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*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 TO COMPEL**

Plaintiffs, by and through their attorneys of record, Holland & Hart LLP, hereby submit this Memorandum in Support of their Motion to Compel Defendant Diego Rodriguez (“Rodriguez”) to (1) fully answer Interrogatory Nos. 6, 8, 11, 14, 15, 28, and 29-32, and respond to Request for Production Nos. 16, 19, 22, 23, 37, and 41; (2) produce documents and information he agreed to provide during his October 5, 2022, deposition; and (3) appear in-person for a deposition in December.

## **I. INTRODUCTION**

This Motion involves a series of discovery disputes that have been the subject of ongoing disagreement between the parties. Although Plaintiffs have made several attempts to resolve these disputes without Court involvement, Rodriguez has refused to engage. Rodriguez’s defiance is in keeping with his disdain for the Court system and his arrogant assertions that he can unilaterally determine the scope of Plaintiffs’ case, decide what he should provide and what he can keep private, and choose how he participates in the litigation. Rodriguez is hampering progress in the litigation and forcing Plaintiffs to incur unnecessary costs. Absent Court intervention, Rodriguez likely will continue to obstruct and delay. Consequently, Plaintiffs respectfully request the Court grant this Motion and award Plaintiffs’ their reasonable fees.

## **II. ARGUMENT**

### **A. RODRIGUEZ SHOULD SUPPLEMENT RESPONSES AND PRODUCE DOCUMENTS.**

After Rodriguez appeared in this litigation, Plaintiff St. Luke’s Health System (“Plaintiff St. Luke’s”) served him with Interrogatories and Requests for Production of Documents. Rodriguez made frivolous objections, provided only a handful of documents, and did not meaningfully respond to most interrogatories. Declaration of Erik Stidham in Support of Plaintiffs’ Motion to Compel (“Stidham Decl.”), Ex. A. Plaintiffs’ counsel, Erik Stidham

(“Stidham”), attempted to meet and confer with Rodriguez to resolve these deficiencies without Court intervention. *Id.*, ¶ 6. Rodriguez will not confer and will not comply with applicable rules.

Plaintiffs tried several times to get Rodriguez to comply, hoping to avoid the costs associated with a motion. Stidham notified Rodriguez of the many deficiencies in his discovery responses by email dated November 17, 2022. *Id.*, Ex. B at 6-7. Stidham followed up with Rodriguez on the deficiencies and other discovery issues on November 18, 2022. *Id.* at 4. When Rodriguez had still not responded a week later, Stidham again emailed Rodriguez on November 25, 2022. *Id.* at 3-4. Rodriguez finally responded. *Id.* at 3. In response, Rodriguez categorically refused to provide requested information, personally attacked Stidham, engaged in a homophobic rant<sup>1</sup> and unilaterally restricted the scope of discovery. *Id.* at 3-7.

Through the exchange of multiple emails on November 26, 2022, it became apparent that no resolution was possible. *Id.* at 1-3. Nevertheless, Stidham sent Rodriguez a formal discovery deficiency letter on November 30, 2022. *Id.*, Ex. C. As of the date of this filing, Rodriguez has not responded to that letter and has not agreed to resolve the deficiencies in his discovery responses. Plaintiff St. Luke’s respectfully requests this Court order Rodriguez to fully respond to the Interrogatories and produce the documents requested.

**1. “Privacy” Is Not a Valid Basis to Refuse to Respond to Discovery.**

Rodriguez refused to respond to multiple Interrogatories (Nos. 6, 28, 29-32) and a Request for Production (No. 23) on “privacy” grounds. Rodriguez’s objection lacks merit.

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<sup>1</sup> Rodriguez’s hate speech is a staple in his correspondence. *See* Stidham Decl. at Ex. B at 4-5 (“Ha! Eric, are you gay? Answer the question. Are you offended by totally Christian statements based on pure Bible doctrine because it offends your natural homosexual tendencies or existing homosexual behavior? There really could be no other reason than for you to claim that I am using "hate speech." Only homos make such claims.”)

