

Original

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

LARRY HARLAN COPE,

Plaintiff,

v.

MIKAYLA ANN SHARP and TODD  
ALLEN SHARP,

Defendants.

Case No. LACL153739

**JURY INSTRUCTIONS**

FILED  
POLK COUNTY, IA.  
2025 JUL 22 PM 5:03  
CLERK DISTRICT COURT

## Instruction No. 1

This case arises out of an automobile accident on February 23, 2021 in Ankeny, Polk County, Iowa. Plaintiff Larry Cope alleges the accident was the fault of Defendant Mikayla Sharp, and that it caused injuries and damages to Plaintiff. Defendant Todd Sharp owned the vehicle Mikayla Sharp was driving at the time of the accident.

Defendants deny Mikayla Sharp was at fault for the accident. Defendants contend Plaintiff was at fault. Defendants also dispute the cause, nature, and extent of Plaintiff's injuries, and the amount of damage.

Do not consider this summary as proof of any claim or defense. Decide the facts from the evidence and apply the law which I will give you.

## 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.

Do not be influenced by any personal likes or dislikes, sympathy, bias, prejudices or emotions.

## Instruction No. 3

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. 4

You shall base your verdict only upon the evidence and these instructions. Evidence is:

- Testimony in person or by deposition.
- Exhibits received by the court.
- Stipulations which are agreements between the parties.
- Any other matter admitted (for example, answers to interrogatories, matters of which judicial notice was taken, and 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:

- Statements, arguments, questions and comments by the lawyers during voir dire, opening, questioning, or closing.
- Objections and rulings on objections.
- Any testimony I told you to disregard.
- Anything you saw or heard about this case outside the courtroom.

## 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 evidence claiming Plaintiff Larry Cope and Defendant Mikayla Sharp made statements before this trial while not under oath, and while under oath.

If you find such statements were made, you may regard the statements as evidence in this case the same as if the party had made the statement under oath during the trial.

If you find such statements were made and were inconsistent with party's testimony during the trial, you may also use the statements 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 any party's testimony during the trial if other credible evidence supports it or if you believe it for any other reason.

## Instruction No. 7

From time to time during the trial, I was called upon to make rulings of law on objections or motions made by the lawyers. It is the duty of the parties or their counsel to object when another party offers testimony or other evidence that they believe is not properly admissible. You should not show prejudice against a lawyer or the party they represent because either made objections. You should not infer or conclude from any ruling or other comment I made that I had any opinions on the merits of the case favoring one side or the other. If I sustained an objection that goes unanswered by the witness, you should not draw any inferences or conclusions from the question itself.



## 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

In these instructions I will be using the term “fault.” Fault means one or more acts or omissions towards the person of the actor or of another which constitutes negligence.

“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.12

The mere fact an accident occurred or a party was injured does not mean a party was negligent or at fault.

## Instruction No.13

Damages may be the fault of more than one person. In comparing fault, you should consider all of the surrounding circumstances as shown by the evidence, together with the conduct of the plaintiff and the extent of the causal relation between their conduct and the damages claimed. You should then determine what percentage, if any, each person's fault contributed to the damages.

## Instruction No.14

After you have compared the conduct of all parties, if you find the plaintiff, Larry Cope, was at fault and the plaintiff's fault was more than 50% of the total fault, the plaintiff, Larry Cope, cannot recover damages.

However, if you find the Plaintiff's fault was 50% or less of the total fault, then I will reduce the total damages by the percentage of plaintiff's fault.

## Instruction No.15

To prove his claim that Defendant Mikayla Sharp was at fault, Plaintiff must prove all of the following propositions:

1. Defendant Mikayla Sharp was negligent in one or more of the following particulars:
  - a. Failure to Maintain Control.
  - b. Failure to Yield on Left Turn.
  - c. Failure to Maintain Proper Lookout.
2. Defendant Mikayla Sharp's negligence was a cause of the plaintiff's damage.
3. The amount of damage.

If the plaintiff has failed to prove any of these propositions, the plaintiff is not entitled to damages. If the Plaintiff has proved all of these propositions, you will consider the defense of comparative fault as explained in Instruction No. 17



## Instruction No.16

Defendant Todd Sharp, as the owner of the vehicle Mikalya Sharp as driving, is responsible for damages caused by the fault of Mikayla Sharp.

## Instruction No. 17

To prove their defense of comparative fault, Defendants must prove all of the following propositions:

1. Plaintiff Larry Cope was negligent in one or more of the following particulars:

- a. Failure to Maintain Control.
- b. Failure to Maintain Proper Lookout.
- c. Failure to yield the right-of-way to another vehicle lawfully within the intersection.

2. Plaintiff's negligence was a cause of his damage.

If Defendants have failed to prove either of these propositions, Defendants have not proved their defense. If Defendants have proved both of these propositions, then you will assign a percentage of fault against Plaintiff and include Plaintiff's fault in the total percentage of fault found by you answering the special verdicts.

## Instruction No.18

A driver must have his or her vehicle under control. It is under control when the driver can guide and direct its movement, control its speed and stop it reasonably fast.

A violation of this duty is negligence.

## Instruction No.19

The driver of a vehicle intending to turn left within an intersection shall yield the right-of-way to all vehicles approaching from the opposite direction which are at the intersection or so close to the intersection as to be an immediate danger. Then the driver, having yielded and having given the required signal, may make the left turn.

A violation of this law is negligence.

## Instruction No.20

“Proper lookout” is the lookout a reasonable person would keep in the same or similar situation. It means more than looking and seeing. It includes being aware of the operation of the driver’s vehicle in relation to what the driver saw or should have seen.

A violation of this law is negligence.

## Instruction No.21

Vehicles facing a signal displaying a green light may go straight, turn right or turn left through the intersection unless specifically prohibited. However, vehicles shall yield the right-of-way to other vehicular and pedestrian traffic lawfully within the intersection at the time the signal is exhibited.

Vehicles facing a signal displaying a red light shall stop and remain stopped until the signal is green. However, unless prohibited by a sign, vehicles may cautiously enter the intersection to make a right turn from the right lane of traffic, or a left turn from the left lane of a one-way street to the leftmost lane of traffic on a one-way street. Any turn shall be made so that it does not interfere with other vehicles or pedestrians lawfully using the intersection.

Vehicles facing a signal displaying a green arrow light alone or with another official control signal may cautiously enter the intersection and go in the direction indicated by the arrow, but shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection. Stopping means stopping at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection.

A violation of this law is negligence.

## Instruction No. 22

The conduct of a party is a cause of damage when the damage would not have happened except for the conduct. There can be more than one cause of an injury or damage.

## Instruction No. 23

If you find Plaintiff had a pre-existing or degenerative condition before this accident and this condition was aggravated by the subject accident 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 that existed before this incident or for any injuries or damages which he now has that were not caused by Defendant's actions.



## Instruction No. 24

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

1. The present value of future medical expenses.
2. 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.
3. The present value of future physical pain and suffering.
4. Loss of function of the mind or body from the date of injury to the present time. Loss of mind or body is the inability of a particular part of the mind or body to function in a normal manner.
5. The present value of future loss of function of the mind or body.

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.

The amount you assess for physical and mental pain and suffering and loss of full mind and body 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 verdict.

## Instruction No. 25

A Standard Mortality Table indicates the normal life expectancy of people who are the same age as Plaintiff Larry Cope is 8.5 years. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence, about Plaintiff's health, habits, occupation, and lifestyle, when deciding issues of future damages.

## 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

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. 28

Occasionally, after the jury retires to the jury room, the members of the jury have questions. I have prepared the instructions after carefully considering this case with the parties and their lawyers. I have tried to use language which is generally understandable. Usually, questions about instructions can be answered by carefully reading them again. If, however, any of you feel that it is necessary to ask a question of me, you must do so in writing and deliver the question to my judicial assistant. I cannot communicate with you without first discussing your question and the potential answer with the parties and their lawyers. This process naturally takes time and deliberation before I can reply. The foreperson shall read my response to the jury. Keep the written question and response and return it to the court with the verdict forms.

The judicial assistant has been working with me on this case and is in the same position as I am. The judicial assistant has taken an oath not to communicate with you except to ask if you have agreed upon the verdict. Please do not put my judicial assistant on the spot by asking questions. You must direct your questions exclusively to me and not to my judicial assistant.

## Instruction No. 29

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.

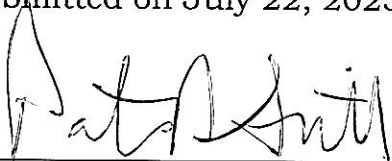
## Instruction No. 30

I am giving you one (1) 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 must be signed by your foreman or forewoman.

After deliberating for six hours from <sup>2:47</sup>~~10:15~~ a.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 must be signed by all seven jurors who agree.

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

Submitted on July 22, 2025



Patrick D. Smith, Judge  
Fifth Judicial District of Iowa