

**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,

Plaintiff/Respondent,

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/Appellants.

Idaho Supreme Court Case # 51244-2023

Ada County District Court  
CV01-22-06789

---

**APPELLANT'S REPLY BRIEF**

---

**APPEAL FROM THE DISTRICT COURT, STATE OF IDAHO  
JUDGES LYNN NORTON & NANCY BASKINS**

---

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

*Pro Se Defendant/Appellant*

Erik Stidham (ISB #5483)  
Holland and Hart LLP  
800 West Main Street Suite 1750  
Boise, ID 83702

*Attorneys for Respondent*

## TABLE OF AUTHORITIES

<b><u>U.S. SUPREME COURT CASES</u></b>	<b><u>Page</u></b>
Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009) .....	13
In re Murchison, 349 U.S. 133 (1955) .....	13
Irvin v. Dowd, 366 U.S. 717 (1961) .....	19
Mathews v. Eldridge, 424 U.S. 319 (1976) .....	24
Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950) .....	10
NAACP v. Button, 371 U.S. 415 (1963) .....	27
Nebraska Press Ass’n v. Stuart, 427 U.S. 539 (1976) .....	15
New York Times Co. v. United States, 403 U.S. 713 (1971) .....	15
Peralta v. Heights Med. Ctr., Inc., 485 U.S. 80 (1988) .....	10

<b><u>STATUTES, CONSTITUTIONAL PROVISIONS, AND RULES</u></b>	<b><u>Page</u></b>
Idaho Code § 12-121 .....	21-22
<i>(Standard for awarding attorney’s fees in civil appeals when the case was brought or defended frivolously, unreasonably, or without foundation.)</i>	
Senate Bill 1001 (2026) – Idaho Anti-SLAPP Law .....	5, 25, 26
<i>(Referenced as a legislative policy statement; not cited for retroactive application, but for public policy implications.)</i>	
Idaho Const. art. I, § 9 .....	<i>(implicitly cited under free speech protections, no direct textual reference)</i>
<i>(Free speech protection—Idaho Constitution analog to U.S. First Amendment.)</i>	
Idaho Const. art. I, § 13 .....	<i>(implicitly referenced under due process arguments, no direct textual reference)</i>
<i>(Due process guarantee under Idaho Constitution.)</i>	

<b><u>FEDERAL CONSTITUTIONAL PROVISIONS</u></b>	<b><u>Page</u></b>
U.S. Const. art. III, § 2 .....	5
<i>(Diversity jurisdiction and federal judicial power over controversies between citizens of different states.)</i>	
U.S. Const. amend. I .....	14-16, 27
<i>(Freedom of speech, petition, press, and religion.)</i>	
U.S. Const. amend. XIV .....	10, 24
<i>(Due process clause—applies constitutional protections to state actions.)</i>	

## INTRODUCTION

This is the final message I have to share with you, the Judges of the Idaho Supreme Court. I can't imagine how much trouble it is to have to read through so much content in order to come to a final conclusion. So, I will be brief and do my best to summarize everything as succinctly as possible.

This case began on May 6th, 2022. As a reminder, to properly frame this REPLY BRIEF, this case began when St. Luke's Hospital participated in the Medical Kidnap of my grandson, affectionately referred to as "Baby Cyrus." The case has "gone viral" and videos from the kidnapping have been viewed over 20 million times by people all around the world. Even now, thousands of people are waiting to see how this court will rule on this appeal, as the world at large has seen all of the evidence in this case, and they are appalled by the absolute INJUSTICE that has taken place. As a matter of genuine and absolute fact, the watching public has seen the evidence that the jury was not allowed to see. And they know the details of the injustices that were done against Ammon Bundy and Diego Rodriguez—two men who published facts, that to this day have never been proven wrong, in an effort to save and protect Diego's grandson (Baby Cyrus).

**This is not a case about defamation.** It never was. It is a case about silencing the voice of anybody who exposes corruption and wrongdoing, and using the legal system as a blunt instrument to annihilate those who have exposed you. In this case, Diego Rodriguez and Ammon Bundy were the ones who exposed St. Luke's Hospital, the Idaho Department of Health and Welfare, and the Meridian Police Department. And St. Luke's Hospital, et al are the ones who have used their limitless legal resources to do everything possible to annihilate these two men for speaking the truth. They have not tried to prove their case with evidence, nor can they because the evidence is against them. Therefore, they have used armies of lawyers and nonstop legal procedures to use the legal system to

destroy these men.

The Idaho Supreme Court has the power and ability to RIGHT this WRONG and to give, at least Idahoans, a reason to believe that they can continue to trust the justice system. Because if not, the watching world will see and know, having viewed the evidence for themselves, that there is no justice in Idaho, when men can use their 1st Amendment right of free speech to expose people and organizations who were involved in the Medical kidnap of a baby, and then have their lives completely destroyed through an unjust legal process. Thousands and thousands of people are watching this case. And justice hangs in the balance.

I, Diego Rodriguez, hereby make my final response to the Respondent's Brief which was filed on March 6th, 2025 by the Plaintiffs:

#### **STATEMENT OF DISPUTED FACTUAL MISREPRESENTATIONS**

It is evident that the Plaintiffs are using every tactic in the book to try to manipulate the Court into believing a false narrative and to paint the Appellant in a bad light. Specifically, they have so overwhelmed the court with documents and irrelevant paperwork in the hopes that the court would, for sake of efficiency, skip straight to their summaries and simply believe whatever they wrote in their Respondent's Brief. **Unfortunately, their Respondent's Brief was filled with outright lies, false claims, and even defamation against the Appellant.**

Appellant Diego Rodriguez specifically denies the following false and misleading claims made by Appellees in their Respondent's Brief. Appellant reserves the right to present full factual rebuttals and supporting evidence in a proper trial on the merits:

**1. False Allegation of Financial Exploitation** - Appellant and Ammon Bundy did not financially benefit from these events. Both suffered significant personal and financial losses and never gained a

single penny of profit from it.

