

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

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

Plaintiff(s),

-VS-

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

Defendants.

Case No. CV01-22-6789

ORDER DENYING MOTION TO
EXPEDITE RULING AND MOTION
TO APPEAR REMOTELY

Pending before the Court are several motions filed by Defendant Diego Rodriguez: Motion to Disqualify Judge filed on June 14, 2024; Motion for Return of Seized Property filed on April 21, 2025; Motion to Expedite Ruling on Motion for Return of Seized Property filed on May 20, 2025 and Motion to Appear Remotely for Hearing filed on May 21, 2025. The Court has reviewed each of these motions and makes the following findings.

In Idaho, pro se parties are held to the same legal standards as those parties that are represented by counsel. *Golay v. Loomis*, 118 Idaho 387, 393, 797 P.2d 95, 101 (1990).

See State v. Sima, 98 Idaho 643, 644, 570 P.2d 1333, 1334 (1977) (“A litigant appearing pro se is held to the same standards and rules as those appearing with counsel.”). *See also Murray v. Spalding*, 141 Idaho 99, 100-01, 106 P.3d 425, 426-27 (2009) (applying the same pro se standards to prisoners). *See also Naranjo v. Idaho Department of Correction*, 151 Idaho 916, 922, 265 P.3d 529, 535 (Ct. App. 2011). Ignorance of the applicable rules or a misinterpretation of a rule is not good cause for the Court on its own motion to cure defects.

Mr. Rodriguez did not comply with the Local Rules of the District Court and Magistrate Division for the Fourth Judicial District in that he never requested a hearing date or submitted a proposed order for his Motion to Disqualify Judge or for his Motion April 21, 2025 motion until just recently. Local Rule 5.3 provides:

If, within fourteen days of the filing date of a motion, a movant fails to notice the motion for hearing and fails to request the matter be decided without hearing, the court may consider the motion withdrawn.

So even though the Court was aware of the June 24, 2024 and April 21, 2025 motions being filed, the Court deemed the motions withdrawn pursuant to Local Rule 5.3 as it was Mr. Rodriguez’s obligation to request a hearing date from the Court’s clerk and send out a notice of hearing within 14 days of filing of each motion. Without a notice of hearing, the Court takes no action on a motion.

Now that Mr. Rodriguez has finally requested a hearing, the Court’s clerk provided Mr. Rodriguez with three dates and when he responded with the date he wanted, the Court was no longer available so two dates in July were provided. Mr. Rodriguez was instructed by the Court’s clerk to file a Notice of Hearing and serve it on the appropriate parties. No Notice of Hearing has been filed by Mr. Rodriguez as of May 22, 2025.

Therefore, if a Notice of Hearing for one of the available dates is actually filed and timely served on all parties so they have adequate time to respond to the motions prior to the hearing, the Court will then hold a hearing in the interests of justice on the Motion to Disqualify Judge and Motion for Return of Seized Property.

The Motion to Expediate the Hearing is denied without a hearing the Court finds a hearing would not assist the Court in ruling on the motion. Since the property was alleged to have been seized in December of 2023 per the Sheriff's Return on Writ filed on January 29, 2025 and the motion to return the property was not filed until April of 2025. Further, no notice of hearing was filed until over three months later on the Motion to Return Seized Property. The Court does not find facts to support good cause to expedite the hearing due to the delay in filing the motion and notice of hearing as giving all parties adequate time to respond does not allow the matter to be taken up sooner than July hearing dates provided to Mr. Rodriguez.

As to the Motion to Appear Remotely, the Court finds a hearing on this matter is not necessary. Mr. Rodriguez is aware of other matters outstanding in this case including a Warrant of Attachment. It would be unfair to allow him to appear remotely on his Motion and not allow the Plaintiffs and the Court to proceed on the pending Motion for Contempt against Mr. Rodriguez since he would not be here in person to have the Warrant of Attachment served on him and to arraign him on the Motion for Contempt that was filed on May 8, 2024. While the Court understands that appearing in person is not inexpensive, there is a cost to all parties in a lawsuit when they file motions and hearings are set. Moreover, there is a lack of competent evidence to support a finding that Mr. Rodriguez is actually financially unable to attend in person. Finally, the Court is granted discretion in deciding when to allow a person to appear remotely per the Idaho Supreme Court's Order dated January 6, 2023 ("an assigned judge has the discretion to hold

proceedings in person or remotely”) and not all parties in this matter have stipulated to Mr. Rodriguez appearing remotely (which would also require the Court to agree with the stipulation which this Court is not inclined to grant). For the reasons stated herein, the Court does not find good cause to allow Mr. Rodriguez to appear remotely for his Motions.

Mr. Rodriguez is advised to review Local Rule 5.1 as failure for the movant or his attorney to appear to argue a contested motion at the time set can lead to the Court summarily denying the motion for failure to prosecute.

Being fully advised in the premises, a hearing on the Motion to Disqualify Judge and Motion for Return of Seized Property will only proceed if Mr. Rodriguez files a notice of hearing for one of the provided July dates. The Motion to Appear Remotely is denied. All hearings in this case shall be in person for all parties or their attorneys representing such parties. Finally, the Motion to Expedite the Ruling is denied.

IT IS SO ORDERED.

Dated: 5/23/2025


NANCY A. BASKIN
District Judge

CERTIFICATE OF SERVICE

I, the undersigned, certify that on 5/23/25, I caused a true and correct copy of the foregoing ORDER DENYING MOTION TO EXPEDITE RULING AND MOTION TO APPEAR REMOTELY to be forwarded with all requires charges prepaid, by the method(s) indicated below, in accordance with the Rules of Civil Procedure, to the following person(s):

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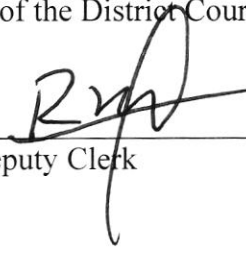
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TRENT TRIPPLE
Clerk of the District Court

By _____
Deputy Clerk