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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 FOR EXTENSION OF TIME
TO SUPPLEMENT DISCOVERY
THROUGH MAY 31, 2023**

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, by and through their

attorneys of record, Holland & Hart LLP (“St. Luke’s Parties”), hereby submit this Memorandum in support of their Motion for an Order extending the deadline to supplement discovery.

Good cause exists to provide a limited extension to the deadline set forth in the Court’s October 10, 2022, Order for Scheduling Conference, Order Re: Motion Practice (“Scheduling Order”). The Scheduling Order requires all parties to serve any supplemental response to discovery, as required by Idaho Rule of Civil Procedure 26(e) at least 42 days before trial. Trial is set for July 10, 2023, and thus the deadline to supplement is May 26. The Scheduling Order also provides that parties may seek leave of the Court for an extension based on good cause for the extension. Control of case management deadlines, including discovery deadlines “is committed to the sound discretion of the trial court.” *Christiansen v. Potlatch #1 Fin. Credit Union*, 169 Idaho 533, 540, 498 P.3d 713, 720 (2021). Courts may extend discovery deadlines upon a showing a good cause. *Brauner v. AHC of Boise, LLC*, 166 Idaho 398, 406, 459 P.3d 1246, 1254 (2020) (citing Idaho R. Civ. P. 16(a)(2)(3) (deadlines in the scheduling order “must not be modified except by leave of court on a showing of good cause”).

A brief extension of the supplemental disclosure deadline is warranted to permit St. Luke’s Parties to fully supplement their discovery responses based on recent information and receipt of documents. St. Luke’s Parties have recently received documents and information in response to third-party discovery requests, which requires review prior to supplemental production. Declaration of Erik. F. Stidham in Support of Motion for Extension of Time, ¶ 2. St. Luke’s Parties also continue work to collect the large volume of recent public statements and media produced by Defendants. *Id.*, ¶ 3. Due to the need to provide Diego Rodriguez with the recently received third-party discovery, and to finalize collection and production of recent

statements and media made by Defendants (which will be used at trial and is directly related to the claims, defenses, and damages in this case), St. Luke's Parties require a limited extension of the supplemental response deadline to process the information and fully supplement discovery responses. *Id.*, ¶ 4.

Provided the St. Luke's Parties' ongoing review of the discovery produced by third parties and the statements and media recently made and produced by Defendants, a brief extension to the deadlines to supplement lay witness and expert witness disclosures is also supported by good cause. The extension will enable St. Luke's Parties' counsel to determine if any additional lay witnesses should be disclosed, as well as for St. Luke's Parties' experts to review and consider any potentially relevant additional information to determine if any supplementation of their opinions is necessary or appropriate.

For the foregoing reasons, St. Luke's Parties respectfully request the Court extend the deadline to supplement discovery from May 26, 2023, to May 31, 2023.

DATED: May 26, 2023.

HOLLAND & HART LLP

By: /s/Erik F. Stidham

Erik F. Stidham

Jennifer M. Jensen

Zachery J. McCraney

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of May, 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:

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/s/ Erik F. Stidham

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