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STATE OF IOWA } SS
Carroll County }
Filed on the 2nd day of Sept
2025 at 12:13 o'clock P M.
Carroll County
Clerk of District Court

IN THE IOWA DISTRICT COURT FOR CARROLL COUNTY

JOHN DOE,

Plaintiff,

v.

MANNING REGIONAL HEALTHCARE
CENTER and MANNING FAMILY
RECOVERY CENTER,

Defendants.

Case No. LACV040419

JURY INSTRUCTIONS**Instruction No. 1**

Plaintiff alleges that Manning Regional Healthcare Center and Manning Family Recovery Center were negligent in their hiring, supervision, and retention of employee Kristal Lake, who engaged in an exchange of sexually explicit text messages and videos with Plaintiff during his time as a patient. Defendants admit that such an exchange took place between Ms. Lake and Plaintiff but deny any wrongdoing or liability, including any alleged negligence or resulting harm to 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. This brief statement is not evidence but is offered only to examine in a general way what the lawsuit is about.

Instruction No. 2

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. 3

Nothing I have said or done is intended to give any opinion as to the facts, proof, or to suggest what your verdict should be.

Instruction No. 4

The fact that a plaintiff or 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. 5

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. 6

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, such as answers to interrogatories, matters which judicial notice was taken, 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. 7

Decide the facts from the evidence. Consider the evidence using your observations, reasoning, common sense, and experience. It is your duty to determine the credibility of witnesses, to resolve any conflicts in the evidence, and to draw reasonable inferences from the evidence. 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. Whether a witness has made inconsistent statements.
3. The witness's appearance, conduct, age, intelligence, memory and knowledge of the facts.
4. The witness's interest in the trial, their motive, candor, bias and prejudice.

Try to reconcile any conflicts in the evidence; but if you cannot, accept any evidence you find believable and give it the weight you believe it deserves.

Instruction No. 8

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. 9

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. 10

An expert witness was asked to assume certain facts were true and to give an opinion based on that assumption. This is called a hypothetical question. If any fact assumed in the question has not been proved by the evidence, you should decide if that omission affects the value of the opinion.

Instruction No. 11

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 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. 12

You have heard evidence claiming a witness made statements before this trial while under oath which were inconsistent with what a 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. 13

You have heard evidence claiming a party made statements before this trial while under oath or 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 that party had made it under oath during the trial.

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

Instruction No. 14

In order to prove his claim for Negligent Supervision or Retention, Plaintiff must prove each of the following:

- a. Defendants knew, or in the exercise of ordinary care should have known, of Kristal Lake's incompetence, unfitness, or dangerous characteristics at the time Kristal Lake engaged in misconduct;
- b. Through the negligent retention or supervision of Kristal Lake, Kristal Lake's incompetence, unfitness, or dangerous characteristics caused injuries to the Plaintiff;
- c. There is some employment or agency relationship between the Defendants and Kristal Lake;
- d. The nature and extent of the damage.

If the plaintiff has failed to prove any of these propositions, the plaintiff is not entitled to damages.

Instruction No. 15

"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. 16

The mere fact a party was injured does not mean a party was negligent.

Instruction No. 17

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

Instruction No. 18

Harm is within the scope of a party's liability when it is among the type of reasonably foreseeable harms that made the party's conduct negligent.

If repeating the defendant's conduct would make it more likely for another person to suffer the same type of harm claimed by plaintiff, then the harm is foreseeable and within the scope of defendant's liability. If defendant's conduct merely places plaintiff in a situation where plaintiff sustains injury from an unrelated act or event, the claimed harm is not within the scope of defendant's liability.

Instruction No. 19

If you find Plaintiff had prior mental health conditions, such as anxiety or depression, before this incident and this condition was aggravated by this incident causing further suffering then he is entitled to recover damages caused by the aggravation. He 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 defendant's actions.

Instruction No. 20

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

1. Past mental pain and suffering.
2. Future mental pain and suffering.

The amount you assess for 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. 21

Mental pain and suffering may include, but is not limited to, mental anguish or loss of enjoyment of life.

Instruction No. 22

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.

Instruction No. 23

A Standard Mortality Table indicates the normal life expectancy of people who are the same age as Plaintiff Brad Carey, who is 48 years old. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence about the individual's prior health, habits, occupation, and lifestyle, when deciding issues of future damages.

Instruction No. 24

In these instructions I will be using the term "fault". Fault means one or more acts or omissions, which constitutes negligence, recklessness, unreasonable failure to avoid an injury, or unreasonable failure to mitigate damages.

Instruction No. 25

There can be more than one cause of an injury or damage. When the fault of two or more separate parties is so related to an event that their combined fault, when viewed as a whole, is the cause of the event without which the event would not occur, then the fault of each party may be a cause.

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

Punitive damages may be awarded if the plaintiff has proven by a preponderance of clear, convincing and satisfactory evidence the defendant's conduct constituted a willful and wanton disregard for the rights or safety of another and caused actual damage to the plaintiff.

Punitive damages are only appropriate when the Defendants acted with "legal malice" which may be shown by wrongful conduct committed with a willful or reckless disregard for the rights of another.

Punitive damages are not intended to compensate for injury but are allowed to punish and discourage the defendant and others from like conduct in the future. You may award punitive damages only if the defendant's conduct warrants a penalty in addition to the amount you award to compensate for plaintiff's actual injuries.

There is no exact rule to determine the amount of punitive damages, if any, you should award. You may consider the following factors:

1. The nature of defendant's conduct that harmed the plaintiff.
2. The amount of punitive damages which will punish and discourage like conduct by the defendant. You may consider the defendant's financial condition or ability to pay. You may not, however, award punitive damages solely because of the defendant's wealth or ability to pay.
3. The plaintiff's actual damages. The amount awarded for punitive damages must be reasonably related to the amount of actual damages you award to the plaintiff.
4. The existence and frequency of prior similar conduct. Although you may consider harm to others in determining the nature of defendant's conduct, you may not award punitive damages to punish the defendant for harm caused to others or for any conduct by the defendant that is not similar to the conduct which caused the harm to the plaintiff in this case.

Instruction No. 28

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

Instruction No. 29

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 that harm will follow.

Instruction No. 30

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. 31

Upon retiring you shall select a foreperson. It will be their 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. 32

Occasionally, jurors want to ask questions after they begin deliberating. If that should occur, please consider the following:

- a. Words not defined in these instructions should be given their ordinary meanings.
- b. There will be no additional evidence and no additional instructions on the law. These instructions contain all the law you need to decide the case.
- c. If you ask me a question during your deliberations, your foreperson must reduce the question to writing and give it to the court attendant who will deliver it to me. I must then contact the lawyers and conduct a hearing with them, but not in your presence. After that, I will send you a written answer consistent with subparagraphs (A) and (B).

If, after considering these matters, you still wish to ask me a question, follow the procedure outlined here. Then save your written question and written answer I send you and return them with your verdict form when you have completed your deliberations and returned a verdict.

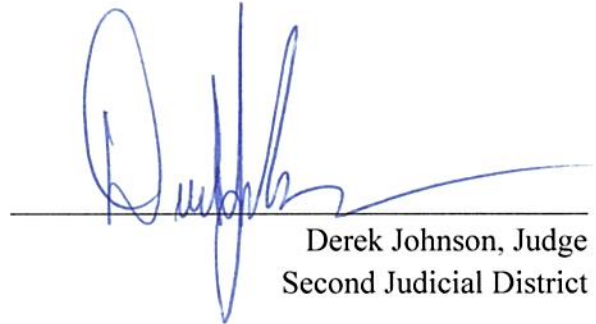
The court attendant who has been working with me on this case is in the same position I am in. She has taken an oath not to communicate with you except to ask you if you have agreed upon a verdict. Please do not put her on the spot by asking her any questions. You should direct any questions to the court and not to the court attendant.

Instruction No. 33

I am giving you a verdict forms and 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 foreperson.

After deliberating for six hours from 4:00 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 it, tell the Court Attendant.



Derek Johnson, Judge
Second Judicial District

IN THE IOWA DISTRICT COURT FOR CARROLL COUNTY

JOHN DOE, Plaintiff, v. MANNING REGIONAL HEALTHCARE CENTER and MANNING FAMILY RECOVERY CENTER, Defendants.	CASE No. LACV040419 VERDICT FORM
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Question No. 1: Were Defendants negligent in **supervising or retaining** Kristal Lake?

Answer "yes" or "no."

ANSWER: Yes

If your answer is YES, go to Question No. 2.

If your answer is NO, just sign the Verdict Form.

Question No. 2: State the amount of damages sustained by Plaintiff John Doe as to each of the following items of damage. If the Plaintiff failed to prove any item of damage or has failed to prove that any item of damage was caused by Defendants' negligence, enter "0" for that item.

- | | |
|--|------------------|
| 1. Past pain and suffering of John Doe | \$ <u>18,000</u> |
| 2. Future pain and suffering of John Doe | \$ <u>0</u> |

Go to Question No. 3.

Only answer Question No. 3 if you answered YES to Question 1.

If you Answered NO to Question No. 1, just sign the Verdict Form.

Question No. 3. Punitive Damages

Do you find by a preponderance of clear, convincing and satisfactory evidence the conduct of the Defendants constituted willful and wanton disregard for the rights or safety of another by their (1) supervising and/or (2) retaining Kristal Lake?

Answer "Yes" or "No"

ANSWER: Yes

If your Answer is YES: which ones (1) supervising, and/or (2) retaining Kristal Lake (circle one or more).

If your answer to Question No. 3 is YES, circle as indicated above, then go to Question No. 4. If your answer to Question No. 3 is NO do not answer Question Nos. 4 and 5. Sign the Verdict Form.

Question No. 4: What amount of punitive damages, if any, do you award?

ANSWER: \$ 50,000

Go to Question No. 5.

Question No. 5: Was the conduct of the Defendants directed specifically at the plaintiff?

Answer "Yes" or "No"

ANSWER: NO

Sign the Verdict Form.

Shendy Kissler
Foreperson*

*To be signed only if the verdict is unanimous.

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

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

IN THE IOWA DISTRICT COURT FOR CARROLL COUNTY

JOHN DOE,

Plaintiff,

v.

MANNING REGIONAL HEALTHCARE and
MANNING FAMILY RECOVERY CENTER,

Defendants.

LACV040419

JUDGMENT ENTRY

The trial of this matter commenced on Monday, August 25, 2025. The case was submitted to the jury at approximately 4:00 p.m. on August 29, 2025. After deliberating for approximately 4 hours, the jury returned a verdict in favor of the Plaintiff and awarded damages in the amount of \$68,000 against Defendants. The amount awarded included \$18,000 for past emotional distress and \$50,000 for punitive damages.

IT IS, THEREFORE, ORDERED that judgment is entered in favor of the Plaintiff and against Defendants in the amount of \$68,000 plus interest at the statutory rate from and after November 4, 2020.

The costs of this action are taxed against Defendants.



State of Iowa Courts

Case Number
LACV040419

Case Title
(DJJ)JOHN DOE VS. CATHOLIC HEALTH INITIATIVES ET
AL
Type: ORDER FOR JUDGMENT

So Ordered

Derek Johnson, District Court Judge,
Second Judicial District of Iowa