employer: BOISE SCHOOL

Spouse Employer: BOISE SCHOOL

Reporting # 331 Name: SILVA RYAN PAUL Age: 36

Marital Status: SINGLE

Years Idaho Resident: 1 Years Ada County Resident: 1 Prior Residence: CA

Number of Children: 1 Age Youngest Child: 4 Age Oldest Child: 0

Current Employer: PATH

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 333 Name: FRIEDLEY ANGELLO JOHN Age: 54

Marital Status: MARRIED

Years Idaho Resident: 54 Years Ada County Resident: 54 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer:

Spouse Employer:

Reporting # 335 Name: GONZALEZ MELISSA DENISE Age: 56

Marital Status: MARRIED

Years Idaho Resident: 4 Years Ada County Resident: 4 Prior Residence: CA

Number of Children: 2 Age Youngest Child: 28 Age Oldest Child: 30

Current Employer: SELF

Spouse Employer: SELF

Reporting # 336 Name: ERNST BRIAN ALAN Age: 57

Marital Status: MARRIED

Years Idaho Resident: 40 Years Ada County Resident: 36 Prior Residence: CO

Number of Children: 2 Age Youngest Child: 18 Age Oldest Child: 20

Current Employer: SELF EMPLOYED

Spouse Employer: CAREGIVER

Reporting # 337 Name: BALL MARK JUDSON Age: 45

Marital Status: MARRIED

Years Idaho Resident: 8 Years Ada County Resident: 8 Prior Residence: UT

Number of Children: 5 Age Youngest Child: 16 Age Oldest Child: 22

Current Employer: MICRON

Spouse Employer: HOME MAKER

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 338 Name: TAYLOR KRISTI IRENE Age: 49

Marital Status: MARRIED

Years Idaho Resident: 16 Years Ada County Resident: 16 Prior Residence: ID

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: NORCO

Spouse Employer: UNEMPLOYED

Reporting # 339 Name: NEIERS BRINDON MISHE Age: 36

Marital Status: DIVORCED

Years Idaho Resident: 36 Years Ada County Resident: 32 Prior Residence: ID

Number of Children: 2 Age Youngest Child: 10 Age Oldest Child: 10

Current Employer: HABITAT VETERIN

Spouse Employer: NO SPOUSE

Reporting # 340 Name: BENOIT BRANDON KENDALL Age: 0

Marital Status: SINGLE

Years Idaho Resident: 6 Years Ada County Resident: 6 Prior Residence: WA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: BOISE STATE UNI

Spouse Employer:

Reporting # 341 Name: QUIGNON ALLEN ROGER Age: 49

Marital Status: MARRIED

Years Idaho Resident: 27 Years Ada County Resident: 10 Prior Residence: CA

Number of Children: 2 Age Youngest Child: 16 Age Oldest Child: 20

Current Employer: SELF EMPLOYED

Spouse Employer: ST. LUKES

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 342 Name: TOZER BRUCE ALAN Age: 67

Marital Status: MARRIED

Years Idaho Resident: 2 Years Ada County Resident: 2 Prior Residence: OR

Number of Children: 1 Age Youngest Child: 36 Age Oldest Child: 36

Current Employer:

Spouse Employer:

Reporting # 343 Name: FULLER AIMEE ROSEMARY Age: 28

Marital Status: SINGLE

Years Idaho Resident: 0 Years Ada County Resident: 7 Prior Residence: CO

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: PURPLE LOTUS

Spouse Employer:

Reporting # 344 Name: HAMILTON RICHARD JOHN Age: 53

Marital Status: SINGLE

Years Idaho Resident: 4 Years Ada County Resident: 4 Prior Residence: IL

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: BOISE STATE UNI

Spouse Employer: NA

Reporting # 345 Name: SPENCER HEATHER MARIE Age: 43

Marital Status: SINGLE

Years Idaho Resident: 43 Years Ada County Resident: 20 Prior Residence: ID

Number of Children: 3 Age Youngest Child: 14 Age Oldest Child: 27

Current Employer: WEST ADA SCHOOL

Spouse Employer:

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 346 Name: CAMERON SUSAN ELIZABETH Age: 60

Marital Status: DIVORCED

Years Idaho Resident: 5 Years Ada County Resident: 5 Prior Residence: CA

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: MORNINGSTAR

Spouse Employer:

Reporting # 347 Name: CRUISE SANDRA ELAINE Age: 74

Marital Status: MARRIED

Years Idaho Resident: 44 Years Ada County Resident: 41 Prior Residence: CO

Number of Children: 0 Age Youngest Child: 0 Age Oldest Child: 0

Current Employer: RETIRED

Spouse Employer: RETIRED

Reporting # 351 Name: KESNER REBECCA JANE Age: 51

Marital Status: MARRIED

Years Idaho Resident: 49 Years Ada County Resident: 47 Prior Residence: CA

Number of Children: 2 Age Youngest Child: 24 Age Oldest Child: 26

Current Employer: ACUMEN

Spouse Employer: GULF EAGLE

Reporting # 352 Name: ANDERSON MICHAEL RAY Age: 64

Marital Status: MARRIED

Years Idaho Resident: 64 Years Ada County Resident: 26 Prior Residence: ID

Number of Children: 5 Age Youngest Child: 35 Age Oldest Child: 46

Current Employer: SELF

Spouse Employer: RETIRED

There shall be no contact with jurors before, during, or after the jury verdict has been rendered. Sworn jurors must sign a written consent form with the Jury Commission Office before any communication can be made. To obtain permission to connect with jurors, contact the Jury Commission at 287-7570 or jury.commission@adaweb.net.

Judge: Baskin, Nancy **Court Date: 7/10/2023**

Reporting # 353 Name: STUNZ MARY BETH Age: 63

Marital Status: DIVORCED

Years Idaho Resident: 34 Years Ada County Resident: 33 Prior Residence: OR

Number of Children: 3 Age Youngest Child: 32 Age Oldest Child: 37

Current Employer:

Spouse Employer:

EXHIBIT V

Jurors who whose employment or retirement was not identified

Of the list of jurors noted in Exhibit U, the following did not have their employment listed, or their spouse's employment, or their source of retirement noted:

1. Reporting #4 - Mc Cain Chere Lynn
2. Reporting #6 - May Amy C
3. Reporting #23 - Ramphal Theresa
4. Reporting #29 - Hawkins Randall Craig
5. Reporting #34 - Hoetker Luke Makai
6. Reporting #35 - Ezrilov Alesha A
7. Reporting #43 - Delaney Timothy James
8. Reporting #48 - Lussier Mark Thomas
9. Reporting #51 - Robarts Angie Annette
10. Reporting #81 - Zimmerman Kristopher Charles
11. Reporting #86 - Smith Wanda Garcia
12. Reporting #99 - Clews Karly
13. Reporting #108 - Wilcox Brian Leon
14. Reporting #111 - Hess Zachary David
15. Reporting #115 - Forbes Camille Chappell
16. Reporting #134 - Verheijen Alexis Makenzie
17. Reporting #138 - Montgomery Spencer A
18. Reporting #154 - Lopez de Morales Audelia
19. Reporting #158 - Abel-Regidor Paulina
20. Reporting #161 - Kimbrough Cheyenne Dawn
21. Reporting #166 - Willingham Gladis Diane
22. Reporting #182 - Rymer William Law
23. Reporting #186 - Dekowski Teresa D
24. Reporting #189 - Walker Judith Anne
25. Reprting #199 - Slocum Joseph Stephen
26. Reporting #266 - Masterson Tierney Grace
27. Reporting #271 - Dickinson Nathan Alexander
28. Reporting #279 - Cron Teresa Marie
29. Reporting #288 - Mayes Bruce L
30. Reporting #293 - Swann Leslie Lynn
31. Reporting #294 - Michaliszyn Deirdre Elise
32. Reporting #305 - Reynolds Hayden Jackson
33. Reporting #318 - Armour Teresa Janine
34. Reporting #322 - Lydon Quinn Cole
35. Reporting #329 - Cook Sky
36. Reporting #333 - Friedley Angello John
37. Reporting #342 - Tozer Bruce Alan
38. Reporting #347 - Cruise Sandra Elaine
39. Reporting #352 - Anderson Michael Ray
40. Reporting #353 - Stunz Mary Beth

EXHIBIT W

Judge Nancy Baskins denial of Diego Rodriguez's request to see the final list of jurors to ensure the trial would be fair.

Electronically Filed
7/11/2023 5:49 PM
Fourth Judicial District, Ada County
Trent Tripple, Clerk of the Court
By: Katee Hysell, Deputy Clerk

Diego Rodriguez
1317 Edgewater Drive #5077
Orlando, FL 32804
(208) 891-7728

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 organization,

Defendants.

Case No. CV01-22-06789

NOTICE REQUESTING IDENTIFICATION OF JURORS

DENIED

To the extent this Notice could be deemed a motion, it is denied. Defendant did not appear at the civil trial. If Defendant wants to determine who was selected to serve he can purchase a written transcript or audio recording of the court proceedings. It is not the Court's job to respond to requests for clarification of what occurred during a hearing open to the public. All juror information in Defendant's possession as a party to this case is confidental and cannot be shared with any third party or cited in a document that is not otherwise filed under seal with the court.

7/13/2023 7:48:55 AM
Nancy A. Baker

COMES NOW Defendant Diego Rodriguez (who may refer to myself as "I," "defendant," or "Rodriguez), defendant in the above mentioned case, hereby request this Court to provide me with the identification of the jurors who have been selected in this case.

I have already been provided with 200 names of potential jurors by this court for this case, but the final selection of the 12 jurors and their alternates have not been provided. Without this

information, it is impossible for me to determine if these jurors are truly unbiased or not. Their identities must be provided, and shall be maintained under seal, protected from outside intervention or interference by the defendant.

DATED: July 11th, 2023 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)

Erik F. Stidham (ISB #5483)
HOLLAND & HART LLP
800 W. Main Street, Suite 1750
Boise, ID 83702-5974

[ ] By Mail

[ ] By fax

[X] By Email/iCourt/eServe

DATED: July 11th, 2023 By: */s/ Diego Rodriguez*

Diego Rodriguez

EXHIBIT X

Diego's request to participate in the trial via video.

Diego Rodriguez
1317 Edgewater Drive #5077
Orlando, FL 32804
(208) 891-7728

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 **DEFENDANT DIEGO RODRIGUEZ'S REQUESTING VIDEO ACCESS TO TRIAL**

COMES NOW Defendant Diego Rodriguez (who may refer to myself as "I," "defendant," or "Rodriguez), defendant in the above mentioned case, hereby move this Court to provide me with remote video access to the court trial on July 10th, 2023.

DATED: July 9th, 2023 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)

Erik F. Stidham (ISB #5483)
HOLLAND & HART LLP
800 W. Main Street, Suite 1750
Boise, ID 83702-5974

[ ] By Mail

[ ] By fax

[X] By Email/iCourt/eServe

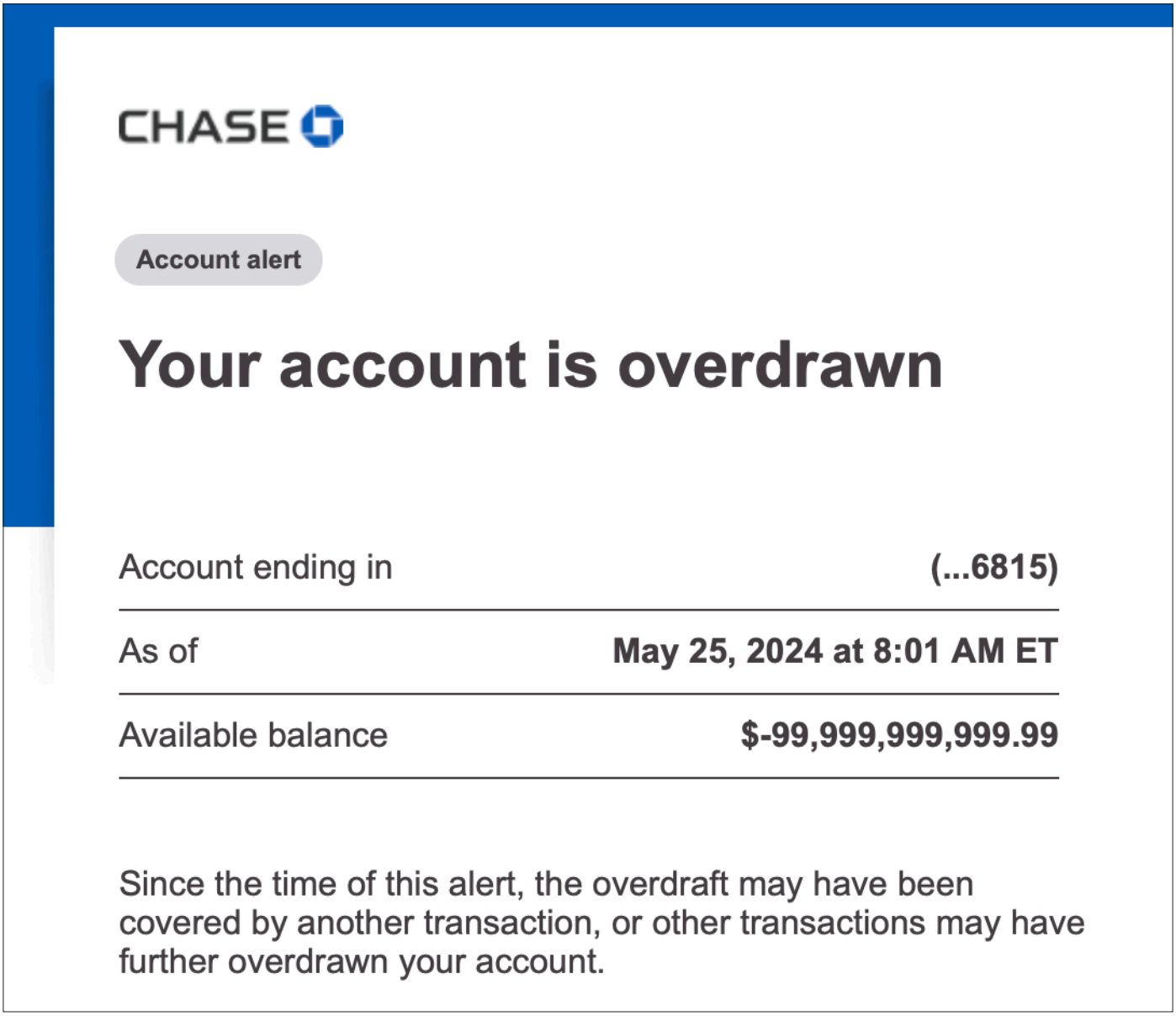
DATED: July 9th, 2023

By: */s/ Diego Rodriguez*

Diego Rodriguez

EXHIBIT Y

Diego's $100 billion negative entry in his personal bank account.



Even though the judgment is for $52.5 million dollars, Holland and Hart, using their evil lawfare tactics were able to secure a $100 billion negative entry in Diego Rodriguez's bank account. When Chase officials were asked how such an entry could be made, Diego was transferred at least 4 times to multiple departments until he was finally given a phone number to call in order to get an answer or explanation for his question. The phone number that was given to Diego by Chase Bank to get his answer was for Holland and Hart Law firm.

EXHIBIT Z

51 page Federal Criminal Indictment filed on February 17, 2016, in Case No. 2:16-cr-00046-GMN-PAL

DANIEL G. BOGDEN
United States Attorney
STEVEN W. MYHRE
NICHOLAS D. DICKINSON
Assistant United States Attorneys
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

Defendants.

CRIMINAL INDICTMENT

2:16-CR-46

VIOLATIONS:

18 U.S.C. § 371 – Conspiracy to Commit an Offense Against the United States;

18 U.S.C. § 372 – Conspiracy to Impede and Injure a Federal Officer;

18 U.S.C. § 111(a)(1) and (b) – Assault on a Federal Officer;

18 U.S.C. § 115(a)(1)(B) – Threatening a Federal Law Enforcement Officer;

18 U.S.C. § 924(c) – Use and Carry of a Firearm in Relation to a Crime of Violence;

18 U.S.C. § 1503 – Obstruction of the Due Administration of Justice;

18 U.S.C. § 1951 – Interference with Interstate Commerce by Extortion;

18 U.S.C. § 1952 – Interstate Travel in Aid of Extortion;

18 U.S.C. § 2 – Aiding and Abetting

The Grand Jury charges that at all times relevant to this Indictment:

I.

SUMMARY

1. This Indictment resulted from a massive armed assault against federal law enforcement officers that occurred in and around Bunkerville, Nevada, on April 12, 2014. The defendants planned, organized, and led the assault in order to extort the officers into abandoning approximately 400 head of cattle that were in their lawful care and custody. In addition to conspiring among themselves to plan and execute these crimes, the defendants recruited, organized, and led hundreds of others in using armed force against law enforcement officers in order to achieve their criminal objectives.

2. One of the goals of the conspiracy was to thwart the seizure and removal of defendant Cliven **BUNDY**'s ("**BUNDY**") cattle from federal public lands. **BUNDY** had trespassed on the public lands for over 20 years, refusing to obtain the legally-required permits or pay the required fees to keep and graze his cattle on the land.

3. Since 1998, **BUNDY** was under federal Court Order to remove his trespass cattle, an Order **BUNDY** refused to recognize or follow. In 2013, a federal court issued two more Orders for removal, each declaring that, in keeping with the law, the United States was authorized to seize and remove the cattle from the land in the event **BUNDY** refused to do so. **BUNDY** refused.

4. The removal operation began on April 5, 2014. While it was ongoing, **BUNDY** and his co-conspirators used deceit and deception to recruit others to help

them to force BLM to stop operations, flooding the internet with false and deceitful images and statements to the effect that law enforcement officers were abusing **BUNDY** and stealing his cattle. Deliberately lying, they pleaded for others to travel to Nevada to "stop the abuse" by "making a show of force against [the officers]" in order "to get them to back down" and "return the cattle." By the morning of April 12, hundreds of people, many armed with assault rifles and other firearms, had traveled to Bunkerville, becoming **BUNDY**'s "Followers," conspiring with, and aiding and abetting him and his co-conspirators to execute a plan to recover **BUNDY**'s cattle by force.

5. On the morning of April 12, **BUNDY** organized his Followers and gave them the Order to get the cattle, directing a crowd of hundreds to travel more than five miles to the site where the cattle were corralled. One group of Followers kept law enforcement officers occupied at the main entrance of the site by threatening to enter there, while another group – ultimately consisting of more than 200 Followers led by defendant Ammon **BUNDY ("A. BUNDY")** – assaulted the site from below, converging on its most vulnerable point: a narrow entrance located in a wash that ran under highway bridges. Seeing the assault unfold, the officers responded to the wash to prevent entry.

6. The 200 Followers in the wash included a significant number brandishing or raising their assault rifles in front of the officers. Some of these gunmen took tactically superior positions on high ground, while others moved in and out of the crowd, masking their movements behind other unarmed Followers. The most immediate threat to the officers came from the bridges where gunmen

took sniper positions behind concrete barriers, their assault rifles aimed directly at the officers below.

7. Having seized the tactical advantage, **A. BUNDY** and his 200 Followers pressed forward to and against the wash entrance, demanding that the officers leave and abandon the cattle, threatening to enter by force if they did not do so. Outnumbered by more than 4:1, unwilling to risk harm to children and other unarmed bystanders who had accompanied the Followers, and wishing to avoid the firefight that was sure to follow if they engaged the snipers on the bridge who posed such an obvious threat to their lives, the officers had no choice and were forced to leave and abandon the cattle to **BUNDY** and his co-conspirators, who promptly released and returned the cattle to **BUNDY**.

