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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 – NON-DEFAULTED  
DEFENDANT**

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.

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 trial without modification:

IDJI 1.00 – Introductory Instruction to Jury

IDJI 1.01 – Deliberation Procedures

IDJI 1.03 – Admonition to Jury

IDJI 1.05 – Statement of Claims Not Evidence

IDJI 1.11 – Communications with Court

IDJI 1.13 – Alternate Form: Concluding Remarks

IDJI 1.17 – Post Verdict Jury Instruction

IDJI 1.20.1 – Burden of Proof – Preponderance of Evidence

IDJI 1.20.2 – Burden of Proof – Clear and Convincing Evidence

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. \_\_\_\_**

**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, allege 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. Although Defendant Diego Rodriguez has answered the operative Fourth Amended Complaint, his position on Plaintiffs' claims has not been clarified through any further participation in this lawsuit.

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

**CAUSATION**

For each of the claims, Plaintiff must establish that Defendant proximately caused the damages. 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. \_\_

### PRESUMPTIONS

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

- There is no legal entity called Freedom Man Press LLC.
- There is no organization called Freedom Man Press LLC.
- Diego Rodriguez posted the name “Freedom Man Press LLC” on the freedomman.org website even though Diego Rodriguez knew that Freedom Man Press LLC did not exist.
- To the extent Defendant Freedom Man Press LLC does exist, Diego Rodriguez controls Defendant Freedom Man Press LLC.
- Diego Rodriguez controlled Defendant Freedom Man PAC the entire time it was in existence.
- Diego Rodriguez owns the website freedomman.org.
- Diego Rodriguez controls the website freedomman.org.
- Diego Rodriguez posts all content on the website freedomman.org.
- Diego Rodriguez approves of all content on the website freedomman.org.
- Diego Rodriguez intended to spread the content posted on the website freedomman.org to the public.
- Diego Rodriguez comments on blog entries on the website freedomman.org under the name “Diego”.
- Diego Rodriguez posts blog entries on the website freedomman.org under the pseudonym “Gunner Steele”.
- The Disqus handle @disqus\_eFggSinr2f is Diego Rodriguez’s Disqus handle.
- Diego Rodriguez owns the website stlukesexposed.com.
- Diego Rodriguez controls the website stlukesexposed.com.
- Diego Rodriguez posts all content on the website stlukesexposed.com.
- Diego Rodriguez approves of all content on the website stlukesexposed.com.
- Diego Rodriguez intended to spread the content posted on the website stlukesexposed.com to the public.
- Diego Rodriguez owns Freedom Tabernacle, Incorporated.
- Diego Rodriguez controls Freedom Tabernacle, Incorporated.
- In September 2022, Diego Rodriguez received a letter on behalf of Freedom Tabernacle, Incorporated directing Freedom Tabernacle, Incorporated to preserve all documents, things, and electronically stored information that may relate to the litigation.
- Freedom Tabernacle, Incorporated files tax returns.
- Freedom Tabernacle, Incorporated is a for-profit entity.
- Freedom Tabernacle, Incorporated operates to generate profit for Diego Rodriguez.
- Freedom Tabernacle, Incorporated has engaged in financial transactions with Ammon Bundy.
- Freedom Tabernacle, Incorporated has engaged in financial transactions with the People’s Rights Network.
- Freedom Tabernacle, Incorporated has engaged in financial transactions with the Ammon Bundy for Governor Campaign.
- Freedom Tabernacle, Incorporated filed a tax return for the year 2020.

