

IN THE IOWA DISTRICT COURT IN AND FOR DALLAS COUNTY

JIM NAHAS, :
Plaintiff, : No. LACV043294
v. :
POLK COUNTY, IOWA, TOM : JURY INSTRUCTIONS
HOCKENSMITH, ANGELA CONNOLLY,
STEVE VAN OORT, ROBERT
BROWNELL, and JOHN NORRIS,
: :
Defendants.
____ : ____

Members of the Jury:

Plaintiff claims the Defendants defamed him by publishing statements he was dishonest during an investigation. He contends the Defendants conspired to commit the defamation. He also contends wages or benefits are owed to him by the County.

The Defendants deny the claims the Plaintiff makes. They contend all the statements contained in the termination letter were true and therefore not defamatory. The County denies it failed to pay Plaintiff wages or benefits.

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. Upon the issues thus joined, you are instructed as follows:

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.

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

INSTRUCTION NO. 2

Generally, whenever a party must prove something, they must do so by a 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.

Certain allegations must be proven by clear, convincing and satisfactory evidence. Evidence is clear, convincing and satisfactory if there is no serious or substantial uncertainty about the conclusion to be drawn from it.

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 ruling on objections.
3. Testimony I told you to disregard.
4. Anything you saw or heard about this case outside the courtroom.

INSTRUCTION NO. 4

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. 5

Reach your verdict without discrimination or bias. In reaching your verdict, you must not discriminate against any of the parties or witnesses based on their sex, race, color, religious beliefs, sexual orientation or national origin.

Each one of us has biases about, or certain perceptions or stereotypes of, other people. We may be aware of some of our biases, though we may not share them with others. We may not be fully aware of some of our other biases. Our biases often affect how we act, favorably or unfavorably, toward someone. Bias can affect our thoughts, how we remember, what we see and hear, whom we believe or disbelieve, and how we make important decisions. Bias and stereotypes can cause us (1) to be skeptical of people who are different from us, (2) to remember information that is consistent with stereotypes, and (3) to fill any evidence gaps with stereotypes. Stereotypes can also cause us to more easily believe witnesses we like.

INSTRUCTION NO. 6

Certain testimony has been read into evidence or played by video from depositions. A deposition is testimony taken under oath before the trial and preserved in writing or on video. Consider that testimony as if it had been given in court.

During the trial you heard the word “interrogatory.” An interrogatory is a written question asked by one party of another, who must answer it under oath in writing. Consider interrogatories and the answers to them as if the questions had been asked and answered here in court.

INSTRUCTION NO. 7

During the trial you heard testimony from persons described as experts. Persons who have become experts in a field because of their education and experience may give their opinions on matters in that field and the reasons for their opinions.

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. 8

You have heard evidence claiming both Plaintiff and Defendants made statements before this trial while under oath and while not under oath.

If you find such statements were made, you may regard the statements as evidence in this case the same as if Plaintiff or Defendants had made it under oath during the trial.

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

INSTRUCTION NO. 9

You have heard evidence claiming witnesses 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 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. 10

You have heard evidence claiming witnesses made statements before this trial while under oath which were inconsistent with what the witness said in this trial. If you find these statements were made and were inconsistent, then you may consider them as part of the evidence, just as if they had been made at this trial.

You may also use these statements to help you decide if you believe the witness. You may disregard all or any part of the testimony if you find 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 trial testimony if other evidence you believe supports it or if you believe it for any other reason.

INSTRUCTION NO. 11

Plaintiff claims that Defendants intentionally destroyed evidence consisting of handwritten notes and question outlines regarding their interviews of witnesses, as well as a memorandum prepared and delivered to the Board of Supervisors on November 24, 2020. You may, but are not required to, conclude that such evidence would be unfavorable to the Defendants.

Before you can reach this conclusion, Plaintiff must prove all the following:

1. The evidence exists or previously existed.
2. The evidence is or was within the possession or control of the Defendants.
3. Defendants' interests would call for production of the evidence if favorable to that party.
4. Defendants have intentionally destroyed or failed to produce the evidence without satisfactory explanation.

For you to reach this conclusion, more than the mere destruction of the evidence must be shown. It is not sufficient to show that a third person destroyed the evidence without the authorization or consent of Defendants.

INSTRUCTION NO. 12

A conspiracy is an agreement of two or more persons to commit a wrong against another: in this case, defamation. The agreement can be oral or written, informal or formal, and need not be detailed. The agreement need not be expressed in words and may be implied and understood to exist from the conduct itself. It may be proved by direct or circumstantial evidence. Merely because two or more persons associate with each other or meet to discuss common interests or goals does not, by itself, establish a conspiracy.

A person participates in a conspiracy when the person joins the agreement with the intention to accomplish the wrongful act. A participant need not know all the details of the agreement nor all of the other participants. One who innocently furthers wrongful conduct by another does not participate in a conspiracy.

INSTRUCTION NO. 13

The fact that one of the Defendants is Polk County, Iowa, a governmental entity, and the Plaintiff is an individual should not affect your decision. All persons, corporations and governmental entities are equal before the law and are entitled to the same fair and conscientious consideration by you as any other person.

INSTRUCTION NO. 14

Polk County is liable for the wrongful acts of an officer, agent or employee if the acts are done in the scope of the employment. For an act to be within the scope of an employee's employment, the act must be necessary to accomplish the purpose of the employment, and it must be intended to accomplish that purpose.

INSTRUCTION NO. 15

Plaintiff was an employee at will. An employee at will may be terminated at any time for any reason, except if it is contrary to the public policy of this state, an exception that does not apply in this case.

INSTRUCTION NO. 16

Personal information in confidential personnel records of government bodies relating to identified or identifiable individuals who are employees of the government bodies is confidential and shall not be disclosed.

However, the fact that the individual was discharged as the result of a disciplinary action, the documented reasons and rationale for the discharge is not confidential and shall be subject to public disclosure.

INSTRUCTION NO. 17

Pursuant to Iowa law,

"A government body that takes disciplinary action against an employee that may result in information described in section 22.7, subsection 11, paragraph 'a,' subparagraph (5), being placed in the employee's personnel record, prior to taking such disciplinary action, shall notify the employee in writing that the information placed in the employee's personnel record as a result of the disciplinary action may become a public record."

In this case, Defendants failed to provide Plaintiff with the written notice pursuant to this requirement.

INSTRUCTION NO. 18

The Polk County Board of Supervisors is a "governmental body." A governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body or all of the members present at the meeting. A governmental body may hold a closed session only to the extent a closed session is necessary for any of the following reasons:

- 1.** To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that governmental body's possession or continued receipt of federal funds.
- 2.** To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.
- 3.** To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

Final action by any governmental body on any matter shall be taken in an open session unless some other provision of the Code expressly permits such actions to be

taken in closed session. Nothing requires a governmental body to hold a closed session to discuss or act upon any matter.

INSTRUCTION NO. 19

The January 5, 2021, termination letter accused Plaintiff of being dishonest. It was therefore libel per se. When statements are libelous per se, they are actionable in and of themselves without proof of damage.

To recover on his claim of libel, Plaintiff must prove all of the following propositions:

1. The Defendants made the statements; this element is not an issue in this case, as the statement is in the January 5, 2021, termination letter.
2. The Defendants communicated the statements to someone other than the Plaintiff.
3. The statements were made with actual malice. Actual malice means the Defendants made the statement with knowledge that it was false or with a reckless disregard of whether it was false or not. An individual acts with reckless disregard when that person has a high degree of awareness of probable falsity and subjectively has serious doubts about the truth of the statement. You should consider all of the facts and circumstances as shown by the evidence in evaluating whether the statements were made with actual malice.

Plaintiff must prove the Defendants communicated the statements to someone other than Plaintiff by a preponderance of the evidence. Plaintiff must prove the statements were made with actual malice by clear, convincing and satisfactory evidence.

If the Plaintiff has failed to prove any of these propositions, the Plaintiff is not entitled to recover damages for libel. If the Plaintiff has proven all of these propositions, then the Plaintiff has proven libel and is entitled to recover damages in some amount, unless the Defendants have proven the defenses of truth, qualified privilege or advice of an attorney, as explained in the following instructions.

INSTRUCTION NO. 20

The Defendants claim the statement complained about is true. The fact the statement was true or substantially true is a complete defense, regardless of bad faith or malicious purpose.

The Defendants must prove the truth of the statement by a preponderance of the evidence. To do so, the Defendants must establish the truth of the entire language of the statement and establish it in the sense attributed to it by the Plaintiff. Slight inaccuracies of expression are not important so long as the statement was substantially true. If the Defendants have proven the truth of the statement, then the Plaintiff cannot recover on his libel claim.

INSTRUCTION NO. 21

Defendants are entitled to a qualified privilege for certain statements. A qualified privilege exists with respect to statements that are otherwise defamatory if the following elements exist:

- (1) The statement was made in good faith;

A statement is made in good faith if the statement was made with an honest intent in furtherance of the law.

- (2) Defendants had an interest to uphold;

The requirement that Defendants had an interest to uphold is satisfied if you find that the statement was made pursuant to Iowa law.

- (3) The scope of the statement was limited to the identified interest; and

- (4) The statement was published on a proper occasion, in a proper manner, and to proper parties only.

Defendants have the burden of proving they were entitled to the privilege by a preponderance of the evidence. If you find the Defendants proved all of the requirements for a qualified privilege, then your verdict on Plaintiff's defamation

claim must be for Defendants. If Defendants failed to prove all of the requirements were met, then Defendants are not entitled to the privilege.

INSTRUCTION NO. 22

The Defendants claim the affirmative defense of advice of an attorney. If Defendants made decisions based upon the advice of an attorney, the advice may in certain instances be a defense to Plaintiff's claim.

In order to establish this defense, the Defendants must prove all the following propositions by a preponderance of the evidence:

1. The attorney giving the advice was admitted to practice law in Iowa.
2. The Defendants had no reason to believe the attorney had a personal interest in the issues the attorney gave advice on.
3. The attorney's advice was sought in good faith, from honest motives and for good purposes; advice of counsel cannot be used as a subterfuge.
4. The Defendants made a full and fair disclosure to the attorney of all facts having a bearing on the case.
5. The Defendants received the attorney's advice in good faith, with an honest belief in the advice offered.

Defendants have the burden of proving they were entitled to this defense by a preponderance of the evidence. If you find the Defendants proved all of the requirements for this affirmative defense, then your verdict on Plaintiff's defamation claim must be for Defendants. If Defendants failed to prove all of the requirements were met, then Defendants are not entitled to this affirmative defense.

INSTRUCTION NO. 23

The Polk County Employee Manual for Department Heads provides department heads are eligible for severance pay in an amount equal to one

week's pay or proration thereof for each year of service with Polk County, unless they were discharged for "willful misconduct." Plaintiff claims he is entitled to severance pay. Defendants claim Plaintiff was discharged for willful misconduct.

To recover on his claim for severance pay, Plaintiff must prove the following by a preponderance of the evidence:

1. Plaintiff was terminated from his employment with Defendant Polk County.
2. Plaintiff was not terminated for willful misconduct. "Willful" is defined as intentional, deliberate, with a bad or evil purpose, or contrary to a known duty.
3. Defendant Polk County failed to pay Plaintiff his severance pay.
4. The amount of severance pay due.

If the Plaintiff has failed to prove any of these propositions, the Plaintiff is not entitled to recover damages for severance pay. If the Plaintiff has proven all of these propositions, then the Plaintiff is entitled to recover severance pay in the amount you determine.

INSTRUCTION NO. 24

If you find in favor of Plaintiff on his libel claim, then you must determine an amount that will fairly and justly compensate Plaintiff for his damages on that claim. Since this is a claim for libel per se, you are allowed to award substantial damages without the necessity of the Plaintiff proving actual damage to reputation. The existence of damage to reputation is conclusively presumed from the publication of the libel. These general damages are the kind of damages the law presumes naturally and necessarily result from the communication of statements that are libelous per se.

You may also award special damages for the value of any actual loss of reputation suffered by Plaintiff and proven by a preponderance of the evidence. In

determining this item of damage, you may consider Plaintiff's reputation before the statement was made. You may also consider the extent to which the statement was communicated.

You may also award Plaintiff damages for emotional distress caused by the libelous statement, both from the date of the statement to the present time and for emotional distress in the future.

You must determine the value of Plaintiff's emotional distress caused by the Defendants' actions. Emotional distress may include, but is not limited to, mental anguish or loss of enjoyment of life as well as emotional pain and suffering, fear, apprehension and anxiety. In assessing emotional distress damages, you should consider the nature, character and seriousness of the emotional distress experienced by Plaintiff.

Plaintiff is entitled to recover only for emotional distress caused by the Defendants' actions. He is not entitled to recover for emotional distress caused by the stresses of litigation, including the stresses associated with the trial of his claims.

The amount you assess for emotional distress cannot be measured by any exact or mathematical standards. 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 the Defendants 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. 25

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. The rate by which future damages are reduced should be offset by an anticipated inflation rate.

INSTRUCTION NO. 26

A standard Mortality Table indicates the normal life expectancy of people who are the same age as Plaintiff is 24 years. The statistics from a standard Mortality Table are not conclusive. You may use this information, together with all the other evidence, about Plaintiff's health, habits, occupation, and lifestyle, when deciding issues of future damages.

INSTRUCTION NO. 27

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. 28

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 that 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. 29

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

INSTRUCTION NO. 30

I am giving you one verdict form containing special interrogatories. Read the verdict form and follow the directions on it carefully. 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 _____ o'clock __.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 interrogatories and appropriately signed it, tell the court attendant.

Dated this 19th day of September, 2025.

**Brad McCall – District Court Judge
Fifth Judicial District of Iowa**

IN THE IOWA DISTRICT COURT IN AND FOR DALLAS COUNTY

JIM NAHAS,

Plaintiff, : No. LACV043294

v. : VERDICT

POLK COUNTY, IOWA, TOM
HOCKENSMITH, ANGELA CONNOLLY,
STEVE VAN OORT, ROBERT
BROWNELL, and JOHN NORRIS, : POLK COUNTY, IOWA

Defendants. : _____

The January 5, 2021 termination letter accused Plaintiff of being dishonest, stating he was “on many occasions either evasive or dishonest in responses to questions.”

Question No. 1 – Did Defendant Polk County, Iowa, communicate the foregoing statement to someone other than the Plaintiff?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” go to Question No. 2. If your answer is “no” go to Question No. 7.)

Question No. 2 – Did Plaintiff prove by clear and convincing evidence the statement was made by Defendant Polk County, Iowa, with “actual malice” as defined in Instruction No. 19?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” go to Question No. 3. If your answer is “no” go to Question No. 7.)

Question No. 3 – Did Defendant Polk County, Iowa, prove by a preponderance of the evidence the statement was “true,” as defined in Instruction No. 20?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” go to Question No. 7. If your answer is “no” go to Question No. 4.)

Question No. 4 – Did Defendant Polk County, Iowa, prove by a preponderance of the evidence it is entitled to a “qualified privilege,” as defined in Instruction No. 21?

Answer _____ (“Yes” or “No”)

(If your answer is "yes" go to Question No. 7. If your answer is "no" go to Question No. 5.)

Question No. 5 – Did Defendant Polk County, Iowa, prove by a preponderance of the evidence it was relying on the "advice of an attorney," as defined in Instruction No. 22?

Answer _____ ("Yes" or "No")

(If your answer is "yes" go to Question No. 7. If your answer is "no" go to Question No. 7, but also answer Question No. 6 which appears on p. 29 of these instructions.)

Question No. 7 – Did Plaintiff prove by a preponderance of the evidence he is entitled to receive severance pay, as set forth in Instruction No. 23?

Answer _____ ("Yes" or "No")

(If your answer is "yes" go to Question No. 8. If your answer is "no" do not answer any further questions).

Question No. 8 – What amount of severance pay was Plaintiff entitled to receive?

Severance Pay \$ _____

IN THE IOWA DISTRICT COURT IN AND FOR DALLAS COUNTY

JIM NAHAS, :
Plaintiff, : No. LACV043294
v. :
POLK COUNTY, IOWA, TOM : VERDICT
HOCKENSMITH, ANGELA CONNOLLY, :
STEVE VAN OORT, ROBERT : *TOM HOCKENSMITH*
BROWNELL, and JOHN NORRIS, :
Defendants. :
____ : ____

The January 5, 2021 termination letter accused Plaintiff of being dishonest, stating he was “on many occasions either evasive or dishonest in responses to questions.”

Question No. 1 – Did Defendant Tom Hockensmith communicate the foregoing statement to someone other than the Plaintiff?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” go to Question No. 2. If your answer is “no” do not answer any further questions.)

Question No. 2 – Did Plaintiff prove by clear and convincing evidence the statement was made by Defendant Tom Hockensmith with “actual malice,” as defined in Instruction No. 19?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” go to Question No. 3. If your answer is “no” do not answer any further questions.)

Question No. 3 – Did Defendant Tom Hockensmith prove by a preponderance of the evidence the statement was “true,” as defined in Instruction No. 20?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” do not answer any further questions. If your answer is “no” go to Question No. 4.)