8. Thereafter, the conspirators organized armed security patrols and checkpoints in and around **BUNDY**'s property to deter and prevent any future law enforcement actions against **BUNDY** or his co-conspirators and to protect his cattle from future removal actions, cattle he continued to hold, graze and keep on federal public lands unlawfully and continues to do so as of the date of this Indictment.

II.

THE DEFENDANTS

9. Defendant Cliven D. **BUNDY** ("**BUNDY**") was a resident of Bunkerville, Nevada, and the operator of a ranch referred to as "Bundy Ranch." His ranching operations included grazing cattle unlawfully on federal public land.

10. Defendant Ryan C. **BUNDY** ("**R. BUNDY**") was a resident of Utah and one of **BUNDY**'s adult sons who affiliated himself with Bundy Ranch.

11. Defendant Ammon E. **BUNDY** ("**A. BUNDY**") was a resident of Arizona and one of **BUNDY**'s adult sons who affiliated himself with Bundy Ranch.

12. Defendant Ryan W. **PAYNE** ("**PAYNE**") was a resident of Montana and affiliated with an organization that he called Operation Mutual Aid ("OMA"). OMA purported to be "a coalition of States Militias, Patriotic Civilians, Individual Freedom Fighters, and Media Relations personnel from Patriotic political activism groups, in conjunction with local law enforcement if and where applicable."

13. Defendant Peter T. **SANTILLI** ("**SANTILLI**") was a resident of California, who purported to be an internet blog radio host and affiliated with a show that he broadcasted over the internet.

III.

TERMS AND DEFINITIONS

14. "Federal public land" or "public land" was land owned by the United States and managed through various agencies of the United States, including, among others, the United States Department of Interior, Bureau of Land Management ("BLM") and National Park Service ("NPS").

15. The BLM and NPS employed Rangers, Officers, and Special Agents to enforce federal laws and regulations on public land under their management.

16. BLM and NPS Rangers, Officers, and Special Agents were "federal law enforcement officers" under Title 18, United States Code, Section 115, that is, they were officers, agents, and employees of the United States authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of federal criminal law.

17. The Bunkerville Allotment ("the Allotment") was an area of federal public land near Bunkerville, Nevada, under the management of BLM. The United States has owned the land comprising the Allotment since 1848, when it was acquired from the nation of Mexico under the Treaty of Guadalupe Hidalgo, and has never relinquished ownership.

18. The Lake Mead National Recreational Area ("LMNRA") was an area of federal public land located near or adjacent to the Allotment, under the management of the NPS. The United States has owned the land comprising the LMNRA since 1848, when it was acquired from the nation of Mexico under the Treaty of Guadalupe Hidalgo, and has never relinquished ownership.

IV.

BUNDY TRESPASSED CATTLE ON PUBLIC LAND AND REFUSED TO COMPLY WITH FOUR COURT ORDERS TO REMOVE THEM

19. Federal law required a rancher to obtain a grazing permit from the BLM and to pay fees to the United States to graze cattle on the Bunkerville Allotment. Grazing cattle without a permit constituted a trespass on public land.

20. From 1993 to the date of this Indictment, **BUNDY** knowingly refused to pay fees or obtain permits as he kept and grazed his cattle on the Allotment year-round, constituting a continuing trespass on public land.

21. In 1998, and because of **BUNDY**'s continuing trespass, the United States District Court for the District of Nevada (hereinafter "District Court" or "Federal Court") Ordered **BUNDY** to remove his cattle permanently from the

Allotment. **BUNDY** deliberately ignored the Order and continued to trespass by keeping and grazing his cattle unlawfully on public land.

22. In 1999, the District Court fined **BUNDY** for each day he refused to remove his cattle. **BUNDY** refused to pay the fines and continued to trespass by keeping and grazing his cattle unlawfully on public land.

23. By 2012, **BUNDY**'s herd had multiplied substantially and spread into the LMNRA where **BUNDY** kept and grazed them year-round, refusing to pay fees or obtain permits, constituting a continuing trespass on public land.

24. In 2013, the District Court issued two Orders. One ordered **BUNDY** to remove his trespass cattle permanently from the LMNRA and the other re-affirmed the 1998 and 1999 Orders that required him to remove his cattle permanently from the Allotment. Both Orders declared that, in keeping with the law, the United States was authorized to seize and remove **BUNDY**'s trespass cattle if he did not comply with the Court's Orders. One of the Orders expressly stated that **BUNDY** was "not to interfere" with any removal.

25. **BUNDY** ignored the Orders and continued to keep and graze his trespass cattle unlawfully on public land.

V.

THE BLM PLANNED TO SEIZE AND REMOVE THE CATTLE FROM THE PUBLIC LANDS PURSUANT TO COURT ORDERS

26. In keeping with the law and the 2013 federal Court Orders, the BLM planned to seize and remove **BUNDY**'s trespass cattle, following well-established

rules and regulations governing this procedure, referred to hereinafter collectively as "impound" or "impoundment."

27. A preliminary survey revealed that the BLM would have to impound almost 1,000 head of trespass cattle scattered over hundreds of thousands of acres of arid and difficult terrain. Given these circumstances, BLM estimated that it would take a month or more to complete the impoundment.

28. It was part of the plan that BLM would establish a base of operations (hereinafter referred to as "the Impoundment Site") located on the public lands near Bunkerville, about 7 miles away from Bundy Ranch in an area commonly referred to as the Toquop wash.

29. It was part of the plan that on February 17, 2014, the BLM entered into a contract with a civilian contractor in Utah to round-up and gather the trespass cattle. The contract required the contractor to bring people and equipment to Nevada to conduct impoundment operations.

30. It was part of the plan that the civilian contractor and crew would gather and move the trespass cattle from public land into corrals at the Impoundment Site where they would be held until such time as they could be further transported.

31. It was part of the plan that on March 20, 2014, BLM entered into a contract for the services of an auctioneer in Utah. The contract required the trespass cattle to be trucked from the Impoundment Site in Nevada to the contract auctioneer in Utah, who would then sell them at public sale.

32. It was part of the plan that BLM would use BLM and NPS Rangers, Officers, and Special Agents to provide security for impoundment operations, including securing the cattle at the Impoundment Site and protecting the civilian contractors and government employees engaged in impoundment operations.

33. It was part of the plan that BLM designated the Special Agent-in-Charge of BLM's Nevada and Utah region (hereinafter the "SAC") to lead impoundment operations.

VI.

BUNDY THREATENED TO "DO WHATEVER IT TAKES" TO PREVENT THE IMPOUNDMENT OF HIS CATTLE

34. On October 23, 2012, and in connection with legal proceedings culminating in the 2013 Court Orders, **BUNDY** threatened to interfere with any impoundment by stating that he "would do whatever it takes" to stop the impoundment. When asked whether that included soliciting support from others to help him, **BUNDY** responded: "Yes."

35. On March 14, 2014, the BLM formally notified **BUNDY** that impoundment operations would take place.

36. On March 15, 2014, **BUNDY** threatened to interfere by stating publically that he "[was] ready to do battle" with the BLM and he would "do whatever it takes" to protect "his property."

37. On March 17, 2014, a BLM Special Agent notified **R. BUNDY** that the Special Agent was available to answer any questions about the impoundment operation. **R. BUNDY** became angry and threatened to interfere, stating that he

and his family would "do whatever it takes" and he would "have several hundred" with him to prevent the BLM from removing the trespass cattle. When asked whether his use of "whatever it takes" included physical force or violence, **R. BUNDY** replied: "I will do whatever it takes; you interpret that the way you want."

38. On March 24, 2014, **BUNDY** threatened to interfere, stating publically that he intended to "organize lots of groups" to "come from hundreds of miles away" and he was in a "range war" with BLM that could "last a long time."

39. On March 25, 2014, **BUNDY** threatened to interfere, stating publically that: "**BUNDY**'s ready . . . whenever [the federal government's] got the guts to try it . . tell them to come . . . I'll do whatever it takes."

40. On March 28, 2014, **BUNDY** threatened to interfere, stating publically that: "all of those cowboys are going to be thieves who steal my cattle . . . [i]t's like they're staging for a war . . . I told them I'd do whatever it takes . . . I'll stick with that."

VII.

BUNDY CARRIED OUT HIS THREATS BY CONSPIRING TO LIE, THREATEN FORCE AND VIOLENCE, AND USE FORCE AND VIOLENCE

A. Object and Nature of the Conspiracy.

41. Beginning in at least March 2014, and continuing to the date of this Indictment, the defendants conspired, confederated, and agreed to commit numerous federal offenses, as charged below, in order to achieve the objects of the conspiracy.

42. The scope, nature, and objects of the conspiratorial agreement were to threaten force and violence and use force and violence to: (1) impede, obstruct, and interfere with BLM's impoundment; (2) obtain **BUNDY**'s impounded cattle; (3) intimidate and prevent law enforcement officers from taking action against the conspirators; and (4) threaten, intimidate, and prevent by force law enforcement officers from taking future law enforcement actions against **BUNDY** and his co-conspirators and prevent by force, the BLM from exercising regulatory and law enforcement authority over federal public lands.

B. Manner and Means of the Conspiracy.

43. To achieve their objectives, the conspirators recruited, organized, and led a force of hundreds of people (hereinafter referred to as "Followers") to threaten and use force and violence to prevent the law enforcement officers from discharging their duties and to coerce their consent to abandon the cattle that were, pursuant to Court Order, lawfully in their care and custody and which they were duty-bound to protect.

44. As a part of the manner and means of the conspiracy, the defendants, among other things:

a. Used deceit and deception to knowingly recruit Followers, that is, to encourage, counsel, and incite others to travel to Bundy Ranch for the unlawful purposes of interfering with impoundment operations, obstructing the execution of federal Court Orders and using force and violence against federal law enforcement officers while they were performing their duties.

b. Used the internet and other facilities in interstate commerce to knowingly broadcast false, deceitful, and deceptive images and messages for the purpose of recruiting Followers.

c. Used the internet and other facilities in interstate commerce to encourage, counsel, and incite Followers to bring guns to Bundy Ranch for the unlawful purposes of interfering with impoundment operations, obstructing the execution of federal Court Orders, and using force and violence against federal law enforcement officers to prevent them from discharging their duties.

d. Traveled in interstate commerce and used other facilities in interstate commerce to threaten force, violence, and economic harm to private contractors providing services to the BLM during impoundment operations.

e. Threatened and used force and violence against BLM civilian employees engaged in impoundment operations for the purpose of obstructing the execution of federal Court Orders and interfering with impoundment operations.

f. Counseled, incited, and led Followers to use, carry, brandish, and aim firearms, including assault rifles, for the purpose of assaulting federal law enforcement officers.

g. Counseled, incited, and led Followers to use, carry, brandish, and aim firearms, including assault rifles, for the purpose of extorting federal law enforcement officers.

h. Organized Followers into body guards, armed patrols, and security checkpoints for the purpose of using threats, force, violence, and intimidation to protect the conspirators, prevent law enforcement actions against

the conspirators, prevent the execution of federal Court Orders, and prevent law enforcement officers from discharging their duties.

C. **Roles of the Conspirators.**

45. **BUNDY** was the leader, organizer, and chief beneficiary of the conspiracy, possessing ultimate authority over the scope, manner, and means of conspiratorial operations and receiving the economic benefits of the extortion.

46. **A. BUNDY** and **R. BUNDY**, were leaders and organizers of the conspiracy who, among other things: recruited Followers; interfered with impoundment operations through threats and use of force and violence; interfered with impoundment operations by attempting to extort BLM contractors; led an armed assault against federal law enforcement officers; delivered extortionate demands to law enforcement officers; and extorted federal law enforcement officers.

47. **PAYNE** was a leader and organizer of the conspiracy who, among other things: recruited Followers; organized armed Followers; communicated the objectives of the conspiracy to armed Followers; led an armed assault on federal officers; and organized protection for the conspirators and the criminal enterprise.

48. **SANTILLI** was a leader and organizer of the conspiracy who, among other things: recruited Followers using the internet and other facilities in interstate commerce; led an assault on federal officers; threatened federal law enforcement officers; and participated in the extortion of federal law enforcement officers.

D. Overt Acts in Furtherance of the Conspiracy.

49. It was a part of the conspiracy and for the purpose of carrying out the objects of the conspiracy, the defendants performed, or caused to be performed, the following overt acts, among many others.

1. March 28 to April 11: The Conspirators Interfered with Impoundment Operations and Used Deceit and Deception to Recruit Followers.

50. On or about March 28, 2014, **BUNDY, R. BUNDY,** and others working with them, blocked a convoy of vehicles carrying horses and equipment intended for use in impoundment operations, confronting and threatening civilian contractors, endangering the safety of the personnel in the convoy, and interfering with impoundment operations.

51. Shortly thereafter, and in an effort to recruit Followers, **BUNDY** caused the broadcast of a video of the confrontation with the contractors entitled "Range War," depicting images captured during the confrontation, combining them with false, deceitful and deceptive statements to the effect that the BLM was stealing **BUNDY**'s cattle.

52. On or about April 2, 2014, **R. BUNDY** and others working with him, traveled from Nevada to Utah to threaten force, violence and economic harm to the contract auctioneer providing services to the BLM, by, among other things, entering upon the contractor's property for the purpose of interfering with business operations, threatening and intimidating customers and employees, interfering with business operations, and threatening to shut down the business if the contractor fulfilled his contractual obligations with BLM.

53. On or about April 5, 2014, **BUNDY** threatened force and violence against federal law enforcement officers by publically stating, among other things: "I've done quite a bit so far to keep my cattle, but I guess it's not been enough . . . they took 75 of my cattle today . . . I have said I'd do what it takes to keep my cattle so I guess it is going to have to be more physical."

54. On or about April 6, 2014, **R. BUNDY** and his brother, Dave, interfered with impoundment operations by positioning themselves to block a BLM convoy and refusing to leave the area when asked to do so. Failing to leave after repeated requests, Dave Bundy was arrested by law enforcement officers.

55. Shortly thereafter, the defendants caused images of the Dave Bundy arrest to be broadcasted over the internet, combining them with false, deceitful and deceptive statements to the effect that the BLM supposedly: employed snipers against Bundy family members; used excessive force during the arrest; and arrested Bundy for exercising his First Amendment rights.

56. On or about April 7, 2014, **A. BUNDY** traveled from Arizona to the Bundy Ranch in Nevada.

57. On or about April 7, 2014, **PAYNE** in Montana, contacted **BUNDY** in Nevada, by telephone.

58. On or about April 7, 2014, **PAYNE** used the internet and other facilities in interstate commerce to recruit others to travel to the Bundy Ranch for the unlawful purpose of interfering with impoundment operations, stating falsely, among other things, that the Bundy Ranch was surrounded by BLM snipers, that the Bundy family was isolated, and that the BLM wanted **BUNDY** dead.

59. On or about April 7, 2014, **BUNDY** and others working with him established a site only minutes travel distance from the Bundy Ranch along Nevada State Route 170, a state road that also served as the main route between the Impoundment Site and the public land where impoundment operations were taking place. Strategically located between the Impoundment Site and various ingress and egress points to public land, the location of site served as both a natural vantage point from which to observe impoundment operations and a potential choke-point for disrupting BLM convoys. Conspicuous for, among other things, a stage and two tall flagpoles, one of which flew the Nevada State flag above the flag of the United States, this site (hereinafter referred to as "the Staging Site") served as a base of operations from which the conspirators made speeches, received and organized Followers as they arrived at Bundy Ranch, and gathered and organized Followers before initiating their assaults on federal law enforcement officers.

60. On or about April 8, 2014, **SANTILLI** in California, contacted **BUNDY** in Nevada, by telephone.

61. On or about April 8, 2014, **SANTILLI** and **BUNDY** broadcasted messages over the internet. Using deceit, deception, and threats to encourage and incite others to travel to Bundy Ranch for unlawful purposes, **BUNDY** told listeners, among other things, that: "they have my house surrounded . . . the federal government is stealing my property . . . [the BLM] are armed with assault rifles . . . they have snipers . . . I haven't called no militia but, hey, that look like where we are . . . there is a strong army out here . . . we are going to have to take our land back . . . somebody is going to have to back off . . . we the people will put our boots

down and walk over these people . . . they are up against a man who will do whatever it takes."

62. In that same broadcast, **SANTILLI** used threats to encourage and incite listeners to travel to Bundy Ranch for unlawful purposes, telling listeners, among other things, that: "if this is not the issue right now where we stand and fight to the absolute death there is no other option; the federal government must get out of the State of Nevada . . . if they don't want it to be peaceful it is by their choice. . . I'm calling on all Americans anywhere in the vicinity of Clark County, Nevada . . . if you're in Nevada and can legally carry, get weapons out there, o.k. . . . we are going to stand and fight in Clark County, Nevada . . . they will leave or else."

63. On or about April 8, 2014, **PAYNE** sent a message from Montana to Pennsylvania to another person who referred to himself as one of the leaders in OMA, stating, among other things, that it was "time to invite everyone to the first annual Patriots (sic) Picnic at the Bundy Ranch" and telling the OMA leader that the Bundys "still want help."

64. On or about April 8, 2014, and for the purpose of recruiting Followers, **PAYNE** sent a message over the internet, stating that he had spoken with **BUNDY** and that "he knows we're coming and has opened his land up to everyone willing . . . OMA is moving . . . not going public with this until more are enroute."

65. On or about April 8, 2014, **PAYNE** caused an email to be sent to OMA members stating: "we have made the decision to mobilize in Nevada, units are underway as I type this . . . the feds arrested some protestors today, and the words 'we need you now' were uttered . . . we have approximately 150 responding, but that

number is [gr]owing by the hour." The message provided directions and grid coordinates to Bundy Ranch.

66. On or about and between April 8 and 9, 2014, **SANTILLI** traveled from California to Bundy Ranch in Nevada.

67. On or about and between April 8 and 9, 2014, **PAYNE** traveled from Montana to Bundy Ranch in Nevada.

68. On or about April 9, 2014, **PAYNE** and **SANTILLI** met with **BUNDY** and other conspirators at Bundy Ranch.

69. On the morning of April 9, 2014, **SANTILLI** met with the SAC and stated that he was acting as a liaison between Bundy Followers and the BLM. Threatening the SAC, **SANTILLI** asked rhetorically: "What are you guys going to do if 10,000 people show up? . . . Are you prepared for this?" **SANTILLI** added: "I don't believe in firing a single bullet unless in absolute defense and it's legal and constitutional."

70. On or about April 9, 2014, and for the purpose of encouraging and inciting others to travel to Bundy Ranch for unlawful purposes, the conspirators caused a message to be broadcasted over the internet, stating: "The Bundy family has requested help from militia groups including Operation Mutual Aid, 3 Percenters club, freedom fighters, and other operations to come and stand with us and regain our rights and freedom."

71. On April 9, 2014, and for the purpose of encouraging and inciting others to travel to Bundy Ranch for unlawful purposes, **SANTILLI** broadcasted a message over the internet, stating, among other things: "the BLM knows if they are

outnumbered and outgunned . . . they will stand down . . . we want BLM to get out of the state of Nevada . . . I fully expect the standoff will occur when thousands go to repossess the rightfully owned property of the Bundys . . . we need strength in numbers."

72. On or about April 9, 2014, **R. BUNDY,** and others working with him, traveled for a second time from Nevada to Utah to threaten force, violence and economic loss to the contract auctioneer providing services to the BLM by, among other things: intimidating customers; interfering with business operations; and instilling fear and apprehension in customers and employees.

73. On or about April 9, 2014, and for the purpose of encouraging and inciting other to travel to Bundy Ranch for unlawful purposes, **SANTILLI** broadcasted a message over the internet, stating, among other things: "now is the time to show up for something like this . . . we need ten thousand people to come here . . . I only have one fear is that people that don't respond to this call . . . it's time to make a stand against tyranny . . . we need to let everyone know that BLM has zero authority."

74. On April 9, 2014, **SANTILLI** and **A. BUNDY** assaulted federal officers by, among other things: intercepting and blocking a convoy of BLM vehicles engaged in impoundment operations; colliding an ATV into a truck in the convoy in an attempt to stall the truck; attempting to forcibly gain entrance to the stalled truck; attempting to throw a rock at law enforcement officers protecting the convoy; threatening physical harm to law enforcement officers while they were protecting the truck and the civilian passengers inside; and causing physical contact with an

officer while the officer was engaged in protecting the truck and the civilian passengers inside.

75. On or about April 9, 2014, and for the purpose of inciting others to travel to Bundy Ranch for unlawful purposes, **SANTILLI** broadcasted a message over the internet, stating, among other things: "we were serious about stopping the convoy . . . [the BLM] were caught off guard and tried to push past us . . . they couldn't do it . . . we outnumbered them and they retreated . . . we know how they will come back after they retreat . . . my biggest fear is if we don't respond . . . they retreated and will come back with a bigger force . . . we need to disperse them with tens of thousands . . . we want BLM to always retreat because we will always outnumber them . . . we have all been waiting for that ultimate moment . . . there is so much at stake . . . we can win with numbers . . . I've got people coming from Michigan . . . militia members who are fully armed are here . . . it's good to watch the BLM with its tail between its legs . . . get out here . . . this is going to get exciting . . . ultimately get the feds to leave."

76. On April 10, 2014, and for the purpose of encouraging and inciting others to travel to Bundy Ranch for unlawful purposes, **PAYNE** caused an email to be sent to self-described "militia" members of OMA under the subject line "Bundy Objectives," as follows:

> Nevada Alert! We are requesting help to distribute the following to any and all media, blog, patriot groups etc.
>
> 1. Secure the Bundy family from government incursion which includes protection of all personnel responding in support of the Bundys ie. Protestors, extended family, and friends.

2. To return the confiscated Clark County Nevada property currently blocked by federal personnel to it's (sic) rightful stewards, the people of Clark County, Nevada.

3. To secure and return to Mr. Bundys (sic) ranch the mounting number of cattle which have been confiscated by BLM agents and private contractors.

These objectives are in cohesion with Cliven Bundy and the Bundy ranch . . . .

77. On or about April 10, 2014, and for the purpose of encouraging and inciting others to travel to Bundy Ranch for unlawful purposes, SANTILLI broadcasted a message over the internet, stating, among other things: "there is not enough militia here . . . we have thousands of very organized constitutional militia . . . they are trickling in . . . where we will fail is for us not to at least match the overwhelming force . . . we have about 50 members here now . . . where we will fail is for us not to not match the BLM force . . . we need a show of force . . . we did a recon and found that BLM have hundreds of vehicles . . . BLM needs to vacate immediately . . . we need the numbers for the feds to leave . . . they will come back with a bigger force . . . we need tens of thousands of people so they retreat . . . come out here . . . we've all been waiting for the ultimate moment . . . we can win with numbers . . . get out here no matter where you are . . . militia members here are fully armed."

78. On or about April 10, 2014, and for the purpose of encouraging and inciting others to travel to Bundy Ranch for unlawful purposes, SANTILLI broadcasted a message over the internet, stating, among other things: "there is a court order, but the court is corrupt . . . BLM believes they are acting

constitutionally . . . BLM is in violation of every God-given right of every human being . . . [BLM's] closure orders are 'shelter in place'. . . [BLM] aimed AR-15s at me [during confrontation on April 9] . . . Waco and Ruby Ridge was a show of force by government and violated sovereign rights . . . if we have 10,000 people, [the BLM] will have to get past us."

79. On the morning of April 11, 2014, **SANTILLI** met with the SAC and stated, among other things: "we are going to have a face-to-face confrontation . . . we have thousands of people . . . we are going to come here and it is non-negotiable . . . if that comes about, we want to make sure that any [BLM officer] who wants to stand down will not be retaliated against . . . this is non-negotiable . . . if you make the decision to go face-to-face and someone gets hurt we are going to hold you responsible . . . tell D.C. that the justification for this is from a corrupt court . . . I'm relaying a message . . . if anyone is acting unconstitutionally they will be arrested . . . I came here to allow you to prevent a scenario where someone gets hurt."

80. By on or about April 11, 2014, hundreds of Followers traveled to Nevada, many armed with assault rifles and other firearms.

81. By on or about April 11, 2014, **PAYNE** and others working with him, received and organized the armed Followers, placing them into camps from which to mobilize and deploy them.

82. By on or about April 11, 2014, **PAYNE**, and others working with him, organized the armed Followers into patrols and security checkpoints to provide security to the conspirators and their criminal enterprise.

2. **April 12: The Conspirators Assaulted and Extorted Law Enforcement Officers.**

83. It was further a part of the conspiracy that on April 12, 2014, the defendants organized, led, and executed a mass assault on federal law enforcement officers in order to obtain the seized cattle, as follows.

84. By the morning of April 12, the BLM had seized approximately 400 head of cattle and had them corralled at the Impoundment Site, awaiting further shipment out of the state of Nevada.

85. On the morning of April 12, **BUNDY** led a rally of hundreds of his Followers at the Staging Site where he told them that "God [is] going to be with us" and that it was time "to take our land back." He then commanded his Followers to get the cattle.

86. **BUNDY** directed his Followers that "horse people" (Followers riding horses) would leave the Staging Site and travel a dirt road to the Toquop wash, the location of the Impoundment Site, a distance of about 3.5 miles. While that was happening, so commanded by **BUNDY**, the other Followers were to travel the highway by vehicle, a distance of about 5 miles, and "shut down the freeway" at the Impoundment Site. The Followers, so directed by **BUNDY**, were then to meet with the "horse people" in the Toquop wash.

87. The Followers did as **BUNDY** ordered. The Followers, many of them armed with a variety of firearms, including assault rifles, hurriedly loaded themselves into cars and trucks and moved *en masse* to the Impoundment Site, jamming the roads and slowing traffic on northbound Interstate-15 ("I-15") to a

trickle, making it difficult for state and local law enforcement vehicles to respond. When the Followers arrived at the Impoundment Site, they jumped out of their vehicles and many of them moved quickly on foot to a position across from the main entrance.

88. The few local law enforcement officers who were able to respond formed a human line in the I-15 median to block the Followers, many of whom carried and brandished assault rifles, from entering at the main entrance to the Impoundment Site.

89. Around 11:30 a.m., **A. BUNDY** directed Followers to follow him from the area across from the main entrance to the Impoundment Site to an area a few hundred yards east and below the main entrance, in the Toquop wash under the northbound I-15 bridge. There, **A. BUNDY** waited while more Followers, seeing the movement of the others to the wash, moved there to join him. As the Followers gathered in the wash, **A. BUNDY** instructed them that they were to wait there until the Followers on horseback arrived, as his father had stated at the Staging Site.

90. About 150 yards across from **A. BUNDY**'s position was a makeshift metal rail gate that traversed the wash between the pillars that supported the southbound I-15 bridge, serving to block any unauthorized entrance to the Impoundment Site from the wash. The gate was manned only by two officers who immediately called for backup when they first noticed **A. BUNDY** move to the wash with his Followers. As the number of Followers in the wash grew, more officers

responded to the gate, eventually forming a line that started about 15 to 20 yards behind the gate and extended up the wash, perpendicular to the gate.

91. By 11:50 a.m., over 400 of **BUNDY**'s Followers had converged upon the Impoundment Site, many of the Followers openly brandishing assault rifles, others bearing side arms, the combined group grossly outnumbering the approximately 50 officers that had moved to the wash to protect the gate. More and more of the Followers moved to the wash while still others began flooding onto the southbound I-15 bridges and bridge skirts, their movement there facilitated by the Followers having slowed traffic on I-15 to a mere trickle.

92. Around 12:00 noon, the 40-or-so Followers on horseback arrived at the wash and joined with **A. BUNDY**'s group. Then, the combined force of about 270 Followers – a combination of armed and unarmed on foot and on horseback – moved out from under the northbound I-15 bridge and toward the officers at the gate. The officers immediately began ordering the crowd to disperse. Using loudspeakers, they told the Followers that they were in a closed area, in violation of a Court Order. Still they came. As the Followers moved closer to them, the officers observed gunmen moving with them and began calling out their positions to each other and to their dispatch center. On the loudspeaker, officers told the Followers that they had spotted the gunmen and ordered them all to leave. The commands went unheeded and the Followers continued toward the gate.

93. When the Followers got to within 60 yards of the gate, they stopped – then formed a human line that stretched across the bottom of the wash. There the Followers waited.

94. The officers continued to call out any gunmen they observed. They called out gunmen with "long guns" and sidearms moving in and out among the unarmed Followers on foot, some of them taking high ground. They called out gunmen with "long guns" moving on the bridges and then disappearing. One of the officers called out that they soon would be outgunned. As more gunmen moved to the wash, the officers reported that there were "more guns than they could count."

95. The officers continued to use loudspeakers to command the Followers to disperse. Their commands were met with angry taunts, the Followers screaming at the officers, demanding that they release **BUNDY**'s cattle.

96. The officers at the gate were dangerously exposed. They were in the open on low ground at the bottom of the wash, below highway bridges that towered more than 40 feet above them and surrounded on the sides by steep embankments of high ground. The terrain acted like a funnel with them at the bottom and no natural cover or concealment to protect them from the gunmen on the high ground, their only protection being their body armor and the vehicles they happened to drive to the gate. At this point, approximately 40 Followers were either carrying or brandishing firearms in front of the officers in the wash while more than 20 of them carried or brandished firearms on the bridges.

97. The officers at the gate could readily observe gunmen bobbing up and down from behind the concrete barriers that bordered the northbound I-15 bridge, indicating to the officers that the gunmen were acquiring, and determining the range to, their officer-targets. They observed armed gunmen dressed in military-style tactical gear and wearing body armor, moving in and among the unarmed

Followers, using them as human shields to mask their movements while still others took tactically superior over-watch positions on the sides of the wash.

98. The Followers' close proximity to the officers, their array and formation in the wash, their refusal to disperse upon command, their angry taunts, their numbers carrying or brandishing firearms, the movements of the gunmen in and among the unarmed while brandishing assault rifles and wearing body armor, and the superior position of the gunmen on the bridge above, all caused the officers to fear immediate bodily harm or death.

99. Around 12:15 p.m. and after hearing that from his officers at the gate that there now were "too many guns to count" in front of them, the SAC was forced to decide to give in to **BUNDY**'s demands and release the cattle in order to prevent death or injury. The SAC moved from the main entrance area, down the wash and to the gate, his purpose being to find a way to create space between his officers and the Followers so the officers could safely disengage and avoid any potential bloodshed while he found a way to release the cattle.

100. As the SAC approached the gate, he observed assault weapons pointed at him and armed gunmen moving to higher ground, all causing the SAC to fear immediate bodily harm or death.

101. When the SAC arrived at the gate, **A. BUNDY** came out from the line and moved to the gate. The line of Followers advanced with him, yelling, screaming, and taunting the officers as they moved. The gunmen on the bridges took sniper positions, some behind the concrete barriers on the bridges and others

under the bridges, trucked in the crevice where the bridge skirt connects to the highway.

102. As A. BUNDY moved to the gate, his gunmen in the wash moved with him, openly brandishing their rifles and taking over-watch positions on the high ground within full view of the tactically disadvantaged officers, the snipers on the bridges now aiming their assault rifles directly at the officers below. Seeing the combined force arrayed against them – an organized crowd of more than 400 Followers, more than 270 of the Followers in the wash directly in front of them, more than 60 Followers among the crowd carrying or brandishing rifles or pistols, 40 Followers on horseback, snipers concealed on and under the bridges above them with their rifles zeroed-in on the officers, gunmen intermingled with the crowd using the unarmed people to shield their movement, gunmen in over-watch positions on the high ground, all refusing to leave, all of them there to get the cattle – the officers believed they were going to be shot and killed. They were stymied – prevented from shooting the gunmen who posed such an obvious threat to their lives out of concern they would spark a firefight that would kill or injure unarmed people. Unable to surgically remove the deadly threats before them, outnumbered, outgunned, and located in a dangerously exposed and tactically inferior position, the officers knew they were easy targets. They still held their ground.

103. Arriving at the gate, A. BUNDY met with the SAC who explained to A. BUNDY that he would work with him to release the cattle but that he first had to move his Followers back from the gate so the officers could safely disengage. A. BUNDY refused and demanded that the officers leave first, stating, among other

things, "You need to leave . . . that's the terms . . . no, you need to leave . . . you are on Nevada State property . . . the time is now . . . no, the time is now."

104. To prevent the disaster that was sure to follow if the officers remained longer, the SAC was forced to give in to **A. BUNDY**'s demands and ordered his officers to leave, abandoning the post, the impoundment site, and the cattle to **BUNDY**.

105. Having made the decision to meet the conspirators' demands, the SAC met with **R. BUNDY** near the main entrance to the Impoundment Site to negotiate the departure of the law enforcement officers. While the armed Followers held their position below at the gate, **R. BUNDY** demanded that the BLM officers pack their equipment hastily and leave the Impoundment Site within two hours.

106. Thereafter, **R. BUNDY** assumed a leadership role in ensuring that the officers left the Impoundment Site quickly and then organized the Followers to release the cattle.

107. The law enforcement officers were thus forced to abandon the Impoundment Site and the cattle to the conspirators and their Followers, who promptly released and returned them to **BUNDY** and took down the fences comprising the corrals.

3. Continuing Conspiracy – Post-Assault to Indictment: The Conspirators Organized Bodyguards, Patrols, and Checkpoints to Prevent and Deter Future Law Enforcement Actions.

108. It was further a part of the conspiracy that following the April 12 assault and extortion, the defendants took such other actions as necessary to

protect themselves and their ill-gotten gains and to further interfere with and prevent future federal law enforcement actions on the public lands.

109. From April 12 to at least the end of May 2014, the defendants established, organized, and maintained camps to provide housing and logistical support to armed gunmen who continued to travel to the Bundy Ranch.

110. From April 12 to at least the end of May 2014, the defendants established armed checkpoints and security patrols to prevent and deter law enforcement actions against the conspirators, including recovering the extorted cattle.

111. From April 12, 2014 through September 2014, the defendants made statements to the SAC, threatening similar assaultive conduct in the event the BLM attempted further law enforcement actions against **BUNDY** or his conspirators.

112. From April 12, 2014 through the date of this Indictment, the defendants made public statements threatening that they would continue to interfere with federal law enforcement actions against them or the cattle.

113. From April 12, 2014 through the date of this Indictment, the defendants continued to employ armed body guards to protect **BUNDY** and other conspirators from federal law enforcement actions.

114. From April 12, 2014, through the date of this Indictment, the conspirators continue to take such actions as necessary to hold, protect, and prevent the impoundment of the extorted cattle and such other trespass cattle that are subject to the 2013 Court Orders.

COUNT ONE

Conspiracy to Commit an Offense Against the United States
(Title 18, United States Code, Section 371)

115. Paragraphs 1 through 114 are incorporated herein in full.

116. Beginning in at least March 2014 and continuing to on or about the date of this Indictment, in the State and Federal District of Nevada and elsewhere,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, did conspire, confederate and agree with each other, and with others known and unknown to the Grand Jury, to commit an offense against the United States, to wit:

a. Assault on a Federal Officer, in violation of Title 18, United States Code, Section 111(a)(1) and (b);

b. Threatening a Federal Law Enforcement Officer, in violation of Title 18, United States Code, Section 115(a)(1)(B);

c. Use and Carry of a Firearm In Relation to a Crime of Violence, in violation of Title 18, United States Code, Section 924(c);

d. Obstruction of the Due Administration of Justice, in violation of Title 18, United States Code, Section 1503;

e. Interference with Interstate Commerce by Extortion, in violation of Title 18, United States Code, Section 1951; and

f. Interstate Travel in Aid of Extortion, in violation of Title 18, United States Code, Section 1952.

117. In furtherance of the conspiracy, the defendants committed, attempted to commit and caused to be committed, the overt acts described herein and all of those comprising the offenses charged in Counts Three through Sixteen.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

Conspiracy to Impede or Injure a Federal Officer
(Title 18, United States Code, Section 372)

118. Paragraphs 1 through 114 are incorporated herein in full.

119. Beginning in at least March 2014 and continuing to on or about the date of this Indictment, in the State and Federal District of Nevada and elsewhere,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, did knowingly and willfully combine, conspire, confederate, and agree with each other, and with others known and unknown to the Grand Jury, to prevent by force, intimidation, and threats of violence, federal law enforcement officers from discharging the duties of their office under the United States, and to induce by force, intimidation, and threats, federal law enforcement officers to leave the place where their duties were required to be performed, that is, enforcing and executing federal Court Orders to remove trespass cattle from federal public lands and enforcing federal laws and regulations on federal public lands in and around the Allotment.

All in violation of Title 18, United States Code, Section 372.

COUNT THREE

Use and Carry of a Firearm in Relation to a Crime of Violence
(Title 18, United States Code, Sections 924(c) and 2)

120. Paragraphs 1 through 114 are incorporated herein in full.

121. On or about April 12, 2014, in the State and Federal District of Nevada, and elsewhere,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, aided and abetted by each other, and by others known and unknown to the Grand Jury, did knowingly use and carry firearms, which were brandished, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, conspiracy to impede and injure an officer, in violation of Title 18, United States Code, Section 372, as charged in Count Two of this Indictment.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

COUNT FOUR

Assault on a Federal Officer
(Title 18, United States Code, Sections 111(a)(1), (b) and 2)

122. Paragraphs 1 through 114 are incorporated herein in full.

123. On or about April 9, 2014, in the State and Federal District of Nevada, and elsewhere,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, aided and abetted by each other, and by others known and unknown to the Grand Jury, did use a dangerous and deadly weapon and forcibly assault, resist, oppose, impede, intimidate, and interfere with federal law enforcement officers and intend to forcibly assault, resist, oppose, impede, intimidate, and interfere with federal law enforcement officers, while they were engaged in and on the account of the performance of their official duties, that is, escorting and providing security for personnel and equipment traveling in a BLM convoy during impoundment operations as described herein.

All in violation of Title 18, United States Code, Sections 111(a)(1) and (b), 1114, and 2.

COUNT FIVE

Assault on a Federal Officer

(Title 18, United States Code, Sections 111(a)(1), (b) and 2)

124. Paragraphs 1 through 114 are incorporated herein in full.

125. On or about April 12, 2014, in the State and Federal District of Nevada, and elsewhere,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, aided and abetted by each other, and by others known and unknown to the Grand Jury, did use a deadly and dangerous weapon and forcibly assault, resist, oppose, impede, intimidate, and interfere with federal law enforcement officers while they were engaged in, and on the account of, the performance of their official duties, that is, guarding and protecting the

Impoundment Site at or near Bunkerville, Nevada, in furtherance of the execution of federal Court Orders to remove cattle from the Allotment, as described herein.

All in violation of Title 18, United States Code, Sections 111(a)(1) and (b), 1114, and 2.

COUNT SIX

Use and Carry of a Firearm in Relation to a Crime of Violence
(Title 18, United States Code, Sections 924(c) and 2)

126. Paragraphs 1 through 114 are incorporated herein in full.

127. On or about April 12, 2014, in the State and Federal District of Nevada, and elsewhere,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, aided and abetted by each other, and by others known and unknown to the Grand Jury, did knowingly use and carry a firearm, which was brandished, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, assault on a federal officer in violation of Title 18, United States Code, Section 111(a)(1) and (b), as charged in Count Five of this Indictment.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

COUNT SEVEN

Threatening a Federal Law Enforcement Officer
(Title 18, United States Code, Sections 115(a)(1)(B) and 2)

128. Paragraphs 1 through 114 are incorporated herein in full.

129. On or about April 11, 2014, in the State and Federal District of Nevada, an elsewhere,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, aided and abetted by each other, and by others known and unknown to the Grand Jury, did threaten to assault the SAC, a federal law enforcement officer, and such other federal law enforcement officers associated with impoundment operations, with the intent to impede, intimidate, and interfere with said law enforcement officers while engaged in the performance of their official duties and with the intent to retaliate against said law enforcement officers on account of the performance of their duties, in that **SANTILLI** confronted the SAC at the Impoundment Site, threatening with words and actions to the effect that thousands would confront the officers with the potential for violence, as described herein.

All in violation of Title 18, United States Code, Sections 115(a)(1)(B) and 2.

COUNT EIGHT

Threatening a Federal Law Enforcement Officer
(Title 18, United States Code, Sections 115(a)(1)(B) and 2)

130. Paragraphs 1 through 114 are incorporated herein in full.

131. On or about April 12, 2014, in the State and Federal District of Nevada, an elsewhere,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, aided and abetted by each other, and by others known and unknown to the Grand Jury, did threaten to assault the SAC, a federal law enforcement officer, and such other federal law enforcement officers associated with impoundment operations, with the intent to impede, intimidate, and interfere with said law enforcement officers while they were engaged in the performance of their official duties and with the intent to retaliate against said law enforcement officers on account of the performance of their duties, that is, guarding and protecting the Impoundment Site in furtherance of the execution of federal Court Orders to remove cattle from the Allotment as described herein.

All in violation of Title 18, United States Code, Sections 115(a)(1)(B) and 2.

COUNT NINE

Use and Carry of a Firearm in Relation to a Crime of Violence
(Title 18, United States Code, Sections 924(c) and 2)

Paragraphs 1 through 114 are incorporated herein in full.

132. On or about April 12, 2014, in the State and Federal District of Nevada, and elsewhere,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, aided and abetted by each other, and by others known and unknown to the grand jury, did knowingly use and carry firearms, which were brandished, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, threating a federal law enforcement officer, in violation of Title 18, United States Code, Section 115(a)(1)(B), as charged in Count Eight of this Indictment.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

COUNT TEN
Obstruction of the Due Administration of Justice
(Title 18, United States Code, Sections 1503 and 2)

133. Paragraphs 1 through 114 are incorporated herein in full.

134. On or about April 6, 2014, in the State and Federal District of Nevada and elsewhere,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, aided and abetted by each other, and by others known and unknown to the Grand Jury, did corruptly, and by threats and force, and by threatening communications, influence, obstruct, and impede, and attempt to

influence, obstruct, and impede, the due administration of justice, in that the defendants threatened to impede the execution of federal Court Orders when R. BUNDY, and others working with him, attempted to impede and obstruct a BLM convoy at or near Nevada State Route 170 while the convoy was engaged impoundment operations, as described herein.

All in violation of Title 18, United States Code, Sections 1503 and 2.

COUNT ELEVEN
Obstruction of the Due Administration of Justice
(Title 18, United States Code, Sections 1503 and 2)

135. Paragraphs 1 through 114 are incorporated herein in full.

136. On or about April 9, 2014, in the State and Federal District of Nevada and elsewhere,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, aided and abetted by each other, and by others known and unknown to the Grand Jury, did corruptly, and by threats and force, and by threatening communications, influence, obstruct, and impede, and attempt to influence, obstruct, and impede, the due administration of justice, in that the defendants threatened force and violence and used force and violence to impede and thwart the execution of federal Court Orders, in that A. BUNDY and SANTILLI did impede and obstruct, and attempt to impede and obstruct, a BLM convoy while it was engaged in impoundment operations near Nevada State Route 170, as described herein.

All in violation of Title 18, United States Code, Sections 1503 and 2.

COUNT TWELVE
Obstruction of the Due Administration of Justice
(Title 18, United States Code, Sections 1503 and 2)

137. Paragraphs 1 through 114 are incorporated herein in full.

138. On or about April 12, 2014, in the State and Federal District of Nevada,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI,

defendants herein, aided and abetted by each other, and by others known and unknown to the Grand Jury, did corruptly, and by threats and force, and by threatening communications, influence, obstruct, and impede, and attempt to influence, obstruct, and impede, the due administration of justice, in that the defendants threatened force and violence and used force and violence to impede, obstruct and thwart the execution of federal Court Orders by assaulting and extorting federal officers at the Impoundment Site, as described herein.

All in violation of Title 18, United States Code, Sections 1503 and 2.

COUNT THIRTEEN
Interference with Interstate Commerce by Extortion
(Title 18, United States Code, Sections 1951 and 2)

139. Paragraphs 1 through 114 are incorporated herein in full.

140. On or about April 9, 2014, in the State and Federal District of Nevada, and elsewhere,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, aided and abetted by each other, and by others known and unknown to the Grand Jury, did obstruct, delay and affect commerce, and attempt to obstruct, delay and affect commerce, and the movement of articles and commodities in such commerce, by extortion, as those terms are defined in Title 18, United States Code, Section 1951, in that the defendants attempted to obtain impounded cattle in the care, custody, and possession of a contract auctioneer in Utah, with his or her consent having been induced by the wrongful use of force, violence, and fear, including fear of economic loss, as described herein.

All in violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT FOURTEEN

Interference with Interstate Commerce by Extortion
(Title 18, United States Code, Sections 1951 and 2)

141. Paragraphs 1 through 114 are incorporated herein in full.

142. On or about April 12, 2014, in the Federal District of Nevada, and elsewhere,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, aided and abetted by each other, and by others known and

unknown to the Grand Jury, did obstruct, delay and affect commerce, and attempt to obstruct, delay and affect commerce, and the movement of articles and commodities in such commerce, by extortion, as those terms are defined in Title 18, United States Code, Section 1951, in that the defendants did obtain, and attempt to obtain, approximately 400 head of cattle at or near Bunkerville, Nevada, from the care, custody, and possession of the SAC and such other federal law enforcement officers engaged in impoundment operations, with their consent having been induced by the wrongful use of force, violence, and fear as described herein.

All in violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT FIFTEEN

Use and Carry of a Firearm in Relation to a Crime of Violence
(Title 18, United States Code, Sections 924(c) and 2)

143. Paragraphs 1 through 114 are incorporated herein in full.

144. On or about April 12, 2014, in the State and Federal District of Nevada and elsewhere,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, aided and abetted by each other, and by others known and unknown to the grand jury, did knowingly use and carry firearms, which were brandished, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, interference with interstate commerce by extortion, in violation of Title 18, United States Code, Section 1951, as charged in Count Fourteen of this Indictment.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

COUNT SIXTEEN
Interstate Travel in Aid of Extortion
(Title 18, United States Code, Sections 1952 and 2)

145. Paragraphs 1 through 114 are incorporated herein in full.

146. On or about and between April 5 and April 12, 2014, in the Federal District of Nevada and elsewhere,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, aided and abetted by each other, and by others known and unknown to the Grand Jury, traveled in interstate commerce and willfully used a facility in interstate commerce, namely the internet or worldwide web, with the intent to commit a crime of violence to further an unlawful activity, that is, extortion in violation of Title 18, United States Code, Section 1951(a) and Nevada Revised Statute 205.320, and thereafter committed, and attempted to commit, the crime of violence to further such unlawful activity.

All in violation of Title 18, United States Code, Sections 1952(a)(2) and 2.

FORFEITURE ALLEGATION ONE

(Conspiracy to Commit an Offense Against the United States; Conspiracy to Impede and Injure a Federal Officer; Use and Carry of a Firearm in Relation to a Crime of Violence; Assault on a Federal Officer; Threatening a Federal Law Enforcement Officer; Obstruction of the Due Administration of Justice; Interference with Interstate Commerce by Extortion; and Interstate Travel in Aid of Extortion)

1. The allegations contained in Counts One through Sixteen of this Criminal Indictment are hereby re-alleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) with Title 28, United States Code, Section 2461(c).

2. Upon conviction of any of the felony offenses charged in Counts One through Sixteen of this Criminal Indictment,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, shall forfeit to the United States of America, any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 924(c), or any violation of any other criminal law of the United States, Title 18, United States Code, Sections 371, 372, 111(a)(1), 115(a)(1), 1503, 1951, and 1952: any firearm or ammunition possessed by the above-named defendants on April 12, 2014, at Impoundment Site near Bunkerville, Nevada, including but not limited to the handgun possessed by RYAN C. BUNDY.

All pursuant to Title 18, United States Code, Section 924(d)(1) with Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Sections 924(c), 371, 372, 111(a)(1), 115(a)(1), 1503, 1951, and 1952.

FORFEITURE ALLEGATION TWO

(Conspiracy to Commit an Offense Against the United States; Conspiracy to Impede and Injure a Federal Officer; Use and Carry of a Firearm in Relation to a Crime of Violence; Assault on a Federal Officer; Threatening a Federal Law Enforcement Officer; Obstruction of the Due Administration of Justice; Interference with Interstate Commerce by Extortion; and Interstate Travel in Aid of Extortion)

1. The allegations contained in Counts One through Sixteen of this Criminal Indictment are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1), (2)(C), and (3)(A) with Title 28, United States Code, Section 2461(c).

2. Upon conviction of any of the felony offenses charged in Counts One through Sixteen of this Criminal Indictment,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, shall forfeit to the United States of America, any firearm or ammunition intended to be used in any crime of violence, Title 18, United States Code, Sections 371, 372, 111(a)(1), 115(a)(1), 924(c), 1503, 1951, and 1952: any firearm or ammunition possessed by the above-named defendants on April 12, 2014, at Impoundment Site near Bunkerville, Nevada, including but not limited to the handgun possessed by RYAN C. BUNDY.

All pursuant to Title 18, United States Code, Section 924(d)(1), (2)(C), and (3)(A) with Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Sections 371, 372, 111(a)(1), 115(a)(1), 924(c), 1503, 1951, and 1952.

FORFEITURE ALLEGATION THREE
(Conspiracy to Commit an Offense Against the United States and Threatening a Federal Law Enforcement Officer)

1. The allegations contained in Counts One, Seven, and Eight of this Criminal Indictment are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c).

2. Upon conviction of any of the felony offenses charged in Counts One, Seven, and Eight of this Criminal Indictment,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, shall forfeit to the United States of America, any property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Section 115(a)(1), a specified unlawful activity as defined in Title 18, United States Code, Sections 1956(c)(7)(D), or Title 18, United States Code, Section 371, conspiracy to commit such offense, an in personam criminal forfeiture money judgment, including, but not limited to, at least $3,000,000 in United States Currency, including any and all cattle on the Bunkerville Allotment and Lake Mead National Recreational Area (property).

3. If any property subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c), as a result of any act or omission of the defendants-

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States of America, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any properties of the defendants for the property listed above and the in personam criminal forfeiture money judgment including, but not limited to, at least $3,000,000 in United States Currency.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); Title 18, United States Code, Sections 371 and 115(a)(1); and Title 21, United States Code, Section 853(p).

FORFEITURE ALLEGATION FOUR
(Conspiracy to Commit an Offense Against the United States and Obstruction of the Due Administration of Justice)

1. The allegations contained in Counts One and Ten through Twelve of this Criminal Indictment are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c).

2. Upon conviction of any of the felony offenses charged in Counts One and Ten through Twelve of this Criminal Indictment,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,

RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, shall forfeit to the United States of America, any property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Section 1503, a specified unlawful activity as defined in Title 18, United States Code, Sections 1956(c)(7)(A) and 1961(1)(B), or Title 18, United States Code, Section 371, conspiracy to commit such offense, an in personam criminal forfeiture money judgment, including, but not limited to, at least $3,000,000 in United States Currency, including any and all cattle on the Bunkerville Allotment and Lake Mead National Recreational Area (property).

3. If any property subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c), as a result of any act or omission of the defendants-

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States of America, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any properties of the defendants for the property listed above and the in personam criminal forfeiture money judgment including, but not limited to, at least $3,000,000 in United States Currency.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); Title 18, United States Code, Sections 371 and 1503; and Title 21, United States Code, Section 853(p).

FORFEITURE ALLEGATION FIVE
(Conspiracy to Commit an Offense Against the United States; Interference with Interstate Commerce by Extortion; and Interstate Travel in Aid of Extortion)

1. The allegations contained in Counts One, Thirteen, Fourteen, and Sixteen of this Criminal Indictment are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c).

2. Upon conviction of any of the felony offenses charged in Counts One, Thirteen, Fourteen, and Sixteen of this Criminal Indictment,

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY,
RYAN W. PAYNE, and
PETER T. SANTILLI, Jr.,

defendants herein, shall forfeit to the United States of America, any property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Sections 1951 and 1952 and Nevada Revised Statute 205.320, specified unlawful activities as defined in Title 18, United States Code, Sections 1956(c)(7)(A) and 1961(1)(A) and (1)(B), or Title 18, United States Code, Section 371, conspiracy to commit such offenses, an in personam criminal forfeiture money judgment, including, but not limited to, at least $3,000,000 in United States

Currency, including any and all cattle on the Bunkerville Allotment and Lake Mead National Recreational Area (property).

3. If any property subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c), as a result of any act or omission of the defendants-

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States of America, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any properties of the defendants for the property listed above and the in personam criminal forfeiture money judgment including, but not limited to, at least $3,000,000 in United States Currency.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); Title 18, United States Code, Sections 371,

1951, and 1952; Nevada Revised Statute 205.320; and Title 21, United States Code, Section 853(p).

DATED: this 17th day of February, 2016.

A TRUE BILL:

/S/
FOREPERSON OF THE GRAND JURY

DANIEL G. BOGDEN
United States Attorney

STEVEN W. MYHRE
NICHOLAS D. DICKINSON
Assistant United States Attorneys
NADIA J. AHMED
ERIN M. CREEGAN
Special Assistant United States Attorneys

Attorneys for the United States.

EXHIBIT Z1

Bundy Federal Lawsuit Complaint

BRET O. WHIPPLE, ESQ.
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RYAN BUNDY, individually; ANGELA BUNDY, individually; JAMIE BUNDY, individually; VEYO BUNDY, individually; JERUSHA BUNDY, individually; JASMINE BUNDY, individually; OAK BUNDY, individually; CHLOEE BUNDY, individually; MORONIBUNDY, individually; SALEM BUNDY, individually; and, RYAN PAYNE, Individually, Plaintiffs, vs. UNITED STATES OF AMERICA; DOES 1 through 100; and ROES 1 through 100, inclusive, Defendant.	Case No.: **COMPLAINT**

Plaintiffs, through undersigned counsel, BRET O. WHIPPLE, ESQ., of the JUSTICE LAW CENTER, for their claims against Defendants, and each of them, jointly and severally, based upon knowledge, information, and belief, aver and allege as follows:

JURISDICTION & VENUE

1. This Court possesses original subject matter jurisdiction over Plaintiffs' affirmative claims for relief pursuant to 28 U.S.C. § 1331 (federal question jurisdiction), including, without limitation, exclusive jurisdiction of Plaintiffs' 28 U.S.C. § 1346 Federal Tort Claims Act ("FTCA") claims against the United States due to the negligent, wrongful acts and/or omissions of several federal employees who, while acting in the course and scope of their

employment with their respective federal agencies, caused acts and events to occur within this forum under circumstances where the United States, if a private person, would be liable to Plaintiffs as detailed in 28 U.S.C. § 2674 and the laws of the State of Nevada where the Defendant's acts or omissions occurred.

2. Venue of this matter is properly before this Court pursuant to 28 U.S.C. § 1391 as the underlying action and corresponding damages occurred within this District and the United States is a named Defendant.

PARTIES

3. Plaintiff Ryan Bundy ("Ryan Bundy") is, and at all material times was, married to Plaintiff Angela Bundy, and the father of Plaintiffs Jamie Bundy, Veyo Bundy, Jerusha Bundy, Jasmine Bundy, Oak Bundy, Chloee Bundy, Moroni Bundy, and Salem Bundy.

4. Plaintiff Ryan Bundy was a "Tier 1 defendant," "Tier 1 Plaintiff" or collectively with Plaintiff Ryan Payne "Plaintiffs" herein.

5. Plaintiff Ryan Payne was a "Tier 1 defendant," Tier 1 Plaintiff" or collectively with Plaintiff Ryan Bundy "Plaintiffs" herein.

6. Plaintiffs were criminal defendants in an egregious, fabricated and sham proceeding advanced by the UNITED STATES and its employees in the United States District Court for the District of Nevada in *United States v. Bundy et al.*, Case No. 2:16-cr-00046-GMN-PAL ("Underlying Action").[1]

[1] In the Underlying Action, nineteen (19) Bundy defendants were separated into three (3) distinct trial groups; namely, the "Tier 1" (the alleged "leadership" defendants); "Tier 2" (the claimed "mid-level leadership" defendants); and "Tier 3" (the alleged "gunmen") groups. Due to prosecutorial misconduct, including, without limitation, the intentional suppression of exculpatory evidence confirming, among other things, the innocence of the Tier 2 defendants, along with the government's knowing and intentional use of fabricated evidence to secure indictments against them, the first and only trial of the Tier 1 defendants was dismissed in January 2018. Shortly thereafter, all charges against the Tier 2 group were dismissed based upon the United States own motion to dismiss its Superseding Indictments with prejudice.

7. Notably, in the Underlying Action, the UNITED STATES spent hundreds of millions of dollars in a multi-state effort to falsely indict Plaintiffs of fabricated crimes purportedly dating back to 2014 and, to that end, forced Plaintiffs to wrongfully endure incarceration and monitoring, mostly at a punitive federal-contracted prison in Pahrump, Nevada.

8. During that time, Plaintiffs suffered severe emotional, physical, mental, occupational and financial distress – damages and injuries which continue to this day.

9. Plaintiff Angela Bundy is, and at all material times was, a Nevada domiciliary and citizen of the United States, married to Plaintiff Ryan Bundy, and the mother of Plaintiffs Jamie Bundy, Veyo Bundy, Jerusha Bundy, Jasmine Bundy, Oak Bundy, Chloee Bundy, Moroni Bundy, and Salem Bundy.

10. Plaintiffs Angela Bundy, Jamie Bundy, Veyo Bundy, Jerusha Bundy, Jasmine Bundy, Oak Bundy, Chloee Bundy, Moroni Bundy, and Salem Bundy shall hereinafter be referred to collectively as the "Bundy Family Plaintiffs."

11. Defendant UNITED STATES is the federal government and, through its various agencies (e.g., the Department of Justice ("DOJ"), Federal Bureau of Investigation ("FBI"), Department of the Interior ("DOI") and Bureau of Land Management ("BLM"), described more specifically below), and their employees (i.e., Assistant United States Attorneys Nadia Ahmed, Steven Myhre and Daniel Bogden, Joel Willis, Daniel P. Love, Rand Stover and Mark Brunk) - each of whom, for purposes of PLAINTIFFS' Federal Tort Claims Act ("FTCA") claims, was acting within his/her official capacity and within the scope and course of her/his employment with the applicable federal agency – caused acts and events to occur within this forum from which PLAINTIFFS' claims arose.

A. The DOJ is, and at all material times was, an Executive Department and agency of Defendant UNITED STATES, responsible for the enforcement of the law and the administration of justice within the United States and doing business in this District; the administrator of several law enforcement agencies, including, without limitation, the FBI, and the employer of Assistant United States Attorneys ("AUSAs") Nadia Ahmed, Steven Myhre and

Daniel Bogden (with Messrs. Myhre and Bogden, at certain times, each serving as the Acting U.S. Attorney for the District of Nevada).

B. The FBI is, and at all material times was, the investigative arm of Defendant UNITED STATES and DOJ, doing business in this District, and the employer of Special Agent Joel Willis.

