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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 and an unincorporated  
association,

Defendants.

Case No. CV01-22-06789

**PLAINTIFFS' PROPOSED JURY  
INSTRUCTIONS DEFAULTED  
DEFENDANTS**

Plaintiffs, St. Luke's Health System, Ltd., St. Luke's Regional Medical Center, Ltd., Chris Roth, Natasha D. Erickson, M.D., and Tracy W. Jungman, NP (collectively "Plaintiffs"), by and through their attorneys of record, hereby submit these proposed jury instructions as to the claims against Defaulted Defendants. Plaintiffs reserve the right to amend or supplement these instructions dependent upon testimony at trial.

Plaintiffs request the following pattern jury instructions be used during the damages trial without modification:

IDJI 1.01 – Deliberation Procedures

IDJI 1.03 – Admonition to Jury

IDJI 1.11 – Communications with Court

IDJI 1.13.1 – Alternate Form: Concluding Remarks

IDJI 1.17 – Post Verdict Jury Instruction

IDJI 1.22 – Deposition Testimony

IDJI 1.24.2 – Circumstantial Evidence with Definition

IDJI 1.43.1 – Instruction on Special Verdict Form

Plaintiffs also request that the following additional jury instructions be used.

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**INSTRUCTION NO. \_\_**

**INTRODUCTORY INSTRUCTION TO JURY**

These instructions explain your duties as jurors and define the law that applies to this case. It is your duty to apply the law set forth in these instructions to the established facts, and in this way to decide the case. Your decision should be based upon a rational and objective assessment of the evidence. It should not be based on sympathy or prejudice.

These instructions apply only to the claims against Defendants Ammon Bundy, Ammon Bundy for Governor, Freedom Man Press LLC, Freedom Man PAC, and the People's Rights Network, which are in default (Defaulted Defendants). These instructions provide you with the law applicable to the claims for the purpose of your deliberations as to the amount of damages.

It is my duty to instruct you on the points of law necessary to decide the case, and it is your duty to follow the law as I instruct. You must consider these instructions as a whole, not picking out one and disregarding others. The order in which these instructions are given or the manner in which they are numbered has no significance as to the importance of any of them. If you do not understand an instruction, you may send a note to me through the bailiff, and I will try to clarify or explain the point further.

In considering the facts, you may consider only the evidence admitted at trial and the presumptions set forth herein, which include facts established as true under law due to Defendants' default. The evidence presented at trial consists of the testimony of the witnesses, the exhibits admitted into evidence, and any facts established by reason of the default of the Defendants. The law does not require you to believe all of the evidence admitted in this case. As the sole judges of the facts, you must determine what evidence you believe and what weight you attach to it. In so doing, you bring with you to this courtroom all of the experience and background of your lives. The

considerations you use in making the more important decisions in your everyday dealings are the same considerations you should apply in your deliberations in this case.

IDJI 1.00 – Introductory instruction to jury (modified).

**INSTRUCTION NO. \_\_\_\_**

**SUMMARY OF POSITIONS**

To help you follow the evidence, I will give you a brief summary of the positions of the parties:

The Plaintiffs, St. Luke's Health System, Ltd., St. Luke's Regional Medical Center, Ltd., Chris Roth, Natasha D. Erickson, M.D., and Tracy W. Jungman, NP, filed a complaint alleging Defendants Ammon Bundy, Ammon Bundy for Governor, Diego Rodriguez, Freedom Man Press LLC, Freedom Man PAC, and the People's Rights Network engaged in a grift, recklessly exploiting the dire medical condition of an infant to gain money and publicity. Plaintiffs allege Defendants used slick marketing tactics and disinformation to launch a coordinated attack of defamation and organized business disruption against the St. Luke's Parties. Plaintiffs further allege that Defendants incited and agitated followers, creating the risk that their followers would threaten or actually commit acts of violence against St. Luke's Parties. Plaintiffs allege that Defendants openly and publicly admit to wanting to subject St. Luke's parties to public shaming that would result in reputational damage and humiliation of such intensity that St. Luke's Health System, Ltd. and St. Luke's Regional Medical Center, Ltd. would be run out of business and that the individually named Plaintiffs, Mr. Roth, Dr. Erickson, and Tracy Jungman, NP, would lose their careers and be shunned by the community. Plaintiffs have been damaged by Defendants' actions in an amount to be proven at trial. Plaintiffs further seek to protect patients and staff from future harm, defamation, harassment, and threats of violence, and to ensure that political bullying and Defendants' grift do not prevent Plaintiffs from continuing the mission to improve the health of people in Idaho communities.

Defendants Ammon Bundy, Ammon Bundy for Governor, Freedom Man Press LLC, Freedom Man PAC, and the People's Rights Network are in default (Defaulted Defendants) and

as such, Plaintiffs are entitled to the presumption that the allegations in the complaint have been proven as to Defaulted Defendants



**INSTRUCTION NO. \_\_\_\_**

**CAUSATION**

For each of the claims, Plaintiffs must establish that Defaulted Defendants proximately caused the damages or injuries. Proximate cause consists of both “actual cause” and “legal cause.”

Actual cause is the factual question of whether a particular event produced a particular consequence. There can be more than one actual cause of a particular harm.

Legal cause means that it was reasonably foreseeable that the harm would flow from the defendant’s conduct. If there is more than one factor contributing to the harm, legal cause exists if the defendant’s conduct was a substantial factor in causing the harm. So long as the defendant’s conduct was a substantial factor in causing the harm, the intervention of a third-party’s conduct does not necessarily mean that legal cause does not exist. Rather, you should consider:

- Whether the defendant at the time of his conduct should have realized that a third person might so act;
- Whether a reasonable person knowing the situation existing when the act of the third person was done would not regard it as highly extraordinary that the third person had so acted;
- Whether the third person’s act is a normal consequence of a situation created by the defendant’s conduct; and
- Whether the likelihood that a third person may act in the particular manner in which he acted is the hazard or one of the hazards that makes the defendant’s conduct wrongful.

*Cramer v. Slater*, 146 Idaho 868 (2009); Restatement (2d) of Torts, §§ 443, 447, 448, 449.

**INSTRUCTION NO. \_\_**

**CORPORATE PARTIES**

The corporations and unincorporated corporations or entities (corporate parties) involved in this case are entitled to the same fair and unprejudiced treatment that an individual would be under like circumstances. A corporate party is also held liable under the law for its acts and subject to findings of malice in the same way a person would be. You should decide the claims as to the corporate parties with the same impartiality that you would use in deciding a case between individuals.

IDJI 1.02 – Corporate parties (modified).

**INSTRUCTION NO. \_\_**

**DEFAULT INSTRUCTION – ALLEGATIONS IN COMPLAINT**

The allegations in Plaintiffs' Complaint are true as a matter of law. You must accept as true the facts supporting each allegation in the Complaint when determining Plaintiffs' damages.

*Olson v. Kirkham*, 111 Idaho 34, 37, 720 P.2d 217, 220 (Ct. App. 1986) (citing *United Nuclear Corp. v. General Atomic Company*, 451 U.S. 901 (1981) ("Upon default, the allegations of the complaint are taken as true.")).

**INSTRUCTION NO. \_\_**

**STATEMENT OF CLAIMS**

Because Defendants Ammon Bundy, Ammon Bundy for Governor, Freedom Man Press LLC, Freedom Man PAC, and the People's Rights Network are in default, the allegations in the Fourth Amended Complaint have established Plaintiff's claims against the Defaulted Defendants.

However, a statement by me identifying these claims does not establish liability in this case. You must consider the evidence and determine damages.

IDJI 1.05 – Statement of claims not evidence (modified).

## INSTRUCTION NO. \_\_

### PRESUMPTIONS

The following facts are undisputed and are to be taken as true:

- Ammon Bundy is one of the founders of People's Rights Network.
- Ammon Bundy controls what is posted on the website [www.peoplesrights.org](http://www.peoplesrights.org).
- Ammon Bundy approves the content that is posted on the website [www.peoplesrights.org](http://www.peoplesrights.org).
- The website, <https://freedomman.org/cyrus>, links to numbered blog posts from Diego Rodriguez.
- Ammon Bundy intended People's Rights Network to endorse the statements made in the numbered blog posts linked at <https://freedomman.org/cyrus> through People's Rights Network posting the link to <https://freedomman.org/cyrus>.
- Ammon Bundy intended People's Rights Network to spread to a wider audience the statements made in the numbered blog posts linked at <https://freedomman.org/cyrus> through People's Rights Network posting the link to <https://freedomman.org/cyrus>.
- Ammon Bundy intended People's Rights Network to endorse the statements made at <https://freedomman.org/cyrus> through People's Rights Network posting the link to <https://freedomman.org/cyrus>.
- Ammon Bundy intended People's Rights Network to spread to a wider audience the statements made at <https://freedomman.org/cyrus> through People's Rights Network posting the link to <https://freedomman.org/cyrus>.
- Ammon Bundy controls what is posted on <https://www.votebundy.com>
- Ammon Bundy approves the content that is posted on the website <https://www.votebundy.com>
- Ammon Bundy intended Ammon Bundy for Governor to endorse the statements made at <https://freedomman.org/cyrus> through Ammon Bundy for Governor posting the link to <https://freedomman.org/cyrus>.
- Ammon Bundy intended Ammon Bundy for Governor to spread to a wider audience the statements made at <https://freedomman.org/cyrus> through Ammon Bundy for Governor posting the link to <https://freedomman.org/cyrus>.
- Ammon Bundy intended Ammon Bundy for Governor to endorse the statements made in the numbered blog posts linked at <https://freedomman.org/cyrus> through Ammon Bundy for Governor posting the link to <https://freedomman.org/cyrus>.
- Ammon Bundy intended Ammon Bundy for Governor to spread to a wider audience the statements made in the numbered blog posts linked at <https://freedomman.org/cyrus> through Ammon Bundy for Governor posting the link to <https://freedomman.org/cyrus>.
- The Twitter handle @RealABundy is Ammon Bundy's Twitter handle.
- Ammon Bundy controls what is posted under the Twitter handle @RealABundy.
- @RealABundy has posted multiple times with the hashtag #savebabycyrus.
- In instance that @RealABundy has posted with the hashtag #savebabycyrus, Ammon Bundy caused the post to be made.
- In each instance that @RealABundy has posted with the hashtag #savebabycyrus, Ammon Bundy approved the content of the post.

- Ammon Bundy caused @RealABundy to post on March 12, 2022, the statement, “Today hundreds of people gathered with us at St. Luke’s in Boise to demand an end to medical tyranny and a prompt return of Baby Cyrus to his loving parents. Thank you to everyone who showed up to support the Anderson family.”
- Ammon Bundy caused @RealABundy to post on March 12, 2022, photos taken at the protests at St. Luke’s.
- Ammon Bundy caused @RealABundy to post on March 12, 2022, the statement, “Please read. Last night my very good friend Diego’s grandson was medically kidnapped because a medical practitioner called CPS for a missed doctor appointment. If this happened to them, it could happen to you. We must stand against this medical tyranny. [freedomman.org/cyrus/](http://freedomman.org/cyrus/)”.
- Ammon Bundy caused @RealABundy to post on March 12, 2022, an official statement from Ammon Bundy for Governor Campaign, “In the early morning of March 12, 2022, while standing for parental rights and against medical tyranny, Ammon Bundy was arrested in front of St. Luke’s Hospital in Meridian for the crime of disagreeing with the hospital and CPS. Make no mistake about it, this was an ambush arrest with no legal grounds. Ammon arrived at St. Luke’s in support of the Anderson family, whose baby Cyrus had been medically kidnapped earlier in the night, due to a missed non-emergency doctors appointment. Ask yourself this, if they can revoke your parental rights and take custody of your child over a missed doctor appointment, what else can they do and how did they get this power? That can be answered by looking at one of the many emergency orders imposed on the people of Idaho by Governor Brad Little. Idaho must unite against medical tyranny and take back our rights.”
- Ammon Bundy caused @RealABundy to post on March 15, 2022, the statement, “EMERGENCY MESSAGE. Please gather at the hospital now. St Luke’s Boise.”
- Ammon Bundy stated there was “no reason” for the Infant to be in DHW custody.
- Ammon Bundy stated, “We need a physical presence. We need to put physical pressure upon those that are causing this problem.”
- When Ammon Bundy stated, “We need to put physical pressure upon those that are causing this problem,” Ammon Bundy meant that St. Luke’s should have physical pressure applied to it.
- When Ammon Bundy stated, “We need to put physical pressure upon those that are causing this problem,” Ammon Bundy meant that Mr. Roth should have physical pressure applied to him.
- When Ammon Bundy stated, “We need to put physical pressure upon those that are causing this problem,” Ammon Bundy meant that Dr. Erickson should have physical pressure applied to her.
- When Ammon Bundy stated, “We need to put physical pressure upon those that are causing this problem,” Ammon Bundy meant that NP Jungman should have physical pressure applied to her.
- Ammon Bundy directed people to call St. Luke’s in order to disrupt St. Luke’s business.
- Ammon Bundy directed people to call St. Luke’s to threaten St. Luke’s staff.
- On March 15, 2022, Ammon Bundy addressed “patriot groups across the country” and said that he “cannot hold [them] back any longer.”
- When Ammon Bundy said he could not hold the patriot groups “back any longer,” Ammon Bundy was addressing groups that included militia groups.

- When Ammon Bundy said he could not hold the patriot groups “back any longer,” Ammon Bundy meant that those who heard his statement should use force to ensure the Infant was returned to his parents.
- Ammon Bundy entered the ambulance bay at St. Luke’s Meridian on March 12, 2022.
- Ammon Bundy were not seeking medical care or treatment when he entered the ambulance bay at St. Luke’s Meridian on March 12, 2022.
- The hospital staff asked Ammon Bundy to move from the ambulance bay at St. Luke’s Meridian on March 12, 2022.
- One or more law enforcement officers asked Ammon Bundy to move from the ambulance bay at St. Luke’s Meridian on March 12, 2022.
- Ammon Bundy refused to move from the ambulance bay at St. Luke’s Meridian on March 12, 2022.
- Ammon Bundy intended to disrupt St. Luke’s business on March 12, 2022.
- Ammon Bundy was present at St. Luke’s Boise during the period March 12, 2022 through March 17, 2022.
- Ammon Bundy directed others to go to St. Luke’s Boise during the period March 12, 2022 through March 17, 2022.
- Ammon Bundy was at St. Luke’s Boise on March 15, 2022 to protest.
- Ammon Bundy directed others to go to St. Luke’s Boise on March 15, 2022 to protest.
- Ammon Bundy directed members of People’s Rights Network to go to St. Luke’s Boise on March 15, 2022 to protest.
- Members of People’s Rights Network were present at the protests at St. Luke’s Boise on March 15, 2022 at Ammon Bundy’s direction.
- There were hundreds of protestors at St. Luke’s Boise on March 15, 2022.
- Ammon Bundy caused hundreds of individuals to go to St. Luke’s Boise on March 15, 2022 to protest.
- Some of the protestors at St. Luke’s Boise on March 15, 2022 had firearms on their persons during the protest.
- The protestors at St. Luke’s Boise looked to Ammon Bundy for direction on what to do.
- Ammon Bundy coordinated with Defendant Rodriguez regarding how to direct the protestors at St. Luke’s Boise.
- The protestors caused a lockdown at St. Luke’s during the afternoon hours on March 15, 2022.
- Some of the protestors attempted to break into St. Luke’s Boise on March 15, 2022 when the hospital was locked down.
- Ammon Bundy intended to disrupt St. Luke’s operations on March 15, 2022.
- Ammon Bundy directed others to be present at the protests at St. Luke’s Boise on March 15, 2022 because he wanted them to disrupt St. Luke’s business.
- Ammon Bundy directed others to be present at the protests at St. Luke’s Boise on March 15, 2022 because he wanted them to threaten Mr. Roth.
- Ammon Bundy directed others to be present at the protests at St. Luke’s Boise on March 15, 2022 because he wanted them to threaten Dr. Erickson.
- Ammon Bundy directed others to be present at the protests at St. Luke’s Boise on March 15, 2022 because he wanted them to threaten NP Jungman.

- Ammon Bundy directed others to be present at the protests at St. Luke's Boise on March 15, 2022 because he wanted them to take the Infant by force.
- Ammon Bundy publicly stated that Mr. Roth personally profits from child trafficking.
- Ammon Bundy publicly stated that Mr. Roth personally profits from kidnapping.
- Ammon Bundy publicly stated that Mr. Roth personally profited from St. Luke's providing treatment to the Infant while the Infant was in DHW custody.
- Ammon Bundy publicly called Dr. Erickson a criminal.
- Ammon Bundy publicly accused Dr. Erickson of being incompetent at her trade or profession.
- Ammon Bundy publicly accused NP Jungman of being incompetent at her trade or profession.
- Ammon Bundy publicly accused St. Luke's of being incompetent at its trade or profession.
- Ammon Bundy publicly accused St. Luke's of kidnapping children.
- Ammon Bundy publicly accused Mr. Roth of kidnapping children.
- Ammon Bundy publicly accused Dr. Erickson of kidnapping children.
- Ammon Bundy publicly accused Dr. Erickson of kidnapping "hundreds of children."
- Ammon Bundy publicly accused NP Jungman of kidnapping children.
- Ammon Bundy publicly accused St. Luke's of participating in a child trafficking ring.
- Ammon Bundy publicly accused Mr. Roth of participating in a child trafficking ring.
- Ammon Bundy publicly accused Dr. Erickson of participating in a child trafficking ring.
- Ammon Bundy publicly accused NP Jungman of participating in a child trafficking ring.
- Ammon Bundy coordinated with Defendant Rodriguez regarding messaging and communications relating to the statements Ammon Bundy made about Plaintiffs' treatment of the Infant.
- Ammon Bundy coordinated with Defendant Freedom Man Press LLC regarding messaging and communications relating to the statements Ammon Bundy made about Plaintiffs' treatment of the Infant.
- Ammon Bundy coordinated with Defendant Freedom Man PAC regarding messaging and communications relating to the statements Ammon Bundy made about Plaintiffs' treatment of the Infant.
- Ammon Bundy knew at least from March 12, 2022 onward that St. Luke's did not have the legal authority to make any decisions about the Infant's custody.
- Ammon Bundy knew at least from March 12, 2022 onward that St. Luke's was providing necessary medical care to the Infant in March 2022.
- Ammon Bundy knew that the statements he made about St. Luke's would cause it reputational harm.
- Ammon Bundy knew that stating Mr. Roth was a "criminal accessory" would cause him reputational harm.
- Ammon Bundy knew calling Dr. Erickson a "criminal" would cause her reputational harm.
- Ammon Bundy approved the doxing of Chris Roth.
- Ammon Bundy approved the doxing of Dr. Natasha Erickson.
- Ammon Bundy approved the doxing of NP Tracy Jungman.
- Ammon Bundy directed Defendant Diego Rodriguez to dox Chris Roth.



- Ammon Bundy directed Defendant Diego Rodriguez to dox Dr. Natasha Erickson.
- Ammon Bundy directed Defendant Diego Rodriguez to dox NP Tracy Jungman.
- Ammon Bundy directed Defendant Freedom Man Press LLC to dox Chris Roth.
- Ammon Bundy directed Defendant Freedom Man Press LLC to dox Dr. Natasha Erickson.
- Ammon Bundy directed Defendant Freedom Man Press LLC to dox NP Tracy Jungman.
- Ammon Bundy directed Defendant Freedom Man PAC to dox Chris Roth.
- Ammon Bundy directed Defendant Freedom Man PAC to dox Dr. Natasha Erickson.
- Ammon Bundy directed Defendant Freedom Man PAC to dox NP Tracy Jungman.
- Ammon Bundy directed his followers to dox Chris Roth.
- Ammon Bundy directed his followers to dox Dr. Natasha Erickson.
- Ammon Bundy directed his followers to dox NP Tracy Jungman.
- Ammon Bundy knew that doxing Plaintiffs would cause them anxiety or other emotional harm.
- Ammon Bundy knew that doxing Plaintiffs would threaten their safety.
- Ammon Bundy has ownership interest in Abish-husbondi Inc.
- Ammon Bundy has a controlling interest in Abish-husbondi Inc.
- Ammon Bundy directs the actions of Abish-husbondi Inc.
- Ammon Bundy has ownership interest in Dono Custos, Inc.
- Ammon Bundy had a controlling interest in Dono Custos, Inc.
- Ammon Bundy directs the actions of Dono Custos, Inc.
- Ammon Bundy used his participation in the March 2022 protests at St. Luke's to increase his own political influence.
- Ammon Bundy used his participation in the March 2022 protests in order to enhance his public reputation.
- Ammon Bundy used his participation in the March 2022 protests at St. Luke's for his campaign advertising.
- Ammon Bundy used his participation in the March 2022 protests at St. Luke's to advance his fundraising efforts for his campaign.
- Ammon Bundy used his participation in the March 2022 protests at St. Luke's to increase interest in Ammon Bundy for Governor.
- Ammon Bundy used his arrest at St. Luke's Meridian to generate media attention for himself.
- Ammon Bundy used his arrest at St. Luke's Meridian to increase interest in Ammon Bundy for Governor.
- Ammon Bundy is aware of all filings made in this lawsuit.
- Ammon Bundy stated that he would not participate in this lawsuit,
- Ammon Bundy stated that he will not follow the court's orders entered in this lawsuit.
- Ammon Bundy does not intend to follow the court's orders entered in this lawsuit.
- Ammon Bundy never believed that the Infant was being harmed by Dr. Erickson.
- Ammon Bundy has no evidence that the Infant was harmed by Dr. Erickson.
- Ammon Bundy never believed that the Infant was being harmed by NP Jungman.
- Ammon Bundy has no evidence that the Infant was harmed by NP Jungman.

