
IN THE IOWA DISTRICT COURT FOR CASS COUNTY

MELANIE LEWIS, an individual,**Plaintiff,****vs.****FERNANDO CASTANEDA, an individual;
and LUCKY INTERNATIONAL TRADING,
INC., a corporation; and DOES I-V and
ROES CORPORATIONS VI-X, inclusive,****Defendants.****CASE NO.: LACV026278****JURY INSTRUCTIONS**

Statement of the Case

Members of the Jury: In this case, Plaintiff Melanie Lewis claims she sustained injuries in a motor vehicle collision caused by the Defendants, Fernando Castaneda and Lucky International Trading, Inc.

The Defendants admit responsibility for causing the collision. However, the Defendants deny that the collision caused all of the injuries and damages claimed by the Plaintiff. The Defendants further deny that the Plaintiff sustained a permanent injury or that she is entitled to future damages beyond those proven to have been caused by the collision.

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. 1

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.

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 (e.g., answers to interrogatories, matters which judicial notice was taken, 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:

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

You will decide the facts from the evidence. Consider the evidence using your observations, reasoning, common sense, and experience. It is your duty to determine the credibility of witnesses, to resolve any conflicts in the evidence, and to draw reasonable inferences from the evidence.

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. Whether a witness has made inconsistent statements;
3. The witnesses' appearance, conduct, age, intelligence, memory, and knowledge of the facts; and,
4. The witnesses' interest in the trial, their motive, candor, bias and prejudice.

Try to reconcile any conflicts in the evidence; but if you cannot, accept any evidence you find believable and give it the weight you believe it deserves.

INSTRUCTION NO. 5

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's education and experience, the reasons given for the opinion, and all the other evidence in the case.

INSTRUCTION NO. 6

Certain Testimony has been read into evidence from a deposition or shown by a video deposition. A deposition is testimony taken under oath before the trial and preserved in writing or by video. Consider that testimony as if it had been given in court.

INSTRUCTION NO. 7

You have heard evidence to show that Plaintiff and/or Defendant 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 Plaintiff and/or Defendant had made it under oath during the trial.

If you find such a statement was made and was inconsistent with Plaintiff and/or Defendant's testimony during the trial, you may also use the statement as a basis for disregarding all or any part of Plaintiff and/or Defendant's testimony during the trial, but you are not required to do so. You should not disregard Plaintiff and/or Defendant's testimony during the trial if other credible evidence supports it or if you believe it for any other reason.

INSTRUCTION NO. 8

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. 9

The fact that a plaintiff or defendant 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

You are instructed that Fernando Castaneda has utilized the services of a translator during this trial to assist in understanding and participating in the proceedings. This is a right provided under the law to ensure that all parties, regardless of their proficiency in the English language, are afforded a fair trial. You must not draw any negative inference or make any assumptions about Fernando Castaneda's background, citizenship, or credibility based on the use of a translator. All parties are entitled to equal treatment under the law, and your deliberations must be based solely on the evidence presented and the instructions provided by the Court.

INSTRUCTION NO. 11

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. 12

Defendant, Lucky International Trading, Inc., is liable for the negligent acts of Defendant, Fernando Castaneda, if the acts are done in the scope of employment. The parties stipulate that Defendant, Fernando Castaneda, was in the scope of his employment when the subject incident occurred.

INSTRUCTION NO. 13**Elements - Personal Injury Damage (Consolidated).**

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

1. ***Loss of full mind and body damages (past):*** Loss of function of the mind and/or body from the date of injury to the present time. Loss of mind and/or body is the inability of a particular part of the mind, body to function in a normal manner.
2. ***Loss Of Full Mind And Body (future):*** The present value of future loss of function of the mind and/or body.
3. ***Physical and Mental Pain and Suffering damages (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.
4. ***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 mind and 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.

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

INSTRUCTION NO. 14

If Plaintiff had a prior condition making her more susceptible to injury than a person in normal health, then the Defendant is responsible for all injuries and damages which are experienced by Plaintiff that are caused by defendant's actions, even though the injuries claimed produce a greater injury than those which might have been experienced by a normal person under the same circumstances.

INSTRUCTION NO. 15

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.

INSTRUCTION NO. 16

A Standard Mortality Table indicates the normal life expectancy of people who are the same age as Melanie Lewis is 34.60 years. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence, about Melanie Lewis' health, habits, occupation, and lifestyle, when deciding issues of future damages.

INSTRUCTION NO. 17

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. 18

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. 19

During the trial, you will be allowed to take notes. You may take these with you to the jury room to use in your deliberations. Remember, these are notes and are 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. 20

You may not communicate about this case before reaching your verdict. This includes cell phones, and electronic media such as text messages, Facebook, MySpace, LinkedIn, YouTube, Twitter, email, etc.

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 maps or Google Earth or any other program or device to search for or to 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.

It is important that we have your full and undivided attention during this trial.

INSTRUCTION NO. 21

I am giving you 1 verdict form and questions. 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 and answers to questions must be signed by your foreman or forewoman. After deliberating for six hours from 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 and questions must be signed by all seven jurors who agree.

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

Dated this 12th day of March, 2026.



Amy L. Zacharias
Judge, Fourth Judicial District of Iowa