

U.S. COURTS

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MAY 8 2023

Recd. _____ Filed _____ Time _____
STEPHEN W. KENYON
CLERK, DISTRICT OF IDAHO

Defendant in Propria Persona

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

**Ammon Bundy, Ammon Bundy for
Governor, Diego Rodriguez, Freedom Man
PAC, People's Rights Network, Freedom
Man Press LLC,**

CASE NO. 1:23-CV-212-DCN

Petitioners,

**MEMORANDUM IN SUPPORT OF PETITION
TO TRANSFER CASE FROM STATE COURT TO
FEDERAL COURT**

vs.

**St. Luke's Health System LTD, St. Luke's
Regional Medical Center LTD, Chris Roth,
Natasha Erickson, MD, Tracy Jungman,**

Respondents.

Comes now the Petitioner Ammon Bundy who respectfully submits this MEMORANDUM IN
SUPPORT OF PETITION and states:

1. The State case at the heart of this matter is a civil action in which Petitioner is a party. Case No. CV01-22-06789, currently in the Fourth Judicial District Court, Ada County, Idaho, Judge Lynn Norton presiding.

2. Petitioner never appeared when served the civil action by summons on or about May 12, 2022, for the original civil complaint.

3. Respondents are part and parcel of a multi-billion-dollar corporate conglomerate commonly known as "St. Luke's", allegedly a not-for-profit organization that utilizes lobbyists and arms itself with one of Idaho's larger law firms to bully and push itself around the laws of Idaho suppressing the rights of Idaho citizens through "Lawfare," a level of warfare fought with lawyers using the Courts as battlegrounds. The Constitution is ignored and the rights of the pro se litigant are disregarded and often trampled upon and overlooked.

4. Respondents have repeated their false claims and have over time, amended their civil complaint on 4 separate occasions, each time increasing fees and claims of damages against Petitioners. In the original Complaint Plaintiff's sought \$50,000 in damages from Petitioner Bundy. After the District Court allowed the Complaint to be amended 4 times, Respondents raised the damages with the aid of the Court totaling \$7.5 million dollars and approximately \$500,000 in legal fees, all falsely generated due to the Court's unlawful behavior of violating Idaho Supreme Court Civil Rules of Procedure and State Statutes. The Petitioners owe no duty to Respondents in the State Case here.

5. After almost a year to the day of the original summons served upon Petitioner Bundy, the Court finally entered a default judgment in favor of the Respondents. The Court had no jurisdiction to enter any orders after July of 2022, and all subsequent orders have no force or

effect as this Court lost jurisdiction and has been acting unlawfully to the present. Thus, using the metaphor "Fruit of the Poisonous Tree" is exactly what has happened with the Petitioners as the Court lost jurisdiction when it violated the Rules of Civil Procedure by aiding and abetting the Respondents in withholding default for almost a year until they had amended their Complaint 4 times; and Judge Norton misrepresented the truth under oath to collect her pay check, claiming there was no matter in controversy over thirty (30) days while she withheld Default on the Petitioners in violation of the mandatory nature of Rule 55 et. seq.

6. As the metaphor suggests, if the evidential "tree" is tainted, so is its "fruit." The doctrine was established in 1920 by the decision in *Silverthorne Lumber Co. v. United States*, and the phrase "fruit of the poisonous tree" was coined by Justice Frankfurter in his 1939 opinion in *NARDONE V. UNITED STATES*, 35 308 U.S. 338 (1939). Pursuant to the Fruits of the Poisonous Tree Doctrine, it deals with 4th Amendment issues as evidence unlawfully obtained. However, if the metaphor is used in due process and equal rights, then the 5th, 6th, and 14th Amendments of the U.S. Constitution protecting the Petitioners were blatantly violated by the Respondents in this State Court case and the "Tree of Due Process and all subsequent Fruit thereof are forever tainted."

