

IN IOWA DISTRICT COURT IN AND FOR JOHNSON COUNTY

MONIQUE HOLTkamp and AIDAN
HOLTkamp,
Plaintiff,

vs.

MIA KITTELSON, JAN KITTELSON,
Defendants.

No. LACV084556

STATEMENT OF THE CASE

Members of the Jury: This case arises from an automobile crash that occurred on October 9, 2021. Monique and Aidan Holtkamp claim that Mia Kittelson was negligent in the operation of her motor vehicle and that, as a result, they sustained injuries for which they seek compensation.

Defendants admit that Mia Kittelson was negligent, but they dispute the cause, nature and amount of the damages claimed by the Plaintiffs.

Do not consider this summary as proof of any claim. Decide the facts from the evidence and apply the law that I will now give you.

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CLERK OF DISTRICT COURT
JOHNSON COUNTY, IOWA

INSTRUCTION NO. 1

My duty is to tell you what the law is. Your duty is to accept and apply this law.

You must consider all the instructions together because no single instruction includes all of the applicable law.

The order in which I give these instructions is not important.

Your duty is to decide all fact questions.

As you consider the evidence, do not be influenced by any personal sympathy, bias, prejudices, or emotions. Because you are making very important decisions in this case, you are to evaluate the evidence carefully and avoid decisions based on generalizations, gut feelings, prejudices, sympathies, stereotypes, or biases. The law demands that you return a just verdict, based solely on the evidence, your reason and common sense, and these instructions. As jurors, your sole duty is to find the truth and do justice.

INSTRUCTION NO. 2

Whenever a party must prove something, they must do so by the preponderance of the evidence.

Preponderance of the evidence is evidence that is more convincing than opposing evidence. Preponderance of the evidence does not depend upon the number of witnesses testifying on one side or the other.

INSTRUCTION NO. 3

You shall base your verdict only upon the evidence and these instructions.

Evidence is:

1. Testimony in person or by deposition.
2. Exhibits received by the Court.
3. Stipulations, which are agreements between the attorneys.
4. Any other matter admitted (e.g. answers to interrogatories, matters of which judicial notice was taken, etc.).

Evidence may be direct or circumstantial. The weight to be given any evidence is for you to decide. Sometimes, during a trial, references are made to pre-trial statements and reports, witnesses' depositions, or other miscellaneous items. Only those things formally offered and received by the court are available to you during your deliberations. Documents or items read from or referred to, which were not offered and received into evidence, are not available to you but can be considered by you in your deliberations unless I told you to disregard it.

The following are not evidence:

1. Statements, arguments, questions, and comments by the lawyers.
2. Objections and rulings on objections.
3. Any testimony, I told you to disregard.
4. Anything you saw or heard about this case outside the courtroom.

INSTRUCTION NO. 4

You will decide the facts from the evidence. Consider the evidence using your observations, common sense, and experience. You must try to reconcile any conflicts in the evidence; but, if you cannot, you will accept the evidence you find more believable.

In determining the facts, you may have to decide what testimony you believe. You may believe all, part, or none of any witnesses' testimony.

There are many factors that you may consider in deciding what testimony to believe, for example:

1. Whether the testimony is reasonable and consistent with other evidence you believe;
2. The witnesses' appearance, conduct, age, intelligence, memory and knowledge of the facts; and,
3. The witnesses' interest in the trial, their motive, candor, bias and prejudice.

INSTRUCTION NO. 5

Certain testimony has been read into evidence from a deposition. A deposition is testimony taken under oath before the trial and preserved in writing. Consider that testimony as if it had been given in court.

INSTRUCTION NO. 6

During this trial, you have heard the word 'interrogatory'. An interrogatory is a written question asked by one party of another, who must answer it under oath in writing. Consider interrogatories and the answers to them as if the questions had been asked and answered here in court.

INSTRUCTION NO. 7

You have heard testimony from persons described as experts. Persons who have become experts in a field because of their education and experience may give their opinion on matters in that field and the reasons for their opinion.

Consider expert testimony just like any other testimony. You may accept it or reject it. You may give it as much weight as you think it deserves, considering the witness' education and experience, the reasons given for the opinion, and all the other evidence in the case.

