

IN THE IOWA DISTRICT COURT IN AND FOR BENTON COUNTY

TROY RANDALL, INDIVIDUALLY AND)	
AS EXECUTOR OF THE ESTATE OF)	
TRISTON RANDALL,	)	No. 009375
)	
Plaintiffs,	)	PLAINTIFFS' AND DEFENDANTS'
	)	JOINT PROPOSED STATEMENT OF THE
v.	)	CASE, JURY INSTRUCTIONS AND
	)	VERDICT FORM
DENNIS ARY AND SANDRA ARY, CO-)	
ADMINISTRATORS OF THE ESTATE OF)	
QUENTIN RAY ARY; THE ESTATE OF)	
QUENTIN RAY ARY; JACK YOUDE; AND)	
VAN-HOF TRUCKING, INC.,)	
)	
Defendants.)	

Plaintiffs, Troy Randall, Individually and as Executor of the Estate of Triston Randall, and Defendants, Dennis Ary and Sandra Ary, Co-Administrators of the Estate of Quentin Ray Ary, the Estate of Quentin Ray Ary, Jack Youde, and Van-Hof Trucking, Inc., by and through their undersigned counsel, submit the following Proposed Joint Jury Instructions and Verdict Form.

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QUENTIN RAY ARY*

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JACK YOUDE AND
VAN-HOF TRUCKING, INC.*

STATEMENT OF THE CASE

RANDALL:

Members of the Jury:

This case arises from a motor vehicle collision on April 9, 2015, in Urbana, Iowa that resulted in the deaths of five people. One of those killed was Triston Randall. Triston was a passenger in a pick-up truck driven by Quentin Ary, who also died. The Ary vehicle collided with a tractor-trailer driven by Jack Youde on behalf of Van-Hof Trucking.

The Plaintiff in this case, Troy Randall, is Triston's father and executor. Troy Randall asserts claims of wrongful death and negligence against the Estate of Quentin Ary, Jack Youde and Van-Hof Trucking. The Defendants deny Plaintiffs' claims and also dispute the nature and extent of the harms and damages claimed by Plaintiffs.

ARY:

MEMBERS OF THE JURY:

Triston Randall was a passenger in the truck driven by his cousin, Quentin Ary, when on April 9, 2015, Quentin collided with a semi-truck operated by Jack Youde and owned by Van-Hof Trucking at the intersection of Highway 150 and 55th Street, near Urbana, in Benton County, Iowa. Triston Randall, Quentin Ary and the other passengers in the Ary vehicle died. Triston Randall's Estate and his father, Troy Randall, have sued Quentin Ary's Estate and Jack Youde and Van-Hof Trucking claiming that Ary and Youde negligently operated their motor vehicles, resulting in the death of Triston Randall. For purposes of this case you should treat Youde and

Van-Hof as one party. Plaintiffs additionally allege that they have suffered damages due to the motor vehicle accident.

Ary is no longer alive but his Estate disputes the cause of the accident. The Ary Estate asserts that Youde had an alternate route to have avoided crossing the center line and should have maintained control of his vehicle. Youde denies he is at fault.

You should decide these fact questions in accordance with the following instructions.

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.

YOUDE:

Members of the Jury: This case arises out of an accident that happened at approximately 4:08 p.m. on April 9, 2015, at the intersection of Highway 150 and 55th Street near Urbana, Iowa, involving a pick-up truck operated by Quentin Ray Ary in which Triston Randall was a passenger, and a semi-tractor trailer operated by Jack Youde under the authority of Van-Hof Trucking, Inc. Troy Randall, the administrator of Triston Randall's estate, has alleged that Quentin Ray Ary and Jack Youde were negligent and that Ary's alleged negligence was the primary cause and that Youde's alleged negligence was a contributing cause of the accident and of the damages sought in this case. Dennis Ary and Sandra Ary, the co-administrators of Quentin Ray Ary's estate, deny these claims and claim that Youde's alleged negligence contributed to the accident and to the cause of the damages sought in this case. Jack Youde denies all claims he acted negligently and further claims that he was faced with a sudden emergency. Jack Youde further claims that Ary's negligence was the sole proximate cause of the accident and damages.

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.

Authority

Iowa Civ. Jury Instr. 100.1

Given_____

Refused_____

Given as Modified_____

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 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. **[Ary's instruction omits the following:]** 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.

Authority

Iowa Civ. Jury Instr.100.2

Given_____

Refused_____

Given as Modified_____

INSTRUCTION NO. 2

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.

Authority

Iowa Civ. Jury Instr. 100.4

{02497220.DOC}

Given_____

Refused_____

Given as Modified_____

RANDALL/YOUDE*

INSTRUCTION NO. 3

You may not communicate about this case before reaching your verdict. This includes cell phones, and electronic media such as text messages, Facebook, MySpace, 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. **[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.] – YOUDE ONLY***

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

Authority:

Iowa Civ. Jury Instr. 100.23

Given _____
Refused _____
Given as Modified _____

INSTRUCTION NO. 4

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.

Authority

Iowa Civ. Jury Instr. 100.3

Given_____

Refused_____

Given as Modified_____

ARY/YOUDE [RANDALL BELIEVES UNNECESSARY]

INSTRUCTION NO. ____

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.

Authority

Iowa Civ. Jury Instr. 100.5

Given_____

Refused_____

Given as Modified_____

YOUDE [RANDALL BELIEVES UNNECESSARY]

INSTRUCTION NO. ____

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.

Authority:

Iowa Civ. Jury Instr. 100.6

Given_____

Refused_____

Given as Modified_____

INSTRUCTION NO. 5

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 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.

Authority:

Iowa Civ. Jury Instr. 100.9

Given _____
Refused _____
Given as Modified _____

YOUDE [RANDALL BELIEVES UNNECESSARY]

INSTRUCTION NO. _____

An expert witness was asked to assume certain facts were true and to give an opinion based upon 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.

Authority:

Iowa Civ. Jury Instr. 100.11

Given _____

Refused _____

Given as Modified _____

INSTRUCTION NO. 6

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.

Authority:

Iowa Civ. Jury Instr. 100.12

Given _____
Refused _____
Given as Modified _____

YOUDE

INSTRUCTION NO. 7

You have heard evidence claiming that [name of witness] made statements before this trial while not under oath which were inconsistent with what the witness said in this trial.

Because the witness did not make the earlier statements under oath, you may use them only to help you decide if you believe the witness.

Decide if the earlier statements were made and whether they were inconsistent with testimony given at trial. You may disregard all or any part of the testimony if you find the statements were made and they were inconsistent with the testimony given at trial, but you are not required to do so.

Do not disregard the testimony if other evidence you believe supports it or if you believe it for any other reason.

Authority

Iowa Civ. Jury Instr. 100.13

Given_____

Refused_____

Given as Modified_____

YOUDE

INSTRUCTION NO. 8

The fact 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.

Authority:

Iowa Civ. Jury Instr. 100.20

Given _____
Refused _____
Given as Modified _____

INSTRUCTION NO. 9

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.

Authority:

Iowa Civ. Jury Instr. 400.1

Given _____
Refused _____
Given as Modified _____

PLAINTIFFS' INSTRUCTION NO. 10A

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 Quentin Ary and Jack Youde 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 Jack Youde and Van-Hof Trucking, Inc., are to be treated as a single party for the purpose of determining their percentage of fault.

Authority:

Iowa Civ. Jury Instr. 400.2

Iowa Code § 321.493.

Given_____

Refused_____

Given as Modified_____

DEFENDANT ARY'S INSTRUCTION NO. 10B

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 Plaintiff, Randall and Defendant, Ary, and the extent their conduct caused the damages claimed. You should then determine what percentage, if any, each person's fault contributed to the damages.

Authority:

Iowa Civ. Jury Instr. 400.2

Given_____

Refused_____

Given as Modified_____

DEFENDANTS YOUDE/VAN-HOF TRUCKING'S INSTRUCTION NO. 10C

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 Triston Randall, Quentin Ray Ary, Jack Youde, and Van-Hof Trucking, Inc. 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. Jack Youde and Van-Hof Trucking, Inc., are to be treated as a single party for the purpose of determining their percentage of fault.

Authority:

Iowa Civ. Jury Instr. 400.2

Given_____

Refused_____

Given as Modified_____

YOUDE [RANDALL BELIEVES THE PARTIES HAVE AGREED TRISTON IS NOT AT FAULT]

INSTRUCTION NO. ____

After you have compared the conduct of all parties, if you find Triston Randall was at fault and Triston Randall's fault was more than 50% of the total fault, the Estate of Triston Randall and Troy Randall, individually, cannot recover damages.

However, if you find Triston Randall's fault was 50% or less of the total fault, then I will reduce the total damages by the percentage of Triston Randall's fault.

If you assign to a party less than 50% of the total fault, that party will only be liable to the extent of the percentage of fault assigned by you.

The Estate of Triston Randall and Troy Randall, individually, can claim the entire amount of damages awarded from any of the parties' whose percentage of fault is found by you to be 50% or more.

I will order the parties to contribute to the payment of damages awarded on the basis of the percentages of fault you insert in your answers to the questions at the end of these instructions.

Authority:

Iowa Civ. Jury Instr. 400.3

Given _____
Refused _____
Given as Modified _____

PLAINTIFFS' INSTRUCTION NO. 11A

The plaintiffs claim that Quentin Ary was negligent in one or more of the following particular(s):

1. Failure to maintain control of his vehicle.
2. Failure to reduce driving speed to a reasonable and proper rate when approaching and traveling through a crossing or intersection of highways.
3. Failure to stop or yield at the entrance to a through highway and yield the right-of-way.
4. Failure to stop at a stop intersection indicated by a stop sign.
5. Failure to keep a "proper lookout."

These grounds of fault are explained to you in other instructions.

The plaintiffs must prove all of the following propositions:

1. Ary was negligent or at fault.
2. Ary's negligence or fault was a cause of the plaintiffs' damage.
3. The amount of damage.

If the plaintiffs have failed to prove any of these propositions, the plaintiffs are not entitled to damages from the Ary Estate. If the plaintiffs have proved all of these propositions, the plaintiffs are entitled to damages, and you will need to determine Ary's percentage of fault.

Authority:

Iowa Civ. Jury Instr. 400.5

Given _____
Refused _____
Given as Modified _____

DEFENDANT ARY'S INSTRUCTION NO. 11B

Randall claims that Ary was at fault by being negligent in the following particular:

By failing to stop at the stop sign.

This ground of fault is explained to you in another instruction.

Randall must prove all of the following propositions:

1. Ary was at fault. To prove fault, Randall must prove Ary was negligent in the operation of his vehicle.
2. Ary's fault was a cause of Randall's damages.
3. The amount of damages.

