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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

**DECLARATION OF ERIK F. STIDHAM
IN SUPPORT OF PLAINTIFFS'
MOTION FOR AWARD OF
ATTORNEYS' FEES PURSUANT TO
COURT'S JUNE 13, 2023 ORDER
AWARDING FEES ON MOTIONS FOR
SANCTIONS RE: DEPOSITIONS**

Erik F. Stidham declares and states 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. I am a partner in the law firm of Holland & Hart LLP (“Holland & Hart”) and am duly licensed to practice law in the State of Idaho. I am attorney of record for Plaintiffs, and I make this declaration based upon my own personal knowledge of the matters stated herein.

3. I am familiar with the firm’s billing and recordkeeping practices, and I have personal knowledge of the facts regarding the legal representation provided to Plaintiffs by Holland & Hart and of the attorneys’ fees incurred by Plaintiffs in connection with their May 2 Motion to Compel and for Sanctions as to People’s Rights Network and Ammon Bundy for Governor; May 26, 2023 Motion for Sanctions as to Ammon Bundy, Ammon Bundy for Governor, People’s Rights Network, and Abish-Husbandi, Inc. for Failure to Appear at Properly Noticed Depositions; and May 26, 2023 Motion for Sanctions as to Diego Rodriguez, Power Marketing Consultants, LLC, Power Marketing Agency, LLC and Freedom Tabernacle Incorporated for Failure to Appear at Property Noticed Depositions (collectively “Motion for Sanctions – Depositions”).

4. The agreement for legal services between Plaintiffs and Holland & Hart requires Plaintiffs to pay legal services on an hourly basis as well as to pay litigation costs incurred in this action. This form of fee agreement is a common and appropriate basis for attorneys’ fees. Holland & Hart billed (or will bill, depending on the date of work performed) Plaintiffs for these attorneys’ fees and costs in accordance with its standard billing policies.

5. The lawsuit involves complex legal issues, extensive factual issues, political sensitivity, and a complex conspiracy involving multiple parties to commit intentional harm to individuals and to disrupt the operations of a hospital system.

6. For this matter, Holland & Hart has reduced its standard hourly rates by 10%.

7. From April 2023 (when Plaintiffs began the preparation for depositions by emailing Ammon Bundy, Ammon Bundy for Governor, and People's Rights Network) through June 30, 2023 (the last date that material work was done to prepare the Motion for Attorneys' Fees), Plaintiffs incurred reasonable attorneys' fees they now seek to recover from People's Rights Network, Ammon Bundy for Governor, Ammon Bundy, Abish-Husbandi, Inc., Diego Rodriguez, Power Marketing Consultants, LLC, Power Marketing Agency, LLC, and Freedom Tabernacle, Incorporated.

8. Attached hereto as **Exhibits A through C** are true, complete, and detailed itemization of the fees for which Plaintiffs seek an attorneys' fee award. Exhibits A through C show: (a) the date on which the legal services were performed; (b) a description of the services performed and by whom; (c) the amount of time spent performing the services; (d) the amount charged for each time entry, which is arrived at by multiplying the timekeeper's applicable billable hourly rate by the amount of time spent; and (e) the total fees charged to each party from May 2, 2023 through June 30, 2023. **Exhibit A** relates to the May 2, 2023 Motion to Compel and for Sanctions as to People's Rights Network and Ammon Bundy for Governor. **Exhibit B** relates to the May 26, 2023 Motion for Sanctions as to Ammon Bundy, Ammon Bundy for Governor, People's Rights Network, and Abish-Husbandi, Inc. for Failure to Appear at Properly Noticed Depositions. And **Exhibit C** relates to the May 26, 2023 Motion for Sanctions as to Diego

Rodriguez, Power Marketing Consultants, LLC, Power Marketing Agency, LLC and Freedom Tabernacle Incorporated for Failure to Appear at Property Noticed Depositions.

9. The following are the timekeepers who have provided legal services on this case and who are identified on Exhibits A through C:

a. I am a partner at Holland & Hart's Boise office and have practiced law since 1995. 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 over three decades of experience litigating complex civil lawsuits including various contract disputes, business tort matters, civil fraud cases, class action cases, and construction, real estate, and shareholder disputes in Idaho and around the country. I regularly serve as lead counsel on complex, commercial disputes. I typically direct litigation teams that include multiple attorneys, and my experience handling litigation like this case allows me to avoid duplicate billing by timekeepers and efficiently delegate work to the appropriate level. 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 standard rate is \$600, reduced by 10% in this matter to \$540.

b. 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 drafted the brief. 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 Lawyer's 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 President 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, especially non-physical torts. Ms. Jensen's standard hourly rate on matters of this type is \$440, reduced by 10% in this matter to \$396. Ms. Jensen's hourly rate is reasonable in the Boise community for a lawyer of her qualifications and years of experience.

c. Anne Henderson is an Associate with Holland & Hart's Commercial Litigation Practice Group. She was the primary brief writer for the May 26, 2023 Motion for Sanctions and to Compel against Diego Rodriguez and his entities and for the May 26, 2023 Motion for Sanctions and to Compel against Ammon Bundy and his entities. 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, reduced by 10% in this matter to \$346.50. Ms. Henderson's hourly rate is reasonable in the Boise community for a lawyer of her qualifications and years of experience.

