

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

RICHARD PAUL JEFFERY, III,

Plaintiff,

vs.

TIM TOWNSEND and PATTI
JEFFERY,

Defendants.

No. 22-CV-125-CJW-MAR

JURY INSTRUCTIONS

Members of the Jury:

In the next few moments, I am going to give you instructions about this case and about your duties as jurors. I will also give you additional instructions at a later time. Unless I specifically tell you otherwise, all instructions—both those I give you now and those I give you later—are equally binding on you and must be followed.

The instructions I am about to give you now are in writing and will be available to you in the jury room. In considering these instructions, attach no importance or significance whatsoever to the order in which they are given.

INSTRUCTION NO. 1

As I explained during jury selection, this is a civil lawsuit over a dispute between Richard Jeffery, the plaintiff, and Tim Townsend and Patti Jeffery, the defendants. For ease of reference, I will refer to the plaintiff, Mr. Jeffery, as “plaintiff” and to the defendants as “defendant Townsend” and “defendant Jeffery.”

Plaintiff and defendant Townsend are step-brothers; Dick Jeffery was plaintiff’s father and defendant Townsend’s stepfather. Defendant Jeffery was Dick Jeffery’s second wife and is defendant Townsend’s mother. Plaintiff, Mr. Jeffery, is named after his father. They are both named Richard Jeffery, but plaintiff’s father generally went by the name Dick.

Defendant Townsend was the guardian and conservator for Dick Jeffery before Dick died in 2022. The dispute concerns defendant Townsend’s handling of Dick Jeffery’s assets, in particular defendant Townsend’s control over an IRA that listed plaintiff as the 75% beneficiary and defendant Jeffery as the 25% beneficiary.

Plaintiff claims that defendant Townsend abused his power as conservator by making improper withdrawals from the IRA, by blurring the difference between the conservatorship’s property and defendant Jeffery’s property to benefit himself and defendant Jeffery, by failing to transfer ownership of plaintiff’s share of the IRA to plaintiff until long after Dick Jeffery passed, and by otherwise mishandling Dick’s assets. To recover for these claimed wrongs, plaintiff brings causes of action for intentional interference with an inheritance, unjust enrichment, conversion, and fraud.

(continued)

INSTRUCTION NO. 1 (Cont'd)

Defendant Townsend denies these claims. Defendant Townsend asserts that he fulfilled his obligations as conservator, acted in accordance with Dick Jeffery's past practices of taking IRA withdrawals to support Dick and defendant Jeffery's cost of living, and that he did not engage in willful misconduct in discharging his duties as conservator. Defendant Townsend further asserts that plaintiff was made aware of his share of the IRA shortly after Dick Jeffery died, but took no steps to claim control and/or ownership of it.

Do not consider this summary as proof of any claim or defense. You must decide the facts from all the evidence and apply the law which I will now give you.

INSTRUCTION NO. 2

A conservator is someone who is appointed to handle the financial affairs of another person, called a “ward.” Courts will appoint a conservator over a ward only if the court finds that the ward is unable to make, communicate, or carry out important decisions concerning his or her financial affairs.

A guardian is someone who is appointed to control the health and safety of another person, called a “ward.” Courts will appoint a guardian over a ward only if the court finds that the ward is unable to care for his or her own safety, or to provide for necessities such as food, shelter, clothing, or medical care that prevent the ward from suffering physical injury or illness.

Once appointed, a guardian and/or conservator owes fiduciary duties that include:

- A duty to act in the ward’s best interest and not to use the ward’s assets for personal gain.
- A duty to take possession of and not commingle the ward’s assets with assets belonging to other individuals.
- A duty to consider the ward’s estate plan or any other donative, nominative, or appointive instrument of the ward, known to the conservator, when investing and selecting specific property for distribution.

INSTRUCTION NO. 3

An agency relationship is one where one person, called a “principal,” consents to another person, called an “agent,” acting on behalf of and under the control of the principal. The agent must also consent to the agency relationship. A Power of Attorney relationship is a form of an agency relationship. Defendant Townsend held defendant Jeffery’s Power of Attorney, which means defendant Townsend was defendant Jeffery’s agent for actions taken on her behalf. Defendant Jeffery was the “principal” and defendant Townsend was the “agent.”

A principal is responsible for the actions of an agent if the principal authorized the agent to take those actions. A principal is only responsible for the actions of an agent while the agent is acting within the scope of their agency. Stated another way, when an agent is not transacting on behalf of the principal, the principal is not liable for the agent’s transactions.

INSTRUCTION NO. 4

Plaintiff brings four separate claims, each of which you will decide after you have heard all of the evidence. Plaintiff brings two claims against only defendant Townsend: (1) Tortious interference with an inheritance; and (2) Fraud. Plaintiff brings his other two claims against both defendant Townsend and against defendant Jeffery. They are: (3) Unjust enrichment; and (4) Conversion.

For any claims plaintiff makes against defendant Townsend which involve defendant Townsend's actions or omissions taken or made in the official discharge of his duties as conservator, plaintiff must also prove that defendant Townsend's conduct constituted either: (1) a breach of fiduciary duty, or (2) willful or wanton misconduct.

You must give separate consideration to the evidence about each individual claim. Each claim is entitled to be treated separately, and you must return a separate verdict for each claim.

Following this instruction are additional instructions about what plaintiff must prove as to each of the claims.

INSTRUCTION NO. 5

Conservators cannot be held personally liable for actions or omissions taken or made in the official discharge of the conservator's duties, except for any of the following:

1. A breach of fiduciary duty imposed by the Iowa Probate Code; or

Note: The Iowa Probate Code imposes several fiduciary duties on the conservator. The conservator must exercise the diligence and prudence that a reasonably prudent person would employ in the same situation. The conservator must protect and preserve the estate, account for it, and deliver the assets of the ward to the person entitled to them at the termination of the conservatorship. The conservator must also refrain from embezzlement of conservatorship property, from commingling the assets of the conservatorship with other property, from self-dealing, and from other negligent or willful acts or inaction in administering the conservatorship which causes loss to the estate.

2. Willful or wanton misconduct in the official discharge of the conservator's duties.

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

Thus, for any claims plaintiff makes against defendant Townsend which involve defendant Townsend's actions or omissions taken or made in the official discharge of his duties as conservator, plaintiff must also prove that defendant Townsend either breached a fiduciary duty imposed by the Iowa Probate Code, or that defendant Townsend performed willful or wanton misconduct in the official discharge of his duties as a conservator.

This requirement only applies to actions or omissions carried out by defendant Townsend while discharging his duties as a conservator, and it does not apply to any acts or omissions of defendant Townsend which were not made in the official discharge of his duties as conservator. A conservatorship ends when the ward dies. Thus, the requirement stated in this instruction only applies to transactions which occurred while Dick Jeffery was still alive.

INSTRUCTION NO. 6

To succeed on his claim of tortious interference with an inheritance, plaintiff must prove each of the five following elements by a preponderance of the evidence:

1. Plaintiff had a reasonable expectation of receiving an inheritance from Dick Jeffery.

Note: A person has a “reasonable expectation” of receiving an inheritance from someone else if there is a reasonable probability that the person would receive the inheritance. Further, an “inheritance” is broad in meaning and includes any donation or benefit received from someone else.

2. Defendant Townsend committed an intentional and independent legal wrong in handling Dick Jeffery’s assets.

Note: An independent legal wrong is conduct the law recognizes as wrongful that is directed against the person giving the inheritance. An independent legal wrong includes a breach of a fiduciary duty.

3. Defendant Townsend’s intent was to interfere with plaintiff’s expectation of receiving an inheritance.

Note: A defendant’s interference with an inheritance is intentional if the defendant either interferes with the inheritance on purpose or knows the conduct is substantially certain to interfere with the inheritance. The law presumes that people intend the natural consequences of their actions.

4. Defendant Townsend caused plaintiff not to receive his share of the inheritance, and.

Note: A wrongdoer causes a person not to receive an inheritance if, without the wrongdoer’s actions, the person would have received the inheritance.

5. Plaintiff suffered damages because of defendant Townsend’s interference.

If plaintiff does not prove each of these five elements, then you must find in defendant Townsend’s favor on the tortious interference claim. On the other hand, if plaintiff proves each of these five elements, then you must find in favor of plaintiff on this claim.

INSTRUCTION NO. 7

Plaintiff brings a claim for conversion against both defendant Townsend and against defendant Jeffery. To succeed on his conversion claim, plaintiff must prove all of the following elements by a preponderance of the evidence:

1. Plaintiff's rights to a share of Dick Jeffery's assets exceeded those of defendant Townsend or defendant Jeffery.

2. Defendant Townsend or defendant Jeffery exercised dominion or control over plaintiff's share of Dick Jeffery's assets inconsistent with plaintiff's right to that share, and.

Note: The interference with plaintiff's rights must be so serious that the actor may justly be required to pay the other the full value of the property. In determining the seriousness of a person's interference with another's property rights, you should consider the following factors: (a) the extent and duration of the person's exercise of dominion or control over the other's property; (b) the person's intent to assert a right in fact inconsistent with the other's right of control; (c) the person's good faith; (d) the extent and duration of the resulting interference with the other's right of control; (e) the harm done to the other's property; (f) the inconvenience and expense caused to the other.

3. Plaintiff suffered damages as a result.

If plaintiff does not prove each of these three elements as to a defendant, then you must find in favor of that defendant on the conversion claim. On the other hand, if plaintiff proves each of these three elements as to a defendant, then you must find in favor of plaintiff on this claim as to that defendant.

INSTRUCTION NO. 8

Plaintiff brings a claim for unjust enrichment against both defendant Townsend and against defendant Jeffery. To succeed on his claim that defendant Townsend and defendant Jeffery were unjustly enriched by receiving a share of plaintiff's inheritance, plaintiff must prove the following elements by the preponderance of the evidence:

1. Defendant Townsend or defendant Jeffery were enriched by the receipt of a benefit.

Note: The word "benefit" means any form of advantage. Benefits can be direct or indirect, and can involve benefits conferred by third parties.

2. Defendant Townsend's or defendant Jeffery's enrichment was at plaintiff's expense, and.

3. It is unjust to allow defendant Townsend or defendant Jeffery to retain the benefit under the circumstances.

Note: The word "unjust" means contrary to justice, or not fair or reasonable. You must decide, from your consideration of all of the circumstances, whether allowing defendant Townsend or defendant Jeffery to retain a benefit at plaintiff's expense would be unjust.

If plaintiff does not prove each of these three elements by the preponderance of the evidence as to a defendant, then you must find in favor of that defendant on the unjust enrichment claim. On the other hand, if plaintiff proves each of these three elements by the preponderance of the evidence as to a defendant, then you must find in favor of plaintiff on this claim as to that defendant.

INSTRUCTION NO. 9

Plaintiff claims that defendant Townsend made fraudulent representations to plaintiff regarding Dick Jeffery's assets. To succeed on this claim, plaintiff must prove the following elements by clear, satisfactory, and convincing evidence:

1. Defendant Townsend made a representation to plaintiff.

Note: A "representation" is any word or conduct asserting the existence of a fact. A representation in this instruction is not limited to affirmative statements, and includes silence if defendant Townsend failed to disclose information that he had a duty to disclose to plaintiff. A duty to disclose information can arise from a relation of trust or confidence or an inequality of condition or knowledge.

2. The representation was material.

Note: A representation is material if defendant Townsend knew, or had reasons to know, that plaintiff considered, or was likely to consider, the representation as important in making a decision.

3. The representation was false.

Note: A representation is "false" when it is untrue when made or effectively conceals or omits a material fact.

4. Defendant Townsend acted knowingly.

Note: Knowingly means to make a representation that is false and either known or believed by the person to be false, or to have been made by the person with a reckless disregard of whether the representation was true or false. Knowingly in this instruction also means that a person knew or believed that the representation was materially misleading by leaving out unfavorable information.

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INSTRUCTION NO. 9 (Cont'd)

5. Defendant Townsend intended to deceive plaintiff.

Note: A person “intends to deceive” when they consciously want to deceive another person or believe that the other person would in all likelihood be deceived. You may consider evidence of defendant Townsend’s words, acts, or omissions, along with all the other evidence, in deciding whether he intended to deceive plaintiff.

6. Plaintiff actually and justifiably relied upon defendant Townsend’s representation, and.

Note: Reliance is “actual” when a person perceives a representation and relies upon it in fact. Whether reliance is justified depends on the entire context of the circumstances, and on what a person can be expected to do in light of their own information, abilities, and intelligence. Reliance is not justified if the representation is known to be false, or if its falsity can be readily discovered through other means.

