

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

**MOTION TO STAY IN PERSON ORAL
ARGUMENT PENDING FEDERAL
INTERVENTION**

COMES NOW the Appellant, Diego Rodriguez, and respectfully moves this Court to stay the requirement that he appear in person for oral argument scheduled on November 10, 2025, pending resolution of forthcoming federal intervention seeking injunctive and constitutional relief.

BACKGROUND

Appellant has now filed three separate and well-documented motions requesting leave to appear remotely for oral argument:

1. Original Motion to Appear Remotely (Denied by Chief Justice Bevan on June 27, 2025)

2. Emergency Motion for Reconsideration (Denied by Justice Brody on July 23, 2025)
3. Renewed Motion and Clarification Request (Denied by Chief Justice Bevan on August 1, 2025)

In each of these denials, this Court has failed to provide even a single sentence of explanation, despite Appellant's express demand for a reasoned ruling.

This refusal to explain violates:

- **Judicial ethics**, which require transparency and reason-giving for judicial rulings, especially when they implicate rights;
- **Due process principles**, which require notice and opportunity to understand and respond;
- **Public policy**, which demands consistency and predictability in judicial procedure.

Most notably, none of the denials acknowledged or addressed the January 6, 2023 memorandum authored by Chief Justice Bevan himself, which affirms the Idaho Supreme Court's ongoing support for remote oral argument appearances to improve access and reduce hardship. To quote Justice Bevan and his official memo, "...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..."

This conduct leaves Appellant—and the public—with only two plausible conclusions: ***either the Justices are willfully disregarding their own published precedent in flagrant contradiction of judicial norms—demonstrating hypocrisy, incompetence, and a reckless abandonment of their constitutional duty, exposing themselves as either unfit to serve or intentionally abusive of their office—or they are engaging in deliberate bias and obstruction against Appellant. There is no third option.***

LEGAL BASIS FOR STAY

This Court has the inherent authority and discretion to stay enforcement of its own in-person appearance requirement where constitutional rights are at stake and federal intervention is pending. A stay is warranted based on:

1. Substantial Constitutional Questions

Appellant will imminently seek federal relief based on violations of his First, Fifth, and Fourteenth Amendment rights, including:

- a) **Access to Courts** – Appellant is being denied meaningful participation in his own appeal due to an unreasonable, unexplained, and selective in-person mandate that obstructs his ability to be heard.
- b) **Due Process** – Repeated summary denials, without explanation or acknowledgment of Appellant’s arguments or constitutional assertions, violate fundamental fairness and procedural integrity.
- c) **Viewpoint Discrimination** – Given the political nature of this case, and Appellant’s criticism of government and judicial actions, denial of access appears to be motivated by hostility to his beliefs and identity.
- d) **Retaliatory Harassment Under Color of Law** – The cumulative pattern of denial, obstruction, and refusal to accommodate basic access—especially in light of the Court’s own remote policies—demonstrates purposeful targeting and abuse of judicial discretion for retaliatory purposes. State actors who use official powers to retaliate against protected conduct may be held liable under § 1983.

2. Irreparable Harm

Without a stay, Appellant faces an impossible choice: violate the Court’s order or be constructively barred from participating in his own appeal—resulting in total denial of justice.

3. Precedent and Policy

When a litigant raises constitutional challenges to judicial procedure, courts have a duty to avoid mooted the federal claim before it can be resolved. Proceeding without pause would nullify pending rights and remedies.

4. Inconsistency with This Court’s Own Stated Policies

The denial of remote access in this case contradicts Idaho’s official appellate procedures, codified administrative practice, and public-facing commitments to remote accessibility—undermining public confidence in the judiciary.

CONCLUSION

Appellant respectfully requests that this Court:

- STAY enforcement of the in-person appearance requirement for oral argument scheduled on November 10, 2025, pending the outcome of federal intervention.
- This stay will preserve Appellant's constitutional rights, avoid premature enforcement, and restore a measure of procedural integrity to these proceedings.
- Appellant reserves all rights to pursue federal injunctive relief, and to assert such violations as part of any future appeal or complaint under 42 U.S.C. § 1983.

Respectfully submitted,

DATED: September 6th, 2025

By: /s/ Diego Rodriguez_____

Diego Rodriguez

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy to:

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DATED: September 6th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez