

IN THE IOWA DISTRICT COURT IN AND FOR LINN COUNTY

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ESTATE OF ORVILLE ELLINGSON	)	No. ESPR046961
	)	
	)	ORDER ACCEPTING VERDICT
	)	
	)	

This matter proceeded to jury trial on April 21, 2026. The Plaintiff appeared with Attorney's Robert Hatala and Drew Powell. The Defendant appeared with Attorney's Ross Andrews and Weijing Wu.

On April 22, 2026, the Plaintiff made an opening statement, and the Defendant made an opening statement. Evidence was presented by the Plaintiff. At the conclusion of Plaintiff's evidence, Defendant moved for a motion of directed verdict. Upon hearing the statements of counsel the motion for directed verdict is denied.

The Defendant presented evidence. At the conclusion of Defendant's evidence, Defendant renewed their motion of directed verdict. Upon hearing the statements of counsel the motion for directed verdict is denied. On April 27, 2026, the Court presented counsel with probed Instructions and Verdict Forms, which were reviewed by Plaintiff and Defendant. A record was made concerning objections to the instructions. Counsel then presented final arguments to the jury. The jury instructions, including the Statement of the Case and the Verdict Forms, were read to the jury. The case was submitted to the jury for deliberation on April 28, 2026, at approximately 12:25 PM.

The jury returned their sealed verdict on April 28, 2026, at approximately 3:35 PM. The Court has reviewed the verdict and finds it to be in proper form. The Clerk is directed to enter the same of record.

The jury answered "Yes" to Question No. 1: Did Orville Ellingson lack the mental ability to make the May 22, 2023 Will?

The jury answered "Yes" to Question No. 2: Was Orville Ellingson's May 22, 2023 Will the result of undue influence by Dale Ellingson and/or Diana Niemeier-Ellingson?

The jury answered "Yes" to Question No. 3: Did Dale Ellingson or Diana Niemeier-Ellingson, or both, intentionally interfere with the Plaintiffs' expected inheritance?

The jury answered "Yes" to Question No. 4: Did the Defendants act in concert with each other in intentionally interfering with the Plaintiffs' expected inheritance?

The jury answered "\$1,445,000" to Question No. 7: What are the damages Plaintiffs suffered as a result of Defendant(s)' intentional interference with their expected inheritance?

To the Special Interrogatories

The jury answered "Yes" to Question No. 1: Do you find by a preponderance of clear, convincing and satisfactory evidence the conduct of Dale Ellingson, in intentionally interfering with Plaintiffs' expected inheritance, constituted willful and wanton disregard for the rights or safety of another?

The jury answered "\$40,000" to Question No. 2: What amount of punitive damages, if any, do you award for the conduct of Dale Ellingson?

The jury answered "Yes" to Question No. 3: Was the conduct of Dale Ellingson directed specifically at the Plaintiffs?

The jury answered "Yes" to Question No. 4: Do you find by a preponderance of clear, convincing and satisfactory evidence the conduct of Diana Niemeier-Ellingson, in intentionally interfering with Plaintiffs' expected inheritance, constituted willful and wanton disregard for the rights or safety of another?

The jury answered "\$40,000" to Question No. 5: What amount of punitive damages, if any, do you award for the conduct of Diana Niemeier-Ellingson?

The jury answered "Yes" to Question No. 6: Was the conduct of Diana Niemeier-Ellingson directed specifically at the Plaintiffs?

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the May 22, 2023 Will of Orville Ellingson is hereby set aside and declared invalid, the jury having found by the requisite burden of proof that Orville Ellingson lacked the mental capacity to execute the same and that the Will was the product of undue influence by Dale Ellingson and/or Diana Niemeier-Ellingson.

IT IS FURTHER ORDERED that judgment is entered in favor of the Plaintiffs and against Defendants Dale Ellingson and Diana Niemeier-Ellingson, jointly and severally, in the amount of \$1,445,000.00 for intentional interference with expected inheritance, together with interest as provided by law.

IT IS FURTHER ORDERED that judgment is entered in favor of the Plaintiffs and against Defendant Dale Ellingson in the amount of \$40,000.00 in punitive damages, the jury having found that his conduct constituted willful and wanton disregard for the rights or safety of another and was directed specifically at the Plaintiffs, together with interest as provided by law.

IT IS FURTHER ORDERED that judgment is entered in favor of the Plaintiffs and against Defendant Diana Niemeier-Ellingson in the amount of \$40,000.00 in punitive damages, the jury having found that her conduct constituted willful and wanton disregard for the rights or safety of another and was directed specifically at the Plaintiffs, together with interest as provided by law.

IT IS FURTHER ORDERED that costs of this action are assessed to Defendants Dale Ellingson, individually and as Executor of the Estate of Orville M. Ellingson, and Diana Niemeier-Ellingson.

Clerk to notify.



State of Iowa Courts

Case Number
ESPR046961
Type:

Case Title
ESTATE OF ORVILLE M ELLINGSON
Other Order

So Ordered

Mark D. Fisher, District Court Judge
Sixth Judicial District of Iowa

Electronically signed on 2026-04-29 09:27:33