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Counsel for Plaintiffs

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

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

Plaintiffs,

vs.

AMMON BUNDY, an individual; AMMON
BUNDY FOR GOVERNOR, a political
organization; DIEGO RODRIGUEZ, an
individual; FREEDOM MAN PRESS LLC, a
limited liability company; FREEDOM MAN
PAC, a registered political action committee;
and PEOPLE'S RIGHTS NETWORK, a
political organization,

Defendants.

Case No. CV01-22-06789

**JUDGMENT CREDITORS'
APPLICATION FOR ENTRY OF
CHARGING ORDER (POWER
MARKETING AGENCY, LLC)**

Plaintiffs St. Luke’s Health System, Ltd., St. Luke’s Regional Medical Center, Ltd., Chris Roth, Natasha D. Erickson, M.D., and Tracy W. Jungman, NP (collectively, “Judgment Creditors”) hereby submit this Application for Entry of Charging Order (“Application”) pursuant to Idaho Code § 30-25-503, charging the interest of Defendant Diego Rodriguez (“Rodriguez”) in Power Marketing Agency, LLC with the payment of the unsatisfied judgment entered in favor of Judgment Creditors. As grounds for this Application, Judgment Creditors state as follows:

Background

1. This Application is supported by the Declaration of Robert A. Faucher in Support of Applications for Charging Order (“Faucher Decl.”), filed herewith, and the pleadings and papers on file herein.
2. On August 29, 2023, this Court entered a Default Judgment (“Judgment”) in favor of Judgment Creditors and against Rodriguez and five other defendants (collectively, “Judgment Debtors”).
3. Among other things, the Judgment contained a money judgment in favor of Judgment Creditors and against Judgment Debtors jointly and severally in the amount of \$51,875,000, broken down as follows:¹

¹ The Judgment also awarded St. Luke’s Health System, Ltd. and St. Luke’s Regional Medical Center, Ltd. money for attorney fees and costs that had been previously awarded but that remained unpaid as of the date of the Judgment. Although Judgment Creditors are not seeking payment of the unpaid attorney fees and the post-judgment interest at this time, they reserve all of their rights.

Judgment Creditor	Judgment Debtors	Amount
St. Luke's Health System, Ltd. and St. Luke's Regional Medical Center, Ltd.	Ammon Bundy, Ammon Bundy for Governor, Diego Rodriguez, Freedom Man Press LLC, Freedom Man PAC, and People's Rights Network	\$19,125,000
Chris Roth	Ammon Bundy, Ammon Bundy for Governor, Diego Rodriguez, Freedom Man Press LLC, Freedom Man PAC, and People's Rights Network	\$8,500,000
Natasha Erickson	Ammon Bundy, Ammon Bundy for Governor, Diego Rodriguez, Freedom Man Press LLC, Freedom Man PAC, and People's Rights Network	\$12,125,000
Tracy Jungman	Ammon Bundy, Ammon Bundy for Governor, Diego Rodriguez, Freedom Man Press LLC, Freedom Man PAC, and People's Rights Network	\$12,125,000

4. All Judgment Debtors are jointly and severally liable pursuant to the terms of the Judgment. Judgment Creditors “are entitled to have all damages owed to them to be collected jointly and severally from all Defendants.” August 29, 2023, Order on Verdict and Default Judgment.

5. Judgment Debtors have paid nothing toward the Judgment as of the date hereof, and Judgment Creditors have recovered nothing except as provided in footnote 2 below. *See*

Faucher Decl., ¶ 5. n.1.² The Default Judgment’s current balance is approximately \$51,875,000, exclusive of post-judgment interest.

This Court should charge the interest of Rodriguez in Power Marketing Agency, LLC
with the Judgment

6. On March 21, 2023, during the course of this litigation, Judgment Creditors served Rodriguez Requests for Admission asking him to admit that he owns and controls Power Marketing Agency, LLC, and that he has received revenue from Power Marketing Agency, LLC. Rodriguez refused to respond. Pursuant to Idaho Rule of Civil Procedure 36(a)(4), those matters were therefore deemed admitted. As such, Rodriguez admitted that he owns and controls Power Marketing Agency, LLC, and that he has received revenue in the form of income, disbursements, or payments from Power Marketing Agency, LLC in the past. *See* Faucher Decl., ¶ 10, Ex. C.

