

IOWA DISTRICT COURT IN AND FOR POLK COUNTY

HOLLY GEERDES, Executor of the
ESTATE OF ROBERT W. GEERDES,

Plaintiff,

vs.

LINDITA COKU, M.D.,

Defendant.

Law No. LACL156412

JURY INSTRUCTIONS

STATEMENT OF THE CASE

Members of the Jury:

This is a medical negligence case. Plaintiff is Holly Geerdes as executor and administrator of the estate of Robert Geerdes. Plaintiff has sued Dr. Lindita Coku. Plaintiff alleges that Dr. Coku was negligent in the care and treatment of Robert Geerdes, causing damages. Dr. Coku denies she was negligent and further denies her actions caused plaintiff's 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. 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.

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 (e.g. answers to interrogatories, matters which judicial notice was taken, and etc.).

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 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

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' 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

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. This is referred to as the "standard of care."

A violation of this duty is negligence.

INSTRUCTION NO. 9

You are to determine the standard of care, any failure to meet the standard of care, and causation only from the opinions of the physicians who have testified as to these subjects.

INSTRUCTION NO. 10

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

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

If Robert Geerdes had medical conditions making him more susceptible to injury than a person in normal health, then the defendant is responsible for all injuries and damages which are experienced by Robert Geerdes that are caused by defendant's actions, even though the injuries claimed produce a greater injury than those which might have been experienced by a normal person under the same circumstances.

INSTRUCTION NO. 13

Plaintiff claims that Dr. Coku was negligent. In order to prevail on this claim, plaintiff must prove all of the following propositions:

1. Dr. Coku was negligent by failing to meet the standard of care in one or more of the following particulars:
 - a. In recommending VATS on September 15, 2022, and following through with the surgery on September 20, 2022; or
 - b. In failing to take appropriate steps to ensure that any pre-operative orders or interventions, including, but not limited to, the use or administration of CPAP be discontinued following surgery.
2. Dr. Coku's negligence, if any, was a cause of Plaintiff's damages.
3. The amount of damage.

If plaintiff has proved all of these propositions, plaintiff is entitled to damages from defendant Dr. Coku. If plaintiff has failed to prove any one of these propositions, plaintiff is not entitled to damages.

INSTRUCTION NO. 14

If you find plaintiff Holly Geerdes, as Executor and Administrator of the Estate, is 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 Robert Geerdes for the damages incurred:

1. **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. **Loss of Full Mind and Body.** Loss of full mind and body is the inability of the mind or a particular part of the body to function in a normal manner.

The amount you assess for: a) physical and mental pain and suffering; b) loss of full mind and body, and c) loss of consortium (as discussed below) 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 defendant 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. 15

If you find that plaintiff is entitled to recover damages, you shall consider Svitlana Geerdes' claim for the present value of the services which Robert Geerdes would have performed for his spouse, but for his death. This is known as loss of spousal consortium.

"Spousal consortium" is the fellowship of a husband and wife and the right of each to the benefits of company, cooperation, affection, the aid of the other in every marital relationship, general usefulness, industry and attention within the home and family. It does not include loss of financial support from the injured spouse, nor mental anguish caused by the spouse's death.

Damages for spousal consortium are limited in time to the shorter of Robert Geerdes or Svitlana Geerdes's normal life expectancy.

INSTRUCTION NO. 16

If you find that plaintiff is entitled to recover damages, you shall consider his children's claims for the present value of the services which Robert Geerdes would have performed for his children, but for his death. This is known as the loss of parental consortium.

"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 Robert Geerdes' death.

Robert Geerdes' children are not entitled to damages for loss of consortium unless Robert Geerdes' death has caused a significant disruption or diminution of the parent-child relationship.

Damages for loss of consortium for Robert Geerdes' children are limited in time to the shorter of the normal life expectancy of Robert Geerdes or each child.

INSTRUCTION NO. 17

In determining the present value of the services Robert Geerdes would have provided as a spouse and/or a parent, you may consider:

1. The circumstances of his life.
2. His age at the time of his death.
3. His health, strength, character, and life expectancy.
4. His capacities, abilities and efficiencies in performing duties as a spouse and/or a parent.
5. His skills and abilities in providing instruction, guidance, advice and assistance.
6. His spouse and children's respective needs.
7. All other facts and circumstances bearing on the present value of services.

INSTRUCTION NO. 18

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. 19

A Standard Mortality Table indicates the normal life expectancy of people who are the same age as Robert Geerdes at the time of his death is 4.66 years. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence, about Robert Geerdes' health, habits, occupation, and lifestyle, when deciding issues of future damages.

