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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 REDUCE ORAL RULING
TO WRITING PURSUANT TO I.R.C.P.
2.3(b) AND TO PRESERVE RECORD OF
JURISDICTIONAL DEFECT**

COMES NOW Defendant DIEGO RODRIGUEZ, pro se, and respectfully moves this Court to reduce to writing and serve any prior oral ruling—specifically, any alleged oral denial of Defendant’s *Motion to Disqualify Judge Nancy Baskin for Cause*—in accordance with **Idaho Rule of Civil Procedure 2.3(b)**. This motion is made to preserve the record, clarify the Court’s actions, and protect Defendant’s procedural rights under Idaho law.

I. LEGAL REQUIREMENT UNDER I.R.C.P. 2.3(b)

Idaho Rule of Civil Procedure 2.3(b) provides: *“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. The order or judgment may be served by mailing, emailing, or delivering it to the attorney of record for each party, or if the party is not represented by an attorney, by mailing to the party at the address designated by the prevailing party as most likely to give notice to that party. The clerk must make a note in the court records of the mailing of the entered order. Mailing is sufficient notice for all purposes for which notice of the entry of an order is required by these rules.”*

This requirement is unambiguous. A ruling does not become legally effective merely by being announced in open court; it must be reduced to a separate written document and served on all parties in compliance with IRCP 2.3(b). Defendant has never received any such order denying the motion to disqualify Judge Baskin. The docket contains no entry reflecting a written or served order on that motion.

II. FAILURE TO ISSUE AND SERVE A WRITTEN ORDER CREATES A JURISDICTIONAL DEFECT

While Judge Baskin may attempt to claim that she “ruled orally” on the Motion to Disqualify during a prior hearing, the law is clear: *An oral ruling is not legally effective unless it is entered in writing and served in accordance with Rule 2.3(b)*. The Court’s duty to serve an entered order applies regardless of whether a party was present at the hearing. The failure to reduce the alleged ruling to writing and serve it creates a jurisdictional defect.

Pursuant to I.R.C.P. 40(d), a judge must not act further in a case after a motion for disqualification is filed, *“except to grant or deny the motion.”* If there is no valid written denial, Judge Baskin lacks jurisdiction to issue further rulings, set hearings, or enforce orders. As the Idaho Supreme Court held in *State v. Gorringer*, 168 Idaho 175, 481 P.3d 723 (2021), *“an order entered without subject matter jurisdiction is void.”*

This procedural failure implicates both judicial authority under Rule 40(d) and the validity of all subsequent actions taken by the Court.

III. DEFENDANT WAS NOT PRESENT, NOR REQUIRED TO BE

It is true that Defendant was not present at any hearing during which the Court now claims an oral ruling was issued. Even assuming an oral ruling was made, it is undisputed that no written and served order exists. The burden is on the Court to comply with I.R.C.P. 2.3(b). A party's absence from a hearing (for which he was not even required to attend) does not waive the requirement for written service, nor does it cure the jurisdictional defect.

IV. REQUEST FOR RELIEF

Defendant respectfully requests that this Court:

1. Reduce to writing and enter a formal order addressing the Motion to Disqualify for Cause, if any oral ruling has in fact been made;
2. Serve such order in compliance with I.R.C.P. 2.3(b) on all parties, including Defendant;
3. Clarify the date, location, and transcript citation of any alleged oral ruling if one is claimed to exist;
4. Acknowledge that until such written order is entered and served, the Motion to Disqualify remains pending, and all subsequent actions by Judge Baskin are procedurally void.

Respectfully submitted,

DATED: July 29th, 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

DATED: July 29th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez