

IN THE COURT OF APPEALS OF IOWA

No. 8-572 / 07-1885
Filed November 13, 2008

BERNADETTE CLAUSEN,
Plaintiff-Appellant,

vs.

**FARM BUREAU MUTUAL INSURANCE
COMPANY,**
Defendant-Appellee.

Appeal from the Iowa District Court for Scott County, Mark D. Cleve,
Judge.

The plaintiff appeals from a jury verdict in a negligence action.

AFFIRMED.

Rand Wonio of Lane & Waterman, Davenport, for appellant.

Edward Rose of Betty, Neuman & McMahon, P.L.C., Davenport, for
appellee.

Considered by Huitink, P.J., and Vogel and Eisenhauer, JJ.

VOGEL, J.

Bernadette Clausen appeals from the district court's denial of her motion for new trial following a jury verdict in a negligence action, which arose from a motor vehicle accident. She asserts that the district court erred in instructing the jury and the verdict was inconsistent and inadequate. We review for corrections of errors at law. *Olson v. Sumpter*, 728 N.W.2d 844, 848 (Iowa 2007).

We find that the district court did not err in instructing the jury as to instruction number ten, which was based upon Iowa Civil Jury Instruction Number 200.9 and "identical to the loss of future earning capacity instruction the Plaintiff submitted before trial." As the district court found, "Iowa Civil Jury Instruction No. 200.9 is an accurate statement of the law, both generally and as applied to the specific circumstances of this case."

Additionally, we agree with the district court that Clausen was not entitled to a new trial because the jury awarded her some damages but declined to award certain other damages.¹ After reviewing the evidence, the district court deferred to the jury's findings. Because we agree with the district court's reasoning, its conclusions under the facts presented, and application of the law, we affirm pursuant to Iowa Court Rule 21.29(1)(a), (d), and (e).

AFFIRMED.

¹ The district court did find one omission of damages that had been stipulated to by the parties; the defendant later consented to the proposed increase in the judgment.