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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 and an unincorporated
association,

Defendants.

Case No. CV01-22-06789

**MEMORANDUM IN SUPPORT OF
MOTION TO SUBMIT
SUPPLEMENTAL AFFIDAVIT IN
SUPPORT OF MOTION FOR
CONTEMPT AGAINST AMMON
BUNDY AND PEOPLE'S RIGHTS
NETWORK AND MOTION TO
SHORTEN TIME**

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 ("St. Luke's Parties"), by

and through their attorneys of record, Holland & Hart LLP, respectfully submit this

MEMORANDUM IN SUPPORT OF MOTION TO SUBMIT SUPPLEMENTAL AFFIDAVIT
IN SUPPORT OF MOTION FOR CONTEMPT AGAINST AMMON BUNDY AND
PEOPLE'S RIGHTS NETWORK AND MOTION TO SHORTEN TIME - 1

Memorandum in Support of Motion to Submit Supplemental Affidavit in Support of Motion for Contempt Against Ammon Bundy and People’s Rights Network and Motion to Shorten Time.

I. INTRODUCTION

Plaintiffs seek to submit the Supplemental Affidavit of Jennifer Jensen (“Supplemental Affidavit”) in support of the pending Motion for Contempt against Ammon Bundy and People’s Rights Network (“Motion for Contempt”). The Motion for Contempt is set to be heard on February 21, 2023. The Supplemental Affidavit solely includes statements from Bundy and People’s Rights Network (“PRN”) made in the interim since Plaintiffs filed their Motion for Contempt.

II. ARGUMENT

Although affidavits supporting a motion “must be filed with the court and served so as to be received by the parties at least 14 days prior to the day designated for hearing,” the Court may grant “[a]ny exception to the time limits . . . for good cause shown.” I.R.C.P. 7(b)(3)(A), (b)(3)(H). It is within the Court’s discretion to consider an affidavit in support of a motion, filed less than 14 days before the hearing. *See Marek v. Hecla, Ltd.*, 161 Idaho 211, 221, 384 P.3d 975, 985 (2016) (holding the district court acted within its discretion when it considered a memorandum and affidavit filed less than 14 days before the hearing). There is no prejudice to party who already knew the content of an affidavit filed later than 14 days before the hearing. *See In re Michael*, 423 B.R. 323, 344 (D. Idaho 2009) (denying motion to strike late-filed affidavit setting forth circumstances of a sale because party was not prejudiced, having been present at the sale himself).

Here, the Supplemental Affidavit relates solely to threatening, harassing, and intimidating statements made by Mr. Bundy less than 14 days before the hearing date. Accordingly, they could not be included in the original Affidavit of Jennifer Jensen, which was timely filed and

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IN SUPPORT OF MOTION FOR CONTEMPT AGAINST AMMON BUNDY AND
PEOPLE’S RIGHTS NETWORK AND MOTION TO SHORTEN TIME - 2

served under Rule 7(b)(3)(A). The Supplemental Affidavit demonstrates the ongoing and flagrant violations of this Court's protective order.

Plaintiffs request that this Court exercise its discretion to consider the Supplemental Affidavit. There is good cause to consider the Supplemental Affidavit because Plaintiffs could not have presented the evidence in the Supplemental Affidavit any earlier. Nor would there be any prejudice to Bundy or PRN. They have notice of the content of the Supplemental Affidavit because they made the statements that the Supplemental Affidavit includes. *See In re Michael*, 423 B.R. at 344 (no prejudice when party had personal knowledge of the circumstances set forth in the late-filed affidavit).

And they did not oppose the evidence submitted with the original Affidavit of Jennifer Jensen, indicating that, were they afforded more time, Bundy and PRN would not file any opposition or response to the Supplemental Affidavit. Accordingly, it should be considered in support of the Motion for Contempt.

Plaintiffs also request that this Court shorten time to hear this Motion to Submit the Supplemental Affidavit. Good cause exists because this Court is scheduled to hear Plaintiffs' Motion for Contempt Against Bundy and PRN (to which the Supplemental Affidavit relates) on February 21, 2023, at 4:00 p.m., and the Supplemental Affidavit could not be submitted any earlier, as explained above.

III. CONCLUSION

For the foregoing reasons, Plaintiffs request that this Court grant their Motion to Submit Supplemental Affidavit in Support of Motion for Contempt Against Ammon Bundy and People's Rights Network and Motion to Shorten Time.

DATED: February 17, 2023.

HOLLAND & HART LLP

By: /s/ Erik F. Stidham

Erik F. Stidham

Jennifer M. Jensen

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 17th 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	<input type="checkbox"/>	U.S. Mail
P.O. Box 370	<input type="checkbox"/>	Hand Delivered
Emmett, ID 83617	<input checked="" type="checkbox"/>	Overnight Mail
	<input type="checkbox"/>	Email/iCourt/eServe:

Ammon Bundy for Governor	<input type="checkbox"/>	U.S. Mail
c/o Ammon Bundy	<input type="checkbox"/>	Hand Delivered
4615 Harvest Ln.	<input checked="" type="checkbox"/>	Overnight Mail
Emmett, ID 83617-3601	<input type="checkbox"/>	Email/iCourt/eServe:

Ammon Bundy	<input type="checkbox"/>	U.S. Mail
4615 Harvest Ln.	<input type="checkbox"/>	Hand Delivered
Emmett, ID 83617-3601	<input checked="" type="checkbox"/>	Overnight Mail
	<input type="checkbox"/>	Email/iCourt/eServe:

People's Rights Network	<input type="checkbox"/>	U.S. Mail
c/o Ammon Bundy	<input type="checkbox"/>	Hand Delivered
4615 Harvest Ln.	<input checked="" type="checkbox"/>	Overnight Mail
Emmett, ID 83617-3601	<input type="checkbox"/>	Email/iCourt/eServe:

People's Rights Network	<input type="checkbox"/>	U.S. Mail
c/o Ammon Bundy	<input type="checkbox"/>	Hand Delivered
P.O. Box 370	<input checked="" type="checkbox"/>	Overnight Mail
Emmett, ID 83617	<input type="checkbox"/>	Email/iCourt/eServe:

Freedom Man Press LLC	<input checked="" type="checkbox"/>	U.S. Mail
c/o Diego Rodriguez	<input type="checkbox"/>	Hand Delivered
1317 Edgewater Dr. #5077	<input type="checkbox"/>	Overnight Mail
Orlando, FL 32804	<input type="checkbox"/>	Email/iCourt/eServe:

Freedom Man Press LLC	<input checked="" type="checkbox"/>	U.S. Mail
c/o Diego Rodriguez	<input type="checkbox"/>	Hand Delivered
9169 W. State St., Ste. 3177	<input type="checkbox"/>	Overnight Mail
Boise, ID 83714	<input type="checkbox"/>	Email/iCourt/eServe:

Freedom Man PAC	<input checked="" type="checkbox"/>	U.S. Mail
c/o Diego Rodriguez	<input type="checkbox"/>	Hand Delivered
1317 Edgewater Dr., #5077	<input type="checkbox"/>	Overnight Mail
Orlando, FL 32804	<input type="checkbox"/>	Email/iCourt/eServe:

Diego Rodriguez
1317 Edgewater Dr., #5077
Orlando, FL 32804

- U.S. Mail
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- Overnight Mail
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freedommanpress@protonmail.com

/s/ Erik F. Stidham

Erik F. Stidham
OF HOLLAND & HART LLP

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