

IN THE IOWA DISTRICT COURT FOR STORY COUNTY

RICKY LOVE,

Plaintiff,

vs.

LISA FLYGSTAD,

Defendant.

NO. LACV051012

**DEFENDANT LISA FLYGSTAD'S
AMENDED AND SUBSTITUTED
REQUESTED JURY INSTRUCTIONS**

COMES NOW, the Defendant, Lisa Flygstad, and hereby submits the following Amended and Substituted Requested Jury Instructions and Verdict Form. The Requested Jury Instructions and Verdict Form are being tendered prior to trial and without knowledge by the Defendant as to what all the evidence and its context at trial may be. Accordingly, Defendant wishes to reserve the right to supplement its Requested Jury Instructions and Verdict Form prior to the submission of this case to the jury. Further, by submitting these Requested Jury Instructions and Verdict Form at this time, the Defendant is not waiving its right to object to the submission of the claims alleged in the Plaintiff's Petition. However, if such claims are submitted to the jury, the Defendant, Lisa Flygstad, requests that each submission be done in accordance with the Requested Jury Instructions and Verdict Form attached hereto. The Iowa State Bar Association Civil Jury Instructions are cited below as "ICJI" followed by the number and description of the Instruction in question and attached hereto.

The Defendant, Lisa Flygstad, requests that the court give the jury the following instructions:

INDEX TO REQUESTED JURY INSTRUCTIONS

- | | | |
|-----|-------------|--|
| 1. | ICJI 100.1 | Statement of the Case |
| 2. | ICJI 100.2 | Duties of Judge and Jury, Instructions as Whole |
| 3. | ICJI 100.3 | Burden of Proof, Preponderance of Evidence |
| 4. | ICJI 100.4 | Evidence |
| 5. | ICJI 100.5 | Deposition Testimony |
| 6. | ICJI 100.6 | Interrogatories |
| 7. | ICJI 100.9 | Credibility of Witnesses |
| 8. | ICJI 100.11 | Hypothetical Question – Expert Testimony |
| 9. | ICJI 100.15 | Statements By A Party Opponent |
| 10. | ICJI 200.1 | Elements – Personal Injury |
| 11. | ICJI 200.6 | Past Medical Expenses |
| 12. | ICJI 200.12 | Physical and Mental Pain and Suffering – Past |
| 13. | ICJI 200.10 | Loss of Full Mind and Body – Past |
| 14. | ICJI 400.1 | Fault – Defined |
| 15. | ICJI 400.2 | Comparative Fault |
| 16. | ICJI 400.3 | Comparative Fault – Effects of Verdict |
| 17. | ICJI 400.5 | Comparative Fault – Single Plaintiff – Essentials for Recovery |
| 18. | ICJI 600.1 | Reasonable and Proper |
| 19. | ICJI 600.7 | Control – Common Law |
| 20. | ICJI 600.72 | Lookout |
| 21. | ICJI 400.6 | Comparative Fault – Single Defendant – Essentials for Defense |
| 22. | ICJI 600.34 | Stopping |
| 23. | ICJI 600.38 | Entering A Through Highway |

24. Warning Signs and Placement Markers
25. ICJI 600.87 Lamps and Other Equipment
26. ICJI 600.88 Slow Moving Vehicles
27. Creating a Hazardous Condition on Highway
28. ICJI 600.75 Sudden Emergency
29. ICJI 700.2 Ordinary Care – Common Law Negligence – Defined
30. ICJI 700.3 Cause – Defined
31. ICJI 700.3A Scope of Liability – Defined
32. ICJI 700.8 Accident Does Not Constitute or Raise Presumption of Negligence
33. ICJI 200.38 Quotient Verdict
34. ICJI 100.23 Use of Electronic Devices
35. ICJI 100.18 General Instructions to Jury.
36. ICJI 300.1 Return of Verdict – Forms of Verdict.

Respectfully submitted,

LEDERER WESTON CRAIG PLC.