7. Like Rodriguez, Power Marketing Agency, LLC has refused to comply with discovery, which further suggests that it is owned and controlled by Rodriguez. On April 28, 2023, Judgment Creditors served a deposition subpoena duces tecum on Power Marketing

² Rodriguez has taken steps to evade the Judgment Creditors, including using a virtual address and refusing to comply with discovery obligations. Collection activity is ongoing, although no monetary amount has yet been credited against the Judgment liability. Specifically, Judgment Creditors have garnished certain bank accounts, but the sheriffs presently hold the funds. Second, the Gem County Sheriff has levied upon a motor vehicle owned by Rodriguez, pending sheriff’s sale. Third, one of the Judgment Creditors owns a Gem County residence previously owned by Judgment Debtor Ammon Bundy. However, the Judgment Creditor acquired title to that house by means of a negotiated settlement in the fraudulent conveyance lawsuit filed in Gem County—not by direct conveyance through collection legal process. The Judgment Creditor still owns the house; i.e., the house has not yet been converted into cash. Under these circumstances, it is unclear how the value of the house should be credited against the Judgment at this time. Regardless, however, the house is reportedly worth no more than \$1.5 million, so even if the value of the house were to be credited against the Judgment liability at some point, the outstanding unpaid Judgment would remain in excess of \$50 million. The amount stated in ¶ 3 above does not give the Judgment Debtors a credit for the value of the residence nor any of the other property identified in this footnote. Faucher Decl., ¶ 5. n.1.

Agency, LLC. *See* June 13, 2023, Memo. Decision and Orders for Sanctions on Mots. for Sanctions RE: Deps. at 4. Power Marketing failed to comply. *See id.* Although the Court sanctioned Power Marketing Agency, LLC for its failure to comply with a properly noticed subpoena, Power Marketing Agency, LLC has not, as of the date of this Application, attended a deposition or produced documents, thus preventing Judgment Creditors from obtaining information about the extent of Rodriguez’s ownership and control of Power Marketing Agency, LLC. Power Marketing Agency, LLC’s actions of ignoring discovery and defying judicial orders support the conclusion that it is owned by Rodriguez.

8. Power Marketing Agency’s website indicates that it is owned by Rodriguez. It states that Rodriguez is “the founder and President of the Power Marketing Agency” <https://powermarketing.agency/about/team/> (last visited March 7, 2024). *See* Faucher Decl., ¶ 8, Ex. A. In short, Power Marketing Agency, LLC is owned or controlled, at least in part, by Rodriguez.³

9. According to the Idaho Secretary of State Website, Power Marketing Agency, LLC was administratively dissolved effective March 1, 2024. It remains dissolved as of the date of this Declaration. However, Judgment Creditors believe that it may have assets and that it may currently be selling various services and products and, therefore, potentially making distributions. Indeed, the Power Marketing Agency website, <https://powermarketing.agency/>, is still active and still lists products and services for sale. *See* Faucher Decl., ¶ 9, Ex. B.

³ The last Annual Report filed with the Idaho Secretary of State for Power Marketing Agency, LLC, dated December 2, 2022, lists Rodriguez’s daughter, Miranda Chavoya, as Power Marketing Agency, LLC’s Manager, President, and Registered Agent. However, of course, none of those capacities indicate that Ms. Chavoya has an equity interest in the limited liability company. Faucher Decl., ¶ 11, Ex. D.

10. Judgment Creditors are entitled to a charging order on Rodriguez's transferable interest in Power Marketing Agency, LLC.

