

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 Lukes
Regional Medical Center LTD, Chris
Roth, Natasha Erickson, MD, Tracy
Jungman

Plaintiffs,

vs.

Ammon Bundy, Ammon Bundy for
Governor, Diego Rodriguez, Freedom
Man PAC, Peoples Rights Network,
Freedom Man Press LLC

Defendants.

Case No. CV01-22-06789

Memorandum Decision on Motion to Compel
Diego Rodriguez to Respond to Discovery

Plaintiffs filed a Motion to Compel on December 6, 2022 that came before the Court for hearing on January 24, 2023.

Appearances: Erik Stidham for Plaintiffs

Diego Rodriguez, a self-represented litigant, did not appear at this hearing

On December 6, 2022, Plaintiffs filed a Motion to Compel¹ with supporting memorandum² and Declaration from Erik Stidham. This motion requests this Court to compel Diego Rodriguez to "(1) fully answer Interrogatory Nos. 6, 8, 11, 14, 15, 28, and 29-32, and respond to Request for Production Nos. 16, 19, 22, 23, 37, and 41; (2) produce documents and information he agreed to provide during his October 5, 2022, deposition; and (3) appear in-person for a deposition in December." On January 6, 2023, Plaintiffs filed a Supplemental Declaration of Erik F. Stidham in Support of Plaintiffs' Motion to Compel ("Stidham Supp. Dec"). On January 9, 2023, Plaintiffs filed the Second Supplemental Declaration of Erik F. Stidham in Support of Plaintiffs' Motion to Compel ("Stidham 2nd Supp. Dec").³ On January 19, 2023,

¹ Motion to Compel, filed Dec. 6, 2022.

² Declaration of Erik Stidham in Support of Motion to Compel, filed Dec. 6, 2022.

³ The Court notes that Exhibit 1 to the Second Supplemental Declaration of Erik F. Stidham in Support of Plaintiffs' Motion to Compel, filed January 9, 2023 does not contain any audio – only video. To the extent that the Exhibit does not have an audio recording of what Rodriguez is alleged to have said during that video, the Exhibit is not considered. To the extent that this supplemental declaration cites what Mr. Stidham says he heard on the video and the declaration was made subject to penalty of perjury, the Court will still consider the information in the Supplemental Declaration for purposes of the Motion to Compel only.



Plaintiffs filed the Third Supplemental Declaration of Erik F. Stidham in Support of Plaintiffs' Motion to Compel ("Stidham 3rd Supp. Dec").

Diego Rodriguez did not file a written response and did not appear at the hearing to respond orally.

LEGAL STANDARD

Parties may obtain discovery regarding any matter relevant to the subject matter of the litigation, whether it relates to claims or defenses or is reasonably calculated to lead to the discovery of admissible evidence. I.R.C.P. 26(b)(1). To obtain relevant discovery from an opposing party in the litigation, a party may serve a request for interrogatories or a request for the production of documents. I.R.C.P. 26(a), 33, 34. If the documents requested are not produced or interrogatories are not answered, and the opposing party has been given thirty days from the date of service to respond, the party serving the discovery requests may file a motion to compel discovery. I.R.C.P. 37(a)(2).

The court may grant the motion if the motion includes "a certification that the movant has in good faith conferred or attempted to confer with the party not making the disclosure in an effort to secure the disclosure without court action." I.R.C.P. 37(a)(2). The court has "broad discretion in determining whether or not to grant a motion to compel." *Nightengale v. Timmel*, 151 Idaho 347, 256 P.3d 755, 759 (2011). "Such decisions will only be reversed when there has been a clear abuse of discretion." *Kirk v. Ford Motor Co.*, 141 Idaho 697, 701, 116 P.3d 27, 31 (2005).

