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

ABBY M. BEARD, an individual, T.B., an)	Case No. CV08-26-00077
individual as a minor at the time, and)	
TREYSON BEARD, an individual,)	DEFENDANT LINDSTROM'S
)	ANSWER AND COUNTERCLAIM
Plaintiffs,)	
)	
v.)	
)	
DARRELL "LINDY" LINDSTROM, an)	
individual, LLOYD ASHER, an individual,)	
and BO FISHER, an individual,)	
)	
Defendants.)	
)	
_____)	
DARRELL "LINDY" LINDSTROM,)	
individually,)	
)	
Counterclaimant,)	
)	
v.)	
)	
ABBY M. BEARD, an individual, T.B., an)	
individual as a minor at the time, and)	
TREYSON BEARD, an individual,)	
)	
Counter-Defendants.)	
_____)	

The above-named Defendant, Darrell “Lindy” Lindstrom, by and through his undersigned counsel of record, submits the following Answer to the Complaint and Demand for Jury Trial filed herein on March 26, 2026.

GENERAL RESPONSES

1. Defendant, Darrell “Lindy” Lindstrom, (“Lindstrom”) denies each and every allegation of the Complaint not specifically admitted herein.

2. Lindstrom admits the allegations contained in paragraphs 4, 5, 6, 7, 8 and 13.

3. Lindstrom denies the allegations contained in paragraphs 29, 33, 34, 35, 36, 37, 38, 40, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and Plaintiffs’ Prayer for Relief.

4. Lindstrom is without sufficient knowledge to admit or deny the allegations contained in the following paragraphs, and on that basis denies such allegations: 1, 2, 3, 10, 12, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 39, 41, 42, 43, 44, 45, 47 and 48.

5. Answering paragraph 11, Lindstrom admits that there were men on jet skis on the Payette River north of Horseshoe Bend. Lindstrom denies the remaining allegations of paragraph 11.

6. Answering paragraph 14, Lindstrom admits that T.B. directed gestures at the group of men. Lindstrom denies the remaining allegations of paragraph 14.

7. Answering paragraph 21, Lindstrom admits that one or more people may have been filming. Lindstrom denies the remaining allegations of paragraph 21.

8. Answering paragraph 23, Lindstrom admits that Abby had possession of a knife. Lindstrom denies the remaining allegations of paragraph 23.

9. Answering paragraph 27, Lindstrom admits that he came to the beach with other individuals. Lindstrom denies that he “returned” to the beach and denies the remaining allegations of paragraph 27.

10. Answering paragraph 30, Lindstrom admits that Abby approached Asher. Lindstrom denies the remaining allegations of paragraph 30.

11. Answering paragraph 31, Lindstrom admits that Abby brandished a knife. Lindstrom denies the remaining allegations of paragraph 31.

12. Answering paragraph 32, Lindstrom admits that he grabbed the knife and that Abby’s hands were on the knife at the time he grabbed it. Lindstrom denies the remaining allegations of paragraph 32.

13. Answering paragraph 46, Lindstrom admits that he was an elected Boise County Commissioner. Lindstrom denies the remaining allegations of paragraph 46.

14. Paragraphs 70 and 71 call for a legal conclusion and on that basis Lindstrom denies the allegations of paragraphs 70 and 71.

15. Paragraphs 9, 28, 49, 57, 69 and 75 do not require an answer.

First Affirmative Defense

Plaintiff’s Complaint fails to state a claim upon which relief may be granted.

Second Affirmative Defense

No act or omission on the part of Lindstrom was the proximate cause of Plaintiffs’ alleged damages.

Third Affirmative Defense

The acts or omissions of Counter-Defendants or persons or entities other than Lindstrom constitute comparative negligence, which bars or reduces Plaintiffs’ recovery

against Lindstrom, if any, pursuant to Chapter 8, Title 6 of the Idaho Code, and other applicable law.

Fourth Affirmative Defense

Plaintiffs failed to mitigate their damages, if any, and consequently, their right to recover against Lindstrom, if any, is thereby reduced or barred.

Fifth Affirmative Defense

Plaintiffs' claims are barred by waiver, laches and/or unclean hands.

Sixth Affirmative Defense

Plaintiffs' claims are barred under the doctrine of estoppel.

Seventh Affirmative Defense

Plaintiffs' claims are barred under the waiver doctrine.

Eighth Affirmative Defense

Plaintiffs' claims are barred, in whole or in part, by the fact that their damages, if any, were proximately caused, in whole or in part, by superseding and/or intervening acts or omissions of the Plaintiffs, and/or by superseding and/or intervening forces other than those controlled by Lindstrom.

Ninth Affirmative Defense

The alleged damages complained of by Plaintiffs were proximately caused by an intervening cause, including, but not limited to, the conduct of third parties.

Tenth Affirmative Defense

Preexisting condition – Plaintiffs' alleged injuries, conditions or emotional distress existed prior to the events alleged in the Complaint and were not caused by Lindstrom.

Eleventh Affirmative Defense

Collateral Source Payments – Plaintiffs’ claimed damages have been reduced, satisfied or offset by payments from collateral sources.

Twelfth Affirmative Defense

Lindstrom complied with his applicable duties and obligations in all respects.

Thirteenth Affirmative Defense

No act or omission on the part of Lindstrom was the proximate cause of Plaintiffs’ alleged damages.

Fourteenth Affirmative Defense

Plaintiffs’ alleged damages, if any, were not caused by the conduct of Lindstrom and/or were otherwise caused by Plaintiffs’ own negligence, fault or wrongful conduct.

Fifteenth Affirmative Defense

Plaintiffs’ claims against Lindstrom are barred because they failed to name an indispensable party.

Sixteenth Affirmative Defense

Plaintiffs’ claims are barred, in whole or in part, by the fact that the acts or omissions of Lindstrom, if any, were conducted in good faith and with a reasonable belief that such acts and/or omissions, if any, were not in violation of the law.

Reservation of Defenses

Lindstrom, by virtue of pleading the defenses above, does not admit that the aforementioned defenses are affirmative defenses within the meaning of applicable law, and does not thereby assume a burden of proof or production not otherwise imposed upon him as a matter of law. In addition, in asserting any of the above defenses, Lindstrom does

not admit any fault, responsibility, liability or damage, but to the contrary expressly denies the same. Discovery on the Complaint has not commenced, the results of which may disclose the existence of facts supporting further and additional defenses. Lindstrom, therefore, reserves the right to seek leave of this Court to amend this Answer as it deems appropriate. Lindstrom reserves the right, after discovery, to amend this answer to add additional affirmative defenses supported by the facts, and a failure to include all such defenses in this Answer shall not be deemed a waiver of any right to further amend this Answer.

ATTORNEY'S FEES

16. Lindstrom has been required to retain Ron R. Shepherd of the law firm of R. Shepherd Law, PLLC, dba Shep Law Group, duly licensed and practicing attorney of the state of Idaho, to defend this action. Lindstrom is therefore entitled to recover his attorney fees reasonably incurred in this action under Idaho Code § 12-121.

PRAYER FOR RELIEF

WHEREFORE, Lindstrom prays for relief as follows:

1. That the Complaint be dismissed with prejudice and the Plaintiffs take nothing thereunder;
2. That Lindstrom be awarded his costs incurred herein; and
3. That Lindstrom be awarded his attorney's fees incurred herein.

COUNTERCLAIM

Lindstrom, for his cause of action against Counter-Defendants, Abby M. Beard, T.B. a minor, and Treyson Beard, complains and alleges as follows:

INTRODUCTION

On August 23, 2025, Lindstrom and some of his family, friends and their children were having a peaceful and enjoyable raft trip down the Payette River, as Lindstrom has done numerous times. At one point during the raft trip, a group of individuals who were on the bank of the river became belligerent, using threatening and vulgar language and gestures toward Lindstrom's rafting group. The belligerent group ultimately turned violent on at least one of the members of Lindstrom's group. When Lindstrom went to the aid of his friend and to investigate and identify the perpetrators who committed an assault and battery, Counter-Defendant, Abby Beard ("Abby"), pulled a knife. Lindstrom took decisive action to stop Abby from committing violence with the deadly weapon and in the process of doing so Lindstrom was beaten and battered by Counter-Defendants T.B. ("T.B.") and Treyson Beard ("Treyson"). Lindstrom was ultimately successful in eliminating the threat of the deadly weapon, and Lindstrom and his friends left the area. Despite being encouraged by law enforcement to press charges against Abby, T.B. and Treyson, Lindstrom and his friends elected not to pursue criminal charges and proceeded with their raft trip. By this action, Lindstrom now seeks to recover his damages from being assaulted and battered by Abby, T.B. and Treyson.

INCORPORATED BY REFERENCE

Lindstrom restates and incorporates herein by reference the answers and responses contained in his Answer as though fully set forth herein. Additionally, each allegation of this Counterclaim applies to each count whether stated under such count or not.

PARTIES

1. Lindstrom is an adult resident of Boise County, Idaho.

2. Upon information and belief, Counter-Defendant Abby is an adult resident of Ada County, Idaho.

3. Upon information and belief, Counter-Defendant T.B. is a resident of Ada County, Idaho.

4. Upon information and belief, Counter-Defendant Treyson is an adult resident of Ada County, Idaho.

JURISDICTION AND VENUE

5. Jurisdiction is proper under Idaho Code § 1-705 in the state of Idaho.

6. Venue is proper under Idaho Code § 5-401 in Boise County because one or more of the Defendants named in Plaintiffs' Complaint is a resident of Boise County.

GENERAL ALLEGATIONS COMMON TO ALL COUNTS

7. On August 23, 2025, Lindstrom was rafting the main Payette River with his family, friends and his friends' minor children.

8. Lindstrom and his family and friends were rafting the Payette River, as Lindstrom has done on many, many occasions having been a resident of Boise County his entire life.

9. The raft trip was fun and relatively uneventful until a group of what appeared to be adults that were on the riverbank began yelling profanities, making profane gestures and otherwise disturbing the peace of Lindstrom and his rafting party.

10. Despite the belligerent and vulgar conduct of the unidentified group, Lindstrom continued with his raft trip and proceeded past the belligerent group.

11. At some point after passing the belligerent group, Lloyd Asher ("Asher"), who was in Lindstrom's rafting group but on a jet ski, came to the raft group to drop off

his two children that were on his jet ski with him and informed Lindstrom's group that another member of their group, Milo Kennedy ("Kennedy"), had been assaulted and battered by some of the belligerent group on the bank, including Abby.

12. Upon information and belief, Kennedy suffered injuries that included, among other things, a broken nose.

13. Upon information and belief, Abby struck Kennedy with a knife while the knife was still in the sheath.

14. Lindstrom and another adult, Bo Fisher ("Fisher") accompanied Asher on his jet ski to the location of the belligerent group to aid Kennedy from being further battered and to identify the individual or individuals who committed the battery.

15. Upon Lindstrom and Asher arriving at the riverbank, Abby brandished a knife in a threatening and aggressive manner.

16. Upon realizing that he, Asher and Fisher were in imminent danger, Lindstrom grabbed the knife in an attempt to extricate it from Abby.

17. Lindstrom was not able to immediately extricate the knife from Abby. During the struggle over the knife, T.B. and Treyson began hitting Lindstrom in the back of the head and elsewhere on his body.

18. Ultimately, the knife was extracted from Abby and was tossed into the river to eliminate any threat from the knife.

COUNT I
(Civil Assault v. Abby)

19. Abby brandished the knife with the intent to cause Lindstrom and others an immediate fear that she was going to stab or cut Lindstrom or another person.

20. As a result of Abby brandishing the knife, Lindstrom feared that Abby cutting or stabbing Lindstrom or someone else was imminent.

21. As a result of Abby brandishing the knife and causing Lindstrom to be fearful that she would cut or stab Lindstrom or someone else, Lindstrom took reasonable and necessary steps to grab the knife.

22. As a direct and proximate result of Abby brandishing the knife, Lindstrom suffered a cut on his hand and emotional distress, among other things.

