A THESIS SUBMITTED TO
THE FACULTY OF THE DIVISION OF BUSINESS
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FINANCE
(field of concentration)

BY

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CHAPTER I

THE PROBLEM

Significance of Vehicular Bodily Injury

Prayers and Awards

The daily paper attests to the tragic loss of human life values originating from motor vehicles. It is a personal tragedy to the injured or their surviving loved ones. Accidents disable, disfigure, or kill; and the wanton destruction of human life values is a national waste.

Since the first automobile accident in 1899, almost twice as many persons have been killed in vehicular accidents as have been lost by death in all of the wars of the nation.¹

There are more traffic casualties in a single year than our armed services suffered during all the years of World War I and World War II. Traffic deaths occur at the annual rate of 36,700 or one every fourteen minutes in this nation, and injuries have an incidence of one every eleven seconds for a total of 2,825,000 a year.² For each


working day in the year, the insurance companies pay twelve million dollars for bodily injuries or deaths originating from motor vehicles. And this figure is increasing.1

**Historical Growth**

The first automobile liability policy was written in 1896. In that year there were less than ninety automobiles in the country.2 By 1898 two hundred automobile liability policies were in force.3 These early attempts are minuscule compared with the annual three and one-half billion in liability premiums which vehicles generate today.4

The insurance fraternity leadership is to be admired in that it chose not to follow the advice of one pioneer insurance executive when he said, "I'll never insure a gasoline can on wheels, the noisy stinking things!5 The trade journal, *Spectator*, in those early days called for an insurance boycott of automobiles.

"The motormen--chauffeurs is the general term--driving automobiles are usually reckless, rushing madly past frightened teams without attempting to slow down, or frequently coming up from behind and passing without giving any warning whatever. Nervous horses are sure to be alarmed at such apparitions..." While they

---


5 James, p. 304.
cannot prevent their policy holders from being run over by reckless chauffeurs. ... (underwriters) might serve the cause of public safety by refusing to insure anyone who has acquired the automobile habit.”

Today approximately seventy million vehicular units are on the road, of which nearly eighty-five per cent are insured. As the demand for protection grew, history reveals that automobile insurance was without sufficient precedent for the insurance industry to formulate a standard insurance contract. Consequently, the insurance protection was originally provided by an inland marine contract. The automobile insurance contract was to come into being over a period of time as various types of motor-powered land vehicles grew in usage. Underwriting companies, in turn, developed separate automobile underwriting departments to keep pace with growth in the use of trucks and cars. Also, automobile claims soon became a separate entity within the casualty claims department of the companies. Because of the volume of business produced, almost all insurance companies today operate a separate automobile underwriting and claims department.

Commensurate with this growth in the number of motor vehicles has been the growth in the death rate from such origins. The motor vehicle ranks high as a killer in the

---

1Ibid.

United States, and the death rate per 100,000 population has risen from about seven in the pre-World War I years to approximately twenty-five per 100,000 in the post-World War II years. This is an increase of about 350 per cent in forty years! The 1900-1960 history is indicated in the following graph.

GRAPH I

TRENDS IN ACCIDENTAL DEATH RATES\textsuperscript{a}
FROM MOTOR VEHICLES
(Deaths per 100,000 Population)

<table>
<thead>
<tr>
<th>Year</th>
<th>1900</th>
<th>1910</th>
<th>1920</th>
<th>1930</th>
<th>1940</th>
<th>1950</th>
<th>1960</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate</td>
<td>30</td>
<td>20</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>


The causes of death today are listed in the following order: heart disease, malignancy, cerebral hemorrhage, accidents. Accidents of motor vehicle origin make up two-fifths of the total of all accidental deaths.\textsuperscript{1}

Local Scene

Because the automobile has become an integral part of American life, people, the nation over, have become accident conscious. Newspapers and other news media scream out the gory details of collisions and the resultant injuries and deaths. Consequently, private citizens have become aware of the number and the severity of bodily injuries and the size of claims arising from such. Also, local judges, attorneys, insurance adjusters, and underwriters have a concern in such and have displayed a definite interest in the findings in authoritative records as to trends in local jurisdictions.

National figures on accidents and the disposition of claims are impressive and probably are the accumulation of a series of local experiences. Nevertheless, an isolated local picture may be quite different from that of the nation as a whole. Therefore, to understand the premise of this thesis, one must have an understanding of Sioux City, Woodbury County, Iowa, and the environs with which this study deals.

In this survey, Woodbury County, Iowa, which is located in the extreme northwest corner of the state, will serve as the example. It has a population of approximately 103,000, which is preponderantly Caucasian and which is relatively static.¹ Though slight gains have been made in

total population during the last two decades, this growth has not kept pace with that of the nation. The primary source of income in the county is agriculture, the chief products being mainly corn and other feed grains grown both for cash income and for use in fattening stock in farm feed lots.

Farmers in Woodbury County, where farm operation is mechanized, have found cars and trucks an ever-increasing farm necessity. Since 1900, farmers have experienced this growing need. Although exact statistical information as to the growth is not attainable, there is no reason to believe that the county is below the national average in cars per family.

Sioux City, Iowa, the major city in Woodbury County, is a city of light manufacture associated with agricultural needs. It makes up about nine-tenths of the population of the county. Its primary industry is the processing of pork and beef products from the large livestock market which the city affords. Because Sioux City is situated on the Missouri River at a point where Iowa, Nebraska, and South Dakota converge and because it is only approximately ninety miles from the Minnesota state line, it is a focal point for the distribution of products to four states.

1Chamber of Commerce figures (Sioux City: Chamber of Commerce, 1962).

2Ibid.
Thesis Objective

Hypothesis Defined

This thesis presents the hypothesis that vehicular bodily injury prayers and awards have grown in a direct relationship.

The hypothesis assumes that inference may be made at national levels from a study made of the court records of a county in a midwestern state. The period under consideration is from 1900 to 1960.

Ancillary Values

In any record review of this type, there may well be other trends which would prove worthy of attention. In order that no material may be overlooked, a complete review was made of each file under consideration in this study. Much of the material collected ultimately proved to be extraneous to the study. This could be proved true only after the study was complete. In some instances the information gathered lends insight into a possible explanation of the cause of certain conclusions drawn.

Pursuit of the Hypothesis

In order to pursue adequately proof of the hypothesis given, local court records were reviewed. The method by which this study took place is described in detail in Chapter II.
Challenging the Hypothesis

It is widely assumed that there has been a great increase in the demands made by those who suffer bodily injury from vehicles. Similar assumption is made as to awards granted. A systematic review of the District Court records disproves that awards have experienced an upward trend locally. It further reveals that there is no direct relationship between vehicular bodily injury prayers and awards. The validity of arguments in favor or against such increases may well determine future experience.

Conclusion

The final chapter in this thesis summarizes disproof of the hypothesis presented. In addition, there are presented some possible explanations for the lack of growth of vehicular bodily injury prayers and awards in a direct relationship.

Special Terminology

Legal terms in this paper take the usual legal meanings, but some terms require special definition to clarify communication.

Award: Award, as used in this paper, alludes to the amount of money relief and does not entertain any other relief which may be prayed for in a court action. Typical items omitted are: property damage amounts, court costs, and interest on judgments rendered.
Court Award: Court award is the dollar amount which accumulates to the benefit of the plaintiff as granted by the court proper. The judge of the court renders the decision.

Jury Award: This is the award which comes to the plaintiff by action of a duly empanelled jury.

Vehicle: Vehicle, as used here, means automobile or truck. Included in this definition are motorcycles, bicycles, trailers (whether utility or commercial), along with the regular passenger automobile and truck vehicles which require a license plate in order to be used on public roads. The definition is not intended to include busses, street or railway cars unless these also involve automobiles and trucks as above described. This is to eliminate the "slip and fall" cases which take place on busses and street and railway cars, where there is no other vehicle involved. This limitation is wholly arbitrary within this study. The limitation as to motorcycles, bicycles, trailers, trucks, and automobiles is in keeping with the statistics kept by the Iowa State Motor Vehicle Department.¹

Bodily Injury: Bodily injury involves not only injuries to the body, including resultant death, but also losses sustained by loss of time, values ascribed to pain and suffering, and similar loss of services values. This

¹Personal letter from Motor Vehicle Department (Des Moines: 6/13/61).
is in keeping with the insuring clause of the automobile liability policy whether it be the Family Automobile Policy, the Special Automobile Policy, or the Basic Automobile Policy. Specifically, this eliminates property damage claims.

**Human Values:** Human values are values of lives, loss of time, consortium losses, pain and suffering, and negative emotional and psychological reactions.

**District Court:** District Court, as the term is designated in Iowa, includes Woodbury and Monona Counties, which are contiguous. The records are kept in each courthouse separately; however, this study involves only the records of the Woodbury County section of the total district court records.

**Direct:** This term, as used in the hypothesis, does not mean that if prayers increase ten per cent, awards will also increase in the same amount. It is used here only to mean other than inversely.

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1 Brainard, pp. 536-553.
CHAPTER II

INVESTIGATING THE PROBLEM

Procedure

This chapter is devoted to an explanation of the mechanics involved in seeking out and arraying the basic data used to test the hypothesis.

The Data Source

The source material of this study is primary; that is, it comes from the records of District Court, Woodbury County, Iowa. These records considerably pre-date the period under study and are complete with the exception of an occasional file which has been lost or misfiled. The incidence of this lapse of information is clearly shown in the following Table 1. It appears at a time in the early history when the use of the automobile and truck was so restricted as to permit little chance of error by such absence. The hypothesis is measured by the analysis of these court records. Other material used in this study originated from current text books, periodicals, governmental publications, trade magazines, newspapers, and from direct interviews.
TABLE 1

NUMBER OF LAW DECREES AND VEHICULAR BODILY INJURY AWARDS
DISTRICT COURT - WOODBURY COUNTY, IOWA
SAMPLE YEARS - 1900-1960

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Number Law Judgments Rendered</th>
<th>Total Number Vehicular Awards Given</th>
<th>Percentage of Bodily Injury Awards as Part of Total Awards</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900</td>
<td>163</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>1907</td>
<td>193</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>1913</td>
<td>243</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>1919</td>
<td>249</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>1924</td>
<td>495</td>
<td>11</td>
<td>8.7</td>
</tr>
<tr>
<td>1926</td>
<td>394</td>
<td>8</td>
<td>2.0</td>
</tr>
<tr>
<td>1932</td>
<td>526</td>
<td>34</td>
<td>6.4</td>
</tr>
<tr>
<td>1937</td>
<td>151</td>
<td>25</td>
<td>16.5</td>
</tr>
<tr>
<td>1944</td>
<td>123</td>
<td>12</td>
<td>9.7</td>
</tr>
<tr>
<td>1948</td>
<td>195</td>
<td>28</td>
<td>14.3</td>
</tr>
<tr>
<td>1951</td>
<td>226</td>
<td>19</td>
<td>8.4</td>
</tr>
<tr>
<td>1958</td>
<td>245</td>
<td>27</td>
<td>11.2</td>
</tr>
</tbody>
</table>

*Files not in proper filing space and not available.

Source: District Court Records, Woodbury County, Iowa.

Cataloguing the Data

The technique used in reviewing the primary data is possibly better understood if described by a series of steps.

**Step One:** A determination was made of the span of time which would reveal the historical progression of vehicular bodily injury prayers and awards. This was found to be from 1900 to 1960. The early date was chosen so that the comparison with modern experience might be complete.

**Step Two:** Complete review of all files for this period
was not possible. A twenty per cent sample was taken of the sixty-year history. So that further procedure might be orderly, the sixty years from 1900 to 1960 were broken into a series of twelve intervals of five years each as 1900-1904, 1905-1909, 1910-1914, and so forth. This permitted the picking at random one year out of five and made possible holding to the twenty per cent figure.

**Step Three:** To insure selection by chance in the choosing of years to be reviewed from each set of twelve periods of five years each, a group of five marbles was chosen which were identical except as to color. Each marble of different color was given arbitrary value of one through five as follows:

- Red Marble: one
- Green Marble: two
- Blue Marble: three
- Black Marble: four
- White Marble: five

Reference is here made to Table 2 which reveals the detail of this arraying of years under the corresponding colored marble.

**Step Four:** A drawing was then made from a covered box wherein were placed the five varied colored marbles. As each set of five years was scheduled out and a drawing made, the year to be reviewed was noted. After each drawing was made, the marbles were returned to the covered box, and the box was shaken for further drawing until the "sample" year from each of the twelve periods was established. This entire proceeding took place prior to the
TABLE 2

SCHEDULE OF YEARS UNDER SURVEY BY RANDOM SAMPLE TECHNIQUE
DISTRICT COURT, WOODBURY COUNTY, IOWA
1900 - 1960

<table>
<thead>
<tr>
<th>Red Marble (1)</th>
<th>Green Marble (2)</th>
<th>Blue Marble (3)</th>
<th>Black Marble (4)</th>
<th>White Marble (5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900</td>
<td>1901</td>
<td>1902</td>
<td>1903</td>
<td>1904</td>
</tr>
<tr>
<td>1905</td>
<td>1906</td>
<td>1907</td>
<td>1908</td>
<td>1909</td>
</tr>
<tr>
<td>1910</td>
<td>1911</td>
<td>1912</td>
<td>1913</td>
<td>1914</td>
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<tr>
<td>1915</td>
<td>1916</td>
<td>1917</td>
<td>1918</td>
<td>1919</td>
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<td>1920</td>
<td>1921</td>
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<td>1923</td>
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<td>1925</td>
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<td>1929</td>
</tr>
<tr>
<td>1930</td>
<td>1931</td>
<td>1932</td>
<td>1933</td>
<td>1934</td>
</tr>
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<td>1953</td>
<td>1954</td>
</tr>
<tr>
<td>1955</td>
<td>1956</td>
<td>1957</td>
<td>1958</td>
<td>1959</td>
</tr>
</tbody>
</table>

Note: Underscored years are the actual years under survey.

Review of any files or judgment dockets at District Court, reference is again made to Table 2, where the underscored years are those determined to be reviewed.

Arraying the Data

Step One: Preparation was then made to review the court records. The first action was to go through the judgment docket of the District Court for the representative years. All judgments rendered by court or jury came under full scrutiny. The judgment docket itself told, in many instances, the basis of the judgment, that is,
"collection of a past-due note," "collection of an open account," and so forth. Further review of these particular records was thus not required. In instances where the judgment docket itself left doubt as to the nature of the origin of the judgment or did not specifically state the basis of the judgment, a full review of the file backing up this judgment entry was required. By such action those files which came within the scope of this study were isolated. Reference is made to Exhibit 1 of the Appendix, where a total scheduling of all judgments for a representative year, 1948, is revealed. Similar action was pursued for all sample years in the period.

Step Two: The files which involved bodily injury judgments originating from automobiles and trucks were carefully reviewed. Each file was minutely inspected to attain the following information:

A. This study number  
B. Judgment docket number  
C. Plaintiff  
D. Age of plaintiff  
E. Defendant  
F. Circumstances as to origin  
G. Basis of the charge  
H. Injuries of the plaintiff  
I. Amount prayed for  
J. Defendant's answer  
K. Award: kind and amount

Reference is made to Exhibit 2 of the Appendix. Here is outlined the file for each bodily injury award coming within the definition of this study for a representative year, specifically 1948. In order that accurate detail may be assured in the study, a typical court file has been reproduced. This has been duplicated with the
permission of the Clerk of District Court, Woodbury County, Iowa, and appears as Exhibit 3 in the Appendix.

**Step Three:** Before any further analysis could be made, the files of all the twelve representative years were scrutinized by using in each instance the procedure outlined in the steps above. The result appears in Table 3 which records the data involving bodily injury prayers and awards in Woodbury County from 1900 to 1960.

It is to be particularly noted that no awards for bodily injuries from vehicles were granted in the first three representative years of the study. It was originally assumed that such awards would be without great number; however, no method of proof existed until a full review of the files for the years in question took place. It is implicit within the hypothesis presented that the early history of prayers and awards is important as a basis of comparison. It is further worthy of comment that only information which the files shared in common is included in this series of exhibits. There were many interesting sidelights attendant upon such a study of individual files, but which are not germane to this study. It is particularly to be noted that when an award was given, whether by jury or court, it seldom was clarified in the award as to what values were receiving payment. Had this been so indicated in these records, a considerably more penetrating analysis could have been made into the area of trends in the valuation of such "human values," as pain and suffering,
### TABLE 3

**SCHEDULE OF VEHICULAR BODILY INJURY PRAYERS AND AWARDS**  
**DISTRICT COURT, WOODBURY COUNTY, IOWA**  
**SAMPLE YEARS - 1900-1960**

<table>
<thead>
<tr>
<th>Year</th>
<th>Study Number</th>
<th>Docket Number</th>
<th>Age of Claimant</th>
<th>Prayer</th>
<th>Award</th>
<th>Court Jury</th>
<th>Extent of Property Damage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1907</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1913</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1919</td>
<td>1</td>
<td>37014</td>
<td>Adult</td>
<td>$8,000.00</td>
<td>$1,000.00</td>
<td>J</td>
<td>$71.35</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>35350</td>
<td>Adult</td>
<td>$3,525.00</td>
<td>750.00</td>
<td>J</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>37121</td>
<td>Adult</td>
<td>1,255.00</td>
<td>1,000.00</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>37570</td>
<td>Adult</td>
<td>150.00</td>
<td>71.35</td>
<td>J</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>37577 14 yr.</td>
<td>15,000.00</td>
<td>1,200.00</td>
<td>J</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>37828</td>
<td>Adult</td>
<td>1,500.00</td>
<td>150.00</td>
<td>J</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>38094 9 yr.</td>
<td>10,000.00</td>
<td>2,000.00</td>
<td>J</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8</td>
<td>38644</td>
<td>Adult</td>
<td>20,795.00</td>
<td>6,708.40</td>
<td>J</td>
<td></td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>36753</td>
<td>Adult</td>
<td>1,000.00</td>
<td>212.00</td>
<td>J</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>38977</td>
<td>Adult</td>
<td>3,000.00</td>
<td>156.35</td>
<td>C</td>
<td>25.00</td>
</tr>
<tr>
<td></td>
<td>11</td>
<td>37042</td>
<td>Adult</td>
<td>3,142.26</td>
<td>300.00</td>
<td>C</td>
<td>80.26</td>
</tr>
<tr>
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*Exact age listed if given in file.*

*Death of claimant involved.*

Source: District Court records, Woodbury County, Iowa.

...disfigurement, concern for embarrassment, and so forth. It is similarly to be recognized that such failure to designate the values for which an award was given made it impossible to separate the property damage segment of such awards. This does violence to the definition of bodily injury. The most practical method appeared to be to take note of the amount asked for in property damages at the time the prayer...
was entered. This is carried in the final column of Table 3. Frequently the final award is for less than the amount of the property damage claimed. This does nothing to clarify the premise upon which the award was granted.

After a thorough investigation was made and after the cataloguing and the arraying of the data had been accomplished, an analysis was then possible. Remaining portions of this paper are given over to breaking the data into their constituent elements to prove the hypothesis.
CHAPTER III

THE HYPOTHESIS CHALLENGED

It is appropriate at this time to attempt proof of the hypothesis of this study. The scope of this study has been delimited, and the source of its material clarified. The issue of growth of bodily injury prayers and awards as revealed by this segment of the total court system of the nation commands immediate attention. Not only is the hypothecation of growth to be examined, but also the question of whether such growth is realistic in the light of changed economic conditions. This is developed more fully later in this chapter. Prior to that development, attention is called to the current controversy of award growth.

Bodily Injury Awards

Extravagant or Parsimonious

The issue of vehicular bodily injury award growth has two fundamentally divergent views. One side looks at the injured party and charges that the awards granted by our society are entirely inadequate. The opposing view holds that awards have grown out of proportion to the injury or damages sustained.

Those who attack the awards being given to claimants
criticize huge verdicts, the activities of claimants' attorneys, and the sympathetic attitude of juries operating against reasonable settlement. It is also intimated that there is often claim settlement at whatever price asked in order to avoid further trouble.\(^1\) Not only does there exist the professional claimant and gangs who fake claims that cause great cost and annoyance to those who must ultimately bear the brunt of their activity, but also

\[
\ldots \text{aside from the professional fakers of claims there are the amateurs to be considered. In this group are to be found persons who measure damages, not by the extent of the injury, but by what they can get. When involved in any accident, however slight, they go to bed immediately and experience all kinds of symptoms. These cases stubbornly refuse to yield to the most expert medical treatment until a satisfactory financial adjustment has been effected. The recovery then is phenomenal.}^2
\]

It is only natural that insurance company personnel echo the charge of the companies.

Responsibility for this condition has been placed on the shoulders of the general public by one official when he says, "The rates in your area reflect the \ldots\ unjustly high jury verdicts that are often gratuitously rendered in your community \ldots\ that you accept without murmur since you believe the 'rich insurance companies pay the freight' and the padded and fraudulent claims that


your community may wink at.¹

A typical conversation with claims men locally pursues this tenor: One commented that many claims-conscious people look upon an accident as an easy way to "hit the jackpot." Another feels that common decency has been violated; for, when a mishap occurs, the third party looks first for someone to sue and then attends the injured and deceased. These are serious charges; and, if true nationwide, there is little occasion to exult over the future prospects that the present system for determination of awards will long continue. This philosophy is affirmed by other than insurance company personnel. A New York State Supreme Court Justice, Miles F. McDonald says, "Eighty per cent of jury awards are [sic] excessive, and ten per cent so grossly excessive they may be set aside by the court."² It is further held that "The basic principle of our law regarding awards, 'To each according to his loss,' has been corrupted by juries to mean, 'To each according to how much we feel like giving away.'"³

It is not just the sentiment of insurance company officials and some judges who would charge that bodily injury awards are only remotely a measure of actual damages sustained. There is evidence within impartial records.

²Richard Dunlop, "Why Your Car Insurance Costs So Much," The Readers Digest, October, 1958), p. 82.
³Ibid.
which would add more than fleeting proof to this contention. It was found in Massachusetts that each year from 1951 through 1956, the number of injury claims exceeded from 9,000 to 23,000 the number of individuals reported as injured to the Registry of Motor Vehicles. In short, claimants have decided that they were "injured" only after some reflection following a vehicle-involved accident.¹

Turning to the evidence of this study, Table 4 reveals the progression that has been taking place.

### Table 4

**SUMMARY OF MEDIAN VALUES⁴ OF PRAYERS VEHICULAR BODILY INJURIES**  
**DISTRICT COURT, WOODBURY COUNTY, IOWA**  
**SAMPLE YEARS - 1900-1960**

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<td>4,894</td>
</tr>
<tr>
<td>1937</td>
<td>10,000</td>
</tr>
<tr>
<td>1944</td>
<td>8,397</td>
</tr>
<tr>
<td>1948</td>
<td>5,238</td>
</tr>
<tr>
<td>1951</td>
<td>20,162</td>
</tr>
<tr>
<td>1958</td>
<td>20,000</td>
</tr>
</tbody>
</table>

¹Not corrected for change in Consumer Price Index.

²Rounded to the nearest dollar.

Source: Records, District Court, Woodbury County, Iowa.

¹Ibid. pp. 82-83.
The median value of prayers sought as a result of vehicular origins has grown from $3,142 in 1919 to $20,000 in 1958, approximately a six-fold increase. Whatever the cause, the prayers locally have increased in dollar amount. Devotees of higher awards say this is as it should be.

A question as far reaching as this is likely to have more than a single side. This issue does, indeed, have another point of view. The preponderance of higher awards is equally convincing since such awards are not a realistic measurement of damages sustained and since they have not kept pace with changing values within the economy. The evidence dictates there has been a sluggishness in award growths in the past fifty-year history of this economy and that these awards have not risen in proportion to the cost of living. "Wages and prices have multiplied ten and twelve fold. The cost of awards by three and four." [sic]

It is reasoned that the dignity of man has long since been signified in the arts, in literature, in painting, and in music. It is argued that United States courts have belatedly commenced to recognize and acclaim the dignity of man by granting adequate awards for personal injuries sustained. Mr. Belli, as one outstanding proponent of seeking judgment via the court in amount commensurate with the damages sustained, is equally cogent in his remarks as to the failure of such awards to keep pace with

---

1 Melvin M. Belli, Sr., The More Adequate Award (San Francisco: Pamphlet Law Offices of Belli, Ashe, and Pinney), p. 69.
changing dollar values. He says,

Neither lawyer nor judge should be appalled at
the absolute figures presented in an adequate
award. If the amounts are broken down for
pain and suffering, into dollars and cents
for finite periods of time, the fairness of
the adequate award becomes apparent. The
'personal injury' is the most catastrophic
event that can befall a human being. All
man does is live. Judges and lawyers should
dignify by new standards, with justiciable [sic]
awards, infringements upon man's right to live
out his life free from pain and suffering, with
his mind and body intact. The only award permis-
sible in a personal injury death action is 'dol-
Iars' and the 'money judgment.' It should be
adequate.

It is argued that jurors have been laboring under
the unsalutary conception (born of insurance company
propaganda and directed toward laymen who become jurors)
that not only are awards too high generally, but in addi-
tion, most plaintiffs are seeking to secure a windfall-
gain and attain something for nothing. In short, it is
charged that insurance companies which have the greatest
monetary interest of all the interests involved, have so
"brainwashed" the general public as to the prevalence of
excessive jury awards that they have effectively eroded
the validity of the jury system. It is stated:

Most plaintiffs' lawyers today would prefer
to try their cases to [sic] a judge . . .
but few have the opportunity so to do, since
throughout the United States it is the de-
fendant insurance company that now asks for
the jury. The reason is obvious: prospective
jurors have been so propagandized that now
the average jury panel is pre-conditioned and
prejudiced generally against 'high awards.'

1Ibid. pp. 70-71.
The propaganda proposes to make callous the prospective juror to pain and suffering and to convince him that the average plaintiff is a faker.

These proponents of higher bodily injury awards have made a fundamental accusation. They charge, whatever the cause, that bodily injury awards of vehicular origin have not kept pace with the changing conditions, specifically as to the value of the dollar to the consumer.

Prayer and Award Growth

Prayers

The hypothesis of this study can now be put to test. A summary of court records for the sample years under review appears in Table 5. In referring to Column 4 of this table, it is affirmed that the dollar amount of prayers has increased. This growth is the more remarkable in face of the levelling effect on median values through use of the Consumer Price Index. Comparison of Columns 2 and 4 of the table indicates that the Consumer Price Index raises the value of prayers in their lower reaches and reduces the larger amounts.

---
TABLE 5

SUMMARY OF MEDIAN VALUES\(^{a}\) PRAYERS AND AWARDS

VEHICULAR ORIGINS

DISTRICT COURT, WOODBURY COUNTY, IOWA

SAMPLE YEARS - 1900-1960

<table>
<thead>
<tr>
<th>Year</th>
<th>Original Prayer</th>
<th>C.P.I.</th>
<th>Adjusted Prayer</th>
<th>Original Award</th>
<th>C.P.I.</th>
<th>Adjusted Award</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
<td>(6)</td>
</tr>
<tr>
<td>1900(^{c})</td>
<td>$3,142</td>
<td>74.0</td>
<td>$4,246</td>
<td>$750</td>
<td>74.0</td>
<td>$1,014</td>
</tr>
<tr>
<td>1907(^{c})</td>
<td>5,151</td>
<td>73.1</td>
<td>7,046</td>
<td>700</td>
<td>73.1</td>
<td>958</td>
</tr>
<tr>
<td>1919</td>
<td>5,257</td>
<td>75.6</td>
<td>6,954</td>
<td>1,310</td>
<td>75.6</td>
<td>1,733</td>
</tr>
<tr>
<td>1924</td>
<td>4,894</td>
<td>58.4</td>
<td>8,380</td>
<td>444</td>
<td>58.4</td>
<td>760</td>
</tr>
<tr>
<td>1926</td>
<td>10,000</td>
<td>61.4</td>
<td>16,287</td>
<td>800</td>
<td>61.4</td>
<td>1,303</td>
</tr>
<tr>
<td>1932</td>
<td>8,397</td>
<td>75.2</td>
<td>11,166</td>
<td>750</td>
<td>75.2</td>
<td>997</td>
</tr>
<tr>
<td>1937</td>
<td>5,238</td>
<td>102.8</td>
<td>5,095</td>
<td>723</td>
<td>102.8</td>
<td>703</td>
</tr>
<tr>
<td>1948</td>
<td>20,162</td>
<td>111.0</td>
<td>18,164</td>
<td>500</td>
<td>111.0</td>
<td>450</td>
</tr>
<tr>
<td>1951</td>
<td>20,000</td>
<td>123.5</td>
<td>16,194</td>
<td>1,500</td>
<td>123.5</td>
<td>1,215</td>
</tr>
</tbody>
</table>

\(^{a}\) Calculated from Table 3. Rounded to the nearest whole number.

\(^{b}\) Adjusted prayer and award computed by dividing Column 2 by Column 3 and Column 5 by Column 6, respectively.

\(^{c}\) No judgments recorded.

Source: Consumer Price Index from Department of Labor, Bureau of Labor Statistics. (1947-49=100)

Awards

The issue of awards granted, which is an equally defined facet of this study, reveals that awards have not kept pace with the increased prayers sought in relief of bodily injury. Reference to Table 6 below reveals the comparison between the twelve-year mean for prayers and awards and the simple mean for the last three years of
TABLE 6

A COMPARISON OF MEAN\textsuperscript{a} BODILY INJURIES
PRAYERS AND AWARDS ORIGINATING FROM
VEHICLES IN THREE PERIODS OF TIME
DISTRICT COURT, WOODBURY COUNTY, IOWA
SAMPLE YEARS - 1900-1960

<table>
<thead>
<tr>
<th></th>
<th>Total period</th>
<th>First 3-year Mean</th>
<th>Final 3-year Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prayers</td>
<td>$7,794</td>
<td>0</td>
<td>$13,151</td>
</tr>
<tr>
<td>Awards</td>
<td>$761</td>
<td>0</td>
<td>789</td>
</tr>
</tbody>
</table>

\textsuperscript{a}Rounded to the nearest whole number. Corrected for C.P.I.

Source: Computed from values presented in Table 4.

the study. Quick comparison indicates that, despite le­
velling for the effect of the Consumer Price Index, prayers
for relief during the last three sample years of the period
under survey are about double the sixty-year mean. In
contrast, the figures for awards granted for the same
period of comparison reveal that the mean for the last
three sample years in the survey is only a few dollars
above the simple mean for the entire six decades.

The information of Table 5 is also displayed in
Graph II which follows. A free-hand trend line on the
lines of the graph representative of prayers and awards
quickly reveals the nature of the actual experience. It
shows the precipitous growth of prayers and the downward
trend in awards.
33

GRAPH II

BODILY INJURY PRAYERS AND AWARDS MEDIAN\textsuperscript{a} VALUES
VEHICULAR ORIGINS
DISTRICT COURT, WOODBURY COUNTY, IOWA
SAMPLE YEARS - 1900-1960

\begin{tabular}{l}
\textbf{Dollars} & \textbf{Legend} \\
$\cdot 20,000$ & Prayers \hline
$\cdot 18,000$ & Awards \hline
$\cdot 16,000$ & \hline
$\cdot 14,000$ & \hline
$\cdot 12,000$ & \hline
$\cdot 10,000$ & \hline
$\cdot 8,000$ & \hline
$\cdot 6,000$ & \hline
$\cdot 4,000$ & \hline
$\cdot 2,000$ & \\
\end{tabular}

\begin{tabular}{l}
1900 & '07 & '13 & '19 & '24 & '26 & '32 & '37 & '44 & '48 & '51 & '58 \\
\end{tabular}

\textsuperscript{a}Corrected for Consumer Price Index.

Source: Table 5.
In an attempt to define the nature of any correlation which might exist between the movements of prayers and awards, the study was subjected to the product moment correlation technique. Any correlation which existed was found to be negative and so minute as to lack significance.

**Conclusion Drawn**

The hypothecation made at inception of this research has for the most part now been disproved. Inferences based upon the data of this research reveal that prayers have grown as stated. Awards, to the contrary, have decreased. Finally, there is no evidence of a direct relationship between the changes which have taken place in prayers and awards.

**Technique Used to Analyze Data**

The technique in attaining this information is worthy of explanation and is best shown by a series of steps:

**Step One:** The vehicular bodily injury awards were arrayed for each year as per Table 3.

**Step Two:** The median position for each year was attained by mechanically arraying the figures as to prayers and awards in the order of increasing valuation. In those years having an odd number of figures, a simple mechanical procedure was used to obtain the central figure. Where even numbers of figures were arrayed in a given year, the average of the two center figures was computed.
**Step Three:** The median figure attained for each year was then reduced to its true value; that is, each median value for the respective year was divided by the Consumer Price Index figure for that year as furnished by the Department of Labor, Bureau of Labor Statistics. This levelling effect gave the true value of the money prayed for in the court action. It similarly gave the true value of the award granted in consideration of the medical care and the hospital bills, and it placed a constant dollar value on the loss of human values.

A **median** figure was the only figure which appears to be of value. There was no rationale to justify **modal** figures, and the values displayed vary so widely as to distort the true meaning of the **mean**. Similarly, the **total amounts** prayed for or awarded in a given year varied so widely with the number of such prayers or awards as to render this figure valueless. Were the study intensified to include a search of the records for every year, doubtlessly, median figures would still have the greatest value, for . . . “it [the median] is not ‘pulled up’ unduly by the presence of a few large cases, as is true of the arithmetic mean.”

**Step Four:** A graph was drawn to display the median values of adjusted prayers and awards for quick display.

Although the original hypothesis may appear reasonable,
at the outset and although it is the subject matter of much oral and written communication, the hypothesis is largely disproved by the records of District Court, Woodbury County, Iowa, for the sixty-year period used in this study. It seems pertinent to seek out logical explanation of this disproof. The final chapter presents such explanation.
CHAPTER IV

CONCLUSION

Disproof of the hypothecation made is unmistakable. Explanation as to the reasons behind such disproof is not quickly evident. An examination of plausible causation is the subject matter of this chapter.

It is simple economics that wastage, obsolescence, and depreciation detract from the well-being of a society. Destruction of physical property and human life values are a part of this wastage, and the first chapter indicates the magnitude of this loss.

Effect of the Court System

It is well documented in the law of this nation that one cannot do damage to another and be held beyond the reach of the law to answer for that damage. However, there are complications. The extent to which prayers for awards for bodily injury losses by vehicles exceed the awards themselves suggests the fact that a metamorphosis has been taking place during the period covered by this study.

It was easily demonstrated that considerable differences exist both as to procedural and substantive law in various states. . . . The common law theories of duty, causation,
imputed negligence, gross negligence, assumption of risk and contribution have been generally recognized in the common law but are applied in different ways in different jurisdictions.¹

In short, absolute fault on the part of another is a significant basis upon which demand by a claimant for money damage rests, but anything less than absolute fault reduces the right to a claimant's demand for financial restitution.

Clarification of this issue of degrees of fault as a basis for money damage has been taking place at the same time that the automobile has been growing from an open bodied, backfiring, bicycle-tired curiosity into a super-powered, chrome-plated necessity of virtually every family. The laws regulating automobile usage have changed also. In 1899 New York City denied by ordinance all horseless carriages the use of Central Park.² By 1957, "all motorists buying New York license plates were required to have liability insurance with at least $10,000/$20,000 bodily injury and $50,000 property damage limits."³ These extremes reveal the interesting transition which has taken place in New York even though the experience in New York may be more drastic than that of other states.

¹Brainard, p. 15.


The Mechanics of the Court

As partial explanation of the extent to which prayers have outstripped awards in the jurisdiction of the Woodbury County District Court for the period under review, it is necessary to turn to the mechanics of the court itself. It is quickly recognized that the awards made by courts and juries seldom exceed the amount asked by a plaintiff. In Iowa a number of instances reveal that much legal manipulation is required before a judge will permit a jury to bring in a verdict for a judgment in excess of the prayer. Exhibit 3 of the Appendix spells out the legal niceties involved in a jury's decision to compensate a claimant for damage. In the face of all this evidence alone, it is normal that prayers will be at a maximum conceivable amount. Additional strength is added to this argument when it is recognized that most claims for damages come to the jury and court by an attorney for the plaintiff, not by the plaintiff directly. The plaintiff's attorney takes the case on a percentage basis. The percentage is typically larger in case of trial than if settled out of court. In either case this procedure operates to the benefit of both the plaintiff and his attorney to seek a maximum amount, although it may be possible for this demand to be so high as to shock the public indignation and operate to the ultimate detriment of both.

Another court mechanism which operates to elevate prayers over awards is found in the knowledge of the delay
between the time of the accident and any judgment given to the parties involved.

Court calendars are typically crowded, and controversies come on for adjudication considerably after the date of the loss. In a period of consistently rising prices, informed attorneys anticipate the upward trend and add the increase to the original prayer. In another jurisdiction it was found in a study made in 1943-54 that despite the fact that twenty-one new judges were added during that period to attend the judicial load, the delay in the docket for jury trial increased from five months to eighteen and one-half months, and the backlog of cases was then growing at the rate of five hundred per month. It was further revealed that the waiting period between the time of the injury and the complaint remained unchanged during the period of the study, but the average time between the complaint and that of the judgment doubled. This kind of information was not made a part of this study; however, local District Court awards given several years after the filing of the complaints were noted to be common.

It is worthy of notice that both prayers and awards have changed in a manner bearing little relationship to the Consumer Price Index. Table 7 below, dealing with the sample years of the study, reveals a comparison of the Consumer Price Index and the vehicular bodily injury

1Brainard, pp. 15-16.
TABLE 7

A COMPARISON OF CONSUMER PRICE INDEX WITH VEHICULAR BODILY INJURY a PRAYERS AND AWARDS DISTRICT COURT, WOODBURY COUNTY, IOWA SAMPLE YEARS - 1900-1960

<table>
<thead>
<tr>
<th>Year</th>
<th>C.P.I. b (Percentage)</th>
<th>Prayers</th>
<th>Awards</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900</td>
<td>Not available</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>1907</td>
<td>Not available</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>1913</td>
<td>42.3</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>1919</td>
<td>74.0</td>
<td>$3,142.00</td>
<td>$750.00</td>
</tr>
<tr>
<td>1924</td>
<td>73.1</td>
<td>5,151.00</td>
<td>700.00</td>
</tr>
<tr>
<td>1926</td>
<td>75.6</td>
<td>5,257.00</td>
<td>1,310.00</td>
</tr>
<tr>
<td>1932</td>
<td>58.4</td>
<td>4,894.00</td>
<td>444.00</td>
</tr>
<tr>
<td>1937</td>
<td>61.4</td>
<td>10,000.00</td>
<td>800.00</td>
</tr>
<tr>
<td>1944</td>
<td>75.2</td>
<td>8,397.00</td>
<td>750.00</td>
</tr>
<tr>
<td>1948</td>
<td>102.8</td>
<td>5,238.00</td>
<td>723.00</td>
</tr>
<tr>
<td>1951</td>
<td>111.0</td>
<td>20,162.00</td>
<td>500.00</td>
</tr>
<tr>
<td>1958</td>
<td>123.5</td>
<td>20,000.00</td>
<td>1,500.00</td>
</tr>
</tbody>
</table>

aPrayers and awards are not levelled for effect of C.P.I. and are median values for year involved.


prayers and awards for the same.

No attempt has been made to be detailed in the analysis of Table 7. Quick survey of first and final years shows that the Consumer Price Index has approximately tripled during the period under study. A comparison of the prayers and awards for the same years indicates that prayers have risen about six-fold, but in this period awards have doubled. Furthermore, the variance in prayers and awards in intervening years appears unrelated to the steady progression of the Consumer Price Index.
As further indication of the extent to which the cost of personal services tend to elevate, without allowance being made for that change, attention is called to Law Case Number 65961 in Exhibit 3 of the Appendix. The Consumer Price Index for the month of February, 1947 was 91.8. This was the month and year of the accident. When the matter came to trial in January, 1948, the index figure was 101.3. The year had seen more than a ten-point spread and more than a ten per cent increase in Consumer Price Index over the base period of the claim. Close scrutiny of the file indicates no mention of such changes in the court's instructions to the jury. It would be interesting to know how many of the jurors had this in mind when the award was being considered. Review of the files in this study shows no single instance in which instructions to the jury intimate that a change in Consumer Price Index or any other dollar value index should be considered at the time an award was granted. This is true whether the index figure was down or up from what it was at the date of the injury. Mr. Belli, as quoted in Chapter III, asserts that absolute figures are not significant and that prayers and awards are indicative only when considered in terms of the value of the dollar. Whether he is correct or not is perhaps a matter of judgment, but there is little evidence that change in dollar value has ever been a consideration in awards granted.

It has been previously charged in Chapter III that still another facet of the judicial system in this economy
may account for the failure of prayers and awards to change with some direct relationship. It has been specifically charged that claimants have been seeking awards via the court and not juries. Juries have failed to give the adequate award which the circumstances of the cases demanded because of the undue influence of insurance company propaganda.

Column 5 of Table 8 reveals that court awards are in the majority in terms of number of awards granted. The cause may have been due to the accusation made. In terms

TABLE 8

PERCENTAGE OF TOTAL AWARDS GIVEN BY COURTS
VEHICULAR BODILY INJURIES
DISTRICT COURT, WOODBURY COUNTY, IOWA
SAMPLE YEARS - 1900-1960

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Total Awards (1)</th>
<th>Number of Court Awards (2)</th>
<th>Number of Jury Awards (3)</th>
<th>Court Awards as Percentage of Totala (5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1907</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1913</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1919</td>
<td>11</td>
<td>4</td>
<td>7</td>
<td>37</td>
</tr>
<tr>
<td>1924</td>
<td>6</td>
<td>5</td>
<td>1</td>
<td>83</td>
</tr>
<tr>
<td>1926</td>
<td>8</td>
<td>2</td>
<td>6</td>
<td>25</td>
</tr>
<tr>
<td>1932</td>
<td>34</td>
<td>22</td>
<td>12</td>
<td>65</td>
</tr>
<tr>
<td>1939</td>
<td>25</td>
<td>13</td>
<td>12</td>
<td>52</td>
</tr>
<tr>
<td>1944</td>
<td>12</td>
<td>10</td>
<td>2</td>
<td>83</td>
</tr>
<tr>
<td>1948</td>
<td>28</td>
<td>24</td>
<td>4</td>
<td>86</td>
</tr>
<tr>
<td>1951</td>
<td>19</td>
<td>15</td>
<td>4</td>
<td>79</td>
</tr>
<tr>
<td>1958</td>
<td>27</td>
<td>16</td>
<td>11</td>
<td>59</td>
</tr>
</tbody>
</table>

a Rounded to the nearest whole number.

Source: District Court Records, Woodbury County, Iowa.
of the value of awards granted by juries or the court, it is quite evident that juries more nearly give what is asked than does the court.\(^1\) Analysis of the material in this study reveals via Table 9 that juries gave 10.3 per cent of dollars asked in prayers, whereas the court was more penurious, granting only an average of 7.7 per cent of the amounts sought.

**TABLE 9**

A COMPARISON OF COURT AND JURY AWARDS SHOWING PERCENTAGE OF AWARDS TO PRAYERS BY COURT AND BY JURY, USING MEDIAN VALUES VEHICULAR BODILY INJURY ACTIONS DISTRICT COURT, WOODBURY COUNTY, IOWA SAMPLE YEARS - 1900-1960

<table>
<thead>
<tr>
<th>Year</th>
<th>JURY</th>
<th>COURT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Prayer Award (%)</td>
<td>Prayer Award (%)</td>
</tr>
<tr>
<td></td>
<td>(1) (2) (3)</td>
<td>(5) (6) (7)</td>
</tr>
<tr>
<td>1900</td>
<td>0 0 0</td>
<td>0 0 0</td>
</tr>
<tr>
<td>1907</td>
<td>0 0 0</td>
<td>0 0 0</td>
</tr>
<tr>
<td>1913</td>
<td>0 0 0</td>
<td>0 0 0</td>
</tr>
<tr>
<td>1919</td>
<td>$3,525 $ 750 21.3</td>
<td>$ 3,071 $ 650 21.3</td>
</tr>
<tr>
<td>1924</td>
<td>10,000 125 1.3</td>
<td>5,000 1,000 20.0</td>
</tr>
<tr>
<td>1926</td>
<td>6,647 2,500 37.6</td>
<td>1,500 191 12.7</td>
</tr>
<tr>
<td>1932</td>
<td>6,065 1,100 18.1</td>
<td>3,838 278 7.2</td>
</tr>
<tr>
<td>1937</td>
<td>10,000 1,175 11.8</td>
<td>10,141 250 2.5</td>
</tr>
<tr>
<td>1944</td>
<td>9,000 825 9.2</td>
<td>8,397 750 8.9</td>
</tr>
<tr>
<td>1948</td>
<td>7,781 857 11.0</td>
<td>5,095 723 14.2</td>
</tr>
<tr>
<td>1951</td>
<td>28,936 2,519 8.7</td>
<td>20,162 500 2.5</td>
</tr>
<tr>
<td>1958</td>
<td>23,000 1,700 7.4</td>
<td>13,567 505 3.7</td>
</tr>
</tbody>
</table>

\(^{a}\)Rounded to nearest tenth.  
\(^{b}\)Not corrected for Consumer Price Index.  

Source: Table 3 as computed from records of District Court, Woodbury County, Iowa.

\(^1\)Comparison is made here between two values: (1) the number of court awards as a percentage of total awards and
The nature of this nation's judicial system may serve as one possible explanation of the failure of bodily injury prayers and awards from vehicles to grow at a proportional rate. It may also serve to explain why awards have not grown during the time of this Woodbury County study. There are other changes which have been taking place in the nation during this sixty-year period. To the extent these changes are applicable to the period and placed under review, they may aid in explanation of the trends noted in this survey.

Changes in Human Life Values

In the light of the available information, the growth of prayers noted in this survey is not difficult to explain, for human life values have indeed increased in worth in this period. A demise caused by a vehicular accident becomes automatically of greater dollar value as life expectancy increases under the conditions of the economy of the United States. For instance, a white male infant at birth in 1900 had a life expectancy of 47.3 years, but by 1959 this life expectancy had risen to 69.7 years. Therefore, it could logically be argued that as longevity

(2) the adequacy of court awards as compared to jury awards. Court awards are in a numerical majority tending to coincide with the accusation made, but the court was more liberal with the awards granted tending to prove that a claimant's fear of jury awards was groundless.
increases, value of life elevates.¹

Neither is it difficult to explain the growth of prayers if reference is made to the rise in medical costs. Except for a five-year period during the depth of the 1930 depression, the index figure for medical costs in the nation has shown a steady progression. The index of medical costs in 1926 was 72.1 and this had risen in 1957 to 138.0. This assumes 1947-49 is equal to 100.² In short, medical costs for the nation had nearly doubled during this thirty-year period. Unfortunately, figures for the earlier period were not available; nor were figures available for Iowa alone or for Woodbury County. However, there is little evidence to argue that local experience differs from the national experience.

Another human life value which has greatly increased is the money wage of the injured person. The Bureau of Labor Statistics of the federal government reveals that average hourly earnings of manufacturing production workers rose from $.19 per hour in 1909 to $2.29 per hour in 1960.³ This is an increase of more than eleven hundred per cent. Woodbury County is not now, nor was it then a strong


manufacturing county; however, in the absence of any reliable local statistics, these figures give some indication of the elevation which had taken place in the earning power of the individual and which earning power a serious vehicular accident might disrupt.

It is scarcely required to point out how the worth of the individual has shown consistent growth in history and how the dignity of the individual is of primary value in this democracy. Increased social legislation has aided in reducing these human life values to dollar amounts. The facts would point to workmen's compensation legislation, to the Social Security program at the level of the federal government, and to minimum wage laws in both federal and state legislation.

These facts do nothing to explain the quality of sluggishness that exists in awards where such human life values are an issue. These facts serve to make this backwardness only the more difficult to justify.

A reputable claims attorney indicated that the low level of award payment was explainable in a simple fact of legal life.\(^1\) He stated defendants were increasingly

---

\(^1\)This claims attorney is not quoted directly here by name. No specific quotation in this study is ascribed to attorneys, judges, adjusters, or others interviewed. The Bibliography lists the facts as to some of these interviews in which names do appear. The persons involved, for professional reasons, felt inclined not to be directly quoted as to their own judgment and experiences.
settling questionable claims out of court. His logic was impeccable: (1) If there is increasing participation in defense against automobile liability claims by insurance companies, then these companies become increasingly able to sense the types of claims which are defensible in court action. (2) Claims in which court defense is difficult or questionable are wisely settled out of court. (3) In that this study involves only court and jury claims, it would follow that by selectivity only quite defensible claims are sent to legal adjudication and thus appear here. (4) The tendency of awards to lag behind prayers is then in evidence.

Claiming and Emotion

A final attempt made to explain the disparity in growth between the prayers and awards generated as a result of vehicular accidents and based upon inferences made from review of the sixty-year period of this survey may well dwell outside the realm of rational human behavior. Reason may have little value in attempting to explain the trends which were noted in the period under survey.

It is inferred from the facts that damage-claiming is possibly a matter of much emotion. It is possible for the money-demand to consist of avarice with some sprinkling of desire to be reimbursed for values lost or forever destroyed. On the other hand, it is suggested that the granting of an award growing out of a claim is based less
upon the emotions of claimants and more completely upon
the facts as seen by informed and impartial persons—in
fact, such persons seem informed and impartial to an ex-
treme degree when one compares them to persons who merely
are seeking an opportunity to make a claim.

Justification for this reasoning originates from
several areas. In the first place, there has been and
there is now a kind of justifiable piracy which the mores
of this economy extend to those who make claims of an
insurance company. This has been the historical position
of those who claimed from railroads, public utilities,
and governments. To a lesser degree it has been con-
sidered justifiable action against the corporate structure
generally as compared to the individual proprietor. Daily
conversation is often punctuated with such comments as,
"I hate to wear this plastic collar, but it helps sub-
stantiate my insurance claim" or "If it doesn't hail soon,
I'll have to buy a new roof for my home" or "I wish some-
one would steal this car; I need a new one." These re-
marks, often in jest, may be more serious than imagined.

Specific indication of playing on emotion to make or
increase a claim may well be evinced from the data of this
survey. The preponderance of claims brought in the names
of minors is out of proportion to the percentage of minors
in the total population universe of this county. Quick re-
ference to Table 10 reveals that the number of children in
TABLE 10

RATIO OF AWARDS TO MINORS\textsuperscript{a} AS PERCENTAGE OF TOTAL VEHICULAR BODILY INJURY AWARDS
DISTRICT COURT, WOODBURY COUNTY, IOWA
SAMPLE YEARS - 1900-1960

<table>
<thead>
<tr>
<th>Year</th>
<th>Awards to Adults</th>
<th>Awards to Minors</th>
<th>Awards allocable to Minors</th>
<th>Percentage of Percentage\textsuperscript{b} of Total</th>
<th>Percentage of Total Population\textsuperscript{c}</th>
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<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
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<tr>
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<td>0</td>
<td>41</td>
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<td>17</td>
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<td>8</td>
<td>5</td>
<td>3</td>
<td>38</td>
<td>37</td>
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<td>3</td>
<td>16</td>
<td>74</td>
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</tr>
<tr>
<td>1958</td>
<td>27</td>
<td>18</td>
<td>9</td>
<td>33</td>
<td>39</td>
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</tbody>
</table>

\textsuperscript{a}Minor in Iowa law is one under 21 years of age except a married female.

\textsuperscript{b}Rounded to the nearest whole number

\textsuperscript{c}Furnished by request from U. S. Bureau of the Census.

Source: Table 3 as taken from District Court, Woodbury County, Iowa.

the county calling for awards to be granted them should be thirty-four per cent of the total awards granted in a single year. However, in the year 1948 seventy-five per cent of the awards were granted to minors. It is true that the figures may be somewhat biased because the population of Iowa by counties is not kept to show the percentage thereof
under twenty-one years of age. It does show the population under twenty without regard to marital status or sex. This bias would appear to have little impact upon the percentages computed.

When this matter of drawing complaints in the name of minors was called to the attention of claim attorneys locally, they tended to dismiss it as a mere "random happening." Upon closer questioning several who were interviewed, admitted that they felt considerably more secure in bringing a claim in the name of a minor than they did in the name of a parent or guardian. A District Court judge who was interviewed felt that the bringing of children into a courtroom situation to be exhibited before a jury had much appeal. He did feel, however, that there is now "nomadism" in children. Since children ride more in the automobile than their elders, this may well expose them to greater incidence of loss. It is true that the percentage of children in this universe may not necessarily dictate their percentage of exposure to injury by vehicles. Local insurance company attorneys and claimsmen attest loudly to the thought that a claim is brought in the name of a minor, if possible, for the emotional appeal that such practice may have in influencing the amount of an award.

An interesting point was made by one well-experienced casualty claims adjuster. He indicated that his observation of parents after a child had been injured or killed led him to believe that there was much feeling of guilt for
failure on the part of the parent to supervise adequately. The attorney reasoned that parents feel less responsibility for the tragedy if a disinterested person or persons ascribe negligence to a defendant. He admitted he was speculating in an area wherein few are qualified, but felt this absolution from guilt was often as much a part of a legal proceedings as was the demand for money damages.

One prominent local attorney indicated that there is a legal advantage in drawing an action in favor of a minor. He pointed out that, in Iowa, a person cannot be guilty of negligence until reaching the age of seven years. This legal point eliminates any contemplations on the part of a plaintiff or a defendant as to the question of negligence. It may explain the disproportionality of claims drawn in the name of minors; yet, it has grown out of the English common law, and its extensive history would do little to explain the upward trend revealed by the study.

The argument of emotional appeal as a basis of prayer versus intellectual reasoning as a basis of award presents difficulty in establishing of proof. Emotion involves the human equation and probably can be determined only by skillful questioning on the part of the depth interviewer. Such reasoning is presented here only as a possible explanation of the difference between prayers and awards. It cannot be denied that claims tend to be subjective and that awards tend to be determined objectively.
Critique

This study, like studies of most other mortal activities is not without its foibles. Such idiosyncrasies should be admitted openly in order to aid in clarity of the discussion which preceded.

In the first place, practically any random sampling technique is subject to question as to whether the procedure was truly random. To the extent that there were defects in the physical properties employed in taking the sample, those defections may have contributed to lack of randomness.

Secondly, any sample taken is subject to question as to whether it is representative of that universe. On the other hand, a reviewing of every file for every year is also subject to question on several premises.

In a similar vein it is subject to discussion as to whether this one isolated experience is representative of the entire United States or whether it is even noteworthy. However, a study made at Temple University in 1954 at Philadelphia, covering a somewhat different universe but treating similar material, was used as a basis of "several important generalizations concerning the Philadelphia area and possibly other areas as well."¹ Contrariwise, when Dr. Richard M. Heins of California reviewed a still different universe to much greater depth in an attempt to make inferences therefrom, he concluded, "Each geographic

¹Brainard, p. 12.
territory has a basic problem of accident frequency and accident prevention unique unto itself.\(^1\)

It must be admitted that the preponderance of claims is settled out of court. Making inferences as to prayers and awards originating from motor vehicles via court records is only one segment of the total claims picture of a community or nation.

Interesting research is suggested as the result of the necessary limitations of this study. Worthwhile benefit may grow out of a more intensive search for facts contained within court records pertaining particularly to the more recent years. Research of similar claims settled out of court is the basis for another worthwhile study. The information revealed by this study and the facts disclosed in disproof of the stated hypothesis encourage further search for truth.

\(^{1}\text{Ibid. p. 11.}\)
APPENDIX

Exhibit 1
Abstract of 1948 Law Docket
District Court, Woodbury County, Iowa

Exhibit 2
Detailed Abstract of Vehicular Bodily Injury Cases in the year 1948

Exhibit 3
Verbatim Copy of Law File No. 65961
District Court, Woodbury County, Iowa
EXHIBIT 1

ABSTRACT OF 1948 LAW DOCKET - DISTRICT COURT
WOODBURY COUNTY, IOWA

<table>
<thead>
<tr>
<th>Docket Number</th>
<th>Plaintiff</th>
<th>Defendant</th>
<th>Court or Jury</th>
<th>Amount Awarded</th>
<th>Date</th>
<th>Cause</th>
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<tr>
<td>Docket No.</td>
<td>Plaintiff</td>
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<td>Court or Jury</td>
<td>Amount Awarded</td>
<td>Date</td>
<td>Cause</td>
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Legend:
- **VBI** - Vehicular Bodily Injury
- **CPN** - Collect Promissory Note
- **DAM** - Damages Not Otherwise Classified
- **COA** - Collect Open Account
- **VPD** - Vehicular Property Damage
- **COC** - Collect on Contract
COA - 135
Total - 135

CPN - 9
Total - 9

Court awards given in support of plaintiffs' petitions and which origin is evident by reference only to the judgment docket.
EXHIBIT 2

DETAILED ABSTRACT OF VEHICULAR BODILY INJURY CASES
IN THE YEAR 1948

Study Number 1.
Docket Number . . . 65466
Plaintiff . . . . . Kenneth Coons
Age . . . . . . . . Assumed majority
Defendant . . . . H. R. Rabinowitz
Circumstances . . Intersection Accident
Charge . . . . . . Negligence by:
(1) Violating signal
(2) Car not under control
(3) No proper look-out
(4) No regard for safety of others
Injuries . . . . . Severe bruises
Shock
Prayer . . . . . $2,267.00
$2,000.00 pain and suffering
22.00 doctor bill
245.00 auto repair
$2,267.00 total
Answer . . . . . Not in file
Award . . . . . Court
$100.00

Study Number 2.
Docket Number . . . 65961 (Division number I)
Plaintiff . . . . . Dorothy M. Putnam, a minor, by Nettie E.
Putnam, her mother, as next friend
Age . . . . . . . . Minor
Defendant . . . . Haley-Neeley Company and Victor G.
Parkhill
Circumstances . . Collision
Charge . . . . . . Negligence by:
(1) Failure to keep to right
(2) Speeding
(3) Failure to drive prudently
(4) Lack of control
(5) Improper lookout
(6) Headlights not on
Injuries . . . . Contusions and lacerations of both knees and permanent scars
Contusions and lacerations of forehead and permanent scars
Fracture of upper teeth
Contusions, abrasions, bruises on body

Prayer . . . . $10,276.50
$ 250.00 hospital
26.50 clothing
10,000.00 humiliation, scars,
pain and suffering
$10,276.50 total

Answer : . : . . Denies all allegations

Award . . . . . Jury
$1,214.00

** * * * * *

Study Number 3.
Docket Number . . . 65961 (Division number II)
Plaintiff . . . . . . Robert L. Winn
Age . . . . . . . . . Assumed Majority
Defendant . . . . . Haley-Neeley Company and Victor G. Parkhill
Circumstances . . . Collision
Charge . . . . . . . Same as Division number I
Injuries . . . . . . Severe and painful injuries and lacerations of right knee
Lacerations of scalp
Bruises, contusions, abrasions about body

Prayer . . . . . $5,285.25
$ 25.25 hospital bills
135.00 clothing
125.00 loss of time
5,000.00 pain and suffering
$5,285.25 total

Answer . . . . . Same as Division number I
Award . . . . . . Jury
$500.00

** * * * * *

Study Number 4.
Docket Number . . . 65868
Plaintiff . . . . . . Wesly Orr, a minor, by his mother and
next friend, Minnie May Orr
Age . . . . . . . . . Minor
Defendant . . . . . Clarence and Anna C. Kellogg
EXHIBIT 2 - Continued

<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Two-year-old boy backed over in street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charge</td>
<td>&quot;... that he was so backing said vehicle, he was negligent in the operation and ran into, against and over plaintiff...&quot;</td>
</tr>
<tr>
<td>Injuries</td>
<td>&quot;... received serious personal injuries—including but not limited to a broken right leg.&quot;</td>
</tr>
<tr>
<td>Prayer</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Answer</td>
<td>Not in file</td>
</tr>
<tr>
<td>Award</td>
<td>Court $250.00</td>
</tr>
</tbody>
</table>

** ** ** ** **

**Study Number 5.**

**Docket Number:** 64825

**Plaintiff:** Nicholas Eggink by Marie Percival, grandmother and best friend

**Age:** 6 years old

**Defendant:** John N. Ege and Elmer Van Maheen

**Circumstances:** Six-year-old boy struck by car on way home from school

**Negligence due to:**

1. Improper look-out for pedestrians
2. Failure to slacken speed
3. Failure to operate his car so he could stop within assured clear distance ahead
4. Speeding – excess of 25 miles per hour

**Injuries:** Not detailed in file

**Prayer:** $6,306.00

- $42.00 hospital
- 14.00 ambulance
- 250.00 doctor
- 3,000.00 pain and suffering
- 3,000.00 permanent crippling

**Total:** $6,306.00

**Answer:** Denies all allegations

**Award:** Court $200.00

** ** ** ** **
EXHIBIT 2 - Continued

Study Number 6.
Docket Number . . . . 65646
Plaintiff . . . . . Louis N. Bertrand
Age . . . . . . . . . Assumed Majority
Defendant . . . . . Ennis Burns and Eugene Burns d/b/a
Helmers Garage
Circumstances . . . Head-on Collision
Charge . . . . . . . Negligence due to:
(1) Passing in "no passing" zone
(2) No control
(3) Speeding
(4) Could not stop
(5) Failure to yield one-half
of road
Injuries . . . . . . Lacerations of forehead, nose, both
limbs, body bruised, back wrenched
Injuries to limbs' bones with re-
sulting osteomilitis
Prayer . . . . . . . $4,425.61
$ 925.61 automobile
500.00 medical care
500.00 loss of earnings and
consortium
1,000.00 past pain and suffering
500.00 future pain and suffering
1,000.00 mental anguish from scars
$4,425.61 total
NOTE: In final petition only $2,999.00 was asked but not
itemized.
Award . . . . . . . Court
$2,650.00 - not itemized

Study Number 7.
Docket Number . . . . 65609
Plaintiff . . . . . Dorothy R. Rickman
Age . . . . . . . . . Assumed Majority
Defendant . . . . . Leon Burkhart
Circumstances . . . Collision
Charge . . . . . . . Negligence due to
(1) Exceeding speed limit
(2) No proper look-out
(3) Failure to keep car under
control
(4) No brakes
Injuries . . . . . . Scars on forehead
Prayer . . . . . . . $1,443.00
EXHIBIT 2 - Continued

<table>
<thead>
<tr>
<th>Award</th>
<th>$52.00 medical and hospital</th>
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<tbody>
<tr>
<td></td>
<td>6.00 clothing damage</td>
</tr>
<tr>
<td></td>
<td>175.00 loss of time</td>
</tr>
<tr>
<td></td>
<td>500.00 pain and suffering</td>
</tr>
<tr>
<td></td>
<td>500.00 scar on forehead</td>
</tr>
<tr>
<td></td>
<td>210.00 car damage</td>
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<tr>
<td></td>
<td>$1,443.00 total</td>
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</table>

Answer: Denies all allegations

<table>
<thead>
<tr>
<th>Award</th>
<th>$210.00 car damage</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>400.00 pain and suffering</td>
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<tr>
<td></td>
<td>25.00 doctor bill</td>
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<td></td>
<td>5.25 hospital bill</td>
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<tr>
<td></td>
<td>3.50 ambulance</td>
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<td></td>
<td>5.00 cleaning</td>
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<td></td>
<td>175.00 loss of wages</td>
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<td>$823.75 total</td>
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</table>

* * * * *

Study Number 8

Docket Number: 66211
Plaintiff: Betty Saltsgiver, a minor, by Paul Saltsgiver as father and her next friend

Age: Minor
Defendant: Henry Skoglund d/b/a Skogie's Used Car and Glen Dinkel
Circumstances: Intersection accident

Charge: Negligence due to:
(1) Driving carelessly and heedlessly without regard to safety of others
(2) Irresponsible speed without regard of consequences
(3) Wrong side of the road
(4) Lack of control

Injuries: Fracture of skull
Other bruises and contusions with permanent disability

Prayer: $6,325.70

- $153.70 hospital
- 175.00 doctor
- 298.00 loss of time

$626.70 total (sic)

$3,000.00 pain and suffering and permanent disability
EXHIBIT 2 - Continued

Answer . . . . . . Denies all allegations
Award . . . . . . Court
$1,350.00

* * * * * *

Study Number 9.
Docket Number . . . 66237
Plaintiff . . . . . . William Tice, a minor by W. R. Tice,
his father and next friend
Age . . . . . . . . . 17 years old
Defendant . . . . . Henry Skoglund d/b/a Skogies's Used
Car and Glen Dinkel
Circumstances . . . Intersection accident
Charge . . . . . . . Negligence by
(1) Speeding - 60 miles per hour
(2) No control
(3) Failure to reduce speed at
intersection
(4) No warning
(5) No look-out
(6) Not yielding to right hand
traffic
(7) Not stopping as per sign
Injuries . . . . . . Forehead cut above eye
Cut above ear 3½ inches long
Scalp cut
Abrasions and contusions left flank
Abrasions and contusion back
Abrasions and contusions both legs
Sprain left hip
Severe eye injury
Shock to body and nervous system
Prayer . . . . . . $10,873.90
$ 498.90 hospital and doctor
(past bills)
5,000.00 loss of wages
5,000.00 pain and suffering past
and future
375.00 car
$10,873.90 total
Answer . . . . . . Denies all allegations
Award . . . . . . Court
$ 4,500.00

* * * * * *
<table>
<thead>
<tr>
<th>Study Number</th>
<th>10.</th>
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<tbody>
<tr>
<td>Docket Number</td>
<td>66238</td>
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<tr>
<td>Plaintiff</td>
<td>Charles Tice, a minor by W. R. Tice, his father and next friend</td>
</tr>
<tr>
<td>Age</td>
<td>Minor</td>
</tr>
<tr>
<td>Defendant</td>
<td>Henry Skoglund d/b/a Skogies's Used Car and Glen Dinkel</td>
</tr>
<tr>
<td>Circumstances</td>
<td>Intersection accident</td>
</tr>
<tr>
<td>Charge</td>
<td>Same as Docket Number 66237</td>
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<tr>
<td>Injuries</td>
<td>Cuts and abrasions to head, body, arms, legs</td>
</tr>
<tr>
<td></td>
<td>Bruises over all body</td>
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<tr>
<td></td>
<td>Torn ligaments - right knee</td>
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<tr>
<td></td>
<td>Sprain right knee</td>
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<tr>
<td></td>
<td>Shock to physical and nervous system</td>
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<td>Prayer</td>
<td>$2,072.52</td>
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<td></td>
<td>$ 72.50 past doctor and hospital</td>
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<tr>
<td></td>
<td>1,000.00 wages lost</td>
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<td></td>
<td>1,000.00 pain and suffering, past and future</td>
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<tr>
<td>Answer</td>
<td>Denies all material allegations</td>
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<td>Award</td>
<td>Court</td>
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<td></td>
<td>$696.40</td>
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<tbody>
<tr>
<td>Docket Number</td>
<td>66113</td>
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<tr>
<td>Plaintiff</td>
<td>Nancy J. Caldwell, an infant minor child by Herman F. Caldwell, her father as next friend</td>
</tr>
<tr>
<td>Age</td>
<td>11 years old</td>
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<tr>
<td>Defendant</td>
<td>Henry Boe</td>
</tr>
<tr>
<td>Circumstances</td>
<td>Auto hit a streetcar</td>
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<tr>
<td>Charge</td>
<td>Intoxication and driving while intoxicated</td>
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<tr>
<td></td>
<td>Wanton disregard for safety of others</td>
</tr>
<tr>
<td>Injuries</td>
<td>Deep and severe cut on chin and upper part of neck</td>
</tr>
<tr>
<td></td>
<td>Cut on forehead</td>
</tr>
<tr>
<td></td>
<td>Cut over left eye</td>
</tr>
<tr>
<td></td>
<td>Deep lacerations and wounds on face and head</td>
</tr>
<tr>
<td></td>
<td>Shock to nervous system</td>
</tr>
<tr>
<td></td>
<td>Sick and sore of limb and body</td>
</tr>
<tr>
<td></td>
<td>Pain and suffering</td>
</tr>
<tr>
<td></td>
<td>Disfigurement of face</td>
</tr>
</tbody>
</table>

** * * * * **
EXHIBIT 2 - Continued

Prayer . . . . . . . . . . . . . . . . . $15,000.00
                                          $ 4,000.00 pain and suffering to date
                                          2,000.00 pain and suffering in future
                                          9,000.00 disfigurement and permanent injuries
                                          $15,000.00 total

Answer . . . . . . . . Denies all allegations and tries to show the little girl got into the car at her own request.

Award . . . . . . . . Court $1,742.70

* * * * * *

Study Number 12.
Docket Number . . . 66147
Plaintiff . . . . Eugene Farris, a minor, by E.F.Farris his father and next friend
Age . . . . . . . . . . . 14 years old
Defendant . . . . Ira Fry
Circumstances . . . Boy walking on road hit by car
Charge . . . . . . . . (1) Speeding without regard to conditions
                     (2) Speeding so he could not stop
                     (3) Travelling in excess of 45 miles per hour
                     (4) No control
                     (5) No lights
                     (6) No brakes
                     (7) No horn or warning
                     (8) Driving without regard to safety of others

Injuries . . . . Concussion of brain
Shock
Deep laceration on right cheek
Deep laceration on forehead and bridge of nose
Deep laceration under right eyelid
Contusions of each eye
Hematoma over right eye

Prayer . . . . . . . . . . . . . . . . . ". . . . for pain and suffering of such injuries including the permanent results thereof . . . the sum of $2,500."

Answer . . . . . . . . Denies all material allegations.

Award . . . . . . . . Court $975.00

* * * * * *
### Study Number 13.

<table>
<thead>
<tr>
<th>Docket Number</th>
<th>66146</th>
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<tbody>
<tr>
<td><strong>Plaintiff</strong></td>
<td>Harlan Riggs, a minor by J. H. Riggs, his father and next friend</td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td>17 years old</td>
</tr>
<tr>
<td><strong>Defendant</strong></td>
<td>Ira Fry</td>
</tr>
<tr>
<td><strong>Circumstances</strong></td>
<td>Boy walking on road hit by car</td>
</tr>
<tr>
<td><strong>Charge</strong></td>
<td>Same as Docket Number 66147</td>
</tr>
<tr>
<td><strong>Injuries</strong></td>
<td>Concussion of the brain, Lacerations on his forehead in the region of the left eyebrow, Contusions of the face, Compound fracture of left leg, Contusions over the left hip area</td>
</tr>
<tr>
<td><strong>Prayer</strong></td>
<td>$11,000.00</td>
</tr>
<tr>
<td><strong>Answer</strong></td>
<td>Denies all material allegations</td>
</tr>
<tr>
<td><strong>Award</strong></td>
<td>$1,925.00</td>
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</table>

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### Study Number 14.

<table>
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<tr>
<th>Docket Number</th>
<th>65019</th>
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<tbody>
<tr>
<td><strong>Plaintiff</strong></td>
<td>Norris Payne</td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td>Assumed majority</td>
</tr>
<tr>
<td><strong>Defendant</strong></td>
<td>Henry Wonderick</td>
</tr>
<tr>
<td><strong>Circumstances</strong></td>
<td>Pedestrian hit at cross-walk</td>
</tr>
<tr>
<td><strong>Charge</strong></td>
<td>Backing up car from curb without determining safety of others or looking back</td>
</tr>
<tr>
<td><strong>Injuries</strong></td>
<td>Torn ligaments right leg, Injury to leg bone, Loss of six month's work time</td>
</tr>
<tr>
<td><strong>Prayer</strong></td>
<td>$21,350.00</td>
</tr>
<tr>
<td><strong>Answer</strong></td>
<td>Did not back over plaintiff. Plaintiff contributed by stepping suddenly from curb.</td>
</tr>
<tr>
<td><strong>Award</strong></td>
<td>Court $1,000.00</td>
</tr>
</tbody>
</table>

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* * * * *
Study Number 15.
Docket Number .... 66231
Plaintiff .... Soren Christiansen
Age .... Assumed majority
Defendant .... Maurice Solomon, et al.
Circumstances .... Auto struck pedestrian
Charge .... Negligence by:
  (1) Speeding in excess of posted limits
  (2) Improper look-out
  (3) Failing to yield right-of-
      say to pedestrian
  (4) No horn warning
  (5) Lack of control
  (6) No reduction of speed when seeing pedestrian
Injuries .... Shock
            Injury to left hip and head
            Broken left femur
            Cerebral concussion
Prayer .... $24,861.22
            $10,000.00 pain and suffering
            500.00 doctor bill
            261.22 hospital bill
            100.00 misc. telephone calls,
            transportation
            2,000.00 temporary loss of hearing
            10,000.00 permanent injuries and
            loss of earning power
            2,000.00 temporary injuries
            $24,861.22 total
Answer .... Denies all material allegations and all
            injuries were negligence of plaintiff
Award .... Court
          $6,500.00

* * * * * *

Study Number 16.
Docket Number .... 65971
Plaintiff .... Bonnie Robinson, by her father and next friend, Cleve Robinson
Age .... 19 years old
Defendant .... Soren Hansen
Circumstances .... Plaintiff riding in car, hit a train
Charge .... Negligence by driver
  (1) Driving while intoxicated
  (2) Driving recklessly with excessive speed
Injuries

 Compound fracture - right forearm
 Laceration of right wrist, nerves and tendons
 Numerous bruises about body and head
 75% loss of use of right hand

Prayer

 Count No. 1 - $4,065.90
 $ 1,015.30 doctor bills past
 250.00 doctor bills future
 424.60 hospital bills past
 $2,376.00 loss of earnings to date
 $ 4,065.90 total Count No. 1

 Count No. 2 - $20,000.00
 $10,000.00 permanent disability
 $10,000.00 pain and suffering
 $20,000.00 total Count No. 2

Answer

 Assumption of risk
 Contributory negligence

A ward

 Jury
 Count No. 1 - $ 845.00
 Count No. 2 - $2,500.00

Study Number 17.
Docket Number .  .  66205
Plaintiff .  .  .  Sandra Lee Barnes, by Francis L. Barnes, her father and next friend
Age .  .  .  .  .  6 years old
Defendant .  .  .  Pat Cole and E. S. Gaynor Lumber Co., a corporation
Circumstances .  .  Child playing in sled in snow; hit by car
Charge .  .  .  .  Negligence by:
   (1) Failure to have control
   (2) Failing to drive as a prudent person could drive
   (3) Failure to regard safety of others
   (4) No horn
   (5) Driving at a speed not predicated by the circumstances

Injuries .  .  .  Compound fracture pelvis
 Cuts, contusions, bruises
Prayer .  .  .  $16,500.00
EXHIBIT 2 - Continued

$ 316.59 Medical bills past
683.41 Hospital bills past
500.00 Estimate of future medical and hospital bills
10,000.00 Fractured pelvis with resultant permanent injury
5,000.00 Pain and suffering
$16,500.00 Total

Answer . . . . . . Denies all negligence
Award . . . . . . Court
$2,500.00

* * * * * *

Study Number 18.
Docket Number . . 66193
Plaintiff . . . . Fred Zook
Age . . . . . . . Assumed majority
Defendant . . . Hansen Paint and Glass Company
Circumstances . . Auto of plaintiff hit from rear at stop sign

Charge . . . . . 
(1) Improper look-out
(2) Failure to stop car in clear distance
(3) Failure to stop at stop sign
(4) Reckless and imprudent driving
(5) Failure to respect others on highway
(6) Improper operation of car

Injuries . . . . severe injury to back, chest, and left arm necessitating treatment by a physician to his damage of . . . .

Prayer . . . . . . $3,522.54
$ 22.54 Car damage
3,500.00 Bodily injury
$3,522.54 Total

Answer . . . . . . Not in file
Award . . . . . . Court
$350.00

* * * * * *

Study Number 19.
Docket Number . . 66364
Plaintiff . . . . Claire Frances McGuire, by her mother and next friend, Edna McGuire
Age . . . . . . . 7 years old
EXHIBIT 2 – Continued

Defendant . . . . . .: Sioux City Transit Company
Circumstances . . . .: Auto collision with streetcar
Charge . . . . . . .: Negligence by:
  (1) Failure to have streetcar under control
  (2) Failure to keep proper look-out
  (3) Failure to yield right-of-way
  (4) Operating at too high speed for conditions

Injuries . . . . . .: Not revealed in file
Prayer . . . . . . .: $1,050.00
  $ 50.00 doctor and hospital bill
  1,000.00 "for profile permanent scars"
  $1,050.00 total
Answer . . . . . . .: Denies all negligence
Award . . . . . . .: Court
  $300.00

* * * * * *

Study Number 20.
Docket Number . . .: 66306
Plaintiff . . . . . : Edwin Kenneth Groendyk, a minor, by
  his father and next friend, Sebastian
  Groendyk
Age . . . . . . . .: 4 years old
Defendant . . . . .: Walter Meeker
Circumstances . . .: Pedestrian hit by auto
Charge . . . . . . .: Negligence by:
  (1) Failure to have auto under sufficient control
  (2) Failure to stop before driving into plaintiff
  (3) Failure to see plight of the claimant
  (4) Failure to give warning required
  (5) Wrong side of street
  (6) Failure to be able to stop after hitting, and then dragging claimant
  (7) Failure to have car under control
  (8) Failure to apply brakes in careful and prudent manner
  (9) Inability to stop immediately
EXHIBIT 2 - Continued

Injuries . . . . . . Head injuries
Prayer . . . . . . $5,189.50
   $ 189.50 doctor and hospital bill
   5,000.00 2 permanent scars on face
   $5,189.50 total
Answer . . . . . . Child ran into car other than at cross-
   ing and no "dragging"
The proximate cause of the loss was
carelessness of parent in permitting
child to be in street alone.
Award . . . . . . Court
   $750.00

* * * * * *

Study Number 21.
Docket Number . . . 66469
Plaintiff . . . . . . Arnold L. Benson, as father and next
   friend of Stacia Benson, a minor, and
   Arnold L. Benson
Age . . . . . . . . . 17 years old
Defendant . . . . . . Jules F. Bay
Circumstances . . . Auto hit pedestrian at cross-walk
Charge . . . . . . . Negligence by:
   (1) Failure to keep proper look-
   out
   (2) Failure to use due care and
   caution for rights and safety of others
   (3) Excessive rate of speed
   (4) Failure to yield right-of-way
   (5) Lack of control
Injuries . . . . . . Skinning of knees, elbows, arms, left
   side of face, right external ear, lower
   anterior chest, lip
   Minor bruises and concussion
Prayer . . . . . .  $3,263.00
   $1,500.00 disfigurement and per-
   manent disability
   1,000.00 pain and suffering
   243.00 medical expenses
   20.00 clothing damaged
   500.00 loss of services
   $3,263.00 total
Answer . . . . . . Denial of all negligence
   Asks dismissal of case
Award . . . . . . Court
   $1,013.00

* * * * * *
### EXHIBIT 2 - Continued

#### Study Number 22.

<table>
<thead>
<tr>
<th>Docket Number</th>
<th>66550</th>
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<tbody>
<tr>
<td>Plaintiff</td>
<td>Karen Blair, by her father and next friend, Charles A. Blair</td>
</tr>
<tr>
<td>Age</td>
<td>4 years old</td>
</tr>
<tr>
<td>Defendant</td>
<td>J. L. Young</td>
</tr>
<tr>
<td>Circumstances</td>
<td>Pedestrian at cross-walk</td>
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<tr>
<td>Charge</td>
<td>Improper look-out Excessive speed</td>
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<tr>
<td>Injuries</td>
<td>Fractured arm, painful bruises and abrasions Resulting permanent injuries</td>
</tr>
<tr>
<td>Prayer</td>
<td>$2,500 (Not elongated in file)</td>
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<tr>
<td>Answer</td>
<td>Denies all negligence</td>
</tr>
<tr>
<td>Award</td>
<td>Court $250.00</td>
</tr>
</tbody>
</table>

#### Study Number 23.

<table>
<thead>
<tr>
<th>Docket Number</th>
<th>66218</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plaintiff</td>
<td>Dale Herbold an infant minor child by Wayne Herbold, his father, as next friend</td>
</tr>
<tr>
<td>Age</td>
<td>4 year old</td>
</tr>
<tr>
<td>Defendant</td>
<td>Chicago and Northwest Railroad Company</td>
</tr>
<tr>
<td>Circumstances</td>
<td>Train-car collision at intersection</td>
</tr>
</tbody>
</table>
| Charge         | Negligence due to:  
  (1) No whistle  
  (2) No bell at crossing  
  (3) Excessive speed in consideration of location and condition of track  
  (4) Improper air brakes and failure of brakes to operate  
  (5) Reckless, heedless operation  
  (6) Improper crossing signs  
  (7) Improper control  
  (8) Improper look-out |
| Injuries       | Wounds, scratches, contusions all over body  
 Cut over right eye  
 Pain and anguish, mental and physical  
 Shock to entire system |
| Prayer         | $50,000.00  
 $10,000.00 pain and suffering past  
 10,000.00 pain and suffering  
 30,000.00 permanent injuries future  
 $50,000.00 total |
EXHIBIT 2 - Continued

Answer . . . . . Whistle blew
Bell rang
No excessive speed
Track was not in dangerous condition
Denies all allegations

Award . . . . . Court
$500.00

* * * * *

Study Number 24.
Docket Number . . . . 66149
Plaintiff . . . . . . . . . Leo Uhl
Age . . . . . . . . . . . . Assumed majority
Defendant . . . . . Sioux City Transit Company
Circumstances . . . Plaintiff riding in bus; hit in rear by
street car, both units owned by same
corporation
Charge . . . . . . . . . Negligence only
Injuries . . . . . . . . . Back and neck injuries
Permanent injury to head and brain
Severe and permanent injury to back
Sick and sore and thus disabled
Excruciating pain

Prayer . . . . . . . . . $17,500.00
$ 300.00 loss of time - past
1,200.00 loss of time - future
3,000.00 pain and suffering - past
2,000.00 pain and suffering -
future
10,000.00 permanent injuries
1,000.00 medical and doctors' fees
$17,500.00 total

Answer . . . . . . . Not revealed in file
Award . . . . . . . . . Court
$250.00

* * * * *

Study Number 25.
Docket Number . . . . 66150
Plaintiff . . . . . . . . . Arvin Uhl, an infant, minor child by
Leo G. Uhl, his father and best friend
Age . . . . . . . . . . . . 10 years old
Defendant . . . . . Sioux City Transit Company
Circumstances . . . Same as Docket No. 66149
Charge . . . . . . . . . Same as Docket No. 66149
Injuries . . . . . . . . . Head and neck injuries
Shock to nervous system
Sickness and soreness
EXHIBIT 2 - Continued

Excruciating pain and anguish, physical and mental

Prayer . . . . . $10,000.00

$ 3,000.00 pain and suffering - past
2,000.00 pain and suffering - future
5,000.00 probable permanent disability

$10,000.00 total

Answer : : : : : Not revealed in file

Award : : : : : Court

$200.00

* * * * * *

Study Number 26.
Docket Number : . . 66540
Plaintiff . . . . : George Peters, a minor by George Peters, his father and next friend
Age . . . . . . . . : 8 years old
Defendant : . . . : George Elliott
Circumstances . . : Child pedestrian hit at cross-walk
Charge . . . . . . : Negligence from:
(1) Excessive speed
(2) Improper look-out
(3) No control of car
(4) Unable to stop in clear distance
(5) No sounding of horn
(6) Looking the other direction


Prayer . . . . . $19,000.00

$ 500.00 doctor and hospital bills - past
1,500.00 doctor and hospital bills - future
5,000.00 pain and suffering - past
5,000.00 pain and suffering - future
5,000.00 permanent injury
2,000.00 head disfigurement

$19,000.00 total

Answer . . . . . . : Denial of negligence
Plaintiff darted in front of auto

Award . . . . . : Court

$200.00

* * * * * *
### Study Number 27.

<table>
<thead>
<tr>
<th>Docket Number</th>
<th>65395</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plaintiff</td>
<td>I. Nygard</td>
</tr>
<tr>
<td>Age</td>
<td>Assumed majority</td>
</tr>
<tr>
<td>Defendant</td>
<td>Charles Schramm</td>
</tr>
<tr>
<td>Circumstances</td>
<td>Intersection accident</td>
</tr>
<tr>
<td>Charge</td>
<td>Negligence due to: (1) Lack of control</td>
</tr>
<tr>
<td></td>
<td>(2) Driving wrong side of road</td>
</tr>
<tr>
<td></td>
<td>(3) Cutting intersection inside too close</td>
</tr>
<tr>
<td></td>
<td>(4) Improper lookout</td>
</tr>
<tr>
<td></td>
<td>(5) Traveling at high and dangerous rate of speed</td>
</tr>
<tr>
<td>Injuries</td>
<td>&quot;... his arm and chest so that great pain and suffering ensued.&quot;</td>
</tr>
<tr>
<td>Prayer</td>
<td>$1,000.00</td>
</tr>
<tr>
<td></td>
<td>$ 505.00 automobile damages</td>
</tr>
<tr>
<td></td>
<td>495.00 personal injuries</td>
</tr>
<tr>
<td></td>
<td>$1,000.00 total</td>
</tr>
<tr>
<td>Answer</td>
<td>Defendant counterclaims his car was standing when plaintiff hit his stationary car. Asks $50.00 auto damage.</td>
</tr>
<tr>
<td>Award</td>
<td>Jury $306.26</td>
</tr>
</tbody>
</table>

### Study Number 28.

<table>
<thead>
<tr>
<th>Docket Number</th>
<th>66471</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plaintiff</td>
<td>Helen Brewer, an infant, minor child, by Clarence Brewer, her father as next friend</td>
</tr>
<tr>
<td>Age</td>
<td>4 years old</td>
</tr>
<tr>
<td>Defendant</td>
<td>Edward S. Johnson</td>
</tr>
<tr>
<td>Circumstances</td>
<td>Pedestrian hit at crosswalk</td>
</tr>
<tr>
<td>Charge</td>
<td>Negligence due to: (1) Lack of control</td>
</tr>
<tr>
<td></td>
<td>(2) Could not stop</td>
</tr>
<tr>
<td></td>
<td>(3) Faulty application of brakes</td>
</tr>
<tr>
<td></td>
<td>(4) Observed peril of the child</td>
</tr>
<tr>
<td></td>
<td>(5) No warning signal</td>
</tr>
<tr>
<td></td>
<td>(6) Failure to stop after driving against child and then dragging her</td>
</tr>
<tr>
<td></td>
<td>(7) Lack of skill and care in operation of vehicle</td>
</tr>
<tr>
<td></td>
<td>(8) Speed out of proportion to conditions</td>
</tr>
<tr>
<td></td>
<td>(9) Not a proper look-out</td>
</tr>
<tr>
<td></td>
<td>(10) Not driving to stop in assured</td>
</tr>
<tr>
<td>Injuries</td>
<td>Prayer</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Fracture of right leg in two places</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>Head and brain injury and concussion</td>
<td>$ 5,000.00 pain and</td>
</tr>
<tr>
<td>Scratches, bruises, contusions, teeth</td>
<td>suffering to date</td>
</tr>
<tr>
<td>knocked out</td>
<td>5,000.00 pain and</td>
</tr>
<tr>
<td>Sick, sore, lame and under shock</td>
<td>suffering in future</td>
</tr>
<tr>
<td>Disfigurement of face</td>
<td>$10,000.00 permanent</td>
</tr>
<tr>
<td>Mental anguish and great pain</td>
<td>injuries</td>
</tr>
<tr>
<td></td>
<td>$20,000.00 total</td>
</tr>
<tr>
<td>clear distance</td>
<td>(11) Not keeping to</td>
</tr>
<tr>
<td></td>
<td>right of center</td>
</tr>
<tr>
<td></td>
<td>at intersection</td>
</tr>
</tbody>
</table>

EXHIBIT 2 - Continued
EXHIBIT 3

LAW FILE NO. 65961

Documents

Petition at Law and Demand for Jury Trial
Answer
Defendants' Request Instructions
Amendment to Petition
Instructions to Jury
IN THE DISTRICT COURT OF IOWA, IN AND FOR WOODBURY COUNTY

DOROTHY M. PUTNAM, A Minor,  
by NETTIE E. PUTNAM, her  
mother, as next friend,  
ROBERT L. WINN and GIBSON  
PRODUCTS CO.,  
Plaintiffs,  

-vs-  
HALEY NEELEY CO., A Corpora-  
tion, and VICTOR G. PARKHILL,  
Defendants.

COME NOW the above-named plaintiffs and for causes of action against the defendants herein, STATE:

DIVISION I.

1. The relief claimed by the plaintiffs in this and the succeeding Divisions of this Petition, arises out of an respecting the same occurrences and presents and involves questions of law and fact common to all plaintiffs and to all defendants except as to the damages to which each plaintiff is entitled. The relief and amount of damage claimed by each plaintiff is individual and several as to each plaintiff.
2. That the defendant, Haley Neeley Co., is a corporation organized and doing business under and by virtue of the laws of the State of Iowa, and with its principal place of business in Sioux City, Iowa.

3. That the defendant, Victor B. Parkhill, is a resident of Sioux City, Iowa, and was at all times material hereto, a servant and employee of the defendant, Haley Neeley Co., and was at all times material hereto, acting within the scope of his employment.

4. That the defendant, Haley Neeley Co. is the owner of a certain motor truck, hereinafter referred to, and that said truck, at all times material hereto, was in the possession of, used and operated by, the defendant, Victor G. Parkhill, with the knowledge, consent and permission of the defendant, Haley Neeley Co., and in the regular course of his employment and on the business of the defendant.

5. That on or about the 3rd day of February, 1947, at about 2:00 o'clock P.M., the Chevrolet motor vehicle in which the plaintiff Dorothy M. Putnam was riding as a guest, was travelling Eastward on paved Highway No.5, about four miles East of the town or (sic) LeMars, Iowa; the defendant, Victor G. Parkhill, going Westward on the same highway in a motor truck, recklessly and negligently ran head-on into the motor vehicle in which the plaintiff Dorothy M. Putnam was riding, seriously injuring her.

6. That the defendant, Victor G. Parkhill, was
at that time negligent in the following particulars:

(a) In failing to keep on his right-hand side of the paved highway.

(b) In failing to give one-half of the travelled way by turning to the right when meeting the motor vehicle in which plaintiff Dorothy M. Putnam was riding on said public highway.

(c) In operating and driving said motor truck at an excessive and dangerous rate of speed.

(d) In driving said motor truck upon said highway at a speed greater than permitted him, to bring it to a stop within the assured clear distance ahead.

(e) In failing to drive said motor truck at a careful and prudent speed under conditions then existing.

(f) In not having the said motor truck under proper control.

(g) In not keeping a proper look-out.

(h) In driving said motor truck at said time without the headlights thereof, turned on or lighted.

7. That the aforesaid negligence of the defendant, Victor G. Parkhill, was the proximate cause of the said head-on collision, and the consequent injuries to the plaintiff, Dorothy M. Putnam.

8. That the plaintiff, Dorothy M. Putnam was free from any negligence contributing to the said collision or injuries.

9. That by reason of the negligence of the defendant, Victor G. Parkhill, and the collision resulting
therefrom, the plaintiff received severe, painful and permanent injuries consisting of lacerations, bruises and contusions of both knees, resulting in permanent scars; lacerations and bruises to the forehead, resulting in a permanent scar; fractures of upper teeth necessitating extractions and treatments and restoration, and resulting in permanent injury to the teeth and mouth; and painful bruises, contusions and abrasions about the body.

10. That as a result of said injuries, the plaintiff was hospitalized and incurred medical expense; that the reasonable value of said hospitalization and medical expense thus far incurred is in the sum of Two Hundred Fifty Dollars ($250.00).

11. That as a result of said accident, plaintiff sustained damage in the loss of clothing and wearing apparel in the reasonable sum of Twenty-six and 50/100 Dollars ($26.50).

12. That as a result of said injuries, plaintiff suffered severe and excruciating pain; that her forehead and knees are disfigured and scarred and her teeth lost and permanently damaged; that the plaintiff suffered and will continue to suffer mental pain and humiliation as a result thereof; that by reason of the aforesaid, the plaintiff has suffered damage in the sum of Ten Thousand Dollars ($10,000.00).

13. That the plaintiff, Dorothy M. Putnam, is a minor and this action is brought on her behalf by her
mother, Nettie E. Putnam, as her next friend.

WHEREFORE the plaintiff, Dorothy M. Putnam, prays judgment as against the defendants and each of them in the sum of Ten Thousand Two Hundred Seventy-six and 50/100 Dollars ($10,276.50).

DIVISION II

1. The plaintiff, Robert L. Winn, incorporates the allegations contained in paragraphs 1, 2, 3, 4, 5, and 6 of Division I as though fully set out herein.

2. That this plaintiff, Robert L. Winn, was the driver of the Chevrolet motor vehicle with which the defendant, Victor G. Parkhill, though (sic) the negligent and careless operation of a motor truck, collided head-on with the said Chevrolet motor vehicle, and that the aforesaid negligence of the defendant, Victor G. Parkhill, was the proximate cause of the said head-on collision and the consequent injuries to the plaintiff, Robert L. Winn.

3. That the plaintiff, Robert L. Winn, was free from any negligence contributing to the said collision or injuries.

4. That by reason of the negligence of the defendant, Victor G. Parkhill, and the collision resulting therefrom, the plaintiff received severe and painful injuries consisting of a laceration on the lower right knee, and a laceration of the scalp; and painful bruises, contusions and abrasions about the body.
5. That as a result of said injuries, the plain­tiff was hospitalized and incurred medical expense; that the reasonable value of the said hospitalization and medical expense thus far incurred is in the sum of Twenty-five and 25/100 Dollars ($25.25).

6. That as a result of said accident, the plain­tiff, Robert L. Winn, sustained damage in the loss of clothing and wearing apparel in the reasonable sum of One Hundred Thirty-five and no/100 Dollars ($135.00).

7. That as a result of the said injuries, the plaintiff was disabled and incapable of working and as a result sustained a loss of wages in the reasonable sum of One Hundred Twenty-five Dollars ($125.00).

8. That as a result of said injuries the plain­tiff suffered severe and excruciating pain; that by reason of the aforesaid, the plaintiff has suffered damage in the sum of Five Thousand Dollars ($5,000.00).

WHEREFORE the plaintiff Robert L. Winn, prays judgment as against the defendants, Victor G. Parkhill, and Haley Neeley Co., and each of them, in the sum of Five thousand two hundred eighty-five and 25/100 Dollars (sic) $5,285.25), together with the costs of this action.

DIVISION III.

1. The plaintiff, Gibson Products Co., incor­porates the allegations contained in paragraphs 1, 2, 3, 4, 5, and 6 of Division I in this Division as though fully
set out herein.

2. That the Chevrolet vehicle being driven by the plaintiff, Robert L. Winn, was owned by this plaintiff and was used in the business of this plaintiff.

3. That the aforesaid negligence of the defendant, Victor G. Parkhill, was the proximate cause of the said head-on collision and the consequent damage to the Chevrolet motor vehicle of the plaintiff and the products carried in said vehicle.

4. That the plaintiff, Gibson Products Co., was free from any negligence contributory to the said collision.

5. That by reason of the negligence of the defendant, Victor G. Parkhill, this plaintiff's motor vehicle was damaged necessitating repairs in the reasonable value of Three hundred thirteen and 25/100 Dollars ($313.25). (sic)

6. That this plaintiff used said motor vehicle in its business and that as a result of said accident and damage to the said motor vehicle, the plaintiff was deprived of the use thereof for a period of approximately three weeks and that as a result thereof this plaintiff sustained damage in the sum of Two Hundred Dollars ($200.00).

7. That the plaintiff had in said motor vehicle at the time of the collision and smash up, certain goods, wares and merchandise which were broken and damaged and some lost. The reasonable value of the loss and damage being in the sum of One hundred twenty-two and 25/100
Dollars ($122.25).

WHEREFORE the plaintiff, Gibson Products Co., prays judgment as against the defendants, Victor G. Parkhill and Haley Neeley Co., and each of them, in the sum of Six Hundred thirty-five and 50/100 Dollars ($635.50), together with the costs of this action.

/s/ Shull & Marshall
SHULL & MARSHALL
1109 Badgerow Building
Sioux City 9, Iowa
ATTORNEYS FOR PLAINTIFFS.

COMES NOW the plaintiffs as hereinbefore set forth and ask trial by jury of the issues herein.

/s/ Shull & Marshall
SHULL & MARSHALL
1109 Badgerow Building, Sioux City 9, Iowa
ATTORNEYS FOR PLAINTIFFS.
IN THE DISTRICT COURT OF IOWA, IN AND FOR WOODBURY COUNTY

DOROTHY M. PUTNAM, a Minor, ( )
by NETTIE E. PUTNAM, her ( )
mother, as next friend;
ROBERT L. WINN and GIBSON ( No. 65961 LAW
PRODUCTS CO., ) A N S W E R
Plaintiffs, )

-vs-

HALEY NEELEY CO., A Corpora- )
tion, and VICTOR G. PARKHILL, ( )
Defendants.

***************

COME, NOW, the defendants, Haley-Neeley Co., a corpora-
tion, and Victor G. Parkhill and for answer to the plain-
tiffs' petition state and allege:

1. That the defendants deny the allegations in para-
graph 1, Division I, of plaintiffs' petition.

2. That the defendants admit paragraphs 2, 3, and 4,
Division I, of plaintiffs' petition.

3. The defendants deny the allegations in paragraphs
5, 6, and subparagraphs (a), (b), (c), (d), (e), (f), (g),
and (h) and paragraphs 7, 8, and 9, Division I of plaintiffs'
petition.

4. That the defendants have neither knowledge nor in-
formation in regard to the allegations in paragraphs 10, 11,
12 and 13, Division I of plaintiffs' petition and, therefore,
deny the same.

5. These defendants deny the allegations in paragraph
1, 2, and 3, Division II of plaintiffs' petition.
6. That the defendants have neither knowledge nor information in regard to the allegations in paragraphs 4, 5, 6, 7, and 8, Division II of plaintiffs' petition, and, therefore, deny the same.

7. The defendants deny the allegations of paragraphs 1, 2, 3, and 4, Division III of plaintiffs' petition.

8. These defendants have neither knowledge nor information in regard to the allegations in paragraphs 5, 6, and 7, Division III of plaintiffs' petition, and, therefore, deny the same.

WHEREFORE, having fully answered this, defendants pray that plaintiffs' petition be dismissed at plaintiffs' cost.

/s/ Harper, Sinclair, Gleysteen & Nelson
HARPER, SINCLAIR, GLEYSTEEN & NELSON
611-621 Security Building
Sioux City, Iowa
Attorneys for Defendants
IN THE DISTRICT COURT OF IOWA, IN AND FOR WOODBURY COUNTY

DOROTHY M. PUTNAM, A Minor, by NETTIE E. PUTNAM, her mother, as next friend;
ROBERT L. WINN and GIBSON PRODUCTS CO.

Plaintiffs

vs.

HALEY NEELEY CO., A Corporation, and VICTOR G. PARKHILL,

Defendants.

COME NOW the defendants and respectfully request the Court for the following instructions, to-wit:

You are hereby instructed that motor vehicles meeting each other on the public highway shall give one-half of the traveled way thereof by turning to the right. That by the term "traveled way" is meant that portion of the highway deemed suitable for travel. That said traveled way under certain highway conditions could be limited to either one side or the other. That failure to yield one-half the traveled way constitutes negligence.

/s/ Harper Sinclair Gleysteen & Nelson
615 Security Building
Sioux City 15, Iowa

Attorneys for Defendants.
IN THE DISTRICT COURT OF IOWA, IN AND FOR WOODBURY COUNTY

---

DOROTHY M. PUTNAM, A Minor,
by NETTIE E. PUTNAM, her
mother, as next friend;
ROBERT L. WINN and GIBSON
PRODUCTS CO.,

---

vs--

HALEY NEELEY CO., A Corpora-
tion, and VICTOR G. PARKHILL,

---

Defendants.

---

COMES NOW the plaintiff, Dorothy M. Putnam, and amends Division I of the petition, as follows:

1. Amends the prayer to read:--

WHEREFORE the plaintiff, Dorothy M. Putnam, prays judgment as against the defendants and each of them in the sum of Ten Thousand Two Hundred Seventy-six and 50/100 Dollars ($10,276.50), together with the costs of this action.

/s/ Shull & Marshall
SHULL & MARSHALL
1109 Badgerow Building
Sioux City 9, Iowa
ATTORNEYS FOR PLAINTIFF
IN THE DISTRICT COURT OF IOWA, IN AND FOR WOODBURY COUNTY

DOROTHY M. PUTNAM, a Minor, by NETTIE E. PUTNAM, her mother as next friend; ROBERT L. WINN and GIBSON PRODUCTS CO.,
          Plaintiffs,

-vs-

HALEY NEELEY CO., a corporation, and VICTOR G. PARKHILL,
          Defendants.

AMENDMENT TO PETITION

COMES NOW the Plaintiff, DOROTHY M. PUTNAM, and ADDS Paragraph Ten (10) of Count I to read as follows:-

10. That as a result of said injuries, the Plaintiff was hospitalized and incurred medical expense. That the reasonable value of said hospital and medical expense thus far incurred is in the sum of Two Hundred Fifty Dollars ($250.00). That further, as a result of the injuries to the teeth, the Plaintiff will incur medical expense in the future in the reasonable sum of Five Hundred Dollars ($500.00).

/s/ Shull & Marshall

SHULL & MARSHALL
1109 Badgerow Building
Sioux City 9, Iowa

ATTORNEYS FOR PLAINTIFFS
COMES NOW, the defendants and respectfully request the Court to strike from plaintiff's Petition and Amendment thereto, the following particulars, to-wit:

DIVISION I

1. To strike from Paragraph marked No. 6 all of subparagraph "a", for the reason that same is not an allegation of negligence. That while the Motor Vehicle Statute of the State of Iowa provides that automobiles shall keep to the right of the center of the road within city limits, there is no such provision while driving beyond the city limits, and from the face of this petition it is apparent that the alleged accident occurred on the open highway.

2. From paragraph marked No. 6 all of sub-paragraph "h", for the reason that same does not set out an allegation of negligence in view of the fact alleged in said Petition that said accident occurred during daylight hours.
DIVISION II

1. The defendants incorporate as a part of their Motion to Strike all of the paragraphs set out in Division I of said Motion as though fully set out herein.

DIVISION III

1. The defendants incorporate as part of their Motion to Strike all of the paragraphs set out in Division I of said Motion as though fully set out herein.

/s/ Harper, Sinclair, Gleysteen & Nelson
615 Security Building
Sioux City 15, Iowa
Attorneys For Defendants
Members of the Jury: In this case the court gives you the following instructions:

Par. 1. The plaintiffs for causes of action against the defendants, by their petition allege substantially as follows:

That on the 3rd day of February, 1947, at or about 2:00 P.M., on paved highway No. 5 when about four miles east of the city of LeMars, Iowa, a Chevrolet panel truck driven by plaintiff Robert L. Winn and owned by plaintiff Gibson Products Company, and in which panel truck plaintiff Dorothy M. Putnam was then riding as a guest of said Robert L. Winn, collided with a motor truck owned by defendant Haley Neeley Co., a corporation, and then being operated by defendant Victor G. Parkhill, in the employ and business of said Haley Neeley Co., and with the knowledge and consent of
Haley Neeley Co.

That immediately prior to the collision the said Chevrolet panel truck was traveling eastward on said highway and defendant Victor G. Parkhill, was going westward on the same highway in the motor truck referred to, negligently ran head-on into the Chevrolet panel truck.

That the defendant Victor G. Parkhill was at said time negligent in the following particulars:

1. In failing to drive said motor truck at a careful and prudent speed under the conditions then existing, and in driving said motor truck, upon said highway at a speed greater than permitted him to bring it to a stop within the assured clear distance ahead.

2. In failing to give one-half of the traveled way by turning to the right when meeting the panel truck then being driven by plaintiff Robert L. Winn on said highway.

3. In not keeping a proper lookout.

That the aforesaid negligence of the defendant Victor G. Parkhill was the proximate cause of said head-on collision and the resulting injuries and damages to each of the plaintiffs.

That the plaintiffs and each of them were free from any negligence contributing to said collision or resulting injuries and damages.

Par. 2. The plaintiff Dorothy M. Putnam in her petition further states that as a result of said collision, caused by the negligence of defendant Victor G. Parkhill
as aforesaid, she received numerous contusions, bruises and cuts about the head, chest and knees, and fractures of her upper teeth; that she received scars on her forehead and knees which are permanent and disfiguring; then an extraction of her upper teeth was required and which will necessitate future medical and dental care; that the said scars and loss of teeth are disfiguring and have caused and will in the future continue to cause humiliation and mental pain; that her clothing was damaged, and that hospital and medical expense was incurred.

That her damages are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospital and medical expense already incurred</td>
<td>$50.00</td>
</tr>
<tr>
<td>Dental expense already incurred</td>
<td>155.00</td>
</tr>
<tr>
<td>Dental expense necessary in the future</td>
<td>300.00</td>
</tr>
<tr>
<td>Damage to clothing</td>
<td>9.00</td>
</tr>
<tr>
<td>Pain and mental anguish already suffered and to be suffered in the future</td>
<td>9,700.00</td>
</tr>
<tr>
<td>Total</td>
<td>$10,214.00</td>
</tr>
</tbody>
</table>

Wherefore plaintiff Dorothy M. Putnam prays for judgment against the defendants and each of them in the sum of $10,214.00.

Par. 3. The plaintiff Robert L. Winn in his petition further states that as a result of said collision, caused by the negligence of defendant Victor G. Parkhill as aforesaid, he received a cut on the head requiring medical attention; that his suit and topcoat then being worn by him were
torn and soiled so as to be valueless; that he lost time from his work, and that as a result of said injuries he suffered severe and excruciating pain, all to his damage as follows:

- Medical expense incurred: $17.75
- Suit and topcoat destroyed: $84.50
- Loss of two weeks time from work: $120.00
- Pain and suffering: $5,000.00

Total: $5,222.25

Wherefore plaintiff Robert L. Winn prays for judgment against the defendants and each of them in the sum of $5,222.25.

Par. 4. The plaintiff Gibson Products Co. in its petition further states that as a result of said collision, caused by the negligence of the defendant Victor G. Parkhill as aforesaid, its Chevrolet panel truck was damaged in the amount of $313.25, and that its merchandise then being carried in said panel truck suffered damage in the sum of $100.30.

Wherefore plaintiff Gibson Products Co. prays for judgment against the defendants and each of them in the sum of $413.55.

Par. 5 The defendants, Haley Neeley Co. and Victor G. Parkhill, for their answer to the petition of the plaintiffs deny each and every allegation contained in said petition except such as are hereinafter admitted or otherwise answered.
The defendants admit that Haley Neeley Co. is a corporation and that the motor truck referred to in the petition of the plaintiffs, at the time of the accident referred to in this cause, was owned by defendant Haley Neeley Co. and was then being driven by defendant Victor G. Parkhill with the knowledge, consent and permission of said defendant Haley Neeley Co., and in the regular course of his employment and on the business of defendant Haley Neeley Co.

Wherefore the defendants pray that the petition of plaintiffs and each of them be dismissed.

Par. 6. Such are the issues as made by the parties in their pleadings, and such are the issues which you are required to consider and determine from the evidence submitted to you and under the instructions given you by the court.

Par. 7. You are instructed that before the plaintiffs or either one of them will be entitled to recover anything in this action they must first prove to you by a preponderance of the evidence the material allegations of their petition, as hereinafter more fully stated and explained.

Par. 8. By a preponderance of the evidence is meant the greater weight of the evidence and not necessarily the greatest number of witnesses; by (sic) it is meant that evidence upon which the whole, when fully and fairly considered, produces the strong impression upon the mind, and is the more convincing as to its truth when weighed against
the evidence introduced in opposition thereto.

Par. 9. The proximate cause of any injury, as used in these instructions and in its legal signification, is that cause which in its natural and continuous sequence, unbroken by any new cause, produces the injury complained of and without which the injury would not have occurred.

Par. 10. Negligence, as used in these instructions and in its legal signification, means the doing of some act which a reasonably prudent and cautious person would not do under like circumstances, or the omission to do some act which a reasonably cautious and prudent person would not omit to do under like circumstances, and in relation to the same or similar matter.

Reasonable and ordinary care and caution is that care and caution which a reasonably cautious and prudent person would ordinarily exercise under the same or like circumstances, and in relation to the same or similar matter, to preserve himself or others from injury. It implies the use of such precaution and care as is fairly commensurate with the dangers to be avoided, when measured by the standard of common prudence and experience. Negligence, therefore, depends upon and varies with the circumstances of each particular case, so the greater the danger to be apprehended or avoided, the greater the degree of care to be exercised in order to constitute reasonable and ordinary care.
Reasonable and ordinary care does not require that high degree of care which anticipates and guards against every possible contingency and renders it impossible for accidents to occur, but it does require the anticipation of and the guarding against such contingencies as are reasonably apparent and reasonably likely to occur.

Par. 11. You are instructed that the statutes of Iowa provide that in all cases where damage is done by any motor vehicle by reason of negligence of the driver, and driven with the consent of the owner, the owner of the motor vehicle shall be liable for such damage.

You are instructed that all parties to this case admit that the Chevrolet panel truck driven by the plaintiff Robert L. Winn at the time of the accident referred to in this case was owned by the plaintiff Gibson Products Co., and that the plaintiff Robert L. Winn was driving said truck with the knowledge and consent of the plaintiff Gibson Products Co. as owner of the truck, and that as a matter of law the negligence, if any, of the plaintiff Robert L. Winn in driving and operating said truck at the time referred to in this case would constitute and be the negligence of the plaintiff Gibson Products Co.

You are further instructed that all parties to this case admit that the motor truck driven by the defendant Victor G. Parkhill at the time of the accident referred to in this case was owned by the defendant Haley Neeley
Co., and that the defendant Victor G. Parkhill was driving said motor truck with the knowledge and consent of the defendant Haley Neeley Co. as owner of the truck, and that as a matter of law the negligence, if any, of the defendant Victor G. Parkhill in driving and operating said truck at the time referred to in this case would constitute and be the negligence of the defendant Haley Neeley Co.

Par. 12. You are instructed that the statutes of Iowa provide that any person driving a motor vehicle upon the public highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other conditions then and there existing, and no person shall drive any vehicle upon a highway at a greater speed than will permit him to bring it to a stop within the assured clear distance ahead.

You are also instructed that the statutes of Iowa provide that persons in motor vehicles meeting each other on the public highway shall give one-half of the traveled way thereof by turning to the right.

You are instructed that a violation of any of the provisions of the statutes of Iowa set out in this paragraph would constitute negligence on the part of the person so violating the same.

Par. 12½. You are instructed that by the term "traveled way" is meant that portion of the highway suitable
for travel, and that said traveled way under certain highway conditions could be limited to either one side or the other.

Par. 13. You are instructed that it is the duty of every person to exercise reasonable and ordinary care for the safety of his or her own person and property and the person and property of others, as reasonable and ordinary care and the exercise thereof have been hereinbefore defined and explained to you, and you are instructed that a person who by his or her own negligence fails to exercise reasonable and ordinary care for the safety of his or her own person and property or property in his charge, when such failure or negligence causes or contributes directly to the injury and damage complained of, such person is in law said to be guilty of contributory negligence and he or she cannot recover for such injury and damage from another person even though such other person by negligence contributed to said injury and damage, and the person seeking to recover for injury or damage, as aforesaid, is required by law to prove by a preponderance of the evidence that he or she was free from contributory negligence, that is, free from negligence on his or her part causing or contributing to the injury and damage complained of.

Par. 14. You are instructed that it was the duty of the plaintiff Dorothy M. Putnam while riding in the Chevrolet panel truck driven by the plaintiff Robert L. Winn at the time referred to in this case, to use reasonable and ordinary care for the safety of her own person and
property, and in the performance of this duty she was re-
required to make reasonable use of her sight and senses in
keeping a proper lookout for dangers that might appear
and to exercise reasonable and ordinary care to warn the
driver of the truck in which she was riding of apparent
dangers, if any, she observed, and to otherwise observe
such precaution for the safety of her own person and pro-
erty as reasonably prudent and careful persons in a like
situation and under like circumstances are generally ac-
customed to use and employ for the preservation of person
and property from injury and damage, and a failure, if any,
on the part of the plaintiff Dorothy M. Putnam while riding
in the truck driven by the plaintiff Robert L. Winn to
exercise reasonable and ordinary care for the safety of
her own person and property, as aforesaid, would consti-
tute negligence on her part, and if such negligence on her
part, if you find she was negligent as aforesaid, caused
or contributed to the collision and the injuries and damages
complained of by her, then and in that event she cannot re-
cover against the defendants.

Par. 15. You are instructed that it is the duty at
all times of every person driving a motor vehicle upon the
public highway, and it was the duty of the plaintiff Robert
L. Winn, and it was the duty of the defendant Victor G.
Parkhill, while driving upon the public highway at the time
referred to in this case, to use reasonable and ordinary care
for the safety of themselves and of others and for the safety of the property of themselves and others who and which might be upon said highway or driving a motor vehicle upon said highway, and in doing so they were required by law to exercise reasonable and ordinary care to comply with the statutes of the state of Iowa as herein set out and to make reasonable use of their sight and senses in keeping a proper lookout for vehicles which might be upon said highway and for dangers that might appear, and to exercise such precaution for the safety of their own person and property and the person and property of others as a reasonably careful and prudent person under like circumstances and in a like situation would use and employ for the preservation of person and property from injury or damage, and a failure, if any, on the part of the plaintiff Robert L. Winn or on the part of the defendant Victor G. Parkhill so to exercise reasonable and ordinary care as aforesaid in driving and operating the vehicles which they were driving respectively, would constitute negligence on the part of the party so failing to exercise said reasonable and ordinary care.

Par. 16. You will first take up, consider and determine the claim made by the plaintiff Dorothy M. Putnam against the defendants, and in regard thereto you are instructed that before the plaintiff Dorothy M. Putnam will be entitled to recover anything against the defendants she must first prove to you by a preponderance of the evidence each and all of the following material allegations of her petition, to-wit:
1. That the defendant Victor G. Parkhill, driver of the motor truck owned by the defendant Haley Neeley Co., at the time and place of the accident referred to in this case was negligent in one or more of the particulars of negligence alleged in plaintiffs' petition and set out in Paragraph 1 of these instructions.

2. That the said negligence of the defendant Victor G. Parkhill was the proximate cause of the collision referred to in this case and the injuries and damages resulting therefrom to the plaintiff Dorothy M. Putnam.

3. That because of and resulting from said collision and the resulting injuries and damages to plaintiff Dorothy M. Putnam, she sustained damages in some amount of money.

4. That the plaintiff Dorothy M. Putnam was free from negligence on her part causing or contributing in any way or in any degree directly to said collision or accident and the injuries and damages resulting therefrom.

And if the plaintiff Dorothy M. Putnam has proven to you by a preponderance of the evidence each and all of the foregoing material allegations as set out in this paragraph, then and in that event you will find for her and return a verdict for her against the defendants in such an amount as you find she is entitled to recover under the evidence and the instructions hereinafter given you. However, if the plaintiff Dorothy M. Putnam has failed to prove to you by a preponderance of the evidence any one or more of the
above and foregoing material allegations as set out in this paragraph as aforesaid, then and in that event she cannot recover herein against the defendants or either of them.

Par. 17. You will next take up, consider and determine the claim made by the plaintiff Robert L. Winn against the defendants, and in regard thereto you are instructed that before the plaintiff Robert L. Winn will be entitled to recover anything against the defendants he must first prove to you by a preponderance of the evidence each and all of the following material allegations of his petition, to-wit:

1. That the defendant Victor G. Parkhill, driver of the motor truck owned by the defendant Haley Neeley Co., at the time and place of the accident referred to in this case was negligent in one or more of the particulars of negligence alleged in plaintiff's petition and set out in Paragraph 1 of these instructions.

2. That the said negligence of the defendant Victor G. Parkhill was the proximate cause of the collision referred to in this case and the injuries and damages resulting therefrom to the plaintiff Robert L. Winn.

3. That because of and resulting from said collision and the resulting injury and damage to plaintiff Robert L. Winn, he sustained damages in some amount of money.

4. That the plaintiff Robert L. Winn was free from negligence on his part causing or contributing in any way or in any degree directly to said collision or accident.
and the injury and damage resulting therefrom.

And if the plaintiff Robert L. Winn has proven to you by a preponderance of the evidence each and all of the foregoing material allegations as set out in this paragraph, then and in that event you will find for him and return a verdict for him against the defendants in such an amount as you find he is entitled to recover under the evidence and the instructions hereinafter given you. However, if the plaintiff Robert L. Winn has failed to prove to you by a preponderance of the evidence any one or more of the above and foregoing material allegations as set out in this paragraph as aforesaid, then and in that event he cannot recover herein against the defendants or either of them.

Par. 18. You will next take up, consider and determine the claim made by the plaintiff Gibson Products Co. against the defendants, and in regard thereto you are instructed that before the plaintiff Gibson Products Co. will be entitled to recover anything against the defendants it must first prove to you by a preponderance of the evidence each and all of the following material allegations of its petition, to-wit:

1. That the defendant Victor G. Parkhill, driver of the motor truck owned by the defendant Haley Neeley Co., at the time and place of the accident referred to in this case was negligent in one or more of the particulars of negligence alleged in plaintiffs' petition and set out in Paragraph 1.
of these instructions.

2. That the said negligence of the defendant Victor G. Parkhill was the proximate cause of the collision referred to in this case and the damages resulting therefrom to the plaintiff Gibson Products Co.

3. That because of and resulting from said collision and the resulting damage to plaintiff Gibson Products Co., it sustained damages in some amount of money.

4. That the plaintiff Robert L. Winn and the plaintiff Gibson Products Co. were free from negligence on their part causing or contributing in any way or in any degree directly to said collision and the damage resulting therefrom.

And if the plaintiff Gibson Products Co. has proven to you by a preponderance of the evidence each and all of the foregoing material allegations set out in this paragraph, then and in that event you will find for and return a verdict for said plaintiff against the defendants in such an amount as you find the said plaintiff is entitled to recover under the evidence and the instructions hereinafter given you. However, if the plaintiff Gibson Products Co. has failed to prove to you by a preponderance of the evidence any one or more of the above and foregoing material allegations as set out in this paragraph as aforesaid, then and in that event the said plaintiff cannot recover herein against the defendants or either of them.
Par. 19. If under the evidence and these instructions you find for the plaintiff Dorothy M. Putnam and against the defendants, you will then proceed under the evidence to determine and assess the amount of said plaintiff's recovery herein, and in doing so you will allow her the fair and reasonable value of hospital and medical expense, if any, rendered necessary because of injuries resulting from said collision and already incurred by said plaintiff, insofar as the same have been shown by the evidence, not exceeding, however, the sum of $50.00 for hospital and medical expense heretofore incurred, the amount claimed therefor by said plaintiff; and you will allow her the fair and reasonable value of dental expense, if any, rendered necessary because of injuries resulting from said collision and already incurred by said plaintiff, insofar as the same has been shown by the evidence, not exceeding, however, the sum of $155.00 for dental expense heretofore incurred, the amount claimed therefor by said plaintiff; and if you find from a preponderance of the evidence with reasonable certainty that future dental will be required and performed upon said plaintiff's teeth because of said injuries resulting from said accident as aforesaid, then you will also allow said plaintiff the fair and reasonable value of dental work, if any, rendered necessary and to be incurred by her in the future, insofar as the same has been shown by a preponderance of the evidence, not exceeding, however, the sum of $300.00 for
such dental expense necessary in the future, the amount claimed therefor by said plaintiff; and you will also allow said plaintiff the fair and reasonable value of damage to her clothing, if any, because of and resulting from said accident or collision, insofar as the same has been shown by a preponderance of the evidence, not exceeding, however, the sum of $9.00 for damage to clothing, the amount claimed therefor by said plaintiff; and you will also allow said plaintiff reasonable compensation for pain and mental anguish, if any, she has heretofore endured and suffered because of said injuries resulting from said accident as aforesaid, insofar as the same is shown by a preponderance of the evidence, and if you find that it is reasonably certain from a preponderance of the evidence that she will endure pain and mental anguish in the future because of said injuries caused by said accident as aforesaid, then you will allow her reasonable compensation, insofar as you find from a preponderance of the evidence that she is reasonably certain to suffer pain and mental anguish in the future because of said injuries resulting from said accident as aforesaid.

Compensation for pain and mental anguish not being susceptible of computation in dollars and cents, the same is necessarily left to your sound judgment and discretion, under the evidence to be assessed by you, if at all in the exercise of such judgment and discretion, giving to said plaintiff such sum and no more as you believe under the evidence she
should receive because of said pain and mental anguish as aforesaid, not exceeding, however, the sum of $9,700.00 for pain and mental anguish heretofore suffered by her and to be suffered by her in the future, the amount claimed therefor by said plaintiff.

Par. 20. If under the evidence and these instructions you find for the plaintiff Robert L. Winn and against the defendants, you will then proceed under the evidence and these instructions to ascertain and determine and assess the amount of his recovery herein, and in doing so you will allow him the fair and reasonable value of medical expense, if any, rendered necessary because of injury resulting from said accident and heretofore incurred by him, insofar as the same has been shown by a preponderance of the evidence, not exceeding, however, the sum of $17.75 for medical expense heretofore incurred, the amount claimed by said plaintiff; and you will also allow him the fair and reasonable value of suit and topcoat destroyed, if you so find, because of and resulting from said accident, not exceeding, however, the sum of $84.50 for suit and topcoat destroyed, the amount claimed therefor by said plaintiff; and you will also allow said plaintiff reasonable compensation for loss of time from work because of and resulting from injury sustained in said accident, insofar as the same has been shown by a preponderance of the evidence, not exceeding, however, the sum of $120.00 for loss of time from work, the amount claimed therefor by said plaintiff; and you will also allow said plaintiff
reasonable compensation for pain and suffering, if any, he has heretofore endured and suffered because of injury resulting from said accident as aforesaid, insofar as the same is shown by a preponderance of the evidence.

Compensation for pain and suffering not being susceptible of computation in dollars and cents, the same is necessarily left to your sound judgment and discretion, under the evidence to be assessed by you, if at all, in the exercise of such judgment and discretion, giving to the said plaintiff such sum and no more as you believe under the evidence he should receive because of said pain and suffering as aforesaid, not exceeding, however, the sum of $5,000.00 for pain and suffering heretofore endured by him, the amount claimed therefor by him.

Par. 21. If under the evidence and these instructions you find for the plaintiff Gibson Products Co. and against the defendants, you will then proceed under the evidence and these instructions to ascertain, determine and assess the amount of said plaintiff's recovery herein, and in doing so you will allow said plaintiff the fair and reasonable value for damages, if any, to its Chevrolet panel truck caused by said collision, not exceeding, however, the sum of $313.25 for such damage, the amount claimed therefor by said plaintiff; and you will also allow said plaintiff the fair and reasonable value for damage, if any, to its merchandise being carried in said panel truck.
at said time, caused by said collision, not exceeding, however, the sum of $100.30, the amount claimed therefor by said plaintiff.

Par. 22. You are the sole judges of the weight of the evidence and the credibility of the witnesses who have testified before you. You are not bound to take the testimony of any witness as absolutely true, and you should not do so if you are satisfied from all the facts and circumstances in evidence before you that such witness is mistaken in the matters testified to, or for any other reason such testimony is untrue or unreliable. In determining the weight and credibility of the testimony, or any part thereof, you may and should consider the relation of each witness to the cause of the parties; their interest, if any, in the cause or in the result thereof; their temper, feeling or bias, if any has been shown; their demeanor while testifying; their apparent intelligence and means of information; their situation and ability to know the matters to which they have testified; the reasonableness or unreasonableness of their testimony, and give such weight and credit to the testimony of each witness as under all the facts and circumstances in evidence you believe it should receive.

Par. 22½. The court submits to you herewith six forms of verdict, three of which you will use when you have agreed upon a verdict.

If you find for the plaintiff, Dorothy M. Putnam, you
will use form of verdict No. 1, inserting in the blank space left therefor the amount you find said plaintiff entitled to recover herein against the defendants. If you find for the defendants, Haley Neeley Co. and Victor G. Parkhill, and against the plaintiff Dorothy M. Putnam, you will use form of verdict No. 2.

If you find for the plaintiff, Robert L. Winn, you will use form of verdict No. 3, inserting in the blank space left therefor the amount you find said plaintiff entitled to recover herein against the defendants. If you find for the defendants, Haley Neeley Co. and Victor G. Parkhill, and against the plaintiff Robert L. Winn, you will use form of verdict No. 4.

If you find for the plaintiff, Gibson Products Co., you will use form of verdict No. 5, inserting in the blank space left therefor the amount you find said plaintiff entitled to recover herein against the defendants. If you find for the defendants, Haley Neeley Co. and Victor G. Parkhill, and against the plaintiff Gibson Products Co., you will use form of verdict No. 6.

When you have agreed upon a verdict have one of your number sign the same as foreman and return into court therewith.

/s/ L. B. Forsling
Judge
VERDICT NO. 1

We, the jury, find for the plaintiff, Dorothy M. Putnam and assess the amount of her recovery herein against the defendants in the sum of $1,214.00.

/s/ Gus Zook
Foreman

VERDICT NO. 2

We, the jury find for the defendants, Haley Neeley Co. and Victor G. Parkhill, and allow the plaintiff Dorothy M. Putnam no recovery herein against said defendants.

Foreman

VERDICT NO. 3

We the jury, find for the plaintiff, Robert L. Winn, and assess the amount of his recovery herein against the defendants in the sum of $500.00.

/s/ Gus Zook
Foreman

Recorded Jan. 23, 1948
/s/ D.C. Record No. 202 Page 548
Foster Thompson, Clerk of District Court
VERDICT NO. 4

We, the jury, find for the defendants, Haley Neeley Co. and Victor G. Parkhill, and allow the plaintiff Robert L. Winn no recovery herein against said defendants.

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Foreman

VERDICT NO. 5

We, the jury, find for the plaintiff, Gibson Products Co., and assess the amount of its recovery herein against the defendants in the sum of $250.00.

/\s/ Gus Zook
Foreman

VERDICT NO. 6

We, the jury, find for the defendants, Haley Neeley Co. and Victor G. Parkhill, and allow the plaintiff Gibson Products Co. no recovery herein against said defendants.

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Foreman
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