

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

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 DENNIS MESAROS
IN SUPPORT OF MOTIONS FOR
LEAVE TO AMEND COMPLAINT TO
ALLEGE PUNITIVE DAMAGES**

FILED UNDER SEAL

I, Dennis Mesaros, declare and state as follows:

1. I make this declaration based on my personal knowledge.
2. I am the Vice President, Population Health, for St. Luke’s Health System, Ltd.

(“SLHS”), and serve as the regional operational leader for St. Luke’s Regional Medical Center

**DECLARATION OF DENNIS MESAROS IN SUPPORT OF MOTIONS FOR
LEAVE TO AMEND COMPLAINT TO ALLEGE PUNITIVE DAMAGES - 1**

(“SLRMC”), St. Luke’s Elmore Medical Center, and St. Luke’s McCall Medical Center. I refer to SLHS and SLHS collectively as “St. Luke’s.” As part of my job duties, I am accountable for the quality of care, patient outcomes, patient experience, stewardship, and the safety and wellbeing of staff, and patients. As the accountable leader, I am sometimes called upon to respond to emergency situations and events that impact hospital operations. I am a resident of Boise, Idaho.

3. On the morning of Saturday March 12, 2022, I received a call from Ms. Marle Hoff, the Chief Operational Officer of SLRMC and my direct report. During this phone conversation with Ms. Hoff, I was informed that, late on March 11, 2022, a severely dehydrated and malnourished infant (“Infant”) had been taken to St. Luke’s Meridian Medical Center’s hospital emergency department under the authority of the Department of Health and Welfare (“DHW”) and Meridian police. I was informed that a mob led by Ammon Bundy arrived St. Luke’s Meridian and, without any legal authority, demanded that the Infant be turned over to Bundy. I was informed that Bundy and his mob were trespassing and blocking the ambulance bay in Meridian and Bundy had been arrested by the police for trespass owing to his refusal to leave and move his mob from the ambulance bay. I was also informed that, because the Infant’s condition required a higher level of care, the Infant had been transferred to SLRMC to be admitted to the Children’s Hospital. It was also relayed that our Security group had learned additional protests were planned for the SLRMC campus.

4. Upon hearing this update, it was determined the protests (which had resulted in arrests the night prior) had the potential to disrupt patient care and threaten the safety of our patients and staff. As a result, I went to the hospital to oversee incident command. I am

formally trained in emergency management through the Federal Emergency Management Agency.

5. St. Luke's did not make any decisions regarding whether the parents of the Infant could visit the Infant. DHW oversaw and made those decisions. DHW always makes those decisions in situations where a child is brought to our hospitals for medical care under the authority of DHW or law enforcement. Additionally, given the Infant was brought to the hospital by DHW, the Infant was listed as a Do Not Publish ("DNP") to ensure the privacy of the patient and family. The DNP status restricts information that is shared internally (information is shared only with caregivers) and externally. In this instance, DHW and law enforcement were consulted to coordinate all visits. Further, Meridian law enforcement had advised that precautions and safeguards to protect the Infant should be put in place because of concerns that the parents of the Infant or the mob being directed by Bundy and Diego Rodriguez might attempt to take the Infant back by force during visitation or at some other time. Law enforcement recommended a safety plan and visitation parameters be established and agreed to by the family in advance of visitation. The elements of the safety plan and parameters included (1) having the visit occur away from an inpatient unit, (2) requesting no firearms be carried into the facility, (3) respecting visitation policies (i.e., masking and limitations on number of visitors), and (4) having a clinical person from SLRMC present to provide care due to the fragile state of the Infant and to assist the mother of the Infant with breastfeeding and care of the Infant during the visit.

6. Throughout the day the mob outside grew in "volume." We became aware that the Infant's earlier care team was being doxed on Rodriguez's website and elsewhere, at the direction of Rodriguez and Bundy. We were also aware that Bundy and Rodriguez were continuing to direct their followers to go to SLRMC. Some of the members of the mob outside

the hospital were visibly armed. Evidence that the mob had been fed lies was indicated on signs that stated SLRMC had kidnapped the Infant and was participating in child trafficking and that SLRMC was preventing the Infant from feeding.