The Idaho Rules of Civil Procedure authorize discovery into “any nonprivileged matter that is relevant to any party’s claim or defense . . . .” Idaho R. Civ. P. 26(b)(1)(A). Moreover, relevant “information need not be admissible at trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.” *Id.* Evidence is relevant if “it has any tendency to make a fact more or less probable than it would be without the evidence” and “the fact is of consequence in determining the action.” Idaho R. Evid. 401. While there are limitations on discovery, none apply here. *See* Idaho R. Civ. P. 26(b)(1)(C).

Rodriguez does not explain why the information is not discoverable and makes no effort to move for a protective order. *See In re Bank of Am. Wage & Hour Empl. Practices Litig.*, 275 F.R.D. 534, 541 (D. Kan. 2011) (“Generally, concerns about confidentiality or the disclosure of private or sensitive information are not a sufficient basis to withhold discovery and are best addressed in the form of a protective order.”) Moreover, even though Plaintiffs’ have said they are willing to enter a proper protective order, Rodriguez categorically rejects the concept.

**2. Rodriguez Refuses to Respond Based on a Meritless “Privacy” Objection.**

Plaintiff St. Luke’s requested: the name and contact information for persons with knowledge (Interrogatory 6); the total amount of money or other things of value donated to, raised by, received by, or collected by Rodriguez, his immediate family, or any business or entity owned or controlled by Rodriguez or his immediate family related to the events of this litigation (Interrogatory 28); the amount of money charged to the Infant’s family for medical expenses, the amount of liability incurred for medical expenses, and the amount of public assistance, insurance coverage, or charitable donations provided for medical expenses (Interrogatories 29-32); and state and federal income tax returns for 2021 and 2022 (RFP 23).

Discovery of “the identity and location of persons who know of any discoverable matter” is expressly authorized by Idaho Rule of Civil Procedure 26(b)(1)(A). “Nothing could be more ordinary in discovery than finding out the location of identified witnesses so that they may be contacted and additional investigation performed.” *Puerto v. Superior Court*, 70 Cal. Rptr. 3d 701, 710 (Cal. App. 2008); *see also In re Bank of Am. Wage & Hour Empl. Practices Litig.*, 275 F.R.D. at 543 (concluding that “the need for discovery [of witness contact information] outweighs any minimal invasion of” witnesses’ privacy). There is thus no privacy right that would allow Rodriguez to refuse to answer Interrogatory No. 6.

Tax returns are “generally discoverable where necessary in private civil litigation.” *Young v. United States*, 149 F.R.D. 199, 201 (S.D.Cal.1993). Courts generally recognize privacy interests in certain kinds of information, such as financial information, tax returns, and medical liability and expenses. However, claims of privacy are not an absolute bar to discovery. Instead, courts “balance the need for information against the claimed privacy right.” *Lind v. United States*, 2014 U.S. Dist. LEXIS 88749, (D. Ariz. June 30, 2014).

Rodriguez put the financial information and his own tax returns directly at issue in this litigation. Financial information related to the amount of money or other things of value raised by Defendants’ defamatory and tortious conduct are directly relevant to Plaintiffs’ damages and claim for violation of the Idaho Charitable Solicitation Act. *See* Amended Complaint, filed June 6, 2022, at Count VII. Interrogatory No. 28 is narrowly tailored to discover only the financial information tied directly to Defendants’ conduct. Similarly, Rodriguez’s state and federal tax returns for 2021 and 2022 will reveal information related to Plaintiffs’ claims of Unfair Business Practices, civil conspiracy, and his connection with Bundy. *See* Amended Complaint at Count VIII. To the extent Rodriguez possesses information responsive to Interrogatories 29 through 32,

regarding medical expenses, liability, and public assistance, that information is directly relevant to Rodriguez's knowledge regarding the defamatory statements and Rodriguez's violation of the Idaho Charitable Solicitation Act. *See* Amended Complaint, ¶¶ 96-104, 109, Count VII.

Rodriguez's tax returns can only be obtained from him or with his written consent, and the financial information that he possesses demonstrates his knowledge of the falsity of statements, or reckless disregard for the truth. The information Rodriguez possesses, and the implications of that possession, can only come from him. Moreover, the privacy interest can be protected through a protective order.

**3. Rodriguez Must Provide Complete Responses with All Information or Documents in His Possession, Custody, or Control.**

Many of Rodriguez's discovery responses are deficient because he failed to fully respond to the request. Despite Stidham's identification of the incomplete responses, Rodriguez refused to provide any additional information.

Interrogatory No. 8. Plaintiff St. Luke's requested the identification of any person Rodriguez had any discussion with relating to the subject of the litigation. Stidham Decl., Ex. A. Rodriguez did identify persons that interviewed him. But that is only a small subset of the information requested. St. Luke's should get a complete response. *Id.*

Interrogatory No. 14. Plaintiff St. Luke's requested the identification of all communications, conversations, discussions, or correspondence on any public or non-public forum related to any issue in the lawsuit. *Id.* Rodriguez identified a single article posted on freedomman.org. *Id.* Rodriguez produced a small set of form emails that did not include any information regarding the recipient. No emails to Rodriguez were produced. No texts were produced. Plaintiffs have additional evidence demonstrating that Rodriguez engaged in

communications that are responsive to this request. *Id.*, ¶ 7. Rodriguez is required to produce all information in his possession, custody, or control. Idaho R. Civ. P. 26(b)(1)(A), 34(a).

Interrogatory No. 15. Plaintiff St. Luke's requested the identification of all forms, methods, apps, or types of communication used to communicate with any person about any issue involved in the litigation. Stidham Decl., Ex. A. Rodriguez responded only that People's Rights Network uses text and email. *Id.* This response fails to provide the required information as to People's Rights Network. Rodriguez's response is so vague as to be meaningless. Additionally, the request is not limited to People's Rights Network, nor is it limited to communications regarding the actual lawsuit, as Rodriguez attempts to claim. All indications are (and Rodriguez does not dispute) that he was communicating with a great number of people and organizations.

Interrogatory No. 28. Plaintiff St. Luke's requested the total amount of money or other things of value donated to, raised by, received by, or collected by Rodriguez's immediate family or any business entity owned or controlled by Rodriguez or his immediate family. *Id.* While Rodriguez denied receiving any funds personally, he did not respond to the remainder of this request relating to business entities and family. *Id.* All this information is relevant to Plaintiffs' claims and computations of damages, including computations for disgorgement.

Request for Production No. 16. Plaintiff St. Luke's requested all documents exchanged between Rodriguez and any Defendant relating to the matters set forth in the Amended Complaint. *Id.* Rodriguez denied having any responsive documents. *Id.* Rodriguez has stated that he communicated with people he knows, presumably including Defendant Ammon Bundy, by email and text message during the events at issue in this litigation. *Id.*, Ex. A (Answer to Interrogatory Nos. 13, 19). Rodriguez was a consultant for Defendant Bundy for Governor and is actively involved with Defendant PRN. He should respond fully.

Request for Production No. 19. Plaintiff St. Luke's requested corporate formation and governance documents related to any of Rodriguez's various entities. *Id.* Rodriguez responded that he had already provided that information. *Id.* Presumably, Rodriguez is referring to Interrogatory No. 23, wherein he stated that he has ownership and control of Power Marketing Consultants LLC. *Id.* But Rodriguez failed to provide any governance documents for Power Marketing. Further, Rodriguez also controls other entities who are intertwined and relevant here, including Freedom Tabernacle LLC. This response is plainly deficient.