INSTRUCTION NO. 20

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 or percentage, and agreeing in advance that the average of those estimates shall be your item of damage.

INSTRUCTION NO. 21

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. 22

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. 23

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 (with the date and time) to the judicial specialist. I cannot communicate with you without first discussing your question and potential answer with the parties and lawyers. This process naturally takes time and deliberation before I can reply. The foreperson shall read my responses to the jury. Keep the written question and response and return it to the court with the verdict.

INSTRUCTION NO. 24

I am giving you a verdict form and questions. 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 12:32 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 judicial specialist.

Dated this 23rd day of September, 2025.

A handwritten signature in black ink, appearing to read 'Jeffrey D. Farrell', written over a horizontal line.

Jeffrey D. Farrell
Judge, Fifth Judicial District of Iowa

IOWA DISTRICT COURT IN AND FOR POLK COUNTY

HOLLY GEERDES, Executor of the
ESTATE OF ROBERT W. GEERDES,

Plaintiff,

vs.

LINDITA COKU, M.D.,

Defendant.

Law No. LACL156412

VERDICT FORM

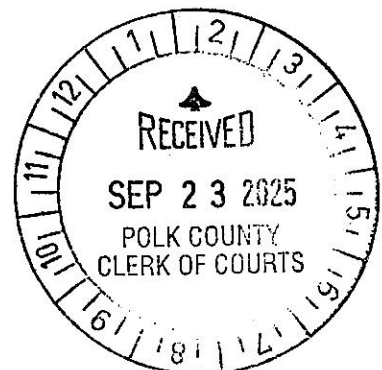
We, the jury, find the following verdict on the questions submitted to us:

QUESTION NO. 1: Was Dr. Coku negligent?**ANSWER:** NO (Answer "Yes" or "No")

[If your answer is "No", do not answer any more questions.]

QUESTION NO. 2: Was Dr. Coku's negligence a cause of any damage to plaintiff?**ANSWER:** _____ (Answer "Yes" or "No")

[If your answer is "Yes", proceed to Question No. 3; if your answer is "No", do not answer any more questions.]



QUESTION NO. 3:

State the amount of damages sustained by plaintiff for each of the following elements of damages. If plaintiff has failed to prove any item of damage, or has failed to prove that any item of damage was caused by the negligence of Dr. Coku, enter "0" for that item.

- | | | |
|----|--|----------|
| 1. | Physical and mental pain and suffering | \$ _____ |
| 2. | Loss of full mind and body | \$ _____ |
| 3. | Loss of marital consortium – Svitlana Geerdes | \$ _____ |
| 4. | Loss of parental consortium – Mark Geerdes | \$ _____ |
| 5. | Loss of parental consortium – Michelle Geerdes | \$ _____ |
| 6. | Loss of parental consortium – Heidi Geerdes | \$ _____ |
| 7. | Loss of parental consortium – Holly Geerdes | \$ _____ |

TOTAL (add the separate items of damage) \$ _____



FOREPERSON*

* To be signed only if verdict is unanimous.

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

** To be signed by the jurors agreeing thereto after six (6) hours or more of deliberation.

IN THE IOWA DISTRICT COURT FOR POLK COUNTY**HOLLY GEERDES, Executor of the
ESTATE OF ROBERT W. GEERDES,****Plaintiff,****v.****LINDITA COKU, M.D.,****Defendants****Case No. LACL156412****JUDGMENT ENTRY and ORDER**

This case involves a medical malpractice action against Dr. Lindita Coku. On September 15, 2025, the case came on for trial by jury. The case was submitted to the jury on September 23. The jury returned a verdict on the same day.

The verdict of the jury was unanimous. The jury answered “No” to Question No. 1: Was Dr. Coku negligent? Based on the answer to the first question, the jury did not answer any further questions.

JUDGMENT ENTRY and ORDER

Judgment is entered in favor of defendant Lindita Coku, M.D. As to Dr. Coku, all court costs are assessed to plaintiff.

Defendant Mercy Health Services-Iowa, Corp. announced a settlement with plaintiff on the second day of trial. The parties shall close their settlement and plaintiff shall file a dismissal of the claim against that defendant within 30 days of this order.



State of Iowa Courts

Case Number
LACL156412
Type:

Case Title
ESTATE OF ROBERT GEERDES VS MERCY ET AL
ORDER FOR JUDGMENT

So Ordered

A handwritten signature in black ink, appearing to read "Jeffrey Farrell".

Jeffrey Farrell, District Court Judge,
Fifth Judicial District of Iowa

Electronically signed on 2025-09-23 14:46:11