

Original

IN THE IOWA DISTRICT COURT IN AND FOR WARREN COUNTY

**STEVEN CROW, JAMES CROW, :
DEBORA ATHY, LESA JUDAY and :
AARON CORRIE, :**

Plaintiffs, : No. CVCV040262

v. :

**DEANNE L. DOOLEY, Individually and as : JURY INSTRUCTIONS
Trustee, JOSEPH DOOLEY, DON CATO, :
JILL HOUSEMAN, THOMAS FISCHER, :
MICHELLE FISCHER and JOANN :
WIEGERT, :**

Defendants. — : —

Members of the Jury: In this case, Plaintiffs claim Deanne Dooley and the other Defendants exercised undue influence or fraud on Michael Dooley with respect to Article IV, paragraph 12 of the Michael Dooley Trust. Alternatively, Plaintiffs allege Defendant Deanne Dooley intentionally interfered with their reasonable expectation of receiving an inheritance from Michael Dooley.

Although you have heard evidence relating to the propriety of certain transfers of money or property made while Michael Dooley was still living, the Court has concluded the Court, and not the jury, is responsible for deciding the propriety of those transfers.

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.
Do not be influenced by any personal likes or dislikes, sympathy, bias, prejudices or emotions.

INSTRUCTION NO. 2

Generally, 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.

INSTRUCTION NO. 3

Evidence is clear, convincing and satisfactory if there is no serious or substantial uncertainty about the conclusion to be drawn from it.

INSTRUCTION NO. 4

You shall base your verdict only upon the evidence and these instructions.

Evidence is:

1. Testimony in person or by deposition. There is no transcript of testimony. You must depend upon your recollection of the testimony as it was given during the trial.
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, 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.

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

INSTRUCTION NO. 6

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.

During the trial you 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. 7

During the trial you heard testimony from persons described as experts. Persons who have become experts in a field because of their education and experience may give their opinions on matters in that field and the reasons for their opinions.

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. 8

You have heard evidence claiming one or more of the Plaintiffs or one or more of the Defendants made statements before this trial.

If you find such statements were made, you may regard the statements as evidence in this case the same as if the statements had been made under oath during the trial.

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

INSTRUCTION NO. 9

Plaintiffs contend Defendants exercised undue influence on Michael Dooley in connection with Article IV, paragraph 12 of the Michael Dooley Trust. The law presumes a person is free from undue influence. To overcome this presumption, Plaintiffs must prove each of the four following propositions:

1. At the time the Trust was made Michael Dooley was susceptible to undue influence.
2. Defendants had the opportunity to exercise such influence and carry out the wrongful purpose.
3. Defendants were motivated to influence Michael Dooley unduly for the purpose of getting an improper favor.
4. The result was clearly brought about by undue influence.

If the Plaintiffs have failed to prove one or more of these propositions, your verdict will be for the Defendants on the issue of undue influence. If Plaintiffs have proved all of these propositions, your verdict will be for Plaintiffs on the issue of undue influence.

INSTRUCTION NO. 10

Undue influence means a person substitutes his or her intentions for those of the person making the Trust. The Trust then expresses the purpose and intent of the person exercising the influence, not those of the maker of the Trust. Undue influence must be present at the very time the Trust is signed and must be the controlling factor. The person charged with exercising undue influence need not be personally present when the Trust was being made or signed but the person's influence must have been actively working at the time the Trust was being made and signed.

INSTRUCTION NO. 11

In deciding if there was undue influence, you may consider the following:

1. Dominance over the maker of the Trust.

2. Whether the condition of the maker's mind was subject to such dominance.
3. Whether the distribution of the maker's property is unnatural, unjust or unreasonable.
4. The activity of the person charged with exercising the undue influence and whether the person had the opportunity and frame of mind to exercise undue influence. Activities may include suggestion, request and persuasion short of controlling the will of the maker, but they do not alone constitute undue influence. Consider such activities along with any other evidence of undue influence.
5. The intelligence or lack of intelligence of the maker of the Trust.
6. Whether the maker of the Trust was physically or mentally weak.
7. Whether the person charged with exercising undue influence was the controlling party in a confidential or fiduciary relationship with the maker of the Trust.
8. Any other facts or circumstances shown by the evidence which may have any bearing on the question.

No one of the above circumstances is more important than any other.

For influence to be considered undue, it must be equivalent to moral coercion.

Proof of an unusual, unnatural, unreasonable or unequal distribution of property, alone, is not sufficient to prove undue influence.

Because direct proof of undue influence is rarely available in cases such as this one, undue influence may be proven by circumstantial evidence.

INSTRUCTION NO. 12

Where a confidential or fiduciary relation exists, it affords the dominant party peculiar opportunities for exercising undue influence over the mind of the Trust maker. When the dominant party in such relations is active in the preparation or execution of a trust, and is put in a better position under the trust, a suspicion may arise that the benefaction may have resulted from the exertion of undue influence over the Trust maker.

In considering the strength of such suspicion, you may consider the following:

1. Presence of the beneficiary on occasion when the Trust maker expressed a desire to make a trust.
2. Beneficiary's interactions and communications with the attorney who drew the trust.
3. Knowledge of the contents of the trust by the beneficiary prior to execution.
4. Giving instructions on preparation of the trust by the beneficiary to the attorney drawing the trust.
5. Actions by the beneficiary in attempting to keep the Trust maker or other beneficiaries from learning the contents of the trust.

INSTRUCTION NO. 13

A fiduciary relationship is a relationship of trust and confidence on a subject between two persons. One of the persons is under a duty to act for or give advice to the other on that subject. One party placing confidence in another, leading to domination or influence by the latter.

In this case, because Defendant Deanne Dooley was Michael Dooley's Attorney-in-Fact pursuant to a Power of Attorney form, a fiduciary duty existed between Defendant Deanne Dooley and Michael Dooley, and Defendant Deane Dooley owed fiduciary duties to Michael Dooley

INSTRUCTION NO. 14

A confidential relationship is present when one person has gained the complete confidence of another and purports to act or advise with only the interest of the other party in mind.

INSTRUCTION NO. 15

Plaintiffs claim Defendant Deanne Dooley fraudulently induced Michael Dooley to include Article IV, paragraph 12 in the Michael Dooley Trust, either by making false statements of fact to him or by failing to disclose material facts to him.

To prevail on their claim of fraud, the Plaintiffs must prove:

1. Defendant Deanne Dooley made willfully false statements of fact to Michael Dooley or intentionally failed to disclose material facts to him;
2. The willfully false statements of fact or intentional failure to disclose material facts were made in bad faith or with the intent to deceive Michael Dooley;
3. The willfully false statements of fact or intentional failure to disclose material facts did deceive Michael Dooley and induce him to make a Trust he would not otherwise have made.

If Plaintiffs have failed to prove one or more of these propositions, your verdict will be for the Defendants on the Plaintiff's fraud claim. If Plaintiffs have proved all of these propositions, your verdict will be for the Plaintiffs.

INSTRUCTION NO. 16

To prevail on their tortious interference with inheritance claim, the Plaintiffs must prove all the following propositions by a preponderance of the evidence:

1. Plaintiffs had a reasonable expectation they would receive an inheritance;
2. Defendant Deanne Dooley knew of Michael Dooley's providing for Plaintiff's expected inheritance;
3. Defendant Deanne Dooley intentionally and improperly interfered with Plaintiff's expected inheritance; and
4. There was a reasonable certainty Plaintiff would have received the inheritance but for Defendant Deanne Dooley's intentional interference.

If the Plaintiffs have failed to prove one or more of these propositions, your verdict will be for Defendant Deanne Dooley on this issue. If Plaintiff has proved all of these propositions, your verdict will be for the Plaintiff on this issue.

INSTRUCTION NO. 17

In deciding whether Defendant Deanne Dooley intentionally interfered with Plaintiffs' expected inheritance you should consider:

1. The nature of Defendants' conduct.
2. The Defendants' motives.
3. The interests of the Plaintiffs with which the conduct interferes.
4. The interests sought to be advanced by the Defendants.
5. The social interests in protecting the freedom of action of the Defendants and the expected inheritance interests of the Plaintiffs; and
6. The nearness or remoteness of the Defendant's conduct to the interference.

INSTRUCTION NO. 18

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. 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 attorneys. I have tried to use language that is generally understandable. Usually, questions about Instructions can be answered by carefully rereading them. If, however, any of you feel it is 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 potential answers with the parties and attorneys. This process naturally takes time and deliberation before I can respond. When I respond, it will be in writing, and the foreperson must read the response to the jury. Keep the written question and response and return it to open court with the Verdict.

The court attendant who has been working with me on this case is in the same position as I am. She has taken an oath not to communicate with you except to ask if you have reached a verdict. Please do not ask her to violate that oath by asking her questions about the case.

INSTRUCTION NO. 20

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.

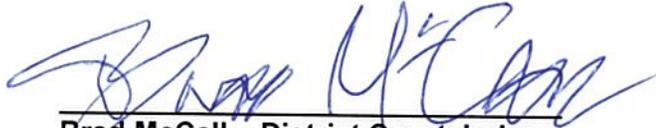
INSTRUCTION NO. 21

I am giving you one verdict form with 4 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 must be signed by your foreman or forewoman.

After deliberating for six hours, excluding meals or recesses outside your jury room, then it is necessary that only six of you agree upon the answers to the questions. In that case, the verdict must be signed by all six jurors who agree.

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

Dated this 15th day of December, 2025.



**Brad McCall – District Court Judge
Fifth Judicial District of Iowa**

For Question 2, is it between
Steve & Deanne? Or for all Plaintiffs
and Defendants?

Joseph M. Jay 3:54 pm

Answer:

Question 2 should have read: "Was the conduct of Defendant Deanne Dooley directed specifically at Plaintiffs?"



**Brad McCall – District Court Judge
Fifth Judicial District of Iowa**

Can we reward more than
the \$650,000 to the plaintiffs?

12-15-25 1:36pm

Joseph M. Vay

Answer:

The amount of damages is in the sole discretion of the jury.


Brad McCall