

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

St Lukes Health System LTD, St  
Lukes Regional Medical Center LTD,  
Chris Roth, Natasha Erickson, MD,  
Tracy Jungman

Plaintiff,

vs.

Ammon Bundy, Ammon Bundy for  
Governor, Diego Rodriguez,  
Freedom Man PAC, Peoples Rights  
Network, Freedom Man Press LLC  
Defendant.

Case No. CV01-22-06789

ORDER AWARDING FEES AGAINST  
BUNDY DEFENDANTS FOR APRIL 24,  
2023 ORDER FOR SANCTIONS AND  
TO COMPEL

On April 24, 2023, the Court entered an Order of Default on Fourth Amended Complaint Against Ammon Bundy, Ammon Bundy for Governor, and People's Rights Network ("Bundy Defendants"). The same day, the Court entered its Memorandum Decision on Motion for Sanctions and to Compel against Ammon Bundy, Ammon Bundy for Governor, and People's Rights Network.<sup>1</sup> The Court determined in relevant part:

Reasonable fees and costs are awarded to the Plaintiffs as the prevailing party pursuant to Idaho Rule of Civil Procedure 37(a)(5) for filing and pursuing the Motion to Compel and fees and costs that the Plaintiffs incurred as a sanction under Idaho Rule of Civil Procedure 37(d)(1)(A)(i) for the Bundy Defendants' failure to appear at the depositions noticed for January 31, February 2, and February 7, 2023.

The Plaintiffs MUST file a memorandum of fees and costs related to the Motion for Sanctions for Failure to Appear and Motion to Compel against Ammon Bundy, Ammon Bundy for Governor, and People's Rights Network, filed on March 7, 2023, and containing costs incurred because of failure to attend the depositions.<sup>2</sup>

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<sup>1</sup> Memorandum Decision on Motion for Sanctions and to Compel against Ammon Bundy, Ammon Bundy for Governor, and People's Rights Network ("Order"), filed Apr. 24, 2023.

<sup>2</sup> Order, p. 5.



On May 2, 2023, the Plaintiffs filed a Motion for Award of Attorney Fees Pursuant to Court's April 24, 2023 Order,<sup>3</sup> with supporting Memorandum<sup>4</sup> and Declaration from counsel Erik. Stidham.<sup>5</sup> Ammon Bundy, Ammon Bundy for Governor, or People's Rights Network did not timely file a motion to disallow.

The Plaintiffs seek a total amount of \$15,276.10 against Ammon Bundy, Ammon Bundy for Governor, and People's Rights Network.<sup>6</sup> The Court addresses the reasonableness of the costs and fees request specific to each party.

### LEGAL STANDARD AND ANALYSIS

The Court determined in the April 24, 2023 Order that costs and fees are appropriate under Idaho Rule of Civil Procedure 37.<sup>7</sup> Therefore the only remaining issue

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<sup>3</sup> Plaintiffs' Motion for Award of Attorneys' Fees Pursuant to Court's April 24, 2023 Order on Motion for Sanctions and to Compel against Ammon Bundy, Ammon Bundy For Governor, and People's Rights Network ("Fee Request"), filed May 2, 2023.

<sup>4</sup> Memorandum in Support of Plaintiffs' Motion for Award of Attorneys' Fees Pursuant to Court's April 24, 2023 Order on Motion for Sanctions and to Compel against Ammon Bundy, Ammon Bundy for Governor, and People's Rights Network ("Fee Memo"), filed May 2, 2023.

<sup>5</sup> Declaration of Erik F. Stidham in Support of Plaintiffs' Motion for Award of Attorneys' Fees Pursuant to Court's April 24, 2023 Order on Motion for Sanctions and to Compel against Ammon Bundy, Ammon Bundy for Governor, and People's Rights Network ("Stidham Dec"), filed May 2, 2023.

<sup>6</sup> Stidham Dec, ¶ 12.

