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**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

**MEMORANDUM IN SUPPORT OF  
MOTION FOR CONTEMPT AGAINST  
DIEGO RODRIGUEZ**

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 ("Plaintiffs"), by and through their attorneys of record, Holland & Hart LLP, hereby submit this Memorandum in support of their motion to hold Diego Rodriguez in contempt pursuant to Idaho Rule of Civil Procedure 75.

## **I. INTRODUCTION**

Diego Rodriguez has repeatedly violated the Court's permanent injunction since it was entered on August 25, 2023 ("Permanent Injunction"). Rodriguez continues to perpetuate the false conspiracy theory that Plaintiffs participate in the kidnapping and trafficking of children. He has made new appearances on extremist media, created new web posts, and re-posted defamatory pages taken down by third-party hosts who were provided a copy of the Permanent Injunction.

The consistency of Rodriguez's re-publication of these lies after entry of the Permanent Injunction demonstrates willfulness. He should be held in contempt and punished and/or coerced into removing the offending webpages. The false conspiracy theory continues to harm Plaintiffs' reputations. It puts Plaintiffs and their families at risk from radicalized violent extremists. A strong remedy is needed here to enforce the Permanent Injunction.

With this motion, Plaintiffs seek: (1) contempt sanctions; (2) Plaintiffs' reasonable fees and costs in bringing this motion; and (3) potentially a warrant of attachment—if Rodriguez does not appear for the noticed hearing for his arraignment on these charges of contempt. If Rodriguez appears, as he is obligated to do, to be arraigned, obviously no warrant would be needed.

## II. BACKGROUND

### A. THIS COURT ENTERED A PERMANENT INJUNCTION REQUIRING DEFENDANTS TO CEASE MAKING AND DISSEMINATING THE DEFAMATORY STATEMENTS AND TO REMOVE THE EXISTING DEFAMATORY POSTS.

This Court entered the Permanent Injunction against all Defendants on August 25, 2023.

*See* Affidavit of Anne Henderson Haws (“AHH Aff.”), ¶ 6, Ex. E. In the 40-page opinion, the Permanent Injunction includes evaluation of the evidence presented at trial, which included testimony from 24 witnesses and thousands of pages of documentary evidence over the course of an eight-day trial. *Id.*, ¶ 6, Ex. B.

Relevant to this motion, the Court made specific findings regarding the falsity of the statements made and perpetuated by Defendants, including Rodriguez. *See id.* Among other things, the Court found the following, non-exclusive list of statements to be “intentionally, materially false and malicious defamat[ion]”:

- a. The Infant was perfectly healthy when taken by CPS.
- b. St. Luke’s made the Infant sick and infected the Infant with disease.
- c. The Infant was kidnapped or unlawfully taken by law enforcement or St. Luke’s.
- d. St. Luke’s, St. Luke’s management, law enforcement, DHW, the courts, and medical practitioners are all involved in a conspiracy to engage in criminal child trafficking, kidnapping children and stealing children to make money.
- e. The medical providers are pedophiles who want to abuse children and engage in child trafficking.
- f. DHW makes more money for every child it takes into CPS custody and that is why the DHW kidnaps and traffics children and only allows certain people with a specific sexual orientation to adopt children.
- g. St. Luke’s and the medical practitioners intentionally or negligently harmed or injured the Infant, committed medical malpractice and/or misdiagnosed the Infant.
- h. St. Luke’s reported the parents to CPS.

- i. Dr. Erickson threatened to file a report with CPS if the parents did not agree to the treatment plan between March 1-4, 2022.
- j. St. Luke's intentionally kept the Infant longer than necessary in the hospital because the parents did not want the Infant vaccinated.
- k. The family was discriminated against because the Infant was not vaccinated.
- l. The parents have thousands of dollars in medical bills they have to pay based on the care provided by St. Luke's or any medical provider.
- m. The parents did not consent to the medical treatment provided to the Infant.
- n. The Infant was released from the St. Luke's Children's Hospital and returned directly to the family due to *the protestors'* or Defendants' actions.

*Id.*, Ex. E, ¶ 73.

The Permanent Injunction stated that Defendants must:

1. Cease posting and disseminating defamatory statements against all Plaintiffs.
2. Cease making statements that any of the Plaintiffs are criminals and/or are participating in unlawful kidnapping, trafficking, sexual or other abuse, and/or killing of children.
3. Remove from all online locations or websites Defendants have authority to do so any and all statements that the Plaintiffs are criminals and/or participating in the kidnapping, trafficking, sexual or any other abuse, and/or killing of children.
4. Cease disseminating and encouraging others to disseminate the contact information, personal information, and images of Mr. Roth, Dr. Erickson, and NP Jungman.
5. Remove from all online locations and websites Defendants have authority to do so the contact information, personal information, and/or images of Mr. Roth, Dr. Erickson, and NP Jungman.

