IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

TRAVIS QUINN, Individually and on behalf of his minor child, K.Q., and KELLY SCHLANGEN, on behalf of her minor child, W.Q., Plaintiffs, vs. FRANZEN FAMILY TRACTORS AND PARTS, LLC, Defendant.	No. 16-cv-1031-CJW **COURT'S PRELIMINARY INSTRUCTIONS TO THE JURY**

INSTRUCTION NO. 1—INTRODUCTION

I give you these instructions now to help you better understand the trial and your role in it. I may give you additional instructions during trial, and I will give you additional instructions at the end of the trial, before you begin your deliberations. Consider these instructions, together with any oral or written instructions I give you during the trial, or at the end of the trial, and apply them as a whole to the facts of this case.

You will have copies of the instructions that I am about to give you now in the jury room.

You must follow all instructions I give you. You must not single out some instructions and ignore others, because *all* are important. The written instructions I give

you now and at the end of the trial will be available to you in the jury room. I emphasize, however, that written instructions are not more important than oral ones. Again, *all* instructions, whenever given and whether in writing or not, must be followed.

In considering these instructions, the order in which they are given is not important.

INSTRUCTION NO. 2—STATEMENT OF THE CASE

As I explained during jury selection, this is a civil case brought by Plaintiffs, Travis Quinn, individually and on behalf of his minor child, K.Q., and Kelly Schlangen on behalf of her minor child, W.Q., against Defendant Franzen Family Tractors and Parts, LLC.

On the morning of June 6, 2015, Plaintiffs Travis Quinn, Kelly Schlangen and their minor child, W.Q., traveled to Defendant's facility in Monmouth, Iowa, driving a borrowed pick-up truck and trailer, and Kelly Schlangen purchased a 2015 Mahindra Max 26XL tractor and loader from Defendant on that date. After completing the sale paperwork, while Travis Quinn was driving the tractor onto the trailer, the right front wheel of the tractor slipped off of the inside of the trailer loading ramp causing the tractor to tip to the right, resulting in injuries to Travis.

Plaintiffs claim that Defendant's employee, Chuck Franzen, was assisting Travis Quinn with the loading of the tractor, and was guiding Travis Quinn while Travis Quinn was loading the tractor onto the trailer, and that Chuck Franzen failed to observe and inform Travis Quinn that the right front wheel of the tractor was departing from the trailer ramp.

Defendant denies that its employee, Chuck Franzen, was assisting or guiding Travis Quinn onto the trailer, and claims that Plaintiff Travis Quinn was responsible for his injuries.

Plaintiff Travis Quinn seeks recovery for personal injuries sustained by him in the above-described incident, and Plaintiffs Travis Quinn and Kelly Schlangen seek recovery for loss of parental consortium of Travis Quinn's minor children, K.Q. and W.Q.

Do not consider this summary as proof of any claim. Decide facts from the evidence and apply the law which I will now give you.

INSTRUCTION NO. 3—DUTY OF JURORS

It will be your duty to decide from the evidence what the facts are. You, and you alone, are the judges of the facts. You are allowed to consider the evidence in the light of your observations and experiences. You will hear the evidence, decide what the facts are, and then apply those facts to the law that I will give you in these instructions, any instruction given during the trial, and in the final instructions at the conclusion of the case. You will then deliberate and reach your verdict. You are the sole judges of the facts, but you must follow the law as stated in my instructions, whether you agree with it or not. You have taken an oath to follow the law that I give you in my instructions.

This case must be considered and decided by you as an action between persons of equal standing in the community, of equal worth, and holding the same or similar stations in life. All persons are equal before the law. Corporations and partnerships are entitled to the same fair and conscientious consideration by you as any other person.

You should not take anything I may say or do during the trial as indicating what I think of the evidence or what I think your verdict should be.

INSTRUCTION NO. 4—ORDER OF TRIAL

The trial will proceed as follows:

After I finish reading these instructions, the attorneys may make opening statements. Opening statements are not evidence. They are simply summaries of what the parties expect the evidence to be.

The plaintiff then will present evidence. The defendant may cross-examine the plaintiff's witnesses. Following the plaintiff's case, the defendant may present evidence. The plaintiff may cross-examine the defendant's witnesses. Following the defendant's case, the parties may present additional evidence.

After all evidence has been presented, I will give additional instructions to you. The attorneys will then make arguments summarizing and interpreting the evidence for you. As with opening statements, these arguments are not evidence. Then I will give you a final instruction on deliberations, and you will retire to deliberate on your verdict.

INSTRUCTION NO. 5—BURDEN OF PROOF

Your verdict will depend upon whether or not you find certain facts have been proved. The obligation to prove a fact, or "the burden of proof," is upon the party whose claim depends upon that fact. The party with the burden of proving a fact must prove the fact by "the greater weight of the evidence," which is proof that the fact is more likely true than not true. This is also called "the preponderance of the evidence."

To determine whether a fact has been proved by the greater weight of the evidence, you must consider the evidence in the case, decide which evidence is more believable, and then determine whether the fact is more likely true than not true. If you find a fact is more likely true than not true, then the fact has been proved by the greater weight of the evidence. If you find a fact is more likely not true than true, or you find the evidence on the fact is equally balanced, then the fact has not been proved by the greater weight of the evidence. The greater weight of the evidence is not determined by the number of witnesses or exhibits a party presents, but by your judgment as to the weight of all of the evidence.

You may have heard of the term "proof beyond a reasonable doubt." That is a stricter standard which applies in criminal cases. It does not apply in civil cases such as this one.

INSTRUCTION NO. 6—DEFINITION OF EVIDENCE

You shall base your verdict only upon the evidence, these instructions, and other instructions that I may give you during trial.

Evidence is:

1. Testimony in person or by deposition.
2. Exhibits received by the Court.
3. Stipulations, which are agreements between the parties.
4. Any other matter admitted into evidence.

Evidence may be direct or circumstantial. The law makes no distinction between the weight to be given to direct and circumstantial evidence. The weight to be given any evidence is for you to decide. 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.

Sometimes during a trial, references are made to pre-trial statements and reports, interrogatories, 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. Opening statements, closing arguments, and questions are not evidence.
2. Objections and rulings on objections are not evidence.
3. Testimony that I strike from the record, or tell you to disregard is not evidence and must not be considered.
4. Demonstrative summaries not received as evidence. Certain charts and summaries may be shown to you in order to help explain the facts or other

underlying evidence in the case. These are used for convenience. They are not themselves evidence or proof of any facts.

5. Anything you see or hear about this case outside the courtroom is not evidence.

Furthermore, a particular item of evidence is sometimes received for a limited purpose only. That is, it can be used by you only for one particular purpose, and not for any other purpose. I will tell you when that occurs, and instruct you on the purposes for which the item can and cannot be used.

INSTRUCTION NO. 7—CREDIBILITY OF WITNESSES

In deciding what the facts are, you may have to decide what testimony you believe and what testimony you do not believe. You may believe all of what a witness says, or only part of it, or none of it.

In deciding what testimony to believe, consider the witnesses' intelligence, their opportunity to have seen or heard the things they testify about, their memories, any motives they may have for testifying a certain way, their manner while testifying, whether they said something different at an earlier time, the general reasonableness of their testimony, and the extent to which their testimony is consistent with other evidence that you believe. Do not let sympathy, or your own likes or dislikes, influence you. The law requires you to come to a just verdict based only on the evidence, your common sense, and the law that I give you in my instructions, and nothing else.

A witness may be discredited or "impeached" by contradictory evidence, or by evidence that at some time the witness has said or done something, or has failed to say or do something, that is inconsistent with the witness' present testimony. If you believe any witness has been impeached and thus discredited, it is your exclusive province to give the testimony of that witness such credibility, if any, as you may think it deserves. In deciding whether to believe a witness, remember that people sometimes hear or see things differently and sometimes forget things. You will have to decide whether a contradiction is an innocent misrecollection, or a lapse of memory, or an intentional falsehood; that may depend on whether it has to do with an important fact or only a small detail.

INSTRUCTION NO. 8—OPINION EVIDENCE, EXPERT WITNESS

You will hear testimony from witnesses described as experts. "Experts" are persons who may be knowledgeable in a field because of their education, experience, or both. They are permitted to give their opinions on matters in that field and the reasons for their opinions.

