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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 TO COMPEL DEPOSITION
OF AMMON BUNDY**

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 attended the arraignment of Mr. Bundy on August 29, 2023 before this Court. At the arraignment, I personally served on Mr. Bundy a notice of deposition, to take place on September 5, 2023. I informed Mr. Bundy that I would work with him to find a mutually agreeable date for his deposition if September 5, 2023 would not work.
3. On August 31, 2023, Mr. Bundy objected to sitting for a deposition on the basis of the privilege against self-incrimination. We met and conferred via exchange of emails in which I explained that his objection was invalid. A true and correct copy of this email exchange is attached hereto as **Exhibit A**.
4. Throughout this lawsuit, Mr. Bundy has never complied with any discovery obligation. I have engaged with Mr. Bundy in good faith to confer or attempt to confer regarding his objection to the deposition. I have attempted to resolve this issue without court intervention but believe that a court order is necessary to compel Mr. Bundy's deposition, which will aid in Plaintiffs' preparation for the contempt trial.
5. Plaintiffs will be prejudiced if Mr. Bundy is allowed to avoid deposition and then take the stand to testify at the contempt hearing.

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

DATED: September 21, 2023.

By: /s/Erik F. Stidham
Erik F. Stidham

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of September, 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

30522712_v1

EXHIBIT A

From: Ammon Bundy <aebundy@bundyfarms.com>
Sent: Friday, September 1, 2023 6:07 AM
To: Erik Stidham
Subject: Re: CV01-22-6789 St. Luke's v Ammon Bundy, et al.-Contempt Trial Dates and Deadlines

External Email

Erik,

I have been clear on the matter and I believe Judge Baskin has as well. Both the United States Constitution and the Idaho State Constitution protects against what you are insisting. Anything I say can be used against me in the court of law, especially what I say under oath. Therefore I am protected.

You have made this case criminal, you desire to strip everything I have from me and and make my family homeless while I am in jail. Your are the criminal, but because of your clients money and your manipulation of the courts you have made good look bad and bad look good.

I retain my right not be examined while being prosecuted. I will no longer communicate with you on this matter.

Ammon Bundy

On Thu, Aug 31, 2023 at 10:25 PM Erik Stidham <EFStidham@hollandhart.com> wrote:
Mr. Bundy,

That is fine. You just made a good argument for why we need to take your deposition.

Based in your uncertainty as to whether you are taking the stand, we will set your deposition and at your deposition you can plead the Fifth in response to each question as you see fit. If you plead the Fifth in response to a question, our position will be that you cannot then testify regarding that matter at the hearing.

Alternatively, if you are taking the position that you refuse to be deposed in the contempt motion, we will bring this issue to the Court for resolution.

Please just state whether or not you are willing to sit for a deposition in the contempt case.

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From: Ammon Bundy <aebundy@bundyfarms.com>
Sent: Thursday, August 31, 2023 10:10:28 PM

To: Erik Stidham <efstidham@hollandhart.com>
Subject: Re: CV01-22-6789 St. Luke's v Ammon Bundy, et al.-Contempt Trial Dates and Deadlines

External Email

Erik,

I may take the stand but have no obligation to make that decision at this time. I have to defend myself in trial against what you accuse me of, I won't know that until I hear and see it. I don't have to decide fully at this time who I put on the stand to defend myself. I may have to give you an idea, but I have a right to counter your accusation with witnesses as you bring them, weather I disclose them or not. Including me taking the stand, or not.

Ammon Bundy

On Thu, Aug 31, 2023 at 8:27 PM Erik Stidham <EFStidham@hollandhart.com> wrote:

Mr. Bundy,

Are you stipulating that you will not be taking the stand at the contempt hearing? If so, I will send you a stipulation to sign.

If you are meaning that you are keeping the option open to take the stand at the contempt trial and are still refusing to have your deposition taken will have to have this resolved by the Court.

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From: Ammon Bundy <aebundy@bundyfarms.com>

Sent: Thursday, August 31, 2023 8:16:37 PM

To: Erik Stidham <efstidham@hollandhart.com>

Subject: Re: CV01-22-6789 St. Luke's v Ammon Bundy, et al.-Contempt Trial Dates and Deadlines

External Email

Erik,

Speaking about facts is not a violation of any lawful court order. As you know, public criticism is legal in the United States, in fact it is protected, especially when government action is involved. I have no intention on showing up to any depositions while I am facing contempt sanctions. I plead the 5th to all questions.

Ammon Bundy

On Thu, Aug 31, 2023 at 7:02 PM Erik Stidham <EFStidham@hollandhart.com> wrote:

Mr. Bundy,

That is not how it works. We have a right to depose you. If you want to plead the Fifth for the questions raised during your deposition, you can. However, we believe you must plead the Fifth on a question by question basis at the deposition if you potentially will be taking the stand. If you will stipulate now that you will not be taking the stand in the contempt trial- we can probably work something out. But if you do not know whether you will take the stand, we will take your deposition and you can plead the Fifth on a question by question basis.

While you figure this out, we will extend you the courtesy of taking your deposition off calendar for 9/5 so you can sort through this with an attorney who can explain it to you. If are not going to speak with an attorney and would like us to provide you some legal authority supporting our position informally, we will give you that courtesy.

Also, just so things are clear, you also were served with a deposition if the Gem County Fraud lawsuit. That is a separate deposition in a separate case. You need to appear for that deposition. But if you want a more convenient date for the fraudulent conveyance deposition, I also am open to discussing that.

As for your statement regarding dropping the contempt case, my clients are not going to drop that. As it now stands, we likely are going to have no choice but to bring further contempt motions as you seem committed to violating the Permanent Injunction.

If you want plead guilty to the current contempt charges and will comply with the Permanent Injunction, we may perhaps be able to negotiate the number of counts of witness harassment and intimidation to which you would plead guilty. Such negotiations would be up to my clients. If you want to make such a proposal regarding a guilty plea, I would take it to my clients.

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From: Ammon Bundy <aebundy@bundyfarms.com>

Sent: Thursday, August 31, 2023 6:20:25 PM

To: Erik Stidham <efstidham@hollandhart.com>

Subject: Re: CV01-22-6789 St. Luke's v Ammon Bundy, et al.-Contempt Trial Dates and Deadlines

External Email

Erik,

I may or may not decide to take the stand at the contempt hearing. That is something that I have a right to decide during the trial and I will make that decision depending on the evidence you present. Until that time I am protected from being forced to be a witness against myself. Being the contempt punishments are criminal in nature I reserve all rights as the accused.

If you wish to withdraw the contempt complaint then I suppose this matter would no longer be criminal in nature and I would no longer possess all the legal protection of the accused.

To drop the complaint is your choice, until then you cannot have it both ways. You can't have the non-limitation of the civil rules of procedures, while "criminally prosecuting" me, in essence, with possible punishments of fines and jail.

Ammon Bundy

On Thu, Aug 31, 2023 at 5:55 PM Erik Stidham <EFStidham@hollandhart.com> wrote:

Mr. Bundy,

Are you saying that you will not be taking the stand in your contempt trial?

I just want to be clear on that. If you will be taking the stand at the contempt trial, then I need to take your deposition.

If you would like, I can delay the deposition until you can decide and/or consult with an attorney on this issue.

I do appreciate you responding and look forward to getting this clarified by you.

Thank you.

Erik

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From: Ammon Bundy <aebundy@bundyfarms.com>

Sent: Thursday, August 31, 2023 5:45:29 PM

To: Erik Stidham <efstidham@hollandhart.com>

Subject: Re: CV01-22-6789 St. Luke's v Ammon Bundy, et al.-Contempt Trial Dates and Deadlines

External Email

Erik,

I believe Judge Baskin made it clear in the arraignment hearing that because of the contempt complaint and potential "criminal punishments", I am protected from being forced to be a witness against myself. If you wish to drop all the contempt charges/complaint then I suppose I would be legally obligated to attend the deposition.

However, as is stands now I am protected under the 5th from your examinations. Therefore, I have no intention on attending any depositions at this time.

Ammon Bundy

On Thu, Aug 31, 2023 at 2:28 PM Erik Stidham <EFStidham@hollandhart.com> wrote:

Mr. Nelson and Mr. Bundy,

Trial Date

The plaintiffs will stipulate to have the contempt trial on 11/13-16.

Identification of Witnesses

At the arraignment, the Court set (1) a deadline of September 5th for the St. Luke's Parties to specify the alleged counts contempt and also to identify witnesses and exhibits and (2) a deadline for Mr. Bundy to identify his witnesses and exhibits seven days before the then set October 2, 2023, hearing date (September 25). Given the new hearing dates, the St. Luke's Parties ask that Mr. Bundy stipulate to disclose his witnesses and exhibits, if any, by September 28.

Bundy Deposition

At the arraignment, I handed Mr. Bundy a notice of deposition with a deposition date of September 5, 2023. I stated in open Court that if Mr. Bundy needed to move that deposition to an alternative date that was more convenient that I would work with him to find one.

Mr. Bundy, I reiterate that if the September 5 date is not convenient for you, then we can agree upon an alternative date that works for you. For example, if September 5th is inconvenient, we could move your deposition to September 6, 7 or 11. Please contact me immediately if you want to change the current deposition date so that I can alert the court reporter and avoid any unnecessary costs.

Regards,

Erik Stidham
Partner, Holland & Hart LLP

efstidham@hollandhart.com | **T:** (208) 383-3934 | **M:** (208) 283-8278

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From: Richard Nelson <rnelson@adacounty.id.gov>

Sent: Thursday, August 31, 2023 8:54 AM

To: Ammon Bundy <aebundy@bundyfarms.com>; Erik Stidham <EFStidham@hollandhart.com>; Jennifer M. Jensen <JMJensen@hollandhart.com>

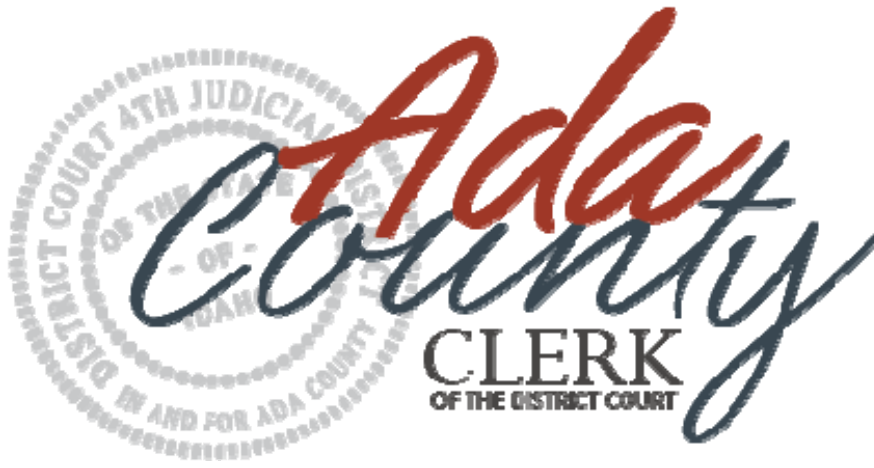
Subject: RE: CV01-22-6789 St. Lukes v Ammon Bundy, et al.

Importance: High

Good Morning,

Would the parties stipulate to start the trial on 11/13, 11/14, 11/15, and 11/16?

Regards,



Ric Nelson

In-Court Judicial Assistant

Hon. Nancy A. Baskin

[200 W. Front St.](#)

[Boise, ID 83702.](#)

rnelson@adacounty.id.gov

This email is intended for the parties in the above-entitled case. If you are not the intended recipient or a person responsible for delivering it to the intended recipient, please destroy the original transmission and its attachments without reading them or saving them.