If the court grants the motion, it must "require the party . . . whose conduct necessitated the motion or the party or attorney advising such conduct or both of them to pay to the moving party the reasonable expenses incurred in obtaining the order, including attorney's fees." I.R.C.P. 37(a)(4). However, the court may decline to award reasonable expenses to the moving party if "the court finds that the opposition to the motion was substantially justified or that other circumstances make an award of expenses unjust." *Id.* If the court denies the motion, it must "require the moving party or the attorney advising the motion or both of them to pay to the party . . . who opposed the motion the reasonable expenses incurred in opposing the motion, including attorney's fees." *Id.* Again, the court may alternatively decline to award reasonable expenses to the party who opposed the motion if "the court finds that the making of the motion was substantially justified or that other circumstances make an award of expenses unjust." *Id.*



ANALYSIS

1. Discovery Responses

The Plaintiffs request that the Court to compel Diego Rodriguez to “(1) fully answer Interrogatory Nos. 6, 8, 11, 14, 15, 28, and 29-32, and respond to Request for Production Nos. 16, 19, 22, 23, 37, and 41, alleging each response was inadequate. The Court addresses each discovery response separately.

a. Interrogatory 6

INTERROGATORY NO. 6: Please state the names, addresses, and telephone numbers of every person you believe to have knowledge about the subject matter of this lawsuit and state your understanding of the knowledge possessed by each person.

In response, Diego Rodriguez provided a list of names but did not provide any contact information for any of those individuals or state the basis of that person’s knowledge. Three of the individuals on the list are Plaintiffs including Dr. Natasha Erickson, Tracy Jungman, and Chris Roth. The list also includes two detectives (Detectives Jeff Fuller and Steve Hansen) but without any other identifying information or even the agency for which the detectives work. Then the list also includes Diego Rodriguez, Levi Anderson, Marissa Anderson, and Miranda Chavoya.

Plaintiffs argue this response is insufficient because it does not provide the contact information for those people Defendant disclosed to have knowledge. Diego Rodriguez’s e-mailed response about discovery deficiencies objects, arguing these people have a right to privacy.⁴

The right to privacy does not extend to contact information for potential witnesses in a civil lawsuit and the objection does not rise to the level of a legal privilege. Therefore, the Court will ORDER Rodriguez to provide the phone number and address for every person identified in his response to Interrogatory 6 except Dr. Natasha Erickson, Tracy Jungman, and Chris Roth as they are parties to the litigation and their contact information is known as Plaintiffs in this case.

b. Interrogatory 8

INTERROGATORY NO. 8: Please identify each person you have interviewed or have had any discussion with relating to the subject matter of this litigation or any allegation herein and describe the substance of each such interview or discussion, the date of each such interview or discussion, and Identify each person in the interview or discussion.

ANSWER TO INTERROGATORY NO. 8: I have yet to interview anybody. I reserve the right to supplement this response.

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Stidham Dec, Exhibit B.



Plaintiffs assert Rodriguez failed to respond the part of the interrogatory that requests disclosure of any person he had a discussion with relating to the subject matter of this litigation or any allegation in this litigation, the substance and date of such discussions, and other persons involved in such discussion. Rodriguez's responsive email states that his response was complete.⁵ Based upon the video evidence submitted in the court file, it is clear that Rodriguez had discussions with others about this litigation and even agreed to be interviewed several times about this litigation. So, his answer is either inaccurate or incomplete.

The Court ORDERS Rodriguez to respond fully to Interrogatory 8 and identify all Persons he had discussions with related to this lawsuit, its allegations, or the underlying alleged defamatory statements.

c. Interrogatory 11

INTERROGATORY NO. 11: If you contend Plaintiffs or any representative of Plaintiffs have made any admission against interest, please Identify all such admissions by date and summarize the alleged statements made.

ANSWER TO INTERROGATORY NO. 11: I admit that I have no idea what this even means.

Plaintiffs argue this response is incomplete and it is the Defendant's responsibility to figure out what an admission against interest is.

The Court finds that the term "admission against interest" is a legal term of art which may confuse a self-represented litigant. Therefore, the Court will use Black's Law Dictionary to define "admission against interest" as "A person's statement acknowledging a fact that is harmful to the person's position, esp[ecially] as a litigant" and further provides that "An admission against interest must be made either by a litigant or by one in privity with or occupying the same legal position as the litigant." BLACK'S LAW DICTIONARY, *Admission* (11th ed. 2019). Essentially, this interrogatory requests Mr. Rodriguez to provide information on whether any Plaintiff or their representative made statements acknowledging facts that are harmful to the Plaintiff's or Plaintiffs' position in this litigation.

With this clearer definition applied to Interrogatory 11, the Court ORDERS the Defendant to fully respond to Interrogatory 11.

d. Interrogatory 14

INTERROGATORY NO. 14: Please Identify all communications, conversations, discussions, or correspondence that you have had on any public or non-public forum, including, but not limited to forums on Telegram, MeWe, Rumble, or Gab, with any person that occurred between March 1, 2022, to the present, and which relate to any issue in this lawsuit, including but not limited to all conversations with any person via any platform provided by or designated for use by Defendant

⁵ Stidham Dec, Exhibit B.



People's Rights Network. In answering this Interrogatory, please Identify the date the conversation occurred, the forum on which the conversation occurred, the parties to the conversation, and the topic of discussion.

ANSWER TO INTERROGATORY NO. 14: I have posted an article regarding this lawsuit on the website, FreedomMan.org, which can be seen here:

<https://www.freedomman.org/2022/st-lukes-is-suing-us-for-exposing-them/>

Plaintiffs argue the response is a failure to answer in any meaningful way. In the letter Plaintiffs sent to Defendant outlining the deficiencies, Plaintiffs stated in relevant part:

You produced emails that should have been identified in response to this Interrogatory. We all know you have engaged in additional conversations and communications that are not identified in response to this Interrogatory. The fact that we know of other responsive information does not alleviate you of your obligation to provide the information you have in your possession. See Idaho Rules of Civil Procedure 26(b)(1)(A), 34(a). Moreover, the communications you produced are incomplete and do not include relevant metadata. Your response is incomplete and must be supplemented.⁶

The Court finds this response with a since article reference is incomplete and must be supplemented. The Court will order the Defendant must respond in full to Interrogatory 14 to identify ALL “conversations and communications” discussing St. Luke’s medical practices, the circumstances surrounding the infant’s medical care and release from care, and discussing this litigation. Defendant Rodriguez must detail the conversations and communications with the requested information regardless of whether Plaintiffs have already provided and/or identified them in their exhibits filed in support of any motion in this case.

e. Interrogatory 15

INTERROGATORY NO. 15: Please Identify all forms, methods, apps, or types of communication you have used to communicate with any other person about any issue involved in this lawsuit, including all forms of communications that were used to communicate with members of People’s Rights Network.

ANSWER TO INTERROGATORY NO. 15: The People’s Rights Network is not an organization in the way in which you describe it. It is simply a network of individuals who communicate with one another regarding issues of freedom and liberty. To that end, the People’s Rights Network has a simple text and email messaging system that can be accessed and used by certain individuals in various geographical regions around the state. I personally did not use the People’s Rights Network messaging system in neither the Baby Cyrus case nor this lawsuit against me. However, I am aware that other members of the People’s Rights Network did send out messages regarding the Baby Cyrus case, but I am not aware of anything having been sent out regarding this lawsuit.

⁶ Stidham Dec, Exhibit C.



The Court finds this response incomplete. While it addresses Rodriguez's use (or non-use) of the People's Rights Network, it fails to address other platforms that Rodriguez has used to communicate about the matters in the Interrogatory. Defendant Rodriguez must supplement his response to Interrogatory 15 to fully include "all forms, methods, apps, or types of communication you used to communicate with any person about any issue involved in this lawsuit."

f. Interrogatory 28

INTERROGATORY NO. 28: Please Identify the total amount of money or other things of value donated to, raised by, received by, or collected by you or your Immediate family, including any business entity owned or controlled by you or your Immediate family, between March 1, 2022, to the present. In answering this Interrogatory, separately Identify the amount of money or item of value donated to you and/or the amount of money donated to each immediate family member, state how that money was collected, and state how that money is being spent or will be spent.

