

regarding Holland & Hart's representation of Respondents and the attorneys' fees Respondents have incurred and paid in this lawsuit.

A. PROCEDURAL BACKGROUND.

2. Holland & Hart filed this lawsuit in state court on behalf of Respondents on May 11, 2022. Petitioner Ammon Bundy never appeared in the state court case. Petitioner Diego Rodriguez has appeared in the state court case, although he hasn't meaningfully engaged in the court process, refusing to respond to discovery or sit for a deposition, and violating several court orders.

3. On May 1, 2023, Petitioner Ammon Bundy, appearing pro se, filed a petition to transfer the case from state to federal court. Dkt. 1. This was about two weeks after the state court had issued a warrant of attachment on Respondents' motion for contempt pursuant to Idaho Rule of Civil Procedure 75. The state court found that there was probable cause that Bundy was in violation of the protective order prohibiting threats, harassment, and intimidation of witnesses in the lawsuit. Bundy later filed an "Additional Memorandum" in support of removal. Dkt. 13 (filed May 15, 2023). Petitioner Diego Rodriguez joined in this removal on May 9, 2023. Dkt. 7.

4. On May 8, 2023, Respondents filed a motion to dismiss the Petitioners' petition or remand the case to state court. Dkt. 6. Petitioner Ammon Bundy responded on May 11, 2023. Dkt. 11. The next day, on May 12, Respondents filed a motion to expedite resolution of the case, stating that they did not intend to file any reply. Dkt. 12.

5. Given the complications Petitioners' removal had on state court proceedings and because of the fast-approaching July 10, 2023, trial date, Respondents filed a motion for an expedited order clarifying the application of the removal statute on state court cases and pending

state court discovery. Dkt. 19 (filed May 18). This motion was ultimately deemed moot, as the Court reached its decision the next day.

6. On May 19, 2023—one week after Respondents filed their first motion to expedite—the Court granted Respondents’ motion to dismiss or remand and remanded the case to state court. Dkt. 26. But the Court expressly retained limited jurisdiction over Respondents’ request for attorney fees or other sanctions. *Id.* at 9.

7. After this Court had resolved the petition for removal, on May 23, 2023, Rodriguez filed a second notice of removal. He filed it the same day as the hearing in the state court on the St. Luke’s Parties’ motion for contempt against him alleging numerous violations of the protective order banning threats, harassment, and intimidation of witnesses. The state court hearing had been set since May 2. Hours after Rodriguez’s second notice of removal was filed, the St. Luke’s Parties filed a second motion to dismiss or remand in the federal court. Despite their expeditious response, the state court felt compelled to re-set the motion for contempt to a later date, the pretrial conference on June 6. Rodriguez filed an opposition to the motion for contempt in state court on June 5. On June 6, the state court again issued a warrant of attachment for Rodriguez.

B. RESPONDENTS HAVE REASONABLY, NECESSARILY, AND ACTUALLY INCURRED ATTORNEY FEES IN THIS CASE.

8. Although the issues involved in this brief proceeding were not complex, given the Petitioners’ improper tactics, the timing of the removal, and the complications such removal had on state court proceedings, Respondents were required to file several motions, including two motions to dismiss or remand, two motions to expedite, and a motion for clarification.

9. I am a partner in Holland & Hart’s Commercial Litigation Practice Group and am lead counsel in this case. I manage all aspects of this case. I graduated from the University of

DECLARATION OF ERIK F. STIDHAM IN SUPPORT OF RESPONDENTS’ MOTION FOR ATTORNEY FEES - 3

Virginia Law School in 1991. I initially practiced in Southern California for a large international law firm, and upon my return to Boise, I was a partner in another large regional full-service firm before joining Holland & Hart. I have nearly three decades of experience litigating complex civil lawsuits including various business and contract disputes, civil fraud cases, class action cases, and construction, real estate, and shareholder disputes. I regularly serve as lead counsel on complex, commercial disputes in which \$25 million or more is at issue. I typically direct litigation teams which include multiple attorneys. I have been recognized since 2012 in *Mountain States Super Lawyers* for Business Litigation, and in *Chambers USA: America's Leading Lawyers for Business* for General Commercial Litigation. I have represented clients in more than 20 states, appearing in both state and federal courts around the country. My hourly rate on matters of this type is: \$600. This rate is reasonable in the Boise community for a lawyer of my qualifications and years of experience.