7. Respondents St. Luke's, Chris Roth, Natasha Erikson and Tracy Jungman, through their council, militarized their suit against Petitioners by having Judge Lynn Norton issue a gag order on the case, ultimately seeking contempt and the arrest of Petitioner Bundy, showing a willingness to suppress Constitutionally protected rights by force upon anyone who would speak out against Respondents. Intimidating and threatening letters of "Cease and Desist" have been served upon

numerous non-party persons, known and unknown to Petitioners by Respondents lead council, Erik Stidham, along with unashamed threats to one of Idaho's most listened to radio talk shows.

8. I.R.C.P. Rule 55(a)(1) states in part..."the court must order entry of the party's default."

After considering the enormous burden that fighting this case would put on his family & finances, Petitioner Ammon Bundy decided not to appear, seeking & requiring Judge Norton to default him under I.R.C.P Rule 55 (a)(1). At the beginning of the case Respondents served Petitioner Bundy with thousands of courts documents multiple times a week, but only sought \$50,000 from Petitioner Bundy in punitive damages. Therefore, rather than going into debt to hire expensive attorneys and spending years in litigation, Petitioner Bundy believed defaulting would be the least consuming, most peaceful and least expensive way to mitigate the lawsuit against an army of attorneys holding a blank check from a multi-billion-dollar empire. However, Judge Lynn Norton did not promptly default Petitioner Bundy as required by law. Instead, she left the case open for nearly an entire year, prompting St. Luke's to amend the complaint 4 times, increase the punitive damages to \$7.5 million dollars, racking up over a \$500,000 legal bill and then issued a civil warrant for Petitioner Bundy's arrest. Judge Norton placed a gag order on Petitioner Bundy's free speech. St. Luke's counsel convinced Judge Norton that Petitioner Bundy's general public comments (related or unrelated to the case) were "threatening" to St. Luke's and Holland & Hart potential witnesses. Only after Petitioner Bundy was put in extreme jeopardy of losing all his property and his liberty did Judge Norton enter default, giving St. Luke's open sights to everything Petitioner Bundy owns.

9. Pursuant to the **Idaho Code, Title 59, Section 502**, Idaho Judges must sign an oath "that is not in his hands any matter in controversy not decided by him, which has been finally submitted for his consideration and determination thirty (30) days prior to his taking and subscribing said oath."

10. The State Court failed to enter DEFAULT after July of 2022 when it would have been proper. The court documents submitted by Respondents are nothing more than tall tales or "Fairy Tales". These fairy tales as told by the Head Fairy Erik Stidham of Holland and Hart include a myriad of tens of thousands of pages repeatedly filed in the court and served long after the Court lost jurisdiction. Judge Norton, failing to enter default when it would have been proper, deliberately favored the Respondents in this case.

11. Fictioneer, Erik Stidham (University of Virginia Graduate), and Judge Lynn Norton (University of Alabama Graduate) are examples of Southern carpetbaggers dispensing their own unlawful form of justice by swarming pro se Defendants in a civil action. Judge Norton misrepresented the truth under oath to gain her paycheck for months without ordering the entry of Default, then conspired with Plaintiffs to keep on amending their complaints to increase higher amounts of fictitious damages and unjust enrichment for their clients. The false narrative of Respondents claiming that Petitioners are a part of some kind of dangerous armed terrorist organization is another gross misrepresentation of the truth presented in the State Court, designed to scare witnesses and taint a jury pool by swaying the general public against the Petitioners. Petitioner Ammon Bundy takes offense to anyone who claims he is a violent person.

Nothing in his past actions have proven him to be anything but peaceful, although one may have to reject the media hype and look into federal court records for such truth. Furthermore, Petitioner Bundy has no ongoing personal issue with any nurse or doctor at St. Luke's, nor their affiliates. It is the policies and practices of St. Luke's executives and their council, including the use of lawfare to silence dissenters and the collusions between St. Luke's and Idaho Department of Health and Welfare for financial benefit, endangering families, that Ammon Bundy takes offense to.

