

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
zjmccraney@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

**DECLARATION OF MICHAEL
WHEATON, MD IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SANCTIONS AGAINST DEFENDANTS
AMMON BUNDY, AMMON BUNDY
FOR GOVERNOR, DIEGO
RODRIGUEZ, FREEDOM MAN PRESS,
FREEDOM MAN PAC, AND THE
PEOPLE'S RIGHTS NETWORK FOR
ONGOING REFUSAL TO COMPLY
WITH COURT ORDERS AND
DISCOVERY OBLIGATIONS**

I, Michael Wheaton, M.D., declare and state as follows:

1. I make this declaration based on my personal knowledge.

2. I am a am a medical doctor licensed to practice medicine in the states of Idaho and Oregon.

3. I am board-certified in General Pediatrics from the American Board of Pediatrics.

4. I specialize in the monitoring of growth and development, diagnosing and treating illnesses, acute and chronic medical conditions, injuries and providing well childcare from newborns to adolescents.

5. I have been retained in this matter by Plaintiffs to provide my expert opinion on the diagnosis and care St. Luke's Hospital provided to the Infant.

6. I have reviewed the medical records for the Infant from his admissions at St. Luke's hospital, the first admission being from March 1 to March 4, 2022, and the second admission from March 12 to March 15, 2022.

7. Based on this review, I was asked to and did form opinions, based on my experience and expertise, about the condition of the infant, the diagnoses by St. Luke's and its providers, and the care provided by St. Luke's and its providers, those opinions are as follows:

- a. Upon presentation on March 1, 2022, the infant had significant findings of [REDACTED]. The documentations and evaluations performed by Dr. Erickson and the emergency room physician were within the standards of care in assessing an infant with [REDACTED].
- b. The Infant was properly admitted for further care, which appropriately consisted of [REDACTED].
- c. The medical records show the infant [REDACTED] during the March 1 to March 4 admission, which in my opinion indicates the Infant's [REDACTED] was due to not getting enough [REDACTED].

- d. In my opinion, the medical records of the March 1 to March 4 admission support the findings of [REDACTED] made by Dr. Erickson. In my opinion the evaluations performed by St. Luke's between March 1 and March 4 were necessary and appropriate to begin to determine the reason for the Infant's [REDACTED]
- e. In my opinion, the fact that the Infant [REDACTED] simply by receiving sufficient [REDACTED] indicates that the Infant was not receiving enough [REDACTED] [REDACTED]
- f. The discharge instructions regarding the frequency of [REDACTED] and amount of [REDACTED] [REDACTED] explained to the parents were to ensure the Infant was receiving at [REDACTED] [REDACTED] were appropriate.
- g. In my opinion, under the circumstances, it was important to have a fairly immediate follow-up appointment to ensure the Infant continued to recover from the [REDACTED] at home
- h. The March 12, 2023 hospitalization and follow up testing were appropriate because the medical records show providers found the Infant had [REDACTED] [REDACTED] since both his primary care provider visit on March 7, 2022, and his discharge [REDACTED] on March 4, 2022.
- i. During the March 12 to March 15 admission, the Infant was [REDACTED] and [REDACTED] [REDACTED] to meet his [REDACTED] The medical records show the Infant [REDACTED] as expected.
- j. In my opinion, the medical records show the primary diagnoses of [REDACTED] and [REDACTED] were accurate. The Infant met criteria for [REDACTED] with [REDACTED] of [REDACTED]

at [REDACTED] and well as [REDACTED] of [REDACTED]
[REDACTED]

- k. The condition of the Infant on March 15, 2022 was [REDACTED] at discharge.
- l. In my opinion the care St. Luke's provided the Infant from March 1, 2022, through March 15, 2022, was within the expected standards of care for evaluation of [REDACTED] infants.
- m. In my opinion, the parents of the Infant became elusive with St. Luke's health care providers from the time of first contact, on March 1, 2022, which was initiated by the parents, through the date of discharge on March 15, 2022.
- n. It is my opinion that the parents were responsible for the [REDACTED] of the Infant after the initial hospitalization. Specifically, the parents were medically neglectful with following the [REDACTED]
- o. In my opinion the Infant did require hospitalization due to the significance of the [REDACTED] between the March 4, 2023 discharge and [REDACTED] at the emergency room at St. Luke's in Meridian.
- p. In my opinion, the medical records show the Infant was not receiving enough [REDACTED] at home during that time. This is shown by his [REDACTED] between the March 4, 2022 discharge and March 11, 2022. [REDACTED] of any amount was a significant health risk for the Infant given the diagnoses of [REDACTED] and [REDACTED]

8. These opinions are based on my review of the records made available to me as of the date of this declaration.

9. I am providing this declaration because I understand that Defendants are making false allegations regarding the Infant's health and the care provided by St. Luke's.

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

Executed this 10th day of May, 2023.



MICHAEL WHEATON, M.D.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 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 | <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe: |
| Ammon Bundy for Governor c/o Ammon Bundy 4615 Harvest Ln. Emmett, ID 83617-3601 | <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe: |
| Ammon Bundy 4615 Harvest Ln. Emmett, ID 83617-3601 | <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe: |
| People’s Rights Network c/o Ammon Bundy 4615 Harvest Ln. Emmett, ID 83617-3601 | <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe: |
| People’s Rights Network c/o Ammon Bundy P.O. Box 370 Emmett, ID 83617 | <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe: |
| Freedom Man Press LLC c/o Diego Rodriguez 1317 Edgewater Dr. #5077 Orlando, FL 32804 | <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe: |
| Freedom Man Press LLC c/o Diego Rodriguez 9169 W. State St., Ste. 3177 Boise, ID 83714 | <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe: |
| Freedom Man PAC c/o Diego Rodriguez 1317 Edgewater Dr., #5077 Orlando, FL 32804 | <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> 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

21452956_v1