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*Counsel for Plaintiffs*

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

ST. LUKE'S HEALTH SYSTEM, LTD; ST.  
LUKE'S REGIONAL MEDICAL CENTER,  
LTD; CHRIS ROTH, an individual;  
NATASHA D. ERICKSON, MD, an  
individual; and TRACY W. JUNGMAN, NP,  
an individual,

Plaintiffs,

vs.

AMMON BUNDY, an individual; AMMON  
BUNDY FOR GOVERNOR, a political  
organization; DIEGO RODRIGUEZ, an  
individual; FREEDOM MAN PRESS LLC, a  
limited liability company; FREEDOM MAN  
PAC, a registered political action committee;  
and PEOPLE'S RIGHTS NETWORK, a  
political organization and an unincorporated  
association,

Defendants.

Case No. CV01-22-06789

**PLAINTIFFS' SECOND PROPOSED  
JURY INSTRUCTIONS**

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 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

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 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.

The Court has entered orders of default against each of the Defendants in this case. Default was entered against Defendant Diego Rodriguez, who appeared in the lawsuit and made a number of court filings, but refused to provide discovery responses and violated multiple Court orders. The Court entered default against him as a sanction for this conduct in the lawsuit and because his refusal to provide discovery harms Plaintiffs' ability to prosecute their claims. Default was entered against the other Defendants because they did not appear in the lawsuit to defend against Plaintiffs' claims.

Under Idaho law, when a defendant has default entered against him, the factual allegations of the plaintiff's complaint are considered established. This means that you the jury are to consider the factual allegations of the Plaintiffs' Fourth Amended Complaint as established and true. The

purpose of default is to make up for the defaulting party's absence in the lawsuit—and thus the failure to provide discovery and evidence in the case.

Because the factual allegations of the Fourth Amended Complaint are established, Defendants' liability for Plaintiffs' claims is established.

What has not been established—and what you the jury will decide—is the amount of each Plaintiff's damages.

The Court has also entered orders of sanctions against each of the Defendants for violations of their discovery obligations. Relevant to your decisions on the amount of each Plaintiff's damages, the Defendants were sanctioned by not being permitted to introduce evidence that they did not disclose in discovery. This sanction is intended to help correct the harm to the Plaintiffs' ability to prove the amount of their damages.

I will read through the elements of the Plaintiffs' claims a little later for your background and context. There are several types of legal claims brought by the Plaintiffs, and the types and measures of damages differ depending on the claim.

In determining damages, you may consider only the evidence admitted at trial, the factual allegations of the Fourth Amended Complaint, and the inferences described later in these instructions. The evidence presented at trial consists of the testimony of the witnesses and the exhibits admitted into evidence. The law does not require you to believe all of the evidence admitted in this case. As the sole judges of the facts regarding damages, you must determine what evidence relating to damages 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 concerning damages in this case.

IDJI 1.00 – Introductory instruction to jury (modified); *see also 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 THE CASE**

[To be filed separately, due July 7, 2023, per the Court's June 30, 2023 order.]

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

**CAUSATION**

For each of the claims, Plaintiffs must establish that Defendants 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 a 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. \_\_**

**ADVERSE INFERENCE INSTRUCTION**

Certain evidence relevant to this case is in the control of Defendants, who, without satisfactory explanation, have failed to provide the evidence in discovery during this lawsuit. You the jury must draw the inference that the missing evidence would have been unfavorable to Defendants. You should make the following inferences:

1. You shall assume that Ammon Bundy communicated with others about this lawsuit, and that such communications support the Plaintiffs claim for compensatory damages and punitive damages.
2. You shall assume that Ammon Bundy raised money and collected money for himself and the other the Defendants, and that the amount of money raised and collected supports the Plaintiffs claims for compensatory damages and punitive damages.
3. You shall assume that Ammon Bundy owns real property, and that his ownership of real property supports the Plaintiffs claims for punitive damages.
4. you shall assume that Ammon Bundy's assets supports the Plaintiffs claims for punitive damages.
5. You shall assume that Ammon Bundy's net worth supports Plaintiffs' claims for punitive damages.
6. You shall assume that Ammon Bundy's owns limited liability companies, partnerships, and corporations and that he is a beneficiary of trust, which supports Plaintiffs' claims for punitive damages.

7. You shall assume that the documents, correspondence, texts, and emails that Ammon Bundy failed to produce supported Plaintiffs' allegations and support Plaintiffs' claims for compensatory damages and punitive damages.

8. You shall assume that there were documents, including text messages, emails, or other communications, that Bundy exchanged with other Defendants relating to this lawsuit, and that the communication between Bundy and the other Defendants support Plaintiffs' allegations and support Plaintiffs' claims for damages and claims for punitive damages.

9. You shall assume that there is evidence showing contracts and business relationships between Bundy (or any of the entities he owns or controls) and Defendant Diego Rodriguez (or any entity Diego Rodriguez owns or controls) and that the evidence supports Plaintiffs' claims for compensatory damages and punitive damages.

10. You shall assume that the tax returns support Plaintiffs' claim for punitive damages.

11. You shall assume that Bundy called, texted, and email others in order to disrupt and interfere with St. Luke's operations.

12. You shall assume Bundy called, texted and emailed others directing them to pressure and influence the Plaintiffs in this case.

13. You shall assume that Ammon Bundy's tax returns support Plaintiffs' claims for punitive damages.

14. You shall assume that Ammon Bundy has financial documents, including statements of his net worth which support Plaintiffs' claims for punitive damages.

15. You shall assume that there is evidence of financial transactions between Ammon Bundy and PRN and that the evidence supports Plaintiffs' claims against Bundy for compensatory and punitive damages.

16. You shall assume that there is evidence of transactions between Bundy and Diego Rodriguez and that the evidence supports Plaintiffs' allegations, claims for compensatory damages, and claims for punitive damages.

17. You shall assume that Ammon Bundy has documents showing financial transactions with Ammon Bundy for Governor, and that such evidence supports Plaintiffs' claims for compensatory damages, and claims for punitive damages.

18. You shall assume that Ammon Bundy has documents relating to Dono Custos, Inc., and that such evidence supports Plaintiffs' claims for compensatory damages, and claims for punitive damages.

19. You shall assume that Ammon Bundy has documents relating to Abish husbandi Inc., and that such evidence supports Plaintiffs' claims for compensatory damages and claims for punitive damages.

20. You shall assume that Ammon Bundy for Governor has communications with the other Defendants that relate to the lawsuit and that the communications support Plaintiffs' claims for compensatory damages and punitive damages.

21. You shall assume that communications between PRN and the other Defendants exist and those communications support Plaintiffs' claims for compensatory and punitive damages.

22. You shall assume that PRN asked others to call, text, email, protest, or otherwise disrupt or interfere with St. Luke's operations, and that such evidence supports Plaintiffs' claims for compensatory and punitive damages.

23. You shall assume People's Rights Network asked others to call, text, email, protest, dox, pressure, or influence the Plaintiffs, and that such evidence supports Plaintiffs' claims for compensatory damages and punitive damages.

24. You shall assume that money was transferred between PRN and the other Defendants and that the transfers support Plaintiffs' claims for compensatory damages and punitive damages.

25. You shall assume that financial documents showing the money collected by PRN during and after the events underlying this lawsuit exist and that the documents support Plaintiffs' claims for compensatory damages and punitive damages.

26. You shall assume that People's Rights Network gave, paid, donated, or otherwise transferred money to the other Defendants (or to the entities owned by the other Defendants), and that such money transfers support Plaintiffs' claims for compensatory damages or punitive damages.

27. You shall assume that Diego Rodriguez has various sources of income, and that such evidence relating to those sources of income support Plaintiffs' claims for compensatory damages and punitive damages.