Request for Production No. 22. Plaintiff St. Luke's requested documents demonstrating contracts or business relationships between Rodriguez or any entity owned or controlled by Rodriguez and Defendant Ammon Bundy or any entity or association owned or controlled by Bundy. *Id.* Rodriguez stated that there were no such documents. *Id.* Publicly available documents demonstrate a financial relationship between Rodriguez, one or more of his entities, and Defendant Bundy for Governor and Defendant PRN. See Stidham Declaration ISO Motion to Amend filed December 5, 2022 ("Stidham Decl. ISO Punitives") at ¶¶ 39,75-76. Freedom Tabernacle received monies paid from PRN members and Power Marketing is paid by the Bundy Campaign. *Id.*, Exs. E, I. Rodriguez's response is plainly deficient and Rodriguez must provide all responsive documents in his possession, custody, or control. Idaho R. Civ. P. 34(a).

Request for Production No. 37. Plaintiff St. Luke's requested all documents showing the receipt, payment, loan, and/or transfer of money or funds by and between Rodriguez and the other Defendants, as well as numerous related entities. Stidham Decl., Ex. A. Rodriguez responded that he has no documents and the only transfer was the sale of an RV from Rodriguez to Bundy. *Id.* This response is plainly deficient based on the public documents showing contributions to Defendant Bundy for Governor by Rodriguez and payments to Power Marketing



from Defendant Bundy for Governor. Further, evidence indicates that Freedom Tabernacle (a Rodriguez entity) receives money for PRN. Stidham Decl. ISO Punitives” at ¶¶ 75-78 .

Rodriguez’s responses to all of the foregoing Interrogatories and Requests for Production are incomplete and therefore deficient. Rodriguez provides no explanation for the deficient responses.

**4. Rodriguez Is Obligated to Educate Himself Sufficiently To Respond To Discovery.**

Plaintiff St. Luke’s asked Rodriguez to identify all admissions against interest he contends any Plaintiff has made related to this case. Stidham Decl., Ex. A (Interrogatory No. 11). Rodriguez responded by admitting that he has “no idea what this even means.” *Id.* As a pro se litigant, Rodriguez is “not accorded special latitude merely because [he] chose to proceed through litigation without the assistance of an attorney.” *Michalk v. Michalk*, 148 Idaho 224, 229, 220 P.3d 580, 585 (2009). “Pro se litigants are held to the same standards and rules as those represented by an attorney.” *Suitts v. Nix*, 141 Idaho 706, 709, 117 P.3d 120, 123 (2005). Ignorance does not excuse Rodriguez’s failure to respond to this request. He must educate himself as to the meaning of this request and respond fully.

**5. Rodriguez Cannot Claim Press Privilege to Protect Sources.**

Plaintiff St. Luke’s requested all documents and communications from “whistleblowers” as discussed in a particular article posted on freedomman.org. Stidham Decl., Ex. A (Request for Production No. 41). Rodriguez claimed to have deleted those communications in April 2022, but also refused to produce any information as a member of the press protecting his source. *Id.* Even if Rodriguez’s claim that he deleted the information is true, which he does not support in any credible manner, he does not qualify for the limited press privilege that would allow him to refuse to respond to this request.

Although the Idaho Supreme Court has recognized a qualified privilege allowing a reporter to refuse to disclose a confidential source, Rodriguez is not a reporter and therefore cannot claim the qualified privilege. In the limited instances where Idaho courts consider the reporter's privilege, the reporters at issue were all working for an established newspaper or broadcasting service. *See State v. Salsbury*, 129 Idaho 307, 307-08, 924 P.2d 208, 208-09 (1996) (discussing the privilege as it related to a reporter for KMVT Broadcasting); *In re Contempt of Wright*, 108 Idaho 418, 419, 700 P.2d 40, 41 (Idaho 1985) (newspaper reporter for the Daily Idahoan out of Moscow, Idaho); *Marks v. Vehlow*, 671 P.2d 473, 476 (Idaho 1983) (newspaper reporter for The Idaho Statesman); *Sierra Life Ins. Co. v. Magic Valley Newspapers*, 623 P.2d 103, 104 (Idaho 1980) (related to a newspaper); *Caldero v. Tribune Pub. Co.*, 98 Idaho 288, 288, 562 P.2d 791, 791 (Idaho 1977) (newspaper reporter for the Lewiston Morning Tribune).

