

IN THE IOWA DISTRICT COURT FOR KOSSUTH COUNTY

KEVIN E. HEUN AND SUSAN J. HEUN,	]	
PLAINTIFFS,	]	CASE NO. LACV027226
	]	
v.	]	PLAINTIFFS' PROPOSED
	]	JURY INSTRUCTIONS
	]	
BONNIE MAREE HENDERSON AND	]	
SELECTIVE INSURANCE COMPANY OF	]	
SOUTH CAROLINA,	]	
DEFENDANTS.	]	

Plaintiffs hereby submit their Proposed Jury Instructions.

Respectfully submitted

/s/  
A. John Frey, Jr.  
Attorney for Plaintiffs  
Frey, Haufe & Current, PLC  
Attorney at Law  
408 So. 2<sup>nd</sup> St.  
Clinton, IA 52732  
563-242-1832  
[jfrey@fhclaw.net](mailto:jfrey@fhclaw.net)

**Statement of The Case.**

Members of the Jury: This lawsuit arises out of an automobile collision which occurred on July 17, 2016, in the city of Algona, Kossuth County, Iowa.

In this case plaintiffs Kevin Heun and Susan Heun claim they sustained injuries and damages as a result of the motor vehicle collision. Susan was the driver of a pickup truck in which Kevin was a passenger. Plaintiffs claim Defendant Bonnie Maree Henderson was at fault for the collision and she is therefore responsible under the law to compensate Plaintiffs for their damages.

The Defendant denies fault and contends Susan Huen was at fault for the collision.

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. \_\_\_\_\_  
**Duties of Judge and Jury, Instructions as a Whole**

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.

**Authority**

Roushar v. Dixon, 231 Iowa 993, 2 N.W.2d 660 (1942)

**100.2 Duties Of Judge And Jury, Instructions As Whole Rev. 6/16**

Instruction No. \_\_\_\_\_

**Burden of Proof**

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**

Mabrier v. A.M. Servicing Corporation of Raytown, 161 N.W.2d 180 (1968)

**100.3 Burden Of Proof, Preponderance Of Evidence.**

Instruction No. \_\_\_\_\_

**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.
4. Any other matter admitted (e.g. answers to interrogatories, matters which judicial notice was taken, and 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, 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.

**Authority**

Iowa Rules of Evidence.

**100.4 Evidence.**

Instruction No. \_\_\_\_\_

**Deposition Testimony**

Certain Testimony has been read into evidence from a deposition or presented by video recording. A deposition is testimony taken under oath before the trial and preserved in writing. Consider that testimony as if it had been given in court.

**Authority**

Iowa R. Civ. P. 1.704

Farley v. Seiser, 316 N.W.2d 857 (Iowa 1982)

**100.5 Deposition Testimony.**

Instruction No. \_\_\_\_\_

**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 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.

**Authority**

Burger v. Omaha & C.B. St. Ry. Co., 139 Iowa 645, 117 N.W.35 (1908)

**100.9 Credibility Of Witnesses.**

Instruction No. \_\_\_\_\_

**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**

Cody v. Toller Drug Co., 232 Iowa 475, 5 N.W.2d 824 (1942)

**100.11 Hypothetical Question, Expert Testimony.**



Instruction No. \_\_\_\_\_

**Opinion Evidence, Expert Witness**

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.

**Authority**

Crouch v. National Livestock Remedy Co., 210 Iowa 849, 231 N.W. 323 (1930).

**100.12 Opinion Evidence, Expert Witness.**

INSTRUCTION NO. \_\_\_\_\_

**Redactions**

During this trial, you may see that some of the exhibits have been redacted meaning that information has been removed or blacked out. Iowa law requires that certain things such as social security numbers, bank account numbers, etc. to be redacted such that the public does not have access to this confidential information. This should have no effect in your evaluation of the documents and the evidence in this case.

