

Erik F. Stidham (ISB #5483)
Robert A. Faucher (ISB #4745)
Jennifer M. Jensen (ISB #9275)
Alexandra S. Grande (ISB #9566)
Zachery J. McCraney (ISB #11552)
Anne Henderson Haws (ISB #10412)
HOLLAND & HART LLP
800 W. Main Street, Suite 1750
Boise, ID 83702-5974
Telephone: 208.342.5000
Facsimile: 208.343.8869
E-mail: efstidham@hollandhart.com
rfaucher@hollandhart.com
jmjensen@hollandhart.com
asgrande@hollandhart.com
zmccraney@hollandhart.com
aehenderson@hollandhart.com

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 CONSULTANTS LLC)**

Plaintiff, 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 Consultants LLC with the payment of the unsatisfied judgment entered in favor of the St. Luke’s Parties and against, among others, Rodriguez. As grounds for this Application, the St. Luke’s Parties state as follows:

1. This Application is supported by the Declaration of Robert A. Faucher in Support of Application 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 the St. Luke’s Parties and against Rodriguez and the five other defendants (collectively, “Judgment Debtors”).

3. Among other things, the Judgment contained a money judgment in favor of the St. Luke’s Parties and against the Judgment Debtors jointly and severally in the amount of \$51,875,000, broken down as follows:¹

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	\$19,125,000

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 the St. Luke’s Parties 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
	PAC, and People's Rights Network	
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 the St. Luke's Parties have recovered nothing except as provided in footnote 2 below. *See* Faucher Decl., ¶ 5, n.1. The Default Judgment's current balance is approximately \$51,875,000, exclusive of post-judgment interest.²

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.

The Court should charge the interest of Rodriguez in Power Marketing Consultants LLC
with the Judgment

6. Based on the last Annual Report filed with the Idaho Secretary of State for Power Marketing Consultants LLC, dated January 6, 2022, Rodriguez was listed as Power Marketing Consultants LLC’s Manager, President, and Registered Agent. No other members are listed. *See* Faucher Decl. ¶ 13, Ex. A.

7. Although Power Marketing Consultants LLC was (and remains) administratively dissolved effective April 13, 2023, the St. Luke’s Parties believe that Power Marketing Consultants LLC continues to operate as a legal entity, may have assets and that it may currently be selling various services and products and, therefore, potentially making distributions and taking other corporate actions. *See* Faucher Decl., ¶ 13. Further, the administrative dissolution can be readily remedied.

8. Judgment Creditors are entitled to a charging order on Rodriguez’s transferable interest in Power Marketing Consultants LLC.

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.

9. 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 the St. Luke's Parties to satisfy the Judgment from Rodriguez's interest in Power Marketing Consultants LLC, the Court must enter a charging order.

10. Here, based on the filings with the Idaho Secretary of State, Rodriguez has a transferable interest in Power Marketing Consultants LLC. *See* Faucher Decl. ¶ 13, Ex. E. In fact, the Secretary of State filings suggest that Rodriguez is the sole member of Power Marketing Consultants LLC. *Id.* Because Power Marketing Consultants LLC is not Judgment Debtor, its assets are not subject to execution. However, 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.³

³ Almost certainly, Judgment Creditors will not recover the Judgment liability in full from the charging order. Accordingly, Judgment Creditors anticipate that they will return to the Court shortly to foreclose their lien on Rodriguez's equity interest. I. C. § 30-25-503(c).

No hearing on this Application is necessary

11. Judgment Creditors have served this application on the judgment debtors and on the most recently designated registered agent for Power Marketing Consultants LLC, Rodriguez. *See id.*, ¶ 10.

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

13. 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).

14. 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.

15. 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

16. Pursuant to Idaho Code § 30-25-503, Judgment Creditors are entitled to: (a) a charging order against the transferrable member interest of Rodriguez in Power Marketing Consultants LLC for the payment of the unsatisfied Judgment; (b) a lien on Rodriguez's transferrable member interest in Power Marketing Consultants LLC to secure the payment of the Judgment; (c) an order requiring Power Marketing Consultants LLC to pay over to the St. Luke's Parties any distribution that Power Marketing Consultants LLC would otherwise pay to Rodriguez; and (d) such other relief as is just and equitable under the circumstances.

WHEREFORE, the St. Luke's Parties apply for the issuance of the proposed 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

- 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

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

Freedom Man PAC
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:

Diego Rodriguez
1317 Edgewater Dr., #5077
Orlando, FL 32804

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:
freedommanpress@protonmail.com

/s/ Erik F. Stidham

Erik F. Stidham
OF HOLLAND & HART LLP

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