Question No. 4 – Did Defendant Tom Hockensmith prove by a preponderance of the evidence he is entitled to a “qualified privilege,” as defined in Instruction No. 21?

Answer _____ (“Yes” or “No”)

(If your answer is "yes" do not answer any further questions. If your answer is "no" go to Question No. 5.)

Question No. 5 – Did Defendant Tom Hockensmith prove by a preponderance of the evidence he was relying on the "advice of an attorney," as defined in Instruction No. 22?

Answer _____ ("Yes" or "No")

(If your answer is "yes" do not answer any further questions. If your answer is "no" go to Question No. 6 which appears on p. 29 of these instructions.)

IF YOU AWARDED DAMAGES PURSUANT TO QUESTION No. 6, ANSWER THE FOLLOWING SPECIAL INTERROGATORY:

Special Interrogatory:

Evidence is clear, convincing and satisfactory if there is no serious or substantial uncertainty about the conclusion to be drawn from it.

Conduct is willful and wanton when a person intentionally does an act of an unreasonable character in disregard of a known or obvious risk that is so great as to make it highly probable harm will follow.

Question: Has the Plaintiff proven by a preponderance of clear, convincing and satisfactory evidence that Defendant Tom Hockensmith's conduct constituted a willful and wanton disregard for the rights or safety of the Plaintiff and caused actual damage to the Plaintiff?

Answer: _____ ("yes" or "no")

IN THE IOWA DISTRICT COURT IN AND FOR DALLAS COUNTY

JIM NAHAS,Plaintiff, : **No. LACV043294****v.****POLK COUNTY, IOWA, TOM HOCKENSMITH, ANGELA CONNOLLY, STEVE VAN OORT, ROBERT BROWNELL, and JOHN NORRIS,** : **VERDICT**
: **ANGELA CONNOLLY****Defendants.**

____ : ____

The January 5, 2021 termination letter accused Plaintiff of being dishonest, stating he was “on many occasions either evasive or dishonest in responses to questions.”

Question No. 1 – Did Defendant Angela Connolly communicate the foregoing statement to someone other than the Plaintiff?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” go to Question No. 2. If your answer is “no” do not answer any further questions)

Question No. 2 – Did Plaintiff prove by clear and convincing evidence the statement was made by Defendant Angela Connolly with “actual malice” as defined in Instruction No. 19?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” go to Question No. 3. If your answer is “no” do not answer any further questions.)

Question No. 3 – Did Defendant Angela Connolly prove by a preponderance of the evidence the statement was “true,” as defined in Instruction No. 20?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” do not answer any further questions. If your answer is “no” go to Question No. 4.)

Question No. 4 – Did Defendant Angela Connolly prove by a preponderance of the evidence she is entitled to a “qualified privilege,” as defined in Instruction No. 21?

Answer _____ (“Yes” or “No”)

(If your answer is "yes" do not answer any further questions. If your answer is "no" go to Question No. 5.)

Question No. 5 – Did Defendant Angela Connolly prove by a preponderance of the evidence she was relying on the "advice of an attorney," as defined in Instruction No. 22?

Answer _____ ("Yes" or "No")

(If your answer is "yes" do not answer any further questions. If your answer is "no" go to Question No. 6 which appears on p. 29 of these instructions.)

IF YOU AWARDED DAMAGES PURSUANT TO QUESTION No. 6, ANSWER THE FOLLOWING SPECIAL INTERROGATORY:

Special Interrogatory:

Evidence is clear, convincing and satisfactory if there is no serious or substantial uncertainty about the conclusion to be drawn from it.

Conduct is willful and wanton when a person intentionally does an act of an unreasonable character in disregard of a known or obvious risk that is so great as to make it highly probable harm will follow.

Question: Has the Plaintiff proven by a preponderance of clear, convincing and satisfactory evidence that Defendant Angela Connolly's conduct constituted a willful and wanton disregard for the rights or safety of the Plaintiff and caused actual damage to the Plaintiff?

Answer: _____ ("yes" or "no")

IN THE IOWA DISTRICT COURT IN AND FOR DALLAS COUNTY

JIM NAHAS,Plaintiff, : **No. LACV043294****v.****POLK COUNTY, IOWA, TOM HOCKENSMITH, ANGELA CONNOLLY, STEVE VAN OORT, ROBERT BROWNELL, and JOHN NORRIS,** : **VERDICT**
: **STEVE VAN OORT****Defendants.**

— : —

The January 5, 2021 termination letter accused Plaintiff of being dishonest, stating he was “on many occasions either evasive or dishonest in responses to questions.”

Question No. 1 – Did Defendant Steve Van Oort communicate the foregoing statement to someone other than the Plaintiff?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” go to Question No. 2. If your answer is “no” do not answer any further questions.)

Question No. 2 – Did Plaintiff prove by clear and convincing evidence the statement was made by Defendant Steve Van Oort with “actual malice,” as defined in Instruction No. 19?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” go to Question No. 3. If your answer is “no” do not answer any further questions.)

Question No. 3 – Did Defendant Steve Van Oort prove by a preponderance of the evidence the statement was “true,” as defined in Instruction No. 20?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” do not answer any further questions. If your answer is “no” go to Question No. 4.)

Question No. 4 – Did Defendant Steve Van Oort prove by a preponderance of the evidence he is entitled to a “qualified privilege,” as defined in Instruction No. 21?

Answer _____ (“Yes” or “No”)

(If your answer is "yes" do not answer any further questions. If your answer is "no" go to Question No. 5.)

Question No. 5 – Did Defendant Steve Van Oort prove by a preponderance of the evidence he was relying on the "advice of an attorney," as defined in Instruction No. 22?

Answer _____ ("Yes" or "No")

(If your answer is "yes" do not answer any further questions. If your answer is "no" go to Question No. 6 which appears on p. 29 of these instructions.)

IF YOU AWARDED DAMAGES PURSUANT TO QUESTION No. 6, ANSWER THE FOLLOWING SPECIAL INTERROGATORY:

Special Interrogatory:

Evidence is clear, convincing and satisfactory if there is no serious or substantial uncertainty about the conclusion to be drawn from it.

Conduct is willful and wanton when a person intentionally does an act of an unreasonable character in disregard of a known or obvious risk that is so great as to make it highly probable harm will follow.

Question: Has the Plaintiff proven by a preponderance of clear, convincing and satisfactory evidence that Defendant Steve Van Oort's conduct constituted a willful and wanton disregard for the rights or safety of the Plaintiff and caused actual damage to the Plaintiff?

Answer: _____ ("yes" or "no")

IN THE IOWA DISTRICT COURT IN AND FOR DALLAS COUNTY

JIM NAHAS,Plaintiff, : **No. LACV043294****v.****POLK COUNTY, IOWA, TOM HOCKENSMITH, ANGELA CONNOLLY, STEVE VAN OORT, ROBERT BROWNELL, and JOHN NORRIS,** : **VERDICT**
: **ROBERT BROWNELL****Defendants.**

— : —

The January 5, 2021 termination letter accused Plaintiff of being dishonest, stating he was “on many occasions either evasive or dishonest in responses to questions.”

Question No. 1 – Did Defendant Robert Brownell communicate the foregoing statement to someone other than the Plaintiff?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” go to Question No. 2. If your answer is “no” do not answer any further questions.)

Question No. 2 – Did Plaintiff prove by clear and convincing evidence the statement was made by Defendant Robert Brownell with “actual malice,” as defined in Instruction No. 19?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” go to Question No. 3. If your answer is “no” do not answer any further questions.)

Question No. 3 – Did Defendant Robert Brownell prove by a preponderance of the evidence the statement was “true,” as defined in Instruction No. 20?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” do not answer any further questions. If your answer is “no” go to Question No. 4.)

Question No. 4 – Did Defendant Robert Brownell prove by a preponderance of the evidence he is entitled to a “qualified privilege,” as defined in Instruction No. 21?

Answer _____ (“Yes” or “No”)

(If your answer is "yes" do not answer any further questions. If your answer is "no" go to Question No. 5.)

Question No. 5 – Did Defendant Robert Brownell prove by a preponderance of the evidence he was relying on the "advice of an attorney," as defined in Instruction No. 22?

Answer _____ ("Yes" or "No")

(If your answer is "yes" do not answer any further questions. If your answer is "no" go to Question No. 6 which appears on p. 29 of these instructions.)

IF YOU AWARDED DAMAGES PURSUANT TO QUESTION No. 6, ANSWER THE FOLLOWING SPECIAL INTERROGATORY:

Special Interrogatory:

Evidence is clear, convincing and satisfactory if there is no serious or substantial uncertainty about the conclusion to be drawn from it.

