

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. 2

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The jury has submitted the following question to the Court:

Question 1: Regarding question #3 on the jury verdict form: If we answer "yes" to question #1, do we have to answer "yes" to question #3?

Answer: No.

Question 2: Please define characteristics of good faith. Please define characteristics of bad faith.

Answer: You have previously been provided instructions regarding the law in Tennessee regarding "bad faith." Additionally, you have been provided a Supplemental Jury Instruction No. 1. These are the instructions that you should review and follow since they constitute the applicable law in the case. Remember that it is you, the Jury, who make all determinations as to fact on each of the disputed issues in the case.

Question 3: Does one act of "good faith" (however small it may be) negate bad faith?

Answer: You should focus your determination on the evidence as a whole. A minor or insignificant act of "good faith" that did not actually motivate the Defendant's decision would usually be insufficient if, when taken as a whole, it is your determination that there was no reasonable ground for the Defendant's decision. This, of course, is all for you the Jury to decide.

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.