

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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TAMARIN LINDENBERG, Individually )  
and as Natural Guardian of SML )  
and Zachery Lindenberg, )  
individually )  
 )  
Plaintiff, )  
 )  
VS. ) Civil Action No. 13-2657-JPM-cgc  
 )  
JACKSON NATIONAL LIFE INSURANCE, )  
COMPANY )  
 )  
Defendant. )

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SUPPLEMENTAL JURY INSTRUCTION NO. 1

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The jury has submitted the following question to the Court:

Question: We need question clarified. Is the way the question is worded "Do you find the defendant's refusal to pay the death benefit was not in good faith?" is that same as saying the refusal to pay was in bad faith?

Answer: The answer to your question is "No, they are not the same." Under Tennessee law, the Plaintiff bears the burden of establishing that the Defendant's refusal to pay was not in good faith. Let me explain further. A single failure to act in good faith is insufficient and does not equal "bad faith" under the statute if another reasonable basis for refusal to pay was asserted. The

Plaintiff must prove a lack of good faith as to each asserted grounds  
relied on by the Defendant at the time of refusal to pay.

Remember, you must follow the law as I explained it to you whether  
you agree with that law or not; and you must follow all of my  
instructions as a whole. You may not single out, or disregard, any  
of the Court's instructions on the law.