

IN THE IOWA DISTRICT COURT FOR CLINTON COUNTY, IOWA

EDD R. ENGELKENS, as Administrator of)
The ESTATE OF LEONA ENGELKENS,)
Deceased,)

Plaintiff,)

vs.)

Case No. LACV046289

SAADI ALBAGHDADI, M.D., and)
MEDICAL ASSOCIATES OF CLINTON,)
IOWA, P.L.C.,)

Defendants.)

Members of the Jury:

This is a medical negligence case. Plaintiff is EDD R. ENGELKENS, as Administrator of the ESTATE OF LEONA ENGELKENS, Deceased. Plaintiff has sued SAADI ALBAGHDADI, M.D. and MEDICAL ASSOCIATES OF CLINTON, IOWA, PLC.

Plaintiff alleges that SAADI ALBAGHDADI, M.D. was negligent in the care and treatment of LEONA ENGELKENS, causing damages. Defendants deny they were negligent and further deny their actions caused Plaintiff's damages.

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

INSTRUCTION NO. 1

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

Do not do any research or make any investigation about this case on your own. 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.

Failure to follow these instructions may result in the case having to be retried and could result in you being held in contempt and punished.

It is important that we have your full and undivided attention during this trial.

INSTRUCTION NO. 2

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

You must consider all of the instructions together because no one 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. 3

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. If the evidence is equal on something (i.e. 50-50), then it has not been proven by a preponderance of the evidence.

Preponderance of the evidence does not depend upon the number of witnesses testifying on one side or the other.

INSTRUCTION NO. 4

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 which judicial notice was taken, and 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.

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. 5

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

INSTRUCTION NO. 6

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.

By 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 which 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. 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

INSTRUCTION NO. 8

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 any fact assumed in the question has not been proved by the evidence, you should decide if that omission affects the value of the opinion.

INSTRUCTION NO. 9

A corporation is liable for the negligent acts of an employee, officer or agent if the acts are done in the scope of the employment.

Defendant Medical Associates of Clinton, Iowa, PLC is a corporation. The fact that a Plaintiff or Defendant is a corporation should not affect your decision. All persons are equal before the law, and corporations, whether large or small, are entitled to the same fair and conscientious consideration by you as any other person.

INSTRUCTION NO. 10

In these instructions I will be using the term “fault.” Fault means one or more acts or omissions towards the person of the actor or of another which constitutes negligence.

INSTRUCTION NO. 11

Damages may be the fault of more than one person. In comparing fault, you should consider all of the surrounding circumstances as shown by the evidence, together with the conduct of Saadi Albaghdadi, M.D., and the extent of the causal relation between their conduct and the damages claimed. You should then determine what percentage, if any, each person's fault contributed to the damages.

Defendants, Saadi Albaghdadi, M.D. and Medical Associates of Clinton, Iowa, PLC, are to be treated as a single party for the purpose of determining their percentage of fault. When I refer to Saadi Albaghdadi, M.D. in these instructions, I am referring to both Defendant Saadi Albaghdadi, M.D. and Medical Associates of Clinton, Iowa, PLC.

INSTRUCTION NO. 12

A interventional cardiologist must use the degree of skill, care and learning ordinarily possessed and exercised by other interventional cardiologists in similar circumstances.

A violation of this duty is negligence.

INSTRUCTION NO. 13

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

INSTRUCTION NO. 14

You are to determine the standard of care, i.e. the degree of skill, care, and learning required only from the opinions of the medical providers who have testified as to the standard.

You are also to determine the failure to meet the standard of care, if any, only from the opinions of the medical providers who have testified as to such a failure or lack thereof.

Furthermore, you are to determine whether the alleged failure to meet the standard of care, if any, was the cause of Plaintiff's injuries only from the opinions of the medical providers who have testified as experts in this case.

INSTRUCTION NO. 15

An interventional cardiologist's conduct must be viewed in light of the circumstances existing at the time of diagnosis and treatment and not retrospectively. If an interventional cardiologist exercised a reasonable degree of care and skill under the circumstances as they existed, though not as seen in perfect hindsight, then the interventional cardiologist is not liable for malpractice.

INSTRUCTION NO. 16

The mere fact that a party has suffered injury does not mean another party was negligent or at fault.

