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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

**SECOND DECLARATION OF  
ZACHERY J. MCCRANEY TO  
ESTABLISH FOUNDATION**

I, Zachery J. McCraney, declare and state as follows:

1. I am counsel of record for Plaintiffs in this matter. I am familiar with the facts and proceedings in this matter and have personal knowledge of the matters stated in this Declaration.

2. This is the second declaration of Zachery McCraney that Plaintiffs have filed in this case. On June 28, 2023, Plaintiffs filed a Declaration of Zachery J. McCraney to Establish Foundation (“First McCraney Decl.”). Like the first McCraney Declaration, Plaintiffs file this declaration to expedite the process, which Plaintiffs believe would have been more efficient had Defendants participated in the Court process.

3. Many of the exhibits Plaintiffs intend to use are still accessible online in the same or substantially similar format. *See Arroyo v. Corner*, No. 8:21-v-00564-DOC-(KESx), 2021 U.S. Dist. LEXIS 180466, at \*2 (C.D. Cal. July 28, 2021) (“Moreover, this Court may take judicial notice of ‘publically accessible websites’”) (citing cases); Hon. Paul W. Grimm et al., *Best Practices for Authenticating Digital Evidence* 200 (2016) (“If the issue is what is on the website at the time the evidence is proffered, then there are no authenticity issues because the court and the parties can simply access the site and see what the website says.”) (citing authority).

4. In addition, Plaintiffs do not intend to use many of the exhibits to prove the truth of the matters asserted therein, but merely to show that certain images appeared on public websites. *Lebewohl v. Heart Attack Grill LLC*, 890 F. Supp. 2d 278, 298 (S.D.N.Y. 2012) (“where a litigant offers a printout from a third party website not to show the truth of the matter

asserted, but ‘merely to show that certain images and text appeared on the website, they are not statements at all and thus fall outside the ambit of the hearsay rule’’).

5. All Bates Numbers were applied by Holland & Hart.

**EVIDENCE RECEIVED FROM PLAINTIFFS.**

1. Trial Exhibits 1-4, 30-39, 42-47, 49-61, 63-68, 71-90, 517-588, 702-704, 715, and 770 are records received from St. Luke’s. A true and correct copy of a declaration of Aubrey Lyon, certifying these records as true and correct copies, is being filed contemporaneously with this declaration. *See* Idaho Rule of Evidence 902(11) (providing that certified copies of domestic records of a regularly conducted business activity are self-authenticating); *Dep’t of Fin., Sec. Bureau v. Zarinegar*, 167 Idaho 611, 629, 474 P.3d 683, 701 (2020) (exhibits self-authenticating when accompanied by a declaration from a qualified employee and when Defendant failed to show that the records’ “method or circumstances of preparation were untrustworthy’’).

2. Trial Exhibit 513 is an excerpt of the Infant’s medical records, which was attached to the December 6, 2022, Declaration of Tracy W. Jungman, NP, in Support of Motions for Leave to Amend Complaint to Allege Punitive Damages. Trial Exhibits 514-516 are records received from Plaintiff Tracy Jungman. A true and correct copy of a declaration of Tracy Jungman, certifying these records as true and correct copies, is being filed contemporaneously with this declaration.

**EVIDENCE RECEIVED FROM THIRD PARTIES, WITNESSES, AND EXPERTS.**

3. Trial Exhibit 389-391 are records that were received from Prime Corporate Services, LLC pursuant to a subpoena duces tecum. A true and correct copy of a declaration of Greg Christiansen, certifying these records as true and correct copies, is being filed

contemporaneously with this declaration. *See* Idaho Rule of Evidence 902(11); *Zarinegar*, 167 Idaho at 629, 474 P.3d at 701.

4. Trial Exhibits 722-724 and 726 are records received from Kristen Nate, a fact witness who Plaintiffs intend to have testify at the damages hearing. A true and correct copy of a declaration of Kristen Nate, certifying these records as true and correct copies, is being filed contemporaneously with this declaration

5. Holland & Hart contracted with Western States Center, a 501(c)(3) public charity, to provide Holland & Hart with services and information relevant to this case. Western States Center provided Holland & Hart various emails, screenshots, and media files that Plaintiffs intend to use at the damages hearing. Trial Exhibits 178, 593, 595-608, 629, 644, and 717 are true and correct copies of documents or media files received from Western States Center. A true and correct copy of a declaration of Stephen Piggott, certifying these records as true and correct copies, is being filed contemporaneously with this declaration.

