

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

Areli Contreras, through her parents Juan and
Faith Contreras, and Faith Contreras,
individually,

Plaintiffs,

vs.

Central Iowa Hospital Corporation d/b/a
Blank Children's Hospital,

Defendants.

CASE NO. LACL155690

JURY INSTRUCTIONS

FILED
POLK COUNTY, I.A.
2025 APR 10 PM 1:46
CLERK DISTRICT COURT

INSTRUCTION NO. 1

My duty is to tell you what the law is. Your duty is to accept and apply this law and to decide all fact questions.

Nothing I have said or done during the trial was intended to give you any opinion as to the facts or what your verdict should be.

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.

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.

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 during the trial.

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. 4

During this trial, you have 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. 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 witnesses' 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 witnesses' appearance, conduct, age, intelligence, memory and knowledge of the facts; and,
3. The witnesses' 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' education and experience, the reasons given for the opinion, and all the other evidence in the case.

INSTRUCTION NO. 7

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. 8

You have heard evidence claiming the Parties made statements before this trial while under oath.

If you find such a statement was made, you may regard the statement as evidence in this case the same as if the Party had made those statements under oath during 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 part of the Party's testimony during the trial, but you are not required to do so. You should not disregard a Party's testimony during the trial if other credible evidence supports it or if you believe it for any other reason.

INSTRUCTION NO. 9

All of the nurses named in this lawsuit were employed by Blank Children's Hospital when they provided medical care and treatment to Plaintiff Areli. As such, the actions of the nurses are attributable to Blank Children's Hospital. Accordingly, for purposes of these instructions, you are to treat the nurses and Blank Children's Hospital as one.

The fact that Defendants Blank Children's Hospital 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. 10
Negligence – Essentials for Recovery

The Plaintiffs must prove all of the following propositions regarding Defendant Blank Children's Hospital:

1. Defendant was negligent in the care of Areli Contreras, through the actions of its employee-nurses, by breaching the standard of care while caring for her in one or more of the following ways:
 - a. Brittany Ringler, RN (now Warner), Hanna Denham, RN and Taylor Kramer, RN: Failing to properly assess Areli Contreras' IV site.
 - b. Brittany Ringler, RN (now Warner), Taylor Kramer, RN: Failing to timely re-assess Areli Contreras' IV site.
2. The negligence of Defendant was a cause of damage to the Plaintiffs.
3. The amount of damage.

If the Plaintiffs have failed to prove one of the items listed in proposition 1 above regarding negligence or failed to prove proposition 2 or 3, the Plaintiffs are not entitled to damages. If the Plaintiffs have proved one of the items in proposition 1 as well as propositions 2 and 3, the Plaintiffs are entitled to damages in some amount.

INSTRUCTION NO. 11

A nurse must use the degree of skill, care and learning ordinarily possessed and exercised by other nurses in similar circumstances.

A violation of this duty is negligence.

INSTRUCTION NO. 12

A nurse's conduct must be viewed in light of the circumstances existing at the time of diagnosis and treatment and not retrospectively. If a nurse exercised a reasonable degree of care and skill under the circumstances as they existed, not as seen in hindsight, then the nurse is not liable for medical negligence.

INSTRUCTION NO. 13

The mere fact that an injury or side effect occurred does not mean a health care provider was negligent.

INSTRUCTION NO. 14
Negligent Infliction of Emotional Distress – Essentials for Recovery

The Plaintiff must prove all of the following propositions:

1. Faith Contreras was located near the scene of the alleged nursing negligence and injury to Areli Contreras, ~~occurred~~.
2. Faith Contreras suffered emotional distress resulting from a direct emotional impact from seeing the alleged nursing negligence and injury to Areli Contreras, as contrasted with learning of it from others after its occurrence.
3. Faith Contreras is the mother of Areli Contreras.
4. A reasonable person in the position of Faith Contreras would believe, and Faith Contreras did believe, that Areli Contreras would suffer serious injury.
5. The emotional distress suffered by Faith Contreras was serious.
6. Plaintiffs proved the propositions in Instruction No. 10.

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

INSTRUCTION NO. 15

As used in Instruction No. 14, 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. 16

As used in Instruction No. 14, the term “serious injury” means bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

INSTRUCTION NO. 17

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

There can be more than one cause of an injury or damage.

INSTRUCTION NO. 18

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. 19

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

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} in the inability of a particular part of the body to function in a normal manner.

Loss of Full Mind and Body – Future. The present value of future loss of function of the body.

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.

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, and loss of function of the body 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. Similarly, damages awarded to one party shall not be included in any amount awarded to another party.

The amounts, if any, you find for each of the above items will be used to answer the special verdicts.

INSTRUCTION NO. 20

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 plaintiffs for future losses.

INSTRUCTION NO. 21

A Standard Mortality Table indicates the normal life expectancy of people who are the same age as Areli Contreras is seventy-seven (77) additional years of life. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence about Areli Contreras' prior health, habits, occupation, and lifestyle, when deciding issues of future damages.

INSTRUCTION NO. 22

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. 23

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.

INSTRUCTION NO. 24

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. 25

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 including but not limited to Facebook, LinkedIn, YouTube, Twitter, TikTok, Instagram, Snapchat, and any other 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. 26

I am giving you a verdict form. 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 form must be signed by your foreman or forewoman.

After deliberating for six hours, 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 form must be signed by all seven jurors who agree.

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

LACL 155690

FILED
POLK COUNTY, IA.
2025 APR 10 PM 1:45
CLERK DISTRICT COURTTaylor Caffrey 4/09/2025 4pm
Layoff

1.) May we get the side of the
timeline wheel from the
defendants that was shown
on closing statements?

2.) ~~shall~~ can we get the baby doll?

Members of the Jury:

The items the jury has requested are not available to you during deliberations.

Please review Instruction No. 3.

A handwritten signature in black ink, appearing to read 'Sarah Crane'.

Sarah Crane

4/9/2025

4:20 pm