

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

**RENEWED MOTION TO APPEAR
REMOTELY FOR ORAL ARGUMENT,
OR IN THE ALTERNATIVE, MOTION
FOR CLARIFICATION OF
PARTICIPATION RIGHTS**

COMES NOW, Appellant Diego Rodriguez, and respectfully submits this ***Renewed Motion to Appear Remotely for Oral Argument, or, in the alternative, a Motion for Clarification*** regarding the Court’s July 22, 2025 Order denying Appellant’s *Emergency Motion for Reconsideration*. This motion is brought pursuant to Idaho Appellate Rule 37 and the Idaho Supreme Court’s own public commitment to remote access as a means of ensuring due process and equal access to justice, in light of unresolved due process concerns, and the Court’s *silence* on the specific question of remote appearance.

I. INTRODUCTION

Appellant respectfully renews his request to appear remotely for oral argument which has not yet been scheduled. This renewed motion is not an attempt to re-argue the broader issues previously raised, but is submitted to preserve Appellant’s ability to participate meaningfully in appellate review and to seek clarification where the Court’s silence has created constitutional uncertainty.

II. PROCEDURAL BACKGROUND

Appellant initially filed a *Motion to Appear Remotely* on May 29, 2025, outlining compelling logistical, financial, and safety-related obstacles to in-person appearance. Respondents opposed the motion, and Appellant submitted a detailed reply on June 12, 2025. After the Court issued an order on June 27 requiring physical appearance, Appellant filed an *Emergency Motion for Reconsideration* on the grounds that compliance would place him at risk of arrest due to active civil contempt warrants—issued by the very trial court whose orders are on appeal and more importantly, in light of the fact that remote appearance is both feasible and acceptable by the Idaho Supreme Court.

The Court denied the Emergency Motion on July 23, 2025, citing Idaho Appellate Rule 37. However, the denial did not address—either explicitly or implicitly—the specific and repeatedly raised issue of remote appearance, nor the due process arguments made in support thereof.

III. THE IDAHO SUPREME COURT HAS ALREADY APPROVED REMOTE APPEARANCES AS CONSISTENT WITH APPELLATE RULE 37

Idaho Appellate Rule 37 provides that oral argument shall be held unless (1) all parties stipulate to waive it, or (2) the Court orders argument to be submitted on the briefs. The rule does not prohibit remote argument, and the Court has full discretion to determine the format of such appearances. The Idaho Supreme Court itself, in a January 6, 2023 memorandum authored by Chief Justice Richard Bevan, stated:

“Over recent years Idaho's courts have developed the infrastructure and expertise to expand the use of technology as a resource to allow parties to appear remotely for court proceedings. As the

use of remote proceedings has expanded, courts have found remote proceedings enhance litigants' access to justice by reducing travel time, reducing some litigation costs, increasing victim safety, increasing participation by certain individuals, and generally increasing efficiency in many proceedings.”

Appellant is seeking only to utilize this infrastructure to ensure participation without undue hardship or constitutional compromise. This request is consistent with Rule 37, does not prejudice the Respondents, and imposes no burden on the Court.

IV. GROUNDS FOR RENEWED RELIEF OR CLARIFICATION

A. The Court’s Silence on Remote Appearance Violates Due Process.

Appellant has consistently asserted that remote participation satisfies all requirements of I.A.R. 37, which allows for oral argument unless waived by the parties or the Court. Nothing in the Rule prohibits remote appearance, and the Idaho Supreme Court has both endorsed and conducted remote proceedings in numerous cases. The Court’s public statements—most notably Chief Justice Bevan’s January 2023 Memorandum—affirm that remote participation enhances access to justice and should be used to reduce unnecessary burdens.

Despite this, the Court has twice declined to address Appellant’s specific request for remote participation. This silence has critical consequences: without any explanation, Appellant is left to guess the basis of the denial, undermining the transparency and fairness required in all judicial proceedings.

The U.S. Supreme Court has long held that due process requires a meaningful opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) — “*The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.*” That opportunity is not meaningful when physical presence is impossible and no alternative is granted—especially when video (aka remote) appearance is fully available.

Moreover, courts have a duty to explain decisions that restrict constitutional rights. In *Goldberg v. Kelly*, 397 U.S. 254, 271 (1970), the Court made clear: “*The decision maker should state the reasons for his determination.*” While Canon 2.6(A) of the Idaho Code of Judicial Conduct affirms that every person has “*the right to be heard according to law,*” this right is hollow if the Court provides no legal basis for denying a reasonable and lawful method of participation. **Where remote access is both legally sufficient and practically necessary, a failure to justify its denial is not just procedurally irregular—it suggests arbitrariness and potential bias.**

B. Appellant Has No Other Means of Participation.

Appellant remains unable to appear in Idaho due to the threat of immediate arrest on civil contempt warrants—warrants stemming from the very judgment under review. He is also financially unable to retain legal counsel to appear in his stead. Additionally, he lives over 2,000 miles away in Florida. Thus, remote appearance remains the only viable path for Appellant to present oral argument.

C. A Clarification Is Necessary to Preserve Appellate Integrity.

If the Court is not inclined to grant this renewed motion, Appellant respectfully requests a written clarification as to whether:

1. Remote appearance is categorically denied, and if so, on what grounds;
2. Whether any rule, policy, or judicial practice exists under which the Court permits remote participation in oral argument, including by Zoom or similar platform;

Absent such clarification, Appellant remains in a procedural limbo: he cannot appear physically without risk of arrest, cannot afford counsel, and has received no explanation why remote participation is unavailable.

V. CONCLUSION

Appellant’s intent is not to delay proceedings or burden the Court, but to preserve his constitutional right to meaningful appellate participation. If the Court is unwilling to grant

remote appearance, Appellant respectfully requests that it clarify its position in writing so that he may consider alternative relief.

Respectfully submitted,

DATED: July 24th, 2025

By: /s/ *Diego Rodriguez*
Diego Rodriguez

CERTIFICATE OF SERVICE

I hereby certify that on June 27th, 2025, I served a true and correct copy to:

Erik F. Stidham (ISB #5483)
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Boise, ID 83702-5974

☐ By Mail
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☒ By Email/iCourt/eServe

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DATED: July 24th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez