

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**

**PLAINTIFF'S PROPOSED JURY  
INSTRUCTIONS AND VERDICT FORM**

**COMES NOW** Plaintiff, Timothy Cole, by and through his attorneys, Steven E. Ballard and Abigail L. Brown of Leff Law Firm, L.L.P., and hereby submits the attached proposed Statement of the Case, Jury Instructions, and Verdict Forms in accordance with the Court's Order on Final Pretrial Conference.

/s/Steven E. Ballard  
Steven E. Ballard, AT0000651

/s/ Abigail L. Brown  
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**Statement of the Case**

Members of the Jury: This case arises from an attack by Todd Douglas White ("Todd White") on Plaintiff, Timothy Cole ("Tim Cole") at Defendant Iowa City Lodge Number 1096, Loyal Order of Moose dba Loyal Order of Moose Lodge ("Moose Lodge"). Tim Cole sustained injuries and damages as a result of the attack.

In this case, Tim Cole claims that Moose Lodge is responsible for his injuries and damages because Moose Lodge, through its agents and employees, furnished liquor, beer, or both to Todd White to the point where Todd White became intoxicated or at a time when Todd White was already intoxicated. Intoxication was one cause of Todd White's physical attack of Plaintiff.

Tim Cole further claims that that Moose Lodge is responsible for his injuries and damages because Moose Lodge was negligent in inadequately training its employees; inadequately staffing its security personnel; failing to supervise employees; or otherwise failing to exercise reasonable care under all circumstances for the protection and safety of its patrons, including Tim Cole.

Tim Cole further claims that that Moose Lodge is responsible for his injuries and damages because Moose Lodge failed to use reasonable care in its selection and hiring of its employees and staff; failed to use reasonable care in its training and supervising of employees and staff; failed to use ordinary care to keep patrons, including Todd White, from being intoxicated; failed to provide trained security personnel to protect patrons; or otherwise failed to use ordinary care to keep its premises safe and protect its patrons, including Tim Cole.

Tim Cole also claims that Todd white is responsible for his injuries and damages that resulted from the battery.

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

INSTRUCTION NO. P-1

If you find Tim Cole is entitled to recover damages, you shall consider the following items:

1. Past Medical Expenses;
2. Future Medical Expenses;
3. Loss of Earnings;
4. Loss of Full Mind and Body - Past;
5. Loss of Full Mind and Body - Future;
6. Physical and Mental Pain and Suffering - Past; and
7. Physical and Mental Pain and Suffering - Future.

The amount you assess for items 4-7 cannot be measured by any exact or mathematical standard. You must use your sound judgment based upon an impartial consideration of 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.

Iowa Model Jury Instruction No. 200.1 (modified)

INSTRUCTION NO. P-2

**Past Medical Expenses.** The reasonable cost of necessary medical services from the date of injury to the present time. In determining the reasonable cost of necessary medical services, you may consider the amount charged, the amount actually paid, or any other evidence of what is reasonable and proper for such medical expense.

Iowa Model Jury Instruction No. 200.6

Pexa v. Auto Owners Insurance Company, 686 N.W.2d 150 (Iowa 2004)

Worez v. Des Moines City Ry. Co., 175 Iowa 1, 156 N.W. 867 (1916)

Elzig v. Bales, 135 Iowa 208, 112 N.W. 540 (1907)

INSTRUCTION NO. P-3

**Future Medical Expenses.** The present value of reasonable and necessary hospital and doctor charges, prescriptions, and other medical services, which will be incurred in the future.

Iowa Model Jury Instruction No. 200.7

INSTRUCTION NO. P-4

**Loss Of time - Earnings.** The reasonable value of lost wages from the date of injury to the present time.

Iowa Model Instruction No. 200.8.

INSTRUCTION NO. P-5

**Loss Of Full Mind And Body - Past.** Loss of function of the body from the date of injury to the present time. Loss of body is the inability of a particular part of the mind and body to function in a normal manner.