<sup>7</sup> Idaho Rule of Civil Procedure 37 provides in relevant part:

**(a) Motion for an Order Compelling Disclosure or Discovery.**

...

*(5) Payment of Expenses; Protective Orders.*

(A) If the Motion Is Granted (or Discovery Is Provided After Filing). If the motion is granted, or if the requested discovery is provided after the motion was filed, the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees. But the court must not order this payment if:

(i) the movant filed the motion before attempting in good faith to obtain the disclosure or discovery without court action;

(ii) the opposing party's nondisclosure, response, or objection was substantially justified; or

(iii) other circumstances make an award of expenses unjust.

...

**(b) Failure to Comply with a Court Order.**

(b)(2)(C) Payment of Expenses. Instead of or in addition to the orders above, the court must order the disobedient party, the attorney advising that party, or both to pay the



is whether the requested costs and fees are reasonable. The Plaintiffs request a total amount in cost and fees of \$17,002.60 (\$15,276.10 in fees), comprised of \$5,661.00 total from Ammon Bundy; \$6,229.40 total from PNR; and \$4,643.55 total for Bundy for Governor.

Subsection (3) of the Rule 54(e) sets for the factors the Court must consider in awarding fees, including the time and labor required; the novelty and difficulty of the questions; the skill requisite to perform the legal service properly and the experience and ability of the attorney in the particular field of law; the prevailing charges for like work; whether the fee is fixed or contingent; the time limitations imposed by the client or the circumstances of the case; the amount involved and the results obtained; the undesirability of the case; the nature and length of the professional relationship with the client; awards in similar cases; the reasonable cost of automated legal research, if the court finds it was reasonably necessary in preparing a party's case; and any other factor which the court deems appropriate in the particular case.

#### **A. Costs**

The Plaintiffs request a total amount of \$1,405.20 in costs. The Plaintiffs' request specifies the request is for the following fees from each party individually for deposition costs:

- Against Ammon Bundy
  - \$268.65 for attendance of the Court reporter
  - \$200.00 for attendance of the videographer
  - Total: \$468.65
- Against People Right's Network
  - \$258.50 for attendance of the Court reporter
  - \$223.50 for attendance of the videographer
  - Total: \$482.00

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reasonable expenses, including attorney's fees, caused by the failure, unless the failure was substantially justified or other circumstances make an award of expenses unjust.

...

**(f) General Sanctions; Catch-All.** In addition to the sanctions provided for in this rule for violation of discovery procedures, any court may impose sanctions or conditions, or assess attorney fees, costs or expenses against a party or the attorney advising that party for failure to comply with an order made pursuant to these rules.



- Against Ammon Bundy for Governor
  - \$254.55 for attendance of the Court reporter
  - \$200.00 for attendance of the videographer

Total: \$454.55

The Court finds these requested costs are reasonable and awards the full amount of these requested costs.

### **B. Reasonableness of Hours Requested**

The Plaintiffs request a total of 44.1 hours split as follows:

- 6.2 for preparing for and appearing at the Bundy deposition
- 6.6 for preparing for and appearing at the People’s Rights Network deposition
- 3.5 preparing for and appearing at the Bundy for Governor deposition;
- 0.3 hours for drafting correspondence to these defendants about the depositions; and
- 21.3 hours divided as 18 hours to prepare the Motion to Compel and for Sanctions and 3.3 hours to prepare the costs and fees request.

Plaintiffs request that the fees awarded for the 0.3 hours and 21.3 hours, be split evenly between Defendants Ammon Bundy, Ammon Bundy for Governor, and People’s Rights Network.

The Court finds the time spent preparing for and attending the depositions reasonable, considering that the deponents failed to attend. Further, the Court finds the included 0.3 hours for correspondence with the Defendants is reasonable.

