

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

**STATEMENT IN LIEU OF ORAL
ARGUMENT AND RESERVATION OF
RIGHTS**

COMES NOW the Appellant, Diego Rodriguez, appearing pro se, and submits this *Statement in Lieu of Oral Argument* for the limited purpose of (1) preserving his constitutional right to be heard, (2) preventing any waiver from his involuntary absence at the scheduled oral argument on November 10, 2025, and (3) ensuring that the record accurately reflects the facts, issues, and constitutional principles that would have been presented if remote appearance had been permitted.

This filing is not a motion and requests no relief. It is submitted solely for record preservation.

I. BACKGROUND AND PROCEDURAL POSTURE

Appellant has, on three separate occasions, sought permission from this Court to appear remotely for oral argument, each based on compelling constitutional and practical grounds.

1. ***Motion to Appear Remotely for Oral Argument***, filed May 29, 2025 which was denied by Justice G. Richard Bevan on June 27th, 2025 without explanation.
2. ***Emergency Motion for Reconsideration and Request for Stay of Enforcement Due to Imminent Arrest Risk***, filed June 27th, 2025 which was denied by Justice Robyn Brody on July 23rd without explanation.
3. ***Renewed Motion to Appear Remotely for Oral Argument***, filed July 24th, 2025, which was denied by Justice G. Richard Bevan on August 1, 2025, still without explanation.

Each of these filings documented Appellant's status as a Florida resident and the existence of two active Ada County civil-contempt warrants arising from the same underlying case—warrants issued without personal service by Judge Lynn Norton, whose impartiality is a central issue on appeal.

On September 24, 2025, Chief Justice G. Richard Bevan entered an “Order Denying Motions.” That Order rejected Appellant's motions to stay in-person appearance and to preserve unresolved federal constitutional questions, and declared that if a party “*declines to appear for oral argument, the Court will consider any written arguments submitted by that party.*” It further asserted that the January 2, 2023 Order Re: Remote Court Proceedings “*does not require virtual hearings*” and “*leaves the decision to order virtual hearings to each judge's discretion.*”

Following that ruling, Appellant filed the “*Supplemental Statement for the Record and Notice of Judicial Irregularities*” on October 11, 2025, documenting that Chief Justice Bevan's *Order Denying Motions* not only mischaracterized the record but also exemplified the broader pattern of judicial evasion and bias that has infected this appeal. The Order attributed arguments to Appellant that he never made, ignored direct citations to governing law, and offered no legal reasoning for denying remote participation other than to restate its own discretionary authority.

By refusing to engage with the constitutional arguments presented—specifically, the right of access to the courts, equal protection for self-represented litigants, and the conflict of interest arising from ongoing judicial complaints—Chief Justice Bevan effectively insulated himself and his colleagues from accountability. His ruling thereby confirmed the very irregularities it sought to dismiss.

The Court’s handling of these motions has demonstrated not judicial restraint, but judicial avoidance. It left unanswered every substantive issue raised: the documented conflicts of interest, the denial of procedural fairness, and the constitutional right of a litigant to participate meaningfully in his own appeal. This conduct by the State’s highest court has further eroded public trust and stands as evidence that institutional bias in Idaho’s judiciary is not confined to the trial level—it reaches the appellate bench itself.

II. INVOLUNTARY ABSENCE AND NON-WAIVER

Appellant is a lawful citizen and resident of the State of Florida and therefore resides outside the State of Idaho. His inability to attend in person is due not to defiance or neglect, but to geography, financial limitations, and the Court’s refusal to permit remote participation.

Appellant’s absence is further informed by the existence of active Ada County civil-contempt warrants arising from this same case, which make physical entry into Idaho unsafe and coercive. Accordingly, his non-appearance is not voluntary but compelled by circumstances beyond his control. He has not refused to appear, nor has he waived his right to oral argument. Rather, he has repeatedly sought lawful means—remote appearance or written submission—to participate fully and transparently in these proceedings. Treating that absence as waiver would compound the due-process violation already preserved in the record.

