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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,

and

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 and an
unincorporated association,

Defendants.

Docket No. 51244-2023

Ada County Case No. CV01-22-06789

**MEMORANDUM IN REPONSE TO
DIEGO RODRIGUEZ'S MOTION TO
APPEAR REMOTELY FOR ORAL
ARGUMENT**

Plaintiffs/Respondents, St. Luke's Health System, Ltd., St. Luke's Regional Medical

Center, Ltd., Chris Roth, Natasha D. Erickson, M.D., and Tracy W. Jungman, NP ("St. Luke's

MEMORANDUM IN REPONSE TO DIEGO RODRIGUEZ'S MOTION TO APPEAR
REMOTELY FOR ORAL ARGUMENT - 1

Parties”), by and through their attorneys of record, Holland & Hart LLP, hereby submit this Memorandum in Response to Diego Rodriguez’s Motion to Appear Remotely for Oral Argument.

I. INTRODUCTION

This Court should deny Rodriguez’s motion to appear remotely for oral argument in his appeal. There is no legal basis to grant his request. Permitting him to appear remotely would enable him to continue violating the Permanent Injunction and would prejudice the St. Luke’s Parties. His motion, like the use of his virtual address and filing/refiling cycle of frivolous motions, is just another instance in a series of dilatory tactics to delay and avoid the consequences of his own actions. Nor would he suffer financial hardship if required to attend in-person. As Rodriguez continues to proclaim on his various web sites, he runs one of the world’s most successful marketing companies and travels frequently for business, charging his clients tens of thousands of dollars per engagement for his marketing expertise. He should not be permitted a special grant of remote proceedings to pursue his appeal outside the reach of law enforcement.

II. ARGUMENT

A. THIS COURT SHOULD DENY RODRIGUEZ’S MOTION BECAUSE HIS ABSENCE PREJUDICES THE ST. LUKE’S PARTIES.

There is no right to a remote hearing before this Court. Rodriguez cites no legal authority in support of his Motion. The Idaho Appellate Rules provide no means or standard for obtaining a remote hearing before the Idaho Supreme Court. A January 6, 2023 Order Re: Remote Court Proceedings, *available at* <https://isc.idaho.gov/EO/Order-January-6-2023-Re-Remote-Court->

[Proceedings.pdf](#) (the “Remote Proceedings Order”),¹ provides that rules regarding remote proceedings are presently under review. The Remote Proceedings Order contains reasoning underlying the rule review, including “the value of in-person appearances for certain types of proceedings.” The oral argument for Rodriguez’s appeal warrants in-person attendance because permitting his physical absence enables him to continue violating the Permanent Injunction and allows him to flout the authority of Idaho courts.

Not only does he lack legal authority for his request, but Rodriguez fails to substantiate his statements in the Motion. Contrary to Rodriguez’s assertion, remote hearings are not “routinely” held. *See* Mot. at 2. This is evident from reviewing this Court’s website linking to archived video of its recent hearings. If Rodriguez wants to pursue this appeal, he should appear in person at the hearing like any other party seeking relief from this Court.

In any event, the Court should not grant a remote hearing here. Rodriguez has been openly violating the Permanent Injunction since it was entered. The Permanent Injunction required him to remove from websites he controlled the defamatory statements the district court identified. R. Vol. 1, p. 4288. Not only did he refuse to obey this order, but he re-posted the defamatory statements after third parties removed them when put on notice of the Permanent Injunction. Aug. R. Vol. 2, pp. 18-25 (Henderson Haws Affidavit detailing violations). The St. Luke’s Parties moved for contempt, and the district court issued a warrant of attachment because probable cause existed that Rodriguez was violating a clear and unequivocal order. Vol. 1, pp. 2,

¹ The Remote Proceedings Order relates to trial court proceedings. *See id.* (discussing jury trials and sentencing hearings). It is unclear to the St. Luke’s Parties whether appellate rules are also under review. Regardless, the general reasons for and against holding hearings remotely apply, whether at the trial or appellate level.

37, 4027-28. Rodriguez's violations of the Permanent Injunction are only possible because he is avoiding appearance in the State of Idaho.

He has repeatedly flouted the orders of Idaho courts, both state and federal. *See* Resp. Br. at 12-18 (describing Rodriguez's violations of orders from the state district court); Memorandum Decision and Order (Dkt. 37), *Bundy et al. v. St. Luke's Health System Ltd. et al.*, Case No. 1-23-cv-00212-DCN (D. Idaho Nov. 2, 2023) (awarding attorneys' fees because "Rodriguez's purported removal was untimely, riddled with procedural defects, and substantively meritless"). Rodriguez never paid the attorneys' fees ordered by the federal court. Jensen Decl., Ex. A.

B. RODRIGUEZ'S MOTION TO APPEAR REMOTELY IS JUST ONE ACT IN A SERIES OF DILATORY TACTICS.

Rodriguez uses a virtual address. The address in his pleading caption is not where he resides but just a mail drop, offered for use by individuals or entities who pay the virtual address business the required fee. Tr. 2052, 2173-74, and 2235; R. Vol. 1, pp. 197, 523, 525, 3437, and 3631. Throughout the litigation, he used the virtual address to avoid service of process (particularly for subpoenas to relevant third parties) and then to frustrate collection efforts post judgment. Jensen Decl., ¶ 3.

Rodriguez has filed a number of motions with the same frivolous arguments, solely for the purpose of delay. He was unable to obtain a stay of execution of the judgment in Florida, and rather than abide by the court's ruling, he repeatedly files failed motions and objects to providing discovery due to the pending motion. *Id.*, ¶ 4, Ex. B. When the court in Florida denies his motions on the merits, he simply files them again. *Id.* This is the same pattern he followed in the district court in this case, seeking removal of the lawsuit to federal court a second time, to delay contempt proceedings against him, despite the federal court's ruling that there was no jurisdictional basis for removal. R. Vol. 1, pp. 3809-11, 3976, 3984-85, 3999; Memorandum

Decision and Order (Dkt. 37), *Bundy et al. v. St. Luke's Health System Ltd. et al.*, Case No. 1-23-cv-00212-DCN (D. Idaho Nov. 2, 2023). In the federal court's words, "[T]he timing of these actions raises suspicions . . . Rodriguez filed his 'removal' the same day as a state court hearing on a motion for contempt against him for numerous alleged violations of a protective order banning threats, harassment, and intimidation of witnesses. As a result of the 'removal,' the state court reset the hearing for a date two weeks later." *Id.* at pp. 6-7.

While Rodriguez claims he would suffer "significant financial and logistical hardship" if he were required to travel to Boise for the hearing, he offers nothing to substantiate that claim. And the assertion of hardship contradicts statements he has made publicly and throughout the litigation. When advantageous to him, he argues that he travels frequently on business and owns one of the most successful marketing businesses in the world. R. Vol. 1, pp. 58, 2249, 2516, 3250, and 3266; *see also* <https://powermarketing.agency/> ("The Power Marketing Agency is one of the premier marketing agencies in the world. We've worked with over 3,000 clients in 9 countries and in nearly every state in America."); <https://powermarketing.agency/about/team/> ("He is the founder and President of the Power Marketing Agency and he has trained over 8,000 entrepreneurs in over 40 countries."); <https://powermarketing.agency/consulting/expert-foundry/> ("The Expert Foundry Program Price: \$49,999").

His actions to frustrate the judicial process should not be countenanced, including this new request to appear remotely so that he may evade the pending warrants against him while violating the Permanent Injunction.

III. CONCLUSION

For all the foregoing reasons, the St. Luke's Parties request this Court deny Rodriguez's motion to appear remotely for oral argument.

DATED: June 12, 2025.

HOLLAND & HART LLP

By: /s/ Jennifer M. Jensen

Erik F. Stidham

Jennifer M. Jensen

Anne Henderson Haws

Counsel for Plaintiffs-Respondents

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of June, 2025, I caused to be filed via iCourt and served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

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Ammon Bundy for Governor
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c/o Ammon Bundy
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