

IN THE IOWA DISTRICT COURT FOR ADAMS COUNTY

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	*	Case No. LACV016368
ROBERT BEATTY,	*	
Plaintiff- Counterclaim Defendant,	*	
vs.	*	DEFENDANT-COUNTERCLAIM PLAINTIFF'S PROPOSED JURY INSTRUCTIONS
COLLEEN BEATTY,	*	
Defendant-Counterclaim Plaintiff.	*	

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COMES NOW the Defendant-Counterclaim Plaintiff and submits her Proposed Jury Instructions.

/s/Joseph G. Bertogli  
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INSTRUCTION NO. 1

**Mitigation of Damages:** Robert Beatty had a duty to use reasonable efforts to mitigate his claimed damages. To mitigate means to avoid or reduce damages.

Colleen Beatty must introduce substantial evidence that:

- (1) There was something that Robert Beatty could have done to mitigate his loss;
  - (2) Requiring Robert Beatty to do so is reasonable under the circumstances;
  - (3) Robert Beatty acted unreasonably and failure to undertake the mitigating activity;
- and,
- (4) A causal connection exists between Robert Beatty's failure to mitigate and the damages claimed.

*Vasconez v. Mills*, 651 NW 2d 48 (Iowa 2002); *Greenwood v. Mitchell*, 621 NW 2d 200 (Iowa 2001).

INSTRUCTION NO. 2

Just compensation includes the fair market value of the property as of [insert date of valuation]. Fair market value is the highest price for the property that a willing buyer would have paid in cash to a willing seller, assuming that:

(1) There is no pressure on either one to buy or sell;

and,

(2) The buyer and seller know all the uses and purposes for which the property is reasonably capable of being used.

*ABA Model Civil Jury Instruction 3501*