- Ammon Bundy knew that his statements and actions created a risk that one of Ammon Bundy's followers would commit a violent act against Dr. Erickson.
- Ammon Bundy knew that his statements and actions created a risk that one of Ammon Bundy's followers would commit a violent act against NP Jungman.
- Ammon Bundy knew that his statements and actions created a risk that one of Ammon Bundy's followers would commit a violent act against Chris Roth.
- Ammon Bundy made statements on social media with the intention that his statements would incite others to commit violent acts against Dr. Erickson.
- Ammon Bundy made statements on social media with the intention that his statements would incite others to commit violent acts against NP Jungman.
- Ammon Bundy made statements on social media with the intention that his statements would incite others to commit violent acts against Chris Roth.
- Ammon Bundy controls People's Rights Network ("PRN").
- Ammon Bundy was one of PRN's founders.
- Diego Rodriguez is a leader in PRN.  
Brand Thornton is a leader in PRN
- The website, [www.peoplesrights.org](http://www.peoplesrights.org) is PRN's website.
- Ammon Bundy approves the content that is posted on the website [www.peoplesrights.org](http://www.peoplesrights.org).
- PRN posted a wanted poster accusing Plaintiff Chris Roth of "Criminal accessory of child abduction and deprivation of rights under color of law."
- PRN posted the statements about Dr. Natasha Erickson.
- PRN approved the use of nonjudicial force.
- PRN encouraged the use of nonjudicial force.
- PRN approve the use of nonjudicial force by PRN members.
- PRN encourages the use of nonjudicial force by PRN members.
- Ammon Bundy directed members of PRN to go to St. Luke's Boise on March 15, 2022 to protest.
- Members of PRN were present at the protests at St. Luke's Boise on March 15, 2022 at Ammon Bundy's direction.
- PRN intended to disrupt St. Luke's,
- operations on March 15, 2022.
- PRN intended to disrupt St. Luke's operations during the period March 12, 2022 through March 15, 2022.
- Ammon Bundy directed others to be present at the protests at St. Luke's Boise on March 15, 2022 because PRN intended for them to disrupt St. Luke's business.
- Ammon Bundy directed others to be present at the protests at St. Luke's Boise on March 15, 2022 because PRN wanted them to threaten Mr. Roth.
- Ammon Bundy directed others to be present at the protests at St. Luke's Boise on March 15, 2022 because PRN wanted them to threaten Dr. Erickson.
- Ammon Bundy directed others to be present at the protests at St. Luke's Boise on March 15, 2022 because PRN wanted them to threaten NP Jungman.
- Ammon Bundy directed others to be present at the protests at St. Luke's Boise on March 15, 2022 because PRN wanted them to take the Infant by force.

- Brand Thornton posted on Twitter during the period March 12, 2022 through March 15, 2022, “All men of militia age active or not, be prepared to save baby Cyrus from the child traffickers of Ada County, Idaho!”
- PRN approved Brand Thornton’s post on Twitter during the period March 12, 2022 through March 15, 2022, “All men of militia age active or not, be prepared to save baby Cyrus from the child traffickers of Ada County, Idaho!”
- Brand Thornton acted on PRN’s behalf when he posted on Twitter during the period March 12, 2022 through March 15, 2022, “All men of militia age active or not, be prepared to save baby Cyrus from the child traffickers of Ada County, Idaho!”
- PRN encouraged violence when Brand Thornton posted on Twitter during the period March 12, 2022 through March 15, 2022, “All men of militia age active or not, be prepared to save baby Cyrus from the child traffickers of Ada County, Idaho!”
- PRN encouraged the use of force during the March 2022 protests at St. Luke’s.
- PRN intended for PRN members to use force during the March 2022 protests at St. Luke’s.
- PRN, through Ammon Bundy, publicly stated that Mr. Roth personally profits from child trafficking.
- PRN, through Ammon Bundy, publicly stated that Mr. Roth personally profits from kidnapping.
- PRN, through Ammon Bundy, publicly stated that Mr. Roth personally profited from St. Luke’s providing treatment to the Infant while the Infant was in DHW custody.
- PRN, through Ammon Bundy, publicly called Dr. Erickson a criminal.
- PRN, through Ammon Bundy, publicly accused Dr. Erickson of being incompetent at her trade or profession.
- PRN, through Ammon Bundy, publicly accused NP Jungman of being incompetent at her trade or profession.
- PRN, through Ammon Bundy, publicly accused St. Luke’s of being incompetent at its trade or profession.
- PRN, through Ammon Bundy, publicly accused St. Luke’s of kidnapping children.
- PRN, through Ammon Bundy, publicly accused Mr. Roth of kidnapping children.
- PRN, through Ammon Bundy, publicly accused Dr. Erickson of kidnapping children.
- PRN, through Ammon Bundy, publicly accused Dr. Erickson of kidnapping “hundreds of children.”
- PRN, through Ammon Bundy, publicly accused NP Jungman of kidnapping children.
- PRN, through Ammon Bundy, publicly accused St. Luke’s of participating in a child trafficking ring.
- PRN, through Ammon Bundy, publicly accused Mr. Roth of participating in a child trafficking ring.
- PRN, through Ammon Bundy, publicly accused Dr. Erickson of participating in a child trafficking ring.
- PRN, through Ammon Bundy, publicly accused NP Jungman of participating in a child trafficking ring.
- PRN coordinated with Defendant Rodriguez regarding messaging and communications relating to the statements PRN made about Plaintiffs’ treatment of the Infant.

