

Original

FILED

IN THE IOWA DISTRICT COURT IN AND FOR LINN COUNTY-3 JUL 11: 02

ANN MARTIN,

Plaintiff,

vs.

MICHELLE HAPARANTA and ST. CROIX
HOSPICE, LLC d/b/a ST. CROIX HOSPICE,

Defendants.

Case No. LACV103049

FINAL JURY INSTRUCTIONS

STATEMENT OF THE CASE

This case arises from a motor vehicle accident that occurred on June 21, 2022, in Marion, Iowa. Plaintiff Ann Martin was a passenger in a vehicle that was rear-ended by a vehicle driven by Defendant Michelle Haparanta. Michelle Haparanta was employed by Defendant St. Croix Hospice, LLC, doing business as St. Croix Hospice, and was acting in the course of her employment at the time of the motor vehicle accident.

Ann Martin claims that Michelle Haparanta was negligent in the operation of her motor vehicle and that negligence caused injuries and damages to Ann Martin. Michelle Haparanta admits that she was negligent and was responsible for the motor vehicle accident. St. Croix admits that Michelle Haparanta was operating her motor vehicle within the course of her employment and admits responsibility for Michelle Haparanta's negligence. Defendants deny that Michelle Haparanta's negligence was the cause of Ann Martin's claimed injuries and damages.

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.

YOU ARE INSTRUCTED AS FOLLOWS:

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 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 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 into evidence.

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

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. 5

Certain testimony has been read into evidence from a deposition or offered into evidence through a video deposition. A deposition is testimony taken under oath before the trial and preserved in writing and/or video. Consider that testimony as if it had been given in court.

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.

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

INSTRUCTION NO. 8

You have heard evidence claiming parties made statements before this trial while under oath and while not under oath.

If you find such a statement was made, you may regard the statement as evidence in this case the same as if the party had made it under oath during the trial.

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

INSTRUCTION NO. 9

The fact that 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.

INSTRUCTION NO. 10

"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. 11

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

INSTRUCTION NO. 12

In order to be entitled to damages, Plaintiff must prove both of the following propositions:

1. Defendant Michelle Haparanta's negligence was a cause of damage to Plaintiff Ann Martin.
2. The amount of damage.

If Plaintiff has proven both of the above propositions, then Plaintiff is entitled to damages. If Plaintiff has failed to prove any one or more of the above propositions, Plaintiff is not entitled to damages.

INSTRUCTION NO. 13

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

1. Past medical expenses;
2. The present value of future medical expenses;
3. Past loss of function of the mind and body from the date of injury to the present time;
4. The present value of future loss of function of the mind and body;
5. Past physical and mental pain, suffering, and loss of enjoyment of life from the date of the injury to present time; and
6. The present value of future physical and mental pain, suffering and loss of enjoyment of life.

The amount you assess for physical and mental pain and suffering in the past and future and loss of function of the mind and body 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 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, if any, you find for each of the above items will be used to answer the special verdicts.

INSTRUCTION NO. 14

Past medical expenses refers to the reasonable cost of necessary hospital charges, doctor charges, prescriptions, and other medical services from the date of injury to the present time. In determining the reasonable cost of necessary hospital charges, doctor charges, prescriptions, and other medical services, you may consider the amount charged, the amount actually paid, or any other evidence of what is reasonable and proper for such medical expense.

Future medical expenses refers to the present value of reasonable and necessary hospital charges, doctor charges, prescriptions, and other medical services, which will be incurred in the future.

INSTRUCTION NO. 15

Loss of function of mind and body, past or future, is the inability of a particular part of the mind and body to function in a normal manner.

INSTRUCTION NO. 16

Physical pain and suffering, past or future, may include, but is not limited to, bodily suffering or discomfort.

Mental pain and suffering, past or future, may include, but is not limited to, mental anguish, anxiety, embarrassment, loss of enjoyment of life, a feeling of uselessness, or other emotional distress.

INSTRUCTION NO. 17

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.

INSTRUCTION NO. 18

A Standard Mortality Table indicates the normal life expectancy of people who are the same age as Plaintiff Ann Martin is 24.8 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. 19

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. 20

If you find Plaintiff had health conditions before this accident and one or more of these conditions were aggravated or made active by the accident causing further suffering or disability, then she is entitled to recover damages caused by the aggravation. She is not entitled to recover for any physical ailment or disability which existed prior to the accident or for any injuries or damages which she now has that were not caused by the accident.

INSTRUCTION NO. 21

If you find Plaintiff was injured by another act after this accident, she cannot recover for any later injury not caused by this accident.

INSTRUCTION NO. 22

If Plaintiff Ann Martin had health conditions making her more susceptible to injury than a person in normal health, then the Defendants are responsible for all injuries and damages experienced by Plaintiff that are caused by Defendants' actions, even though the injuries claimed produce a greater injury than those which might have been experienced by a person in normal health under the same circumstances.

INSTRUCTION NO. 23

You heard testimony that Plaintiff's past medical bills were paid by insurance, and that the insurer has a lien and may be entitled to reimbursement of those payments. You should determine the amount of damages without regard to the fact that past payments were made by insurance or the fact that reimbursement may be required. You should decide this case without regard to whether any party has any insurance.

INSTRUCTION NO. 24

Nothing I have said or done during the trial was intended to give any opinion as to the facts, proof, or what your verdict should be.

INSTRUCTION NO. 25

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. 26

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, X (formerly known as 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.

It is important that we have your full and undivided attention during the remainder of this trial and during your deliberations.

INSTRUCTION NO. 27

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 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.

INSTRUCTION NO. 28

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 parties. I have tried to use language which is generally understandable. Usually your questions about the instructions can be answered if you carefully re-read them.

If, however, you feel it necessary to ask a question about the instructions, your foreperson must write the question down and give it to the court attendant, who will deliver it to me. I must then contact the parties and speak to them about your question. This will not occur in your presence. Therefore, it will take some time and deliberation before I can provide you a written answer to your question. Because no additional evidence will be presented, and because these instructions contain all of the law necessary to render verdicts in this case, my written answer may simply refer you back to these instructions. Please save any written questions and the written answers and return them with your verdict form when you have completed your deliberations.

The court attendants who work with you in this case are in the same position as I am. They will take an oath not to communicate with you about your deliberations. They have not spoken to you during the trial except about the mechanics of being a juror; they will not speak to you when you have retired to deliberate except to ask if you have agreed upon a verdict and to manage the logistics of your service. Please do not place the court attendants on the spot by asking any questions about the instructions or the evidence. Any such questions must be directed to the court, pursuant to the procedure described above.

INSTRUCTION NO. 29

There is no deadline for your deliberations. You will not be sequestered—that is, you will be free to go home each evening if you deliberate for more than one day. You will stay together during the day while you deliberate, including during meals, which will be provided for you by the Court. You may generally choose when to take breaks, but you should not resume deliberations until all jurors are back together. Generally, deliberations will end at 4:30 p.m. and begin again at 9:00 a.m. the next business day, if necessary.

Cell phones are not allowed in the jury room during deliberations. Before you enter the jury room, give your cell phones to the court attendant for safekeeping. The cell phones will be returned to their owners when the jury deliberations are concluded or when you leave the courthouse for the day. Should you need to notify a family member or anyone else about the time you will be here or the time you will be getting home, please notify the court attendant and we will make a phone available for you.

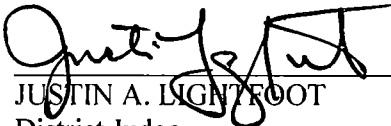
INSTRUCTION NO. 30

I am giving you one verdict form. 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 must be signed by your foreperson.

After deliberating for six hours from 10:45 o'clock A.m. excluding meals or recesses outside your jury room, then it is necessary that only six of you agree upon the answers to the questions. In that case, the verdict form must be signed by all six jurors who agree.

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

Dated this 27 day of May, 2025.



JUSTIN A. LIGHTFOOT
District Judge
Sixth Judicial District, State of Iowa