

IN THE IOWA DISTRICT COURT FOR BLACK HAWK COUNTY

REEL DEAL HOLDINGS, LLC,)
 Plaintiff,)
 vs.)
 GRINNELL MUTUAL REINSURANCE)
 COMPANY,)
 Defendant.)

CRIMINAL NO. LACV152258

JURY INSTRUCTIONS

ORIGINAL

Ladies and Gentlemen of the Jury:

In this case plaintiff, Reel Deal Holdings, LLC (Reel Deal) claims the following:

1. Reel Deal entered into a Policy of insurance (the Policy) with the Defendant, Grinnell Mutual Reinsurance Company, (Grinnell) to insure two commercial properties (the properties) located in Cedar Falls, Iowa, at 6612 Chancelor Drive and 900 Technology Parkway.
2. On June 25, 2023, while the policy was in full force and effect, the Properties sustained direct, physical loss resulting from a wind and hail storm.
3. Reel Deal made a timely claim for damages, pursuant to the Policy it purchased from Grinnell.
4. Despite the existence of identified damage from a covered peril during its Policy period. Grinnell issued a denial letter to Reel Deal, claiming that any damage to the commercial properties occurred prior to the issuance of the Policy.
5. In denying the coverage, Grinnell breached the Policy it sold to Reel Deal, which now seeks the costs of repair to the damaged commercial properties as damages through the present lawsuit.

The defendant claims:

1. That the storm of June 25, 2023, did not damage the properties.

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

100.2

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.

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

Instruction No. 2

100.3

Whenever a party must prove something, the party 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

100.4

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.

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 pretrial 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

100.6

During this trial, 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.

Instruction No. 5

100.9

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

100.11

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. 7

100.12

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

100.13

You have heard evidence claiming a witness(es) made statements before this trial while not under oath which were inconsistent with what the witness(es) said in this trial.

Because the witness(es) did not make the earlier statements under oath, you may use them only to help you decide if you believe the witness(es).

Decide if the earlier statements were made and whether they were inconsistent with testimony given at trial. You may disregard all or any part of the testimony if you find the statements were made and they were inconsistent with the testimony given at trial, but you are not required to do so.

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

Instruction No. 9

100.14

You have heard evidence claiming a witness(es) made statements before this trial while under oath which were inconsistent with what the witness(es) said in this trial. If you find these statements were made and were inconsistent, then you may consider them as if they were made at this trial. Decide whether to consider the earlier statements for any purpose and what weight to give them.

Instruction No. 10

100.15

You have heard evidence claiming a party 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 witness had made it under oath during the trial.

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

Instruction No. 11

100.18

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.

Reach your verdict without discrimination. In reaching your verdict, you must not consider the defendant's race, color, religious beliefs, national origin, or sex. You are not to return a verdict for or against the defendant unless you would return the same verdict without regard to his race, color, religious beliefs, national origin, or sex.

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. 12

100.20

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.13

100.21

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. 14

100.23

You still may not communicate with others outside your fellow jurors about this case before reaching your verdict. This includes cell phones, and electronic media such as text messages, Facebook, MySpace, LinkedIn, 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 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.

Occasionally, jurors want to ask a question after they begin deliberating. 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 re-reading them. If a question should occur, please consider the following:

- a. Words not defined in these instructions should be given their ordinary meaning.
- b. There will be no additional evidence and no additional instructions of law. These instructions contain all the law you need to decide this case.
- c. I will meet with you after you reach a verdict, if I can. At that time, I will be happy to answer your questions about the trial process.
- d. If you ask me a question during your deliberations, your presiding officer must reduce the question to writing and give it to the court attendant, who will deliver it to me. I must then contact the lawyers and conduct a hearing with them but not in your presence. This naturally takes time and deliberation before I can reply. After that, I will send you a written answer consistent with subparagraphs a and b above.

If, after considering these matters, you still wish to ask me a question, follow the procedure outlined here, then save your written question and the written answer I send you and return them with your verdict form when you have completed your deliberations and returned a verdict.

Instruction No. 15

220.1

The measure of damages for breach of a contract is an amount that would place plaintiff in as good a position as it would have enjoyed if the contract had been performed.

The damages you award for breach of contract must be foreseeable or have been reasonably foreseen at the time the parties entered into the contract.

In your consideration of the damages, you may consider the following:

1. The reasonable cost to repair or replace the damage caused by hail on June 25, 2023 at 900 Technology Parkway, Cedar Falls less depreciation.
2. The reasonable cost to repair or replace the damage caused by hail on June 25, 2023 at 6612 Chancellor Dr., Cedar Falls less depreciation.

Instruction No. 16

200.38

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. 17

1420.1

The plaintiff must prove all of the following propositions:

1. The plaintiff was insured for loss due to storm by the defendant on the date of loss.
2. The plaintiff had paid the premiums which were due.
3. The plaintiff had a loss by storm which was covered by the insurance policy with the defendant.
4. The plaintiff gave the defendant timely proof of loss.
5. The defendant did not pay the plaintiff's claim.
6. The nature and extent of damage.

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

Instruction No. 18

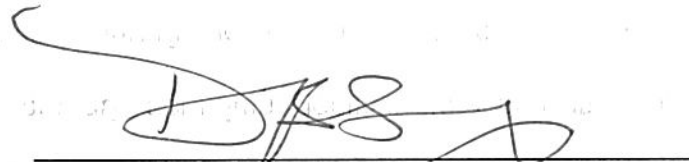
300.1

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 forms must be signed by your foreperson.

After deliberating six hours from 3:45 o'clock p.m., excluding meals and 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 forms must be signed by all seven jurors who agree.

When you have agreed upon the verdicts and interrogatories and appropriately signed them, tell the court attendant.

Dated: February 13, 2026.



DAVID F. STAUDT, JUDGE
FIRST JUDICIAL DISTRICT OF IOWA