

IN THE IOWA DISTRICT COURT IN AND FOR CERRO GORDO COUNTY

KRISTINE CHRISTENSEN, Individually)	
and as Executor of the Estate of MARIA)	
O'BRIEN, STEPHANIE PROHASKI,)	LAW NO. LACV069306
Individually, ANTHONY SAVAS,)	
Individually, and THEODORE SAVAS,)	
Plaintiffs,)	
)	DEFENDANTS' PROPOSED JURY
vs.)	INSTRUCTIONS
)	
GOOD SHEPHERD GERIATRIC)	
CENTER, INC. d/b/a GOOD SHEPHERD)	
HEALTH CENTER, INC. also d/b/a)	
GOOD SHEPHERD, INC., DIANE)	
HORNING, Individually, MIKE SVEJDA,)	
Individually, IAN STOCKBERGER,)	
Individually, and NURSES "JANE DOE")	
1-3,)	
Defendants.)	

Defendants' by and through their undersigned counsel, request that the court provide to the jury the following standard Iowa Civil Jury Instructions to wit:

- 100.2 Duties of Judge and Jury, Instructions as Whole
- 100.3 Burden of Proof, Preponderance of Evidence
- 100.4 Evidence
- 100.5 Deposition Testimony
- 100.6 Interrogatories
- 100.8 Stipulated Testimony
- 100.9 Credibility of Witnesses
- 100.11 Hypothetical Question, Expert Testimony
- 100.12 Opinion Evidence, Expert Witness
- 100.15 Statements by a Party Opponent
- 100.18 General Instructions to Jury
- 100.20 Corporate Party
- 100.23 Use of Electronic Devices

- 200.32 Aggravation of Pre-Existing condition
- 200.38 Quotient Verdict

- 300.1 Return of Verdict-Forms of Verdict
- 300.4 Verdict-Single Plaintiff-Single Defendant-Cases Governed by Iowa Code Chapter 668

- 400.1 Fault-Defined
- 400.2 Comparative Fault
- 400.3 Comparative Fault-Effects of Verdict
- 400.5 Comparative Fault-Single Plaintiff-Essentials for Recovery
- 400.6 Comparative Fault-Single Defendant-Essentials for Defense
- 400.7 Comparative Fault-Mitigation
- 400.8 Unreasonable Failure to Avoid an Injury-Defined

- 700.1 Essentials for Recovery
- 700.2 Ordinary Care-Common Law Negligence-Defined
- 700.3 Proximate Cause-Defined
- 700.4 Concurrent Cause-Defined
- 700.8 Accident Does Not Constitute or Raise Presumption of Negligence

- 2400.1 Essentials for Recovery
- 2400.3 Existence of A Contract
- 2400.4 Consideration
- 2400.5 Terms – Interpretation
- 2400.6 Breach – Definition
- 2400.7 Performance by Plaintiff
- 2400.8 Affirmative Defenses – Essentials
- 2400.9 Impossibility of Performance

SPECIAL PROPOSED JURY INSTRUCTIONS

1. Statement of the Case

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<u>CERTIFICATE OF SERVICE</u>	
The undersigned hereby certifies that on the date indicated below, a true copy of the foregoing instrument was served upon all parties of interest by enclosing the same in an envelope addressed to each party at their respective address as disclosed on the service list appended hereto by:	
<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> Fax
<input type="checkbox"/> Hand Delivery	<input type="checkbox"/> Overnight Courier
<input type="checkbox"/> Certified Mail	<input checked="" type="checkbox"/> Electronic
I certify under penalty of perjury that the foregoing is true and correct. Executed on this <u>30</u> day of <u>Aug</u> , 20 <u>16</u> , in Cedar Rapids, Linn County, Iowa.	
	

1. Statement of the Case

Ladies and gentlemen of the jury:

This case involves allegations by Plaintiffs, Stephanie Prohaski, Anthony Savas, Theodore Savas, Kris Christensen, individually, and as representatives of the Estate of Maria O'Brien, their mother, against Good Shepherd, Inc., d/b/a Good Shepherd Health Center, a skilled nursing facility located in Mason City, Iowa. Plaintiffs contend that the care, services, and treatment of their mother, Maria O'Brien, were negligent and deficient in several respects, allegedly resulting in injuries and damages to Maria O'Brien, and to the other Plaintiffs.

Defendants deny that the care, services, and treatment their facility and staff provided to Maria O'Brien were negligent or deficient in any way, and contend that neither Maria O'Brien, or her estate, nor any of the other Plaintiffs, sustained or incurred any injuries or damages as a result of any negligent act of the defendant nursing facility.

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 to you.