

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

CINCINNATI INSURANCE COMPANY,

Plaintiff,

vs.

GOODMAN MANUFACTURING
COMPANY, L.P.,

Defendant.

No. 4:16-cv-0125-JAJ

**FINAL INSTRUCTIONS
TO THE JURY**

INSTRUCTION NO. 1

INTRODUCTION/DUTIES

Members of the jury, the instructions I gave at the beginning of the trial and during the trial are still in effect. Now I am going to give you some additional instructions. You have to follow all of my instructions — the ones I gave you earlier, as well as those I give you now. Do not single out some instructions and ignore others, because they are all important. This is true even though I am not going to repeat some of the instructions I gave you at the beginning of and during the trial.

It is your duty as jurors to follow the law as stated in the instructions of the Court, and to apply the rules of law so given to the facts as you find them from the evidence.

Counsel will quite properly refer to some of the governing rules of law in their arguments. If, however, any difference appears to you between the law as stated by counsel and that stated by the Court in these instructions, you of course are to be governed by the instructions.

You are not to judge the wisdom of any rule of law stated by the Court. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your sworn duty to base a verdict upon any other view of the law than that given in the instructions of the Court; just as it would be a violation of your sworn duty, as judges of the facts, to base a verdict upon anything but the evidence in the case.

Justice through trial by jury must always depend upon the willingness of each individual juror to seek the truth as to the facts from the same evidence presented to all the jurors, and to arrive at a verdict by applying the same rules of law, as given in the instructions of the Court.

This case should 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 of life. A corporation is entitled to the same fair trial as a private individual. All persons, including corporations, and other organizations, stand equal before the law, and are to be dealt with as equals in a court of justice.

INSTRUCTION NO. 2

CREDIBILITY

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 said, or only part of it, or none of it.

You may consider a witness's intelligence; the opportunity the witness had to see or hear the things testified about; a witness's memory, knowledge, education, and experience; any reasons a witness might have for testifying a certain way, how a witness acted while testifying, whether a witness said something different at another time, whether a witness's testimony sounded reasonable, and whether or to what extent a witness's testimony is consistent with other evidence you believe.

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.

You have heard testimony from persons described as experts. Persons who, by knowledge, skill, training, education or experience, have become expert in some field may state their opinions on matters in that field and may also state the reasons for their opinion. Expert testimony should be considered just like any other testimony. You may accept or reject it, and give it as much weight as you think it deserves, considering the witness's education and experience, the soundness of the reasons given for the opinion, the acceptability of the methods used, and all the other evidence in the case

INSTRUCTION NO. 3

BURDEN OF PROOF

The plaintiff's claim must be proven by the greater weight of the evidence. A fact has been proven by the greater weight of the evidence if you find that it is more likely true than not true.

You probably have heard the phrase "proof beyond a reasonable doubt." That is a stricter standard than both the "greater weight of the evidence" standard. The "proof beyond a reasonable doubt" standard applies in criminal cases, but not in this civil case; so disregard it.

INSTRUCTION NO. 4

ELEMENTS OF RECOVERY

The plaintiff in this case, Cincinnati Insurance Company, sues Goodman Manufacturing Company claiming that Goodman manufactured a heater that caught on fire and damaged a portion of Value Place, an extended stay hotel in Pleasant Hill, Iowa, on December 17, 2014. Because Cincinnati Insurance Company paid the insurance claim submitted to it by Value Place, Cincinnati Insurance Company is entitled to make a claim against any other person or entity that it believes is responsible for that damage.

Cincinnati Insurance Company claims that Goodman Manufacturing is responsible for the December 17, 2014 fire because the PTAC unit had a manufacturing defect. In order to recover on a claim that the defendant's product contained a manufacturing defect, the plaintiff must prove all of the following propositions:

1. The defendant sold or distributed the PTAC unit. The defendant agrees that it sold and distributed this unit.
2. The defendant was engaged in the business of selling or distributing the PTAC unit. The defendant agrees that it is in the business of selling and distributing these units.
3. The PTAC unit, at the time it left defendant's control, contained a manufacturing defect that departed from its intended design because of a faulty connection between the relay and the circuit board.
4. The manufacturing defect was a cause of the plaintiff's damages; and
5. The amount of damages. The parties agree that Value Place sustained \$324,670.99 in damages as a result of the December 17, 2014 fire.

If the plaintiff has failed to prove any of these propositions, the plaintiff is not entitled to damages. If the plaintiff has proved all of these propositions, the plaintiff is entitled to damages in some amount.

A manufacturing defect is the cause of plaintiff's damages when it is a substantial factor in producing that damage and that damage would not have occurred but for the defect.

INSTRUCTION NO. 5

DELIBERATIONS

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.

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 form, sign and date it, and tell the court security officer that you are ready to return to the courtroom.

DATED this 17th day of January, 2018.



JOHN A. JARVEY, Chief Judge
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VERDICT FORM

Answer either Part A or Part B.

Part A

We, the jury, find in favor of the plaintiff, Cincinnati Insurance Company, and against the defendant Goodman Manufacturing Company, on the plaintiff's claim that a manufacturing defect caused the fire and resulting damage at Value Place on December 17, 2014 and, accordingly, award \$324,670.99 in damages.

Date: January _____, 2018.

Foreperson

Juror

Part B

We, the jury, find in favor of the defendant, Goodman Manufacturing Company, and, accordingly, award no damages.

Date: January _____, 2018.

Foreperson

Juror

Juror

Juror

Juror

Juror

Juror

Juror