

Ammon Bundy
4615 Harvest Lane
Emmett, ID. 83617

IN THE DISTRICT COURT OF THE FORTH 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.
IUNGMAN, NP, an individual,
Plaintiffs,

vs.

AMMON BUNDY, a living man; and
PEOPLES RIGHTS NETWORK,
Defendants,

Case No. CV01-22-06789

MOTION TO DISMISS CONTEMPT
CHARGES ON DUE PROCESS
GROUNDS FOR VAGUENESS, FIRST
AMENDMENT GROUNDS

RESPONSE TO MOTION TO COMPEL
DEPOSITION OF AMMON BUNDY

COMES NOW AMMON BUNDY, who personally appears before this Court as a living man and MOVES TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, ON FIRST AMENDMENT GROUNDS and to RESPOND TO the MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

Compelled Testimony in Criminal Contempt is a Violation of the 5th Amendment

The Plaintiffs state in their MEMORANDUM IN SUPPORT OF MOTION TO COMPEL that, "*Mr. Bundy refuses to disclose whether he will waive any privilege against self-incrimination, instead stating that he will decide at trial whether he will take the stand.*" As the defendant in the case Mr. Bundy has the right to choose how or IF he will defend himself, after the Plaintiffs have presented their case. This would include calling witnesses to the stand and bringing in evidence, OR NOT. Including, Mr. Bundy calling himself as a witness. Mr. Bundy

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

making the decision to take the stand will solely depend on the need to disprove the Plaintiffs claims in trial and cannot be made prior to the close of the Plaintiffs case.

The Fifth Amendment right not to incriminate oneself is not restricted *only* to cases where one is under indictment or actively being prosecuted for a crime. In 1976, the U.S. Supreme Court ruled on *McCarthy v. Arndstein* that the Constitutional privilege against self-incrimination applies to civil proceedings. The Supreme Court opinion given by JUSTICE BRANDEIS states, “*The privilege is not ordinarily dependent upon the nature of the proceeding in which the testimony is sought or is to be used. It applies alike to civil and criminal proceedings, wherever the answer might tend to subject to criminal responsibility him who gives it. The privilege protects a mere witness as fully as it does one who is also a party defendant.*” See *Counselman v. Hitchcock*, [142 U. S. 547](#), [142 U. S. 563-564](#).

U.S. Congress has passed immunity statutes, which allow “*the person presiding over the proceeding*” to compel a witness, who has asserted his or her privilege against self-incrimination, to testify, provided that “*no testimony or other information compelled under the order (or any information directly or indirectly derived from such testimony or other information) may be used against the witness in any criminal case.*” 18 U.S.C. § 6002. See also 18 U.S.C. § 6003

At the contempt arraignment hearing on August 29, 2023, the Court referred to a new opinion regarding contempt proceedings made by the Idaho Supreme Court. It was given on August 22, 2023, the opinion states (among others), that the “*Contemnor may rely on his Fifth Amendment privilege against compulsory self-incrimination to decline questions...*”

The privilege against self-incrimination applies in the civil contempt context giving the defendant the right to refuse to take the witness stand in respect to criminal contempt. See *C&M Inv. Grp., Ltd. v. Campbell*, 164 Idaho 304, 308, 429 P.3d 192, 196 (Ct. App. 2018). In *C&M Investment Group*, the Court held that I.R.C.P. 75, affords an alleged contemnor the right not to testify in contempt proceedings with respect to “criminal contempt”. *Id.* at 307, 429 P.3d at 195.

The Plaintiffs clearly understand the right of a Defendant facing criminal sanctions not to take the stand. In their own MEMORANDUM IN SUPPORT OF MOTION TO COMPEL they clarify to the Court stating, “*To be clear, the question-by-question objection on the basis of the privilege applies in the civil contempt context, not the criminal contempt context.*” They then reference, C&M Inv. Grp., Ltd., 164 Idaho at 308, 429 P.3d at 196. (Emphasis added)

In the Plaintiffs MEMORANDUM IN SUPPORT OF MOTION FOR CONTEMPT AGAINST AMMON BUNDY AND PEOPLE’S RIGHTS NETWORK, the Plaintiffs state, “*This motion pursues both civil and criminal contempt.*” It further states that, “*Sanctions may be imposed per count of contempt. (affirming sanctions for criminal contempt—five days’ imprisonment per count).*”

The right NOT to be COMPELLED as a witness against oneself is a Constitutionally protected right. It is the right to remain silent and not to be forced to take the stand as a witness or otherwise. When facing criminal contempt sanctions ANYTHING a defendant says on the stand may be used against him and cause him to be further criminally punished.

The Plaintiffs seem to want to have the cake and eat it too. On one hand the Plaintiffs desire the Court to COMPEL Mr. Bundy to take the stand, claiming they have a right to question him, and at the same time they seek to put him in further jeopardy by pursuing criminal sanctions that may cause Mr. Bundy to go to jail for past acts. Also, with the Court speaking of jail up to 6 months by *imposing punishments for past acts*, and the Plaintiffs not objecting or clarifying the charges, Defendant Bundy is left to believe the contempt charges are criminal in nature and must assert his right not to be a witness against himself.

Therefore, Mr. Bundy asks this Court to uphold his right not to be a witness against himself and DENY the Plaintiffs MOTION TO COMPEL.

The Plaintiffs Contempt Charges are Too Vague and Equivocal

At the contempt arraignment hearing on August 29, 2023, Defendant Bundy was unable to enter a plea to the contempt charges due to the vagueness of the Plaintiffs MOTION FOR CONTEMPT and the supporting MEMORANDUMS. The Court agreed, and ordered the Plaintiffs to clarify the contempt charges including the number of charges. In the Plaintiffs NOTICE OF COUNTS OF CONTEMPT AGAINST AMMON BUNDY AND PEOPLE’S RIGHTS NETWORK, the counts are listed but remain too vague for the Defendant to plea to the charges or prepare a defense as they relate to the charging affidavit. The vagueness of the contempt charges as they relate to the charging affidavit poses a due process violation.

In the Plaintiffs NOTICE OF COUNTS OF CONTEMPT AGAINST AMMON BUNDY AND PEOPLE’S RIGHTS NETWORK, the Plaintiffs make almost no effort to clarify the contempt charges as they relate to the charging affidavit, offering only a list of counts with vague labels and broad or unrelated references. (See Exhibit A)

Count 19, lists a name and is labeled “*Violation of the protective order for creating and posting the video found at Jensen Affidavit Exhibit K.*” However, Jensen’s Exhibit K is a copy of the Court’s ORDER FOR ENTRY OF DEFAULT AGAINST AMMON BUNDY, AMMON BUNDY FOR GOVERNOR AND PEOPLE’S RIGHTS NETWORK. So, what video are the Plaintiffs talking about in Count 19? The Court’s order found in Jensen’s Exhibit K does not mention a video or anything of the sort. The exhibit is a short court order signed by Judge Lynn Norton, with no video or attachments. (See Exhibit B)

Count 20, once again lists a name and is labeled “*Violation of the protective order for creating and posting the video found at Jensen Affidavit Exhibit M.*” Jensen’s Exhibit M is 2 pages. Both pages are a record from the State of Wyoming. Again, what video are the Plaintiffs talking about? There are no videos in Jensen’s Exhibit M or any references to a video. Exhibit M is two filing records with the Wyoming Secretary of State Business Division. (See Exhibit C)

Count 21-22, again list a name and are labeled “*Violation of the protective order for failure to remove webpage found at Jensen Affidavit Exhibit S.*” However, Exhibit S in the Jensen’s Affidavit once again has no video or reference to a video. Exhibit S is a one-page screenshot of a contact web-page. (See Exhibit D)

Counts 1-16, each list a name and are all labeled “*Violation of the protective order for failure to timely remove webpage found at Jensen Affidavit Exhibit F*”, only broad page numbers are offered. Exhibit F of the Jensen’s Affidavit is 47 pages long with many different documents and graphics. The Defendant is left with no clarification and more questions about what he is being charged for. (See Exhibit E)

Counts 17-18, also list a name and are both labeled “*Violation of the protective order for creating and posting the video found at Jensen Affidavit Exhibit I.*” However, Exhibit I is one page with EXHIBIT I - VIDEO FILE SEE FLASH DRIVE written on it. Defendant Bundy does not recall receiving a flash drive labeled Exhibit I. If the Defendant did obtain the flash drive, how would he know what file or video the Plaintiffs are referring to in Counts 17-18. (See Exhibit F)

Vague and equivocal would be an understatement.

An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). *See also Richards v. Jefferson County*, 517 U.S. 793 (1996)

In addition, notice must be sufficient to enable the recipient to determine what is being proposed and what he must do to prevent the deprivation of his interest. *Goldberg v. Kelly*, 397 U.S. 254, 267–68 (1970)

“An alleged contemnor is entitled to certain procedural due process protections, including of notice of the exact charges against him.” *Ross v. Coleman Co., Inc.*, 114 Idaho 817, 838, 761 P.2d 1169, 1190 (1988) (citing *Bandelin v. Quinlan*, 94 Idaho 858, 499 P.2d 557 (1972)).

The Plaintiffs NOTICE OF COUNTS OF CONTEMPT appears to be terribly inaccurate and causes serious confusion to what the Defendant is being charged for. One must question if the Plaintiffs’ counsel had been under the influence when preparing the NOTICE OF COUNTS. The notice simply does not make sense and does not provide necessary clarification as it relates to the charging affidavit.

Men of common intelligence cannot be required to guess at the meaning of charges that potentially may cause his liberty and property to be taken, both of which are Constitutionally protected. The lack of specificity of the Plaintiffs’ charges violates the Defendants due process right, including inhibiting his ability to mount a full and proper defense to those charges.

On August 29, 2023 this Court ordered the Plaintiffs to clarify the counts as it relates to the charging affidavit. The Plaintiffs failed to obey the Court’s order causing the Defendant more confusion than before the Court’s August 29th order. This is a violation of Mr. Bundy’s due process rights. Therefore, Defendant Bundy moves this Court to dismiss the contempt charges.

The Plaintiff’s Motion for Contempt is a Direct Attack on Free Speech

The *Plaintiffs*, including St. Luke’s CEO, Chris Roth, are attempting to chill Idahoans from criticizing their participation in taking an infant from his loving and caring parents.

Being the *Plaintiffs* communicated with government official about the infant before he was taken, received significant government funds to care for the infant after he was taken and agreed upon policies with government employees to care for and keep the parents from the infant, the *Plaintiffs* actions are a matter of **public concern** and are subject to **public scrutiny**. (See Exhibit G)

Criticism of the *Plaintiffs* actions are a **public issue** and must be considered protected open discourse.

In *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964), the Supreme Court reversed a libel damages judgment against the *New York Times*. The decision established the important principle that the First Amendment guarantees freedom of speech.

Writing for the majority, Justice William J. Brennan Jr. opined, “*against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.*” The Supreme justices went on to say, “*vehement criticism and even mistakes were part of the price a democratic society must pay for freedom*”. (Emphasis Added)

New York Times v. Sullivan 1964 is a landmark U.S. Supreme Court decision holding that first amendment freedom of speech protections limit the ability of public officials to sue for defamation.

The Supreme Court’s reversal of the damage award was unanimous, but Justices Hugo L. Black and Arthur J. Goldberg, expressing separate views, went even further. Joined by Justice William O. Douglas, they said “*The right to discuss public affairs and to criticize government should be unconditional.*”

In subsequent rulings, the Court vastly expanded the protection of free speech to apply not just to lawsuits by public officials, but also claims by **public figures** including people in the news or public eye. *Curtis Publishing Co. v. Butts* and *The Associated Press v. Walker*. People like Chris Roth, CEO of St. Luke’s Health System and his co- *Plaintiffs*, which had a hand and worked with government officials in making decisions regarding the infant being taken from his parents.

In *Counterman v. Colorado*, 600 U. S. (2023), the U.S. Supreme Court vacated the conviction of a man found guilty of stalking a female musician, ruling that the First Amendment’s protection

of free speech requires that prosecutors show that he was aware of the threatening nature of his communications.

Justice Elena Kagan, in the 7-2 ruling, wrote that the state must prove that the person “*consciously disregarded a substantial risk that his communications would be viewed as threatening violence,*” the ruling said.

The State of Colorado had convicted Counterman using an objective standard, which turns on how a reasonable person would view a statement in context and does not rely on proof of the speaker’s intent or awareness.

Unlike Mr. Bundy's exercise of speech, Counterman had sent numerous unanswered and increasingly disturbing messages over two years to musician Coles Whalen over Facebook. When she would block his messages, Counterman would create a new account and continue to send her messages. Several messages envisioned harm befalling her (“Staying in cyber life is going to kill you;” “You’re not being good for human relations. Die;” and similar sentiments.)

The High Court pointed to its rulings in other True Threat cases, Virginia v. Black and Elonis v. United States, but said it did not in those cases decide whether the First Amendment required any showing of awareness or intent of a crime.

Mr. Bundy has never directly or indirectly promoted force or threats to a person or property, or in any manner willfully intimidated, influenced, impeded, deterred, threatened, harassed, obstructed or prevented a witness, or any person who may be called as a witness from testifying freely, fully and truthfully.

In their MEMORANDUM TO THE MOTION FOR CONTEMPT the *Plaintiffs* state;

“In his public statements, Bundy and PRN actively encourage violence against their enemies, while refusing to remove the web pages that identify Plaintiffs with defamatory statements as their enemies.”

While this statement is factually incorrect, it makes a loose accusation against the Defendant, relating anonymous “web pages” to some unsubstantiated secondhand encouragement of violence against an unidentified “enemy” that the Plaintiff’s somehow propose are the witnesses in this case. Far from the True Threat standard set by the U.S. Supreme Court.

In Counterman v. Colorado, the Court noted that sometimes the mindset of a speaker is a determinant of whether speech is protected, providing "strategic protection" in prominent categories of otherwise unprotected speech. It pointed back to its landmark ruling in the mentioned New York Times Co. v. Sullivan in which the Court set a higher standard of proof for *public figures* to recover damages in a defamation case so as not to chill speech about *public issues*.

The facts and circumstances of this case are most certainly *public issues* of *public concern* with the Plaintiffs as *public figures*, paid in part by *public funds*, making decisions with *public officials*. Mr. Bundy in no way violated the Courts order. However, by filing the Contempt Complaint, the Plaintiffs are seeking state compulsion to silence Mr. Bundy for exercising his protected right of free speech in criticizing *public figures* for their involvement in a serious *public issue*.

The contempt charges should be promptly DISMISSED to not chill free speech clearly defined by the High Courts.

Conclusion

Therefore, Defendant Ammon Bundy moves this Court to DISMISS contempt charges on due process grounds for vagueness, First Amendment grounds and asks this Court to DENY the MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

DATED THIS DAY, the 4th of September, 2023.

A handwritten signature in blue ink, appearing to read "Ammon Bundy". The signature is fluid and cursive, with a large initial "A" and "B".

Ammon Bundy

EXHIBIT A

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

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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

**NOTICE OF COUNTS OF CONTEMPT
AGAINST AMMON BUNDY AND
PEOPLE'S RIGHTS NETWORK**

**NOTICE OF COUNTS OF CONTEMPT AGAINST AMMON BUNDY AND
PEOPLE'S RIGHTS NETWORK - 1**

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

At the contempt arraignment hearing on August 29, 2023, the Court requested Plaintiffs file a statement listing the counts of contempt set forth in the Affidavit of Jennifer M. Jensen in Support of the Renewed Motion for Contempt, filed March 30, 2023 (“Jensen Affidavit”). Plaintiffs thus provide the following list of the counts of contempt against Ammon Bundy which identifies the witness and related information contained in the Jensen Affidavit:

Counts of Contempt Against Ammon Bundy:

Count 1: Chris Roth. Violation of the preliminary injunction order for failure to timely remove webpage found at Jensen Affidavit Exhibit F pp. 1-15.