- Freedom Tabernacle, Incorporated was engaged in financial transactions in the year 2020.
- Freedom Tabernacle, Incorporated paid Diego Rodriguez compensation in the year 2020.
- Freedom Tabernacle, Incorporated filed a tax return for the year 2021.
- Freedom Tabernacle, Incorporated was engaged in financial transactions in the year 2021.
- Freedom Tabernacle, Incorporated paid Diego Rodriguez compensation in the year 2021.
- Freedom Tabernacle, Incorporated filed a tax return for the year 2022.
- Freedom Tabernacle, Incorporated was engaged in financial transactions in the year 2022.
- Freedom Tabernacle, Incorporated paid Diego Rodriguez compensation in the year 2022.
- Diego Rodriguez has access to financial records for Freedom Tabernacle, Incorporated.
- Freedom Tabernacle, Incorporated has engaged in financial transactions in the year 2023.
- Freedom Tabernacle, Incorporated paid Diego Rodriguez compensation in the year 2023.
- Freedom Tabernacle, Incorporated demands that its female members be in subjection to their husbands.
- Freedom Tabernacle, Incorporated mandates that a woman cannot have authority over a man.
- Freedom Tabernacle, Incorporated works toward Christian Dominion over government.
- Freedom Tabernacle, Incorporated advocates making homosexuality illegal.
- Diego Rodriguez owns the website freedomtabernacle.net.
- Diego Rodriguez controls the website freedomtabernacle.net.
- Diego Rodriguez posts all content on the website freedomtabernacle.net.
- Diego Rodriguez owns Power Marketing Consultants LLC.
- Diego Rodriguez controls Power Marketing Consultants LLC.
- Diego Rodriguez controls the finances of Power Marketing Consultants LLC.
- Power Marketing Consultants LLC filed tax returns in 2020.
- Power Marketing Consultants LLC filed tax returns in 2021.
- Power Marketing Consultants LLC filed tax returns in 2022.
- Power Marketing Consultants LLC engaged in financial transactions in 2020.
- Power Marketing Consultants LLC engaged in financial transactions in 2021.
- Power Marketing Consultants LLC engaged in financial transactions in 2022.
- Power Marketing Consultants LLC has been engaged in financial transactions in 2023.
- Diego Rodriguez controls the filing of tax returns by Power Marketing Consultants LLC.
- Diego Rodriguez received revenue in the form of income, disbursements, or payments from Power Marketing Consultants LLC during the period of 2022.

- Diego Rodriguez received revenue in the form of income, disbursements, or payments from Power Marketing Consultants LLC during 2023.
- Diego Rodriguez owns Power Marketing Agency, LLC.
- Diego Rodriguez controls Power Marketing Agency, LLC.
- Diego Rodriguez controls the finances of Power Marketing Agency, LLC.
- Power Marketing Agency, LLC filed tax returns in 2020.
- Power Marketing Agency, LLC filed tax returns in 2021.
- Power Marketing Agency, LLC filed tax returns in 2022.
- Power Marketing Agency, LLC engaged in financial transactions in 2020.
- Power Marketing Agency, LLC engaged in financial transactions in 2021.
- Power Marketing Agency, LLC engaged in financial transactions in 2022.
- Power Marketing Agency, LLC has been engaged in financial transactions in 2023.
- Diego Rodriguez controls the filing of tax returns by Power Marketing Agency, LLC.
- Diego Rodriguez received revenue in the form of income, disbursements, or payments from Power Marketing Agency, LLC during the period of 2022.
- Diego Rodriguez received revenue in the form of income, disbursements, or payments from Power Marketing Agency, LLC during 2023.
- Power Marketing Consultants LLC has engaged in financial transactions with the Ammon Bundy for Governor Campaign.
- Power Marketing Agency, LLC has engaged in financial transactions with the Ammon Bundy for Governor Campaign.
- Diego Rodriguez owns the website powermarketing.net.
- Diego Rodriguez controls the website powermarketing.net.
- Diego Rodriguez posts all content on the website powermarketing.net.
- Diego Rodriguez owns the website powermarketing.agency.
- Diego Rodriguez controls the website powermarketing.agency.
- Diego Rodriguez posts all content on the website powermarketing.agency.
- Diego Rodriguez owns the website DiegoRodriguez.org.
- Diego Rodriguez controls the website DiegoRodriguez.org.
- Diego Rodriguez posts all content on the website DiegoRodriguez.org.
- Diego Rodriguez was present at St. Luke's Boise during the period March 12, 2022, through March 17, 2022.
- Diego Rodriguez directed others to go to St. Luke's Boise during the period March 12, 2022, through March 17, 2022.
- Diego Rodriguez was at St. Luke's Boise on March 15, 2022, to protest.
- Diego Rodriguez directed others to go to St. Luke's Boise on March 15, 2022, to protest.
- There were hundreds of protestors at St. Luke's Boise on March 15, 2022.
- Diego Rodriguez coordinated with Defendant Bundy 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.

