

Diego Rodriguez
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IN THE SUPREME COURT OF THE STATE OF IDAHO

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/Respondents,

vs.

DIEGO RODRIGUEZ, an individual,

Defendant/Appellant,

AMMON BUNDY, an individual; AMMON
BUNDY FOR GOVERNOR, a political
organization; 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.

Idaho Supreme Court Case No. 51244-2023

Ada County Case No. CV01-22-06789

**RESPONSE TO MOTION TO DISMISS
APPEAL**

RESPONSE TO MOTION TO DISMISS APPEAL

The above-named appellant, Diego Rodriguez, comes now to issue my response to the Respondent's Motion to Dismiss Appeal, which was filed on February 5th, 2024.

I, Diego Rodriguez, come humbly before you to ask you to consider this response to the motion to dismiss my appeal. The American Justice system, if it is to be respected and honored, must follow not only the rule of law, but also the principles of divine justice. Therefore, a judge must

rule with an honest heart and a conscience which recognizes that the Creator will bring final justice to all (Isaiah 33:22), including a recompense to earthly judges who judged rightly and also those who used their offices as a tool for oppression and tyranny (Isaiah 10:1-3).

In the case that is before you, the amount of tyrannical despotism, disregard for justice, blatant dismissal of Constitutional Law, and even total indifference to the rules of the Idaho Supreme Court, are so egregious, abhorrent, and scandalous, that they have severely cast a negative light on the entire Idaho Justice System.

To dismiss this case would only further entrench the public's opinion in the meaninglessness and uselessness of the legal system in Idaho—as they would see that fairness, justice, and righteousness have all been abandoned. This cannot be allowed to happen. Consider the following:

- A. Is it fair for a trial to be conducted where the defendant is disallowed, by ruling of a judge, from bringing any evidence in his favor to the trial? That happened in this case, and it is a blatant violation of the 5th Amendment of the US Constitution, amongst other rights. I have evidence proving, in this case regarding “defamation,” that every single claim I made about the Plaintiffs is factually true and accurate. Yet, I have been prohibited by Judge Lynn Norton from presenting that evidence in this case.
- B. Is it fair for every response from a defendant to be stricken from the court record so that the jury would be unable to see both sides of a story? This again is exactly what happened in this case.
- C. Is it fair for a court case to continue for over a year when the Idaho Supreme Court Rules of Civil Procedure #55 clearly dictate that, based on the fact that the defendant Ammon Bundy disregarded the service of the case, the judge MUST enter a default judgment, yet Judge Lynn Norton openly defied the rules set by the Idaho Supreme Court causing an entire series of events and subsequent rulings which should never have happened if the

rules set by the Idaho Supreme Court were simply obeyed. In principle and concept, this is equivalent to the idea of the “fruit of the poisonous tree.”

Idaho Rules of Civil Procedure Rule 55. Default; Default Judgment.

(a) Entering a Default.

(1) *In General.* When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the court must order entry of the party's default. If a party has appeared in the action, that party must be served with 3 days' written notice of the application for entry of default before default may be entered.

This includes one of the Defendant's, Ammon Bundy, becoming homeless and being forced out of his own home in which he and his family lived all because Judge Lynn Norton defied the rules of the Idaho Supreme Court. Mr. Bundy intentionally made the choice, which is his civil right, to let the original complaint be ruled as a default judgment, because he recognized that the \$50,000 requested in the original complaint was far less than the time and money which would be lost in the court trial process itself. Not only was this his civil right, but also his reasonable expectation because it is what the Idaho Supreme Court rules dictate MUST happen. Yet, Judge Lynn Norton defied the Idaho Supreme Court.

D. Is it fair that jury members were left on the jury who were either employees of the Plaintiff (St. Luke's Hospital) or spouses of St. Luke's employees? Is it fair that jury members worked for institutions which abhor the defendants and have a history abusing at least one of the defendants and his family? Is it fair for the judge to allow a jury member to stay on the jury after the jury member admitted publicly in the *voir dire* that they were predisposed to dislike and disbelieve the defendant? How can jury tampering and jury manipulation like this be allowed to go on without being subject to review by a

higher court? If our system of law and justice is going to survive, Supreme Court justices cannot allow such blatant manipulation of juries without there being consequences, and at the very least, an appellate review.

This is a case of national importance as it sets the precedence for many future cases which could be similar. Additionally, the case and the story behind it have gone “viral” being viewed millions of times all over the world, and is still, as we speak, being followed very closely by hundreds of thousands of interested parties all around the country and world. This means that any lack of justice or righteousness in this case will be amplified for the public bringing further ill-repute to the Idaho legal system. That can be avoided by simply allowing the case to be appealed and properly reviewed.

