

Erik F. Stidham (ISB #5483)  
HOLLAND & HART LLP  
800 W. Main Street, Suite 1750  
Boise, ID 83702-5974  
Telephone: 208.342.5000  
Facsimile: 208.343.8869  
E-mail: [efstidham@hollandhart.com](mailto:efstidham@hollandhart.com)

*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

**DECLARATION OF ERIK F. STIDHAM  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR AWARD OF  
ATTORNEYS' FEES AGAINST DIEGO  
RODRIGUEZ PURSUANT TO COURT'S  
SEPTEMBER 8, 2022, ORDERS ON  
MOTIONS FOR SANCTIONS**

Erik F. Stidham declares and states as follows:

1. I am counsel of record for Plaintiffs in this matter. I am familiar with the facts and proceedings in this matter and have personal knowledge of the matters stated in this

Declaration.

DECLARATION OF ERIK F. STIDHAM IN SUPPORT OF PLAINTIFFS' MOTION  
FOR AWARD OF ATTORNEYS' FEES AGAINST DIEGO RODRIGUEZ  
PURSUANT TO COURT'S SEPTEMBER 8, 2022, ORDERS ON MOTIONS FOR  
SANCTIONS - 1

2. I am a partner in the law firm of Holland & Hart LLP (“Holland & Hart”) and am duly licensed to practice law in the State of Idaho. I am attorney of record for Plaintiffs, and I make this declaration based upon my own personal knowledge of the matters stated herein.

3. I am familiar with the firm’s billing and recordkeeping practices, and I have personal knowledge of the facts regarding the legal representation provided to Plaintiffs by Holland & Hart and of the attorneys’ fees incurred by Plaintiffs in connection with their Motion for Sanctions Against Rodriguez and the resulting limited deposition of Mr. Rodriguez.

4. In a written order entered September 8, 2022 (the “Order”), the Court awarded Plaintiffs the costs and fees incurred in filing the Motion for Sanctions, appearing at the hearing on September 6, 2022, and taking Mr. Rodriguez’s limited deposition.

5. The Order required Rodriguez to attend a deposition, provided a timeline for coordinating and taking the deposition, and required that Rodriguez pay the costs of the deposition:

1. By **September 16, 2022** Plaintiffs must provide Defendant Bundy [sic] with three possible dates for the deposition between September 27, 2022 and October 7, 2022.
2. Defendant Rodriguez must respond with his choice of date for the deposition by **September 22, 2022**;
3. St. Luke’s must then file a notice of deposition with the chosen date by **September 23, 2022**.

Defendant Rodriguez is **ORDERED** to attend the deposition on the date and time provided on the filed Notice of Deposition. . . . The Court also **ORDERS** that Defendant Rodriguez is to pay the costs of the deposition that are costs that would not have been incurred but for Mr. Rodriguez’s failure to respond to the Interrogatories proposed by Plaintiffs since Mr. Rodriguez was on notice of Plaintiffs’ intent to seek this discovery and was mailed the Court’s Orders for at least three months prior to the hearing on September 6, 2022.

Order at 4.

6. Pursuant to the Order, on September 14, 2022, Plaintiffs duly filed and served a Notice of Potential Deposition Dates for Rodriguez, providing potential dates of October 3, 4, or 5.

7. On September 16, 2022, Rodriguez sent me an email stating that he would be available October 5, 2022.

8. Pursuant to the Order, Plaintiffs duly filed a notice of service of deposition on September 21, 2022 which provide the Court with notice of the deposition.

9. Although Rodriguez's email correspondence continued to obstruct any in-person deposition, as he refused to disclose his location so that St. Luke's counsel could hold the deposition where he claims to currently reside or be located, the deposition was scheduled to move forward via Zoom on October 5, 2022.

10. The agreement for legal services between Plaintiffs and Holland & Hart requires Plaintiffs to pay legal services on an hourly basis as well as to pay litigation costs incurred in this action. This form of fee agreement is a common and appropriate basis for attorneys' fees.

11. The lawsuit involves complex legal issues, extensive factual issues, political sensitivity, and a complex conspiracy involving multiple parties to commit intentional harm to individuals and to disrupt the operations of a hospital system.

12. For this matter, Holland & Hart has significantly reduced its standard hourly rates, depending on the timekeeper by 10% to 18%.

13. From August 9, 2022 (when Plaintiffs began the preparation of their Motion for Sanctions) through October 19, 2022 (the last date that material work was done to prepare the Motion for Attorneys' Fees), Plaintiffs incurred reasonable attorneys' fees they now seek to

recover from Defendant Diego Rodriguez in connection with the Motion for Sanctions and the October 5 deposition.

14. Attached hereto as **Exhibit A** is a true, complete, and detailed itemization of the fees for which Plaintiffs seek an attorneys' fee award. Exhibit A shows: (a) the date on which the legal services were performed; (b) a description of the services performed and by whom; (c) the amount of time spent performing the services; (d) the amount charged for each time entry, which is arrived at by multiplying the timekeeper's applicable billable hourly rate by the amount of time spent; and (e) the total fees charged from August 9, 2022 through September 16, 2022.

15. In addition to the fees set forth in Exhibit A, Plaintiffs also incurred costs. Attached as **Exhibit B** is a true and correct copy of the invoice from the court reporter, Tucker & Associates, reflecting an estimated cost of \$537.45 cost for the taking of the October 5, 2022 deposition. The final cost may be higher once the cost of copying exhibits is finalized. The final cost will not be less than \$537.45. Plaintiffs seek only the lower amount.

16. The following are the timekeepers who have provided legal services on this case and who are identified on Exhibit A:

a. I am a partner at Holland & Hart's Boise office and have practiced law since 1995. I initially practiced in Southern California for a large international law firm, and upon my return to Boise, I was a partner in another large, regional full-service firm before joining Holland & Hart. I have over three decades of experience litigating complex civil lawsuits including various contract disputes, business tort matters, civil fraud cases, class action cases, and construction, real estate, and shareholder disputes in Idaho and around the country. I regularly serve as lead counsel on complex, commercial disputes. I typically direct litigation

teams that include multiple attorneys, and my experience handling litigation like this case allows me to avoid duplicate billing by timekeepers and efficiently delegate work to the appropriate level. I have been recognized since 2012 in Mountain States Super Lawyers for Business Litigation, and in Chambers USA: America's Leading Lawyers for Business for General Commercial Litigation. I have represented clients in more than 20 states, appearing in both state and federal courts around the country. My rate on this matter has been reduced to \$490.50.

b. Due to safety concerns, I am not identifying by name the other Holland & Hart timekeepers who work on this case. Instead, I am referring to the attorneys by the number of years they have been in practice.

c. Four-Year Attorney has practiced law since 2017. The Four-Year attorney After graduating law school, Four-Year Attorney served a federal court clerkship. After the clerkship has practiced in the area of commercial litigation. During the relevant time, Four-Year Attorney's hourly rate was reduced to \$301.50.

d. Fourteen-Year Attorney is Of Counsel and has practiced law since 2007. Since joining Holland & Hart, Fourteen-Year Attorney has practiced in the area of commercial litigation and has extensive experience with all aspects of litigation, including trial. During the time period of the Motion for Sanctions briefing, Fourteen-Year Attorney's hourly rate was reduced to \$364.50.

e. Eight-Year Attorney is Of Counsel and has practiced law since 2013. Since joining Holland & Hart, Eight-Year Attorney has practiced commercial litigation with focus on complex motion practice, business torts, and class actions. Eight-Year Attorney has

extensive expertise in special remedies. During the time period of the Motion for Sanctions briefing, Eight-Year Attorney's hourly rate was reduced to \$369.

17. Holland & Hart's standard rates for work of this type in this legal market are typically between 10% to 15% higher than the rates being charged in this case. Holland & Hart's standard rates are comparable to those for similar services in the Treasure Valley performed by attorneys of comparable skill and experience.

18. Plaintiffs do not seek all of their fees and costs incurred in preparing and arguing the Motion for Sanctions and the taking of the October 5 deposition. To be conservative and to avoid any dispute that the fees sought were essential solely to the motion against Mr. Rodriguez, Plaintiffs voluntarily forgo the recovery of certain fees that had some potential application to other matters or defendants in this litigation.

19. In working to coordinate the deposition, I spent considerable time dealing with Mr. Rodriguez's threats to not proceed with the depositions, his attempts to negotiate his sanctions, his unwillingness to disclose where he was located so that we could set up a deposition in person, and his unwillingness to provide supporting evidence that he is indeed traveling outside the Orlando, Florida area. *See* Declaration of Erik F. Stidham in Support of Motion for Sanctions and Protective Order relating to Limited Deposition of Diego Rodriguez Set for October 5, 2022 dated October 4, 2022 (Exhibits A-H).

20. Plaintiffs solely seek the fees incurred by myself and other attorneys (**\$5,408.10**) directly involved in preparing the relevant motions and doing the relevant work. I directed and reviewed the work of these attorneys. The costs sought (**\$537.45**) are accurate. The total amount Plaintiffs seek is **\$5,945.55**.

21. In addition, a paralegal assisted in the preparation of the pleadings. The paralegal's fees are not sought.

22. The lawyers on the case team did not duplicate work. I delegated and managed the work of the attorneys on this matter to prevent duplicate billing and maximize efficiency by having attorneys of the appropriate level assist with the varied pieces of the legal work.

23. The following table summarizes relevant amounts requested by timekeeper.

<b>Timekeeper</b>	<b>Hours</b>	<b>Total Requested</b>
Stidham, Erik F.	8.4	\$4,120.20
Fourth-Year Attorney	1.6	\$482.40
Fourteen-Year Attorney	1.4	\$510.30
Eight-Year Attorney	0.8	\$295.20
<b>Total</b>	<b>12.2</b>	<b>\$5,408.10</b>

24. Based on my experience with similar disputes, the hourly rates charged to Plaintiffs and the time spent on Plaintiffs' motion are reasonable and consistent with regular practice in the Treasure Valley.

25. The hourly rates charged for the services provided to Plaintiffs are reasonable for the type of work performed and are comparable to those for similar services in the Treasure Valley and other population centers in Idaho. *See Edmark Auto v. Zurich Am. Ins. Co.*, No. 1:15-cv-00520-BLW, 2021 U.S. Dist. LEXIS 39160, at \*10 (D. Idaho Mar. 1, 2021) ("It has [] been this Court's experience that attorneys at regional firms, such as Holland & Hart, charge hourly rates at or near, but not above, the high end of acceptable rates for the Boise area.") (citation omitted); *see also Bank of Am. v. Neef*, No. CV-OC 13-19726 (Idaho Fourth Judicial District,

Ada County) (allowing the hourly rates of the attorneys representing the receiver of \$385 for a DECLARATION OF ERIK F. STIDHAM IN SUPPORT OF PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AGAINST DIEGO RODRIGUEZ PURSUANT TO COURT'S SEPTEMBER 8, 2022, ORDERS ON MOTIONS FOR SANCTIONS - 7

partner and \$245 for an associate in 2013); *Latta v. Otter*, No. 1:13-cv-00482-CWD, 2014 WL 7245631, at \*4 (D. Idaho Dec. 19, 2014) (in a civil litigation case, awarding \$400 per hour to partner in 2014); *Cnty. House, Inc. v. City of Boise, Idaho*, No. 1:05-cv-00283-CWD, 2014 WL 1247758, at \*6 (D. Idaho Mar. 25, 2014) (approving partner rate of \$400 per hour in 2014); *Lakeview Cheese Co. v. Nelson-Ricks Creamery Co.*, No. 4:13-cv-00361-BLW, 2015 WL 769960 (D. Idaho Feb. 23, 2015) (permitting the following rates: \$455 for a senior litigation partner; \$310 for a junior litigation partner in 2015).

26. Holland & Hart billed Plaintiffs for these attorneys' fees and costs in accordance with its standard billing policies.

27. The time spent in connection with Plaintiffs' Motion for Sanctions and October 5 deposition was reasonable and necessary, as evidenced by the pleadings on file with the Court and the success of Holland & Hart's efforts on behalf of Plaintiffs.

28. Plaintiffs actually incurred all of the fees and costs set forth in Exhibit A and Exhibit B (\$5,945.55), and I have personally confirmed that the fees and costs set forth in Exhibit A are accurate and correct and that Exhibit B is true and correct.

I declare under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct.

DATED this 19th day of October, 2022.

/s/ Erik F. Stidham  
Erik F. Stidham



## CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of October, 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

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

Ammon Bundy for Governor  
c/o Ammon Bundy  
4615 Harvest Ln.  
Emmett, ID 83617-3601

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

Ammon Bundy  
4615 Harvest Ln.  
Emmett, ID 83617-3601

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

People's Rights Network  
c/o Ammon Bundy  
4615 Harvest Ln.  
Emmett, ID 83617-3601

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

People's Rights Network  
c/o Ammon Bundy  
P.O. Box 370  
Emmett, ID 83617

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

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

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

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

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

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

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

Diego Rodriguez  
1317 Edgewater Dr., #5077  
Orlando, FL 32804

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:  
dr238412@me.com;  
freedommanpress@protonmail.com

/s/ Erik F. Stidham

---

Erik F. Stidham  
OF HOLLAND & HART LLP

19975720\_v1

# Exhibit A

St. Luke's Health System, Ltd, et al. vs. Ammon Bundy, et al.  
 Ada County Case No. CV01-22-06789  
 St. Luke's Attorney Fees

