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**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 CONTEMPT AGAINST  
AMMON BUNDY AND PEOPLE'S  
RIGHTS NETWORK**

Plaintiffs, St. Luke's Health System, Ltd., St. Luke's Regional Medical Center, Ltd.,  
Chris Roth, Natasha D. Erickson, M.D., and Tracy W. Jungman, NP ("Plaintiffs"), by and  
through their attorneys of record, Holland & Hart LLP, hereby submit this Memorandum in

Support of Motion for Contempt Against Ammon Bundy and People’s Rights Network (“PRN”) (the “Motion”).

## I. INTRODUCTION

“We should become proficient and CAPABLE in defending our families, faith, freedom and future, **even by violence** when necessary.” (Emphasis added). Ammon Bundy published this statement on the PRN website on February 1, 2023. Affidavit of Jennifer Jensen (“Jensen Aff.”), Ex. G at 4. In his public statements, Bundy and PRN actively encourage violence against their enemies, while refusing to remove the web pages that identify Plaintiffs with defamatory statements as their enemies. Bundy’s and PRN’s ongoing violation of this Court’s Preliminary Injunction Order and Protective Order warrant a finding of contempt because they have willfully violated this Court’s orders.

With this Motion, Plaintiffs seek: (1) a warrant of attachment for Bundy’s arrest; (2) a conditional sanction placed on Bundy and PRN until they have removed the specified web pages; (3) the criminal sanction of a fine in an amount set by the Court; and (4) their reasonable fees and costs in bringing this Motion.

## II. BACKGROUND

This is not the first contempt motion Plaintiffs have had to file against Bundy. In August 2022, Plaintiffs initially moved for contempt against Bundy, then renewed their motion for contempt when he violated a second court order. Jensen Aff., ¶¶ 2-3. As a sanction for Bundy’s violations, on October 12, 2022, this Court entered a preliminary injunction against Bundy and

PRN (“Preliminary Injunction Order”).<sup>1</sup> *Id.*, Ex. A. The Preliminary Injunction Order provides in relevant part:

NOW, THEREFORE, it is hereby ordered that the Motion for a Preliminary Injunction is GRANTED and Defendants Ammon Bundy . . . and People’s Rights Network are enjoined to remove:

- Statements on the [www.peoplesrights.org](http://www.peoplesrights.org) website stating or alleging that Chris Roth is a criminal accessory of child abduction[.]

*Id.* Although the Preliminary Injunction Order was duly served on Bundy and PRN, they did not remove the offending material from the [www.peoplesrights.org](http://www.peoplesrights.org) website. *Id.*, ¶¶ 4, 8-9, Exs. B, E.

Due to escalating rhetoric and ongoing, repeated defamatory statements, this Court entered a Protective Order on January 19, 2023. *Id.*, Ex. C. The Protective Order clearly and unequivocally states:

IT IS HEREBY ORDERED that any person, including all Defendants and any agent of any Defendant served with this Order, are prohibited from engaging in the following actions related to this case:

(1) Any person who, by direct or indirect force, or by any threats to a person or property, or by any manner wilfully intimidates, threatens or harasses any person because such person has testified or because he believes that such person has testified in this lawsuit may be held in contempt of court.

(2) Any person who, by direct or indirect force, or by any threats to a person or property, or by any manner wilfully intimidates, influences, impedes, deters, threatens, harasses, obstructs or prevents a witness, or any person who may be called as a witness, or any person he believes may be called as a witness in this lawsuit from testifying freely, fully and truthfully in this civil proceeding may be held in contempt of court.

*Id.*, Ex. C at 1-2. The Protective Order was duly served on Bundy and PRN, together with a copy of a cease-and-desist letter from Plaintiffs’ counsel identifying the web pages that violated the

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<sup>1</sup> The Preliminary Injunction Order was also entered against Defendants Ammon Bundy for Governor, Freedom Man Press, LLC, and Freedom Man PAC. Jensen Aff., Ex. A.

Protective Order (the “Web Pages”). *Id.*, ¶ 6, 8, Ex. D. The Web Pages include doxing and defamatory statements about Plaintiffs, including the piece about Chris Roth that the Preliminary Injunction Order required to be removed. *See id.*, Ex. F, pp. 4-5; Ex. X (Summary Chart of References to Witnesses). Bundy even acknowledged receipt of the Protective Order on January 21, 2023, by publishing a copy of it online. *Id.*, ¶ 7, Ex. E, p. 2.

