

**ORIGINAL**

## IN THE IOWA DISTRICT COURT FOR LEE COUNTY IN FT. MADISON

CARRIE MARIE MATSON,

Plaintiff,

v.

BILLY JOE KNISLEY,

Defendant.

Law No. LALA006705

**JURY INSTRUCTIONS****FILED**  
9/11/19 8:30 AM  
CLERK DISTRICT COURT  
NORTH LEE COUNTY, IOWA

Members of the Jury:

I give you the following instructions:

**INSTRUCTION NO. 1****100.1**

In this case plaintiff Carrie Mattson claims she sustained injuries and damages relating to an accident on October 17, 2016, when Billy Knisley driving a pickup pulling a trailer failed to stop at an intersection causing a collision with the car which Plaintiff was driving.

The defendant Billy Knisley admits that his negligence caused an accident on October 17, 2016, but denies that the accident is a cause of Plaintiff's injuries and disputes the nature and extent of Plaintiff's injuries.

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. 2**100.2**

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.

INSTRUCTION NO. 3**100.3**

The burden of proof is on the plaintiff. 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. 4**100.4**

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  
The parties agree that the economic damages claimed by the Plaintiff are \$4,400.00.
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. 5**100.9**

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.

You are instructed that Defendant Knisley has admitted he acted negligently in failing to obey the stop sign.

100.12

INSTRUCTION NO. 5A

You <sup>received</sup> ~~may receive~~ evidence from a person described as an expert. 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.



**INSTRUCTION NO. 6**

You must award Plaintiff such sum as you believe will fairly and justly compensate Plaintiff for any damages shown by the evidence that you believe she sustained as a direct result of the automobile collision mentioned in the evidence.

**INSTRUCTION NO. 7**

The phrase "past economic damages" means those damages incurred in the past for pecuniary harm such as medical expenses for necessary drugs, therapy, and for medical, surgical, nursing, x-ray, dental, custodial, and other health and rehabilitative services.

The phrase "past non-economic damages" means those damages arising in the past from non-pecuniary harm such as pain, suffering, mental anguish, inconvenience, physical impairment, and loss of capacity to enjoy life."

INSTRUCTION NO. 8**100.18**

Upon retiring you shall select a presiding juror. 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. 9**100.21**

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. 10**100.23**

You may not communicate about this case before reaching your verdict. This includes cell phones, and electronic media such as text messages, Facebook, Snapchat, 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 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. 11

**300.1**

I am giving you one verdict form. During the first three (3) 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 presiding juror.

After deliberating for three hours from 3:10 o'clock P.m. excluding meals or recesses outside your jury room, then it is necessary that only five of you agree upon the verdict. In that case, the verdict must be signed by all five jurors who agree.

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

Michelle Schilling  
9/10/19  
3:00 P.M.