

Diego Rodriguez
1317 Edgewater Drive #5077
Orlando, FL 32804
(208) 891-7728

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 March 6th, 2025.

I, Diego Rodriguez, come humbly before you to ask you to consider this *Response to the Motion to Dismiss* my appeal. The attorneys at Holland and Hart, acting on behalf of the original Plaintiffs, are simply lying and attempting to manipulate the court by using legal tactics that are

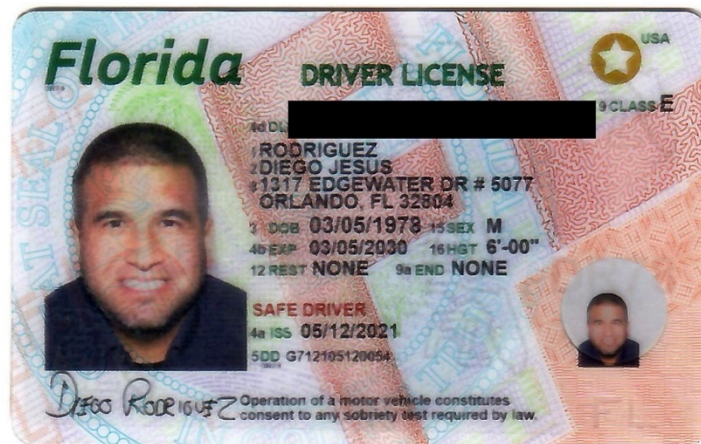
absurd and non-applicable. They know what they are doing. They know they are lying and mispresenting facts, but they believe they can get away with it.

Their recent Motion to Dismiss the Appeal is based on the *Fugitive Disentitlement Doctrine*, which is a legal principle that prevents fugitives from seeking relief in court while they evade justice. As understood, this doctrine means that if a person is fleeing from law enforcement or refusing to comply with legal obligations (such as appearing in court), they may be barred from asserting claims or defenses in legal proceedings.

The Fugitive Entitlement Doctrine is supposed to only be used or only apply to an actual fugitive. The general legal definition of a “fugitive” is “... a person who flees from custody, jurisdiction, or prosecution to avoid arrest, trial, or punishment.” Moreover, the federal law definition of a “fugitive” is codified in 18 U.S.C. § 1073 (Unlawful Flight to Avoid Prosecution or Giving Testimony), where a fugitive is someone who:

1. Moves across state lines or leaves the country.
2. With the intent to avoid prosecution, testimony, or service of legal process.

Holland and Hart attorneys are well aware that I live in Florida. **And I been a legal resident of Florida since May of 2021 (way before this lawsuit ever began).** This can be easily demonstrated by the issue date on my Florida Driver’s license (below).



This original lawsuit wasn’t even filed until May of 2022, a full year AFTER I had already moved to Florida. *And the entire proceedings of this case took place while I was a legal resident of Florida.* So, it is very plain, evident, and obvious, that I cannot be a “fugitive”

according to the actual legal definition of a “fugitive” since I did not leave Idaho with the intent to “avoid prosecution, testimony, or service of legal process.” I simply live in another state.

The law does not consider someone a “fugitive” just for mere absence from a jurisdiction—there must be an element of *intent to evade* legal process. The law has likewise generally noted three instances in which the Fugitive Entitlement Doctrine does not apply:

1. **Legitimate Residency** – *If someone simply resides in another state without any pending legal obligations or evasive behavior, the doctrine does not apply.* I do not live in Idaho, and I have been a legal resident of Florida since before this lawsuit ever began.
2. **No Active Evasion** – *If a person is responding to legal processes (e.g., attending court remotely or complying with legal requirements), they are not considered a fugitive.* Likewise, I have been responsive during this legal process. I have attended remotely whenever it has been requested or required of me.
3. **No Interference with Court Proceedings** – *If their absence does not hinder the case, courts may not invoke the doctrine.* The fact that I live in Florida has likewise not legally hindered the case in any way, nor will it interfere with the court proceedings. This is simply an attempt by Holland and Hart to harass me as their opponent, and to weaponize the justice system to bring physical harm and emotional duress to me, in what should otherwise be a standard appellate procedure.

The U.S. Supreme Court has likewise already ruled on this issue in at least two cases:

- **Degen v. United States (1996)** – The Supreme Court addressed the application of the fugitive disentitlement doctrine in civil forfeiture proceedings. The Court held that a district court could not strike a claimant’s filings or grant summary judgment against him in a civil forfeiture case merely because he was a fugitive from related criminal charge. The court concluded very specifically, “...the sanction of disentitlement is most severe and so could disserve the dignitary purposes for which it is invoked. The dignity of a court derives from the respect accorded its judgments. That respect is eroded, not enhanced, by too free a recourse to rules foreclosing consideration of claims on the merits.”

- **Ortega-Rodriguez v. United States (1993)** – The Supreme Court addressed the application of the fugitive disentitlement doctrine and held that this doctrine should not be applied when a defendant’s fugitive status occurred entirely during the district court proceedings and had no connection to the appellate process. The Court emphasized that the justifications for dismissing an appeal under this doctrine—such as concerns about enforceability of judgments, waiver or abandonment of claims, and deterrence of flight—are relevant only when the defendant’s fugitive status has a significant connection to the appellate process. Specifically, the Court stated, *“The justifications we have advanced for allowing appellate courts to dismiss pending fugitive appeals all assume some connection between a defendant’s fugitive status and the appellate process, sufficient to make an appellate sanction a reasonable response.”* Mr. Rodriguez is not even a fugitive according to the legal definition of the word. But even if he were, his alleged fugitive status would have entirely occurred during the district court proceedings and had no connection with the appellate process therefore the Fugitive Disentitlement Doctrine should not be allowed according to Ortega-Rodriguez v. United States.

It is a grave concern that the Holland and Hart attorneys believe they can manipulate the court by making false claims and knowingly submit this Motion to Dismiss when they are fully aware of the fact that I am not a “fugitive,” and I simply live in another state.

LIES FROM THE MOTION TO DISMISS

- **Lie # 1** “...he refuses to submit to the jurisdiction of the district court.” This is a lie. I have never once *refused* to submit to the jurisdiction of the court. I simply live in Florida.
- **Lie #2** “...Rodriguez’s strategy of avoiding arrest allows him the opportunity to continue re-posting his lies...” I have no “strategy of avoiding arrest.” I simply live in Florida. They are liars, and they don’t have a single shred of evidence to demonstrate that I have ever done a thing to “avoid arrest” because no such evidence exists.
- **Lie #3** “Rodriguez litigates from Florida to avoid arrest in Idaho.” I don’t litigate in Florida to avoid arrest in Idaho. What a lie! I simply live in Florida and have lived here since **before the lawsuit began.**

- **Lie #4** “...while defying the warrants issued on contempt charges...” I have not defied any warrants. I was never even made formally or legally aware of their existence! If there is something I am supposed to do as a result of having these warrants issued against me, then no legal authority has ever made me aware of what it is I’m supposed to do, to this day! Am I supposed to call someone? Do we have a remote meeting via Zoom? I’m happy to do what is required of me if some true legal authority will simply give me that direction.
- **Lie #5** “...Rodriguez is a fugitive within the meaning of the doctrine.” Actually, I am not. I have already demonstrated above that according to the actual law, I am definitively NOT a fugitive. They are simply lying.
- **Lie #6** “...[he] litigates from afar to evade arrest.” No, I simply live “afar.”
- **Lie #7** “...the warrants issued because the court found probable cause that Rodriguez had threatened witnesses.” This is an abject lie! I never threatened any witnesses nor would I do such a thing. It is contrary to my moral code, and I will face a much higher authority than the Idaho District Court of Supreme Court for doing such a thing. God’s law does not allow me to threaten a witness, and I would never do so. Making this false claim against me is like saying that I smoke cigarettes. I’ve never done it, never would do it, and there will never be any evidence that I have.

They likewise claim that “dismissal would not be excessive because Rodriguez manipulates the court system by selectively seeking aid of this Court while disobeying court orders.” Their only claim to support this false assertion is that I simply live in another state. The truth is that the only ones manipulating the court system is them! They are masters and experts at manipulating the legal system so they can use it as a weapon against their enemies—in a way never intended by our founding fathers. They have spent over \$1 million dollars with their attorneys to attack us. I have no attorneys representing me because I simply can’t afford them. And even if I could, is it fair or just to have to spend \$1 million to prove your innocence, when you have done no wrong? Is it fair or just that powerful, politically connected entities, who get millions of dollars of government money can simply write a blank check to destroy people who have denounced them by publishing true facts about their activities, simply because such harassment and destruction is possible using the existing legal system? Simply stated, Holland

and Hart law firm are master manipulators of the Judiciary and abusers of the legal system.
Honest and righteous judges should not facilitate this continued manipulation and abuse.

The St Luke's Plaintiffs with their Holland and Hart attorneys either have no respect for the court, or they believe they can get away with such chicanery, or they are so accustomed to bullying their opponents through the use of never-ending lawfare and harassment, that they continue to do so because they have never faced any consequences in the past for such actions.

Background Regarding the Warrants

While it is true that I have two warrants, it is also true that I have no idea what they are for, and I have never been informed of their existence by any legal authority, nor have I been served any notice that they exist. I simply know they exist because someone else looked up my name at the Ada County Sheriff's website and saw my name with the warrants listed and forwarded that information to me. Originally, there was only one warrant, but now I understand there is a second, and I have no idea what it is for.

It was suggested to me that the original warrant is because I have not paid Attorney's fees that I was ordered to pay by Judge Lynn Norton. And since I did not pay them, she allegedly held me in contempt of court and issued a warrant for my arrest. If that is so, then it is actually a perfect example of why the claim of "Fugitive Disentitlement Doctrine" is so absurd and abominable in the first place in this case. *Because Judge Lynn Norton's jurisdiction over this case is at the heart of the appeal.* The documents and evidence provided in the Appeal demonstrate that she is a biased and impartial judge. **In fact, one of the major contentions of the appeal is that Judge Lynn Norton should have dismissed herself from the case since she is and was a demonstrably and evidently biased and impartial judge,** being married to a long time employee of the Bureau of Land Management (BLM), the entity which not only spent over \$100 million to destroy the Bundy family (who is a defendant in this case), but the BLM has also been exposed by an internal whistleblower for having a culture of corruption and wickedness, who attempted to thwart the law in order to destroy the Bundy family, and to provoke a situation which would conclude in the actual death of members of the Bundy family. That whistleblower testimony has been provided as evidence in the Appeal. Judge Lynn Norton should never have been allowed to rule over this case. But she did and she was.

And how would that be fair, or have any appearance of fairness to the watching world, that my Appeal was dismissed because the very judge who I am claiming was biased against us (and for which I have provided ample evidence in the Appeal itself), issued a warrant for my arrest even though I lived out of state, and that resulted in the court falsely viewing me as a “fugitive” (which I am not by legal definition), which would mean that her own misconduct and failure to recuse herself could never be investigated or otherwise considered by the court? That would amount to nothing more than pure judicial tyranny and the plain appearance of judicial corruption. Or as the Supreme Court has already ruled on this very issue and eloquently concluded that, “*The dignity of a court derives from the respect accorded its judgments. That respect is eroded, not enhanced, by too free a recourse to rules foreclosing consideration of claims on the merits.*” To grant the Motion to Dismiss would be to erode the respect of the Idaho Court System to the watching world.

Furthermore, it is illegal in the United States to arrest citizens and/or put them in jail for not paying a debt. So, by extension, it should likewise be recognized as inappropriate to force someone to pay a debt by order of the court, and then hold that citizen in contempt of court, being subject to potential jailtime, for not paying it. In the end, it amounts to the same thing. But it is simply a legal loophole which allows corrupt judges to hold people they don’t like in “debtor’s prisons.” It is a shameful abuse of power. (I don’t have the money to pay for it anyhow, even though I contend that I should not be forced to pay since the motions that I filed were entirely relevant, yet they challenged Judge Norton and demonstrated her bias against me—that is why she ruled against me. The only recourse I was told that I had was to file a complaint with the Idaho Judicial Council, which I did, and which you can see as Exhibit A.)

