

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

St Lukes Health System LTD, St Lukes
Regional Medical Center LTD, Chris
Roth, Natasha Erickson, MD, Tracy
Jungman

Plaintiff,

vs.

Ammon Bundy, Ammon Bundy for
Governor, Diego Rodriguez, Freedom
Man PAC, Peoples Rights Network,
Freedom Man Press LLC

Defendant.

Case No. CV01-22-06789

ORDER AWARDING FEES

The Plaintiffs' Motion for Award of Attorneys' Fees Against Ammon Bundy Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions, filed September 28, 2022, came before the Court for hearing on October 11, 2022.

Appearances: Erik Stidham and Erica Jensen appeared for all Plaintiffs.

Ammon Bundy did not appear and no one appeared at this hearing on behalf of Ammon Bundy for Governor, Peoples Rights Network,¹ or Freedom Man PAC for Freedom Man Press LLC.²

Diego Rodriguez appeared for the scheduling conference portion of the hearing,³ made it clear that he was only representing himself as a self-represented litigant, and did not remain on the videoconference for any motions related to Ammon Bundy.

The Court has considered the Plaintiffs' Motion for Award of Attorneys' Fees against Ammon Bundy Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions, with its memorandum⁴ and Declaration of Erik F. Stidham⁵ also filed in support, all filed on September 28, 2022.

¹ An Order of Default was entered on Sept. 2, 2022 against Ammon Bundy, Ammon Bundy for Governor, and People's Rights Network.

² An Order of Default was entered on Sept. 13, 2022 Freedom Man PAC and Freedom Man Press LLC.

³ Diego Rodriguez filed an Answer as a self-represented litigant on Sept. 6, 2022.

⁴ Memorandum in Support of Plaintiffs' Motion for Award of Attorneys' Fees Against Ammon Bundy Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions ("Pls' Fees Memo"), filed Sept. 28, 2022.

⁵ Declaration of Erik F. Stidham in Support of Plaintiffs' Motion for Award of Attorneys' Fees Against Bundy Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions ("Stidham Dec"), filed Sept. 28, 2022.



The Court found in its September 8, 2022 Order on Motions for Sanctions that it must award the Plaintiffs' the costs and fees incurred in filing the Plaintiffs' Motion for Sanctions and Contempt against Ammon Bundy (filed August 12, 2022) and Plaintiffs' appearance at the hearing on September 6, 2022 for this discovery violation.

The Plaintiffs' timely filed a request for \$6,769.80 in fees that for 12.8 hours to prepare and file the Motion for Sanctions and attend the September 6, 2022 hearing on that motion, and then an additional 5.7 hours to prepare and file the request for attorney fees. Plaintiffs state this is a discounted rate charged to this client and argues, "this amount is not the total amount actually incurred but rather a core, conservative amount of the fees unquestionably caused by Bundy's disobedience to the Court."

Idaho Rule of Civil Procedure 54(e) governs the award of attorney fees and subsection (3) of that rule sets for the factors that the Court must consider in awarding fees which include the time and labor required; the novelty and difficulty of the questions; the skill requisite to perform the legal service properly and the experience and ability of the attorney in the particular field of law; the prevailing charges for like work; whether the fee is fixed or contingent; the time limitations imposed by the client or the circumstances of the case; the amount involved and the results obtained; the undesirability of the case; the nature and length of the professional relationship with the client; awards in similar cases; the reasonable cost of automated legal research, if the court finds it was reasonably necessary in preparing a party's case; and any other factor which the court deems appropriate in the particular case. "Rule 54(e)(3) does not require the district court to make specific findings in the record, only to consider the stated factors in determining the amount of the fees. When considering the factors, courts need not demonstrate how they employed any of those factors in reaching an award amount." *Lettunich v. Lettunich*, 145 Idaho 746, 750, 185 P.3d 258, 262 (2008). As a general rule, with regard to fees, "The determination to award or not award attorney fees is committed to the discretion of the trial court." *Foster v. Shore Club Lodge, Inc.*, 127 Idaho 921, 927, 908 P.2d 1228, 1234 (1995). "The bottom line in an award of attorney fees is reasonableness." *Lettunich*, 145 Idaho at 750, 185 P.3d at 262. Reasonableness and other attorney fee determinations, "are a discretionary matter for the trial court and are reviewed under an abuse of discretion standard." *Sun*



Valley Potato Growers, Inc. v. Texas Refinery Corp., 139 Idaho 761, 769, 86 P.3d 475, 483 (2004).


The Court has considered the factors stated above and has carefully reviewed the Declaration and arguments of the Plaintiffs. The Court finds the 12.8 hours at prevailing rates in the Boise area for similar work with similar outcomes to prepare and file the Motion for Sanctions and then attend the hearing on that motion is reasonable considering the outcome. The Court **AWARDS \$4,496.40** in reasonable attorney fees that Plaintiff incurred in obtaining the September 8, 2022 Order on Motions for Sanctions. However, considering these same factors, the Court **AWARDS** reasonable attorney fees of **\$829.13** for two hours to prepare, review and file the motion, memorandum and declaration for attorney fees.⁶ The Court **DENIES** an award for the additional 3.7 hours (\$1,444.27) in attorney fees for filing the fees motion and memorandum as unreasonable considering the tasks were not novel or difficult, that pulling billing records and preparing such motion/memorandum/declaration are frequently performed by paralegals at reduced costs for like work and considering fees awards in other similar cases resulting in a fee award related to only one motion.

CONCLUSION AND ORDER AWARDING FEES

The Court **AWARDS A TOTAL OF \$5,325.53** to Plaintiffs to be paid by Defendant Ammon Bundy for fees incurred by Plaintiffs related to the Motion for Sanctions and Contempt against Ammon Bundy, filed August 12, 2022. The \$5,325.53 in fees awarded is to be paid within fourteen days after Ammon Bundy is served with this Order Awarding Fees. Since Ammon Bundy has not appeared in this action, the Plaintiffs must serve the Order Awarding Fees on Ammon Bundy pursuant to Rule 5(a)(2) and Rule 4(d). Failure to comply with this Order Awarding Fees within fourteen days of proof of service of this Order filed will result in a writ of execution being issued for \$5,325.53.

IT IS ORDERED.

Dated: 10/12/2022 10:12:06 AM



Lynn Norton
District Judge

⁶ This amount is 1.25 hours at the rate of \$369 per hour for Eight-Year Attorney incurred 9/16/22 which equals \$461.25; and then .75 hours at the rate of \$490.50 for Mr. Stidham incurred on 9/16/22 which equals \$367.88.



CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham

efstidham@hollandhart.com

E-mail

Diego Rodriguez
1317 Edgewater Drive #5077
Orlando, FL 32804
freedommanpress@protonmail.com

By E-mail By mail
 By fax (number)
 By overnight delivery / FedEx
 By personal delivery

Phil McGrane
Clerk of the Court

Dated: 10/12/2022

By: Janine Korsen
Deputy Clerk