23. Lindstrom has been damaged by Abby's assault in an amount to be proven at trial, but in excess of \$10,000.

COUNT II
(Battery v. T.B. and Treyson)

24. While Lindstrom was taking action to defend himself and others from Abby's assault and to prevent Abby from stabbing or cutting Lindstrom and/or others, T.B. and Treyson began striking Lindstrom about the head, neck and elsewhere on Lindstrom's body.

25. Lindstrom did not consent to T.B. or Treyson striking Lindstrom.

26. As a result of T.B. and Lindstrom striking Lindstrom, Lindstrom suffered damages in the form of pain, suffering and emotional distress, among other things, in an amount to be proven at trial, but in excess of \$10,000.

COUNT III
(Negligence per se v. All Counter-Defendants)

27. In brandishing a deadly weapon in the presence of more than two people, Abby violated Idaho Code §§ 18-3303 and 18-6409.

28. In yelling at, threatening and striking Lindstrom, T.B. and Treyson violated Idaho Code §§ 18-901, 18-903 and 18-6409.

29. The Counter-Defendants' violations of the various statutes set forth above constitute a breach of a duty owed to Lindstrom.

30. As a result of such breach, Lindstrom has been damaged in the form of general pain and suffering and emotional distress, among other things, in an amount to be proven at trial.

**COUNT IV
(Negligence)**

31. Counter-Defendants had a duty to comply with the laws of the State of Idaho to avoid causing harm to Lindstrom, among others.

32. Counter-Defendants violated the law as set forth herein, and in so doing, caused Lindstrom damages in the form of pain, suffering and emotional distress, among other things.

33. Counter-Defendants are therefore liable to Lindstrom for negligence in an amount to be proven and determined at trial.

**COUNT V
(Intentional Infliction of Emotional Distress)**

34. In brandishing a knife in an angry and aggressive manner, Abby intended to cause, and did cause, Lindstrom severe emotional distress.

35. In attacking Lindstrom from behind while he was occupied trying to terminate a deadly threat of Abby brandishing a knife, T.B. and Treyson intended to cause, and did cause, Lindstrom severe emotional distress that caused Lindstrom to lose sleep and shake, among other things.

36. Counter-Defendants are therefore liable to Lindstrom for intentionally inflicting emotional distress upon him in an amount to be proven and determined at trial.

**COUNT VI
(Negligent Infliction of Emotional Distress)**

37. Counter-Defendants' conduct as set forth in this Counterclaim was intentional, reckless, grossly negligent and negligent.

38. Counter-Defendants' conduct as set forth in this Counterclaim caused Lindstrom emotional distress that manifest in Lindstrom losing sleep, and shaking, among other things.

39. Counter-Defendants are therefore liable to Lindstrom for the negligent infliction of emotional distress in an amount to be proven and determined at trial.

PUNITIVE DAMAGES

40. Counter-Defendants' conduct in this matter was extreme, outrageous and warrants punitive damages. Lindstrom therefore expressly reserves the right to seek leave to add a claim for punitive damages against Counter-Defendants under Idaho Code § 6-1604.

ATTORNEY FEES

41. Lindstrom has been required to retain the law offices of Shep Law Group in this action. Lindstrom is entitled to an award of costs and attorney fees incurred in this action under I.R.C.P. 54(d) and 54(e) as well as Idaho Code § 12-121.

PRAYER FOR RELIEF

WHEREFORE, Lindstrom prays for relief against Counter-Defendants as follows:

1. For entry of a money judgment against Counter-Defendants, jointly and severally, in an amount to be proven at trial;

2. For an award of costs incurred in an amount the Court deems reasonable;
3. For an award of attorney's fees incurred herein;
4. For leave to amend this Counterclaim to add a claim for punitive damages;

and

5. For such other and further relief as may be just and equitable.

DEMAND FOR JURY TRIAL

Pursuant to I.R.C.P. 38, Lindstrom hereby respectfully demands a jury trial of twelve people on all issues raised and triable of right by jury.

DATED this 27th day of April 2026

SHEP LAW GROUP

/s/ Ron R. Shepherd
RON R. SHEPHERD
Attorneys for Defendant Lindstrom

