

IN THE IOWA DISTRICT COURT FOR DUBUQUE COUNTY

AMBER LITKA,
Plaintiff,

vs.

THOMAS G. HUBANKS,
Defendant.

Case No. 01311 LACV116900

**PARTIES' JOINT PROPOSED JURY
INSTRUCTIONS**

COME NOW, the parties, by and through their counsel of record, and hereby submit the following JOINT PROPOSED JURY INSTRUCTIONS as follows:

1. I.C.J.I. No. 100.1-Statement of the Case. (See Attached)
2. I.C.J.I. No. 100.2-Duties of Judge and Jury Instructions as a Whole.
3. I.C.J.I. No. 100.3- Burden of Proof, Preponderance of the Evidence.
4. I.C.J.I. No. 100.4- Evidence.
5. I.C.J.I. No. 100.5-Deposition Testimony.
6. I.C.J.I. No. 100.6- Interrogatories.
7. I.C.J.I. No. 100.9-Credibility of Witnesses.
8. I.C.J.I. No. 100.15-Statement by Party Opponent.
9. I.C.J.I. No. 100.18-General Instruction to the Jury.
10. I.C.J.I. No. 100.21-Cautionary Inst.-Juror's Notes.
11. I.C.J.I. No. 100.23 – Use of Electronic Devices.
12. I.C.J.I. No. 400.1-Fault Defined. (See Attached)
13. I.C.J.I. No. 700.2-Common Law Negligence Defined. (See Attached)
14. I.C.J.I. No. 700.3- Cause Defined. (See Attached)
15. I.C.J.I. No. 700.1- Essentials For Recovery- Rules of the Road. (See Attached)
16. I.C.J.I. No. 200.1- Elements Personal Injury. (See Attached)

17. I.C.J.I. No. 200.35B- Definition of Present Value. (See Attached)
18. I.C.J.I. No. 200.37-Mortality Tables Personal Injury. (See Attached)
19. I.C.J.I. No. 200.38-Quotient Verdict.
20. I.C.J.I. No. 300.1-Return of Verdict-Forms of Verdict.
21. I.C.J.I. No. 300.4-Verdict Form Modified. (See Attached versions for Plaintiff & Defendant)

Dated this 26th day of November, 2025

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INSTRUCTION NO.
STATEMENT OF THE CASE

Members of the Jury: In this case, Plaintiff, Amber Litka, claims personal injuries arising out of a motor vehicle collision on July 10, 2023. Plaintiff alleges that Defendant Thomas Hubanks, failed to keep a proper lookout, failed to drive in a safe and reasonable manner, and failed to drive in such a way to avoid a collision.

The Defendant admits responsibility for causing the collision but denies the nature and extent of Plaintiff's injuries.

Defendant admits that he caused Plaintiff some damages that were painful but denies the nature and extent of Plaintiff's alleged injuries.

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.

INSTRUCTION NO. _____

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.

Authority 400.1-Fault Defined

INSTRUCTION NO. _____

"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.

Authority:

I.C.J.I. 700.2-Ordinary Care-Common Law Negligence Defined.

INSTRUCTION NO. _____

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

Authority

700.3 Cause - Defined.

INSTRUCTION NO. _____

Defendant Thomas Hubanks admits he was negligent. Defendant also admits his negligence caused Plaintiff some damages that were painful. Plaintiff Amber Litka is entitled to damages in some amount. Plaintiff must prove the amount of damages.

Authority

700.1 Essentials For Recovery.

Coker v. Abell-Howe Co., 491 N.W.2d 143 (Iowa 1992)

Rinkleff v. Knox, 375 N.W.2d 262 (Iowa 1985)

Bauman v. City of Waverly, 164 N.W.2d 840 (Iowa 1969)

Thompson v. Kaczinski, 774 N.W.2d 829, 836-39 (Iowa 2009) (causation)

INSTRUCTION NO. _____

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

1. Amber Litka's 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.
2. The present value of Amber Litka's scarring into the future.
3. Amber Litka's Loss of function of the mind **or body** from the date of injury to the present time. Loss of mind body is the inability of a particular part of the mind **or body** to function in a normal manner.

The amount you assess for physical and mental pain and suffering in the past and loss of function of the mind **or body** in the past and scarring including into the 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.

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

Authority

200.1-Elements- Personal Injury; 200.10- Loss of Full Mind and Body-Past; 200.11B- Loss of Full Mind and Body-Future; 200.12-Physical and Mental Pain and Suffering- Past; 200.13B- Physical and Mental Pain and Suffering-Future.

INSTRUCTION NO. _____

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.

Authority

200.35B-Definition of Present Value

Iowa Code section 624.18 (2), 668.3(b)

Schnebly v. Baker, 217 N.W.2d 708, 728 (Iowa 1974)

INSTRUCTION NO. _____

A Standard Mortality Table indicates the normal life expectancy of people who are the same age as Amber Litka is 46.75 years. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence, about Amber Litka's health, habits, occupation, and lifestyle, when deciding issues of future damages.

Authority

200.37-Mortality Tables-Personal Injury

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VERDICT FORM

We, the Jury, find in favor of the Plaintiff and fix the amount of her recovery of damages against the defendant as follows:

Past Pain and Suffering \$ _____

Past Loss of Function of Full Mind or Body \$ _____

Scarring \$ _____

TOTAL: (add the separate items of damage) \$ _____

FOREMAN OR FOREWOMAN*

*To be signed only if verdict is unanimous

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**