- PRN coordinated with Defendant Freedom Man Press LLC regarding messaging and communications relating to the statements PRN made about Plaintiffs' treatment of the Infant.
- PRN coordinated with Defendant Freedom Man PAC regarding messaging and communications relating to the statements PRN made about Plaintiffs' treatment of the Infant.
- PRN knew at least from March 12, 2022 onward that St. Luke's did not have the legal authority to make any decisions about the Infant's custody.
- PRN knew at least from March 12, 2022 onward that St. Luke's was providing necessary medical care to the Infant in March 2022.
- PRN knew that the statements PRN made through Ammon Bundy about St. Luke's would cause it reputational harm.
- PRN knew that stating Mr. Roth was a "criminal accessory" would cause him reputational harm.
- PRN knew calling Dr. Erickson a "criminal" would cause her reputational harm.
- PRN approved the doxing of Chris Roth.
- PRN approved the doxing of Dr. Natasha Erickson.
- PRN approved the doxing of NP Tracy Jungman.
- PRN the doxing of Chris Roth.
- PRN encouraged the doxing of Dr. Natasha Erickson.
- PRN encouraged the doxing of NP Tracy Jungman.
- PRN used the March 2022 protests at St. Luke's to enhance its reputation.
- PRN used the March 2022 protests at St. Luke's to increase its membership.
- PRN used the March 2022 protests at St. Luke's for its financial gain.
- PRN used the March 2022 protests at St. Luke's to benefit PRN.
- PRN used Ammon Bundy's participation in the March 2022 protests at St. Luke's to benefit Ammon Bundy financially.
- PRN never believed that the Infant was being harmed by Dr. Erickson.
- PRN has no evidence that the Infant was harmed by Dr. Erickson.
- PRN never believed that the Infant was being harmed by NP Jungman.
- PRN has no evidence that the Infant was harmed by NP Jungman.
- Ammon Bundy posted videos on [www.youtube.com](http://www.youtube.com) in March 2022 relating to the Infant.
- Ammon Bundy engaged in interviews relating to the Infant.
- Ammon Bundy posted on Twitter relating to the Infant.
- Ammon Bundy's statements on [www.youtube.com](http://www.youtube.com) relating to the Infant were made on PRN's behalf.
- Ammon Bundy's statements in interviews relating to the Infant were made on PRN's behalf.
- Ammon Bundy's statements posted on Twitter relating to the Infant were made on PRN's behalf.
- PRN knew that PRN's statements and actions created a risk that one of Ammon Bundy's followers would commit a violent act against Dr. Erickson.
- PRN knew that PRN's statements and actions created a risk that one of Ammon Bundy's followers would commit a violent act against NP Jungman.

- PRN knew that PRN's statements and actions created a risk that one of Ammon Bundy's followers would commit a violent act against Chris Roth.
- PRN made statements with the intention that PRN's statements would incite others to commit violent acts against Dr. Erickson.
- PRN made statements with the intention that PRN's statements would incite others to commit violent acts against NP Jungman.
- PRN made statements with the intention that PRN's statements would incite others to commit violent acts against Chris Roth.
- Freedom Man PAC coordinated with Diego Rodriguez regarding messaging and communications relating to the statements he made about Plaintiffs' treatment of the Infant.
- Freedom Man PAC coordinated with Defendant Ammon Bundy regarding messaging and communications relating to the statements he made about Plaintiffs' treatment of the Infant.
- Freedom Man PAC coordinated with Defendant People's Rights Network regarding messaging and communications relating to the statements it made about Plaintiffs' treatment of the Infant.
- Freedom Man PAC coordinated with Defendant Ammon Bundy for Governor regarding messaging and communications relating to the statements it made about Plaintiffs' treatment of the Infant. Freedom Man PAC coordinated with Defendant Freedom Man Press LLC regarding messaging and communications relating to the statements it made about Plaintiffs' treatment of the Infant.
- Freedom Man PAC worked with the other Defendants to disrupt St. Luke's business in March 2022.
- Freedom Man PAC intended to disrupt St. Luke's business in March 2022.
- Freedom Man PAC told others to disrupt St. Luke's business.
- Freedom Man PAC told others to harm St. Luke's reputation.
- Freedom Man PAC worked with the other Defendants to harm Plaintiff Chris Roth.
- Freedom Man PAC intended to harm Plaintiff Chris Roth.
- Freedom Man PAC worked with the other Defendants to harm Plaintiff Dr. Natasha Erickson.
- Freedom Man PAC intended to harm Plaintiff Dr. Natasha Erickson.
- Freedom Man PAC worked with the other Defendants to harm Plaintiff Tracy Jungman.
- Freedom Man PAC intended to harm Plaintiff Tracy Jungman.
- Diego Rodriguez has made false statements about the care the Infant received from St. Luke's.
- Diego Rodriguez made these false statements about the care the Infant received from St. Luke's, he acted on Freedom Man PAC's behalf.
- Freedom Man PAC publicly accused Plaintiffs of participating in a crime.
- Freedom Man PAC publicly accused Plaintiff Dr. Erickson of being incompetent at her trade or profession.
- Freedom Man PAC publicly accused Plaintiff NP Jungman of being incompetent at her trade or profession.

- Freedom Man PAC publicly accused Plaintiff St. Luke's of being incompetent at its trade or profession.
- Freedom Man PAC publicly accused Plaintiff Dr. Erickson of kidnapping children.
- Freedom Man PAC publicly accused Plaintiff NP Jungman of kidnapping children.
- Freedom Man PAC publicly accused Plaintiff Roth of kidnapping children.
- Freedom Man PAC publicly accused Plaintiff St. Luke's of participating in the kidnapping of children.
- Freedom Man PAC knew at the time Freedom Man PAC publicly accused Plaintiff Dr. Erickson of kidnapping children that such accusation was false.
- Freedom Man PAC knew at the time Freedom Man PAC publicly accused Plaintiff NP Jungman of kidnapping children that such accusation was false.
- Freedom Man PAC at the time Freedom Man PAC publicly accused Plaintiff Roth of kidnapping children that such accusation was false.
- Freedom Man PAC knew at the time Freedom Man PAC publicly accused Plaintiff St. Luke's of participating in the kidnapping of children that such accusation was false.
- Freedom Man PAC publicly accused Plaintiff NP Jungman of participating in a child trafficking ring.
- Freedom Man PAC publicly accused Plaintiff Dr. Erickson of participating in a child trafficking ring.
- Freedom Man PAC publicly accused Plaintiff Mr. Roth of participating in a child trafficking ring.
- Freedom Man PAC publicly accused Plaintiff St. Luke's of participating in a child trafficking ring.
- Freedom Man PAC knew at the time Freedom Man PAC publicly accused Plaintiff NP Jungman of participating in a child trafficking ring that such accusation was false.
- Freedom Man PAC knew at the time Freedom Man PAC publicly accused Plaintiff Dr. Erickson of participating in a child trafficking ring that such accusation was false.
- Freedom Man PAC knew at the time Freedom Man PAC publicly accused Plaintiff Mr. Roth of participating in a child trafficking ring that such accusation was false.
- Freedom Man PAC knew at the time Freedom Man PAC publicly accused Plaintiff St. Luke's of participating in a child trafficking ring that such accusation was false.
- Freedom Man PAC, through Diego Rodriguez, doxed Plaintiff NP Jungman.
- Freedom Man PAC, through Diego Rodriguez, doxed Plaintiff Dr. Erickson.

IDJI 1.30.1 – Presumptions (modified).

Comment:

Rule 301 of the Idaho Rules of Evidence treats presumptions as shifting only the burden of producing evidence on the issue to the party opposing a presumption, unless a statute expressly provides for a different effect. Neither this instruction nor Instruction 125B purports to cover instances in which a statute is controlled.

