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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' ADDITIONAL
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 additional 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 also request that the following additional jury instructions be used.

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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 support 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 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 support Plaintiffs' allegations and 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 compensatory damages and 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 emailed 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 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 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 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 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-husbandi, 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 punitive damages.

37. You shall assume that evidence of 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. _____

REQUESTS FOR ADMISSION – EFFECT OF FAILURE TO RESPOND

During litigation a party may serve on any other party a written request to admit or deny the truth of any matter relevant to a party's claims or defenses. These requests are called "requests for admission." Requests for admission ask a party to admit the truth of facts and positions. Requests for admission may also ask a party to admit that a document or file is genuine, meaning that the document or file is what it purports to be.

If the party to whom the requests for admission are directed fails to serve a written answer or objection to the requests for admission within 30 days of being served with them, the matters stated in the requests for admission are considered admitted. When a matter subject to a request for admission is admitted, the matter stated in each request is established for purposes of trial.

See Idaho Rules of Civil Procedure 36 and 26(b)(1).

INSTRUCTION NO. __

**ST. LUKE’S HEALTH SYSTEM LTD. AND ST. LUKE’S REGIONAL
MEDICAL CENTER LTD.**

St. Luke’s Health System Ltd. and St. Luke’s Regional Medical Center Ltd. are separate corporate entities. Due to their entity structure and financial organization, however, for purposes of any damages you may award, the damages may be awarded to them both collectively. The purpose of having one collective award as between St. Luke’s Health System Ltd. and St. Luke’s Regional Medical Center, Ltd. is to avoid the risk of duplicative or double damages to St. Luke’s Health System Ltd. and St. Luke’s Regional Medical Center Ltd. Thus, in these instructions, and in the Special Verdict Form you will receive, the two St. Luke’s entities will be referred to collectively as “St. Luke’s.”

INSTRUCTION NO. __

CIVIL CONSPIRACY

The elements of a civil conspiracy have been established in this case. Civil conspiracy is not a separate claim. Rather, the existence of a civil conspiracy makes all defendants liable for each individual act of the other defendants taken in furtherance of the conspiracy. Thus, while you have heard the term “civil conspiracy” in this case, you will not be asked to decide an amount of damages due to the existence of a civil conspiracy because it is not a separate claim.

See Tricore Invs. LLC v. Estate of Warren, 168 Idaho 596, 626, 485 P.3d 92, 122 (2021); *Highland Enters. v. Barker*, 133 Idaho 330, 342, 986 P.2d 996, 1008 (1999).

CERTIFICATE OF SERVICE

I hereby certify that on this 18th 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
- 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
- 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
- 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

/s/ Erik F. Stidham

Erik F. Stidham
OF HOLLAND & HART LLP