While the Plaintiffs indicated “they do not seek all of their fees incurred in preparing and arguing the Motion for Sanctions... [and they] forgo the recovery of certain fees,”<sup>8</sup> it is not clear to the Court from the billing sheet what fees the Plaintiffs are foregoing. Still, the Court finds 18 hours to prepare a Motion to Compel and for Sanctions is unreasonable overall when considering the proceedings in this case. In its review of the billing sheets, the Court finds that \$321.30 (1.4 hours) billed for the paralegal is reasonable and 4 hours (of the 16.6 attorney hours billed) is reasonable considering the complexity of this Motion to Compel and Motion for Sanctions. There have been several motions to compel discovery, and many specifically related to

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<sup>8</sup> Stidham Dec, ¶ 11.



failures to appear at depositions already filed in this case. The Motion to Compel and Motion for Sanctions at issue in this Order against defaulted defendants is not exceptionally complex or complicated and does not require exceptional research or skill or novel issues. Therefore, the Court **DISALLOWS** all attorneys fees except 1.4 hours and paralegal fees and 4 hours attorney work (2 hours at Erik Stidham's billing rate and 2 hours at the Second-year attorney billing rate) which totals \$1,935.30.<sup>9</sup>

Further, the Court denies 1.3 hours (of the 3.3. hours requested) in preparing the cost and fees request because two hours is sufficient to collect information, prepare the memorandum, and file the document for a fees request. The Court also **DISALLOWS** 1.3 hours at \$315 per hour (billed by second year attorney) for a total of **\$409.50**.

So, the Court awards Plaintiffs \$2,727.30<sup>10</sup> total for attorney's fees to be divided among these three defendants.

### **C. Reasonableness of Hourly Rates**

The Court notes there is a discrepancy related to the hourly rates charges in this case. For all previous awards of fees in this action, the Plaintiffs submitted the following rates for hourly billing, which the Court has determined reasonable:<sup>11</sup>

- Stidham at \$490.50
- First-Year Attorney at \$243.00
- Second-Year Attorney at \$243.00
- Four-year Attorney at \$301.50
- Five-Year Attorney at \$364.50
- Eight-Year Attorney at \$369.00

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<sup>9</sup> \$321.30 + \$1020.00 + \$594.00

<sup>10</sup> \$321.30 in paralegal fees; \$162.00 for Stidham's billing on 1/27/23; \$1020.00 for Stidham's hours related to the motion for sanctions; \$594.00 for the Second-Year attorney work on the motion for sanctions; \$630 for the two hours work from the Second-Year attorney on the costs and fees request.

<sup>11</sup> See Stidham Declarations dated Sep. 28, 2022 (listing the following rates: Erik F. Stidham at \$490.50 per hour; First-Year attorney (since 2021; at Holland and Hart since 2012) at \$243 per hour; Fourteen-year attorney (since 2007) at \$364.50 per hour; Eight-year attorney (since 2013) at \$369 per hour); Oct. 19, 2022 (listing the following rates: Erik F. Stidham at \$490.50 per hour; Four-Year attorney (since 2017) at \$301.50 per hour; Fourteen-year attorney (since 2007) at \$364.50 per hour; Eight-year attorney (since 2013) at \$369 per hour; and Feb. 22, 2023 (listing the following rates: Erik F. Stidham at \$490.50 per hour; Fourteen-year attorney (since 2007) at \$364.50 per hour; Second-year attorney (since 2021; at Holland & Hart Since 2021) at \$243.00 per hour).



- Fourteen-Year Attorney at \$364.50

On this fees request and without explanation, the Plaintiffs increased their hourly billing rate previously awarded as follows:

- Erik Stidham's requested rate has gone from \$490.50 to \$540.00;
- The Fourteen-Year Attorney has gone from \$364.50<sup>12</sup> to \$396.00; and
- The Second-Year (with HOLLAND & HART since 2021) Attorney has gone from \$243.00 to \$297.00.<sup>13</sup>

The Court finds there is no explanation for this hourly-rate increases. Further, there are requested fees for another Second-year attorney (who has been with HOLLAND & HART since 2022) that is \$315.00 per hour without any explanation and the experience is identically described for the two, stating: "Second-Year Attorney has practiced in the area of complex commercial litigation and employment litigation."<sup>14</sup>

Again, this fees request involves a routine Motion to Compel for defaulted defendants which is not particularly novel or difficult and does not require complex commercial litigation-type skill. These motions have been ongoing throughout this litigation and are somewhat redundant. So, the Court will reduce the fees requested for each attorney to reflect their previously-billed rates in this case with the exception of the Fourteen-Year Attorney. While there is a noted fee increase from previous requests, the Fourteen-Year rate is reasonable.