As noted above, I have no idea what the second warrant is for. But Holland and Hart attorneys in their Motion to Dismiss claim that it is for “violating the permanent injunction.” I find it amazing that they claim to know what the warrant is for, yet I have never been notified of it. How can these attorneys, who consider themselves to be my enemies, have legal knowledge about a warrant against me, but I personally have never been legally notified of it? What proof is there of the claims in the warrant? What service or due process has been done? That is all very concerning.

If the Motion to Dismiss is granted based on the *Fugitive Disentitlement Doctrine*, which this court has previously **never** adopted, it would mean that the court would set a brand new standard and precedent to invoke a doctrine that would only serve to create more injustice, give the appearance of abject corruption to a watching world, erode the respect of the Idaho Court system, and prevent a Judge from being investigated in a case where she clearly had bias and should have recused herself, all because that self-same Judge issued a warrant (whose validity is still in question) against a defendant who lives in another state, and has always lived in that other state since the beginning of the lawsuit, and has never “evaded” or intentionally fled anywhere in order to allegedly “evade” the lawsuit.

The Plaintiff’s attorneys likewise recognize that this court has never adopted this “Fugitive Disentitlement Doctrine,” as they stated, “*While this Court has not adopted the fugitive disentitlement doctrine, the Idaho Court of Appeals has addressed it in criminal cases...*” To that I would like to remind the court that this is not a criminal case. It is a civil case that arose for the simple and basic reason that my own grandson was kidnapped at the point of a gun, and forcefully held at St. Luke’s Hospital without his parent’s consent, intentionally kept away from his mother’s breastmilk (which was the only food he could hold down), and brought to the edge of death by careless doctors and nurses who left him wallowing in a pool of his own vomit (there’s pictures and medical reports proving this), and likely caused him to get a C-DIFF infection. I was sued simply for telling *that* truth and also telling *the* truth that St. Luke’s hospital was compensated in this process, TRUTHS THAT ARE STILL TRUE to this day. That is what this case is about. It is not a criminal case. ***It is a case of a grandfather fighting back against a system that profited off of the kidnapping of his grandson.***

Holland and Hart’s filing of this Motion to Dismiss is a clear indicator of their modus operandi to use the court system as a weapon to harm, harass, and destroy their opponents without concern for justice or truth. More evidence of this can be seen in their request to alternatively “*dismiss with leave to file a motion to reinstate (within a defined, reasonable period of time), if he appears in person and submits to the district court’s jurisdiction in the two pending contempt actions.*” The intent here again is to ensure that their clients do not have to face the consequences of their fraudulent lawsuit against me (and the other defendants), while trying to somehow force me, using the court system, to be subject to physical harm and potential

imprisonment in a jurisdiction that is over 2,000 miles away from my domicile. That is absurd. If they cared about justice, they would simply respond to the Appeal in accordance with the Idaho Rules of Civil Procedure and let the Idaho Supreme Court rule on the case based on the actual merits of the case itself. There would be no reason or use to try to force physical harm and continued legal harassment of the defendants through never-ending legal filings and procedures. The court should see through their abusive behavior and should neither reward it nor facilitate it.

Plainly stated, Mr. Rodriguez is not a fugitive. He does not qualify legally as a fugitive according to US Code. He is just a grandfather who loves his grandson and told the truth in order to protect him. The fugitive disentitlement doctrine does not apply to him. And the US Supreme Court has already ruled on this issue—in this case, the Fugitive Disentitlement Doctrine simply does not and cannot apply. The Motion to Dismiss must be rejected by this court.

DATED: March 20th, 2025

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)

Erik F. Stidham (ISB #5483)
HOLLAND & HART LLP
800 W. Main Street, Suite 1750
Boise, ID 83702-5974

☐ By Mail

☐ By fax

☒ By Email/iCourt/eServe

Ammon Bundy
4615 Harvest Lane
Emmet, ID 83617

☐ By Mail

☐ By fax

☒ By Email/iCourt/eServe

DATED: March 20th, 2025

By: /s/ Diego Rodriguez

Diego Rodriguez

EXHIBIT A

**Judicial Complaint filed against Judge
Lynn Norton**

July 3rd, 2023

Idaho Judicial Council
P.O. Box 1397
Boise, ID 83701

To the Idaho Judicial Council –

I believe and have evidence that Judge Lynn Norton has violated the Code of Judicial Conduct by specifically failing to perform her duties impartially and diligently, and also by prejudicial conduct to the administration of justice that brings the office into disrepute.

Below, I have included 8 very specific things she has done which demonstrate her misconduct as a judge, her violations of both the U.S. Constitution and the Idaho State Constitution, and her general tyranny over American Citizens:

1. She issued an order against Diego Rodriguez without having jurisdiction over him or the case in question.

On July 12th, Judge Lynn Norton issued an order against Diego Rodriguez ordering him to “to respond to those Interrogatories on or before August 5, 2022.” However, Diego Rodriguez was not officially served in this matter until September 7th, 2022. Therefore, Judge Lynn Norton did not have jurisdiction over Diego Rodriguez or this case until September 7th. Any orders issued before September 7th, 2022 are unlawful. And in this order itself, Judge Lynn Norton acknowledges the fact that Diego Rodriguez and Ammon Bundy, the defendants in this case, were not notified of the order since it is noted that neither of their address were on file as can be seen in the screenshot below (also attached as Exhibit A):

CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham
PO Box 2527
Boise, ID 83701

efstidham@hollandhart.com

☒ E-mail

No known address is court file for:

Ammon Bundy

Diego Rodriguez

Phil McGrane
Clerk of the Court

Dated: 07/12/2022

By: Janine Korsen
Deputy Clerk



2. Judge Lynn Norton used her previous unlawful order as the premise to issue another order against Diego Rodriguez forcing him to pay legal fees to the plaintiff's attorney.

On November 29th, 2022, Judge Lynn Norton issued an additional order against Diego Rodriguez, ordering him to pay \$5,408.10 of fees to the plaintiff's attorney based on the claim that Diego Rodriguez did not obey the previous order. However, Diego Rodriguez is not bound to obey an unlawful order.

Her claim is that Diego Rodriguez had to obey the unlawful order simply because Diego did not file a Rule 12(b) motion. However, a Rule 12(b) motion cannot apply to a case where the defendant still has yet to be legally served. Rule 12(b) applies to Diego's response, which he did file, on September 6th, 2022.

In no wise, does the lack of filing of a 12(b) motion change the fact that the court cannot issue orders against Diego Rodriguez BEFORE Diego has been legally served. (This order can be seen as Exhibit B.)

3. Judge Lynn Norton issued an order demanding that Diego Rodriguez, a citizen of the state of Florida, attend a deposition in Boise, Idaho at his own expense.

On April 24, 2023, Judge Lynn Norton issued an order demanding that Diego Rodriguez attend a deposition in Boise, Idaho as can be seen in the screenshot below:

This Court ORDERS Defendant Rodriguez to attend the deposition in Boise, Idaho, that will be noticed by the Plaintiffs no later than May 24, 2023 and answer these questions fully and provide in advance of the deposition or, at the latest, bring with him all responsive documents to disclose to Plaintiffs.

While the Plaintiffs request the Court enter a default judgment against Defendant Rodriguez at this point, the Court finds that while Rodriguez's lack of responses delays the discovery in this case, and may eventually delay the trial of this matter, the Court



ORDER GRANTING PLAINTIFFS' MOTION FOR SANCTIONS AGAINST RODRIGUEZ FOR FAILURE TO COMPLY WITH COURT ORDERS

Page 10 of 12

This is a civil case and this order is therefore a violation of the Rules of Civil Procedure Rule 45 (c)(1) plainly states: *For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows: (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or (B) within the state where the person resides, is employed, or regularly transacts business in person.*

I live in Florida, over 2,000 miles away from Boise, Idaho, and Judge Lynn Norton is fully aware of that fact and has stated so in multiple rulings and orders. Judge Lynn

Norton is intentionally issuing unlawful orders, apparently, just to cause Diego Rodriguez harm and frustration.

4. Judge Lynn Norton refused to obey Idaho Civil Rules and Procedure Rule #55 and put Ammon Bundy in jeopardy of his life, liberty, and property by breaking this law/rule.

Ammon Bundy is a defendant named in this case, and decided to ignore the case and allow himself to suffer by receiving a default judgment as this is what the Idaho Rules of Civil Procedure demand and declare, *"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."*

Judge Lynn Norton refused to obey the Idaho Civil Rules and Procedure #55 and has therefore brought additional harm and injustice to Ammon Bundy.

5. Judge Lynn Norton unlawfully held Ammon Bundy in contempt of court and has put his life, liberty, and property in jeopardy without cause.

Judge Lynn Norton signed a warrant to arrest Ammon Bundy for contempt of court for allegedly violating a protective order that was issued against him. However, Ammon Bundy would never be subject to the protective order in the first place, had Judge Lynn Norton obeyed the I.R.C.P. Rule #55 which she is required to do.

Nevertheless, even if Ammon was subject to such protective order, he plainly did not violate it. The protective order states, and is attached as Exhibit D, *"Any person who, by direct or indirect force, or by any threats to a person or property, or by any manner wilfully intimidates, threatens or harasses any person because such person has testified or because he believes that such person has testified in this lawsuit may be held in contempt of court."*

Ammon Bundy simply never did such a thing. On the contrary, in a general article not aimed or directed at any person, and especially not at any person in this case, Ammon Bundy made a call for peaceful unity. Later in his article, he went on to say, *"Stop thinking that the courts or elected representatives are going to save us. Stop worshipping the police or anyone else that secures more power to the institutions that threaten freedom. Stop wasting your time thinking that congress or the president is where the solution resides. Stop being afraid. Stop thinking that remaining free is easy, it's not! The people must balance the power that is forming against them. We must peacefully unite, plan and prepare so we are ABLE to defend ourselves as necessary. The right to defend yourself is a right that is given to you from God and a right that is protected in our founding documents. The same documents that mean nothing unless they can be enforced by the people."*

This is the written section of Ammon's article that Judge Lynn Norton claims violated the unlawful protective order that was issued against Ammon. Again, it was unlawful because it never would have been issued had Judge Norton obeyed the rules which

govern her behavior. Additionally, even if the order were lawful, Ammon's words were clearly not a violation of the order and anybody can plainly see that to be true.

Judge Norton has thereby violated Ammon Bundy's rights and has put his life and liberty in jeopardy as he has been subject to physical threats, harm, and harassment by law enforcement as a result of Judge Norton's orders. If Ammon, or anyone close to him, is harmed as a result of this order, it will be the fault of Judge Lynn Norton and her violations of law, the Idaho State Constitution, and the U.S. Constitution, which demonstrate her Judicial Misconduct by specifically failing to perform her duties impartially and diligently, and also by prejudicial conduct to the administration of justice that has brought the entire institution of the "Justice Department" of Idaho into disrepute.

6. Judge Lynn Norton issued a warrant for Diego Rodriguez's arrest with excessive bail, violating the US Constitution and the Idaho State Constitution.

The 8th Amendment to the US Constitution plainly states that "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Yet, Judge Lynn Norton issued a warrant for the arrest of Diego Rodriguez in this civil matter with a bail set at \$25,000. That is an unconscionable sum of money and is clearly excessive by anyone's judgment or estimation. There is no reasonable or logical reason for such an excessive amount of bail to be placed, particularly when fines for contempt of court in civil cases in Ada County normally amount to \$250 or less, and it definitely gives the impression to the public that Judge Lynn Norton is simply being vindictive against Diego Rodriguez since he has exercised his 1st amendment right of freedom of speech and has published many articles exposing what he believes to be corruption and tyranny on behalf of Judge Lynn Norton.