Where a presumption governed by IRE 301 is involved, the court should instruct as follows:

1. Instruction 1.30.1 should be given when the basic facts which give rise to a presumption have been proved beyond reasonable dispute and no substantial evidence has been offered to disprove the fact established by the presumption, or when the fact to be proved by a presumption has otherwise been proved beyond reasonable dispute.

**INSTRUCTION NO. \_\_**

**ADVERSE INFERENCE INSTRUCTION**

The following evidence, which is part of this case, is in the control of Defaulted Defendants, who, without satisfactory explanation, have failed to provide the evidence. As such, you the jury may draw an inference that the missing evidence would have been unfavorable to Defaulted Defendants, which includes:

- First Interrogatories to Defendant Ammon Bundy;
- Second Interrogatories, First Requests for Production to Defendant Ammon Bundy;
- Third Set of Interrogatories and Second Set of Requests for Production of Documents to Ammon Bundy;
- First Interrogatories and Requests for Production to Defendant Ammon Bundy for Governor;
- Second Set of Interrogatories and Second Set of Requests for Production of Documents to Ammon Bundy for Governor;
- First Interrogatories and Requests for Production to Defendant People's Rights Network;
- Second Set of Interrogatories and Second Set of Requests for Production of Documents to Defendant People's Rights Network;
- First Set of Interrogatories and First Set of Requests for Production of Documents to Freedom Man PAC;
- First Set of Interrogatories and First Set of Requests for Production of Documents to Freedom Man Press LLC;



- Second Set of Interrogatories and Second Set of Requests for Production of Documents to Freedom Man PAC; and
- Second Set of Interrogatories and Second Set of Requests for Production of Documents to Freedom Man Press LLC.

*See State v. Ish*, 166 Idaho 492, 514, 461 P.3d 774, 796 (2020); *see also Courtney v. Big O Tires, Inc.*, 139 Idaho 821, 824, 87 P.3d 930, 933 (2003);

**INSTRUCTION NO. \_\_**

**BURDENS OF PROOF**

When I say that a party has the burden of proof on a proposition or use the expression, “if you find” or “if you decide,” I mean you must be persuaded that the proposition is more probably true than not true.

When I say a party has the burden of proof on a proposition by clear and convincing evidence, I mean you must be persuaded that it is highly probable that such proposition is true. This is a higher burden than the general burden that the proposition is more probably true than not true.

As to the claims against Defaulted Defendants, Plaintiffs have the burden of proof as to the amount of damages, only because the claims as to Defaulted Defendants have been established under law by reason of their default.

IDJI 1.20.1 – Burden of proof – preponderance of evidence; IDJI 1.20.2 – Burden of proof – clear and convincing evidence (combined and modified).

**INSTRUCTION NO. \_\_**

**DEFINITION OF LIBEL OR SLANDER PER SE**

Defamatory statements may be defamatory per se, meaning they are actionable without proof of special damages, “when the statement involves: (1) a criminal offense; (2) a loathsome disease; (3) a matter incompatible with business, trade, profession, or office; or (4) serious sexual misconduct.”

*Irish v. Hall*, 163 Idaho 603, 608 (2018) (“[I]f the language used is plain and unambiguous, it is a question of law for the court to determine whether it is libelous per se, otherwise it is a question of fact for the trier of fact.”); *Weeks v. M-P Publ’ns, Inc.*, 95 Idaho 634, 636 (1973)); *see Hill v. Stubson*, 2018 WY 70, ¶ 25, 420 P.3d 732, 741.

**INSTRUCTION NO. \_\_**

**DEFINITION OF DEFAMATION**

Defamation is the communication of false information which tends to impugn the honesty, integrity, virtue or reputation of the person or entity about whom the statement is made, or exposes that person or entity to public hatred, contempt or ridicule.

In determining whether an assertion is defamatory, it “must be read and construed as a whole; the words used are to be given their common and usually accepted meaning and are to be read and interpreted as they would be read and understood by the persons to whom they are published.”

Libel is a form of defamation. Libel is the communication of defamatory information by written words, or by some form that has the characteristics of written words.

Slander is a form of defamation by any other means.

IDJI 4.80 (modified); *Gough v. Tribune-Journal Co.*, 73 Idaho 173, 177, 249 P.2d 192 (1952). Restatement (Second) of Torts, § 568(1); Restatement (Second) of Torts, § 568(2); *Irish v. Hall*, 163 Idaho 603, 607 (2018).

**INSTRUCTION NO. \_\_**

**DEFAMATION – ACTUAL MALICE**

Actual malice does not refer to evil intent or spite. Instead, actual malice includes acting with the knowledge of falsity or reckless disregard of truth.

*Irish v. Hall*, 163 Idaho 603, 607, 416 P.3d 975, 979 (2018); *Clark v. Spokesman-Review*, 144 Idaho 427, 429, 163 P.3d 216, 218 (2007).

**INSTRUCTION NO. \_\_**

**LIBEL OR SLANDER PER SE – PRESUMED DAMAGES**

The Court has made a finding of law that Plaintiffs are deemed to have been injured by the defamation in this case, and the Plaintiffs need not prove actual injury in order to recover damages.

IDJI 4.84 (modified); *Irish v. Hall*, 163 Idaho 603, 607, 416 P.3d 975, 979 (2018).

**INSTRUCTION NO. \_\_**

**DEFAMATION – ALL PLAINTIFFS**

For any other statements by Defaulted Defendants directed at third parties that do not fall into the category of defamation per se, it has been established that:

1. The Defaulted Defendants communicated information concerning the Plaintiffs to others;
2. The information impugned the honesty, integrity, virtue or reputation of the Plaintiffs or exposed the Plaintiffs to public hatred, contempt or ridicule;
3. The information was false; and
4. The Defaulted Defendants knew it was false, or reasonably should have known that it was false.

IDJI 4.82 (modified); *Irish v. Hall*, 163 Idaho 603, 607 (2018).

**INSTRUCTION NO. \_\_**

**DAMAGES – DEFAMATION**

Each Plaintiff has established a claim for defamation against Defaulted Defendants. As such, the jury must determine the amount of money that will reasonably and fairly compensate each Plaintiff for any of the following elements of damages proved by the evidence to have been proximately caused by each Defaulted Defendant's defamation:

1. The actual harm caused to the reputation to the defamed Plaintiffs;
2. Emotional distress and bodily harm that is proved to have been caused by the defamatory publication; and
3. Because Defaulted Defendants are liable for defamation per se, Defaulted Defendants are also liable for any special harm legally caused by the defamatory publication that was defamation per se. Defamation is a legal cause of special harm to the person defamed if:
  - (a) it is a substantial factor in bringing about the harm, and
  - (b) there is no rule of law relieving the Defaulted Defendants from liability because of the manner in which the publication has resulted in the harm.

Restatement 2d of Torts, §§ 622; 622A; 623; *Barlow v. Int'l Harvester Co.*, 95 Idaho 881, 897 (1974) (citations omitted) ("There is no exact measure of general damages which can be applied in either a libel or slander action. It is within the special province of the jury to determine the amount.").

