

Erik F. Stidham (ISB #5483)
Jennifer M. Jensen (ISB #9275)
Zachery J. McCraney (ISB #11552)
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
jmjensen@hollandhart.com
zjmccraney@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

**AFFIDAVIT OF SPENCER FOMBY IN
SUPPORT OF PLAINTIFFS' MOTION
FOR CONTEMPT AGAINST
DEFENDANT DIEGO RODRIGUEZ
FOR VIOLATIONS OF PROTECTIVE
ORDER**

STATE OF TEXAS)
 :ss.
County of TRAVIS)

I, Spencer Fomby, being first duly sworn upon oath, depose and state as follows:

1. I make this declaration based on my personal knowledge.

2. I am a retired police Captain. I was most recently employed as the Captain of the Boise Police Department Training, Education and Development Division in Boise, Idaho. I have been a sworn police officer for 22 years. I previously worked for Berkeley Police Department in California for 20 years. I have held primary assignments in patrol, narcotics, and community involved policing. I was assigned to the Berkely Police department's SWAT team (SRT) for 16 years. I was the Team Leader, Team Commander, and lead tactical instructor for 9 years. During my career, I have been involved in over 1000 high-risk tactical operations. I have been involved in 4 officer involved shootings precipitated by the suspect ambushing officers.

3. I have been a police use of force instructor for 15 years. I am a certified Force Science Analyst and Force Science Realistic De-escalation Instructor. I have also attended the Force Encounters Analysis course and Officer Involved Shootings and Use of Force Investigations course. I am a certified instructor in the following disciplines: firearms (pistol, shotgun, and carbine), weaponless defense, impact weapons, ground fighting, active shooter, ALICE, chemical agents, flash bangs, crowd control, less-lethal weapons, live-fire shoot house and tactical de-escalation. I created 2 CA POST (California Commission on Peace Officer Standards and Trainings) approved tactical de-escalation courses.

4. I was the Berkeley Police Department lead departmental public order instructor; responsible for equipment selection, tactical training, less-lethal weapon selection, chemical

agent selection and deployment, and mission planning. I was a squad leader in more than 75 protest events including: (1) Oscar Grant Protest (Oakland, CA – January 2009); (2) Mehserle Verdict (Oakland, CA – July 2010); (3) Occupy Oakland/Berkeley (Oakland/Berkeley, CA – October 2011); (4) Eric Garner/BLM (Berkeley, CA – December 2014); (5) Pro Trump protests 2017 – February 1, March 4, April 15, April 27, August 27, September 24-27); (6) George Floyd protests (Oakland, CA – May/June 2020). I have extensive experience protecting the public from extremist groups, including Antifa.

5. I make this declaration based on my personal knowledge, experience, training, and expertise.

6. It is my opinion that extremist groups like People's Rights Network have a playbook that involves the intentional use of misinformation and disinformation to radicalize others to take action, including violent action, against individuals identified by the extremist group. PRN, Bundy, and Rodriguez follow the same playbook as Antifa.

7. Misinformation is false or inaccurate information. Examples include rumors, insults, and pranks. Disinformation is deliberately used to mislead and includes malicious content such as hoaxes, spear phishing, and propaganda. It spreads fear and suspicion among the population. Extremist groups take a systematic approach to spreading misinformation and disinformation they believe will (1) advance their political agenda, (2) help them raise money, (3) sway public opinion, (4) undermine the legitimacy of their opponents, and (5) radicalize their followers.

8. Extremist groups may engage in a short-term effort to spread false information or create a coordinated, long-term, multi-faceted disinformation campaign. These campaigns often

involve a team of people who use various mediums of communication including press releases, social media, podcasts, interviews, speeches, blogs, and face to face communication.

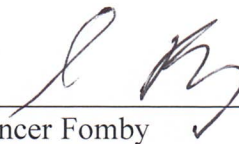
9. It is my opinion that the statements from Rodriguez (attached as Exhibits to the Jensen Affidavit) were made in furtherance of Defendants' disinformation campaign that intentionally mislabels Child Protective Services as child trafficking and kidnapping and directs the ire of People's Rights Network and others at St. Luke's, Chris Roth, Dr. Erickson, NP Tracy Jungman, and other individuals involved in the treatment of the Infant. The false information Rodriguez spreads is not just inaccurate, it is purposely inflammatory and malicious. Based on my training and experience, this disinformation campaign—and specifically the statements made in the above-identified media—is intended to intimidate the St. Luke's organization and the individuals who were identified and doxed.

10. It is my opinion that the systematic doxing and harassment of Chris Roth, Dr. Natasha Erickson, NP Tracy Jungman, and other potential witnesses was—and is—intended to intimidate and terrorize them. Doxing refers to publicly identifying or publishing private information about someone especially as a form of punishment or revenge. Doxing is a form of cyber-bullying that has been increasingly used by extremists to target their political opponents. Extremists will typically post pictures, names, home addresses, work or business addresses, phone numbers, or emails. Some extremists have gone as far as posting identifying information for their target's children or significant other. This practice is rarely about accomplishing some strategic goal. It is intended as a form of harassment and intimidation. Doxing can create a real sense of fear in the victim. Doxing victims often develop anxiety and hyper-vigilance as a result. They often report taking increased safety precautions, reducing public exposure, deleting or restricting social media, or relocating for a short period of time.

11. Rodriguez will continue to use intentional disinformation and misinformation and doxing unless there are real consequences for his behavior. These personal attacks create a serious life-threatening danger to the targets—Mr. Roth, Dr. Erickson, NP Jungman, and other potential witnesses.

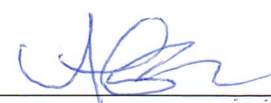
I declare under penalty of perjury of the laws of the State of Idaho that the foregoing is true and correct.

Executed this 1 day of May, 2023.

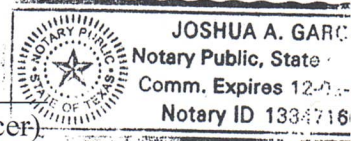


Spencer Fomby

SUBSCRIBED AND SWORN TO before me this 1st day of May, 2023.



(Signature of notarial officer)



CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of May, 2023, 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 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

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

Ammon Bundy
4615 Harvest Ln.
Emmett, ID 83617-3601

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

People's Rights Network
c/o Ammon Bundy
4615 Harvest Ln.
Emmett, ID 83617-3601

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

People's Rights Network
c/o Ammon Bundy
P.O. Box 370
Emmett, ID 83617

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

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

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

/s/ Erik F. Stidham

Erik F. Stidham
OF HOLLAND & HART LLP

21389600_v1