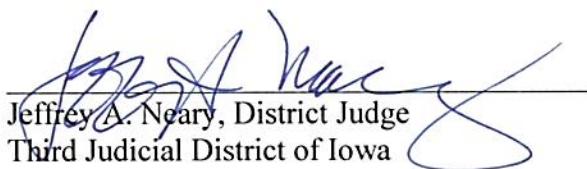


IN THE IOWA DISTRICT COURT IN AND FOR PLYMOUTH COUNTY

EMILY ZUBAID,)	CASE NO.: LACV042157
)	
Plaintiff,)	
)	
v.)	FINAL JURY INSTRUCTIONS
)	AND VERDICT FORM
RICHARD BEELNER, JR.,)	
)	
Defendant.)	
)	

Dated October 1, 2025.



Jeffrey A. Neary, District Judge
Third Judicial District of Iowa

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. 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. 2

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. 3

You have heard evidence claiming Richard Beelner, Jr., 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 Richard Beelner, Jr. had made it under oath during the trial.

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

INSTRUCTION NO. 4

When statements are libelous per se, they are actionable in and of themselves and without proof of damage.

To prevail on her claim for libel per se, Emily Zubaid, must prove all of the following propositions:

1. Richard Beelner, Jr., made the statement.
2. Richard Beelner, Jr., communicated the statements to someone other than Emily Zubaid.
3. The statement tended to injure the reputation of Emily Zubaid, expose Emily Zubaid to public ridicule, or injure Emily Zubaid in the maintenance of her business.

If the Emily Zubaid has failed to prove any of these propositions, Emily Zubaid is not entitled to recover damages.

INSTRUCTION NO. 5

If you find in favor of Emily Zubaid on her libel per se claim, then you must determine an amount that will fairly and justly compensate Emily Zubaid for her damages on that claim. Since this is a claim for libel per se, you are allowed to award substantial damages without the necessity of Emily Zubaid proving actual damage to reputation.

If Emily Zubaid is entitled to recover on her libel per se claim, you shall consider the following items when determining the amount of damages to award her:

1. General damages. General damages are presumed to result from the communication of a defamatory per se statement. These are the kind of damages the law presumes naturally and necessarily result from the communication of libelous statements.
2. The reasonable value of any loss of reputation suffered by Emily Zubaid. In determining this item of damage, you may consider Emily Zubaid's reputation before the statement was made. You may also consider the extent to which the statement was communicated.

Damages must be limited to those which naturally result from Richard Beelner, Jr.'s, statement.

INSTRUCTION NO. 6

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

The reasonable value of any loss of reputation suffered by Emily Zubaid. In determining this item of damage, you may consider Emily Zubaid's reputation before the statement was made. You may also consider the extent to which the statement was communicated.

Damages must be limited to those which naturally result from Richard Beelner, Jr.'s, statement.

INSTRUCTION NO. 7

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. 8

Punitive damages may be awarded if Emily Zubaid has proven by a preponderance of clear, convincing, and satisfactory evidence Richard Beelner, Jr.'s, conduct constituted a willful and wanton disregard for the rights of another and caused actual damage to Emily Zubaid.

Punitive damages are not intended to compensate for injury but are allowed to punish and discourage Richard Beelner, Jr., and others from like conduct in the future. You may award punitive damages only if the Richard Beelner, Jr.'s, conduct warrants a penalty in addition to the amount you award to compensate for plaintiff's actual injuries.

There is no exact rule to determine the amount of punitive damages, if any, you should award. You may consider the following factors:

1. The nature of Richard Beelner, Jr.'s, conduct that harmed Emily Zubaid.
2. The amount of punitive damages which will punish and discourage like conduct by Richard Beelner, Jr.. You may consider the Richard Beelner, Jr.'s, financial condition or ability to pay. You may not, however, award punitive damages solely because of Richard Beelner, Jr.'s, wealth or ability to pay.
3. Emily Zubaid's actual damages. The amount awarded for punitive damages must be reasonably related to the amount of actual damages you award to Emily Zubaid.
4. The existence and frequency of prior similar conduct.

INSTRUCTION NO. 9

Conduct is willful and wanton when a person intentionally does an act of an unreasonable character in disregard of a known right that is so great as to make it highly probable that harm will follow.

INSTRUCTION NO. 10

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. 11

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. 12

Occasionally, during jury deliberations, jurors may have questions for the court, particularly about the instructions. I have prepared the instructions after carefully considering the facts of the case and discussing them with the lawyers. I have tried to use language which is generally understandable. Usually, questions about the instructions can be answered by carefully re-reading them.

However, if you feel it necessary to ask the court a question, you may submit it in writing, with the date and time and signed by your foreperson, and deliver the question to the court attendant, who will deliver it to the court.

I cannot communicate with you until first discussing your question and the potential response with the lawyers, which will naturally take time before I can reply. Once the court's response is received in the jury room, the foreperson shall read it to the jury. You are to keep any written question and the court' response and return it to the 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 agreed upon a verdict. Please do not put her on the spot by asking her any questions. You should direct your questions to the court and not to the court attendant.

INSTRUCTION NO. 13

I am giving you one verdict form. 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 from 2:10 o'clock P.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 must be signed by all seven jurors who agree.

When you have agreed upon the verdict and appropriately signed it, tell the court attendant.

Dated this 1st day of October, 2025.



Jeffrey A. Neary
Judge, Third Judicial District of Iowa