- The State of Idaho filed a tax lien against Diego Rodriguez.
- The tax lien that was put in place against Diego Rodriguez by the State of Idaho is in the amount of \$138,392.56.
- Diego Rodriguez publicly stated, “St. Luke’s is world famous for being the worst, for, Diego Rodriguez know, for mistreating people, for killing people— literally I’m not being hyperbolic there—for this type of issue, stealing babies from parents.”
- Diego Rodriguez publicly stated that the Plaintiffs participated in a “child trafficking ring subsidized by your tax dollars.”
- Diego Rodriguez publicly stated that St. Luke’s forced the Infant to take “toxic poison.”
- Diego Rodriguez publicly stated that the Plaintiffs participated in “kidnapping.”
- Diego Rodriguez publicly stated that the Plaintiffs “have to be publicly shamed, they have to feel social pressure.”
- Diego Rodriguez publicly stated that the Plaintiffs “need to lose their jobs, lose their entire organizations, have them be shut down, be publicly shamed or even personally.”
- Diego Rodriguez publicly stated that St. Luke’s “has a reputation for taking horrible service and treatment to children.”
- Diego Rodriguez publicly stated that St. Luke’s has been “enriched” by “child trafficking.”
- Diego Rodriguez publicly stated that St. Luke’s is “corrupt top to bottom.”
- Diego Rodriguez publicly stated, “Dr. Natasha Erickson called CPS.”
- Diego Rodriguez publicly stated that St. Luke’s “is just a huge cartel and all they do is harm people.”
- Diego Rodriguez publicly stated that the Plaintiffs were “medically negligent.”
- Diego Rodriguez publicly stated, “You are next. They will come for you. They will come for you. And there is no, there is zero recourse that you have in the moment that it’s happening. These guys are stealing children at the point of a gun.”
- Diego Rodriguez publicly stated, “There will be criminal action against St. Luke’s because they changed and altered information and we can prove it.”
- Diego Rodriguez publicly stated, “We are going to equip people to fight back against this tyranny.”
- Diego Rodriguez publicly stated, “The only thing that is being claimed is that they missed an appointment, and the baby is underweight.”
- Diego Rodriguez publicly stated, “From judges to prosecutors to police officers to-to hospitals and doctors, nobody cares about the rules anymore, nobody cares about the rule of law, the law does not matter anymore.”
- Diego Rodriguez publicly stated about Dr. Erickson, “As soon as she finds out Baby Cyrus is not vaccinated, instantly it’s a hostile environment, now she becomes hostile.”
- Diego Rodriguez publicly stated, “There was zero evidence that Cyrus was in imminent danger. The only evidence they had was failure to thrive and that he was under weight.”

- Diego Rodriguez publicly stated, “This Judge is so wicked and so corrupt, her name is Judge Laurie Fortier.”
- Diego Rodriguez publicly stated about Judge Fortier, “You see a picture of her? I know we are not supposed to make judgment calls, but I’ll just tell you, if she wasn’t a lesbian, if she’s not a lesbian, she sure missed a good opportunity to be one.”
- Diego Rodriguez publicly stated about Judge Fortier, “She doesn’t care about the rule of law. She violates the law. She violates it again and again. She’s been incredibly incompetent with the filling out the forms and with the processes and procedures that are required.”
- Diego Rodriguez publicly stated, “This is actually the largest child trafficking ring in the history of the world. It is actually worse than that because it’s a State subsidized child trafficking.”
- Diego Rodriguez publicly stated about St. Luke’s, “The care there was incompetent and more.”
- Diego Rodriguez publicly stated, “In our case Baby Cyrus was kidnapped. People call it medical kidnapping. I just flat out call it State subsidized child trafficking. Period. End of sentence.”
- Admit that Diego Rodriguez publicly stated, “I called for people to protest in front of the hospital.”
- Diego Rodriguez publicly stated about St. Luke’s, “It is in their best interest to take Baby Cyrus back and ensure that he looks and appears sick in the hands of the parents and healthy in the hands of the State.”
- Diego Rodriguez publicly stated, “Local judges, local cops, local doctors, all these people that are part of this child trafficking ring, they go to work every single day, kidnap children, destroy families, absolutely obliterate people for money.”
- Diego Rodriguez publicly stated about the Plaintiffs, “Nobody knows that they are absolutely criminals, so we need to bring attention to that.”
- Diego Rodriguez publicly stated, “The day after Cyrus was kidnapped, there was over 400 people protesting at the hospital. There were thousands of emails, thousands of phone calls where we shut down their phone system, you know, basically shut down their ability to communicate.”
- Diego Rodriguez publicly stated about St. Luke’s, “They kill people. They kill babies. They have no interest in actually helping anybody.”
- Diego Rodriguez publicly stated, “It’s an entire network, it’s an entire ring of criminals, from hospitals to CPS to law enforcement to multiple agencies that are all involved and the entire court system.”
- Diego Rodriguez publicly stated about Dr. Erickson, “Sure enough she called CPS.”
- Diego Rodriguez publicly stated, “We know for a fact now that they were waking up to thousands of emails in their inbox every day. We shut down the phone lines essentially every single day, first at the hospital and then at the Idaho Department of Health and Welfare.”
- Diego Rodriguez publicly stated about the Plaintiffs, “What they do care about, not the law, but what they do care about is public shaming and public pressure. If