The Idaho State Constitution likewise in section 6 states, "Excessive bail shall not be required, nor excess fines imposed, nor cruel and unusual punishments inflicted." And to further demonstrate how excessive this bail is and how it is a deep violation of constitutionally protected rights, it must be noted that Idaho State Statute § 7-610 puts a limit of \$5,000 as the fine for contempt of court: "Upon the answer and evidence taken, the court or judge must determine whether the person proceeded against is guilty of the contempt charged, and if it be adjudged that he is guilty of the contempt, a fine may be imposed on him not exceeding five thousand dollars (\$5,000)."

7. Judge Lynn Norton issued a warrant for Ammon Bundy's arrest with excessive bail, violating the US Constitution and the Idaho State Constitution.

In the same manner listed above, Judge Lynn Norton issued a warrant for arrest for Ammon Bundy, which was unlawful, and also violated the Constitution with excessive bail issued at \$10,000.

8. Judge Lynn Norton issued an order striking all of Diego Rodriguez's answers from the record, violating his due process rights.

How can justice be served or proper judgments be made by any jury or public enquirer, if the defendant's responses to the complaint and allegations made against him are struck from the record? This is judicial bias and misconduct of the highest order and

has brought significant disrepute to the Idaho Judicial system. (Order attached as Exhibit E).

9. Judge Lynn Norton, in the same order, has prohibited Diego Rodriguez from presenting any evidence contrary to the allegations made against him by the plaintiffs.

This is a most egregious and heinous order that makes even the casual observer consider that communist tyranny is more just than Judge Lynn Norton's court room. This is the epitome of judicial misconduct and should never be tolerated.

10. Judge Lynn Norton denied Diego Rodriguez, a citizen of Florida, access to his pre-trial hearing via video when he requested it.

Judge Lynn Norton denied Diego Rodriguez access to the pre-trial hearing via videoconference because a member of the public had previously recorded a hearing and recorded it contrary to her orders. This recording was later posted to a Telegram group where Diego Rodriguez is allegedly an "administrator" of the page. Diego Rodriguez, however, did not instruct this person to make that record, nor did he have any influence over that person, and was not in communication with that person in any way. What another member of the public does should not have any effect or rendering upon judgment for Diego or any other defendant in this case. Judge Lynn Norton is therefore punishing Diego Rodriguez for the actions of another. This is judicial misconduct. (This order can be seen as Exhibit F).

11. Judge Lynn Norton demanded that Diego Rodriguez produce his 2022 tax returns in the year 2022, when they had no relevance to the case and they were not even required to be filed until April 2023.

While this issue might seem like a simple error and oversight on behalf of Judge Lynn Norton, when taken together with the other long train of abuses and usurpations, it demonstrates her continued violations of rights, her disregard for law and order, and her general tyrannical nature. One can only wonder how many people she has tyrannized and how often her tyranny has been exercised upon the citizens of Idaho. (This order can be seen as Exhibit G.)

12. Judge Lynn Norton ordered sanctions against Diego Rodriguez for not providing discovery requests which were entirely irrelevant and would not lead to admissible evidence, but she issued no sanctions against the Plaintiffs in this case for refusing to provide discovery that was entirely relevant and would have lead to admissible evidence.

Discovery requests by Diego Rodriguez that were completely refused and rejected included:

The amount of money St. Luke's hospital received for having Baby Cyrus in their possession.

The amount of money St. Luke's receives on an annual basis for receiving children from CPS.

The salary and total compensation package for Chris Roth in comparison to previous CEOs.

The amount of children who have died in St. Luke's hospital.
The number of people who died on ventilator's at St. Luke's hospital during the COVID pandemic.

These, along with other relevant discovery requests, that were made by Diego Rodriguez were simply rejected and Judge Lynn Norton never made any demands or orders against the Plaintiffs for rejecting these required requests, yet she issued sanctions against Diego Rodriguez for not providing discovery requests to totally irrelevant issues that were designed to simply frustrate, harass, and cause injury to Mr. Rodriguez—and would ultimately just serve as a complete waste of time and an unnecessary invasion of his privacy.

I certify that, to the best of my knowledge, the foregoing is true and correct.

Sincerely,

Diego Rodriguez
1317 Edgewater Dr #5077
Orlando, FL 32804
freedommanpress@protonmail.com

EXHIBIT A

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

St Lukes Health System LTD, St Lukes
Regional Medical Center LTD, Chris
Roth, Natasha Erickson, MD, Tracy
Jungman

Plaintiff,

vs.

Ammon Bundy, Ammon Bundy for
Governor, Diego Rodriguez, Freedom
Man PAC, Peoples Rights Network,
Freedom Man Press LLC

Defendant.

Case No. CV01-22-06789

**AMENDED ORDER GRANTING MOTION
TO EXPEDITE DISCOVERY**

THIS MATTER having come before the Court for hearing on June 3, 2022 on Plaintiffs Chris Roth and Natasha Erickson's Motion to Expedite Discovery, the Court finds good cause to approve said Motion.

NOW, THEREFORE, it is hereby ordered that the Motion to Expedite Discovery is GRANTED and:

- Plaintiffs Chris Roth and Natasha Erickson are GRANTED leave to serve the Expedited Interrogatories set out in Exhibits A & B to the Declaration of Erik Stidham ISO Motion to Expedite Discovery to Defendants Ammon Bundy and Diego Rodriguez respectively; and
- Defendants Ammon Bundy and Diego Rodriguez are ORDERED to respond to those Interrogatories **on or before August 5, 2022.**

IT IS ORDERED.

Dated: 7/12/2022 4:30:22 PM



Lynn Norton
District Judge



CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham
PO Box 2527
Boise, ID 83701

efstidham@hollandhart.com

☒ E-mail

No known address is court file for:

Ammon Bundy

Diego Rodriguez

Phil McGrane
Clerk of the Court

Dated: 07/12/2022

By: Janine Korsen
Deputy Clerk



EXHIBIT B

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

St Lukes Health System LTD, St
Lukes Regional Medical Center LTD,
Chris Roth, Natasha Erickson, MD,
Tracy Jungman
Plaintiff,

vs.

Ammon Bundy, Ammon Bundy for
Governor, Diego Rodriguez,
Freedom Man PAC, Peoples Rights
Network, Freedom Man Press LLC
Defendant.

Case No. CV01-22-06789

Memorandum Decision and Order
Denying Reconsideration and
Granting/Awarding Deposition Fees and
Costs Against Diego Rodriguez

Defendant Rodriguez's Motion to Cancel or Reconsider the Court's Order on Motions for Sanctions and Memorandum in Support, filed Oct. 4, 2022, and Plaintiffs' Motion for Award of Attorneys' Fees Against Diego Rodriguez Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions, filed October 19, 2022, came before the Court for hearing on November 22, 2022.

Appearances: Eric Stidham for Plaintiffs

Diego Rodriguez did not appear

Orders of default are entered for the other defendants

On October 4, 2022, Defendant Rodriguez filed a Motion to Cancel or Reconsider the Court's Order on Motions for Sanctions and Memorandum in Support. A Notice of Hearing was filed on November 7, 2022 that noticed the matter for hearing on November 22, 2022 before the District Court, Ada County Courthouse, Boise, Idaho.

On October 19, 2022, the Plaintiffs filed a Motion for Award of Attorneys' Fees Against Diego Rodriguez Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions. The Plaintiffs noticed the matter for hearing on November 22, 2022. All hearings before the District Court are in person and no motion for a videoconference hearing was filed by either party.

Diego Rodriguez did not appear at the hearing on November 22, 2022. No motion to appear by videoconference was filed by Diego Rodriguez. All hearings at the



District Court level, even in civil cases, are being held in person unless a party moves for an exception to appear by videoconference.

The Fourth Judicial District Local Rules provide the following when a party fails to appear at a civil hearing:

5.1. If the moving party or his or her attorney fails to appear to argue a contested motion at the time set, the court may summarily deny the motion for failure to prosecute pursuant to I.R.C.P. 41(b) or I.R.F.L.P. 123 or may deem the motion withdrawn.

5.2. If the moving party or his or her attorney appears to argue the motion at the time set, if the opposing party or his or her attorney does not appear, and if the motion has been properly and timely noticed for hearing with proof of due service, the court may render a decision on the merits of the motion.

I. RODRIGUEZ’S MOTION TO RECONSIDER SANCTIONS RELATED TO EXPEDITED DISCOVERY

Defendant Rodriguez’s did not file a separate memorandum or affidavit but stated: “Included within this motion is a memorandum supporting the facts and law for this request as well as a verification from Diego Rodriguez that the statements contained herein are true.” Instead, his motion and memorandum are combined in his Motion to Cancel or Reconsider the Court’s Order on Motions for Sanctions and Memorandum in Support.¹ Plaintiffs responded² with supporting declaration from counsel.³

While the Court could consider the motion withdrawn or summarily deny the motion pursuant to Fourth Judicial District Local Rule 5.1, the Court reads the motion in part as a request to disallow fees requested by the Plaintiffs in their Motion for Sanctions which was heard in oral argument at the same hearing. To that extent, the Court considers Rodriguez’s Motion to Cancel or Reconsider as a written responsive argument to the Plaintiffs’ Motion for Sanctions.

¹ Verified Motion to Cancel or Reconsider Court’s Order on Motions for Sanctions and Memorandum in Support (“Def’s Memo”), filed Oct. 4, 2022.

² Plaintiffs’ Opposition to Defendant Diego Rodriguez’s Verified Motion to Cancel or Reconsider Court’s Order on Motions for Sanctions and Memorandum in Support (“Response”), filed Nov. 15, 2022.

³ Declaration of Erik F. Stidham in Support of Plaintiffs’ Opposition to Defendant Diego Rodriguez’s verified Motion to Cancel or Reconsider the Court’s Order on Motions for Sanctions (“Stidham Reconsider Dec’), filed Nov. 15, 2022.



On July 12, 2022, the court entered an Amended Order Granting Motion for Expedited Discovery allowing Plaintiffs leave to serve expedited Interrogatories on Diego Rodriguez and ordering a response by August 5, 2022. Diego Rodriguez did not respond to the expedited Interrogatories and the Court entered an Order on September 6, 2022 addressing sanctions for the failure to respond to the Interrogatories. In relevant part of the Order the Court stated:

The Court also ORDERS that Defendant Rodriguez is to pay the costs of the deposition that are costs that would not have been incurred but for Mr. Rodriguez's failure to respond to the Interrogatories proposed by Plaintiffs since Mr. Rodriguez was on notice of Plaintiffs' intent to seek this discovery and was mailed the Court's Orders for at least three months prior to the hearing on September 6, 2022.

Further, the Court finds it must award the Plaintiffs' the costs and fees incurred in filing the motion for sanctions and appearing at the hearing on September 6, 2022.

Rodriguez now seek reconsideration of that Order and requests the Court vacate the portion of the order that requires him to pay the deposition costs and awards the Plaintiff fees for conducting the deposition.

First, Rodriguez asserts that the Order is void because he was not properly served with process and sanctions were imposed before his Answer was due on September 7, 2022. There is no dispute for purposes of this motion that Defendant Rodriguez is not a resident of Idaho and is currently a resident of Florida. The Plaintiffs argue that Rodriguez was properly served and had actual knowledge of the lawsuit and the Court's Order well before September 6, 2022. The Plaintiffs also assert that Rodriguez has waived any claim that this court lacks jurisdiction over the defendant because he did not file a Rule 12 motion prior to filing his answer.

