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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

**AFFIDAVIT OF JENNIFER JENSEN
IN SUPPORT OF MOTION FOR
CONTEMPT AGAINST AMMON
BUNDY, PEOPLE'S RIGHTS
NETWORK, AND AMMON BUNDY
FOR GOVERNOR**

STATE OF IDAHO)
 :SS.
County of ADA)

I, Jennifer Jensen, being first duly sworn upon oath, depose and state as follows:

1. I am an attorney with the firm of Holland & Hart LLP (“Holland & Hart”) and serve as counsel for the Plaintiffs in this case. I make this declaration based on my personal knowledge.

2. The instant Motion is Plaintiffs’ fifth motion for contempt against Bundy. With each motion for contempt, Bundy creates a further record of his intent to continue violating the Court’s orders. This Motion is based on Bundy’s, PRN’s, and the Campaign’s violations of this Court’s permanent injunction entered on August 25, 2023 (“Permanent Injunction”).

3. This Motion seeks removal of the online content identified in Exhibit A to this Affidavit. **Exhibit A** is a true and correct index of Bundy’s, PRN’s, and the Campaign’s violations of the Permanent Injunction. Exhibit A identifies each link, the date of its posting, and the manner in which the webpage violates the Permanent Injunction.

4. **Exhibit B** is comprised of Bundy’s posts that violate the Permanent Injunction on sites other than the PRN website, the Campaign website, Instagram, X (Twitter), and Facebook. True and correct copies of these webpages are set forth individually at **Exhibits B1-B43**.

5. **Exhibit C** is comprised of posts that violate the Permanent Injunction from the Campaign’s website, www.votebundy.com. True and correct copies of these webpages are set forth individually at **Exhibits C1-C7**.

6. **Exhibit D** is comprised of posts that violate the Permanent Injunction from www.facebook.com. True and correct copies of these posts are set forth individually at **Exhibits D1-D67**.

7. **Exhibit E** is comprised of Bundy's posts that violate the Permanent Injunction from www.twitter.com, which now redirects to www.x.com. True and correct copies of these posts are set forth individually at **Exhibits E1-E64**.

8. **Exhibit F** is comprised of Bundy's posts that violate the Permanent Injunction from www.instagram.com. True and correct copies of these posts are set forth individually at **Exhibits F1-F56**.

9. **Exhibit G** is comprised of posts that violate the Permanent Injunction from www.peoplesrights.org. True and correct copies of these posts are set forth individually at **Exhibits G1-G22**.

10. **Exhibit H** is comprised of posts that violate the Permanent Injunction from Garth Gaylord, a prominent member of PRN and one of Bundy's followers. At the trial in this case, Mr. Gaylord attempted to represent PRN, seating himself at the Defendants' table in the courtroom. (Because he is not an attorney, he could not represent PRN.) Mr. Gaylord is a member of PRN and acts on its behalf. True and correct copies of these posts are set forth individually at **Exhibits H1-H8**.

11. **Exhibit I** is comprised of posts that violate the Permanent Injunction from David Pettinger, another prominent member of PRN, a principal of the Idaho Dispatch, and one of Bundy's followers. He also attended the trial in this case. Mr. Pettinger acts on behalf of PRN, disseminating statements from Mr. Bundy and Mr. Rodriguez and conducting interviews to further generate the statements held to be defamatory. True and correct copies of these posts are set forth individually at **Exhibits I1-I10**.

12. Plaintiffs have moved for contempt against Bundy four times before in this lawsuit. As set forth below, each time, Bundy sought to avoid the proceedings.

13. The first motion. Plaintiffs initially filed and served a Motion for Sanctions and Contempt against Bundy on August 12, 2022, with supporting papers and a Notice of Hearing setting the hearing for September 6, 2022. Bundy did not file any response. I attended the hearing. At the hearing, Bundy did not appear, nor did anyone appear on his behalf. This Court granted sanctions because Bundy had violated the Amended Order on the Motion to Expedite Discovery and deferred any contempt ruling.

14. The second motion. After Bundy violated a second order of the Court, on September 28, 2022, Plaintiffs filed and served a Motion for Further Sanctions and Renewed Motion for Contempt against Bundy with supporting papers and a Notice of Hearing setting the hearing for October 11, 2022. Bundy did not file any response. I attended the hearing. Again, Bundy did not appear, and no one appeared on his behalf. Because Bundy had violated the Court's order requiring him to sit for a deposition, the Court granted Plaintiffs' motion in part by entering a preliminary injunction.

15. The third motion. On January 19, 2023, the Court entered a protective order to protect Plaintiffs and witnesses from harassment, threats, and intimidation ("Protective Order"). On February 7, 2023, Plaintiffs moved for contempt against Bundy and PRN for violating the Preliminary Injunction Order and the Protective Order. The Motion for Contempt, Memorandum in Support, Affidavit of Jennifer Jensen in Support, and Notice of Hearing were served on Bundy and PRN in person, by a process server. The hearing on the Motion for Contempt was set for February 21, 2023. Once again, Bundy did not appear at the hearing. The Court ordered that Plaintiffs seek a Summons for his appearance for arraignment, which Plaintiffs accomplished.

16. The fourth motion. After the clerk of the court issued the Summons, Plaintiffs renewed their motion for contempt on the Preliminary Injunction and Protective Order to include further violative acts that Bundy had perpetrated since their third motion for contempt.

17. When Bundy failed to appear at the hearing after proper service of the Summons, the Court ordered a warrant of attachment to compel him to attend the arraignment. The warrant was not executed for several months.

18. During that period, the Court held the trial in this case. On July 24, 2023, a jury returned a \$52 million verdict in favor of Plaintiffs for Defendants' ongoing campaign of defamation relating to an Infant in the Department of Health and Welfare's protective care. The jury's verdict was returned after a full presentation of causation and damages evidence during an eight-day trial, including testimony from 24 witnesses and thousands of pages of documentary evidence.

19. About a month later, on August 25, 2023, the Court entered the Permanent Injunction. A true and correct copy of the Permanent Injunction is attached hereto as **Exhibit J**. The Permanent Injunction fully evaluated the evidence presented at trial in a 40-page opinion. Among other things, the court set forth a non-exclusive list of statements it found to be "intentionally, materially false and malicious defamat[ion]." Ex. J, ¶ 73. The Permanent Injunction required the Defendants cease making defamatory statements and remove defamatory statements already existing online. *See id.*

20. The Permanent Injunction was duly served by the clerk of the court on all Defendants. Ex. J at 40. Bundy was served in his individual capacity as well as in his capacity as an agent and principal of PRN and the Campaign. *Id.*

21. On August 29, 2023, the Court entered a final judgment in this case (“Judgment”). A true and correct copy of the Judgment is attached hereto as **Exhibit K**. The Bundy Defendants did not file a notice of appeal.

22. As an extra measure of notice to the Bundy Defendants, on September 11, 2023 and September 20, 2023, Plaintiffs’ counsel served cease-and-desist letters attaching the Permanent Injunction to Bundy in his individual capacity as well as in his capacity as an agent of PRN and the Campaign. The cease-and-desist letters were sent via email and U.S. mail. The email address used was aebundy@bundyfarms.com. Plaintiffs’ counsel have used this email address to communicate back and forth with Bundy in the past and even through the week of this filing. Bundy also confirmed at the August 29, 2023 arraignment that this is his email address. The address used was Bundy’s home address, 4615 Harvest Lane, Emmett, Idaho 83617. The cease-and-desist letters informed the Bundy Defendants they were in violation of the Permanent Injunction. A true and correct copy of the cease-and-desist letters to Bundy, PRN, and the Campaign are attached hereto as **Exhibit L**, **Exhibit M**, and **Exhibit N** respectively. The Bundy Defendants did not remove the posts identified in the cease-and-desist letters.

23. Plaintiffs are taking additional steps to request from the many third-party platforms that the posts be removed based on the findings of fact and conclusions of law accompanying the Permanent Injunction. These steps are time-consuming. This should not be Plaintiffs’ burden; Defendants have been ordered to remove the same posts. But Plaintiffs nonetheless are taking all steps to ameliorate the harm Defendants have intentionally inflicted—and continue to inflict.

24. Since entry of the Permanent Injunction, Bundy and PRN have posted further defamatory statements online in violation of the Permanent Injunction. Exs. B34-42, H8.

25. Since entry of the Permanent Injunction, Bundy, PRN, and the Campaign have not removed from online the defamatory posts that existed before the Permanent Injunction was entered. There are dozens of posts/webpages that were required to be taken down pursuant to the Permanent Injunction, which remain online currently.

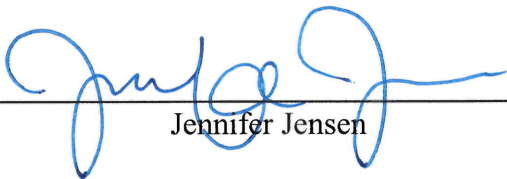
26. These posts are not just technical violations of an order. They endanger Plaintiffs' and other witnesses' safety, targeting and accusing of heinous crimes the individual Plaintiffs and other witnesses on the very bases that this Court and the jury found to be unequivocally false. The Court is familiar with many of these posts and webpages, which were introduced as evidence at trial.

27. Bundy has not voluntarily appeared for any hearing in this case, which includes four prior motions for contempt against him. Even when in the fourth contempt proceeding, this Court (prior to reassignment) issued a warrant of attachment, Bundy continued to refuse to appear, although all he had to do was pay a bond to avoid arrest. Instead, Bundy did not post bond and evaded arrest for over four months.

28. All prior conduct demonstrates that Bundy will not voluntarily appear to answer these charges of contempt on the Permanent Injunction. Bundy has already chosen to ignore several orders in this lawsuit and accused the Ada County courts of corruption. Ex. I4 (17:20-18:4). He has also stated that he will obstruct efforts to collect on the judgment, including by violent means. *Id.* (24:16-20).

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

Executed this 20th day of October, 2023.



Jennifer Jensen

SUBSCRIBED AND SWORN TO before me this 20th day of October, 2023.





(Signature of notarial officer)

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of October, 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:
aebundy@bundyfarms.com

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

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 Hand Delivered
 Overnight Mail
 Email/iCourt/eServe:

Freedom Man PAC
Freedom Man Press LLC
c/o Diego Rodriguez
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/s/ Erik F. Stidham

Erik F. Stidham
OF HOLLAND & HART LLP

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