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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

**DECLARATION OF ERIK F. STIDHAM
IN SUPPORT OF PLAINTIFFS'
MOTION FOR AWARD OF
ATTORNEYS' FEES AND COSTS
AGAINST DIEGO RODRIGUEZ
PURSUANT TO THE COURT'S
FEBRUARY 8, 2023 MEMORANDUM
DECISION ON MOTION TO COMPEL
DIEGO RODRIQUEZ TO RESPOND TO
DISCOVERY (RE: FAILURE TO
RESPOND TO DISCOVERY
REQUESTS)**

DECLARATION OF ERIK F. STIDHAM IN SUPPORT OF PLAINTIFFS' MOTION
FOR AWARD OF ATTORNEYS' FEES AND COSTS AGAINST DIEGO
RODRIGUEZ PURSUANT TO THE COURT'S FEBRUARY 8, 2023
MEMORANDUM DECISION ON MOTION TO COMPEL DIEGO RODRIQUEZ TO
RESPOND TO DISCOVERY (RE: FAILURE TO RESPOND TO DISCOVERY
REQUESTS) - 1

Erik F. Stidham declares and states as follows:

1. I am counsel of record for Plaintiffs in this matter. I am familiar with the facts and proceedings in this matter and have personal knowledge of the matters stated in this Declaration.

2. I am a partner in the law firm of Holland & Hart LLP (“Holland & Hart”) and am duly licensed to practice law in the State of Idaho. I am attorney of record for Plaintiffs, and I make this declaration based upon my own personal knowledge of the matters stated herein.

3. I am familiar with the firm’s billing and recordkeeping practices, and I have personal knowledge of the facts regarding the legal representation provided to Plaintiffs by Holland & Hart and of the attorneys’ fees incurred by Plaintiffs in connection with their Motion to Compel.

4. The agreement for legal services between Plaintiffs and Holland & Hart requires Plaintiffs to pay legal services on an hourly basis as well as to pay litigation costs incurred in this action. This form of fee agreement is a common and appropriate basis for attorneys’ fees.

5. The lawsuit involves complex legal issues, extensive factual issues, political sensitivity, and a complex conspiracy involving multiple parties to commit intentional harm to individuals and to disrupt the operations of a hospital system.

6. For this matter, Holland & Hart has significantly reduced its standard hourly rates, depending on the timekeeper by 10% to 15%.

7. From December 1, 2022 (when Plaintiffs began the preparation of their Motion to Compel) through February 22, 2023 (the last date that material work was done to prepare the

Motion for Attorneys' Fees), Plaintiffs incurred reasonable attorneys' fees they now seek to recover from Defendant Diego Rodriguez in connection with the Motion to Compel.

8. Attached hereto as **Exhibit A** is a true, complete, and detailed itemization of the fees for which Plaintiffs seek an attorneys' fee award. Exhibit A shows: (a) the date on which the legal services were performed; (b) a description of the services performed and by whom; (c) the amount of time spent performing the services; (d) the amount charged for each time entry, which is arrived at by multiplying the timekeeper's applicable billable hourly rate by the amount of time spent; and (e) the total fees charged from December 1, 2022 through February 22, 2023.

9. The following are the timekeepers who have provided legal services on this case and who are identified on Exhibit A:

- a. I am a partner at Holland & Hart's Boise office and have practiced law since 1995. I initially practiced in Southern California for a large international law firm, and upon my return to Boise, I was a partner in another large, regional full-service firm before joining Holland & Hart. I have over three decades of experience litigating complex civil lawsuits including various contract disputes, business tort matters, civil fraud cases, class action cases, and construction, real estate, and shareholder disputes in Idaho and around the country. I regularly serve as lead counsel on complex, commercial disputes. I typically direct litigation teams that include multiple attorneys, and my experience handling litigation like this case allows me to avoid duplicate billing by timekeepers and efficiently

delegate work to the appropriate level. I have been recognized since 2012 in Mountain States Super Lawyers for Business Litigation, and in Chambers USA: America's Leading Lawyers for Business for General Commercial Litigation. I have represented clients in more than 20 states, appearing in both state and federal courts around the country. My rate on this matter has been reduced to \$490.50.

- b. Due to safety concerns, I am not identifying by name the other Holland & Hart timekeepers who worked on this case. Instead, I am referring to the attorneys by the number of years they have been in practice.
- c. Fourteen-Year Attorney is Of Counsel and has practiced law since 2007. Since joining Holland & Hart, Fourteen-Year Attorney has practiced in the area of commercial litigation and has extensive experience with all aspects of litigation, including discovery and trial. During the time period of the Motion to Compel briefing, Fourteen-Year Attorney's hourly rate was reduced to \$364.50.
- d. Second-Year Attorney has practiced law since 2021. Since joining Holland & Hart in 2021, Second-Year Attorney has practiced in the area of complex commercial litigation and employment litigation. During the time period of the Motion to Compel briefing, Second-Year Attorney's hourly rate on this matter has been reduced to \$243.

10. Holland & Hart’s standard rates for work of this type in this legal market are typically between 10% to 15% higher than the rates being charged in this case. Holland & Hart’s standard rates are comparable to those for similar services in the Treasure Valley performed by attorneys of comparable skill and experience.

11. Plaintiffs do not seek all of their fees incurred in preparing and arguing the Motion to Compel. To be conservative and to avoid any dispute that the fees sought were essential solely to the motion against Mr. Rodriguez, Plaintiffs voluntarily forgo the recovery of certain fees that had some potential application to other matters or defendants in this litigation.

12. Plaintiffs solely seek the fees incurred by myself and two other attorneys, a fourteen-year attorney who assisted with the research and drafting of the Motion to Compel (“Fourteen-Year Attorney”), and a second-year attorney who assisted in preparing and drafting this Motion for Attorneys’ Fees (“Second-Year Attorney”). I directed and reviewed the work of both attorneys. The total amount Plaintiffs seek is \$7,166.70.

13. A paralegal also assisted in the preparation of the pleadings. The paralegal’s fees are not sought.

14. The lawyers on the case team did not duplicate work. I delegated and managed the work of the attorneys on this matter to prevent duplicate billing and maximize efficiency by having attorneys of the appropriate level assist with the varied pieces of the legal work.

15. The following table summarizes relevant amounts requested by timekeeper.

Timekeeper	Hours	Total Incurred	Total Requested
Stidham, Erik F.	7.5	\$3,776.85	\$3,776.85
Fourteen-Year Attorney	8.3	\$3,025.35	\$3,025.35
Second-Year Attorney	1.5	\$364.50	\$364.50
Total	17.3	\$7,166.70	\$7,166.70

16. Based on my experience with similar disputes, the hourly rates charged to Plaintiffs and the time spent on Plaintiffs’ motion are reasonable and consistent with regular practice in the Treasure Valley.

17. The hourly rates charged for the services provided to Plaintiffs are reasonable for the type of work performed and are comparable to those for similar services in the Treasure Valley and other population centers in Idaho. *See Edmark Auto v. Zurich Am. Ins. Co.*, No. 1:15-cv-00520-BLW, 2021 U.S. Dist. LEXIS 39160, at *10 (D. Idaho Mar. 1, 2021) (“It has [] been this Court’s experience that attorneys at regional firms, such as Holland & Hart, charge hourly rates at or near, but not above, the high end of acceptable rates for the Boise area.”) (citation omitted); *see also Bank of Am. v. Neef*, No. CV-OC 13-19726 (Idaho Fourth Judicial District, Ada County) (allowing the hourly rates of the attorneys representing the receiver of \$385 for a partner and \$245 for an associate in 2013); *Latta v. Otter*, No. 1:13-cv-00482-CWD, 2014 WL 7245631, at *4 (D. Idaho Dec. 19, 2014) (in a civil litigation case, awarding \$400 per hour to partner in 2014); *Cnty. House, Inc. v. City of Boise, Idaho*, No. 1:05-cv-00283-CWD, 2014 WL 1247758, at *6 (D. Idaho Mar. 25, 2014) (approving partner rate of \$400 per hour in 2014); *Lakeview Cheese Co. v. Nelson-Ricks Creamery Co.*, No. 4:13-cv-00361-BLW, 2015 WL

769960 (D. Idaho Feb. 23, 2015) (permitting the following rates: \$455 for a senior litigation partner; \$310 for a junior litigation partner in 2015).

18. Holland & Hart billed Plaintiffs for these attorneys' fees and costs in accordance with its standard billing policies.

19. The time spent in connection with Plaintiffs' Motion to Compel was reasonable and necessary, as evidenced by the pleadings on file with the Court and the success of Holland & Hart's efforts on behalf of Plaintiffs.

20. Plaintiffs actually incurred all of the fees and costs set forth in Exhibit A, and I have personally confirmed that the fees and costs set forth in Exhibit A are accurate and correct.

I declare under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct.

DATED: February 22, 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 22nd day of February, 2023, I caused to be filed via iCourt and served 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
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- 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
- 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:

DECLARATION OF ERIK F. STIDHAM IN SUPPORT OF PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS AGAINST DIEGO RODRIGUEZ PURSUANT TO THE COURT'S FEBRUARY 8, 2023 MEMORANDUM DECISION ON MOTION TO COMPEL DIEGO RODRIQUEZ TO RESPOND TO DISCOVERY (RE: FAILURE TO RESPOND TO DISCOVERY REQUESTS) - 8

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
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- Email/iCourt/eServe:

freedommanpress@protonmail.com

/s/ Erik F. Stidham

Erik F. Stidham
OF HOLLAND & HART LLP

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DECLARATION OF ERIK F. STIDHAM IN SUPPORT OF PLAINTIFFS' MOTION
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Exhibit A

Exhibit A

Date	TKPR Name	Billed Amt	Bl Hrs	Narrative
12/1/2022	Berry, Sara M.	\$1,020.60	2.8	Draft motion to compel;
12/2/2022	Berry, Sara M.	\$1,275.75	3.5	Continue drafting motion to compel; research law regarding same;
12/6/2022	Berry, Sara M.	\$729.00	2.0	Revise motion, memorandum, declaration, and exhibits in support of motion to compel;
12/6/2022	Stidham, Erik F.	\$735.75	1.3	Review motion to compel and revise;
12/8/2022	Stidham, Erik F.	\$490.50	1.0	Review and revise motion to compel discovery;
12/27/2022	Stidham, Erik F.	\$735.75	1.5	Outline further issues for motion to compel;
12/28/2022	Stidham, Erik F.	\$588.60	1.2	Revise motion to compel to incorporate notes from client;
1/12/2023	Stidham, Erik F.	\$245.25	0.5	Prepare filings relating to motion to compel and supplemental declarations;
1/22/2023	Stidham, Erik F.	\$981.00	2.0	Prepare for oral argument regarding motion to compel; attend hearing on motion to compel;
1/22/2023	McCraney, ZacheryJ.	\$364.50	1.5	Draft Plaintiff's Motion, Memorandum and Declaration of EFStidham related to Award of Attorneys' Fees and Costs Pursuant to the Court's Memorandum Decision (re: failure to respond to discovery requests).
		\$7,166.70	17.3	