ANSWER TO INTERROGATORY NO. 28: I have not received a single solitary cent from any money raised by the Baby Cyrus case. Period.

Plaintiffs argue the response is incomplete since the Defendant "did not address whether any of [his] immediate family or a business entity owned or controlled by [him] or [his] immediate family received any money or other things of value."⁷

The Court finds that the Defendant must supplement his response to Interrogatory 28 to answer whether any immediate family member(s) or business entity owned or controlled by Diego Rodriguez or any immediate family member of Diego Rodriguez received any money or other things of value as requested in Interrogatory 28.

g. Interrogatories 29-32

INTERROGATORY NO. 29: Please Identify any records, communications, correspondence, or other documents that indicate the amount of money charged to the Infant's family relating to the Infant's medical expenses between March 1, 2022, to the present.

ANSWER TO INTERROGATORY NO. 29: That is none of my business. That information is private information for Baby Cyrus's parents.

INTERROGATORY NO. 30: Please Identify any records, communications, correspondence, or other documents that indicate the amount of liability incurred by the Infant's family relating to the Infant's medical expenses between March 1, 2022, to the present.

⁷

Stidham Dec, Exhibit C.



ANSWER TO INTERROGATORY NO. 30: This again, is none of my business. Baby Cyrus is my grandson, not my son, and I do not have any legal guardianship, control, or responsibility for him.

INTERROGATORY NO. 31: Please Identify any records, communications, correspondence, or other documents that indicate the amount of public assistance, insurance coverage, or charitable donations provided to the Infant's family relating to the Infant's medical expenses between March 1, 2022, to the present.

ANSWER TO INTERROGATORY NO. 31: As previously stated, this is none of my business.

INTERROGATORY NO. 32: Please Identify any records, communications, correspondence, or other documents that indicate the amount of public assistance, insurance coverage, or charitable donations provided to the Infant's family relating to the Infant's medical expenses between March 1, 2022, to the present.

ANSWER TO INTERROGATORY NO. 32: This is a repeat of interrogatory 31.

Defendant responded he has "never plead for money based on false statements." Further, Defendant's e-mail response during the meet and confer acknowledged "any donations made to the Anderson family belongs to them, not me."

Since the Defendant has acknowledged that the Anderson Family (including his biological child and grandson) received funds for which information is requested in the interrogatories, the Court finds this information is relevant, calculated to lead to admissible evidence, and must be disclosed. The Court finds that the Defendant's responses are incomplete and the Court orders the Defendant must supplement his responses to Interrogatories 29 through 32 to include any information related to donations to Rodriguez, his businesses, the People's Rights Network, or donations on behalf of the infant's family, and must include any information that Diego Rodriguez has knowledge of related to public assistance or insurance coverage for Baby Cyrus' care. Defendant must respond fully to each aspect of Interrogatories 29 through 32 based upon his own knowledge and belief.

Recognizing that these interrogatories request financial information, the Plaintiffs indicated they would agree to a confidentiality order for responses to Interrogatories 29 through 32 so the Court will require any supplemental responses to Interrogatories 29 through 32 only be disclosed to the attorneys of record in this case for purposes of this litigation.

h. Request for Production 16

REQUEST FOR PRODUCTION NO. 16: Please produce all documents, specifically including text messages, emails, or other communications, exchanged between you and any Defendant in this lawsuit, including all present and former agents and employees of any Defendant, that relate to the matters set forth in the Complaint or Answer.



RESPONSE TO REQUEST FOR PRODUCTION NO. 16: There are none I am aware of.