You may accept or reject expert testimony just like any other testimony. After considering the expert witness' education and experience, the reasons given for the opinion, and all the other evidence in the case, you may give an expert witness' testimony whatever weight, if any, you think it deserves.

An expert witness may be asked to assume certain facts are true, and to give an opinion based on that assumption. This is called a hypothetical question. When deciding the weight, if any, to give to an expert witness' testimony, if you conclude a fact assumed in a hypothetical question has not been proved by the evidence, you should consider the extent to which the falsely assumed fact affects the value of the opinion.

INSTRUCTION NO. 9—DEPOSITION EVIDENCE AT TRIAL

Testimony will be presented to you in the form of a deposition. A deposition is the recorded answers a witness made under oath to questions asked by lawyers before trial. The deposition testimony to be offered was recorded in writing and will be read to you. You should consider the deposition testimony, and judge its credibility, as you would that of any witness who testifies here in person. You should not place any significance on the manner or tone of voice used to read the witness' answers to you.

INSTRUCTION NO. 10—OBJECTIONS

During the trial, the parties may make objections. You should not hold it against the parties when they do this. A party may object when the other party offers testimony or other evidence the party believes is not admissible. If I sustain an objection to a question, you should not pay any attention to the question itself. Also, when I rule or comment on an objection or motion, you should not think I have any opinions about the case, favoring one side or the other.

INSTRUCTION NO. 11—BENCH CONFERENCES

During the trial, it may be necessary for me to talk with the attorneys out of your hearing, either by having a bench conference here, while you are present in the courtroom, or by calling a recess. Please understand that while you are waiting, we are working. The purpose of these conferences is to decide how certain evidence is to be treated under the rules of evidence and to avoid wasting your time. We will do what we can to keep the number and length of these conferences to a minimum.

INSTRUCTION NO. 12—NOTE TAKING

You may take notes during the trial if you wish. After the parties' opening statements, you will be given notepads and pens for this purpose.

If you choose to take notes, be sure it does not interfere with your ability to listen to the evidence. It is the responsibility of all jurors to listen carefully to the evidence. You cannot give this responsibility to another juror who may be taking notes. We depend on *all* members of the jury to remember and consider the evidence. Do not discuss your notes with anyone until you begin your deliberations.

A juror's notes are not evidence. They are no more reliable than the memory of a juror who chooses to listen carefully to the evidence without taking notes.

Do not take your notes with you when you leave the courtroom. Leave them on your chair in the courtroom, with only your name on the front page, and the Court Security Officer will safeguard them for you. Your notes will remain confidential throughout the trial and will be destroyed when the trial is over.

You will notice that we have an official court reporter making a record of the trial. However, we will not have a typewritten transcript of the record available for your use in reaching your decision.

INSTRUCTION NO. 13—INTERROGATORIES

During the trial, you may hear the word "interrogatory." An interrogatory is a written question one party can send to the other which the other party then must answer under oath and in writing. Consider interrogatories and the answers to them as if they were, respectively, questions asked and answered under oath here in Court.

JOINT INSTRUCTION NO. 14—AGENCY

A corporation acts only through its agents or employees and any agent or employee of a corporation may bind the corporation by acts and statements made while acting within the scope of his or her duties as an employee of the corporation.

The fact that Defendant is a corporation should not affect your decision. All persons 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. 15—ELEMENTS OF A CLAIM, NEGLIGENCE

To help you follow the evidence, here is a brief summary of the elements of the Plaintiffs' negligence claim against the Defendant.

In order to win their claim of negligence against the Defendant, Plaintiffs must prove each of the following elements by the greater weight of the evidence against the Defendant.

One, the Defendant was negligent in one or more of the ways specified by the Plaintiffs.

Two, negligence of the Defendant was a cause of damage to the Plaintiffs; and,

Three, the amount of damage.

If you find in favor of the Plaintiffs, you will consider the Defendant's affirmative defense of comparative fault. In general, that means you will have to decide whether the Plaintiff was negligent and whether his negligence was a cause of his damages.

This is only a preliminary outline of the elements of Plaintiffs' claim. At the end of the trial, I will give you further final written instructions that explain the claim. Because the final instructions are more detailed, those instructions govern on the elements of Plaintiffs' claims. Do not give any significance to these instructions other than for informational purposes and wait until after I have instructed you with the final instructions to consider reaching any impression about the case.