6. Deactivate links on other websites where Defendants or their agents posted links to defamatory statements or statements that invade the privacy of Plaintiffs by portraying them in a false light.

*Id.*, Ex. E at 37.

The Permanent Injunction expressly puts Defendants on notice that “[f]ailure by the Defendants to follow the Order for Permanent Injunctive Relief may lead to contempt proceedings, sanctions and other legal ramifications.” *Id.*

The Permanent Injunction was duly served on all Defendants. *See id.*, ¶ 6, Ex. E at 40 (clerk of the court’s certificate of service showing service on August 25, 2023).

Final judgment was entered August 29, 2023. *Id.*, ¶ 7, Ex. F. Rodriguez filed a notice of appeal on October 4, 2023. *Id.*, ¶ 9.

**B. PLAINTIFFS HAVE TAKEN—AND ARE TAKING—ADDITIONAL STEPS TO ADDRESS RODRIGUEZ’S VIOLATIONS OF THE PERMANENT INJUNCTION.**

As an extra measure of notice to Rodriguez, Plaintiffs served a cease-and-desist letter attaching the Permanent Injunction to Rodriguez. *Id.*, ¶ 8, Exs. G, H, I. The cease-and-desist letter was sent via email and U.S. mail. *Id.* The email address used was [freedommanpress@protonmail.com](mailto:freedommanpress@protonmail.com). Plaintiffs’ counsel has used this email address to communicate back and forth with Rodriguez throughout this lawsuit. *Id.* This is also the email address Rodriguez uses for e-service on iCourt. *Id.* The address used was likewise Rodriguez’s service address, 1317 Edgewater Drive #5077, Orlando, Florida 32804. *Id.* The cease-and-desist letter informed Rodriguez that he was in violation of the Permanent Injunction. *See id.*, Exs. G, H, I.

Plaintiffs are additionally taking the onerous steps to request from the many third-party platforms that posts be removed based on the findings of fact and conclusions of law

accompanying the Court’s Permanent Injunction. *Id.*, ¶ 9. This should not be their burden; Rodriguez has been ordered to remove the same posts. *Id.* But Plaintiffs are nonetheless taking all steps to combat the ongoing harm that Rodriguez inflicts with his refusal to obey the Permanent Injunction. *Id.*

**C. RODRIGUEZ HAS PERPETUATED THE DEFAMATION.**

**1. Rodriguez Has Posted New Content That Violates the Permanent Injunction.**

After the Permanent Injunction was entered, Rodriguez added further defamatory statements to <https://stlukesexposed.com>. *Id.*, ¶ 10. For instance, on or around October 1, 2023, he added an “FAQ” page to the site, repeating the falsehood that “CPS works together with law enforcement and ‘health care’ organizations like St. Luke’s to kidnap babies under the guise of ‘medical emergencies’ in order to get money provided to them through the Federal Government’s ASFA program.” *Id.*, ¶ 10, Ex. C12. On or around October 10, 2023, Rodriguez added to <https://stlukesexposed.com> defamatory web posts regarding trial witnesses Christopher McGilvery and Sean King, repeating the same lies about them originally posted on his <https://freedomman.org> website. *Id.*, ¶ 10, Ex. C29. On or around November 1, 2023, Rodriguez added a new post linking to a video on “government subsidized trafficking” to his <https://freedomman.org> website. *Id.*, ¶ 10, Ex. B74.

And Rodriguez continues to promote himself in the extremist quasi-media. In December, Rodriguez appeared in an interview with “North Idaho Exposed,” in which he repeats that the Infant was kidnapped illegally by government-subsidized child trafficking. *See id.*, ¶ 11, Ex. J, available at <https://rumble.com/v425m7r-diego-rodriguez-sheriff-mack-show-december-19-2023.html>. On January 22, 2024, Rodriguez appeared on the John B. Wells show to repeat (among other lies) the false conspiracy theory about St. Luke’s, the Infant, and child trafficking.

See *id.*, ¶ 11, Ex. K, available at <https://rumble.com/v48nslf-save-our-children-john-b-wells-live.html>.

**2. Rodriguez Did Not Remove the Defamatory Content That Was Online Before the Permanent Injunction Was Entered, and He Re-Posted Content Taken Down by Third Parties.**

Rodriguez did not respond to Plaintiffs’ counsel’s cease-and-desist letter. *Id.*, ¶ 12. Plaintiffs had more success, however, with their take-down requests to third-party platforms, described above. *Id.* Once served with the Permanent Injunction, third parties took down <https://freedomman.org> and <https://stlukesexposed.com>. *Id.*

In response to the third parties’ take-down of the defamatory webpages, Rodriguez has re-posted identical content in violation of the Permanent Injunction, using offshore hosts to frustrate third-party removal of the defamatory posts. *Id.*, ¶ 13. While the defamatory <https://freedomman.org> posts have been properly taken down by third parties, Rodriguez reposted the same content on <https://freedomman.ws> and <https://freedomman.nl>. *Id.* The content at <https://freedomman.ws> remains online. *Id.* The content at <https://freedomman.nl> was removed from online on or about April 12, 2024, although it is uncertain whether the <https://freedomman.nl> website will remain down. *Id.*

In the same manner, Rodriguez made the defamatory content from <https://stlukesexposed.com> available at <https://stlukesexposed.ws> and <https://stlukesexposed.nl> in blatant defiance of the Permanent Injunction. *Id.*, ¶ 14. In February 2024, Plaintiffs filed a complaint in accordance with the Uniform Domain Name Dispute Resolution Policy (“UDRP”). The purpose of the UDRP complaint was to protect St. Luke’s trademarks from use by Rodriguez. The relief in the UDRP complaint was granted on March 20, 2024, by the Forum on Domain Disputes. The <https://stlukesexposed.com>, <https://stlukesexposed.net>, and

<https://stlukesexposed.ws> domain names were transferred to St. Luke's due to the trademark violations in the URLs. *Id.*, ¶ 14, Ex. L. As a result of this transfer, the <https://stlukesexposed.ws> site has been taken down. Around the same time, the content from <https://stlukesexposed.nl> was taken down, but it is uncertain whether the site will remain down. *Id.*

Shortly afterward, on or about April 5, 2024, Rodriguez caused the same defamatory content from <https://stlukesexposed.com>, <https://stlukesexposed.ws>, and <https://stlukesexposed.nl> to be posted at <https://stlukes.exposed>. *Id.*, ¶ 15.

A full index of the defamatory postings by Rodriguez is found at Exhibit A to the Affidavit of Anne Henderson Haws, filed concurrently with this motion.

**D. RODRIGUEZ WILL LIKELY DISREGARD A NOTICE TO APPEAR.**

Rodriguez refused to show up to hearings regarding Plaintiffs' prior contempt motion charging Rodriguez with violations of the Court's protective order prohibiting witness intimidation. *Id.*, ¶ 16. There is a warrant of attachment for him to be brought before the Court to be arraigned on the earlier contempt charges. *Id.* While he could have voluntarily appeared for arraignment on the earlier contempt charges, he has failed to do so. *Id.* This pattern of avoiding hearings that might result in him being held accountable demonstrates the improbability of his voluntary appearance for arraignment for violations of the Permanent Injunction. *Id.*

**III. ARGUMENT**

**A. RODRIGUEZ'S APPEAL DOES NOT HAVE ANY EFFECT ON THIS MOTION.**

As a threshold matter, Rodriguez's appeal does not affect this Court's authority to enforce the Permanent Injunction. After the initial 14-day automatic stay of district court proceedings following the filing of a notice of appeal, "[a]ny further stay of proceedings and execution of judgments covered by this rule shall be only by order of the district court or the



Supreme Court.” I.A.R. 13(a). Moreover, Rule 13 specifies that the district court retains “the power and authority . . . during the pendency of an appeal: . . . [to] [t]ake any action or enter any order required for the enforcement of any judgment or order.” I.A.R. 13(b)(13); *see also State v. Garcia*, 159 Idaho 6, 13, 355 P.3d 635, 642 (2015) (discussing court’s inherent power to enforce its orders through contempt).

Rodriguez’s appeal has no effect on this contempt motion.

**B. THE COURT SHOULD HOLD RODRIGUEZ IN CONTEMPT.**

Plaintiffs seek an order from this Court holding Rodriguez in contempt pursuant to Idaho Code § 7-601 *et seq.* and Idaho Rule of Civil Procedure 75(c). The district court has inherent power to enforce its orders and “discretion to determine what sanctions to impose for contempt.” *Chavez v. Canyon Cnty.*, 152 Idaho 297, 304, 271 P.3d 695, 702 (2012); *see also Steiner v. Gilbert*, 144 Idaho 240, 247, 159 P.3d 877, 884 (2007) (holding that I.C. § 7-610 does not preclude alternative civil sanctions under the common law or I.C. § 1-1603).

This Court can impose civil or criminal sanctions. *See In re Williams*, 120 Idaho 473, 480, 817 P.2d 139, 146 (1991) (“When sanctions are imposed to punish the contemnor for past acts, the contempt is criminal; when sanctions are imposed for compensatory or coercive reasons, the contempt is civil in nature.”). The burden of proof for proving civil contempt is preponderance of the evidence, while the burden for criminal contempt is beyond reasonable doubt. *Chavez*, 152 Idaho at 304, 271 P.3d at 702 (civil); *Rice*, 145 Idaho at 556, 181 P.3d at 482 (criminal).

**1. Plaintiffs Have Appropriately Initiated Contempt and Will Establish Its Elements in a Contempt Trial.**

In order to hold a party in contempt, the movant must establish that the alleged contemnor (1) violated a “clear and unequivocal” order of the court (2) willfully. *State v. Rice*,

145 Idaho 554, 556, 181 P.3d 480, 482 (2008). For purposes of contempt proceedings, willfulness means “an indifferent disregard of duty” or “remissness and failure in performance of a duty[.]” *In re Weick*, 142 Idaho 275, 281, 127 P.3d 178, 184 (2005); *see also Wechsler v. Wechsler*, 162 Idaho 900, 917, 407 P.3d 214, 231 (2017) (holding willfulness demonstrated when contemnor refused receiver entry to his home after being ordered to turn over certain documents and items to receiver).

**2. Rodriguez Is in Violation of the Clear and Unequivocal Language of the Permanent Injunction.**

As explained above, Rodriguez has continued the same disinformation campaign against Plaintiffs, which was found defamatory and enjoined. Not only has he refused to remove the posts that violated the Permanent Injunction, but he created new posts and participated in extremist media interviews after entry of the Permanent Injunction. Then, when the defamatory web pages were removed by third parties, Rodriguez republished them.

He has clearly demonstrated through this conduct that he will violate the Permanent Injunction until he is forced to stop. A strong remedy is needed here—to punish the past violations and to coerce the removal of the violating posts hosted offshore (extensions .ws and .exposed).

And it bears repeating that Rodriguez’s violations are not without harm or victim. 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. Anything less than a strong remedy would send the message that the rule of law can be evaded, and innocent individuals’ reputations can be disparaged with impunity.

**3. Plaintiffs Have Demonstrated Probable Cause for a Warrant of Attachment, Should One Be Necessary.**

A warrant of attachment may be issued by a court when: (1) there is probable cause to believe that the defendant committed the contempt; and (2) there was reasonable grounds to believe that the defendant would disregard a written notice to appear. *See* I.R.C.P. 75(e)(1); *see also Beck v. Elmore Cnty. Magistrate Ct. (In re Writ of Prohibition)*, 168 Idaho 909, 920-21, 489 P.3d 820, 831-32 (2021) (discussing requirements for warrants of attachment in contempt).

Here, Plaintiffs have established probable cause that Rodriguez is in contempt for violating the Permanent Injunction. *See supra*.

There is probable cause that Rodriguez violated the orders willfully. He received proper notice of the Permanent Injunction. Instead of obeying it, he engaged in a pattern of conduct to perpetuate the very lies he had been ordered to remove and cease disseminating.

And it is reasonable to believe that Rodriguez will fail to appear to be arraigned on these charges of contempt. He has already chosen to violate several orders in this lawsuit. He has refused to appear before this Court on prior (and still pending) charges of contempt, for which there remains an outstanding warrant of attachment.

If Rodriguez fails to appear for the noticed hearing for his arraignment on these charges of contempt, a warrant of attachment should issue.

**C. PLAINTIFFS REQUEST THEIR ATTORNEYS' FEES AND COSTS INCURRED RELATED TO THEIR MOTION FOR CONTEMPT.**

Plaintiffs request their attorneys' fees and costs incurred in prosecuting this contempt proceeding on the Permanent Injunction. *See* I.R.C.P. 75(m) ("In any contempt proceeding, the court may award the prevailing party costs and reasonable attorneys' fees under Idaho Code

Section 7-610, regardless of whether the court imposes a civil sanction, a criminal sanction, or no sanction.”).

#### IV. CONCLUSION

For the reasons stated above, Plaintiffs respectfully request that the Court grant their Motion for Contempt. Unless and until the Permanent Injunction is enforced, Rodriguez will continue to act as if the law does not apply to him, harming Plaintiffs and others.

DATED: May 8, 2024.

HOLLAND & HART LLP

By: /s/ Erik F. Stidham

Erik F. Stidham

Robert A. Faucher

Jennifer M. Jensen

Zachery J. McCraney

Anne Henderson Haws

*Counsel for Plaintiffs*

## CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May, 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  
Ammon Bundy for Governor  
People's Rights Network  
c/o Ammon Bundy  
P.O. Box 1062  
Cedar City, Utah 84712

- ☒ U.S. Mail
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☒ Email/iCourt/eServe: [aebundy@bundyfarms.com](mailto:aebundy@bundyfarms.com)

Freedom Man PAC  
Freedom Man Press LLC  
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1317 Edgewater Dr., #5077  
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- ☐ Hand Delivered
- ☐ Overnight Mail
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/s/ Erik F. Stidham

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