7. This mob activity was a threat to the caregivers as we all were aware of the fear/safety concerns that were being provoked by the mob and false statements from Rodriguez and Bundy. Direct impacts of the activity included the reluctance of emergency medical crews from transporting patients to SLRMC. I understand that on numerous occasions, ambulance teams voiced concerns of potential gun violence.

8. We engaged in efforts to keep the parents of the Infant updated on the Infant's health and care. Via audio calls, the parents were given direct contact with the clinician team who were treating the Infant. We were committed to providing the parents ongoing updates on the Infant's condition and to coordinating with the mother to obtain her breastmilk for the Infant.

9. At some point the parents became concerned that SLRMC was going to give the Infant a Covid vaccination without the parents' consent. We noted the false postings from Rodriguez that portrayed the existence of a conspiracy to vaccinate the Infant without parental consent and evidence indicating the Infant had been vaccinated. We repeatedly assured the parents that this vaccination conspiracy peddled by Rodriguez was false. We assured the parents that we would not vaccinate the Infant.

10. On March 13, 2022, protestors returned to SLRMC at the direction of Rodriguez and Bundy. As we were aware that followers were being directed again to SLRMC, the incident command team had assembled earlier in the morning to ensure caregivers and patients could access the facility, to mitigate and respond to threats from the mob, and to continue coordination of a parental visit with the Infant.

11. Because of the actions of Bundy, Rodriguez, and their followers, members of the pediatric care team were understandably concerned about their safety. In turn, we took steps to limit exposure of the pediatric care team. The steps taken included removal of ID badges, taking down pictures of team members from the walls, removing team members' names from documentation, and taking care when releasing the names of team members to the public.

12. An update from the Security team indicated an alarming trend of telephone calls coming into SLHS inquiring about the status as well as an increasing number of threats against SLHS caregivers and administrative team. We were aware that Rodriguez and Bundy were directing their followers to call and disrupt SLHS. This directive, combined with the false statements, not surprisingly resulted in a large number of serious threats being made. I have reviewed some examples of the phone threats made to St. Luke's employees. *See, e.g., Declaration of Marle Hoff in Support of Motions for Leave to Amend Complaint to Allege Punitive Damages, at Exhibit A (filed concurrently herewith).* Some examples of the types of threats received are referenced below. To avoid disclosure of the phone numbers of callers, I have not included the last digit for the numbers. The following are some examples:

- "I'll fucking kill you" (caller 2673493x)
- "If that baby is not returned to its mother there is going to be hell to pay" (caller 2673998x)
- "Groups are going to be coming . . . we're coming" (caller 26744320xx)
- "The governor of this state should be shot" (caller 208869213X)
- "Your hospital is disgusting" "kidnapping of a child your hospital is responsible for" (caller 310951071x)
- – "It's disgusting what this hospital is doing to this baby" "sex trafficking" "you are responsible for that" (caller 310951071x)
- "How about you give that baby an enema you baby killers? what is wrong with you morons? you are going to pay for this." (caller 72036196x)
- "If anything happens to your child your ass is dead" "you will be put in jail and executed" "this is fucking unbelievable" "if you send that child to child protective services your ass is dead" "I am so fucking pissed off at you people right now, you have no right to be alive." "Fuck you people" (caller anonymous)

13. These calls were in the thousands and interfered with patient care activity, including activities ensuring patients could access the facility for needed treatments (e.g., cancer care infusions) and people being able to visit patients at SLMRC. Further, the team members who had to receive this barrage of threats were placed under a tremendous amount of stress.

14. On March 13, 2022, the attending physician had another call with the parents. This call was not productive; the parents were not engaging with the attending physician in a productive way but instead were continually challenging on her credentials, treatment plans/recommendations and overall treatment of the Infant and were implying threats. Given the challenging and threatening nature of the call, the decision was made to make the Chief Medical Officer, Frank Johnson, M.D., the point of contact for the parents of the Infant in the hopes those communications would be more productive for St. Luke's and the parents.