If Randall has failed to prove any of these propositions, then they are not entitled to damages.

Authority:

Iowa Civ. Jury Instr. 400.5

Given _____

Refused _____

Given as Modified _____

DEFENDANTS YOUDE/VAN-HOF TRUCKING'S INSTRUCTION NO. 11C

Plaintiffs claim that Quentin Ray Ary was at fault in one or more of the following particular(s):

- a. In failing to stop at the stop sign located at the intersection of Highway 150 and 55th Street near Urbana, Iowa.

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

Plaintiffs must prove all of the following propositions:

1. Quentin Ray Ary was at fault. In order to prove fault, Plaintiffs must prove Quentin Ray Ary did something a reasonably careful person would not have done under similar circumstances, or failed to do something a reasonably careful person would have done under the circumstances.
2. Quentin Ray Ary's fault was a proximate cause of the Plaintiffs' damage.
3. The amount of damage.

If Plaintiffs have failed to prove any of these propositions, the Plaintiffs' are not entitled to damages. If Plaintiffs have proven all of these propositions, you will consider the defense of comparative fault as explained in Instruction Nos. _____, _____, and _____.

Authority:

Iowa Civ. Jury Instr. 400.5

Given_____

Refused_____

Given as Modified_____

PLAINTIFFS' INSTRUCTION NO. 12

The plaintiffs claim that Jack Youde was negligent while driving on behalf of Van-Hof in one or more of the following particular(s):

1. Failure to drive at a safe and careful speed due to road conditions.
2. Exceeding the advised speed limit.
3. Failure to maintain control of his vehicle.
4. Failure to reduce driving speed to a reasonable and proper rate when approaching and traveling through a crossing or intersection of highways.
5. Driving a vehicle across the centerline of the highway and on the wrong side of the road.
6. Failure to keep a "proper lookout."
7. Failure to give warning with a horn when reasonably necessary to insure safe operation of the vehicle.

These grounds of fault are explained to you in other instructions.

The plaintiffs must prove all of the following propositions:

1. Youde was negligent or at fault.
2. Youde's negligence or fault was a cause of the plaintiffs' damage.
3. The amount of damage.

If the plaintiffs have failed to prove any of these propositions, the plaintiffs are not entitled to damages from Youde and Van-Hof. If the plaintiffs have proved all of these

propositions, plaintiffs are entitled to damages, and you will need to determine Youde's and Van Hof's percentage of fault.

Authority:

Iowa Civ. Jury Instr. 400.5

Given_____

Refused_____

Given as Modified_____

DEFENDANT ARY'S INSTRUCTION NO. 12B

Ary claims that Youde's negligence was a cause of the accident in the following particulars:

1. By failing to maintain control.
2. By failing to remain on the right-hand side of the roadway.

These grounds of fault are explained to you in other instructions.

Ary must prove the following propositions:

1. Youde was at fault. To prove fault, Ary must prove that Youde was negligent in the operation of his vehicle.
2. Youde's fault was a cause of the damages.

If Ary has failed to prove either of these propositions, Ary has not proved his defense. If Ary has proved these propositions, then you will assign a percentage of fault against Youde and include his fault in the total percentage of fault found by you in answering the special verdicts.

Authority:

Iowa Civ. Jury Instr. 400.5

Given _____
Refused _____
Given as Modified _____

DEFENDANTS YOUDE/VAN-HOF TRUCKING'S INSTRUCTION NO. 12C

Plaintiffs claim that Jack Youde was at fault in one or more of the following particular(s):

- a. Driving his tractor-trailer across the center line of Highway 150;

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

Plaintiffs must prove all of the following propositions:

1. Jack Youde was at fault. In order to prove fault, Plaintiffs must prove Jack Youde did something a reasonably careful person would not have done under similar circumstances, or failed to do something a reasonably careful person would have done under the circumstances.
2. Jack Youde's fault was a proximate cause of the Plaintiff's damage.
3. The amount of damage.

If Plaintiffs have failed to prove any of these propositions, Plaintiffs are not entitled to damages. If Plaintiffs have proven all of these propositions, you will consider the defense of comparative fault as explained in Instruction Nos. _____, _____, and _____; the defense of legal excuse due to a sudden emergency as explained in Instructions Nos. _____, and _____; and the defense of sole proximate cause as explained in Instructions Nos. _____, and _____.

Authority:

Iowa Civ. Jury Instr. 400.5

Given _____

Refused _____

Given as Modified _____

YOUDE

INSTRUCTION NO. 13

Jack Youde claims Quentin Ray Ary was at fault in one or more of the following particular(s):

- a. In failing to maintain a proper lookout; and
- b. In failing to stop at the stop sign located at the intersection of Highway 150 and 55th Street near Urbana, Iowa; and
- c. In failing to yield to traffic on Highway 150.

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

Jack Youde must prove both of the following propositions:

1. Quentin Ray Ary was at fault. In order to prove fault, Jack Youde must prove Quentin Ray Ary did something a reasonably careful person would not have done under similar circumstances, or failed to do something a reasonably careful person would have done under the circumstances.
2. Quentin Ray Ary's fault was a proximate cause of the Plaintiffs' damage.

If Jack Youde has failed to prove either of these propositions, Jack Youde has not proven his defense. If Jack Youde has proved both of these propositions, you will assign a percentage of fault against Quentin Ray Ary and include Quentin Ray Ary's fault in total percentage of fault found by you answering the special verdicts.

Authority:

{02497220.DOC}

Iowa Civ. Jury Instr. 400.6

Given_____

Refused_____

Given as Modified_____

INSTRUCTION NO. 14

A cause of action against a deceased person such as Quentin Ary survives that person's death and may be brought against his Estate or legal representatives.

AUTHORITY:

Iowa Code § 611.20; § 611.22

Given _____
Refused _____
Given as Modified _____

INSTRUCTION NO. 15

As executor of the Estate of Triston Randall, Troy Randall has the authority to bring a claim, as well as collect damages arising from a claim, on behalf of Triston's Estate.

Authority:

Iowa Code § 633.81.

Given_____

Refused_____

Given as Modified_____

INSTRUCTION NO. 16

If you find Troy Randall as personal representative of the Estate of Triston Randall is entitled to recover damages, it is your duty to determine the amount. In doing so you shall consider the following items:

1. The present value of additional amounts Triston Randall would reasonably be expected to have accumulated as a result of his own effort from the date he would have reached age eighteen until he had lived out the terms of his life. This calculation is explained in Instruction No. ____.

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.

ARY

INSTRUCTION NO. 17A

If you find Troy Randall as personal representative of the Estate of Tristan Randall is entitled to recover damages, it is your duty to determine the amount. In doing so you shall consider the following items:

The present value of additional amounts Triston Randall would reasonably be expected to have accumulated as a result of his own effort from the date he would have reached age eighteen until he had lived out the terms of his life.

In determining this amount, you may consider:

1. His life expectancy.
2. His health, physical and mental condition.
3. His habits as to industry, thrift and economy.
4. His interest in school.
5. His grades and attendance in school.
6. The occupation of his parents.
7. The uncertainties of life such as ill health, unemployment, increased or decreased earning capacity as age advances.
8. The amount of taxes, both federal and state, which would be payable out of earnings.
9. All other facts and circumstances bearing on the amount he might have accumulated.

Authority:

Iowa Civ. Jury Instr. 200.26

Given_____

Refused_____

Given as Modified_____

YOUDE

INSTRUCTION NO. 17B

If you find Troy Randall, as personal representative of the Estate is entitled to recover, it is your duty to determine the amount. In doing so you shall consider the following items in determining an amount which will fully compensate the Estate of Triston Randall for the damages incurred.

The present value of the additional amounts Triston Randall would reasonably be expected to have accumulated as a result of his own effort from the date he would have reached age eighteen until he had lived out the term of his natural life.

In determining this amount, you may consider:

1. His life expectancy.
2. His health, physical and mental condition.
3. His habits as to industry, thrift and economy.
4. His interest in school.
5. His grades and attendance in school.
6. The occupation of his parents.
7. The uncertainties of life such as ill health, unemployment, increased or decreased earning capacity as age advances.
8. The amount of taxes, both federal and state, which would be payable out of earnings.
9. All other facts and circumstances bearing on the amount he might have accumulated.

You must use your sound judgment based upon an impartial consideration of the evidence when assessing this item of damage. 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 the above item will be used to answer the special verdicts.

Authority:

Iowa Civ. Jury Instr. 200.26

Given_____

Refused_____

Given as Modified_____

RANDALL

INSTRUCTION NO. 18

In determining the present value of additional amounts Triston Randall would reasonably be expected to have accumulated as a result of his own effort from the date he would have reached age eighteen until he had lived out the terms of his life, you may consider:

1. His life expectancy.
2. His health, physical and mental condition.
3. His habits as to industry, thrift and economy.
4. His interest in school.
5. His grades and attendance in school.
6. The occupation of his parents.
7. The uncertainties of life such as ill health, unemployment, increased or decreased earning capacity as age advances.
8. The amount of taxes, both federal and state, which would be payable out of earnings.
9. All other facts and circumstances bearing on the amount he might have accumulated.

Authority:

Iowa Civ. Jury Instr. 200.27

Given_____

Refused_____

Given as Modified_____

RANDALL

INSTRUCTION NO. 19

If you find Troy Randall individually is entitled to recover damages as the result of the death of Triston Randall, it is your duty to determine the amount. In doing so you shall consider the following items:

1. The reasonable value of the past loss of services, which include loss of companionship and society of the child, from the date of the death to the present time, minus the probable cost of the child's board and maintenance during that time period.

2. The present value of the future loss of services, which include loss of companionship and society of the parent and child, including during Triston's adulthood, minus the present value of the probable cost of child support and maintenance during that same time period.

Items 1 and 2 include the loss of Triston's earnings while a minor, the economic or monetary value of Triston's child's labor if you find he unemployed or underemployed, as well as the parent's right to the intangible benefits of companionship, cooperation and affection of the child. They do not include the parent's mental anguish caused by the child's death.

In determining loss of companionship and society, you may consider the circumstances of the life of Triston including:

1. His age, health, strength, intelligence, character, interests and personality.
2. Activities in the household and community.
3. All other facts and circumstances bearing on the issue.

The amount you assess for loss of services in the past and future 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 damages 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 from one party shall not be included in any amount awarded from to another party.

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

Authority:

Iowa Civ. Jury Instr. 200.28A (as modified for the facts herein).

Iowa Code § 613.15A.

Given_____

Refused_____

Given as Modified_____

YOUDE

INSTRUCTION NO. 19B

If you find Troy Randall is entitled to recover damages as the result of the death of Triston Randall, it is your duty to determine the amount. In doing so you shall consider the following items:

1. The reasonable value of the past loss of services, which include loss of companionship and society of the child, from the date of the death to the present time, minus the probable cost of the child's board and maintenance during that time period.
2. The present value of the future loss of services, which include loss of companionship and society of the parent and child, minus the present value of the probable cost of child support and maintenance during that same time period.

Items 1 and 2 include the economic or monetary value of the child's labor where the child is not employed, as well as the parent's right to the intangible benefits of companionship, cooperation and affection of the child. They do not include the parent's mental anguish caused by the child's death.

In determining loss of companionship and society, you may consider the circumstances of the life of the child including:

1. The child's age, health, strength, intelligence, character, interests and personality.
2. Activities in the household and community.
3. All other facts and circumstances bearing on the issue.

The amount you assess for loss of services in the past and future 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 damages 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.

Authority:

Iowa Civ. Jury Instr. 200.28A

Given_____

Refused_____

Given as Modified_____

INSTRUCTION NO. 20

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.

Authority:

Iowa Civ. Jury Instr. 200.35B

Given_____

Refused_____

Given as Modified_____

ARY/YOUDE

INSTRUCTION NO. 21

Standard Mortality Table indicates the normal life expectancy of people who are the same age as Triston Randall is 77 years. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence about Triston Randall's prior health, habits, occupation, and lifestyle, when deciding issues of future damages.

Authority:

Iowa Civ. Jury Instr. 200.36

Given _____
Refused _____
Given as Modified _____

INSTRUCTION NO. 22

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

Authority:

Iowa Civ. Jury Instr. 200.38

Given_____

Refused_____

Given as Modified_____

ARY

INSTRUCTION NO. 23

Recovery cannot be based on the parent's grief, mental anguish or suffering.

Two Rivers Bank & Trust v. Atanasova, 686 F.3d 554, 564 (8th Cir. 2012).

RANDALL/ARY

INSTRUCTION NO. 24

Any person driving a vehicle on a highway shall drive at a careful speed not greater than nor less than is reasonable and proper, having due regard for the traffic, surface and width of the highway and of any other existing conditions.

A violation of this law is negligence.

Authority:

Iowa Civ. Jury Instr. 600.1

Given_____

Refused_____

Given as Modified_____

RANDALL

INSTRUCTION NO. 25

At the time and place of the collision, the advisory speed limit for Youde's vehicle was 50 miles per hour under normal conditions.

If you find Youde exceeded this speed, you may consider it to be negligence.

Authority:

Iowa Civ. Jury Instr. 600.2

Given _____
Refused _____
Given as Modified _____

RANDALL/ARY

INSTRUCTION NO. 26

A driver must have his or her vehicle under control. It is under control when the driver can guide and direct its movement, control its speed and stop it reasonably fast.

A violation of this duty is negligence.

Authority:

Iowa Civ. Jury Instr. 600.7

Given_____

Refused_____

Given as Modified_____

RANDALL

INSTRUCTION NO. 27

A driver operating a vehicle must have it under control and shall reduce its speed to a reasonable and proper rate when approaching and traveling through a crossing or intersection of highways.

A violation of this law is negligence.

Authority:

Iowa Civ. Jury Instr. 600.8

Given_____

Refused_____

Given as Modified_____

RANDALL

INSTRUCTION NO. 28

Road conditions may be such that speed should be less than the legal limit. Traffic laws call for the minimum of care and not the maximum. A driver should not operate a vehicle up to the legal speed limit if the circumstances are such that ordinary care requires a lesser speed.

A violation of this law is negligence.

Authority:

Iowa Civ. Jury Instr. 600.9

Given_____

Refused_____

Given as Modified_____

RANDALL/ARY

INSTRUCTION NO. 29

A vehicle shall be driven on the right half of the road on all roads of sufficient width, except as follows:

1. When overtaking and passing another vehicle going in the same direction under the rules governing such movement.

2. When an obstruction makes it necessary to drive to the left of the center of the road. Any person doing so shall yield the right-of-way to all vehicles traveling in the opposite direction upon the open portion of the road within a distance which is an immediate danger.

3. On a road divided into three marked lanes for traffic under the rules which apply.

4. On a road restricted to one-way traffic.

A violation of this law is negligence.

Authority

Iowa Civ. Jury Instr. 600.11

Given_____

Refused_____

Given as Modified_____

RANDALL/YOUBE

INSTRUCTION NO. 30

Both drivers have a right to use the road, but each must respect the rights of the other. Each driver may assume the other would obey the law until they knew, or in the exercise of ordinary care, should have known the other driver was not going to obey the law.

Authority:

Iowa Civ. Jury Instr. 600.71

Given_____

Refused_____

Given as Modified_____

INSTRUCTION NO. 31

The driver of a vehicle shall stop or yield at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway that they are a danger. Then the driver, having yielded, may proceed to cautiously and carefully enter the through highway.

A violation of this law is negligence.

Authority:

Iowa Civ. Jury Instr. 600.38

Given_____

Refused_____

Given as Modified_____

RANDALL/YOUBE

INSTRUCTION NO. 32

The driver of a vehicle approaching a stop intersection indicated by a stop sign or a flashing red light shall stop at the first opportunity at either the clearly marked stop line, or before entering the crosswalk, or before entering the intersection, or at a point nearest the intersecting road where the driver has a view of approaching traffic on the intersecting road before entering the intersection. Before going ahead, the driver shall yield the right-of-way to any vehicle in the intersecting road which has entered the intersection or which is approaching so closely that it is an immediate danger during the time the driver is moving through the intersection.