The Court finds the response to Request for Production 16 unbelievable since Ammon Bundy's videos reference communications with Diego Rodriguez. The Court orders Defendant Rodriguez to produce all emails and text messages between himself and Ammon Bundy that relate to this litigation or the underlying subject matter in this case as requested in Request for Production 16.

i. Request for Production 19

REQUEST FOR PRODUCTION NO. 19: Please produce, for the time period from January 1, 2022, to the present, all of the following that you had in effect: articles of incorporation or other founding documents (including any amendments thereto); certificates of organization; operating agreements (including amendments thereto); by-laws; shareholder agreements; and statements or certificates of limited partnership (including any amendments thereto).

RESPONSE TO REQUEST FOR PRODUCTION NO. 19: I have already provided this information for Power Marketing Consultants, LLC above.

Defendant further responded that any information about Power Marketing LLC is irrelevant.⁸ Plaintiffs argue the response "fails to address the other entities, legal or fictional, that [Rodriguez] have created."

The Court finds the response is incomplete, the requested information is relevant or could lead to discovery of admissible evidence, and Defendant must supplement Request for Production 19 to provide the requested types of documents Power Marketing LLC. The Court also finds that Defendant Rodriguez's response must also include any other responsive documents for businesses, whether incorporated or not, or entity that holds itself out as a business in addition to Power Marketing LLC.

j. Request for Production 22

REQUEST FOR PRODUCTION NO. 22: Please produce all documents demonstrating any contracts or business relationship between You or any entity owned or controlled by you and Ammon Bundy or any entity or association owned or controlled by Ammon Bundy, including but not limited to the People Rights Network and Abish-Husbandi, Inc.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22: There are none.

Defendant also responded that the information is irrelevant.⁹ The Court finds that with the amendment of the Complaint, there is evidence that this response is incomplete but that information is relevant to the claims in this lawsuit. The Defendant must supplement his response to Request for Production 22 to produce all contracts and business relationships

⁸ Stidham Dec, Exhibit C.

⁹ Stidham Dec, Exhibit C.



between the parties in this case including those specifically named in Request for Production 22 or others that exist.

k. Request for Production 23

REQUEST FOR PRODUCTION NO. 23: Please produce copies of your state and federal income tax returns for the years 2021 and 2022.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23: I object. That is private information not relevant to this case.

The Court finds that Diego Rodriguez's tax returns for 2021 and 2022 are relevant discovery and ORDERS Rodriguez to produce these returns responsive to Request for Production 23. However, the Court finds that a confidentiality order is appropriate and will restrict the disclosure of any produced tax returns marked confidential to being viewed only by the attorneys assigned to this case. Further, if used as evidence in this case, the tax returns must be filed as sealed documents and the Court would then be required at a hearing to make a determination under Idaho Court Administrative Rule 32 whether any redacted documents should be made available to the public.

l. Request for Production 37

REQUEST FOR PRODUCTION NO. 37: Please produce all documents and records, including communications, related to or showing the receipt, payment, loan, and/or transfer of money or funds by and between You, Defendant Ammon Bundy, Defendant Ammon Bundy for Governor, Defendant Freedom Man PAC, Defendant Freedom Man Press LLC, GiveSendGo, People's Rights Network, Abish-husbondi Inc., Dono Custos, Inc., Freedom Tabernacle, Incorporated, Power Marketing Consultants LLC, Power Marketing Agency, LLC and/or the Immediate Families of any of the foregoing between March 1, 2022, to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37: Ammon Bundy is buying my RV from me and has been making payments to me for the purchase of the RV. There are no records of any agreements because it is a simple man-to-man agreement we've made with one another.

Plaintiffs argue this response is incomplete, citing "public documents showing contributions to Defendant Bundy for Governor by Rodriguez and payments to Power Marketing from Defendant Bundy for Governor. Further, evidence indicates that Freedom Tabernacle (a Rodriguez entity) receives money for PRN."

The Court finds that Defendant Rodriguez must supplement Request for Production 37 to include all exchanges of money or funds between the people and entities identified Request for Production 37, even if that information has been included in any Declaration or exhibit already filed in support of any motion in this case.



m. Request for Production 41

REQUEST FOR PRODUCTION NO. 41: Please produce all documents and communications received from any “whistleblowers” as discussed in your April 29, 2022 article on freedomman.org entitled “Insider Information from a Whistleblower!”

RESPONSE TO REQUEST FOR PRODUCTION NO. 41: The communications received from whistleblowers were deleted for privacy purposes at the end of April 2022. As a member of the Press, it is my duty to protect my sources.

Defendant also responded the information is irrelevant.¹⁰

First, the Court finds this information is relevant to the claims raised in this case. Next, the Court finds that Rodriguez cannot claim press privilege to protect sources for his independently authored works, especially those created for freedomman.org because he has testified that he is the sole content creator. Rodriguez is not a reporter as recognized by Idaho caselaw so he cannot claim this privilege. See *State v. Salsbury*, 129 Idaho 307, 307-08, 924 P.2d 208, 208-09 (1996) (discussing the privilege as it related to a reporter for KMTV Broadcasting); *In re Contempt of Wright*, 108 Idaho 418, 419, 700 P.2d 40, 41 (Idaho 1985) (newspaper reporter for the Daily Idahoan out of Moscow, Idaho); *Marks v. Vehlow*, 671 P.2d 473, 476 (Idaho 1983) (newspaper reporter for The Idaho Statesman); *Sierra Life Ins. Co. v. Magic Valley Newspapers*, 623 P.2d 103, 104 (Idaho 1980) (related to a newspaper); *Caldero v. Tribune Pub. Co.*, 98 Idaho 288, 288, 562 P.2d 791, 791 (Idaho 1977) (newspaper reporter for the Lewiston Morning Tribune). The Court has applied the balancing test from *In re Contempt of Wright*, and weighed (1) whether the information sought is relevant, (2) whether the information sought can be obtained by alternative means, and (3) whether there is a compelling and overriding interest in the information that supports requiring disclosure. 108 Idaho at 421, 700 P.2d at 43. The Court does find the information cannot be obtained by alternative means, the information is relevant to this lawsuit, and there is a compelling and overriding interest in the information given the public nature of Rodriguez’s articles and that this is a case where one of the claims is defamation, both libel and slander. So, the Court finds the information is not privileged and Defendant Rodriguez must fully respond to Request for Production 41.

2. Information Requested at Prior Deposition

Plaintiffs served five interrogatories for expedited discovery on Defendant Rodriguez.¹¹ Ultimately, the Court ordered Rodriguez to appear remotely for a deposition to answer these five

¹⁰ Stidham Dec, Exhibit C.

¹¹ The five interrogatories were: (1) Identify any person who controls, owns, or holds any ownership interest in the website www.freedomman.org or in Freedom Man Press (“FMP”); (2) Identify the legal entity structure for FMP; (3) Identify any person who wrote, authored, edited, or otherwise contributed information or content relating to Natasha Erickson to www.freedomman.org; (4) Identify any person who



interrogatories. At the deposition, Defendant Rodriguez indicated he could not provide full and complete answers to several of the interrogatives at that time but that he would later provide additional information and documentation to respond to those interrogatories. He has not provided those supplemental responses.

Specifically, Plaintiffs request responses to the following questions:

- Identify the host for the freedomman.org website, which is responsive to Interrogatories 1, 3, and 4;
- Identify when Rodriguez first began using the State Street address in Boise for Freedom Man Press and freedomman.org or the date he discontinued using that address, which is responsive to Interrogatories 1, 2, and 5;
- Identify the steps Rodriguez took to formally close Freedom Man PAC, which is responsive to Interrogatories 1 and 5; and
- Provide information regarding the Disqus commenting system Rodriguez uses on freedomman.org, including whether he pays for the service and the cost of the service, which is responsive to Interrogatories 1, 3, and 4.