An expert witness was asked to assume certain facts were true and to give an opinion based on that assumption. This is called a hypothetical question. If the evidence has not proved any fact assumed in the question, you should decide if that omission affects the value of the opinion.

INSTRUCTION NO. 8

Defendant Jan Kittelson was the owner of the vehicle driven by Mia Kittelson. It is undisputed that Mia was driving the car with the consent of Jan. Iowa law states the vehicle owners are responsible for the acts of those driving their vehicles with consent. For that reason, Jan Kittelson and Mia Kittelson are treated as a single party in these instructions.

INSTRUCTION NO. 9

Monique Holtkamp claims that Mia Kittelson was at fault because she was negligent in the operation of the motor vehicle. In order to recover against Ms. Kittelson, Monique Holtkamp must prove all the following propositions:

1. Ms. Kittelson was negligent. This has been admitted by Defendants and is therefore deemed to have been proven.
2. Ms. Kittelson's negligence was a cause of damage to Monique Holtkamp.
3. The amount of damage for each element of damage claimed that was caused by Ms. Kittelson's negligence.

If Monique Holtkamp has failed to prove any of these propositions, Ms. Holtkamp is not entitled to damages. If Ms. Holtkamp has proved all of these propositions, she is entitled to damages in some amount to be determined by you.

INSTRUCTION NO. 10

Aidan Holtkamp claims that Mia Kittelson was at fault because she was negligent in the operation of the motor vehicle. In order to recover against Ms. Kittelson, Aidan Holtkamp must prove all the following propositions:

1. Ms. Kittelson was negligent. This has been admitted by Defendants and is therefore deemed to have been proven.
2. Ms. Kittelson's negligence was a cause of damage to Aidan Holtkamp.
3. The amount of damage for each element of damage claimed that was caused by Ms. Kittelson's negligence.

If Aidan Holtkamp has failed to prove any of these propositions, Mr. Holtkamp is not entitled to damages. If Mr. Holtkamp has proved all of these propositions, he is entitled to damages in some amount to be determined by you.

INSTRUCTION NO. 11

The conduct of a party is a cause of damage when the damage would not have happened except for the conduct.

INSTRUCTION NO. 12

If you find that Monique Holtkamp is entitled to recover damages, you shall consider the following items of damage recoverable by her for her damage:

1. Past Loss of Function of the Body: Monique Holtkamp's loss of function of the body from the date of injury to the present time. Loss body is the inability of a particular part of body to function in a normal manner.

2. Future Loss of Function of the Body: The present value of future loss of the body.

3. Past Physical Pain and Mental Suffering: Monique Holtkamp's physical pain and mental suffering from the date of injury to the present time.

Physical pain and suffering may include, but is not limited to, bodily suffering or discomfort.

Mental pain and suffering may include, but is not limited to, mental anguish or loss of enjoyment of life.

4. Future Physical Pain and Mental Suffering: The present value of future physical pain and mental suffering.

The amount you assess for loss of function of the body and for physical pain and mental suffering cannot be measured by any exact or mathematical standard. You must use your sound judgment based upon an impartial consideration of the evidence. Your judgment must not be exercised arbitrarily, or out of sympathy or prejudice, for or against the parties. The amount you assess for any item of damage must not exceed the amount caused by the Defendant as proved by the evidence.

A party cannot recover duplicate damages. Do not allow amounts awarded under one item of damage to be included in any amount awarded under another item of damage. The amounts, if any, you find for each of the above items will be used to answer the special verdicts

INSTRUCTION NO. 13

If you find that Aidan Holtkamp is entitled to recover damages, you shall consider the following items of damage recoverable by him for his damage:

1. Past Loss of Function of the Body: Aidan Holtkamp's loss of function of the mind or body from the date of injury to the present time. Loss of mind or body is the inability of a particular part of the mind or body to function in a normal manner.

2. Past Physical Pain and Mental Suffering: Aidan Holtkamp's physical pain and mental suffering from the date of injury to the present time.

Physical pain and suffering may include, but is not limited to, bodily suffering or discomfort.

Mental pain and suffering may include, but is not limited to, mental anguish or loss of enjoyment of life.

The amount you assess for loss of function of the mind and body and for physical pain and mental suffering cannot be measured by any exact or mathematical standard. You must use your sound judgment based upon an impartial consideration of the evidence. Your judgment must not be exercised arbitrarily, or out of sympathy or prejudice, for or against the parties. The amount you assess for any item of damage must not exceed the amount caused by the Defendant as proved by the evidence.

A party cannot recover duplicate damages. Do not allow amounts awarded under one item of damage to be included in any amount awarded under another item of damage. The amounts, if any, you find for each of the above items will be used to answer the special verdicts

INSTRUCTION NO. 14

If you find Monique Holtkamp was experiencing pain or disability in her neck before this crash, and this pain or disability was aggravated by this incident causing further suffering, then she is entitled to recover damages caused by the aggravation. But she is not entitled to recover for any pain or disability which existed before this incident or for any injuries or damages which she now has which were not caused by the incident.

If Monique Holtkamp had a pre-existing neck condition making her more susceptible to injury than a person in normal health, then the Defendant is responsible for all injuries and damages which are experienced by Monique Holtkamp that are caused by Defendant's actions, even though the injuries claimed produce a greater injury than those which might have been experienced by a normal person under the same circumstances.

INSTRUCTION NO. 15

A Standard Mortality Table indicates the normal life expectancy of people who are the same age as Monique Holtkamp is 35.43 additional years. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all other evidence about Monique Holtkamp's health, habits, occupation, and lifestyle, when deciding issues of future damages.

INSTRUCTION 16

Future damages must be reduced to present value. "Present value" is a sum of money paid now in advance which, together with interest earned at a reasonable rate of return, will compensate the Plaintiff for future losses.

INSTRUCTION NO. 17

In arriving at an item of damage you cannot arrive at a figure by taking down the estimate of each juror as to an item of damage and agreeing in advance that the average of those estimates shall be your item of damage.

INSTRUCTION NO. 18

Whether any party to this case had any type of liability insurance has nothing whatsoever to do with the issues to be decided by the jury and insurance is a matter that you cannot consider.

INSTRUCTION NO. 19

You may not communicate about this case before reaching your verdict. This includes cell phones, and electronic media such as text messages, Facebook, LinkedIn, YouTube, Twitter, email, etc.

Do not do any research or make any investigation about this case on your own. Do not visit or view any place discussed in this case, and do not use Internet maps or Google Earth or any other program or device to search for or to view any place discussed in the testimony. Also, do not research any information about this case, the law, or the people involved, including the parties, the witnesses, the lawyers, or the judge. This includes using the Internet to research events or people referenced in the trial.

This case will be tried on evidence presented in the courtroom. If you conduct independent research, you will be relying on matters not presented in court. The parties have a right to have this case decided on the evidence they know about and that has been introduced here in court. If you do some research or investigation or experiment that we do not know about, then your verdict may be influenced by inaccurate, incomplete or misleading information that has not been tested by the trial process, including the oath to tell the truth and by cross-examination. All of the parties are entitled to a fair trial, rendered by an impartial jury, and you must conduct yourself so as to maintain the integrity of the trial process. If you decide a case based on information not presented in court, you will have denied the parties a fair trial in accordance with the rules of this state and you will have done an injustice. It is very important that you abide by these rules.

INSTRUCTION NO. 20

Upon retiring you shall select a foreperson. It will be their duty to see discussion is carried on in an orderly fashion, the issues are fully and freely discussed, and each juror is given an opportunity to express his or her views.

Your attitude at the beginning of your deliberations is important. It is not a good idea for you to take a position before thoroughly discussing the case with the other jurors. If you do this, individual pride may become involved and you may later hesitate to change an announced position even if shown it may be incorrect. Remember you are not partisans or advocates, but are judges-- judges of the facts. Your sole interest is to find the truth and do justice.

INSTRUCTION NO. 21

I am giving you two verdict forms. During the first six hours of deliberations, excluding meals and recesses outside your jury room, your decision must be unanimous. If you all agree, your foreperson must sign the verdict forms.

After deliberating for six hours from 10/30/25 - 1:35 o'clock pm o'clm, excluding meals or recesses outside your jury room, then it is necessary that only six of you agree upon the answers to the questions. In that case, all six jurors who agree must sign the verdict forms.

When you have agreed upon the verdict and appropriately signed it, tell the Court Attendant.

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