Note:

The court determines what items of harm suffered by the plaintiff as the result of the publication of the defamatory matter may be considered by the jury in assessing damages; the jury determines the amount of damages to be awarded for those items. Restatement 2d of Torts, § 616.



**INSTRUCTION NO. \_\_**

**INVASION OF PRIVACY FALSE LIGHT – MR. ROTH, DR. ERICKSON, AND NP JUNGMAN**

Plaintiffs established that Defaulted Defendants publicly disclosed some falsity or fiction concerning Mr. Roth, Dr. Erickson, and NP Jungman. A disclosure of some falsity of fiction means that, a publication or publications by Defaulted Defendants were materially false.

*Uranga v. Federated Pub 'ns, Inc.*, 138 Idaho 550, 553, 67 P.3d 29, 32 (2003); *Hoskins v. Howard*, 132 Idaho 311, 317, 971 P.2d 1135, 1141 (1998); Restatement 2d of Torts, § 652E.

**INSTRUCTION NO. \_\_**

**DAMAGES – INVASION OF PRIVACY FALSE LIGHT– MR. ROTH, DR. ERICKSON,  
AND NP JUNGMAN**

Defaulted Defendants are liable for invasion of Plaintiffs' privacy. Plaintiffs are entitled to recover damages for:

1. The harm to such Plaintiff's interest in privacy resulting from the invasion;
2. Such Plaintiffs' mental distress proved to have been suffered if it is of a kind that normally results from such an invasion; and
3. Special damage of which the invasion is a legal cause.

Restatement 2d of Torts, § 652H.

**INSTRUCTION NO. \_\_**

**INTENTIONAL OR RECKLESS CONDUCT**

A party's conduct is intentional if the party desired to cause the consequences of the act or where the party believes that the consequences are substantially certain to result from the party's conduct.

A party's conduct is reckless if the party does an act knowing or having reason to know of facts which would lead a reasonable person to realize, not only that the party's conduct creates an unreasonable risk of harm to another, but also that such risk is substantially greater than that which is necessary, under the circumstances.

Restatement 2d of Torts, § 8A (intent); *Galloway v. Walker*, 140 Idaho 672, 676, 99 P.3d 625, 629 (Ct. App. 2004)

**INSTRUCTION NO. \_\_**

**EXTREME AND OUTRAGEOUS CONDUCT**

Conduct is extreme and outrageous when it is “atrocious” and “beyond all possible bounds of decency” such that it would cause an average member of the community to believe it is outrageous.

*Edmondson v. Shearer Lumber Products*, 139 Idaho 172, 180, 75 P.3d 733, 741 (2003); *Johnson v. McPhee*, 147 Idaho 455, 464, 210 P.3d 563, 572 (Ct. App. 2009) (providing examples of conduct deemed sufficiently extreme and outrageous to support claims of intentional infliction of emotional distress (citing *Walston v. Monumental Life Ins. Co.*, 129 Idaho 211, 219-20, 923 P.2d 456, 464-65 (1996) (where “an insurance company speciously denying a grieving widower's cancer insurance claim while simultaneously impugning his character and drawing him into a prolonged dispute”) (*Gill v. Brown*, 107 Idaho 1137, 1138-39, 695 P.2d 1276, 1277-78 (Ct. App. 1985) “recklessly shooting and killing someone else's donkey that was both a pet and a pack animal) and *Spence v. Howell*, 126 Idaho 763, 773-74, 890 P.2d 714, 724-25 (1995) (“real estate developers swindling a family out of property that was the subject of their lifelong dream to build a Christian retreat”))).

**INSTRUCTION NO. \_\_**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS – MR. ROTH,  
DR. ERICKSON, AND NP JUNGMAN**

It has been established that Defaulted Defendants engaged in intentional or reckless conduct that was extreme and outrageous and went beyond all possible bounds of decency in a civilized society. It also has been established that Plaintiffs suffered severe emotional distress as a result of Defaulted Defendants' wrongful conduct.

*James v. City of Boise*, 160 Idaho 466, 484, 376 P.3d 33, 51 (2016); *McKinley v. Guar. Nat'l Ins. Co.*, 144 Idaho 247, 254, 159 P.3d 884, 891 (2007).

**INSTRUCTION NO. \_\_**

**DAMAGES – INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS – MR.  
ROTH, DR. ERICKSON, AND NP JUNGMAN**

Plaintiffs have established the elements of the claim of intentional infliction of emotional distress and Plaintiffs are entitled to recover damages for past or prospective:

1. Bodily harm and emotional distress;
2. Loss or impairment of earning capacity, including harm to reputation;
3. Reasonable medical and other expenses; and
4. Harm to property or business caused by the invasion.

Plaintiffs are entitled to recover for a feeling of anxiety, not only for themselves but for others, if this is the expectable result of the Defaulted Defendants' tortious acts or if the Defaulted Defendants intended that result. The jury's determination of the amount of liability for this sort of emotional distress may be affected by the fact that the actor's conduct is reckless rather than merely negligent.

Plaintiffs are entitled to damages for all expenses and for the value of services reasonably made necessary by the harm. This includes reasonable expenses for physicians, for nurses or hospitalization and for medical supplies. It may also include reasonable expenses for substitute help hired by the injured person to do his work; but to the extent that claim for this is made, there cannot be recovery for loss of time. There may be recovery for these items although they are not yet paid.

Restatement 2d of Torts, §§ 817 (Comment f); 905; 919; 924.

**INSTRUCTION NO. \_\_**

**COMMON LAW TRESPASS – SLHS AND SLMRC**

It has been established that Defaulted Defendant Ammon Bundy went upon the Plaintiffs' land and that the Plaintiffs did not consent to Defendant Ammon Bundy's entry on Plaintiffs' land, that the Plaintiffs requested Defendant Ammon Bundy to leave, or otherwise withdrew the permission to remain and that Defendant Ammon Bundy remained on the Plaintiffs' land after the withdrawal of permission.

IDJI 4.40; IDJI 4.42 – Trespass; withdrawal of permission (combined and modified).

Comment:

“Trespass is a tort against possession committed when one, without permission, interferes with another's exclusive right to possession of the property.” *Walter E. Wilhite Revocable Living Trust v. Northwest Yearly Meeting Pension Fund*, 128 Idaho 539, 549, 916 P.2d 1264, 1274 (1996). In a common law trespass action, the plaintiff is entitled to recover actual damages for defendant's wrongful entry on plaintiff's property, even if defendant's conduct was not “wilfull or intentional.” *Bumgarner v. Bumgarner*, 124 Idaho 629, 639, 862 P.2d 321, 331 (Ct. App. 1993). The plaintiff must prove “a causal connection between the defendant's alleged wrongful conduct and the plaintiff's injury, as well as the extent of the injury sustained.” *Nelson v. Holdaway Land and Cattle Co.*, 107 Idaho 550, 552, 691 P.2d 796, 798 (Ct. App. 1984). However, the plaintiff “need not prove actual harm in order to recover nominal damages.” *Aztec Ltd., Inc. v. Creekside Inv. Co.* 100 Idaho 566, 570, 602 P.2d 64, 68 (1979). Nominal damages are “presumed to flow naturally from a wrongful entry upon land.” *Id.*

**INSTRUCTION NO. \_\_**

**DAMAGES – COMMON LAW TRESPASS – SLHS AND SLMRC**

Plaintiffs have met their burden to show that Defendant Ammon Bundy went on Plaintiffs' property, and that Plaintiffs did not consent to such entry and/or revoked permission and Defendant Ammon Bundy remained on Plaintiffs' property.

