

**ORIGINAL**

IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

CAROLYN PERFECT-BRINKMAN,  
  
Plaintiff,  
  
vs.  
  
BENJAMIN SCHRODER,  
  
Defendants.

No. LACV124569

JURY INSTRUCTIONS AND VERDICT  
FORM

**FILED**

JAN 07 2025  
04:26 PM

CLERK OF DISTRICT COURT  
POTTAWATTAMIE COUNTY, IOWA

STATEMENT OF THE CASE

Members of the Jury: This matter arises from a motor vehicle collision on December 1, 2021, on Highway 6 at the intersection of Hackberry Road in Pottawattamie County, Iowa. The Plaintiff is Carolyn Perfect-Brinkman. The Defendant is Benjamin Schroder. The Plaintiff and Defendant are parties to this case.

Plaintiff was traveling eastbound on Highway 6 and stopped with her turn signal activated and waiting to turn North onto Hackberry Road. Defendant was traveling eastbound on Highway 6.

Plaintiff alleges that Defendant negligently operated his motor vehicle and rear-ended the vehicle driven by Plaintiff. Plaintiff alleges Defendant was negligent in the following ways:

1. In failing to keep a proper lookout;
2. In following too closely;
3. In failing to maintain control of his vehicle; and,
4. In failing to act as a reasonable and prudent person under the circumstances.

Defendant admits that he was negligent in these ways and admits he was the sole and proximate cause of the collision.

Plaintiff alleges that the collision caused her to suffer personal injuries and seeks damages for those injuries. Defendant denies the nature and extent of the Plaintiff's alleged 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 will now give you.

**INSTRUCTION NO. 1**

My duty is to tell you what the law is. I am telling you what the law is by reading and providing you with of a copy of these instructions. Your duty is to accept and apply this law. In other words, your duty is to accept the law as specified in these instructions and apply the law to the evidence admitted in the trial.

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 from the evidence admitted at trial.

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. 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**

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 deposition 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**

The Plaintiff claims the Defendant caused the motor vehicle collision. Defendant has admitted he was the sole and proximate cause of the collision.

The Plaintiff must prove all of the following propositions:

1. The Defendant was a cause of Plaintiff's damages; and
2. The amount of damages.

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. 8**

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

**INSTRUCTION NO. 9**

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

1. Loss of Full Body - Past.

Loss of function of the body from the date of injury to the present time.

Loss of body is the inability of a particular part of the body to function in a normal manner.

2. Physical and Mental Pain and Suffering - Past.

Physical and mental pain and suffering from the date of injury to the present time. 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.

The amount you assess for physical and mental pain and suffering in the past and loss of function of the body in the past 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 verdict form, which I will give you.

**INSTRUCTION NO. 10**

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. 11**

Please remember my preliminary instruction concerning cell phones and social media. You may not communicate about this case in any way with cell phones and/or electronic media such as text messages, Facebook, Instagram, LinkedIn, YouTube, Twitter, TikTok, or email.

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 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 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.

**INSTRUCTION NO. 12**

During the trial, you have been allowed to take notes. You may take those 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. 13**

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. 14**

I am giving you one verdict form. During the first three hours of deliberation, 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 three hours from 3:00 o'clock p.m. excluding meals or recesses outside your jury room, then it is necessary that only five of you agree upon the answers to the questions. In that case, the verdict and questions must be signed by all five jurors who agree.

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

Dated this 7<sup>th</sup> day of January, 2025.



RICHARD H. DAVIDSON  
DISTRICT COURT JUDGE

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CAROLYN PERFECT-BRINKMAN,

Plaintiff,

vs.

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VERDICT FORM

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Question No. 1:

Was the fault of the Defendant, Benjamin Schroder, a cause of any item of damage to the Plaintiff, Carolyn Perfect-Brinkman?

Answer "yes" or "no."

ANSWER: yes

[If your answer is "no," do not answer any further questions.]

Question No. 2:

State the amount of damages sustained by Plaintiff, Carolyn Perfect-Brinkman, caused by Defendant, Benjamin Schroeder's, fault as to each of the following items of damage. If the Plaintiff has failed to prove any item of damage, or have failed to prove that any item of damage was caused by Defendant's fault, enter zero for that item.

- 1. Physical and mental pain and suffering in the past \$ 2,500
- 2. Loss of mind and body in the past \$ 1,250

TOTAL (add the separate items of damage) \$ 3,750



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FOREMAN OR FOREWOMAN\*

\*To be signed only if verdict is unanimous.

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Juror\*\*

\_\_\_\_\_  
Juror\*\*

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Juror\*\*

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Juror\*\*

\_\_\_\_\_  
Juror\*\*

\*\*To be signed by the jurors agreeing thereto after three hours or more of deliberation.