

Diego Rodriguez
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**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

**MOTION FOR RECONSIDERATION
OF ORDER DENYING MOTION TO
DECLARE JUNE 9 ORDER AND ALL
PRIOR PROCEEDINGS VOID AB
INITIO**

COMES NOW, the Defendant, Diego Rodriguez, pro se, and hereby respectfully submits this *Motion for Reconsideration* pursuant to Idaho Rule of Civil Procedure 11.2(b)(1), and moves this Court to reconsider its June 13, 2025 *Order denying Defendant’s Motion to Declare the June 9, 2025 Order—and all Prior Rulings Thereafter—Void ab Initio*, based on lack of jurisdiction due to an unresolved Motion to Disqualify, and the Court’s failure to comply with I.R.C.P. 2.3(b) service requirements.

I. LEGAL BASIS FOR RECONSIDERATION

1. Denial of Motion to Disqualify Was Never Properly Entered or Served in Violation of

I.R.C.P. 2.3(b) - Judge Baskin claims she “orally denied” the original *Motion to Disqualify* at the June 20, 2024 hearing, and asserts that no further written ruling was required. However, Idaho Rule of Civil Procedure 2.3(b) mandates: “*Immediately after entering an order or judgment, the clerk of the district court, or magistrates division, must serve a copy of it on every party, with the clerk’s filing stamp showing the date of filing.*” **This was not done.** Mr.

Rodriguez never received any such written or electronic notice that the *Motion to Disqualify* had been denied orally. No such order was ever served on the Defendant, and Judge Baskin herself acknowledges this fact, writing: “...there is no written order denying the original Motion to Disqualify...” A ruling—especially one denying judicial disqualification—cannot become operative without notice. Judge Baskin’s reliance on unserved internal court minutes is improper and prejudicial. Defendant was entitled to service of a written order and deprived of the ability to seek immediate appellate relief or renew his motion in a timely fashion.

2. Judicial Evasion Through Improper Reliance on Minutes. – Judge Baskin’s assertion that

“...there is no requirement that the Court must issue a separate ruling where the minutes show that the Motion to Disqualify was denied...” is legally untenable and contrary to the governing procedural rules. Specifically, as noted above, I.R.C.P. 2.3(b) mandates that: “*Immediately after entering an order or judgment, the clerk of the district court, or magistrates division, must serve a copy of it on every party, with the clerk’s filing stamp showing the date of filing.*” **No such order was served on Defendant.** There is no exception permitting oral rulings—particularly rulings on judicial disqualification—to remain hidden within internal minutes without proper notice to the moving party. Judge Baskin’s further statement that Mr. Rodriguez’s lack of notice was due to “his failure to attend the hearing” is equally without merit. Physical attendance at a hearing is not a prerequisite to due process under Idaho law. The rules require service of the court’s ruling. Defendant cannot be held responsible for failing to divine an oral ruling that was never reduced to writing and never served. This is a textbook example of judicial evasion through procedural ambiguity, designed to avoid compliance with Idaho law and frustrate

appellate review. The Court cannot use its own procedural failures as a sword against a party seeking disqualification. It is not Defendant's obligation to guess when an oral ruling occurred without written entry, notice, or service.

Furthermore, Judge Baskin's statement that Mr. Rodriguez's lack of notice regarding the denial of his Motion to Disqualify was due to "his failure to attend the hearing" is both misleading and legally invalid. The June 20, 2024 hearing was scheduled exclusively for the Plaintiffs' *Objection to the Clerk's Record on Appeal*. Mr. Rodriguez was not the movant for that hearing, and the hearing had nothing to do with his pending *Motion to Disqualify*. He had no legal obligation to appear for that hearing, and there was no indication—on the calendar, docket, or notice—that the Court intended to issue any ruling on the *Motion to Disqualify* during that time. Thus, any attempt to blame Mr. Rodriguez for a lack of notice—when no proper notice or ruling was ever issued—is baseless and underscores the procedural deficiency of the Court's actions.

3. Court Misstates Procedural History - Judge Baskin's June 13 Order states: "*Clearly, the court timely ruled on both Mr. Rodriguez's first Motion to Disqualify and his Renewed Motion to Disqualify.*" **This is demonstrably false.** Mr. Rodriguez was forced to file a *Renewed Motion to Disqualify* on May 23, 2025—nearly one year after the original motion—precisely because no ruling was ever docketed, served, or received. Had a ruling been issued and served in compliance with I.R.C.P. 2.3(b), the renewed motion would not have been necessary. The fact that Defendant filed a renewed motion nearly one year later is not evidence of procedural delay—but direct evidence that no ruling or notice had been issued as required by I.R.C.P. 2.3(b).

4. Improper Judicial Commentary and Evasion by Technicality - Judge Baskin criticized Defendant for citing I.R.C.P. 40(d)(1), implying sloppiness or error. However, the Defendant had already filed a *Notice of Clarification and Correction* correcting that reference. Judge Baskin's choice to resurrect a corrected error—while ignoring the substantive, jurisdictional violations she committed—amounts to judicial evasion by technicality and improper bias. Such conduct undermines confidence in the impartial administration of justice.

Judge Baskin's criticism of the Defendant for referencing I.R.C.P. 40(d)(1) — a subsection that no longer exists — is particularly troubling, as it demonstrates either her failure to review the complete record or her deliberate omission of a critical corrective filing. The Defendant had, in fact, already filed a *Notice of Clarification and Correction* precisely to amend that citation and provide the updated text of I.R.C.P. 40(d). By ignoring that filing and repeating a correction that had already been made, Judge Baskin not only mischaracterized the record but also effectively admitted that she failed to review all pleadings relevant to the motion. A judge ruling on a matter without reading all related filings is acting outside the bounds of proper judicial conduct and depriving the litigant of due process.

ADDITIONAL GROUNDS FOR RECONSIDERATION

Idaho Rule of Civil Procedure 11.2(b)(1) authorizes a party to file a motion to reconsider an order issued prior to final judgment within 14 days of its entry. This *Motion for Reconsideration* is therefore timely.

The Defendant respectfully submits that Judge Baskin's denial of the *Motion to Declare Void ab Initio* was based upon misapprehensions of fact and misapplication of Idaho law, particularly with regard to:

- a) Judge Baskin's assertion that she orally ruled on the original *Motion to Disqualify* on June 20, 2024, despite no written order, no entry of judgment, and no contemporaneous notice having ever been served to Defendant in accordance with I.R.C.P. 2.3(b);
- b) Judge Baskin's failure to recognize the mandatory jurisdictional bar of I.R.C.P. 40(d), which prohibits a judge from taking further action in a case once a motion to disqualify has been filed until that motion is ruled upon by another judge;
- c) Judge Baskin's mischaracterization of Defendant's actions and omissions, including an inaccurate assertion that Defendant referenced a hearing on June 10, when no such reference appears in the record;

- d) Judge Baskin's reliance on an obsolete citation to I.R.C.P. 40(d)(1), despite the fact that Defendant had already filed a *Notice of Clarification and Correction* explicitly correcting that reference to I.R.C.P. 40(d).

II. REQUEST FOR RELIEF

WHEREFORE, for the foregoing reasons, Defendant respectfully requests that this Court:

1. Reconsider and Vacate its June 13, 2025 Order denying the Motion to Declare June 9 Order and Prior Rulings Void Ab Initio;
2. Acknowledge that the original Motion to Disqualify was never properly ruled upon or served, as required by I.R.C.P. 2.3(b);
3. Recognize the invalidity of all actions taken after the unresolved Motion to Disqualify and formally recuse under I.R.C.P. 40(d), referring all matters to another judge for review and correction.
4. Grant such further relief as the court deems just and proper.

The Court cannot now rely on procedural shortcuts to retroactively justify actions taken without jurisdiction. Fundamental fairness, judicial integrity, and procedural due process demand that this matter be rectified. Respectfully, the Defendant asks this Court to reconsider its ruling in light of these critical omissions and misapplications of Idaho law.

DATED: June 15th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez

CERTIFICATE OF SERVICE

I certify I served true and correct copy to:

Erik F. Stidham (ISB #5483)
HOLLAND & HART LLP
800 W. Main Street, Suite 1750
Boise, ID 83702-5974

☐ By Mail
☐ By fax
☒ By Email/iCourt/eServe

DATED: June 15th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez