

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION**

KG, a minor, by and through his  
parents and next friends, SUZANNE  
GOSCH and KEVIN GOSCH,

Plaintiff,

vs.

SERGEANT BLUFF-LUTON  
COMMUNITY SCHOOL DISTRICT,  
MIRANDA RIEDIGER, and KELLY  
ADAMS,

Defendants.

No. C 15-4242-MWB

**INSTRUCTIONS  
TO THE JURY**

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**VERDICT FORM**

## No. 1 — INTRODUCTION

Congratulations on your selection as a juror!

These Instructions are to help you better understand the trial and your role in it.

This is a civil case brought on behalf of plaintiff KG, a minor, by his parents, Suzanne and Kevin Gosch, for damages for alleged violation of KG's constitutional rights, disability harassment, and negligence.

You have been chosen as jurors to try the issues of fact related to KG's claims. In making your decisions, you are the sole judges of the facts. You must not decide this case 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, these Instructions, and any additional oral or written instructions that I may give you. Do not take anything that I have said or done or that I may say or do as indicating what I think of the evidence or what I think your verdict should be.

Individuals and entities, such as the District, stand equal before the law and are entitled to the same fair consideration. The District can act only through its agents or employees, however. Any agent or employee of the District may bind it by acts and statements made while acting within the scope of the authority delegated to the agent by the District or within the scope of his or her duties as an employee of the District.

Please remember that this case is important to the parties and to the fair administration of justice. Therefore, please be patient, consider all the evidence, and do not be in a hurry to reach a verdict just to be finished with the case.

In these Instructions, I will explain how you are to determine whether KG has proved his claims. First, however, I will explain some preliminary matters, including the burden of proof, what is evidence, and how you are to treat the testimony of witnesses.

## No. 2 — BURDEN OF PROOF

Your verdict depends on what facts have been proved. Facts must be proved “by the greater weight of the evidence.” This burden of proof is sometimes called “the preponderance of the evidence.”

“Proof by the greater weight of the evidence” is proof that a fact is more likely true than not true.

- It does not depend on which side presented the greater number of witnesses or exhibits
- It requires you to consider all the evidence and decide which evidence is more convincing or believable
  - For example, you may choose to believe the testimony of one witness, if you find that witness to be convincing, even if a number of other witnesses contradict that witness’s testimony
  - You are free to disbelieve any testimony or other evidence that you do not find convincing or believable
- If, on any issue in the case, you find that the evidence is equally balanced, then you cannot find that the issue has been proved

You may have heard that criminal charges require “proof beyond a reasonable doubt.” That is a stricter standard that does not apply in a civil case, such as this one.

### No. 3 — DEFINITION OF EVIDENCE

Evidence is

- Testimony, which may be either “live” or “by deposition”
  - A “deposition” is testimony taken under oath, before the trial, and preserved in writing or on video
  - It must be considered as if it had been given in court
- Answers to interrogatories, which are written answers, under oath, to written questions
  - The question and answer must be considered as if they had been stated in court
- Exhibits admitted into evidence, but exhibits are not necessarily more important than any other evidence
- Stipulations, which are agreements between the parties that certain facts are true
  - You must treat stipulated facts as proved

Evidence is *not*

- testimony I tell you to disregard
- exhibits that are not admitted into evidence
- statements, arguments, questions, and comments by the lawyers
- objections and rulings on objections
- anything you see or hear about this case outside the courtroom

Some exhibits consisting of charts and summaries may be shown to you to help explain the facts disclosed by books, records, or other evidence in the case

- Such summary exhibits are not evidence or proof of any facts
- They are used for convenience
- In deciding how much weight to give summaries, you must
  - decide if they correctly reflect the facts shown by the evidence, and
  - consider testimony about the way in which the summaries were prepared

You may have heard of “direct” or “circumstantial” evidence.

- “Direct” evidence is direct proof of a fact
  - An example is testimony by a witness about what that witness personally saw, heard, or did
- “Circumstantial” evidence is proof of one or more facts from which you could find another fact
  - An example is testimony that a witness personally saw a broken window and a brick on the floor from which you could find that the brick broke the window
- You should consider both kinds of evidence, because the law makes no distinction between their weight

Some evidence may be admitted only for a limited purpose.

- I will tell you if that happens
- I will instruct you on the purposes for which the evidence can and cannot be used

The weight to be given any evidence—whether that evidence is “direct” or “circumstantial,” or in the form of testimony, an exhibit, or a stipulation—is for you to decide.



## No. 4 — TESTIMONY OF WITNESSES

You may believe all of what any witness says, only part of it, or none of it.

In evaluating a witness's testimony, consider the witness's

- Opportunity to have seen and heard what happened
- Motives for testifying
- Interest in the outcome of the case
- The reasonableness of the witness's testimony
- Memory. Memory is not an exact recording of past events, and witnesses may misremember events and conversations. Scientific research has established
  - that human memory is not at all like video recordings that a witness can simply replay to remember precisely what happened
  - that when a witness has been exposed to statements, conversations, questions, writings, documents, photographs, media reports, and opinions of others, the accuracy of their memory may be affected and distorted
  - that a witness's memory, even if testified to in good faith and with a high degree of confidence, may be inaccurate, unreliable, and falsely remembered; thus, human memory can be distorted, contaminated, or changed, and events and conversations can even be falsely imagined
  - that distortion, contamination, and falsely imagined memories may happen at the acquisition of the memory (perception of

events); the storage of the memory (period of time between acquisition and retrieval); and/or the retrieval of the memory (recalling stored information)

- Demeanor. Scientific research has established
  - that there is not necessarily a relationship between how confident witnesses are about their testimony and the accuracy of their testimony; thus, less confident witnesses may be more accurate than confident witnesses
  - that common cultural cues, like shifty eyes, shifty body language, the failure to look one in the eye, grimaces, stammering speech, and other mannerisms, are not necessarily correlated to witness deception or false or inaccurate testimony

In evaluating a witness's testimony, also consider the following:

- Any differences between what the witness says now and said earlier
- Any inconsistencies between the witness's testimony and any other evidence that you believe
- Whether any inconsistencies are the result of seeing or hearing things differently, actually forgetting things, or innocent mistakes or are, instead, the result of lies or phony memory lapses, and
- Any other factors that you find bear on believability or credibility

You should not give any more or less weight to a witness's testimony just because the witness is an expert.

- An expert witness may be asked a “hypothetical question,” in which the expert is asked to assume certain facts are true and to give an opinion based on that assumption
- If a “hypothetical question” assumes a fact that is not proved by the evidence, you should decide if the fact not proved affects the weight that you should give to the expert's answer

You may give any witness's opinion whatever weight you think it deserves, but you should consider

- the reasons and perceptions on which the opinion is based
- any reason that the witness may be biased, and
- all the other evidence in the case

It is your exclusive right to give any witness's testimony whatever weight you think it deserves.

**No. 5 — THE “UNREASONABLE SEIZURE”  
CLAIM AGAINST MS. RIEDIGER**

KG’s first claim is “unreasonable seizure” by Ms. Riediger. Ms. Riediger denies this claim.

To win on this claim, KG must prove *all* the following elements:

***One, Ms. Riediger physically seized KG.***

Ms. Riediger “seized” KG, if she intentionally used physical force to restrain KG’s freedom of movement, even if she did not succeed in stopping or holding KG.

***Two, the seizure was unreasonable.***

Reasonableness is judged in light of all the circumstances. In deciding whether Ms. Riediger’s seizure of KG was reasonable, you must consider

- the school’s custodial and teaching responsibility over the students entrusted to its care;
- the need for the seizure;
- the relationship between the need and the manner in which it was accomplished; and
- whether the seizure was a substantial departure from accepted professional judgment, practice, or standards

You must determine whether Ms. Riediger’s actions were reasonable in light of the facts and circumstances confronting her. You must not consider Ms. Riediger’s state of mind, intention, or motivation, whether good or bad. Thus, you must consider whether a reasonable teacher on the scene, without the benefit of hindsight, would have seized KG under similar circumstances.

***Three, as a direct result of the seizure, KG was injured.***

Even minimal injury is sufficient.

If KG does *not* prove *all* these elements, then you must find in favor of Ms. Riediger on this claim.

**No. 6 — THE “UNREASONABLE SEIZURE”  
CLAIM AGAINST MS. ADAMS**

KG’s second claim is that Ms. Riediger’s supervisor, Ms. Adams, is also liable for the “unreasonable seizure,” because she was deliberately indifferent to the risk that KG would be unreasonably seized. Ms. Adams denies this claim.

To win on this claim, KG must prove *all* the following elements:

***One*, Ms. Riediger subjected KG to an “unreasonable seizure,” as explained in Instruction No. 5.**

***Two*, Ms. Adams received notice of similar unreasonable seizures by subordinates against KG and/or other special education students with disabilities.**

***Three*, Ms. Adams approved such unreasonable seizures, condoned them, or turned a blind eye to them for fear of what she might see.**

This element is proved, if you find that Ms. Adams disregarded the risk that KG would be unreasonably seized by intentionally refusing or intentionally failing to take reasonable measures to train and supervise faculty and staff to deal with the problem of unreasonable seizures of special education students with disabilities. Negligence or inadvertence is not enough.

***Four*, Ms. Adams’s disregard of the risk to KG caused KG’s “unreasonable seizure.”**

Ms. Adams’s disregard of the risk was a cause of the “unreasonable seizure” if the “unreasonable seizure” would not have happened except for the conduct.

If KG does *not* prove *all* these elements, then you must find in favor of Ms. Adams on this claim.

**No. 7 — THE “DISABILITY HARASSMENT”  
CLAIM AGAINST THE DISTRICT**

KG’s third claim is “disability harassment” against the District. The District denies this claim.

To win on this claim, KG must prove *all* the following elements:

***One, KG is an individual with a disability.***

The parties agree that KG is an individual with a disability, so you must consider this element to be proved.

***Two, KG was harassed by Ms. Riediger because of his disability.***

***Three, the harassment was unwelcome.***

Conduct is “unwelcome” if KG did not solicit or invite the conduct and regarded the conduct as undesirable or offensive.

***Four, the harassment was sufficiently severe or pervasive to alter the conditions of his education and create a hostile educational environment.***

In determining whether the harassment was sufficiently severe or pervasive, you should consider the frequency of the harassment; its severity; whether it was physically threatening or humiliating, or a mere offensive utterance, and whether it unreasonably interfered with a student’s school performance. A single isolated incident is insufficient unless it is severe.

***Five, either (a) Ms. Riediger, or (b) Ms. Adams, or (c) both were deliberately indifferent to KG’s right to be free of disability harassment.***

“Deliberate indifference” requires proof of all three of the following:

- knowledge that KG was harassed,

- knowledge that harassment of KG was substantially likely to violate his right not to be harassed because of his disability, *and*
- failure to act upon that knowledge to respond to the likely violation of KG's disability rights

If KG does *not* prove *all* these elements, then you must find in favor of the District on this claim.



**No. 8 — THE “NEGLIGENCE” CLAIM AGAINST  
MS. RIEDIGER**

KG’s fourth claim is “negligence” against Ms. Riediger. Ms. Riediger denies this claim.

In these Instructions, “negligence” means failure to use ordinary care. “Ordinary care” is the care which a reasonably careful person would use under similar circumstances. Thus, “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

The mere fact an incident occurred or that KG was injured does not mean anyone was negligent.

To win on this “negligence” claim, KG must prove *both* of the following elements:

***One, Ms. Riediger was negligent in the way alleged.***

KG alleges that Ms. Riediger was negligent during the incident on January 30, 2014, in dragging KG across the floor.

***Two, Ms. Riediger’s negligence was a cause of damage to KG.***

Ms. Riediger’s conduct was a cause of damage when the damage would not have happened except for the conduct.

If KG does *not* prove *both* these elements, then you must find in favor of Ms. Riediger on this claim.

**No. 9 — THE “NEGLIGENT SUPERVISION”  
CLAIM AGAINST MS. ADAMS AND THE  
DISTRICT**

KG’s fifth claim is “negligent supervision” against Ms. Adams and the District. You must give separate consideration to this claim against each of these defendants. These defendants deny this claim.

To win on this claim against a particular defendant, KG must prove *all* the following elements:

***One*, the defendant employed or supervised Ms. Riediger.**

***Two*, the defendant knew, or in the exercise of ordinary care should have known, that, in the absence of adequate supervision, Ms. Riediger would fail to act appropriately in an incident involving a disabled child like the one that occurred on January 30, 2014.**

***Three*, the defendant negligently supervised Ms. Riediger.**

***Four*, because of the defendant’s negligent supervision, Ms. Riediger’s incompetence, unfitness, or dangerous characteristics caused injuries to KG.**

KG must prove that the injuries to KG would not have happened except for the defendant’s failure to supervise Ms. Riediger.

If KG does *not* prove *all* these elements against a particular defendant, then you must find in favor of that defendant on this claim.

## No. 10 — DAMAGES IN GENERAL

If you find that KG has proved one or more of his claims, then you must determine the amount of damages. “Damages” are the amount of money that will reasonably and fairly compensate KG for any injury you find he suffered from the wrongful conduct of one or more defendants. I will now explain some general rules for awarding damages.

- Decide what damages, if any, have been proved, based upon the evidence
- You must not engage in any speculation, guess, or conjecture, or base any damages award on sympathy, and you must not award damages as punishment
- You must enter separate amounts for each category of damages in the verdict form and must not include the same items in more than one category
- Do not decide the amount of damages by taking down the estimate of each juror and agreeing in advance that the average of those estimates will be your award of damages. Instead, use your sound judgment based upon an impartial consideration of the evidence
- The fact that I am instructing you on the proper measure of damages should not be considered as an indication that I have any view as to which party is entitled to your verdict in this case. Instructions on the measure of damages are only for your guidance

This case involves a child with special needs. Iowa law requires that a conservator be appointed by a court to handle money damages, if any, awarded to people with special needs.

- The conservator is required to protect and preserve the money and only make disbursements for the benefit of the person with special needs
- The conservator is also required to regularly report to the court and provide an accounting of all income and disbursements
- The conservatorship will continue until a court determines that the decision-making capacity of the person with special needs is no longer impaired

## **No. 11 — ACTUAL DAMAGES**

KG seeks several kinds of “actual damages.” I will explain how you are to calculate each of these kinds of damages, if any, to award to KG.

### **“Loss Of Full Mind And Body”**

- Loss of function of the mind and/or body is the inability of a particular part of the mind or body to function in a normal manner or in the manner the mind or body was capable of functioning prior to the injury
  - Damages for past loss of function of the mind and/or body are damages for loss of function of the mind and/or body from the date of injury to the present time.
  - Damages for future loss of function of the mind and/or body are damages for loss of function of the mind and/or body that KG is reasonably certain to experience from the date of your verdict into the future

### **“Pain And Suffering”**

- “Physical pain and suffering” may include, but is not limited to:
  - Unpleasant feelings
  - bodily distress or uneasiness
  - bodily suffering, sensations, or discomfort

- “Mental pain and suffering or emotional distress” may include, but is not limited to:
  - mental anguish
  - loss of enjoyment of life
- “Past pain and suffering” is physical and mental pain and suffering from the time of the incident until the time of your verdict
- “Future mental pain and suffering or emotional distress” includes mental pain and suffering or emotional distress that KG is reasonably certain to experience from the date of your verdict into the future
- The factors you should consider in determining the amount of damages for physical or mental pain and suffering include, but are not limited to:
  - the nature and extent of the injury
  - whether the injury is temporary or permanent
  - whether the injury results in partial or total disability
  - whether the injury aggravated any pre-existing condition

### **“Future Medical Expenses”**

- “Future medical expenses” include the present value of reasonable and necessary medical and caretaking services that will be incurred in the future
  - “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 plaintiff for future losses

### **“Loss Of Future Earning Capacity”**

- “Loss of future earning capacity” is the present value of the reduction in the ability to work and earn money generally, rather than in a particular job
  - “Present value” was defined, just above

In determining the amount of damages, you must also consider whether KG had a “pre-existing condition”:

- If KG had a pre-existing condition, he is only entitled to recover the damages caused by the aggravation of the condition by the defendants’ wrongful conduct, not for any condition that existed before the incident that was not caused by one or more defendants
- If KG was autistic, and that condition made him more susceptible to injury than a person in normal health, then the defendants are responsible for all injuries and damages to KG that were caused by the defendants’ actions, even though the actions produced a greater injury than those that might have been experienced by a person without autism under the same circumstances

## No. 12 — NOMINAL DAMAGES

You must also consider whether KG is entitled to “nominal damages” rather than any “actual damages” identified in Instruction No. 11. “Nominal damages” are awarded to vindicate a plaintiff’s rights under the law, when the violation of those rights has not caused damages that can be valued in monetary terms. If you find in favor of KG on one or more of his claims, but you find that his damages have no monetary value, then you must return a verdict for him in a “nominal” amount not to exceed One Dollar (\$1.00). Do not award “nominal damages” if you award any “actual damages.”



## No. 13 — OUTLINE OF THE TRIAL

I will now explain how the trial will proceed.

After I have read all but the last Instruction,

- The parties will give their opening statements
  - An opening statement is not evidence
  - It is simply a summary of what the lawyer expects the evidence to be
- The plaintiff will present evidence and call witnesses and the defendants may cross-examine them
- The defendants may present evidence and call witnesses, and the plaintiff may cross-examine those witnesses
- The parties will make their closing arguments
  - Closing arguments summarize and interpret the evidence
  - Like opening statements, closing arguments are not evidence
- I will give you the last Instruction, on “deliberations”
- You will retire to deliberate on your verdict
- You will indicate your verdict on a Verdict Form, a copy of which is attached to these Instructions
  - A Verdict Form is simply a written notice of your decision
  - When you have reached a unanimous verdict, your foreperson will complete one copy of the Verdict Form by marking the appropriate blank for each question

- You will all sign that copy to indicate that you agree with the verdict and that it is unanimous
- Your foreperson will then bring the signed Verdict Form to the courtroom when it is time to announce your verdict

## No. 14 — OBJECTIONS

The lawyers may make objections and motions during the trial that I must rule upon.

- If I sustain an objection to a question before it is answered, do not draw any inferences or conclusions from the question itself
- Do not hold it against a lawyer or a party that a lawyer has made an objection, because lawyers have a duty to object to testimony or other evidence that they believe is not properly admissible

## No. 15 — BENCH CONFERENCES

During the trial, it may be necessary for me to talk with the lawyers out of your hearing.

- I may hold a bench conference while you are in the courtroom or call a recess
- Please be patient, because these conferences are
  - to decide how certain evidence is to be treated
  - to avoid confusion and error, and
  - to save your valuable time
- We will do our best to keep such conferences short and infrequent

## No. 16 — NOTE-TAKING

You are allowed to take notes during the trial if you want to.

- Be sure that taking notes does not interfere with listening to and considering all the evidence
- Your notes are not necessarily more reliable than your memory or another juror's notes or memory
- Do not discuss your notes with anyone before you begin your deliberations
- Leave your notes on your chair during recesses and at the end of the day
- At the end of trial, you may take your notes with you or leave them to be destroyed
- No one else will ever be allowed to read your notes, unless you let them
- If you choose not to take notes, remember that it is your own individual responsibility to listen carefully to the evidence
- An official court reporter is making a record of the trial, but her transcripts will not be available for your use during your deliberations

## No. 17 — QUESTIONS BY JURORS

When the attorneys have finished questioning a witness, you may propose questions in order to clarify the testimony.

- Do not express any opinion about the testimony or argue with a witness in your questions
- Submit your questions in writing by passing them to the Court Security Officer (CSO)
- Do not sign your questions

I will review each question with the attorneys. I may not ask your question:

- I may decide that the question is not proper under the rules of evidence
- Even if the question is proper, you may not get an immediate answer, because a later witness or exhibit may answer your question

Do not feel slighted or disappointed if your question is not asked. Remember, you are not advocates for either side, but impartial judges of the facts.

## No. 18 — CONDUCT OF JURORS DURING TRIAL

You must decide this case *solely* on the evidence and the law in these Instructions and any additional written or oral instructions I may give. You must also keep to yourself any information 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 computer, the Internet, any Internet service, any text or instant messaging service, any Internet chat room, any blog, or any social media sites such as Facebook, MySpace, YouTube, Twitter, or Instagram, to communicate to anyone any information about this case until I accept your verdict.

- Do not do any research on your own—on the Internet, in libraries, in the newspapers, in dictionaries or other reference books, or in any other way—or 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 in 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 and the instructions that I give you. 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 you want to bring to my attention, or if you feel ill or need to go to the restroom, please send a note to the CSO to pass to me. I want you to be comfortable, so please do not hesitate to tell us about any problem.

I will read the remaining Instruction after closing arguments.

## No. 19 — DELIBERATIONS

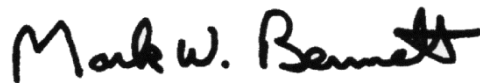
In conducting your deliberations and returning your verdict, there are certain rules that you must follow.