INSTRUCTION NO. 17

Plaintiff claims that interventional cardiologist Saadi Albaghdadi, M.D., was negligent. In order to prevail on this claim, Plaintiff must prove all of the following propositions:

1. The standard of care, i.e., the degree of skill, care and learning ordinarily possessed and exercised by physicians similar to Saadi Albaghdadi, M.D. under circumstances similar to those presented in this case;
2. Saadi Albaghdadi, M.D., was negligent by failing to meet the standard of care in:
 - a. Not using a lower dose of heparin during the cardiac catheterization performed on October 18, 2017,
 - b. Deploying a vascular closure device, a Perclose, without verification the puncture site was in the common femoral artery, or
 - c. Failure to respond appropriately to treat a retroperitoneal bleed.
3. Saadi Albaghdadi, M.D.'s negligence, if any, was a cause of Plaintiff's damages.
4. The amount of damage.

If Plaintiff has failed to prove any of these propositions, Plaintiff is not entitled to damages from Saadi Albaghdadi, M.D. If Plaintiff has proved all of these propositions, Plaintiff is entitled to damages in some amount from Saadi Albaghdadi, M.D.

INSTRUCTION NO. 18

The defendants claim the sole proximate cause of the plaintiff's damages was the failure of the Perclose device. Sole proximate cause means the only proximate cause. The defendants must prove both of the following propositions:

1. The failure of the Perclose device occurred.
2. The failure of the Perclose device was the only proximate cause of plaintiff's damage.

If the defendants have failed to prove either of these propositions, the defendants have failed to prove the defense of sole proximate cause. If the defendants have proved both of these propositions, the defendants have proved the defense of sole proximate cause and you must find the fault of the defendants, if any, was not a proximate cause of plaintiff's damages when you answer the special verdicts.

INSTRUCTION NO. 19

The defendants claim the sole proximate cause of the plaintiff's damages was the refusal of the general surgeon to agree to provide care and treatment to plaintiff. Sole proximate cause means the only proximate cause. The defendants must prove both of the following propositions:

1. The refusal of the general surgeon to agree to provide care and treatment to plaintiff occurred.
2. The refusal of the general surgeon to agree to provide care and treatment to plaintiff was the only proximate cause of plaintiff's damage.

If the defendants have failed to prove either of these propositions, the defendants have failed to prove the defense of sole proximate cause. If the defendants have proved both of these propositions, the defendants have proved the defense of sole proximate cause and you must find the fault of the defendants, if any, was not a proximate cause of plaintiff's damages when you answer the special verdicts.

INSTRUCTION NO. 20

The defendants claim the sole proximate cause of the plaintiff's damages was the unavailability of a vascular surgeon. Sole proximate cause means the only proximate cause. The defendants must prove both of the following propositions:

1. The unavailability of a vascular surgeon occurred.
2. The unavailability of a vascular surgeon was the only proximate cause of plaintiff's damage.

If the defendants have failed to prove either of these propositions, the defendants have failed to prove the defense of sole proximate cause. If the defendants have proved both of these propositions, the defendants have proved the defense of sole proximate cause and you must find the fault of the defendants, if any, was not a proximate cause of plaintiff's damages when you answer the special verdicts.

INSTRUCTION NO. 21

The defendants claim the refusal of the general surgeon to agree to provide care and treatment to plaintiff was the proximate cause of plaintiff's damages.

In order to establish this defense the defendants must prove all of the following propositions:

1. The refusal of the general surgeon to agree to provide care and treatment to plaintiff caused plaintiff's damages and occurred after the conduct of the defendants which you have found to constitute negligence.
2. The conduct of the defendants did not create or substantially increase the risk that the plaintiff would sustain damage through the refusal of the general surgeon to agree to provide care and treatment to plaintiff.
3. The refusal of the general surgeon to agree to provide care and treatment to plaintiff was not reasonably foreseeable to someone in defendants' position.

If the defendants have proven all of these propositions, then the plaintiff cannot recover damages.

INSTRUCTION NO. 22

The defendants claim the failure of the Perclose device was the proximate cause of plaintiff's damages. In order to establish this defense the defendants must prove all of the following propositions:

1. The failure of the Perclose device caused plaintiff's damages and occurred after the conduct of the defendants which you have found to constitute negligence.
2. The conduct of the defendants did not create or substantially increase the risk that the plaintiff would sustain damage through the failure of the Perclose device.
3. The failure of the Perclose device was not reasonably foreseeable to someone in defendants' position.

If the defendants have proven all of these propositions, then the plaintiff cannot recover damages.

INSTRUCTION NO. 23

The defendants claim the unavailability of a vascular surgeon was the proximate cause of plaintiff's damages.