15. By the end of the day on March 13, 2022, a private visit between the parents and the Infant was facilitated. The visit occurred in the surgical waiting room (off hours) to allow privacy between the parents and the Infant. Although the parents did not comply with some of the visitation requirements (i.e., masking), grace was provided, and the policy was not enforced. My understanding is that during that visit, the parents surreptitiously took photos of the Infant while he was resting and from unflattering angles. By the next day, the photos of the Infant were posted on Rodriguez's website with additional propaganda that mischaracterized the Infant's treatment and condition. On his website, Rodriguez falsely claimed that the photos were evidence of the alleged diminished health of the Infant since he had been admitted to SLRMC on March 12, 2022. In contrast to the false statements made by Rodriguez that the Infant was in

perfectly good health when he came to the hospital, the Infant's medical records indicate the Infant came to the hospital severely malnourished and dehydrated.

16. One of the frustrating aspects of this course of events was that St. Luke's could not put out any statements about the truth of the situation because they would have involved the protected, personal health information of the Infant. To the contrary, although the Infant had oral aversion causing or contributing to feeding issues, within our care, the Infant was feeding and gaining weight. The actions of the parents, Bundy and Rodriguez continued to incite and solicit the crowd into violence and raise the fear level of the caregiver team and raise ongoing safety concerns of the SLRMC staff and patients under our care.

17. On March 14, 2022, as a Monday, healthcare activity was greater with elective care and treatments scheduled. The protests at the St. Luke's Boise campus continued with substantial impact on patients, visitors, and caregivers being interfered with as they attempted to access the hospital. At times there were hundreds of people gathered around the hospital, shouting at the employees and anyone else who tried to enter the building. Many protesters had firearms. The crowd was menacing, and I was worried for the safety of everyone in the hospital. Threats continued to flood the phone lines.

18. The parents continued to receive medical updates, and breastmilk continued to be provided for the Infant. We were aware of the court hearing scheduled for the following day, Tuesday March 15th at 1:00 p.m. and initiated planning, anticipating the Infant would be medically clear for discharge, regarding how the Infant would be released to either the parents or to DHW. An update from the Threat Assessment team indicated a severe risk to SLHS if the Infant was not returned to the parents. We reached out to DHW for assistance in planning the logistics of the Infant's care in either event.

19. On March 15, 2022, the Infant's father entered the hospital and requested the Infant's medical records. St. Luke's regularly provides medical records upon written request, but such requests take some time to process (typically we provide medical records within 24 hours). The Infant's father refused to leave unless he received the medical records. St. Luke's did its best to respond promptly and provided records after hospital provider and staff names were redacted from the records for their safety given threats. After the names were redacted, the records were provided to the Infant's father, and he left the building.

20. The Threat Assessment team continued to monitor communications being directed by Rodriguez and other defendants. We learned that there were discussions that raised a credible threat that if the parents did not receive custody at the close of the court hearing, there would be an effort by Rodriguez, Bundy, and their followers to forcibly remove the Infant from the hospital to return to the parents. At this point, I asked all non-essential staff near the lobby to leave the hospital. The mob continued to grow in size and agitation. We continued to work with DHW on discharge planning. Within minutes of Rodriguez posting to his followers that DHW would maintain custody of the Infant, the mob grew at a quick pace. Many in the mob of protesters were making a show of the fact that they were armed. Given the risk, DHW was asked to take physical custody of the Infant. The Boise Police Department ("BPD") sent officers to assist in protecting the hospital.

21. Within moments of the end of the hearing, the mob approached and attempted to enter the hospital. Working with BPD, the mob was asked to move back from the hospital. As the mob became more aggressive, we had to enact a "lockdown." In a lockdown, all individuals (whether staff, patients, or visitors) are prevented from entering or leaving the facility. This means that an individual approaching SLRMC for emergency care would not be able to enter the

hospital. Patients missed appointments and procedures, and staff could not go home. Emergency vehicles continued to be diverted away from SLRMC. The largest hospital in the State of Idaho, which includes the only children's hospital within the state, was forced to shut down operations due to the safety threat posed by the mob. I have never seen or heard of a lockdown of a hospital in my 30-plus years of hospital administration.

22. As this was occurring, the Infant was discharged to DHW, and the agency took physical custody of the Infant. The situation remained tense.

23. Eventually, once the Infant was safely with DHW, BPD announced to the protesters that the Infant had left the hospital. After that, the mob did start to decrease in size, although some protesters continued for the next couple days.