A nationally renowned attorney who has had success fighting against some of the largest and most powerful institutions in America, including Pfizer, took a look at our case and the court docket and told me, “The judge in this case is so unbelievably biased against you that there is absolutely nothing I can do to help. Any time, energy, or money we put into this case will be wasted because the judge has demonstrated that she will never let you win, no matter what. I’m sorry.” Time proved his opinion to be true.

Indeed, a detailed complaint against Judge Lynn Norton listing 12 very specific violations of the Idaho Rules of Civil Procedure, the Idaho State Constitution, the US Constitution, and US Code were filed and submitted to the Idaho Judicial Council.

Is this the reputation you want to allow to stand in Idaho? Do you want the public to be so jaded and so suspicious of the Idaho legal system that they assume the entire court system is corrupt and that justice is impossible in Idaho?

The reputation that exists and the relationship between citizens, police, politicians, and the courts is not something that just happened out of the blue. The strained relationship between the public and the aforementioned government agencies exists because of a constant *train of abuses* that

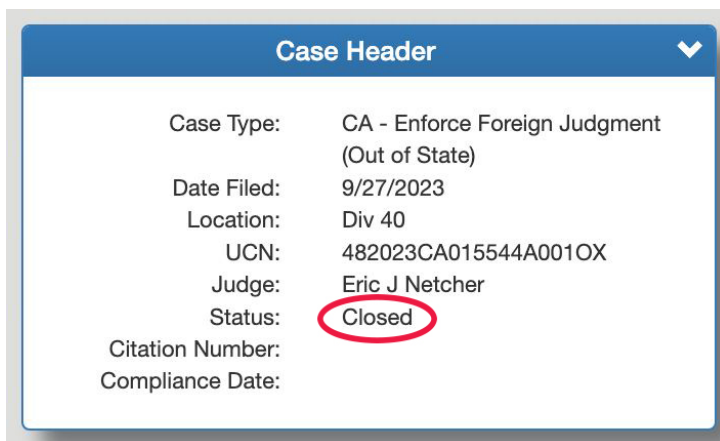
you, the Idaho Supreme Court, now have the opportunity to begin to rectify. Every case is an opportunity to do justly, and to love mercy, and to walk humbly (Micah 6:8).

Whatever the Idaho Supreme Court decides to do will be highly scrutinized by the public at large and they will know whether the law and justice were followed or not. The Idaho Supreme Court has the opportunity to restore some hope and confidence in the legal process by allowing a fair shot for the defendant(s) to provide evidence, and show how the entire court case was fraudulent.

If the Plaintiffs have nothing to hide and nothing to fear, and if they did not break any rules, did not fabricate evidence, did not pay for false testimony on the witness stand, did not benefit from the breaking of rules or laws by the presiding Judge, then they should have confidence that the appeals process will not change the outcome of the trial.

They only fear this appeals process because they know and are certain that any righteous review of this case along with the relevant laws, statutes, and rules, which should have governed it, will determine that the case was a fraud and should be thrown out and overturned.

It is interesting to note that while hundreds of thousands of anxious citizens await to see the outcome of this appeal and the decisions made by the Idaho Supreme Court, another court has already ruled on this case, completely rejecting it and denying the Plaintiff's attempt to domesticate this judgment to the State of Florida:



The image shows a screenshot of a 'Case Header' form. The form has a blue header with the text 'Case Header' and a downward arrow. Below the header, the following information is displayed:

| | |
|------------------|---|
| Case Type: | CA - Enforce Foreign Judgment (Out of State) |
| Date Filed: | 9/27/2023 |
| Location: | Div 40 |
| UCN: | 482023CA015544A001OX |
| Judge: | Eric J Netcher |
| Status: | Closed |
| Citation Number: | |
| Compliance Date: | |

The word 'Closed' in the Status field is circled in red.

Upon reviewing the relevant facts presented in regards to the judgment and the fraudulent nature by which it was obtained, a Florida County judge closed the case and prevented its domestication. Why? Do you not agree that if another judge—OUTSIDE OF IDAHO—has looked at the details of the case and determined that the judgment was not worthy of domestication because of the fraudulent manner in which it was obtained, that these same details deserve to be reviewed by Idaho’s top court—the Idaho Supreme Court?

We are told in our society that if you believe you have been wronged by powerful entities, up to and including the government itself, that we should simply hold our tongues, accept abuse and even torture, and trust that we will “have our day in court” to demonstrate our innocence and likewise to provide evidence of the tyranny against us.