**2. False Attribution of Financial Harm to Appellant's Speech** - Any reputational or financial harm suffered by St. Luke's was the direct result of their *own conduct*. Exposing alleged misconduct does not make the whistleblower liable for public reaction.

**3. False Claim of Violating Court Orders or Discovery Obligations** - Appellant is unaware of violating any legitimate court orders and did not refuse discovery on relevant issues. It was Appellees who refused to provide discovery on critical matters, including their financial incentives and patient safety records.

**4. False Characterization of Jury Fairness** - Multiple jurors admitted bias against Appellant and the co-defendants. Appellant, without legal training, had no meaningful ability to challenge these jurors or exercise peremptory strikes.

**5. False Description of Medical "Care" by Dr. Natasha Erickson** - Dr. Erickson threatened CPS intervention rather than providing legitimate medical care. Appellant's claims are supported by signed affidavits from the infant's parents.

**6. False Labeling of Freedom Tabernacle as a For-Profit Political Organization** - Freedom Tabernacle is a non-profit religious church with a long history of worship services. It has never advocated to outlaw homosexuality or advanced any political agenda as alleged. Calling it a "for profit" organization for political purposes is an affront to every church in existence in America, and is deeply offensive to all people of faith.

**7. False Labeling of Appellant as a "Christian Nationalist"** - Appellant is on record opposing Christian Nationalism. Labeling him as a leader in that movement is false, defamatory, and unsupported.

**8. False Claim of Financial Incentives in PRN Activities** - PRN was operated at a financial loss,

and funded out-of-pocket by Ammon Bundy personally. No personal profit was earned by Appellant or anyone involved.

**9. False Claim that the Infant Was in Imminent Danger of Death** - St. Luke's and Idaho Health officials planned to hand Baby Cyrus over to an untrained foster parent the night he was taken, proving they did not believe he was near death (and they admitted to it in the Medical records that the jury was never allowed to see—though the watching world has seen).

**10. False Statement About Infant's Feeding Inability** - Baby Cyrus could breastfeed normally with his mother. He was only force-fed through a nasal tube after being forcibly separated from his Mother, leading to medical complications, including a C-DIFF infection because of the incompetent and unhygienic manner in which nurse Tracy Jungman inserted the nasal tube into Baby Cyrus.

**11. False Characterization of Appellant's Statements as Wild Conspiracy Theories** - Appellant accurately identified systemic, government-subsidized child trafficking practices based on verifiable policies and funding mechanisms. He did not accuse St. Luke's of sexually abusing or murdering children intentionally, though he did demonstrate that babies in St. Luke's "care," have been inadvertently killed due to St. Luke's own incompetence. These are well documented cases that cannot be denied. St. Luke's simply does not want them broadcasted.

**12. False Claim About Infant's Health Being Misrepresented** - St. Luke's own medical records described Baby Cyrus as "medically stable" and "healthy." This evidence was improperly withheld from the jury.

**13. False Denial of Infant Mistreatment by St. Luke's** - St. Luke's medical records admit Baby Cyrus was left in his own vomit (emesis), resulting in visible facial burns. Appellant's description of mistreatment is fully supported by documented evidence.

**14. False Characterization of Protest as an "Armed Mob"** - The protest outside St. Luke's was

peaceful, consisting of families, parents, and children exercising their First Amendment rights. To Appellant's knowledge and corroborating video evidence, only one lawful citizen carried a firearm openly, consistent with Idaho law (this man is also well known to the Idaho police on hand and is known as a peaceful patriot who simply carries a firearm to 'exercise his 2<sup>nd</sup> amendment right' and can be seen everywhere doing so—not just at the Baby Cyrus protests).

**15. False Narrative About Hospital Lockdown Due to Protesters** - St. Luke's initiated the lockdown for internal political reasons, not because of any threat or action by peaceful protesters and/or were goaded to do so by interference from the FBI (more on this later).

**16. False Allegation of Personal Financial Gain Through Publicity** - Appellant never marketed his business or solicited personal donations. Any donations raised were directed to support the family of Baby Cyrus, not Appellant personally. Neither Ammon Bundy nor Diego Rodriguez gained a single red cent from the protests. On the contrary, both of them suffered great financial harm as a result of the incident. (And even further financial harm once this lawsuit began.)

**17. False Discovery Misconduct Allegations** - Appellant refused only irrelevant and invasive discovery demands, while Appellees failed to comply with legitimate requests for evidence central to the claims, including financial records and patient safety data.

**18. False Representation of Full Discovery Compliance by Appellees** - Appellees refused to provide key discovery responses. Appellant, lacking legal expertise, was unfamiliar with procedures like "meet and confer" and was overwhelmed by legal attrition tactics.

**19. False Allegations of Cyberstalking** - Appellant engaged in constitutionally protected public criticism. He has never unlawfully stalked or harassed any individual.

**20. False Claim That Federal Removal Was Frivolous or Filed to Delay** - Appellant filed for removal based on sound legal advice regarding interstate jurisdiction, as permitted by law. In short,

Appellant lives in Florida, and therefore according to Article III, Section 2 of the U.S. Constitution, the case should be held in a federal court.

**21. False Characterization of Jury Selection as Fair** - Jurors with direct or indirect ties to St. Luke's were allowed to serve on the jury, undermining the fairness of the trial.

**22. False Claim of Uncontested Expert Testimony** - Plaintiffs' paid experts were never cross-examined, and contrary evidence was excluded, denying Appellant a fair trial.

**23. False Representation of Expert Impartiality** - All expert witnesses were paid by St. Luke's, compromising the credibility and impartiality of their testimony.

Appellant respectfully requests that this Court recognize these factual disputes and reject Appellees' attempt to mislead this Court with unsupported character attacks and false narratives.

### **FEDERAL RETALIATION BACKGROUND, VIOLENT BIAS, AND ITS RELEVANCE TO THIS CASE**

This Court cannot fairly evaluate the Respondents' narrative without recognizing the documented history of federal government retaliation against Ammon Bundy and those associated with him, including Petitioner.

