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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

**DEFENDANT'S PRE-HEARING  
NOTICE OF NON-APPEARANCE AND  
PRESERVATION OF  
JURISDICTIONAL OBJECTION**

COMES NOW, the Defendant, Diego Rodriguez, pro se, and respectfully files this Notice in  
advance of the hearing scheduled for August 19, 2025 at 10:00 AM, and hereby states the  
following:

**I. NOTICE OF NON-APPEARANCE**

Defendant will not appear at the August 19th hearing, as a matter of right, not out of defiance or  
neglect, but based upon an ongoing and well-preserved jurisdictional objection to Judge Nancy

A. Baskin’s authority to preside in this matter. As detailed in multiple filings already in the record—including:

- Defendant’s Motion to Disqualify Judge for Cause (filed June 14, 2024),
- Renewed Motion to Disqualify (filed May 23, 2025),
- Emergency Motion to Enforce Disqualification (filed July 15, 2025),
- Petition for Supervisory Relief to the Idaho Supreme Court (filed July 29, 2025),

Defendant has consistently and lawfully objected to Judge Baskin’s continued jurisdiction over this case under I.R.C.P. 40(d) and I.R.C.P. 2.3(b). These objections have not been addressed or resolved.

## **II. PRESERVATION OF JURISDICTIONAL OBJECTION**

Pursuant to I.R.C.P. 40(d), when a motion to disqualify for cause is filed, the presiding judge must either grant the motion or issue a written denial, after which a qualified replacement judge must be assigned. To date:

- No written denial has ever been entered by Judge Baskin.
- No new judge has been appointed by the Administrative District Judge, despite formal requests.

Despite the triggering event—Defendant’s filing of a facially sufficient Motion for Disqualification—Judge Baskin has failed to issue a written denial as required by I.R.C.P. 40(d) and I.R.C.P. 2.3(b). The rules do not permit silence. Her continued presiding over this matter, in the absence of resolution, is both *ultra vires* (beyond lawful judicial authority) and jurisdictionally void. No further proceedings may lawfully continue under her authority. Defendant’s decision not to appear is therefore based on this procedural infirmity, and not on any waiver of rights or failure to participate in good faith.

## **III. PRESERVATION OF RIGHTS**

Defendant expressly reserves and preserves all rights under the Constitution of the United States, the Idaho Constitution, the Idaho Rules of Civil Procedure, and applicable judicial canons and

ethics standards. No adverse ruling, inference, or finding may be lawfully entered as a result of Defendant's non-appearance, which is grounded in a good faith jurisdictional objection to an unlawfully presiding judge.

Any adverse ruling, inference, or action arising from Defendant's protected non-appearance will be treated as void, unlawful, and in violation of constitutional and procedural safeguards, and will further compound the judicial misconduct already documented in the record.

#### **IV. RELIEF REQUESTED**

Defendant respectfully requests that:

1. The August 19th hearing be vacated, or in the alternative,
2. That no rulings, findings, or orders be issued by Judge Baskin at that hearing, and
3. That a new, impartial, and lawfully qualified judge be assigned to this matter in accordance with I.R.C.P. 40(d).

Defendant reserves all objections to the jurisdictional validity of any rulings, findings, or orders issued at the August 19, 2025 hearing, and respectfully preserves his right to challenge such acts as void or ultra vires due to the unresolved judicial disqualification proceedings pending before the Administrative District Judge.

Respectfully submitted this 16th day of August, 2025.

DATED: August 16, 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: August 16th, 2025

By: /s/ Diego Rodriguez  
Diego Rodriguez