/s/ Kent A. Gummert

Kent A. Gummert AT0003032

4401 Westown Parkway, Suite 212

West Des Moines, Iowa 50266

Telephone: 515-224-3911

Facsimile: 515-224-2698

E-mail: kgummert@lwclawyers.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that on February 12, 2020, I electronically filed the foregoing with the Clerk of Court using the ECF system, which will send notification of such filing to the following:

Amanda Hassid
PASLEY & SINGER LAW FIRM, L.L.P.
323 Sixth Street
PO Box 664
Ames, Iowa 50010-0664
Email: AHassid@singerlaw.com
ATTORNEY FOR PLAINTIFF

I am not aware of any non-ECF system participants in this proceeding that require service by mail.

/s/ Kent A. Gummert

INSTRUCTION NO. 1

Statement of the Case

MEMBERS OF THE JURY:

The Plaintiff Ricky Love was involved in a motor vehicle accident on November 29, 2016. The accident occurred on East Riverside Road in Ames, Story County, Iowa. At the time of the accident, the Plaintiff Ricky Love was operating a pickup and pulling a street sweeper while traveling east bound on Riverside Road. A vehicle driven by the Defendant Lisa Flygstad was also traveling east bound behind and struck the rear of the pickup and street sweeper operated by the Plaintiff.

In this lawsuit, the Plaintiff Ricky Love is alleging that Lisa Flygstad was negligent in the operation of her vehicle. Ms. Flygstad has denied that she was negligent in the operation of her vehicle at the time of the accident. In addition, Lisa Flygstad has alleged that Ricky Love was negligent in the operation of his pickup and street sweeper at the time of the accident.

The Plaintiff Ricky Love is alleging that he suffered bodily injuries as a result of this accident. Lisa Flygstad has denied that her actions were a cause of Ricky Love's injuries and has denied that Ricky Love's injuries were in the scope of her liability.

Do not consider this summary as any proof.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 100.1 and Model Instruction No. 1.

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 the fact questions.

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

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 100.1.

REQUESTED JURY INSTRUCTION NO. 2

INSTRUCTION NO. 3

Burden of Proof, Preponderance of Evidence

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.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 100.3.

REQUESTED JURY INSTRUCTION NO. 3

INSTRUCTION NO. 4

Evidence

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; and
- (4) Any other matter admitted (e.g. Answers to Interrogatories, matters of which judicial notice was taken, etc.).

Evidence may be direct or circumstantial. The weight to be given any evidence is for you to decide.

The following are not evidence:

- (1) Statements, arguments, questions and comments by the lawyers;
- (2) Objections and rulings on objections;
- (3) Testimony I told you to disregard; and
- (4) Anything you saw or heard about this case outside the Courtroom.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 100.4.

INSTRUCTION NO. 5

Deposition Testimony

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 the testimony as if it had been given in Court.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 100.5.

REQUESTED JURY INSTRUCTION NO. 5

INSTRUCTION NO. 6

Interrogatories

During this trial you have heard the word 'Interrogatory'. An interrogatory is a written question asked by one party of another who must answer it under oath in writing. Consider interrogatories and answers to them as if the questions have been asked and answered here in Court.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 100.6.

REQUESTED JURY INSTRUCTION NO. 6

INSTRUCTION NO. 7

Credibility of Witnesses

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 witness' testimony.

There are many factors which you may consider in deciding the testimony to believe, for example:

- (1) Whether the testimony is reasonable and consistent with other evidence you believe;
- (2) The witness' appearance, conduct, age, intelligence, memory and knowledge of the facts; and
- (3) The witness' interest in the trial, their motive, candor, bias and prejudice.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 100.9.

INSTRUCTION NO. 8

Hypothetical Question – Expert Testimony

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.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 100.11.

REQUESTED JURY INSTRUCTION NO. 8

INSTRUCTION NO. 9

Statements By A Party Opponent

You have heard evidence that Ricky Love made statements before this trial while not under oath.

If you find a statement was made, you may regard the statement as evidence in this case, the same as if Ricky Love had made the statement under oath during the trial.

