

Diego Rodriguez  
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*Pro Se*

**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 TO COMPEL PRODUCTION  
OF DOCUMENTS AND REQUEST FOR  
SANCTIONS**

COMES NOW the Defendant, Diego Rodriguez, and pursuant to Idaho Rule of Civil Procedure 37(a), respectfully moves the Court to compel production of documents from the Gem County Sheriff's Office, whose ongoing failure to respond to Defendant's lawful Rule 34 request served on May 20, 2025, constitutes a willful and unjustified refusal to participate in post-judgment discovery. An award of sanctions is also appropriate under Rule 37(a)(5)(A).

## I. FACTUAL BACKGROUND

1. On May 20 2025, Defendant served a *Rule 34 Request for Production of Documents* (“RFP”) on Sheriff Donnie Wunder (in his official capacity) at the Gem County Sheriff’s Office (“GCSO”) concerning the seizure and continued detention of Defendant’s 2013 Coachmen Freelanders R.V. (VIN 1GB6G5CG1D1132264). A true and correct copy of the RFP, with certificate of service, is attached as Exhibit A.
2. Service was effected by certified mail to 410 E. First Street, Emmett, ID 83617, and by email to dwunder@co.gem.id.us.
3. Under I.R.C.P. 34(b)(2)(A), GCSO’s written response or objections were due “within 30 days after being served.” Accordingly, the deadline was June 19 2025.
4. As of the date of this motion (June 25 2025), GCSO has produced no documents, lodged no objections, and requested no extension. GCSO is therefore in violation of Rule 34.

## II. LEGAL STANDARD

**A. Power to Compel.** Idaho Rule 37(a)(3)(A)(iii) and (iv) provides: “...*A party seeking discovery may move for an order compelling an answer, designation, production, or inspection. This motion may be made if...a party fails to answer an interrogatory submitted under Rule 33; or a party fails to respond that inspection will be permitted, or fails to permit inspection, as requested under Rule 34.*” — I.R.C.P. 37(a)(3)(A)(iii, iv).

**B. Mandatory Expense-Shifting.** Rule 37(a)(5)(A) states, in relevant part:

*“If the motion is granted, or if the requested discovery is provided after the motion was filed, the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees. But the court must not order this payment if:*

- i. the movant filed the motion before attempting in good faith to obtain the disclosure or discovery without court action;*
- ii. the opposing party's nondisclosure, response, or objection was substantially justified; or*

iii. *other circumstances make an award of expenses unjust.— I.R.C.P. 37(a)(5)(A)*

The phrase “reasonable expenses” in Rule 37(a)(5)(A) plainly encompasses out-of-pocket costs such as filing fees, postage, and copying—even for pro se litigants.

### III. ARGUMENT

**A. GCSO’s Complete Non-Response Violates Rule 34.** Sheriff Wunder and the GCSO ignored the Rule 34 request for over 30 days without objection or extension. This failure squarely triggers Rule 37(a)(3)(A).

**B. Sanctions Are Mandatory.** Defendant incurred \$41.26 in out-of-pocket expenses (certified mail, printing, filing fees, gas, etc.). Because none of the three exceptions in Rule 37(a)(5)(A) applies, the Court must award these costs once it compels compliance.

### IV. REQUEST FOR RELIEF

Defendant respectfully asks that the Court:

1. **Compel Sheriff Wunder** and the Gem County Sheriff’s Office to produce all documents responsive to the May 20 2025 RFP within seven (7) calendar days of the Court’s order;
2. Award Defendant \$41.26 in reasonable expenses under Rule 37(a)(5)(A); and
3. Grant such other and further relief as the Court deems just and proper, including the possibility of additional sanctions under Rule 37(b) for any future non-compliance.

Respectfully submitted,

DATED: June 25th, 2025

By: /s/ Diego Rodriguez  
Diego Rodriguez

## CERTIFICATE OF SERVICE

I certify I served a 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

Sheriff Donnie Wunder  
Gem County Sheriff's Office  
410 E. First Street  
Emmett, ID 83617  
dwunder@co.gem.id.us

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

DATED: June 25th, 2025

By: /s/ Diego Rodriguez  
Diego Rodriguez

# EXHIBIT A

Diego Rodriguez  
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*Pro Se*

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE  
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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,  
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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

**RULE 34 REQUEST FOR  
PRODUCTION OF DOCUMENTS**

TO: SHERIFF DONNIE WUNDER AND GEM COUNTY SHERIFF'S OFFICE  
ATTN: TANYA VAUGHN, RECORDS CUSTODIAN

Pursuant to Idaho Rules of Civil Procedure Rule 34, the undersigned hereby requests the production of the following documents, records, and materials in your possession, custody, or control, that are relevant to the issues in the above-captioned case and the pending Motion for Return of Seized Property.

This Request for Production is made in connection with judicial proceedings and is enforceable under the authority of the Court.

You are requested to produce the following:

1. All records, notes, communications, photographs, or documentation related to the seizure of a 2013 Coachmen Freelanders R.V., VIN 1GB6G5CG1D1132264, executed under a writ of execution in this matter.
2. A copy of the writ of execution and all documents relied upon for the seizure.
3. All emails, letters, or correspondence (internal or external) involving the Sheriff's Office, St. Luke's Hospital, Holland & Hart LLP, the Idaho Department of Health and Welfare (IDHW), or Child Protective Services (CPS) regarding Diego Rodriguez or the RV seizure.
4. Any and all video footage (body camera, dash camera, surveillance, etc.) captured during the planning, execution, transport, or custody of the seized RV.
5. Chain of custody documentation showing the handling, storage, inspection, and condition of the RV while in the Sheriff's possession.
6. All records of third-party vendors, tow companies, or contractors used in the seizure or storage of the RV.
7. All photographs taken before, during, or after the seizure of the RV.

You are required to produce the documents within thirty (30) days from the date of service of this request at the address provided below, or such earlier date as the Court may order.

This production request is made in lieu of any separate Public Records Act request and is not subject to public records-related cost structures. Any fees must be limited to reasonable duplication charges, if applicable.

DATED: May 20th, 2025

By: /s/ Diego Rodriguez \_\_\_\_\_  
Diego Rodriguez



### CERTIFICATE OF SERVICE

I certify I served a copy to: (name all parties or their attorneys in the case, other than yourself)

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

Sheriff Donnie Wunder  
Gem County Sheriff's Office  
410 E. First Street  
Emmet, ID 83617  
dwunder@co.gem.id.us

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

DATED: May 20th, 2025

By: /s/ Diego Rodriguez  
Diego Rodriguez