The Court finds the Plaintiffs' attempts to meet and confer are sufficient and the requested information is relevant to this lawsuit. The Court GRANTS this part of the motion to compel and ORDERS Rodriguez to supplement his deposition responses and now fully respond to Interrogatories 1, 2, 3, 4 and 5 for expedited discovery.

3. Another Deposition

Plaintiffs properly set and noticed a deposition of Diego Rodriguez for January 10, 2023 in Orlando, Florida. Counsel for Plaintiffs travelled to Orlando to attend that deposition but Rodriguez failed to appear for that deposition. Rodriguez did not seek a protective order from the Court and did not communicate with counsel for Plaintiffs to reset the deposition. Rule of Civil Procedure 40 requires that an opposing party must attend a noticed deposition or must seek protection and show good cause before the Court has the ability to order that a deponent may avoid attendance or limit the time or subject matter of such deposition. Idaho Rule of Civil Procedure 40(d) permits the court to impose an appropriate sanction, including the reasonable expenses and attorney's fees incurred by any party, or any other sanction listed in Rule 37(b), on a person who impedes, delays, or frustrates the fair examination of the deponent.

The deponent is unable to unilaterally decide the parameters of the deposition and must seek leave from the Court to modify a Notice of Deposition. It is reasonable for the Plaintiffs to seek to depose Diego Rodriguez, a party in this case, over more than one day and in person.

posted, published, or is authorized and capable of removing content at www.freedomman.org; and (5) Identify all individuals, entities, or agents who are authorized to accept service of process for FMP.



The Court grants an order compelling Diego Rodriguez to sit for an in-person two-day deposition that will be two consecutive days. Diego Rodriguez is required to inform Plaintiffs' counsel, Erik Stidham, of two possible start dates for this deposition that are between February 25, 2023 and March 25, 2023. Diego Rodriguez must inform Plaintiffs' counsel in what city, state and country that he will be in on those dates. Plaintiffs' counsel will then choose one of those start dates. These communications must be conducted by email so there is a record of the discussion. Diego Rodriguez MUST then appear in-person at the noticed hearing. Failure to do so will result in additional sanctions. As previously ordered, the Deposition is CLOSED to the public for judicial expediency and to protect the right of all parties to a fair trial.

4. Fees and Costs

The Court finds the Plaintiffs are entitled to reasonable attorney fees under Idaho Rule of Civil Procedure 37(a)(5)(A) for their filing and pursuit of the Motion to Compel. The Court finds the award of fees and costs are not unjust since the Plaintiffs prevailed on almost every basis in the motion to compel. Plaintiffs MUST file a memorandum of fees and costs related to the motion to compel within fourteen days of service of this decision.

Further, the Plaintiffs have requested fees and costs as a sanction under Idaho Rule of Civil Procedure 37(d)(1)(A)(i) for Diego Rodriguez's failure to appear at the deposition that was scheduled and noticed in Orlando, Florida on January 10, 2023. Diego Rodriguez did not file a response to the motion to compel, did not appear at the hearing on the motion to compel, did not seek a protection order from the Court to excuse or limit his participation in the deposition, and has not offered to the Court any excuse for his failure to appear at that deposition. Therefore, the Court awards reasonable attorney fees and costs to the Plaintiffs that were caused by Diego Rodriguez's failure to attend that scheduled deposition. Plaintiffs MUST file a memorandum of fees and costs related to the motion to compel within fourteen days of service of this decision.