In this case, none of the defendants (including myself) have ever had our “day in court.” We’ve even been denied the basic DUE PROCESS of having real evidence, which would exonerate us, allowed in court, meaning that the jury could never see the facts. And the jury itself was tampered with and biased, and in the *voir dire*, at least one member of the jury members even admitted their own bias and predisposition against at least one of the named defendants, but they were allowed to remain on the jury by Judge Nancy Baskins anyway. All of this adds up to the fact that justice was never allowed a chance in this case. **And only through the process of this appeal can justice truly ever be served.**

In direct response to the declaration of Jennifer M. Jensen in support of Motion to Dismiss Appeal, I offer the following:

DECLARATION OF JENNIFER M. JENSEN IN SUPPORT OF MOTION TO DISMISS APPEAL
- 2. The St. Luke’s Parties commenced this defamation lawsuit to remedy the ongoing harm and threat of violence against them posed by the widespread lies about child trafficking and kidnapping spread by Mr. Rodriguez, Ammon Bundy, and their related business entities. The lawsuit resolved after a trial on damages and injunctive relief, entry of a permanent injunction,

and entry of default judgment against all defendants. Default judgment was entered August 29, 2023.

RESPONSE: There was never any harm or threat of violence against St. Luke's caused by myself or any other defendant on this case. That is a pure lie and since evidence was never allowed to be presented in this case to defend ourselves, how can the truth ever be known inside the courthouse? Jennifer Jensen and her colleagues, along with the Plaintiffs, are simply lying because they have been able to do so with immunity for so long, it is like second nature to them. The evidence proves that my grandson was, in fact, kidnapped by force at the point of a gun and taken to St. Luke's hospital where St. Luke's maltreated him, caused him to get an infection, and received payment and compensation for the entire process. Not only has this evidence all been captured on video, but the videos associated with this case have been viewed over 15 million times by a horrified public!

These are all facts with supporting evidence that were never allowed to be presented in the courtroom. Additionally, a forthcoming federal lawsuit against St. Luke's and other parties will show that St. Luke's did, in fact, participate in the kidnapping of my grandson, along with the Meridian Police Department, and the Idaho Department of Health and Welfare, and that they did receive compensation as a result of their actions. How embarrassing and unjust would it be for the Idaho court system to disallow this appeal to go forward with the wildly outrageous and fabricated claims of Mrs. Jensen, her colleagues at Holland and Hart, and the Plaintiffs, only for a federal lawsuit to empirically demonstrate that they lied about everything.

DECLARATION OF JENNIFER M. JENSEN IN SUPPORT OF MOTION TO DISMISS APPEAL
- 3. The court entered default judgment against Mr. Rodriguez as a sanction for his pattern of misconduct during the course of the litigation. Mr. Rodriguez filed an appearance and participated in the lawsuit to some extent. But he violated discovery obligations and court orders. There is also a pending I.R.C.P. 75 warrant of attachment against him, issued when the district court found probable cause that Mr. Rodriguez was violating the protective order barring threatening, harassing, and intimidating potential witnesses.

RESPONSE: It is true that a default judgment against me was issued, but it was plainly not for “misconduct.” On the contrary, after I published multiple articles online demonstrating, with empirical evidence, the continued violations of the Constitution and state law by Judge Lynn Norton, she simply RETALIATED against me by issuing a default judgment against me and a warrant of attachment. Apparently in Idaho, a judge has the power to personally retaliate against an American citizen without consequence. She then issued the order to prohibit me from presenting any evidence in the court trial along with an order striking all of my responses from the case. She then dismissed herself from the case and walked away—like a terrorist who drops a bomb in a building and leaves their messy destruction behind for others to clean up.

She then attempted to cover up her actions by claiming that my refusal to provide discovery for completely irrelevant discovery requests was somehow contemptuous, yet she cared nothing for the discovery refusal on behalf of the Plaintiffs. This is not only judicial misconduct, but it demonstrates a clear bias in favor of the Plaintiffs which infers that even more nefarious things are taking place behind the scenes.

For example, she claims that my refusal to provide my own tax returns for 2022, which were not even required to have been filed yet at the time she demanded them, and which have NOTHING TO DO with a defamation case, is somehow a violation of *who knows what*, and that it is somehow grounds for contempt. Yet, the Plaintiffs refused to provide me with relevant discovery including the receipts and/or totals for the amount of money they received for having my grandson in their possession, and the documents and proof showing how much money they receive annually from children in their possession who were placed there by CPS. **These were issues at the heart of the case and, if they had been produced, they would have ended the case nearly instantaneously.** They simply refused to provide this discovery to me, and Judge Lynn Norton allowed them to do so.