III. SUMMARY OF THE ARGUMENT THAT WOULD HAVE BEEN PRESENTED

If allowed to appear remotely, Appellant would have addressed and highlighted the following points already set forth in the briefs:

1. JUDICIAL BIAS AND CONFLICTS OF INTEREST

A. **Judge Lynn Norton** should have recused herself due to clear and documented bias throughout the underlying proceedings. She is married to an employee of the Bureau of Land Management (“BLM”), a federal agency with a well-documented and court-recognized history of hostility toward Ammon Bundy and his family—key defendants in this same case. This undisclosed relationship created an unmistakable appearance of bias and a direct conflict of interest that made her continued participation ethically impermissible under the *Idaho Code of Judicial Conduct, Rule 2.11*.

Judge Norton’s actions in the record further demonstrate this bias. As detailed in the Judicial Misconduct Complaint filed against her with the Idaho Judicial Council, she repeatedly violated Appellant’s constitutional and procedural rights, including:

- issuing orders against Appellant before lawful service and without jurisdiction;
- compelling an out-of-state Florida resident to appear in Idaho at his own expense;
- imposing excessive bail in a civil matter;
- striking all of Appellant’s answers from the record;
- prohibiting him from presenting evidence; and
- imposing sanctions while excusing comparable violations by the Plaintiffs.

These acts, taken together, show a pattern of conduct incompatible with judicial neutrality and consistent with the personal and institutional bias inherent in her conflict of interest. In fact, the cumulative pattern of Judge Norton’s conduct culminated in her unilateral entry of default judgment—**the act from which every subsequent injury in this case flows**. That decision, rendered without a full hearing and despite multiple unresolved procedural and jurisdictional defects, stripped all defendants of their right to a trial on the merits. It was this single, decisive action that opened the door to the later \$52.5 million award, the permanent injunction, and the ensuing civil-contempt warrants that have disrupted Appellant’s life and livelihood.

Because the entire chain of harm stems from that one unlawful order, Judge Norton's bias is magnified rather than mitigated. A neutral jurist exercising caution would have ensured service, verified jurisdiction, and allowed the defendants to present evidence and defend themselves. Instead, Judge Norton exercised her authority summarily and punitively, in a manner that departed from the Idaho Rules of Civil Procedure and from the constitutional guarantees of due process.

Her default judgment functioned not as a ministerial ruling but as an act of prejudice in disguise—a shortcut to the outcome she evidently desired. Had the matter proceeded through proper trial procedures before an impartial jury, the defendants would have been able to demonstrate their innocence and to expose the Plaintiffs' misrepresentations. The default judgment therefore stands as the ultimate proof of Norton's bias: *it is the root cause of every injury that followed and the clearest evidence that justice in this case was never the goal.*

- B. **Judge Nancy Baskin** likewise demonstrated bias when she tainted the case by making false and prejudicial statements about Appellant in the presence of the jury and by permitting jurors who had openly admitted bias in favor of the Plaintiffs, and bias against the defendants, to remain seated. Such conduct deprived Appellant of a fair and impartial tribunal, as required by law, and irreparably tainted the verdict.

The problem did not end with the trial court. Judge Baskin's close professional and personal association with Chief Justice G. Richard Bevan—her colleague on the Idaho Judicial Council, where both participate in reviewing complaints against Idaho judges—has not gone unnoticed. The Judicial Council functions as the body responsible for enforcing judicial ethics, yet the very individuals accused of misconduct in this case sit in judgment of one another. This structural conflict of interest destroys any reasonable appearance of impartiality.

The broader context compounds the concern: *the judges involved in this matter are all members of the same judicial and professional circles, appearing together at Council meetings, bar functions, and state judicial conferences.* When such relationships intersect

with pending litigation, the perception of impartial justice is lost. The public cannot be expected to believe that one judge will meaningfully discipline or overrule another with whom he/she shares ongoing professional loyalties.

This network of friendships and overlapping roles has effectively insulated the misconduct in this case from scrutiny. The result is a judiciary perceived as protecting its own rather than serving the people of Idaho—a perception that, in this instance, is amply supported by the record itself.