C. The DOI is, and at all material times was, an Executive Department and agency of Defendant UNITED STATES, responsible for the management and conservation of federal lands and natural resources through the BLM (the employer of Special Agent in Charge of the BLM's Gold Butte Cattle Impoundment Operation ("SAC") Daniel P. Love, and Officers Rand Stover and Mark Brunk), with both agencies doing business in this District.

12. UNITED STATES' employees Ahmed, Myhre, Bogden, Willis, Love, Stover and Brunk (each of whom caused acts and events to occur within this forum while acting in the scope and course of his/her employment with, and official capacities for, his/her respective federal agencies) shall hereinafter collectively be referred to as the "GOVERNMENT EMPLOYEES."

13. Upon information and belief, Defendants identified as DOES 1 through 100 and ROES 1 through 100, whether individual, corporate, associate, governmental or otherwise, caused acts and events to occur within this forum from which PLAINTIFFS' claims arose. The true names and capacities of these parties are not currently known by PLAINTIFFS, and once such identities become known, PLAINTIFFS will seek leave of Court to amend their Complaint accordingly.

STATEMENT OF THE CASE

14. Since January 7, 1877 (13 years after Nevada was admitted into the union on equal footing with the original thirteen states on October 31, 1864), ancestors of Plaintiffs Ryan Bundy and the Bundy Family (i.e., all members of the Church of Jesus Christ of Latter Day Saints, "LDS"),[2] migrated to this State and the Gold Butte area in Clark County, Nevada,

[2] Although the name "Mormon" has been used historically to refer to members of

ultimately securing deeds from the State of Nevada to land and water along the Gold Butte region.

15. Upon that land, the Bundy family formed the Bundy Ranch as a living testimony of their family history, work ethic, pride, and patriotism - a legacy which serves as an integral part of our American history and the development of the Great Basin region throughout the Western United States.

16. That legacy has been handed down from generation to generation with Plaintiff Ryan Bundy learning same from his father, Cliven Bundy, and his own hands-on experience working at the Bundy Ranch.

17. Plaintiff Ryan Bundy in turn, has honorably passed on that same history, work ethic, pride and patriotism to his wife and children.

18. Over these generations, the Bundy family has invested their blood, sweat, tears and considerable labor, materials and expense to improve the Bundy Ranch, including, without limitation, developing numerous artesian springs / aquifers on the Gold Butte Mountain Range, and securing title from the State of Nevada to the accompanying water rights.

19. Those springs, in turn, have served as a life force for the Bundy family's cattle that were lawfully grazing on the Bundy Ranch and its surrounding lands.

20. Upon information and belief, as part of an egregious plan to eliminate ranching operations within the region, divest or otherwise acquire the private water rights held by those ranchers, including, without limitation, the Bundy family, and to sell-off or otherwise lease those rights for commercial development or other land-use purposes, the DOI / BLM sought to wage economic and financial warfare against the ranchers by imposing restrictive grazing restrictions

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the LDS faith, the name is actually a derogatory term – one first coined by former Missouri Governor Boggs in the 1800s during the persecution of early LDS Church leaders and in furtherance of Governor Boggs Extermination Order. That name, used repeatedly by the GOVERNMENT EMPLOYEES, is recognized as offensive by the LDS community and will be used throughout this pleading when attributable to the GOVERNMENT EMPLOYEES as evidence of their animus toward PLAINTIFFS and the LDS community.

and limiting the number of cattle that could graze upon those lands for the sole purpose to burden the ranchers operations until they become not viable and would be thus compelled to discontinue ranching.

21. To that end, in 1998, the UNITED STATES through the DOJ and AUSAs Ahmed and Bogden initiated a civil suit against Cliven Bundy in the United States District Court for the District of Nevada, Case No. 2:98-cv-00531, seeking monetary damages for his refusal to obtain BLM grazing permits and pay the corresponding fees. That action, *United States v. Cliven Bundy*, resulted in a judgment in favor of the UNITED STATES - a majority of which constituted fines, penalties, and interest.

22. Armed with that judgment, the GOVERNMENT EMPLOYEES conspired together and orchestrated a fraudulent scheme to entice Cliven Bundy and his supporters, including, without limitation, Plaintiffs, into an armed confrontation in April 2014 stemming from, among other things: the rounding-up and seizure of certain Bundy Ranch cattle and staging of same in Bunkerville, Nevada, the egregious execution of other cattle from helicopters circling the Bundy Ranch and surrounding Gold Butte area, and their unauthorized destruction of various Bundy family spring sites and water improvements.

23. The round-up operation was intentionally and deliberately carried out, upon information and belief, at the specific direction of GOVERNMENT EMPLOYEES Ahmed, Myhre, Bogden, Love, Stover and Brunk in a brutal, violent, and aggressive manner. Under the guise of executing a court order to collecting grazing fees, an alleged and unverified debt, the federal government – BLM and FBI – invaded the Bundy Ranch in April of 2014 and violently assaulted and extorted Plaintiff Ryan Bundy and his family members and killed his family's cattle. Federal agents threatened the lives of Plaintiff Ryan Bundy and his family by training snipper riffles directly at him and his wife and children, assaulted Plaintiff Ryan Bundy's elderly aunt by throwing her to the ground, tased one of his brother's multiple times, violently threw another of his brother's to the ground and vehemently crushed his face into the course gravel

causing lacerations to his face, killed his bulls and some other cattle, concealing them in a mass, secret grave.

24. Notably, upon information and belief, BLM SAC Love and Officer Stover determined that violent, aggressive, excessive, and authoritarian tactics would compel Cliven Bundy and his supporters to defend themselves and property or otherwise respond physically, and thereby "justify" the GOVERNMENT EMPLOYEES' planned use of force in the Cattle Impoundment Operation. As stated by BLM special agent Micheal Johnson to Ryan Bundy several days prior to the Cattle Impoundment Operation "This will be the next Wacco or Ruby Ridge. We will kill you."

During the Standoff, Plaintiff Ryan Bundy kept and bore a side-arm pursuant to his Second Amendment Rights. Neither Plaintiff Ryan Bundy nor his supporters harmed or threatened any federal agents, while at the same time the protestors had heavily equipped federal agents armed with sniper rifles and other firearms pointed directly at them. BLM special agent Dan Love told his fellow agents to "go out there and kick Cliven, Ryan and others in the Bundy family in the mouth (or teeth) and take their cattle" and "I need you to get the troops fired up to go get those cows and not take crap from anyone." Love had a "Kill Book" as a trophy where he "bragged about getting three individuals in Utah to commit suicide" as a result of his heavy-handed actions in another case, as well as having a "kill list for the Bundys. The FBI maintained an "Arrest Tracking Wall" where photos of Plaintiff Ryan Bundy and his family members and co-defendant Eric Parker were marked with an "X" over them, as if to indicate that they had already been killed or would be killed soon.

25. To that end, a whistleblower memorandum authored by BLM Special Agent Larry Wooten in November 2017 expressly documented and memorialized BLM SAC Love's stated intention to violently kick Cliven Bundy in the mouth as other BLM agents arrested him and took him to the ground.

26. The GOVERNMENT EMPLOYEES' Cattle Impoundment Operation and resulting "standoff" proved to be an absolute disaster for the UNITED STATES; notably,

hundreds, perhaps thousands, of protestors came out to support the Bundy family, express their anger for the federal government's abuse of power, its usurpation of State's rights and the unconstitutional taking and destruction of private property in violation of the law.

27. Although Plaintiffs did not engage in any wrongful conduct, they, nevertheless, were: wrongfully arrested, detained, and imprisoned for nearly two years, before being summarily released from custody based upon the UNITED STATES' own pre-trial motion and judicially-determined wrongdoings, including, without limitation, prosecutorial misconduct, the UNITED STATES' knowing and intentional use of fabricated evidence to wrongfully arrest, detain, and imprison Plaintiffs, and their knowing and intentional failure to disclose extensive exculpatory evidence memorializing same; wrongfully separated from their families, friends and loved ones and forced to endure the UNITED STATES' rogue prosecution based upon on fabricated charges for crimes they did not commit; and, egregiously placed on the "No Fly List," along with precluding Plaintiffs from purchasing firearms based upon the GOVERNMENT EMPLOYEES' designation of them as "domestic terrorists." In dismissing the charges against Plaintiffs, even Federal Judge Gloria Navarro lambasted the conduct of the prosecuting attorneys and their agency witnesses who had lied under oath or in argument to the Court, saying that they were guilty of "flagrant misconduct" and characterizing their conduct as "outrageous." Judge Navarro held that dismissal with prejudice was the only sufficient remedy given the extreme scope of the misconduct and bad faith committed.

28. Notably, Plaintiffs were falsely indicted in the Underlying Action on sixteen (16) criminal counts, including, without limitation, conspiracy, conspiracy to impede federal officers, assaulting, threatening, extorting, and obstructing federal officers, and four (4) counts of using firearms in crimes of violence resulting from a "standoff" with agents of the BLM and other federal agencies near Bunkerville, Nevada in connection with the UNITED STATES' Cattle Impoundment Operation.

29. During that same period of time, Plaintiff Angela Bundy was harassed, targeted, repeatedly stalked, and instigated by the GOVERNMENT EMPLOYEES and other agents /

officers of the aforementioned federal agencies; and she, along with her children, were forced to endure, among other things: stress, mental, physical, emotional, and financial anguish, and loss of consortium resulting from the UNITED STATES' egregious imprisonment of Plaintiffs; the inability for their family to freely practice their faith and attend weekly family worship services / other church events; and financial, occupational, and reputational harm as a result of the GOVERNMENT EMPLOYEES' egregious defamation and characterization of Plaintiffs as "domestic terrorists." Top agents instigated the unlawful monitoring of jail phone calls between Plaintiff Ryan Bundy and his wife and the rest of the Bundy family while jovially making fun of them whenever they expressed their anguish to one another during their phone conversations.

GOVERNMENT EMPLOYEES' Official Capacity Conduct Performed While Acting in the Scope and Course of Their Employment

30. A March 27, 2014 e-mail authored by a BLM agent (whose name was redacted in court documents in the Underlying Action) to Sal Lauro, BLM Director of the Office of Law Enforcement & Security ("OLES"), and Amy Lueders, BLM's Nevada State Director, confirmed that the U.S. Attorneys' Office (led by AUSA Bogden in 2014) was "attempting to direct [the] law enforcement efforts" and was actually planning and staging the events well before the rogue criminal prosecution commenced. Namely:

> [a]s for the rest of the operational guidance, it appears the NV USA is *directing tactical decisions*, something I've never seen in 19 years of law enforcement....[I]'m in a unique situation in which I must work with a prosecution agency that is attempt[ing] to *direct my enforcement efforts*. (Emphasis Added).

31. GOVERNMENT EMPLOYEES Ahmed, Myhre, Bogden, Love, Brunk, Stover and Willis "knew or reasonably should have known that the action[s] [they] took within [their] sphere of official responsibility would violate the constitutional rights of the [Plaintiffs], or [alternatively they] took the action[s] with ... malicious intent[] to cause a deprivation of constitutional rights or other injury." *Harlow v. Fitzgerald*, 457 U.S. 800, 815 (1982).

32. Under the direction, guidance, and control of AUSAs Ahmed, Myhre and Bogden,

BLM SAC Love, Officers Stover and Brunk, and others, the UNITED STATES carefully prepared and fabricated evidence throughout the investigative stage of the Underlying Action, and knowingly, intentionally, and willfully concealed exculpatory evidence regarding the Plaintiffs' innocence and concealed the outrageous, unlawful, and unconstitutional aspects of the UNITED STATES' conduct related thereto.

33. For example, GOVERNMENT EMPLOYEES Willis, Love, Brunk and Stover, along with other agents and officers of the FBI and BLM, intentionally and systematically fabricated, shaped, and "clarified" evidence and testimony, altered records, withheld evidence, and gave false testimony so that the UNITED STATES could falsely accuse, obtain grand jury indictments against, detain, prosecute and convict Plaintiffs of crimes they did not commit. In August 2017, the defense had requested information related to a camera placed near the Bundy Ranch. The request was supported by an affidavit from Plaintiff Ryan Bundy, who averred that he had seen a camera device on a tripod with a telephoto lens and a "visible laser." He said the tripod was on a hill northeast of and overlooking the Bundy house. The government, however, had opposed this request, referring to it and other requests as a "fantastical fishing expedition." Yet on November 3, the fourth day of trial, the defense learned that the FBI had in fact set up a camera on a hill northeast of the Bundy home. The camera had a live feed to BLM's command center. The district court agreed with the defendants that the requested surveillance-camera evidence was material. And it was not until the documents were released that it became evident that the camera was deliberately placed so it would have a view of the Bundy home, contradicting the government's representation that it was only placed "to cover the roads" near the Bundy Ranch. Thus, the district court's finding that the defense was prejudiced because it would have developed a stronger case if this evidence had been timely provided was affirmed by the Ninth Circuit. Over the course of the hearings, the district court found the information "favorable to the accused and potentially exculpatory," and criticized the government for withholding it on the "implausible claim" that no one viewed anything reported from the camera.

34. In the days following the April 12, 2014 "standoff" and cattle release, many GOVERNMENT EMPLOYEE witnesses authored reports and gave interviews. Notably, AUSA Brunk reported that, on April 6, 2014, he witnessed Dave Bundy's false arrest from a hilltop where AUSA Brunk "was acting as a spotter/observer for a BLM sniper." Nearly a year later, on February 24, 2015, Agent Willis attempted to "correct" AUSA Brunk's prior statement by having Officer Brunk "clarify" that he "never acted as a spotter/observer for a BLM sniper, nor did he ever tell the FBI [that] he acted as a spotter/observer for a BLM sniper during his original interview."

35. Upon information and belief, Agent Willis attempted to "correct" the record and his subsequent testimony to protect himself and AUSAs Ahmed, Myhre and Bogden from prosecution for providing or otherwise suborning perjured testimony before the Grand Jury, and to assist the GOVERNMENT EMPLOYEES in furtherance of their unlawful conspiracy. Upon information and belief, Agent Willis' clandestine attempt to "clarify" the statement of an employee of another federal agency (the BLM) was performed at the direction of AUSAs Ahmed, Myhre and Bogden. In this regard, AUSA's Ahmed, Myhre, Bogden and Agent Willis each knew that Officer Brunk's prior statement was true and correct and, to conceal that truth and shroud their own misconduct, falsified evidence and withheld exculpatory evidence to ensure that the GOVERNMENT EMPLOYEES' "version of events" matched the fabricated record that AUSAs Ahmed, Myhre, Bogden and Agent Willis had presented to the Grand Jury to secure rogue indictments against Plaintiffs. Not only did AUSAs Ahmed, Myhre, Bogden and Officer Willis falsely inform the Grand Jury that the UNITED STATES did not deploy snipers in 2014, these same GOVERNMENT EMPLOYEES later drafted the indictments, wrongfully accusing the Bundy defendants of being snipers.

36. In furtherance of the GOVERNMENT EMPLOYEES' fabricated scheme, BLM SAC Love cloaked the BLM Cattle Impoundment Operation as merely an effort to enforce a 2013 civil court order obtained by AUSAs Ahmed and Bogden. In reality, however, the primary purpose behind the 2014 Cattle Impoundment Operation was to frame and entrap Cliven Bundy,

the Plaintiffs, and other supporters to react or otherwise physically respond to the GOVERNMENT EMPLOYEES' violent, aggressive, excessive, and authoritarian tactics, and thereby "justify" the GOVERNMENT EMPLOYEES planned "use of force" and their fabrication of criminal charges against them.

37. To that end, the GOVERNMENT EMPLOYEES staged a confrontation between the Bundys and BLM "contract cowboys" during a local television news interview on March 28, 2014. Notably, BLM SAC Love and Officer Stover coordinated, timed, and orchestrated the arrival of the BLM-hired "contract cowboys" and their corresponding equipment to coincide with a pre-arranged television interview between Cliven Bundy and his sons with KLAS Channel 8 News at that same location (an interview, upon information and belief, that was surreptitiously arranged by BLM SAC Love and Officer Stover).

38. BLM SAC Love and Officer Stover secretly filmed the encounter between the Bundys and the BLM's "contract cowboys" with the intent of provoking violence and/or hostilities between them – conduct which, in turn, would prompt law enforcement intervention and the planned arrests of Cliven Bundy and his supporters, including, without limitation the Plaintiffs. The Bundys and their supporters, however, did not respond to the BLM's "contract cowboys" provocation and, instead, peacefully photographed the "contract cowboys" to memorialize the incident and the egregious attempt by the GOVERNMENT EMPLOYEES to entrap or otherwise provoke the Bundys into a violent response.

39. Notwithstanding the foregoing, the UNITED STATES would later use video from this March 28, 2014, BLM "contract cowboy" incident to intentionally mislead a federal grand jury into indicting Plaintiffs, essentially spinning the incident as an example of the Bundys' provocation of the BLM, including their violent response to the BLM's Cattle Impoundment Operation and its "stand-off" area near the Toquop Wash and Interstate-15 in Clark County, Nevada.

40. Moreover, during their investigative efforts in 2013 and leading up to the March and April 2014 incidents, DOJ representatives, including, without limitation, AUSAs Ahmed,

Myhre and Bogden, upon information and belief, knowingly, intentionally and willfully modified, revised, and supplemented the operational plan proposed by BLM SAC Love and Officer Stover to ensure that the final Cattle Impoundment Operation would, among other things: outrage the ranching community, especially the Bundy family and their supporters; provoke a confrontation between them; and, entrap the Bundy family, including, without limitation, the Plaintiffs, into responding with physical acts of violence that would justify the GOVERNMENT EMPLOYEES' arrest, detainment, and incarceration of Cliven Bundy, the Plaintiffs, and other Bundy family supporters.

41. Pursuant to that scheme, the GOVERNMENT EMPLOYEES closed to the public nearly six hundred thousand (600,000) acres of land in the Gold Butte and Overton Arm areas and purposefully forced all those who wanted to challenge the UNITED STATES' actions to do so at one of two small dirt parcels adjacent to highways in the Bunkerville area known as "First Amendment Zones." Notably, these two areas, located a considerable distance away from the BLM's Cattle Impoundment Operation and orchestrated "staging area," were, upon information and belief, purposefully selected by AUSAs Ahmed, Myhre and Bogden, BLM SAC Love, Officers Stover and Brunk, among others, to maximize the impairment of any protestors' First Amendment rights, including, without limitation, the Plaintiffs, and Bundy Family members, and incite those who would protest against the UNITED STATES' rogue operation and unconstitutional conduct (e.g., the purposeful destruction of the Bundy family's spring sites/ artesian wells and accompanying water rights) into a physical altercation.

42. In particular, the GOVERNMENT EMPLOYEES' egregious plan, orchestrated by AUSAs Ahmed, Myhre and Bogden, BLM SAC Love, Stover and Brunk, among others: seized cattle belonging to Cliven Bundy and the Bundy Ranch; visibly transported same to the BLM's "staging area;" demonstrably shooting several other cattle from helicopters circling the Bundy Ranch and surrounding areas; and, after having destroyed several thousands of dollars of the Bundy family's water right improvements and artesian springs / aquifers, purposefully parading a convoy of DOI / BLM vehicles and other construction demolition equipment before the

Bundys, the Plaintiffs, and their supporters in order to provoke them into resisting or otherwise defying the GOVERNMENT EMPLOYEES' efforts.

43. In furtherance of that same scheme, the GOVERNMENT EMPLOYEES, and others at their direction and control, later brutally arrested, assaulted, beat, and kicked Dave Bundy, as AUSAs Ahmed, Myhre and Bogden, BLM SAC Love, Officers Stover and Brunk, among others, had planned.

44. Throughout that entire investigative / pre-judicial process, Defendants Ahmed, Myhre, Bogden, Love, Stover and Brunk, among others, purposefully, intentionally, and knowingly sought to infringe upon various well-known and clearly understood federal and state constitutional rights for the calculated and orchestrated purpose to entrap the Bundys, the Plaintiffs, and their supporters, and entrap them into physically or violently responding to the GOVERNMENT EMPLOYEES' egregious actions and interference with those rights.

45. Although the GOVERNMENT EMPLOYEES collectively knew that their concocted charges were false, they, nevertheless, deceptively attempted to strong-arm the indicted Bundy supporters into accepting plea agreements (knowing that any such agreements could be used against all of the other named Bundy defendants in the Underlying Action). In this regard, the GOVERNMENT EMPLOYEES, at the direction of AUSAs Ahmed, Myhre and Bogden, advised the Plaintiffs, among other things, that: a conviction against them on all counts would impose mandatory minimum life sentences which would separate them from their friends, family and loved ones for the rest of their lives or for many years – an outcome that could be avoided if they simply pled guilty to one or more of the bogus conspiracy charges; and, if they did so, the UNITED STATES would release them from custody for time served.

46. The GOVERNMENT EMPLOYEES, at the direction of AUSAs Ahmed, Myhre and Bogden, directed that informants be planted among the Plaintiffs during their incarceration and that other inmates housed with Plaintiffs surreptitiously be offered an immediate release from custody if those inmates would testify falsely against the Plaintiffs regarding the UNITED STATES' concocted criminal charges.

47. The GOVERNMENT EMPLOYEES, at the direction of AUSAs Ahmed, Myhre and Bogden, also prepared, instructed, and directed others to prepare fabricated investigative documents for those inmates to sign, thus manufacturing false evidence that would be used in their rogue prosecution against the Plaintiffs in violation of the law and said Plaintiffs' constitutional and due process rights.

The State of Nevada's Intervention & De-Escalation Efforts

48. Recognizing that the unlawful and unconstitutional powder-keg lit by the UNITED STATES was rapidly escalating out of control, Nevada's former Governor (Brian Sandoval), former Clark County Sheriff (Doug Gillespie), and Assistant Clark County Sheriff (Joe Lombardo) intervened to de-escalate the matter.

49. Notably, in the midst of increasing political pressure and public outrage over the GOVERNMENT EMPLOYEES' egregious conduct, the former Nevada Governor, Clark County Sheriff, and Assistant Sheriff took control of the scene and, through Assistant Clark County Sheriff Joe Lombardo issued orders directing the BLM and GOVERNMENT EMPLOYEES to wind-down their operation and to release the Bundy family's cows from the cattle pen.

50. AUSA Bodgen and BLM SAC Love, recognizing that the GOVERNMENT EMPLOYEES' unlawful and unconstitutional conduct had failed to produce the planned results, implemented those orders and directed federal and state officers to ensure that "a Bundy," if not Cliven Bundy himself, would pull the pins from the cattle pens so that the DOJ could use that affirmative act to establish the GOVERNMENT EMPLOYEES' fabricated theories of criminal conspiracy, extortion, and armed robbery, among other false claims, against the Plaintiffs.

51. In accordance with the State orders and at the direction of the GOVERNMENT EMPLOYEES, Margaret Houston, a sister of Cliven Bundy, ultimately "pulled the pin" on the cattle pen and released the cattle. AUSAs Ahmed, Myhre and Bogden, in turn, used that physical act to support the UNITED STATES' rogue prosecution of the Plaintiffs.

Defendants' Longbow Productions Scam

52. In furtherance of the GOVERNMENT EMPLOYEES' scheme to wrongfully prosecute the Plaintiffs, and to manufacture evidence in support of the fabricated claims against them, AUSAs Ahmed, Myhre, Bogden and Agent Willis concocted a scheme to deceive the Plaintiffs, and their supporters, into making incriminating statements or confessions through the UNITED STATES' unprecedented undercover FBI operation named "Longbow Productions."

53. Notably, AUSAs Ahmed, Myhre and Bogden, and Agent Willis, among others, directed hundreds of thousands of taxpayer dollars into an operation in which masqueraded FBI undercover agents falsely posed as a film crew making a documentary of the 2014 "standoff."

54. Upon information and belief, AUSAs Ahmed, Myhre and Bogden, and Agent Willis directed the FBI undercover agents to entice the Plaintiffs, along with the other to-be-named defendants, with alcohol, money and other goods and favors to exaggerate their respective involvement in the GOVERNMENT EMPLOYEES' orchestrated "standoff" or to otherwise misstate, exaggerate or falsely hype the event itself, so that the UNITED STATES could increase the likelihood of securing convictions in rogue criminal proceedings that the GOVERNMENT EMPLOYEES would ultimately initiate.

55. To that end, AUSAs Ahmed, Myhre and Bogden, and Agent Willis, among others, successfully deceived various Bundy family members and supporters into participating in the "staged" interviews – interviews in which the undercover FBI agents, at said Defendants' prodding, asked leading questions, with the answers later being selectively edited and later used by the GOVERNMENT EMPLOYEES in the Underlying Action.

Subornation of Perjury & Falsehoods to the Grand Jury

56. The fact that AUSA Bogden had scripted and directed the filming of a video depicting "a Bundy" removing a pin from the cattle pen at the UNITED STATES Cattle Impoundment Operation became problematic for AUSAs Ahmed, Myhre and Bogden when they sought to obtain a grand jury indictment against the Plaintiffs the following year.

57. Since AUSA Bogden stepped out of his role as prosecutor and assumed the role of investigator (one who directed, supervised, and led law enforcement personnel in the filming of that incident), he was a material witness thereto - one who was never cross-examined or otherwise testified regarding that unprotected, unprivileged conduct.

58. Notably, during the October 14, 2015 Grand Jury proceedings, AUSA Myhre purposefully avoided a Grand Juror's question directed at the UNITED STATES' involvement in the pin removal act and purposefully proffered evasive testimony to avert BLM SAC Love from disclosing the truth regarding that incident. In particular:

> **MYHRE**: But you never received any order to release the cattle?
>
> **LOVE**: No sir, did not.

An unknown grand juror asked Love to clarify his statements indicating that Dave Bundy and Ryan Bundy *"did release the cattle"…"but on your [Love's] authority, is that correct?"* Love responded: *"No I did not give them the authority to release the cattle."* The Grand juror followed up: *"No but I'm just saying it's on your authority you had them release the cattle . . . ."* At that point, Myhre interrupted the proceedings, stopped Love from answering and began to testify himself by asking leading questions:

> **MYHRE**: "But your decision wasn't to release the cattle, your decision was to abandon the ICP, Incident Command Post is that correct?
>
> **LOVE:** That is correct and then to turn over – obviously by abandoning the cattle are left there in the pen and I was thereby leaving the cattle and then admonishing and explaining to the Bundys that should they so choose to release those cattle they would be doing so under potential violation of federal law with recourse."
>
> **MYHRE**: "So in essence you were not giving them permission to release the cattle? You are saying we're leaving and that if you release the cattle it's in violation of federal law."

59. Throughout 2015 and 2016, AUSAs Ahmed, Myhre and Bogden, Agent Willis, BLM SAC Love, and Officers Stover and Brunk deliberately, maliciously, and intentionally misled the Grand Jury so that they could falsely obtain indictments against the Plaintiffs.

60. For example, on June 29, 2015, AUSA Myhre and Agent Willis knowingly, intentionally and willfully misled the Grand Jury regarding the circumstances surrounding Dave Bundy's April 6, 2014 false arrest.

61. Specifically, AUSA Myhre egregiously stated that Dave Bundy was doing "some sort of reconnaissance or trying to take photographs of the BLM as they were coming off the range ..." with Agent Willis testifying that Dave Bundy was in a "closed area" and that the "agents encountered them in a closed area and asked them to leave."

62. AUSA Myhre and Agent Willis, however, knew that they were intentionally deceiving and misleading the Grand Jury when they provided that false information and testimony. In particular, said GOVERNMENT EMPLOYEES knew that, on that day, Plaintiff Ryan Bundy's, brother Dave Bundy, and other Bundy family members traveled from Utah to the Bundy Ranch in Clark County, Nevada to give flowers to their mother for her birthday via Nevada State Route 170 (S.R. 170) which was not a "closed area" when Dave Bundy observed what appeared to be snipers in sand bag embankments on the hill above the junction of Gold Butte Road and S.R. 170.

63. Dave Bundy lawfully parked his car on the side of S.R. 170 and began photographing and filming the hilltop snipers with his Apple iPad. BLM agents, in response, falsely arrested him (and did so without any arrest authority or probable cause), illegally towed and searched his vehicle; unlawfully removed and confiscated his iPad without a warrant (an electronic device that contained photographs and video of the hilltop snipers, along with a recording of his telephone conversation to a 9-1-1 operator as the BLM agents were unlawfully arresting him). Pursuant to a District Court Order, Dave Bundy's Apple iPad was eventually returned to him in 2017 in an erased, altered, and damaged state.

64. On March 2, 2016, AUSAs Ahmed, Myhre and Bogden knowingly and intentionally suborned perjurious testimony from Agent Willis to secure an indictment against Dave Bundy, falsely claiming that Plaintiff Dave Bundy's vehicle was intended to impede the GOVERNMENT EMPLOYEES' convoy as it emerged onto S.R. 170. Specifically:

> AHMED: And the BLM believed because of the positions of the vehicles, including Dave Bundy's, that they could easily impede that convoy as it emerged onto State Route 170, isn't that right?
>
> WILLIS: Yes.

65. Notably, AUSAs Ahmed, Myhre and Bogden and Agent Willis knew that Dave Bundy's vehicle was lawfully parked more than one hundred fifty (150) feet away from the S.R. 170 intersection and, as such, could not conceivably have been perceived as an attempt to impede the GOVERNMENT EMPLOYEES' convoy. Further, AUSAs Ahmed, Myhre and Bogden and Agent Willis also unequivocally knew, but intentionally and willfully withheld from the Grand Jury, that there never was any probable cause or justification to arrest Dave Bundy.

66. At that same time, AUSA Ahmed knowingly, intentionally, and willfully elicited false testimony from Agent Willis regarding Mel Bundy, baldly testifying that, on April 12, 2014, Mel Bundy threatened federal officers when, in fact, AUSA Ahmed and Agent Willis knew that there was absolutely no evidence of any such threats, nor probable cause to substantiate Mel Bundy's arrest.

67. On September 16, 2015, AUSA Ahmed knowingly, intentionally, and willfully elicited false and misleading testimony from Officer Stover before the Grand Jury regarding the BLM's threat assessments of the Plaintiffs and their propensity for engaging in potential acts of violence. AUSA Ahmed and Officer Stover, well-aware that the BLM assessments actually established that the Bundys would not engage in potential acts of violence, elicited and provided false testimony claiming that the Bundys would, in fact, respond with potential acts of violence.

68. At that same time, AUSA Ahmed and Officer Stover also knowingly, intentionally, and willfully elicited and provided false and misleading testimony regarding the UNITED

STATES' use of snipers. Despite the fact that numerous federal agents / snipers were located on hillsides around the Bundy Ranch and Cattle Impoundment Operation's "staging area" in April 2014 pursuant to the GOVERNMENT EMPLOYEES' scheme, AUSA Ahmed and Officer Stover egregiously claimed that the operational plan did not include the use of snipers, and the purported use of snipers was merely a story concocted by the Bundys and their supporters.

69. AUSA Ahmed and Officer Stover also materially misled the Grand Jury regarding the GOVERNMENT EMPLOYEES' First Amendment Zones imposed on the Bundy family, the Plaintiffs, and their supporters in March and April 2014.

70. As noted above, the GOVERNMENT EMPLOYEES closed to the public nearly six hundred thousand (600,000) acres of land in the Gold Butte and Overton Arm areas and, in so doing, imposed the single largest infringement on free speech in American history (measured geographically).

71. Hundreds of Americans traveled to the Bunkerville, Nevada area to protest the UNITED STATES' impairment of the Bundy family's First Amendment right to free speech and the expression of their religious freedoms – restrictions which were also denounced by numerous public officials who readily acknowledged the unconstitutionality of same.

72. Consequently, AUSA Ahmed and Officer Stover knew that in order for the Grand Jury to indict the demonstrators (persons who merely came to protest the GOVERNMENT EMPLOYEES' egregious conduct, support the Bundy family, and exercise their own constitutionally protected free speech rights), they had to knowingly, intentionally and willfully mislead the Grand Jury regarding same.

73. To that end, on September 16, 2015, AUSA Ahmed and Officer Stover knowingly, intentionally, and willfully misled the Grand Jury into believing the following:

AHMED: Did the operation plan consider having designated areas in the operation area for people who wanted to view the governments activities or the impound operation itself?"

STOVER: "It did."

AHMED: "And were those areas actually what would come to be known as the First Amendment zones or First Amendment areas?"

STOVER: "Correct. . . . It included those areas not to dictate to people where they could express their First Amendment rights but it allowed an area that was safe for the public to go to and get them in as close proximity as possible to the closed operational area so they would have chance to if they wanted to view some of the gather operations?"

AHMED: "Is this setting up of areas as close as possible to where the operation activities are taking place, is that something that the BLM includes regularly in its gathering operations?"

STOVER: "Sure. . . ."

74. Notably, however, AUSA Ahmed and Office Stover knew that the First Amendment Zones: (1) were mandatory (i.e., federal officers told protesters that they must go to the designated First Amendment Zones); (2) offered no view whatsoever of any Cattle Impoundment Operations; (3) were located miles away from those operations; and (4) were actually patrolled, monitored, and watched over by armed government agents.

Defendants' Rogue Indictment

75. On March 2, 2016, after several months of presenting fabricated, misleading and perjured evidence and testimony to the Grand Jury, AUSAs Ahmed, Myhre and Bogden, BLM SAC Love, Officers Stover and Brunk, and Agent Willis obtained an indictment against the Plaintiffs – evidence which these GOVERNMENT EMPLOYEES knew was false and directly contradicted by exculpatory evidence which said representatives knowingly, intentionally, and willfully withheld from the Grand Jury, the Bundy defendants, the Plaintiffs, and their counsel.

76. That same day, AUSAs Ahmed, Myhre and Bogden and Agent Willis egregiously sought the issuance of arrest warrants for Plaintiffs Ryan Bundy and Ryan Payne, knowing that there was absolutely no probable cause whatsoever to support any of their arrests.

77. To that end, AUSAs Ahmed, Myhre and Bogden and Agent Willis withheld exculpatory evidence from the judicial officer that issued the warrants, and knowingly used false, fabricated, and manufactured evidence to secure same.

78. On February 26, 2016, the Plaintiffs were unlawfully arrested and taken into custody.

79. Shortly thereafter, the GOVERNMENT EMPLOYEES filed their indictment against them and, although the indictment measured sixty (60) pages in length and accused 19 men of 16 separate criminal counts, the indictment was silent as to any basis or probable cause to detain, arrest, or otherwise prosecute the Plaintiffs for any of those alleged crimes.

80. Notably, the Plaintiffs' actual conduct (i.e., lawfully protesting the Government's egregious actions, standing, walking, riding horses and taking pictures of Defendants' unlawful conduct) was deceptively described by the GOVERNMENT EMPLOYEES in their rogue indictment as threatening, assaulting, and extorting federal officers, obstructing justice, and conspiring to violate federal laws or impede federal officers.

81. Further, after the indictment was filed in the Underlying Action, AUSAs Ahmed, Myhre and Bogden, Agent Willis, BLM SAC Love, and Officers Stover and Brunk conspired with one another to conceal, among other evidence, Dave Bundy's iPad, the BLM threat assessments, the GOVERNMENT EMPLOYEES' use of snipers, and other exculpatory evidence from the Plaintiffs, their counsel, and all of the Bundy defendants in the Underlying Action.

82. The indictment also falsely claimed that the Bundy defendants in the Tier 1 proceeding "caused images of DAVE BUNDY's arrest to be broadcasted ... combining them with false, intentionally misleading and deceptive statements 'to the effect' [that the] BLM supposedly employed snipers ... used excessive force ... and arrested Bundy for exercising his First Amendment rights."

83. During an evidentiary hearing at the Tier 1 trial, it was irrefutably established that the BLM did, in fact, employ snipers and use excessive force.

84. Those same facts, in conjunction with the UNITED STATES' intentional withholding of exculpatory evidence (*Brady* disclosures and materials) and prosecutorial misconduct, prompted Chief Judge Navarro to dismiss the United States' case against the Tier 1 defendants.

85. The indictment also baldly asserted that the Plaintiffs had used firearms in several serious crimes of violence. At no time, however, did Plaintiffs Ryan Bundy or Ryan Payne ever display, use, or threaten to use firearms, nor did they commit any crimes, let alone a crime of violence.

False Allegations Against the Bundys and Payne.

86. The rogue indictment against the Plaintiffs, based solely upon their status a son and supporter of Cliven Bundy, baldly accused them of being "leaders and organizers of the conspiracy who, among other things: recruited gunmen and other Followers; interfered with impoundment operations through threats and use of force and violence; interfered with impoundment operations by attempting to extort BLM contractors; led the armed assault against federal law enforcement officers at the Impoundment Site; delivered extortionate demands to law enforcement officers; and extorted federal law enforcement officers."

87. The indictment also materially misrepresented Dave Bundy's actions that ultimately led to his false arrest on April 6, 2014, egregiously claiming that he "interfered with impoundment operations by positioning [himself] to block a BLM convoy and refusing to leave the area when asked to do so" and after "[f]ailing to leave after repeated requests ... [he] was arrested by law enforcement officers."

88. Notably, as images from the April 6, 2014 incident confirmed (images of which AUSAs Ahmed, Myhre and Bogden and Agent Willis were well-aware at that time), Dave Bundy's vehicle was parked at least one hundred fifty (150) feet away from the claimed S.R. 170 intersection where the BLM convoy would ultimately travel and, at that location, it was impossible for Dave Bundy's vehicle to have "blocked" the BLM convoy.

89. Further, as AUSAs Ahmed, Myhre and Bogden and Agent Willis were also well aware, Dave Bundy was lawfully exercising his First Amendment rights when he photographed and filmed on his iPad the BLM officers, spotters, and snipers in plain view from the public highway, and that he was under no legal obligation "to leave the area when asked to do so."

90. The GOVERNMENT EMPLOYEES also knew that Dave Bundy's iPad captured photographs and video of those entire events (evidence which completely exonerated Dave Bundy, established the egregiousness of the GOVERNMENT EMPLOYEES' actions that day, undermined the fabricated testimony of AUSA Ahmed and Agent Willis to the Grand Jury, and exposed other multiple false and misleading statements contained in the indictment), including, without limitation, Dave Bundy's telephone call with a 9-1-1 operator while he was being falsely arrested and assaulted by the BLM officers.

91. Upon information and belief, AUSAs Ahmed, Myhre and Bogden, BLM SAC Love, Officers Stover and Brunk, and Agent Willis, among others, hid, concealed, converted, altered, damaged and/or erased this exculpatory evidence from Dave Bundy's iPad and concealed same from the Plaintiffs as part of the GOVERNMENT EMPLOYEES' egregious scheme to wrongfully convict Plaintiffs and imprison them for life for crimes they did not commit.

92. The GOVERNMENT EMPLOYEES also failed to disclose that Dave Bundy was released from custody the following day without prosecution.

93. As for Plaintiff Ryan Payne, ¶ 88 of the Indictment alleged that on April 7, 2014, he had posted messages to followers "stating falsely, among other things, that the Bundy Ranch was surrounded by BLM snipers, that the Bundy family was isolated, and that the BLM wanted BUNDY dead."

