

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. CV01-22-06789

ORDER DENYING MOTION TO  
DECLARE JUNE 9 ORDER AND ALL  
PROCEEDINGS VOID AB INITIO  
FOR LACK OF JURISDICTION  
UNDER IRCP 40(D)

Defendant Rodriguez has now filed a third motion related to his previous motions to disqualify the undersigned judge. The Court has reviewed the new Motion filed by Mr. Rodriguez on June 9, 2025 (which was shortly after the Court issued its ruling denying the renewed motion to disqualify on that same date).

The Court finds a hearing is not necessary on this motion as it is a continuation of the arguments made in prior motions to disqualify the undersigned judge. The Court incorporates by reference its Orders of May 23, 2025 and June 9, 2025 addressing Mr. Rodriguez's Motions to Disqualify.

The Court also reviewed the minutes and listened to the audio recording of the June 20, 2024 hearing in this case. A copy of the June 20, 2024 hearing minutes are attached to this Order. This Court handles well over a thousand court hearings every year and does not have a complete recall of every motion. While there is no written order denying the original Motion to Disqualify, upon further review of the docket and listening to the audio recording of the June 20, 2024 court hearing, the Court has determined that it expressly denied the original Motion to Disqualify before taking any other action in the case after the motion was filed by Mr. Rodriguez.

The Court finds it appropriate to correct the factual record in a previous Order (May 23, 2025 where in the Court believed it had not ruled on the original Motion to Disqualify due to non-compliance with Local Rules).

As shown on the docket:

- 5/2/2025 Original Record on Appeal Served or Transferred by Clerk to Supreme Court for the appeal filed by Mr. Rodriguez
- 5/8/2024 Plaintiffs file a Motion for Contempt by Mr. Rodriguez.
- 5/9/2024 Notice of Hearing is filed by Plaintiffs and emailed to Mr. Rodriguez setting the Motion for Contempt for hearing on July 16, 2024 at 3:30 p.m.
- 6/3/2024 Plaintiffs filed an Objection to the Clerk's Record (submitted to Supreme Court for the appeal)
- 6/3/2024 Mr. Rodriguez filed a Motion to Dismiss Plaintiffs' Objection to Clerk's Record (no Notice of Hearing was ever requested by Mr. Rodriguez on this Motion)
- 6/4/2024 Notice of Hearing was filed by Plaintiffs on the Plaintiffs' Objection to Clerk's Record and the hearing on the Objection was set for June 20, 2024 at 2:00 p.m.
- 6/14/2024 Mr. Rodriguez filed a Motion to Disqualify.
- 6/17/2024 Mr. Rodriguez filed an Opposition to Plaintiffs' Objection to Clerk's Record
- 6/20/2024 The scheduled hearing on is held by the Court on Plaintiffs' Objection to the Clerk's Record. *See attached minutes.*

At the June 20, 2024 hearing, the Court noted that *before* it could rule on the Objection to the Clerk's Record, it first needed to rule on the newly filed Motion to Disqualify. The Court noted that Mr. Rodriguez was not present at the hearing, but he had been advised of his ability to attend

the hearing by Webex by the Court's Clerk. The Court noted that Mr. Rodriguez did not attend the hearing by Webex. The Court allowed him to appear by Webex for the June 20, 2024 hearing because it needed to address the Objection to Clerk's Record in a timely manner so as to not delay the appeal. Moreover, as of the June 20, 2024 hearing, the Motion for Contempt hearing (where his *in person* presence would be required to arraign him had not yet occurred since it was set for July 16, 2024. Thus, Mr. Rodriguez had not yet failed to appear for that hearing and remote appearance was appropriate based on the issue of the Clerk's Record.

No motion to reset the June 20, 2024 hearing was ever filed by Mr. Rodriguez.

At the June 20, 2024 hearing, the Court made oral findings and denied the Motion to Disqualify. The Court then granted the Objection to the Record on appeal.

Mr. Rodriguez had notice of the June 20, 2024 hearing and failed to attend. Mr. Rodriguez never requested a hearing on his Motion to Disqualify. However, the Court had an ethical duty to rule on his Motion to Disqualify before making further rulings on the case. If Mr. Rodriguez had attended the hearing (which took approximately 18 minutes) or reviewed the attached minutes filed on the docket, he would have been aware that his Motion to Disqualify had been denied on June 20, 2024. For this reason, all his objections about this Court not timely ruling on his June 14, 2024 Motion to Disqualify are without merit. Further, there is no requirement that the Court must issue a separate written ruling where the minutes show that the Motion to Disqualify was denied. It was Mr. Rodriguez' failure to attend the hearing which caused his lack of notice of the Court's ruling.