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

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 100.15.

REQUESTED JURY INSTRUCTION NO. 9

INSTRUCTION NO. 10
Elements – Personal Injury

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

- a. Past medical expenses;
- b. Loss of mind and body – past;
- c. Physical and Mental Pain and Suffering – Past.

The amount you assess for physical and mental pain and suffering in the past and future, future earning capacity, 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. [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 verdicts.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 200.1.

INSTRUCTION NO. 11
Past Medical Expenses

The reasonable cost of necessary hospital charges, doctor charges, prescriptions, and other medical services from the date of injury to the present time.

In determining the reasonable cost of necessary hospital charges, doctor charges, prescriptions, and other medical services, you may consider the amount actually paid.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 200.6.

INSTRUCTION NO. 12
Physical and Mental Pain and Suffering - 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.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 200.12.

INSTRUCTION NO. 13

Loss of Full Mind and Body - Past

Loss of function of the [mind] [body] from the date of injury to the present time. Loss of [mind] [body] is the inability of a particular part of the [mind] [body] to function in a normal manner.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 200.10.

REQUESTED JURY INSTRUCTION NO. 13

INSTRUCTION NO. 14

Fault – Defined

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

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 400.1

REQUESTED JURY INSTRUCTION NO. 14

INSTRUCTION NO. 15

Comparative Fault

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 Defendants 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.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 400.2.

REQUESTED JURY INSTRUCTION NO. 15

INSTRUCTION NO. 16

Comparative Fault – Effects of Verdict

After you have compared the conduct of all parties, if you find the Plaintiff, Thomas Mook, was at fault and the Plaintiff's fault was more than 50% of the total fault, the Plaintiff, Thomas Mook, 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.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 400.3.

INSTRUCTION NO. 17

Comparative Fault – Single Plaintiff – Essentials for Recovery
Ricky Love

The Plaintiff claims the Defendant, Lisa Flygstad, was at fault in one or more of the following particulars:

- a. In not traveling at a reasonable and proper speed; or
- b. In not maintaining control of her vehicle; or
- c. In not maintaining a proper lookout.

These grounds of fault have been explained to you in other instructions.

The Plaintiff must prove all of the following propositions:

1. The Defendant was at fault. In order to prove fault, the Plaintiff must prove:
 - a. Lisa Flygstad drove at a speed which was not reasonable and proper for the conditions; or
 - b. Lisa Flygstad failed to maintain control of her vehicle; or
 - c. Lisa Flygstad failed to keep a proper lookout.
2. The Defendant's fault 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 Nos. _____, _____, and _____.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 400.5.

INSTRUCTION NO. 18
Reasonable and Proper

Any person driving a vehicle on a highway shall drive at a careful speed not greater than nor less than is reasonable and proper, having due regard for the traffic, surface and width of the highway and of any other existing conditions.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 600.1.

REQUESTED JURY INSTRUCTION NO. 18

INSTRUCTION NO. 19
Control – Common Law

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.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 600.7.

REQUESTED JURY INSTRUCTION NO. 19

INSTRUCTION NO. 20

Lookout

“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 duty is negligence.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 600.72.

REQUESTED JURY INSTRUCTION NO. 20

INSTRUCTION NO. 21

Comparative Fault – Single Defendant – Essentials for Recovery

The Defendant, Lisa Flygstad, claims the Plaintiff, Ricky Love, was at fault for one or more of the following particulars:

- a. Decreasing his speed rapidly without giving an appropriate signal;
- b. In failing to yield when entering the highway;
- c. In failing to place warning signs;
- d. In failing to have a visible light on his vehicle;
- e. In failing to have a reflective warning device on his vehicle; and
- f. Creating hazardous condition on highway.

These grounds of fault have been explained to you in other instructions.

The Defendant must prove both of the following propositions:

1. The Plaintiff was at fault. In order to prove fault, the Defendant must prove (use the appropriate elements from the marshalling instruction in relevant chapters).
2. The Plaintiff's fault was a cause of the Plaintiff's damage.