7. Defendant Townsend’s representation caused damages to plaintiff.

If plaintiff does not prove each of these seven elements by clear, satisfactory, and convincing evidence, then you must find in favor of defendant Townsend on the fraud claim. On the other hand, if plaintiff proves each of these elements by clear, satisfactory, and convincing evidence, then you must find in favor of plaintiff on this claim.

INSTRUCTION NO. 10

Your verdict will depend upon whether or not you find certain facts have been proved by the greater weight of the evidence, also known as a preponderance of the evidence. The obligation to prove a fact, or “the burden of proof,” is generally upon the party whose claim depends upon that fact.

To determine whether a fact has been proved by the preponderance 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 preponderance 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 preponderance of the evidence. The preponderance 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 will also have to decide whether certain claims by plaintiff have been proved by a preponderance of the evidence that is clear, satisfactory, and convincing. Evidence is clear, satisfactory, and convincing if there is no serious or substantial uncertainty about the conclusion to be drawn from it. Whether each individual claim must be proved by a preponderance of the evidence or by clear, satisfactory, and convincing evidence is noted in a separate instruction covering the claim.

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. 11

You must base your verdict only upon the evidence, these instructions, and other instructions that I may give you during trial. The “evidence” in this case consists of the following: the testimony of the witnesses (whether in person or through deposition), the documents and other things received as exhibits, and the facts that have been stipulated to—that is, facts the parties have formally agreed to.

There are two types of evidence from which you may properly find the truth as to the facts of this case: direct evidence and circumstantial evidence. Direct evidence is the evidence of the witnesses to a fact or facts of which they have knowledge by means of their senses. The other is circumstantial evidence—the proof of a chain of circumstances pointing to the existence or nonexistence of certain facts. The law makes no distinction between direct and circumstantial evidence. You should give all evidence the weight and value you believe it is entitled to receive.

Certain things are not evidence. I will list those things for you now:

1. Statements, arguments, questions, and comments by the lawyers are not evidence.
2. Anything that jurors, the attorneys, or the judge might have said during the jury selection process is not evidence.
3. Objections are not evidence. The parties have a right to object when they believe something is improper. You should not be influenced by objections. If I sustained an objection to a question, you must ignore the question and must not try to guess what the answer might have been.
4. Testimony that I strike from the record, or tell you to disregard, is not evidence and must not be considered.
5. Anything you see or hear about this case outside the courtroom is not evidence.

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INSTRUCTION NO. 11 (Cont'd)

6. Demonstrative summaries not received as evidence. Certain charts, summaries, or other items 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.

Sometimes during a trial, references are made to pre-trial statements and reports, interrogatories, witnesses' depositions, or other miscellaneous items. An interrogatory is a written question asked by one party of another, who must answer it under oath in writing. If the Court admits an interrogatory and its answer as an exhibit, you should consider them as if the question had been asked and answered here in court. A deposition is the recorded answers a witness made under oath to questions asked by lawyers before trial. Deposition testimony admitted into evidence was recorded in writing and may be read to you or a recording of which may be played for you. You should consider such deposition testimony, and judge its credibility, as you would that of any witness who testifies here in person. If it is read to you, you should not place any significance on the manner or tone of voice used to read the witness's answers to you. 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.

INSTRUCTION NO. 12

Your duty is to decide what the facts are from the evidence. You are allowed to consider the evidence in the light of your own observations and experiences. After you have decided what the facts are, you will have to apply those facts to the law that I give you in these and in my other instructions. That is how you will reach your verdict. Only you will decide what the facts are. However, you must follow my instructions, whether you agree with them or not. You have taken an oath to follow the law that I give you in my instructions.

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 reasons they might have to testify a certain way, how they act while testifying, whether they said something different at another time, whether their testimony is generally reasonable, and how consistent their testimony is with other evidence that you believe.

You are the sole judges of the weight and credibility of the testimony, and the value to be given to the testimony, of each witness who testifies in this case. In deciding whether to believe a witness, keep in mind that people sometimes hear or see things differently and sometimes forget things. You need to consider, therefore, whether a contradiction is an innocent misrecollection or lapse of memory or an intentional falsehood, and that may depend on whether it has to do with an important fact or only a small detail.

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.

Nothing I say or do during this trial is meant to suggest what I think of the evidence or what I think your verdict should be.

INSTRUCTION NO. 13

You may hear testimony from witnesses 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 this type of testimony just like any other testimony. After considering such witness' education and experience, the reasons given for the opinion, and all the other evidence in the case, you may give such a witness' testimony whatever weight, if any, you think it deserves.

These type of witnesses 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 the 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. 14

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. While bench conferences are being conducted, you should feel free to stand and stretch and visit among yourselves about anything except the case.

INSTRUCTION NO. 15

At the end of the trial, you must make your decisions based on what you recall of the evidence. You will not have a written transcript to consult. Therefore, you must pay close attention to the testimony as it is given.

If you wish, you may take notes during the presentation of evidence to help you remember what witnesses said. If you do take notes, please keep them to yourself until you and your fellow jurors go to the jury room to decide the case. Do not let note-taking distract you so that you do not hear other answers by the witnesses.

During deliberations, in any conflict between your notes, a fellow juror's notes, and your memory, your memory must prevail. Remember that notes sometimes contain the mental impressions of the note taker and can be used only to help you recollect what the testimony was.

We have given each of you an envelope with a pad and pen in it. The envelopes are numbered according to your seat in the jury box. When you leave for breaks or at night, please put your pad and pen in the envelope and leave the envelope on your chair. Your notes will be secured, and they will not be read by anyone. At the end of trial and your deliberations, your notes should be left in the jury room for destruction.

INSTRUCTION NO. 16

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.

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INSTRUCTION NO. 16 (Cont'd)

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 website such as Facebook, YouTube, or X (formerly known as 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 or make any investigation about this case, the law, or the people involved 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.
- 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,

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INSTRUCTION NO. 16 (Cont'd)

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.

INSTRUCTION NO. 17

The trial will proceed in the following manner:

First, the lawyers for plaintiff may make an opening statement. Next, the lawyers for defendant Townsend and defendant Jeffery may make an opening statement. An opening statement is not evidence, but it is a summary of the evidence the lawyers expect you will see and hear during the trial.

After opening statements, plaintiff will then present evidence in support of his contentions. Defendant Townsend and defendant Jeffery will have a chance to cross-examine plaintiff's witnesses. After plaintiff has finished presenting his case, defendant Townsend and defendant Jeffery may present evidence, and plaintiff will have a chance to cross-examine defendant Townsend and defendant Jeffery's witnesses.

After you have seen and heard all of the evidence from both sides, the parties will make closing arguments that summarize and interpret the evidence. Just as with opening statements, closing arguments are not evidence. After the closing arguments, I will instruct you further on the law. After the closing arguments and after the Court's instructions you will go to the jury room to deliberate and decide on your verdict.

Dated this _____ day of April, 2024.

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

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

RICHARD PAUL JEFFERY, III,

Plaintiff,

vs.

TIM TOWNSEND and PATTI
JEFFERY,

Defendants.

No. 22-CV-125-CJW-MAR

FINAL JURY INSTRUCTIONS

Members of the jury:

The instructions I gave you at the beginning of the trial and during the trial remain in effect. I will now give you some additional instructions before you begin your deliberations.

You must, of course, continue to follow the instructions I gave you earlier, as well as those I give you now. You must not single out some instructions and ignore others, because all are important. This is true even though the instructions I gave you at the beginning of and during trial are not repeated here.

INSTRUCTION NO. 18

Defendant Jeffery was absent from trial because she is ill and not because she is disinterested; otherwise her absence from trial is irrelevant to the issues at trial and you should not consider the matter further.

INSTRUCTION NO. 19

If you find in favor of plaintiff on one or more of his claims, then you must determine what amount of damages to award on each claim independently. “Damages” are the amount of money that will fairly and adequately compensate plaintiff under each claim. The purpose of awarding damages is to restore plaintiff to the position he would have been in had it not been for defendant Townsend’s or defendant Jeffery’s conduct. It is for you to determine what damages plaintiff has proven by a preponderance of the evidence.

Any damages award must be based upon evidence and not upon speculation, guesswork, conjecture, or sympathy. Damages must not be based upon a desire to punish or penalize defendant Townsend, defendant Jeffery, or anyone else. In arriving at an item of damage, you cannot determine the amount for a particular item of damages by taking down each juror’s estimate and agreeing in advance that the average of those estimates will be your award for that item of damages.

If you find plaintiff is entitled to recover damages, you must consider only the following items. Remember, you must separately consider each claim, as to each defendant.

Tortious Interference with Inheritance: The measure of damages for tortious interference with an inheritance is the value of the inheritance.

Conversion: The measure of damages for conversion is the value of the property at the time of the taking. The owner should be compensated for the actual loss sustained.

Unjust Enrichment: The measure of damages for unjust enrichment is the value of the benefits received.

Fraud: The measure of damages on plaintiff’s fraud claim is the amount that would put plaintiff in the same position he would have been had defendant Townsend’s representations been true.

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INSTRUCTION NO. 19 (Cont'd)

If you find in favor of any party on any claim, you should not consider matters related to “double recovery.” The law instructs the judge and the parties on how to apportion such a verdict to avoid double recovery. You should not be concerned with that issue during deliberations and should render a verdict on each claim as if it stands alone in the case.

INSTRUCTION NO. 20

Plaintiff seeks punitive damages against defendant Townsend on his tortious interference with inheritance, fraud, and conversion claims against defendant Townsend. Thus, if you find for plaintiff and against defendant Townsend on plaintiff's tortious interference with inheritance, conversion, or fraud claims, then you must decide whether, in addition to compensatory damages, an award of punitive damages is appropriate.

You may award punitive damages if plaintiff has proven by clear, satisfactory, and convincing evidence defendant Townsend's conduct constituted a willful and wanton disregard for the rights or safety of another and caused actual damage to plaintiff.

Punitive damages are not intended to compensate for injury but are allowed to punish and discourage the defendant and others from like conduct in the future. You may award punitive damages only if defendant Townsend'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 defendant Townsend's conduct that harmed plaintiff.
2. The amount of punitive damages which will punish and discourage like conduct by defendant Townsend and others. You may consider defendant Townsend's financial condition or ability to pay. You may not, however, award punitive damages solely because of defendant Townsend's wealth or ability to pay.
3. Plaintiff's actual damages. The amount awarded for punitive damages must be reasonably related to the amount of actual damages you award to plaintiff.
4. The existence and frequency of prior similar conduct.

INSTRUCTION NO. 21

There are rules you must follow when you go to the jury room to deliberate and return with your verdict.

First, you will select a 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 agreement, if you can do this without going against what you believe to be the truth, because all jurors have to agree on the verdict. Each of you must come to your own decision, but only after you have considered all the evidence, discussed the evidence fully with your fellow jurors, and listened to the views of your fellow jurors. Do not be afraid to change your mind if the discussion persuades you that you should. But, do not come to a decision just because other jurors think it is right, or just to reach a verdict. Remember you are not for or against any party. You are judges — judges of the facts. Your only job is to study the evidence and decide what is true.

Third, if you need to communicate with me during your deliberations, send me a note signed by one or more of you. Give the note to the court security officer and I will answer you as soon as I can, either in writing or here in court. While you are deliberating, do not tell anyone—including me—how many jurors are voting for any side.

Fourth, your verdict has to be based only on the evidence and on the law that I have given to you in my instructions. Nothing I have said or done was meant to suggest what I think your verdict should be. The verdict is entirely up to you.

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INSTRUCTION NO. 21 (Cont'd)

Finally, the verdict form is your written decision in this case. You will take this form to the jury room, and when you have all agreed on the verdict, your foreperson will fill in the forms, sign and date them, and tell the court security officer that you are ready to return to the courtroom.

Dated this ____ day of April, 2024.

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

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

RICHARD PAUL JEFFERY, III,

Plaintiff,

vs.

TIM TOWNSEND and PATTI
JEFFERY,

Defendants.

No. 22-CV-125-CJW-MAR

VERDICT FORM

Tortious Interference Claim

Question No. 1: Do you find that plaintiff has proven by a preponderance of the evidence his tortious interference with an inheritance claim against defendant Townsend?

Answer: _____

(Write in your answer “yes” or “no” in the above blank space)

Note: If you answered “yes” to Question No. 1, then go on to answer Question No. 2. If you answered “no” to Question No. 1, then do not answer Questions No. 2, 3, 4, or 5, sign and date this Verdict Form, and go on to answer the Verdict Form for the fraud claim.

Question No. 2: State the amount of damages you find plaintiff sustained as a result of the tortious interference:

Answer: \$ _____

(Write in the dollar figure in the above blank space)

Note: If you answered “yes” to Question No. 1 and filled in a dollar figure in response to Question No. 2, then go on to Question No. 3.

Question No. 3: Do you find by a preponderance of the evidence that is clear, satisfactory, and convincing that defendant Townsend’s conduct constituted willful and wanton disregard for plaintiff’s rights?

Answer: _____
(Write in your answer “yes” or “no” in the above blank space)

Note: If you answered “yes” to Question No. 3, then go on to answer Question No. 4. If you answered “no” to Question No. 3, then do not answer Questions No. 4 or 5, sign and date this Verdict Form, and go on to answer the Verdict Form for the fraud claim.

Question No. 4: What amount of punitive damages, if any, do you award?

Answer: \$ _____
(Write in the dollar figure in the above blank space)

Note: If you inserted an amount other than “none” for Question No. 4, then go on to answer Question No. 5. If your answer to Question No. 4 is “none” then do not answer Question No. 5, sign and date this Verdict Form, and go on to answer the Verdict Form for the fraud claim.

Question No. 5: Do you find that defendant Townsend’s conduct was directed specifically at plaintiff?

Answer: _____
(Write in your answer “yes” or “no” in the above blank space)

Note: Sign and date this Verdict Form, and go on to answer the Verdict Form for the fraud claim.

FOREPERSON

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JEFFERY,

Defendants.

No. 22-CV-125-CJW-MAR

VERDICT FORM

Fraud Claim

Question No. 1: Do you find that plaintiff has proven by a preponderance of the evidence that is clear, satisfactory, and convincing his fraud claim against defendant Townsend?

Answer: _____

(Write in your answer “yes” or “no” in the above blank space)

Note: If you answered “yes” to Question No. 1, then go on to answer Question No. 2. If you answered “no” to Question No. 1, then do not answer Questions No. 2, 3, 4, or 5, sign and date this Verdict Form, and go on to answer the Verdict Form for the conversion claim against defendant Townsend.

Question No. 2: State the amount of damages you find plaintiff sustained as a result of the fraud:

Answer: \$ _____

(Write in the dollar figure in the above blank space)

Note: If you answered “yes” to Question No. 1 and filled in a dollar figure in response to Question No. 2, then go on to Question No. 3.

Question No. 3: Do you find by a preponderance of the evidence that is clear, satisfactory, and convincing that defendant Townsend’s conduct constituted willful and wanton disregard for plaintiff’s rights?

Answer: _____
(Write in your answer “yes” or “no” in the above blank space)

Note: If you answered “yes” to Question No. 3, then go on to answer Question No. 4. If you answered “no” to Question No. 3, then do not answer Questions No. 4 or 5, sign and date this Verdict Form, and go on to answer the Verdict Form for the conversion claim against defendant Townsend.

Question No. 4: What amount of punitive damages, if any, do you award?

Answer: \$ _____
(Write in the dollar figure in the above blank space)

Note: If you inserted an amount other than “none” for Question No. 4, then go on to answer Question No. 5. If your answer to Question No. 4 is “none” then do not answer Question No. 5, sign and date this Verdict Form, and go on to answer the Verdict Form for the conversion claim against defendant Townsend.

Question No. 5: Do you find that defendant Townsend’s conduct was directed specifically at plaintiff?

Answer: _____
(Write in your answer “yes” or “no” in the above blank space)

Note: Sign and date this Verdict Form, and go on to answer the Verdict Form for the conversion claim against defendant Townsend.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
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Plaintiff,

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TIM TOWNSEND and PATTI
JEFFERY,

Defendants.

No. 22-CV-125-CJW-MAR

VERDICT FORM

**Conversion Claim Against
Mr. Townsend**

Question No. 1: Do you find that plaintiff has proven by a preponderance of the evidence his claim for conversion against defendant Townsend?

Answer: _____

(Write in your answer “yes” or “no” in the above blank space)

Note: If you answered “yes” to Question No. 1, then go on to answer Question No. 2. If you answered “no” to Question No. 1, then do not answer Questions No. 2, 3, 4, or 5, sign and date this Verdict Form, and go on to answer the Verdict Form for the conversion claim against defendant Jeffery.

Question No. 2: State the amount of damages you find plaintiff sustained as a result of the conversion by defendant Townsend:

Answer: \$ _____

(Write in the dollar figure in the above blank space)

Note: If you answered “yes” to Question No. 1 and filled in a dollar figure in response to Question No. 2, then go on to Question No. 3.

Question No. 3: Do you find by a preponderance of the evidence that is clear, satisfactory, and convincing that defendant Townsend’s conduct constituted willful and wanton disregard for plaintiff’s rights?

Answer: _____
(Write in your answer “yes” or “no” in the above blank space)

Note: If you answered “yes” to Question No. 3, then go on to answer Question No. 4. If you answered “no” to Question No. 3, then do not answer Questions No. 4 or 5, sign and date this Verdict Form, and go on to answer the Verdict Form for the conversion claim against defendant Jeffery.

Question No. 4: What amount of punitive damages, if any, do you award?

Answer: \$ _____
(Write in the dollar figure in the above blank space)

Note: If you inserted an amount other than “none” for Question No. 4, then go on to answer Question No. 5. If your answer to Question No. 4 is “none” then do not answer Question No. 5, sign and date this Verdict Form, and go on to answer the Verdict Form for the conversion claim against defendant Jeffery.

Question No. 5: Do you find that defendant Townsend’s conduct was directed specifically at plaintiff?

Answer: _____
(Write in your answer “yes” or “no” in the above blank space)

Note: Sign and date this Verdict Form, and go on to answer the Verdict Form for the conversion claim against defendant Jeffery.

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JEFFERY,

Defendants.

No. 22-CV-125-CJW-MAR

VERDICT FORM

Conversion Claim Against Ms. Jeffery

Question No. 1: Do you find that plaintiff has proven by a preponderance of the evidence his claim for conversion against defendant Jeffery?

Answer: _____

(Write in your answer "yes" or "no" in the above blank space)

Note: If you answered "yes" to Question No. 1, then go on to answer Question No. 2. If you answered "no" to Question No. 1, then do not answer Question No. 2, sign and date this Verdict Form, and go on to answer the Verdict Form for the unjust enrichment claim against defendant Townsend.

Question No. 2: State the amount of damages you find plaintiff sustained as a result of the conversion by defendant Jeffery:

Answer: \$ _____

(Write in the dollar figure in the above blank space)

Note: Sign and date this Verdict Form, and go on to answer the Verdict Form for the unjust enrichment claim against defendant Townsend.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
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RICHARD PAUL JEFFERY, III,

Plaintiff,

vs.

TIM TOWNSEND and PATTI
JEFFERY,

Defendants.

No. 22-CV-125-CJW-MAR

VERDICT FORM

**Unjust Enrichment Claim
Against Mr. Townsend**

Question No. 1: Do you find that plaintiff has proven by a preponderance of the evidence his unjust enrichment claim against defendant Townsend?

Answer: _____

(Write in your answer "yes" or "no" in the above blank space)

Note: If you answered "yes" to Question No. 1, then go on to answer Question No. 2. If you answered "no" to Question No. 1, then do not answer Question No. 2, sign and date this Verdict Form, and go on to answer the Verdict Form for the unjust enrichment claim against defendant Jeffery.

Question No. 2: State the amount of damages you find plaintiff sustained as a result of the unjust enrichment claim against defendant Townsend:

Answer: \$ _____

(Write in the dollar figure in the above blank space)

Note: Sign and date this Verdict Form, and go on to answer the Verdict Form for the unjust enrichment claim against defendant Jeffery.

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RICHARD PAUL JEFFERY, III,

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JEFFERY,

Defendants.

No. 22-CV-125-CJW-MAR

VERDICT FORM

**Unjust Enrichment Claim
Against Ms. Jeffery**

Question No.1: Do you find that plaintiff has proven by a preponderance of the evidence his unjust enrichment claim against defendant Jeffery?

Answer: _____
(Write in your answer "yes" or "no" in the above blank space)

Note: If you answered "yes" to Question No. 1, then go on to answer Question No. 2. If you answered "no" to Question No. 1, then do not answer Question No. 2, sign and date this Verdict Form.

Question No. 2: State the amount of damages you find plaintiff sustained as a result of the unjust enrichment claim against defendant Jeffery:

Answer: \$ _____
(Write in the dollar figure in the above blank space)

Note: Sign and date this Verdict Form.

FOREPERSON

DATE