6. Throughout this case, Holland & Hart utilized the services of a third-party research consultant, Katerina Oberdieck, to track and monitor Defendants' public statements and related media, who then sent records to Holland & Hart. Trial Exhibits 339 and 446 are true and correct copies of records received from Katerina Oberdieck. A true and correct copy of a declaration of Katerina Oberdieck, certifying these records as true and correct copies, is being filed contemporaneously with this declaration.

7. In order to assess the wealth of Defendant Ammon Bundy, Holland & Hart engaged Tyler Johnson, a real estate broker, to render an expert opinion on the value of a property believed to be owned or fraudulently transferred by Mr. Bundy. Mr. Johnson was disclosed as an expert as part of Plaintiffs' supplemental expert disclosures. *See* May 31, 2023,

Plaintiffs' Second Supplemental Expert Witness Disclosures. Trial Exhibit 392 is true and correct copy of the opinion Holland & Hart received from Mr. Johnson. A true and correct copy of an affidavit of Tyler Johnson certifying this exhibit as a true and correct copy of his opinion is being filed contemporaneously with this declaration.

**EVIDENCE RECEIVED FROM CONTRACTED THIRD PARTIES.**

8. Holland & Hart identified online content that it wanted harvested for potential use in this case. It then contracted with a web capturing service provider that it has contracted with in the past, Page Vault Inc. (<https://www.page-vault.com/>), to have true and accurate copies of that content captured. Trial Exhibit 778 are true and copies of online content that Holland & Hart obtained from Page Vault Inc. True and correct copies of affidavits of agents of Page Vault Inc., stating that the content captured by Page Vault Inc. is true and accurate, are being filed contemporaneously with this declaration.

9. Holland & Hart identified videos and audio that it wanted transcribed for use in this case. It then contracted with a third-party transcription service provider that it has contracted with in the past, Ubiquis (<https://www.ubiquis.com/en-us/>), to have that media transcribed. Trial Exhibits 729-735, 737, 739, 746-747, and 763 are certified copies of transcripts that Holland & Hart obtained from Ubiquis. Each transcript contains a certificate stating the transcript was prepared using standard electronic transcription equipment and is a true and accurate record to the best of the preparer's ability. *See In re Terrorist Attacks on September 11, 2001*, No. 03-MD-1570 (GBD)(SN), 2021 U.S. Dist. LEXIS 225478, at \*246-47 (S.D.N.Y. Nov. 19, 2021) (“transcript of a YouTube video recording . . . that was created when a paralegal copied and pasted the transcript from the website, then saved it as a Word document, which they converted into a PDF[,]” deemed authentic when the court “checked th[e] link and confirmed that . . . th[e]

video remain[ed] on YouTube”) (citation omitted). In addition, as of the date of this declaration, many of the videos that Ubiquis transcribed are still accessible online. Below is a chart showing the exhibit number of each transcript, the corresponding media source, and, if the media source is no longer accessible, an alternative URL for the source, if available.

<b>Transcript Exhibit</b>	<b>Media Source</b>
Trial Exhibit 729	Trial Exhibit 14 excerpt Meridian Police Dept. Body Cam video
Trial Exhibit 730	Trial Exhibit 16 excerpt Meridian Police Dept. Body Cam video
Trial Exhibit 731	Trial Exhibit 16 excerpt Meridian Police Dept. Body Cam video
Trial Exhibit 732	Trial Exhibit 19 Meridian Police Dept. Body Cam video
Trial Exhibit 733	Trial Exhibit 20 Meridian Police Dept. Body Cam video
Trial Exhibit 734	Trial Exhibit 384 Gem County Sheriff Audio-Bundy phone call trespass 22S7836-GCS-000227
Trial Exhibit 735	Trial Exhibit 754 Facebook Live 2023-06-14_Ammon Bundy Facebook Live Update from June 8th
Trial Exhibit 737	Trial Exhibit 736 <a href="https://rumble.com/v2vkvic-nwlnews-travesty-of-justice-casey-whalen-and-diego-rodriguez.html">https://rumble.com/v2vkvic-nwlnews-travesty-of-justice-casey-whalen-and-diego-rodriguez.html</a>
Trial Exhibit 739	Trial Exhibit 738 <a href="https://www.youtube.com/watch?v=gcy3oYaHAPY">https://www.youtube.com/watch?v=gcy3oYaHAPY</a>
Trial Exhibit 746	Trial Exhibit 6 Meridian Police Department Audio file
Trial Exhibit 747	Trial Exhibit 12 Meridian Police Dept. Body Cam video
Trial Exhibit 763	Trial Exhibit 762 <a href="https://www.youtube.com/watch?v=fXPXzE9zLU8">https://www.youtube.com/watch?v=fXPXzE9zLU8</a>

**EVIDENCE CAPTURED OR RECEIVED BY HOLLAND & HART.**

10. Trial Exhibits 140 and 142 are true and correct screenshots of comments to Facebook posts made by KTVB, which were downloaded by Holland & Hart staff at the

direction of Holland & Hart attorneys. See <https://www.facebook.com/KTVB7/>. As of the date of this declaration, these posts are still accessible online to Facebook account holders.

