

Diego Rodriguez
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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

**REPLY IN SUPPORT OF MOTION TO
APPEAR REMOTELY FOR ORAL
ARGUMENT**

COMES NOW Defendant-Appellant Diego Rodriguez and respectfully submits this *Reply in Support of his Motion to Appear Remotely for Oral Argument*, and in response to the Plaintiffs’ Opposition filed by Holland & Hart LLP and the supporting declaration of Jennifer M. Jensen.

I. INTRODUCTION

Respondents have not cited a single statute, rule, or binding authority that precludes the Idaho Supreme Court from exercising discretion to allow remote oral argument. Instead, their

opposition is built on character attacks, misleading factual inferences, and appeals to prejudice—not law. Rodriguez reaffirms that his request to appear remotely is based on legitimate and compelling logistical, financial, and safety concerns, and that the integrity of this appeal should not be overshadowed by inflammatory rhetoric.

The truth is that the Plaintiff's Memorandum is simply a character attack disguised as a legal argument. It's not really about the merits of Mr. Rodriguez's *Motion to Appear Remotely* — it's about attempting to paint him as a law-dodging scofflaw so that the Court gets emotionally biased before oral arguments.

II. LEGAL FRAMEWORK ALLOWS REMOTE APPEARANCE

The Respondents misleadingly cite the Idaho Supreme Court's January 6, 2023 Order as if it prohibits remote proceedings. It does not. To the contrary, the Order arose in the wake of COVID-19 to evaluate and expand remote participation in Idaho courts. Its stated purpose was to explore how remote technology could *improve access* to justice—not to eliminate it. Moreover, the Order pertains primarily to trial court operations (e.g., jury trials and criminal matters), and it does not constrain this Court's discretion to permit remote oral argument, particularly in a high-stakes appeal involving constitutional rights and alleged judicial bias.

III. OPPOSITION IS BASED ON CHARACTER ATTACKS, NOT LAW

Respondents' memorandum makes no legal argument; it merely repeats inflammatory claims that have no bearing on the merits of this appeal or the procedural validity of the present motion.

A. Use of Virtual Address is Lawful and Not Evasive - Rodriguez's use of a virtual mailing address is entirely lawful and common practice among consultants and independent professionals. It has not prevented this Court, or any other, from communicating with him, and there is no showing that service of process or notice has ever failed. The address is valid and used in good faith for consistent receipt of legal correspondence. Additionally, this virtual address was obtained well over a year before this lawsuit was ever initiated—clearly

demonstrating that the purpose of obtaining the virtual address was never to avoid or frustrate legal process as the Plaintiff's falsely allege.

B. The Federal Court Fee Order Was Rooted in Judicial Bias, Not Misconduct by

Rodriguez - The Respondents also cite a federal attorney's fee award issued by Judge David Nye as supposed proof that Rodriguez's removal of the case to federal court was *frivolous*. This misrepresents both the law and the facts. Rodriguez removed the case to federal court pursuant to **28 U.S.C. § 1441(b)** and **Article III, Section 2 of the U.S. Constitution**, which expressly extends federal jurisdiction to "*controversies between citizens of different states.*" Rodriguez is a Florida resident, and the Plaintiffs are Idaho residents. His removal was not only made in good faith, it was made for the very reason the federal courts exist—to protect nonresident litigants from local bias and judicial overreach.

The Federal Court in Idaho, rather than engaging with these foundational jurisdictional principles... remanded the case with summary hostility and imposed an extraordinary **\$18,103.05 in legal fees** against a pro se litigant simply for invoking constitutional protections. The court's reasoning was **untethered from the Constitution** and reflects a disturbing pattern wherein **Idaho-based courts—state and federal—have repeatedly used procedural sanctions to suppress Rodriguez's access to justice.**

Rather than engage the legal merits of removal, Judge David Nye remanded the case and issued the fee sanction. In doing so, Judge Nye's ruling included a gratuitous and baseless public reprimand, stating:

"Lastly, Bundy, Rodriguez, and the Plaintiff entities are admonished that, in the future, if they are ever in federal court again, they are expected to conduct themselves with civility as required under District of Idaho Local Rule (Civil) 83.8. While zealous advocacy is always anticipated, the Court takes great umbrage when parties denigrate or threaten opposing parties or counsel."
[Federal Court Memorandum Decision and Order, Case No. 1:23-cv-00212-DCN, p. 9 (D. Idaho, May 19, 2023)]

This statement is factually unsupported and constitutes improper judicial chastisement. There is no record of either Mr. Rodriguez or Mr. Bundy threatening or denigrating anyone in federal court. In fact, neither party ever appeared in federal court in connection with the underlying case, nor did they submit filings that could reasonably be construed as uncivil or improper. Judge Nye offered no specific quote, no citation, and no factual basis for this public admonishment. It was a gratuitous chastisement—issued *sua sponte*, without notice, hearing, supporting record, or factual findings—and it reveals a clear predisposition by the court against Rodriguez and Bundy. This alone violates *Canon 3(B)(5) of the Code of Conduct for United States Judges*, which prohibits judicial bias or prejudgment, and further infringes the Appellant’s right to an impartial tribunal under the Due Process Clause of the U.S. Constitution.