The Court agrees that Defendant Rodriguez has waived any claim for lack of personal jurisdiction since no claim for lack of jurisdiction was raised by Rodriguez by filing a Rule 12(b) motion before filing his responsive pleading and no claim of lack of jurisdiction was raised in the Answer that he filed. Therefore, the Court finds that Rodriguez has waived any claim that the Court lacks jurisdiction over him or to enter orders against him in this case.



Next, the Court finds Diego Rodriguez was properly served with process in this case. The publications informed Rodriguez that at “Any time after 21 days following the last publication of this summons, the court may enter a judgment against you without further notice, unless prior to that time you have filed a written response in the proper form.” The last publication of the summons in the Idaho Statesman and the Orlando Sentinel was August 8, 2022, which meant his deadline to answer was August 29, 2022. However, the final publication date of the summons in the Orlando Weekly was on August 17, 2022,⁴ so his deadline to answer was September 7, 2022 under that publication. However, the deadline to Answer is not dispositive of this issue. The Court finds that the Defendant was properly served and had notice of the hearing on sanctions and Defendant Rodriguez did not attend that hearing before the Court entered its Order on the Motion for Sanctions. While there was a procedural deficiency in the original service of process attempted on Rodriguez, this deficiency was corrected prior to the Court’s Order for Sanctions. And the Court would finally note that expedited discovery may occur before there is a responsive pleading or before the deadline for a responsive pleading in a litigation – as was ordered in this case.

Finally, the Court’s original purpose for the Amended Order Granting Motion for Expedited Discovery and then for imposing sanctions for noncompliance with that Amended Order, and that Rodriguez knowingly failed to comply with this Court’s Order that required him to answer the expedited discovery has not been disproven. Further, the Court does not find that the Order on Motion for Sanctions is confusing or vague as to Defendant Rodriguez. The Plaintiffs have presented sufficient evidence that Rodriguez was aware of the Amended Order for Expedited Discovery, was served the Order and the Interrogatories, and did not comply by answering the Interrogatories, and that noncompliance necessitated a deposition to obtain answers to those questions. Therefore, the Court finds its September 6, 2022 Order was not procedurally deficient and does not violate Rodriguez’s constitutional rights or his right to due process. Defendant Rodriguez’s Motion to Cancel or Reconsider the Court’s Order on Motions for Sanctions and Memorandum in Support, filed October 4, 2022, is **DENIED**.

⁴ Proof of Publication, Diego Rodriguez, filed Aug. 19, 2022.



II. PLAINTIFFS' MOTION FOR FEES AND COSTS AGAINST RODRIGUEZ FOR DEPOSITION

The Plaintiffs' Motion for Award of Attorneys' Fees Against Diego Rodriguez Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions,⁵ with supporting memorandum⁶ and declaration from attorney Erik Stidham,⁷ requests an award of \$5,945.55 to Plaintiffs for costs and fees associated with the Rodriguez deposition to obtain the answers to the expedited discovery (\$537.45 for the Reporting/Stenographer charges and \$5,408.10 in attorney fees). The deadline for filing any motion to disallow fees and costs under Idaho Rule of Civil Procedure 54 was November 2, 2022. No Motion to Disallow was filed, and although the Court reads Rodriguez's motion for reconsideration in part as a motion to disallow, Rodriguez did not raise any specific arguments related to the reasonableness of the fees request. Therefore, the Court will simply consider whether the fees are reasonable under I.R.C.P. 54.

After considering the factors in I.R.C.P. 54(e)(3), the court finds that the hourly rate charged this client and the billed hours requested for the deposition are reasonable. Therefore, the Court **GRANTS** Plaintiffs' Motion for Award of Attorneys' Fees Against Diego Rodriguez Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions, filed October 19, 2022, and the Court awards Plaintiff the \$5,408.10 of fees and costs incurred in the deposition. The Plaintiffs must submit a proposed order and the proposed order may require payment by Defendant Rodriguez to the Plaintiffs no later than thirty days after that order is entered.

IT IS ORDERED

Dated: 11/28/2022 6:28:26 PM


Lynn Norton
District Judge

⁵ Plaintiffs' Motion for Award of Attorneys' Fees Against Diego Rodriguez Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions, filed Nov. 19, 2022.

⁶ Memorandum in Support of Plaintiffs' Motion for Award of Attorneys' Fees Against Diego Rodriguez Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions ("Fees Memo"), filed Nov. 19, 2022.

⁷ Declaration of Erik F. Stidham in Support of Plaintiffs' Motion for Award of Attorneys' Fees Against Diego Rodriguez Pursuant to Court's September 8, 2022, Orders on Motions for Sanctions ("Stidham Fee Dec"), filed Nov. 19, 2022.



CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham
Diego Rodriguez

efstidham@hollandhart.com [X] E-mail
freedommanpress@protonmail.com [X] E-mail

Phil McGrane
Clerk of the Court

Dated: 11/29/2022

By: Janine Korsen
Deputy Clerk



EXHIBIT C

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

St Lukes Health System LTD, St
Lukes Regional Medical Center LTD,
Chris Roth, Natasha Erickson, MD,
Tracy Jungman
Plaintiff,

vs.

Ammon Bundy, Ammon Bundy for
Governor, Diego Rodriguez,
Freedom Man PAC, Peoples Rights
Network, Freedom Man Press LLC
Defendant.

Case No. CV01-22-06789

ORDER GRANTING PLAINTIFFS'
MOTION FOR SANCTIONS AGAINST
RODRIGUEZ FOR FAILURE TO
COMPLY WITH COURT ORDERS

Plaintiffs filed a Motion for Sanctions Against Defendant Diego Rodriguez for Failure to Comply with Court Orders, filed March 7, 2023, that came before the Court for hearing on March 21, 2023.

Appearances: Erik Stidham for Plaintiffs

Diego Rodriguez, a self-represented litigant, did not appear at this hearing

On March 7, 2023, Plaintiffs filed a Motion for Sanctions against Defendant Diego Rodriguez for Failure to Comply with Court Orders¹ with supporting memorandum² and Declaration from Erik Stidham.³

The Notice of Hearing for March 21, 2023 was served on Diego Rodriguez. Pursuant to Idaho Rule of Civil Procedure 7(b)(3)(B), any opposing memoranda or brief must be filed with the court and served so as to be received by the parties at least seven days before the hearing.

¹ Motion for Sanctions Against Defendant Diego Rodriguez for Failure to Comply with Court Orders, filed Mar. 7, 2023.

² Memorandum in Support of Plaintiffs' Motion for Sanctions Against Defendant Diego Rodriguez for Failure to Comply with Court Orders, ("Pl. Memo") filed Mar. 7, 2023.

³ Declaration of Erik Stidham in Support of Plaintiffs' Motion for Sanctions Against Defendant Diego Rodriguez for Failure to Comply with Court Orders, filed Mar. 7, 2023.



Diego Rodriguez is representing himself. “*Pro se* litigants are held to the same standards and rules as those represented by an attorney.” *Twin Falls Cnty. v. Coates*, 139 Idaho 442, 445, 80 P.3d 1043, 1046 (2003). *Pro se* litigants are not accorded any special consideration simply because they are representing themselves and are not excused from adhering to procedural rules. *Nelson v. Nelson*, 144 Idaho 710, 170 P.3d 375, 383 (2007); *Sammis v. Magnetek, Inc.*, 130 Idaho 342, 346, 941 P.2d 314, 318 (1997); *Golay v. Loomis*, 118 Idaho 387, 392, 797 P.2d 95, 100 (1990), *quoting Golden Condor, Inc. v. Bell*, 112 Idaho 1086, 1089 n.5, 739 P.2d 385, 388 n.5 (1987).

Diego Rodriguez filed an untimely Motion for Dismissal of Plaintiff’s Motion for Sanctions Against Defendant Diego Rodriguez for Failure to comply with Orders, filed March 21, 2023, and a Memorandum in Support, filed March 20, 2023. Although styled as a motion to dismiss, the Court considers the substance of the memorandum to be an opposition brief opposing the sanctions requested in Plaintiffs Motion for Sanctions against Defendant Diego Rodriguez.

Diego Rodriguez did not appear at the hearing on March 21, 2023. No motion to appear by videoconference was filed by Diego Rodriguez. All hearings at the District Court level, even in civil cases, are being held in person unless a party moves for an exception to appear by videoconference.

The Fourth Judicial District Local Rules provide the following when a party fails to appear at a civil hearing:

5.2. If the moving party or his or her attorney appears to argue the motion at the time set, if the opposing party or his or her attorney does not appear, and if the motion has been properly and timely noticed for hearing with proof of due service, the court may render a decision on the merits of the motion.

The Court considered the Plaintiffs’ motion, memorandum and declaration filed. The Court also considered Rodriguez’s motion to dismiss and memorandum as a response.

FACTS AND PROCEDURAL BACKGROUND

This order addresses the latest motion in an ongoing discovery dispute that began with discovery requests served approximately a year ago. Specifically, on May 12, 2022, Plaintiffs moved this Court to permit expedited discovery requests for all defendants. The Court entered its Order Granting Motion for Expedited Discovery on



June 3, 2022 and then an Amended Order Granting Motion to Expedite Discovery on July 12, 2022. The deadline for Diego Rodriguez to respond to the expedited interrogatories was August 4, 2022. Rodriguez did not timely respond to those interrogatories so the Plaintiffs moved for sanctions.⁴ This Court entered its Order on Motions for Sanctions on September 8, 2022, requiring Diego Rodriguez to sit for a deposition to answer the questions posed in Interrogatories numbers 1, 2, 3, 4, and 5. The costs of that deposition were ordered at Rodriguez's expense since the deposition costs would not have been incurred but for Mr. Rodriguez's failure to respond to the Interrogatories proposed by Plaintiffs.⁵

Ultimately, that limited deposition was conducted by videoconference on October 5, 2022.⁶ At that deposition, Diego Rodriguez testified that his residence is in Florida but would not specifically identify an address.⁷ Following a Motion and Memorandum of Fees, and hearing on that motion on November 22, 2022,⁸ this Court entered an Order Awarding Fees⁹ requiring Rodriguez to pay \$5,408.10 in deposition costs incurred by Plaintiffs when Plaintiffs counsel traveled to the place designated in the Notice of Deposition at the time designated in the Notice of Deposition.

Because of Rodriguez's efforts to encourage members of the public to join the October 5, 2022 video deposition, this Court entered an Order for Protection RE: Depositions, filed November 29, 2022, limiting attendance at future depositions in this

⁴ Memorandum in Support of Motion for Sanctions and For Contempt (Diego Rodriguez), filed Aug. 9, 2022; Decl. of Erik F. Stidham in Support of Mot. for Sanctions and for Contempt, filed Aug. 9, 2022 ("Despite being served with the Amended Order and having more than four weeks to comply with the Court's directive, Mr. Rodriguez has not responded to Plaintiffs' interrogatories in any way." ¶ 4.); Decl. of Erik F. Stidham in Support of Mot. for Award of Attorneys' Fees Against Diego Rodriguez Pursuant to Court's September 8, 2022 Orders on Motions for Sanctions, filed Oct. 19, 2022 ("Although Rodriguez's email correspondence continued to obstruct any in-person deposition, as he refused to disclose his location so that St. Luke's counsel could hold the deposition where he claims to currently reside or be located, the deposition was scheduled to move forward via Zoom on October 5, 2022." ¶ 9.)

⁵ Order on Motions for Sanctions, filed Sept. 8, 2022,

⁶ Declaration of Erik F. Stidham in Support of Motion for Sanctions and Protective Order Relating to Limited Deposition of Diego Rodriguez Set for October 5, 2022, filed Oct. 4, 2022.

⁷ Dec of Erik Stidham in Support of Motion to Compel, filed Dec. 6, 2022, ¶8 and Ex. D, pp. 10-15.

