

**IN THE IOWA DISTRICT COURT FOR JACKSON COUNTY**

**SHELDON WOODHURST and  
CARLA WOODHURST,  
Plaintiffs,**

**Case No. LACV027199**

**vs.**

**DAVID ZABRANSKY, an individual,  
and DRIFTWOOD, INCORPORATED,  
a Corporation, d/b/a DRIFTWOOD  
BAR AND GRILL, and Manny's  
Incorporated, a Corporation, d/b/a  
MANNY'S,  
Defendants.**

**DEFENDANT'S PROPOSED  
JURY INSTRUCTIONS**

Defendant, David Zabransky, by his attorney, proposes that the following jury instructions be submitted in connection with the above-captioned case:

**STATEMENT OF THE CASE**

Plaintiff, Sheldon Woodhurst is a resident of the State of Iowa and Defendant, David Zabransky is a resident of the State of Colorado. On the evening of November 22, 2009. Mr. Woodhurst and Mr. Zabransky were involved in a physical altercation that took place in Sabula, Jackson County, Iowa. Mr. Woodhurst sustained injuries as a result of the altercation and seeks compensation and punitive damages from the Defendant.

**CIVIL JURY INSTRUCTIONS**

Iowa Civil Jury Instruction (ICJI) 100.1

ICJI 100.2

ICJI 100.3

ICJI 100.4

ICJI 100.5

ICJI 100.9

ICJI 100.11

ICJI 100.12

ICJI 100.13

ICJI 100.14

ICJI 100.15

ICJI 100.16

ICJI 100.17

ICJI 100.18

ICJI 100.19

ICJI 100.21

ICJI 100.22

ICJI 200.1

ICJI 200.10

ICJI 200.11B

ICJI 200.12

ICJI 200.13B

ICJI 210.1

ICJI 210.4

ICJI 300.1

ICJI 400.1

ICJI 400.5

ICJI 1900.1

ICJI 1900.2

ICJI 1900.3

ICJI 1900.4

ICJI 1900.5

Special Verdict Form (attached)

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**SPECIAL VERDICT FORM**

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

Question No. 1: Did David Zabransky commit an assault upon the plaintiff, Sheldon Woodhurst?

Answer "yes or "no."

ANSWER:

[If your answer to Question No. 1 is "no," do not answer Question No. 2]

Question No. 2: Was the assault committed by David Zabransky a cause of any item of damage to the Plaintiff, Sheldon Woodhurst?

Answer "yes" or "no."

ANSWER:

Question No. 3: Did David Zabransky commit a battery upon the plaintiff, Sheldon Woodhurst?

Answer "yes" or "no."

ANSWER:

Question No. 5: What amount of money will fairly compensate the plaintiff, Sheldon Woodhurst, for the following items of damage?

[If plaintiff has failed to prove an element of damage, then enter "0" for that item]

- |  |          |
|--|----------|
| 1. Past loss of full body                        | \$ _____ |
| 2. Future loss of full body                      | \$ _____ |
| 3. Past physical and mental pain and suffering   | \$ _____ |
| 4. Future physical and mental pain and suffering | \$ _____ |
| 5. Past scarring and disfigurement               | \$ _____ |
| 6. Future scarring and disfigurement             | \$ _____ |
| 7. Past medical                                  | \$ _____ |
| 8. Future medical                                | \$ _____ |
| TOTAL (add the separate items of damages)        | \$ _____ |

Question No. 6: Do you find by a preponderance of clear, convincing and satisfactory evidence that the conduct of Defendant David Zabransky constituted willful and wanton disregard for the rights or safety of another?

Answer "yes" or "no."

ANSWER:

[If your answer to Question No. 6 is "no" do not answer Question Nos. 7 and 8]

Question No. 7: What amount of punitive damages, if any, do you award?

ANSWER:

[If your answer to Question No. 7 is "None" do not answer Question No. 8]

Question No. 8: Was the conduct of Defendant David Zabransky directed specifically at Sheldon Woodhurst?

Answer "yes" or "no."

ANSWER:

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Foreman or Forewoman\*

\*To be signed only if verdict is unanimous

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Juror\*\*

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Juror\*\*

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Juror\*\*

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Juror\*\*

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Juror\*\*

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Juror\*\*

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Juror\*\*

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