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**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 FOR LEAVE TO AMEND
COMPLAINT TO ALLEGE PUNITIVE
DAMAGES AS TO DEFAULTED
DEFENDANTS**

REDACTED

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I. INTRODUCTION



In September of 2022, Defendant Ammon Bundy posted a video on Facebook. After making several mischaracterizations about this litigation and the Plaintiffs, he notably stated three things: (1) he referred to this lawsuit as a “sand box” in which he was refusing to play, (2) asserted that St. Luke’s should just get a default judgment, and (3) challenged St. Luke’s to try and collect any judgment it obtained against him. Declaration of Erik Stidham ISO Motions to Amend (“Stidham Decl.”), Ex. 37 (32:35-33:30).

Plaintiffs St. Luke’s Health System, St. Luke’s Regional Medical Center, Chris Roth, Dr. Natasha Erickson, and Nurse Practitioner Tracy Jungman (collectively “Plaintiffs”) will follow Bundy’s advice regarding obtaining and collecting a judgment. But before doing so, Plaintiffs seek leave to add a claim for punitive damages against Bundy and Defendants Ammon Bundy for Governor (“Bundy for Governor”), Freedom Man Press LLC (“FM Press”), Freedom Man PAC (“FM PAC”) and People’s Rights Network (“PRN”) (collectively “Default Defendants”). Punitive damages punish past bad acts and deter future bad acts. That is what is needed here.

The Default Defendants acted outrageously. Bundy, acting in concert with the other Defendants, launched a coordinated smear campaign against Plaintiffs, falsely accusing them of participating in a kidnapping and child trafficking ring that profits from the sexual abuse and

killing of children. Leveraging his celebrity and his leadership of PRN (his 60,000-person strong militia), Bundy and the other Defendants knowingly sold this false conspiracy to their activist followers. Then Bundy and the other Default Defendants directed his agitated followers to disrupt St. Luke's. As directed, Bundy's PRN followers flooded the hospital's phone lines with menacing calls and death threats and surrounded the hospital in a mob of hundreds—well-armed and hostile—shouting invectives and more death threats. Bundy's mob eventually grew large enough and their actions became threatening enough that St. Luke's was forced to lock down the hospital because of the risk of violence to the patients, visitors, and staff.

Not satisfied with inciting violence against the hospital, the Default Defendants targeted individuals, falsely declaring to their followers that Dr. Erickson, NP Jungman, and Mr. Roth were participating in heinous acts, including sexual abuse and murder of children. Dr. Erickson and NP Jungman are mothers with children at home who did nothing other than provide needed medical care to a severely [REDACTED] infant ("Infant"). Mr. Roth was targeted even though he had no involvement in the treatment of the Infant. Even now, the Default Defendants continue to assert false conspiracy theories and harm the Plaintiffs. The Default Defendants acted outrageously, intentionally, and for their own gain. Leave to amend properly should be granted. Moreover, there is some urgency. St. Luke's has learned that Bundy may be selling his major real estate holding in Idaho and is seeking to dissolve corporate entities. These may be steps by Bundy to frustrate St. Luke's collection of a judgment.

II. PROCEDURAL HISTORY AND BACKGROUND

A. THE COURT ISSUED ORDERS OF DEFAULT IN SEPTEMBER OF 2022.

The Court entered default against Bundy, Bundy for Governor, and PRN on September 2, 2022 and against FM Press and FM PAC on September 13, 2022. Given the Default Orders, the Amended Complaint's allegations, other than those relating to the amount of damages, are

deemed established. *See Pierce v. McMullen*, 156 Idaho 465, 471, 328 P.3d 445, 451 (2014) (plaintiff did not need to prove liability as defendant was in default); I.R.C.P. 8(b)(6).

B. PLAINTIFFS PROVIDE MEDICAL CARE.

Plaintiff St. Luke's Health System is a not-for-profit health system which operates St. Luke's Regional Medical Center. Amended Complaint ("AC") ¶¶ 6-8. When a child is brought to St. Luke's by Idaho Department of Health and Welfare ("DHW"), St. Luke's provides medical care; St. Luke's does not determine custody. Roth Decl., ¶ 8; Mesaros Decl., ¶¶ 5-6. Those determinations are made by DHW or a judge. *Id.*

Plaintiff Mr. Roth is President and CEO of St. Luke's Health System. AC ¶ 9; Roth Decl., ¶ 3. Plaintiff Dr. Erickson is a physician employed by St. Luke's specializing in pediatric medicine who provided medical care to the [REDACTED] Infant. AC ¶ 10; Dr. Erickson Decl., ¶ 2. Plaintiff NP Jungman is a nurse practitioner employed by St. Luke's who specializes in pediatrics and provided care to the Infant. AC ¶ 11; Jungman Decl., ¶¶ 2, 7-8, 12.

C. DEFENDANT BUNDY IS A SELF-PROMOTING, ANTI-GOVERNMENT MILITANT WHO CONTROLS PRN AND THE BUNDY CAMPAIGN.

Defendant Bundy is a celebrity, anti-government militant. Stidham Decl., Ex. 42. Through social media and ads, Bundy relentlessly markets himself as an anti-government vigilante and manufactures confrontations with governmental authorities. AC ¶ 73; Stidham Decl., Exs. 40-42.

Founded and controlled by Bundy, Defendant PRN is an unincorporated association of over 60,000 members. AC ¶ 12; Stidham Decl., Ex. 43-44, 49. Like Bundy, PRN does not recognize the government's authority over a person's "life, liberty, or justly acquired property"; rather, PRN operates based on Bundy's teachings that PRN members are divinely ordained to adjudicate supposed violations of "rights" and punish extrajudicially the "wicked" person,

through harassment, doxing, or the use of force. Stidham Decl., Ex. 46. In short, in PRN, Bundy has created an over 60,000-member strong militia that holds as its central tenet that PRN members are ordained to assess (convict) “perpetrators” and then impose punishment in the form of doxing penalties and physical force. *Id.*, Exs. 46, 49. Through his control of PRN, Bundy effectively controls PRN’s website, peoplesrights.org. AC ¶¶ 12, 17; Stidham Decl., Ex. 43.

During his unsuccessful run for Governor of Idaho in 2022, Bundy made himself treasurer for the campaign. AC ¶ 13; Stidham Decl., Ex. 74. Bundy controlled all aspects of Bundy for Governor, including the web site, Twitter account, and expenditures. *Id.*

D. RODRIGUEZ OPERATES THE FREEDOM MAN WEBSITE AND ENTITIES AND IS INTERTWINED WITH BUNDY, THE BUNDY CAMPAIGN, AND PRN.

Defendant Diego Rodriguez is a Bundy acolyte whose financial interests are intertwined with Bundy for Governor and PRN. Stidham Decl., Exs. 1, 4, 23, 38, 48, 54. While apparently not a proper corporate entity, Defendant FM Press is held out to the public as a purported entity (controlled by Rodriguez) that is responsible for the content on the website freedomman.org. *Id.*, Ex. (Depo. 21:9-15). Rodriguez uses freedomman.org to promote Bundy, promote himself, propound conspiracy theories, call his political opponents childish names, and dox opponents. *Id.*, Exs. 54, 78; AC ¶ 15. FM PAC is and was an Idaho registered political action committee operated by Rodriguez. AC ¶ 16; Stidham Decl., Ex. 75.

E. BUNDY MONETIZES HIS CELEBRITY.

Although Bundy refuses to participate in discovery, evidence provided by third parties indicates that Bundy collects payments from PRN supporters. The PRN payments are made to Don Custos, a Wyoming corporation Bundy owns. Stidham Decl., Exs., 3, 38. Campaign finance filings reveal Bundy directed tens of thousands in campaign funds to his Wyoming corporation and to an LLC owned by Defendant Rodriguez while also diverting campaign funds to Nate

Jones, a key figure with PRN. Stidham Decl., Exs. 1, 2, 4, 23, 76.

Bundy's celebrity drives PRN's growth and donations to Bundy for Governor. *See e.g.*, Stidham Decl. Exs. 38, 49, 72-73. To promote his brand, Bundy needs government conspiracies to battle, even if, as is the case here, he resorts to concocting the conspiracies.