- C. **Chief Justice G. Richard Bevan** has not only become the subject of judicial complaints filed by Appellant but has also demonstrated, through his actions in this appeal, either deliberate bias or a profound abdication of judicial duty. As the administrative head of the Idaho judiciary and as a sitting member of the Idaho Judicial Council alongside Judge Baskin, Justice Bevan occupies a position of both power and accountability. Yet in this case, he has used that position not to correct misconduct but to shield it.

His *Order Denying Motions* of September 2025 misrepresented the record, ignored the controlling constitutional issues, and dismissed Appellant's repeated, well-supported requests for remote participation with a perfunctory and self-protective rationale. By refusing to engage with the core arguments of bias, access to the courts, and equal protection for self-represented litigants, Chief Justice Bevan confirmed the very improprieties Appellant had sought to expose.

Bevan's continued participation despite being the subject of pending judicial complaints, and his collegial ties with Judge Baskin through the Judicial Council, create an inescapable appearance of partiality. The same body charged with investigating judicial misconduct thus contains the very individuals accused of it—an arrangement that renders accountability impossible.

Through his conduct in this appeal, Chief Justice Bevan has transformed the Idaho Supreme Court from a forum of review into a fortress of self-preservation. His actions exemplify the

institutional bias that now characterizes Idaho's judiciary and stand as a cautionary example of how unchecked power erodes public confidence in the rule of law.

2. CONSTITUTIONAL VIOLATIONS

This case represents a textbook violation of the United States Constitution's guarantees of free speech, due process, and equal protection.

The events that gave rise to the underlying dispute were the forcible abduction of Appellant's biological grandson, known publicly as "Baby Cyrus," by Idaho state agents acting in concert with St. Luke's Hospital and the Idaho Department of Health and Welfare. The Rodriguez family were the victims of this traumatic government seizure. Yet, in an inversion of justice, the very institutions and individuals responsible for that abduction later sued the family for defamation—merely because the family spoke publicly about what had happened.

It is a profound disgrace for all of America, that a family victimized through legal kidnapping could then be driven to financial ruin for exercising its constitutional right to speak truthfully and expose both government and private misconduct. Such a result is incompatible with the First Amendment's core purpose.

Appellant's speech was constitutionally protected. The statements at issue involved matters of public concern, including government conduct, medical ethics, and child welfare. Under both the First Amendment and Idaho law, statements of opinion, moral judgment, or belief about public actors are not actionable as defamation. The Plaintiffs failed to meet their burden of proving actual malice or falsity, yet Appellant was denied a trial at which those facts could have been established.

The default judgment was entered by Judge Lynn Norton—without a full adjudication on the merits—and the \$52.5 million damages award was later authorized by Judge Nancy Baskin after a jury tainted by bias and prejudice returned a verdict even greater than what the Plaintiffs demanded. The resulting judgment is not only excessive and unsupported by law but also unconstitutional in substance and scope.

The injunctive relief contained in that judgment compounds the violation. The injunction operates as a prior restraint on future speech, forbidding Appellant and others from speaking or publishing statements about the Plaintiffs or the events surrounding Baby Cyrus’s abduction. This sweeping gag order criminalizes future truth-telling, prohibits core political and moral expression, and violates over a century of Supreme Court precedent holding that “...*prior restraints on speech and publication are the most serious and the least tolerable infringement on First Amendment rights.*” (*Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 559 (1976)).

Moreover, the Fifth and Fourteenth Amendments guarantee that no person shall be deprived of life, liberty, or property without due process of law. The Idaho courts denied Appellant those rights by refusing him fair notice, impartial adjudication, and equal protection under the law. Through their bias and irregularities, Judges Norton and Baskin converted what should have been a question of truth and evidence into a predetermined political punishment.

Together, these violations render the judgment constitutionally void. No free nation governed by law can sustain a system where a citizen is punished and silenced for exposing the wrongful abduction of his own grandchild.

3. SLAPP AND ABUSE OF PROCESS

This lawsuit is a textbook example of “lawfare”—strategic litigation brought not to redress genuine harm but to silence public criticism and punish protected speech. Although Idaho’s new Anti-SLAPP statute (S.B. 1001) was enacted in 2025 and takes effect in 2026, its legislative findings make clear that the State of Idaho now formally condemns the very tactics employed in this case.