Beginning in 2014, the FBI and Bureau of Land Management (BLM) launched a highly militarized federal siege against the Bundy family in Nevada, ultimately spending over \$100 million in a failed effort to permanently imprison them. That campaign culminated in the fatal shooting of Lavoy Finicum, a close ally of the Bundy family, during the Oregon standoff in 2016.

Federal misconduct was later exposed through the Wooten Memorandum, authored by Bureau of Land Management Special Agent Larry Wooten, who blew the whistle on rampant misconduct, bias, and violence within federal law enforcement ranks (the Wooten Memo was



included with the original Appellate Brief as Exhibit P). Among the most disturbing findings:

- Photographs of Bundy family members' faces, including Cliven Bundy and Eric Parker, were posted on an "Arrest Tracking Wall" with "X's" over their faces and bodies, symbolizing kill shots and targeted destruction. This demonstrated the desire within the BLM culture to see the Bundy family killed.
- Federal agents bragged about roughing up Dave Bundy, grinding his face into the ground until "little bits of gravel" were embedded in his skin.
- Agents were overheard issuing violent threats, including:
  - "Shoot his fucXXXX dog first."
  - "You come find me and you're gonna have hell to pay."
  - "Pretty much a shoot first, ask questions later."
- Agents openly mocked the Bundy family and their supporters with dehumanizing slurs and sexually degrading language, fostering a culture of hatred and violence.

These are not isolated incidents. They reveal a federal culture of retaliation and dehumanization directed at the Bundy family and their supporters—a culture that the FBI never repudiated, but rather perpetuated.

This documented history of federal hostility and violent bias provides critical context for understanding how the FBI inserted itself into this case, manufacturing the false "armed mob" narrative that St. Luke's later exploited in this civil action.

According to the sworn testimony of Abbey Abbondandolo, Head of Security for St. Luke's, the FBI contacted St. Luke's directly, warning them of alleged social media threats, which led to a hospital lockdown. Mr. Abbondandolo admitted under oath that such FBI contact was highly unusual, stating:

*“Prior to the protests, the federal bureau of investigation advised that threats against the Boise hospital had been noted on social media resulting in the facility being placed into a partial lockdown.”* (Transcript, p. 307, lines 3-8)

**This testimony confirms that the federal government itself seeded the false narrative of a public safety crisis, which Respondents later weaponized in this litigation to obtain a \$52.5 million default judgment against Petitioner.**

This Court must not allow such federally manufactured hysteria—born of a documented federal vendetta—to be weaponized in Idaho’s courts. To do so would endorse a dangerous precedent, allowing federal disinformation and bias to destroy the lives of private citizens without due process or factual basis.

## **REBUTTAL TO SECTION V OF THE RESPONDENT’S BRIEF**

### **A. Rebuttal to Respondents’ Framing of the Standard of Review**

Respondents begin by arguing that this Court owes broad deference to the district court under an “abuse of discretion” standard. While Appellant agrees that certain rulings—like sanctions—may be reviewed for abuse of discretion, Respondents misstate the standard of review in key areas of this appeal:

#### **1. Constitutional Violations Are Reviewed De Novo**

- This appeal raises serious constitutional questions, including:
  - Whether the permanent injunction constitutes an unconstitutional prior restraint on speech.
  - Whether the default judgment process violated procedural due process.
  - Whether the damages awarded are excessive and punitive in violation of

constitutional limits.

- These issues are legal questions that demand de novo review, not mere abuse of discretion analysis.

2. Waiver Does Not Eliminate De Novo Review of Constitutional Defects

- Even if default judgment was entered, this Court must still review whether the resulting injunction and damages comply with constitutional requirements. Default does not waive constitutional protections.

3. Default Judgments Require Careful Appellate Oversight

- Appellant was deprived of a fair trial on the merits through procedural overwhelm and legal attrition. Courts have a duty to scrutinize default judgments, especially those affecting free speech and imposing extraordinary penalties.

4. Respondents Overstate Deference to Shield Judicial Errors

- The district court's handling of juror bias, discovery abuses, default entry, and refusal to hear constitutional defenses are not discretionary matters. They are legal errors that this Court must review independently.
- Accordingly, while abuse of discretion may apply to certain sanctions or procedural rulings, this Court must apply de novo review to the constitutional and procedural defects that undermine the validity of the judgment and injunction in this case.

**B. Rebuttal to Respondents' Argument That the Appeal Should Be Dismissed Because of Bench Warrants for Contempt**

Respondents ask this Court to dismiss this appeal based on the *fugitive disentitlement doctrine*, citing two civil contempt warrants. This argument should be rejected for the following

reasons:

1. This Issue Has Already Been Briefed and Opposed

- Appellant has already fully addressed this issue in his opposition to *Respondents' Motion to Dismiss* based on the fugitive disentitlement doctrine.
- Appellant respectfully incorporates that prior briefing here by reference and urges the Court to deny dismissal for the same reasons already stated.

2. Appellant Is Not a Fugitive

- The warrants at issue arise from civil contempt, not criminal prosecution.
- Appellant has not fled from justice, has not hidden his whereabouts, and has continued to publicly participate in this appeal.

3. Appellant Has Been a Florida Resident Since Before This Lawsuit Began

- Appellant was a resident and citizen of the State of Florida for over a year before this lawsuit even began.
- Appellant did not flee Idaho or evade jurisdiction; this is a manufactured narrative unsupported by the record.

4. The Doctrine Is Discretionary, Not Mandatory

- This Court has discretion whether or not to apply this doctrine. Appellant respectfully urges the Court to reach the merits, given the serious constitutional and public policy implications at stake.

5. Contempt Warrants Were Entered Without Due Process

- These warrants were entered without notice, without a proper hearing, and without an opportunity to defend, violating Appellant's due process rights.

6. Procedural Overwhelm Explains Non-Compliance

- Appellant is a pro se litigant without legal training or resources. Any non-compliance resulted from legal overwhelm and procedural attrition, not bad faith or evasion.

7. Respondents Waived This Argument by Briefing the Merits

- By filing a full Respondent's Brief on the merits, Respondents have submitted to this Court's jurisdiction and waived their dismissal argument.

