

Erik F. Stidham (ISB #5483)
HOLLAND & HART LLP
800 W. Main Street, Suite 1750
Boise, ID 83702-7714
Telephone: 208.342.5000
Facsimile: 208.343.8869
E-mail: 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

**MEMORANDUM IN SUPPORT OF
MOTION FOR CLARIFICATION OF
ORDER**

Plaintiffs, by and through their attorneys of record, Holland & Hart LLP, hereby submit this Memorandum in Support of their Motion for Clarification of Order entered December 13, 2022.

I. ARGUMENT

Idaho Rule of Civil Procedure 60 permits the court to:

correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice.

I.R.C.P. 60(a).

Idaho Rule of Civil Procedure 11.2(b) provides that a party may move for reconsideration of “any order of the trial court entered before final judgment[.]” On December 13, 2022, this Court sua sponte issued an order vacating and resetting the hearing for Plaintiffs’ motions to amend to allege punitive damages, which had been set for hearing on December 20, 2022. The Court’s order stated that Plaintiffs’ filing was untimely because “the unredacted memoranda and many of the unredacted declarations . . . were not filed until December 7, 2022 (which is less than fourteen days before the hearing).”

Plaintiffs’ entire filing of the motions for punitive damages was timely filed. Plaintiffs filed electronically on December 5, 2022—one day early.

Plaintiffs then filed the motion to seal with supporting documents (including the unredacted memoranda and declarations and exhibits) in person at the Ada County courthouse on December 6, 2022. Due to the volume of data submitted, Plaintiffs duly hand-delivered these unredacted documents via external drive.

On December 7, 2022, Plaintiffs' counsel's office received a call from the clerk's office stating that the pdf files on the thumb drives should be printed out and provided to the clerk's office again. Plaintiffs did so, understanding that this was a convenience for the court, as the files had already been submitted earlier.

All filings have been date-stamped by the Court for December 6, 2022, which is fourteen days prior to the December 20, 2022 hearing date.

Plaintiffs respectfully request that this Court reconsider its December 13, 2022 order vacating and resetting the hearing on the motions to amend to allege punitive damages.

II. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request the Court clarify its December 13, 2022 order.

DATED: December 13, 2022.

HOLLAND & HART LLP

By: /s/ Erik F. Stidham

Erik F. Stidham

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of December, 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:
freedommanpress@protonmail.com

/s/ Erik F. Stidham

Erik F. Stidham
OF HOLLAND & HART LLP

20402521_v2