So, the Court reduces the requested fees as follows: Stidham's rates are reduced to \$490.50 per hour; and all Second-Year attorney fees are reduced to \$243.00 per hour.

So, the remaining billed line-items are reduced as follows:

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<sup>12</sup> See Stidham Dec. filed Feb. 22, 2023.

<sup>13</sup> The Court notes the Five-Year Attorney rate requested has actually decreased from \$364.50 to \$346.50 and therefore remains reasonable.

<sup>14</sup> Stidham Dec, ¶¶ 9(e)-(f).



**1. Fees as to Ammon Bundy's Failure to Show for Disposition**

Date	Timekeeper	Amount	Original Rate	Total Hours	Adjusted amount at \$490.50/hour for Stidham
1/17/23	Stidham	\$108.00	\$540.00	0.2	\$98.10
1/25/23	Stidham	\$810.00	\$540.00	1.5	\$735.75
1/27/23	Stidham	\$1,026.00	\$540.00	1.9	\$931.95
1/30/23	Stidham	\$927.00	\$540.00	1.8	\$882.90
1/31/23	Stidham	\$432.00	\$540.00	0.8	\$392.40
Total		\$3,348.00		6.2	\$3,041.10

So, the Court **DISALLOWS \$306.90** as claimed against Ammon Bundy.

**2. Fees as to PNR's Failure to Show for Deposition**

Date	Timekeeper	Amount	Original Rate	Total Hours	Adjusted amount at \$490.50/hour for Stidham
1/17/23	Stidham	\$108.00	\$540.00	0.2	\$98.10
1/17/23	14-year attorney	\$356.40	\$396.00	0.9	\$356.40 <sup>15</sup>
1/22/23	Stidham	\$1,944.00	\$540.00	3.6	\$1,765.80
1/27/23	Stidham	\$270.00	\$540.00	0.5	\$245.25
1/30/23	Stidham	\$486.00	\$540.00	0.9	\$442.45
2/1/23	Stidham	\$270.00	\$540.00	0.5	\$245.25
Total		\$3,434.40		6.6	\$3,152.25

So, the Court **DISALLOWS \$282.15** as claimed against People's Rights Network.

**3. Fees as to Ammon Bundy for Governor's Failure to Show for Deposition**

Date	Timekeeper	Amount	Original Rate	Total Hours	Adjusted amount at \$490.50/hour for Stidham
1/17/23	Stidham	\$120.00	\$540.00	0.2	\$98.10

<sup>15</sup> This amount remains the same because it was billed by the 14-year attorney and is a reasonable rate for this case.



1/17/23	14-year attorney	\$352.00	\$396.00	0.8	\$352.00 <sup>16</sup>
1/22/23	Stidham	\$540.00	\$540.00	0.9	\$441.45
1/30/23	Stidham	\$486.00	\$540.00 <sup>17</sup>	0.9	\$441.45
2/1/23	Stidham	\$216.00	\$540.00	0.4	\$196.20
2/7/23	Stidham	\$162.00	\$540.00	0.3	\$147.15
Total		\$1,876.00		3.5	\$1,676.35

So, the Court **DISALLOWS \$199.65** as claimed against Bundy for Governor.