It is widely understood among Idaho policymakers that this very lawsuit was a pivotal example of why such protection was urgently needed. While not officially acknowledged on the record, multiple legislators privately recognized that what occurred in this case represented a misuse of the judicial system so egregious that it demanded statutory reform. The Anti-SLAPP law thus stands as an implicit acknowledgment that what transpired here was immoral, unethical, and

unjust—and that no Idaho citizen should ever again be subjected to such punitive misuse of the courts for engaging in constitutionally protected speech.

The timing of the statute does not create new rights; it simply codifies rights long secured under the U.S. and Idaho Constitutions—rights that this Court has an opportunity, even now, to vindicate.

4. PUBLIC TRUST AND JUDICIAL INTEGRITY – THE ELEPHANT IN THE ROOM

It must be plainly acknowledged that the Idaho Supreme Court’s handling of this case has revealed a level of unprofessionalism, selective silence, and institutional bias so pronounced that public confidence in the state’s judicial system has been gravely compromised. The irregularities are not speculative; they are documented in the record, visible to any citizen who reviews these proceedings.

The appearance of fairness has been replaced by the perception of protectionism—an institution shielding itself and its members rather than upholding justice for the people it serves. When judges ignore conflicts, silence legitimate grievances, and refuse even basic accommodations to ensure a citizen’s access to court, the injury extends far beyond one litigant. It strikes at the moral authority of the entire judiciary.

This is the elephant in the room: a judiciary whose conduct has become its own evidence of bias. The world is indeed watching. If this Court cannot rise above personal alliances and institutional self-interest to administer justice impartially and transparently, then the rule of law in Idaho will remain in question. Appellant urges this Court, even now, to confront that truth honestly and to restore the public’s faith that justice in Idaho still means something.

5. REQUESTED RELIEF ON THE MERITS (if the Court reaches substance)

Appellant respectfully submits that justice requires nothing less than the vacatur of the default judgment and the permanent injunction, both of which are constitutionally void. The record establishes that the proceedings below were infected by bias, procedural irregularity, and violations of fundamental rights so grave that the judgment cannot stand.

Appellant therefore requests that this Court:

1. Vacate the default judgment and injunction in their entirety;
2. Remand the case for a new trial on the merits before an impartial judge and an untainted jury, so that the truth may finally be heard and tested in accordance with due process; and
3. Acknowledge, as a matter of constitutional record, that the process by which this judgment was obtained denied Appellant his First, Fifth, and Fourteenth Amendment rights.

Appellant welcomes that opportunity and stands ready to present evidence before an impartial tribunal. If this Court declines to act, it will leave intact a judgment that criminalizes truth, punishes protected speech, and codifies injustice against an innocent family. Such a result would not be a judicial outcome—it would be a constitutional wound that history will not overlook.

IV. PROCEDURAL INTEGRITY AND GOOD-FAITH COMPLIANCE

This Statement is submitted in good faith and in accordance with Idaho Appellate Rule 11.2, which requires that every filing be warranted by existing law or a non-frivolous argument for its modification or extension. Appellant affirms that all factual statements herein are supported by the record or reasonable inferences drawn therefrom, and that this filing is made solely to preserve constitutional and procedural rights—not for delay or improper purpose.

V. PRESERVATION AND RESERVATION OF RIGHTS

This Statement is incorporated into the record pursuant to Article I, §§ 1, 13, and 18 of the Idaho Constitution and the First and Fourteenth Amendments to the United States Constitution. Appellant expressly reserves all rights under 42 U.S.C. § 1983 and 28 U.S.C. § 1257 for federal review.

VI. CONCLUSION

This Statement shall be accepted as the functional equivalent of Appellant's oral presentation for purposes of the record. Appellant respectfully requests that it be included in the official docket of these proceedings and considered with the same force and effect as if personally delivered from the lectern.

Respectfully submitted,

DATED: November 4th, 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: November 4th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez