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Counsel for Plaintiffs

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

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,

vs.

AMMON BUNDY, an individual; AMMON
BUNDY FOR GOVERNOR, a political
organization; DIEGO RODRIGUEZ, an
individual; 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.

Case No. CV01-22-06789

**MOTION FOR ENTRY OF DEFAULT
AS TO FREEDOM MAN PRESS LLC
AND FREEDOM MAN PAC**

COME NOW Plaintiffs, by and through their attorneys, Holland & Hart LLP, and pursuant to Idaho Rule of Civil Procedure 55(a), move this Court to enter default in favor of Plaintiffs and against Defendants **Freedom Man Press LLC** and **Freedom Man PAC** ("Freedom Man Defendants"), for their failure to answer or otherwise respond to the Amended Summonses and

Summonses by Publication issued and the Amended Complaint filed in this case. Plaintiffs anticipate moving for default judgment against the Freedom Man Defendants at a later date.

This Motion is supported by the Declaration of Erik F. Stidham in Support of Motion for Entry of Default filed concurrently herewith (“Stidham Decl.”), the Declarations of Jenna Balvin (filed July 22, 2022), the Affidavits of Publication (filed Aug. 19, 2022) on file with this Court, and the other documents and pleadings on file in this matter.

Plaintiffs state as follows in support of this Motion:

1. The Complaint in this action was filed on May 11, 2022.
2. An Amended Complaint was filed on June 2, 2022.
3. Tri-County Process Serving LLC caused the Amended Summonses, Summonses by Publication, and Amended Complaint to be sent to the Freedom Man Defendants via Certified Mail on July 15, 2022. Declarations of Jenna Balvin filed July 22, 2022.

4. The documents were mailed to Freedom Man Press LLC at its last known addresses in Idaho and Florida:

Freedom Man Press LLC
c/o Diego Rodriguez
1317 Edgewater Dr., #5077
Orlando, FL 32804

Freedom Man Press LLC
c/o Diego Rodriguez
9169 W. State St., Ste. 3177
Boise, ID 83714

Id.

5. The documents were mailed to Freedom Man PAC at its last known addresses in Idaho and Florida:

Freedom Man PAC
c/o Diego Rodriguez
1317 Edgewater Dr., #5077
Orlando, FL 32804

Freedom Man PAC
c/o Diego Rodriguez
1876 E. Adelaide Dr.
Meridian, ID 83642

Id.

6. Defendant Freedom Man Press claims to be a limited liability company, although it is not registered in any state in the United States, and Defendant Freedom Man PAC is a political action committee. Therefore, they cannot be a minor or an incompetent person for default purposes. Stidham Decl., ¶ 6.

7. The Servicemembers Civil Relief Act, renumbered as 50 U.S.C. § 3901, et seq., provides protections to members of the United States' uniformed services from legal proceedings.

8. Freedom Man Press and Freedom Man PAC are purportedly a limited liability company and a political organization and therefore are not included within the term "servicemember" as that term is defined in 50 U.S.C. § 3911(1).

9. Service is proper on Defendant Diego Rodriguez as a "managing or general agent, or any other agent authorized by appointment or by law to receive service of process" for the Freedom Man Defendants under Idaho Rule of Civil Procedure 4(d)(3)(A). While the scope of Rule 4(d)(3)(A) agency has not been addressed by Idaho courts in any published opinion, federal courts have interpreted the federal corollary Federal Rule of Civil Procedure 4(h).¹ The rules

¹ The Idaho Supreme Court "prefer[s] to interpret the Idaho Rules of Civil Procedure in conformance with interpretations of the same language in the federal rules." *Westby v. Shaefer*, 157 Idaho 616, 622, 338 P.3d 1220, 1226 (2014).

regarding service do not require an entity to confer express authority in order for an individual to be considered an agent upon whom service is proper. *See Direct Mail Specialists, Inc. v. Eclat Computerized Techs., Inc.*, 840 F.2d 685, 688 (9th Cir. 1988). “Generally, service is sufficient when made upon an individual who stands in such a position as to render it fair, reasonable and just to imply the authority on his part to receive service.” *Id.* (holding that service of an entity was proper when effected on receptionist who was the only individual in the office at the time the process server arrived); *see also United States v. Doe Co.*, 966 F.3d 991, 999-1000 (9th Cir. 2020) (holding that service on general counsel for an entity integrated with the company the government intended to serve was properly effected due to implied authority and stating that the individual upon whom service is made must merely be “so integrated with the organization that he will know what to do with the papers”).

10. Mr. Rodriguez is the Communications and Marketing Director for Freedom Man Press. *See* About Freedom Man Press, <https://www.freedomman.org/about/> (last visited Aug. 29, 2022). The Freedom Man Press website also refers to Freedom Man PAC as an interrelated pro-government organization. *Id.* The Institute for Research and Education for Human Rights recognizes Freedom Man PAC as Mr. Rodriguez’s creation. *See* <https://www.irehr.org/reports/peoples-rights-report/profile-diego-rodriguez/> (last visited Aug. 29, 2022) (referring to “Rodriguez’s Freedom Man Political Action Committee”). The Idaho Secretary of State’s Campaign Finance disclosures identify Diego Rodriguez as the Chairman and Treasurer of Freedom Man PAC. Stidham Decl., ¶ 8.

11. Mr. Rodriguez’s development of and continued involvement with both Freedom Man Press and Freedom Man PAC render him a general agent for purposes of service.

12. Under Idaho Rule of Civil Procedure 4(d)(3)(C), when the agent for a corporation, partnership, or association is unavailable, service may be made by mailing the summons and

complaint by certified mail. Mr. Rodriguez is a general agent for the Freedom Man Defendants and is no longer residing in Idaho. *See Stidham Decl., Ex. G* (Idaho Statesman Article dated June 30, 2022 wherein Mr. Rodriguez told an Idaho Statesman reporter that he ran away to a foreign country to avoid accountability in this lawsuit). Service was complete on the Freedom Man Defendants on July 15, 2022, upon mailing. *See Declarations of Jenna Balvin* filed July 22, 2022.

13. The Freedom Man Defendants were also served by publication in three separate locations—the Idaho Statesman, the Orlando Sentinel, and the Orlando Weekly. Service was effected in the Idaho Statesman for four consecutive weeks on July 17, July 24, July 31, and August 7, 2022. *See August 19, 2022, Affidavits of Publication.* Service was effected in the Orlando Sentinel for four consecutive weeks on July 18, July 25, August 1, and August 8, 2022. *See August 19, 2022, Affidavits of Publication.* Service was effected in the Orlando Weekly for four consecutive weeks on July 27, August 3, August 10, and August 17, 2022. *See August 19, 2022, Affidavits of Publication.*

14. The Freedom Man Defendants were fully served as of August 17, 2022. Pursuant to Idaho Rule of Civil Procedure 12(a)(1)(A), the Freedom Man Defendants were required to file a response to the Amended Complaint by September 7, 2022.

15. No answer or defense has been filed by the Freedom Man Defendants within the time allowed by law.

16. Additionally, Mr. Rodriguez has had actual knowledge of this lawsuit for months. *See Stidham Decl. ¶ 12.* Mr. Rodriguez posted an article entitled “St[.] Luke’s is Suing Us for Exposing Them” on Freedoman.org on May 16, 2022, stating that he had read the Complaint and was aware that he was named as a Defendant in the litigation. *See* <https://www.freedomman.org/2022/st-lukes-is-suing-us-for-exposing-them/> (last visited

September 8, 2022). In the article, Mr. Rodriguez states that on or about May 11, 2022 he went to a news website where he “downloaded the actual lawsuit (i.e. legal complaint) and read it” Additionally, in the same article, Mr. Rodriguez states that he will publish everything he obtains through discovery in this lawsuit on a website “so that the entire world can see the corruption and wickedness of St. Luke’s” And Mr. Rodriguez closes the article stating, “[w]e’ll see you in court!” *See also* Stidham Decl., Ex. G (Diego Rodriguez stating that he will lose the lawsuit no matter what evidence he presents because the “odds are stacked against [him]”).

17. In a June 2, 2022, interview, Mr. Rodriguez again acknowledged he was aware of the lawsuit. He stated he was aware of the filings in the case. *See* Stew Peters Show, Baby Cyrus’ Family Sued After CPS Kidnapping: St. Luke’s Suing for Defamation, RED VOICE MEDIA (June 2, 2022), (<https://www.redvoicemedia.com/2022/06/baby-cyrus-family-sued-after-cps-kidnapping-st-lukes-suing-for-defamation/>) (5m 33s to 6m). Mr. Rodriguez also acknowledged he was aware of the lawsuit on June 6, 2022, in an interview on the Laura Lynn Tyler Show. *See* @ LauraLynnTT, TWITTER (June 6, 2022, 4:12 PM), https://twitter.com/LauraLynnTT/status/1533934970879692800?s=20&t=hE_Lr0nVHfL7Rw6W98iS3A (44m to 46m).