Iowa Model Instruction No. 200.10



INSTRUCTION NO. P-6

**Loss Of Full Mind And Body - Future.** The present value of future loss of function of the body.

Iowa Model Instruction No. 200.11B.

INSTRUCTION NO. P-7

**Physical And Mental Pain And Suffering - Past.** Physical and mental pain and 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.

Iowa Model Instruction No. 200.12.

INSTRUCTION NO. P-8

**Physical And Mental Pain And Suffering - Future.** The present value of future physical and mental pain and suffering.

Iowa Model Instruction No. 200.13B.

INSTRUCTION NO. P-9

**Mortality Tables.** A Standard Mortality Table indicates the normal life expectancy of people who are the same age as Timothy Cole is 41.16 years. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence, about Timothy Cole's health, habits, occupation, and lifestyle, when deciding issues of future damages.

Iowa Model Jury Instruction No. 200.37

INSTRUCTION NO. P-10

**Willful and Wanton.** Conduct is willful and wanton when a person intentionally does an act of an unreasonable character in disregard of a known or obvious risk that is so great as to make it highly probable that harm will follow. In other words, a wrongdoer's intentional act is often accompanied by a conscious indifference to the consequences.

Iowa Model Jury Instruction No. 210.4 (modified with quoted language from case below)

K.N.T. v. Am. Family Ins., 869 N.W.2d 196 (Iowa Ct. App. 2015) (citing Miranda v. Said, 836 N.W.2d 8, 34 (Iowa 2013)).

INSTRUCTION NO. P-11

**Comparative Fault.** 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 the Tim Cole and Moose Lodge 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.

Iowa Model Instruction No. 400.2.

INSTRUCTION NO. P-12

**Comparative Fault - - Essentials For Recovery.** The Plaintiff claims the defendant was at fault in one or more of the following ways:

1. Inadequate training of its employees;
2. Inadequate staffing of security personnel;
3. Failure to supervise employees;
4. Failing to use reasonable care in its selection and hiring of its employees and staff, including security personnel;
5. Failing to use reasonable care in its training and supervising of its employees and staff, including security personnel;
6. Failing to use ordinary care to keep patrons, including Todd White, from becoming intoxicated;
7. Failing to provide trained security personnel to protect patrons; and
8. Otherwise failing to use ordinary care to keep its premises safe and protect its patrons, including Tim Cole.

These grounds of fault have been explained to you in other instructions.

The plaintiff must prove all of the following propositions:

1. The defendant was at fault. In order to prove fault, the plaintiff must prove [use the appropriate elements from the marshalling instructions in relevant chapters].
2. The defendant's fault was a cause of the plaintiff's damage.
3. The amount of damage.

If the plaintiff has failed to prove any of these propositions, the plaintiff is not entitled to damages. If the plaintiff has proved all of these propositions, you will consider the defense of comparative fault as explained in Instruction Nos. \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

Iowa Model Instruction No. 400.5.



INSTRUCTION NO. P-13

**Negligence - Essentials for Recovery.** In order to recover on his claim against Moose Lodge for negligence, Tim Cole must prove all of the following propositions:

1. Moose Lodge was negligent in one or more of the following ways:
  - a. Inadequate training of its employees;
  - b. Inadequate staffing of security personnel;
  - c. Failure to supervise employees; and/or
  - d. Otherwise failing to exercise reasonable care under all circumstances existing at the time and place of the injury for the protection and safety of lawful entrants.
2. The negligence was a cause of damage to Tim Cole.
3. The amount of damage.

If the Tim Cole has failed to prove any of these propositions, he is not entitled to damages. If Tim Cole has proved all of these propositions, he is entitled to damages in some amount. If the plaintiff has proved all of these propositions, you will consider the defense of comparative fault as explained in Instruction No.\_\_\_\_.

Iowa Model Jury Instruction No. 700.1

Coker v. Abell-Howe Co., 491 N.W.2d 143 (Iowa 1992)

Rinkleff v. Knox, 375 N.W.2d 262 (Iowa 1985)

Bauman v. City of Waverly, 164 N.W.2d 840 (Iowa 1969)

INSTRUCTION NO. P-14

**Premises Liability - Essentials for Recovery.** In order to recover on his claim of premises liability against Moose Lodge, Tim Cole must prove all of the following propositions:

1. Moose Lodge is a business that sells alcohol that invites others onto its property.
2. Tim Cole was lawfully on the premises of Moose Lodge.
3. Moose Lodge was negligent in one of the following ways:
  - a. Failing to use reasonable care in its selection and hiring of its employees and staff, including security personnel;
  - b. Failing to use reasonable care in its training and supervising of its employees and staff, including security personnel;
  - c. Failing to use ordinary care to keep patrons, including Todd White, from becoming intoxicated;
  - d. Failing to provide trained security personnel to protect patrons; and/or
  - e. Otherwise failing to use ordinary care to keep its premises safe and protect its patrons, including Tim Cole.
4. The negligence was a cause of the plaintiff's damage.
5. The nature and extent of damage.

If Tim Cole has failed to prove any of these propositions, he is not entitled to damages. If Tim Cole has proved all of these propositions, then you will consider the defense of \_\_\_\_\_ as explained in Instruction No. \_\_\_\_\_.

Iowa Model Jury Instruction No. 900.1.

Hoyt v. Gutterz Bowl & Lounge, L.L.C., 829 n.w.2D 772, 777 (Iowa 2013)  
(quoting Restatement (Third) § 3, at 29).

INSTRUCTION NO. P-15

**Premises Liability - duty to protect patron from own actions.** Moose Lodge is required to employ reasonable safety precautions to carry out its duty to protect its patrons, including Tim Cole, from a foreseeable risk, even if that risk is that a potential victim will act in way that unreasonably imperils his own safety.

Hoyt v. Gutterz Bowl & Lounge, L.L.C., 829 n.w.2D 772, 777 (Iowa 2013) (quoting Restatement (Third) § 3, at 29).

INSTRUCTION NO. P-16

**Reasonable Care.** A bar owner such as Moose Lodge owes a duty to exercise reasonable care to protect its patrons from third-party criminal attacks. This duty applies regardless of the source of the risk - whether the third party's conduct is innocent, negligent, or intentional.

You may consider the following factors in determining whether Moose Lodge's conduct lacked reasonable care under all circumstances:

1. The foreseeable likelihood that Todd White's conduct would result in harm to Tim Cole;
2. The foreseeable severity of any harm that may result; and
3. The burden to Moose Lodge of precautions to reduce or eliminate the risk of harm.

Hoyt v. Gutterz Bowl & Lounge, L.L.C., 829 n.w.2D 772, 777 (Iowa 2013) (quoting Restatement (Third) § 3, at 29).

INSTRUCTION NO. P-17

**Dramshop Liability - Essentials for Recovery.** In order to prevail on his claim for dramshop liability against Moose Lodge, Tim Cole must prove all of the following propositions:

1. Moose Lodge was licensed by the State of Iowa to sell beer, wine, or liquor.
2. Either:
  - a) Moose Lodge or its employees or agents sold and served Todd White beer and liquor to a point where the Moose Lodge or its employees or agents knew or should have known Todd White would become intoxicated, and the beer or liquor sold and served to Todd White was a cause of his intoxication at the time of the incident in which Tim Cole was injured;

OR

- b) Moose Lodge or its employees or agents sold and served Todd White beer or liquor when Moose Lodge or its employees or agents knew or should have known Todd White was already intoxicated.
3. Tim Cole was personally injured by Todd White while Todd White was intoxicated.
4. The nature and extent of the damage.

If the plaintiff has failed to prove any of these propositions, the plaintiff is not entitled to damages. If the plaintiff has proved all of these propositions, the plaintiff is entitled to damages in some amount.