their actions are known to the public, to their neighbors, to their mother, to their wife, to their spouse, to their children, that's embarrassing."

- Diego Rodriguez publicly stated about the Plaintiffs, "There is no justice unless the public is riled-up enough to shame the powers to be or to put social pressure on them."
- Diego Rodriguez publicly stated, "They are kidnapping these children, and this is child trafficking."
- Diego Rodriguez publicly stated, "The next morning over 400 people showed up to the hospital to protest, we were doing protests every single day, we were killing them on the phone lines, killing them with emails, just bombarding them with thousands of emails every single day, tying up their phone lines so they couldn't operate anymore."
- Diego Rodriguez publicly stated that St. Luke's "Is like the kiss of death, you never want to go to St. Luke's. All parents here are terrified of St. Luke's. They are the absolute worst. They kill people. They do everything horrible you can imagine."
- Diego Rodriguez publicly stated, "All these huge institutions: CPS, multiple police agencies, the hospital, and – I already said CPS – all these huge institutions all incriminated themselves over and over and over again."
- Diego Rodriguez publicly stated about St. Luke's, "The hospital has broken the law."
- Diego Rodriguez publicly stated about St. Luke's, "They only back down when there's significant public pressure; otherwise, they don't do anything. And that is what we need at this point—we need people to be calling, writing, calling their legislatures, calling the hospital, calling law enforcement, calling CPS, writing letters, helping us protest."
- Diego Rodriguez publicly stated about the Infant's care at St. Luke's, "His condition has worsened, he is sicker than ever. The hospital is not taking care of him. They are making him worse."
- Diego Rodriguez publicly stated about the Plaintiffs, "Everything was illegal, we will be suing the socks off of all of them, hopefully putting them all out of business forever."
- Diego Rodriguez publicly stated, "I would go so far as to say that he is now being abused by the hospital. The hospital is abusing my grandson. And the State is forcefully keeping us away at the point of a gun. And that will continue if Idahoans do nothing about it."
- Diego Rodriguez publicly stated, "There were thousands of phone calls coming into St. Luke's every day that we shut their phone system down. They couldn't even operate."
- Diego Rodriguez publicly stated, "Every opportunity you have to put pressure on tyrants—phone calls, emails, protests—every single opportunity, take it, take it."
- Diego Rodriguez publicly stated, "This is the largest network of child trafficking in the history of the world. And they're all involved including the hospitals, including the doctors, and what I am saying right now is just to protect you guys."
- Diego Rodriguez publicly stated about Ms. Jungman, "She is making a life altering diagnosis on a baby she's never seen. That's called medical malpractice."

- Diego Rodriguez publicly stated about Ms. Jungman, “A nurse who had never seen Baby Cyrus is who made” the claim that Baby Cyrus was in imminent danger.
- Diego Rodriguez publicly stated about St. Luke’s, “These guys are crooks, they’re criminals, and we’re going to prove it in a court of law.”
- Diego Rodriguez publicly stated, “The allegations that are being brought against me, the vast majority of them are true. They are claiming that I said all of these things, some of them I already mentioned. They’re saying that I said they are part of a child trafficking network—well they are. I’ve said that, and I’ll say it again, and I’ll never stop saying it. They are saying that I came out and said that the CEO of St. Luke’s profited off of, off of COVID—which he did, and the entire hospital did, and that is also true. They are claiming that I—that I went out and said that they make money off of the kidnapping of children—which is also true. And I said all of those things. All of those things they’re saying I said and they’re all true. And I’ll keep saying them because they are absolutely true.”
- Diego Rodriguez publicly stated about the St. Luke’s Parties, “They all know we are kidnapping a perfectly healthy baby.”
- Diego Rodriguez publicly stated about St. Luke’s, “They are making millions of dollars off of this child trafficking.”
- Diego Rodriguez publicly stated about St. Luke’s, “They are profiting off of the kidnapping of children, they are involved in a child trafficking network, they did make money off the kidnapping of my grandson, and they did act wickedly and evil in this case.”
- The Infant was dehydrated on March 1, 2022.
- The Infant’s Parents took the Infant to St. Luke’s on March 1, 2022.
- The Infant had been vomiting for weeks before the Infant’s Parents took him to St. Luke’s on March 1, 2022.
- The Infant was approximately 10 months old on March 1, 2022.
- The Infant had lost several pounds between November 1, 2021 and March 1, 2022.
- On March 2, 2022, the Infant was diagnosed with severe malnutrition.
- The Infant’s Parents agreed to admit the Infant to St. Luke’s Boise on March 1, 2022.
- The Infant’s Parents were told to take the Infant to his PCP for follow-up monitoring after discharge from St. Luke’s Boise on March 4, 2022.
- The Infant attended a follow-up monitoring appointment on March 7, 2022, which revealed that the Infant had lost weight since being discharged from St. Luke’s on March 4, 2022.
- The Infant attended a follow-up monitoring appointment on March 10, 2022, which revealed that the Infant had lost weight since the Infant’s March 7, 2022, medical appointment.
- That on March 11, 2022, the Infant’s father told a DHW social worker that the Infant’s Parents would bring the Infant in for a weight check on March 11, 2022.
- The Infant’s Parents did not bring the Infant in for a weight check on March 11, 2022.
- That the Infant’s Parents were contacted more than once regarding the expected weight check on March 11, 2022.

- The Meridian police went to the Infant’s family’s residence to check on the Infant’s safety on March 11, 2022.
- The Infant’s Parents refused to cooperate, provide information, or let the officers see the Infant when Meridian police went to the Infant’s family’s residence.
- Diego Rodriguez refused to cooperate, provide information, or let the officers see the Infant when Meridian police went to the Infant’s family’s residence.
- The Infant was taken to another location after Meridian police left the Infant’s family’s residence.
- Diego Rodriguez knew the Infant was severely malnourished during the period March 1 through March 11, 2022.
- March 11, 2022, Diego Rodriguez knew the Infant was severely malnourished.
- The Idaho DHW had temporary custody of the Infant beginning late on March 11, 2022.
- St. Luke’s did not have custody of the Infant at any time.
- The Infant was admitted for medical care at St. Luke’s Boise from March 12, 2022 through March 15, 2022.
- St. Luke’s updated the Infant’s Parents on the Infant’s condition during the time the Infant was admitted at St. Luke’s Boise from March 12, 2022 through March 15, 2022.
- St. Luke’s updated the Infant’s Parents on the Infant’s plan of care during the time the Infant was admitted at St. Luke’s Boise from March 12, 2022 through March 15, 2022.
- Diego Rodriguez entered St. Luke’s property on March 15, 2022 to protest.
- Diego Rodriguez solicited payments from third-parties through GiveSendGo in connection with Diego Rodriguez’s narrative about the Infant.
- Diego Rodriguez knew that the Infants’ Parents were receiving government benefits to cover any medical care from St. Luke’s for the Infant in March 2022.
- Diego Rodriguez knew that the Infants’ Parents would owe no money to St. Luke’s for any medical care for the Infant in March 2022.
- Diego Rodriguez coordinated with Ammon Bundy to plan the disruption at St. Luke’s during the period March 11 through March 18, 2022.
- Diego Rodriguez coordinated with the People’s Rights Network to plan the disruption at St. Luke’s during the period March 11 through March 18, 2022.
- Diego Rodriguez coordinated with Ammon Bundy for Governor to plan the disruption at St. Luke’s during the period March 11 through March 18, 2022.
- Rodriguez coordinated with Freedom Man PAC to plan the disruption at St. Luke’s during the period March 11 through March 18, 2022.
- Diego Rodriguez coordinated with Freedom Man Press LLC to plan the disruption at St. Luke’s during the period March 11 through March 18, 2022.
- Diego Rodriguez coordinated with Ammon Bundy to carry out the disruption at St. Luke’s during the period March 11 through March 18,
- Diego Rodriguez coordinated with the People’s Rights Network to carry out the disruption at St. Luke’s during the period March 11 through March 18, 2022.
- Diego Rodriguez coordinated with Ammon Bundy for Governor to carry out the disruption at St. Luke’s during the period March 11 through March 18, 2022.

