

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 Lukes
Regional Medical Center LTD, Chris
Roth, Natasha Erickson, MD, Tracy
Jungman
Plaintiffs,

vs.

Ammon Bundy, Ammon Bundy for
Governor, Diego Rodriguez, Freedom
Man PAC, Peoples Rights Network,
Freedom Man Press LLC
Defendants.

Case No. CV01-22-06789

Order Granting Leave to File Third Amended
Complaint That Includes a Punitive Damages
Claim as to All Defendants

The Plaintiffs' Motion for Leave to Amend the First Amended Complaint to Allege Punitive Damages as to Defendant Diego Rodriguez, filed redacted December 6, 2022 and unredacted December 7, 2022, came before the Court for hearing on January 24, 2023.

The Plaintiffs' Motion for Leave to Amend the First Amended Complaint to Allege Punitive Damages as to Defaulted Defendants, filed redacted December 6, 2022 and unredacted December 7, 2022, came before the Court for hearing on January 24, 2023.

The proposed Second Amended Complaint and Demand for Jury Trial is included as Exhibit A¹ to each Motion for Leave to Amend the First Amended Complaint to Allege Punitive Damages filed. The Plaintiffs seek to add to the Prayer for Relief, "An award of punitive damages in the sum to be proven at trial."²

Then, the Plaintiffs' Motion for Leave to File Third Amended Complaint as to Defendant Diego Rodriguez, filed in both redacted and unredacted versions on January 10, 2023, also came before the Court for hearing on January 24, 2023.

Plaintiffs' Motion for Leave to File Third Amended Complaint as to Defaulted Defendants, filed in both redacted and unredacted versions on January 10, 2023, also came before the Court for hearing on January 24, 2023.

¹ Motion for Leave to Amend the First Amended Complaint to Allege Punitive Damages, filed unredacted Dec. 7, 2022. Exhibit A is the proposed Second Amended Complaint. Exhibit B is the redlined version highlighting the proposed change which is to add "D. An award of punitive damages in the sum to be proven at trial" to the Prayer for Relief. Proposed Second Amended Complaint, p. 32.

² Id.



The proposed Third Amended Complaint and Demand for Jury Trial is included as Exhibit A³ to each Motion for Leave to File Third Amended Complaint filed. The Plaintiffs seek to change the facts alleged in the Complaint as a result of additional discovery and to add facts occurring after the initial filing but do not seek to add or delete claims pled.⁴

Appearances: Erik Stidham for Plaintiffs
 Diego Rodriguez, a self-represented litigant did not appear at this hearing
 Orders of default are entered for the other defendants

The Plaintiffs filed a Memorandum in Support of each motion for punitive damages, filed redacted on December 6, 2022 and unredacted on December 7, 2022.

Each motion for leave to amend to add a punitive damages claim was supported by a number of declarations filed in support, including declarations from:

Declaration Proponent	Filed Unredacted	Filed Redacted	
Erik Stidham (with exhibits 1-71)		12/5/2022	
(exhibit 72-83)		12/7/2022	
	12/7/2022 (710 pages)		
Notice of Errata (substituting Exhibit 66)	12/21/22	12/21/22	
Jessica Flynn	12/6/2022		
John Coggins	12/6/2022		
Dr. Natasha Erickson	12/7/2022	12/6/2022	
Tracy Jungman	12/7/2022	12/6/2022	
Chris Roth	12/7/2022	12/6/2022	
Dr. Jeffrey Erickson	12/6/2022		
Dennis Mesaros	12/7/2022	12/6/2022	
Donna English	12/6/2022		
Dr. Jamie Price	12/7/2022	12/6/2022	
Dr. Camille LaCroix	12/6/2022		
William Woods	12/6/2022		
Abby Abbondandolo	12/7/2022	12/6/2022	
Katy Alexander	12/6/2022		
Marle Hoff	12/6/2022		

The motions to add a punitive damages claim were accompanied by a Motion to File under Seal Unredacted Materials in Support of Motion to Amend for Punitive Damages, filed December 6, 2022, with a Memorandum in Support filed the same day. The Plaintiffs move to seal the unredacted versions of these documents because they contain private health

³ Motion for Leave to Amend the Third Amended Complaint, filed redacted and unredacted Jan. 10, 2023. Exhibit A is the proposed Third Amended Complaint and Exhibit B is the redlined version highlighting the proposed changes.

⁴ Id.



information of a minor child. Redacted copies of these documents were also filed which permit the public to access each document except the private health information.

No response to the motions for leave to amend to add a punitive damages claim was filed by Defendant Diego Rodriguez or any defaulted defendant.

The motions for leave to file the Third Amended Complaint were accompanied by a Motion to Seal, filed January 10, 2023, with a single Memorandum in Support of both motions⁵ and a Declaration of Erik F. Stidham in support of Motions for Leave to File Third Amended Complaint filed the same day. The Plaintiffs move to seal the unredacted versions of these documents because they contain private health information of a minor child. Redacted copies of these documents were also filed which permit the public to access each document except the private health information.

No response to the motions for leave to file a Third Amended Complaint was filed by Defendant Diego Rodriguez or any defaulted defendant.

The Court has considered all matters filed in support of these motions including matters digitally filed and exhibits in support that were conventionally filed which included video exhibits.

LEGAL STANDARD

a. Leave to Amend a Pleading

Idaho Rule of Civil Procedure 15 states that after an answer is filed, “a party may amend its pleading only with the opposing party's written consent or the court's leave.” IDAHO R. CIV. PRO. 15(a)(2). “The Court should freely give leave when justice so requires.” IDAHO R. CIV. PRO. 15(a)(2).

The decision to grant or deny a motion to amend is left to the sound discretion of the trial court. *Jones v. Watson*, 98 Idaho 606, 610, 570 P.2d 284, 288 (1977). Motions to amend pleadings are to be liberally granted. *Estate of Becker v. Callahan*, 140 Idaho 522, 528, 96 P.3d 623, 629 (2004).

In determining whether to grant such leave, the district court may consider whether the amended pleading sets out a valid claim, whether the opposing party would be prejudiced by any undue delay, or whether the opposing party has an available defense to the newly added claim. The court may not, however, weigh the sufficiency of the evidence related to the additional claim.

Atwood v. Smith, 143 Idaho 110, 115, 138 P.3d 310, 315 (2006) (*quoting Spur Products Corp. v. Stoel Rives LLP*, 142 Idaho 41, 122 P.3d 300, 303 (2005)).

⁵ Memorandum in Support of Motions for Leave to File Third Amended Complaint, filed Jan. 10, 2022.



b. Amendment to Add Punitive Damages Claims

Idaho Code § 6-1604(2) requires a party to file a pretrial motion and have a hearing before the court before it can amend a pleading to include a prayer for relief seeking punitive damages. Idaho Code § 6-1604(2) requires, in relevant part:

...The court shall allow the motion to amend the pleadings if, after weighing the evidence presented, the court concludes that, the moving party has established at such hearing a reasonable likelihood of proving facts at trial sufficient to support an award of punitive damages. ...

Idaho Code § 6-1604(1) sets out the standard by which the claimant must prove its claim for punitive damages:

In any action seeking recovery of punitive damages, the claimant must prove, by clear and convincing evidence, oppressive, fraudulent, malicious or outrageous conduct by the party against whom the claim for punitive damages is asserted.

This statute does not change the rules of evidence used during the trial. Idaho Code § 6-1604(4). Any judgment for punitive damages is limited to the greater of \$250,000 or an amount which is three times compensatory damages awarded; and the limitations on noneconomic damages contained in Idaho Code § 6-1603 do not apply to any punitive damages awarded. Idaho Code § 6-1604(3).

The purposes for punitive damages are to both punish and deter. *Abbie Uriguen Oldsmobile Buick v. U.S. Fire Ins. Co.*, 95 Idaho 501, 504, 511 P.2d 783, 786 (1973).

The Plaintiffs bear the burden of showing a “likelihood” that defendant performed “a bad act [with] a bad state of mind.” *Todd v. Sullivan Constr. LLC*, 146 Idaho 118, 123, 191 P.3d 196, 201 (2008) (quoting *Myers v. Workmen’s Auto. Ins. Co.*, 140 Idaho 495, 503, 95 P.3d 977, 985 (2004)). The factors a court should consider on a motion to amend to add punitive damages are (1) continuing oppressive conduct; (2) defendant’s knowledge of likely consequences; (3) whether plaintiff was harmed; (4) expert testimony; and (5) whether there is a special relationship between the parties. *Thurston Enters. v. Safeguard Bus. Sys.*, 164 Idaho 709, 725, 435 P.3d 489, 505 (2019) (citing *Cuddy Mtn. Concrete Inc. v. Citadel Constr. Inc.*, 121 Idaho 220, 229-30, 824

c. Motions to Seal

Idaho Court Administrative Rule 32(a) states in relevant part:

(a)... The public has a right to access the judicial department's declarations of law and public policy, and to access the records of all proceedings open to the public...

Idaho Court Administrative Rule 32(i) allows the Court to temporarily or permanently seal or redact physical and electronic records on a case-by-case basis. The Court must have a hearing



before sealing or redacting records. I.A.R. 32(i)(1). After the hearing, the court may order a record immediately redacted or sealed “if the court finds that doing so may be necessary to prevent harm to any person or persons.” The Court must make a “finding of fact as to whether the interest in privacy or public disclosure predominates. If the court redacts or seals records to protect predominating privacy interests, it must fashion the least restrictive exception from disclosure consistent with privacy interests.” Additionally, before a court may enter an order redacting or sealing records, it must also make one or more of the following determinations in writing:

(A) That the documents or materials contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person, or

...

(E) That it is necessary to temporarily seal or redact the documents or materials to preserve the right to a fair trial....

Further, Idaho Administrative Rule 32(g) provides that “Documents and records to which access is otherwise restricted by state or federal law” are otherwise exempt from disclosure.

ANALYSIS

a. Leave to Amend to Add Punitive Damages Claims

The claims before this Court in the Amended Complaint⁶ already include claims for Defamation (Libel and Slander) by all Plaintiffs against all Defendants (Count I), Invasion of Privacy of Mr. Roth, Dr. Erickson, and NP Jungman against all Defendants (Count II), Intentional Infliction of Emotion Distress by Mr. Roth, Dr. Erickson, and NP Jungman against all Defendants (Count III), a common law Trespass claim (Count IV) and a statutory trespass claim under Idaho Code § 6-202 (Count V) alleged by St. Luke’s Health System and St. Luke’s Regional Medical Center against Defendants Bundy and Rodriguez, a claim for Unfair Business Practices alleged by all Plaintiffs against Defendants Bundy, Rodriguez, and Freedom Man Press (Count VI), and violations of the Idaho Charitable Solicitation Act by all Plaintiffs against Defendants Rodriguez and Freedom Man Press (Count VII). Additionally, Count VIII alleges a claim of Civil Conspiracy against all Defendants on behalf of all Plaintiffs alleging there was a civil conspiracy between all Defendants to commit the acts alleged in Counts I through VII.

The Court has reviewed all of the declarations and video exhibits submitted by the Plaintiffs in support of adding a claim for punitive damages. The court notes that even the Plaintiffs memorandum centers around the conduct of Diego Rodriguez and the Freedom Man Press website, both around the time that the child protection proceeding was ongoing and

⁶ Amended Complaint and Demand for Jury Trial, filed June 2, 2022.



especially after the child was returned to its parents. Even after the return of the child, Diego Rodriguez has continued to post on the Freedom Man Press website information about the Plaintiffs engaging in kidnapping and trafficking children for money, implying sexual abuse of children, boasting about shutting down St Luke's phones lines and its business so that it could not operate by their protests, and encouraging viewers and listeners to join the People's Rights Network and/or support Freedom Man Press.

This Court has weighed the evidence presented as required in Idaho Code § 6-1604(2) and concludes that the Plaintiffs have established at the hearing and by matters filed in support of the motions that there is a reasonable likelihood of proving facts at trial sufficient to support an award of punitive damages against Diego Rodriguez and Freedom Man Press. The Court finds there is a reasonable likelihood that the Plaintiffs will be able to prove, by clear and convincing evidence produced at trial, that the conduct of Diego Rodriguez and Freedom Man Press was malicious and outrageous conduct, and that these bad acts contained on the videos and the websites under the control of Diego Rodriguez were bad acts performed with a bad state of mind. The Court has considered that the conduct was continuing, even after the child was returned to the parents, these defendants knew (and even boasted) about the likely consequences of defaming the Plaintiffs and injuring their practices or businesses, and that the Plaintiffs were actually harmed by the conduct. The Court finds there was no special relationship or any especially poignant expert testimony presented, although that evidence may be presented at trial. Therefore, the Court will permit the addition of a punitive damages claim against Defendants Diego Rodriguez and Freedom Man Press LLC.

But what about the conduct of Ammon Bundy and the People's Rights Network? While Defendant Ammon Bundy produced and published videos supporting the protest of St. Luke's, encouraged protesters to go to specific addresses of the doctors or nurses involved in the care of the child, and encouraged more of the People's Rights Network participants to call in to jam the phone lines of St. Luke's or appear in person at the businesses to disrupt their business to garner additional public attention, some of the conduct and posts by Ammon Bundy dissipate after the return of the child to the parents. While the protests were occurring, Ammon Bundy's videos speak in terms of "we": "We need more people,"⁷ "We are organizing these things for the family" (in reference to having been at a doctor's house all day or a law enforcement officer's house all day, or inviting people to St. Luke's Hospital or a doctor's workplace at specific times),

⁷ Declaration of Erik F. Stidham in Support of Motion for Leave to Amend Complaint to Add Punitive Damages, Ex. 9, conventionally filed Dec. 6, 2022.



and then commenting “We will continue to escalate this as far as we need to.”⁸ So, Ammon Bundy’s conduct, as published to the People’s Rights Network, does not have the same continuing conduct for months after the child was returned. Bundy made fewer comments about the Plaintiffs engaging in kidnapping and individually does not allege that the Plaintiffs traffic children and does not imply sexual abuse of children. In Exhibit 58, Mr. Bundy discusses that the baby was returned to the family so he had called off those going to the judge’s house but then announced that there would still be a rally and a People’s Rights Conference.⁹ Still, it is clear that his acts of making and publishing videos and directing supporters were performed with a bad or malicious state of mind intending to harass, annoy or injure the Plaintiffs. Bundy also boasts in videos of jamming phone lines of St. Luke’s and interrupting the hospital’s business operations and that the protests were garnering the desired attention and should continue while the child protection proceedings were ongoing. In a Bundy for Governor advertisement, Ammon Bundy states he sent hundreds of people over to Hardware Brewing in support of defiance of mask mandates and the advertisement also mentions that he helped with a little piece related to Baby Cyrus.¹⁰ Sufficient evidence was presented that there is a reasonable likelihood that the Plaintiffs will prove at trial that Bundy directed his supporters and others in the People’s Rights Network to go to St. Luke’s in Boise to protest or to call in protest.

Count VIII, the Civil Conspiracy count, is not by itself a claim for relief. It gives rise to legal remedies only if there is proof of an agreement between two or more defendants to accomplish an unlawful objection or to accomplish a lawful objective in an unlawful manner. *Taylor v. McNichols*, 149 Idaho 826, 844, 243 P.3d 642, 660 (2010). An agreement is the foundation of a conspiracy claim and there must be some showing of specific evidence of a plan or agreement to engage in the civil wrongs alleged to demonstrate the pendency of the conspiracy at the time of the alleged wrongs in Counts I through VII. Considering all of the evidence presented in support of the motion, this Court finds amendment to add a claim for punitive damages against Ammon Bundy and the People’s Rights Network is appropriate.

While the making and posting of videos by Ammon Bundy lessened after the child was returned to the parents, there was no evidence presented that Ammon Bundy or the People’s Rights Network withdrew or disavowed the agreement to support Diego Rodriguez and/or Freedom Man Press. Rodriguez’s posts on Freedom Man Press encourage supporters to join

⁸ *Id.*, Ex. 13

⁹ *Id.*, Ex. 58.

¹⁰ *Id.*, Ex. 41.



People's Rights Network and support Ammon Bundy and his political campaign. Ammon Bundy continues to post on the Freedom Man website comments in support of Rodriguez and Freedom Man Press. For the reasons stated above and because the civil conspiracy claim can give rise to the same legal remedies for Ammon Bundy and the People's Rights Network as for Diego Rodriguez and Freedom Man Press, the Court permits a claim for punitive damages to also be added against Ammon Bundy and the People's Rights Network.

Since part of the malicious and outrageous conduct also occurred during the election cycle and while campaign funds were being raised and expended, the Court will also permit the addition of a punitive damages claim against the Defendants Freedom Man PAC (political action committee) and Ammon Bundy for Governor because there is a reasonable likelihood of proving facts at trial sufficient to support an award of punitive damages against these entities that were accepting and expending political donations for the political candidate involved in this conduct or the civil conspiracy to engage in this conduct. Again, the duration of this conduct and solicitations of campaign or PAC donations continued beyond the initial protest and the return of the child to the parents, so the Court finds this malicious and outrageous conduct was continuing in nature.

The Court, having considered the standard of whether there is a reasonable likelihood that the Plaintiffs can prove that punitive damages are warranted at trial, GRANTS the motions for leave to amend to add a claim for punitive damages against all defendants. The Court notes that the Plaintiffs will actually have the higher burden of proof at trial of proof by clear and convincing evidence of the oppressive, fraudulent, malicious or outrageous conduct for each defendant that is set out in Idaho Code § 6-1604(1).

b. Leave to File Third Amended Complaint

Plaintiffs argue the Third Amended Complaint seeks only "to add new allegations in support of all claims" and "relate to Defendants' ongoing defamation Plaintiffs, engagement in unfair business practices and solicitation of charitable contributions, and ongoing civil conspiracy regarding the same." Plaintiffs assert all new allegations "occurred or were discovered by Plaintiffs after the filing of the Complaint."

The proposed Third Amended Complaint does not seek to add any new causes of action in this litigation. Notably, the proposed Third Amended Complaint presumes the Court granted leave to file the Second Amended Complaint that allows a claim for punitive damages. Since the Court considered the issues related to the punitive damages claim above, the Court now considers whether it is appropriate to permit the filing of the proposed Third Amended Complaint.



Plaintiffs argue the court should grant the motion for leave to file the Third Amended Complaint because (1) Plaintiffs seek to amend in good faith; (2) Plaintiffs have not delayed in bringing the motion to amend; (3) Defendants will not be prejudiced, and in fact the Defaulted Defendants will be provided an additional opportunity to respond in the litigation; and (4) amendment would not be futile.

The proposed Third Amended Complaint does not seek to add any new claims or parties. Rather, it seeks to add factual basis and specificity as to each claim and the relief requested by Plaintiffs. The Court finds the newly included factual allegations proposed are related to the claims raised in the prior pleadings filed. While amending the pleading to add new factual allegations is not required, the Court finds that the inclusion of these basis will serve to provide all parties with notice of the Plaintiffs' arguments against the Defendants with further specificity. Additionally, the Court finds many of the factual allegation are reworded to more accurately address the essential elements of each claim. So, the Court in its discretion allows the proposed amendments to the body of the Complaint.

In the prayer for relief that is proposed, Plaintiffs request money damages, injunctive relief, punitive damages and attorney fees. Related to money damages, the proposed Third Amended Complaint adds the following underlined language:

An award to each of the St. Luke's Parties from each of the Defendants for damages in the sum to be proven at trial but in no event less than \$250,000.¹¹

...

In the event of default. Rodriguez and FMP should be forced to disgorge at least \$115,000 and pay attorneys' fees in the amount of \$50,000 to Plaintiffs for fees incurred relating to this claim.

While the Plaintiffs can plead whatever damages they want and request any amount of attorney fees on default, the amount of damages are determined by the fact finder and the Court is tasked with determining the reasonable amount of attorney fees. The Court notes the proposed amendments include additional legal bases for requesting attorney fees and costs in this case.¹² So, the Court finds an amendment to increase the damages and/or attorney fees requested is permissible under Rule 15 but is not binding on the court or a jury. With that said, the Court finds these amendments are appropriate under Rule 15.

¹¹ PTAC, p. 40, ¶ A.

¹² PTAC, p. 40, ¶ C.



Plaintiffs' proposed Third Amended Complaint drastically changes the requested injunctive relief from only "requiring the Defendants to cease posting and disseminating defamatory statements against the St. Luke's Parties" to add four additional requests for relief:

- to cease making statements that the St. Luke's Parties are criminals and/or participate in the kidnapping, trafficking, sexual or any other abuse, and/or killing of children;
- to remove from all online locations that Defendants have authority to do so any and all statements that the St. Luke's Parties are criminals and/or participating in the kidnapping, trafficking, sexual or any other abuse, and/or killing of children;
- to cease disseminating and encouraging others to disseminate the contact information, personal information, and images of Mr. Roth, Dr. Erickson, and NP Jungman; and
- to remove from all online locations that Defendants have authority to do so the contact information, personal information, and/or images of Mr. Roth, Dr. Erickson, and NP Jungman.¹³

The Court finds the last two requests for injunctive relief are already addressed by this Court's Protective Order entered January 19, 2023. Still, the Court finds it is appropriate to allow the amendment of the pleading include these additional bases for injunctive relief.

Since motions to amend pleadings are to be liberally granted under the Idaho Rule of Civil Procedure, no objection has been filed, and the proposed amendments seem appropriate, the Court GRANTS leave to file the Third Amended Complaint.

The Third Amended Complaint must be filed no later than February 21, 2023. Each defendant must be served a copy of the Third Amended Complaint and provided an opportunity to file a responsive pleading or motion under Idaho Rule of Civil Procedure 12.

Therefore, the Court will suspend the dates and deadlines in the Stipulation for Scheduling and Planning that was entered between Plaintiffs and Diego Rodriguez until the Plaintiffs have had the opportunity to serve Diego Rodriguez with this new pleading and Diego Rodriguez has had the allotted time in the Rules of Civil Procedure to file a responsive pleading or other motion.

c. Motions to Seal Unredacted Documents

The Court has considered the requests to seal the unredacted documents and proposed pleadings filed with these motions. Plaintiffs argue the redacted segments of the documents should remain sealed "subject to the Health Insurance Portability and Accountability Act ("HIPAA") privacy and security regulations" codified in 45 C.F.R. Part 164. Specifically, Plaintiffs assert that because of the wide-spread publicity surrounding the circumstances of the Protected

¹³ PTAC, p. 40, ¶ B.



Documents, many of the allegations and statements in the Protected Documents can be used to identify the individual patient. The Court notes that the patient is also a minor child. Protected Health Information (“PHI”) “means individually identifiable health information” that is transmitted or maintained in any form or medium.” 45 C.F.R. § 160.103.

Individually identifiable health information is information that is a subset of health information, including demographic information collected from an individual, and:

- (1) Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and
- (2) Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and
 - (i) That identifies the individual; or
 - (ii) With respect to which there is a reasonable basis to believe the information can be used to identify the individual.

45 C.F.R. § 160.103. “When using or disclosing protected health information ... a covered entity or business associate must make reasonable efforts to limit protected health information to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request.” 45 C.F.R. § 164.502.

The Court finds that facts underlying this case have been widely publicized but there is a unique concern that the minor’s identity is easily discernable, public records have records retention requirements for many, many years, and public records are given certain presumptions of trustworthiness that lead to evidentiary value under the Rules of Evidence. While the information may have been contained in news media or social media, there is great concern about protected health information about a minor’s identity, medical symptoms, treatment, and diagnosis being included in a public record of the court. The Court recognizes that there is a sealed child protection case within the Fourth District with its proceedings and records sealed to protect this information of a minor. So, this Court makes a finding of fact that the minor’s interest in privacy of this protected health information and its identity predominates over the public’s interest in disclosure of these very limited sections of the court records.

Therefore, the Court will permit the unredacted documents filed in this case to remain sealed since it finds that the publicly-available redacted documents have narrowly-tailored redactions that are the least restrictive exceptions from disclosure consistent with the minor’s privacy interests. These redactions are only the minor’s identity and medical information exempted from public disclosure under HIPPA. The Court finds these redactions contain highly intimate facts and the publication of these facts would be highly objectionable to a reasonable



person. Also, the Court finds that the continued potential for publication of the minor's identity and medical information is actually necessary to preserve the right to a fair trial of all parties in this litigation.

Finally, the Court finds that including publicly available redacted versions is the least restrictive exception from disclosure consistent with the privacy interests identified above.

The Court will sign the proposed orders submitted by Plaintiffs and seal the documents listed in those orders.

Further, the Court will permit unredacted versions of the Third Amended Complaint to be filed sealed for the same reasons.

CONCLUSION

The Plaintiffs' Motion for Leave to Amend the First Amended Complaint to Allege Punitive Damages as to Defendant Diego Rodriguez, filed redacted December 6, 2022 and unredacted December 7, 2022, and the Plaintiffs' Motion for Leave to Amend the First Amended Complaint to Allege Punitive Damages as to Defaulted Defendants, filed redacted December 6, 2022 and unredacted December 7, 2022, are GRANTED.

The Plaintiffs' Motion for Leave to File Third Amended Complaint as to Defendant Diego Rodriguez, filed in both redacted and unredacted versions on January 10, 2023, and also the Plaintiffs' Motion for Leave to File Third Amended Complaint as to Defaulted Defendants, filed in both redacted and unredacted versions on January 10, 2023, are also GRANTED.

The Third Amended Complaint (including its claim for punitive damages against all defendants) **must be filed no later than February 21, 2023**. Each defendant must be served a copy of the Third Amended Complaint and provided an opportunity to file a responsive pleading or motion under Idaho Rule of Civil Procedure 12.

The Motions to Seal are GRANTED and separate orders will be entered.

IT IS ORDERED.

Dated: 2/7/2023 5:47:05 PM



Lynn Morton
District Judge



