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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  
DIEGO RODRIGUEZ, POWER  
MARKETING CONSULTANTS, LLC,  
POWER MARKETING AGENCY, LLC,  
AND FREEDOM TABERNACLE,  
INCORPORATED FOR FAILURE TO  
APPEAR AT PROPERLY NOTICED  
DEPOSITIONS**

**MEMORANDUM IN SUPPORT OF MOTION FOR SANCTIONS AS TO DIEGO  
RODRIGUEZ, POWER MARKETING CONSULTANTS, LLC, POWER  
MARKETING AGENCY, LLC, AND FREEDOM TABERNACLE,  
INCORPORATED 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 (“St. Luke’s Parties”), by and through their attorneys of record, Holland & Hart LLP, submit this Memorandum in Support of their Motion for Sanctions as to Diego Rodriguez, Power Marketing Consultants, LLC, Power Marketing Agency, LLC, and Freedom Tabernacle, Incorporated. (“Rodriguez Parties”) pursuant to Idaho Rule of Civil Procedure 30 and Rule 37.

## I. INTRODUCTION

On April 25, 2023, the Court issued an Order Granting Plaintiffs’ Motion for Sanctions Against Rodriguez for Failure to Comply with Court Orders (the “April 25 Order”). The Court ordered Diego Rodriguez (“Rodriguez”) to travel to Boise to attend his deposition no later than May 24, 2023. The Court further ordered Rodriguez to provide answers to previously served written discovery during his deposition and to bring certain documents with him to the deposition.

Rodriguez thereafter failed to appear for his properly noticed deposition in Boise on May 12 and 15, 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.

Power Marketing Consultants, LLC, a corporate entity formed and controlled by Diego Rodriguez failed to appear for its properly noticed deposition on May 23, 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.

Power Marketing Agency, LLC, a corporate entity formed and controlled by Diego Rodriguez failed to appear for its properly noticed deposition on May 23, 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.

Freedom Tabernacle, Incorporated, a corporate entity formed and controlled by Diego Rodriguez failed to appear for its properly noticed deposition on May 22, 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.

## II. BACKGROUND

Rodriguez is the manager of Power Marketing Consultants, LLC, Declaration of Erik F. Stidham in Support of Motion for Sanctions. (“Stidham Decl.”), ¶ 3, Ex. A (Certificate of Organization). According to Rodriguez’s website, <https://diegorodriguez.org/>, Rodriguez is the “President of Power Marketing International, which consists of the **Power Marketing Consultants** Network—the largest international network of professional marketing consultants in the world, the **Power Marketing Agency**—which is the premier marketing agency for total market domination, and the Power Marketing Pantheon—the preeminent business network and training source for business growth and development.” *Id.*, ¶ 4, Ex. B (emphasis added). Rodriguez is a director of and the incorporator of Freedom Tabernacle, Incorporated. *Id.*, ¶ 5, Ex. C (Articles of Incorporation).

On May 2, 2023, St. Luke's Parties served a notice of videotaped deposition of Diego Rodriguez. *Id.*, ¶ 6, Ex. D. St. Luke's Parties served the notice to Rodriguez through iCourt. *Id.* The deposition of Diego Rodriguez was set for May 12 and 15, 2023, in Boise. *Id.*

On December 27, 2023, Plaintiffs filed a notice of intent to serve subpoena duces tecum to Power Marketing Agency, LLC. *Id.*, ¶ 7, Ex. E. On April 28, 2023, Power Marketing Agency, LLC was served with the subpoena duces tecum via its registered agent. *Id.* ¶ 8, Ex. F. The subpoena duces tecum required Power Marketing Agency, LLC to appear for deposition on May 23, 2023 in Boise and to produce documents at the time of deposition. *Id.*

On December 27, 2023, Plaintiffs filed a notice of intent to serve subpoena duces tecum to Power Marketing Consultants, LLC. *Id.*, ¶ 9, Ex. G. On May 5, 2023, Power Marketing Consultants, LLC was served with the subpoena duces tecum via its registered agent. *Id.* ¶ 10, Ex. H. The subpoena duces tecum required Power Marketing Consultants, LLC to appear for deposition on May 23, 2023 in Boise and to produce documents at the time of deposition. *Id.*