⁸ Rodriguez did not file any written response to this motion and did not appear at the November 22, 2022 hearing.

⁹ Order Awarding Fees, filed Dec. 13, 2022.



case to legal counsel, the individual parties, and a single designated representative of the legal entity parties.

On December 6, 2022, the Plaintiffs filed a Motion to Compel Discovery from Rodriguez, with a memorandum and a declaration in support. The Court entered its Order Compelling Defendant Rodriguez to Respond to Discovery on February 8, 2023. This Order was for Rodriguez to supplement his deposition responses to Interrogatory Nos. 1, 2, 3, 4, 5 with full responses; fully respond to Interrogatory Nos. 6, 8, 11, 14, 15, 28, and 29-32; respond to Requests for Production No. 16, 19, 22, 23, 37, and 41; and to appear in-person for a deposition in December 2022.¹⁰

The motion currently before the Court requests this Court to sanction Diego Rodriguez under Idaho Rule of Civil Procedure 37 for (1) his refusal to pay \$5,408.10 in deposition costs incurred to obtain answers to expedited discovery requests within the timeframe in the Order Awarding Fees entered December 13, 2022; and also sanction Rodriguez for (2) violating the Order Compelling Rodriguez to Respond to Discovery entered February 8, 2023 by (a) failing to provide viable dates and for attempting to designate Brazil for a deposition and (b) failing to supplement his written discovery responses as ordered.¹¹

Defendant Rodriguez's response contests the legality of the Order Awarding Fees for reasons stated in his motion to cancel or reconsider the Order on motions for Sanctions.¹² Related to failing to attend the December deposition, Rodriguez states he provided dates for deposition and offered to attend the deposition by Zoom/video conference from outside the United States.¹³ His response did not address the failure to supplement his responses to the interrogatories and requests for production.

The trial in this case is set for July 10, 2023.

LEGAL STANDARD

The pertinent rules regarding obtaining discovery have previously been set forth in this Court's orders on the Plaintiffs' motions to compel and will not be reiterated here.

¹⁰ Order Compelling Defendant Rodriguez to Respond to Discovery, filed Feb. 8, 2023.

¹¹ Pl. Memo, p. 2.

¹² Response, p. 2.

¹³ Id. pp. 3-4.



Idaho Rule of Civil Procedure 26(b)(1) addressed the scope of discovery in general and states:

Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows: (1) Parties may obtain discovery **regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action**, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. **It is not grounds for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.**

(emphasis added).

Then, Idaho Rule of Civil Procedure 26(b)(5)(A) more specifically provides:

Privileged information withheld. When a party withholds information otherwise discoverable under these rules by claiming it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.

(emphasis in original).

Rule 37(a)(3) states that for purposes of sanctions for violation of orders on motions for orders compelling discovery, the court is to treat evasive or incomplete answers as a failure to answer.

Idaho Rule of Civil Procedure 11 provides in pertinent part that:

[t]he signature of an attorney or party constitutes a certificate that the attorney or party has read the pleading, motion or other paper; that to the best of the signer's knowledge, information, and belief after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

...

If a pleading, motion or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of the



reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

Idaho Rule of Civil Procedure 37(d)(2) provides that if a party fails, after being served with proper notice, to appear for that person's deposition; or after being properly served with interrogatories or a request for production or inspection, fails to serve its answers, objections, or written response, then the Court may order sanctions which may include those listed in Rule 37(b)(2)(A)(i) through (vi).

- (i) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;
- (ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
- (iii) striking pleadings in whole or in part;
- (iv) staying further proceedings until the order is obeyed;
- (v) dismissing the action or proceeding in whole or in part;
- (vi) rendering a default judgment against the disobedient party; or
- (vii) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination and initiating contempt proceedings.

Instead of or in addition to these sanctions, Idaho Rule of Civil Procedure 37(d)(3) provides the court must require the party failing to act pay the reasonable expenses, including attorney's fees, caused by the failure, unless the failure was substantially justified or other circumstances make an award of expenses unjust.

The Court of Appeals of Idaho has also set forth the circumstances under which a court may impose the more severe sanctions including dismissing an action with prejudice or entering a default judgment as a sanction:

[F]or a trial court to properly dismiss a case with prejudice for failure to comply with procedural rules, several circumstances must be shown: (1) a clear record of delay; (2) ineffective lesser sanctions; and (3) at least one aggravating factor of (a) delay from intentional conduct; (b) delay by the [party] personally; or (c) delay causing prejudice to the [opposing party]. These factors must appear in the record in order to facilitate appellate review.



Peterson v. McCawley, 135 Idaho 282, 16 P.3d 958 (Ct. App. 2000) (citing *Ashby v. Western Council, Lumber Production and Industrial Workers*, 117 Idaho 684, 687 791 P.2d 434, 437 (1990)). The Idaho Supreme Court has held “[a]n award of costs and explicit warnings are among the appropriate preliminary measures which a trial court may take to force compliance with procedural rules before taking the drastic measure of dismissal with prejudice.” *Ashby*, 117 Idaho at 688, 791 P.2d at 438.

ANALYSIS

Once again, this Court is to determine whether Defendant Rodriguez should be sanctioned—this time for failing to fully supplement his discovery responses and failing to provide deposition dates in a reasonable location for a deposition as required in the February 8, 2023 Order.

1. The request to sanction Rodriguez for refusing to pay deposition costs and also for violating the Order Compelling Rodriguez to Respond to Discovery, entered February 8, 2023, by failing to provide viable dates and for attempting to designate Brazil for a deposition

Defendant Rodriguez’s response contests the legality of the Order Awarding Fees for reasons stated in his motion to cancel or reconsider the order on motions for sanctions. Rodriguez’s response essentially states that he was not obligated to sit for the deposition noticed in a Notice of Deposition because it was inconvenient since he was out of the country. Mr. Rodriguez is a party to this litigation and has filed an Answer. While the Court required the parties to try to find a mutual date, time and place for the deposition, Mr. Rodriguez was not reasonable in designating Brazil as the place for the deposition or in providing reasonable deposition dates complying with the Order Compelling Rodriguez to Respond to Discovery. Therefore, Plaintiffs noticed a deposition according to the Idaho Rules of Civil Procedure and Defendant Rodriguez was required by the rules to attend that deposition. Defendant Rodriguez did not file a motion with the court for a protective order requesting the Court change the date, time or place of the noticed deposition. Rather, he unnecessarily caused expense for the Plaintiffs.

The Court will enter a sanction for failing to pay the deposition costs ordered in the Order Awarding Fees entered December 13, 2022 and also for violating the Order



Compelling Rodriguez to Respond to Discovery, entered February 8, 2023, by failing to provide viable dates and for attempting to designate Brazil for a deposition.

The Court will appoint a Discovery Referee or Discovery Master, pursuant to Idaho Rule 53. The Plaintiffs are to notice a deposition of Defendant Diego Rodriguez in Boise, Idaho, before May 24, 2023. The Defendant Rodriguez is required to travel to Boise, Idaho, to attend. Since the Defendant is unwilling to pay Plaintiffs costs for trying to conduct the deposition at the address where Rodriguez testifies that he resides, and the Defendant attempted to have others attend his videoconferenced deposition, the Court will require the travel costs for Diego Rodriguez to attend the deposition in Boise, Idaho, to be born by Rodriguez.

This deposition is to be conducted no later than May 24, 2023.

2. The request to sanction Rodriguez for violating the Order Compelling Rodriguez to Respond to Discovery, entered February 8, 2023, by failing to supplement his written discovery responses

As stated above, Rule 37(a)(3) states that for purposes of sanctions for violation of orders on motions for orders compelling discovery, the court is to treat evasive or incomplete answers as a failure to answer.

The Court determined in its Memorandum Decision on Motion to Compel Diego Rodriguez to Respond to Discovery, entered February 8, 2023, how Rodriguez's responses were deficient and how he needed to supplement those responses to comply with providing full responses as required by Rule 37.

Again, the Defendant could have responded with a privilege log to certain requests or seek a protective order from the Court. He did neither. The Court does not find Rodriguez's continuing objection to the court's previous orders and this motion substantially justified. Therefore, this Court finds that Defendant Rodriguez's incomplete answers, which have not been supplemented as required by the Order Compelling Rodriguez to Respond to Discovery, is a failure to answer those interrogatories and requests for production.

Since supplemental responses to interrogatories and responsive documents to the requests for production were not produced complying with the Court's previous order, the Plaintiffs Motion for Sanctions Against Defendant Diego Rodriguez for Failure to Comply with Court Orders, filed March 7, 2023, is GRANTED.



3. Order for sanctions

Rule 37(b)(2) provides in pertinent part that if a party fails to obey an order to provide discovery, then the court may make such orders in regard to the failure as are just. The Court enters an Order directing a Discovery Referee or Discovery Master to be available to resolve discovery disputes between Plaintiffs and Rodriguez during the deposition in Boise, Idaho, and that during this deposition Diego Rodriguez must answer opposing counsel's questions asking him to:

- 1) supplement his earlier deposition responses and now fully respond to Interrogatories 1, 2, 3, 4 and 5 for expedited discovery;
- 2) provide the phone number and address for every person identified in his response to Interrogatory 6 except Dr. Natasha Erickson, Tracy Jungman, and Chris Roth;
- 3) respond fully to Interrogatory 8;
- 4) respond fully to Interrogatory 11 with "admission against interest" defined as "A person's statement acknowledging a fact that is harmful to the person's position, esp[ecially] as a litigant" and further provides that "An admission against interest must be made either by a litigant or by one in privity with or occupying the same legal position as the litigant." BLACK'S LAW DICTIONARY, *Admission* (11th ed. 2019);
- 5) supplement the response Interrogatory 14 to respond fully to all details requested of all conversations and/or discussions;
- 6) supplement his response to Interrogatory 15 to fully include "all forms, methods, apps, or types of communication you used to communicate with any person about any issue involved in this lawsuit.";
- 7) supplement his response to Interrogatory 28 to answer whether any immediate family member(s) or business entity owned or controlled by Diego Rodriguez or any immediate family member of Diego Rodriguez received any money or other things of value as requested in Interrogatory 28;
- 8) supplement responses to Interrogatories 29 through 32 to include any information related to donations to Rodriguez, his businesses, the People's Rights Network, or donations on behalf of the infant's family, and must include



any information that Diego Rodriguez has knowledge of related to public assistance or insurance coverage for Baby Cyrus' care. Defendant Rodriguez must respond fully to each aspect of Interrogatories 29 through 32 based upon his own knowledge and belief;

And he must provide to Plaintiffs before the deposition, or at the latest bring with him to the deposition:

- 9) all emails and text messages between Diego Rodriguez and Ammon Bundy that relate to this lawsuit or the underlying subject matter in this case as requested in Request for Production 16;
- 10) supplement Request for Production 19 to provide the requested types of documents Power Marketing LLC and also to include any other responsive documents for businesses, whether incorporated or not, or entity that holds itself out as a business in addition to Power Marketing LLC;
- 11) supplement Request for Production 22 to produce all contracts and business relationships between the parties in this case including those specifically named in Request for Production 22 or others that exist;
- 12) produce tax returns responsive to Request for Production 23 but subject to a confidentiality order that restricts the disclosure of any tax returns marked confidential to being viewed only by the attorneys assigned to this case and filed as a sealed exhibit subject to Idaho Court Administrative Rule 32;
- 13) supplement Request for Production 37 to include all exchanges of money or funds between the people and entities identified Request for Production 37;
- 14) must fully respond to Request for Production 41 because the writings are relevant and are not privileged.

This Court ORDERS Defendant Rodriguez to attend the deposition in Boise, Idaho, that will be noticed by the Plaintiffs no later than May 24, 2023 and answer these questions fully and provide in advance of the deposition or, at the latest, bring with him all responsive documents to disclose to Plaintiffs.

