

ORIGINAL

FILED

IN THE IOWA DISTRICT COURT FOR BLACK HAWK COUNTY

FLOYD EDWARDS,

Plaintiff,

vs.

PACKERS SANITATION SERVICES,  
INC., CESAR BARRIOS and LAURA  
LOPEZ,

Defendants.

2025 NOV -4 PM 4:50  
CLERK OF DISTRICT COURT  
BLACK HAWK COUNTY IOWA

Case No. LACV136585

**JURY INSTRUCTIONS**

Members of the Jury:

In this case Plaintiff Floyd Edwards claims that he was discriminated against and harassed while working for PSSI on the basis of his race and for complaining about harassment and discrimination. He also claims he was retaliated against due to reporting harassment and discrimination.

The Defendants, PSSI, Cesar Barrios and Laura Lopez, deny that Plaintiff was harassed or discriminated against on the basis of his race or for participating in reports of harassment or discrimination. Instead, Defendants state that in June 2017, Plaintiff was placed on a Performance Action Plan due to documented safety issues discovered on safety audits, derogatory comments about Team Members with visitors present, failing to provide write-ups and other performance and disciplinary actions to his Team Members, and attendance and tardiness issues.

Defendants also state that Mr. Edwards was demoted in November 2017, while still on the Performance Action Plan, for leaving work without permission from his site supervisor, Cesar Barrios. Finally, Defendants state that Mr. Edwards was ultimately terminated in January 2018 due to his repeated failures to follow safety policies and insubordination when corrected, as well as his hostile behavior toward supervisors and co-workers.

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.

**100.2****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.

**100.3****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.

**100.4****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.

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.

**100.5****INSTRUCTION NO. 4**

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.

**100.9****INSTRUCTION NO. 5**

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.

**100.20****INSTRUCTION NO. 6**

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.

**3120.1****INSTRUCTION NO. 7**

To establish racial harassment or hostile work environment, Plaintiff must prove all of the following elements:

1. The Plaintiff was subjected to harassment based upon his race;
2. Such conduct was unwelcome;
3. The conduct was based on his race;
4. Such conduct was sufficiently severe or pervasive that a reasonable person in the Plaintiff's position would find his work environment to be hostile or abusive;
5. At the time such conduct occurred and as a result of such conduct, the Plaintiff believed his work environment was hostile or abusive;
6. The Defendants knew or should have known of the conduct; and
7. The Defendants failed to take steps to:
  - a. correct the situation, and/or
  - b. prevent the offensive conduct from recurring.

If you find that the Plaintiff has proved all of the above elements, your verdict on the claim of racial harassment/hostile work environment must be for the Plaintiff. If you find that the Plaintiff has not proved all of the above elements, then your verdict on the claim of racial harassment/hostile work environment must be for the Defendant.

3120.3

**INSTRUCTION NO. 8**

As used in element 4 of Instruction No. 7, conduct is sufficiently severe or pervasive to create a hostile or abusive work environment when the workplace is permeated with discriminatory intimidation, ridicule, and insult so as to alter the conditions of employment and create an abusive work environment. In determining whether the conduct is severe or pervasive, you should consider:

1. The frequency of the conduct,
2. The severity of the conduct,
3. Whether the conduct was physically threatening or humiliating or whether it was merely offensive, and
4. Whether the conduct unreasonably interfered with the employee's job performance.

**750.2****INSTRUCTION NO. 9**

The term "emotional distress" includes all highly unpleasant mental reactions. Serious emotional distress is ordinarily, but is not necessarily, accompanied by physical manifestations of the distress.

**INSTRUCTION NO. 10**

An employer's deviations from its own policies and practices may or may not indicate it is engaging in discrimination.

3140.1

**INSTRUCTION NO. 11**

To prove defendant discriminated against Plaintiff, Plaintiff must prove all of the following elements:

1. Plaintiff is a Black individual.
2. Defendant discharged Plaintiff or took other materially adverse action.
3. Plaintiff's race was a motivating factor in defendants' decision to discharge Plaintiff or take other materially adverse action.

If you find the Plaintiff proved all of these elements, you must consider Defendant's affirmative defense as set forth in Instruction 14. If you find that the Plaintiff has not proved all of the above elements, then your verdict on the claim of discrimination must be for the Defendant.

3140.3

**INSTRUCTION NO. 12**

To prove Defendant retaliated against Plaintiff, Plaintiff must prove all of the following elements:

1. Plaintiff engaged in protected activity.
2. An adverse employment action was taken against Plaintiff.
3. A causal connection exists between the two events. To establish a causal connection, Plaintiff must show the Plaintiff's protected activity was a significant factor in the employer's subsequent adverse employment action.

If you find the Plaintiff proved all of these elements, you must consider Defendants' affirmative defense as set forth in Instruction 14. If you find that the Plaintiff has not proved all of the above elements, then your verdict on the claim of retaliation must be for the defendant.

**3140.4****INSTRUCTION NO. 13**

As used in Instruction No. 11, Plaintiff's race was a "motivating factor" if that compelled the Defendants' actions toward Plaintiff. However, Plaintiff's race need not have been the only reason for Defendants' actions.

**3140.4****INSTRUCTION NO. 13A**

As used in Instruction No. 12, Plaintiff's race was a "significant factor" if that compelled the Defendants' actions toward Plaintiff. However, Plaintiff's race need not have been the only reason for Defendants' actions.

**3140.5****INSTRUCTION NO. 14**

If you find the Plaintiff has proved all of the elements of his claims as set forth in Instruction 11 or 12, then you must consider the Defendants' affirmative defense that it would have made the same decision regardless of Plaintiff's race or complaints of discrimination.

**200.35B****INSTRUCTION NO. 15**

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.

**100.18****INSTRUCTION NO. 16**

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

**300.1****INSTRUCTION NO. 17**

I am giving you one verdict form 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 foreman or forewoman.

After deliberating for six hours from 3:15 o'clock p.m. excluding meals or recesses outside your jury room, then it is necessary that only six of you agree upon the answers to the questions. In that case, the verdict and questions must be signed by all six jurors who agree.

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