INSTRUCTION NO. 16—FAULT

In these instructions I will be using the term "fault." Fault means one or more acts or omissions toward the person or property of the actor or of another which constitutes negligence.

INSTRUCTION NO. 17—NEGLIGENCE

“Negligence” means failure to use ordinary care. Ordinary care is the care which a reasonably careful person would use under similar circumstances. “Negligence” is doing something a reasonably careful person would not do under similar circumstances, or failing to do something a reasonably careful person would do under similar circumstances.

INSTRUCTION NO. 18—CAUSE

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

INSTRUCTION NO. 19—DEFENDANT'S ALLEGED FAULT

In order to recover on their claim, the Plaintiffs must prove all of the following three propositions by the greater weight of the evidence:

1. The Defendant was at fault. In order to prove fault, the Plaintiffs must prove that the Defendant was at fault in one or more of the following particulars:

   - Failing to properly watch or monitor the alignment of the tires on the loading ramp;
   - Failing to appropriately direct Plaintiff Travis Quinn while he was backing the tractor onto the trailer;
   - Failing to alert Plaintiff Travis Quinn regarding the alignment of the tires;
   - Directing Plaintiff Travis Quinn to continue to back up when it was not safe;
   - Failing to inform Plaintiff Travis Quinn that the tractor was equipped with a seatbelt, and failing to instruct him concerning the seatbelt's use;
   - Otherwise failing to take action to assure the loading of the tractor was performed in a safe and reasonable manner.

2. The Defendant's fault was a cause of the Plaintiffs' damage.
3. The amount of damage.

If the Plaintiffs have failed to prove any of these propositions, the Plaintiffs are not entitled to damages. If the Plaintiffs have proved all of these propositions, you will consider the defense of comparative fault as explained in Instruction Nos. twenty (20), twenty-one (21), and twenty-two (22).

INSTRUCTION NO. 20—PLAINTIFF'S ALLEGED FAULT

Defendant Franzen claims Plaintiff Travis Quinn was at fault because he:

(a) he failed to keep a proper lookout; and/or

(b) he failed to load the tractor properly; and/or

(c) he failed to inquire about a seatbelt.

The Defendant must prove both of the following propositions:

1. Plaintiff was at fault.
2. Plaintiff's fault was a cause of his injuries and damages.

If the Defendant has failed to prove either of these propositions, the Defendant has not proved its defense. If the Defendant has proved both of these propositions, then you will assign a percentage of fault against Plaintiff and include his fault in the total percentage of fault found by you in answering the special verdicts.

INSTRUCTION NO. 21—COMPARATIVE FAULT

Damages may be the fault of more than one person. In comparing fault, you should consider all of the surrounding circumstances as shown by the evidence, together with the conduct of the Defendant and Plaintiff Travis Quinn and the extent of the causal relation between their conduct and the damages claimed. You should then determine what percentage, if any, each person's fault contributed to the damages.

INSTRUCTION NO. 22—COMPARATIVE FAULT, EFFECTS OF VERDICT

After you have compared the conduct of all parties, if you find Plaintiff Travis Quinn was at fault and Plaintiff Travis Quinn's fault was more than 50% of the total fault, the Plaintiffs cannot recover damages.

However, if you find Plaintiff Travis Quinn's fault was 50% or less of the total fault, then I will reduce the total damages of the Plaintiffs by the percentage of Plaintiff Travis Quinn's fault.

INSTRUCTION NO. 23—PERSONAL INJURY ELEMENTS

If you find the Plaintiffs are entitled to recover damages, as set forth in Instruction Nos. five (5) through twenty-two (22), you shall consider the following items:

1. The present value of reasonable and necessary hospital charges, doctor charges, prescriptions, and other medical services that will be incurred in the future by Plaintiff Travis Quinn;

2. The reasonable value of lost wages of Plaintiff Travis Quinn from the date of injury to the present time;

3. The present value of loss of future earning capacity of Plaintiff Travis Quinn. Loss of future earning capacity is the reduction in the ability to work and earn money generally, rather than in a particular job;