Rodriguez is not a reporter for a newspaper or broadcasting service. He conceded the Freedom Man website as his own personal blog. Stidham Decl., Ex. D (Rodriguez Depo. at 19:20-20:7, 25:23-26:6, 39:4-8). Posting his personal opinions and expressions on his personal blog does not make Rodriguez a reporter who can claim the qualified privilege of the press.

Even if Rodriguez could claim the qualified press privilege, the balancing test followed in Idaho demonstrates that the privilege should not be allowed to protect Rodriguez's source in this case. In *In re Contempt of Wright*, the Idaho Supreme Court adopted a balancing test to weigh (1) whether the information sought is relevant, (2) whether the information sought can be obtained by alternative means, and (3) whether there is a compelling and overriding interest in the information. 108 Idaho at 421, 700 P.2d at 43. The balance tips in favor of disclosure in cases where the person claiming the privilege is the defendant in a defamation action. *See Caldero*, 98 Idaho 288, 562 P.2d 791; *Senear v. The Daily Journal-American*, 641 P.2d 1180 (Wash. 1982).

Communications with Rodriguez’s “whistleblower,” along with the identity of the whistleblower and any information received from the whistleblower, are relevant to demonstrate Rodriguez’s knowledge of the falsity of his defamatory statements against Plaintiffs, or reckless disregard for their truth. Rodriguez describes the documents as including bodycam footage from Meridian Police, court documents related to the Child Protection case, an affidavit from Child Protective Services, and Judge Fortier’s order / sentencing in the child protection case. Stidham Decl., Ex. E. Rodriguez also stated that he had been receiving “near daily” information from other whistleblowers. *Id.* Rodriguez claims this information supports the truth of his statements, yet refuses to provide it. *Id.* It is directly relevant.

The communications and information obtained by Rodriguez cannot be obtained from any other source. The information sought is who the supposed whistleblower is, what information the supposed whistleblower provided, and when the information was provided. Only Rodriguez has that information.

The information is needed to establish the supposed basis and timing for statements made by Rodriguez. Further, discovery is to allow all parties to proceed with the same information. Plaintiff St. Luke’s cannot do that unless Rodriguez discloses the sources and content of the information he received from the whistleblowers. Rodriguez used the information he received to make additional and continuing defamatory statements about Plaintiffs. His misuse of that information is central to Plaintiffs’ claims. Plaintiff St. Luke’s has a compelling interest in the disclosure of the “whistleblower” information.

**B. THE COURT SHOULD ORDER RODRIGUEZ TO PROVIDE INFORMATION AND DOCUMENTS HE COULD NOT PROVIDE DURING HIS DEPOSITION.**

During his court-ordered deposition on October 5, 2022, Rodriguez was unable to recall the answers to certain questions or unable to answer questions with certainty. *See* Stidham

Decl., Ex. D (Rodriguez Depo. at 18:1-17, 37:24-38:10, 39:13-18, 69:12-70:24). Stidham requested, and Rodriguez agreed, to look into those topics and provide additional information and documentation. *Id.* Stidham sent Rodriguez a reminder letter on October 28, 2022, requesting Rodriguez provide the missing information. *Id.*, Ex. F. Rodriguez did not respond to that letter. *Id.*, ¶ 12. Stidham again reminded Rodriguez of his obligation to provide the missing information in his November 30, 2022 meet and confer letter. *Id.*, Ex. C. As of the date of this filing, Rodriguez has not provided the missing information.

