

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

ORDER ON THE PARTIES' MOTIONS  
TO CONSOLIDATE CONTEMPT  
PROCEEDINGS AGAINST AMMON  
BUNDY

Before the Court are the parties' Motions to Consolidate contempt of court proceedings against Defendant Ammon Bundy. The first contempt proceeding is scheduled to begin on November 13, 2023, and stems from Bundy's alleged violations of the Preliminary Injunction and Protective Order entered by Judge Norton. Bundy was arraigned on those alleged counts of contempt on August 29, 2023. Plaintiffs filed a new Motion for Contempt against Bundy on October 20, 2023, this time alleging violations of the Permanent Injunction entered by this Court after a jury trial on damages. Plaintiffs filed their Motion to Consolidate concurrently, requesting

the Court to combine the contempt proceedings scheduled for November 13, 2023, with the ones requested in their Motion for Contempt relating to the Permanent Injunction. Bundy also filed a Motion to Consolidate, requesting the consolidation of the proceedings and that they be scheduled for March of 2024.

A motion to consolidate is governed by Idaho Rule of Civil Procedure 42, which provides, in relevant part:

- (a) Consolidation. If actions before the court involve a common question of law or fact, the court may:
- (1) join for hearing or trial any or all matters at issue in the actions;
  - (2) consolidate the actions; or
  - (3) issue any other orders to avoid unnecessary cost or delay.

I.R.C.P. 42. Because the rules states a court “may” consolidate actions, the Court finds the decision of whether to consolidate actions is a decision made at the discretion of the trial court. When a matter is within the court’s discretion, the trial court must “(1) correctly perceived the issue as one of discretion; (2) acted within the outer boundaries of its discretion; (3) acted consistently with the legal standards applicable to the specific choices available to it; and (4) reached its decision by the exercise of reason.” *Lunneborg v. My Fun Life*, 163 Idaho 856, 867, 421 P.3d 187, 198 (2018).

Here, the Court exercises its discretion and declines to consolidate the contempt proceedings. While the proceedings will undoubtedly involve some common questions of law and fact, there are important differences. The more recent Motion for Contempt alleges violations of the Permanent Injunction issued by this Court, whereas the proceedings scheduled to begin on November 13, 2023, involve alleged violations of a Preliminary Injunction and Protective Order entered by another Court. The Court sees no purpose in delaying the resolution of the matters scheduled for November 13, 2023 only because Plaintiffs filed another Motion for Contempt.

Moreover, the factual allegations are different in Plaintiffs' more recent Motion for Contempt and Bundy has not yet been arraigned on those charges. Moreover, the Court does not agree with Bundy that he needs until March 2024 to prepare for the contempt proceedings stemming from Bundy's alleged violations of the Preliminary Injunction and Protective Order. Bundy was arraigned on those charges on August 29, 2023, and the Court has already granted Bundy's motion for a continuance and rescheduled those proceedings to a time convenient to Bundy. As such, the Parties' Motions to Consolidate are DENIED. The Court will arraign Bundy on Plaintiffs' new Motion for Contempt on November 13, 2023 at which time a hearing date for Motion for Contempt related to the Permanent Injunction will be set.

IT IS SO ORDERED.

DATED: 11/2/23.

  
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NANCY A. BASKIN  
District Judge

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on 11/3/23, I caused a true and correct copy of the foregoing ORDER ON THE PARTIES' MOTIONS TO CONSOLIDATE CONTEMPT PROCEEDINGS AGAINST AMMON BUNDY to be forwarded with all required charges prepaid, by the method(s) indicated below, in accordance with the Rules of Civil Procedure, to the following person(s):

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TRENT TRIPPLE  
Clerk of the District Court

By   
Deputy Clerk