- When you go to the jury room, select one juror as your foreperson to preside over your discussions and to speak for you here in court
- Discuss this case in the jury room to try to reach agreement on the verdict, if you can do so consistent with individual judgment
  - Nevertheless, each of you must make your own conscientious decision, after considering all the evidence, discussing it fully, and listening to the views of 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 that you are not advocates, but judges—judges of the facts
  - Your sole interest is to seek the truth from the evidence in the case
- If you need to communicate with me during your deliberations, you may send me a note, signed by one or more jurors, through the CSO
  - I will respond as soon as possible, in writing or orally in open court
  - Remember that you should not tell anyone—including me—how your votes stand numerically

- Base your verdict solely on the evidence and the law as stated 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
- Your verdict on each question submitted must be unanimous
- Remember to complete and sign one copy of the Verdict Form
  - The foreperson must bring the signed Verdict Form to the courtroom when it is time to announce your verdict
- When you have reached a verdict, the foreperson must tell the CSO that you are ready to return to the courtroom.

Good luck with your deliberations.

**DATED** this 4th day of October, 2017.



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MARK W. BENNETT  
U.S. DISTRICT COURT JUDGE  
NORTHERN DISTRICT OF IOWA



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION**

KG, a minor, by and through his  
parents and next friends, SUZANNE  
GOSCH and KEVIN GOSCH,

Plaintiff,

vs.

SERGEANT BLUFF-LUTON  
COMMUNITY SCHOOL DISTRICT,  
MIRANDA RIEDIGER, and KELLY  
ADAMS,

Defendants.

No. C 15-4242-MWB

**VERDICT FORM**

On plaintiff KG's claims, we, the Jury, find as follows:

<b>I. LIABILITY</b>		
<p><i>On each of KG's claims, in whose favor do you find? (If you find in favor of the defendants on all of KG's claims, then do not answer any further questions in the Verdict Form. Instead, please sign the Verdict Form and notify the CSO that you have reached a verdict. If you find in favor of KG on one or more claims, then go on to <b>Part II</b> concerning "Damages.")</i></p>		
<b>(a)</b>	<p>The claim of "unreasonable seizure" against Ms. Riediger, as explained in Instruction No. 5</p>	<p><input type="checkbox"/> KG <input type="checkbox"/> Ms. Riediger</p>
<b>(b)</b>	<p>The claim of "unreasonable seizure" against Ms. Adams, as explained in Instruction No. 6</p>	<p><input type="checkbox"/> KG <input type="checkbox"/> Ms. Adams</p>

(c)	The claim of “disability harassment” against the District, as explained in Instruction No. 7	<input type="checkbox"/> KG <input type="checkbox"/> The District
<i>If you found in favor of KG in (c), please check who was “deliberately indifferent” to his right to be free of harassment because of his disability. (Check only one.)</i>		
<input type="checkbox"/> Ms. Riediger		<input type="checkbox"/> Ms. Adams
<input type="checkbox"/> both Ms. Riediger and Ms. Adams		
(d)	The claim of “negligence” against Ms. Riediger, as explained in Instruction No. 8	<input type="checkbox"/> KG <input type="checkbox"/> Ms. Riediger
(e)	The claim of “negligent supervision” against Ms. Adams, as explained in Instruction No. 9	<input type="checkbox"/> KG <input type="checkbox"/> Ms. Adams
(f)	The claim of “negligent supervision” against the District, as explained in Instruction No. 9	<input type="checkbox"/> KG <input type="checkbox"/> The District
<b>II. DAMAGES</b>		
<b>A. Actual Damages</b>		
<i>If you found that KG won on one or more of the claims in Part I, what amounts, if any, do you award for each of the following items of actual damages, as actual damages are explained in Instruction No. 11? (Do not award “actual damages” if you award “nominal damages” in Section B.)</i>		
Past loss of function of the mind and/or body:		\$ _____
Future loss of function of the mind and/or body:		\$ _____
Past physical pain and suffering:		\$ _____
Past mental pain and suffering:		\$ _____
Future mental pain and suffering:		\$ _____
Future medical expenses reduced to present value:		\$ _____
Loss of future earning capacity reduced to present value:		\$ _____
<b>Total Actual Damages</b>		\$ _____

**B. Nominal Damages**

*If you found that KG won on one or more of the claims in Part I, but you find that he has failed to prove “actual damages” as defined in Instruction No. 11, then you must award “nominal damages” not exceeding \$1.00, as explained in Instruction No. 12. (Do not award “nominal damages” if you award any “actual damages” in Section A.)*

	Nominal damages	\$ _____
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\_\_\_\_\_ Date

Foreperson	Juror
Juror	Juror
Juror	Juror
Juror	Juror