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

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 400.6.

INSTRUCTION NO. 22

Stopping

A driver shall not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the driver of any vehicle immediately to the rear when there is an opportunity to give the signal. The signal shall be given by either extending the hand and arm downward from the left side of the vehicle or by a brake light constructed and located on the vehicle as to give a signal of intention to stop. The brake light shall be red or yellow and shall be plainly visible and understandable in normal sunlight and at night from a distance of 100 feet to the rear.

A violation of this law is negligence.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 600.34

REQUESTED JURY INSTRUCTION NO. 22

INSTRUCTION NO. 23

Entering A Through Highway

The driver of a vehicle shall stop or yield to the entrance of a through highway and shall yield the right of way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway that they are a danger. Then the driver, having yielded, may proceed cautiously and carefully enter the through highway.

A violation of this law is negligence.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 600.38.

REQUESTED JURY INSTRUCTION NO. 23

INSTRUCTION NO. 24

Warning Signs and Placement Markers

An individual performing maintenance on a highway is required to place warning signs advising motorists that there is road work ahead.

A violation of this law is negligence.

Authority: CFR § 655.601 and Manual of Uniform Traffic Control Devices (2009 Edition)
§ 2C.05 and § 6F.56

REQUESTED JURY INSTRUCTION NO. 24

INSTRUCTION NO. 25

Lamps and Other Equipment

All vehicles shall be equipped with a white light visible from 500 feet to the front of the vehicle and with a red light visible from 500 feet to the rear.

A violation of this law is negligence.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 600.87.

REQUESTED JURY INSTRUCTION NO. 25

INSTRUCTION NO. 26

Slow Moving Vehicles

Every slow moving vehicle operated on a highway at a speed of 35 mph or less shall be identified with a reflective device visible from the rear.

A violation of this law is negligence.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 600.88.

INSTRUCTION NO. 27

Creating Hazardous Condition on Highway

A driver on the highway is under a duty not to operate his vehicle in such a way as to create a hazard on the highway. A driver on the highway must keep the highway free from all obstructions.

A violation of this law is negligence.

Authority: This Instruction is based upon *Thompson v. Kaczinski*, 74 N.W.2d 829 (Iowa 2009); *Weber v. Madison*, 251 N.W.2d 253, 527 (Iowa 1977); *Fritz v. Parkinson*, 397 N.W.2d 714, 715 (Iowa 1986)

INSTRUCTION NO. 28

Sudden Emergency

A sudden emergency is an unforeseen combination of circumstances that calls for immediate action or a sudden or unexpected occasion for action. A driver of a vehicle who, through no fault of her own, is placed in a sudden emergency, is not chargeable with negligence if the driver exercises that degree of care which a reasonably careful person would have exercised under the same or similar circumstances.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 600.75.

REQUESTED JURY INSTRUCTION NO. 28

INSTRUCTION NO. 29

Ordinary Care – Common Law Negligence – Defined

"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: This Instruction was adapted from Iowa Civil Jury Instruction 700.2.

REQUESTED JURY INSTRUCTION NO. 29

INSTRUCTION NO. 30

Cause – Defined

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

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 700.3.

REQUESTED JURY INSTRUCTION NO. 30

INSTRUCTION NO. 31

Scope of Liability – Defined

You must decide whether the claimed harm to Plaintiff is within the scope of Defendant's liability. The Plaintiff claimed harm is within the scope of the Defendant's liability if that harm arises from the same general types of danger that the Defendant should have taken reasonable steps to avoid.

Consider whether repetition of Defendant's conduct makes it more likely harm of the type Plaintiff claims to have suffered would happen to another. If not, the harm is not within the scope of liability.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 700.3A.

REQUESTED JURY INSTRUCTION NO. 31

INSTRUCTION NO. 32

Accident Does Not Constitute or Raise Presumption of Negligence

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

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 700.8.