This Court ordered Rodriguez to sit for a limited deposition to answer the five Interrogatories that were granted as expedited discovery. *See* Order on Motions for Sanctions, entered Sept. 8, 2022. The five Interrogatories were: (1) Identify any person who controls, owns, or holds any ownership interest in the website [www.freedomman.org](http://www.freedomman.org) or in Freedom Man Press (“FMP”); (2) Identify the legal entity structure for FMP; (3) Identify any person who wrote, authored, edited, or otherwise contributed information or content relating to Natasha Erickson to [www.freedomman.org](http://www.freedomman.org); (4) Identify any person who posted, published, or is authorized and capable of removing content at [www.freedomman.org](http://www.freedomman.org); and (5) Identify all individuals, entities, or agents who are authorized to accept service of process for FMP. *See* Declaration of Erik Stidham in Support of Motion to Expedite Discovery, filed May 12, 2022, Ex. B. All of the missing information relates to one of these five Interrogatories.

Specifically:

- Rodriguez has not identified the host for the [freedomman.org](http://freedomman.org) website, which is responsive to Interrogatories 1, 3, and 4;
- Rodriguez has not identified when he first began using the State Street address in Boise for Freedom Man Press and [freedomman.org](http://freedomman.org) or the date he discontinued using that address, which is responsive to Interrogatories 1, 2, and 5;

- Rodriguez has not identified the steps he took to formally close Freedom Man PAC, which is responsive to Interrogatories 1 and 5; and
- Rodriguez has not provided information regarding the Disqus commenting system he uses on freedomman.org, including whether he pays for the service and the cost of the service, which is responsive to Interrogatories 1, 3, and 4.

Rodriguez could not answer these questions with certainty and agreed to provide the information.

Plaintiffs relied on Rodriguez's statements under oath that he would provide the information.

However, he has not followed through on that agreement. Plaintiffs respectfully request the

Court compel Rodriguez to provide this missing, relevant information.

**C. THE COURT SHOULD ORDER RODRIGUEZ TO APPEAR FOR A TWO-DAY DEPOSITION IN-PERSON IN DECEMBER.**

Rodriguez unilaterally refuses to appear for a deposition in-person, refuses to respond with any available dates in December without providing any reasons why he is unavailable, refuses to sit for more than four hours, and refuses to discuss scheduling in any meaningful way. Plaintiffs therefore request this Court order Rodriguez to provide two consecutive days for his deposition, provide the location where he will appear for his deposition, and appear in-person to be deposed.

Stidham emailed Rodriguez on November 17, 2022, notifying him that Plaintiffs were setting his deposition for two consecutive days on December 8th and 9th. Stidham Decl., Ex. B at 5. Stidham offered to work with Rodriguez to set two different days, if necessary. *Id.* Stidham also offered to appear in Mexico or anywhere else, if that is where Rodriguez would be for his deposition. *Id.* Stidham asked Rodriguez to maintain professional conduct through both the scheduling and taking of his deposition. *Id.*

Rodriguez did not respond to that email, so Stidham emailed again on November 18, 2022, expressing concern with the time needed to get the deposition set. *Id.* at 4. When

Rodriguez again did not respond within the next week, Stidham emailed again on November 25, 2022. *Id.* at 3. Rodriguez finally responded the next day. *Id.* Rodriguez refused to appear for a deposition in December, instead offering January 10, 2023 as his earliest date. *Id.* He then refused to appear in person and then unilaterally restricted the deposition to four hours. *Id.*

In order to comply with the meet and confer requirements of Rule 37(a), Stidham sent Rodriguez a formal deficiency letter on November 30, 2022. *Id.*, Ex. C. Rodriguez did not respond to that letter prior to the filing of this Motion. *Id.*, ¶ 5.

