

IN THE IOWA DISTRICT COURT FOR JASPER COUNTY

IOWA CIVIL RIGHTS COMMISSION, ex rel. D.H. Plaintiff vs. LAKEVIEW HOMES, LLC, Defendant	CASE NO. EQCV122401, JURY INSTRUCTIONS AND VERDICT FILED SEP 26 2025 TIME <u>11:00 am</u> JASPER COUNTY CLERK OF COURT Judge Charles C. Sinnard <i>ORIGINAL</i>
--	--

STATEMENT OF THE CASE

Members of the Jury: This is a civil case brought by the Iowa Civil Rights Commission on behalf of Denise Hunter, alleging that Lakeview Homes, LLC, engaged in discriminatory housing practices against her on the basis of her disability. Lake Homes denies this claim.

You will be asked to decide whether Lakeview Homes has discriminated against Ms. Hunter and, if so, you will be asked to place a dollar value on any damages she has suffered as a result.

Do not consider this summary as proof of any claim. Decide the fact from the evidence and apply the law which I will give you now.

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, common sense, and these instructions. As jurors, your sole duty is to find the truth and do justice.

INSTRUCTION NO. 2

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. 3

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. 4

Once you commence deliberations, you are not allowed to use your cell phone for any reason. Your cell phone will be collected by the court attendant prior to beginning your deliberations.

If there is an emergency and someone needs to contact you or it is essential you call someone during deliberations, please notify the court attendant and we will make arrangements for those calls to be received or made.

INSTRUCTION NO. 5

You may not communicate about this case before reaching your verdict.

This includes cell phones, and electronic media such as text messages, Facebook, Tik Tok, LinkedIn, YouTube, Twitter, Snapchat, 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.

INSTRUCTION NO. 6

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. 7

The fact that the plaintiff is the Iowa Civil Rights Commission should not affect your decision. All persons are equal before the law, and the State of Iowa and its agencies, like the Iowa Civil Rights Commission, are entitled to the same fair and conscientious consideration by you as any other person.

INSTRUCTION NO. 8

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 any other person.

INSTRUCTION NO. 9

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. 10

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;
3. The witnesses' interest in the trial, their motive, candor, bias and prejudice.

INSTRUCTION NO. 11

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. 12

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

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

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 that 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 testimony if other evidence you believe supports it or if you believe it for any other reason.

INSTRUCTION NO. 13

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

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

If you find that such statements were made and were inconsistent with the party's testimony during the trial, you may also use the statements as a basis for disregarding all or any part of the 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. 14

The Plaintiff must prove all of the following by a preponderance of the evidence:

1. Denise Hunter is disabled; and
2. Lakeview Homes knew or reasonably should have been expected to know that Denise Hunter was disabled; and
3. An accommodation was necessary to afford Denise Hunter an equal opportunity to use and enjoy the rental at Lakeview Homes; and
4. Denise Hunter had an assistance animal for which she was seeking an accommodation; and
5. The requested accommodation is reasonable; and
6. Lakeview Homes refused to make the accommodation.

If the Plaintiff has proven all these elements, the Plaintiff is entitled to damages in some amount. If the Plaintiff has failed to prove any one of the elements, the Plaintiff is not entitled to damages.

INSTRUCTION NO. 15

With regard to element number 1 in Instruction No. 14, a person is disabled when that person (1) has a mental or physical impairment that substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

INSTRUCTION NO. 16

With regard to Instruction No. 15, “Mental Impairments” include mental or psychological disorders such as intellectual disabilities, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

INSTRUCTION NO. 17

With regard to Instruction No. 15, “Major Life Activities” include but are not limited to caring for oneself, manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

INSTRUCTION NO. 18

For purposes of determining a person is disabled under the law, driving is not a “Major Life Activity”.

INSTRUCTION NO. 19

With regard to Instruction No. 15, “Record of Impairment” is when the person has a history of, or being misclassified as having, a mental or physical impairment that substantially limits a major life activity.

INSTRUCTION NO. 20

A person is regarded as having an impairment when (1) others perceive the person of having an impairment that substantially limits major life activities, or (2) the individual has an impairment that substantially limits major life activities because of others' attitudes toward that impairment.

INSTRUCTION NO. 21

With regard to element no. 3 of Instruction No. 14, a landlord is only required to make a requested accommodation that is shown by the plaintiff as necessary to permit a disabled individual to have an equal opportunity to enjoy and use a dwelling. In particular, the plaintiff must show that the desired accommodation will enhance that disabled plaintiff's quality of life by ameliorating (i.e., improving) the effects of the disability.

INSTRUCTION NO. 22

With regard to element no. 4 of Instruction No. 14, an “Assistance Animal” means an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person’s disability. An assistance animal is not a pet.

INSTRUCTION NO. 23

With regard to element no. 5 of Instruction No. 14, normally, an accommodation is not reasonable when it imposes an undue financial or administrative burden on the defendant or when the accommodation requires a fundamental alteration in the nature of the defendant's business. However, as a matter of law, it is a reasonable accommodation for a landlord to waive lease restrictions and additional payments normally required for pets on the keeping of animals for the assistance animal or service animal of a person with a disability.

INSTRUCTION NO. 24

Under the Iowa Civil Rights Act, the Iowa Civil Rights Commission has the right to seek monetary relief for discrimination on behalf of Denise Hunter. If you find that the Iowa Civil Rights Commission has proven that the defendant discriminated against Denise Hunter, you must decide what damages, if any, are attributable to the defendant's conduct.

The Iowa Civil Rights Commission is seeking actual damages on behalf of Denise Hunter in this case.

INSTRUCTION NO. 25

I will now define actual damages. If you find that Denise Hunter was discriminated against under Instruction 14, and you find she sustained damages as a direct result of the discrimination, then you shall consider the following items:

1. Emotional Distress Damages: Damages for emotional distress include emotional pain, suffering, mental anguish, humiliation, fear, apprehension, anxiety, inconvenience, and loss of enjoyment of life.

Your damages award should be based on the evidence presented in this case. Plaintiff does not need to introduce evidence of the monetary value of such damages. The amount you assess 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. Any award must cover the damages Plaintiff endured from the time of the wrongful conduct to the present.

You may not award speculative damages. 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.

INSTRUCTION NO. 26

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. 27

Occasionally, after a jury retires to the jury room, members have questions. I prepared the instructions after carefully considering this case with the parties and the lawyers. I have tried to use language that is generally understandable. Usually, questions about instructions can be answered by carefully re-reading the instructions.

If, however, any of you feel it necessary to ask a question, you must do so in writing, with the foreperson signing the request and dating it and delivering the question to the court attendant. I cannot communicate with you without first discussing your question and potential answers with the parties and lawyers. This process naturally takes time and deliberation before I can reply. When I respond, it will be in writing, and the foreperson must read the response to the jury. Keep the written question and response, and return it to the court with the verdict.

The court attendant who has been working with me on this case will take an oath not to communicate with you except to ask if you have reached a verdict. Please do not put her on the spot by asking her questions about the case.

INSTRUCTION NO. 28

I am giving you one verdict form with two separate questions. You must answer each question either "yes" or "no". 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, 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 must be signed by all seven jurors who agree.

When you have agreed upon the verdict and appropriately signed it, tell the judicial assistant.

Date: 9/25/25



Judge of the 5th Judicial District of Iowa