

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

MICHAEL AHRENDT AND DEBRA  
AHRENDT,

Plaintiffs,

vs.

BRETT AUSTIN D/B/A BLUELINE  
CONSTRUCTION,

Defendant.

NO. LACV165591

**PLAINTIFFS' SUPPLEMENTAL  
PROPOSED JURY INSTRUCTION**

Michael and Debra Ahrendt claim that Brett Austin d/b/a Blueline Construction has intentionally destroyed or failed to produce evidence consisting of the log book utilized during the construction the Ahrendt house. You may, but are not required to, conclude that such evidence would be unfavorable to Brett Austin d/b/a Blueline Construction.

Before you can reach this conclusion, Michael and Debra Ahrendt must prove all of the following:

1. The evidence exists or previously existed.
2. The evidence is or was within the possession or control of Brett Austin d/b/a Blueline Construction.
3. Michael and Debra Ahrendt's interests would call for production of the evidence if favorable to that party.
4. Brett Austin d/b/a Blueline Construction has intentionally destroyed or failed to produce the evidence without satisfactory explanation.

For you to reach this conclusion, more than the mere destruction or non-production of the evidence must be shown. It is not sufficient to show that a third

person destroyed or is withholding the evidence without the authorization or consent of Michael and Debra Ahrendt.

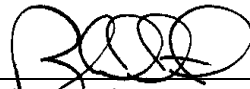
*Authority*

Phillips v. Covenant Clinic, 625 N.W.2d 714 (Iowa 2001)  
Hendricks v. Great Plains Supply Co., 609 N.W.2d 486 (Iowa 2000)  
Gamerding v. Schaefer, 603 N.W.2d 590 (Iowa 1999)  
State v. Langlet, 238 N.W.2d 330 (Iowa 1979)

*Comment*

Note: The evidence at issue must also have been admissible at trial. See State v. Langlet, 283 N.W.2d 330, 335 (Iowa 1979). The court should determine if the evidence would have been admissible.

Respectfully submitted,



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Ryland Deinert #AT0011159  
KLASS LAW FIRM, L.L.P.  
Mayfair Center, Upper Level  
4280 Sergeant Road, Suite 290  
Sioux City, IA 51106  
deinert@klasslaw.com  
WWW.KLASSLAW.COM  
712/252-1866  
712/252-5822 fax

ATTORNEYS FOR PLAINTIFFS MICHAEL  
& DEBRA AHRENDT

Copy to:

Jason Bring  
1128 Historic 4th Street  
Sioux City, IA 51101

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleading on \_\_\_\_1/31\_\_\_\_, 2018

By:  U.S. Mail  facsimile  
 Hand delivered  Overnight courier  
 Email  ECF

Signature   /s/ Ryland Deinert