

Erik F. Stidham (ISB #5483)
Jennifer M. Jensen (ISB #9275)
Zachery J. McCraney (ISB #11552)
Anne Henderson Haws (ISB #10412)
HOLLAND & HART LLP
800 W. Main Street, Suite 1750
Boise, ID 83702-5974
Telephone: 208.342.5000
E-mail: efstidham@hollandhart.com
jmjensen@hollandhart.com
zjmccraney@hollandhart.com
ahhaws@hollandhart.com

Counsel for Plaintiffs

**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 and an unincorporated
association,

Defendants.

Case No. CV01-22-06789

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

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

**CONSOLIDATED REQUEST TO
STRIKE NOTICES AND REQUESTS**

Plaintiffs St. Luke's Health System, Ltd., St. Luke's Regional Medical Center, Ltd., Chris Roth, Natasha D. Erickson, M.D., and Tracy W. Jungman, NP (collectively "Plaintiffs"), by and through their attorneys of record, Holland & Hart LLP, hereby submit this Memorandum in Opposition to Defendant Diego Rodriguez's Motion for Reconsideration of Order Denying Motion to Declare June 9 Order and All Prior Proceedings Void Ab Initio and his Motion to Reduce Oral Ruling to Writing Pursuant to IRCP 2.3(b) and to Preserve the Record (together "Rule 2.3 Motions").

This Memorandum further addresses the numerous post-judgment "notices" and "requests" filed by Rodriguez. These filings are not recognized pleadings or motions under the Idaho Rules of Civil Procedure. Plaintiffs object to their inclusion in the record and ask the Court to strike the improper filings.

I. INTRODUCTION

The Rule 2.3 Motions represent yet another set of frivolous attempts to relitigate settled matters and tie up judicial resources through repetitive, meritless challenges to the Court's authority. The Rule 2.3 Motions should be denied.

Meanwhile the "notices" and "requests" are improper filings that include argument and appear designed to create appellate issues, rather than to resolve issues ripe or proper for this Court's post-judgment consideration. The Court should strike the filings from the record.

II. BACKGROUND

The procedural history concerning the disposition of Rodriguez's original Motion to Disqualify is clear: Rodriguez filed his original Motion to Disqualify on June 14, 2024; a hearing was properly noticed for June 20, 2024, on Plaintiffs' Objection to Clerk's Record; Rodriguez had actual notice of this hearing but failed to appear; Judge Baskin properly addressed the

pending Motion to Disqualify first, as required by Rule 40(d), and denied it as reflected in court minutes; the Court then proceeded with the scheduled matter.

On May 23, 2025, Rodriguez filed a “renewed” motion to disqualify, nearly one year after the Court made its ruling on his motion. On June 9, 2025, the Court denied the renewed motion by written decision. On June 15, 2025, Rodriguez filed the instant Motion for Reconsideration, which challenges the oral ruling, and on July 29, 2025, Rodriguez filed the Motion to Reduce the Oral Ruling to Writing.¹

In addition to these two related motions that are subject to this response,² Rodriguez has filed numerous other “notices” and “requests” asserting this Court has exceeded its jurisdiction or abused its own process. *See, e.g.*, June 2, 2025 Notice and Motion to Preserve the Record of Wrongful Garnishment Affecting Third-Party Church Funds; July 1, 2025 Request for Decision without Oral Argument and for Immediate Reassignment to a Neutral Judge; July 8, 2025 Notice of Preserved Evidence of Judicial Misconduct and Bias; July 15, 2025 Second Notice of Preserved Judicial Misconduct and Bias; July 16, 2025 Objection to Scheduled Hearing Before Disqualified Judge; July 24, 2025 Third Notice of Preserved Judicial Misconduct; July 24, 2025 Request for Administrative Enforcement of Reassignment; July 29, 2025 Notice of Objection to Improper Characterization in Administrative Order and Demand for Clarification; July 29, 2025

¹ Rodriguez failed to properly notice the motions for a hearing pursuant to Local Rule 5.3. This Court has provided a hearing date for “all pending motions” of August 19, 2025. Plaintiffs submit this response in advance of the hearing set by the Court.