F. ADMITTED ALLEGATIONS ESTABLISH SEVEN CAUSES OF ACTION AND CONSPIRACY.

Given the Orders of Default, the Amended Complaint establishes liability for the following seven causes of action and conspiracy against the Defaulted Defendants. AC ¶¶ 113-21 (Defamation); AC ¶¶ 122-29 (Invasion of Privacy); AC 130-35 (Intentional Infliction of Emotional Distress); AC ¶¶ 136-46 (Common Law Trespass); AC ¶¶ 147-60 (Statutory Trespass); AC ¶¶ 161-74 (Unfair Business Practices); AC ¶¶ 175-89 (Solicitations Act); and AC ¶¶ 190-95 (Civil Conspiracy).

1. The Default Defendants Knowingly Committed Wrongful Acts, Intending to Harm Plaintiffs.

The admitted allegations in the Amended Complaint set out, in detail, that Bundy acted in concert with the other Defendants to launch a knowingly dishonest and baseless smear campaign that Plaintiffs engaged in widespread kidnapping, trafficking, sexual abuse and killing of Idaho children. AC ¶¶ 1, 20-195. St. Luke's simply treated the Infant's [REDACTED] [REDACTED]. AC ¶¶ 54, 57. The Default Defendants were aware spreading their false claims would damage Plaintiffs but nevertheless perpetuated the conspiracy to benefit Bundy financially and to enhance his celebrity-vigilante brand. Bundy and the other Defendants coordinated the wrongful attacks to further improper objectives, including (1) to harm Plaintiffs, (2) to subvert the authority and rulings of the judiciary through harassment, (3) to mislead and manipulate their followers, (4) to enhance their political relevancy, (5) to grow membership in the PRN, (6) to drive traffic to Defendants' websites, and (7) to benefit themselves financially

through contributions to the Bundy Campaign, FM PAC, PRN, and Rodriguez's family members. AC ¶ 5; *see also* AC ¶¶ 1, 58-64, 70-72, 88-89.

G. THE DEFAULT DEFENDANTS' KNOWING, BAD ACTS CAUSED REAL HARM

As set out in the witness declarations filed in support and in the two expert declarations, the Default Defendants disrupted the hospital's operations, subjected St. Luke's employees to death threats and verbal abuse, damaged reputations, and subjected individuals to emotional distress and ongoing harassment. *See* Dr. Erickson Decl.; Roth Decl.; Jungman Decl.; Abbondandolo Decl.; Mesaros Decl.; Hoff Decl.; Price Decl.; Coggins Decl.; English Decl.; Mr. Erickson Decl.; Woods Decl.; Alexander Decl.; LaCroix Decl.; Flynn Decl.

1. Bundy's Trespass in Meridian

At around 1:30 a.m. on March 12, 2022, Bundy and a group of his followers travelled to the St. Luke's Meridian hospital to force a conflict with the police in furtherance of Default Defendants' conspiracy. AC ¶ 75; Woods Decl., ¶¶ 3-7. Bundy knew that by orchestrating his own arrest (a longstanding move in Bundy's playbook) he would win media attention he craves and likely generate financial contributions for himself and Bundy for Governor. AC ¶ 75.

Initiating the conflict, Bundy and his followers entered and blocked the ambulance bay. AC ¶ 76; Woods Decl., ¶¶ 3-5; Abbondandolo Decl., Ex. A. Once there, Bundy and the others yelled at hospital staff and uniformed police officers, calling the hospital staff "kidnappers," demanding the Infant be handed over, and refusing to move even after being repeatedly informed that they were blocking emergency vehicle access and were trespassing. AC ¶¶ 76, 82; Woods Decl., ¶¶ 3-7. As Bundy hoped, law enforcement arrested him just before 2:00 a.m. AC ¶ 83; Woods Decl., ¶ 5. Bundy's followers shared the forced confrontation and arrest on social media garnering Bundy the publicity he wanted. AC ¶ 76, 81-83; *see also* Woods Decl., ¶¶ 5-6.

The police released Bundy a few hours after his trespass. AC ¶ 85. Upon his release, Bundy immediately began to publicize the arrest he orchestrated. AC ¶ 86; Stidham Decl., Ex. 79 (0:01-1:40). Following the plan, Bundy falsely stated the Infant had been in good health and was kidnapped because a single appointment was missed, the Infant's health was at risk in the hospital, and that Bundy had been arrested for trespass without warning or justification. AC ¶ 86; Stidham Decl., Exs. 9 (0:01-3:28), 58 (0:20), 65 (1:20-1:32, 4:00-4:02), 79 (2:30-5:09); Jungman Decl., Ex. A at 1-57. Bundy then directed his followers to the freedomman.org which already contained misrepresentations of a kidnapping and child trafficking. AC ¶ 86; Stidham Decl., Ex. 7. Then, Bundy for Governor and PRN likewise began to publish the same false narrative regarding St. Luke's and Bundy's arrest. AC ¶ 87; Stidham Decl., Exs. 7-8, 41.

2. Disruption of the Hospital and Lockdown

At Defendants' direction, over the next several days, followers from 30 states flooded the phone lines demanding release of the Infant and disrupting St. Luke's ability to function. Abbondandolo Decl., ¶ 12, Exs. C, D; Mesaros Decl., ¶¶ 12-13; Hoff Decl., ¶ 7, Ex. A; Stidham Decl., Ex. 79 (7:03-7:35). The calls overwhelmed the operators, blocking legitimate calls from patients and visitors. Price Decl., ¶ 10; Mesaros Decl., ¶¶ 13; Hoff Decl., ¶ 7. Callers subjected St. Luke's employees to abusive language and threats such as:

- "I'll fucking kill you" (caller 2673493x)
- "If that baby is not returned to its mother there is going to be hell to pay" (caller 2673998x)
- "Groups are going to be coming . . . we're coming" (caller 26744320xx)
- "The governor of this state should be shot" (caller 208869213X)
- "Your hospital is disgusting" "kidnapping of a child your hospital is responsible for" (caller 310951071x)
- – "It's disgusting what this hospital is doing to this baby" "sex trafficking" "you are responsible for that" (caller 310951071x)
- "How about you give that baby an enema you baby killers? what is wrong with you morons? you are going to pay for this." (caller 72036196x)
- "If anything happens to your child your ass is dead" "you will be put in jail and

executed” “this is fucking unbelievable” “if you send that child to child protective services your ass is dead” “I am so fucking pissed off at you people right now, you have no right to be alive.” “Fuck you people” (caller anonymous)

Mesaros Decl., ¶ 12; Abbondandolo Decl., Ex. C. St. Luke’s also received hate mail.

Abbondandolo Decl., Ex. D.

Starting on March 12, 2022, Bundy and PRN incited a growing mob to establish itself at St. Luke’s hospital in Boise. Abbondandolo Decl., ¶¶ 4-16; Mesaros Decl., ¶¶ 6-7; Hoff Decl., ¶¶ 3-6; Price Decl., ¶ 12; Coggins, ¶¶ 7-23; Stidham Decl., Exs. 9 (4:17-4:21), 57 (37:35-41:20, 47:27-49:01), 60 (8:56-9:02), 61 (2:05-2:39), 79 (7:03-7:35). The crowd swelled to several hundred, many visibly armed. Abbondandolo Decl., ¶ 8, Ex. B, F; Price Decl., ¶ 12; Coggins Decl., ¶ 10-12, 18; Stidham Decl., Ex. 59. As a result, St. Luke’s was forced to divert resources to establish an internal emergency command to deal with risks posed. Abbondandolo Decl., ¶¶ 4-16; Mesaros Decl., ¶¶ 6-7; Hoff Decl., ¶¶ 3-6.

The threat of violence was so great that the Boise Police Department and State Police provided security support for the hospital, and the FBI advised St. Luke’s of threats noted on social media. Abbondandolo Decl., ¶ 9. Some protestors had AR-15s. Coggins Decl., ¶ 12. The protestors shouted abuses at those who entered or left the hospital, calling nurses profane names, and accusing St. Luke’s employees of being “kidnappers” and “murderers.” Coggins Decl., ¶¶ 8, 14. Patients and visitors turned away because of the crowd’s hostility. Coggins Decl., ¶¶ 9, 11. Rodriguez stood outside the hospital calling St. Luke’s “wicked” and shouting to “crush the necks of the wicked.” Stidham Decl., Ex. 66 (20:40-20:45).

On March 15, 2022, Defendants sent out a call to arms, demanding their followers rush to the hospital to secure the Infant. *Id.*, Exs. 18, 59, 82 (demonstrative timeline). At around noon, Rodriguez’s “Emergency Redirect” and Bundy’s subsequent “Emergency” message to his militia

swell and bring the mob to an extreme state of agitation. Abbondandolo Decl., ¶¶ 5-10; Stidham Decl., Ex. 82. In turn, the hospital had to go into lockdown for about two hours, not permitting anyone to enter or leave, requiring medical appointments to be canceled or missed.

Abbondandolo Decl., ¶¶ 10-11; Mesaros Decl., ¶¶ 20-21.

The lockdown did not ensure safety. St. Luke's feared that the locked doors would not be sufficient to keep the building and the people in it secure from the protestors. Abbondandolo Decl., ¶ 11. The security team witnessed live stream videos of protestors and other organizers connected to Bundy, Rodriguez, and the other Defendants who were actively seeking information about the entrances into the building, including seeking maps of tunnels which serve utility purposes for the St. Luke's Boise campus. *Id.* St. Luke's Boise leadership feared that one or more protestors would become an active shooter in the mob's attempt to take the Infant by force. Hoff Decl., ¶ 6; Price Decl., ¶ 12. Emergency vehicles had to be diverted to other hospitals because of the threat of gunfire posed by the armed protestors. Mesaros Decl., ¶¶ 7, 21. This endangered people suffering life-threatening emergency conditions as ambulances had to be rerouted. *See* Alexander Decl., ¶¶ 6-9, Ex. A. Disregarding the disruption and risk of violence he created, Bundy stated that he approved the mob and backed the crowd's intent to break into the hospital and take the Infant by force, notwithstanding any "casualties." Coggins Decl., ¶¶ 15-17.

3. Default Defendants Targeted Individuals.

With no basis to do so, the Default Defendants mercilessly targeted and threatened Dr. Erickson and NP Jungman, two caring healthcare providers who did nothing but provide needed care to the Infant, and Mr. Roth, who had no direct involvement in the care of the Infant. Dr. Erickson Decl., ¶¶ 4-6; Jungman Decl. ¶¶ 4-16; Roth Decl., ¶¶ 4, 13. As intended, Plaintiffs were harmed. Dr. Erickson Decl., ¶¶ 10-23; Jungman Decl., ¶¶ 17-26; Roth Decl., ¶¶ 19, 21-23; Mesaros Decl., ¶ 27; Dr. Erickson and NP Jungman feared for their safety and the safety of their

children. Dr. Erickson Decl., ¶ 21; Jungman Decl., ¶ 17; English Decl., ¶ 5. Mr. Roth feared for the safety of his family. Roth Decl., ¶ 22. As expert Dr. Camille LaCroix opines, the emotional harm caused was real and continues to this day. LaCroix Decl., ¶¶ 1-23. As marketing expert Jessica Flynn opines, a comprehensive, multi-year reputation campaign will be required to restore the reputations of Plaintiffs given the extensive damage inflicted. Flynn Decl., ¶ 12.

H. THE DEFAULT DEFENDANTS CONTINUE TO CAUSE HARM

Defendants' efforts to disrupt and dismantle St. Luke's and defame Plaintiffs did not stop when the Infant was discharged. AC ¶ 105-11. Bundy continued to use the false narrative to promote himself in his campaign for governor, holding himself out as a vigilante standing against supposed kidnappers and child traffickers. Stidham Decl., Exs. 7, 41.

III. PLAINTIFFS HAVE SHOWN A REASONABLE LIKELIHOOD OF PROVING PUNITIVE DAMAGES AT TRIAL.

A. PUNITIVE DAMAGES JUSTIFIED WHEN BAD ACT DONE WITH A BAD STATE OF MIND.

Idaho Code § 6-1604(2) mandates amendment of pleadings when the movant shows a reasonable likelihood of proving facts at trial to support an award of punitive damages. Whether punitive damages may be pleaded depends on whether plaintiff can demonstrate "a reasonable likelihood" that defendant performed "a bad act [with] a bad state of mind." *Todd v. Sullivan Constr. LLC*, 146 Idaho 118, 123, 191 P.3d 196, 201 (2008) (quoting *Myers v. Workmen's Auto. Ins. Co.*, 140 Idaho 495, 503, 95 P.3d 977, 985 (2004)). At the motion to amend stage, the court considers competent evidence, even if there is conflicting evidence. *See id.* (Court weighs evidence presented on a motion to amend to allege punitive damages).

The "purpose behind punitive damages is both to punish and to deter." *Abbie Uriguen Oldsmobile Buick v. U.S. Fire Ins. Co.*, 95 Idaho 501, 504, 511 P.2d 783, 786 (1973). Punitive

damages are especially appropriate when, as is the case here, a defendant endangers the safety of others. *Jolley v. Puregro Co.*, 94 Idaho 702, 710-11, 496 P.2d 939, 947-48 (1972).

B. ACTS TAKEN IN CONCERT WITH OTHERS ARE IMPUTED TO ALL CONSPIRATORS.

Punitive damages are available against all conspirators. *See Highland Enters. v. Barker*, 133 Idaho 330, 342, 349, (1999); *Barlow v. Int'l Harvester Co.*, 95 Idaho 881, 889, 522 P.2d 1102, 1110 (1974) (“[A]ll the defendants involved in the conspiracy can be held liable for the overt act which is committed by one of the defendants pursuant to the conspiracy.”).

C. THE CUDDY MOUNTAIN FACTORS SHOW AMENDMENT IS APPROPRIATE.

On a motion to amend to add punitive damages, courts should consider five factors: (1) proof of continuing oppressive conduct; (2) defendant’s knowledge of likely consequences; (3) whether the unreasonable conduct harmed the plaintiff; (4) expert testimony; and (5) whether there is a special relationship between the parties. *Thurston Enters. v. Safeguard Bus. Sys.*, 164 Idaho 709, 725, 435 P.3d 489, 505 (2019) (citing *Cuddy Mtn. Concrete Inc. v. Citadel Constr. Inc.*, 121 Idaho 220, 229-30, 824 P.2d 151, 160-61 (Ct. App. 1992)). The court need not determine every factor is present or weighs in favor of punitive damages. *See id.* at 726-27, 435 P.3d at 506-07. While no special relationship exists, the other factors heavily favor amendment.

1. The Default Defendants Acted Oppressively, Outrageously, and Fraudulently in Several Different Ways, Each of Which Establishes the First Factor.

a. Default Defendants Threatened the Safety of Others.

Courts have long recognized that threatening others’ safety constitutes the oppressive conduct warranting punitive damages. *See, e.g., Akers v. D.L. White Constr., Inc.*, 156 Idaho 37, 53, 320 P.3d 428, 444 (2014) (affirming when defendant “bullied, threatened, and intimidated” and showed “conscious disregard and disrespect for the law”); *Thompson v. Dalton*, 95 Idaho 785, 786, 791, 520 P.2d 240, 241, 246 (1974) (affirming where defendant rendered plaintiff

temporarily homeless, thus threatening her safety); *Village of Peck v. Denison*, 92 Idaho 747, 752, 450 P.2d 310, 315 (1969) (affirming where safety of about 200 people endangered).

Bundy led a mob to the St. Luke's Meridian hospital, blocked the ambulance bay, and demanded the Infant be returned. AC ¶¶ 73-87; Woods Decl., ¶¶ 3-5. The threat he caused required about 23 law enforcement officers to back up St. Luke's security. *Id.*, ¶¶ 5-8.