10. Holland & Hart's standard rates for work of this type in this legal market are comparable to those for similar services in the Treasure Valley performed by attorneys of comparable skill and experience.

11. Plaintiffs do not seek all of their fees incurred in preparing the three motions and preparing for depositions. To be conservative and to avoid any dispute, Plaintiffs voluntarily forgo the recovery of certain fees from attorneys involved in the matter who were not primary drafters of the filings at issue. Plaintiffs also voluntarily forego paralegal fees, even though a paralegal assisted with the preparation of motions, preparation for depositions, and preparation of Exhibits A through C to this declaration.

12. Plaintiffs solely seek the fees incurred by myself and two other attorneys, I directed and reviewed the work of both attorneys.

13. The lawyers on the case team did not duplicate work. I delegated and managed the work of the attorneys on this matter to prevent duplicate billing and maximize efficiency by having attorneys of the appropriate level assist with the varied pieces of the legal work. Based on

my experience with similar disputes, the time spent on the motions and deposition preparation was consistent with regular practice in the Treasure Valley. The time spent was reasonable and necessary, as evidenced by the pleadings on file with the Court and the success of Holland & Hart's efforts on behalf of Plaintiffs.

14. Earlier in this case, Plaintiffs have had occasion to file a number of motions for attorneys' fees. In granting these motions, the Court has not reduced counsel's hourly rates (except for the 10% discount included in the rate sought and referred to above).

15. The hourly rates charged for the services provided to Plaintiffs are reasonable for the type of work performed and are comparable to those for similar services in the Treasure Valley and other population centers in Idaho. *See Edmark Auto v. Zurich Am. Ins. Co.*, No. 1:15-cv-00520-BLW, 2021 U.S. Dist. LEXIS 39160, at *10 (D. Idaho Mar. 1, 2021) ("It has [] been this Court's experience that attorneys at regional firms, such as Holland & Hart, charge hourly rates at or near, but not above, the high end of acceptable rates for the Boise area.") (citation omitted); see also *Bank of Am. v. Neef*, No. CV-OC 13-19726 (Idaho Fourth Judicial District, Ada County) (allowing the hourly rates of the attorneys representing the receiver of \$385 for a partner and \$245 for an associate in 2013); *Latta v. Otter*, No. 1:13-cv-00482-CWD, 2014 WL 7245631, at *4 (D. Idaho Dec. 19, 2014) (in a civil litigation case, awarding \$400 per hour to partner in 2014); *Cnty. House, Inc. v. City of Boise, Idaho*, No. 1:05-cv-00283-CWD, 2014 WL 1247758, at *6 (D. Idaho Mar. 25, 2014) (approving partner rate of \$400 per hour in 2014); *Lakeview Cheese Co. v. Nelson-Ricks Creamery Co.*, No. 4:13-cv-00361-BLW, 2015 WL 769960 (D. Idaho Feb. 23, 2015) (permitting the following rates: \$455 for a senior litigation partner; \$310 for a junior litigation partner in 2015).

16. Exhibit D accurately reflects the costs incurred. Plaintiffs actually incurred all of the costs reflected in Exhibit D.

17. Plaintiffs actually incurred all of the fees and costs set forth in Exhibits A through C. The fees and costs set forth in Exhibit A through D are accurate and correct.

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

DATED: June 30, 2023.

By: */s/Erik F. Stidham*

Erik F. Stidham

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of July, 2023, I caused to be filed and served, via iCourt, 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
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

/s/ Erik F. Stidham

Erik F. Stidham
OF HOLLAND & HART LLP

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Exhibit A

EXHIBIT A

Date	Timekeeper	Amount Expended	Total Hours Expended	Narrative
Fees as to May 2, 2023 Motion to Compel and for Sanctions as to People's Rights Network and Ammon Bundy for Governor				
4/29/2023	Jensen, Jennifer M.	\$514.80	1.3	Draft motion and memorandum in support;
5/1/2023	Stidham, Erik F.	\$486.00	0.9	Review and revise motion and memo; revise declaration in support
5/22/2023	Stidham, Erik F.	\$162.00	0.3	Prepare for argument at hearing;
6/29/2023	Jensen, Jennifer M.	\$435.60	1.1	Draft memorandum in support of fees and costs for depositions sanctions order;
6/30/2023	Jensen, Jennifer M.	\$118.80	0.3	Analyze time entries from timekeepers to determine which should be included in fees/costs motions in response to Judge Norton rulings regarding depositions;
	Subtotal	\$1,717.20	3.9	
	Total for Ammon Bundy for Governor	\$858.60		Divided Pro rata
	Total for People's Rights	\$858.60		Divided Pro rata

Exhibit B

Date	Timekeeper	Amount Expended	Total Hours Expended	Narrative
Fees as to May 26, 2023 Motion for Sanctions as to Ammon Bundy, Ammon Bundy for Governor, People's Rights Network, and Abish-Husbandi, Inc. for Failure to Appear at Properly Noticed Depositions				
Unsegregated Fees to Be Divided Pro Rata				
5/25/2023	Henderson, Anne E.	\$1,004.85	2.9	Prepare motions for sanctions and materials as to Bundy and his related entities for failure to appear;
6/5/2023	Stidham, Erik F.	594	1.1	Prepare for hearing on Motion of Sanctions
6/6/2023	Stidham, Erik F.	324	0.6	Prepare for attend hearing on Motion of Sanctions (reflects only time spent on this Motion)
6/21/2023	Jensen, Jennifer M.	\$475.20	1.2	Draft memorandum in support of fees and costs for depositions sanctions order;
6/23/2023	Jensen, Jennifer M.	\$118.80	0.3	Analyze time entries from timekeepers to determine which should be included in fees/costs motions in response to Judge Norton rulings regarding
	Subtotal	\$2,516.85	6.1	
Fees Incurred Re Ammon Bundy Deposition				
4/25/2023	Stidham, Erik F.	\$1,566.00	2.9	Prepare for Ammon Bundy deposition and outline questions
4/26/2023	Stidham, Erik F.	\$1,890.00	3.5	Prepare for deposition of Ammon Bundy, identify exhibits; review Bundy video posts for his deposition;
5/2/2023	Stidham, Erik F.	\$1,350.00	2.5	Prepare for deposition of Ammon Bundy and outline deposition questions;
5/8/2023	Stidham, Erik F.	\$1,026.00	1.9	Prepare for deposition of Ammon Bundy;
5/9/2023	Stidham, Erik F.	\$1,188.00	2.2	Prepare for deposition of Ammon Bundy by outlining questions and reviewing case materials;
5/10/2023	Stidham, Erik F.	\$324.00	0.6	Prepare for Ammon Bundy deposition and appear at deposition, Bundy did not show up
	Subtotal for Ammon Bundy	\$7,344.00	13.6	
	Total for Ammon Bundy (w/pro rata share \$629.21) and Costs \$260.55	\$8,233.76		
Fees Incurred Re Ammon Bundy for Governor				
5/12/2023	Stidham, Erik F.	\$1,026.00	1.9	Prepare for deposition of Ammon Bundy for Governor;
5/19/2023	Stidham, Erik F.	\$324.00	0.6	Prepare for and attend deposition for Bundy for Governor but Bundy was a no show; Prepare for hearings by reviewing materials and preparing outline;
	Subtotal for Ammon Bundy for Governor	\$1,350.00		
	Total for Ammon Bundy for Governor (w/pro rata share \$629.21) and Costs \$200	\$2,179.21		
Fees Incurred Re PRN Deposition				
5/14/2023	Stidham, Erik F.	\$810.00	1.5	Prepare for People's Rights Network deposition;
5/16/2023	Stidham, Erik F.	\$270.00	0.5	Prepare for and show up for People's Rights Network deposition;

	Subtotal for PRN	\$1,080.00	2	
	Total for PRN (w/pro rata share \$629.21) and Costs \$457.65	\$2,166.86		
Fees Incurred for Abish-Husbondi Deposition				
5/22/2023	Stidham, Erik F.	\$702.00	1.3	Prepare for A-H deposition;
	Subtotal for Abish-Husbondi	\$702.00	1.3	
	Total for Abish-Husbondi (w/Pro rata share \$629.21) plus Costs \$526.20	\$1,857.41		