Authority:

Iowa Rule of Civil Procedure 1.422

Instruction No. \_\_\_\_\_

**Fault - Defined**

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

**Authority**

Iowa Code section 668.1

**400.1 Fault - Defined.**

Instruction No. \_\_\_\_\_

### **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 Plaintiff, Susan Heun, and defendant, Bonnie Henderson, 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**

Iowa Code section 668.3(3)

#### **400.2 Comparative Fault**

Instruction No. \_\_\_\_\_

**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**

Bartlett v. Chebuhar, 479 N.W.2d 321 (Iowa 1992)

Schalk v. Smith, 224 Iowa 904, 277 N.W. 303 (1938)

**700.2 Ordinary Care - Common Law Negligence - Defined.**

Instruction No. \_\_\_\_\_

**Cause - Defined.**

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

**Authority**

Thompson v. Kaczinski, 774 N.W.2d 829, 836-39 (Iowa 2009)

Royal Indemnity Co. v. Factory Mut. Ins. Co., \_\_\_ N.W.2d \_\_\_, \_\_\_, No. 07-1324 slip. op. at 19 (Iowa June 11, 2010)

Restatement (Third) of Torts: Liability for Physical and Emotional Harm, § 26

**700.3 Cause - Defined.**

Instruction No. \_\_\_\_\_

**Essentials for Recovery Kevin Heun**

The Plaintiff Kevin Heun claims the defendant was at fault in the following particular:

Negligence

This ground of fault has 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 Defendant was negligent in one or more of the following ways:

- A. Failing to maintain a proper lookout;
- B. Failing to obey a stop sign
- C. Failing to have her vehicle under control

2. The defendant's fault was a cause of the plaintiff's damage.

3. The amount of damage.

If plaintiff, Kevin Heun, has failed to prove any of these propositions, the plaintiff is not entitled to damages. If plaintiff, Kevin Heun, has proved all of these propositions, he is entitled to damages in some amount.

**Rev. 09/10**

**400.5 Comparative Fault - Single Plaintiff - Essentials For Recovery**

Instruction No. \_\_\_\_\_

**Essentials for Recovery Susan Heun**

The Plaintiff Susan Heun claims the defendant was at fault in the following particular:

Negligence

This ground of fault has 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 Defendant was negligent in one or more of the following ways:

- A. Failing to maintain a proper lookout;
- B. Failing to obey a stop sign
- C. Failing to have her vehicle under control

2. The defendant's fault was a cause of the plaintiff's damage.

3. The amount of damage.

If plaintiff, Susan Heun, has failed to prove any of these propositions, the plaintiff is not entitled to damages. If plaintiff, Susan Heun, has proved all of these propositions, you will consider the defense of comparative fault as explained in Instruction Nos. \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

**Rev. 09/10**

**400.5 Comparative Fault - Single Plaintiff - Essentials For Recovery**



Instruction No. \_\_\_\_\_

**Proper 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 one's movements in relation to things seen or that could have been seen in the exercise of ordinary care.

**Authority**

Coker v. Abell-Howe Co., 491 N.W.2d 143 (Iowa 1992)

**700.12 Proper Lookout**

Instruction No. \_\_\_\_\_

**Control Of Vehicle**

A driver operating a vehicle must have it under control and shall reduce its speed to a reasonable and proper rate when approaching and traveling through a crossing or intersection of highways.

A violation of this law is negligence.

**Authority**

Iowa Code section 321.288(3)

**600.8 Control Of Vehicle - Statutory**

Instruction No. \_\_\_\_\_

**Vehicles Entering Stop Intersection**

1. The driver of a vehicle approaching a stop intersection indicated by a stop sign or a flashing red light shall stop at the first opportunity at either the clearly marked stop line, or before entering the crosswalk, or before entering the intersection, or at a point nearest the intersecting road where the driver has a view of approaching traffic on the intersecting road before entering the intersection. Before going ahead, the driver shall yield the right-of-way to any vehicle in the intersecting road which has entered the intersection or which is approaching so closely that it is an immediate danger during the time the driver is moving through the intersection.

A violation of this law is negligence.

***Authority***

Iowa Code sections 321.322, 321.257(e)

**600.39 Vehicles Entering Stop Intersection.**

Instruction No. \_\_\_\_\_

**Right of Assumption**

Both drivers had a right to use the road, but each had to respect the rights of the other. Each driver could assume the other would obey the law until they knew, or in the exercise of ordinary care, should have known the other driver was not going to obey the law.

**600.71 Right Of Assumption**

**Authority**

Iowa R. App. P. 6.14 (6) (i)

Instruction No. \_\_\_\_\_

**Elements Kevin Heun**

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

1. Past loss of time from business and loss of earnings
2. Past and future medical expense
3. Loss of function of the body in the past and future
4. Pain, suffering and mental anguish past and future

The amount you assess for physical and mental pain and suffering in the past and future, loss of function of the 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.

10/97

**200.1 Elements - Personal Injury And Vehicle Damage.**

Instruction No. \_\_\_\_\_  
**Elements Susan Heun**

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

1. Loss of spousal consortium
2. Past medical expense
3. Loss of function of the body in the past
4. Pain, suffering and mental anguish past

The amount you assess for physical and mental pain and suffering in the past and future, loss of function of the body in the past and future and loss of spousal consortium 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.

10/97

**200.1 Elements - Personal Injury And Vehicle Damage.**

Instruction No. \_\_\_\_\_

**Past Medical Expenses**

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

Authority

Pexa v. Auto Owners Insurance Company, 686 N.W.2d 150 (Iowa 2004) Worez  
v. Des Moines City Ry. Co., 175 Iowa 1, 156 N.W. 867 (1916)  
Elzig v. Bales, 135 Iowa 208, 112 N.W. 540 (1907)

Comment

*Note:* The billed amount is relevant only if that figure was paid or an expert witness has testified to the reasonableness of the charges.

**200.6 Past Medical Expenses**

Instruction No. \_\_\_\_\_

**Future Medical Expenses.**

Future Medical Expenses include the present value of reasonable and necessary hospital charges, doctor charges, prescriptions and other medical services which will be incurred in the future.

**Authority**

Schnebly v. Baker, 217 N.W.2d 708 (Iowa 1974)

Zach v. Morningstar, 258 Iowa 1365, 142 N.W.2d 440 (1966)

**200.7 Future Medical Expenses.**



Instruction No. \_\_\_\_\_

**Loss Of time - Earnings**

Loss Of time – Earnings includes the reasonable value of lost wages and lost time from business from the date of injury to the present time. Loss of time from business is measured by the value of a person's own labor.

Authority

Iowa Des Moines National Bank v. Schwerman Trucking Co., 288 N.W.2d 198 (Iowa 1980)  
Amelsburg v. Lunning, 234 Iowa 852, 14 N.W.2d 680 (1944)

**200.8 Loss Of time - Earnings.**

Instruction No. \_\_\_\_\_

**Loss Of Full Body - Past**

Loss Of Full Body – Past is 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.

**Authority**

Brant v Bockholt, 532 N.W.2d 801 (Iowa 1995)  
Schnebly v. Baker, 217 N.W.2d 708 (Iowa 1974)

**200.10 Loss Of Full Mind And Body - Past.**

Instruction No. \_\_\_\_\_

**Loss of Full Body - Future**

Loss of Full Body – Future **is** the present value of future loss of function of the body.

**Authority**

*Iowa Code* section 624.18 (2), 668.3(b)  
*Schnebly v. Baker*, 217 N.W.2d 708 (Iowa 1974)

**Comment**

*In all actions filed after July 1, 1997, future damages must be adjusted to reflect the present value of the sum. Iowa Code section 624.18(2), 668.3(b)*

12/01

**200.11B Loss Of Full Mind And Body - Future -Actions Filed On Or After July 1, 1997.**

Instruction No. \_\_\_\_\_

**Physical and Mental Pain and Suffering - Past**

Physical and Mental Pain and Suffering – Past is 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

Poyzer v. McGraw, 360 N.W.2d 748 (Iowa 1985)

Holmquist v. Volkswagen of America, Inc., 261 N.W.2d 516 (Iowa App. 1977)

**200.12 Physical And Mental Pain And Suffering - Past**

Instruction No. \_\_\_\_\_

**Physical and Mental Pain and Suffering - Future**

Physical and Mental Pain and Suffering - Future is the present value of future physical and mental pain and suffering.