In the following days, Defendants coordinated and incited their followers to threaten the safety of Plaintiffs and all those at St. Luke's Boise. AC ¶¶ 1-112; Abbondandolo Decl., ¶¶ 4-16, Exs. A, B, F; Coggins Decl., ¶¶ 7-24; Hoff Decl., ¶¶ 3-8; Stidham Decl., Exs. 7, 11-12, 14, 187-19, 27, 30, 35-36, 50-51, 53. Having incited their followers with a conspiracy of widespread sexual abuse and murder, Default Defendants identified and publicized the names, contact information, and photos of a few specific "perpetrators." Stidham Decl., Exs. 7, 50-51. As Bundy and PRN intended, their actions resulted in an armed mob of hundreds, motivated by the Default Defendants' lies, threatening the hospital. *See, e.g.*, Abbondandolo Decl., ¶¶ 4-16, Exs. B, F; Coggins Decl., ¶¶ 7-24; Hoff Decl., ¶¶ 3-8; Mesaros Decl., ¶¶ 6-7; Price Decl., ¶¶ 10-12; Jungman Decl., ¶¶ 10-11. The crowds surrounded the hospital, preventing patients and visitors from access to the facility or call in to the hospital. Mesaros Decl., ¶¶ 6-21; Abbondandolo Decl., ¶¶ 10-12, Exs. C, D, E; Coggins Decl., ¶¶ 9-12; Alexander Decl., ¶¶ 6-9, Ex. A; Hoff Decl., Ex. A. When confronted about the conduct of the crowds he had marshalled with his lies, Bundy said he "absolutely" backed the crowd, who were there at his call. Coggins Decl., ¶¶ 13-17.

The Default Defendants have continued to oppress Plaintiffs. Bundy repeats the conspiracy theory to promote himself politically and raise money. Stidham Decl., Exs. 9, 20, 37, 41, 58-63. Like the *Akers* defendant, Bundy trespassed, intimidated, and harassed Plaintiffs for his own gain, demonstrating "conscious disregard and disrespect for the law." 156 Idaho at 53.

b. Defendants Used Lies to Further Their Own Financial Interests.

Courts consistently hold that using false statements to further one's own financial interest warrants punitive damages. *See, e.g., Alexander v. Stibal*, 161 Idaho 253, 264, 385 P.3d 431, 442 (2016) (falsely claiming cancer healing power and selling plaintiff bogus healing practices); *Student Loan Fund v. Duerner*, 131 Idaho 45, 53, 951 P.2d 1272, 1280 (1997) (recklessly false statements to credit reporting agencies about plaintiff); *Cuddy Mtn.*, 121 Idaho at 230, 824 P.2d at 161 (falsifying records to avoid paying for work performed); *Boise Dodge, Inc. v. Clark*, 92 Idaho 902, 904, 909, 453 P.2d 551, 553, 558 (1967) (rolling back used car odometers to inflate sale price). As discussed above and established through the Amended Complaint, the Default Defendants used false statements to serve their financial interests. AC ¶¶ 1, 58-64, 70-72, 88-89.

c. Defendants Disrupted Plaintiffs' Business and Professions.

Intentionally disrupting another's business constitutes outrageous or oppressive conduct. *See, e.g., Barlow*, 95 Idaho 881, 891-98, 522 P.2d 1102, 1112-19 (1974) (agents of defendant engaged in a concerted course of conduct designed to destroy plaintiff's business by making false statements to plaintiff's partner and primary financier about plaintiff's character, calling plaintiff a liar and thief and stating he could be put in jail); *Magic Valley Radiology Assocs. P.A. v. Prof. Bus. Servs. Inc.*, 119 Idaho 558, 560, 567, 808 P.2d 1303, 1305, 1312 (1991) (defendant withheld ledger cards plaintiff needed to coerce plaintiff to pay a contested debt).

Here, the allegations deemed admitted and evidence establish that the Default Defendants disrupted Plaintiffs' business and professions. AC ¶¶ 1-112. The Default Defendants disrupted St. Luke's ability to serve the public, causing a lockdown of the Boise hospital and preventing the public from approaching the hospital to receive care they needed. Abbondandolo Decl., ¶¶ 4-16, Exs. A-F; Mesaros Decl., ¶¶ 3-27; Coggins Decl., ¶¶ 9-12. And the Default Defendants caused irreparable reputational damage to Mr. Roth, Dr. Erickson, and Ms. Jungman, interfering

with their careers and ability to carry on their professions. Flynn Decl., ¶¶ 8-12; Roth Decl., ¶¶ 18-19; Dr. Erickson Decl., ¶¶ 10-12, 19, 22-23; Jungman Decl., ¶¶ 17-26.

2. Defendants Knew the Likely Consequences of Their Conduct.

This factor weighs in favor of punitive damages when the defendant either knew the likely consequences of his conduct or consciously disregarded the rights of others. *See Cuddy Mtn. Concrete*, 121 Idaho at 230; *Cox v. Stolworthy*, 94 Idaho 683, 685, 496 P.2d 682, 684 (1972) (affirming punitive damages when defendant's trespass demonstrated conscious disregard of plaintiff's property rights), *overruled in part on other grounds by Cheney*, 104 Idaho 897, 665 P.2d 661. For punitive damages to be proper, the defendant need not have intended the harmful outcome to the plaintiff. *See Vendelin v. Costco Wholesale Corp.*, 140 Idaho 416, 424, 95 P.3d 34, 42 (2004) (evidence of reckless disregard of industry standards).

Here, the allegations deemed admitted and the evidence establish this element. Bundy expressed his intent to disrupt the hospital and bring its operations to a halt. *See id.*, Ex. 9 (4:17-4:21), 60 (8:56-9:04), 61 (2:05-2:39), 63 (3:24-3:52), 79 (7:03-7:35). PRN posted "Wanted" posters meant to incite backlash against Mr. Roth and Dr. Erickson as supposed criminals participating in the sexual abuse and killing of children. *Id.*, Ex. 7. Bundy used his lies in his campaign, generating votes from the denigration of Plaintiffs by falsely portraying them as criminals against whom he takes vigilante justice. *Id.*, Ex. 7, 41. Bundy and the other Defendants knew the harm and risks of violence they were unleashing on the St. Luke's Parties. AC ¶ 65.

3. Plaintiffs Sustained Actual Harm.

Any type of harm to plaintiffs supports this factor. *Myers*, 140 Idaho at 503, 95 P.3d at 985; *see Akers*, 156 Idaho at 52-53, 320 P.3d at 443-44 (affirming punitive damages when defendant's threats caused emotional harm); *Curtis v. Firth*, 123 Idaho 598, 609, 850 P.2d 749, 760 (1993) (affirming when same evidence proved emotional distress and punitive damages).

St. Luke's incurred reputational harm and economic loss due to the business interruption Defendants coordinated and caused. Mesaros Decl., ¶¶ 24-27; Roth Decl., ¶¶ 25-26; Abbondandolo Decl., ¶¶ 10, 12, 15, 17. Defendants' conduct and threats caused Mr. Roth, Dr. Erickson, and Ms. Jungman out-of-pocket losses, as they were compelled to install security systems around their homes. Roth Decl., ¶¶ 22-23; Dr. Erickson Decl., ¶¶ 20-21; Jungman Decl., ¶ 23, Ex. B. Dr. Erickson and Ms. Jungman suffered emotional distress manifesting in physical symptoms due to Defendants' incitement of their followers, lies, and doxing. Dr. Erickson Decl., ¶¶ 13-20; Mr. Erickson Decl., ¶¶ 7-11; Jungman Decl., ¶¶ 17-26; English Decl., ¶¶ 4-6.

4. Expert Testimony Indicates Defendants' Acts Were Taken for Their Own Pecuniary Benefit, at the Cost of Public Safety and Plaintiffs' Well-Being.

Relevant to punitive damages, expert testimony may be used to prove issues including the defendant's state of mind and outrageousness of the conduct. *See, e.g., Vendelin*, 140 Idaho at 422-24, 95 P.3d at 40-42; *Walston v. Mon. Life Ins. Co.*, 129 Idaho 211, 216, 220-22, 923 P.2d 456, 461, 465-67 (1996). Here, Plaintiffs present expert testimony, which weighs in favor of amendment. Plaintiffs' experts speak to issues demonstrating the outrageousness and intent of Defendants' conduct: (1) the benefit inuring to Defendants through their wrongdoing (Flynn Decl., ¶¶ 8-12); (2) reputational harm to the St. Luke's Parties (*id.*); and (3) the psychological harm inflicted on Dr. Erickson and Ms. Jungman (LaCroix Decl., ¶¶ 12-23).

IV. CONCLUSION

The allegations deemed admitted and the evidence establish outrageous conduct coupled with a harmful state of mind. The Motion should be granted.

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:

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