

Erik F. Stidham (ISB #5483)
HOLLAND & HART LLP
800 W. Main Street, Suite 1750
Boise, ID 83702-5974
Telephone: 208.342.5000
Facsimile: 208.343.8869
E-mail: efstidham@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,

Defendants.

Case No. CV01-22-06789

**MEMORANDUM IN SUPPORT OF
MOTION TO SEAL**

St. Luke’s Health System, Ltd., St. Luke’s Regional Medical Center, Ltd., Chris Roth,
Dr. Natasha D. Erickson, and Tracy W. Jungman, (collectively, “St. Luke’s Parties”), by and
through their counsel, Holland & Hart, LLP, hereby submit this Memorandum in Support of their
Motion to Seal.

The St. Luke's Parties request an order sealing unredacted copies of the following papers (hereinafter the "Protected Documents"):

1. Motion for Leave to Amend the First Amended Complaint to Allege Punitive Damages as to Diego Rodriguez, with exhibits;
2. Motion for Leave to Amend the First Amended Complaint to Allege Punitive Damages as to Default Defendants, with exhibits;
3. Memorandum in Support of Motion for Leave to Amend Complaint to Allege Punitive Damages Against Diego Rodriguez;
4. Memorandum in Support of Motion for Leave to Amend Complaint to Allege Punitive Damages as to Defaulted Defendants;
5. Declaration of Erik F. Stidham in Support of Motions for Leave to Amend Complaint to Allege Punitive Damages, with exhibits;
6. Declaration of Natasha D. Erickson, M.D. in Support of Motions for Leave to Amend Complaint to Allege Punitive Damages, with exhibits;
7. Declaration of Tracy Jungman, NP in Support of Motions for Leave to Amend Complaint to Allege Punitive Damages, with exhibits;
8. Declaration of Chris Roth in Support of Motions for Leave to Amend Complaint to Allege Punitive Damages;
9. Declaration of Dr. Jamie Price in Support of Motions for Leave to Amend Complaint to Allege Punitive Damages, with exhibits;
10. Declaration of Dennis Mesaros in Support of Motions for Leave to Amend Complaint to Allege Punitive Damages; and

11. Declaration of C.P. “Abbey” Abbondandolo in Support of Motions for Leave to Amend Complaint to Allege Punitive Damages, with exhibits.

The Protected Documents are being filed concurrently with this Motion to Seal and in support of the St. Luke’s Parties’ Motion to Amend the Complaint to Allege Punitive Damages as to Diego Rodriguez and Motion to Amend the Complaint to Allege Punitive Damages as to the Default Defendants.

The Protected Documents should be sealed to prevent the disclosure of protected health information (“PHI”). The St. Luke’s Parties are filing a redacted copy of the Protected Documents concurrently herewith, which Plaintiffs request be made publicly accessible.

Unredacted copies of the Protected Documents should be sealed subject to the Health Insurance Portability and Accountability Act (“HIPAA”) privacy and security regulations. *See* 45 C.F.R. part 164; I.C.A.R. 32(g)(1) (exempting “[d]ocuments and records to which access is otherwise restricted by state or federal law” from disclosure).

The Protected Documents contain PHI. *See* 45 C.F.R. § 160.103. PHI is individually identifiable health information, which relates to health, health care, or payment and either identifies the individual or for which “there is a reasonable basis to believe the information can be used to identify the individual.” 45 C.F.R. § 160.103. While the St. Luke’s Parties can use this PHI for health care operations, *see* 45 C.F.R. §§ 164.501, 164.506, including legal purposes, they seek to disclose the information minimally necessary to accomplish the intended purpose. 45 C.F.R. § 164.502.

Because of the widespread publicity surrounding the circumstances addressed in the Protected Documents, many of the allegations and statements in the Protected Documents can be used to identify the individual patient. The St. Luke’s Parties cannot pursue their claims against

Defendants without disclosing PHI and cannot file unredacted copies of the Protected Documents publicly and comply with the directive to only disclose the information minimally necessary. Defendants themselves have publicly disclosed significant portions of the PHI referenced in the Protected Documents, as demonstrated through the publicly available documents referenced in the Protected Documents, but that does not eliminate the St. Luke's Parties' obligation not to disclose such information.

Therefore, the St. Luke's Parties seek to have unredacted copies of the Protected Documents filed under seal in order to protect PHI and to disclose the information minimally necessary in accord with HIPAA's privacy regulations. It is also necessary that redacted copies of the Protected Documents be made publicly accessible. *See* I.C.A.R. 32(a) ("The public has a right to access the judicial department's declarations of law and public policy, and to access the records of all proceedings open to the public").

DATED: December 6, 2022.

HOLLAND & HART LLP

By: /s/Erik F. Stidham

Erik F. Stidham

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of December, 2022, I caused to be filed and served, via iCourt, a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Ammon Bundy for Governor
P.O. Box 370
Emmett, ID 83617

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

Ammon Bundy for Governor
c/o Ammon Bundy
4615 Harvest Ln.
Emmett, ID 83617-3601

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People's Rights Network
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- ☐ Overnight Mail
- ☐ Email/iCourt/eServe:

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:

Freedom Man Press LLC
c/o Diego Rodriguez
9169 W. State St., Ste. 3177
Boise, ID 83714

- ☒ U.S. Mail
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Freedom Man PAC
c/o Diego Rodriguez
1317 Edgewater Dr., #5077
Orlando, FL 32804

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Orlando, FL 32804

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- ☐ Overnight Mail
- ☒ Email/iCourt/eServe:
freedommanpress@protonmail.com

/s/ Erik F. Stidham

Erik F. Stidham
OF HOLLAND & HART LLP

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