

November 30, 2022

VIA EMAIL AND US MAIL

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

Re: St. Luke's Health System, Ltd, et al. v. Ammon Bundy, et al.;
District Court of the Fourth Judicial District of Idaho, County of Ada
Case No. CV01-22-06789

Dear Mr. Rodriguez:

This letter addresses multiple discovery deficiencies and your blanket refusals to participate in meaningful discovery. I notified you of many of these deficiencies by email on November 17, 2022. Because we need to schedule your deposition and resolve these disputes in a timely manner, I followed up with you by email on November 18, 2022. I had not received a response from you and again emailed you on November 25, 2022. Your response on November 26, 2022, was not productive and devolved into baseless accusations and name-calling. Nevertheless, I again attempted to meet and confer with an email response on that same day. We exchanged multiple emails that day; yet none of your responses provided any substantive information or justification for your intractable positions. Therefore, to facilitate a productive meet and confer session as required by Idaho Rule of Civil Procedure 37(a)(1), I have set forth our discovery disputes in detail below. Note that we will seek fees and costs if we need to involve the Court.

Deficient Discovery Responses

We have reviewed your responses to Plaintiffs' discovery requests and have identified multiple issues as outlined below. Your categorical refusals to provide responsive information and documents are inappropriate, unsupported, and violate the applicable Idaho Rules of Civil Procedure.

Interrogatory No. 6: We requested the name, address, and telephone number of every person with knowledge of the subject matter of this lawsuit, as well as the knowledge possessed by each person. While you provided a few names, you did not provide the address, telephone number, or knowledge possessed by these people. You have refused to provide contact information, without any authority or justification. A protective order would protect this information, but you have not requested one. This response is incomplete and must be supplemented.

Interrogatory No. 8: In addition to any person you interviewed, we requested each person you have had any discussion with relating to the subject matter of this litigation or any allegation in this litigation, along with the substance and date of such discussions, and other persons involved in such discussion. You did not respond to this portion of the interrogatory and therefore your response is incomplete and must be supplemented.

Interrogatory No. 11: We requested any admission against interest you contend was made by any Plaintiff or representative of any Plaintiff. Your only response was to state that you do not understand what this means. It is your responsibility, because you have chosen to participate in this litigation without counsel, to figure out what this means. Your response is incomplete and must be supplemented.

Interrogatory No. 14: We asked you to identify all communications, conversations, discussions, or correspondence you have had on any public or non-public forum, including, but not limited to, forums like Telegram, MeWe, Rumble, Gab, or through People’s Rights Network, between March 1, 2022 to the present, relating to any issue in this lawsuit. You identified a single article posted on freedomman.org. This is wholly inadequate. You produced emails that should have been identified in response to this Interrogatory. We all know you have engaged in additional conversations and communications that are not identified in response to this Interrogatory. The fact that we know of other responsive information does not alleviate you of your obligation to provide the information you have in your possession. *See* Idaho Rules of Civil Procedure 26(b)(1)(A), 34(a). Moreover, the communications you produced are incomplete and do not include relevant metadata. Your response is incomplete and must be supplemented.

Interrogatory No. 15: We requested that you identify all forms, methods, apps, or types of communication you used to communicate with any person about any issue involved in this lawsuit, including forms of communication to communicate with members of People’s Rights Network. Your incomplete answer stated only that text and email are used with People’s Rights Network, but did not provide any additional information, and disregarded the remainder of this Interrogatory. Moreover, this Interrogatory is not limited to communications regarding this lawsuit, as you are aware. Your response is incomplete and must be supplemented.

Interrogatory No. 28: We requested you identify the total amount of money or other things of value donated to, raised by, received by, or collected by you or your immediate family, including any business entity owner or controlled by you or your immediate family, from March 1, 2022, to the present. You stated that you have not received any money from the “Baby Cyrus” case. But you did not address whether any of your immediate family or a business entity owned or controlled by you or your immediate family received any money or other things of value. You have repeatedly made public representations on this issue, some of which are identified in the Amended Complaint. Your response is incomplete and must be supplemented.