12. St. Luke's claims to be a non-profit organization, collecting donations and tax payer funds in the way of loans, grants and other financial means. St. Luke's uses these taxpayer funds to militarize the Courts, lobbying, and other payouts to promote their agenda of conspiring to obstruct Idahoan's civil rights, slander the same with a false agenda promoted in the media, and further erode Idaho citizens of their rights to free speech and due process under the law in concerted efforts of manipulation. Strategic Lawsuits Against Public Participation (SLAPP) are illegal in many states. In Idaho, it is up to a judge to stop these types of lawsuits. However, Judge Lynn Norton has failed to protect the rights of the Idaho public to freely speak, freely assemble and receive just due process. She has allowed the largest private institution in Idaho, in conjunction with one of the most powerful law firms in Idaho to engage in lawfare upon a grandfather and his friend for publicly and peacefully speaking out against the unlawful taking of Petitioner Rodríguez's only grandchild.

13. The end result of the behavior of the State Court is that the judiciary was brought into disrepute and prostituted by the Respondents and their council. Respondents have filed excessive and vexatious volumes of litigation which wasted vast amounts of judicial resources and committed fraud upon the taxpayers, who ultimately bear the burden of the cost at the end of the day. In particular, when one sees that St. Luke's corporation allegedly acting in a not-for-profit status and obtains federal, as well as state grants, loans and private donations and has the ability to spend hundreds of thousands if not millions of dollars to attack Petitioners and manipulate the Idaho Judiciary at taxpayer expense to silence the freedom of speech and due process rights of the people of Idaho, it tries the true forbearance of good Christian people.

CONCLUSION

14. WHEREFORE, Petitioners pray this Court to ISSUE AN ORDER TRANSFERRING THIS CASE TO FEDERAL COURT; TO ISSUE AN ORDER DISMISSING THE CASE WITH PREJUDICE IN FAVOR OF PETITIONERS DUE TO THE GROSS WILLFUL AND WANTON UNLAWFUL BEHAVIOR OF RESPONDENTS AND THE STATE COURT OF LYNN NORTON PRESIDING; AND ANY OTHER RELIEF DEEMED JUST AND PROPER IN ACCORDANCE TO THE LAW.

DATED THIS DAY, the 8th of May, 2023.

A handwritten signature in black ink, appearing to read 'Ammon Bundy', written in a cursive style.

Ammon Bundy, Petitioner Pro Se

VERIFICATION

I, Ammon Bundy, do hereby verify that the contents contained herein are true and correct to the best of my belief and knowledge pursuant to the laws of the United States of America, this 8th day of May, 2023.



Ammon Bundy, Petitioner Pro Se

CERTIFICATE OF SERVICE

That the original and one copy of the foregoing instrument titled MEMORANDUM IN SUPPORT OF PETITION TO TRANSFER CASE FROM STATE COURT TO FEDERAL COURT was filed with the United States District Court, for the District of Idaho, located at 550 West Front Street, Suite 400, Boise, Idaho, 83724.

Service time: _____ Service Date: _____ Server Initials: _____

That the original and one copy of the foregoing instrument titled MEMORANDUM IN SUPPORT OF PETITION TO TRANSFER CASE FROM STATE COURT TO FEDERAL COURT was served to the respondent's counsel Holland & Hart, Attn: Erik Stidham at 800 West Main Street, Suite 1750 Boise, ID 83702-5974.

Service time: _____ Service Date: _____ Server Initials: _____

That the original and one copy of the foregoing instrument titled MEMORANDUM IN SUPPORT OF PETITION TO TRANSFER CASE FROM STATE COURT TO FEDERAL COURT was served to the Clerk of the 4th Judicial District Court, County of Ada, State of Idaho, Attn: Judge Lynn Norton at 200 West Front Street, Boise ID, 83702.

Service time: _____ Service Date: _____ Server Initials: _____

DATED THIS 8th day of May, 2023.



Ammon Bundy, Petitioner Pro Se