

**LEWISTON, THURSDAY, APRIL 9, 2026, AT 8:45 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>ERIC POSEY,</b>	)	
	)	
<b>Plaintiff-Respondent,</b>	)	
	)	
<b>v.</b>	)	
	)	<b>Docket No. 52072</b>
<b>SUMMER BUSHNELL,</b>	)	
	)	
<b>Defendant-Appellant,</b>	)	
	)	

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Appeal from the District Court of the First Judicial District of the State of Idaho, Kootenai County. Ross Pittman, District Judge.

Summer Bushnell, Pro Se, for Appellant.

Stoel Rives LLP, Boise, for Respondent.

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Summer Bushnell is appealing a jury verdict that found her liable for defaming Eric Posey. In June 2022, Posey performed on stage at a drag show in Coeur d' Alene City Park. The performance was attended by members of the public, including children. Bushnell did not attend the show, though she obtained a video recording of Posey's performance in it. On social media, Bushnell posted a video of herself describing what she saw in the video, claiming that Posey had "flashed his genitalia" during the performance, and asking why Posey hadn't been arrested. Bushnell then uploaded an edited version of Posey's performance to social media, blurring out the area around his crotch and claiming that the blurred area covered "fully exposed genitalia." Posey sued Bushnell for defamation, alleging that Bushnell had lied about his performance for the sake of gaining popularity. The case went to trial, and the jury found in favor of Posey, awarding him \$926,000 in compensatory damages and \$250,000 in punitive damages.

Bushnell appeals the district court's judgment giving effect to the jury's verdict. She alleges that the district court committed ten errors. She claims that the district court erred by: (1) not requiring proof of loss or evidence of damages before allowing the jury to consider punitive damages; (2) failing to provide an expanded jury instruction on punitive damages; (3) ignoring her second Amended Requested Jury Instructions and Verdict Form; (4) providing the jury with the verdict form actually used; (5) allowing the jury to consider damages after Posey admitted that she was not the cause of his job loss; (6) misapplying Idaho Code section 16-1604, regarding punitive damages; (7) failing to provide adequate jury guidance on the damages awarded; (8) failing to properly apply Idaho Rules of Civil Procedure Rule 47(f); (9) inconsistently applying the law because one judge deemed her to be a "media defendant" and another did not; and (10) holding that Posey was not a Limited Purpose Public Figure. Posey defends the district court's judgment and argues that the appeal should be dismissed.