

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

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

Plaintiffs,

-VS-

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

Defendants.

Case No. CV01-22-6789

ORDER DENYING RENEWED
MOTION TO DISQUALIFY AND
MOTION TO COMPEL RULING ON
RENEWED MOTION TO
DISQUALIFY

Pending before the Court is Defendant Diego Rodriguez's Renewed Motion to Disqualify and Motion to Compel Ruling on Renewed Motion to Disqualify. The Court has determined a hearing is not necessary based on the previous Order issued by this Court and Idaho Civil Rule of Procedure 40. Moreover, Mr. Rodriguez seeks to compel the Court's ruling in an expedited matter.

First, the Renewed Motion to Disqualify is not a timely motion for recusal under Rule 40(a) for disqualification without cause. The undersigned judge has been presiding over this case since June 21, 2023.

Second, to the extent the renewed motion to disqualify is for cause, it must also be denied again. Pursuant to I.R.C.P. 40(b), a party must show cause for disqualification upon any of the following grounds:

- (A) the judge is a party, or if interested, in the action or proceeding;
- (B) the judge is related to a party by consanguinity or affinity within the third degree, computed according to the rules of law;
- (C) the judge has been attorney or counsel for any party in the action or proceeding;
- (D) the judge is biased or prejudiced for or against any party or subject matter of the action.

None of the first three reasons for recusal apply to this case. Instead, Mr. Rodriguez claims for the renewed motion centered on his allegation the Court is biased or prejudiced against him. There is no evidence of any bias or prejudice against Mr. Rodriguez. In fact, the Court has never seen or met Mr. Rodriguez in person in this case as he elected not to participate in any of the proceedings. While it is true the Court has issued certain rulings, warrants of attachment, and judgments against Mr. Rodriguez, the act of ruling in a case is necessary as a judge. Moreover, acts by the Clerk of Court's deputies in issuing proper Writs of Execution for Ada County and Gem County in October of 2023 are also the job of the Clerk's Office related to Plaintiffs attempts to collect on the Judgments entered by the Court in this case.

The denial of a request to appear remotely is not a proper basis for recusal. Due process involves a right to be heard. The manner in which the Court has historically allowed a party to be heard has been by showing up in person in court. The underlying civil case related to Mr. Rodriguez's in person actions in Idaho and out of Idaho. The requirement for him to appear in person on his motion as well as other pending motions is not a constitutional Due Process violation. Mr. Rodriguez does not dispute that whether to allow a party to appear remotely is a discretionary call for the Court. Further, the Court applied its discretion consistent with the Supreme Court Order

as well as the standard for exercising discretion under *Lunneborg v. My Fun Life*, 163 Idaho 856, 863, 421 P.3d 187, 194 (2018):

Whether the trial court: (1) correctly perceived the issue as one of discretion; (2) acted within the outer boundaries of its discretion; (3) acted consistently with the legal standards applicable to the specific choices available to it; and (4) reached its decision by the exercise of reason.

While Mr. Rodriguez disagrees with the Court's discretionary reasoning, his disagreement does not create a proper basis for recusal as the Court explained why, in this particular case, the motion needed to be heard in person so other pending motions that require Mr. Rodriguez's in person presence to proceed could also be taken up and ruled upon by the Court. Next, Mr. Rodriguez argues the Court should have allowed him to amend his motion to appear remotely to add additional information. The Court is not allowed to advise a pro se party how to file motions and support for his motions.

Mr. Rodriguez also argues this Court exercises poor judgment. If this is the case, he can appeal the Court's ruling to the appellate courts which he has already done in this matter. That is the proper forum to challenge any trial court's rulings and judgments.

Mr. Rodriguez claims this case was late in ruling on his previous motion to recuse. The Court respectfully disagrees. The Court has previously explained its timing. The rules cited by Mr. Rodriguez do not set forth the time limits he argues in his motion and the case was on appeal. Mr. Rodriguez cites to Rule 40(d)(1) and there is no such subpart to the rule.

Mr. Rodriguez makes reference to a hearing being held on June 10, 2025. No such hearing is on the Court's calendar. This was a date provided by the Court's clerk earlier, but other matters were set on this date after no notice was filed for that date in a timely manner by Mr. Rodriguez. The Court's clerk provided additional dates, but Mr. Rodriguez still needs to appear in person for such hearings. No new notice of hearing has been filed by Mr. Rodriguez.

Mr. Rodriguez requests the procedural record be maintained in this matter. The Court's docket and pleadings in the case provide such a procedural record for later review as it does for all cases.

Again, having reviewed Mr. Rodriguez's Renewed Motion to Disqualify Judge Baskin with Affidavit and Motion to Compel Ruling on Renewed Motion to Disqualify Presiding Judge as well as the Idaho Judicial Code of Conduct, Mr. Rodriguez has not established any of the Rule 40(b) grounds for disqualification for cause or recusal under the Canons of Judicial Conduct. The Renewed Motion for Disqualify and the Motion to Compel Ruling on Renew Motion to Disqualify are DENIED. Mr. Rodriguez is granted leave to request an *in person* hearing on his other pending motions within 14 days of this Order on a date provided by the Court's clerk and then he needs to file a notice of hearing so all interested parties may attend such a hearing. See Local Rule 5.3.

IT IS SO ORDERED.

Dated: 6/9/25


NANCY A. BASKIN
District Judge

CERTIFICATE OF SERVICE

I, the undersigned, certify that on 4/9/25, I caused a true and correct copy of the foregoing ORDER DENYING RENEWED MOTION TO DISQUALIFY AND MOTION TO COMPEL RULING ON RENEWED MOTION TO DISQUALIFY 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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in Renewed Motion to Disqualify
Judge Baskin with Affidavit*

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TRENT TRIPPLE
Clerk of the District Court

By 
Deputy Clerk