- Diego Rodriguez coordinated with Freedom Man PAC to carry out the disruption at St. Luke's during the period March 11 through March 18, 2022.
- Rodriguez coordinated with Freedom Man Press LLC to carry out the disruption at St. Luke's during the period March 11 through March 18, 2022.
- Diego Rodriguez coordinated with Ammon Bundy to prepare messaging to the public relating to the Infant.
- Diego Rodriguez coordinated with the People's Rights Network to prepare messaging to the public relating to the Infant.
- Diego Rodriguez coordinated with Ammon Bundy for Governor to prepare messaging to the public relating to the Infant.
- Diego Rodriguez coordinated with Freedom Man PAC to prepare messaging to the public relating to the Infant.
- Diego Rodriguez coordinated with Freedom Man Press LLC to prepare messaging to the public relating to the Infant.
- Diego Rodriguez has disclosed the Infant's personal health information publicly online.
- Diego Rodriguez knew that St. Luke's cannot disclose personal health information publicly.
- Diego Rodriguez has a net worth of over \$10 million dollars as of the date of this request.
- 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 categories and topics of evidence, which are properly a part of this case, are in the control of Defendant Diego Rodriguez, who, without satisfactory explanation, has failed to provide the evidence the documents sought in full. As such, the jury may draw an inference that the missing evidence would have been unfavorable to Defendant Diego Rodriguez, which includes evidence sought through:

- First Set of Interrogatories to Diego Rodriguez;
- Second Set of Interrogatories and First Set of Requests for Production to Diego Rodriguez;
- Third Set of Interrogatories and Second Set of Requests for Production of Documents to Diego Rodriguez;
- 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.

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

**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. \_\_**

**DEFAMATION – ALL PLAINTIFFS**

Plaintiffs contend that Defendant has published false, misleading, and defamatory statements about Plaintiffs directed at third parties. In order to prevail on their claim, Plaintiffs have the burden of proving each of the following elements:

1. The Defendant communicated information concerning the Plaintiffs to others; and
  2. The information impugned the honesty, integrity, virtue or reputation of the Plaintiffs or exposed the Plaintiffs to public hatred, contempt or ridicule; and
  3. The information was false; and
  4. The Defendant knew it was false, or reasonably should have known that it was false;
- and
5. The Plaintiffs suffered actual injury because of the defamation; and
  6. The amount of damages suffered by the Plaintiffs.

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

**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 also Hill v. Stubson*, 2018 WY 70, ¶ 25, 420 P.3d 732, 741.

**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 where the statements fall within the categories of defamation per se because the statements involve (1) a criminal offense; (2) a loathsome disease; (3) a matter incompatible with business, trade, profession, or office; or (4) serious sexual misconduct. The Plaintiffs need not prove actual injury in order to recover damages as to such statements.

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

**INSTRUCTION NO. \_\_**  
**DAMAGES – DEFAMATION**

If the jury decides that each Plaintiff has proved a claim for defamation against Defendant, 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 resulted from 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. If the Defendant is liable for defamation per se, Defendant is also liable for any special harm legally caused by the defamatory publication.

