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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

**MEMORANDUM IN SUPPORT OF  
MOTION TO ALTER DEADLINES  
RELATED TO CONTEMPT TRIAL**

Plaintiffs, St. Luke’s Health System, Ltd., St. Luke’s Regional Medical Center, Ltd., Chris Roth, Natasha D. Erickson, M.D., and Tracy W. Jungman, NP (collectively “Plaintiffs”), by and through their attorneys of record, pursuant to Idaho Rule of Civil Procedure 75(i) and Local R. 2, hereby submit this Memorandum in support of their motion to alter deadlines related to the contempt trial scheduled for November 13, 2023.

## **I. INTRODUCTION**

This contempt action has been pending for months. The contempt proceedings have been repeatedly delayed by Ammon Bundy’s refusal to attend the hearing for his arraignment on contempt charges, leading to his arrest warrant, which he also defied until August of this year, when he was finally taken into custody and released on bond.

Plaintiffs request that this Court enter an order setting Mr. Bundy’s deadline to file his witness and exhibit lists for October 3, 2023. Mr. Bundy’s deadline (of seven days before the trial) was not amended when he obtained the postponement of the original contempt trial setting. Plaintiffs need to know the witnesses and exhibits Mr. Bundy intends to use so they can adequately prepare. Mr. Bundy should not be given the windfall of more than a month extension on his deadline because he postponed the contempt trial—particularly when he has already caused so much delay in bringing this contempt action to resolution.

## **II. BACKGROUND**

Mr. Bundy was arraigned by this Court on August 29, 2023. At the arraignment, the Court set the contempt trial to begin on October 2, 2023. The Court also set pretrial deadlines: Plaintiffs were to file a Notice of Counts of Contempt, their witness list, and their exhibit list by September 5, 2023. Mr. Bundy was to file his witness list and exhibit list seven days before trial (September 25, 2023).

On the morning of August 30, 2023, Mr. Bundy emailed the Court and Plaintiffs' counsel with a request to postpone the contempt trial. *See* 8-30-23 Motion to Reschedule Contempt Trial. The request did not address the pretrial deadlines. *See id.* Plaintiffs did not object to the requested postponement of the trial. On August 31, 2023, the Court reset the contempt trial to begin on November 13, 2023. 8-31-23 Order re Motion to Reschedule Contempt Trial at 1. Plaintiffs' counsel emailed Mr. Bundy if he would agree to file his exhibit list and witness list earlier, as he would have done if the trial were still set for its original date. *See* Declaration of Jennifer Jensen in Support of Motion to Alter Deadlines, Ex. A. Mr. Bundy did not agree to this request. *See id.*, ¶ 2, Ex. A.

On September 5, 2023, Plaintiffs timely filed their Notice of Counts of Contempt, their witness list, and their exhibit list.

### **III. ARGUMENT**

Plaintiffs are unaware of any rule of civil procedure governing the pretrial deadlines in nonsummary contempt proceedings, other than I.R.C.P. 75, which does not set any deadlines for witness lists or exhibit lists. This Court, however, generally has authority to set deadlines in the cases before it. *See* Loc. R. 2. ("In general, each court controls and sets its own calendar, subject to the rules of the Idaho Supreme Court and administrative orders.").

Plaintiffs request this Court alter Mr. Bundy's deadline to file his witness list and exhibit list. Now that the contempt trial has been postponed to November 13, 2023, there is no reason to have Mr. Bundy's deadline to file exhibit and witness lists be so late, particularly when Plaintiffs filed their Notice of Counts of Contempt, Exhibit List, and Witness List on September 5, 2023, keeping the deadline originally set for the earlier trial. Mr. Bundy's motion to postpone the trial did not address his pretrial filings, only the trial date itself. Plaintiffs did him the courtesy of not

opposing the trial date postponement. The requested new deadline of October 3, 2023 would give Mr. Bundy ample time to prepare his filing.

Plaintiffs are diligently preparing for the contempt trial. Part of their preparation depends on the witnesses and exhibits identified by Mr. Bundy in his witness and exhibit lists. If Mr. Bundy discloses any witnesses, Plaintiffs have the right to depose those individuals. *See* I.R.C.P. 75(n). Mr. Bundy has had Plaintiffs' timely-filed witness and exhibit lists for two weeks now. There is no reason he cannot file his responsive witness and exhibit lists by October 3, 2023.

#### IV. CONCLUSION

For the foregoing reasons, Plaintiffs request the Court grant their Motion to Alter Deadlines Related to Contempt Trial.

DATED: September 19, 2023.

HOLLAND & HART LLP

By: */s/Erik F. Stidham*

Erik F. Stidham

Jennifer M. Jensen

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## CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of September, 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:

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Freedom Man Press LLC  
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*/s/ Erik F. Stidham*

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