**Authority**

*Iowa Code section 624.18 (2), 668.3(b)*  
*Schnebly v. Baker, 217 N.W.2d 708 (Iowa 1974)*

12/01

**200.13B Physical And Mental Pain And Suffering - Future - Actions Filed On Or After  
July 1, 1997.**

Instruction No. \_\_\_\_\_

### **Spousal Consortium**

"Spousal consortium" is the fellowship of a husband and wife and the right of each other to the benefits of company, cooperation, affection, the aid of the other in every marital relationship, general usefulness, industry and attention within the home and family. It does not include loss of financial support from the injured spouse, nor mental anguish caused by the spouse's injury.

If you find Susan Heun is entitled to recover damages, it is your duty to determine the amount. In doing so, you shall consider the following items:

1. The reasonable value of loss of spousal consortium which Susan Heun would otherwise have received from the date of injury until the present time.
2. The present value of loss of spousal consortium which Susan Heun would otherwise have received in the future.

Damages for future loss of spousal consortium are limited in time to the shorter of the spouses' normal life expectancies.

In determining the value for loss of spousal consortium you may consider:

1. The circumstances of Kevin Heun's life.
2. Kevin Heun's and Susan Heun's ages at the time of Kevin's injury.
3. Kevin's health, strength, character and life expectancy.
4. Kevin's capabilities and efficiencies in performing the duties of a spouse.
5. Kevin's skills and abilities in providing instructions, guidance, advice and assistance.
6. Susan's needs.
7. All other facts and circumstances bearing on this issue.

The amount you assess for loss of spousal consortium past, present 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 the defendant 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**

Gail v. Clark, 410 N.W.2d 662 (Iowa 1987)

Madison v. Colby, 348 N.W.2d 202 (Iowa 1984)

Audubon-Exira Ready Mix, Inc. v. Illinois Central Gulf Railroad Company, 335 N.W.2d 148 (Iowa 1983)

Fuller v. Buhrow, 292 N.W.2d 672 (Iowa 1980)

Acuff v. Schmit, 248 Iowa 272, 78 N.W.2d 480 (1956)

#### **200.31 Elements - Spousal Consortium - Spouse's Damage**

Instruction No. \_\_\_\_\_

**Aggravation of Pre-Existing Condition**

If you find Kevin had a shoulder condition before this incident and this condition was aggravated or made active by this incident causing further suffering and disability then he is entitled to recover damages caused by the aggravation. He is not entitled to recover for any physical ailment or disability which existed before this incident or for any injuries or damages which he now has which were not caused by the defendant's actions.

Authority

Becker v. D & E Distributing Company, 247 N.W.2d 727 (Iowa 1976)

Comment

6/98

**200.32 Aggravation of Pre-Existing Condition.**



Instruction No. \_\_\_\_\_

**Mortality Tables**

A Standard Mortality Table indicates the normal life expectancy of people who are the same age as Kevin Heun is 19.85 years. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence, about Kevin Heun's health, habits, occupation, and lifestyle, when deciding issues of future damages.

Authority

Ehlinger v. State, 237 N.W.2d 784 (Iowa 1976)

Ruud v. Grimm, 252 Iowa 1266, 110 N.W.2d 321 (1961)

Newman v. Blom, 249 Iowa 836, 89 N.W.2d 349 (1958)

**200.37 Mortality Tables - Personal Injury.**

Instruction No. \_\_\_\_\_

**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 a percentage of fault, and agreeing in advance that the average of those estimates shall be your item of damage or percentage of fault.

Authority

Moose v. Rich, 253 N.W.2d 565 (Iowa 1977)

Sheker v. Jensen, 241 Iowa 583, 41 N.W.2d 679 (1950)

Manna v. McIntosh, 519 N.W.2d 815 (Iowa App. 1994)

**200.38 Quotient Verdict.**

Instruction No. \_\_\_\_\_

**General Instruction**

Upon retiring you shall select a foreman or forewoman. 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.

**100.18 General Instruction To Jury.**

Instruction No. \_\_\_\_\_

**Juror's Notes**

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.

**Authority**

Iowa R. Civ. P. 1.926 (1)

**100.21 Cautionary Instruction - Juror's Notes.**

Instruction No. \_\_\_\_\_

**Return of Verdict - Forms of Verdict.**

I am giving you 2 verdict forms and questions. 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 answers to questions must be signed by your foreman or forewoman.

After deliberating for six hours from \_\_\_\_\_ o'clock \_\_\_\_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 questions must be signed by all seven jurors who agree.

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

**300.1 Return Of Verdict - Forms Of Verdict.**

IN THE IOWA DISTRICT COURT FOR KOSSUTH COUNTY

KEVIN E. HEUN AND SUSAN J. HEUN,	]	
PLAINTIFFS,	]	CASE NO. LACV027226
	]	
v.	]	
	]	VERDICT FORM NO. 1
BONNIE MAREE HENDERSON	]	KEVIN HEUN CLAIMS
DEFENDANT	]	

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

Question No. 1: Was the defendant 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 the defendant a cause of any item of damage to plaintiff Kevin Heun?

Answer "yes" or "no."

ANSWER:

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

Question No. 3: State the amount of damages sustained by plaintiff Kevin Heun 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 has failed to prove that any item of damage was caused by defendant's fault, enter 0 for that item.

1. Past medical expenses \$ \_\_\_\_\_
2. Present value of future medical expenses \$ \_\_\_\_\_
3. Past pain, suffering, mental anguish and  
loss of enjoyment of life \$ \_\_\_\_\_

4. Present value of future pain and suffering	\$ _____
5. Past loss of bodily function	\$ _____
6. Present Value of future loss of bodily function	\$ _____
7. Past lost wages and loss of business income	\$ _____
TOTAL (add the separate items of damages)	\$ _____

**Authority**

Iowa Code section 668.3(8)

Johnson v. Knoxville Comm. Sch. Dist., 570 NW2d 633, 644 (Iowa 1997)

**300.4 Verdict - Single Plaintiff - Single Defendant - Cases Governed By Chapter 668**

IN THE IOWA DISTRICT COURT FOR KOSSUTH COUNTY

KEVIN E. HEUN AND SUSAN J. HEUN,	]	
PLAINTIFFS,	]	CASE NO. LACV027226
	]	
v.	]	
	]	VERDICT FORM NO. 2
BONNIE MAREE HENDERSON	]	SUSAN HEUN CLAIMS
DEFENDANT	]	

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

Question No. 1: Was the defendant 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 the defendant a cause of any item of damage to plaintiff Susan Heun?

Answer "yes" or "no."

ANSWER:

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

Question No. 3: Was plaintiff Susan Heun at fault?

Answer "yes" or "no."

ANSWER:

[If your answer is "no," do not answer Questions No. 4.]

Question No. 4: Was the plaintiff's fault a cause of any damage to the plaintiff?

Answer "yes" or "no."

ANSWER:

[If your answer is "no," do not answer Question No. 5.]



Question No. 5: Using 100% as the total combined fault of plaintiff Susan Heun and defendant which was a cause of plaintiff Susan Heun's damage, what percentage of such combined fault do you assign to plaintiff Susan Heun and what percentage of such combined fault do you assign to the defendant?

ANSWER: Plaintiff Susan Heun \_\_\_\_\_ %  
Defendant \_\_\_\_\_ %

TOTAL 100%

Question No. 6: State the amount of damages sustained by plaintiff Susan Heun 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 has failed to prove that any item of damage was caused by defendant's fault, enter 0 for that item.

1. Past medical expenses \$ \_\_\_\_\_

2. Past pain, suffering, mental anguish and  
loss of enjoyment of life \$ \_\_\_\_\_

3. Past loss of bodily function \$ \_\_\_\_\_

4. Loss of Spousal Consortium \$ \_\_\_\_\_

TOTAL (add the separate items of damage) \$ \_\_\_\_\_