Count 2: Natasha Erickson. Violation of the protective order for failure to timely remove webpage found at Jensen Affidavit Exhibit F pp. 1-15.

Count 3: Judge Laurie Fortier. Violation of the protective order for failure to timely remove webpage found at Jensen Affidavit Exhibit F pp. 1-15.

Count 4: Nice Loufoua. Violation of the protective order for failure to timely remove webpage found at Jensen Affidavit Exhibit F pp. 1-15.

Count 5: Steve Hansen. Violation of the protective order for failure to timely remove webpage found at Jensen Affidavit Exhibit F pp. 1-15.

Count 6: Jeff Fuller. Violation of the protective order for failure to timely remove webpage found at Jensen Affidavit Exhibit F pp. 1-15.

Count 7: Steve Hansen. Violation of the protective order for failure to remove webpage found at Jensen Affidavit Exhibit F pp. 16-17.

Count 8: Jeff Fuller. Violation of the protective order for failure to remove webpage found at Jensen Affidavit Exhibit F pp. 16-17.

**NOTICE OF COUNTS OF CONTEMPT AGAINST AMMON BUNDY AND
PEOPLE’S RIGHTS NETWORK - 2**

Count 9: Nice Loufoua. Violation of the protective order for failure to remove webpage found at Jensen Affidavit Exhibit F pp. 16-17.

Count 10: Sean King. Violation of the protective order for failure to remove webpage found at Jensen Affidavit Exhibit F pp. 20-21.

Count 11: Chris Roth. Violation of the protective order for failure to remove webpage found at Jensen Affidavit Exhibit F pp. 22-27.

Count 12: Judge Annie McDevitt. Violation of the protective order for failure to remove webpage found at Jensen Affidavit Exhibit F pp. 22-27.

Count 13: Judge Laurie Fortier. Violation of the protective order for failure to remove webpage found at Jensen Affidavit Exhibit F pp. 22-27.

Count 14: Chris Roth. Violation of the protective order for failure to remove webpage found at Jensen Affidavit Exhibit F, pp. 32-33.

Count 15: Judge Annie McDevitt. Violation of the protective order for failure to remove webpage found at Jensen Affidavit Exhibit F, pp. 34-47.

Count 16: Chris Roth. Violation of the protective order for failure to remove webpage found at Jensen Affidavit Exhibit F, pp. 34-47.

Count 17: Chris Roth. Violation of the protective order for creating and posting the video found at Jensen Affidavit Exhibit I.

Count 18: Natasha Erickson. Violation of the protective order for creating and posting the video found at Jensen Affidavit Exhibit I.

Count 19: Natasha Erickson. Violation of the protective order for creating and posting the video found at Jensen Affidavit Exhibit K.

**NOTICE OF COUNTS OF CONTEMPT AGAINST AMMON BUNDY AND
PEOPLE'S RIGHTS NETWORK - 3**

Count 20: Natasha Erickson. Violation of the protective order for creating and posting the video found at Jensen Affidavit Exhibit M.

Count 21: Chris Roth. Violation of the protective order for failure to remove webpage found at Jensen Affidavit Exhibit S.

Count 22: Judge Annie McDevitt. Violation of the protective order for failure to remove webpage found at Jensen Affidavit Exhibit S.

DATED: September 5, 2023.

HOLLAND & HART LLP

By: */s/Erik F. Stidham*

Erik F. Stidham
Jennifer M. Jensen
Alexandra S. Grande
Zachery J. McCraney
Anne E. Henderson

Counsel for Plaintiffs

**NOTICE OF COUNTS OF CONTEMPT AGAINST AMMON BUNDY AND
PEOPLE'S RIGHTS NETWORK - 4**

AMMON BUNDY.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of September, 2023, I caused to be filed via iCourt a true and correct copy of the foregoing. Service was made by the method and date 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 on 9/6/23
- Hand Delivered
- Overnight Mail
- Email on 9/5/23: aebundy@bundyfarms.com

Ammon Bundy
Ammon Bundy for Governor
People’s Rights Network
c/o Ammon Bundy
4615 Harvest Ln.
Emmett, ID 83617-3601

- U.S. Mail on 9/6/23
- Hand Delivered
- Overnight Mail
- Email on 9/5/23: aebundy@bundyfarms.com

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

- U.S. Mail on 9/6/23
- 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 on 9/5/23:
freedommanpress@protonmail.com

/s/ Erik F. Stidham

Erik F. Stidham
OF HOLLAND & HART LLP

30445240_v3

**NOTICE OF COUNTS OF CONTEMPT AGAINST AMMON BUNDY AND
PEOPLE’S RIGHTS NETWORK - 5**

AMMON BUNDY.

EXHIBIT B

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

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EXHIBIT K

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

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**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

**ORDER FOR ENTRY OF DEFAULT
AGAINST
AMMON BUNDY, AMMON BUNDY
FOR GOVERNOR, AND PEOPLE'S
RIGHTS NETWORK**

Upon Plaintiffs' Motion for Entry of Default and Default Judgment, supporting documents, and documents on file as amended, this Court finds:

1. The Complaint in this action was filed on May 11, 2022.
2. The Amended Complaint was filed on June 2, 2022.

**ORDER FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST
AMMON BUNDY, AMMON BUNDY FOR GOVERNOR, AND PEOPLE'S
RIGHTS NETWORK - 1**

Exhibit K, Page 1

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

3. Defendants Ammon Bundy, Ammon Bundy for Governor, and People's Rights Network (the "Bundy Defendants") were duly served on July 16, 2022 by Tri-County Process Serving and on July 20, 2022 by the Gem County Sheriff's Department. Defendant Ammon Bundy for Governor was served again by Tri-County Process Serving on July 20, 2022.

4. The Bundy Defendants have failed to plead or otherwise defend this action.

IT IS HEREBY ORDERED that the default of the Bundy Defendants be duly entered according to law;

IT IS HEREBY FURTHER ORDERED, as follows:

The Plaintiffs must notice a hearing before the Court to prove it is entitled to any equitable relief and/or damages requested in the Complaint pursuant to Idaho Rule of Civil Procedure 55(b)(2). Contact the in-court clerk to obtain a date for an evidentiary hearing.

DATED 9/2/2022 4:28:48 AM


Lynn Norton
District Judge

**ORDER FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST
AMMON BUNDY, AMMON BUNDY FOR GOVERNOR, AND PEOPLE'S
RIGHTS NETWORK - 2**

Exhibit K, Page 2

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

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**ORDER FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST
AMMON BUNDY, AMMON BUNDY FOR GOVERNOR, AND PEOPLE'S
RIGHTS NETWORK - 3**

Exhibit K, Page 3

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY. 21

CERTIFICATE OF SERVICE

I hereby certify that on 9/2/2022 9:07:11 AM, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Ammon Bundy for Governor
P.O. Box 370
Emmett, ID 83617

U.S. Mail
 Hand Delivered
 Overnight Mail
 Email/iCourt/eServe:

Ammon Bundy for Governor
Campaign Office
800 E. Locust Street
Emmett, ID 83617

U.S. Mail
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 Overnight Mail
 Email/iCourt/eServe:

Ammon Bundy for Governor
c/o Ammon Bundy
4615 Harvest Ln.
Emmett, ID 83617-3601

U.S. Mail
 Hand Delivered
 Overnight Mail
 Email/iCourt/eServe:

Ammon Bundy
4615 Harvest Ln.
Emmett, ID 83617-3601

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People's Rights Network
c/o Ammon Bundy
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Emmett, ID 83617-3601

U.S. Mail
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 Email/iCourt/eServe:

People's Rights Network
c/o Ammon Bundy
P.O. Box 370
Emmett, ID 83617

U.S. Mail
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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:

**ORDER FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST
AMMON BUNDY, AMMON BUNDY FOR GOVERNOR, AND PEOPLE'S
RIGHTS NETWORK - 4**

Exhibit K, Page 4

Freedom Man Press LLC
c/o Diego Rodriguez
9169 W. State St., Ste. 3177
Boise, ID 83714

- U.S. Mail
- Hand Delivered
- Overnight Mail
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Freedom Man PAC
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1876 E. Adelaide Dr.
Meridian, ID 83642-9219

- U.S. Mail
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- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

Diego Rodriguez
1876 E. Adelaide Dr.
Meridian, ID 83642-9219

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

Erik F. Stidham (ISB #5483)
HOLLAND & HART LLP
800 W. Main Street, Suite 1750
Boise, ID 83702-5974
E-mail: efstidham@hollandhart.com

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

DATED: 9/2/2022 9:07:33 AM


Clerk of the Court - Deputy



**ORDER FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST
AMMON BUNDY, AMMON BUNDY FOR GOVERNOR, AND PEOPLE'S
RIGHTS NETWORK - 5**

Exhibit K, Page 5

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

EXHIBIT C

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

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EXHIBIT M

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

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**STATE OF WYOMING * SECRETARY OF STATE
BUSINESS DIVISION**

Herschler Bldg East, Ste.100 & 101, Cheyenne, WY 82002-0020
Phone: 307-777-7311 · Website: <https://sos.wyo.gov> · Email: business@wyo.gov

Filing Information



Please note that this form CANNOT be submitted in place of your Annual Report.

Name	Abish-husbandi Inc.	Status	Inactive - Administratively Dissolved (Tax)
Filing ID	2019-000867964		
Type	Profit Corporation		

General Information

Old Name		Sub Status	Current
Fictitious Name		Standing - Tax	Delinquent
		Standing - RA	Delinquent
Sub Type		Standing - Other	Good
Formed in	Wyoming	Filing Date	07/26/2019 4:42 PM
Term of Duration	Perpetual	Delayed Effective Date	
		Inactive Date	09/08/2022

Share Information

Common Shares	1,000,000	Preferred Shares	0	Additional Stock	N
Par Value	0.0000	Par Value	0.0000		

Principal Address

1881 W South Slop Rd
Emmett, ID 83617

Mailing Address

1881 W South Slop Rd
Emmett, ID 83617

Registered Agent Address

No Agent
No Office
Cheyenne, WY 82001

Parties

Type	Name / Organization / Address
Incorporator	Capital Administrations, LLC 1712 Pioneer Ave. Ste 115 Cheyenne, WY 82001

Notes

Date	Recorded By	Note
------	-------------	------

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

Filing Information



Please note that this form CANNOT be submitted in place of your Annual Report.

Name	Abish-husbandi Inc.		
Filing ID	2019-000867964		
Type	Profit Corporation	Status	Inactive - Administratively Dissolved (Tax)

Most Recent Annual Report Information

Type	Original	AR Year	2021
License Tax	\$50.00	AR Exempt	N
AR Date	6/7/2021 4:04 PM	AR ID	06326942
Web Filed	Y		

Officers / Directors

Type	Name / Organization / Address
President / Director	Ammon Bundy 1712 Pioneer Ave Ste 500 Cheyenne WY 82001

Principal Address	Mailing Address
1712 Pioneer Ave Ste. 500 Cheyenne, WY 82001	1712 Pioneer Ave Ste. 500 Cheyenne, WY 82001

Annual Report History

Num	Status	Date	Year	Tax
05804814	Original	06/19/2020	2020	\$50.00
06326942	Original	06/07/2021	2021	\$50.00

Amendment History

ID	Description	Date
2022-003830319	Dissolution / Revocation - Tax Filing Status Changed From: Active To: Inactive - Administratively Dissolved (Tax) Inactive Date Changed From: No Value To: 09/08/2022	09/08/2022
2022-003777596	RA Resignation	08/17/2022
2022-003777527	Address Update Principal Address 1 Changed From: 1712 Pioneer Ave To: 1881 W South Slop Rd Principal Address 2 Changed From: Ste. 500 To: No value Principal City Changed From: Cheyenne To: Emmett Principal State Changed From: WY To: ID Principal Postal Code Changed From: 82001 To: 83617	08/17/2022
2022-003725726	Delinquency Notice - Tax	07/02/2022
See Filing ID	Initial Filing	07/26/2019

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

EXHIBIT D

EXHIBIT S

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

Contact People's Rights

If you need help with this website please contact us using the information below. Help us build the largest neighbor-network to defend the People's Rights.

If you need immediate help to defend your rights please login to the site and contact your Area Assistants directly.

 **Address**

PO Box 370
Emmett, ID 83617

EXHIBIT E

(For now, it appears there may not be a trial tomorrow, but support is still being requested.)

 Spread It! 

Copy Link

Alternate Link

COPY

Click a button above to copy the address (URL) of this page to your system clipboard.



 Back to Newsroom

EXHIBIT F

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

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EXHIBIT I

VIDEO FILE

SEE FLASH DRIVE

EXHIBIT G

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

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Assessment & Plan Note by Natasha D. Erickson, MD at 3/1/2022 1839

10 month old male admitted with failure to thrive and recurrent episodes of vomiting. He is severely malnourished. Initially mother's milk supply was reported to be good, but it is dwindling. I suspect that perhaps milk supply has been more diminished than mother has perceived given the severity of the patient's malnutrition. With the changing history of where the patient has reportedly received care, I am concerned that the patient's history is also unclear and he may have been struggling with weight issues for longer than formerly appreciated. I am unable to obtain any growth curves and it appears the patient never had a newborn screen. He continues to have some vomiting, but it is intermittent. His weight is up today, but this may reflect fluids that were initially given, particularly since the patient has not been on full calorie feeds. Refeeding labs are reassuring today.

It is quite clear the patient is going to need NG feeds for an extended period of time, in addition to close PCP follow up, outpatient home nursing, feeding therapy, etc. I have discussed the patient with his PCP, Nadia Kravchuk, NP, who also expressed a high level of concern for the severity of malnutrition. She stated that she is not comfortable managing outpatient NG feeding for an infant. However, she has referred to her practice partner who has much more experience with such issues, including placing NG feeds on infants. The patient is scheduled to see Aaron Dykstra on Monday.

The patient's thyroid studies are suppressed. I have discussed this with peds endocrinology. It is possible that he is euthyroid sick due to his severe malnutrition. However, suppressed TSH and free T4 could also suggest central hypothyroidism.

Given the patient has not had any significant monitoring for development, it is possible that there is an underlying medical disorder resulting in the patient's failure to thrive. However, prior to pursuing what could be a very extensive (and possibly unfruitful, let alone expensive) evaluation, would like to continue to advance tube feeds and monitor weight gain, particularly since the majority of cases of failure to thrive is due to insufficient caloric intake.

I have had several conversations with the family today that the patient should remain hospitalized while we continue to work on feeds and monitor for weight gain. I would not recommend discharge today and leaving AMA would result in a CPS referral. Family states they are willing to stay as long as needed. Appreciate social work seeing the family.



Anderson, Cyrus James
MRN: 4289116, DOB: 5/1/2021, Sex: M
Acct #: 455708612
Adm: 3/12/2022, Adm: 3/12/2022, D/C: 3/15/2022

03/12/2022 - ED to Hosp-Admission (Discharged) in Boise Pediatrics (continued)

All Encounter Notes (group 1 of 3) (continued)

Baby is sleeping at this time, held by this CAP. awaiting transport to bmc peds

Bryson Davis, CNA
03/12/22 0149

Electronically signed by Bryson Davis, CNA at 3/12/2022 1:49 AM

Progress Notes by Caitlin E. Staqq, LMSW at 3/12/2022 0246

SW placed a copy of Notice of Emergency Removal in medical records and faxed a copy to Boise Pediatric unit where pt has been transferred. Shelter care hearing is set for Tuesday 03/15/22. CPS worker Mariam was also provided with a copy of Notice of Emergency Removal prior to transfer from Meridian ED.

Electronically signed by Caitlin E. Staqq, LMSW at 3/12/2022 2:50 AM

H&P by Natasha D. Erickson, MD at 3/12/2022 0304

PEDIATRIC HOSPITALIST ADMISSION NOTE

ADMITTING ATTENDING

Natasha D. Erickson, MD

ADMISSION DIAGNOSES

Active Problems:
Malnutrition (HCC)
Failure to thrive (child)

CHIEF COMPLAINT

Weight loss

HISTORY OF PRESENT ILLNESS

Cyrus is a 10 m.o. male discharged from the hospital on 3/4, who presents with weight loss in the setting of failure to thrive. Patient was admitted from 3/1-3/4 after being referred for admission due to severe malnutrition. Initially the patient required NG feeds, but at discharge, he was taking bottle feeds without issue. He was discharged home with an NG in place and family was provided syringe feeding supplies in case the patient's po intake dropped off. Family did not go home with a feeding pump as they declined this, citing cost (they are self-pay). He was scheduled to see his PCP on 3/6, but did not show for the appointment. Home health was also not able to get in touch with the family. Case was discussed on 3/11 with Tracy Jungman with CARES who reported the child had not been seen and despite multiple attempts to contact the family, the patient had not returned for a weight check. Ultimately, health and welfare and law enforcement became involved. It is my understanding a warrant was issued and the child was removed from the home and declared immediately. He was brought to the Meridian ED for evaluation. Health and welfare identified a foster family but due to protesters surrounding the hospital regarding this case, it was felt that discharge with the foster family from the ED was unsafe for all involved. For this reason, the patient was transferred to Boise for further care.

Generated on 3/24/22 10:33 AM

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MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

Extremities Findings: NAE without difficulty.
 Mental Status: Normal Baseline for Patient
 Neurological: Normal Baseline for Patient, Strength-Normal

Impression / Diagnosis

System: Global
 Symptoms: Transport Only
 Impression: Other: Dehydration
 CMS Condition: Patient Safety (monitoring required)
 Initial Patient Acuity: Lower Acuity (Green)

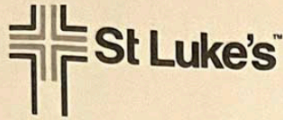
Time	H.R.		RA SpO2	Resp	Rhythm	GCS	ECG Method	Temp	Prtcl	Pain	CRW*
	Method	Method									
Action/Comment											
01:59	Staged in the front of SLMC at the request of the sending physician.										
02:00			Alert	Normal		4/5/6		36.6°C	0	#1	
Operations: The sending physician handed us the pt secured in his car seat. She indicated the pt was in stable condition and requested that we leave promptly. She stated, <u>"Just go! This is a healthy baby with no interventions."</u> Joint Commission Time Out: Complete, Right Consent, Right Patient.											
02:02	The pt, in his car seat, was secured to our gurney. Pt is a 10 month old male acting appropriately for age. Pt is looking around at surroundings and interacting appropriately. Skin is PND. Primary assessment completed. Airway is patent and maintainable by pt. Breathing appears non-labored with no accessory muscle use noted. Brachial pulse is normal and of normal strength. <u>No acute life threats noted.</u>										
02:05			Alert	Normal		4/5/6			PM	0	#1
Pt does not appear to be in any physical distress.											
02:13	Operations: Transport was uneventful to SLMC. Operations: Patient Offload - Cold by . Pt unloaded and moved via stretcher/car seat secured to pediatric unit. No change in pt condition.										
02:19			Alert	Normal		4/5/6			0	#1	
Verbal SBAR pt report/handoff and care were given to the receiving RN. Left car seat and diaper bag at destination.											

* Assessment made by
 Assessment Factors Affecting Care: None

The report, as seen above, from Baby Cyrus's medical records plainly declare:

The sending physician handed us the pt [i.e. patient] secured in his car seat. She indicated the pt was in stable condition and requested that we leave promptly. She stated, "just go! This is a healthy baby with no interventions"...no acute life threats noted.

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.



and declared immediately. He was brought to the Meridian ED for evaluation. Health and welfare identified a foster family but due to protesters surrounding the hospital regarding this case, it was felt that discharge with the foster family from the ED was unsafe for all involved. For this reason, the patient was transferred to Boise for further care.

"He [Baby Cyrus] was brought to the Meridian ED [emergency department] for evaluation. Health and welfare identified a foster family but due to protesters surrounding the hospital regarding this case, it was felt that discharge with the family foster family from the ED was unsafe for all involved."



Anderson, Cyrus James
 MRN: 4289116, DOB: 5/1/2021, Sex: M
 Acct #: 455708612
 Adm: 3/12/2022, Adm: 3/12/2022, D/C: 3/15/2022

03/12/2022 - ED to Hosp-Admission (Discharged) in Boise Pediatrics (continued)

All Encounter Notes (group 2 of 3) (continued)

	<i>(Provided support to staff members)</i>
Safety Interventions	Collaborated with CPS and law enforcement for safe discharge planning.;Other <i>(Collaborated with care team)</i>

Recommendation: Social work to remain available for support and to assist in safe discharge planning.

Time spent: Social work spent approximately 120 minutes completing chart review, face-to-face assessment and consultation, interventions, and documentation.

Electronically signed:

Brianne E. Breese, LMSW 03/13/22 5:50PM

Electronically signed by Brianne E. Breese, LMSW at 3/13/2022 6:31 PM

Progress Notes by Jamie E. Price, MD at 3/13/2022 1752

Patient was able to take morning feed orally and tolerated well, but not interested and too tired to take the next feed. NG placed with XR confirmation of placement.
 Bolus feed given of MBM 130 ML over 1 hour, patient tolerated well.

Discussion with hospital administration, health and welfare administration, and state officials to plan for parent visitation. Given the current climate with protests occurring outside the hospital and threats being made toward hospital staff, the team has been anxious about their safety in the event of a parental visit. Ultimately the team wants to do what is best for the patient and have come up with a safety plan to allow parental visitation this evening. Health and welfare setting up a case worker to come during the visit. Security at St. Luke's working with law enforcement to allow increased security.
 An Rn will accompany the patient to manage the NG tube.
 Plan for 1930 this evening

Parents were updated by RN at 1600 regarding tolerance of feeds and stability of the patient as medical provider was caring for other patients.

Jamie E. Price
 03/13/22
 6:21 PM

1600-1730 : Meeting with administration and other stake holders regarding parental visitation and safety.

Electronically signed by Jamie E. Price, MD at 3/13/2022 6:22 PM

Progress Notes by Elizabeth K. D'Aquino, RN at 3/13/2022 1944



Anderson, Cyrus James
 MRN: 4289116, DOB: 5/1/2021, Sex: M
 Enc Dt: 3/6/2022

**03/06/2022 - Home Care Visit in St. Luke's Treasure Valley Home Health
 Facesheet (continued)**

Visit Information

Provider Information

Encounter Provider

Nancy Chaney, RN

Department

Name	Address	Phone	Fax
St. Luke's Treasure Valley Home Health	3330 E LOUISE DR STE 400 Meridian ID 83642-5123	208-381-2138	208-381-2133

Vitals (Encounter)

No documentation.

Home Care Visit

3/6/2022 Home Hlth Telephone Encounter

Provider: **Nancy Chaney, RN**
 Department: **HOMB HOME HEALTH BOISE**

Documenting User

Visit documented by Nancy Chaney, RN. Visit signed and closed by Nancy Chaney, RN on 3/7/2022 at 2:08 PM.

Administrative Information

Type of Service

Visit Not Billable

Visit documented by Nancy Chaney, RN. Visit signed and closed by Nancy Chaney, RN on 3/7/2022 at 2:08 PM.

User/Addendum	Date	Driving Time	Distance	Visit Time	Pre/Post
	3/6/2022			10:30 AM - 10:30 AM (0m)	

BUILD NOTES: Always update Intake version of this LQF whenever new fields are added or deleted to this form. Add'l notes on Intake version.

MY PATIENT THUMBNAIL NOTES

NOTE: This information is Home Health and Hospice specific and will always show the CURRENT value for the field, even for past encounter dates and episodes. No historical information is stored for these fields.

Clear Form

Home Care Notes: **CPS** case worker Kelly Shoplock 208-841-1835

Cg to notify case worker if NG needs reinsertion or other issues; CW will notify HH

Only communicate with the case worker. Please defer callers to the case worker if they call into the office. Do not give out the case workers contact information over the phone. Anyone who needs the information, should have it.

HHH Code Status:

has indicated or provided physician signed POST indicating they choose code status to be

Scheduling considerations: Coordinate all visits thru **CPS** case worker

Insurance considerations: Medicaid

PLAN FOR NEXT VISIT

SOC deferred

NARRATIVE



Anderson, Cyrus James
 MRN: 4289116, DOB: 5/1/2021, Sex: M
 Acct #: 455250629
 Adm: 3/1/2022, Adm: 3/1/2022, D/C: 3/4/2022

03/01/2022 - ED to Hosp-Admission (Discharged) in Boise Pediatrics (continued)

All Encounter Notes (continued)

DIAGNOSTIC IMAGING

No new imaging

ASSESSMENT & PLAN

Malnutrition (HCC)

Assessment & Plan

10 month old male admitted with failure to thrive and recurrent episodes of vomiting. He is severely malnourished. Initially mother's milk supply was reported to be good, but it is dwindling. I suspect that perhaps milk supply has been more diminished than mother has perceived given the severity of the patient's malnutrition. With the changing history of where the patient has reportedly received care, I am concerned that the patient's history is also unclear and he may have been struggling with weight issues for longer than formerly appreciated. I am unable to obtain any growth curves and it appears the patient never had a newborn screen.

He continues to have some vomiting, but it is intermittent. His weight is up today, but this may reflect fluids that were initially given, particularly since the patient has not been on full calorie feeds. Refeeding labs are reassuring today.

It is quite clear the patient is going to need NG feeds for an extended period of time, in addition to close PCP follow up, outpatient home nursing, feeding therapy, etc. I have discussed the patient with his PCP, Nadia Kravchuk, NP, who also expressed a high level of concern for the severity of malnutrition. She stated that she is not comfortable managing outpatient NG feeding for an infant. However, she has referred to her practice partner who has much more experience with such issues, including placing NG feeds on infants. The patient is scheduled to see Aaron Dykstra on Monday.

The patient's thyroid studies are suppressed. I have discussed this with peds endocrinology. It is possible that he is euthyroid sick due to his severe malnutrition. However, suppressed TSH and free T4 could also suggest central hypothyroidism.

Given the patient has not had any significant monitoring for development, it is possible that there is an underlying medical disorder resulting in the patient's failure to thrive. However, prior to pursuing what could be a very extensive (and possibly unfruitful, let alone expensive) evaluation, would like to continue to advance tube feeds and monitor weight gain, particularly since the majority of cases of failure to thrive is due to insufficient caloric intake.

I have had several conversations with the family today that the patient should remain hospitalized while we continue to work on feeds and monitor for weight gain. I would not recommend discharge today and leaving AMA would result in a CPS referral. Family states they are willing to stay as long as needed.

FEN/GI: Continue NG feeds. Will advance to goal calories today. May do breastmilk or nutramigen. Will not fortify feeds at this time, but this may be needed, particularly if the patient appears to be volume sensitive. Will begin to arrange home tube feeding supplies, appreciate PCC assistance. Recheck CMP, Phos tomorrow to monitor for refeeding syndrome.

Continue to work with SLP.

Could consider additional evaluation for metabolic disorder if patient is not able to demonstrate good weight gain with current feeding plan.

Continue to weigh the patient daily. Goal weight gain per dietitian is 8-15g/day.

ENDO: Repeat TFTs in a few days. If normal, then euthyroid sick seems most likely. If continues to be abnormal, will likely need brain and pituitary MRI per Dr. Baez's recommendations and start levothyroxine.

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.



Anderson, Cyrus James
 MRN: 4289116, DOB: 5/1/2021, Sex: M
 Acct #: 455708612
 Adm: 3/12/2022, Adm: 3/12/2022, D/C: 3/15/2022

03/12/2022 - ED to Hosp-Admission (Discharged) in Boise Pediatrics (continued)

All Encounter Notes (group 1 of 3) (continued)

Progress Notes by Brianne E. Breese, LMSW at 3/12/2022 1730

Social Work Brief Note:

Situation: Cyrus Anderson is a 10 m.o. male who was admitted for failure to thrive. Social work consult from Natasha D. Erickson, MD for failure to thrive, ward of the state.

03/12/22 1751	
Referral Data	
Referral Source	Provider
Referral Name	Natasha D. Erickson, MD
Reason for Consult	Other (Comment) (failure to thrive, ward of the state)

Background: Per chart review (provider note dated 3/12): *Cyrus James Anderson is a 10 m.o. male with history of admission for severe malnutrition who presents with a chief complaint of failure to thrive.*

Patient was initially brought to the Meridian emergency department then transferred to the Boise hospital. Social work at Meridian faxed copy of the declaration paperwork they were provided, this was placed in the patient's hard chart. Patient's shelter care hearing is 3/15/22.

Assessment: Social work spoke with Child Protective Services (CPS), 208-334-5437, who clarified that parents have decision making capacity but that if the hospital feels it is needed we can use our policy of having two providers agree and sign off on care plan to make decisions for this patient. CPS worker also advised that law enforcement made it seem like they would not want the patient's parents to visit while in the hospital and CPS is in agreement with this.

Patient's family is connected to Ammon Bundy who is running for governor. There was a planned protest that occurred in front of the Boise St. Luke's hospital on 3/12/22 regarding this case.

Social work spoke with CARES provider regarding this patient and attended an interdisciplinary meeting with providers, floor personnel, security, administrative supervisors and other staff, CPS worker Jennifer and a CPS supervisor were also involved in this meeting.

Social Work Interventions:

03/12/22 1752	
Care Plan Implemented Interventions	
Safety Interventions	Collaborated with CPS and law enforcement for safe discharge planning.;Other (Collaborated with care team)

Recommendation: Social work to remain available for support and to assist in safe discharge planning.

Time spent: Social work spent approximately 120+ minutes completing chart review, face-to-face assessment and consultation, interventions, and documentation.



Anderson, Cyrus James
 MRN: 4289116, DOB: 5/1/2021, Sex: M
 Acct #: 455708612
 Adm: 3/12/2022, Adm: 3/12/2022, D/C: 3/15/2022

03/12/2022 - ED to Hosp-Admission (Discharged) in Boise Pediatrics (continued)

All Encounter Notes (group 1 of 3) (continued)

formula every 3 hours (goal of four ounces) orally, and then to use the NG tube if Cyrus was unable to take the amount recommended. Family was instructed on how to use the feeding tube, and home health nursing was set up to assist with the management of the feeding tube and do frequent in home weight checks.

St. Luke's Home Health attempted to visit the home (as was recommended at discharge) on both March 5 and March 6, but family did not return any of their calls.

Hospital follow-up was arranged at the Functional Medicine Clinic, where Cyrus was reportedly seen on March 7. Weight was noted at that time to be down 35 grams from discharge on the 4th. NG tube was no longer present, and parents reported that it "fell out" the day following discharge. Parents reported that Cyrus had been eating well-taking between 6 and 8 ounces of breastmilk every 3 hours (including overnight) along with solid foods per his home routine. There had been no vomiting, and no spitting up. Because of the weight loss, provider recommended weight check in 24-48 hours. This was reportedly scheduled on March 11, but was cancelled by the family as it was reported that Cyrus' mother Marissa was not feeling well. The provider reported that he and his office staff had repeatedly tried to reach the family, and were unsuccessful. A health and welfare referral was initiated at that time.

I was contacted by Health and Welfare regarding the referral on the afternoon of March 11. I reviewed the medical records, and reported that I had significant concerns for Cyrus' health and welfare because of the weight loss and ongoing non-compliance regarding medical recommendations. I also contacted Meridian PD (who was already aware of the patient), and shared my concerns with them. CARES appointment was then scheduled for that afternoon, but family did not show for appointment. There was reportedly significant difficulty in locating Cyrus and his parents, but once he was located last night, he was declared in imminent danger and placed in the custody of health and welfare. He was then transported to St. Luke's ED in Meridian for medical evaluation. In the ED, patient was noted to be cachectic. Initial labs included a glucose of 59, BUN of 18, and AST of 60. Patient appeared somewhat listless. Transfer to St. Luke's Children's Hospital in Boise was arranged for continued evaluation and care. CARES consult requested.

Upon admission, Cyrus' physical examination and labs were consistent with dehydration. Overnight and this morning, he has taken several bottles of formula without vomiting, although remains somewhat listless, and has less interest in eating this afternoon. Has had poor urinary output, and intravenous fluids were administered.

Past Medical History:

Primary Healthcare Provider: Was seen by Dr. Butuk reportedly when younger according to parents, but his office reported to hospital staff during previous hospitalization that he was only seen on one occasion. He was then seen by a provider at the Functional Medicine Clinic of Idaho on February 28, and then by a different provider at the same clinic on March 7. Parents have declined to provide information regarding other providers who have provided care (including well-child checks) previously, citing the advice of their attorney.

Past Medical History:

Birth: reported SVD at 38 weeks in birthing center. Family has declined to provide the name of the birthing center. They also have refused to provide information regarding whether or not routine newborn screening (PKU) was completed (again on the advice of their attorney).

Birth Weight: 7.5 pounds

Length of Newborn Stay: unclear

Hospitalizations: St. Luke's Children's hospital March 1-4, 2022

Surgery: reported lingual frenulum

Other Medical History: unknown



Anderson, Cyrus James
MRN: 4289116, DOB: 5/1/2021, Sex: M
Acct #: 455708612
Adm: 3/12/2022, Adm: 3/12/2022, D/C: 3/15/2022

03/12/2022 - ED to Hosp-Admission (Discharged) in Boise Pediatrics (continued)

All Encounter Notes (group 1 of 3) (continued)

Electronically signed by Elizabeth K. D'Aquino, RN at 3/12/2022 2:23 PM

Progress Notes by Kody M. Duclos, RD at 3/12/2022 1411

CHILDREN'S CLINICAL NUTRITION CONSULT NOTE

Note added to clarify body anthropometrics and malnutrition diagnosis criteria.

NUTRITION PLAN:

1. Feeding goals:
 - A. Neocate Syneo or EBM if available (primary)
 - B. PO: 130ml q 3 hours (8x/day)
 - C. This would provide: 1040ml (165ml/kg), 693kcal (110kcal/kg)
 - D. This would meet: 165% est. fluid, 99% est. PO/EN energy for catch up growth
2. If pt unable to take goal, place NG tube for gavage feeding.
3. Wean IV fluids as feeds increase.
4. Daily weights on infant scale.
5. RD ordered Vitamin D 25 OH level.
6. Monitor growth on the above interventions and adjust feeds as needed.
7. Weekly length and OFC measurements.
8. Growth velocity goals:
 - A. Weight- Catch up growth goals are: 8-15 g/day (norm is 6-11 g/day for 8-12 mo)
 - B. Length: 0.28-0.37cm/wk for 8-12 mo
 - C. OFC: 0.08-0.11cm/wk for 8-12 mo

NUTRITION SCREEN:

Nutrition Risk Score: 17
Nutrition Risk Level: Severe

ASSESSMENT:

Verbal nutrition therapy consult received for 10 m.o. male admitted for malnutrition, weight loss, and acute dehydration. Cyrus presented to ED with weight loss via EMS with police and CPS, after missing CARES follow up appointment/weight check. He was declared a ward of the state on 3/11.

Cyrus was recently admitted 3/1-3/4 for same. During hospitalization, NG tube was placed and pt demonstrated weight gain on a combination of PO/NG gavage feeds, which were gradually increased to goal d/t initial concerns for risk of

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Anderson, Cyrus James
 MRN: 4289116, DOB: 5/1/2021, Sex: M
 Acct #: 455708612
 Adm: 3/12/2022, Adm: 3/12/2022, D/C: 3/15/2022

03/12/2022 - ED to Hosp-Admission (Discharged) in Boise Pediatrics (continued)

All Encounter Notes (group 3 of 3) (continued)

ADMITTING PHYSICIAN

Natasha D. Erickson, MD

DISCHARGE PHYSICIAN

Jamie E. Price, MD

PCP

Nadezhda Kravchuk, NP

ADMISSION DIAGNOSES

Failure to thrive (child) [R62.51]

DISCHARGE DIAGNOSES

Active Hospital Problems

Diagnosis	Date Noted
• Failure to thrive (child)	03/12/2022
• Malnutrition (HCC)	03/01/2022

Resolved Hospital Problems

No resolved problems to display.

PROCEDURES

None

CONSULTATIONS

Pediatric Specialist: Pediatric Gastroenterology;

Genetics

Physical therapy

Occupational therapy

Dietician

BRIEF SUMMARY OF HISTORY OF PRESENT ILLNESS

Please see admission H&P for complete details. Briefly Cyrus is a 10 month old male who was recently discharged from St. Lukes Children's Hospital following admission and work up for failure to thrive. During that admission, an NG was placed and baby became stronger and able to take much of the feeds orally. He was discharged home with parents and parents report that the tube was dislodged after 1 day, but as baby was nursing well and eating frequently, they left it out as recommended by the attending physician that discharged the patient. Close follow up for weights were arranged at discharge. By report appointments were missed and **police** and health and welfare were notified.

The patient was taken into custody by Meridian **police** department and taken to St. Lukes for medical assessment. In the Er, patient appeared dehydrated and labs supported this. He was able to take a 6 oz bottle of formula prior to transfer to the pediatrics floor. Patient was admitted to pediatrics for further assessment.

HOSPITAL COURSE

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MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY. 46

HISTORY OF PRESENT ILLNESS

Cyrus is a 10 m.o. male discharged from the hospital on 3/4, who presents with weight loss in the setting of failure to thrive. Patient was admitted from 3/1-3/4 after being referred for admission due to severe malnutrition. Initially the patient required NG feeds, but at discharge, he was taking bottle feeds without issue. He was discharged home with an NG in place and family was provided syringe feeding supplies in case the patient's po intake dropped off. Family did not go home with a feeding pump as they declined this, citing cost (they are self-pay). He was scheduled to see his PCP on 3/6, but did not show for the appointment. Home health was also not able to get in touch with the family. Case was discussed on 3/11 with Tracy Junoman with CARES who reported the child had not been seen and despite multiple attempts to contact the family, the patient had not returned for a weight check. Ultimately, health and welfare and law enforcement became involved. It is my understanding a warrant was issued and the child was removed from the home and declared immediately. He was brought to the Meridian ED for evaluation. Health and welfare identified a foster family but due to protesters surrounding the hospital regarding this case, it was felt that discharge with the foster family from the ED was unsafe for all involved. For this reason, the patient was transferred to Boise for further care.

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MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

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MRN: 4289116, DOB: 5/1/2021, Sex: M
Acct #: 455708612
Adm: 3/12/2022, Adm: 3/12/2022, D/C: 3/15/2022

03/12/2022 - ED to Hosp-Admission (Discharged) in Boise Pediatrics (continued)

All Encounter Notes (group 1 of 3) (continued)

Mild temporal wasting is noted consistent with concerns for malnutrition.

HENT:

Head: Normocephalic. Anterior fontanelle is flat.

Nose: Nose normal.

Mouth/Throat:

Mouth: Mucous membranes are moist.

Eyes:

Conjunctiva/sclera: Conjunctivae normal.

Cardiovascular:

Rate and Rhythm: Normal rate and regular rhythm.

Pulses: Normal pulses.

Heart sounds: Normal heart sounds. No murmur heard.

Pulmonary:

Effort: Pulmonary effort is normal. No respiratory distress or nasal flaring.

Breath sounds: Normal breath sounds. No stridor.

Abdominal:

General: Abdomen is flat. Bowel sounds are normal. There is no distension.

Palpations: Abdomen is soft.

Tenderness: There is no abdominal tenderness.

Musculoskeletal:

General: No swelling, tenderness or signs of injury.

Cervical back: Neck supple. No rigidity.

Skin:

General: Skin is warm.

Capillary Refill: Capillary refill takes **2 to 3 seconds**.

Turgor: Normal.

Neurological:

Comments: **Fairly hypotonic in the morning, but tone improved following fluids. Tired throughout the day, but arouses easily. Prefers to be held by staff and continues to be interactive with staff.**

Following fluids, tone improved and appears more normal for age. No head lag noted and able to sit unassisted. Rolls to crawl independently across the crib while supervised.



Anderson, Cyrus James
MRN: 4289116, DOB: 5/1/2021, Sex: M
Acct #: 455250629
Adm: 3/1/2022, Adm: 3/1/2022, D/C: 3/4/2022

03/01/2022 - ED to Hosp-Admission (Discharged) in Boise Pediatrics (continued)

All Encounter Notes (continued)

ELECTRONICALLY SIGNED:

Gracie M. McDermott MS, RDN, CSP, LD
3/3/2022
4:09 PM

Electronically signed by Gracie M. McDermott, RD at 3/3/2022 4:09 PM

Progress Notes by Katherine L. Ricken, LCSW at 3/3/2022 1248

Social Work Progress Note

Situation-

Patient is a 10 month old male admitted for malnutrition. Patient has been intermittently vomiting over the past 3-4 weeks. Parents thought he had a stomach bug, but had him evaluated for allergies and he was found to be allergic to gluten and dairy. He was seen at the pediatrician's on 3/1/22 and found to have lost 4 lbs since his 6 month check up.

SW was consulted for financial support as parents are self pay and were mentioning financial concerns last night and considered leaving AMA. SW met with mother (Marissa) at bedside and completed evaluation. Of note, care team does not feel this is a result of neglect at this time.

	03/03/22 1309
Referral Data	
Referral Source	Nurse
Referral Name	Miranda Mosher
Reason for Consult	Other (Comment)

Background-

Marissa and her husband, Levi, live in Meridian. This is their first child. Marissa is a homemaker and Levi works in sales as a contractor. He has not been working during patient's hospitalization; Marissa says his work has been supportive of his absence.

Marissa says the family has all their basic needs met and their financial concern lies within insurance and hospital bills. She is connected with PFA and says they are working on hospital bill forgiveness for her. She says that they make too much income to qualify for Medicaid.

Assessment-

Patient was lying in crib and playing quietly with toys. Marissa seemed appropriately attentive to him and says that "he's our biggest priority." She says they will stay in the hospital as long as is recommended for the patient's health and "we will figure out the rest later."

SW encouraged Marissa to continue conversations with PFA. Provided two meal vouchers. Marissa declined any

ED Provider Notes by Rachel M. Thomas, MD at 3/12/2022 0423

CHIEF COMPLAINT

Chief Complaint

Patient presents with

- Failure To Thrive

HPI

Cyrus James Anderson is a 10 m.o. male with history of admission for severe malnutrition who presents with a chief complaint of failure to thrive. Patient is brought in by EMS with police escort and CPS presents. Patient is now a ward of CPS. Per EMS and CPS report, as well as chart review, patient was recently admitted for failure to thrive, severe malnutrition. Patient was less than 2 percentile for weight. During hospitalization patient had good weight gain, child is able to tolerate formula, child was discharged out and mom was advised to supplement with formula as well as her breast-feeding. Child was scheduled to follow-up for weight checks, patient was seen on Monday and had a decrease in weight when compared to discharge weight, mom was advised to bring the child back for weight recheck, child did not return for follow-up visit and CPS was contacted. Parents then agreed to take the patient to a care's appointment today, he did not show up for this appointment. At this time patient became a ward of CPS, police presented and EMS were called to bring the patient in for medical evaluation. No further history is able to be obtained.

provided with a copy of notice of Emergency Removal prior to transfer from Meridian ED.

Electronically signed by Caitlin E. Stagg, LMSW at 3/12/2022 2:50 AM

H&P by Natasha D. Erickson, MD at 3/12/2022 0304

PEDIATRIC HOSPITALIST ADMISSION NOTE

ADMITTING ATTENDING

Natasha D. Erickson, MD

ADMISSION DIAGNOSES

Active Problems:

Malnutrition (HCC)

Failure to thrive (child)

CHIEF COMPLAINT

Weight loss

HISTORY OF PRESENT ILLNESS

Cyrus is a 10 m.o. male discharged from the hospital on 3/4, who presents with weight loss in the setting of failure to thrive. Patient was admitted from 3/1-3/4 after being referred for admission due to severe malnutrition. Initially the patient required NG feeds, but at discharge, he was taking bottle feeds without issue. He was discharged home with an NG in place and family was provided syringe feeding supplies in case the patient's po intake dropped off. Family did not go home with a feeding pump as they declined this, citing cost (they are self-pay). He was scheduled to see his PCP on 3/6, but did not show for the appointment. Home health was also not able to get in touch with the family. Case was discussed on 3/11 with Tracy Jungman with CARES who reported the child had not been seen and despite multiple attempts to contact the family, the patient had not returned for a weight check. Ultimately, health and welfare and law enforcement became involved. It is my understanding a warrant was issued and the child was removed from the home and declared immediately. He was brought to the Meridian ED for evaluation. Health and welfare identified a foster family but due to protesters surrounding the hospital regarding this case, it was felt that discharge with the foster family from the ED was unsafe for all involved. For this reason, the patient was transferred to Boise for further care.

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CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham	efstidham@hollandhart.com	[X]	Email
Diego Rodriguez	freedommanpress@protonmail.com	[X]	Email
Ada County Clerk		[X]	I-Court

DATED THIS DAY, the 4th of September, 2023.



Ammon Bundy

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

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EXHIBIT A

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF AMMON BUNDY.

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IN THE DISTRICT COURT OF THE F

STATE OF IDAHO, IN AND

ST. LUKE'S HEALTH SYSTEM, LTD; ST.
LUKE'S REGIONAL MEDICAL CENTER,
LTD; CHRIS ROTH, an individual; and
NATASHA D. ERICKSON, MD, 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.

THIS MATTER having come before the
Erickson's Motion for a Preliminary Injunction,
Motion as to the defaulted parties Ammon Bur
Governor; Freedom Man Press LLC; Freedom

ORDER GRANTING MOTION FOR A PRE

MOTION TO DISMISS CONTEMPT CHARGES ON DUE PROCESS GROUNDS FOR
VAGUENESS, LACK OF EVIDENCE, FIRST AMENDMENT GROUNDS, LACK OF
ABILITY TO COMPLY – RESPONSE TO MOTION TO COMPEL DEPOSITION OF
AMMON BUNDY.