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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

**PLAINTIFFS' NOTICE OF DIEGO
RODRIGUEZ'S FAILURE TO PROVIDE
DEPOSITION DATES PURSUANT TO
THE COURT'S FEBRUARY 8, 2023
ORDER COMPELLING DEFENDANT
DIEGO RODRIQUEZ TO RESPOND TO
DISCOVERY**

Plaintiffs, by and through their attorneys of record, Holland & Hart LLP, hereby provide this Notice that Defendant Diego Rodriguez failed to comply with this Court's Order Compelling

Defendant Diego Rodriguez to Respond to Discovery filed on February 8, 2027. (“Order Compelling Rodriguez”).

Plaintiffs are preparing a motion seeking further sanctions and relief relating to Defendant Rodriguez’s failure to comply with the Order Compelling Rodriguez and anticipate filing that motion and supporting papers soon. However, given the related deadlines set out in the Order Compelling Rodriguez, Plaintiffs wanted the Court to be aware, without delay, that Defendant Rodriguez violated the February 15, 2023 deadline.

In relevant part, the Order Compelling Rodriguez states:

Diego Rodriguez must sit for an in-person two-day deposition that will be two consecutive days. Diego Rodriguez is required to inform Plaintiffs’ counsel, Erik Stidham, of two possible start dates for this deposition that are between February 25, 2023 and March 25, 2023 **by 12:00 p.m. on February 15, 2023**. Diego Rodriguez must inform Plaintiffs’ counsel in what city, state, and country that he will be in on those provided dates. Plaintiffs’ counsel will then choose one of those start dates. These communications must be conducted by email so there is a record of the discussion.

Order filed February 8, 2023.

Despite the clear order, Defendant Rodriguez waited until February 14, 2023 and sent an email which states:

Dear Erik He/Him/His Stidham -

I reject the notion of needing 2 [sic] days for a deposition to waste time and ask questions that you already know the answer to. It is evident you are simply trying to rack up billable hours in your endless gamesmanship and dishonorable evil actions, sucking St. Luke's dry (and the public from which they take their dollars).

I am not waiving any rights to challenge the order to sit for a two day [sic] meaningless deposition, but I nevertheless offer you the following 2 [sic] dates where [sic] I will attempt to make myself available while I will be working in Curitiba, Paraná, Brazil on March 24th and 25th.

I am sure you will enjoy Brazil and it will give you the chance to fellowship [sic] with other He/Him/His friends you can meet there.

Diego Rodriguez

Freedom Man Press

(At true and correct copy of the email correspondence is attached hereto as **Exhibit A**).

In violation of the Order Compelling Rodriguez, he failed to provide two sets of dates by February 15, 2023. Further, the single set of dates provided by Rodriguez is not viable. As set out in the responding email correspondence from counsel for Plaintiffs, the government of Brazil does not allow depositions to be taking in Brazil by U. S. citizens for use in the United States.

(Exhibit A citing <https://travel.state.gov/content/travel/en/legal/Judicial-Assistance-Country-Information/Brazil.html>) (last visited 2/20/2023)).

DATED: February 20, 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 21st 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
- 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

20944058_v1

Exhibit A

Erik Stidham

From: Erik Stidham
Sent: Friday, February 17, 2023 2:51 PM
To: Freedom Man Press
Subject: RE: Deposition Dates Moving to compel and seek sanctions

Mr. Rodriguez,

You violated a court order yet again. First, you were required to provide two options for two consecutive days of deposition. You did not provide a single, viable option.

Your email below states you will “attempt to make” yourself available in Brazil. As I am confident you were aware when you sent your email, that Brazil is not an option. See <https://travel.state.gov/content/travel/en/legal/Judicial-Assistance-Country-Information/Brazil.html>

Brazil is a party to the [Hague Convention on the Taking of Evidence Abroad in Civil and Commercial Matters](#) and permits depositions or other evidence gathering only with the participation of its court system. Evidence requests may be submitted directly to the [Brazilian Central Authority](#). The United States is not a party to the evidence provisions of the Inter-American Convention on Letters Rogatory and Additional Protocol. **Brazilian authorities do not permit persons, such as American attorneys, to take depositions for use in a court in the United States before a U.S. consular officer, with the assistance of a Brazilian attorney, or in any other manner. Brazilian law views the taking of depositions for use in foreign courts as an act that may be undertaken in Brazil only by Brazilian judicial authorities. The Government of Brazil asserts that, under Brazilian Constitutional Law, only Brazilian judicial authorities are competent to perform acts of a judicial nature in Brazil. Brazil has advised it would deem taking depositions in Brazil by foreign persons to be a violation of Brazil's judicial sovereignty. Such action potentially could result in the arrest, detention, expulsion, or deportation of the American attorney or other American participants.** The United States recognizes the right of judicial sovereignty of foreign governments based on customary international law and practice. It is the State Department's understanding that the Brazilian prohibition on taking depositions by foreign persons extends to telephone or video teleconference depositions initiated from the United States of a witness in Brazil. The U.S. Embassy or Consulates in Brazil could in no way participate in, or otherwise sanction, such a proceeding. The State Department advises U.S. citizens contemplating participation in such a proceeding, without Brazil's concurrence, obtained through diplomatic channels, to consider carefully the possible legal consequences of doing so.

Moreover, we are confident that you are available for deposition in Florida during the period identified by the Court.

My clients will seek appropriate sanctions, including, but not limited to fees and evidentiary sanctions.

Regards,

Erik Stidham

He / Him / His (What's this?)

Partner, Holland & Hart LLP

efstidham@hollandhart.com | T: (208) 383-3934 | M: (208) 283-8278

CONFIDENTIALITY NOTICE: This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error; then please delete this email.

From: Freedom Man Press <freedommanpress@protonmail.com>

Sent: Tuesday, February 14, 2023 10:02 PM

To: Erik Stidham <EFStidham@hollandhart.com>

Subject: Deposition Dates

External Email

Dear Erik He/Him/His Stidham -

I reject the notion of needing 2 days for a deposition to waste time and ask questions that you already know the answer to. It is evident you are simply trying to rack up billable hours in your endless gamesmanship and dishonorable evil actions, sucking St. Luke's dry (and the public from which they take their dollars).

I am not waiving any rights to challenge the order to sit for a two day meaningless deposition, but I nevertheless offer you the following 2 dates where I will attempt to make myself available while I will be working in Curitiba, Paraná, Brazil on March 24th and 25th.

I am sure you will enjoy Brazil and it will give you the chance to fellowship with other He/Him/His friends you can meet there.

Diego Rodriguez
Freedom Man Press