The jury may award damages in the amount proved by Plaintiffs.

IDJI 4.40; IDJI 4.42 – Trespass; withdrawal of permission (combined and modified).



**INSTRUCTION NO. \_\_**

**TRESPASS IN VIOLATION OF IDAHO CODE SECTION 6-202 – SLHS AND SLMRC**

Defendant Ammon Bundy entered or remained upon the real property of St. Luke's Health System, Ltd. and/or St. Luke's Regional Medical Center, Ltd., without permission, and Defendant Ammon Bundy committed a civil trespass under Idaho Code Section 6-202.

Idaho Code Section 6-202 *et seq.*

**INSTRUCTION NO. \_\_**

**DAMAGES – TRESPASS IN VIOLATION OF IDAHO CODE SECTION 6-202 – SLHS  
AND SLMRC**

Plaintiffs have established that Defendant Ammon Bundy is liable for a civil trespass pursuant to Idaho Code Section 6-202 subsection (2)(a). As such, Defendant Ammon Bundy is liable for damages as follows:

The greater of:

- A damage award of five hundred dollars (\$500); *or*
- The amount of actual damages caused by the trespass.

Idaho Code Section 6-202 *et seq.*

**INSTRUCTION NO. \_\_**

**UNFAIR BUSINESS PRACTICES**

It has been established that, starting on or around March 11, 2022, Defaulted Defendants Ammon Bundy and Freedom Man Press, LLC engaged in unconscionable methods, acts, or practices in the conduct of trade or commerce, as provided in the Consumer Protection Act, Idaho Code Section 48-603C (Unconscionable Methods, Acts or Practices).

IDJI 9.03 (modified); *Duspiva v. Fillmore*, 154 Idaho 27, 32, 293 P.3d 651, 656 (2013) (an act or practice is unfair if it is shown to possess a tendency or capacity to deceive consumers); Idaho Code Section 48-603C; 48-619 (right to private action).

**INSTRUCTION NO. \_\_**

**VIOLATION OF IDAHO TRADE CHARITABLE SOLICITATION ACT**

Defaulted Defendant Freedom Man Press, LLC, violated the Idaho Charitable

Solicitations Act by:

1. Engaging in charitable solicitation; and
2. Using unfair, false, deceptive, misleading, or unconscionable acts or practices.

The jury will determine the amount of damages suffered by Plaintiffs due to Freedom Man Press, LLC's false, deceptive, misleading, or unconscionable acts or practices concerning Plaintiffs that were made or committed in connection with the charitable solicitations.

Idaho Code Section 48-1200 *et seq.*; Under the Act, damages “means a loss, detriment or injury, whether to person, property, reputation or rights[.]” Idaho Code Section 48-1202 – Definitions.

**INSTRUCTION NO. \_\_**

**CIVIL CONSPIRACY**

Civil conspiracy is not a legal claim in itself; however, civil conspiracy is material because it makes all of the Defaulted Defendants liable for each individual act of the other Defaulted Defendants.

It has been established that each of the Defaulted Defendants willfully, intentionally, and knowingly agreed and conspired with each other to publish false, misleading, and defamatory statements about Plaintiffs directed to third parties. It has been established that each of the Defaulted Defendants defamed all Plaintiffs, invaded the privacy of Plaintiffs Mr. Roth, Dr. Erickson, and NP Jungman. It has been established that Defaulted Defendant Ammon Bundy unlawfully trespassed onto Plaintiffs St. Luke's Health System, Ltd.'s and St. Luke's Regional Medical Center Ltd.'s property. It has been established that Defaulted Defendants Ammon Bundy and Freedom Man Press, LLC committed unfair business practices. It has been established Defaulted Defendant Freedom Man Press, LLC defamed all Plaintiffs in furtherance of a conspiracy in violation of the Idaho Charitable Solicitation Act.

Because Ammon Bundy, Ammon Bundy for Governor, Freedom Man Press LLC, Freedom Man PAC, and the People's Rights Network defaulted, it has been established that a civil conspiracy between Defaulted Defendants exists. Each of the Defaulted Defendants are liable for the acts of the other Defendants.

*Tricore Invs. Ltd. Liab. Co. v. Estate of Warren*, 168 Idaho 596, 626, 485 P.3d 92, 122 (2021); *McPheters v. Maile*, 138 Idaho 391, 395, 64 P.3d 317, 321 (2003).

**INSTRUCTION NO. \_\_**

**PUNITIVE DAMAGES**

It has been established that Defaulted Defendants' acts were an extreme deviation from reasonable standards of conduct and that Defaulted Defendants' acted with malice because their acts were malicious, fraudulent, oppressive, and/or outrageous.

If Plaintiffs prove by clear and convincing evidence that such malicious, fraudulent, oppressive, and/or outrageous acts by Defaulted Defendants proximately caused injury to the Plaintiffs, you the jury may, in addition to any compensatory damages to which you find Plaintiffs entitled, award Plaintiffs an amount which will punish and deter the Defendants and others from engaging in similar conduct in the future.

IDJI 9.20 – Punitive damages (modified); *see Olson v. Kirkham*, 111 Idaho 34, 37, 720 P.2d 217, 220 (Ct. App. 1986); *see also Marek v. Hecla, Ltd.*, 161 Idaho 211, 218, 384 P.3d 975, 982 (2016).

**INSTRUCTION NO. \_\_**

**PUNITIVE DAMAGES – CONSIDERATION OF WEALTH**

You have heard evidence pertaining to Defaulted Defendants' wealth and financial conditions. This evidence was admitted for your consideration only with reference to the question of punitive damages in light of all other evidence before you if you determine that such an award should be made in this case.

Punitive damages are not a matter of right, but may be awarded in the jury's sound discretion, which is to be exercised without passion or prejudice. The law provides no mathematical formula by which such damages are to be calculated, other than any award of punitive damages must bear a reasonable relation to the actual harm done, to the cause thereof, to the conduct of the Defaulted Defendants, and to the primary objective of deterrence.

IDJI 9.20.5 – Punitive damages - consideration of defendant's wealth; *Robinson v. State Farm Insurance*, 137 Idaho 173, 45 P.3d 829 (2002); *see also Weinstein v. Prudential Prop. & Cas. Ins. Co.*, 149 Idaho 299, 337 (2010).

## CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June, 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

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

Diego Rodriguez  
1317 Edgewater Dr., #5077  
Orlando, FL 32804

- ☐ U.S. Mail
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☒ Email/iCourt/eServe:  
[freedommanpress@protonmail.com](mailto:freedommanpress@protonmail.com)

/s/ Erik F. Stidham

Erik F. Stidham  
OF HOLLAND & HART LLP