28. You shall assume that Diego Rodriguez's net worth supports Plaintiffs' claims for punitive damages.

29. You shall assume that Diego Rodriguez communicated with Ammon Bundy about the events underlying this lawsuit, and that such communications support Plaintiffs' claims for compensatory damages and punitive damages.

30. You shall assume that there are contracts or business relationships between Diego Rodriguez (or any of the entities he owns or controls) and Defendant Ammon Bundy (including People's Rights Network and Abish-Husbondi, Inc.) and that those contracts and relationships support Plaintiffs' claims for compensatory damages and punitive damages.

31. You shall assume that Diego Rodriguez's tax returns for the years 2021 and 2022 support Plaintiffs claims for compensatory damages and punitive damages.

32. You shall assume that Diego Rodriguez has financial statements of his net worth and that those statements support Plaintiffs' claims for compensatory damages and punitive damages.

33. You shall assume that there is evidence of Diego Rodriguez's assets and that such evidence supports Plaintiffs' claims for compensatory damages and punitive damages.

34. You shall assume there is evidence of financial transactions between Diego Rodriguez and Freedom Tabernacle, Inc. and that the evidence supports Plaintiffs' claims for compensatory and punitive damages.

35. You shall assume that there is evidence of financial transactions between Bundy and Diego Rodriguez and that the evidence supports Plaintiffs' claims for compensatory damages and punitive damages.

36. You shall assume that evidence exists of financial transactions between Diego Rodriguez and the Bundy for Governor Campaign and that the evidence supports Plaintiffs' claims for compensatory damages and for punitive damages.

37. You shall assume that evidence transactions involving Power Marketing Agency, LLC exists and that the evidence supports Plaintiffs' claims for compensatory damages and punitive damages.

*See State v. Ish*, 166 Idaho 492, 514, 461 P.3d 774, 796 (2020); *Courtney v. Big O Tires, Inc.*, 139 Idaho 821, 824, 87 P.3d 930, 933 (2003); Plaintiffs' Proposed Adverse Inferences (citing and explaining relevant discovery requests), filed July 6, 2023.

**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.

Defendants’ liability for the claims brought by Plaintiffs has been established. Plaintiffs, however, have the burden of proof as to the amount of damages.

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. \_\_**  
**DEFAMATION – ALL PLAINTIFFS**

It has been established that:

1. The 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 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 Defendants. You must determine the amount of money that will reasonably and fairly compensate each Plaintiff for each of the following elements of damages proven by the evidence to have been proximately caused by each Defendant’s defamation:

1. Economic or pecuniary loss,
2. Failure to realize a reasonable expectation of gain due to reputational harm, and
3. Emotional distress and bodily 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**

It has been established that the Defendants placed Mr. Roth, Dr. Erickson, and NP Jungman in a false light in the public eye by publicly disclosing 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 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**

Mr. Roth, Dr. Erickson, and NP Jungman have each established a claim for invasion of privacy against the Defendants. You must determine the amount of money that will reasonably and fairly compensate Mr. Roth, Dr. Erickson, and NP Jungman for each of the following elements of damages proven by the evidence to have been proximately caused by each Defendant's invasion of privacy:

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

Restatement 2d of Torts, § 652H.

**INSTRUCTION NO. \_\_**

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

It has been established that:

1. Defendants engaged in intentional or reckless conduct
2. That was extreme and outrageous
3. Causing severe emotional distress.

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.

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.