- a. Trial Exhibit 140,  
<https://www.facebook.com/profile/100064826527606/search/?q=st.%20luke%27s%20files%20lawsuit%20against%20ammon%20bundy>.
- b. Trial Exhibit 142,  
<https://www.facebook.com/profile/100064826527606/search/?q=st.%20luke%27s%20files%20lawsuit>.

11. Trial Exhibit 748 is copies of Twitter posts made by the Twitter handle @RealABundy. Mr. Bundy has, by failing to respond to Plaintiffs' requests for admission, admitted that @RealABundy is his Twitter handle, and that he controls what is posted by @RealABundy. See June 16, 2023, Notice of Service of Requests for Admission, Ex. A (Requests for Admission 25-26); Idaho Rule of Civil Procedure 36(a)(4) ("A matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection"); see also June 16, 2023, Notice of Service of Requests for Admission, Ex. A (Requests for Admission 30-41).

12. Trial Exhibits 258, 263, and 711 are true and correct copies of emails that were received by Holland & Hart's lead attorney, Erik Stidham. Per Holland & Hart's practice for this case, these emails were loaded into and stored in iManage, which is a document and email management system used by Holland & Hart.

13. Trial Exhibits 350 and 368 were produced during discovery by Defendant Diego Rodriguez. Trial Exhibits 350 contains emails that were sent by an email address associated with Mr. Rodriguez's website, freedomman.org ([contact@freedomman.org](mailto:contact@freedomman.org)), along with a screenshot from a webpage on the internet archive (wayback machine). Based on my extensive review of media appearances featuring Mr. Rodriguez and blog posts authored by Mr. Rodriguez, the

emails appear to have the same or similar appearance, content, and substance as what Mr. Rodriguez posts on his website, freedomman.org. *See McQueeney v. Wilmington Tr. Co.*, 779 F.2d 916, 929 (3d Cir. 1985) (“the fact that the copies were produced by the plaintiff in answer to an explicit discovery request for his Sea Service Records, while not dispositive on the issue of authentication, is surely probative”) (citing *Burgess v. Premier Corp.*, 727 F.2d 826, 835-36 (9th Cir. 1984)); *In re Terrorist Attacks on September 11, 2001*, 2021 U.S. Dist. LEXIS 225478, at \*243 (“given that Plaintiffs produced the documents and are thus in the best position to know whether they are indeed authentic (as they appear to be), a motion to strike those exhibits teeters on the edge of sanctionable”) (quoting *Faulkner v. Arista Records LLC*, 797 F. Supp. 2d 299, 307 (S.D.N.Y. 2011) (alterations omitted). Trial Exhibit 368 contains an image that I recognize as the same image posted on Mr. Rodriguez’s website, freedomman.org. *See* <https://freedomman.org/cyrus/archive/upcoming-pact-rally-info/> (accessible as of the date of this declaration).

14. Trial Exhibit 512 is a Notice of Idaho State Lien for Defendant Diego Rodriguez. Mr. Rodriguez admitted that he owed the State of Idaho money for unpaid taxes and that Trial Exhibit 512, which is Bates numbered SLHS\_0001956, is a “true and correct copy” of that Notice of Idaho State Lien. *See* June 16, 2023, Notice of Service of Requests for Admission, Ex. E (Requests for admission number 86, 110-111).

15. Trial Exhibits 163, 172, 179, 334, 738, 740, 745, 749, 752-754; 756-758, 762, 764-768 are true and correct copies of videos that were downloaded by Holland & Hart staff at the direction of Holland & Hart attorneys. *See In re Terrorist Attacks on September 11, 2001*, 2021 U.S. Dist. LEXIS 225478, at \*247 (transcript of YouTube video deemed authentic when



the video remained on YouTube on the date of the opinion). As of the date of this declaration, these videos are still accessible online, unless otherwise indicated.