CONCLUSION

The Plaintiffs Motion to Compel, filed December 6, 2022, is GRANTED IN PART. The Court will ORDER Diego Rodriguez:

- 1) to provide the phone number and address for every person identified in his response to Interrogatory 6 except Dr. Natasha Erickson, Tracy Jungman, and Chris Roth;
- 2) respond fully to Interrogatory 8;
- 3) respond fully to Interrogatory 11 with "admission against interest" defined as "A person's statement acknowledging a fact that is harmful to the person's position, especially as a litigant" and further provides that "An admission against interest



must be made either by a litigant or by one in privity with or occupying the same legal position as the litigant.” BLACK’S LAW DICTIONARY, *Admission* (11th ed. 2019);

- 4) supplement the response Interrogatory 14 to respond fully to all details requested of all conversations and/or discussions;
- 5) supplement his response to Interrogatory 15 to fully include “all forms, methods, apps, or types of communication you used to communicate with any person about any issue involved in this lawsuit.”;
- 6) supplement his response to Interrogatory 28 to answer whether any immediate family member(s) or business entity owned or controlled by Diego Rodriguez or any immediate family member of Diego Rodriguez received any money or other things of value as requested in Interrogatory 28;
- 7) supplement responses to Interrogatories 29 through 32 to include any information related to donations to Rodriguez, his businesses, the People’s Rights Network, or donations on behalf of the infant’s family, and must include any information that Diego Rodriguez has knowledge of related to public assistance or insurance coverage for Baby Cyrus’ care. Defendant Rodriguez must respond fully to each aspect of Interrogatories 29 through 32 based upon his own knowledge and belief;
- 8) produce all emails and text messages between Diego Rodriguez and Ammon Bundy that relate to this lawsuit or the underlying subject matter in this case as requested in Request for Production 16;
- 9) supplement Request for Production 19 to provide the requested types of documents Power Marketing LLC and also to include any other responsive documents for businesses, whether incorporated or not, or entity that holds itself out as a business in addition to Power Marketing LLC;
- 10) supplement Request for Production 22 to produce all contracts and business relationships between the parties in this case including those specifically named in Request for Production 22 or others that exist;
- 11) produce tax returns responsive to Request for Production 23 but subject to a confidentiality order that restricts the disclosure of any tax returns marked confidential to being viewed only by the attorneys assigned to this case and filed as a sealed exhibit subject to Idaho Court Administrative Rule 32;
- 12) supplement Request for Production 37 to include all exchanges of money or funds between the people and entities identified Request for Production 37;



13) must fully respond to Request for Production 41 because the writings are relevant and are not privileged;

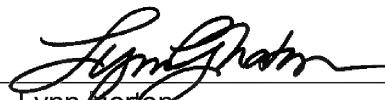
14) supplement the Rodriguez deposition responses and now fully respond to Interrogatories 1, 2, 3, 4 and 5 for expedited discovery.

The Court also GRANTS the Motion to Compel to the extent it requests an order compelling Diego Rodriguez to sit for an in-person two-day deposition that will be two consecutive days. The Court will detail the responsibilities of Diego Rodriguez in setting and attending the deposition in the Order to Compel.

Reasonable fees and costs are awarded to the Plaintiffs as the prevailing party pursuant to Idaho Rule of Civil Procedure 37(a)(5) for filing and pursuing the Motion to Compel and fees and costs that the Plaintiffs incurred as a sanction under Idaho Rule of Civil Procedure 37(d)(1)(A)(i) for Diego Rodriguez's failure to appear at the deposition that was scheduled and noticed in Orlando, Florida on January 10, 2023. Plaintiffs MUST file a memorandum of fees and costs related to the motion to compel and costs incurred because of failure to attend the deposition within fourteen days of service of this decision. Diego Rodriguez may file any written objection to the fees and costs memorandum within fourteen days of the date that memorandum is served.

IT IS ORDERED

Dated: 2/7/2023 5:45:21 PM



Lynn Norton
District Judge



CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

Erik F. Stidham
Diego Rodriguez

efstidham@hollandhart.com
freedommanpress@protonmail.com

[X] E-mail
[X] E-mail

Trent Tripple
Clerk of the Court

Dated: 2/ 8 /2022

By: Janine Korsen
Deputy Clerk