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

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

Mr. Roth, Dr. Erickson, and NP Jungman have established the elements of the claim of intentional infliction of emotional distress. You must determine the amount of money that will reasonably and fairly compensate Mr. Roth, Dr. Erickson, and NP Jungman for each of the following elements of damages proven by the evidence to have been proximately caused by each Defendant's intentional infliction of emotional distress:

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 that is the expected result of the Defendants' tortious acts or if the Defendants intended that result. Your determination of the amount of damages for this sort of emotional distress may be affected by the fact that the Defendants' conduct is intentional or 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, for treatment, or hospitalization. It may also include reasonable expenses for substitute help hired by the injured person to do their 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 – ST. LUKE’S

It has been established that:

1. Defendants Ammon Bundy and Diego Rodriguez went upon St. Luke’s land;
2. St. Luke’s did not consent to Ammon Bundy’s and Diego Rodriguez’s entry on the land;
3. St. Luke’s requested Ammon Bundy and Diego Rodriguez leave, or otherwise withdrew the permission to remain; and
4. Ammon Bundy and Diego Rodriguez remained on the land after being requested to leave or otherwise having permission to remain withdrawn.

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 “willful 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 – ST. LUKE’S**

St. Luke’s has established the elements of the claim of common law trespass against Ammon Bundy and Diego Rodriguez. You must determine the amount of money that will reasonably and fairly compensate St. Luke’s for its damages proven by the evidence to have been proximately caused by the trespasses.

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

**INSTRUCTION NO. \_\_**

**STATUTORY TRESPASS (IDAHO CODE SECTION 6-202) – ST. LUKE’S**

It has been established that Defendants Ammon Bundy and Diego Rodriguez entered or remained upon the real property of St. Luke’s without permission.

To remain means to fail to depart from the real property of another immediately when notified to do so by the owner or its agent.

Idaho Code Section 6-202 *et seq.*



**INSTRUCTION NO. \_\_**

**DAMAGES – STATUTORY TRESPASS (IDAHO CODE SECTION 6-202) – ST. LUKE’S**

St. Luke’s has established that Defendants Ammon Bundy and Diego Rodriguez are liable for civil trespass pursuant to Idaho Code Section 6-202 subsection (2)(a). Defendants Ammon Bundy and Diego Rodriguez are 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 trespasses.

Idaho Code Section 6-202 *et seq.*

**INSTRUCTION NO. \_\_**

**VIOLATION OF THE IDAHO CHARITABLE SOLICITATION ACT (IDAHO CODE TITLE 48, CHAPTER 12) – ALL PLAINTIFFS**

It has been established that Defendants Diego Rodriguez and Freedom Man Press, LLC, violated the Idaho Charitable Solicitation Act by:

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

The jury must determine the amount of damages suffered by Plaintiffs due to Diego Rodriguez's and 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 48-1201 *et seq.*

**INSTRUCTION NO. \_\_**

**DAMAGES - VIOLATION OF THE IDAHO CHARITABLE SOLICITATION ACT  
(IDAHO CODE TITLE 48, CHAPTER 12)**

Plaintiffs have established that Defendants Diego Rodriguez and Freedom Man Press, LLC violated the Idaho Charitable Solicitation Act. Defendants Diego Rodriguez and Ammon Bundy are liable for damages caused by the violation(s).

Damages, for purposes of the Idaho Charitable Solicitation Act, include loss, detriment or injury, whether to person, property, reputation or rights.

Idaho Code Section 48-1202.

**INSTRUCTION NO. \_\_**

**PUNITIVE DAMAGES**

If Plaintiffs prove by clear and convincing evidence that the acts of the Defendants 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 Plaintiffs entitled, award to each Plaintiff an amount which will punish each Defendant 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 may hear 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 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).

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

**THE COMPLAINT**

As I mentioned earlier, you are to consider the factual allegations of the Fourth Amended Complaint as established and true. So that you understand what these allegations are, I will now read to you the Fourth Amended Complaint.

## CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of July, 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  
People's Rights Network  
c/o Ammon Bundy  
P.O. Box 370  
Emmett, ID 83617

- U.S. Mail 7/7/23
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

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

- U.S. Mail 7/7/23
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

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

- U.S. Mail 7/7/23
- 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*

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Erik F. Stidham  
OF HOLLAND & HART LLP