4. Past loss of function of the body of Plaintiff Travis Quinn 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;

5. The present value of future loss of function of the body of Plaintiff Travis Quinn;

6. The present value of past physical and mental pain, suffering, and loss of enjoyment of life of Plaintiff Travis Quinn from the date of the 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;

7. The present value of future physical and mental pain, suffering, and loss of enjoyment of life of Plaintiff Travis Quinn;

8. The reasonable value of loss of parental consortium that K.Q. would otherwise have received from the date of injury until present time;

9. The reasonable value of loss of parental consortium that W.Q. would otherwise have received from the date of injury until present time;

10. The present value of loss of parental consortium that K.Q. would otherwise receive in the future; and,

11. The present value of loss of parental consortium that W.Q. would otherwise receive in the future.

The amount you assess for physical and mental pain and suffering in the past and future, future earning capacity, loss of function of the mind and body in the past and future, and loss of parental consortium 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. Similarly, damages awarded to one party shall not be included in any amount awarded to another party.

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

INSTRUCTION NO. 24—INJURED PARENT'S CLAIM FOR DEPRIVED CHILD'S LOSS OF PARENTAL CONSORTIUM, ELEMENTS

"Parental consortium" is the relationship between parent and child and the right of the child to the benefits of companionship, comfort, guidance, affection, the aid of the parent in every parental relation, general usefulness, industry and attention within the family. It does not include the loss of financial support from the injured parent, nor mental anguish caused by the parent's injury.

If you find Plaintiff Travis Quinn, as parent and next friend of K.Q., or Plaintiffs Travis Quinn and Kelly Schlangen, as parents and next friends of W.Q., are entitled to recover damages on behalf of either or both of the children, it is your duty to determine the amount. In doing so you shall consider the following items:

1. The reasonable value of loss of parental consortium that the children would otherwise have received from the date of injury until the present time.

2. The present value of loss of parental consortium that the children would otherwise have received in the future.

A child is not entitled to damages for loss of parental consortium unless the injury to the parent has caused a significant disruption or diminution of the parent-child relationship. Damages for loss of parental consortium are limited in time to the shorter of the child's or parent's normal life expectancy.

In determining the value for loss of parental consortium, you may consider:

1. The circumstances of the injured parent's life.
2. Parent's and children's ages at the time of the parent's injury.

3. The health, strength, character, and life expectancy of the injured parent and child.

4. The injured parent's capabilities and efficiencies in performing the duties as a parent.

5. The injured parent's skills and abilities in providing instruction, guidance, advice, and assistance to the child.

6. The child's needs.

7. All other facts and circumstances bearing on the issue.

The amount you assess for loss of parental consortium past, present 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 the defendant 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. Similarly, damages awarded to one party shall not be included in any amount awarded to another party.

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

INSTRUCTION NO. 25—DEFINITION OF PRESENT VALUE

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 the Plaintiffs for future losses.

INSTRUCTION NO. 26—MORTALITY TABLES, PERSONAL INJURY

A Standard Mortality Table indicates the normal life expectancy of people who are the same age as Plaintiff Travis Quinn is 42 years (to age 78.4). The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence, about Plaintiff Travis Quinn's health, habits, occupation, and lifestyle, when deciding issues of future damages.

INSTRUCTION NO. 27—QUOTIENT VERDICT

In arriving at an item of damage or any percentage of fault you cannot arrive at a figure by taking down the estimate of each juror as to an item of damage or a percentage of fault, and agreeing in advance that the average of those estimates shall be your item of damage or percentage of fault.

INSTRUCTION NO. 28—CONDUCT OF JURORS DURING TRIAL

You must decide this case solely on the evidence and your own observations, experiences, reason, common sense, and the law in these instructions. You must also keep to yourself any information that you learn in court until it is time to discuss this case with your fellow jurors during deliberations.