The GOVERNMENT EMPLOYEES' Wrongful Concealment of Threat Assessments & Other Misrepresentations to Federal & Magistrate Judges

94. In furtherance of the GOVERNMENT EMPLOYEES' conspiracy to keep the Plaintiffs falsely imprisoned (i.e., so that their release from custody could be used as a potential bargaining chip in securing a negotiated plea arrangement from one of the Tier 1 defendants,

most notably, Cliven Bundy), AUSA's Ahmed, Myhre and Bogden argued to the Court that the Plaintiffs were the most dangerous, violent criminals in the history of Nevada.

95. AUSAs Ahmed, Myhre and Bogden made these egregious statements knowing, among other things, that: (a) according to their own internal (i.e., DOJ / U.S. Attorney's Office) threat assessments, none of the Plaintiffs were dangerous or violent, nor did they otherwise pose any risk of being same; (b) their false statements would enable the UNITED STATES to wrongfully detain the Plaintiffs, preclude them from being released on bail, and deny them a speedy trial; and (c) their falsehoods would deprive the Plaintiffs of various federal and state constitutional rights.

96. AUSAs Ahmed, Myhre and Bogden also materially misled the Court regarding evidence which undermined the UNITED STATES' false portrayal of the Plaintiffs and the lengths to which the Plaintiffs would purportedly go in defiance of the actions taken by the UNITED STATES.

97. For example, during detention hearings in 2016, AUSA Ahmed knowingly, intentionally, and willfully advised a U.S. Magistrate Judge that, on April 12, 2014, Mel Bundy brought his own children into the Toquop Wash (the location of the "standoff") and directed those children, in a strategic and tactical manner, to further the "massive assault on federal officers" that was falsely described in the underlying indictment. AUSA Ahmed knew that her statements were false when made and that, during the "standoff," Mel Bundy's children were located many miles away in another state.

98. AUSAs Ahmed, Myhre and Bogden, in furtherance of the GOVERNMENT EMPLOYEES' conspiracy, also knowingly, intentionally and willfully misled the Court on multiple occasions, regarding the FBI's involvement in this matter – egregiously representing that the FBI was not involved, and that their claimed involvement by the Bundy defendants, including the Plaintiffs, was complete "fiction" on their part and true "urban folklore."

99. In reality, however, AUSAs Ahmed, Myhre and Bogden knew, among other things, that the FBI was actively involved and, among other things: had engaged in an extensive

surveillance and reconnaissance effort which included, without limitation, the Bundy defendants, the Plaintiffs, their respective properties, and the aforementioned First Amendment zones; conducted around-the-clock monitoring of those areas from an FBI Command Center which, upon information and belief, enabled real-time viewing of same by agency department officials located in Washington, D.C.; and had extensive exculpatory photographic and video surveillance documentation – none of which was ever produced, disclosed or otherwise identified by the GOVERNMENT EMPLOYEES and, in fact, was knowingly, intentionally and willfully concealed by them in furtherance of their conspiracy – the existence of which was revealed for the first time during trial proceedings involving the Tier 3 group.

The Unraveling of the GOVERNMENT *EMPLOYEES'* Conspiracy

100. In early February 2017, during the first trial of the Tier 3 defendants,[3] a BLM Case Agent assigned to assist BLM SAC Love and a material witness for the UNITED STATES (i.e., BLM Special Agent Larry Wooten) noticed that the defense lawyers were not cross- examining government witnesses with expected questions arising from exculpatory evidence which Mr. Wooten had provided to the UNITED STATES and AUSAs Ahmed, Myhre and Bogden.

101. On February 16, 2017, Mr. Wooten confronted AUSAs Ahmed, Myhre and Bogden regarding this issue, whether the UNITED STATES had properly disclosed the exculpatory evidence and other suspected *Brady* violations.

102. Fearing that BLM Special Agent Wooten would reveal the nature and extent of the GOVERNMENT EMPLOYEES' conspiracy and their unlawful/unconstitutional conduct, AUSA Myhre retaliated by abruptly removing Mr. Wooten from the prosecution team and any further involvement in the case.

103. To that end, on February 18, 2017, AUSA Myhre directed that Mr. Wooten's office be raided and ordered that all of Mr. Wooten's papers and electronic files related to the Underlying Action be seized.

[3] The Tier 3 group consisted of Eric Parker, Scott Drexler, Greg Burleson, Steve Stewart, Todd Engel and Rick Lovelein.

104. Upon information and belief, when Mr. Wooten learned of the unauthorized search of his office and the seizure of all of his case files from the Underlying Action, he complained of same to his superiors and, at that time, was threatened and warned by BLM officers to keep his mouth shut about the prosecutorial misconduct in the case.

105. After conferring with a DOI/BLM Ethics Official, the U.S. Office of Special Counsel ("OSC"), the BLM Office of Law Enforcement & Security Director (Salvatore Lauro) and the DOJ Office of Professional Responsibility ("OPR") – each of whom ignored Mr. Wooten's concerns and sought to distance themselves from same – Mr. Wooten submitted a whistleblower complaint to the DOJ Associate Deputy Attorney General and National Criminal Discovery Coordinator (Andrew D. Goldsmith) to expose the GOVERNMENT EMPLOYEES' egregious conduct, including, without limitation, the non-disclosure of exculpatory evidence and other *Brady* violations.

106. Specifically, in a document entitled "Disclosure and Complaint Narrative in Regard to Bureau of Land Management Law Enforcement Supervisory Misconduct and Associated Cover-ups as well as Potential Unethical Actions, Malfeasance and Misfeasance by United States Attorney's Office Prosecutors from the District of Nevada, (Las Vegas) in Reference to the Cliven Bundy Investigation," (hereinafter "Whistleblower Complaint"), Mr. Wooten exposed the GOVERNMENT EMPLOYEES' conspiracy and its unlawful, unconstitutional conduct.

107. Notably, Mr. Wooten revealed, among other things, that:

A. There was a "widespread pattern of bad judgment, lack of discipline, incredible bias, unprofessionalism and misconduct, as well as likely policy, ethical, and legal violations among senior and supervisory staff at the BLM's Office of Law Enforcement and Security."

B. The "issues amongst law enforcement supervisors in our agency made a mockery of our position of special trust and confidence, portrayed extreme unprofessional bias, adversely affected our agency's mission and likely the trial regarding Cliven Bundy and his alleged co-conspirators and ignored the letter and intent of the law."

C. "The issues [he] uncovered ... also likely put [the DOI / BLM] and specific law enforcement supervisors in potential legal, civil, and administrative jeopardy."

D. This was "the largest and most expansive and important investigation ever within the Department of Interior."

E. BLM SAC Love "specifically took on assignments that were potentially questionable and damaging (such as document shredding, research, discovery email search documentation and as the affiant for the Dave Bundy iPad Search Warrant) ... [Mr. Wooten felt like BLM SAC Love] wanted to steer the investigation away from misconduct discovery ..."

F. "The misconduct caused considerable disruption in our workplace, was discriminatory, harassing and showed clear prejudice against the defendants, their supporters and Mormons."

G. "Oftentimes this misconduct centered on being sexually inappropriate, profanity, appearance/body shaming and likely violated privacy and civil rights."

H. There were "potentially captured comments in which [DOI / BLM] law enforcement officers allegedly bragged about roughing up Dave Bundy, grinding his face into the ground, and Dave Bundy having little bits of gravel stuck to his face" as a result of his unlawful arrest.

I. "On two occasions, [Mr. Wooten] overheard [BLM SAC Love] tell [another DOI / BLM assistant special agent in charge] that another/other BLM employee(s) and potential trial witnesses didn't properly turn in the required discovery material likely exculpatory evidence."

J. BLM SAC Love "even instigated the unprofessional monitoring of jail calls between defendants and their wives, without prosecutor or FBI consent, for the apparent purpose of making fun of post arrest telephone calls ...."

K. BLM SAC Love sought "to command the most intrusive, oppressive, large scale, and militaristic trespass cattle impound possible. Additionally, this investigation also indicated excessive use of force, civil rights and policy violations."

L. BLM SAC Love was not regularly updating the U.S. Attorney's Office "on substantive and exculpatory case findings and unacceptable bias indications" and, as such, [Mr. Wooten] personally informed ... Acting United States Attorney Steven Myhre and Assistant United States Attorney (AUSA) Nadia Ahmed, as well as Federal Bureau of Investigation (FBI) Special Agent Joel Willis by telephone of these issues."

M. For example, Mr. Wooten advised AUSA Myhre that when Dave Bundy was arrested "on April 6, 2014, the BLM ... the BLM SAC and others were told not to make any arrests" (i.e., they had no arrest authority) and that BLM SAC Love made exculpatory statements that would need to be disclosed to the defense team including, without limitation, "Go out there and kick Cliven Bundy in the mouth (or teeth) and take his cattle" and BLM SAC Love's directive to DOI / BLM officers "to get the troops fired up to go get those cows and not take any crap from anyone" – statements which AUSA Myhre acknowledged would need to be disclosed but never were.

N. On February 18, 2017, when Mr. Wooten "was removed from [his] position, ... [BLM SAC Love] conducted a search of [Mr. Wooten's] individually occupied secured office and secured safe within that office. During that search, ... [BLM SAC Love] without notification or permission seized the Cliven Bundy/Gold Butte Nevada Investigative 'hard copy' Case File, notes (to include specific notes on issues [Mr. Wooten] uncovered during the 2014 Gold Butte Nevada Trespass Cattle Impound and 'lessons learned') and several computer hard drives that contained case material, collected emails, text messages, instant messages, and other information."

O. Following this seizure outside of [Mr. Wooten's] presence and without [his] permission, [BLM SAC Love] did not provide any property receipt documentation (DI-05/Form 9260-43) or other chain of custody documentation (reasonably needed for trial) on what was seized."

P. Mr. Wooten "was also aggressively questioned [by BLM SAC Love] about who [Mr. Wooten] had told about the case related issues and other severe issues uncovered in reference to the case and [BLM SAC Love]."

Q. Mr. Wooten also notes that he was "convinced that [he] was removed to prevent the ethical and proper further disclosure of severe misconduct, failure to correct and report, and cover-ups ...." including, without limitation, "civil rights violations and excessive use of force."

R. To that end, Mr. Wooten identified "the loss/destruction of, or purposeful non-recording of key evidentiary items (Unknown Items 1 & 2, Video/Audio, April 6, 2014, April 9, 2014, April 12, 2014 - the most important and critical times in the operation)."[4]Tellingly, Mr. Wooten concluded that he "believe[d] these issues would shock the conscious of the public and greatly embarrass [the BLM] if they were disclosed."

108. By October 2017, the trial of the Tier 1 Bundy defendants[5] was nearing commencement and defense lawyers in that action expressed concerns to the Court regarding missing documents and other evidence that had not been produced or otherwise disclosed by the UNITED STATES and AUSAs Ahmed, Myhre and Bogden, but were known to exist.

109. In response, Chief District Court Judge Navarro held an evidentiary hearing and, at that hearing, numerous *Brady* violations were discovered, including, without limitation, extensive exculpatory evidence regarding the Tier 2 defendants that had been knowingly, intentionally and willfully withheld by the UNITED STATES and AUSAs Ahmed, Myhre and Bogden.

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[4] In a subsequent e-mail from Mr. Wooten to (now former) DOJ Office of the Inspector General Attorney Mark Masling (who was tasked with investigating this matter *after* the Underlying Action was dismissed), Mr. Wooten noted that there was a "dumpster of shredded BLM documents."

[5] The Tier 1 group consisted of Cliven Bundy, his sons Ryan Bundy and Ammon Bundy, and Ryan Payne.

110. In this regard, as the January 8, 2018, Hearing Transcript ("Transcript") from the Tier 1 Motion to Dismiss Hearing unequivocally reveals, Chief Judge Navarro expressly held, among other things, that:

A. "A district court may dismiss an Indictment on the ground of outrageous government conduct if the conduct amounts to [a] due process violation." Transcript at 8:18-21 (*quoting United States v. Simpson*, 813 F.2d 1462 (9th Cir. 1991)).

B. "To violate due process, governmental conduct must be ... 'so grossly shocking and so outrageous as to violate the universal sense of justice.'" Transcript at 9:01-05 (*quoting United States v. Restrepo*, 930 F.2d 705 (1991); *United States v. Ramirez*, 710 F.2d 535 (9t h Cir. 1983)).

C. "Outrageous government conduct occurs when the actions of law enforcement officers or informants are so outrageous that due process principles would absolutely bar the government from invoking judicial processes to obtain a conviction." Transcript at 9:09-16 (*quoting United States v. Archie*, 2016 WL 475234 (D.Nev. 2016), *cert denied*, 2019 WL 5152784 (9th Cir. 2019); *United States v. Black*, 733 F.3d 294 (9th Cir. 2013); *United States v. Russell*, 411 U.S. 423 (1973)).

D. "[D]ismissal under this 'extremely high' standard is appropriate only in 'extreme cases in which the government's conduct violates fundamental fairness.'" Transcript at 9:17-21 (*quoting U.S. v Pedrin*, 797 F.3d 792 (9th Cir. 2015); *United States v. Smith*, 924 F.2d 889 (9th Cir. 1991)).

E. "So, when reviewing a claim alleging that the Indictment should be dismissed because the government's conduct was outrageous, evidence is viewed in the light most favorable to the government." Transcript at 9:22 to 10:01 (*citing United States v. Gurolla*, 333 F.3d 944 (9th Cir. 2003)).

F. "The concept of outrageous government conduct focuses on the government's actions." Transcript at 10:02–3 *(citing United States v. Restrepo*, 930 F.2d 705 (1991)).

G. "Here in this case, both the prosecution and the investigative agencies are equally responsible for the failure to produce *Brady* materials to the defense." Transcript at 10:04-06.

H. The Court finds the prosecution's representations that it was unaware of the materiality of the Brady evidence is grossly shocking." Transcript at 10:13-15.

I. "[T]he government was well aware that theories of self-defense, provocation and intimidation might become relevant if the defense could provide a sufficient offer of proof to the Court. However, the prosecution denied the defense its opportunity to provide favorable evidence to support their theories as a result of the government's withholding of evidence and this amounts to a *Brady* violation." Transcript at 10:22 to 11:11.

J. "[T]he prosecutor has a duty to learn of favorable evidence known to other government agents, including the police, if those persons were involved in the investigation or prosecution of the case." Transcript at 11:07–11 (*citing Kyles v. Whitley*, 514 U.S. 419 (1995).

K. "Clearly, the FBI was involved in the prosecution of this case." Transcript at 11:12.

L. "Based on the prosecution's failure to look for evidence outside of that provided by the FBI and the FBI's failure to provide evidence that is potentially exculpatory to the prosecution for discovery purposes, the Court finds that a universal sense of justice has been violated." Transcript at 11:13–17.

M. Alternatively, a district court may exercise its supervisory powers in three different enumerated ways: Number one, 'to remedy unconstitutional or statutory violation[s]'; number two, 'to protect judicial integrity by ensuring that a conviction rests on appropriate considerations validly before a jury'; or number three, 'to deter future illegal conduct." Transcript at 11:24 to 12:06 (quoting *United States v. Simpson*, 813 F.2d 1462 (9th Cir. 1991)).

N. "In *United States vs. W.R. Grace*," 504 F.3d 745 (9th Cir. 2007) "the Ninth Circuit clarified that the exercise of the Court's inherent powers is not limited to these three grounds enumerated in *Simpson* ...." Transcript at 11:24 to 12:07-10.

O. "'Dismissal is appropriate when the investigatory or prosecutorial process has violated a federal Constitution or statutory right and no lesser remedial action is available.'" Transcript at 12:11-14 (*quoting U.S. v. Barrera-Moreno*, 951 F.2d 1089 (9th Cir. 1991)).

P. "The Ninth Circuit has recognized that exercise of a supervisory power is an appropriate means of policing ethical misconduct by prosecutors." Transcript at 11:15-18 (*citing U.S. v. Lopez*, 4 F.3d 1455 (9th Cir. 1993)).

Q. "So 'dismissal under the Court's supervisory powers for prosecutorial misconduct requires both: 'Number one, flagrant misbehavior, and number two, substantial prejudice.'" Transcript at 12:19-23 (*quoting United States v. Kearns*, 5 F.3d 1251 (9th Cir. 1993)).

R. "Neither accidental nor mere negligent governmental conduct is sufficient. The idea of prejudice entails that the government's conduct had at least some impact on the verdict and thus rounded to the defendant's prejudice." Transcript at 12:24 to 13:02.

S. "In Order for the Court to dismiss an Indictment under the supervisory powers, the Court must find that there has been flagrant prosecutorial misconduct, substantial prejudice to the defendants, and that no lesser remedial action is available." Transcript at 13:03-06.

T. "So the Court looks to *Chapman*, *U.S. v. Chapman*." [524 F.3d 1073 (9th Cir. 2008)] ... The district court in *Chapman* found that the 'Assistant U.S. Attorney acted flagrantly, willfully and in bad faith' and that he had made 'affirmative misrepresentations to the Court,' and that the defendants would be prejudiced by a new trial and that no lesser standard would adequately remedy the harm done after reviewing the totality of the proceedings before it." Transcript at 14:8, 14:12-18.

U. "The Ninth Circuit held that the *Chapman* court did not abuse its discretion by dismissing the Indictment pursuant to its supervisory powers." Transcript at 14:10-21.

V. "'The prosecutor has a 'sworn duty' to assure that the defendant has a fair and impartial trial. His interest in a particular case is not necessarily to win, but to do justice.'" Transcript at 15:14-17 (*quoting U.S. v. Chapman*." 524 F.3d 1073 (9th Cir. 2008)).

W. "[T]he fact that the prosecution failed to look beyond the files provided by the FBI is not mere negligence; it is a reckless disregard for its Constitution[al] obligations to learn and seek out favorable evidence. The prosecution's reliance on the FBI to provide the required information *amounted to an intentional abdication of its responsibility*." Transcript at 16:11-16 (Emphasis Added).

X. "Thus, the Court does find that there has been flagrant prosecutorial misconduct in this case ...." Transcript at 19:09-10.[6]

Y. "The Court is troubled by the prosecution's failure to look beyond the FBI file that was provided and construes the Brady violations in concert as a reckless disregard of its discovery obligations. The government's recklessness and the prejudice the defendants will suffer as a result of a retrial warrant the extreme measure of dismissing the Indictment because no lesser sanction would adequately ... deter future investigatory and prosecutorial misconduct." Transcript at 20:14-21.

Z. "[The government's] conduct has caused the integrity of a future trial and any resulting conviction to be even more questionable. Both the defense and the community possess the right to expect a fair process with a reliable conclusion. Therefore, it is the Court's position that none of the alternative sanctions available are as certain to impress the government with the Court's resoluteness in holding prosecutors and their investigative agencies to the ethical standards which regulate the legal profession as a whole." Transcript at 20:23 to 21:07.

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[6] With regard to the prejudice resulting from the government's recent production of BLM Officer Wooten's Whistleblower Complaint, Judge Navarro was troubled by his "abrupt removal ... in February 2017, allegedly by the prosecution because he complained of Special Agent in Charge Dan Love's misconduct, the investigating law enforcement officer's bias, the government's bias, and the failure to disclose exculpatory evidence." Transcript at 19:23 to 20:05.

AA. "The Court finds that the government's conduct in this case was indeed outrageous, amounting to a due process violation, and that a new trial is not an adequate sanction for this due process violation." Transcript at 21:08-11 (Emphasis Added).

BB. "Even if the government's conduct did not rise to the level of a due process violation, the Court would nonetheless dismiss under its supervisory powers because there has been flagrant misconduct, substantial prejudice, and no lesser remedy is sufficient ... Number one, to properly remedy the constitutional violation; number two, to protect judicial integrity by ensuring that a conviction rests only on appropriate considerations validly before a jury; and number three, to deter future illegal conduct." Transcript at 21:12-16, 21:20-24.

