

IN THE IOWA DISTRICT COURT FOR POLK COUNTY**DEVIN MICHAEL ELLIS,****Plaintiff,****v.****STORAGE AND DESIGN GROUP, INC.,
an Iowa Corporation, and RONALD M.
PATTERSON, an individual,****Defendants.****Case No. LACL156153****JURY INSTRUCTIONS****STATEMENT OF THE CASE**

In this case, Plaintiff Devin Micheal Ellis claims that Defendants Storage and Design Group, Inc. and Ronald M. Patterson, racially discriminated against him and retaliated against him.

The Plaintiff alleges that the Defendants actions were in violation of the Iowa Civil Rights Act also known as Iowa Code Chapter 216.

The Defendants deny that any of their actions were unlawful.

Do not consider this summary as proof of the Plaintiff's claim or the Defendants' denials. Decide the facts from the evidence and apply the law which I will now give you.

Samatha Kopenewill
7/31/2025
3:32pm

INSTRUCTION NO. 1**Duties of Judge and Jury**

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 instruction includes all 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 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**Preponderance of the Evidence**

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**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. Direct evidence is evidence from a witness who claims actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is proof of a fact from which the existence of another fact may be reasonably inferred. 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**Deposition Testimony**

Certain Testimony has been read into evidence from a deposition. 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.

INSTRUCTION NO. 5**Interrogatories**

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. 6**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 are to sort out the evidence presented and place credibility where it belongs. 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. 7**Consideration of all Evidence Regardless of Who Produced**

In determining whether any fact has been proved, you should consider all of the evidence bearing on the question regardless of who introduced it.

INSTRUCTION NO. 8**Cautionary Instruction**

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

INSTRUCTION NO. 9**Corporate Party**

The fact that a defendant is a corporation should not affect your decision. All parties are equal before the law, and corporations, whether large or small, are entitled to the same fair and conscientious consideration by you as any other person.

INSTRUCTION NO. 10**Contradictory Statement, Non-party, Witness Not Under Oath**

You have heard evidence claiming a witness made statements before this trial while not under oath which were inconsistent with what the witness said in this trial.

Because the witness did not make the earlier statements under oath, you may use them only to help you decide if you believe the witness.

Decide if the earlier statements were made and whether they were inconsistent with testimony given at trial. You may disregard all or any part of the testimony if you find the statements were made and they were inconsistent with the testimony given at trial, but you are not required to do so.

Do not disregard the testimony if other evidence you believe supports it or if you believe it for any other reason.

INSTRUCTION NO. 11**Contradictory Statement, Non-party, Witness Under Oath**

You have heard evidence claiming a witness made statements before this trial while under oath which were inconsistent with what a witness said in this trial. If you find these statements were made and were inconsistent, then you may consider them as part of the evidence, just as if they had been made at this trial.

You may also use these statements to help you decide if you believe a non-party witness. You may disregard all or any part of the testimony if you find the statements were made and were inconsistent with the testimony given at trial, but you are not required to do so. Do not disregard the trial testimony if other evidence you believe supports it, or if you believe it for any other reason.

INSTRUCTION NO. 12**Statements By a Party Opponent**

You have heard evidence claiming that both parties, Devin Ellis and Ronald Patterson, made statements before this trial while under oath and while not under oath.

If you find such a statement was made, you may regard the statement as evidence in this case the same as if the party had made it under oath during the trial.

If you find such a statement was made and was inconsistent with that witness's testimony during the trial you may also use the statement as a basis for disregarding all or any part of the that witness's testimony during the trial but you are not required to do so. You should not disregard the witness's testimony during the trial if other credible evidence supports it or if you believe it for any other reason.

INSTRUCTION NO. 13**Use of Electronic Devices**

You may not communicate about this case before reaching your verdict. This includes via cell phone 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 or application-based maps or programs, or any other application, program, or device to search for or 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. Failure to follow these instructions may result in the case having to be retried and could result in you being held in contempt and punished.

It is important that we have your full and undivided attention during this trial.

INSTRUCTION NO. 14**Individual Liability**

Mr. Ellis has brought these claims against Defendant Ronald Patterson seeking to hold him personally liable for each of the claims brought against the Defendant Storage and Design Group, Inc. To establish individual liability, Mr. Ellis must show Mr. Patterson was personally involved and had the ability to bring about the alleged hostile work environment and/or the alleged retaliatory termination. Mr. Ellis must also prove the elements of each claim against Mr. Patterson.

INSTRUCTION NO. 15**Workplace Harassment/Hostile Work Environment by a Supervisor – Essentials for Recovery**

To establish a claim of hostile work environment by a supervisor, Mr. Ellis must prove all the following propositions:

1. Mr. Ellis was subjected to offensive conduct from one or more supervisors;
2. Such conduct was unwelcome;
3. The conduct was based on race;
4. Such conduct:
 - a. Was sufficiently severe or pervasive that a reasonable person in Mr. Ellis's position would find the work environment to be hostile or abusive; and
 - b. At the time such conduct occurred and as a result of such conduct, Mr. Ellis believed the work environment was hostile or abusive.

If you find that he has not proven all the above elements, then your verdict on the claim of hostile work environment based on direct liability must be for the defendants.

INSTRUCTION NO. 16**Supervisor Defined**

As used in these instructions, an employee is a “supervisor” if he or she is empowered by the employer to take tangible employment actions against the plaintiff, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or other decision causing a significant change in benefits.

INSTRUCTION NO. 17**Unwelcome Conduct**

Conduct is unwelcome if the employee did not ask for it or invite it and if he regarded the conduct as undesirable or offensive.

INSTRUCTION NO. 18**Conduct**

Conduct creates a hostile work environment when the discriminatory intimidation, ridicule, or insult in the workplace is sufficiently severe or pervasive as to alter the conditions of employment and create an abusive working environment. In determining the severity of the conduct, as required by element 4(a) of instruction no. 15, Mr. Ellis must show he subjectively perceived the conduct as abusive and that a reasonable person would also find the conduct to be abusive or hostile. The objective determination considers the:

- 1) the frequency of the conduct,
- 2) the severity of the conduct,
- 3) whether the conduct was physically threatening or humiliating or whether it was merely offensive, and
- 4) whether the conduct unreasonably interfered with the employee's job performance.

These factors and circumstances must disclose that the conduct was severe enough to amount to an alteration of the terms or conditions of employment. Thus, hostile-work-environment claims by their nature involve ongoing and repeated conduct, not isolated events.

INSTRUCTION NO. 19**Retaliation**

To prove Storage and Design Group, Inc., and Mr. Patterson retaliated against Mr. Ellis, Mr. Ellis must prove all of the following elements:

1. Mr. Ellis engaged in protected activity.
2. An adverse employment action was taken against Mr. Ellis.
3. A causal connection exists between the two events. To establish a causal connection, Mr. Ellis must show the plaintiff's protected activity was a motivating factor in the employer's subsequent adverse employment action.

If you find Mr. Ellis proved all these elements, you must consider Storage and Design Group, Inc., and Mr. Patterson's affirmative defense as set forth in instruction no. 22. If you find that Mr. Ellis has not proved all the above elements, then your verdict on the claim of Retaliation must be for Storage and Design Group, Inc., and Mr. Patterson.

INSTRUCTION NO. 20**Protected Activity Defined**

Protected activity includes opposing discriminatory harassment and making formal and informal complaints about the conduct that the employee reasonably believes may be discriminatory harassment.

An employee is protected against retaliation for complaining or reporting an unlawful practice such as discriminatory harassment, even if the conduct complained of does not legally constitute an unlawful employment practice. All that is required is that the employee has a reasonable, good faith belief that discriminatory harassment has taken place at the time of her ^{was or} complaint or report. *sf*

INSTRUCTION NO. 21**Motivating Factor – Definition**

Plaintiff's protected activity was a motivating factor if that factor played a part in the defendant's later actions toward plaintiff. However, plaintiff's protected activity need not have been the only reason for defendant's actions.

INSTRUCTION NO. 22**Affirmative Defense – Same Decision**

If you find Mr. Ellis has proved all the elements of his retaliation claim, then you must consider Storage and Design Group, Inc., and Mr. Patterson's affirmative defense that it would have made the same decision regardless of Mr. Ellis's race or protected activity.

INSTRUCTION NO. 23**Timing**

You may consider the timing of the complaint made by Devin Ellis in relation to his termination, along with all other circumstances present in this case, in considering whether Devin Ellis's complaint was a motivating factor in the Defendants' decision to terminate his employment. However, timing alone is insufficient to establish retaliation and engaging in insubordinate ^{rev 28} may negate any causal connection related to timing.

INSTRUCTION NO. 24**Damages**

If you find in favor of Mr. Ellis on one or more of his claims, then you must determine an amount that is fair compensation for his damages on that claim. You may award compensatory damages only for injuries that Mr. Ellis proves were caused by the wrongful conduct of Storage and Design Group, Inc., and Mr. Patterson. The damages you award must be fair compensation — no more, no less.

Emotional Distress: You must determine the amount of damages for any emotional distress sustained by Mr. Ellis. Award him the amount that will fairly and justly compensate him for emotional distress damages you find he sustained as a result of the illegal actions. Damages for emotional distress include damages for emotional pain, suffering, mental anguish, humiliation, fear, apprehension, anxiety, inconvenience, loss to reputation, and loss of enjoyment of life. An employee does not need to introduce evidence of the monetary value of such damages. The amount you assess for these damages cannot be measured by any exact or mathematical standards. You must use your sound judgment based upon an impartial consideration of the evidence. When considering the amount of monetary damages to which Mr. Ellis may be entitled for emotional distress, you should consider the nature, character, and seriousness of the emotional distress he felt. You must also consider the extent or duration, as any award you make must cover the damages endured by Mr. Ellis since the wrongdoing to the present time.

The amounts, if any, you find for each of the above items of damages will be used to answer the special verdicts.

Do not award duplicate damages.

INSTRUCTION NO. 25**Cause - Defined**

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

INSTRUCTION NO. 26**Life Expectancy**

A Standard Mortality Table indicates the normal life expectancy of people who are the same age as Devin Ellis is an additional 45.90 years. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence, about Mr. Ellis's health, habits, occupation, and lifestyle, when deciding issues of future damages.

INSTRUCTION NO. 27**Quotient Verdict**

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. 28

Source of Payment for Money Damages

In reaching your decision, you may not consider how any money damages might be paid.

INSTRUCTION NO. 29**General Instruction To Jury**

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.

INSTRUCTION NO. 30**Cautionary Instruction – 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.

INSTRUCTION NO. 31**Verdict Forms**

I am giving you one verdict form, including 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 must be signed by your foreperson.

After deliberating for six (6) hours excluding meals or recesses outside your jury room, then it is necessary that only seven (7) 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 a verdict and appropriately signed it, tell the judicial assistant.