#### 4. Fees as to all three Defendants

Above, the Court determined only certain fees as requested against these three defendants were recoverable as reasonable fees. The Court herein reduces the rates for those awarded hours:

Date	Timekeeper	Amount	Original Rate	Total Hours	Adjusted amount
1/27/23	Stidham	\$162.00	\$540.00	0.3	\$147.15 (\$490.50/hour)
Motion for Sanctions	Stidham	1020.00	\$540.00	2.0	\$981.00 (\$490.50/hour)
Motion for Sanctions	Second-year attorney	\$594.00	\$297.00	2.0	\$486.00 (\$243.00per hour)
Motion for Sanctions	Paralegal	\$321.30	\$229.50	1.4	\$321.30 total
Costs and Fees Request	Second-year attorney	\$630.00	\$315.00	2.0	\$486.00 (\$243.00 per hour)
Total		\$2,727.30		7.7	\$2,421.45

<sup>16</sup> This amount remains the same because it was billed by the 14-year attorney and is a reasonable rate for this case.

<sup>17</sup> Although Stidham claimed to bill \$540 an hour, it appears he billed slightly more for this one entry. Still, the Court will reduce his rate to \$490.50 per hour.





Because the Court AWARDS \$2,421.45 in fees attributable to all defendants, each Defendant is responsible for **\$807.50**.

### CONCLUSION

The Court **AWARDS** the Plaintiffs fees and costs as follows:

The Court ORDERS Ammon Bundy to pay the Plaintiffs' reasonable fees and costs in the total amount of **\$4,317.25** (fees in the amount of \$3,848.60<sup>18</sup> and costs in the amount of \$468.65);

The Court ORDERS People's Rights Network to pay the Plaintiffs' reasonable fees and costs in the total amount of **\$4,414.30** (fees in the amount of \$3,959.75<sup>19</sup> and costs in the amount of \$454.55);

The Court ORDERS Ammon Bundy for Governor to pay the Plaintiffs' reasonable fees and costs in the total amount of **\$2,965.85** (fees in the amount of \$2,483.85<sup>20</sup> and costs in the amount of \$482).

The remainder of the fee request is DISALLOWED.

Each Defendant must pay the Plaintiffs the amount of their awarded costs and fees as ordered above no later than thirty (30) days from the date of this Order.

Dated: 6/10/2023 10:20:33 PM

  
\_\_\_\_\_  
Lynn Norton  
District Judge

<sup>18</sup> \$3,041.10 for the deposition and + \$807.50 in general attorney's fees.

<sup>19</sup> \$3,152.25 for the deposition and + \$807.50 in general attorney's fees.

<sup>20</sup> \$1,676.35 for the deposition and + \$807.50 in general attorney's fees.



**CERTIFICATE OF SERVICE**

I certify that on this day I served a copy of the attached to:

Erik F. Stidham efstidham@hollandhart.com  E-mail  
Diego Rodriguez freedommanpress@protonmail.com  E-mail

Ammon Bundy  By E-mail  By mail  
4615 Harvest Lane  By fax (number)  
Emmett, ID 83617-3601  By overnight delivery / FedEx  
 By personal delivery

Ammon Bundy for Governor  By E-mail  By mail  
C/O Ammon Bundy  By fax (number)  
4615 Harvest Lane  By overnight delivery / FedEx  
Emmett, ID 83617-3601  By personal delivery

Ammon Bundy for Governor  By E-mail  By mail  
P.O. Box 370  By fax (number)  
Emmett, ID 83617  By overnight delivery / FedEx  
 By personal delivery

Peoples Rights Network  By E-mail  By mail  
C/O Ammon Bundy  By fax (number)  
4615 Harvest Lane  By overnight delivery / FedEx  
Emmett, ID 83617-3601  By personal delivery

Peoples Rights Network  By E-mail  By mail  
C/O Ammon Bundy  By fax (number)  
P.O. Box 370  By overnight delivery / FedEx  
Emmett, ID 83617  By personal delivery

Trent Tripple  
Clerk of the Court

Dated: 06/12/2023

By: *Janine Korsen*  
Deputy Clerk

