

IN THE IOWA DISTRICT COURT IN AND FOR SCOTT COUNTY

CLARENCE FISHER, Plaintiff, vs. RD STONE and CRAIG STONE, Defendants.	No. LACE137052 JURY INSTRUCTIONS
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Members of the jury:

This case arises from an automobile accident that occurred on January 13, 2022, on West 53rd Street in Davenport, Iowa.

The parties agree that defendant RD Stone was at fault for failing to stop within an assured clear distance when his vehicle struck the rear end of the Plaintiff's vehicle. The Defendants also admit that Defendant Craig Stone owned the automobile that his son, RD Stone, was driving.

The Plaintiff alleges that they suffered injuries as a result of the car accident and they are seeking monetary damages. The Defendants do not dispute that they are at fault for the accident. They do dispute the cause and the nature of the injuries claimed by the Plaintiff.

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. 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. 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 or on the greater variety and number of facts presented by 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 into evidence (such as answers to interrogatories, matters of 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 pretrial statements and reports, depositions of witnesses, 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. Testimony I told you to disregard.
4. Anything you saw or heard about this case outside this courtroom.

INSTRUCTION NO. 4

Certain testimony has been received into evidence from a deposition. A deposition is testimony taken under oath before the trial and preserved in writing or by videotape. 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 witness's 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's appearance, conduct, age, intelligence, memory, and knowledge of the facts; and,
3. The witness's 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's education and experience, the reasons given for the opinion, and all the other evidence in the case.

INSTRUCTION NO. 7

You have heard evidence claiming Plaintiff Clarence Fisher 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 Plaintiff Clarence Fisher had made it under oath during the trial.

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

INSTRUCTION NO. 8

In these instructions I will be using the term "fault." Fault means one or more acts or omissions toward the person of the actor or of another which constitutes negligence.

INSTRUCTION NO. 9

The plaintiff claims, and the defendants admit, that RD Stone was at fault for the collision that is the subject of this action.

The plaintiff must prove all of the following propositions:

1. That the fault of RD Stone was a cause of damages to the plaintiff; and
2. The amount of damage.

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

INSTRUCTION NO. 10

"Negligence" means failure to use ordinary care. Ordinary care is the care which a reasonably careful person would use under similar circumstances. "Negligence" is doing something a reasonably careful person would not do under similar circumstances, or failing to do something a reasonably careful person would do under similar circumstances.

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

1. Past Medical Expenses. The reasonable cost of necessary medical expenses from the date of injury to the present time.
2. Loss of Time – Earnings. The reasonable value of lost wages from the date of injury to the present time.
3. 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.
4. Loss Of Full Mind And 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.
5. Loss Of Full Mind And Body – Future. The present value of future loss of function of the body.
6. Physical And Mental Pain And Suffering - Future. The present value of future physical and mental pain and suffering.

The amount you assess for physical and mental pain and suffering 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 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 special verdicts.

INSTRUCTION NO. 13

If you find the plaintiff had medical conditions before this incident and such conditions were aggravated by this incident causing further suffering and/or disability, then he is entitled to recover damages caused by the aggravation. The plaintiff is not entitled to recover for any physical ailment or disability which existed before this incident or for any injuries or damages which he now has which were not caused by the defendants' actions.

INSTRUCTION NO. 14

You may not communicate about this case before reaching your verdict. This includes via cell phone and electronic media such as text messages, email, electronic messaging applications, and any social media platform or any social media applications you may use.

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 or application-based maps or programs, or any other application, program, or device to search for or 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.

INSTRUCTION NO. 15

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 judges—judges of the facts. Your sole interest is to find the truth and do justice.

INSTRUCTION NO. 16

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. 17

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.

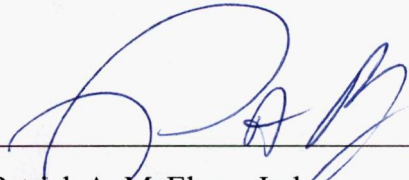
INSTRUCTION NO. 18

I am giving you one verdict form with two 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 answers to questions] must be signed by your foreman or forewoman.

After deliberating for six hours from 3:45 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 questions must be signed by all seven jurors who agree.

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

Dated this 23rd day of September, 2025.



Patrick A. McElyea, Judge

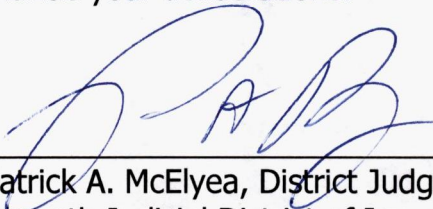
INSTRUCTION NO. _____

Members of the Jury:

You reported today at 9:00 a.m. and it is now 4:30 p.m. Further, you have been deliberating the issues since approximately 3:45 p.m. Because of the lateness of the hour and the length of today's service, the Court deems it advisable that you be allowed to separate temporarily overnight.

While temporarily separated, you should not permit anyone, including fellow jurors, to speak to or communicate with you about this case or reveal the state of your deliberations to anyone. You should avoid spoken or written publicity about the case in all radio, television, or newspaper comments or accounts of this case.

You shall report back to your jury room at 9:00 a.m., Wednesday, September 24, 2025, at which time you will resume and continue your deliberations.



Patrick A. McElyea, District Judge
Seventh Judicial District of Iowa