While the Plaintiffs request the Court enter a default judgment against Defendant Rodriguez at this point, the Court finds that while Rodriguez's lack of responses delays the discovery in this case, and may eventually delay the trial of this matter, the Court



still must impose lesser sanction than a default judgment at this point and provide Defendant Rodriguez with another opportunity to fully respond to comply with this Court's Order Compelling Rodriguez to Respond to Discovery, entered February 8, 2023, by attending a deposition and providing the required information.

Further, this Court GRANTS Plaintiffs' request for a Discovery Referee to preside over discovery disputes between Rodriguez and the Plaintiffs, as was requested at the hearing on April 18, 2023. Since the discovery referee is an experienced Senior Judge, she will be permitted to rule on discovery motions, including future motions for sanctions, if any, and the Discovery Referee or Discovery Master may determine sanctions if Rodriguez fails to provide the documents responsive to the requests for production or fails to fully answer the interrogatories ordered in this decision.

CONCLUSION

The Court GRANTS Plaintiffs' Motion for Sanctions against Defendant Diego Rodriguez for Failure to Comply with Court Orders, filed March 7, 2023.

The Court also awards costs to the Plaintiffs for the filing of this motion and the Plaintiffs must file a memorandum of costs within fourteen days of the date this order is filed.

IT IS SO ORDERED

Dated 4/24/2023 9:46:58 PM



Lynn G. Norton
District Judge



CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham
Diego Rodriguez

efstidham@hollandhart.com
freedommanpress@protonmail.com

[X] E-mail
[X] E-mail

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[] By fax (number)
[] By overnight delivery / FedEx
[] By personal delivery

Trent Tripple
Clerk of the Court

Dated: 04/25/2023

By: Janine Korsen
Deputy Clerk

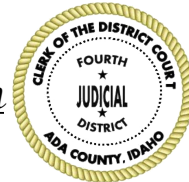


EXHIBIT D

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

St Lukes Health System LTD, St
Lukes Regional Medical Center LTD,
Chris Roth, Natasha Erickson, MD,
Tracy Jungman
Plaintiff,

vs.

Ammon Bundy, Ammon Bundy for
Governor, Diego Rodriguez,
Freedom Man PAC, Peoples Rights
Network, Freedom Man Press LLC
Defendant.

Case No. CV01-22-06789

Protective Order

THIS MATTER, having come before the Court on December 20, 2022 for hearing on Plaintiffs' Motion for Protective Order filed May 11, 2022, the Court finds good cause to grant such motion.¹

IT IS HEREBY ORDERED that any person, including all Defendants and any agent of any Defendant served with this Order, are prohibited from engaging in the following actions related to this case:

(1) Any person who, by direct or indirect force, or by any threats to a person or property, or by any manner willfully² intimidates, threatens or harasses any person because such person has testified or because he³ believes that such person has testified in this lawsuit may be held in contempt of court.

¹ For reasons stated at the hearing, the Court determined it would prepare its own Protection Order rather than signing the proposed order lodged by the Plaintiffs on May 11, 2022.

² For purposes of this Order, this Court will apply the definition of "willfully" in Idaho Criminal Jury Instruction 340. An act is done "willfully" when done on purpose. One can act willfully without intending to violate the law or this order, to injure another, or to acquire any advantage.

³ The Court uses the term "he" in this Order, as the Legislature does in statutes. But the entirety of this Order applies to any person, regardless of gender.




(2) Any person who, by direct or indirect force, or by any threats to a person or property, or by any manner wilfully⁴ intimidates, influences, impedes, deters, threatens, harasses, obstructs or prevents a witness, or any person who may be called as a witness, or any person he believes may be called as a witness in this lawsuit from testifying freely, fully and truthfully in this civil proceeding may be held in contempt of court.

The fact that a person was not actually prevented from testifying shall not be a defense to a charge of contempt for the actions in subsections (1) and/or (2) of this Order.

Those that have filed testimony in this matter to date include Chris Roth, Dr. Natasha Erickson, Tracy Jungman, Dr. Jeffrey Erickson, Dr. Jamie Price, Dr. Camille LaCroix, David Barton, William T. Teninty, Jenna Balvin, Sara Berry, Jessica Flynn, John Coggins, Dennis Mesaros, Donna English, William Woods, Abby Abbondandolo, Katy Alexander, Marle Hoff, and Erik Stidham or any associated attorney at HOLLAND & HART LLP. Those who have been identified as a person who may be called as a witness to date include those listed above and also includes Eron Sanchez, Aaron Dykstra, Nice Loufoua, Meridian Police Detective Steve Hanson, Meridian Police Detective Jeff Fuller, Meridian Police Sergeant Christopher McGilver, Meridian Police Officer Sean King, Judge Laurie Fortier, Kelly Shoplock, Joseph Robert Shoplock, Kristen Nate, Roaxanne, Printz, and Kyle Bringham. This protection order also applies to any subsequently-disclosed witness(es) as part of the formal discovery process in this case.

This Order is binding upon Diego Rodriguez and Ammon Bundy, and also any officers, agents, and/or employees of Ammon Bundy for Governor, Freedom Man PAC, Peoples Rights Network, and/or Freedom Man Press LLC, and any other person who receives actual notice of this order by personal service or in any manner allowed for service of a complaint or summons in the Idaho Rules of Civil Procedure.

IT IS ORDERED: 1/18/2023 5:55:18 PM



Lynn Norton
District Judge



CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham
Diego Rodriguez

efstidham@hollandhart.com
freedommanpress@protonmail.com

☒ E-mail
☒ E-mail

St Lukes Health System LTD

Through counsel Erik Stidham

St Lukes Regional Medical Center LTD

Through counsel Erik Stidham

Chris Roth

Through counsel Erik Stidham

Natasha D Erickson MD

Through counsel Erik Stidham

Ammon Bundy
4615 Harvest Lane
Emmett, ID 83617

☐ By E-mail ☒ By mail

Ammon Bundy for Governor
P.O. Box 37
Emmett, ID 83617

☐ By E-mail ☒ By mail

Peoples Rights Network
4615 Harvest Lane
Emmett, ID 83617

☐ By E-mail ☒ By mail

Freedom Man PAC
C/O Diego Rodriguez
9169 W. State Street, Ste. 3177
Boise ID 83714

☐ By E-mail ☒ By mail

Freedom Man Press LLC
C/O Diego Rodriguez
1317 Edgewater Dr. #507
Orlando, FL 32804

☐ By E-mail ☒ By mail

Trent Tripple
Clerk of the Court

Dated: 01/19/2023

By: Janine Korsen
Deputy Clerk

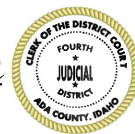


EXHIBIT E

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

St Lukes Health System LTD, St Lukes
Regional Medical Center LTD, Chris
Roth, Natasha Erickson, MD, Tracy
Jungman

Plaintiff,

vs.

Ammon Bundy, Ammon Bundy for
Governor, Diego Rodriguez, Freedom
Man PAC, Peoples Rights Network,
Freedom Man Press LLC

Defendant.

Case No. CV01-22-06789

Order Striking Answers and Order for Default
of Diego Rodriguez

As sanctions for Diego Rodriguez's non-compliance with discovery obligations, the Clerk of Court is to strike Diego Rodriguez's Answer, filed September 6, 2022, and also Diego Rodriguez's Answer to the Fourth Amended Complaint, filed March 15, 2023.

An Order of Default is entered against Diego Rodriguez.


This Court will deem admitted any factual allegations pled by Plaintiffs in the Fourth Amended Complaint against Diego Rodriguez;

This Court will make a determination of damages based on supporting evidence submitted by the Plaintiffs at the default damages hearing since the claims are not for a sum certain; and

This court will not consider opposing argument or evidence from Diego Rodriguez during a default damages hearing.

IT IS ORDERED

Dated: 6/12/2023 10:28:16 PM


Lynn Norton
District Judge



CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham
Diego Rodriguez

efstidham@hollandhart.com
freedommanpress@protonmail.com

[X] E-mail
[X] E-mail

Trent Tripple
Clerk of the Court

Dated: 06/13/2023

By: Janine Korsen
Deputy Clerk

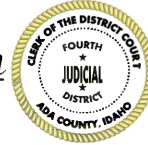


EXHIBIT F

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

St Lukes Health System LTD, St Lukes
Regional Medical Center LTD, Chris
Roth, Natasha Erickson, MD, Tracy
Jungman

Plaintiff,

vs.

Ammon Bundy, Ammon Bundy for
Governor, Diego Rodriguez, Freedom
Man PAC, Peoples Rights Network,
Freedom Man Press LLC

Defendant.

Case No. CV01-22-06789

Order Following Pretrial Conference and
Order on Plaintiffs' Motion for Jury Trial
against Defaulted Defendants

Date of Hearing: June 6, 2023

APPEARANCES:

Plaintiff Attorney: Erik Stidham

Defendant

Diego

Rodriguez:

A self-represented litigant, did not appear

"Pro se litigants are held to the same standards and rules as those represented by an attorney." *Suitts v. Nix*, 141 Idaho 706, 709, 117 P.3d 120, 123 (2005) (quoting *Twin Falls County v. Coates*, 139 Idaho 442, 445, 80 P.3d 1043, 1046 (2003)). Additionally, "Pro se litigants are not accorded any special consideration simply because they are representing themselves and are not excused from adhering to procedural rules." *Nelson*, 144 Idaho at 718, 170 P.3d at 383 (citing *Sammis v. Magnetek, Inc.*, 130 Idaho 342, 346, 941 P.2d 314, 318 (1997)).

A. Diego Rodriguez's failure to appear and failure to comply with Notice of Trial Setting and Order Governing Proceedings

This final Pretrial Conference came before the Court on June 6, 2023 for a formal pretrial conference that was noticed for hearing in this Court's Notice of Trial Setting and Order Governing Further Proceedings, filed October 17, 2022. That Notice and Order stated:



A pretrial conference is hereby set for **TUESDAY, JUNE 6, 2023 at 2:30 p.m.** All pretrial materials in I.R.C.P. 16 must be filed on or before the pretrial conference date. A copy of exhibit lists, witness lists, and requested jury instructions (jury trial) or proposed findings of fact and conclusions of law (court trial) shall be submitted no later than this hearing. It is sufficient for the parties to identify unmodified pattern jury instructions by number. Counsel will retain the exhibits until the day of trial and will not lodge actual exhibits with the clerk. All parties must be represented at the pretrial conference. Counsel must be the handling attorney, or be fully familiar with the case and have authority to bind the client and law firm to all matters within I.R.C.P. 16. This conference will include a discussion of whether an alternate judge may be available to try this case, if necessary, and any changes to the dates or times the alternate judge may require. If scheduling issues remain, an additional status conference will be set at the pretrial conference.

(Emphasis in original). A status conference was also noticed in that Notice and Order for May 23, 2023 at 2:30 p.m. On May 23, 2023, Diego Rodriguez also did not appear at the Court's status conference set in the Notice of Trial Setting and Order Governing Further Proceedings, filed October 17, 2022. Rather, a second Notice of Removal to Federal Court that was not file stamped by the Federal court and that had a blank certificate of service was left in the Clerk of the District Court's office on the first floor of the Ada County Courthouse by an unidentified person. This court reviewed the notice, with its lack of file stamp and lack of certificate of service, knowing that jurisdiction had already been returned to state court on a previous attempt to remove this matter to Federal court, and determined this Notice was "frivolous." Considering Judge Nye's ruling that Rodriguez's May 23, 2023 Notice was "moot" and that Rodriguez was not entitled to reconsideration of his previous order returning jurisdiction to the state court, this Court considers Rodriguez's second attempt to remove this matter to Federal Court on the day reset on a Motion for Contempt against Rodriguez and on the date of the status conference set in the Notice of Trial Setting to be bad faith on the part of Diego Rodriguez. The Court entered an Order Following Status Conference on May 23, 2023 capturing the discussion during the May 23, 2023 hearing, reiterating the information from the Notice of Trial Setting and Order Governing Proceedings, ordered that the final Pretrial Conference was an in-person hearing at the Ada County Courthouse, and reiterated that Diego Rodriguez attendance was required at the pretrial conference.