Idaho Rule of Civil Procedure 30 contemplates depositions will be conducted in-person. There are exceptions to this expectation, if the parties agree or the Court orders a remote deposition following a motion requesting the same. Idaho R. Civ. P. 30(b)(4). Plaintiffs have not agreed to conduct a remote deposition. And Rodriguez provides no basis for a remote deposition. Rodriguez is the central figure in a significant lawsuit. Rodriguez has made and continues to make hundreds of misstatements and continues to actively push his damaging, false conspiracy. Rodriguez is a central witness on damages, including as to the recipients and scope of his false statements, the supposed bases for his statements, and communications between the parties during the relevant time. The deposition will be lengthy, will involve a lot of documents and media, and, accordingly, will be time consuming. Moreover, Plaintiffs are not demanding that Rodriguez return to Idaho for his deposition; Stidham offered to schedule the deposition in Mexico or Florida or anywhere else Rodriguez is located during the relevant time. Stidham Decl., Ex. B. Therefore, Rodriguez's refusal to appear in-person is improper.

Additionally, Rodriguez cannot unilaterally limit the time for his deposition. The Idaho Rules of Civil Procedure do not set any time limits on the length of a deposition. *See* Idaho R. Civ. P. 30. As stated above, the deposition will be lengthy. During his deposition in October,

Rodriguez refused to answer simple, direct questions; made lengthy, improper objections; and tried to question Stidham before agreeing to answer the question himself. *See* Stidham Decl., Ex. D (Rodriguez Depo. at 10:13-16:9, 53:22-54:13, 56:18-57:23, 62:4-64:2). Rodriguez continues to refuse to follow the Idaho Rules of Civil Procedure, despite this Court’s admonishment that he is bound by such rules. Plaintiffs anticipate Rodriguez’s course of conduct will persist.

Rodriguez cannot unilaterally dictate the terms of discovery based on what he sees as viable legal theories. *See Liguria Foods, Inc. v. Griffith Labs., Inc.*, 320 F.R.D. 168, 186 (N.D. Iowa 2017) (“an objecting party does not have ‘the unilateral ability to dictate the scope of discovery based on their own view of the parties’ respective theories of the case’”) (citation omitted). The Idaho Rules of Civil Procedure allow discovery into “any nonprivileged matter that is relevant to any party’s claim or defense.” Idaho R. Civ. P. 26(b)(1). Plaintiffs have no intention of expanding the scope of discovery beyond that which is permitted by the rules.

**D. RODRIGUEZ’S REPEATED REFUSAL TO COMPLY WITH ITS OBLIGATIONS UNDER THE IDAHO RULES OF CIVIL PROCEDURE WARRANTS AN AWARD OF COSTS.**

If an Idaho court grants a motion to compel, it is required to award the moving party its “reasonable expenses incurred in making the motion, including attorney’s fees” unless (1) the movant filed the motion before attempting in good faith to obtain the discovery without court action; (2) the opposing party’s nondisclosure, response, or objection was substantially justified; or (3) other circumstances make an award of expenses unjust. Idaho R. Civ. P. 37(a)(5)(A). None of these exceptions apply here and Plaintiffs are entitled to their reasonable expenses incurred in making this Motion, including attorneys’ fees.

**III. CONCLUSION**

For the foregoing reasons, Plaintiffs respectfully request the Court to compel Defendant Rodriguez to (1) fully answer Interrogatory Nos. 6, 8, 11, 14, 15, 28, and 29-32, and respond to

Request for Production Nos. 16, 19, 22, 23, 37, and 41; (2) produce documents and information he agreed to provide during his October 5, 2022, deposition; and (3) appear in-person for a deposition in December. Plaintiffs also respectfully seek an award of expenses, including attorneys' fees, incurred in bringing this Motion.

DATED: December 6, 2022.

HOLLAND & HART LLP

By: /s/ Erik F. Stidham

Erik F. Stidham

*Counsel for Plaintiffs*



## CERTIFICATE OF SERVICE

I hereby certify that on this 6th 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  
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*/s/ Erik F. Stidham*

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Erik F. Stidham  
OF HOLLAND & HART LLP

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