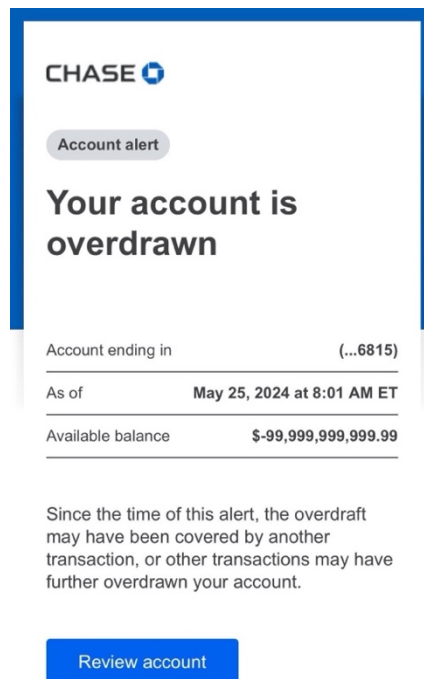
This ruling—and the fee award it authorized—is not evidence of Rodriguez’s misconduct, but of judicial overreach. Using that ruling now to argue against remote appearance only magnifies the constitutional harm. It further supports Rodriguez’s request to appear remotely, as it demonstrates the existence of institutional hostility toward him from both the state and federal judiciary in Idaho.

C. Participation in Florida Litigation Does Not Preclude Remote Appearance - Respondents exaggerate and mischaracterize Rodriguez’s filings in a parallel Florida enforcement case, painting good-faith legal motions as “dilatory.” In fact, Rodriguez has actively participated in Florida court proceedings, filed appropriate motions, and responded to discovery. His actions reflect persistence in protecting his legal rights—not evasion or obstruction. Rodriguez has complied with every genuine, lawful, and properly served obligation in this case. Any suggestion to the contrary is either based on procedural defects (such as improper service) or is being weaponized as part of a broader effort to portray Rodriguez as evasive, rather than what he is: *a Florida resident facing an onslaught of litigation from a politically motivated Plaintiff in a hostile jurisdiction*. Rodriguez has responded in good faith at every meaningful stage of this litigation and has never sought to avoid legitimate proceedings.

IV. REMOTE APPEARANCE IS NECESSARY TO PRESERVE DUE PROCESS

Rodriguez has compelling and specific reasons for requesting remote appearance:

- He resides in Florida over 2,000 miles away, and is the sole provider for his family, including dependent children, and also a supporter of his grandchildren.
- He lacks financial resources for cross-country travel, especially with ongoing judgment enforcement actions that have frozen accounts and created economic hardship. The Plaintiffs cite the marketing website of the company Mr. Rodriguez works for and say that he “charges tens of thousands per engagement,” so they claim financial hardship is “contradicted.” But this is completely out-of-context spin as public-facing business statements do not equal real-time liquidity or ability to abandon work, kids, family, and risk arrest to fly to hostile territory. It is also astonishing that Holland & Hart, acting under color of post-judgment enforcement, and in an outrageous display of *abuse of process*, has illegally placed a **\$100 billion** debit hold against Mr. Rodriguez’s personal bank account—a sum that is orders of magnitude beyond the \$52.5 million judgment itself. This illegal action rendered his account permanently frozen and financially paralyzed, making any claim that he has the liquidity for cross-country travel legally and logically absurd. A screenshot of the Chase account confirms this surreal abuse:



- He is subject to civil contempt warrants issued by Judge Lynn Norton—the very judge whose bias and misconduct are central issues on appeal. These warrants were issued without any personal service or notice to Rodriguez. To date, he has never been formally notified of the grounds for the warrants, nor has he had an opportunity to be heard or respond.
- The very existence of unserved civil contempt warrants, issued by a trial judge whose rulings are under constitutional review, illustrates why remote appearance is not a convenience—it is a minimum safeguard to preserve Rodriguez’s right to meaningful appellate review without coercion, entrapment, or deprivation of liberty without due process.
- Forcing Rodriguez to appear in Idaho under these circumstances—before this Court has reviewed the constitutionality of the underlying orders—would subject him to retaliatory or extrajudicial arrest based on unserved, potentially unlawful contempt proceedings, including coercive and punitive detention conditions known to exist in Ada County’s jail system, which has a documented reputation for severe treatment and due process failures toward political defendants and dissenters.
- Such a requirement would undermine the integrity of this appeal and violate fundamental due process. It would punish Rodriguez merely for pursuing constitutional redress, creating a chilling effect on his appellate rights.

V. RESPONDENTS’ ARGUMENTS CONSTITUTE A CONTINUED SLAPP PATTERN

The opposition filing is consistent with the same pattern of conduct that gave rise to this appeal: **abuse of civil process to silence political speech and punish dissent**. Respondents continue to use their extensive financial and legal resources not to address the merits, but to overwhelm, discredit, and silence the Appellant through attrition and reputational attacks.

The Idaho legislature has recently acted to address these kinds of abuses through new anti-SLAPP protections, and Rodriguez urges this Court to ensure his access to appellate review is not chilled by procedural or reputational obstacles.

VI. CONCLUSION

For the foregoing reasons, and in the interest of justice, Diego Rodriguez respectfully requests that the Court grant his Motion to Appear Remotely for Oral Argument.

DATED: June 12th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2025, I served a true and correct copy of the foregoing Motion to Appear Remotely via iCourt electronic service to the following:

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DATED: June 12th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez