

IN THE IOWA DISTRICT COURT FOR STORY COUNTY

ESTATE OF BRYTNi NYCOLE MILLER,
by Administrators Matthew C. Miller and
Laura M. Miller, MATTHEW C. MILLER,
individually, and LAURA M. MILLER,
individually,

Plaintiffs,

v.

JOEY STEARNS, RN, STEPHANIE
HOSKINS, RN, CHANDRAPRABHA
HIREMATH, RN, and MARY GREELEY
MEDICAL CENTER,

Defendants.

CASE NO. LACV052961

FINAL JURY INSTRUCTIONS

INSTRUCTION NO. 1

This is a medical negligence action against nurses. The Plaintiffs allege that Joey Stearns, Stephanie Hoskins, and Chandraprabha Hiremath, who are nurses employed by Mary Greeley Medical Center, breached the standard of care in their nursing care and treatment of Brytni Miller, causing injury to and the death of Brytni Miller. The Defendants deny the allegations and maintain the nursing care provided to Brytni Miller was appropriate and met the standard of care.

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.

INSTRUCTION NO. 2

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. 3

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. 4

You shall base your verdict only upon the evidence and the final 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 as part of the record.

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 tell you to disregard.
4. Anything you see or hear about this case outside the courtroom.

INSTRUCTION NO. 5

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

INSTRUCTION NO. 6

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.

INSTRUCTION NO. 7

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 witness' 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 witness' appearance, conduct, age, intelligence, memory and knowledge of the facts; and
3. The witness' interest in the trial, his or her motive, candor, bias and prejudice.

INSTRUCTION NO. 8

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. 9

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. 10

You have heard evidence claiming the parties made statements before this trial while 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 parties had made those statements under oath during trial.

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

INSTRUCTION NO. 11

You have heard evidence claiming non-party witnesses made statements before this trial while under oath which were inconsistent with what they 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 non-party witnesses. You may disregard all or any part of the testimony if you find the statements were made and were inconsistent with the 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 reason.

INSTRUCTION NO. 12

The fact that Mary Greeley Medical Center is a corporation should not affect your decision. All person 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. 13

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

INSTRUCTION NO. 14

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.

INSTRUCTION NO. 15

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

INSTRUCTION NO. 16

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. 17

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 Defendant Joey Stearns, RN, Stephanie Myers, RN, Chandraprabha Hiremath, RN and persons who have been released, Anna Vela, M.D., Lee Carlson ARNP, and Joshua McCaughey, D.O. 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.

INSTRUCTION NO. 18

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.

When there is more than one defendant, plaintiff can claim the entire amount of loss of accumulation to the Estate of Brytni Miller from any defendant whose percentage of fault is found by you to be 50% or more.

I will order the defendants 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.

If you assign a percentage of fault to a settling party, I will reduce the amount of plaintiff's recovery by that percentage.

INSTRUCTION NO. 19

Plaintiffs claim that nurse Joey Stearns, RN is liable for negligence in the care of Brytni Miller.

Negligence is explained to you in Instruction No. 22.

As to Defendant Stearns, the Plaintiffs must prove all of the following propositions.

1. Nurse Stearns was negligent in the care of Brytni Miller in one or more of the following ways:
 - a. Conducting an incomplete triage assessment
 - b. Failing to call a stroke code
 - c. Improperly completing the chief complaint
2. That Nurse Stearns' negligence was a cause of Brytni Miller's death.
3. The nature and amount of damages.

If the Plaintiffs have failed to prove any of the propositions, the Plaintiffs are not entitled to damages. If the Plaintiffs have proved all of these propositions, the Plaintiffs are entitled to recover damages in some amount.

INSTRUCTION NO. 20

Plaintiffs claim that nurse Stephanie Myers, RN is liable for negligence in the care of Brytni Miller.

Negligence is explained to you in Instruction No. 22.

As to Defendant Myers, the Plaintiffs must prove all of the following propositions.

1. Nurse Myers was negligent in the care of Brytni Miller in one or more of the following ways:
 - a. Conducting an incomplete nursing neurological assessment
 - b. Failing to call a stroke code
 - c. Failing to follow up on an abnormal nursing neurological assessment
 - d. Failing to invoke the chain of command
2. That Nurse Myers' negligence was a cause of Brytni Miller's death.
3. The nature and amount of damages.

If the Plaintiffs have failed to prove any of the propositions, the Plaintiffs are not entitled to damages. If the Plaintiffs have proved all of these propositions, the Plaintiffs are entitled to recover damages in some amount.

INSTRUCTION NO. 21

Plaintiffs claim that nurse Chandraprabha Hiremath, RN is liable for negligence in the care of Brytni Miller.

Negligence is explained to you in Instruction No. 22.

As to Defendant Hiremath, the Plaintiffs must prove all of the following propositions.

1. Nurse Hiremath was negligent in the care of Brytni Miller in one or more of the following ways:

- a. Failing to perform a nursing assessment
 - b. Failing to call a stroke code
 - c. Failing to properly reassess
 - d. Failing to invoke the chain of command
2. That Nurse Hiremath's negligence was a cause of Brytni Miller's death.
 3. The nature and amount of damages.

If the Plaintiffs have failed to prove any of the propositions, the Plaintiffs are not entitled to damages. If the Plaintiffs have proved all of these propositions, the Plaintiffs are entitled to recover damages in some amount.

INSTRUCTION NO. 22

An emergency department nurse must use the degree of skill, care and learning ordinarily possessed and exercised by other emergency department nurses in similar circumstances.

A violation of this duty is negligence.

INSTRUCTION NO. 23

An emergency department nurse's conduct must be viewed in light of the circumstances existing at the time of diagnosis and treatment and not retrospectively. If an emergency department nurse exercised a reasonable degree of care and skill under the circumstances as they existed, though not as seen in hindsight, then the emergency department nurse is not liable for malpractice.

INSTRUCTION NO. 24

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 who have testified as to the standard.

You are also to determine the failure to meet the standard of care, if any, only from the opinions of the medical providers who 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 Plaintiff's injuries only from the opinions of the medical providers who have testified as experts in this case.

INSTRUCTION NO. 25

The Defendants claim that Anna Vela, M.D., was at fault in one or more of the particulars:

Defendants must prove all of the following propositions:

1. Anna Vela, M.D. was at fault. In order to prove fault, the Defendants must prove that Dr. Vela was negligent in her care and treatment of Brytni Miller.
2. Anna Vela, M.D.'s fault was a cause of the plaintiff's damage.

If the Defendants have failed to prove either of these propositions, you cannot assign any percentage of fault to Anna Vela, M.D. If the Defendants have proved both of these propositions, then you will assign a percentage of fault against Anna Vela, M.D. and include Anna Vela, M.D.'s fault in the total percentage of fault found by you in answering the special verdicts.

INSTRUCTION NO. 26

The Defendants claim that Lee Carlson, ARNP, was at fault in one or more of the particulars:

Defendants must prove all of the following propositions:

1. Lee Carlson, ARNP was at fault. In order to prove fault, the Defendants must prove that Lee Carlson, ARNP was negligent in his care and treatment of Brytni Miller.
2. Lee Carlson, ARNP's fault was a cause of the plaintiff's damage.

If the Defendants have failed to prove either of these propositions, you cannot assign any percentage of fault to Lee Carlson, ARNP. If the Defendants have proved both of these propositions, then you will assign a percentage of fault against Lee Carlson,

ARNP and include Lee Carlson, ARNP's fault in the total percentage of fault found by you in answering the special verdicts.

INSTRUCTION NO. 27

The Defendants claim that Joshua McCaughey, D.O., was at fault in one or more of the particulars:

Defendants must prove all of the following propositions:

1. Joshua McCaughey, D.O. was at fault. In order to prove fault, the Defendants must prove that Dr. McCaughey was negligent in his care and treatment of Brytni Miller.
2. Joshua McCaughey, D.O.'s fault was a cause of the plaintiff's damage.

If the Defendants have failed to prove either of these propositions, you cannot assign any percentage of fault to ~~Anna Vela, M.D.~~ ^{Joshua McCaughey, D.O.} If the Defendants have proved both of these propositions, then you will assign a percentage of fault against Joshua McCaughey, D.O and include Joshua McCaughey, D.O.'s fault in the total percentage of fault found by you in answering the special verdicts.

INSTRUCTION NO. 28

If you find Matthew Miller and Laura Miller, as Administrators of the Estate of Brytni Miller, are 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 Brytni Miller for the injuries and damages incurred.

Present Worth Of The Value Of The Estate. The present value of the additional amounts Brytni Miller would reasonably be expected to have accumulated as a result of her own effort if she had lived out the term of her natural life.

Considerations - Loss Of Value Of The Estate In determining the present value of the amount Brytni Miller would have accumulated, you may consider:

1. Her life expectancy, health, physical condition, age and occupation at the time of death.

2. Her ability to earn money and any amount from income which would have been used for support of her spouse and family.
3. The amount of taxes, both federal and state, which would be payable out of earnings.
4. Her habits as to industry, thrift and economy.
5. The uncertainties of life such as ill health or employment, increase or decrease of earning capacity as age advances.
6. All other facts and circumstances bearing on the amount she would have accumulated.

Brytni Miller's Pre-Death Physical and Mental Pain and Suffering. Physical and mental pain and suffering from the date of injury to the date of death.

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.

Brytni Miller's Pre-Death Loss of Full Mind and Body. Loss of function of the mind and body from the date of injury to the date of death.

Matthew Miller and Laura Miller - Death of a Child – Loss of Consortium

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. This is called loss of consortium.
2. The present value of the future loss of services, which include loss of companionship and society of the parent and child. This is called loss of consortium.

The amount you assess for physical and mental pain and suffering, present value of consortium, loss of function of body and mind, and death of a child 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. 29

If you find Matthew Miller and/or Laura Miller, individually, are entitled to recover damages as the result of the death of Brytni Miller, 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. This is called loss of consortium.
2. The present value of the future loss of services, which include loss of companionship and society of the parent and child. This is called loss of consortium.

Items 1 and 2 include 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 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. 30

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.

INSTRUCTION NO. 31

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 plaintiffs for future losses.

INSTRUCTION NO. 32

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

INSTRUCTION NO. 33

Upon retiring you shall select a foreman or forewoman. 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. 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

You may not communicate about this case before reaching your verdict. This includes cell phones, electronic media such as text messages, and all forms of social media.

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 this trial.

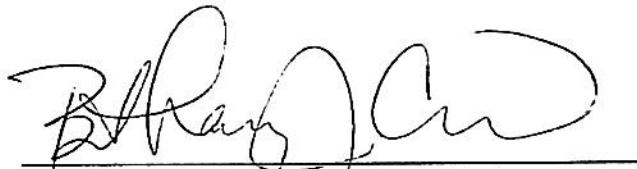
INSTRUCTION NO. 36

I am giving you the attached verdict forms. 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 foreman or forewoman.

After deliberating for six hours from 12:33 o'clock P.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 have appropriately signed it, tell the Court Attendant.

Dated: October 31, 2025.



Bethany J. Currie
Bethany J. Currie, District Court Judge
Second Judicial District