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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,

Defendants.

Case No. CV01-22-06789

**MEMORANDUM IN SUPPORT OF
MOTION FOR SANCTIONS AS TO
AMMON BUNDY, AMMON BUNDY
FOR GOVERNOR, PEOPLE'S RIGHTS
NETWORK, AND ABISH-HUSBONDI,
INC. FOR FAILURE TO APPEAR AT
PROPERLY NOTICED DEPOSITIONS**

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AMMON BUNDY, AMMON BUNDY FOR GOVERNOR, PEOPLE'S RIGHTS
NETWORK, AND ABISH-HUSBONDI, INC. FOR FAILURE TO APPEAR AT
PROPERLY NOTICED DEPOSITIONS - 1**

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, submit this Memorandum in Support of their Motion for Sanctions as to Ammon Bundy, Ammon Bundy for Governor, People’s Rights Network, and Abish-Husbandi, Inc. (“Bundy Parties”) pursuant to Idaho Rule of Civil Procedure 30(d)(3).

I. INTRODUCTION

On April 24, 2023, the Court issued its Order Compelling Ammon Bundy, Ammon Bundy for Governor (“Bundy for Governor”), and People’s Rights Network (“PRN”) to Respond to Discovery and Notices of Deposition (“April 24 Order”). The April 24 Order directed Bundy for Governor and PRN to make designations under Rule 30(b)(6) of designated representatives to be deposed no later than May 1, 2023 and directed all parties to sit for their depositions on or before May 24, 2023 at the time and place noticed by St. Luke’s Parties. The April 24 Order further provided that should the parties fail to comply sanctions under Idaho Rule of Civil Procedure 37(b) would result. The parties failed in all instances to comply with the terms of the April 24 Order.

Ammon Bundy, an individual, failed to appear for his properly noticed deposition on May 10 and 11, 2023. Plaintiffs seek their reasonable expenses and attorney’s fees incurred in relation to the deposition pursuant to Idaho Rules of Civil Procedure 30 and 37.

Bundy for Governor, a corporate entity formed and controlled by Ammon Bundy failed to make a Rule 30(6)(b) designation, produce documents, or appear for its properly noticed

deposition on May 19, 2023. Plaintiffs seek their reasonable expenses and attorney's fees incurred in relation to the deposition pursuant to Idaho Rules of Civil Procedure 30 and 37.

PRN, an organization run and organized by Bundy, failed to make a Rule 30(6)(b) designation, produce documents, or appear for the properly noticed deposition on May 16 and 17, 2023. Plaintiffs seek their reasonable expenses and attorney's fees incurred in relation to the deposition pursuant to Idaho Rules of Civil Procedure 30 and 37.

Abish-husbondi, Inc., a corporate entity formed and controlled by Ammon Bundy also failed to appear for its properly noticed deposition on May 24, 2023. Plaintiffs seek their reasonable expenses and attorney's fees incurred in relation to the deposition pursuant to Idaho Rules of Civil Procedure 30 and 37 as well.

II. BACKGROUND

PRN was founded, is lead, and controlled by Ammon Bundy. Declaration of Erik F. Stidham in Support of Motion for Sanctions. ("Stidham Decl."), ¶ 3. PRN is supported by its members and donations. *Id.*, ¶ 4, Ex. A (PRN "Help Out?" webpage). Despite its purportedly non-profit nature, PRN is a for-profit entity. *Id.* It funnels money from its supporters to unknown recipients. *See id.* Bundy for Governor was also formed, controlled, and dissolved by Ammon Bundy. *Id.*, ¶ 5 Ex. B (Idaho Secretary of State's Office Information). Bundy for Governor was formed as a part of Ammon Bundy's political campaign for Idaho Governor. *Id.* Bundy for Governor accepted donations from supporters of the campaign. *Id.* Abish-husbondi, Inc., was formed and is controlled by Ammon Bundy. *Id.*, ¶ 6, Ex. C (Wyoming Secretary of State's Office Information, listing Bundy's Emmett, Idaho address).

On May 2, 2023, St. Luke's Parties served a notice of videotaped deposition of Ammon Bundy. *Id.*, ¶ 7, Ex. D. St. Luke's Parties filed the Return of Service with the Court. *Id.* The deposition of Ammon Bundy was set for May 10 and 11, 2023, in Boise. *Id.*

On May 2, 2023, St. Luke's Parties served a notice of 30(b)(6) videotaped deposition of Bundy for Governor. *Id.*, ¶ 8, Ex. E. St. Luke's Parties filed the Return of Service with the Court. *Id.* The deposition of Bundy for Governor was set for May 19, 2023, in Boise. *Id.* Pursuant to the Court's April 24 Order, Bundy for Governor was required to make a designation under Rule 30(b)(6) of its representative to be deposed not later than May 1, 2023.