Date	Timekeeper	Amount Expended	Total Hours Expended	Hours Sought	Amount Sought	Narrative
8/9/2022	Stidham, Erik F.	\$441.45	0.9	0.5	\$245.25	Provide direction to attorneys regarding motion for sanctions and outline areas of research and structure of motion;
8/10/2022	Four-Year Attorney	\$422.10	1.4	1.4	\$422.10	Legal research on contempt and sanctions while Mr. Rodriguez has actual knowledge and is being served by publication; draft section on contempt;
8/11/2022	Four-Year Attorney	\$452.25	1.5	0	\$0.00	Legal research regarding sanctions before service by publication is complete;
8/11/2022	Four-Year Attorney	\$241.20	0.8	0.2	\$60.30	Prepare written analysis on contempt sanction issue;
8/12/2022	Stidham, Erik F.	\$637.65	1.3	1.3	\$637.65	Review and revise motion for sanction and supporting documents; review and revise declaration;
8/18/2022	Fourteen-Year Attorney	\$510.30	1.4	1.4	\$510.30	Draft motion for sanctions and contempt against Defendant Rodriguez;
8/19/2022	Fourteen-Year Attorney	\$218.70	0.6	0	\$0.00	Revise motion for sanctions and contempt against Defendant Rodriguez;
9/5/2022	Stidham, Erik F.	\$539.55	1.1	1.1	\$539.55	Review pleadings and prepare for hearing on motion for sanctions and contempt; provide revisions;
9/6/2022	Eight-Year Attorney	\$848.70	2.3	0	\$0.00	Strategize with EFStidham in preparation for hearing on motions for sanctions and contempt; attending hearing on motion for sanctions and contempt;
9/6/2022	Stidham, Erik F.	\$1,128.15	2.3	2.3	\$1,128.15	Prepare for hearing on motion for sanctions and motion for contempt; strategize with Eight-Year Attorney regarding potential questions from the bench; attend hearing on motion for sanctions and contempt;
10/5/2022	Paralegal	\$465.30	2.2	0	\$0.00	Exchange emails with team regarding deposition preparations; review files in compilation of potential exhibits as requested;
10/4/2022	Erik F. Stidham	\$1,226.25	2.5	1	\$490.50	Prepare for deposition of Mr. Rodriguez by reviewing statements made in correspondence by Mr. Rodriguez and identifying potential exhibits relating to representations regarding Freedom Man Press, Freedom Man Press LLC; and other individuals names as being contributors to Freedom Man Press and Freedomman.org;
10/5/2022	Erik F. Stidham	\$981.00	2	1.2	\$588.60	Prepare for and take deposition of Mr. Rodriguez
10/9/2022	Eight-Year Attorney	\$295.20	0.8	0.8	\$295.20	Prepare motion for attorney fees, memorandum in support, and declaration in support;
10/19/2022	Erik F. Stidham		1	1	\$490.50	Review accuracy of fees sought and costs sought; review and revise declaration and motion for fees.
		<b>\$8,407.80</b>	<b>22.1</b>	<b>12.2</b>	<b>\$5,408.10</b>	

# Exhibit B



**TUCKER&ASSOCIATES**

*Expert Realtime Court Reporting & Videography*

TUCKER & ASSOCIATES  
P.O. Box 44385  
Boise, ID 83711  
208-345-3704

## ESTIMATE

Holland & Hart  
ATTN: Erik F. Stidham  
800 W. Main St., Ste. 1750  
P.O. Box 2527  
Boise, ID 83701-2527

**Invoice Number: 201300**  
Invoice Date: 10/07/2022  
Job Number: 33906

In Re: St. Luke's Health System v. Bundy  
Witness(s): Diego Rodriguez  
Attendance Date: 10/05/2022, 8:30 a.m.  
Reporter: Tiffany Z. Fisher

Qty	Description	Rate	Amount
<b>Deposition of Diego Rodriguez taken on 10/05/2022</b>			
2	Appearance per hour (minimum 2)	35.00	70.00
72	Rough Transcript	1.00	72.00
85	Original & 1 Transcript - Video Transcript	4.65	395.25
1	Exhibits Scanned	0.20	0.20
		<b>Invoice Total:</b>	<b>537.45</b>

We Appreciate Your Business!

**PAYMENT DUE UPON RECEIPT**

**To Insure Proper Credit, Please Enclose One Copy Of This Invoice  
With Payment and/or Include the Invoice Number on Your Check.**

Tax ID: 82-0440907

Tucker & Associates has invoiced each party on equal terms. No credit is extended to attorney's clients or other third parties. In accepting performance of our services, attorney acknowledges and agrees to pay all costs of collection, including attorney's fees and court costs.