Iowa Model Jury Instruction No. 1300.1 (modified as to form)

Thorp v. Casey's General Stores, Inc., 446 N.W.2d 457 (Iowa 1989)

Walton v. Stokes, 270 N.W.2d 627 (Iowa 1978)

Pose v. Roosevelt Hotel Company, 208 N.W.2d 19 (Iowa 1973)

Thompson v. Kaczinski, 774 N.W. 2d 829, 836-39 (Iowa 2009) (causation)

Iowa Code § 123.92

INSTRUCTION NO. P-18

**Dramshop Liability - "Intoxication".** Todd White was "intoxicated" if, by drinking beer, wine, or liquor, one or more of the following is true:

1. His reason or mental ability was affected.
2. His judgment was impaired.
3. His emotions were visibly excited.
4. He lost control, to any extent, of bodily actions.

No particular degree of intoxication is required. There are degrees of intoxication varying all the way from slight simulation to complete coma.

Iowa Model Jury Instruction No. 1300.2 (modified with quote from case below)

Smith v. Shagnasty's Inc., 688 N.W.2d 67, 73 (Iowa 2004) ("



Instruction No. P-19

**Dramshop Liability - "Sold and served".** It is not necessary for Tim Cole to produce the Moose Lodge server who sold the alcohol to Todd White or provide receipts showing purchase of alcohol at Moose Lodge by Todd White. It is sufficient to show Moose Lodge sold liquor and held itself out as a place serving liquor, when considering the other circumstantial evidence that Todd White was sold and served at Moose Lodge.

Vaughn v. Theo's Inc., No. 04-1462, 2005 WL 2989729, at \*3 (Iowa Ct. App. Nov. 9 2005) (unpublished table decision).

Horak v. Argosy Gaming Co., 648 N.W.2d 137, 148 (Iowa 2002).

INSTRUCTION NO. P-20

**Dramshop Liability - Causation.**

With regard to Jury Instruction No. \_\_, subpart 2(a):

If you find that Moose Lodge, or its employees or agents, sold and served alcohol to Todd White to a point where Moose Lodge or its employees or agents knew or should have known Todd White would become intoxicated, then you must determine if the beer or liquor sold to Todd White was a cause of his intoxication at the time of the incident in which Tim Cole was injured. The sale and service of beer and liquor is a cause of intoxication when it is a substantial factor in producing intoxication. "Substantial" means the sale and service of beer and liquor had such an effect in producing intoxication as to lead a reasonable person to regard it as a cause.

It need not be shown that the beer or liquor was the sole cause of the intoxication. It is enough if it was a contributing cause of the intoxication. If the beer and liquor combined with other beer and liquor earlier drunk by Todd White caused the continuance of an intoxicated condition until the time of the incident, then the cause has been proven.

However, if you find Todd White was not intoxicated at the time of the incident, or if you find the beer and liquor sold and served to him by Moose Lodge was not a cause of his intoxication at the time of the incident, then causation has not been proven, and Moose Lodge is not responsible under Jury Instruction No. \_\_, subpart (2)(a).

Iowa Model Jury Instruction No. 1300.3 (modified).

Thorp v. Casey's General Stores, Inc., 446 N.W.2d 457 (Iowa 1989)

Slager v. HWA Corp., 435 N.W.2d 349 (Iowa 1989)

Pose v. Roosevelt Hotel Co., 208 N.W.2d 19 (Iowa 1973)

Thompson v. Kaczinski, 774 N.W. 2d 829, 836-39 (Iowa 2009) (causation)

Jury Instruction No. P-21

**Dramshop Liability - No causation necessary if found Defendant Moose Lodge sold Defendant Todd White when he was already intoxicated.**

With regard to Jury Instruction No. \_\_, subpart 2(b):

If you find that Moose Lodge, or its agents or employees, sold and served beer or liquor to Todd White when Moose Lodge knew or should have known Todd White was intoxicated, then it is not necessary for Tim Cole to prove that Moose Lodge sold beer or liquor to Todd White and that the beer or liquor caused Todd White's intoxication. It is sufficient for Tim Cole to prove that Moose Lodge sold and served beer or liquor to Todd White when he was already intoxicated to satisfy element 2 of Jury Instruction No. \_\_. Furthermore, it is not necessary for Tim Cole to prove that Todd White subsequently consumed the alcohol - only that Todd White was sold and served alcohol by Moose Lodge when Todd White was already intoxicated.

