

Original

IN THE IOWA DISTRICT COURT IN AND FOR JOHNSON COUNTY

JULIE M. DANCER, )  
vs. )  
Plaintiff, )      CASE NO. LACV085536  
            )  
            )  
vs. )  
PARKER C. SUTHERLAND and JILL )      JURY INSTRUCTIONS  
P. SUTHERLAND, )  
            )  
Defendants. )  
            )

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Statement of the Case

Members of the Jury:

In this case, Plaintiff Julie M. Dancer asserts claims against Defendant Parker C. Sutherland. On July 14, 2024, a vehicle driven by Parker C. Sutherland and owned by Jill P. Sutherland was involved in a collision with Julie M. Dancer's motorcycle.

Julie M. Dancer seeks to recover money damages. The Defendants have admitted liability for the accident but have disputed the nature and extent of Plaintiff's injuries and damages.

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.

CLERK OF DISTRICT COURT  
JOHNSON COUNTY, IOWA  
17 PAGES  
10/10/2024

## 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.

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 us 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

During the trial, the Court has ruled upon objections to evidence which have, from time to time, been made by counsel, and this Court has done so according to the rules of evidence. Such rulings made by the Court are the responsibility of the Court solely, and in your consideration of the case you will give no significance or weight whatever to such rulings, and you will consider only such evidence as has been received before you, and which has not been stricken by the Court.

### **INSTRUCTION NO. 3**

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

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.

## INSTRUCTION NO. 5

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.

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. 6

In considering the evidence, make deductions and reach conclusions according to reason and common sense. Facts may be proved by direct evidence, circumstantial evidence, or both. Direct evidence is evidence from a witness who claims actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is evidence about a chain of facts which show the existence of other facts. The law makes no distinction between direct evidence and circumstantial evidence. Give all the evidence the weight and value you think it is entitled to receive.

#### INSTRUCTION NO. 7

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.

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.

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. 8**

Certain Testimony has been read into evidence from a deposition or played by videotape. 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. 9

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. 10

You have heard evidence claiming that one or more parties, made statements before this trial while under oath and/or 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 made it under oath during the trial.

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

#### INSTRUCTION NO. 11

To recover damages, Plaintiff must prove both of the following propositions:

1. Defendants' fault was a cause of damage to Plaintiff.
2. The amount of damage.

If Plaintiff has failed to prove either of these propositions, then Plaintiff is not entitled to damages. If Plaintiff has proved both of these propositions, then Plaintiff is entitled to damages in some amount.

**INSTRUCTION NO. 12**

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

#### INSTRUCTION NO. 13

In this case, the Defendants have admitted negligence and fault. The law does not impose liability for negligence unless the breach of a duty of care is also the cause in fact of the Plaintiff's damages. Parker Sutherland's conduct must have in fact caused the Plaintiff's claimed damages. To recover damages, the Plaintiff must prove that the damages would not have occurred but for Parker Sutherland's negligence. The parties agree that some amount of damage was caused by Parker's Sutherland's negligence but Defendants dispute the nature and extent of the damages caused.

#### INSTRUCTION NO. 14

If you find Julie Dancer is entitled to recover damages, you shall consider the following items:

1. The reasonable cost of necessary hospital charges, doctor charges and other medical services from the date of injury to the present time. The parties have stipulated that this amount is \$60,851.28.

2. The present value of reasonable and necessary hospital charges, doctor charges, prescriptions or other medical services which will be incurred in the future.

3. The reasonable value of lost wages from the date of injury to the present time.

4. The present value of loss of future earning capacity.

5. 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. Mental pain and suffering may include, but is not limited to, the emotional effect of disfigurement and scarring.

6. The present value of future physical and mental pain and suffering.

7. Loss of function of the body and mind 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. Loss of mind is the inability of the mind to function in a normal manner.

8. The present value of future loss of function of the body and mind.

The amount you assess for physical and mental pain and suffering in the past and future, future earning capacity, and

loss of function of the mind and 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.

#### **INSTRUCTION NO. 15**

Future damages must be reduced to present value. "Present value" is a sum of money paid now in advance which, together with interest earned at a reasonable rate of return, will compensate Plaintiff for future losses.

#### INSTRUCTION NO. 16

A Standard Mortality Table indicates the normal life expectancy of people who are the same age as Julie M. Dancer is 27.41 years. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence, about Julie M. Dancer's health, habits, occupation, and lifestyle, when deciding issues of future damages.

**INSTRUCTION NO. 17**

Loss of future earning capacity is a reduction in the ability to work and earn money generally, rather than in a particular job.

You may infer from an impairment of physical capacity a corresponding reduction in future earnings ability.

In determining the amount of loss, you may consider evidence of Julie M. Dancer's wages and earnings before the injury.

**INSTRUCTION NO. 18**

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. 19

You may not communicate about this case before reaching your verdict. This includes cell phones, and electronic media such as text messages, Facebook, Instagram, LinkedIn, YouTube, X, Snapchat, 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. 20

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. 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. 22

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 parties and lawyers. I have tried to use language which is generally understandable. Usually questions about instructions can be answered by carefully re-reading them. If however, any of you feel it 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 answer with the parties and lawyers. This process naturally takes time and deliberation before I can reply. The foreperson shall read my response to the jury. Keep the written question and response and return it to the Court with the verdict.

INSTRUCTION NO. 23

I am giving you a verdict form with multiple 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 3:55 o'clock P..m. 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 and questions must be signed by all six jurors who agree.

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

*Christopher L. Burns*

12/16/2025

12/17/2025

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