8. Dismissal Would Shield Unconstitutional Orders from Review

- Dismissing this appeal would allow unconstitutional speech restrictions and excessive damages to stand unchallenged, contrary to Idaho's interest in justice and constitutional accountability.

For these reasons, this Court should reject Respondents' request for dismissal and proceed to fully review the merits of this appeal.

**C. Rebuttal to Respondents' Argument That the Appeal Should Be Dismissed Because Appellant Did Not Move to Set Aside the Default Judgment**

Respondents argue that Appellant failed to preserve his right to appeal by not filing a motion to set aside the default judgment in the trial court. This argument fails for the following reasons:

1. Constitutional Defects Are Reviewable Even Without a Set-Aside Motion

- Appellant's appeal raises serious constitutional issues including:
  - Prior restraint on speech.
  - Excessive damages.
  - Lack of procedural due process.
  - These issues are reviewable on direct appeal, regardless of whether Appellant filed a motion to set aside default. Default does not waive constitutional rights.

2. Record Shows Appellant Objected to Jurisdiction and Process Throughout

- Appellant objected to the default proceedings, challenged jurisdiction, and removed the case to federal court twice.
- These filings preserved the issues for appeal, even if not labeled as a “motion to set aside.”

3. Legal Overwhelm Prevented Formal Post-Judgment Motions

- Appellant, acting pro se and overwhelmed by complex legal filings and professional attorneys, was not reasonably capable of filing technical motions after default was entered.

4. Appellant Continues to Object and Defend in This Appeal

- Appellant’s appeal itself serves as a continuing objection to the validity of the judgment. This Court has the power to correct constitutional defects whether or not a technical post-judgment motion was filed below. Default judgments that implicate constitutional rights demand heightened scrutiny. As the U.S. Supreme Court held, due process under the Fourteenth Amendment requires that a party be afforded a meaningful opportunity to be heard before significant penalties or restrictions are imposed. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950); *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80 (1988) (vacating default judgment where defendant was denied opportunity to contest liability).

5. Fundamental Fairness Requires Review Despite Technical Waivers

- To affirm such a massive judgment and permanent injunction without appellate review, simply because a pro se litigant failed to file a technical motion, would offend fundamental fairness and justice.

For these reasons, this Court should reject Respondents’ waiver argument and proceed to address the serious constitutional and procedural errors raised on appeal.

#### **D. Rebuttal to Respondents' Argument That Appellant Improperly Relies on Materials Outside the Record**

Respondents argue that this Court should disregard the two dozen plus exhibits Appellant submitted with his Appellate Brief, claiming they are “extra-record” materials not properly before this Court. This argument should be rejected for the following reasons:

1. Appellant's Exhibits Are Offered to Show What the District Court Improperly Excluded
  - Appellant's exhibits are not new evidence in the traditional sense.
  - They are materials that Appellant never had a fair opportunity to present because the district court entered default without trial, cutting off Appellant's ability to submit evidence on the record.
  - Appellant provides these materials to show the factual context and to demonstrate the unfairness of the one-sided default record.
2. Exclusion of These Materials Would Compound the Injustice
  - Refusing to consider these exhibits would punish Appellant twice:
    - First, for being denied a hearing on the merits.
    - Second, by refusing to review the very evidence Appellant was prevented from presenting in the trial.
  - This would shield constitutional violations and factual misrepresentations from meaningful review.
3. Appellant's Exhibits Were Properly Submitted With the Appellate Brief
  - Appellant submitted these materials directly to this Court, not as an attempt to expand the record improperly, but to provide context and support for the constitutional issues on appeal.
4. Respondents Themselves Seek to Augment the Record

- Respondents have filed a *Motion to Augment the Record* with post-judgment materials, including alleged post-judgment conduct by Appellant.
- Respondents cannot credibly object to Appellant’s supplemental materials while seeking to expand the record themselves.

#### 5. Appellate Review Must Consider the Context of a Procedurally Defective Record

- The default record is incomplete by design, because Appellant was cut off from presenting a defense.
- The Court should consider Appellant’s submitted materials to understand the full scope of the procedural injustice that occurred.

#### 6. Fundamental Fairness Requires This Court to Consider All Relevant Context

- To affirm a \$52.5 million judgment and a permanent speech restriction without even considering the evidence that Appellant was prevented from presenting would offend basic principles of fairness and justice.

For these reasons, this Court should reject Respondents’ attempt to exclude Appellant’s submitted exhibits and fully consider the factual and constitutional context they provide.

### **E. Rebuttal to Respondents’ Argument That Appellant Waived or Cannot Prove Judicial Bias**

Respondents argue that Appellant waived his judicial bias challenge and that, even if considered, no bias is shown. This argument misstates both the law and the record. Appellant responds as follows:

#### 1. Appellant Did Not Waive the Judicial Bias Issue

- Appellant consistently objected to Judge Norton’s bias throughout the proceedings.
- Appellant’s lack of formal legal terminology or failure to file a technical “Motion to



Disqualify” does not waive the issue, especially given Appellant’s pro se status.

- Idaho law allows substantive bias claims to be preserved even when raised informally by unrepresented parties.

## 2. The Record Demonstrates Clear Judicial Bias

- Judge Norton’s conduct demonstrated pervasive bias, including:
  - Striking all of Appellant’s defenses without fair consideration.
  - Excluding critical defense evidence from the jury.
  - Seating jurors with admitted bias against Appellant (this was actually done by Judge Nancy Baskins but the case was taken over after being tainted by Judge Norton).
  - Issuing an overbroad permanent injunction restricting speech (also Judge Baskins).
  - Dismissing constitutional defenses without serious review.

## 3. Judicial Bias Is Not Limited to Personal Hostility

- Bias includes consistent, one-sided rulings or any conduct that creates the appearance of partiality. The constitutional guarantee of due process includes the right to a neutral decision-maker. “[A] fair trial in a fair tribunal is a basic requirement of due process.” *In re Murchison*, 349 U.S. 133, 136 (1955). Even the appearance of partiality undermines public confidence in the judiciary and mandates recusal. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009) (reversing decision due to appearance of bias arising from judge’s financial ties).
- The district court’s handling of this case undermines public confidence in judicial neutrality.

