

IN THE IOWA DISTRICT COURT IN AND FOR JOHNSON COUNTY

LADONNA M. PHILLIPS,)	
)	
Plaintiffs,)	No. LACV083599
)	
v.)	
)	JURY INSTRUCTIONS
KARIS G. PATTON and)	
DAPHNE G. PATTON,)	
)	
Defendants.)	

INSTRUCTION NO. 1

Members of the Jury: This case arises from a February 21, 2021 auto accident involving LaDonna Phillips, and Karis Patton. The parties dispute who was at fault for this accident.

LaDonna Phillips seeks to recover money damages for personal injuries as a result of this accident.

Karis Patton and Daphne Patton dispute the nature, cause, and extent of the injuries LaDonna Phillips claims, as well as the amount of damages sought by LaDonna Phillips.

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.

FILED
2025 JAN -9 AM 8:01
CLERK OF DISTRICT COURT
JOHNSON COUNTY, IOWA

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 fact questions.

As you consider the evidence, do not be influenced by any personal sympathy, bias, prejudices or emotions. Because you are making very important decisions in this case, you are to evaluate the evidence carefully and avoid decisions based on generalizations, gut feelings, prejudices, sympathies, stereotypes, or 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. 3

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. 4

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 as evidence (e.g. answers to interrogatories, matters as to 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, 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. 5

In considering the evidence, make deductions and reach conclusions according to reason and common sense. Facts may be proved by direct evidence, circumstantial evidence, or both. Direct evidence is evidence from a witness who claims actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is evidence about a chain of facts which show the existence of other facts. The law makes no distinction between direct evidence and circumstantial evidence. Give all the evidence the weight and value you think it is entitled to receive.

INSTRUCTION NO. 6

Certain testimony has been presented as a video recording of a deposition. A deposition is testimony taken under oath before the trial and preserved in a video. Consider that testimony as if it had been given in court.

INSTRUCTION NO. 7

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 the answers to them as if the questions had been asked and answered here in court.

INSTRUCTION NO. 8

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 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. The witnesses' appearance, conduct, age, intelligence, memory and knowledge of the facts; and,
3. The witnesses' interest in the trial, their motive, candor, bias and prejudice.

INSTRUCTION NO. 9

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

INSTRUCTION NO. 10

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. 11

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.

INSTRUCTION NO. 12

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 LaDonna Phillips and Karis Patton 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. Karis Patton and Daphne Patton are to be treated as a single party for the purpose of determining their percentage of fault.

INSTRUCTION NO. 13

LaDonna Phillips claims Karis Patton was at fault in one or more of the following particulars:

- a. Failing to maintain proper lookout; and/or
- b. Failing to have the vehicle under control; and/or
- c. Failing to operate the vehicle at a careful speed not greater than is reasonable and proper having due regard for the traffic, surface, and width of the roadway and existing conditions; and/or
- d. Failing to maintain the assured clear distance ahead; and/or
- e. Failing to exercise due care under the existing circumstances.

These grounds of fault have been explained to you in other instructions. LaDonna Phillips must prove all of the following propositions:

1. Karis Patton was at fault. In order to prove fault, LaDonna Phillips must prove that Karis Patton failed in one or more of the above-named particulars.
2. Karis Patton's fault was a cause of the LaDonna Phillips's damage.
3. The amount of damage.

If LaDonna Phillips has failed to prove any of these propositions, she is not entitled to damages. If LaDonna Phillips has proved all of these propositions, you will consider the defense of comparative fault as explained in Instruction No. 14.

INSTRUCTION NO. 14

Karis Patton and Daphne Patton claim that LaDonna Phillips was at fault in one or more of the following particulars:

- a. Failure to maintain control of her vehicle; and/or
- b. Failure to maintain a proper lookout; and/or
- c. Failing to operate the vehicle at a careful speed not greater than is reasonable and proper having due regard for the traffic, surface, and width of the roadway and existing conditions; and/or
- d. Failing to stay in her lane and not change lanes until she could safely and reasonably do so; and
- e. Failing to exercise due care under the existing circumstances.

These grounds of fault have been explained to you in other instructions. Karis Patton and Daphne Patton must prove all of the following propositions:

1. LaDonna Phillips was at fault. In order to prove fault, Karis Patton and Daphne Patton must prove that LaDonna Phillips failed in one or more of the above-named particulars.
2. LaDonna Phillips's fault was a cause of her damage.

If Karis Patton and Daphne Patton have failed to prove either of these propositions, they have not proved their defense. If Karis Patton and Daphne Patton have proved both of these propositions, then you will assign a percentage of fault against LaDonna Phillips and her fault in the total percentage of fault found by you answering the special verdicts.

INSTRUCTION NO. 15

"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 driver need not keep a lookout to the rear all the time, but must be aware of the presence of others when the driver's actions may be dangerous to others.

A violation of this duty is negligence.

INSTRUCTION NO. 16

A driver must have 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.

INSTRUCTION NO. 17

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.

INSTRUCTION NO. 18

Whenever any road has been divided into three or more clearly marked lanes for traffic, the following rule in addition to all other consistent rules shall apply:

A vehicle shall be driven as nearly as possible entirely within a single lane and shall not be moved from the lane until the driver has seen that the movement can be made with safety.

INSTRUCTION NO. 19

No person shall drive any vehicle on a highway at a speed greater than will permit them to stop within the assured clear distance ahead. The words "within the assured clear distance ahead" mean the distance from which noticeable objects, reasonably expected or anticipated to be upon the highway, may be seen.

A violation of this law is negligence.

INSTRUCTION NO. 20

"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.

INSTRUCTION NO. 21

Karis Patton claims that if you find that she violated the law in the operation of her vehicle, she had a legal excuse for doing so because she was avoiding an imminent collision with the driver of another vehicle, therefore, is not negligent. "Legal excuse" means that someone seeks to avoid the consequences of her conduct by justifying acts which would otherwise be considered negligent. The burden is upon Karis Patton and Daphne Patton to establish as a legal excuse:

1. Anything that would make complying with the law impossible.
2. Anything over which the driver has no control which places her vehicle in a position contrary to the law.
3. Failure to obey the law when the driver is confronted with sudden emergency not of her own making.

If you find that Karis Patton has violated the law as submitted to you in other instructions, and that she has established a legal excuse for doing so under any one of the three definitions set forth above, then you should find that Karis Patton was not negligent for violating the particular law involved.

INSTRUCTION NO. 22

As used in Instruction 21, Paragraph 3, 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.

INSTRUCTION NO. 23

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. 24

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

INSTRUCTION NO. 25

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

1. Past Medical Expenses
2. Future Medical Expenses
3. Loss of Function of Full Mind and Body – Past
4. Loss of Function of Full Mind and Body – Future
5. Physical and Mental Pain and Suffering – Past
6. Physical and Mental Pain and Suffering – Future

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. 26

“Past medical expenses” means the reasonable cost of necessary hospital charges, doctor charges, prescriptions, and other medical services from the date of injury to the present time.

INSTRUCTION NO. 27

“Future medical expenses” means the present value of reasonable and necessary hospital charges, doctor charges, prescriptions, or other medical services which will be incurred in the future.

INSTRUCTION NO. 28

“Loss of function of the mind and body” means the inability of a particular part of the mind or body to function in a normal manner.

“Loss of function of the mind and body - past” means from the date of injury to the present time.

“Loss of function of the mind and body - future” means the present value of future loss of function of the mind or body.

INSTRUCTION NO. 29

“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.

“Physical and mental pain and suffering – past” means from the date of injury to the present time.

“Physical and mental pain and suffering – future” means the present value of future physical and mental pain and suffering.

INSTRUCTION NO. 30

If you find that LaDonna Phillips was injured by another act after this incident, she cannot recover for any later injury or aggravation of injury not caused by this accident.

INSTRUCTION NO. 31

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 LaDonna Phillips for future losses.

INSTRUCTION NO. 32

A Standard Mortality Table indicates the normal life expectancy of people who are the same age as LaDonna Phillips is 42 years. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence, about LaDonna Phillips's health, habits, occupation, and lifestyle, when deciding issues of future damages.

INSTRUCTION NO. 33

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.

INSTRUCTION NO. 34

During the trial, you have been allowed to take notes. You may take these with you to the jury room to use in your deliberations. Remember, these are notes and 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. 35

You may not communicate about this case before reaching your verdict. This includes cell phones and electronic media such as text messages, email, electronic messaging applications, and any social media platform including but not limited to Facebook, LinkedIn, YouTube, Twitter, TikTok, Instagram, Snapchat, and any other social media applications you may use.

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. 36

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.

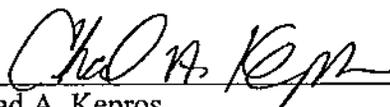
INSTRUCTION NO. 37

I am giving you one verdict form. 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 form must be signed by your foreman or forewoman.

After deliberating for six hours from 10:29 o'clock 9 .m. 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 form must be signed by all seven jurors who agree.

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

Signed this 8th day of January, 2026.


Chad A. Kepros
Judge, Sixth Judicial District of Iowa

1/9/2026

Scanned by clerk to EDMS
w/ notifications - CR

2026 JAN -9 AM 8:01
CLERK OF DISTRICT COURT
JOHNSON COUNTY IOWA

FILED