

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

THE ESTATE OF STEVEN D. )  
SCHWARZ by HEATHER R. BARRETT,) )  
Executor, and HEATHER R. BARRETT, )  
Individually, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
RYAN J. TAYLOR, D.O., )  
ANDREA L. LINGENFELTER, ARNP, )  
MICHELLE M. SPRENGELMEYER, )  
M.D., )  
JACKIE HODGINS, RPh, )  
GENESIS HEALTH SYSTEM d/b/a )  
GENESIS MEDICAL CENTER, and )  
PM ACQUISITION, LC, d/b/a NUCARA )  
LTC PHARMACY, )  
 )  
Defendants. )

Law No. LACE134977

JURY INSTRUCTIONS AND  
SPECIAL VERDICT FORM AND  
INTERROGATORIES

Members of the Jury:

This is a medical negligence case. The plaintiffs are Heather Barrett, as Executor of the Estate of Steven Schwarz, and Heather Barrett on her own behalf. The plaintiffs have sued Dr. Ryan Taylor and Andrea Lingenfelter, ARNP, and their employer, Genesis Medical Center; Dr. Michelle Sprengelmeyer; and Jackie Hodgins, RPh, and her employer, NuCara LTC Pharmacy.

The plaintiffs allege that Dr. Taylor, Andrea Lingenfelter, and Dr. Sprengelmeyer were negligent in the care and treatment of Steven Schwarz, causing damage. The plaintiffs allege that Jackie Hodgins was negligent in performing a medication

reconciliation for Steven Schwarz, causing damage, which the defendants dispute is care and treatment.

The defendants deny they were negligent and further deny their actions caused the plaintiffs' damages.

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

INSTRUCTION NO. 2

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.



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 attorneys.
4. Any other matter admitted.

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.

INSTRUCTION NO. 4

Certain testimony has been presented by deposition or videotaped deposition. A deposition is testimony taken under oath before the trial and preserved in writing or on video. Consider that testimony as if it had been given in court.

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.

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



INSTRUCTION NO. 7

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 proven by the evidence, you should decide if that omission affects the value of the opinion.

INSTRUCTION NO. 8

You have heard evidence claiming one or more parties made statements before this trial under oath.

If you find such statements were made, you may regard the statements as evidence in this case the same as if that party made them under oath during the trial.

If you find such statements were made and were inconsistent with that party's testimony during the trial, you may also use the statements as a basis for disregarding all or any part of that party's testimony during the trial, but you are not required to do so.

You should not disregard a party's testimony during the trial if other credible evidence supports it or if you believe it for any other reason.

INSTRUCTION NO. 9

You have heard evidence claiming one or more non-parties made statements before this trial while under oath which were inconsistent with what the witness said in this trial.

If you find these statements were made and were inconsistent, then you may consider them as part of the evidence, just as if they had been made at this trial.

You may also use these statements to help you decide if you believe the witness. You may disregard all or any part of the testimony if you find the statements were made and were inconsistent with the witnesses' testimony given at trial, but you are not required to do so.

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

INSTRUCTION NO. 10

The fact that a 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 a person.



INSTRUCTION NO. 11

Defendants. Ryan J. Taylor, D.O. and Andrea L. Lingenfelter were employed by Genesis Health System d/b/a Genesis Medical Center at the time they treated Steven Schwarz. Therefore, for purposes of this case, Dr. Taylor and Genesis Health System d/b/a Genesis Medical Center shall be treated as a single party. Likewise, for purposes of this case, Ms. Lingenfelter and Genesis Health System d/b/a Genesis Medical Center shall be treated as a single party.

Defendant Jackie Hodgins RPh was employed by Nucara LTC Pharmacy at the time she performed the medication reconciliation for Steven Schwarz. Therefore, for purposes of this case, Hodgins and Nucara LTC Pharmacy shall be treated as a single party.

INSTRUCTION NO. 12

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.

INSTRUCTION NO. 13

Physicians who hold themselves out as specialists must use the degree of skill, care and learning ordinarily possessed and exercised by specialists in similar circumstances, not merely the average skill and care of a general practitioner.

A violation of this duty is negligence.

INSTRUCTION NO. 14

A nurse practitioner must use the degree of skill, care and learning ordinarily possessed and exercised by other nurse practitioners in similar circumstances.

A violation of this duty is negligence.



INSTRUCTION NO. 15

A pharmacist must use the degree of skill, care and learning ordinarily possessed and exercised by other pharmacists in similar circumstances.

A violation of this duty is negligence.

INSTRUCTION NO. 16

You are to determine the standard of care, i.e., the degree of skill, care, and learning required, only from the opinions of the medical providers and experts who have testified as to the standard of care.

You are also to determine the failure to meet the standard of care, if any, only from the opinions of the medical providers and experts to have testified as to such a failure or lack thereof.

Furthermore, you are to determine whether the alleged failure to meet the standard of care, if any, was the cause of the plaintiffs' damages only from the opinions of the experts who have testified in this case.

INSTRUCTION NO. 17

A physician's, nurse practitioner's, or pharmacist's conduct must be viewed in light of the circumstances existing at the time of diagnosis and treatment and not retrospectively. If a physician, nurse practitioner, or pharmacist exercised a reasonable degree of care and skill under the circumstances as they existed, then the physician, nurse practitioner, or pharmacist is not liable.

INSTRUCTION NO. 18

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.



INSTRUCTION NO. 19

The mere fact that a party has suffered injury does not mean another party was negligent or at fault.

INSTRUCTION NO. 20

The plaintiffs claim that Dr. Ryan Taylor was negligent.

To prevail on this claim, the plaintiffs must prove all of the following propositions:

1. The standard of care, i.e., the degree of skill, care and learning ordinarily possessed and exercised by physicians similar to Dr. Taylor under circumstances similar to those presented in this case.
2. Dr. Taylor was negligent by failing to meet the standard of care in one or more of the following particulars:
  - A. In failing to verify the duration of doxycycline at the time of Steven Schwarz's discharge.
  - B. In improperly delegating the duty to perform a proper medication reconciliation to Ms. Lingenfelter at the time of Steven Schwarz's discharge.
3. Dr. Taylor's negligence, if any, was a cause of the plaintiffs' damages.
4. The amount of damages.

If the plaintiffs have failed to prove any of these propositions, the plaintiffs are not entitled to damages from Dr. Taylor. If the plaintiffs have proved all of these propositions, the plaintiffs are entitled to damages in some amount from Dr. Taylor.

INSTRUCTION NO. 21

The plaintiffs claim that nurse practitioner Andrea Lingenfelter was negligent.

To prevail on this claim, the plaintiffs must prove all of the following propositions:

1. The standard of care, i.e., the degree of skill, care and learning ordinarily possessed and exercised by nurse practitioners similar to Andrea Lingenfelter under circumstances similar to those presented in this case.

2. Andrea Lingenfelter was negligent by failing to meet the standard of care in one or more of the following particulars:

A. In failing to perform a proper medication reconciliation at the time of Steven Schwarz's discharge.

B. In failing to communicate to Dr. Taylor concerning any discrepancies in the duration of doxycycline.

3. Andrea Lingenfelter's negligence, if any, was a cause of the plaintiffs' damages.

4. The amount of damages.

If the plaintiffs have failed to prove any of these propositions, the plaintiffs are not entitled to damages from Andrea Lingenfelter. If the plaintiffs have proved all of these propositions, the plaintiffs are entitled to damages in some amount from Andrea Lingenfelter.



INSTRUCTION NO. 22

The plaintiffs claim that Dr. Michelle M. Sprengelmeyer was negligent.

To prevail on this claim, the plaintiffs must prove all of the following propositions:

1. The standard of care, i.e., the degree of skill, care and learning ordinarily possessed and exercised by physicians similar to Dr. Sprengelmeyer under circumstances similar to those presented in this case.
2. Dr. Sprengelmeyer was negligent by failing to meet the standard of care in one or more of the following particulars:
  - A. In failing to perform a proper medication reconciliation at the time of Steven Schwarz's admission to Cedar Manor.
  - B. In failing to ensure that Steven Schwarz's MRSA diagnosis was properly accounted for in the plan of treatment at the visit on June 2, 2020.
  - C. In failing to provide proper follow-up care to Steven Schwarz after being notified by Cedar Manor staff of a material change in his condition.
3. Dr. Sprengelmeyer's negligence, if any, was a cause of the plaintiffs' damages.
4. The amount of damages.

If the plaintiffs have failed to prove any of these propositions, the plaintiffs are not entitled to damages from Dr. Sprengelmeyer. If the plaintiffs have proved all of these propositions, the plaintiffs are entitled to damages in some amount from Dr. Sprengelmeyer.

INSTRUCTION NO. 23

The plaintiffs claim that pharmacist Jackie Hodgins was negligent.

To prevail on this claim, the plaintiffs must prove all of the following propositions:

1. The standard of care, i.e., the degree of skill, care and learning ordinarily possessed and exercised by pharmacists similar to Jackie Hodgins under circumstances similar to those presented in this case.
2. Jackie Hodgins was negligent by failing to meet the standard of care by failing to perform a proper medication reconciliation concerning Steven Schwarz.
3. Jackie Hodgins's negligence, if any, was a cause of the plaintiffs' damages.
4. The amount of damages.

If the plaintiffs have failed to prove any of these propositions, the plaintiffs are not entitled to damages from Jackie Hodgins. If the plaintiffs have proved all of these propositions, the plaintiffs are entitled to damages in some amount from Jackie Hodgins.



INSTRUCTION NO. 24

If you find that Plaintiff Heather Barrett, as Executor of the Estate of Steven Schwarz, is entitled to recover damages, you shall consider the following items:

1. Steven Schwarz's physical and mental pain and suffering from the date of injury to the date of death.

Physical and mental pain and suffering may include, but is not limited to, bodily suffering and discomfort.

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

2. Steven Schwarz's loss of function of the mind and body from the date of injury to the date of death.

The amount you assess for physical and mental pain and suffering and loss of function of body and mind 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 defendants 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.

INSTRUCTION NO. 25

If you find that Plaintiff Heather Barrett, Individually, is entitled to recover damages, you shall consider the following item:

Loss of parental consortium for Heather Barrett which includes present value of the services which Steven Schwarz would have performed for Heather Barrett, but for his death.

"Parental Consortium" is the relationship between parent and child and the right of each to the benefits of companionship, comfort, guidance, affection and aid of the other in every parental-child relationship, general usefulness, industry and attention within the family. It does not include the loss of financial support from an injured parent, nor mental anguish caused by Steven Schwarz's death.

Heather Barrett is not entitled to damages for loss of consortium unless Steven Schwarz's death has caused a significant disruption or diminution of the parent-child relationship.

Damages for loss of consortium for Heather Barrett are limited in time to the shorter of the normal life expectancy of Steven Schwarz or Heather Barrett.

INSTRUCTION NO. 26

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 or return, will compensate the plaintiff for future losses.

INSTRUCTION NO. 27

A Standard Mortality Table indicates the normal life expectancy of people who are the same age as Steven Schwarz at the time of his death is 15.37 years. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence about Steven Schwarz's health, habits, occupation and lifestyle, when deciding issues of future damages.



INSTRUCTION NO. 28

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.



INSTRUCTION NO. 29

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 each defendant and the extent of the causal relation between their conduct and the damages claimed. You should then determine what percentage, if any, each parties' fault contributed to the damages.

INSTRUCTION NO. 30

Exhibits have been received in evidence and may be used by you during your deliberations for reference. You are not to tamper with, alter or destroy any exhibits, and you will return them to the court attendant after your deliberations are concluded by leaving them in the jury room.

INSTRUCTION NO. 31

Upon retiring, you shall select a foreperson. It will be their 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 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.

INSTRUCTION NO. 32

Occasionally, after a jury retires to the jury room, the members have questions. I have prepared the instructions after carefully considering this case with the parties and lawyers. I have tried to use language which is generally understandable. Usually questions about instructions can be answered by carefully re-reading them. If, however, any of you feel it necessary to ask a question, you must do so in writing and deliver the question to the court attendant. I cannot communicate with you without first discussing your question and the potential answer with the parties and lawyers. This process naturally takes time and deliberation before I can reply.

If there is a question submitted, the foreperson shall read my response to the jury. Keep any written question and my response and return it to the Court with the verdict.

The court attendant who has been working with me on this case is in the same position as I am. Please do not put her on the spot by asking her any questions. You should direct any questions to the Court and not to the court attendant.



INSTRUCTION NO. 33

During your deliberations, you must not communicate with or provide any information to anyone by any means about this case. You may not use any electronic device or media, such as a telephone, cell phone, smart phone, or computer, to communicate with anyone about this case during your deliberations. You must not blog nor post any information to a website such as Facebook during your deliberations or any break therein until the court accepts your verdict.

In addition, you must not use any electronic means to investigate this case because it is important that you decide this case based solely on the evidence presented in this courtroom. Information on the internet or available through social media may be wrong, incomplete, or inaccurate. You are only permitted to discuss the case with your fellow jurors during deliberations because they have seen and heard the same evidence you have. In our judicial system, it is important that you are not influenced by anything or anyone outside of this courtroom. Otherwise, your decision may be based on information known only by you and not your fellow jurors or the parties in this case. This would unfairly and adversely impact the judicial process.



INSTRUCTION NO. 34

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.

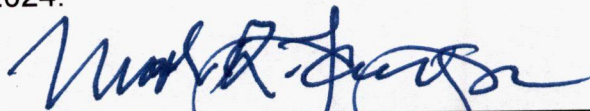
INSTRUCTION NO. 35

I am giving you one verdict form with special interrogatories. 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 foreperson.

After deliberating for six hours from 9:00 o'clock a <sup>on Oct. 22, 2024,</sup> .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 appropriately signed it, tell the court attendant.

Dated this 21<sup>st</sup> day of October, 2024.



Mark R. Lawson, District Court Judge  
Seventh Judicial District of Iowa.

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

THE ESTATE OF STEVEN D. )  
SCHWARZ by HEATHER R. BARRETT, )  
Executor, and HEATHER R. BARRETT, )  
Individually, )

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M.D., )  
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LTC PHARMACY, )

Defendants. )

Law No. LACE134977

**SPECIAL VERDICT FORM AND  
INTERROGATORIES**

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

**Question No. 1:** Was Ryan J. Taylor, D.O. at fault?

Answer "yes" or "no."

ANSWER: NO

[If your answer is "yes," answer Question No. 2. If your answer is "no," you shall not assign any fault to Dr. Taylor and proceed to Question No. 3.]

**Question No. 2:** Was the fault of Ryan J. Taylor, D.O. a cause of damage to the plaintiffs?

Answer "yes" or "no."

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

[If your answer is "no," you shall not assign any fault to Dr. Taylor. Proceed to Question No. 3.]



**Question No. 3:** Was Andrea Lingenfelter at fault?

Answer "yes" or "no."

ANSWER: NO

[If your answer is "yes," answer Question No. 4. If your answer is "no," you shall not assign any fault to Ms. Lingenfelter and proceed to Question No. 5.]

**Question No. 4:** Was the fault of Andrea Lingenfelter a cause of damage to the plaintiffs?

Answer "yes" or "no."

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

[If your answer is "no," you shall not assign any fault to Ms. Lingenfelter. Proceed to Question No. 5.]

**Question No. 5:** Was Michelle M. Sprengelmeyer, M.D. at fault?

Answer "yes" or "no."

ANSWER: YES

[If your answer is "Dr. Sprengelmeyer and proceed to Question No. 7.]

**Question No. 6:** Was the fault of Michelle M. Sprengelmeyer, M.D. a cause of damage to the plaintiffs?

Answer "yes" or "no."

ANSWER: YES

[If your answer is "no," you shall not assign any fault to Dr. Sprengelmeyer. Proceed to Question No. 7.]

**Question No. 7:** Was Jackie Hodgins RPh at fault?

Answer "yes" or "no."

ANSWER: NO

[If your answer is "yes," answer Question No. 8. If your answer is "no," you shall not assign any fault to Ms. Hodgins and proceed to Question No. 9 for the remaining defendants, if applicable.]

[If your answer is "yes," answer Question No. 8. If your answer is "no," you shall not assign any fault to Ms. Hodgins and proceed to Question No. 9 for the remaining defendants, if applicable.]

**Question No. 8:** Was the fault of Jackie Hodgins a cause of damage to the plaintiffs?

Answer "yes" or "no."

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

[If your answer is "no," you shall not assign any fault to Ms. Hodgins.

If you answered **any** of the Question Nos. 2, 4, 6, and 8 "yes," answer Question No. 9. If you answered **each** of Question Nos. 2, 4, 6 and 8 "no," do not answer any further questions and sign the special verdict form.]

**Question No. 9:** Using 100% as the total combined fault of the parties who caused damage to the plaintiffs, what percentage of fault do you assign to each party? If you found that any party was not at fault or their fault was not a cause of the plaintiffs' damages, the line should be filled in -0- for that party. The percentages must total 100%.

ANSWER: Ryan J. Taylor, M.D.

0 %

Andrea Lingenfelter

0 %

Michelle M. Sprengelmeyer, M.D.

100 %

Jackie Hodgins, RPh

0 %

TOTAL:

100%

[Answer Question No. 10.]



**Question No. 10:** State the amount of damages sustained by the plaintiffs caused by the defendants' fault as to each of the following items of damage. If the plaintiffs have failed to prove any of these items of damage or has failed to prove that any item of damage was caused by the defendants' fault, enter -0- for that item.

- |   |                   |
|---|-------------------|
| 1. Past pain and suffering of Steven Schwarz                | \$ <u>900,000</u> |
| 2. Past loss of function of mind and body of Steven Schwarz | \$ <u>500,000</u> |
| 3. Past loss of consortium – Heather Barrett                | \$ <u>140,000</u> |
| 4. Future loss of consortium – Heather Barrett              | \$ <u>105,000</u> |

[Sign the special verdict form.]

\_\_\_\_\_  
FOREMAN OR FOREWOMAN

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

[Signature]

Juror\*\*

[Signature]

Juror\*\*

[Signature]

Juror\*\*

[Signature]

Juror\*\*

[Signature]

Juror\*\*

[Signature]

Juror\*\*

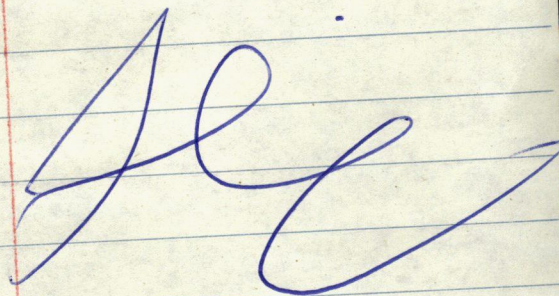
[Signature]

Juror\*\*

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



We haven't left  
the jury room and  
have been working  
through normal break  
and lunch windows,  
when does 6 hour  
limit go into effect?



10/22/24

Members of the jury:

The 6-hour period for a  
unanimous jury verdict ends at 3:00 pm.

Mark Lausen, Judge