

IN THE IOWA DISTRICT COURT FOR HENRY COUNTY

RICKY L. SHUFFLER, DOVIE GAIL)	
SHUFFLER,)	
Plaintiffs,)	Cause No. LALA012206
)	
vs.)	PLAINTIFFS' PROPOSED JURY
)	INSTRUCTIONS
TIMOTHY B. LIECHTY,)	
Defendant.)	

Comes Now, the plaintiffs in the above titled matter and submit their proposed Missouri Jury Instructions (Missouri Approved Instruction, MAI ___) for consideration by the Court in the above titled matter. All listed instructions are stock instructions from the Missouri Approved Jury Instructions, Sixth Edition. Listed ones have been adjusted as identified by other instructions dealing primarily with questions of comparative negligence:

MAI 2.01: EXPLANATORY INSTRUCTIONS FOR ALL CASES: (1) - (11).

MAI 2.02: FACTS NOT ASSUMED (Must be given once and only once).

MAI 2.03: EXPLANATORY - ORDER OF INSTRUCTIONS (This instruction is to be given in every case as the first instruction after the close of the evidence. It should be numbered Instruction Number 2 following MAI 2.01 which is Instruction Number 1).

MAI 2.04: EXPLANATORY - RETURN OF VERDICT (This instruction must be given in every case).

MAI 3.01: BURDEN OF PROOF - GENERAL (A burden of proof instruction must be given in every case. MAI 3.01 is to be used except where another burden of proof instruction has been provided).

MAI 11.08: DEFINITIONS - NEGLIGENCE - DIFFERENT STANDARDS OF CARE.

MAI 14.05 DEFINITION - YIELD THE RIGHT - OF - WAY - VEHICLE ENTERING AT STOP SIGN OR YIELD SIGN.

MAI 17.02 (As modified by MAI 37.01 and MAI 19.01) VERDICT DIRECTING - MULTIPLE NEGLIGENT ACTS SUBMITTED:

In your verdict you must assess a percentage of fault to defendant whether or not plaintiff was partly at fault if you believe:

First, either:

defendant drove at an excessive speed, or
Defendant knew or by the use of the highest degree of care could have known that there was a reasonable likelihood of collision in time thereafter to have slackened speed or slackened speed and swerved but defendant failed to do so.

Second, defendant, in any one or more of the respects submitted in paragraph First, was thereby negligent, and

Third, such negligence either directly caused damage to plaintiff or combined with the acts of the plaintiff to directly cause damage to plaintiff.

MAI 31.04 VERDICT DIRECTING - LOSS OF CONSORTIUM, LOSS OF SERVICES OR MEDICAL EXPENSES - SPOUSE OR CHILD INJURED - FOR **EITHER** COMPARATIVE FAULT OR NON - COMPARATIVE FAULT SUBMISSIONS.

If you assess a percentage of fault to Tim Liechty and if you believe that Dovie Shuffler sustained damage as a direct result of injury to her husband then in your verdict you must find that Dovie Shuffler did sustain such damage.

PLAINTIFFS' FAULT (To be proposed by defendant MAI 32.01(1) or MAI 32.01(2)).

Plaintiff would object to MAI 32.02 based on the holding in Happy v.

Blanton, 303 S.W.2d 633, 638 (Mo. 1957).

FAILURE TO MITIGATE DAMAGES (To be proposed by defendant MAI 32.29).

MAI 37.08 COMPARATIVE FAULT - DAMAGES - PERSONAL INJURY AND LOSS OF

CONSORTIUM, LOSS OF SERVICES OR MEDICAL EXPENSES -

SPOUSE OR CHILD INJURED.

MAI 37.09 COMPARATIVE FAULT - FORM OF VERDICT - COMBINED INJURY AND

DERIVATIVE CLAIMS.


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Certificate of Service

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein by email on this date: April 6, 2021 and by electronic means through Iowa EDMS.

Gayla Harrison
129 West Fourth Street
Ottumwa, IA 52501


W. Tyler Logan