

IN THE IOWA DISTRICT COURT IN AND FOR JOHNSON COUNTY

TIMOTHY COLE,

Plaintiff,

vs.

IOWA CITY LODGE, NUMBER 1096,
LOYAL ORDER OF MOOSE dba
LOYAL ORDER OF MOOSE LODGE
NUMBER 1096 and
TODD DOUGLAS WHITE,

Defendants.

No. CVCV076660

VERDICT FORM

FILED
2017 SEP 27 PM 3:40
CLERK OF DISTRICT COURT
JOHNSON COUNTY, IOWA

We find the following verdict on the questions submitted to us:

I. DRAM SHOP

Question No. 1: Did Plaintiff, Tim Cole, prove his claim for Dram Shop liability against Defendant Moose Lodge?

Answer "Yes" or "No"

ANSWER: YES

[If you answered "no" to Question No. 1, do not answer any other questions in Part I and move on to Part II – Negligence.]

Question No. 2: Did the defendant, Moose Lodge, prove its defense of Assumption of the Risk?

Answer "Yes" or "No"

ANSWER: YES

Question No. 3: Did the defendant, Moose Lodge, prove its defense of Lack of Contribution?

Answer "Yes" or "No"

ANSWER: NO

[If you answered "yes" to Question Nos. 2 or 3, then plaintiff cannot receive any damages on Question No. 9 related to his Dram Shop Claim.]

Continue to Part II – Negligence.

II. Negligence

Question No. 4: Was Defendant Moose Lodge negligent as described in Instruction No. 17?

Answer “Yes” or “No”

ANSWER: YES

[If you answered “no” to Question No. 4, do not answer any further questions in Part II – Negligence. If you answered “yes”, proceed to Question No. 5.]

Question No. 5: Was the negligence of Defendant Moose Lodge a cause of any item of damage to Plaintiff, Tim Cole?

Answer “Yes” or “No”

ANSWER: YES

[If your answer is “no,” do not answer any further questions in Part II. If your answer is “yes”, proceed to Question No. 6.]

Question No. 6: Was Plaintiff, Tim Cole, at fault?

Answer “Yes” or “No”

ANSWER: YES

[If your answer is “no”, do not answer Question No. 7 and do not assign any fault to Plaintiff, Tim Cole, in Question No. 8. If your answer is “yes”, proceed to Question No. 7.]

Question No. 7: Was Plaintiff, Tim Cole’s fault a cause of any damages to him?

Answer “Yes” or “No”

ANSWER: YES

[If your answer is “no” to either Question No. 6 or 7, then do not assign any fault to Plaintiff, Tim Cole, in Question No. 8. If your answer is “yes”, proceed to Question No. 8.]

Question No. 8: Using 100% as the total combined fault of Plaintiff, Tim Cole, and Defendant Moose Lodge which was a cause of Plaintiff’s damage, what percentage of such combined fault

FILED
2017 SEP 27 PM 3:40
CLERK OF DISTRICT COURT
JOHNSON COUNTY, IOWA

do you assign to Plaintiff and what percentage of fault do you assign to Defendant Moose Lodge?

ANSWER: Plaintiff Tim Cole 75 %

Defendant Moose Lodge 25 %

TOTAL 100%

Question No. 9: State the amount of damages sustained by Plaintiff as to each of the following items of damage. Do not take into consideration any reduction of damages due to Plaintiff's fault. If Plaintiff has failed to prove any item of damage, or has failed to prove that any item of damage was caused by defendant's fault, enter 0 for that item.

- | | |
|---------------------------------|----------|
| 1. Past medical expenses | \$ _____ |
| 2. Future medical expenses | \$ _____ |
| 3. Past pain and suffering | \$ _____ |
| 4. Future pain and suffering | \$ _____ |
| 5. Loss of earnings | \$ _____ |
| 6. Past Loss of Mind and Body | \$ _____ |
| 7. Future Loss of Mind and Body | \$ _____ |

TOTAL (add the separate items of damage) \$ _____

If you have found for Plaintiff, Tim Cole on his Negligence claim, continue to Part III – Punitive Damages against Moose Lodge. Otherwise, continue no further and sign the verdict form.

III. Punitive Damages against Moose Lodge

Question No. 10: Do you find by a preponderance of clear, convincing, and satisfactory evidence that the conduct of the Defendant Moose Lodge constituted willful and wanton disregard for the rights or safety of Plaintiff, Tim Cole?

Answer "Yes" or "No"

ANSWER: YES

[If your answer is "no" do not answer anymore questions.]

FILED
2017 SEP 27 PM 5:40
CLERK OF DISTRICT COURT
JOHNSON COUNTY, IOWA

Question No. 11: What amount of punitive damages, if any, do you award?

ANSWER: \$ 70,000

[If your answer is "0", do not answer Question No. 12.]

Question No. 12: Was the conduct of Defendant Moose Lodge directed specifically at Plaintiff, Tim Cole?

Answer "Yes" or "No"

ANSWER: NO

Dated: September 26, 2017.

Mouly Torcia
FOREPERSON*

* To be signed only if verdict is unanimous.

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

**To be signed by the jurors agreeing thereto after six hours or more of deliberation.

FILED
2017 SEP 27 PM 3:40
CLERK OF DISTRICT COURT
JOHNSON COUNTY, IOWA

9-27-17
Scanned by clerk w/ notations
VIA EDMS to:
S. Ballard
A. Brown
B. Samuelson
T. White

[Signature]