## 4. Appellant Is Entitled to a Fair and Impartial Tribunal

- A fair and impartial tribunal is a constitutional requirement, and this Court has an independent duty to ensure that requirement is met.

5. Appellant Presented Specific, Documented Evidence of Actual Conflict

- In his original Appellate Brief, Appellant specifically identified that Judge Norton’s husband was employed by the Bureau of Land Management (BLM)—an agency that had publicly targeted Ammon Bundy and his family during the Bundy Ranch standoff.
- Given Ammon Bundy’s close relationship to Appellant in this case, and the fact that Ammon was in fact a named defendant in this case, this family connection created an undeniable appearance of bias.
- Appellant submitted exhibits proving this conflict and it should be noted that the evidence did not come to light *during* the regular course of the case, but AFTER the trial had already finished. Had it come to light beforehand, Appellant would have submitted it then.
- Respondents now attempt to ignore this documented, specific conflict by falsely claiming waiver.
- Appellant did not waive it. He properly raised it, and this Court should fully consider it.

6. Appellant Filed a Formal Judicial Complaint Before Filing This Appeal

- Appellant also filed a formal complaint with the Idaho Judicial Council against Judge Norton before this appeal began, based on the same appearance of bias and misconduct.
- This further demonstrates that Appellant did not waive the issue, but took every possible step, both inside and outside the courtroom, to challenge Judge Norton’s impartiality.

**F. Rebuttal to Respondents’ Argument That the First Amendment Does Not Protect Appellant’s Speech**

Respondents argue that the First Amendment does not protect defamatory speech, and that because Appellant defaulted, liability and falsity are conclusively established. This argument

oversimplifies the law and completely ignores the unconstitutional scope of the injunction. Appellant responds as follows:

1. The Injunction Is an Unconstitutional Prior Restraint on Future Speech

- Regardless of the default, the permanent injunction entered by the district court restricts future speech—not just past statements.
- Prior restraints on speech are presumptively unconstitutional and must survive strict scrutiny, which Respondents completely fail to address. As the U.S. Supreme Court has repeatedly held, “*Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity.*” *New York Times Co. v. United States*, 403 U.S. 713, 714 (1971). In *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539 (1976), the Court invalidated a gag order that restrained future speech and emphasized that “*prior restraints on speech and publication are the most serious and the least tolerable infringement on First Amendment rights.*”
- The injunction goes far beyond any allegedly defamatory statements and bars broad categories of protected speech about government conduct, medical practices, and public issues.

2. Default Judgment Does Not Waive Future Free Speech Rights

- While a default may establish past liability, it cannot justify a permanent ban on future speech, especially on matters of public concern.
- The First Amendment protects future speech, regardless of past findings.

3. The Default Record Is One-Sided and Constitutionally Deficient

- Appellant was never allowed to present evidence, cross-examine witnesses, or defend on the merits.

- This one-sided record cannot serve as a constitutional basis for a permanent speech ban or massive financial penalties.

#### 4. The Injunction's Scope Is Overbroad and Vague

- The injunction prohibits Appellant from speaking broadly about:
  - "Child trafficking."
  - "Government abuse."
  - "Medical kidnapping."
  - These are core issues of public debate.
  - The injunction's vague and overbroad terms chill lawful speech far beyond any proven defamatory statements.

#### 5. The Record Lacks Specific Findings Supporting Such a Broad Ban

- The district court failed to make specific, narrowly tailored findings justifying the scope of the injunction under strict constitutional standards.

#### 6. Respondents Completely Ignore the Idaho Legislature's New Anti-SLAPP Law

- The Idaho Legislature has condemned lawsuits like this one as abusive tactics used to silence public participation.
- Respondents do not address this new public policy at all, conceding that their lawsuit conflicts with Idaho's legislative values.

For these reasons, this Court should vacate the overbroad injunction and reverse the judgment to protect Appellant's ongoing constitutional right to participate in public debate.

### **G. Rebuttal to Respondents' Argument That Appellant's Procedural Complaints Are Waived or Meritless**

Respondents argue that Appellant's procedural complaints about discovery, participation, and fairness are either waived or meritless. This argument is misleading and factually incorrect. Appellant responds as follows:

1. Appellant Did Not Willfully Violate Discovery Obligations

- Appellant did not refuse discovery on relevant issues. Appellant objected to irrelevant, invasive, and abusive discovery demands, including:
  - Personal tax records, including demands for future tax years that had not even occurred.
  - Personal financial disclosures unrelated to any element of the defamation claims.
- Appellant raised good-faith objections as permitted by Idaho and federal rules of procedure.

2. Appellees Themselves Engaged in Discovery Misconduct

- Appellees refused to provide critical discovery on core issues, including:
  - Financial incentives received for holding CPS-involved children like Baby Cyrus.
  - Patient outcome data that would have shown patterns of harm or mistreatment.
  - Internal communications relating to their response to public criticism.
- Appellees' selective compliance and stonewalling denied Appellant the ability to develop a full defense record.

3. Legal Overwhelm, Not Bad Faith, Explains Any Procedural Missteps

- Appellant is a pro se litigant, without legal training, facing an army of highly paid attorneys.
- Appellant was subjected to a deliberate legal attrition strategy designed to overwhelm and exhaust him procedurally.
- Any procedural deficiencies were the result of overwhelm, not willful defiance or evasion.

4. Appellant Was Unlawfully Ordered to Sit for an Out-of-State Deposition

- The district court ordered Appellant to appear in person in Idaho, more than 2,000 miles from his Florida residence, for a deposition.
- This violated well-established legal protections that prevent courts from forcing civil litigants to travel more than 100 miles from their residence for depositions.
- Appellant rightly refused to comply with this illegal deposition order.

