

**IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY**

<b>LESLIE LINDSTROM,</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>FRANK SAILER</b>  <b>Defendant.</b>	<b>Case No. 01281 LACV009232</b>  <b>JURY INSTRUCTIONS</b>
---	--

Members of the Jury:

On March 8, 2024, Defendant Frank Sailer was driving a vehicle in Manchester, Iowa and struck a vehicle driven by Plaintiff Leslie Lindstrom.

Plaintiff claims that Defendant was negligent and that she suffered damages as a result of his negligence. Defendant admits that he was negligent and that his negligence caused some injury and damages to Plaintiff but denies the nature and extent of the injuries and damages Plaintiff claims.

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

**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. It is common to have hidden or implicit thoughts that help us form our opinions. You are making very important decisions in this case. You must evaluate the evidence carefully. You must avoid decisions based on things such as generalizations, gut feelings, prejudices, fears, sympathies, stereotypes, or inward or outward 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.

**Instruction No. 2**

Whenever a party must prove something he or she 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.

**Instruction No. 3**

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 lawyers.

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, comments and writings 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.

#### **Instruction No. 4**

In considering the evidence, make deductions and reach conclusions according to reason and common sense. Facts may be proved by direct evidence, circumstantial evidence, or both. Direct evidence is evidence from a witness who claims actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is evidence about a chain of facts which show a particular matter to be true or not true. The law makes no distinction between direct evidence and circumstantial evidence. Give all the evidence the weight and value you think it is entitled to receive.

#### **Instruction No. 5**

Certain deposition testimony has been read into evidence or played from a recording. A deposition is testimony taken under oath before the trial and preserved in written or recorded form. Consider deposition testimony as if it had been given in court.

#### **Instruction No. 6**

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, his or her motive, candor, bias and prejudice.

**Instruction No. 7**

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.

**Instruction No. 8**

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.

**Instruction No. 9**

You have heard evidence claiming Plaintiff made statements before this trial. If you find such a statement was made, you may regard the statement as evidence in this case the same as if Plaintiff had made it under oath during the trial.

If you find such a statement was made and was inconsistent with Plaintiff's trial testimony, you may also use the statement as a basis for disregarding all or any part of her trial testimony, but you are not required to do so. You should not disregard Plaintiff's trial testimony if other credible evidence supports it or if you believe it for any other reason.

**Instruction No. 10**

In order to recover, Plaintiff must prove all of the following propositions:

1. Defendant was negligent. Defendant admits that he was negligent.
2. Defendant's negligence was a cause of damage to Plaintiff. Defendant admits that his negligence was a cause of damage to Plaintiff.
3. The nature and amount of damage caused by Defendant's negligence.

If Plaintiff has failed to prove proposition 3, she is not entitled to damages.

**Instruction No. 11**

"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.

**Instruction No. 12**

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

**Instruction No. 13**

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

- 1. Past physical and mental pain and suffering.** 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.
- 2. Future physical and mental pain and suffering.** The present value of future physical and mental pain and suffering.
- 3. Past loss of the mind and body.** Loss of function of the mind and body from the date of injury to the present time. Loss of mind and body is the inability of a particular part of the mind or body to function in a normal manner.
- 4. Future loss of the mind and body.** The present value of future loss of function of the mind and body.

The amount you assess for physical and mental pain and suffering and loss of function of the mind and body 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 a party 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. The amounts you find for each of the above items will be used to answer the verdict form.

**Instruction No. 14**

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

**Instruction No. 15**

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 a Plaintiff for future losses.

**Instruction No. 16**

A Standard Mortality Table indicates the normal future life expectancy of people who are the same age as Plaintiff is 29 years. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence, about Plaintiff's health, habits, occupation, and lifestyle, when deciding issues of future damages.

**Instruction No. 17**

Upon retiring you shall select a foreperson. It will be his or her duty to see 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 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 facts. Your sole interest is to find the truth and do justice.

**Instruction No. 18**

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.

**Instruction No. 19**

You may not communicate about this case before reaching your verdict. This includes cell phones, and electronic media such as text messages, Facebook, Snapchat, 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. This includes using the Internet to research events or people referenced in the trial.

This case has been 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.

### **Instruction No. 20**

Occasionally after a jury retires to the jury room, the members have questions. I have prepared the instructions after carefully considering the case with the attorneys. I have tried to use language which is generally understandable. Usually questions about instructions can be answered by carefully re-reading them. If, however, you feel it necessary to ask a question, you must do so in writing. If you find this necessary, you should not divulge how you stand on any issue in regard to your deliberations, numerically or otherwise. Information of this nature should not be divulged to the Court or the Court Attendant until the appropriate verdicts have been signed by your Foreperson and you have been returned into court.

Before asking a question, please be advised that no additional evidence will be provided and that I cannot comment to you about the evidence that has been provided. If you ask a question, I cannot reply without first discussing your question and the potential answer with the attorneys. This naturally takes time and deliberation before I can reply, and depending on the question the delay may be considerable.

A typed record of the witnesses' testimony taken during the trial is not available. You must rely on your own recollection of the witnesses' testimony.

The court attendant who has been working with me on this case is in the same position as I am. She has taken an oath not to communicate with you except to ask if you have agreed upon a verdict. Please do not put her on the spot by asking any questions of her.

After your verdict has been received by the Court, either party has a right to poll the jury. This means that the Court Attendant would call your juror number individually and ask the question, "Is this your verdict?" and it would be necessary for you to answer yes or no in open court. This is not done in every case, but the parties do have the right to this procedure.

### **Instruction No. 21**

I am giving you one verdict form. Your answers to the questions on the verdict form must be unanimous. When you have agreed upon the verdict and have signed the form, please tell the Court Attendant.

**IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY**

<p><b>LESLIE LINDSTROM,</b></p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p style="text-align: center;"><b>vs.</b></p> <p><b>FRANK SAILER</b></p> <p style="text-align: center;"><b>Defendant.</b></p>	<p style="text-align: center;"><b>Case No. 01281 LACV009232</b></p> <p style="text-align: center;"><b>VERDICT FORM</b></p>
--	--

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

State the amount of damages caused by Defendant’s negligence and sustained by Plaintiff for each of the following items of damage. If Plaintiff has failed to prove any item of damage, enter “0” for that item.

- a. Past physical and mental pain and suffering \$ \_\_\_\_\_
- b. Future physical and mental pain and suffering \$ \_\_\_\_\_
- c. Past loss of function of mind and body \$ \_\_\_\_\_
- d. Future loss of function of mind and body \$ \_\_\_\_\_
  
- TOTAL (add the separate items of damage) \$ \_\_\_\_\_

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

\*To be signed only if the verdict is unanimous.



State of Iowa Courts

**Case Number**  
LACV009232  
**Type:**

**Case Title**  
LESLIE LINDSTROM VS FRANK SAILER ET AL  
JURY INSTRUCTIONS

So Ordered

A handwritten signature in black ink, reading "Michael Shubatt". The signature is written in a cursive style with a horizontal line underneath.

**Michael J. Shubatt, District Court Judge,  
First Judicial District of Iowa**

Electronically signed on 2026-02-05 14:22:50