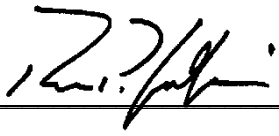


IN THE IOWA DISTRICT COURT FOR POLK COUNTY

GREGORY PHILIP REISING,  Plaintiff,  vs.  SCOTT WILLIAM SNYDER,  Defendant.	DOCKET NO. LACL156969  <b>PLAINTIFF'S PROPOSED JURY INSTRUCTIONS AND VERDICT FORM</b>
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Plaintiff Gregory Philip Reising hereby submits his Proposed Jury Instructions and Verdict Form.



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**IN THE IOWA DISTRICT COURT FOR POLK COUNTY**

<p>GREGORY PHILIP REISING,</p> <p>Plaintiff,</p> <p>vs.</p> <p>SCOTT WILLIAM SNYDER,</p> <p>Defendant.</p>	<p>DOCKET NO. LACL156969</p> <p><b>JURY INSTRUCTIONS</b></p>
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Members of the Jury:

In this case, Plaintiff Gregory Reising claims Defendant Scott Snyder was at fault for a February 24, 2022, incident that occurred on Hickman Road in Des Moines, Iowa in Polk County, when Scott Snyder crashed into the rear of Plaintiff's vehicle resulting in injuries to Gregory Reising. Defendant Scott William Snyder owned the 2018 Chevrolet motor vehicle and admits that he was at fault for the February 24, 2022, collision.

Plaintiff further claims that because of the February 24, 2022 collision, he sustained injuries and damages. Defendant disputes the nature and extent of the injuries and damages claimed by Plaintiff.

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

**Authority**

ICJI 100.1.

INSTRUCTION NO. \_\_\_\_

My duty is to tell you what the law is. Your duty is to accept and apply the 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 you these instructions is not important.

Your duty is to decide all fact questions.

Do not be influenced by any personal likes or dislikes, sympathy, bias, prejudices, or emotions.

**Authority**

ICJI 100.2

INSTRUCTION NO. \_\_\_\_

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**

ICJI 100.3.

INSTRUCTION NO. \_\_\_\_\_

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 attorneys.
4. Any other 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 are 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. Testimony I have told you to disregard.
4. Anything you saw or heard about this case outside the courtroom.

**Authority**

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**

ICJI 100.6

INSTRUCTION NO. \_\_\_\_\_

You will decide the facts from the evidence. Consider the evidence in 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, including, but not limited to:

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**

ICJI 100.9



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

ICJI No. 100.5 Iowa R. Civ. P. 1.704 Farley v. Seiser, 316 N.W.2d 857 (Iowa 1982)

INSTRUCTION NO. \_\_\_\_

Certain testimony has been received into evidence from a videotaped 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 R. Civ. P. 1.704

INSTRUCTION NO. \_\_\_\_

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's education and experience, the reasons given for the opinion, and all the other evidence in the case.

**Authority**

ICJI 100.12

INSTRUCTION NO. \_\_\_\_

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.

**Authority**

ICJI 100.11

INSTRUCTION NO. \_\_\_\_\_

Defendant Scott Snyder has admitted he is at fault for the February 24, 2022 collision, but disputes what, if any, injuries Plaintiff Gregory Reising sustained as a result. In order to recover damages, Plaintiff must prove the amount of each item of damages caused by the fault of Defendant Scott Snyder.

Plaintiff may recover for an item of damages only to the extent that the item of damage was caused by the fault of Defendant Scott Snyder.

**Authority**

ICJI 700.1, 730.1

INSTRUCTION NO. \_\_

The Plaintiff, GREG PHILIP REISING, must prove all of the following propositions:

1. The Defendant SCOTT WILIAM SNYDER was negligent.
2. SCOTT WILIAM SNYDER admits he was negligent and at fault for this accident.
3. The negligence was a cause of damage to the Plaintiff.
4. The amount of damages.

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

Authority

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

INSTRUCTION NO. \_\_\_\_

"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

ICJI 700.2

Bartlett v. Chebuhar, 479 N.W.2d 321 (Iowa 1992)

Schalk v. Smith, 224 Iowa 904, 277 N.W. 303 (1938)

INSTRUCTION NO. \_\_\_\_

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

**Authority**

ICJI 700.3



INSTRUCTION NO. \_\_\_\_\_

If you find that Plaintiff Gregory Reising is entitled to recover damages, you shall consider the following items of damage:

1. The reasonable value of necessary hospital charges, doctor, and therapy charges, prescriptions and other medical services from the date of injury to the present time;
2. The present value of reasonable and necessary hospital charges, doctor, and therapy charges, prescriptions and other medical services which will be incurred in the future.
3. The reasonable value of lost wages from the date of injury to the present time.
4. Physical 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.

5. The present value of future physical pain and suffering.
6. Mental pain and suffering from the date of injury to the present time.

Mental pain and suffering may include, but is not limited to, mental anguish or loss of enjoyment of life.

7. The present value of future mental pain and suffering.

The amount you assess for physical and mental pain and suffering in the past or 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 damage must not exceed the amount caused by the Defendant 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.

**Authority**

ICJI 200.1, 200.6, 200.7, 200.8, 200.9, 200.10, 200.11B, 200.12, 200.13B

INSTRUCTION NO. \_\_\_\_\_

Future damages for economic loss 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 Plaintiff for future losses.

**Authority**

ICJI 200.35B

INSTRUCTION NO. \_\_\_\_\_

A Standard Mortality Table indicates the normal life expectancy of males who are the same age as Gregory Reising is 49.8 additional years.

The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence, but an individual's health, habits, occupation, and lifestyle, when deciding issues of future damages.

**Authority**

ICJ 200.37

2018 CDC National Vital Statistics Reports, Vol 69, No. 12, November 2020

INSTRUCTION NO. \_\_\_\_\_

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

**Authority**

ICJI 200.38.

INSTRUCTION NO. \_\_\_\_

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

**Authority**

ICJI 100.21

INSTRUCTION NO. \_\_\_\_

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, Instagram, 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. These includes using the Internet to research events or people referenced in the trial.

The 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.

**Authority**

ICJI 100.23



INSTRUCTION NO. \_\_\_\_\_

You are further instructed that you may, during jury deliberation, make inquiries to the judge. Such inquiry shall be in written form with the date and time of the inquiry and with the foreperson signing their name.

The jury instructions you have received contain all of the applicable law and you have heard all of the evidence.

Should you make such written inquiries, please be advised that the judge will have to discuss your inquiry with the attorneys and any appropriate response.

Any questions and response from the judge must be returned with your verdict.

INSTRUCTION NO. \_\_\_\_\_

When you begin deliberation, you should select a foreperson. He or she shall see that your deliberations are carried on in an orderly manner, the issues are fully and freely discussed, and every 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 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 fact. Your sole interest is to find the truth and do justice.

**Authority**

ICJI 100.18

INSTRUCTION NO. \_\_\_\_\_

I AM GIVING YOU \_\_\_\_\_ special verdict questions. 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 and interrogatories must be signed by your foreman or forewoman.

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 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 interrogatories and appropriate signed it, tell the Court Attendant.

Dated this \_\_\_\_\_ day of February, 2025.

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Judge Samantha Gronewald  
District Court Judge  
Fifth Judicial District of Iowa

**Authority**

ICJI 300.1

**IN THE IOWA DISTRICT COURT FOR POLK COUNTY**

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

**QUESTION NO. 1:** Was the February 24, 2022 collision for which Defendant admits fault, a cause of any damages to the Plaintiff Gregory Reising? Answer "yes" or "no".

Answer \_\_\_\_\_.

[If your answer is “no”, do not answer any further questions.]

**QUESTION NO. 2:** State the amount of damages sustained by Plaintiff Gregory Reising. 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 negligence, enter \$0 for that item.

1. Past Medical Expenses

- |                                      |          |
|--------------------------------------|----------|
| a. Mercy One Family Medicine         | \$ _____ |
| b. Mercy One Clive Physical Medicine | \$ _____ |
| c. Iowa Orthopedics                  | \$ _____ |
| d. Iowa Family Chiropractic          | \$ _____ |
| e. Mercy River Hills Surgery Center  | \$ _____ |

f. TOTAL	\$ _____
2. Future Medical Expenses	\$ _____
3. Past Lost Wages	\$ _____
4. Past physical pain and suffering.	\$ _____
5. Future physical pain and suffering.	\$ _____
6. Past mental pain and suffering.	\$ _____
7. Future mental pain and suffering.	\$ _____
TOTAL	\$ _____

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

\*To be signed only if Verdict is unanimous.

\_\_\_\_\_  
\*\*JUROR

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\*\*JUROR

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\*\*JUROR

\*\*To be signed by the Jurors agreeing to it after six hours or more of deliberation