

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

**EX PARTE MOTION TO REASSIGN
JUDICIAL AUTHORITY AND COMPEL
RULING ON PENDING DISCOVERY
MOTION**

COMES NOW Defendant Diego Rodriguez, pro se, and respectfully moves this Court to
reassign judicial authority and enter a ruling on the *Motion to Compel Production of Documents*
filed on June 25, 2025, which remains pending and unaddressed due to the prior jurisdictional
disqualification of Judge Nancy A. Baskin.

I. BACKGROUND

1. On May 20, 2025, Defendant served a *Rule 34 Request for Production of Documents* upon
Sheriff Donnie Wunder and the Gem County Sheriff's Office, related to the unlawful seizure,

storage, and damage to Defendant's 2013 Coachmen Freelanders R.V. (VIN 1GB6G5CG1D1132264).

2. No documents, objections, or requests for extension were received by the 30-day deadline imposed by Idaho Rule of Civil Procedure 34(b)(2)(A) (June 19, 2025).
3. On June 25, 2025, Defendant filed a ***Motion to Compel Production of Documents*** and a corresponding ***Proposed Order***. A true and correct copy of the Motion to Compel and Proposed Order is attached hereto as Exhibit A.
4. The assigned judge in this matter, Nancy A. Baskin, was previously the subject of a timely and properly filed ***Motion to Disqualify***, which was not addressed through any valid written ruling or order. Defendant maintains that Judge Baskin is jurisdictionally barred from ruling on any pending matters, including discovery motions, due to the unresolved and improperly handled disqualification motion.
5. Defendant has received no service of any signed ruling concerning the ***Motion to Disqualify***. Any alleged "oral ruling" is procedurally void and does not restore jurisdiction.
6. As of the date of this filing, no action has been taken by any judge to rule on the pending ***Motion to Compel***, resulting in undue delay and continued obstruction of critical evidence by the Gem County Sheriff's Office.

II. RELIEF REQUESTED

Defendant respectfully requests that the Court:

1. Immediately reassign judicial authority to a neutral judge for the limited purpose of ruling on the pending ***Motion to Compel***;
2. Enter the Proposed Order (Exhibit A) or a modified version at the Court's discretion;
3. Set a 7-day deadline for compliance with the Rule 34 Request, upon entry of the order;
4. Retain jurisdiction to impose sanctions or further orders under I.R.C.P. 37 should noncompliance continue.

III. CERTIFICATION OF EX PARTE FILING

This motion is submitted *ex parte* solely to expedite judicial reassignment and ruling. No oral argument is requested unless deemed necessary by the Court. A copy of this filing will be served

on all parties and non-party recipients, including Sheriff Donnie Wunder and counsel for Plaintiffs.

Respectfully submitted,

DATED: July 4th, 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: July 4th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez

EXHIBIT A

Diego Rodriguez
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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 Freeland 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
1317 Edgewater Drive #5077
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LTD; CHRIS ROTH, an individual; NATASHA
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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

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**[PROPOSED] ORDER GRANTING
MOTION TO COMPEL PRODUCTION
OF DOCUMENTS**

This matter came before the Court on Defendant's *Motion to Compel Production of Documents* filed June 25, 2025. The Court, having reviewed the motion, the attached exhibits, and being otherwise fully advised in the premises, hereby finds and orders as follows:

1. On May 20, 2025, Defendant served a *Rule 34 Request for Production of Documents* on the Gem County Sheriff's Office concerning the seizure and continued detention of Defendant's 2013 Coachmen Frelander R.V. (VIN 1GB6G5CG1D1132264).

2. As of the date of this Order, the Sheriff's Office has failed to produce documents or respond to the request, in violation of I.R.C.P. 34(b)(2).
3. Under I.R.C.P. 37(a)(3)(A)(iii), the Court finds that a motion to compel is appropriate, and under I.R.C.P. 37(a)(5)(A), the Court finds that an award of reasonable expenses is warranted.

IT IS HEREBY ORDERED THAT:

- A. Defendant's Motion to Compel is GRANTED.
- B. The Gem County Sheriff's Office shall produce all non-privileged, responsive documents requested in the May 20, 2025 Rule 34 Request for Production within 7 calendar days of this Order.
- C. The Gem County Sheriff's Office shall pay to Defendant the amount of \$41.26 as reasonable expenses incurred in bringing this motion, pursuant to I.R.C.P. 37(a)(5)(A).
- D. Failure to comply with this Order may result in further sanctions under I.R.C.P. 37(b), including potential contempt proceedings.

IT IS SO ORDERED.

DATED _____

DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify I served a copy to *[Service to be completed by the Court upon entry of order.]*

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

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DATED _____

Clerk