11. Idaho Code § 30-25-503 authorizes a court to enter a charging order to charge the interest of a judgment debtor in a limited liability company for the satisfaction of the judgment. Specifically, the statute provides:

On application by a judgment creditor of a member or transferee, a court may enter a charging order against the transferable interest of the judgment debtor for the unsatisfied amount of the judgment. Except as otherwise provided in subsection (f) of this section, a charging order constitutes a lien on a judgment debtor's transferable interest and requires the limited liability company to pay over to the person to which the charging order was issued any distribution that otherwise would be paid to the judgment debtor.

Idaho Code § 30-25-503(a). Idaho Code § 30-25-503 "provides the **exclusive remedy** by which a person seeking in the capacity of judgment creditor to enforce a judgment against a member or transferee may satisfy the judgment from the judgment debtor's transferable interest." Idaho Code § 30-25-503(h) (emphasis added). Thus, in order for Judgment Creditors to satisfy the Judgment from Rodriguez's interest in Power Marketing Agency, LLC, the Court must enter a charging order.

12. Here, Rodriguez owns a transferable interest in Power Marketing Agency, LLC. He admitted that he owns and controls Power Marketing Agency, LLC. The Power Marketing Agency website indicates that Rodriguez is its founder and president, and, like Rodriguez, Power Marketing Agency, LLC refuses to abide by court processes and orders, and further refuses to produce information about its ownership. *See* ¶¶ 6-9 above. However, because Power Marketing Agency, LLC is not a Judgment Debtor, its assets are not subject to execution. But the transferable interest owned by Rodriguez is subject to a charging order. Absent a charging

order, Rodriguez remains free to shelter assets, thus undermining Judgment Creditors' efforts to recover the amounts owed to them.

No hearing on this Application is necessary

13. Judgment Creditors have served this application on the judgment debtors and on the most recently designated registered agent for Power Marketing Agency, LLC, Miranda Chavoya. *See id.* at 5, n.3

14. Judgment Creditors request that the Court enter the proposed charging order promptly without further notice or hearing.

15. The relevant statute makes clear that it does not require service upon the judgment debtor nor the limited liability company. I.C. § 30-25-503, off. comment (a).

16. The charging order should be issued immediately without a hearing on the basis of this application, just as a writ of execution is likewise issued. The liability of the judgment debtor has already been established.

17. The limited liability company is not entitled to a hearing because it loses nothing as a result of the issuance of a charging order. It is not prejudiced. Upon service of the charging order, it merely becomes obligated to pay to Judgment Creditors any distributions it would otherwise pay to Rodriguez.

Conclusion

18. Pursuant to Idaho Code § 30-25-503, Judgment Creditors are entitled to: (a) a charging order against the transferable member interest of Rodriguez in Power Marketing Agency, LLC for the payment of the unsatisfied Judgment; (b) a lien on Rodriguez's transferrable member interest in Power Marketing Agency, LLC to secure the payment of the Judgment; (c) an order requiring Power Marketing Agency, LLC to pay over to Judgment

Creditors any distribution that Power Marketing Agency, LLC would otherwise pay to Rodriguez; and (d) such other relief as is just and equitable under the circumstances.

WHEREFORE, Judgment Creditors apply for the issuance of the proposed charging order in the form submitted herewith.

DATED: March 15, 2024.

HOLLAND & HART LLP

By: /s/ Erik F. Stidham

Erik F. Stidham

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of March, 2024, 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	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> <u>Email/iCourt/eServe:</u> aebundy@bundyfarms.com
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Ammon Bundy Ammon Bundy for Governor People's Rights Network c/o Ammon Bundy 4615 Harvest Ln. Emmett, ID 83617-3601	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe:
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Freedom Man PAC Freedom Man Press LLC c/o Diego Rodriguez 1317 Edgewater Dr., #5077 Orlando, FL 32804	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe:
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Diego Rodriguez 1317 Edgewater Dr., #5077 Orlando, FL 32804	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> <u>Email/iCourt/eServe:</u> freedommanpress@protonmail.com
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Miranda Chavoya 9169 W State Street Suite 3177 Boise, ID 83714	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Email/iCourt/eServe:
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/s/ Erik F. Stidham

Erik F. Stidham
OF HOLLAND & HART LLP