In order to establish this defense the defendants must prove all of the following propositions:

1. The unavailability of a vascular surgeon caused plaintiff's damages and occurred after the conduct of the defendants which you have found to constitute negligence.
2. The conduct of the defendants did not create or substantially increase the risk that the plaintiff would sustain damage through the unavailability of a vascular surgeon.
3. The unavailability of a vascular surgeon was not reasonably foreseeable to someone in defendants' position.

If the defendants have proven all of these propositions, then the plaintiff cannot recover damages.

INSTRUCTION NO. 24

If you find Plaintiff Edd R. Engelkens, as Administrator of the Estate of Leona Engelkens, Deceased, is entitled to recover damages, you shall consider the following items:

1. **Leona Engelken's Pre-Death Pain and Suffering while at Mercy Medical Center:** Physical and mental pain and suffering from the date of injury up until her transfer from Mercy Medical Center. 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.
2. **Leona Engelken's Past Loss of Full Body and Mind:** Loss of function of the body and mind from the time of leaving Mercy Medical Center on October 18, 2017, to her time of death on October 20, 2017. Loss of body and mind is the inability of a particular part of the body or mind to function in a normal manner.
3. **Past & Future Loss of Spousal Consortium for Edd Engelkens:** The present value of the services which Leona Engelken would have performed for her spouse, but for her death. This is also known as loss of spousal consortium. "Spousal consortium" is the fellowship of a husband and wife and the right of each to the benefits of company, cooperation, affection, the aid of the other in every marital relationship, general usefulness, industry and attention within the home and family. It does not include loss of financial support from the injured spouse, nor mental anguish caused by the spouse's death. Damages for spousal consortium are limited in time to the shorter of the spouse's or Leona Engelken's normal life expectancy.
4. **Past & Future Loss of Parental Consortium for Linda Eagle:** The present value of the services which Leona Engelken would have performed for her child, but for her death. This is also known as loss of parental consortium. "Parental consortium" is the relationship between parent and child and the right of the child to the benefits of companionship, comfort, guidance, affection and aid of the parent in every parental relationship, general usefulness, industry and attention within the family. It does not include the loss of financial support from the injured parent, nor mental anguish caused by the parent's death. A child is not entitled to damages for loss of parental consortium unless the parent's death has caused a significant disruption or diminution of the parent-child relationship. Damages for loss of parental consortium are limited in time to the shorter of the child's or Leona Engelken's normal life expectancy.

The amount you assess for Leona Engelken's Pre-Death Pain and Suffering, Leona Engelken's Past Loss of Bodily Function and Mind, Past & Future Loss of Spousal Consortium for Edd Engelkens, and Past & Future Loss of Parental Consortium for Linda Eagle 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(s) 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. Similarly, damages awarded to one party shall not be included in any amount awarded to another party.

The amounts, if any, you find for each of the above items will be used to answer the special verdicts.

INSTRUCTION NO. 25

A Standard Mortality Table indicates the normal life expectancy of people who are the same age as Leona Engelkens at the time of her death is 87 years. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence, about Leona Engelkens's health, habits, occupation, and lifestyle, when deciding issues of future damages.

INSTRUCTION NO. 26

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

INSTRUCTION NO. 27

Upon retiring you shall select a foreman or forewoman. It will be his or her 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. 28

During the trial, you have been allowed to take notes. You may take these with you to the jury room to use in your deliberations. Remember, these are notes and not evidence. Generally, they reflect the recollection or impressions of the evidence as viewed by the person taking them, and may be inaccurate or incomplete.

Upon reaching a verdict, leave the notes in the jury room and they will be destroyed.

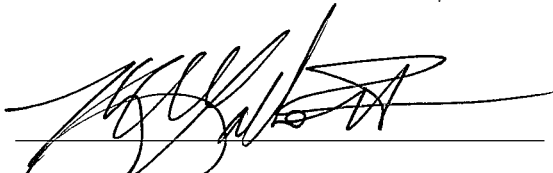
INSTRUCTION NO. 29

I am giving you the attached 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, the verdict must be signed by your foreman or forewoman.

After deliberating for six hours from 12:20 o'clock P m. excluding meals or recesses outside your jury room, then it is necessary that only seven of you agree upon the answers to the questions, In that case, the verdict and interrogatories must be signed by all seven jurors who agree.

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

Dated this 24th day of October, 2025.


Henry W. Latham II, District Court Judge