As of the date of this filing, the Web Pages have not been removed. *Id.*, ¶ 9 Bundy and PRN have not communicated with Plaintiffs’ counsel regarding the Preliminary Injunction Order, the Protective Order, or the cease-and-desist letter. *Id.*

Maintaining the Web Pages in violation of these orders causes ongoing harm to Plaintiffs. *Id.*, ¶ 10. The false statements perpetuate reputational harm and invite physical threat from PRN members and other followers of Bundy. *Id.* The threat grows greater as time passes because Bundy has been spinning a narrative in the media about how this lawsuit evidences his supposed suffering as the victim of organizations and individuals he accuses of corruption—including Plaintiffs—who must be stopped by whatever means. *Id.*, ¶ 10, Ex. G. Plaintiffs believe this is the very reason why this Court entered the Protective Order. *Id.*, ¶ 10 Such rhetoric encourages others to harm Plaintiffs, and the Protective Order is a shield against that harm—if it is enforced. *See id.*, ¶ 10, Ex. G.

Bundy has even declared that his and PRN’s use of violence is justified against his enemies: “There is no silver bullet to securing liberty. It is going to take unity, suffering and the willingness to use violence in defense, like it always has.” *Id.*, Ex. G at 3. He also eschews the rule of law, encouraging his followers to take the law into their own hands:

Stop thinking that the courts or elected representatives are going to save us. Stop worshipping the police or anyone else that secures more power to the institutions that threaten freedom. Stop wasting your time thinking that congress or the

president is where the solution resides. Stop being afraid. Stop thinking that remaining free is easy, it's not! The people must balance the power that is forming against them. We must peacefully unite, plan and prepare so we are ABLE to defend ourselves as necessary. The right to defend yourself is a right that is given to you from God and a right that is protected in our founding documents. The same documents that mean nothing unless they can be **enforced by the people**.

*Id.*, Ex. G at 4 (emphasis added).

Bundy's recent threatening rhetoric has garnered significant media attention, indicating the wide distribution of Bundy's harassment and intimidation. *Id.*, Ex. H. These recent statements about violence (Ex. G.), and the Web Pages identifying and defaming Plaintiffs and other potential witnesses (Ex. F), violate the Preliminary Injunction and the Protective Order.

All the while, Bundy gives every indication that he will not voluntarily come before the Court and must be compelled. He has published online videos of himself crowing about discarding court filings straight into the trash. *Id.*, Ex. I (41:17-41:30). And he has publicly labeled the Ada County Court "a complete abomination," for which "[t]he corruption in the courts are so deep and so real that it's not a method to find justice anymore." *Id.*, Ex. I (29:58-32:16).

### **III. ARGUMENT**

#### **A. THIS COURT SHOULD HOLD BUNDY IN CONTEMPT.**

Plaintiffs seek an order from this Court holding Bundy in contempt pursuant to I.C. § 7-601 *et seq.* and I.R.C.P. 75(c). Plaintiffs request this Court enter a warrant of attachment under I.R.C.P. 75(e) so that he may be arraigned on the charges of contempt and the contempt action proceed to resolution.

**1. Plaintiffs Have Appropriately Initiated Contempt and Will Establish Its Elements in a Contempt Trial (If Any Contempt Trial Is Held).**

The district court has inherent power to enforce its orders and “discretion to determine what sanctions to impose for contempt.” *Chavez v. Canyon Cnty.*, 152 Idaho 297, 304, 271 P.3d 695, 702 (2012); *see also Steiner v. Gilbert*, 144 Idaho 240, 247, 159 P.3d 877, 884 (2007) (holding that I.C. § 7-610 does not preclude alternative civil sanctions under the common law or I.C. § 1-1603).

This motion pursues both civil and criminal contempt. Because Plaintiffs seek a remedy to compel compliance with the Court’s order (removing the content from websites that violate the protective order and preliminary injunction), their motion raises civil contempt, for which the burden of proof is preponderance of the evidence. *See In re Williams*, 120 Idaho 473, 480, 817 P.2d 139, 146 (1991) (“When sanctions are imposed to punish the contemnor for past acts, the contempt is criminal; when sanctions are imposed for compensatory or coercive reasons, the contempt is civil in nature.”); *Chavez*, 152 Idaho at 304, 271 P.3d at 702 (stating that preponderance of the evidence is the burden of proof when imposing a civil sanction for contempt). And because Plaintiffs additionally seek a punitive remedy (fines), their motion implicates criminal contempt, with the burden of proof beyond reasonable doubt. *See Steiner*, 144 Idaho at 246, 159 P.3d at 883 (citing *Int’l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 827 (1994)). Sanctions may be imposed per count of contempt. *See C&M Inv. Grp.*, 164 Idaho at 307, 429 P.3d at 195 (affirming sanctions for criminal contempt—five days’ imprisonment per count).

In order to hold a party in contempt, the movant must establish that the alleged contemnor (1) violated a “clear and unequivocal” order of the court (2) willfully. *State v. Rice*, 145 Idaho 554, 556, 181 P.3d 480, 482 (2008). For purposes of contempt proceedings,

willfulness means “an indifferent disregard of duty” or “a remissness and failure in performance of a duty[.]” *In re Weick*, 142 Idaho 275, 281, 127 P.3d 178, 184 (2005); *see also Wechsler v. Wechsler*, 162 Idaho 900, 917, 407 P.3d 214, 231 (2017) (holding willfulness demonstrated when contemnor refused receiver entry to his home after being ordered to turn over certain documents and items to receiver).

The Jensen Affidavit establishes that Bundy and PRN violated two orders of this Court—the Preliminary Injunction and the Protective Order. Jensen Aff., ¶¶ 3, 5, 8-10, Exs. A, C, D, F, G, X. The orders were clear and unequivocal. *See id.*, Exs. A, Ex. C. Under the Preliminary Injunction, Bundy and PRN were required to remove “[s]tatements on the [www.peoplesrights.org](http://www.peoplesrights.org) website stating or alleging that Chris Roth is a criminal accessory of child abduction.” *Id.*, Ex. A. He did not. *Id.*, ¶ 9, Ex. F. Under the Protective Order, Bundy was barred from harassing, threatening, or intimidating witnesses and potential witnesses. *Id.*, Ex. C. The Webpages violate the Protective Order by identifying Plaintiffs, who are specifically named in the Protective Order, as Bundy’s and PRN’s enemies, labeling them with false and defamatory statements to hold them out to the fringes of their followers as targets for retribution. *See id.*, Ex. F, X. Bundy has refused to remove the Web Pages, despite having received the Protective Order as well as a cease-and-desist letter identifying the Web Pages that must be removed. *Id.*, ¶¶ 6-9, Exs. D, F, and X (Summary Chart of References to Witnesses in violation of the Protective Order.)

A finding of contempt (monetary and/or any other means the Court deems appropriate to ensure compliance) are needed here as Bundy disregards and disrespects the Court and continues to disrupt Plaintiffs’ lives and livelihoods. Absent a finding of contempt, there is no doubt that Bundy will continue to defy the Court.

## 2. Plaintiffs Have Demonstrated Probable Cause for a Warrant of Attachment.

A warrant of attachment may be issued by a court when: (1) there is probable cause to believe that the defendant committed the contempt; and (2) there are reasonable grounds to believe that the defendant would disregard a written notice to appear. *See* I.R.C.P. 75(e)(1); *see also Beck v. Elmore Cnty. Magistrate Ct. (In re Writ of Prohibition)*, 168 Idaho 909, 920-21, 489 P.3d 820, 831-32 (2021) (discussing requirements for warrants of attachment in contempt).

Here, Plaintiffs have established probable cause that Bundy is in contempt for violating two clear and unequivocal orders of the Court. *See supra* Part III.A.1.

There is probable cause that Bundy violated the orders willfully. As explained above, Bundy has actual notice of the orders. He was duly served the Preliminary Injunction Order and the Protective Order, which demonstrates his knowledge of their content. *See id.*, ¶¶ 4, 6. He even shared publicly on his website (People’s Rights Network’s website) a copy of the Protective Order. Jensen Aff., Ex. E. At the very least, his failure to obey the orders constitutes “an indifferent disregard of duty” or “a remissness and failure in performance of a duty,” which constitutes willfulness for contempt purposes. *In re Weick*, 142 Idaho at 281, 127 P.3d at 184.

And it is reasonable to believe that Bundy would disregard a notice to appear. *See* I.R.C.P. 75(e)(1). He has already chosen to ignore **four** of the Court’s orders. Jensen Aff., ¶¶ 2-3. He has refused to appear before this Court throughout the entire lawsuit and even when two prior motions for contempt were filed against him. *Id.* Given his refusal to obey the Court’s orders and statements of hostility toward the legal system (*id.*, ¶ 12, Ex. I), there is every indication Bundy (in his individual capacity and as PRN’s principal) will not voluntarily appear to be arraigned on contempt. A warrant of attachment should issue.



**B. PLAINTIFFS REQUEST ATTORNEYS' FEES AND COSTS INCURRED RELATED TO THEIR MOTION FOR CONTEMPT.**

Plaintiffs request their attorney's fees and costs incurred in prosecuting this contempt proceeding. *See* I.R.C.P. 75(m) ("In any contempt proceeding, the court may award the prevailing party costs and reasonable attorneys' fees under Idaho Code Section 7-610, regardless of whether the court imposes a civil sanction, a criminal sanction, or no sanction.").

**IV. CONCLUSION**

For the reasons stated above, Plaintiffs respectfully request that the Court grant their Motion for Contempt.

DATED: February 7, 2023.

HOLLAND & HART LLP

By: /s/ Erik F. Stidham

Erik F. Stidham

*Counsel for Plaintiffs*

## CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of February, 2023, 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 via Process Server
- 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 via Process Server
- Overnight Mail
- Email/iCourt/eServe:

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

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

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

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

- U.S. Mail
- Hand Delivered via Process Server
- 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  
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9169 W. State St., Ste. 3177  
Boise, ID 83714

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- Hand Delivered
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- Email/iCourt/eServe:

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Orlando, FL 32804

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freedommanpress@protonmail.com

*/s/ Erik F. Stidham*

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