Thorp v. Casey's General Stores, Inc., 446 N.W.2d 457 (Iowa 1989)

Iowa Model Jury Instruction No. 1300.3 (see comment "Alternative 2b does not have a causation requirement.").

INSTRUCTION NO. P-22

**Defenses available to Defendant Moose Lodge.**

The defenses available to Moose Lodge vary with each claim brought by Tim Cole.

For Plaintiff's claim for dram shop liability, Defendant Moose Lodge asserts the following defenses:

1. Todd White's intoxication was not the cause of Tim Cole's injuries;
2. Assumption of the risk; and
3. Complicity.

Comparative fault is not a defense to dram shop liability.

For Plaintiff's claim for negligence and premises liability, Moose Lodge can assert the following defenses:

1. Comparative Fault; and
2. Scope of Liability.

Slager v. HWA Corp., 435 N.W.2d 349, 354 (Iowa 1989).

Berte v. Bode, 692 N.W.2d 368, 373 (Iowa 2005).

Kone v. Joe Lang Tap, Inc., 418 N.W.2d 377 (Iowa Ct. App. 1987).

Gremmel v. Junnie's Lounge, Ltd., 397 N.W.2d 717, 720 (Iowa 1986).

Cox v. Rolling Acres Golf Course Corp., 532 N.W.2d 761, 764 (Iowa 1995) (quoting Martin v. Hedding, 373 N.W.2d 486, 488 (Iowa 1985)).

Thompson v. Kaczinski, 774 N.W. 2d 829, 836-39 (Iowa 2009).

Iowa Code § 123.92

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TIMOTHY COLE,

Plaintiff,

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

No. CVCV076660

VERDICT FORM

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

**Claims Against Defendant Moose Lodge**

**I. DRAM SHOP**

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

Answer "yes" or "no."

ANSWER: \_\_\_\_\_

Continue to Part II - Negligence.

**II. Negligence**

Question No. 2: Was Defendant Moose Lodge at fault?

Answer "yes" or "no."

ANSWER: \_\_\_\_\_

[If your answer is "no," do not answer any further questions in Part II - Negligence, and proceed to Part III - Premises Liability. If your answer is "yes", proceed to Question No. 3.]

Question No. 3: Was the fault of Defendant Moose Lodge a cause of any item of damage to Plaintiff, Tim Cole?

Answer "yes" or "no."

ANSWER: \_\_\_\_\_

[If your answer is "no," do not answer any further questions and continue to Part III - Premises Liability. If your answer is "yes", proceed to Question No. 4.]

Question No. 4: Was Plaintiff, Tim Cole, at fault?

Answer "yes" or "no."

ANSWER: \_\_\_\_\_

[If your answer is "no", do not answer Question No. 5 and do not assign any fault to Plaintiff, Tim Cole, in Question No. 6. If your answer is "yes", proceed to Question No. 5.]

Question No. 5: Was Plaintiff, Tim Cole's fault a cause of any damage to Plaintiff, Tim Cole?

Answer "yes" or "no."

ANSWER: \_\_\_\_\_

[If your answer is "no" to either Question No. 4 or 5, then do not assign any fault to Plaintiff, Tim Cole, in Question No. 6 and proceed to Part III - Premises Liability. If your answer is "yes", proceed to Question No. 6.]

Question No. 6: 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 do you assign to Plaintiff and what percentage of fault do you assign to Defendant Moose Lodge?

ANSWER:	Plaintiff Tim Cole	_____	%
	Defendant Moose Lodge	_____	%
	TOTAL		100%

Continue to Part III - Premises Liability.

### **III. Premises Liability**

Question No. 7: Was Defendant Moose Lodge at fault?

Answer "yes" or "no."

ANSWER: \_\_\_\_\_

[If your answer is "no" and you answered "yes" to Question Nos. 2 and 3, do not answer any further questions and continue to Question No. 12. If your answer to Question Nos. 2 and 3 were "no", then continue to Part V - Punitive Damages against Todd White. If your answer is "yes", proceed to Question No. 8.]

Question No. 8: Was the fault of Defendant Moose Lodge a cause of any item of damage to Plaintiff?

Answer "yes" or "no."

ANSWER: \_\_\_\_\_

[If your answer is "no" and you answered "yes" to Question Nos. 2 and 3, do not answer any further questions in Part III and continue to Question No. 12. If your answer is "no" and your answers to Question Nos. 2 and 3 were "no", then continue to Part V - Punitive Damages Against Todd White. If your answer is "yes", proceed to Question No. 9.]

Question No. 9: Was Plaintiff at fault?

Answer "yes" or "no."

ANSWER: \_\_\_\_\_

[If your answer is "no," do not answer Question No. 10 and do not assign any fault to Plaintiff in Question No. 11. If your answer is "yes", proceed to Question No. 10.]



Question No. 10: Was Plaintiff's fault a cause of any damage to Plaintiff?

Answer "yes" or "no."

ANSWER: \_\_\_\_\_

[If your answer is "no" to either Question Nos. 9 or 10, then do not assign any fault to Plaintiff in Question No. 11 and continue to Question No. 12. If your answer is "yes", proceed to Question No. 11.]

Question No. 11: Using 100% as the total combined fault of Plaintiff and Defendant Moose Lodge which was a cause of Plaintiff's damage, what percentage of such combined fault do you assign to Plaintiff and what percentage of fault do you assign to Defendant Moose Lodge?

ANSWER:	Plaintiff Tim Cole	_____%
	Defendant Moose Lodge	_____%
	TOTAL	100%

Question No. 12: State the amount of damages sustained by Plaintiff by any defendant's fault 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. Lost wages                 | \$ _____ |
| 6. Past Loss of Mind and Body | \$ _____ |

7. Future Loss of Mind and Body \$ \_\_\_\_\_

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

If your answer to either Question No. 2 or Question No. 7 was "yes", continue to Part IV - Punitive Damages against Moose Lodge. If your answers to both Questions No. 2 and 7 were "no", then continue to Part V - Punitive Damages against Todd White.

#### **IV. Punitive Damages against Moose Lodge**

Question No. 13: 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: \_\_\_\_\_

[If your answer is "no" do not answer Question No. 13 and proceed to Part V - Punitive Damages against Todd White.]

Question No. 14: What amount of punitive damages, if any, do you award?

ANSWER: \$ \_\_\_\_\_

[If your answer is "0", do not answer Question No. 15; instead, proceed to Part V - Punitive Damages against Todd White.]

Question No. 15: Was the conduct of Defendant Moose Lodge directed specifically at Plaintiff, Tim Cole?

Answer "Yes" or "No"

ANSWER: \_\_\_\_\_

Continue to Part V - Punitive Damages against Todd White

**V. Punitive Damages against Todd White**

Question No. 16: Do you find by a preponderance of clear, convincing, and satisfactory evidence that the conduct of the Defendant Todd White constituted willful and wanton disregard for the rights or safety of Plaintiff, Tim Cole?

[If your answer is "no" do not answer any further questions on this verdict form; instead, sign the verdict form and alert the court attendant that you have reached your verdict.]

Question No. 17: What amount of punitive damages, if any, do you award?

ANSWER: \$ \_\_\_\_\_

[If your answer is "0", do not answer Question No. 22; instead, sign the verdict form and alert the court attendant that you have reached your verdict.]

Question No. 18: Was the conduct of Defendant Todd White directed specifically at Plaintiff, Tim Cole?

Answer "Yes" or "No"

ANSWER: \_\_\_\_\_

Dated: September \_\_\_\_\_, 2017.

\_\_\_\_\_  
FOREPERSON\*

\* To be signed only if verdict is unanimous.

\_\_\_\_\_  
Juror\*\*

\_\_\_\_\_  
Juror\*\*

\_\_\_\_\_  
Juror\*\*

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Juror\*\*

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Juror\*\*

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Juror\*\*

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