To ensure fairness, you must obey the following rules:

- Do not talk among yourselves about this case, or about anyone involved with it, until you go to the jury room to decide on your verdict.
- Do not talk with anyone else about this case, or about anyone involved with it, until the trial is over.
- When you are outside the courtroom, do not let anyone ask you about or tell you anything about this case, anyone involved with it, any news story, rumor, or gossip about it, until the trial is over. If someone should try to talk to you about this case during the trial, please report it to me.
- During the trial, you should not talk to any of the parties, lawyers or witnesses, even to pass the time of day, so that there is no reason to be suspicious about your fairness. The lawyers, parties and witnesses are not supposed to talk to you either.
- You may need to tell your family, friends, teachers, co-workers, or employer about your participation in this trial so that you can tell them when you must be in court and warn them not to ask you or talk to you about the case. However, do not provide any information to anyone by any means about this case until after I have accepted your verdict. That means do not talk face-to-face or use any electronic device or media, such as the telephone, a cell or smart phone, a PDA, a computer, the Internet, any Internet service, any text or instant messaging service, any Internet chat

room, any blog or any website such as Facebook, YouTube or Twitter, to communicate to anyone any information about this case until I accept your verdict.

- Do not do any research on the Internet, in libraries, in the newspapers, on social media, in dictionaries, or other reference books, or in any other way, and do not, on your own, make any investigation about this case, the law, or the people involved.
- 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.
- Do not read any news stories or articles, in print, on the Internet or on any blog, about this case or about anyone involved with it or listen to any radio or television reports about it or about anyone involved with it or let anyone tell you anything about any such news reports. I assure you that when you have heard all the evidence, you will know more about this case than anyone will learn through the news media, and it will be more accurate.
- Do not make up your mind during the trial about what the verdict should be. Keep an open mind until you have had a chance to discuss the evidence with other jurors during deliberations.
- Do not decide the case based on biases. Because you are making very important decisions in this case, I strongly encourage you to evaluate the evidence carefully and to resist jumping to conclusions based on personal likes or dislikes, generalizations, gut feelings, prejudices, sympathies, stereotypes, or biases. The law demands that you return a just verdict, based solely on the evidence, your individual evaluation of that evidence, your reason and common sense, and these instructions. Our system of

justice is counting on you to render a fair decision based on the evidence, not on biases.

- If, at any time during the trial, you have a problem that you would like to bring to my attention, or if you feel ill or need to go to the restroom, please send a note to the Court Security Officer, who will give it to me. I want you to be comfortable, so please do not hesitate to tell us about any problem.

I will read additional instruction(s) at the end of the evidence.

DATED this 28th day of March, 2018.

C.J. Williams
Chief United States Magistrate Judge
Northern District of Iowa

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

TRAVIS QUINN, Individually and on behalf of his minor child, K.Q., and KELLY SCHLANGEN, on behalf of her minor child, W.Q.,	
Plaintiffs,	No. 16-cv-1031-CJW
vs.	**COURT'S FINAL INSTRUCTIONS TO THE JURY**
FRANZEN FAMILY TRACTORS AND PARTS, LLC,	
Defendant.	

INSTRUCTION NO. 29—DELIBERATIONS

In conducting your deliberations and returning your verdict, there are certain rules you must follow.

First, when you go to the jury room, you must select one of your members as your foreperson. That person will preside over your discussions and speak for you here in court.

Second, it is your duty, as jurors, to discuss this case with one another in the jury room. You should try to reach an agreement if you can do so without violence to individual judgment. Each of you must make your own conscientious decision, but only after you have considered all the evidence, discussed it fully with your fellow jurors, and listened to the views of your fellow jurors. Do not be afraid to change your opinions if the discussion persuades you that you should, but do not come to a decision simply

because other jurors think it is right, or simply to reach a verdict. Remember at all times that you are not partisans. You are judges—judges of the facts. Your sole interest is to seek the truth from the evidence in the case.

Third, if you need to communicate with me during your deliberations, you may send a note to me through the Court Security Officer, signed by one or more jurors. I will respond as soon as possible either in writing or orally in open court. **Remember that you should not tell anyone—including me—how your votes stand numerically.**

Fourth, your verdict must be based solely on the evidence and on the law that I have given to you in my instructions. Nothing I have said or done is intended to suggest what your verdict should be—that is entirely for you to decide.

Finally, I am giving you the verdict form. A verdict form is simply the written notice of the decision that you reach in this case. You will take this form to the jury room, and complete it when you have reached a verdict. Your decision must be unanimous. If you all agree, the verdict form must be signed by your foreperson and all members of the jury.

DATED this 29th day of March, 2018.

C.J. Williams
Chief United States Magistrate Judge
Northern District of Iowa