18. Mr. Rodriguez responded to an Idaho Statesman reporter’s request for comment regarding this litigation. Mr. Rodriguez texted the reporter stating that he ran away to a foreign country to avoid accountability in this lawsuit. *See* Stidham Decl., Ex. H (Statesman Article dated June 30, 2022).

19. On or about July 7, 2022, Mr. Rodriguez published an article titled “My Response to the Idaho Statesman Regarding the St. Luke’s Lawsuit” on the freedomman.org website. <https://www.freedomman.org/2022/my-response-to-the-idaho-statesman-st-lukes->

lawsuit/?r=6257 (last visited August 31, 2022). In that article, Mr. Rodriguez again acknowledged the lawsuit and continued to make false statements regarding Plaintiffs, Plaintiffs' counsel, and this Court. Among other things, Mr. Rodriguez boasts that he is dodging service of process. *See* Stidham Decl., Ex. G.

20. In fact, Mr. Rodriguez attempted to answer the Amended Complaint—on behalf of himself only—*pro se* on September 6, 2022. Mr. Rodriguez's proposed Answer lists his address as the same address to which Plaintiffs have been sending the filings (1317 Edgewater Drive #5077 in Orlando, Florida) in this lawsuit. Mr. Rodriguez's proposed Answer of September 6 was rejected owing to deficiencies. *See id.*, Ex. I.

21. On September 7, 2022, Mr. Rodriguez filed a new Answer. Like his proposed Answer, Mr. Rodriguez's new Answer was filed on behalf of himself only. And like his proposed Answer, his new Answer lists the 1317 Edgewater Drive #5077 as Mr. Rodriguez's current address. *See id.*, ¶ 17.

22. Owing to the Freedom Man Defendants' ongoing efforts to dodge and refusal to acknowledge service, Plaintiffs served the Freedom Man Defendants on multiple occasions in a redundant fashion. *See id.*, ¶ 18.

23. After entry of default, Plaintiffs intend to develop and present evidence to the Court and jury regarding the amount of damages that should properly be awarded against the defaulting Freedom Man Defendants.

24. After entry of default, Plaintiffs intend to move this Court to allow for the assessment of punitive damages against the Freedom Man Defendants. If the Court determines that punitive damages may be presented in this matter, Plaintiffs will take the necessary procedural steps to amend the allegations and will present evidence and argument to the Court and jury regarding appropriate punitive damages.

25. After entry of default, Plaintiffs will move the Court and take appropriate procedural steps to recover reasonable attorney's fees as identified in the Amended Complaint.

WHEREFORE, Plaintiffs move the Court to enter an Order for Entry of Default in the above-entitled action against the Freedom Man Defendants as follows:

1. That Plaintiffs are entitled to default against the Freedom Man Defendants; and
2. That Plaintiffs will be permitted to pursue their claims, including conducting discovery, filing a motion to amend to seek punitive damages and specifying attorney's fees and damages owed, and presenting evidence and argument regarding the amount of damages owed and attorney fees and costs to be recovered.

DATED: September 9, 2022.

HOLLAND & HART LLP

By: /s/ Erik F. Stidham

Erik F. Stidham

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of September, 2022, I caused to be filed and served, via iCourt, a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Ammon Bundy for Governor P.O. Box 370 Emmett, ID 83617	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe:
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Ammon Bundy for Governor c/o Ammon Bundy 4615 Harvest Ln. Emmett, ID 83617-3601	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe:
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Ammon Bundy 4615 Harvest Ln. Emmett, ID 83617-3601	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe:
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People's Rights Network c/o Ammon Bundy 4615 Harvest Ln. Emmett, ID 83617-3601	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe:
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People's Rights Network c/o Ammon Bundy P.O. Box 370 Emmett, ID 83617	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe:
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Freedom Man Press LLC c/o Diego Rodriguez 1317 Edgewater Dr. #5077 Orlando, FL 32804	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe:
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Freedom Man Press LLC c/o Diego Rodriguez 9169 W. State St., Ste. 3177 Boise, ID 83714	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe:
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Freedom Man PAC c/o Diego Rodriguez 1317 Edgewater Dr., #5077 Orlando, FL 32804	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe:
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Diego Rodriguez
1317 Edgewater Dr., #5077
Orlando, FL 32804

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:
freedommanpress@protonmail.com

/s/ Erik F. Stidham

Erik F. Stidham
OF HOLLAND & HART LLP

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