

Erik F. Stidham (ISB #5483)
Jennifer M. Jensen (ISB #9275)
Zachery J. McCraney (ISB #11552)
HOLLAND & HART LLP
800 W. Main Street, Suite 1750
Boise, ID 83702-5974
Telephone: 208.342.5000
Facsimile: 208.343.8869
E-mail: efstidham@hollandhart.com
jmjensen@hollandhart.com
zmccraney@hollandhart.com

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,

Defendants.

Case No. CV01-22-06789

**MEMORANDUM IN SUPPORT OF
MOTION TO ENTER PROTECTIVE
ORDER FOR CONFIDENTIALITY IN
DISCOVERY**

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 to Enter Protective Order for Confidentiality in Discovery (the “Motion”).

I. INTRODUCTION

Plaintiffs seek entry of the proposed protective order, submitted with this Motion, to protect information disclosed in discovery and designated confidential (the “Proposed Order”). The Proposed Order is a standard order commonly used in litigation involving health information and business confidential information. Plaintiffs have attempted on multiple occasions to obtain a stipulated confidentiality agreement with Rodriguez, the only defendant in this lawsuit who has appeared. But Rodriguez has stonewalled on the question. Accordingly, Plaintiffs bring this Motion seeking entry of the Proposed Order.

II. BACKGROUND

A. THIS CASE INVOLVES CONFIDENTIAL INFORMATION.

As earlier filings in this lawsuit have demonstrated, this case involves the protected health information (“PHI”) of the Infant. PHI is individually identifiable health information, which relates to health, health care, or payment and either identifies the individual or for which “there is a reasonable basis to believe the information can be used to identify the individual.” 45 C.F.R. § 160.103. Plaintiffs can use this PHI for health care operations, including legal purposes. *See* 45 C.F.R. §§ 164.501, 164.506.

Additionally, there is business confidential and proprietary information involving St. Luke’s operations, finances, and personnel at issue in discovery. *See* Declaration of Erik F. Stidham in Support of Motion to Enter Protective Order for Confidentiality in Discovery (“Stidham Decl.”), Ex. A.

B. RODRIGUEZ RECENTLY SERVED INTERROGATORIES AND REQUESTS FOR PRODUCTION ON PLAINTIFFS.

Rodriguez recently served his first set of interrogatories and requests for production on Plaintiffs. *Id.*, ¶ 2, Ex. A. The interrogatories and requests seek confidential information. *See id.* After Rodriguez served his interrogatories and requests for production, Plaintiffs’ counsel again emailed Rodriguez about stipulating to a protective order for confidentiality in discovery, sending a copy of the proposed stipulation. *Id.*, ¶ 3, Ex. B. Rodriguez did not respond. *Id.*, ¶ 3.

Plaintiffs attempted to resolve this issue in good faith, without intervention from the Court. *Id.*, ¶ 4. But because Rodriguez refuses to communicate at all about the protective order on confidentiality, Plaintiffs have been forced to file this Motion. *Id.*

C. THE PROPOSED PROTECTIVE ORDER FOR CONFIDENTIALITY IN DISCOVERY IS A STANDARD PROTECTIVE ORDER.

The protective order Plaintiffs seek is nothing out of the ordinary. *Id.*, ¶ 5. The Proposed Order (submitted with this Motion) permits confidential information disclosed in discovery to be designated confidential. Materials designated confidential cannot be used outside the litigation and may only be shared with the enumerated categories of persons who are involved in the lawsuit.

III. ARGUMENT

A. RULE 26 AUTHORIZES PROTECTIVE ORDERS FOR CONFIDENTIALITY IN DISCOVERY.

“A party or person from whom discovery is sought may move for a protective order in the court where the action is pending[.]” I.R.C.P. 26(c)(1). “The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including . . . requiring that a trade secret or other confidential research,

development, or commercial information not be revealed or be revealed only in a specified way[.]” I.R.C.P. 26(c)(1)(G).

B. THERE IS GOOD CAUSE FOR A PROTECTIVE ORDER HERE.

Plaintiffs request that this Court enter the Proposed Order. The order is required to create clear expectations and limits in discovery about the use and disclosure of materials designated confidential.

An order is particularly needed in this case, where Defendants have engaged in an intentional campaign to misuse information and spread propaganda in order to harm Plaintiffs, *see* 3-30-23 Affidavit of Spencer Fomby, and where Rodriguez has already disclosed confidential information outside the litigation and promised the public to continue disclosing all information he gets in discovery, Stidham Decl, Exs. C, D. Plaintiffs have legitimate concerns that materials disclosed in discovery will be misused outside discovery and the lawsuit, as Defendants continue on their course of harassment and defamation.

Plaintiffs fully intend to abide by their obligations to provide discovery as requested—within the scope of proper discovery—something Defendants have refused to do. But they need an order that defines how such information may be used, and they need a mechanism for enforcement of their rights, should Defendants violate those parameters.

IV. CONCLUSION

For the reasons stated above, Plaintiffs respectfully request that the Court grant their Motion to Enter a Protective Order for Confidentiality in Discovery.

DATED: April 3, 2023.

HOLLAND & HART LLP

By: *s/ Jennifer M. Jensen*
Jennifer M. Jensen
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of April, 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

- U.S. Mail
- Hand Delivered via Process Server
- 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 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
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: dr238412@me.com;
freedommanpress@protonmail.com

/s/ Erik F. Stidham

Erik F. Stidham
OF HOLLAND & HART LLP

21224625_v1