24. The experience with the March protests has affected the hospital providers' and staff's morale. St. Luke's prides itself in serving the community and caring for the community's health. I never imagined that we would become the target of a smear campaign that not only spread misinformation about the hospital, confusing patients and the community, but also that the campaign would escalate to a life-threatening situation like it did. For myself, I no longer wear my St. Luke's name badge in grocery stores or other public places, nor do I tell strangers where I work in case they are followers of Ammon Bundy or Diego Rodriguez. My safety has been compromised by Bundy, Rodriguez, and the other defendants.

25. St. Luke's was adversely impacted by the disruptions caused by the trespass at the Meridian hospital on March 11, 2020, the actions of the mobs at the SLRMC, and the barrage of threatening phone calls. St. Luke's services and business operations were disrupted or made more challenging owing to the wrongful actions and false statements by the Defendants.

26. To give a sense of the scope of St. Luke's operations, each day that the hospital operates, there are thousands of patient encounters. Each day that the hospital operates, St. Luke's expends millions of dollars in costs to provide service. Each day that the hospital operates, especially on weekdays when more operations are scheduled, we must recover millions in revenue, sometimes more than \$8,000,000 in revenue just so that we can meet our obligations. It is a massive, daily operation that was disrupted and shutdown by the conduct of the Defendants to the detriment of the people we serve.

27. I understand the quantification of the damages is ongoing. While the calculation process is ongoing, the impact to the SLHS was very real. A non-exclusive list of the impacts and burdens includes the following:

- Appointment cancellations, delays in care, and disruptions to services. As a result of the March protests and threats of violence, St. Luke's patients were burdened as their access to the hospital was made more difficult and stressful for several days. Some providers and staff were sent home. Patients and visitors were denied access during the lockdown.
- Emergency Department lost volume and loss of patient access. Individuals were diverted from care at St. Luke's Emergency Department due to the lockdown and access issues caused by the protesters.
- Loss of public access to phone system and distress to St. Luke's employees who received the threat. Individuals from approximately 30 different states were called on by Bundy, Rodriguez, and others to flood the St. Luke's public phone system. As a result, St. Luke's was unable to take calls from the public, including potential and current

patients for hours at a time. As reflected above, St. Luke's employees were subjected to threats of violence, including death threats. (See paragraph 25).

- Increased costs of security measures and security infrastructure. The threat posed by the protestors and online activities of Bundy, Rodriguez, and the other defendants required St. Luke's to add security measures through the duration of the protests and on a continuing basis thereafter. Increased security during the time of the protests also diverted security resources from St. Luke's Meridian. The continuing threat to St. Luke's patients and staff posed by the ongoing, false child trafficking narrative has led to St. Luke's decision to make additional securities infrastructure investments.
- Impact to recruiting. The March protests were widely publicized by media. The information available to potential recruits for positions within the St. Luke's health system has had a negative impact on recruiting efforts. I personally experienced the impact of the March protests when I was recruiting a pathologist for a potential position at St. Luke's Boise. The pathologist mentioned Bundy and the protests and in no uncertain terms said he was not interested in working at St. Luke's in Boise because of the potential threat and disruption to his ability to practice medicine without facing unfounded backlash.
- Impact to St. Luke's reputation as a health care system. The publicized comments by Bundy, Rodriguez, and the other defendants are contrary to the public-health focused mission of St. Luke's, which is: "To improve the health of people in the communities we serve." The comments undermine the trust St. Luke's patients and potential patients have in St. Luke's and its providers. The March protests and the surrounding and ongoing

comments from Bundy, Rodriguez, and the other defendants have frustrated and continue to frustrate St. Luke's ability to serve the health needs of the community.

- Impact to patient relationships. Since the time of the March protests, we have removed provider information from our public-facing websites and have removed identifying provider information from the hallways of our facilities. These actions necessarily reduce the quality of the connections between healthcare providers and their patients, which has in turn impacted St. Luke's relationship with its patients at large.

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

Executed this 5th day of December, 2022.

/s/ Dennis Mesaros

DENNIS MESAROS

CERTIFICATE OF SERVICE

I hereby certify that on this 5th 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

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