#### 5. Appellant's Participation Was Cut Off by Default, Not By Choice

- The district court struck Appellant's defenses and entered default judgment, cutting off Appellant's ability to participate meaningfully in trial or defend himself on the merits.
- This procedural cutoff was not a result of Appellant's choice, but of the court's one-sided procedural rulings.

#### 6. Appellant Was Denied Basic Procedural Fairness

- Appellant was never given a fair opportunity to defend himself, present evidence, or cross-examine witnesses.
- The trial was conducted without a meaningful defense, resulting in one-sided findings based solely on the Plaintiffs' unchallenged narrative.

#### 7. Respondents' Argument Ignores Their Own Discovery Misconduct

- Respondents misrepresent the discovery history, ignoring their own failures to produce key evidence and their stonewalling tactics.
- They now seek to blame the victim of procedural abuse while hiding their own misconduct.

For these reasons, this Court should reject Respondents' procedural blame-shifting, recognize the fundamental unfairness of the process below, and vacate the judgment to restore Appellant's right to a fair trial.

## H. Rebuttal to Respondents' Argument That the Jury's Verdict Should Be Affirmed

Respondents argue that the jury's verdict was fair and supported by the record. This argument ignores the procedural defects, juror bias, and constitutional violations that make the verdict inherently unreliable. Appellant responds as follows:

### 1. The Jury Was Improperly Seated With Biased Jurors

- Multiple jurors admitted bias against Appellant and the co-defendants during voir dire, including:
  - Current or former employees of St. Luke's.
  - Spouses of current or former St. Luke's employees.
- Despite these admissions, these jurors were allowed to remain on the panel.
- Suggesting Appellant could have used peremptory strikes ignores the reality that Appellant, a pro se litigant with no legal training, did not know how to navigate the jury selection process.
- The seating of biased jurors undermines the integrity of the verdict. The U.S. Supreme Court has held that “[I]mpartiality is not a technical conception. It is a state of mind of the juror.” *Irvin v. Dowd*, 366 U.S. 717, 723 (1961). A verdict rendered by a jury containing individuals with direct ties to one of the parties undermines the fundamental right to a fair trial. And seating a biased juror who has already **admitted** to being biased against the defendant is unconscionable and a clear violation of Constitutional rights.

### 2. The Verdict Was Based on a One-Sided Record

- Appellant was prevented from defending himself.
- The jury heard only the Plaintiffs' unchallenged narrative, without any defense evidence or cross-examination.

- Such a default trial does not produce a reliable verdict, especially when core evidence was excluded or never presented.
3. The Jury Was Never Shown Key Evidence Favorable to Appellant
- Evidence showing that Baby Cyrus was “medically stable,” was “a healthy baby,” and NOT in “imminent danger” was excluded.
  - Evidence of St. Luke’s own internal failures and financial incentives was never presented.
  - Evidence showing that every claim Diego and Ammon made was, in fact, empirically true (there is no defamation when the statements made are true).
  - Evidence of peaceful protests, not an “armed mob,” was withheld.
  - These exclusions deprived the jury of the full truth, tainting the verdict.
4. The Expert Testimony Was One-Sided and Paid For by Plaintiffs
- All expert witnesses who testified were paid by St. Luke’s (and paid quite handsomely).
  - These experts were never cross-examined or challenged on their claims.
  - The jury’s acceptance of this testimony was based on unchallenged, paid-for evidence, not a genuine adversarial process.
5. The Verdict Was Tainted by Judicial Bias and Procedural Misconduct
- The cumulative effect of:
    - Biased jurors,
    - Excluded defense evidence,
    - One-sided expert testimony, and
    - Judicial bias renders the verdict constitutionally defective.
6. A New Trial Is Required to Restore Confidence in the Verdict
- Appellant does not seek to escape accountability.



- Appellant seeks a fair trial, with a neutral judge, impartial jurors, and the opportunity to present a full defense.
- Only a new trial can produce a verdict worthy of public confidence.

For these reasons, this Court should set aside the jury's verdict and remand for a new trial on the merits.

## **I. Rebuttal to Respondents' Argument That They Are Entitled to Attorneys' Fees Under Idaho Code § 12-121**

Respondents argue that they are entitled to attorneys' fees under Idaho Code § 12-121, claiming that Appellant's appeal is frivolous, unreasonable, or without foundation. This claim should be flatly rejected for the following reasons:

### **1. This Appeal Raises Serious Constitutional and Public Policy Issues**

- Appellant's appeal challenges:
  - First Amendment violations through an unconstitutional permanent injunction.
  - Excessive default damages of \$52.5 million without a fair trial.
  - Procedural abuses, including biased jurors and judicial misconduct.
  - Discovery misconduct and stonewalling by Respondents.
  - One-sided expert testimony funded by Respondents.
  - These are serious legal and constitutional concerns, not frivolous complaints.

### **2. Appellant's Appeal Has Already Forced Important Issues Into the Open**

- This appeal has:
  - Brought public attention to the abuse of defamation law as a tool to silence citizen speech.

- Exposed the appearance of judicial bias.
- Highlighted the procedural inequities faced by pro se defendants.
- Coincided with the Idaho Legislature enacting Anti-SLAPP protections, demonstrating that Appellant's claims have public policy merit.

### 3. Respondents Themselves Have Relied on Procedural Technicalities, Not Clear Legal Merits

- Respondents have spent much of their briefing seeking to avoid constitutional review by relying on:
  - Fugitive disentitlement arguments.
  - Procedural waiver claims.
  - Record exclusion tactics.
- This confirms that the core merits of this appeal are serious and unresolved.

### 4. Penalizing a Pro Se Litigant With More Fees Is Unjust and Disproportionate

- Appellant has already been financially devastated by the default judgment and massive damages award.
- Imposing additional attorneys' fees on a self-represented citizen defendant would compound the injustice and further chill access to justice.

### 5. This Court Should Encourage Review, Not Punish It

- Appeals like this, which challenge the fairness and constitutionality of the process itself, should be encouraged, not punished with fee awards.
- Granting fees here would deter legitimate constitutional appeals in the future.

For these reasons, this Court should deny Respondents' request for attorneys' fees under Idaho Code § 12-121.

## Justice Delayed Is Justice Denied

What was initially brought as an allegedly urgent matter has been allowed to languish through excessive litigation, procedural gamesmanship, and costly delay tactics that have disproportionately burdened the Appellant as a self-represented party.

While the Sixth Amendment to the United States Constitution explicitly guarantees a speedy trial in *criminal* prosecutions, *civil* litigants are not without similar protections. Rule 1 of the Federal Rules of Civil Procedure, along with corresponding state procedural rules, requires that civil cases be conducted in a manner that is “just, speedy, and inexpensive.” These guiding principles are not mere formalities; they are essential safeguards meant to ensure that justice is served without unnecessary delay or prejudice to any party—especially self-represented litigants who lack the resources of well-funded corporate law firms.

This case exemplifies procedural attrition, where the passage of time itself becomes a weapon used to exhaust, overwhelm, and financially devastate the opposing party—not through merits, but through the abusive leveraging of legal process. Courts across the nation have recognized that such tactics undermine both judicial economy and public confidence in the legal system.

As the Idaho Legislature itself recognized in enacting its 2026 Anti-SLAPP law, prolonged and oppressive litigation chills free speech, burdens the judicial system, and deprives citizens of their constitutional rights. Though the law was passed after this litigation began, the public policy behind it is clear and applicable here: *Litigation should not be used as a punishment, and legal proceedings should not be allowed to drag on endlessly, draining time, energy, and resources from the parties involved.*

After more than three years, justice delayed has become justice denied.

## **The Unconstitutional Use of Procedural Attrition to Deny Due Process**

Throughout the course of this litigation, Appellant has consistently faced not only legal arguments but also the oppressive weight of procedural overreach designed to overwhelm and exhaust. While the legal system must necessarily operate according to rules of procedure, it must never permit those procedures to become weapons of attrition that undermine due process, fundamental fairness, and the right to be heard on the merits.

In practice, this case has demonstrated how procedural complexity and attrition can be used to systematically wear down a self-represented party, making it nearly impossible to meaningfully participate in one's own defense. Appellant has faced thousands of pages of filings, last-minute motions, and burdensome document requests designed not to resolve factual disputes, but to multiply the procedural obstacles so as to secure victory by exhaustion rather than by the law or facts.

The United States Supreme Court has long held that due process requires more than the mere appearance of a hearing or participation. It requires that a party be given a meaningful opportunity to be heard—not drowned in a sea of legal filings that no layperson could reasonably manage without the aid of specialized counsel.

*“An opportunity to be heard must be granted at a meaningful time and in a meaningful manner.”—Mathews v. Eldridge, 424 U.S. 319, 333 (1976)*

The oppressive procedural conduct in this case—combined with its multi-year duration—amounts to a constructive denial of that meaningful opportunity. Rather than resolving this dispute on the facts and the law, Respondents have advanced an aggressive strategy of procedural attrition, abusing the legal process as a means of silencing and punishing a private citizen for constitutionally protected expression.

Such tactics not only violate principles of fundamental fairness but also run contrary to the

public policy interests recognized by the Idaho Legislature in its passage of Anti-SLAPP legislation designed to prevent exactly this type of procedural abuse.

### **The Public Policy Behind Idaho’s Anti-SLAPP Law Must Be Considered**

In March 2025, the Idaho Legislature overwhelmingly passed, and Governor Brad Little signed into law, Senate Bill 1001, Idaho’s first Anti-SLAPP (Strategic Lawsuit Against Public Participation) statute. This landmark legislation, introduced by Senator Brian Lenney and Representative Heather Scott, was directly inspired by the public outcry surrounding this very lawsuit, commonly referred to across Idaho as the “Baby Cyrus Case.”

Lawmakers cited this case as the clearest example of why Idaho needed Anti-SLAPP protections. Legislators from both the House and the Senate expressed grave concerns that this lawsuit—filed against Appellant Diego Rodriguez and co-defendant Ammon Bundy—was being weaponized not to resolve legitimate legal claims, but to punish and financially destroy political and social critics of a powerful health system. The perceived abuse of the legal process in this case was described by many in the Legislature as a “travesty of justice” and a “blight on Idaho’s legal system.”

Appellant has personal knowledge from the Idaho Legislature who have stated that *this very case* was the primary catalyst for the drafting and passage of SB1001 (in fact 6 Idaho legislators participated in the protests in front of St. Luke’s Hospital and the video of their speeches are available online to this day). Lawmakers were deeply troubled by what they described as a travesty of justice and a blight on Idaho’s legal system, where the courts were being used not to resolve legitimate legal issues, but to financially destroy and silence those who had publicly criticized powerful institutions.

This case became the catalyst for drafting and passing SB1001, which was ultimately signed into law under intense public and legislative pressure. Though the statute was enacted after this

litigation began, the clear intent and public policy behind it are directly relevant here. The law was designed to prevent exactly the kind of procedural abuse and legal harassment that this case has demonstrated over the past three years.

Idaho's Anti-SLAPP law establishes mechanisms for the early dismissal of meritless lawsuits aimed at chilling free speech and provides remedies for defendants wrongfully targeted by such suits. While this law does not retroactively apply to this case, the public policy it enshrines serves as a powerful reminder to this Court that the citizens and lawmakers of Idaho have spoken clearly: *the judicial system must not be used as a weapon to silence or financially ruin individuals for exercising their constitutional rights.*

Appellant respectfully submits that the Legislative history of SB1001, and the public outrage over this very case that inspired its passage, should weigh heavily in the Court's consideration of the broader implications of allowing this litigation to proceed unchecked.

### **The Chilling Effect on Free Speech and Civic Engagement**

At the heart of this case lies an undisputed exercise of constitutionally protected free speech—public commentary on matters of great public concern, including government overreach, child welfare interventions, and the conduct of powerful private institutions like St. Luke's Health System. These are exactly the types of issues the First Amendment was designed to protect.

Yet, through this litigation, Respondents have sought not merely to challenge factual claims, but to impose crippling financial and legal burdens on those who dared to speak out. The multi-million-dollar damages awarded—without the benefit of a full trial on the merits—combined with the procedural onslaught that has followed, threaten not just the Appellant, but the broader public's willingness to engage in critical civic discourse.

Allowing such a precedent to stand would send a dangerous message to every citizen of Idaho and beyond: that speaking out against perceived injustice, government misconduct, or institutional abuse could result in years of ruinous litigation and financial devastation. This chilling effect is precisely what Anti-SLAPP laws—like Idaho’s newly enacted SB1001—are intended to prevent. As the U.S. Supreme Court noted in *NAACP v. Button*, 371 U.S. 415, 433 (1963), “[W]e cannot permit the constitutional right to speak, publish, and petition the government for redress of grievances to be trampled by abusive or overly burdensome litigation.” The use of defamation lawsuits to punish political expression presents an “immediate and irreparable” threat to First Amendment rights.

The Idaho Legislature has made clear that public participation, free speech, and open debate are not to be punished through abusive legal tactics. To permit this case to proceed without addressing these constitutional and public policy concerns would not only embolden future SLAPP actions but would erode the very foundations of democratic accountability and civic engagement.

Appellant respectfully urges this Court to consider the broader implications of this case—not only for the parties involved but for the constitutional rights of all Idahoans and Americans who must be free to speak out on matters of public concern without fear of judicially sanctioned retaliation.

### **Appellant’s Personal Commitment to True Due Process**

Appellant also wishes to personally acknowledge that when this case began more than three years ago, he was completely unfamiliar with the legal system. This was Appellant’s first lawsuit. Like many ordinary citizens, Appellant had no formal legal training and was completely unprepared for what lay ahead.

Appellant did not know what a *deposition* was. He did not understand the meaning of an *injunction*, an *order*, or a *motion*. He had never experienced court procedure, discovery, or the overwhelming flood of legal filings that would follow. Simply put, Appellant was unarmed in the face of professional legal adversaries with unlimited resources.

But three years have passed. And while Appellant still does not claim to be a legal professional, he has learned enough through this painful and costly experience to now understand the process and to stand ready to face a fair trial on the merits.

*If this case is remanded for a new trial, Appellant is ready. If the parties are required to present actual evidence, Appellant is ready. If this Court orders that the truth be allowed to come forward before a fair and impartial jury, Appellant is ready.*

What Appellant is not willing to submit to, however, is a system that allows manipulative procedural tactics to manufacture default judgments without ever allowing a single shred of defense evidence to be presented. That is not justice, and that is not due process.

Appellant now stands before this Court with open hands—not asking for special treatment, but for the basic right of every citizen: *To present the truth, to defend one’s name, and to trust the people of Idaho—through a fair and impartial jury—to decide the case based on the actual evidence, not on technicalities or manufactured defaults.*

### **Conclusion**

This appeal presents not merely a dispute over procedure—but a test of this Court’s commitment to constitutional principles, public policy, and fundamental fairness. Appellant has endured more than three years of oppressive litigation, procedural overwhelm, and a staggering \$52.5 million default judgment—all without a full and fair trial on the merits.



The Idaho Legislature has spoken clearly through the passage of Senate Bill 1001, condemning the very kind of litigation abuse exemplified by this case. While the statute does not retroactively apply, the public policy it establishes demands serious consideration by this Court, which remains the final guardian of constitutional rights in the State of Idaho.

The record demonstrates that this case was not adjudicated on the facts, but was won by the Respondents through procedural attrition, default tactics, and overwhelming legal pressure designed to silence dissent. The First Amendment, the Due Process Clause, and Idaho's own public policy interests weigh heavily in favor of reversing the unjust judgment entered below.

This appeal presents serious constitutional violations, including:

- A permanent speech restriction that operates as a prior restraint on public debate.
- A \$52.5 million default judgment entered without a fair trial or meaningful defense.
- Procedural abuses, including biased jurors, excluded evidence, and judicial misconduct.
- One-sided discovery, paid expert testimony, and a record tainted by legal overwhelm.

Respondents seek to avoid these issues by relying on procedural technicalities, disputed waiver claims, and jurisdictional gamesmanship—all while ignoring the clear constitutional stakes and public policy concerns raised.

Appellant respectfully reminds this Court that Idaho's Legislature has recently condemned lawsuits like this one, recognizing that abusive defamation claims and speech-chilling injunctions are harmful to Idaho's democratic values. While that law is not retroactive, it reflects the will of the Idaho people and supports judicial correction of this unjust outcome.

Appellant further acknowledges that, as a pro se litigant, he may have struggled to meet every procedural expectation, but this was the result of legal overwhelm and resource inequality, not evasion or bad faith.

For all of these reasons, Appellant respectfully asks this Court to:

1. Deny Respondents' request for dismissal under the fugitive disentitlement doctrine.
2. Reverse or vacate the default judgment and injunction.
3. Remand this case for a new trial on the merits, with proper constitutional safeguards in place.
4. Reject Respondents' request for attorneys' fees.
5. Recognize the broader public policy implications and affirm that Idaho's courts remain open to review serious constitutional grievances, even when raised by unrepresented citizens.
6. Grant such other and further relief as this Court deems just and proper in light of the extraordinary facts and public policy considerations at issue.

Respectfully submitted this 20th day of May, 2025.

/s/ Diego Rodriguez  
Diego Rodriguez

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 20th day of May, 2025, the foregoing document was electronically filed with the Clerk of the Court, and that a copy was served on the following parties or counsel by:

Erik F. Stidham (ISB #5483) HOLLAND & HART LLP 800 W. Main Street, Suite 1750 Boise, ID 83702-5974	<input type="checkbox"/> Mail <input type="checkbox"/> Fax <input checked="" type="checkbox"/> iCourt Service <input type="checkbox"/> Email
Ammon Bundy PO Box 1062 Cedar City, Utah, 84720	<input type="checkbox"/> Mail <input type="checkbox"/> Fax <input checked="" type="checkbox"/> iCourt Service <input type="checkbox"/> Email

/s/ Diego Rodriguez  
Diego Rodriguez