

**IN THE IOWA DISTRICT COURT FOR POLK COUNTY**

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**KARI ATZEN,****LAW NO.: LACL127382****Plaintiff,****v.****VERDICT FORMS****ANGELIA RENEE ATZEN,****Defendant.**

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**VERDICT FORM NUMBER 1**

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

**Question No. 1:** Did defendant abuse the criminal legal process?

Answer "Yes" or "No."

ANSWER: YES

(If your answer is "no," do not answer Question No. 2.)

**Question No. 2:** Was the abuse of process the cause of any item of damage to plaintiff?

Answer "Yes" or "No."

ANSWER: YES

(If your answer to either Question No. 1 or Question No. 2 is "no," then you shall not award any damages to plaintiff for abuse of process. If your answer to both Question No. 1 and No. 2 is "yes," then you shall award damages in some amount.)

**VERDICT FORM NO. 2**

**Question No. 3:** Did defendant commit defamation "per se" with regard to the following statements?

Answer "Yes" or "No."

- |  |            |
|--|------------|
| a) Statements to law enforcement agencies regarding 11/5/11  | <u>Yes</u> |
| b) Statements to law enforcement agencies regarding 12/11/11 | <u>Yes</u> |
| c) Statements to lawyers not representing a party            | <u>Yes</u> |
| d) Statements to co-workers                                  | <u>Yes</u> |
| e) Statements to friends or family                           | <u>Yes</u> |
| f) Statements to SE Polk School District                     | <u>Yes</u> |

**Question No. 4:** Did defendant commit defamation "per quod" with regard to the following statements?

Answer "Yes" or "No."

- |  |            |
|--|------------|
| a) Statements to law enforcement agencies regarding 11/5/11  | <u>Yes</u> |
| b) Statements to law enforcement agencies regarding 12/11/11 | <u>Yes</u> |
| c) Statements to lawyers not representing a party            | <u>Yes</u> |
| d) Statements to co-workers                                  | <u>Yes</u> |
| e) Statements to friends or family                           | <u>Yes</u> |
| f) Statements to SE Polk School District                     | <u>Yes</u> |

**Question No. 5:** Did defendant commit defamation by implication with regard to the following statements?

Answer "Yes" or "No."

- |  |            |
|--|------------|
| a) Statements to law enforcement agencies regarding 11/5/11  | <u>Yes</u> |
| b) Statements to law enforcement agencies regarding 12/11/11 | <u>Yes</u> |
| c) Statements to lawyers not representing a party            | <u>Yes</u> |
| d) Statements to co-workers                                  | <u>Yes</u> |
| e) Statements to friends or family                           | <u>Yes</u> |
| f) Statements to SE Polk School District                     | <u>Yes</u> |

(If you answered "no" to all Questions No. 3, 4, and 5, then plaintiff is not entitled to damages for defamation. If you answered "yes" to any of the Questions No. 3, 4, or 5, then answer Question No. 6).

**Question No. 6:** If you found any statement under Question 3, 4 or 5 to be defamatory, answer whether defendant proved the statement was true, whether it was opinion, or whether the qualified privilege applies:

(Check the appropriate line)

	True	Opinion	Qualified Privilege
a) Statements to law enforcement agencies regarding 11/5/11	_____	_____	_____
b) Statements to law enforcement agencies regarding 12/11/11	_____	_____	_____
c) Statements to lawyers not representing a party	_____	_____	_____
d) Statements to co-workers	_____	_____	_____
e) Statements to friends or family	_____	_____	_____
f) Statements to SE Polk School District	_____	_____	_____

(If you checked any line in Question 6 as true or opinion, <sup>plaintiff</sup>defendant cannot recover damages for defamation for that statement. EC

You should consider plaintiff's damages for any statement which you found defamatory, and to which the affirmative defense of truth or opinion does not apply.

If you found Qualified Privilege for any statement, only award damages if plaintiff proved actual malice, as explained in Instruction No. 24.)

**VERDICT FORM NO. 3**

**Question No. 7:** Did defendant commit intentional infliction of severe emotional distress?

Answer "Yes" or "No."

ANSWER: Yes

(If your answer to Question No. 7 is "yes," then you will award damages in some amount for intentional infliction of severe emotional distress. If your answer to Question No. 7 is "no," then plaintiff is not entitled to damages on this claim.)

EO  
EO

**VERDICT FORM NO. 4****DAMAGES**

**Question No. 8:** State the amount of damages sustained by plaintiff and caused by defendant as to each of the following items of damage. If the plaintiff has failed to prove any item of damage, or has failed to prove that any item of damage was caused by defendant, enter zero for that item.

1.	Past physical and mental pain and suffering	\$ <u>125,000.<sup>00</sup></u>
2.	Future physical and mental pain and suffering	\$ <u>108,000.<sup>00</sup></u>
3.	Past medical expenses	\$ <u>2,160.<sup>00</sup></u>
4.	Present value of future medical expenses	\$ <u>3,200.<sup>00</sup></u>
EO	5. Past <sup>lost time from business</sup> <del>loss of income</del>	\$ <u>20,000.<sup>00</sup></u>
6.	Past injury to or loss of reputation*	\$ <u>200,000.<sup>00</sup></u>
7.	Future injury to or loss of reputation*	\$ <u>100,000.<sup>00</sup></u>
8.	Reasonable legal fees incurred in defending the two criminal charges**	\$ <u>10,000.<sup>00</sup></u>
	TOTAL	\$ <u>568,360.<sup>00</sup></u>

\*to be awarded only if you find defamation

\*\* to be awarded only if you find abuse of process

**PUNITIVE DAMAGES**

**Question No. 9:** Do you find by a preponderance of clear, convincing, and satisfactory evidence the conduct of the defendant constituted willful and wanton disregard for the rights of safety of another?

Answer "yes" or "no"

ANSWER Yes

  
FOREMAN OR FOREWOMAN\*\*\*

\*\*\*To be signed only if verdict is unanimous.

\_\_\_\_\_  
Juror

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Juror

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\*\*To be signed by the jurors agreeing thereto after six hours or more of deliberation.