Conduct is willful and wanton when a person intentionally does an act of an unreasonable character in disregard of a known or obvious risk that is so great as to make it highly probable harm will follow.

Question: Has the Plaintiff proven by a preponderance of clear, convincing and satisfactory evidence that Defendant Robert Brownell's conduct constituted a willful and wanton disregard for the rights or safety of the Plaintiff and caused actual damage to the Plaintiff?

Answer: _____ ("yes" or "no")

IN THE IOWA DISTRICT COURT IN AND FOR DALLAS COUNTY

JIM NAHAS,Plaintiff, : **No. LACV043294****v.****POLK COUNTY, IOWA, TOM HOCKENSMITH, ANGELA CONNOLLY, STEVE VAN OORT, ROBERT BROWNELL, and JOHN NORRIS,** : **VERDICT**
: **JOHN NORRIS****Defendants.**

— : —

The January 5, 2021 termination letter accused Plaintiff of being dishonest, stating he was “on many occasions either evasive or dishonest in responses to questions.”

Question No. 1 – Did Defendant John Norris communicate the foregoing statement to someone other than the Plaintiff?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” go to Question No. 2. If your answer is “no” do not answer any further questions.)

Question No. 2 – Did Plaintiff prove by clear and convincing evidence the statement was made by Defendant John Norris with “actual malice” as defined in Instruction No. 19?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” go to Question No. 3. If your answer is “no” do not answer any further questions.)

Question No. 3 – Did Defendant John Norris prove by a preponderance of the evidence the statement was “true,” as defined in Instruction No. 20?

Answer _____ (“Yes” or “No”)

(If your answer is “yes” do not answer any further questions. If your answer is “no” go to Question No. 4.)

Question No. 4 – Did Defendant John Norris prove by a preponderance of the evidence he is entitled to a “qualified privilege,” as defined in Instruction No. 21?

Answer _____ (“Yes” or “No”)

(If your answer is "yes" do not answer any further questions. If your answer is "no" go to Question No. 5.)

Question No. 5 – Did Defendant John Norris prove by a preponderance of the evidence he was relying on the "advice of an attorney," as defined in Instruction No. 22?

Answer _____ ("Yes" or "No")

(If your answer is "yes" do not answer any further questions. If your answer is "no" go to Question No. 6 which appears on p. 29 of these instructions.)

IF YOU AWARDED DAMAGES PURSUANT TO QUESTION No. 6, ANSWER THE FOLLOWING SPECIAL INTERROGATORY:

Special Interrogatory:

Evidence is clear, convincing and satisfactory if there is no serious or substantial uncertainty about the conclusion to be drawn from it.

Conduct is willful and wanton when a person intentionally does an act of an unreasonable character in disregard of a known or obvious risk that is so great as to make it highly probable harm will follow.

Question: Has the Plaintiff proven by a preponderance of clear, convincing and satisfactory evidence that Defendant John Norris's conduct constituted a willful and wanton disregard for the rights or safety of the Plaintiff and caused actual damage to the Plaintiff?

Answer: _____ ("yes" or "no")

IN THE IOWA DISTRICT COURT IN AND FOR DALLAS COUNTY

JIM NAHAS, :
Plaintiff, : No. LACV043294
v. :
POLK COUNTY, IOWA, TOM : VERDICT
HOCKENSMITH, ANGELA CONNOLLY, :
STEVE VAN OORT, ROBERT : DAMAGES
BROWNELL, and JOHN NORRIS, :
Defendants. :
____ : ____

Question No. 6 – What is the total amount of damages Plaintiff is entitled to recover based upon any of the Defendant's libelous statements? If you determined Defendant is not entitled to recover damages for libel per se, enter \$0 in the Total Damages.

Libel Per Se – General Damages \$ _____

Libel Per Se – Damage – Reputation \$ _____

Libel Per Se – Emotional Distress (past) \$ _____

Libel Per Se – Emotional Distress (future) \$ _____

Total Damages \$ _____

Foreperson*
(*To be signed only if verdict is unanimous)

Juror**

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



State of Iowa Courts

Case Number

LACV043294

Type:**Case Title**JIM NAHAS VS. POLK COUNTY ET AL
JURY INSTRUCTIONS

So Ordered

Brad McCall, District Court Judge,
Fifth Judicial District of Iowa

Electronically signed on 2025-09-22 19:16:14