

IN THE IOWA DISTRICT COURT FOR STORY COUNTY

GERALD F. DETERS and
LYNN RAHFELDT,

Plaintiffs,

v.

INTERNATIONAL UNION, SECURITY,
POLICE, AND FIRE PROFESSIONALS
OF AMERICA, LOCAL UNION #249,

Defendant.

CASE NO. LACV050099

JURY INSTRUCTIONS

Statement of the case

In this case the plaintiffs, Gerald Deters and Lynn Rahfeldt, were employees of American Eagle Protective Services at the National Animal Disease Lab in Ames, Iowa and members of the International Union, Security, Police, and Fire Professionals of America, Local Union #249. The plaintiffs allege that the Union discriminated against them as part of a rebidding process that started in 2015 for security guard shifts at the National Animal Disease Lab. The plaintiffs also allege that as a result of this age discrimination, Mr. Deters lost his position and Mr. Rahfeldt lost his regular shifts as a security guard at the National Animal Disease Lab. The union denies that it committed any age-based discrimination against Deters or Rahfeldt; the union also denies that it had any role in the rebidding process.

Do not consider this summary as proof of any claim. Decide the facts from the evidence and apply the law which I will give you in the final instructions.

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 either these instructions or the final instructions is not important.

Your duty will be to decide all fact questions. As you consider the evidence, do not be influenced by any personal sympathy, bias, prejudices or emotions.

INSTRUCTION NO. 2

Whenever a party must prove something they must do so by a 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 or the number of exhibits offered by one side or the other.

INSTRUCTION NO. 3

You shall base your verdict only upon the evidence and the final instructions. The evidence in this case is the testimony of the witnesses and the exhibits received by the court. Evidence may be direct or circumstantial. The weight to be given any evidence is for you to decide. Only those things formally offered and received by the court will be available to you during your deliberations. Documents or items read from or referred to that 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 tell you to disregard.
4. Anything you see or hear about this case outside the courtroom.

INSTRUCTION NO. 4

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 what 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, his or her motive, candor, bias and prejudice.

INSTRUCTION NO. 5

Nothing I have said or done during the course of this trial has been intended to give any opinion as to the facts, proof, or what your verdict should be.

INSTRUCTION NO. 6

You should not form or express an opinion on this case until you have retired to the jury room to deliberate at the conclusion of the case. You should keep an open mind until you have heard all the evidence, the statements and arguments of counsel, and the final instructions of the court, and the case is finally submitted to you.

INSTRUCTION NO. 7

Plaintiffs Deters and Rahfeldt claim the union committed age-based discrimination against them. In order to recover on this claim, they must prove all of the following elements by a preponderance of the evidence:

1. That Deters and Rahfeldt were each represented by the labor organization Security, Police and Fire Professionals of America (the union);
2. That Deters and Rahfeldt each suffered an adverse employment action;
3. That the union caused each of Deters and Rahfeldt's adverse employment actions; and
4. That Deters' and Rahfeldt's age was a motivating factor in the union's decision to take adverse action against them.

As used in these instructions, a plaintiff's age was a "motivating factor" if that plaintiff's age played a part in the defendant's decision affecting that plaintiff. However, a plaintiff's age need not have been the only reason for the defendant's action.

An adverse employment action detrimentally affects the terms, conditions, or privileges of employment.

You are to consider the claims of the two plaintiffs separately. If either Mr. Deters or Mr. Rahfeldt fails to prove any of these propositions, then that plaintiff has failed to prove his claim and he is not entitled to damages.

INSTRUCTION NO. 8

If the defendant has proven it would have taken the same course of action regardless of the particular plaintiff's age, it did not discriminate against that plaintiff based on age and you may not return a verdict against the defendant for that plaintiff

INSTRUCTION NO. 9.

If you find in favor of either plaintiff, you must award such sum as you find will fairly and justly compensate him for any damages you find he sustained as a direct result of the discriminatory adverse action. Plaintiffs' claims for damages include distinct types of damages and you must consider them separately. You must also consider the claims of the two plaintiffs separately, independent of each other.

First, you must determine the amount of any wages and benefits each plaintiff would have earned in his employment with American Eagle if that plaintiff had not suffered discriminatory adverse action, through the date of the verdict, or, if that plaintiff's employment either did or would have lawfully ended before the date of the verdict, the date that his employment did or would have lawfully ended.

Second, you must determine the value of each plaintiff's emotional distress, if any, directly caused by the discriminatory adverse action. Any other allegations that might have been made about any other type of wrongful conduct or anything else that had been mentioned may not be considered in assessing damages against the union. Emotional distress may include, but is not limited to, mental anguish or loss of enjoyment of life. You should consider the nature, character, and seriousness of the emotional distress the particular plaintiff experienced, from the discriminatory adverse action to the date of the verdict.

You must enter separate amounts for each type of damages in the verdict form and must not include the same items in more than one category.

INSTRUCTION NO. 10

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. 11

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. 12

Occasionally jurors have questions during deliberations. I tried to use language in these instructions which is generally understandable. Usually questions about the instructions can be answered by carefully re-reading them. If, however, you deem it necessary to ask the Court a question about the instructions, please do so in writing. After I have received any questions from you, I am required to confer with the attorneys before responding. That process, of course, takes time. My response to any question will be in writing. Please do not ask the court attendant any questions about the instructions or otherwise discuss any aspects of this case with her.

INSTRUCTION NO. 13

You may not communicate with anyone about this case before reaching your verdict. This includes the use of cell phones, and of 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 has been 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. 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 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.

It is important that we continue to have your full and undivided attention during your deliberations.

INSTRUCTION NO. 14

I am giving you a 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 must be signed only by your foreperson.

After deliberating for six hours from 11:45 o'clock a.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 must be signed by all seven jurors who agree.

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



State of Iowa Courts

Type: OTHER ORDER

Case Number	Case Title
LACV050099	GERALD DETERS,ETAL VS INTERNATIONAL UNION,SECURITY,POLICE&FI

So Ordered

A handwritten signature in black ink, reading "James C. Ellefson". The signature is written in a cursive style with a large, looping initial "J".

James C. Ellefson, District Court Judge
Second Judicial District of Iowa