² In addition to Rule 2.3 Motions, Rodriguez filed other post-judgment motions related to disqualification and jurisdiction, which have been properly denied, both by Judge Baskin and Judge Hippler. *See, e.g.*, May 23, 2025 Renewed Motion to Disqualify Judge; May 6, 2025 Motion to Compel Ruling on Renewed Motion to Disqualify Judge and Motion to Declare June 9 Order and All Prior Rulings Void Ab Initio for Lack of Jurisdiction; and June 15, 2025 Emergency Motion to Enforce Disqualification and for Immediate Reassignment to a Neutral Judge (denied by Administrative District Judge Hippler).

Defendants Supplemental Notice of Preservation of Procedural Objection and Clarification of Local Rule Application.

III. ARGUMENT

A. Rodriguez’s Argument Regarding the Application of Rule 2.3(b) Is Meritless; the Court Should Deny the Request to Reduce the Ruling to Writing.

Rodriguez’s central argument in the Rule 2.3 Motions—that Idaho Rule of Civil Procedure 2.3(b) invalidates all oral rulings unless immediately reduced to writing and served—misunderstands both the rule’s purpose and Idaho’s long-established judicial practice. Rule 2.3(b) states: “Immediately after entering an order or judgment, the clerk of the district court... must serve a copy of it on every party[.]” The rule applies to orders that have been “entered”—*i.e.*, reduced to writing and filed. The rule does not require that every oral ruling be immediately memorialized in writing. Rather, Idaho courts routinely make oral rulings that are immediately effective. The requirement for written memorialization and service applies when a court chooses to reduce its ruling to a written order, not as a prerequisite for the ruling’s validity.

The Court’s reliance on its minutes and audio recordings is entirely proper and standard practice in Idaho courts. Minutes serve as the official record of proceedings and provide adequate notice of the Court’s actions. Rodriguez’s characterization of this as “judicial evasion” is baseless.

The Court properly ruled orally on Rodriguez’s Motion to Disqualify at the June 20, 2024 hearing. Rodriguez had actual notice of this hearing and chose not to attend. His absence does not invalidate the Court’s ruling or create a due process violation.

B. Rodriguez’s Jurisdictional Arguments Under Rule 40(d) Lack Merit

Rodriguez’s jurisdiction arguments, presented both in the Rule 2.3 Motions and in a selection of the “notices” are meritless. The Court properly ruled on the disqualification motion

on June 20, 2024. This topic is fully addressed in the concurrently filed Memorandum in Opposition to Defendant Diego Rodriguez’s April 21, 2025 Motion for Return of Seized Property and attendant July 1, 2025 Request for Decision without Oral Argument and for Immediate Reassignment to a Neutral Judge (Re: Seized R.V. and Associated Motions), which is hereby fully incorporated herein.

Rule 40(d) requires a judge to rule on a disqualification motion before taking further action. Judge Baskin did exactly that—she ruled on the motion orally on June 20, 2024, making requisite findings, before proceeding with other matters. Neither Rule 2.3(b), nor Rule 40(d) require written memorialization for the ruling to be effective.

Moreover, Rodriguez’s attendant request to reduce the oral ruling to writing is entirely unnecessary as the court minutes and audio recording provide a complete and accurate record of the Court’s ruling. Rodriguez has been advised that he can obtain a transcript of the proceedings if needed for appellate purposes.³

1. Even if the Court Considered the Merits of any Rule 40(d) Argument, It Would Fail.

Even if Rodriguez properly put a motion for disqualification before this Court, it would fail. If a party wishes to disqualify a judge for cause, Idaho Rule of Civil Procedure 40(b) applies. Rule 40(b) permits a party to disqualify a judge for cause if “the judge is biased or prejudiced for or against any party or the subject matter of the action.” Idaho R. Civ. P. 40(b)(1)(D). “A motion to disqualify for cause must be accompanied by an affidavit of the party or the party’s attorney stating the specific grounds upon which disqualification is based and the facts relied upon in support of the motion.” *Id.* 40(b)(2). “The presiding judge sought to be

³ Reference appeal and Judge Hippler’s order

disqualified must grant or deny the motion upon notice and hearing in the same manner as other motions.” *Id.* Thus, Rule 40(b)(2) requires motions to disqualify to be noticed for a hearing, and for a hearing to be held on the motion. *Id.*

“Idaho Rule of Civil Procedure 40(b) provides four bases upon which a judge can be disqualified for cause.” *Wiseman v. Rencher*, 553 P.3d 948, 952 (Idaho 2024). “Rule 40(b)(1)(D) provides that a party can disqualify a judge for cause if ‘the judge is biased or prejudiced for or against any party or the subject matter of the action.’” *Id.* (citing the Rule). “[U]nless there is a demonstration of ‘pervasive bias’ derived either from an extrajudicial source or facts and events occurring at trial, there is no basis for judicial recusal.” *Id.* (quoting *Athay v. Rich County*, 153 Idaho 815, 820, 291 P.3d 1014, 1019 (2012) (alteration in original) (quoting *Bach v. Bagley*, 148 Idaho 784, 792, 229 P.3d 1146, 1154 (2010))).⁴ “An adverse ruling, on its own, is insufficient evidence of bias.” *Plasse v. Reid*, 172 Idaho 53, 65, 172 Idaho 53, 529 P.3d 718, 730 (2023).

Defendant Rodriguez did make some substantive allegations regarding disqualification in the previously denied May 23, 2025 Renewed Motion to Disqualify Judge. His primary charge was that the record “reflects ongoing judicial bias and prejudice.” Renewed Mot. at 5 (Affidavit). Particularly, Rodriguez asserted that the Court’s denials of Defendant’s request to appear remotely showed pervasive bias due to his alleged Florida residency (causing alleged but still unsubstantiated financial hardship to appear). He also alleged bias related to the fact that he is *pro se*.

⁴ The Idaho Supreme Court has also ruled a judge can be disqualified on the appearance of bias where “unique facts” of a case may warrant disqualification. *See Hepworth Holzer, LLP v. Fourth Judicial District of State*, 169 Idaho 387, 399-400, 496 P.3d 873, 885-86 (2021) (where the Court disqualified a judge after concluding that the judge has become a party to the case and participated in the litigation). The facts in this case are readily distinguishable from *Hepworth*; Judge Baskin has not become a party to the case.

Defendant's *pro se* status does not act to change the standard of law or rules to which he is bound by a court of law. *See State v. Sima*, 98 Idaho 643, 644, 570 P.2d 1333, 1334 (1977); *see also Murray v. Spalding*, 141 Idaho 99, 100-01, 106 P.3d 425, 426-27 (2009); *see also Naranjo v. Idaho Department of Correction*, 151 Idaho 916, 922, 265 P.3d 529, 535 (Ct. App. 2011). Moreover, Rodriguez supplied no evidence (in any of his motions, requests, or notices) of the alleged financial hardship that would be caused by a trip to Idaho from Florida to participate in proceedings upon filings of his own making. Instead, as the Court has aptly recognized, Rodriguez is aware of pending contempt actions against him and attendant bench warrants.

To this end, Rodriguez is a fugitive within the meaning of the common law fugitive disentitlement doctrine. To be a fugitive, an individual must know he has a warrant issued against him and remain absent from the jurisdiction where the warrant is outstanding. *See Ener v. Martin*, 987 F.3d 1328, 1332 (11th Cir. 2021); *see also Sasson v. Shenhar*, 667 S.E.2d 555, 628 (Va. 2008); *Colombe v. Carlson*, 757 N.W.2d 537, 542 (N.D. 2008); *Wechsler v. Wechsler*, 45 A.D.3d 470, 474 (N.Y. Ct. App. 2007); *Matsumoto v. Matsumoto*, 792 A.2d 1222, 1235 (Miss. 2022); *Guerin v. Guerin*, 993 P.2d 1256, 1258 (Nev. 2000); *Conforte v. Comm'r*, 692 F.2d 587, 590 (9th Cir. 1982). Rodriguez is a fugitive. He knows there are outstanding bench warrants against him in Idaho. He continues to decline to enter the state, while simultaneously seeking relief from this Court.⁵

⁵ St. Luke's Plaintiffs have asked the Idaho Supreme Court to recognize Defendant Rodriguez's fugitive status by applying the fugitive disentitlement doctrine in the context of Defendant Rodriguez's appeal of the Default Judgment issued in this case—which is pending as Supreme Court Docket No. 51244-2023.

C. The Improper Notices and Requests Are Procedurally Improper.

The Court should strike Rodriguez’s “notices” and “requests” from the record. The numerous notices and requests filed by Rodriguez post-judgment are not recognized as pleadings under Idaho Rule of Civil Procedure 7(a), nor are they motions, as permitted under Rule 7(b). The filings instead function as improper commentary and argument. For example, several are simply lodged to “preserve” Rodriguez’s own baseless and incorrect interpretation of the case “record.” The documents largely repeat the same allegations across multiple filings, a pattern of continued abuse of the judicial process. The Court should exercise its inherent discretion to manage its own docket and strike these papers from the record as improper filings not permitted by the Idaho Rules of Civil Procedure.

For sake of clarity, the list of these “notices” and “requests” is as follows: June 2, 2025 Notice and Motion to Preserve the Record of Wrongful Garnishment Affecting Third-Party Church Funds; July 1, 2025 Request for Decision without Oral Argument and for Immediate Reassignment to a Neutral Judge; July 8, 2025 Notice of Preserved Evidence of Judicial Misconduct and Bias; July 15, 2025 Second Notice of Preserved Judicial Misconduct and Bias; July 16, 2025 Objection to Scheduled Hearing Before Disqualified Judge; July 24, 2025 Third Notice of Preserved Judicial Misconduct; July 24, 2025 Request for Administrative Enforcement of Reassignment; July 29, 2025 Notice of Objection to Improper Characterization in Administrative Order and Demand for Clarification; July 29, 2025 Defendants Supplemental Notice of Preservation of Procedural Objection and Clarification of Local Rule Application.

IV. CONCLUSION

The Court properly exercised its jurisdiction, followed applicable procedural rules, and provided adequate due process. Rodriguez’s interpretations of Rules 2.3(b) and 40(d) are legally

unsound. In particular, his view of Rule 2.3(b), if accepted, would paralyze the judicial system by requiring written memorialization of every oral ruling. Both motions should be denied, and the Court should exercise its discretion and strike the improper notices and requests from the docket.

DATED: August 12, 2025.

HOLLAND & HART LLP

By: /s/ Erik F. Stidham

Erik F. Stidham

Jennifer M. Jensen

Zachery J. McCraney

Anne Henderson Haws

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of August, 2025, I caused to be filed via iCourt and served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Ammon Bundy
Ammon Bundy for Governor
People's Rights Network
c/o Ammon Bundy
P.O. Box 1062
Cedar City, Utah 84712

- ☒ U.S. Mail
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☐ Email/iCourt/eServe:
aebundy@bundyfarms.com

Ammon Bundy
896 E 400 S
New Harmony, UT 84757

- ☒ U.S. Mail
- ☐ Hand Delivered
- ☐ Overnight Mail - UPS
- ☐ Email/iCourt/eServe:

Freedom Man PAC
Freedom Man Press LLC
c/o Diego Rodriguez
1317 Edgewater Dr., #5077
Orlando, FL 32804

- ☒ U.S. Mail
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☐ Email/iCourt/eServe:

Diego Rodriguez
1317 Edgewater Dr., #5077
Orlando, FL 32804

- ☐ U.S. Mail
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☒ Email/iCourt/eServe:
freedommanpress@protonmail.com

/s/ Erik F. Stidham

Erik F. Stidham
OF HOLLAND & HART LLP