On May 2, 2023, St. Luke's Parties served a notice of 30(b)(6) deposition of PRN. *Id.*, ¶ 9, Ex. F. St. Luke's Parties filed the Return of Service with the Court. *Id.* The 30(b)(6) deposition of PRN was set for May 19, 2023, in Boise. *Id.*

On April 10, 2023, St. Luke's Parties filed a Notice of Intent to Serve Subpoena Duces Tecum to Abish-Husbandi, Inc. *Id.*, ¶ 10, Ex. G. On May 2, 2023, the Subpoena was duly served on Abish-husbandi, Inc.'s registered agent, Ammon Bundy, for service of process. *Id.*, ¶ 11, Ex. H; 5-2-23 Return of Service. St. Luke's Parties filed the Return of Service with the Court. *Id.* The 30(b)(6) deposition of Abish-husbandi, Inc. was set for May 24, 2023, in Emmett, Idaho. *Id.*

St. Luke's Parties' counsel contacted Bundy via email (aebundy@bundyfarms.com) on multiple occasions regarding the depositions (on May 8, 10, 11, 12, and 24). *Id.*, ¶ 12, Ex. I. This email address is Bundy's. *Id.* Bundy has emailed St. Luke's Parties' counsel through it before. *See Id.* (email from Bundy of May 15). St. Luke's Parties' counsel reminded Bundy that the depositions were set to go forward and of his obligations under the April 24 Order. *See Id.* Seeking to avoid needless expenditure of fees and costs in the event the parties refused to appear

for the depositions, St. Luke's Parties' counsel asked Bundy to inform St. Luke's Parties if he was not going to attend or if no representatives of the entities would appear. *Id.* Despite the emails, St. Luke's Parties' counsel received no response. *Id.*, ¶ 13.

Having properly noticed the depositions, and hearing nothing from Bundy for Governor, PRN, or Abish-husbandi, Inc., St. Luke's Parties' counsel prepared for the depositions and scheduled court reporters and videographers. *Id.*, ¶ 14. No representative of Bundy for Governor, PRN, or Abish-husbandi, Inc. appeared for the depositions, nor did Bundy. *Id.*, ¶ 15. Bundy, Bundy for Governor, PRN, and Abish-husbandi, Inc. did not produce any documents. *Id.*

III. ARGUMENT

A. THE IDAHO RULES OF CIVIL PROCEDURE REQUIRE PAYMENT OF THE REASONABLE EXPENSES INCURRED WHEN A DEPONENT FAILS TO APPEAR FOR DEPOSITION.

Idaho Rule of Civil Procedure 30 provides for sanctions when a person “impedes, delays, or frustrates the fair examination of [a] deponent.” Idaho R. Civ. P. 30(d)(3). Such sanctions may include reasonable expenses and attorney's fees incurred. *Id.* And the Court may also impose any sanction under Rule 37(b). *Id.*

Rule 37(b) permits sanctions where the action is pending:

- (i) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;
- (ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
- (iii) striking pleadings in whole or in part;
- (iv) staying further proceedings until the order is obeyed;
- (v) dismissing the action or proceeding in whole or in part;

(vi) rendering a default judgment against the disobedient party; or

(vii) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination and initiating contempt proceedings.

Idaho R. Civ. P. 37(b)(2)(A).

B. BUNDY, BUNDY FOR GOVERNOR, PRN, AND ABISH-HUSBONDI, INC. SHOULD BE ORDERED TO PAY THE REASONABLE EXPENSES AND ATTORNEY'S FEES INCURRED IN PREPARING FOR AND/OR ATTENDING THE DEPOSITIONS.

Bundy, Bundy for Governor, PRN, and Abish-husbondi, Inc. should be required to pay the reasonable expenses and attorneys' fees incurred for the Bundy, Bundy for Governor, PRN, and Abish-husbondi, Inc. depositions. Under Rule 30(d)(3), the fair examinations of Bundy, Bundy for Governor, PRN, and Abish-husbondi, Inc. have been frustrated by their failure to attend or produce any documents. Under Rule 37(b)(2)(C), there is no substantial justification for the failures to attend the depositions. Bundy, Bundy for Governor, PRN, and Abish-husbondi, Inc. were fully informed of the depositions, were properly served, and their founder, Leader, and agent Bundy, was sent courtesy copies of the subpoenas and details on multiple occasions. There is no excuse for the refusal to abide by the Subpoenas. Reasonable expenses and attorney's fees are warranted. Additional sanctions are warranted and needed given that the Bundy Parties have disregarded prior sanctions. Pursuant to Rule 37(b), the Bundy Parties should be prohibited from introducing evidence at any trial or hearing in the lawsuit, subject to adverse inferences, and found in contempt of Court.

IV. CONCLUSION

For the foregoing reasons, St. Luke's Parties request that the Court sanction Ammon Bundy, Ammon Bundy for Governor, People's Rights Network, and Abish-husbondi, Inc. for

failure to appear and award reasonable expenses and attorney's fees and provided additional sanctions pursuant to Rule 37(b).

DATED: May 26, 2023.

HOLLAND & HART LLP

By: /s/ Erik F. Stidham

Erik F. Stidham

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:

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 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
- 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
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9169 W. State St., Ste. 3177
Boise, ID 83714

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

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1317 Edgewater Dr., #5077
Orlando, FL 32804

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freedommanpress@protonmail.com

/s/ Erik F. Stidham

Erik F. Stidham
OF HOLLAND & HART LLP

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