

IN THE IOWA DISTRICT COURT IN AND FOR LEE COUNTY

PAMELA PLOWMAN and JEREMY)	
PLOWMAN,)	Case No. LALA 006220
)	
Plaintiffs,)	DEFENDANTS' PROPOSED
)	PRELIMINARY INSTRUCTION
vs.)	
)	
FORT MADISON COMMUNITY)	
HOSPITAL, PIL KANG, M.D., DAVIS)	
RADIOLOGY, P.C., LEAH)	
STEFFENSMEIER, M.D., THE)	
WOMEN'S CENTER, and FORT)	
MADISON PHYSICIANS and SURGEONS,)	
)	
Defendants.)	

Defendants, Fort Madison Community Hospital, Pil Kang, M.D., Davis Radiology, P.C., Leah Steffensmeier, M.D., The Women's Center, and Fort Madison Physicians and Surgeons, provide the following proposed preliminary instruction to be read to the jury panel:¹

Members of the jury panel:

This is a medical malpractice case that involves the care and treatment provided during a pregnancy. Plaintiffs claim that they would have made the decision to terminate the pregnancy, or have an abortion, if they had been told certain information.

The Court, the parties, and the lawyers understand and respect that some people have strong feelings about abortion. However, you will not be asked to decide if abortion should be legal. Nor will you be asked to decide if abortion is right or wrong. Those are not issues in this case.

If you are selected as a juror, you will be instructed as follows:

¹ See Iowa Civil Jury Instruction 100.2.

As you consider the evidence, do not be influenced by any personal sympathy, bias, prejudices or emotions. Because you are making very important decisions in this case, you are to evaluate the evidence carefully and avoid decisions based on generalizations, gut feelings, prejudices, sympathies, stereotypes, or 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.

/s/ Jennifer Rinden

JENNIFER E. RINDEN AT0006606

VINCENT S. GEIS AT0013055

for

SHUTTLEWORTH & INGERSOLL, P.C.

500 U.S. Bank Bldg., P.O. Box 2107

Cedar Rapids, IA 52406

PHONE: (319) 365-9461

FAX: (319) 365-8564

e-mail: jer@shuttleworthlaw.com

ATTORNEYS FOR FORT MADISON
COMMUNITY HOSPITAL, FORT MADISON
PHYSICIANS & SURGEONS, THE WOMEN'S
CLINIC and LEAH STEFFENSMEIER, M.D.

CHRISTINE L. CONOVER, AT0001632

CARRIE L. THOMPSON, AT0009944

DAWN M. GIBSON, AT0009413

/s/ Christine L. Conover

By: Christine L. Conover

Simmons Perrine Moyer Bergman PLC

115 Third Street SE, Suite 1200

Cedar Rapids, Iowa 52401

(319) 366-7641 Fax: (319) 366-1917

cconover@spmbllaw.com

cthompson@spmbllaw.com

dgibson@simmonsperine.com

ATTORNEYS FOR DEFENDANTS PIL KANG,
M.D. AND DAVIS RADIOLOGY

cc: Darwin Bunger, Esq.
Saunders & Bunger Law
610 - 8th Street, Suite A
Fort Madison, IA 52627

Zev T. Gershon, Esq.
Randal D. Getz, Esq.
John A. MacLellan, Esq.
Gershon, Willoughby & Getz, LLC
25 Hooks Lane
Suite 304
Baltimore, MD 21208

Copy by email: Judge Michael J. Schilling at Michael.Schilling@iowacourts.gov