While Diego Rodriguez did not appear at the hearing on May 23, 2023, several of



his supporters did attend that hearing. No request to obtain approval of presiding judge to video/audio record, broadcast, or photograph a court proceeding was filed before this proceeding (or any proceeding to date in this case). Administrative Order No. 21-05-21-1—which notice is posted throughout the Ada County Courthouse—clearly states,

The use or possession of video, audio, and photographic equipment [defined in footnote 1, This includes any camera, body cam, gopro, or any other type of device or equipment that can be used to photograph or record and these devices will not be allowed into a courthouse or court facility without permission outlined in this Order; but this Order does not prohibit entering with a cell phone, so long as the cell phone is not being used to photograph, video, broadcast or record.] to cover, broadcast, or record court proceedings is permitted inside Ada County Courthouse courtrooms or other rooms where court proceedings are being held only with the prior written approval of the presiding judge in the particular proceeding sought to be recorded.

Pursuant to Idaho Court Administrative Rule 45, whether to permit recording, broadcasting, or photography of a court proceeding is within the discretion of the court and is not subject to appellate review. On May 23, 2023 on the record at 2:38 p.m., the Court noticed that David Pettinger was in the courtroom with a cell phone turned on and without permission of the court. Pettinger advised the court he was using his phone for news as a reporter for the Idaho Dispatch. The Court notes that the Idaho Dispatch published St. Luke's expert witness list prepared in this case about a month before any witness list was filed with the Court which has caused distress in a potential witness in this case and that witness feels the posts are intimidating.¹ Since no request to video/audio record, broadcast, or photograph a court proceeding had been made or approved, as was required by Fourth Judicial District Administrative Order No. 21-05-21-1² and Idaho Court Administrative Rule 45, Pettinger and all other attendees were told they could not record or use a digital device including any cell phone in the courtroom. Pettinger was given a pen and paper by the court to use during the hearing. Pettinger left the courtroom in a disruptive way after the Court announced its probable cause determination on the Motion for Contempt against Rodriguez and that the Court would enter a Warrant of Attachment for Rodriguez and set bond since the Court was

¹ Declaration of Rachel Thomas, M.D., filed May 10, 2023, ¶¶ 6, 18.

² Filed in this case and served on Diego Rodriguez on November 29, 2022.



convinced Rodriguez would not otherwise appear in a courtroom to address the Motion for Contempt. Pettinger later returned to the courtroom for the remainder of this hearing and also for the hearing at 4 p.m. the same day. Pettinger and others also attended multiple days of an unrelated jury trial before Judge Norton held between May 20, 2023 and June 5, 2023. Judge Norton and bailiffs have repeatedly informed them that use of cell phones during court proceedings is not permitted.

Plaintiffs filed a Notice to Court of Audio Recording, filed June 2, 2023, with a conventionally-filed digital file, and Declaration in support, alerting the court that an audio recording of the May 23, 2023 hearing had been posted by Devin Miller on a “Telegram” chat page for which Defendant Diego Rodriguez is the administrator of the page. This Court finds this recording and posting of the recording without this Court’s permission was a violation of this Court’s bench order entered at the May 23, 2023, as well as a violation of Fourth Judicial District Administrative Order No. 21-05-21-1 and Idaho Court Administrative Rule 45 since the recording was made and broadcasted without permission of the presiding judge.

This Court notes that Diego Rodriguez had previously tried to broadcast a videoconferenced deposition in this case and disrupted those proceedings which is why the court entered its Order for Protection re: Depositions,³ filed and served with the Court’s Notice of Fourth Judicial District Administrative Order No. 21-05-21-1 the same day, and also ordered Rodriguez to sit for an in-person deposition.⁴

Therefore, when Diego Rodriguez filed a Notice Requesting Remote Video Access to Hearing, filed at 11:06 p.m. on June 5, 2023 but not brought to the judge’s attention until 1:01 p.m. on the day of the Pretrial Conference, the Court denied this late-filed request to convert the in-person pretrial conference to a videoconference. For the reasons stated above, the Court denied Rodriguez’s late-filed request to attend the June 6, 2023 hearing by videoconference. Pursuant to Idaho Supreme Court Order in re: Remote Court Proceedings, entered January 6, 2023 but effective April 1, 2023, the assigned judge has the discretion to hold proceedings in person or remotely, subject to

³ Order for Protection re: Depositions, filed Nov. 29, 2022,

⁴ Order Compelling Defendant Rodriguez to Respond to Discovery, filed Feb. 8, 2023. Sanctions for violation of this order are addressed in a separate decision by this Court.



the approval of each Administrative District Judge, and the order provides that “To protect the integrity of the remote proceeding, an assigned judge has the discretion to enter other orders or impose additional requirements to promote the safety of participants or to promote efficiency.” That order only permits live streaming of proceedings with specific findings by the assigned judge which this judge could not find given the prior violations of this court’s orders in these proceedings. Since the Court had not granted leave for Rodriguez to attend the formal Pretrial Conference by videoconference, his appearance was required in person at the Ada County Courthouse.

Diego Rodriguez failed to attend the formal Pretrial Conference.

Diego Rodriguez also failed to file all pretrial materials required in Idaho Rule of Civil Procedure 16 and this Court’s Notice of Trial Setting and Order Governing Further Proceedings, filed October 17, 2022. All witness lists, exhibit lists, proposed jury instructions were ordered to be filed on or before the June 6, 2023 pretrial conference date. Diego Rodriguez has also failed to comply with the Stipulation for Scheduling and Planning filed October 11, 2022, and ordered by the Notice of Trial Setting and Order Governing Further Proceedings. The Court also determined other Motions for Sanctions against Rodriguez addressed in this Court’s Memorandum Decision and Orders for Sanctions on Motions for Sanctions Re: Depositions and also the Order Granting in Part Plaintiffs’ Amended Motion for Sanctions against All Defendants, issued contemporaneously with this Order.

Idaho Rule of Civil Procedure 16(c), Final pretrial conference and order, requires that at least 30 days before trial, the court must engage in a pretrial process, which may include a formal pretrial conference, where the parties are required to confirm that the matter is proceeding to trial in manner required by the scheduling order. If a formal pretrial conference is held, it must be on the record. Idaho Rule of Civil Procedure 16(e)(1) then states,

The court may sanction any party or attorney if a party or attorney if a party or attorney:

- (A) fails to obey a scheduling or pretrial order;
- (B) fails to appear at a scheduling or pretrial conference;
- (C) is substantially unprepared to participate in a scheduling or pretrial conference; or
- (D) fails to participate in good faith.



Idaho Rule of Civil Procedure 16(e)(2) then provides,

The court may make such orders as are just, and may, along with any other sanction, make any of the orders allowed under Rule 37(b)(2)(A). Also, in addition to or in the place of any other sanction, the court must require the party or the party's attorney, or both, pay any expenses incurred because of noncompliance with this rule, including attorney's fees, unless the court finds noncompliance was substantially justified or that circumstances are such that such an award of expenses would be unjust.

Idaho Rule of Civil Procedure 37(b)(2)(A) includes a list of permissible sanctions for the court which includes, but is not limited to:

- (i) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;
- (ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
- (iii) striking pleadings in whole or in part;
- (iv) staying further proceedings until the order is obeyed;
- (v) dismissing the action or proceeding in whole or in part;
- (vi) rendering a default judgment against the disobedient party; or
- (vii) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination and initiating contempt proceedings.

For Diego Rodriguez's noncompliance with the Notice of Trial Setting and Order Governing Further Proceedings, filed October 17, 2022, the Stipulation for Scheduling and Planning, filed October 11, 2022, and the Order Following Status Conference, filed May 23, 2023, this Court strikes Diego Rodriguez's Answer, filed September 6, 2022, and his Answer to the Fourth Amended Complaint and Demand for Jury Trial, filed March 15, 2023.

The Court has already entered sanctions against Diego Rodriguez for his failures to comply with discovery requests and notices of depositions in the Motions for Sanctions against Rodriguez addressed in this Court's Memorandum Decision and Orders for Sanctions on Motions for Sanctions Re: Depositions and also the Order Granting in Part Plaintiffs' Amended Motion for Sanctions against All Defendants entered contemporaneously. If the Court had not already stricken his answer and entered an



order of default for the reasons stated in those decisions, the Court would order the same sanctions under Idaho Rule of Civil Procedure 16 for his failure to comply with the pretrial conference requirements in Rule 16 and this Court's Notice of Trial Setting and Order Governing Proceedings.

B. Plaintiffs' Motion for Hearing on Damages Before Jury

The Plaintiffs filed a Motion and Memorandum in Support of Motion for Hearing on Damages Before a Jury Relating to Defaulted Defendants Ammon Bundy, Ammon Bundy for Governor, and People's Rights Network, both filed May 9, 2023. The matter was originally noticed for oral argument on May 23, 2023 and then re-noticed for June 6, 2023.

No written opposition brief was filed by any defendant to this motion, including Diego Rodriguez.

The Court notes that by the time this matter came before the Court for hearing, Orders of Default had been entered Ammon Bundy, Ammon Bundy for Governor, the People's Rights Network, Freedom Man PAC, and Freedom Man LLC who have all failed to file any responsive pleading.⁵ Diego Rodriguez was the only defendant that had filed an Answer to the Fourth Amended Complaint, the operative complaint in this proceeding. However, as sanctions for Diego Rodriguez's conduct in this case and pursuant to separate orders, the Court has stricken Diego Rodriguez's Answer and also entered an Order of Default against Diego Rodriguez.

The Plaintiffs' motion advocates for the Court to conduct a jury trial as a default damages hearing for the defaulted defendants, citing Article I, Section 7 of the Idaho Constitution which states, in relevant part, "The right of trial by jury shall remain inviolate...." The Court does not find that this constitutional provision mandates that Idaho courts must conduct every evidentiary matter as a jury trial, so this Court finds that a jury trial is not required related to determining liability for damages by defaulted defendants.

Rather, Idaho Rule of Civil Procedure 55 states:

⁵ The following are the Orders of Default related to the Fourth Amended Complaint filed March 3, 2023: Order of Default on Fourth Amended Complaint Against Ammon Bundy, Ammon Bundy for Governor, and People's Rights Network, filed Apr. 24, 2023; and Order of Default by Freedom Man Press LLC and Freedom Man PAC, filed June 1, 2023.



(b) Entering a Default Judgment.

(1) *For Sum Certain.* If a claim is for a sum certain or a sum that can be made certain by computation, the court, on the claimant's request, with an affidavit showing the amount due, must order judgment for that amount and costs against the party who has been defaulted for not appearing and who is neither a minor nor an incompetent person and has been personally served, other than by publication or personal service outside of this state. The affidavit must show the method of computation, together with any original instrument evidencing the claim unless otherwise permitted by the court. An application for a default judgment must also contain written certification of the name of the party against whom judgment is requested and the address most likely to give the defendant notice of the default judgment. The clerk must use this address in giving the party notice of judgment.

(2) *Other Cases.* In all other cases, the party must apply to the court for a default judgment. A default judgment may be entered against a minor or incompetent person only if represented by a general guardian, conservator, or other like fiduciary who has appeared. If the party against whom a default judgment is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 3 days before the hearing. The court may conduct hearings or make referrals when, to enter or effectuate judgment, it needs to:

- (A) conduct an accounting;
- (B) determine the amount of damages;
- (C) establish the truth of any allegation by evidence; or
- (D) investigate any other matter.

The Idaho rules specifically identify that an evidentiary hearing by the court before a default judgment differs from an uncontested trial.⁶ Idaho Rule of Civil Procedure

⁶ If any default is set aside before default judgment is entered, this Court notes that a jury trial and default damages evidentiary hearing are not required to be separate proceedings. The Court can conduct a default damages hearing related to the defaulted damages simultaneously with a trial related to claims against Rodriguez since some of the evidence may be the same evidence although offered against different defendants, especially related to the Plaintiffs' civil conspiracy claim. Further, this Court notes that Idaho Rule of Civil Procedure 39(c), enacted in 2016 related to trial by jury or by the court, permits an advisory jury, stating:

In an action not triable of right by a jury, the court, on motion or on its own:

- (1) may try any issue with an advisory jury; or
- (2) may, with the parties' consent, try any issue by a jury whose verdict has the same effect as if a jury trial had been a matter of right.

So, if any Order of Default is set aside, and claims against that defendant are tried by a jury, then the Court may have all but the equitable claims against the defaulted defendants presented to the same jury



55(a)(3) clarifies that an “uncontested trial is not a default,” stating, “This rule [related to entry of default] does not prevent trial of an action if a responsive pleading has been filed even if the defendant does not participate in the trial or oppose the claim. A trial in this circumstance is not a default hearing.”

Considering these rules, this Court finds that a jury trial is not required for defaulted defendants. The Court can make the required determinations at an evidentiary hearing before entry of a default judgment for the defaulted defendants. Since Diego Rodriguez’s Answer to the Fourth Amended Complaint and Demand for Jury Trial was stricken as a sanction for a variety of violations of court orders in this case, then Plaintiffs may proceed to a default damages hearing against Diego Rodriguez as a defaulted defendant as well.

The Court sets the default damages hearing for Ammon Bundy, Ammon Bundy for Governor, the People’s Rights Network, Freedom Man PAC, and Freedom Man LLC, along with a default damages evidentiary hearing for Diego Rodriguez, for ten hearing days beginning July 10, 2023 as detailed in this Order since that time was previously reserved as the trial of this matter.

C. Pretrial Conference Matters

Considering the decision entering an Order of Default against Diego Rodriguez as a sanction for his violation for not attending the Pretrial Conference and sanctions for other motions, and the fact that the five remaining defendants already have Orders of Default entered, this Court will convert the ten-day jury trial that is set to begin July 10, 2023, into a default damages hearing for all defendants. There are other matters scheduled on Judge Norton’s trial calendar during that time. If this case is assigned to an alternate judge for the damages hearing, you will receive notice by a separate order.

HEARING SCHEDULE: The hearing schedule will be as follows:⁷

Monday, July 10, 2023 from 8:30 a.m. until 5 p.m.

Tuesday, July 11, 2023 from 8:30 a.m. until 2 p.m.

as an advisory jury, although the court would still retain its authority to render its own decision on damages and other matters involving the defaulted defendants.

⁷ This schedule applies only if the case is heard by Judge Norton.



Wednesday, July 12, 2023 from 8:30 a.m. until 1 p.m.

Skip Thursday, July 13, 2023.

Friday, July 14, 2023 from 8:30 a.m. until 5 p.m.

Monday, July 17, 2023 from 8:30 a.m. until 5 p.m.

Tuesday, July 18, 2023 from 8:30 a.m. until 2 p.m.

Wednesday, July 19, 2023 from 8:30 a.m. until 1 p.m.

Skip Thursday, July 20, 2023.

Friday, July 21, 2023 from 8:30 a.m. until 5 p.m.

Monday, July 24, 2023 from 8:30 a.m. until 5 p.m.

Tuesday, July 25, 2023 from 8:30 a.m. until 2 p.m.

COURT REPORTER:

There is currently a court reporter shortage in the Fourth Judicial District that is addressed in Fourth Judicial District Administrative Order 22-09-02, Court Reporter Attendance Suspension and Fourth Judicial District Administrative Order 22-04-29, Court Reporter Assignment Priority. Civil evidentiary hearings in district court are eighth in priority for assignment of a court reporter. There may not be a court reporter available for this hearing and the For The Record audio recording would be the official record in this hearing if no court reporter is available to cover this hearing. This hearing may also be reported remotely. If it is reported remotely, please be mindful to always speak clearly and near a microphone to assist in accurate reporting.

JURY INSTRUCTIONS/PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Plaintiffs filed their proposed jury instructions related to claims against Diego Rodriguez on June 6, 2023. The Plaintiffs also filed their proposed findings of fact and conclusions of law for a default damages hearing, and their alternative jury instructions for defaulted defendants, on June 6, 2023. The Court will provide an opportunity to amend before closing the evidentiary hearing.

Diego Rodriguez did not file any proposed jury instructions or proposed findings of fact and conclusions of law on or before June 6, 2023.

EXHIBITS:

The Plaintiffs filed their exhibit list on June 6, 2023. Diego Rodriguez failed to file any exhibit list on or before June 6, 2023. The Plaintiffs counsel inquired about digital



exhibits and the Court informed him that the Exhibits Clerk in the Clerk of the District Court's Office could provide additional instruction on the format (e.g., CD, DVD, flash drive, etc.) of any digital exhibits offered at trial.

WITNESSES:

The Plaintiffs filed their witness list on June 6, 2023 and Diego Rodriguez did not file any witness list on or before June 6, 2023. The Plaintiffs list thirty-five witnesses.

If any witness testimony is to be offered through affidavits, declarations, or depositions, the Court orders that those exhibits are to be marked and lodged with the in-court clerk no later than July 6, 2023.

No scheduling conflicts for any witnesses were noticed at the pretrial conference. Any scheduling conflicts of witnesses should be noticed to the court no later than July 6, 2023.

MOTIONS:

The Plaintiffs filed their Motions in Limine on June 6, 2023.

The Court set a status conference in this case for June 20, 2023 at 4 p.m. The Court will also hear the Plaintiffs Motions in Limine at that time. The Court will also discuss its trial calendar and trial priorities at that conference.

Please contact Judge Norton's in-court clerk, Janine Korsen, if any additional hearings are requested in this case.

IT IS SO ORDERED.

Dated 6/12/2023 10:29:25 PM



Lynn G. Norton
District Judge



CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham
Diego Rodriguez

efstidham@hollandhart.com
freedommanpress@protonmail.com

☒ E-mail

☒ E-mail

Trent Tripple
Clerk of the Court

Dated: 06/13/2023

By: Janine Korsen
Deputy Clerk



EXHIBIT G

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

St Lukes Health System LTD, St Lukes
Regional Medical Center LTD, Chris
Roth, Natasha Erickson, MD, Tracy
Jungman

Plaintiff,

vs.

Ammon Bundy, Ammon Bundy for
Governor, Diego Rodriguez, Freedom
Man PAC, Peoples Rights Network,
Freedom Man Press LLC
Defendant.

Case No. CV01-22-06789

Order Compelling Defendant Rodriguez to
Respond to Discovery

The Plaintiffs Motion to Compel, filed on December 6, 2022, is granted.

IT IS HEARBY ORDERED that the Defendant Diego Rodriguez must:

- 1) provide the phone number and address for every person identified in his response to Interrogatory 6 except Dr. Natasha Erickson, Tracy Jungman, and Chris Roth;
- 2) respond fully to Interrogatory 8;
- 3) respond fully to Interrogatory 11 with “admission against interest” defined as “A person's statement acknowledging a fact that is harmful to the person's position, esp[ecially] as a litigant” and further provides that “An admission against interest must be made either by a litigant or by one in privity with or occupying the same legal position as the litigant.” BLACK'S LAW DICTIONARY, *Admission* (11th ed. 2019);
- 4) supplement the response Interrogatory 14 to respond fully to all details requested of all conversations and/or discussions;
- 5) supplement his response to Interrogatory 15 to fully include “all forms, methods, apps, or types of communication you used to communicate with any person about any issue involved in this lawsuit.”;
- 6) supplement his response to Interrogatory 28 to answer whether any immediate family member(s) or business entity owned or controlled by Diego Rodriguez or any immediate family member of Diego Rodriguez received any money or other things of value as requested in Interrogatory 28;
- 7) supplement responses to Interrogatories 29 through 32 to include any information related to donations to Rodriguez, his businesses, the People's Rights Network, or



- donations on behalf of the infant's family, and must include any information that Diego Rodriguez has knowledge of related to public assistance or insurance coverage for Baby Cyrus' care. Defendant Rodriguez must respond fully to each aspect of Interrogatories 29 through 32 based upon his own knowledge and belief;
- 8) produce all emails and text messages between Diego Rodriguez and Ammon Bundy that relate to this lawsuit or the underlying subject matter in this case as requested in Request for Production 16;
 - 9) supplement Request for Production 19 to provide the requested types of documents Power Marketing LLC and also to include any other responsive documents for businesses, whether incorporated or not, or entity that holds itself out as a business in addition to Power Marketing LLC;
 - 10) supplement Request for Production 22 to produce all contracts and business relationships between the parties in this case including those specifically named in Request for Production 22 or others that exist;
 - 11) produce tax returns responsive to Request for Production 23 but subject to a confidentiality order that restricts the disclosure of any tax returns marked confidential to being viewed only by the attorneys assigned to this case and filed as a sealed exhibit subject to Idaho Court Administrative Rule 32;
 - 12) supplement Request for Production 37 to include all exchanges of money or funds between the people and entities identified Request for Production 37;
 - 13) must fully respond to Request for Production 41 because the writings are relevant and are not privileged;
 - 14) supplement the Rodriguez deposition responses and now fully respond to Interrogatories 1, 2, 3, 4 and 5 for expedited discovery.

The Court ORDERS these responses must be provided to the Plaintiffs **no later than February 22, 2023.**

IT IS HEREBY ALSO ORDERED THAT Diego Rodriguez must sit for an in-person two-day deposition that will be two consecutive days. Diego Rodriguez is required to inform Plaintiffs' counsel, Erik Stidham, of two possible start dates for this deposition that are between February 25, 2023 and March 25, 2023 **by 12:00 p.m. on February 15, 2023.** Diego Rodriguez must inform Plaintiffs' counsel in what city, state, and country that he will be in on those provided dates. Plaintiffs' counsel will then choose one of those start dates. These communications must be conducted by email so there is a record of the discussion.



Plaintiffs' counsel must then file a Notice of Deposition setting the time and place for the two-day deposition consistent with the parties' emailed communications **by February 18, 2023**. Diego Rodriguez MUST then appear in-person at the noticed deposition.


The deposition will be CLOSED to the public pursuant to the separate Order for Protection RE: Depositions entered November 29, 2022, for ensure the efficacy of discovery and to protect the right of all parties to a fair trial.

Failure to comply with this Order can result in sanctions listed in Idaho Civil Rule of Procedure 37(b) which may include:

- (i) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;
- (ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
- (iii) striking pleadings in whole or in part;
- (iv) staying further proceedings until the order is obeyed;
- (v) dismissing the action or proceeding in whole or in part;
- (vi) rendering a default judgment against the disobedient party; or
- (vii) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination and initiating contempt proceedings; and
- (viii) an award of fees and costs against the disobedient party for failing to comply with the Order to Compel.

IT IS ORDERED

Dated: 2/7/2023 5:46:11 PM



Lynn Notton
District Judge



CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham
Diego Rodriguez

efstidham@hollandhart.com
freedommanpress@protonmail.com

[X] E-mail
[X] E-mail

Trent Tripple
Clerk of the Court

Dated: 2/ 8 /2022

By: Janine Korsen
Deputy Clerk



JURAT

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of

_____, 2023, by _____.

Signature of Notary Public

Print, Type or Stamp Name of Notary

Personally Known: _____

OR Produced Identification: _____

Type of Identification Produced: _____