Exhibit C

Date	Timekeeper	Amount Expended	Total Hours Expended	Narrative
Fees as to May 26, 2023 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				
Unsegregated Fees to Be				
5/25/2023	Henderson, Anne E.	\$900.90	2.6	Prepare motions for sanctions and materials as to Rodriguez and entities for failure to appear;
5.26.2023	Henderson, Anne E.	\$138.60	0.4	Revise and finalize for filing;
6/5/2023	Stidham, Erik F.	\$702.00	1.3	Prepare for Hearing on Motion of Sanctions
6/6/2023	Stidham, Erik F.	\$216.00	0.4	Prepare for attend hearing on Motion of Sanctions (reflects only time spent on this Motion)
6/21/2023	Jensen, Jennifer M.	\$356.40	0.9	Draft memorandum in support of fees and costs for depositions sanctions order;
6/23/2023	Jensen, Jennifer M.	\$158.40	0.4	Analyze time entries from timekeepers to determine which should be included in fees/costs motions in response to Judge Norton rulings regarding depositions;
	Total of Unsegregated Fees	\$2,472.30	6	
Fees Incurred Re Diego				
4/21/2023	Stidham, Erik F.	\$1,674.00	3.1	Preppare for deposition of Diego Rodriguez; outline questions;
4/29/2023	Stidham, Erik F.	\$1,944.00	3.6	Prepare for deposition of Diego Rodriguez; review posts and appearances to prepare for the deposition;
5/1/2023	Stidham, Erik F.	\$1,296.00	2.4	Prepare for deposition of Diego Rodriguez; review recent posts and appearances to prepare for the deposition;
5/10/2023	Stidham, Erik F.	\$486.00	0.9	Prepare for deposition of Diego Rodriguez;
	Subtotal for Diego Rodriguez	\$5,400.00	10	
	Total for Diego Rodriguez (with pro rata fees \$618.07)	\$6,018.07		
Fees Incurred Re Power Marketing Consultants				
5/22/2023	Stidham, Erik F.	\$432.00	0.8	Prepare for Deposition
5/23/2023	Stidham, Erik F.	\$270.00	0.5	Prepare for and attend deposition; no show
	Subtotal for Power Marketing Consultants	\$702.00	1.3	
	Total for Power Marketing Consultants (with pro rata fees \$618.07) and Costs \$204	\$1,524.07		
Fees Incurred for Power Marketing Agency				
5/22/2023	Stidham, Erik F.	\$270.00	0.5	Preppare for deposition
5/23/2023	Stidham, Erik F.	\$270.00	0.5	Prepare for and attend deposition; no show
	Subtotal for Power Marketing Agency	\$540.00	1	
	Total for Power Marketing Agency (with pro rata fees \$618.07) and Costs \$67.30	\$735.37		
Fees Incurred for Freedom Tabernacle				
5/12/2023	Stidham, Erik F.	\$702.00	1.3	Prepare for deposition;
5/20/2023	Stidham, Erik F.	\$594.00	1.1	Prepare for deposition;
5/22/2023	Stidham, Erik F.	\$162.00	0.3	Address deposition no show by going to deposition at appointed time and making record;
	Subtotal of Costs for Freedom	\$1,458.00	2.7	
	Total for Freedom Tabernacle fees (w/pro rata fees \$618.07) plus Costs \$429	\$2,505.07		

Exhibit D

COSTS			
Costs as to May 26, 2023 Motion for Sanctions as to Ammon Bundy, Ammon Bundy for Governor, People's Rights Network, and Abish-Husbondi, Inc. for Failure to Appear at Properly Noticed Depositions			
4/14/2023	Tri-County Process Server	\$93.00	Service of People's Rights Network of Motion for Contempt
4/14/2023	Tri-County Process Server	\$190.00	Service of Ammon Bundy of Motion for Contempt
5/1/2023	Tri-County Process Server	\$140.00	Failure to find and serve Abish-Husbondi
5/11/2023	Tucker & Associates	\$260.55	Deposition of Ammon Bundy - Appearance no-show with statement of record
5/16/2023	Tucker & Associates	\$200.00	People's Rights Network - videographer no show fee
5/22/2023	Tucker & Associates	\$200.00	Ammon Bundy for Governor Appearance videographer no show fee
5/24/2023	Tucker & Associates	\$257.65	Deposition of People's Rights Network - no show with statement of record
5/25/2023	Tucker & Associates	\$289.00	Abish-Husbondi 30(b)(6) - Appearance no-show with statement of record
5/25/2023	Tucker & Associates	\$237.20	Abish-Husbondi 30(b)(6) - Appearance Late Cancellation
	TOTAL	\$1,867.40	
Costs as to May 26, 2023 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			
4/28/2023	Tri-County Process Server	\$67.30	Service of Power Marketing Agency LLC of Amended Subpoena
4/28/2023	Orange Co. Clerk	\$2.00	Issue of Foreign Subpoena - Power Marketing Consultants, LLC
4/28/2023	Orange Co. Clerk	\$2.00	Issue of Foreign Subpoena - Freedom Tabernacle, Inc.
5/5/2023	Magic Process	\$127.00	Service of Freedom Tabernacle, Inc. of Subpoena

5/5/2023	Magic Process	\$202.00	Service of Power Marketing Consultants LLC of Subpoena
5/22/2023	Tucker & Associates	\$100.00	Deposition of Freedom Tabernacle - videographer no show fee
5/25/2023	Tucker & Associates	\$200.00	Freedom Tabernacle Inc. appearance no-show with statement of record
	TOTAL	\$700.30	