REQUESTED JURY INSTRUCTION NO. 32

INSTRUCTION NO. 33

Quotient Verdict

In arriving at an item of damage or any percentage of fault, you cannot arrive at a figure by taking down the estimate of each juror as to an item of damage or percentage of fault and agreeing in advance that the average of those estimates shall be your item of damage or percentage of fault.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 200.38.

REQUESTED JURY INSTRUCTION NO. 33

INSTRUCTION NO. 34

Use of Electronic Devices

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. [Failure to follow these instructions may result in the case having to be retried and could result in you being held in contempt and punished.]

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

Authority: This Instruction is adapted from Iowa Civil Jury Instruction 100.23.

REQUESTED JURY INSTRUCTION NO. 34

INSTRUCTION NO. 35

General Instructions to the Jury

Upon retiring you shall select a foreperson. 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.

Authority: This Instruction was adapted from Iowa Civil Jury Instruction 100.18.

REQUESTED JURY INSTRUCTION NO. 35

INSTRUCTION NO. 36

Return of Verdict - Forms of Verdict

I am giving you eight (8) special verdict form which explains the sequence in which the questions are answered. If you agree to the answers, the verdict form shall be signed by the person you select as a foreperson.

After deliberating six (6) hours from _____ o'clock __. M., excluding meals or recesses outside your jury room, then it is necessary that only seven (7) of you agree to the verdict. In that case, the verdict must be signed by all seven (7) jurors.

When you have agreed upon the verdict, and appropriately signed it, advise the Court attendant.

Submitted this _____ day of February, 2020.

IN THE IOWA DISTRICT COURT FOR STORY COUNTY

RICKY LOVE,

Plaintiff,

vs.

LISA FLYGSTAD,

Defendant.

NO. LACV051012

VERDICT FORM

We, the Jury, find the following verdict on the questions submitted to us:

QUESTION NO. 1: Was Defendant Lisa Flygstad at fault?

Answer "yes" or "no".

ANSWER:

[If your answer is "no", do not answer any further questions.]

QUESTION NO. 2: Was the fault of Defendant Lisa Flygstad a cause of any item of damage to the Plaintiff?

Answer "yes" or "no".

ANSWER:

[If your answer is "no", do not answer any further questions.]

QUESTION NO. 3: Was any item of damage of the Plaintiff within the scope of Defendant Lisa Flygstad's liability?

Answer "yes" or "no".

ANSWER:

[If your answer is "no", do not answer any further questions.]

QUESTION NO. 4: Was Plaintiff Ricky Love at fault?

Answer "yes" or "no".

ANSWER:

[If your answer is "no", do not answer any further questions.]

QUESTION NO. 5: Was the fault of Plaintiff Ricky Love a cause of any item of damage to the Defendant?

Answer "yes" or "no".

ANSWER:

[If your answer is "no", do not answer any further questions.]

QUESTION NO. 6: Was any item of damage of the Defendant within the scope of Plaintiff Ricky Love's liability?

Answer "yes" or "no".

ANSWER:

[If your answer is "no", do not answer any further questions.]

QUESTION NO. 7: Using 100% as the total combined fault of the Plaintiff and Defendant which was a cause of Plaintiff's damage and within the scope of liability, what percentage of such combined fault do you assign to the Plaintiff and what percentage of such combined fault do you assign to the Defendant?

ANSWER:

Plaintiff	_____ %
Defendant	_____ %
TOTAL	100%

[If you find Plaintiff to be more than 50% at fault, do not answer Question No. 8]

QUESTION NO. 8: State the amount of damages sustained by the Plaintiff caused by Defendant's fault as to each of the following items of damage. If the Plaintiff has failed to prove any item of damage or have failed to prove that any item of damage was caused by the Defendant Lisa Flygstad's fault, enter -0- for that item.

ANSWER:

RICKY LOVE

Past Medical Expenses

\$ _____

Past Pain and Suffering

\$ _____

Past Loss of Mind and Body

\$ _____

TOTAL

\$ _____

Foreman or Forewoman

*To be signed only if verdict is unanimous.

Juror

Juror

Juror

Juror

Juror

Juror

Juror