The Court also notes, had Mr. Rodriguez appeared at the properly noticed hearing on the Motion for Contempt on July 16, 2024, he could have renewed his motion to disqualify or asked for further clarification. Also, this Court has done nothing to prevent Mr. Rodriguez from

appealing orders issued orally or in writing by this Court in this case. All pleadings are preserved as are minutes of all court proceedings for purposes of transparency and appellate review.

Clearly, the Court timely ruled on both Mr. Rodriguez's first Motion to Disqualify and his Renewed Motion to Disqualify. This third motion does not raise any new or material facts to justify disqualification or recusal for cause. As to his argument to make prior orders of the Court void ab initio, the motion lacks legal authority for such relief since Orders of this Court are reviewable by appellate courts and the Court has not acted beyond its authority or jurisdiction as the presiding judge. The Court has considered its ethical obligations and exercised its discretion in light of the grounds that must exist before disqualification is required. No such grounds exist in this case. Having corrected the procedural history on the first Motion to Disqualify, Mr. Rodriguez' allegations of judicial misconduct, bias or prejudice, or due process violations fail based on evidence in the record and on the docket of the procedural history of all motions in this case.

Mr. Rodriguez is advised that he can contact the Trial Court Administrator's office, Transcript Department, if he wishes to purchase a copy of the audio recording of the June 20, 2024 hearing at nominal cost wherein the Court denied his first Motion to Disqualify. A copy of the minutes from June 20, 2024 are attached to this Order.

Defendant Rodriguez's Motion to Declare June 9 Order and All Proceedings Void Ab Initio for Lack of Jurisdiction under IRCP 40(D) is DENIED. Mr. Rodriguez is again advised of his duty to comply with the applicable Local Rules of the Fourth Judicial District before his other pending motions will be calendared for in person hearings.

IT IS SO ORDERED.

Dated: 6/13/2025



NANCY A. BASKIN  
District Judge

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on 6/13/25, I caused a true and correct copy of the foregoing ORDER DENYING MOTION TO DECLARE JUNE 9 ORDER AND ALL PROCEEDINGS VOID AB INITIO FOR LACK OF JURISDICTION UNDER IRCP 40(D) 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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TRENT TRIPPLE  
Clerk of the District Court

By 

Deputy Clerk

<b>Description</b>	Baskin/Nelson/FTR/Samantha Serrano at 2:30 pm/FTR		
<b>Date</b>	6/20/2024	<b>Location</b>	1A-CRT508
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
<u>2:04:27 PM</u>		<p>St Lukes Health System LTD, St Lukes Regional Medical Center LTD, Chris Roth, Natasha Erickson, MD, Tracy Jungman Plaintiff,</p> <p>vs.</p> <p>Ammon Bundy, Ammon Bundy for Governor, Diego Rodriguez, Freedom Man PAC, Peoples Rights Network, Freedom Man Press LLC Defendant.</p> <p>Motion Hearing</p> <p>CV01-22-06789 Objection to Clerk's Record on Appeal, Webex.</p> <p>Party Attorney Party Type</p> <p>Ada County Prosecutors Office Dickinson, James Kenneth Non Party</p> <p>Ammon Bundy for Governor Defendant</p> <p>Bringhurst, Kyle Dickinson, James Kenneth Non Party</p> <p>Bundy, Ammon Defendant</p> <p>Erickson, Natasha D, MD Stidham, Erik F. Plaintiff</p> <p>Freedom Man PAC Defendant</p> <p>Freedom Man Press LLC Defendant</p> <p>Hamilton Bail Bonds LLC Payor of Forfeited Surety</p> <p>Jungman, Tracy W Stidham, Erik F. Plaintiff</p> <p>Peoples Rights Network Defendant</p> <p>Rodriguez, Diego Pro Se Defendant</p> <p>Roth, Chris Stidham, Erik F. Plaintiff</p> <p>St Lukes Health System LTD Stidham, Erik F. Plaintiff</p> <p>St Lukes Regional Medical Center LTD Stidham, Erik F. Plaintiff</p>	
<u>2:04:31 PM</u>	Judge	Ms. Jensen present for the Plaintiff	
<u>2:09:49 PM</u>	Judge	Mr. Rodriguez is not present at this time. We are going to proceed at this time, address the motion to disqualify the court, did not find good cause and denied the motion to disqualify.	
<u>2:12:50 PM</u>	Judge	now proceed on the clerks record on appeal	
<u>2:12:59 PM</u>	Plaintiff Attorney	response and enter an order approving the obj	
<u>2:15:09 PM</u>	Judge	ruling and will grant the Plaintiff's Objection to the Clerks Record	
<u>2:18:36 PM</u>	Judge	denying the motion to dismiss plaintiff's objection to the clerks record.	

<u>2:20:18 PM</u>	Judge	hearing set for plaintiff's motion for contempt against Mr. Rodriguez set on 7/16 at 3:30 pm, in person
<u>2:21:45 PM</u>	end	

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