Yet, when I refused to provide information about my personal life that has no relevance to the case and would not lead to any admissible evidence in the case, she claims that it was “misconduct.” I hope you are starting to see the train of abuses endured in this case.

Additionally, is it fair that a judge can simply issue a warrant for my arrest, with claims that I violated a protective order, when there is simply no evidence to demonstrate that I did so? How outrageous is that form of judicial abuse? If Judge Lynn Norton does not like the fact that I exposed her misconduct to the public, is it acceptable for her to use her power to have me arrested without just cause? Furthermore, if that fraudulent order against me was only issued because the case had not been previously defaulted as the Idaho Supreme Court Rule #55 requires, then is not her order a very textbook example of the spirit and principle of “fruit of the poisonous tree?” While we are not talking about illegally obtained evidence, we are still referencing the fact that there were additional negative consequences against us as defendants that NEVER WOULD HAVE HAPPENED if Judge Lynn Norton would have simply obeyed the Idaho Supreme Court rules. Why should I be made to suffer because of the evil and defiant actions of one judge? Remember, this judge is not only bringing irreparable harm to the repute of the Idaho Legal System, but she is directly defying the Idaho Supreme Court by refusing to obey the Idaho Rules of Civil Procedure.

*DECLARATION OF JENNIFER M. JENSEN IN SUPPORT OF MOTION TO DISMISS APPEAL
- 4. Mr. Rodriguez did not move the district court to set aside the default judgment.*

RESPONSE: It is unfortunate that the legal system works today in America in such a way that only the rich get to participate. I am not a rich man and I could not afford an attorney for this case. To further elucidate this problem, consider the fact that St. Luke’s apparently has paid over \$700,000 USD to Holland and Hart Law firm to litigate this case. They have the money to do so because they are not only one of the largest companies in Idaho, and a non-profit organization who pays no taxes, but they are directly funded and subsidized by both the Idaho State Government and the US Federal Government.

All things being equal, we would have to conclude that in order to defend myself on this case, I would have to likewise spend \$700,000 USD. What citizen can afford to defend themselves with expenses like this? And after spending that amount of money, only for the opportunity to defend myself and prove that I was innocent, would not the process of the lawsuit and the expense endured be a sufficient punishment to destroy the average American citizen?

This is why this type of lawsuit is called a “S.L.A.P.P. suit” in most of the country, which stands for, “Strategic Lawsuit Against Public Participation.” As noted by the Free Speech Center, *“In the case of a SLAPP action, or strategic lawsuit against public participation, the actual purpose is to silence and even punish the defendant for speaking out on a matter of public interest through a costly and lengthy legal battle. Such a lawsuit also discourages others from speech that might prompt the plaintiff to go after them, too.”* (<https://firstamendment.mtsu.edu/article/slapp-suits/>)

Many states in the country have laws against SLAPP suits which deter bad actors like St. Luke’s from filing them, but Idaho does not. And as noted in the Idaho Statesman, *“Unfortunately, as the Institute for Free Speech’s new 2023 Anti-SLAPP Report Card highlights, Idaho is one of a dwindling number of states without vital protections against meritless lawsuits targeting free speech. In fact, Idaho is one of just 17 states that have no anti-SLAPP protection at all, earning the state an embarrassing ‘F’ grade for its score of 0 out of 100 possible points in the report.”* (<https://www.idahostatesman.com/opinion/readers-opinion/article282578068.html>)

I said all that to say this, I don’t even know what it means to “move the district court to set aside default judgment” let alone know HOW to do it. But surely, justice doesn’t require such a thing, nor should my legal right to an appeal be predicated upon whether or not I moved the district court to set aside default judgment.

The Bible tells us that those who sit as judges over the people must be “able men, such as fear God, men of truth, hating covetousness...” and they should “judge the people...” (Exodus 18:21-22). I humbly submit this response to the Idaho Supreme Court, appealing first to the Lord and Creator of the Universe, Jesus Christ, that he would put it in the hearts of you Supreme Court Justices, by the fear of God, to love the truth and to hate covetousness and to properly and justly allow this appeal to continue so that justice could be served.

DATED: February 15th, 2024

By: /s/ Diego Rodriguez
Diego Rodriguez

CERTIFICATE OF SERVICE

I certify I served a copy to: (name all parties or their attorneys in the case, other than yourself)

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DATED: February 15th, 2023

By: /s/ Diego Rodriguez

Diego Rodriguez