10. Jennifer Jensen is Of Counsel with Holland & Hart's Commercial Litigation Practice Group. She serves as second chair in all aspects of the case, and relevant to this motion, she was the primary brief writer with respect to the initial motion to dismiss or remand. Ms. Jensen graduated from the University of Idaho College of Law in 2013, *summa cum laude*. During law school, she served as Editor-in-Chief of the *Idaho Law Review* and was given the Faculty Award of Legal Achievement and University of Idaho's Alumni Excellence Award. She clerked for The Honorable N. Randy Smith until 2014, when she joined Holland & Hart and its Commercial Litigation Practice Group. In recognition of her professional achievements and litigation skill, Ms. Jensen has received the Idaho Women Lawyers' Rising Star Award, the Idaho State Bar's Outstanding Young Lawyer Award, and the American Bar Association's On the Rise Top 40 Young Lawyers Award. Ms. Jensen regularly publishes articles and presents on

commercial litigation topics, serves as the head of Idaho's delegation to the American Bar Association House of Delegates, is the Vice Chair of the Boise chapter of Inns of Court, and will start as an adjunct professor of Complex Litigation at the University of Idaho College of Law beginning in August of this year. Ms. Jensen devotes most of her practice to high-stakes, complex commercial matters. Ms. Jensen's standard hourly rate on matters of this type is \$440. This hourly rate for her work is reasonable in the Boise community for a lawyer of Ms. Jensen's qualifications and years of experience.

11. Anne Henderson is an Associate with Holland & Hart's Commercial Litigation Practice Group. She was the primary brief writer with respect to the second motion to dismiss petition or remand, and performed research used for the first motion to dismiss or remand. Ms. Henderson graduated from the University of Idaho College of Law in 2017. During law school, she served as Editor-in-Chief of the *Idaho Law Review*. After law school, Ms. Henderson had sequential clerkships with The Honorable Candy W. Dale and The Honorable B. Lynn Winmill. In 2020, Ms. Henderson began her career in private civil practice. In recognition of her professional achievements, Ms. Henderson has been elected a Fellow of the American Bar Foundation, a distinction given to those whose public and private careers have demonstrated outstanding dedication to the highest principles of the legal profession. Ms. Henderson is an adjunct professor at the University of Idaho College of Law, where she has taught the Federal Rules of Civil Procedure and Conflict of Laws courses. Ms. Henderson regularly publishes articles and presents on commercial litigation topics, serves on the Local Rules Committee for the U.S. District Court for the District of Idaho, serves as the Young Lawyer Delegate to Idaho's delegation to the American Bar Association House of Delegates, is Chair of the Idaho Women Lawyers Judicial Committee, and serves on the Steering

Committee for Access to Justice Idaho. Ms. Henderson devotes most of her practice to high-stakes, complex commercial matters. Ms. Henderson's standard hourly rate on matters of this type is \$385. This hourly rate for her work is reasonable in the Boise community for a lawyer of Ms. Henderson's qualifications and years of experience.

12. Holland & Hart provides St. Luke's a 10% discount on hourly rates for this matter. Accordingly, the fees requested in this motion are discounted by 10%, reflecting the actually charged and paid amounts.

13. Respondents have had occasion to file a number of motions for attorney fees in the state court in this case. In granting those motions, the state court has not reduced counsel's hourly rates (except for the 10% discount referred to above).

14. As of June 20, 2023, Respondents' reasonable, necessary, and actually incurred fees totaled \$18,103.05. These fees were incurred in good faith, in the defense of this case, and not for any improper purpose. Respondents have been billed monthly for these fees and have paid all monthly bills throughout the litigation when due. A true and correct copy of the time detail and fees billed in this matter by Holland & Hart LLP is attached hereto as **Exhibit A** and, by this reference, incorporated herein as if set forth in full.

15. Pursuant to the requirements of United States District Court for the District of Idaho Local Civil Rule 54.2, attached as **Exhibit A** is a true and correct copy of a spreadsheet setting forth the following: (1) the dates work was provided to Respondents; (2) the description of the work provided to Respondents; and (3) the number of hours entered for the specific entry. The hourly rates of the billing timekeepers are reflected in the chart immediately below.

ATTORNEY	ADMITTED TO PRACTICE	HOURLY RATE	HOURS	FEES
Erik F. Stidham	1991	\$540	10.8	\$5,832.00
Jennifer M. Jensen	2013	\$396	17.6	\$6,969.60
Anne E. Henderson	2017	\$346.50	15.3	\$5,301.45
Total			43.7	\$18,103.50

16. The hourly rates charged by Holland & Hart are within the range of prevailing charges for like work in this market. My opinion is based on my years of experience as a commercial litigator in the Boise area, working at regional law firms, and litigating similar types of cases.

17. In the course of my practice, I regularly serve as lead counsel on large complex, commercial litigation matters staffed by multiple attorneys. This case was managed efficiently. When there was any reasonable basis to be concerned regarding a particular task or that work performed by an attorney was not performed efficiently, I made sure the fees were appropriately reduced. The fees incurred in this matter are appropriate given the complexity of the case, the Petitioners' tactics, and the result achieved for our clients.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 20th day of June, 2023.

/s/ Erik F. Stidham

Erik F. Stidham

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of June, 2023, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

n/a

AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Registered Participants in the manner indicated:

Via first class mail (6/21/23), postage prepaid addressed as follows:

Ammon Bundy
Ammon Bundy for Governor
People's Rights Network
4615 Harvest Lane
Emmett, ID 83617-3601

Diego Rodriguez
Freedom Man PAC
Freedom Man Press LLC
1317 Edgewater Dr. #5077
Orlando, FL 32804

Via email (6/20/23):

Ammon Bundy – aebundy@bundyfarms.com
Diego Rodriguez - freedommanpress@protonmail.com

/s/ Erik F. Stidham

Erik F. Stidham
of HOLLAND & HART LLP

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EXHIBIT A - St. Luke's Attorney Fees List

Date	TKPR Name	Hrs	Amt	Narrative
5/6/2023	Stidham, Erik F.	0.4	\$216.00	Review petition for removal filed by Ammon Bundy;
5/7/2023	Jensen, Jennifer M.	9.0	\$3,564.00	Analyze Ammon Bundy's petition for removal; research removal procedure, email correspondence with case team members regarding the civil rights removal statute, and relevant subject matter jurisdiction issues; draft memorandum in support of motion to dismiss or remand to state court; conference with EFStidham regarding memorandum, strategy, and themes;
5/7/2023	Stidham, Erik F.	1.9	\$1,026.00	Confer with JJensen regarding Motion to Dismiss and for Remand and outline themes and areas of research;
5/8/2023	Jensen, Jennifer M.	7.9	\$3,128.40	Draft memorandum in support of motion to dismiss or remand to state court; circulate draft with notes for consideration; draft email to Ammon Bundy apprising of forthcoming filing; conference with EFStidham regarding memorandum in support of motion to dismiss or remand to state court; give direction to CCarvalho and NHammond regarding federal court filing; draft memorandum and declaration in support of motion to seal; check rules relating to sealing documents in federal court; review notice of appearance, proposed order, and motion to seal; draft declaration in support of motion to dismiss or remand;
5/8/2023	Stidham, Erik F.	1.5	\$810.00	Review and revise draft of motion and memo on removal; review declaration;
5/10/2023	Stidham, Erik F.	1.4	\$756.00	Confer with JJensen regarding federal court issues and related research necessitated by purported removal by Bundy ; review filings by Rodriguez and PRN members relating to removal and develop tasks to address;
5/11/2023	Henderson, Anne E.	0.8	\$277.20	Review local rules and provide motion to expedite authority to EFStidham for federal court response;
5/11/2023	Stidham, Erik F.	0.4	\$216.00	Confer with JJensen regarding federal court issues and review drafts and filings;
5/12/2023	Stidham, Erik F.	1.6	\$864.00	Confer with JJensen regarding purported federal court removals and impact on depositions and court orders in state court case; review federal filings by Rodriguez and PRN members; revies draft and revise motion to expedite;
5/16/2023	Henderson, Anne E.	2.0	\$693.00	Perform legal research for 28 U.S.C. 1446(d) question;
5/17/2023	Henderson, Anne E.	5.0	\$1,732.50	Prepare summary of case law on removal issues; prepare motion for clarification regarding discovery and court orders; prepare memorandum in support of motion for clarification; conduct case law research regarding effect of removal on discovery;
5/17/2023	Jensen, Jennifer M.	0.2	\$79.20	Email correspondence with client regarding motion for clarification to federal court;
5/17/2023	Stidham, Erik F.	0.7	\$378.00	Review and revise motion for clarification to federal court;
5/18/2023	Henderson, Anne E.	3.0	\$1,039.50	Continue to prepare motion for clarification and expedited motion with memorandum and declaration of EFStidham; review final PDFs to file for motion for clarification;
5/18/2023	Stidham, Erik F.	0.5	\$270.00	Review and revise motion for clarification to federal court;
5/19/2023	Stidham, Erik F.	1.1	\$594.00	Review motion to remand; review and revise motion for clarification to federal court;
5/22/2023	Stidham, Erik F.	0.6	\$324.00	Strategize with JJensen regarding hearings and upcoming motions; outline tasks to prepare for additional motions against defendants;
5/23/2023	Henderson, Anne E.	4.5	\$1,559.25	Prepare expedited motion and memorandum to dismiss and remand Diego Rodriguez petition; edit and approve motion to dismiss and remand Diego Rodriguez's petition to state court to file;
5/23/2023	Jensen, Jennifer M.	0.5	\$198.00	Email correspondence among case team regarding second notice of removal and opposition; edit brief in support of motion to dismiss or remand;
5/23/2023	Stidham, Erik F.	0.7	\$378.00	Address effort by Rodriguez to remove; review federal docket; prepare filing for federal court; review and revise draft; confer with JJensen regarding strategy;

43.7 \$18,103.05

20.7 \$8,744.40

16.7 \$6,899.40

6.3 \$2,459.25

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