

Diego Rodriguez
1317 Edgewater Drive #5077
Orlando, FL 32804
(208) 891-7728

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,

Plaintiffs/Respondents,

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.

Idaho Supreme Court Case No. 51244-2023

Ada County Case No. CV01-22-06789

**FINAL REBUTTAL TO PLAINTIFFS’
REPLY IN SUPPORT OF MOTION TO
DISMISS APPEAL**

I. INTRODUCTION

The Plaintiffs’ latest filing attempts to distort the meaning and application of the *Fugitive Disentitlement Doctrine* to manufacture a basis to deny this Court the opportunity to review the constitutional, jurisdictional, and procedural errors that taint the underlying judgment. This is an **abuse of judicial process** and a **mockery of justice**.

Dismissal based on a novel, never-before-adopted application of fugitive disentitlement in Idaho would undermine public trust, set a dangerous precedent, and allow alleged judicial misconduct by Judge Norton to escape scrutiny.

II. LEGAL ARGUMENTS

A. Residency Is Legally Relevant

Plaintiffs dismiss my Florida residency as “irrelevant.” It is not. The only lawful application of the *Fugitive Disentitlement Doctrine* requires **intentional evasion**. Moving to another state well over a year before litigation began is clearly not “**evasion**.” My **lawful, pre-existing residency in Florida** destroys any pretense that I fled to avoid legal process.

B. Knowledge of Warrants Without Lawful Service Does Not Make One a Fugitive

Plaintiffs twist my knowledge of online listings into a legal acknowledgment of service. I have never been formally served, notified, or summoned to appear for any proceeding related to these alleged contempt warrants. Knowing of a warrant’s existence through third-party online searches does not equate to lawful notice, jurisdiction, or legal obligation to appear.

C. Precedent Forbids Dismissal Based on Unrelated Civil Warrants

The Degen and Ortega-Rodriguez decisions **explicitly warn** against overreaching applications of fugitive disentitlement.

- Degen confirms that courts ***must not misuse disentitlement*** to dodge merits-based review, noting that “***respect is eroded, not enhanced***” by such tactics.
- Ortega-Rodriguez makes clear that disentitlement applies only when there is a direct connection between fugitive status and the appellate process—which **does not exist here**.

D. Bias and Judicial Misconduct Are Central to This Appeal

Plaintiffs argue that I cannot challenge Judge Norton’s actions to avoid disentitlement. However, the **very validity of these contempt orders and warrants** is a **central issue** on appeal. It would be unconscionable to allow a **biased judge’s unreviewed actions** to be used as a **shield to prevent appellate oversight**.

Further, the second warrant—issued by Judge Baskin—**relied on orders and findings tainted by Judge Norton’s prior handling of the case.** It is not insulated from the broader constitutional challenge.

E. This Case is Civil, Not Criminal

The *fugitive disentitlement doctrine* is a discretionary, equitable tool most commonly applied in criminal or quasi-criminal contexts, not **civil defamation appeals**. No Idaho appellate decision has ever applied it in such a manner. **This Court should not be the first to weaponize it to silence a civil defendant raising serious constitutional concerns.**

F. Dismissal Would Reward Abuse of Process

Plaintiffs' repeated references to “prejudice” ignore **that any prejudice they claim is the direct result of their own manipulative tactics:**

- Suing me in Idaho while knowing I resided lawfully in Florida.
- Securing excessive sanctions and warrants through a biased judge.
- Weaponizing the legal process by overwhelming me with so many filings, motions, and procedural traps that meaningful participation becomes nearly impossible for a self-represented litigant. This is not justice; this is *legal attrition*.
- Attempting to short-circuit appellate review by invoking a discretionary doctrine never adopted in Idaho.

Allowing dismissal on these grounds would reward **judicial manipulation, deny due process, and chill the right to seek appellate relief.**

G. The Doctrine Is Disfavored, Discretionary, and Nearly Never Applied Without Criminal Evasion

Additional federal appellate courts have explicitly cautioned against using fugitive disentitlement as a broad weapon in civil appeals:

- In *United States v. \$6,976,934.65*, 481 F.3d 1101 (9th Cir. 2007), the court ruled that disentitlement is an extreme sanction, to be used sparingly and only in exceptional

circumstances involving actual abuse of the judicial process—**not routine civil appeals like this one.**

- The U.S. Supreme Court in *Molinaro v. New Jersey*, 396 U.S. 365 (1970), confirmed that disentitlement is discretionary, not mandatory, and applies only when a fugitive renders appellate review futile, **which is not the case here.**
- The Second Circuit in *Empire Blue Cross & Blue Shield v. Finkelstein*, 111 F.3d 278 (2d Cir. 1997), warned that disentitlement should not be imposed unless there is clear, willful evasion causing real prejudice to the appellate process, which has not happened here.

Applying disentitlement in this civil defamation context—where I have never fled and have participated fully in the appeal process—would misapply this narrowly-tailored doctrine, turning it into a **blunt instrument of injustice.**

III. CONCLUSION

For all these reasons, I respectfully request this Court:

- **Deny** the Motion to Dismiss in its entirety;
- **Reject** the invitation to adopt the *fugitive disentitlement doctrine* in this civil defamation context;
- **Preserve the integrity of Idaho’s appellate process** by allowing this appeal to proceed on the **merits**, not on manipulated technicalities;
- **Order oral argument** so that these critical issues of judicial accountability and constitutional due process can be fully and publicly addressed.

Respectfully submitted,

Diego Rodriguez, Appellant, Pro Se

DATED: May 16th, 2025

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

☒ By Email/iCourt/eServe

Ammon Bundy
4615 Harvest Lane
Emmet, ID 83617

☐ By Mail

☐ By fax

☒ By Email/iCourt/eServe

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