

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

Notice Vacating Hearing

An Order for Default¹ of Diego Rodriguez has been entered. **NOTICE IS GIVEN** That the following hearing is VACATED:

<u>Hearing Type</u>	<u>Date</u>	<u>Time</u>	<u>Judge</u>
Motion Hearing (Discovery Referee)	06/14/2023	8:30 AM	Cheri C. Copsey

Dated: 06/13/2023



 District Judge

CERTIFICATE OF SERVICE

Erik F. Stidham
 Diego Rodriguez
 Judge Copsey

efstidham@hollandhart.com
 freedommanpress@protonmail.com

By E-mail
 By E-mail
 By E-mail

Dated: 06/13/2023

Trent Tripple, Clerk of the Court
 By: *Janine Korsen*
 Deputy Clerk



¹ See *Martinez (Portillo) v. Carrasco (Mendoza)*, 162 Idaho 336, 341-42 396 P.3d 1218, 1223-24 (2017) (“A default cuts off the defendant from making any further opposition or objection to the relief which plaintiff’s complaint shows he is entitled to demand. A defendant against whom a default is entered ‘is out of court and is not entitled to take any further steps in the cause affecting plaintiff’s right of action.’ He cannot thereafter, nor until such default is set aside in a proper proceeding, file pleadings, or move for a new trial, or demand notice of subsequent proceedings. ‘A default confesses all the material facts in the complaint.’ Consequently, if the judgment were vacated, it would be the duty of the court immediately to render another of like effect, and the defaulting defendants would not be heard for the purpose of interposing any denial or affirmative defense.” Citing *Title Ins. & Trust Co. v. King Land & Impr. Co.*, 162 Cal. 44, 120 P.1066, 1067 (1912).)(However, a party obtaining the entry of a default against an opposing party can waive the entry of default so that it is no longer of any effect, even if the trial court does not set the default aside. *Pierce v. McMullen*, 156 Idaho 465, 470, 328 P.3d 445, 450 (2014) (plaintiff waived entry of default by filing an amended complaint).”)