On December 27, 2023, Plaintiffs filed a notice of intent to serve subpoena duces tecum to Freedom Tabernacle, Incorporated. *Id.*, ¶ 11, Ex. I. On May 5, 2023, Freedom Tabernacle, Incorporated was served with the subpoena duces tecum via its registered agent. *Id.* ¶ 12, Ex. J. The subpoena duces tecum required Freedom Tabernacle, Incorporated to appear for deposition on May 22, 2023 in Boise and to produce documents at the time of deposition. *Id.*

Plaintiffs' counsel contacted Rodriguez via email (freedommanpress@protonmail.com) on many occasions regarding the depositions (on Dec. 21, 2022, Jan. 3, 6, 8, Feb. 14, 17, and March 8, 2023). *Id.*, ¶ 13, Ex. K. This email address is Rodriguez's email address. *Id.* Rodriguez

has emailed Plaintiffs' counsel through it before. *See Id.* Seeking to avoid needless expenditure of fees and costs in the event Rodriguez Parties failed to appear, Plaintiffs' counsel sought to confirm depositions. *Id.*

Notably, for the most recently noticed and scheduled depositions, the court reporter's office also reached out to Rodriguez to confirm attendance by him or a representative at the depositions. *Id.*, ¶ 14, Ex. L. On May 11, the court reporter's office reached out regarding Rodriguez's deposition. *Id.*, Ex. L at 1. Rodriguez sent a response email that he was "not aware of the deposition tomorrow." *Id.* On May 22, in advance of the Power Marketing Consultants, LLC and Power Marketing Agency, LLC depositions, the court reporter's office reached out again. *Id.*, Ex. L at 3. Rodriguez did not respond. *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. DIEGO RODRIGUEZ, POWER MARKETING CONSULTANTS, LLC, POWER MARKETING AGENCY, LLC, AND FREEDOM TABERNACLE INCORPORATED SHOULD BE ORDERED TO PAY THE REASONABLE EXPENSES AND ATTORNEY’S FEES INCURRED IN PREPARING FOR THE DEPOSITIONS.**

Rodriguez Parties should be required to pay the reasonable expenses and attorney’s fees incurred for the depositions. Under Rule 30(d)(3), the fair examination of Rodriguez, Power Marketing Consultants, LLC, Power Marketing Agency, LLC, and Freedom Tabernacle Incorporated has 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. Rodriguez Parties were fully informed of the depositions, were properly served, and their President and/or Director and/or Manager Rodriguez, was served and 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. Further, additional sanctions should be awarded as to Rodriguez. As reflected in other filings, Rodriguez has repeatedly violated orders and disregarded his discovery allegations. The Court has ordered lesser sanctions. Rodriguez has disregarded the lesser sanctions and mocked the Court. Stronger sanctions are warranted. In addition to paying

costs and fees, Rodriguez should be defaulted. If Rodriguez is not defaulted, at the least, facts should be established as true, the trier of fact should make adverse inferences, and Rodriguez should be found to be in contempt pursuant to Rule 37.

#### IV. CONCLUSION

For the foregoing reasons, Plaintiffs request that the Court sanction Diego Rodriguez, Power Marketing Consultants, LLC, Power Marketing Agency, LLC, and Freedom Tabernacle Incorporated, for failure to appear, award reasonable expenses and attorney's fees and other appropriate sanctions.

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  
c/o Diego Rodriguez  
9169 W. State St., Ste. 3177  
Boise, ID 83714

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

**MEMORANDUM IN SUPPORT OF MOTION FOR SANCTIONS AS TO DIEGO RODRIGUEZ, POWER MARKETING CONSULTANTS, LLC, POWER MARKETING AGENCY, LLC, AND FREEDOM TABERNACLE, INCORPORATED FOR FAILURE TO APPEAR AT PROPERLY NOTICED DEPOSITIONS - 8**



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*/s/ Erik F. Stidham*

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