

**ORIGINAL**

## IN THE IOWA DISTRICT COURT FOR POLK COUNTY

TIMOTHY KONO,

Plaintiff,

vs.

CASE NO. CVCV061592

D.R. HORTON, INC.,  
and D.R. HORTON – Iowa, LLC d/b/a  
CLASSIC BUILDERS,

Defendants.

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**VERDICT FORM**

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We, the jury, find the following verdict on the questions submitted to us:

**DEFENDANTS****QUESTION NO. 1:** Were Defendants at fault in that they were negligent? (Answer “Yes” or “No.”)ANSWER: Yes X No \_\_\_\_\_

[If your answer is “yes” proceed to Question No. 2. If your answer is “no” do not answer any further questions.]

**QUESTION NO. 2:** Was the fault of Defendants a cause of any items of damage to the plaintiff?ANSWER: Yes X No \_\_\_\_\_

[If your answer is “no” to Question 2, do not answer any further questions. , If your answer is “yes” proceed to Question 3]

**RELEASED PARTY RUSSELL HALL****QUESTION NO. 3:** Was Released Party Russell Hall at fault in that he was grossly negligent? (Answer “Yes” or “No.”)

ANSWER: Yes X No \_\_\_\_\_

[If your answer is "yes" proceed to Question No. 4. If your answer is "no" do not answer Question No. 4 and proceed to Question No. 5.]

**QUESTION NO. 4:** Was the fault of Released Party Russell Hall a cause of any items of damage to the plaintiff?

ANSWER: Yes X No \_\_\_\_\_

[If your answer is "no" to either Question No. 3 or Question No. 4, then you shall not assign any fault to Released Party Russell Hall. Proceed to the next question.]

**RELEASED PARTY ERNEST LANDWEHR**

**QUESTION NO. 5:** Was Released Party Ernest Landwehr at fault in that he was grossly negligent? (Answer "Yes" or "No.")

ANSWER: Yes X No \_\_\_\_\_

[If your answer is "yes" proceed to Question No. 6. If your answer is "no" do not answer Question No. 6 and proceed to Question No. 7.]

**QUESTION NO. 6:** Was the fault of Released Party Ernest Landwehr a cause of any items of damage to the plaintiff?

ANSWER: Yes X No \_\_\_\_\_

[If your answer is "no" to either Question No. 5 or Question No. 6, then you shall not assign any fault to Ernest Landwehr. Proceed to the next question.]

**RELEASED PARTY TRAVIS LANDWEHR**

**QUESTION NO. 7:** Was Released Party Travis Landwehr at fault in that he was grossly negligent? (Answer "Yes" or "No.")

ANSWER: Yes X No \_\_\_\_\_

[If your answer is "yes" proceed to Question No. 8. If your answer is "no" do not answer Question No. 8 and proceed to Question No. 9.]

**QUESTION NO. 8:** Was the fault of Released Party Travis Landwehr a cause of any items of damage to the plaintiff?

ANSWER: Yes X No \_\_\_\_\_

[If your answer is "no" to either Question No. 7 or Question No. 8, then you shall not assign any fault to Released Party Travis Landwehr. Proceed to the next question.]

**TIMOTHY KONO**

**QUESTION NO. 9:** Was Plaintiff at fault in that he was negligent? (Answer "Yes" or "No.")

ANSWER: Yes X No \_\_\_\_\_

[If your answer is "yes" proceed to Question No. 10. If your answer is "no" do not answer Question No. 10 and proceed to Question No. 11.]

**QUESTION NO. 10:** Was the fault of Plaintiff a cause of any items of damage to the plaintiff?

ANSWER: Yes X No \_\_\_\_\_

[If your answer is "no" to either Question No. 10 or Question No. 11, then you shall not assign any fault to Plaintiff. Proceed to the next question.]

**QUESTION NO. 11:** What percentage of the total fault do you attribute to the Plaintiff, and what percentage of the total fault do you attribute to Defendants, Released Party Russell Hall, Released Party Ernest Landwehr, and Released Party Travis Landwehr? (The percentages must total 100%.)

If you previously found that any party or any of the released parties were not at fault, or did not cause damage to Plaintiff, then enter "0" after the name.

ANSWER:

Defendants	<u>45</u> %
Plaintiff	<u>5</u> %
Released Party Russell Hall	<u>30</u> %
Released Party Ernest Landwehr	<u>10</u> %
Released Party Travis Landwehr	<u>10</u> %
TOTAL	100 %

[If you find Plaintiff to be more than fifty per cent (50%) at fault, do not answer the next question.]

Question No. 12: What is the total amount of damages sustained by Plaintiff?

ANSWER: \$ 186,132.25 Past Medical and Hospital Expenses  
\$ 406,000.00 Future Medical/Hospital Expenses  
\$ 175,230.00 Past Loss of Earnings  
\$ 115,000.00 Future Loss of Earning Capacity  
\$ 110,000.00 Past Pain and Suffering  
\$ 1,100,000.00 Future Pain and Suffering  
\$ 90,000.00 Past Loss of Use of Body  
\$ 900,000.00 Future Loss of Use of Body  
  
\$ 3,082,362.25 TOTAL ACTUAL DAMAGES

Question No. 13: Do you find by a preponderance of clear, convincing and satisfactory evidence the conduct of the defendants constituted willful and wanton disregard for the rights or safety of another?

Answer "Yes" or "No"

ANSWER: Yes

[If your answer to Question No. 13 is "No" do not answer Questions Nos. 14 and 15]

Question No. 14: What amount of punitive damages, if any, do you award?

ANSWER: \$ 16.18 million

Question No. 15: Was the conduct of the defendants directed specifically at Plaintiff?

Answer "Yes" or "No"

ANSWER: No

*Lia Butler*  
~~FOREPERSON\*~~

\*To be signed only if verdict is unanimous.

**[SIX HOUR SIGNATURE PAGE]**

*Lia Butler*  
\_\_\_\_\_  
Juror\*\*

\_\_\_\_\_  
Juror\*\*

\_\_\_\_\_  
Juror\*\*

\_\_\_\_\_  
Juror\*\*

\_\_\_\_\_  
Juror\*\*

\_\_\_\_\_  
Juror\*\*

\_\_\_\_\_  
Juror\*\*

\*\*To be signed by the jurors agreeing to the verdict after six hours or more of deliberation.

DISTRICT COURT CHAMBERS  
FIFTH JUDICIAL DISTRICT OF IOWA  
POLK COUNTY COURTHOUSE  
500 MULBERRY STREET  
DES MOINES, IOWA 50309-4238

ROBERT B. HANSON  
DISTRICT JUDGE

TELEPHONE (515) 286-3846  
FACSIMILE (515) 286-3858  
E-MAIL Robert.Hanson@iowacourts.gov

*Members of the Jury:*

*Dr. Matthews' "Life Plan" was not received in evidence at trial. You should consider his testimony at trial as to same, if any.*

*Judge Hanson  
10/3/2023, 10:32 AM*



10/3/23

We can not find  
DR. Matthews life plan  
we need assistance finding  
it?

Lina Butler

DISTRICT COURT CHAMBERS  
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If the jury has

A) answered Question No. 13 in the Verdict Form "yes" **AND**

B) awarded punitive damages in some amount in response to Question No. 14 in the Verdict Form **AND**

C) answered Question No. 15 in the verdict form "no",

any punitive damages awarded are distributed as follows, according to Iowa Code

Section 668A.1(2)(b):

"...[A]fter payment of all applicable costs and fees, an amount not to exceed twenty-five percent of the punitive or exemplary damages awarded may be ordered paid to the claimant, with the remainder of the award to be ordered paid into a civil reparations trust fund administered by the state court administrator. Funds placed in a civil reparations trust shall be under the control and supervision of the executive council, and shall be disbursed only for purposes of indigent civil litigation programs or insurance assistance programs."

*Robert B. Hanson*  
District Judge  
10/3/2023, 1:13 PM



Where

~~Why~~ does the punitive  
damages get awarded  
<sup>amount</sup>  
to if not the plaintiff?

Jim Butler