- a. Trial Exhibit 163, <https://www.facebook.com/northwestlibertynews/videos/44555543985570>
- b. Trial Exhibit 172, <https://www.facebook.com/northwestlibertynews/videos/371049158065679>
- c. Trial Exhibit 179, [https://s3.wasabisys.com/public-videos/play.html#c=Ammon%20Bundy&v=Ammon%20Bundy/You\\_will\\_not\\_take\\_our\\_children\\_away\\_-\\_Update\\_Baby\\_Cyrus-CRMIPgSwuMQ](https://s3.wasabisys.com/public-videos/play.html#c=Ammon%20Bundy&v=Ammon%20Bundy/You_will_not_take_our_children_away_-_Update_Baby_Cyrus-CRMIPgSwuMQ) (this video, which was downloaded on March 20, 2022, is no longer accessible online, and no alternative source can be located).
- d. Trial Exhibit 334, [https://screencast-o-matic.com/watch/c36h6nVtq1R?utm\\_source=awin&utm\\_medium=affiliate&utm\\_campaign=101248&awc=16296\\_1677535536\\_3017829b3ad4cfe815c594f7e5fec416](https://screencast-o-matic.com/watch/c36h6nVtq1R?utm_source=awin&utm_medium=affiliate&utm_campaign=101248&awc=16296_1677535536_3017829b3ad4cfe815c594f7e5fec416)
- e. Trial Exhibit 736, <https://rumble.com/v2vkxic-nwlnews-travesty-of-justice-casey-whalen-and-diego-rodriguez.html>
- f. Trial Exhibit 738, <https://twitter.com/RealABundy/status/1672982626645286916>
- g. Trial Exhibit 740, <https://www.youtube.com/watch?v=OWrP99wvigY>
- h. Trial Exhibit 745, <https://rumble.com/v2mxjyy-idaho-judge-targets-ammon-bundy-corrupt-hospital-sues-bundy-after-he-saved-.html>
- i. Trial Exhibit 749, <https://www.youtube.com/watch?v=5MftTweTwHk> (this video is no longer available from this source).
- j. Trial Exhibit 752, <https://www.youtube.com/watch?v=2fud1bsM34A>
- k. Trial Exhibit 753, <https://twitter.com/RealABundy/status/1668853775161753606>
- l. Trial Exhibit 754, <https://twitter.com/RealABundy/status/1668998890304012288>

- m. Trial Exhibit 756, <https://www.youtube.com/watch?v=cs5BydkPNbM>
- n. Trial Exhibit 757, <https://www.youtube.com/watch?v=fBctNs5jTHA>
- o. Trial Exhibit 758, <https://rumble.com/v1nsa6y-brave-awareness-exposing-the-global-governments-coercive-agendas-episode-9.html>
- p. Trial Exhibit 762, <https://www.youtube.com/watch?v=fXPXzE9zLU8>
- q. Trial Exhibit 764, <https://www.youtube.com/watch?v=q84r7l8hqvA>

16. Trial Exhibits 779-781 are videos that Holland & Hart staff are in the process of downloading at the direction of Holland & Hart attorneys. *See In re Terrorist Attacks on September 11, 2001*, 2021 U.S. Dist. LEXIS 225478, at \*247 (transcript of YouTube video deemed authentic when the video remained on YouTube on the date of the opinion). As of the date of this declaration, these videos are accessible online.

- a. Trial Exhibit 779, <https://www.idahostatesman.com/news/local/community/boise/article259476129.html>
- b. Trial Exhibit 780, <https://www.idahostatesman.com/news/local/community/boise/article260433182.html>
- c. Trial Exhibit 781, <https://www.idahostatesman.com/news/local/crime/article265928661.html>

17. Trial Exhibits 590, 594, 609, 611-615, 617, 622, 630, and 776 are true and correct copies of documents or webpages that were attached to the Declaration of Erik F. Stidham in Support of Motions for Leave to Amend Complaint to Allege Punitive Damages, filed December 6, 2022. These documents were downloaded by Holland & Hart staff at the direction of Holland & Hart attorneys. As of the date of this declaration, these webpages and documents are still accessible online in the same or substantially similar format unless otherwise indicated.

