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IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

BILLY BAUGHER, Plaintiff, v. DR. JYOTHI DEENA DAYALU NAIDU and FAMILIA DENTAL DAVENPORT LLC, Defendants.	)	Law No. LACE135431 **JURY INSTRUCTIONS AND VERDICT FORM**

This is an alleged dental negligence case in which the plaintiff seeks damages. Plaintiff Billy Baugher alleges that Jyothi Naidu, D.D.S. was negligent in the care and treatment she provided and that her alleged negligence has caused injuries to the plaintiff. Dr. Naidu denies that she was negligent in any respect and denies that any alleged negligence was the cause of any injuries to the plaintiff.

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.

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

Certain testimony has been presented by deposition. A deposition is testimony taken under oath before the trial and preserved in writing or on video. Consider that testimony as if it had been given in court.

INSTRUCTION NO. 5

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. 6

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. 7

An employer is liable for the negligent acts of an employee if the acts are done in the scope of the employment.

The parties stipulate that any acts of Dr. Naidu were done in the scope of her employment with Familia Dental Davenport LLC.

INSTRUCTION NO. 8

A dentist must use the degree of skill, care and learning ordinarily possessed and exercised by other dentists in similar circumstances.

A violation of this duty is negligence.

INSTRUCTION NO. 9

You are to determine the standard of care, i.e., the degree of skill, care, and learning required, only from the opinions of the experts who have testified as to the standard of care.

You are also to determine the failure to meet the standard of care, if any, only from the opinions of the experts to have testified as to such a failure or lack thereof.

Furthermore, you are to determine whether the alleged failure to meet the standard of care, if any, was the cause of the plaintiffs' damages only from the opinions of the experts who have testified in this case.

INSTRUCTION NO. 10

A dentist's conduct must be viewed in light of the circumstances existing at the time of diagnosis and treatment and not retrospectively. If a dentist exercised a reasonable degree of care and skill under the circumstances as they existed, then the dentist is not liable.

INSTRUCTION NO. 11

So long as a dental provider is acting within the standard of care, it is for the dental provider to use their professional judgment to select which recognized method of treatment to use in each situation. If you determine that there were two or more recognized alternative courses of action which have been recognized by the dental profession as proper methods of treatment, and Dr. Naidu, in the exercise of her professional judgment, elected one of those proper methods, then Dr. Naidu was not negligent.

INSTRUCTION NO. 12

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. 13

The mere fact that a party has suffered injury does not mean another party was negligent or at fault.

INSTRUCTION NO. 14

The plaintiff claims that Dr. Jyothi Naidu was negligent.

To prevail on this claim, the plaintiff must prove all of the following propositions:

1. The standard of care, i.e., the degree of skill, care and learning ordinarily possessed and exercised by dentists similar to Dr. Naidu under circumstances similar to those presented in this case.

2. Dr. Naidu was negligent by failing to meet the standard of care in or more of the following particulars:

A. Failing to remove the roots or root tips of every tooth she extracted.

B. In failing to properly contour the plaintiff's gums.

C. In failing to inform the plaintiff that the root or root tip of some teeth were not removed.

3. Dr. Naidu's negligence, if any, was a cause of the plaintiff's damages.

4. The amount of damages.

If the plaintiff has failed to prove any of these propositions, the plaintiff is not entitled to damages from Dr. Naidu. If the plaintiff has proved all of these propositions, the plaintiff is entitled to damages in some amount from Dr. Naidu.

INSTRUCTION NO. 15

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

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

2. 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 and discomfort. Mental pain and suffering may include, but is not limited to, mental anguish or loss of enjoyment of life.

The amount you assess for physical and mental pain and suffering and loss of function of body 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 the defendants 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. 16

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. 17

Exhibits have been received in evidence and may be used by you during your deliberations for reference. You are not to tamper with, alter or destroy any exhibits, and you will return them to the court attendant after your deliberations are concluded by leaving them in the jury room.

INSTRUCTION NO. 18

Upon retiring, you shall select a foreperson. It will be their 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.

INSTRUCTION NO. 19

Occasionally, after a jury retires to the jury room, the members have questions. I have prepared the instructions after carefully considering this case with the parties and lawyers. I have tried to use language which is generally understandable. Usually questions about instructions can be answered by carefully re-reading them. If, however, any of you feel it necessary to ask a question, you must do so in writing and deliver the question to the court attendant. I cannot communicate with you without first discussing your question and the potential answer with the parties and lawyers. This process naturally takes time and deliberation before I can reply.

If there is a question submitted, the foreperson shall read my response to the jury. Keep any written question and my response and return it to the Court with the verdict.

The court attendant who has been working with me on this case is in the same position as I am. Please do not put her on the spot by asking her any questions. You should direct any questions to the Court and not to the court attendant.

INSTRUCTION NO. 20

During your deliberations, you must not communicate with or provide any information to anyone by any means about this case. You may not use any electronic device or media, such as a telephone, cell phone, smart phone, or computer, to communicate with anyone about this case during your deliberations. You must not blog nor post any information to a website such as Facebook during your deliberations or any break therein until the court accepts your verdict.

In addition, you must not use any electronic means to investigate this case because it is important that you decide this case based solely on the evidence presented in this courtroom. Information on the internet or available through social media may be wrong, incomplete, or inaccurate. You are only permitted to discuss the case with your fellow jurors during deliberations because they have seen and heard the same evidence you have. In our judicial system, it is important that you are not influenced by anything or anyone outside of this courtroom. Otherwise, your decision may be based on information known only by you and not your fellow jurors or the parties in this case. This would unfairly and adversely impact the judicial process.

INSTRUCTION NO. 21

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. 22

I am giving you one verdict form with special interrogatories. 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 interrogatories must be signed by your foreperson.

After deliberating for six hours from 12:10 o'clock P .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 and interrogatories must be signed by all seven jurors who agree.

When you have agreed upon the verdict and interrogatories and appropriately signed it, tell the court attendant.

Dated this 18th day of June, 2026.

Mark R. Lawson, District Court Judge
Seventh Judicial District of Iowa.