

IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

<p>CITY OF INDIANOLA, IOWA,</p> <p>Plaintiff,</p> <p>v.</p> <p>BRENDA RODRIGUEZ ROCHA and MARIA ROCHA-DE RODRIGUEZ,</p> <p>Defendants.</p>	<p>LAW NO. LAACL138280</p> <p>ORDER FOR JUDGMENT AFTER BENCH TRIAL</p>
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On January 18, 2018, a bench trial was held on Plaintiff's Petition. Plaintiff appeared through its counsel, Alex Grasso. Defendant Brenda Rodriguez Rocha appeared pro se. Defendant Maria Rocha-De Rodriguez appeared pro se. A record was made of the proceedings.

Plaintiff called Defendants Brenda Rodriguez Rocha and Maria Rocha-De Rodriguez to the stand. Plaintiff called Indianola Fire Chief Greg Chia to the stand. Plaintiff offered Exhibits 1 through 6; all six were admitted into the record by this Court without objection. Plaintiff made an oral motion for a directed verdict at the close of its evidence. The Court denied the motion at that time on the basis that the Court had previously informed the Defendants it would allow them each a chance to testify after the Plaintiff rested.

Each Defendant was offered the chance to testify after the Plaintiff rested its case. Defendant Brenda Rodriguez Rocha took the stand and testified. Defendant Maria Rocha-De Rodriguez declined the chance to testify.

After the close of evidence, the Court ruled from the bench that Plaintiff had sustained its burden and proven by a preponderance of the evidence the issues of negligence, vicarious liability, causation, and damages. Furthermore, the Court found that Plaintiff had sustained its burden of demonstrating that its damages were known, fixed, and liquid at a date certain before

Plaintiff filed its Petition, November 1, 2016, and that Plaintiff is entitled to pre-filing date interest pursuant to *Gosch v. Juelfs*, 701 N.W.2d 90, 92 (Iowa 2005).

After issuing its ruling from the bench, the Court inquired whether all parties were agreeable to a payment plan. Plaintiff and the Defendants agreed that Defendants may make monthly payments of at least \$25, but Plaintiff reserved the right to later revisit and increase the payment plan should the Defendants have the ability to pay more. The Court also advised the Defendants that the failure to make regular, timely payments under the plan could subject Defendants to more aggressive enforcement of the judgment.

This Court now finds:

1. Judgment in the amount of \$38,850.73 is hereby entered in favor of Plaintiff, City of Indianola, Iowa, and against the Defendants, Brenda Rodriguez Rocha and Maria Rocha-De Rodriguez, jointly and severally.
2. Plaintiff's court costs are taxed against the Defendants, jointly and severally.
3. Plaintiff is entitled to pre-filing date interest on the judgment at a rate of 3.78% per annum starting November 1, 2016.
4. Defendants shall make monthly payments of at least \$25 to Plaintiff.

SO ORDERED.



State of Iowa Courts

Type: OTHER ORDER

Case Number **Case Title**
LAACL138280 CITY OF INDIANOLA VS BRENDA RODRIGUEZ ROCHA ET AL

So Ordered

A handwritten signature in black ink that reads 'Karen A. Romano'. The signature is written in a cursive style with a horizontal line underneath it.

Karen A. Romano, District Court Judge,
Fifth Judicial District of Iowa