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 Defendant 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**

If you find Defendant publicly disclosed some falsity or fiction concerning Mr. Roth, Dr. Erickson, and/or NP Jungman, Defendant is liable for invasion of Plaintiff(s)' privacy. A disclosure of some falsity of fiction means that, a publication or publications by Defendant was 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**

If the jury finds Plaintiffs have established a cause of action for invasion of privacy, such Plaintiffs are entitled to recover damages for:

1. The harm to such Plaintiffs' 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**

For each of their claims of intentional infliction of emotional distress, Plaintiffs must prove the following four elements:

1. The Defendant's conduct was intentional or reckless;
2. The conduct was extreme and outrageous;
3. There was a causal connection between the wrongful conduct and the emotional distress; and
4. The emotional distress was severe.

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

If the jury finds Plaintiffs have established the elements of the claim of intentional infliction of emotional distress, 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 Defendant's tortious acts or if the Defendant 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**

Plaintiffs SLHS and SLRMC have the burden of proving each of the following propositions:

1. That the Defendant went upon the Plaintiffs' land; and
2. that:
  - (a) The Plaintiffs did not consent to Defendant's entry on Plaintiffs' land; or
  - (b) The Plaintiffs requested Defendant to leave, or otherwise withdrew the

permission to remain and that the Defendant remained on the 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**

If Plaintiffs meet their burden to show that Defendant went on Plaintiffs' property, and that Plaintiffs did not consent to such entry and/or revoked permission and Defendant 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**

If the jury finds Defendant 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, Defendant 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**

If the jury finds Plaintiffs have established that Defendant is liable for a civil trespass pursuant to Idaho Code Section 6-202 subsection (2)(a); Defendant shall be liable for the following damages:

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**

An act or practice is unfair if it is shown to possess a tendency or capacity to deceive consumers. If the jury finds Defendant had a tendency and capacity to mislead, such finding is sufficient for proof of an unfair business practices claim. Plaintiffs need not show actual deception by Defendant. Likewise, proof of intention to deceive is not required for finding that an act is unfair or deceptive.

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**

Plaintiffs contend Defendant Rodriguez violated the Idaho Charitable Solicitations Act.

In order to prevail on its claim against Defendant Rodriguez, Plaintiffs have the burden of proving each of the following propositions:

1. Defendant engaged in charitable solicitation;
2. In so doing, Defendant used unfair, false, deceptive, misleading, or unconscionable acts or practices;
3. Plaintiffs were damaged by Defendant's false, deceptive, misleading, or unconscionable acts or practices made or committed in connection with the charitable solicitation.

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 Defendants liable for each individual act of the other Defendants.

If the jury finds there was an agreement between Defendant Rodriguez and one or more of the Defaulted Defendants, including Ammon Bundy, Ammon Bundy for Governor, Freedom Man Press LLC, Freedom Man PAC, and the People’s Rights Network, to accomplish an unlawful objective or to accomplish a lawful objective in an unlawful manner, a civil conspiracy exists.

If the jury has found a civil conspiracy between Defendant Rodriguez and one or more Defaulted Defendant exited, each of the Defendants that has been found to be part of the conspiracy is liable for the acts of the other Defendants, including Defendant Rodriguez.

*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**

If Plaintiffs prove by clear and convincing evidence that the Defendant's acts which proximately caused injury to the Plaintiffs were an extreme deviation from reasonable standards of conduct and that these acts were malicious, fraudulent, oppressive or outrageous you may, in addition to any compensatory damages to which you find the Plaintiff entitled, award to Plaintiff an amount which will punish the Defendant and deter the Defendant and others from engaging in similar conduct in the future.

IDJI 9.20 - Punitive damages (modified).

**INSTRUCTION NO. \_\_**

**PUNITIVE DAMAGES – CONSIDERATION OF WEALTH**

You have heard evidence pertaining to 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 Defendant(s), 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).

## 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

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People's Rights Network  
c/o Ammon Bundy  
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*/s/ Erik F. Stidham*

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Erik F. Stidham  
OF HOLLAND & HART LLP