111. On the heels of the GOVERNMENT EMPLOYEES' conspiracy being exposed and the lead case of the consolidated matter against Tier 1 defendants being dismissed, the UNITED STATES, on February 7, 2019 voluntarily moved to dismiss, with prejudice, their fabricated criminal charges against the Tier 2 defendants – false charges against all three Tiers which directly, proximately and foreseeably caused, among other things: (a) the false arrest of each Tier 1, 2, & 3 defendant; (b) the wrongful denial of bail; (c) the unlawful detainment, imprisonment and monitoring of each Tier 1, 2, & 3 defendant; (d) the egregious separation of the Tier 1, 2, & 3 defendants from their friends, family and loved ones, including, without limitation, the Bundy Family Plaintiffs, and the ongoing stress and mental, physical and emotional anguish which Plaintiffs continue to experience; (e) the corresponding loss of consortium wrongfully forced on Plaintiffs (f) the inability for Plaintiffs to freely practice their faith and attend weekly family worship services / other church events – tenants of the LDS faith; (g) financial, occupational and reputational harm as a result of the GOVERNMENT EMPLOYEES' egregious branding and characterization of Plaintiffs in the media as "domestic terrorists;" (h) the loss of gainful employment, including, without limitation, future impairment for Plaintiffs' chosen professions; (i) harassment and embarrassment resulting from the GOVERNMENT EMPLOYEES' placement and continued maintenance of Plaintiffs on the "No Fly List" which results in improper detainment, interrogation, delays and other travel restrictions

when they attempt to fly commercially; and (j) interference with Plaintiffs' right to lawfully acquire and bear arms due to the GOVERNMENT EMPLOYEES' placement of Plaintiffs on secret lists which disqualifies and precludes them from purchasing firearms.

The UNITED STATES' Constitutional & Statutory Violations

112. As a direct, proximate and foreseeable cause of the GOVERNMENT EMPLOYEES' conspiracy (one that involved multiple egregious acts performed by these duly authorized representatives in their official capacity; that is, within the scope and course of their employment with their respective federal agencies, and performed in furtherance of that conspiracy), along with other independent, unprivileged acts performed by AUSAs Ahmed, Myhre and Bogden, BLM SAC Love, Officers Stover and Brunk, and Agent Willis, Plaintiffs' rights were knowingly, intentionally and willfully violated, infringed upon and impaired, including, without limitation:

A. The Plaintiffs' right to assemble together, exercise free speech and lawfully protest against the UNITED STATES' egregious conduct and its wrongful curtailment of their rights by the GOVERNMENT EMPLOYEES in contravention of the First Amendment to the United States Constitution; Article 1, Sections 1 (Inalienable Rights), 9 (Liberty of Speech) and 10 (Right to Assemble & Petition) of the Nevada Constitution; and Nevada Revised Statute ("NRS") 41.637's protection of good faith communications in furtherance of Plaintiffs' right to petition or the right to free speech in direct connection with an issue of public concern, including any "[c]ommunication made in direct connection with an issue of public interest in a place open to the public or in a public forum."

B. Plaintiffs' right to lawfully purchase, keep and bear arms as provided for in the Second Amendment to the United States Constitution; Article 1, Section 11 (Right to Keep & Bear Arms; Civil Power Supreme) of the Nevada Constitution; and NRS 244.364 which vests control over the regulation of, and policies concerning, firearms, firearm accessories and ammunition with the Nevada State Legislature, including, without limitation, the regulation of transfers, sales and purchases of same;

C. The GOVERNMENT EMPLOYEES' fabricated indictments, unlawful arrests, rogue detainments, preclusion of bail, false imprisonment and malicious prosecution of the Plaintiffs (i.e., without probable cause or due process of law), deprived the Plaintiffs of their life, liberty and property rights, and constituted cruel and unusual punishment in contravention of the Fourth, Fifth and Eighth Amendments to the United States Constitution; Article 1, Section 1 (Inalienable Rights), Section 6 (Excessive Bail & Fines), Section 8 (Rights of Accused in Criminal Prosecutions) and Section 18 (Unreasonable Seizure & Search; Issuance of Warrants) of the Nevada Constitution; NRS 199.310 (Malicious Prosecution) and NRS 200.460 (False Imprisonment).

D. The GOVERNMENT EMPLOYEES' abhorrent and outrageous conduct – conduct which irrefutably shocks the conscious – egregiously deprived the Plaintiffs of their life, liberty and property rights in contravention of substantive and procedural due process rights; rights guaranteed to them by the Fifth Amendment of the United States Constitution and Article 1, Section 8 of the Nevada Constitution. Federal agents called Plaintiff Ryan Bundy, his family, and his supporters derogatory, vile terms and names, including "retards," "rednecks," "tractor-face," and "inbred."

E. The GOVERNMENT EMPLOYEES' egregious placement and maintenance of Plaintiffs on the "Prohibited Persons List" for purchasing or otherwise acquiring a weapon governed by the Gun Control Act, 18 U.S.C. 922(g) based upon fabricated evidence and the GOVERNMENT EMPLOYEES' egregious branding and characterization of Plaintiffs as "domestic terrorists" without notice or an opportunity to be heard also violates Plaintiffs' substantive and procedural due process rights in violation of the Second Amendment to the United States Constitution and Article 1, Section 11 (Right to Keep & Bear Arms) of the Nevada Constitution. Notably, the Prohibited Persons List only applies to persons:

- Convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- who is a fugitive from justice;
- who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act, codified at 21 U.S.C. § 892);

- who has been adjudicated as a mental defective or has been committed to any mental institution;
- who is an illegal alien;
- who has been discharged from the Armed Forces under dishonorable conditions;
- who has renounced his or her United States citizenship;
- who is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner; or
- who has been convicted of a misdemeanor crime of domestic violence.

None of the aforementioned prohibitions, however, apply to Plaintiffs and, as such, the GOVERNMENT EMPLOYEES' placement and continued maintenance of Plaintiffs on this Prohibited Persons List is, and remains, unconstitutional.

G. The GOVERNMENT EMPLOYEES' unlawful arrest, detainment and incarceration of the Plaintiffs also precluded them from freely practicing their faith and attending weekly family worship services / other church events – in violation of the First and Eighth Amendments to the United States Constitution, and Article 1, Section 4 (Liberty of Conscience) and Section 6 (Cruel & Unusual Punishment) of the Nevada Constitution. Notably, throughout their incarceration, prison guards, at the direction of the GOVERNMENT EMPLOYEES, interfered with and ridiculed the Plaintiffs' LDS garments (undergarments worn under their clothes as a sacred symbol of their personal commitment to God and their commitment to fidelity). Plaintiff Ryan Bundy was subjected to stereotyping and subsequent prosecution by Defendants in retaliation for his exercise of his Faith and membership in the Church of Jesus Christ of Latter Day Saints, as federal agents involved in the Standoff and the aftermath have exhibited a deep animus against members of the Church of Jesus Christ of Latter Day Saints. By subjecting Plaintiff Ryan Bundy to criminal prosecution because of his faith and membership in the Church of Jesus Christ of Latter Day Saints, the exercise of his faith has been substantially burdened. By facing criminal prosecution, Plaintiff Ryan Bundy was forced, against his will, to violate his deeply held religious beliefs and convictions, until such time he refused to further do so, which increased the cruel and unusual punishments that were heaped upon him in the form of

solitary confinement, depriving him of rights of due process, causing physical injury, and many other violations.

Exhaustion of Administrative Remedies

113. Pursuant to 28 U.S.C. § 1346(b), Plaintiffs timely and properly submitted a Claim for Damage, Injury or Death to the UNITED STATES and its requisite agencies (i.e., the Federal Bureau of Investigation, the Bureau of Land Management and the United States Department of Justice on or about February 3, 2020), including, without limitation, an administrative tort claim demand package to the U.S. Department of Justice, Civil Division, Torts Branch, Federal Tort Claims Act section ("FTCA Section") which the U.S. Department of Justice acknowledged had all been received by February 6, 2020.

114. Since the FTCA Section did not act within six (6) months (i.e., by August 5, 2019), its failure to issue a decision is treated as a final decision, enabling Plaintiffs herein to proceed with their claims against the United States as of that date. *See* 28 U.S.C. § 2675(a).

115. Plaintiffs, therefore, have fully satisfied and exhausted their administrative obligations to present their FTCA claims to the Court and, as such, their FTCA Claims are properly before the Court, this Court possesses exclusive subject matter jurisdiction over same, and they are ripe for adjudication.

FIRST CLAIM FOR RELIEF
(Federal Tort Claims Act Claims - 28 U.S.C. § 2671 *et seq.*)
(All PLAINTIFFS v. UNITED STATES)

116. Plaintiffs fully incorporate herein by reference all allegations contained in paragraphs 1 through 116 of this Complaint.

117. Pursuant to 28 U.S.C. § 1346(b), "federal district courts have jurisdiction over a certain category of claims for which the [UNITED STATES] has waived its sovereign immunity and 'render[ed]' itself liable," including, without limitation, "'claims that are: [1] against the United States, [2] for money damages, ... [3] for injury or loss of property, or personal injury or death [4] caused by the negligent or wrongful act or omission of any employee of the Government [5] while acting within the scope of his office or employment, [6] under

circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.'" *F.D.I.C. v. Meyer*, 510 U.S. 471, 477 (1994) (quoting 28 U.S.C. § 1346(b)).

118. "A claim comes within this jurisdictional grant – and thus is 'cognizable' under § 1346(b) – if it is actionable under § 1346(b). And a claim is actionable under § 1346(b) if it alleges the six elements outlined above." *Id.* (*citing Loeffler v. Frank*, 486 U.S. 549 (1988).

119. The Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 2671 *et seq.,* is the exclusive remedy for tort actions against a Federal agency (28 U.S.C. § 2679(a)) and against Federal employees who commit torts while acting within the scope and course of their employment (28 U.S.C. § 2679(b)(1)).

120. As set forth above, the GOVERNMENT EMPLOYEES engaged in certain tortious acts in their official capacities.

121. With regard to the GOVERNMENT EMPLOYEES' tortious conduct that was performed while they were "acting within the scope of [their official] office[s] or employment at the time of the incident out of which the [Plaintiffs'] claim[s] arose," the UNITED STATES is solely liable for that conduct as mandated by 28 U.S.C. § 2679(d)(2)) and the Federal Employees Liability Reform & Tort Compensation Act of 1988 ("Westfall Act").

122. Similarly, Plaintiffs' exclusive remedy for their tort-based claims against the GOVERNMENT EMPLOYEES' employers (i.e., the DOJ, DOI, BLM and FBI) is the UNITED STATES (28 U.S.C. § 2679(a)).

123. To that end, 28 U.S.C. § 2680(h) expressly provides that the UNITED STATES is also liable for certain intentional torts that are based on the "acts or omissions" of an "investigative or law enforcement officer" and include "[a]ny claim arising out of ... false imprisonment, false arrest, [and] malicious prosecution ...." *Millbrook v. U.S.*, 569 U.S. 50, 52 (2013) (*citing* 28 U.S.C. § 2680(h); *see also Levin v. United States*, 568 U.S. 503 (2013)).

124. Here, Plaintiffs have valid State-law tort claims arising out of, related to and connected with the GOVERNMENT EMPLOYEES' tortious conduct that was performed in

their official capacity and during the scope and course of their employment with the DOJ, DOI / BLM and FBI, including, without limitation, the following claims:

A. False Arrest

In Nevada, to establish false arrest, 'a plaintiff must show the defendant instigated or effected an unlawful arrest." *Jones v. Las Vegas Metropolitan Police Dept.*, 2011 WL 13305450 at *3 (D.Nev. 2011) (*quoting Nau v. Sellman*, 757 P.2d 358, 260 (Nev. 1988)). To that end, PLAINTIFFS affirmatively allege that the GOVERNMENT EMPLOYEES fabricated evidence, suborned and provided perjurious testimony, and egregiously withheld and destroyed exculpatory evidence so that they could erroneously secure Grand Jury Indictments upon which the false arrest warrants were issued against the Plaintiffs. Plaintiffs further allege that, as a direct, proximate, and foreseeable cause of the GOVERNMENT EMPLOYEES' tortious acts related to the instigation or effectuation of the unlawful arrest of the Plaintiffs (i.e., those acts performed in their official capacity, scope and employment with the DOJ, DOI/BLM and FBI), the UNITED STATES is, and remains, liable therefor.

B. False Imprisonment

In Nevada, "[f]alse imprisonment is an unlawful violation of the personal liberty of another and consists in confinement or detention without legal sufficient authority." NRS 200.460. "To establish false imprisonment of which false arrest is an integral part, it is ... necessary to prove that the person be restrained of his liberty under probable imminence of force without any legal cause or justification." *Jones*, 2011 WL 13305450 at *3 (*quoting Hernandez v. City of Reno*, 634 P.2d 668, 671 (Nev. 1981). "Thus, 'an actor is subject to liability to another for false imprisonment 'if (a) he acts intending to confine the other ... within the boundaries fixed by the actor, and (b) his act directly or indirectly results in a confinement of the other, and (c) the other is conscious of the confinement or is harmed by it.'" *Id.* (*quoting* Restatement (Second) of Torts § 35 (1965)). Plaintiffs, here, affirmatively allege that they were unlawfully detained, imprisoned and held in-custody by the UNITED STATES for almost two years, suffering cruel and unusual punishments with no determination of guilt until charges against Plaintiff were

dismissed with prejudice in January 2018. Plaintiffs further allege that, as a direct, proximate and foreseeable cause of those tortious acts related to the Plaintiffs' incarceration (i.e., acts performed by the GOVERNMENT EMPLOYEES in their official capacity, scope and employment with the DOJ, DOI/BLM and FBI), those acts: (a) were performed with the intention of confining the Plaintiffs to prison; (b) they directly or indirectly resulted in the Plaintiffs' confinement; and (c) all Plaintiffs were conscious of that unlawful confinement. As a result, the UNITED STATES is, and remains, liable therefor.

C. Malicious Prosecution

In Nevada, "[a] person who maliciously and without probable cause therefor, causes or attempts to cause another person to be arrested or proceeded against for any crime of which that person is innocent" is liable for malicious prosecution. NRS 199.310. In this regard, to state a claim for malicious prosecution under Nevada law, a Plaintiff must allege: "(1) that the defendant lacked probable cause to initiate a prosecution; (2) malice; (3) the prior criminal proceedings were terminated in his favor; and (4) Plaintiff suffered damages." *Anderson v. United States*, 2019 WL 6357256 at *2 (D.Nev. 2019) *(quoting LaMantia v. Redisi*, 118 Nev. 27, 30, 38 P.3d 877, 879 (Nev. 2002)). Plaintiffs here affirmatively allege that the GOVERNMENT EMPLOYEES' fabrication of evidence, elicitation and providing of perjurious testimony, along with the egregious withholding and destruction of exculpatory evidence so that they could wrongfully secure Grand Jury Indictments and arrest warrants against the Plaintiffs establishes the absence of probable cause, along with the malicious intent of said GOVERNMENT EMPLOYEES' conduct. Plaintiffs further allege that the UNITED STATES' dismissal, with prejudice, of all charges against the Plaintiffs unequivocally establishes that the Underlying Action was terminated in the Plaintiffs' favor. Moreover, as detailed below, Plaintiffs sustained damages as a direct, proximate and foreseeable cause of the aforementioned tortious conduct.D.

D. Intentional Infliction of Emotional Distress

In *Sheehan v. U.S.*, 896 F.2d 1168, 1172 (9th Cir. 1990), the Ninth Circuit Court of Appeals expressly recognized the appropriateness of an intentional infliction of emotional

distress claim in FTCA actions. To that end, in Nevada, "[t]he elements of a cause of action for intentional infliction of emotional distress are '(1) extreme and outrageous conduct with either the intention of, or reckless disregard for, causing emotional distress, (2) the plaintiff's having suffered severe or extreme emotional distress and (3) actual or proximate causation.'" *Dillard Dept. Stores, Inc. v. Beckwith*, 115 Nev. 372, 378, 989 P.2d 882, 886 (Nev. 1999). Plaintiffs here affirmatively allege that the GOVERNMENT EMPLOYEES' conduct i.e., for those acts performed in their official capacity, scope and employment with the DOJ, DOI/BLM and FBI) was: (1) extreme and outrageous and accomplished with the intent, or reckless disregard for, causing Plaintiffs' emotional distress; (2) the Plaintiffs, in fact, have suffered, and continue to suffer from, severe and extreme emotional distress; which (3) was actually or proximately caused by such extreme and outrageous conduct. As a result, the UNITED STATES is, and remains, liable for Plaintiffs' damages (discussed below).

E. Loss of Consortium

"Nevada law recognizes that '[a]n action for loss of consortium is derivative of the primary harm to the physically injured spouse (parent)).'" *Fakoya v. County of Clark*, 2014 WL 5020592 at *9 (D.Nev. 2014) (*citing Gen. Motors Corp. v. Eighth Judicial Dist. Court of State of Nev. ex rel. Cnty. of Clark*, 122 Nev. 466, 134 P.3d 111 (Nev. 2006). Here, Plaintiffs affirmatively allege that as a direct, proximate and foreseeable cause of the GOVERNMENT EMPLOYEES' tortious conduct, including, without limitation, the physical injuries sustained by Plaintiffs Dave Bundy and Ryan Bundy, the Bundy Family Plaintiffs have validly stated claims for relief against the UNITED STATES for those acts, performed by the GOVERNMENT EMPLOYEES in their official capacity, within the scope and course of their employment. Notably, Plaintiffs affirmatively allege that, as a direct, proximate, and foreseeable cause the aforementioned injuries:

1. Plaintiff Angela Bundy, the wife of Plaintiff Ryan Bundy, lost the love, affection, protection, support, services, companionship, care, society and sexual relations of her husband, all of which warrant an award of damages.

2. Plaintiffs Jamie Bundy, Veyo Bundy, Jerusha Bundy, Jasmine Bundy, Oak Bundy, Chloee Bundy, Moroni Bundy, and Salem Bundy also lost the love, affection, protection, support, care, society and parental guidance of their father, Plaintiff Ryan Bundy, all of which warrant an award of damages.

125. Plaintiffs further allege that as a direct, proximate, and foreseeable cause of certain GOVERNMENT EMPLOYEES' official capacity conduct performed in the scope and course of their employment with the DOJ, DOI / BLM and FBI, Plaintiff Angela Bundy suffered severe emotional, physical, mental, occupational, and financial distress – damages and injuries which continue to this day.

126. Pursuant to 28 U.S.C. § 1346(b), Plaintiffs timely and properly submitted a Claim for Damage, Injury or Death to the UNITED STATES and its requisite agencies; more than six (6) months have elapsed since the United States Department of Justice acknowledged its receipt of that demand package, rendering said claims denied pursuant to 28 U.S.C. § 2675(a); and, as such, at the time of filing this pleading, Plaintiffs have fully satisfied and exhausted their administrative obligations to present their FTCA claims to the Court.

PRAYER FOR RELIEF COMMON TO ALL COUNTS

WHEREFORE, Plaintiffs pray that this Court enter a judgment in their favor and against Defendants, and each of them, jointly and severally, and award as follows:

A. Monetary damages in an amount to be proven at trial;

B. Attorneys' fees and costs;

C. Pre-judgment and post-judgment interest pursuant to law;

D. For hedonic damages in favor of the Tier 1 Plaintiffs for the impairment of their future employment opportunities

E. Compensatory damages arising out of,, related to or connect with the reputational harm of being branded "domestic terrorists";

K. For all such other and further relief as the Court deems just and proper, including, without limitation, post-judgment attorneys' fees and costs.

DATED this 23rd day of October, 2023.

JUSTICE LAW CENTER

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