- a. Trial Exhibit 590, <https://sosbiz.idaho.gov/search/business>. See *Lucent Trans Elec. Co. v. Foreign Trade Corp.* No. 18-cv-8638-FMO (KSx), 2019 U.S. Dist. LEXIS 111887, at \*24 (C.D. Cal. May 21, 2019) (“Information from government websites is self-authenticating”) (citations omitted); *Ruston La. Hosp. Co. v. Lincoln Health Found., Inc.*, No. 18-0881, 2018 U.S. Dist. LEXIS 205965, at \*9 (W.D. La. Nov. 20, 2018) (“Public records contained on a state’s Secretary of State website ‘cannot reasonably be questioned.’”); *Trout v. Cnty. of Madera*, 2023 U.S. Dist. LEXIS 103448, \*16 (“Defendants submit a copy of the Articles of Incorporation for Camarena Health Foundation from the California Secretary of State’s webpage, which this Court has judicially noticed”); *Aguiar v. MySpace LLC*, No. CV 14-05520 SJO (PJWx), 2017 U.S. Dist. LEXIS 165463, at \*9 n.6 (C.D. Cal. May 5, 2017) (“Records gleaned from Secretary of State web sites, including that of the California Secretary of State, <https://businesssearch.sos.ca.gov/>, are proper matters for judicial notice.”) (citation omitted).
- b. Trial Exhibit 594, <https://peoplesrights.org/.../baby-wrongfully-torn-from-arms-of-mother-in-meridian-idaho&id=f854bfa9-8c78-4aef-b768-0c5e55791fe3> (this exhibit, which was downloaded by Holland & Hart staff on November 6, 2022, is no longer accessible from this source.)
- c. Trial Exhibit 609, <https://www.freedomman.org/cyrus/archive/> (additional blog entries posted since the webpage was downloaded).
- d. Trial Exhibit 611, <https://www.irehr.org/reports/peoples-rights-report/>.
- e. Trial Exhibit 612, <https://www.peoplesrights.org/contact>.
- f. Trial Exhibit 613, <https://www.irehr.org/reports/peoples-rights-report/middle-american-neighborhood-nationalism/>.
- g. Trial Exhibit 614, <https://www.peoplesrights.org/>.
- h. Trial Exhibit 615, <https://www.irehr.org/reports/peoples-rights-report/profile-diego-rodriguez/>.
- i. Trial Exhibit 617, <https://www.freedomman.org/articles/covid-treatment-protocol/>.
- j. Trial Exhibit 622, <https://www.freedomman.org/cyrus/interviews-and-media/> (additional videos have been added since the webpage was downloaded).

- k. Trial Exhibit 630, compilation of the following webpages:  
<https://www.freedomman.org/2022/proof-covid-vaccine-is-worth-than-the-disease/>; <https://www.freedomman.org/2021/scott-bedke-is-a-slimebucket/>; <https://www.freedomman.org/cyrus/archive/meet-kelly-shoplock-an-evil-cog-in-idahos-child-trafficking-machine/>;  
<https://www.freedomman.org/2021/this-is-the-america-we-voted-for/>.
- l. Trial Exhibit 776, <https://www.youtube.com/watch?v=zQTRECSMyr0>.

18. Trial Exhibits 635, 637, 639-640, and 642-643 are true and correct copies of screenshots that were attached to the Affidavit of Jennifer M. Jensen in Support of Plaintiffs' Motion for Contempt Against Defendant Diego Rodriguez, filed May 2, 2023.

19. Trial Exhibits 697, 741-744 are true and correct copies of webpages that were downloaded by Holland & Hart staff at the direction of Holland & Hart attorneys. As of the date of this declaration, these exhibits are still accessible online in the same or substantially similar format.

- a. Trial Exhibit 697, <https://newrepublic.com/article/163210/far-right-proud-boys-tea-party-myth>.
- b. Trial Exhibit 741, <https://healthandwelfare.idaho.gov/dhw-voice/dhw-director-dave-jeppesen-child-welfare-process-explained-observing-social-worker-month>.
- c. Trial Exhibit 742, <https://healthandwelfare.idaho.gov/dhw-voice/dhw-director-dave-jeppesen-keeping-children-safe-and-their-families-our-goal>.
- d. Trial Exhibit 743, <https://healthandwelfare.idaho.gov/dhw-voice/dhw-director-dave-jeppesen-working-our-partners-earn-public-trust>.
- e. Trial Exhibit 744, <https://healthandwelfare.idaho.gov/dhw-voice/dhw-director-dave-jeppesen-we-are-committed-protecting-children-our-communities>.

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

DATED: July 6, 2023.

*/s/ Zachery J. McCraney*  
\_\_\_\_\_  
Zachery J. McCraney

## CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of July, 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  
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:

Ammon Bundy  
Ammon Bundy for Governor  
People's Rights Network  
c/o Ammon Bundy  
4615 Harvest Ln.  
Emmett, ID 83617-3601

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

Freedom Man PAC  
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:

Diego Rodriguez  
1317 Edgewater Dr., #5077  
Orlando, FL 32804

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

[freedommanpress@protonmail.com](mailto:freedommanpress@protonmail.com)

*/s/ Erik F. Stidham*

\_\_\_\_\_  
Erik F. Stidham  
OF HOLLAND & HART LLP

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