Interrogatory Nos. 29, 30, 31, 32: We requested information regarding the amount of money charged to the Infant’s family relating to medical expenses, the amount of liability incurred by the Infant’s family for medical expenses, and the amount of public assistance,

insurance coverage or charitable donations provided to the Infant's family relating to medical expenses. You refused to respond, stating that this is private information. Your baseless and unsupported assertions of privacy do not negate the relevancy of these discovery requests or Plaintiffs' right to discover the information. Your conduct in seeking donations based on false assertions puts this information directly at issue in this litigation, which is relevant to Plaintiffs' claim of violation of the Idaho charitable solicitation act. Your claims to privacy are especially fallacious considering your intentional and public violations of Plaintiffs' privacy. Your responses are incomplete and must be supplemented.

Request for Production No. 16: We requested all documents, specifically including text messages, emails, or other communications, exchanged between you and any Defendant in the lawsuit, relating to the matters set forth in the Amended Complaint. You responded that there are none. Yet elsewhere in your responses and your public statements you state that you communicated by text and email with Defendant Ammon Bundy. Your response is incomplete and must be supplemented.

Request for Production No. 19: We requested articles of incorporation or other founding documents, certificates of organization, operating agreements, by-laws, shareholder agreements, or statements or certificates of limited partnership. You responded that you provided this information for Power Marketing Consultants, LLC. It appears you are referring to Answer to Interrogatory No. 23, wherein you state you have ownership and control of Power Marketing Consultants, LLC, which is registered in Idaho. That statement does not satisfy your obligations under Idaho Rule of Civil Procedure 34 and fails to address the other entities, legal or fictional, that you have created. You later claimed that information related to Power Marketing, LLC is not relevant to this case. You are incorrect. Your defamatory and tortious conduct at issue in this case has been perpetrated through a variety of legal or informal entities and their nature and existence are directly relevant to Plaintiffs' claims of unfair business practices and violations of the Idaho Charitable Solicitation Act. Your response is incomplete and must be supplemented.

Request for Production No. 22: We requested documents demonstrating contracts or business relationship between you and any entity owned or controlled by you and Ammon Bundy or any entity or association owned or controlled by Ammon Bundy, including but not limited to People's Rights Network and Abish-Husbandi. You initially stated that there are none, they later protested the relevance of this information. We know that one or more of your entities has been involved with Mr. Bundy's campaign for Governor. These documents are responsive and relevant to the claims of unfair business practices and the conspiracy between Defendants. Your response is incomplete and must be supplemented.

Request for Production No. 23: We requested your State and Federal income tax returns for the years 2021 and 2022. You objected that this information is private and not relevant. As previously stated, you did not request a protective order to safeguard your private information. The fact that you deem information private does not relieve you of your obligations under Idaho Rule of Civil Procedure 34. Moreover, this information is relevant to Plaintiffs

claims of unfair business practices, violations of the Idaho Charitable Solicitation Act, and the conspiracy between Defendants. Your response is incomplete and must be supplemented.

Request for Production No. 37: We asked for all documents and records showing the receipt, payment, loan, and/or transfer of money or funds by and between you, Ammon Bundy, Ammon Bundy for Governor, Freedom Man PAC, Freedom Man Press, GiveSendGo, People's Rights Network, Abish-husbandi, Dono Custos, Freedom Tabernacle, Power Marketing Consultants, Power Marketing Agency, and/or the immediate family of any of the foregoing. You stated only that Mr. Bundy is buying an RV from you. You have publicly stated that money raised on GiveSendGo is supporting your opposition to this lawsuit. And you or one of your entities has contributed to Ammon Bundy for Governor. This information is relevant to Plaintiffs claims of unfair business practices, violations of the Idaho Charitable Solicitation Act, and the conspiracy between Defendants. Your response is incomplete and must be supplemented.

Request for Production No. 41: We requested all documents and communications from "whistleblowers" as discussed in your April 29, 2022 article on freedomman.org entitled "Insider Information from a Whistleblower!". You stated that you deleted any communications for privacy purposes at the end of April 2022, and that you have a duty, as a member of the press, to protect your sources. You further objected to the relevance of this information. First, you do not qualify for a limited privilege as a member of the press. Such privilege does not apply to a blogger, as you have identified yourself; it only applies to reporters working for established newspaper or television broadcasting services. *See, e.g., State v. Salsbury*, 129 Idaho 307, 307-08, 924 P.2d 208, 208-09 (1996). Second, under the balancing test established by *In re Contempt of Wright*, 700 P.2d 40, 44-45 (Idaho 1985), any journalistic First Amendment rights you claim are outweighed by the overriding interest in the information that is directly relevant to your defamatory statements about Plaintiffs. Your claim that you deleted this information is dubious at best and unsupported by any additional information. Finally, the fact that anyone could obtain the information you possess that is responsive to this request does not eliminate your obligation to produce the information. *See Idaho Rules of Civil Procedure 26(b)(1)(A), 34(a)*. Your response is incomplete and must be supplemented.

Documents promised during deposition

During your deposition on October 5, 2022, you agreed to provide additional information that you either could not remember or could not state with certainty. I sent you a letter regarding that information on October 28, 2022, and listing the specific information you agreed to provide. To date, you have not provided all of the information you previously agreed to provide, nor have you responded to my letter. Specifically, you have not:

- identified the host for the Freedom Man website;
- identified when you first began using the State Street address in Boise for Freedom Man Press and freedomman.org or the date you discontinued using that address;

- identified the steps you took to formally close Freedom Man PAC; and
- provided information regarding the Disqus commenting system you use on the Freedom Man website, including whether you pay for the service and the cost of the service.

Please immediately provide this information that you already agreed to.

In-person Deposition

Your refusal to cooperate in discovery by appearing for a deposition is not justified. While we are obligated to work together to schedule this deposition, you have provided no reason why your deposition cannot take place in December. To date, you have not explained why you are supposedly traveling other than making vague statements about business and engaging in scuba diving.

You have also categorically refused to appear for your deposition in-person, despite my offer to come to your location in either Florida, Mexico, or wherever else you might be. The Idaho Rules of Civil Procedure authorize depositions in-person, unless the parties agree to a remote deposition or the Court orders a remote deposition. *See* Idaho Rule of Civil Procedure 30(b)(4). I am entitled to take your deposition in person and will not agree to conduct this deposition over Zoom. You have not provided any reason or authority supporting your refusal.

Finally, you have no authority to arbitrarily limit the time of your deposition. Your evasive tactics and intentional delay so far in this case support my request for a two-day deposition. There are no rules limiting the length of your deposition and your attempt to create new rules for your own benefit will not be tolerated. The discovery allowed under the Idaho Rules of Civil Procedure is broad and you do not get to dictate the scope of this case. This is especially true given the broad scope of your statements and your ongoing wrongful conduct. Further, we are entitled to discover the financial and other connections between the defendants in this case.

Please provide your availability and location for two days prior to December 20, 2022 so that we can proceed with your deposition. If you are not available on two consecutive days in that period, please provide us with all available dates during that period. Alternatively, if you will stop with the gamesmanship and provide evidence that you really are obligated, we can discuss try to make alternative dates work.

Deficient Answer

In my email to you on November 17, 2022, I informed you that your Answer is deficient and needs to be amended. You have not addressed that issue or agreed to file an Amended Answer.

Your Answer is deficient and violates Idaho Rule of Civil Procedure 11. It must be amended to comply with the Rules. Under Rule 11(b), by signing and filing your Answer, you

certified to the Court that, to the best of your knowledge, formed after a reasonable inquiry, your denials of the facts stated in the Amended Complaint are warranted. The Idaho Rules of Civil Procedure apply to you when you appear *pro se*. *Rocky Mtn. Power v. Jensen*, 154 Idaho 549, 556, 300 P.3d 1037, 1044 (2012). Your Answer denies the following paragraphs, which we both know must be admitted, in whole or in part: ¶¶ 4(4), 12, 14, 15, 17, 25, 29, 42, 43, 46, 63, 66, 71, 86, 88, 89(a), 89(d), 89(f), 94, 95, 96, 97, 99, 104, 107, 108, 109, 110, 112, 114, 142, 143, 144, 154, 158, 162, 164, 165, and 176. You've already demonstrated in your Answer that you understand how to admit parts of a paragraph without admitting the entire paragraph, when appropriate. Your own statements, conduct, and online posts, all made before the date of your Answer, demonstrate that these paragraphs are true and cannot be denied. If you refuse to amend your Answer, you will be subject to sanctions by the Court. *See* Idaho Rule of Civil Procedure 11(c).

Please advise if a meeting to confer on any of these deficiencies is necessary, and if so, provide available dates and time for such a meeting. If I do not hear from you, by phone or in writing, by 10am on December 2, 2022, I will pursue relief from the Court.

Very truly yours,

Erik F. Stidham
Partner
of Holland & Hart LLP

EFS:cmc

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