A violation of this law is negligence.

Authority:

Iowa Civ. Jury Instr. 600.39

Given _____
Refused _____
Given as Modified _____

YOUDE

INSTRUCTION NO. 33

"Proper lookout" is the lookout a reasonable person would keep in the same or similar situation. It means more than looking and seeing. It includes being aware of the operation of the driver's vehicle in relation to what the driver saw or should have seen.

A violation of this duty is negligence.

Authority:

Iowa Civ. Jury Instr. 600.72

Given _____
Refused _____
Given as Modified _____

YOUDE

INSTRUCTION NO. 34

Jack Youde claims that if you find that he violated the law in the operation of his vehicle, he had a legal excuse for doing so because he was faced with a sudden emergency and, therefore, is not negligent. "Legal excuse" means that someone seeks to avoid the consequences of his conduct by justifying acts which would otherwise be considered negligent. The burden is upon Jack Youde to establish as a legal excuse:

1. Anything that would make complying with the law impossible.
2. Anything over which the driver has no control which places his vehicle in a position contrary to the law.
3. Failure to obey the law when the driver is confronted with sudden emergency not of his own making.
4. An excuse or exception provided by the law.

If you find that Jack Youde has violated the law as submitted to you in other instructions, and that he has established a legal excuse for doing so under any one of the four definitions set forth above, then you should find that Jack Youde was not negligent for violating the particular law involved.

Authority:

Iowa Civ. Jury Instr. 600.72

Given _____
Refused _____
Given as Modified _____

YOUDE

INSTRUCTION NO. 35

A sudden emergency is an unforeseen combination of circumstances that calls for immediate action or a sudden or unexpected occasion for action. A driver of a vehicle who, through no fault of his own, is placed in a sudden emergency, is not chargeable with negligence if the driver exercises that degree of care which a reasonably careful person would have exercised under the same or similar circumstances, regardless of whether there were alternative actions the driver may have potentially taken.

Authority:

Iowa Civ. Jury Instr. 600.75

Jones v. Blair, 387 N.W.2d 349, 352 (Iowa 1986).

Given_____

Refused_____

Given as Modified_____

RANDALL

INSTRUCTION NO. 36

Every motor vehicle operated upon a highway shall be equipped with a horn in good working order capable of being heard under normal conditions from at least 200 feet. When reasonably necessary to insure safe operation, the driver of the vehicle shall give such warning. The horn shall not otherwise be used and shall not give out an unreasonably loud or harsh sound or whistle.

A violation of this law is negligence.

Authority:

Iowa Civ. Jury Instr. 600.96

Given _____
Refused _____
Given as Modified _____

INSTRUCTION NO. 37

"Negligence" means failure to use ordinary care. Ordinary care is the care which a reasonably careful person would use under similar circumstances. "Negligence" is doing something a reasonably careful person would not do under similar circumstances, or failing to do something a reasonably careful person would do under similar circumstances.

Authority:

Iowa Civ. Jury Instr. 700.2

Given_____

Refused_____

Given as Modified_____

INSTRUCTION NO. 38

The conduct of a party is a cause of damage when the damage would not have happened except for the conduct. There can be more than one cause of an injury or damage.

Authority:

Iowa Civ. Jury Instr. 700.3

Given _____
Refused _____
Given as Modified _____

RANDALL

INSTRUCTION NO. 39

There can be more than one cause of an injury or damage. When the fault of two or more separate parties is so related to an event that their combined fault, when viewed as a whole, is the cause of the event without which the event would not occur, then the fault of each party may be a cause.

Authority:

Iowa Civ. Jury Instr. 700.2

Given _____
Refused _____
Given as Modified _____

YOUDE

INSTRUCTION NO. 40

Jack Youde claims the sole proximate cause of the plaintiff's damages was Quentin Ray Ary's failure to stop at the stop sign located at the intersection of Highway 150 and 55th Street and failure to yield to oncoming traffic before entering Highway 150. Sole proximate cause means the only proximate cause. Jack Youde must prove both of the following propositions:

1. Quentin Ray Ary engaged in such conduct.
2. Quentin Ray Ary's conduct was the only proximate cause of plaintiff's damage.

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

Authority:

Iowa Civ. Jury Instr. 700.5

Given _____
Refused _____
Given as Modified _____

ARY/YOUDE

INSTRUCTION NO. 41

The mere fact that an accident occurred or a party was injured does not mean a party was negligent.

Authority:

Iowa Civ. Jury Instr. 700.8

Given _____

Refused _____

Given as Modified _____

YOUDE

INSTRUCTION NO. 43

Iowa Code Section 321.322 states that a driver of a vehicle shall stop or yield as required by this chapter at the entrance to a through highway and shall yield the right-of-way to other vehicle which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute a hazard, but said driver having so yielded may proceed cautiously and with due care enter said through highway.

A violation of this law is negligence.

Authority:

Iowa Civ. Jury Instr. 700.10

Given _____
Refused _____
Given as Modified _____

RANDALL

INSTRUCTION NO. 44

"Proper lookout" is the lookout a reasonable person would keep in the same or similar situation. It means more than looking and seeing. It includes being aware of the operation of the driver's vehicle in relation to what the driver saw or should have seen.

A violation of this duty is negligence.

Authority:

Iowa Civ. Jury Instr. 700.12

Given_____

Refused_____

Given as Modified_____

INSTRUCTION NO. 45

Upon retiring, you shall select a foreman or forewoman. It will be his or her duty to see that 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.

Authority:

Iowa Civ. Jury Instr. 100.18

Given _____
Refused _____
Given as Modified _____

INSTRUCTION NO. 46

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.

Authority:

Iowa Civ. Jury Instr. 100.21

Given _____

Refused _____

Given as Modified _____

INSTRUCTION NO. 47

I am giving you one Verdict Form.

After deliberating for six hours from _____ o'clock __.m., excluding meals or recesses outside your jury room, then it is necessary that only seven of you agree upon the verdict. In that case, the verdict must be signed by all seven jurors who agree.

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

Dated this _____ day of September, 2018.

PRESIDING JUDGE

IN THE IOWA DISTRICT COURT IN AND FOR BENTON COUNTY

TROY RANDALL, INDIVIDUALLY AND)	
AS EXECUTOR OF THE ESTATE OF)	
TRISTON RANDALL,	)	No. 009375
)	
Plaintiffs,	)	PLAINTIFFS' PROPOSED
	)	VERDICT FORM NO. 1 (ESTATE OF
v.	)	TRISTON RANDALL)
)	
DENNIS ARY AND SANDRA ARY, CO-)	
ADMINISTRATORS OF THE ESTATE OF)	
QUENTIN RAY ARY; THE ESTATE OF)	
QUENTIN RAY ARY; JACK YOUDE; AND)	
VAN-HOF TRUCKING, INC.,)	
)	
Defendants.)	

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

Question No. 1: On the claim of Troy Randall as the Executor of the Estate of Triston Randall against the Estate of Quentin Ray Ary, we find in favor of:

Troy Randall: _____

The Estate of Quentin Ary: _____

If you find in favor of the Estate of Quentin Ary, do not answer Question No. 2.

Question No. 2: The percentage of total fault assigned to Quentin Ary is:

ANSWER: _____ Note: The percentages in your Answer to No. 2 and No. 4 must add up to 100 percent.

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Question No. 3: On the claim of Troy Randall as the Executor of the Estate of Triston Randall against Jack Youde and Van-Hof Trucking, we find in favor of:

Troy Randall: _____

Jack Youde/Van-Hof _____

If you found in favor of Jack Youde/Van Hof, do not answer question No. 4

Question No. 4: The percentage of total fault assigned to Jack Youde/Van-Hof is:

Answer: _____ Note: the percentages in your answers to No. 2 and No. 4 must add up to 100 percent.

Question No. 5:

We award the following damages to Troy Randall as Executor of the Estate of Triston Randall. Do not reduce the damages based on any percentages assigned above. The Court will make any necessary calculations.

1. Lost accumulations to Triston Randall's estate: \$ _____

*FOREPERSON

*To be signed only if Verdict is unanimous.

**JUROR

**JUROR

**JUROR

**JUROR

**JUROR

**JUROR

**JUROR

**To be signed by Jurors agreeing hereto after six hours or more of deliberation.

IN THE IOWA DISTRICT COURT IN AND FOR BENTON COUNTY

TROY RANDALL, INDIVIDUALLY AND)	
AS EXECUTOR OF THE ESTATE OF)	
TRISTON RANDALL,	)	No. 009375
)	
Plaintiffs,	)	PLAINTIFFS' PROPOSED
	)	VERDICT FORM NO. 2 (TROY
v.	)	RANDALL INDIVIDUALLY)
)	
DENNIS ARY AND SANDRA ARY, CO-)	
ADMINISTRATORS OF THE ESTATE OF)	
QUENTIN RAY ARY; THE ESTATE OF)	
QUENTIN RAY ARY; JACK YOUDE; AND)	
VAN-HOF TRUCKING, INC.,)	
)	
Defendants.)	

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

Question No. 1: On the claim of Troy Randall individually against the Estate of Quentin Ray

Ary, we find in favor of:

Troy Randall: _____

The Estate of Quentin Ary: _____

If you find in favor of the Estate of Quentin Ary, do not answer Question No. 2.

Question No. 2: The percentage of total fault assigned to Quentin Ary is:

ANSWER: _____ Note: The percentages in your Answer to No. 2 and No. 4 must add up to 100 percent.

Question No. 3: On the claim of Troy Randall individually against Jack Youde and Van-Hof Trucking, we find in favor of:

Troy Randall: _____

Jack Youde/Van-Hof _____

If you found in favor of Jack Youde/Van Hof, do not answer question No. 4

Question No. 4: The percentage of total fault assigned to Jack Youde/Van-Hof is:

Answer: _____ Note: the percentages in your answers to No. 2 and No. 4 must add up to 100 percent.

Question No. 5:

We award the following damages to Troy Randall individually. Do not reduce the damages based on any percentages assigned above. The Court will make any necessary calculations.

1. Past loss of services, companionship and society: \$ _____

2. Future loss of services, companionship and society: \$ _____

TOTAL: \$ _____

*FOREPERSON

*To be signed only if Verdict is unanimous.

**JUROR

**JUROR

**JUROR

**JUROR

**JUROR

**JUROR

**JUROR

**To be signed by Jurors agreeing hereto after six hours or more of deliberation.

DISTRICT COURT, STATE OF IOWA, BENTON COUNTY

TROY RANDALL, INDIVIDUALLY AND
AS ADMINISTRATOR OR THE ESTATE
OF TRISTON RANDALL,

Plaintiff,

v.

DENNIS ARY AND SANDRA ARY, CO-
ADMINISTRATORS OF THE ESTATE OF
QUENTIN RAY ARY; THE ESTATE OF
QUENTIN RAY ARY; JACK YOUDE;
AND VAN-HOF TRUCKING, INC.,

Defendants.

LACV009375

**ARY DEFENDANTS' PROPOSED
SPECIAL VERDICT**

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

QUESTION NO. 1: Was Quentin Ary at fault?

Answer "yes" or "no."

ANSWER: _____

(If your answer is "no," do not answer Question No. 2.)

QUESTION NO. 2: Was the fault of Quentin Ary a cause of any damage to Randall?

Answer "yes" or "no."

ANSWER: _____

(If you have answered Nos. 1 or 2 "no," do not answer any further questions as to Quentin Ary.)

QUESTION NO. 3: Was Jack Youde at fault?

Answer "yes" or "no."

ANSWER: _____

(If your answer is "no," do not answer Question No. 4.)

QUESTION NO. 4: Was Jack Youde's fault a cause of any damage to Randall?

ANSWER: _____

Answer "yes" or "no."

(If your answer is "no," do not answer any further questions as to Jack Youde).

QUESTION NO. 5: Using 100% as the total combined fault of Quentin Ary and Jack Youde which was a cause of the Plaintiffs' damage, what percentage of such combined fault do you assign to Ary, and what percentage of such combined fault do you assign to the Youde?

ANSWER: Quentin Ary	_____%
Jack Youde	_____%
TOTAL	100%

QUESTION NO. 6: State the amount of damages sustained by the Randalls for each of the following items of damage. If the plaintiffs have failed to prove any item of damage or have failed to prove that any item of damage was caused by the August's fault, enter 0 for that item.

1. Lost Accumulation to the Tristan Randall Estate	\$ _____
2. Consortium damages to Troy Randall	\$ _____
TOTAL (add the separate items of damage)	\$ _____

FOREPERSON*

*To be signed only if verdict is unanimous.

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

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

IN THE IOWA DISTRICT COURT FOR BENTON COUNTY

TROY RANDALL, INDIVIDUALLY AND
AS ADMINISTRATOR OF THE ESTATE OF
TRISTON RANDALL,

Plaintiffs,

v.

DENNIS ARY AND SANDRA ARY, CO-
ADMINISTRATORS OF THE ESTATE OF
QUENTIN RAY ARY; THE ESTATE OF
QUENTIN RAY ARY; JACK YOUDE; AND
VAN-HOF TRUCKING, INC.,

Defendants.

Case No. LACV009375

**DEFENDANTS' JACK YOUDE AND
VAN-HOF TRUCKING, INC.
PROPOSED SPECIAL
INTERROGATORIES AND VERDICT
FORM**

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

QUESTION NO. 1: Was Quentin Ary at fault?

Answer "yes" or "no."

ANSWER: _____

[If your answer is "no," do not answer Questions No. 2 or 3, and move to Question 4. Also in answer to Question 7 enter 0% fault attributed to Quentin Ary.]

QUESTION NO. 2: Was the fault of Quentin Ary a cause of any item of damage to Randall?

Answer "yes" or "no."

ANSWER: _____

[If your answer is "no," do not answer Question No. 3, and move to Question 4. Also in answer to Question 7 enter 0% fault attributed to Quentin Ary.]

QUESTION NO. 3: Was the fault of Quentin Ary the sole proximate cause of any item of damage to Randall

Answer “yes” or “no.”

ANSWER: _____

[If your answer to Question No. 3 is “no,” move to Question 4. If your answer to Question No. 3 is “yes,” do not answer Questions No. 4, 5, 6, and move to Question 7 and enter 100% fault attributed to Quentin Ary and 0% fault for Jack Youde.]

QUESTION NO. 4: Was Jack Youde at fault?

Answer “yes” or “no.”

ANSWER: _____

[If your answer is “no,” do not answer Question No. 5, and move to Question 7 and enter 0% fault attributed to Jack Youde.]

QUESTION NO. 5: Was the fault of Jack Youde a cause of any item of damage to Randall?

Answer “yes” or “no.”

ANSWER: _____

[If your answer is “no,” do not answer Question No. 6, and move to Questions 7 and enter 0% fault attributed to Jack Youde.]

QUESTION NO. 6: Was Jack Youde faced with a sudden emergency?

Answer “yes” or “no.”

ANSWER: _____

[If your answer is “no,” then answer Question 7. If your answer is “yes,” then answer Question 7 and entered 0% fault attributed to Jack Youde.]

QUESTION NO. 7: What percentage of the total fault do you attribute to Quentin Ary or to Jack Youde? The percentages must total 100%.

[Review instructions included above in answering Question No. 7. Note that if you answered Question No. 2 “yes” and Questions No. 3 and 6 “no,” you will attribute some fault to both to Quentin Ary and to Jack Youde.]

ANSWER:

Quentin Ray Ary	% _____
Jack Youde	% _____
TOTAL	100%

QUESTION NO. 8: State the amount of damages sustained by Randall for each of the following items of damage. If Randall has failed to prove any item of damage, or has failed to prove that any item of damage was proximately caused by the party(ies)’ fault, enter “0” for that item.

1. The present value of the lost accumulation to the Estate of Triston Randall. \$ _____.
 2. Consortium damages to Troy Randall, including the present value of any future damages for loss of consortium. \$ _____.
- TOTAL (add the separate items of damage) \$ _____.

Foreperson *

*To be signed only if verdict is unanimous

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

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