

IN THE SUPREME COURT OF IOWA

NO. 23-1220

AMIE VILLARINI,
Plaintiff-Appellant/Cross-Appellee,

vs.

IOWA CITY COMMUNITY SCHOOL DISTRICT,
Defendant-Appellee/Cross-Appellant.

APPEAL FROM THE IOWA DISTRICT COURT
FOR JOHNSON COUNTY
THE HONORABLE ANDREW CHAPPEL, DISTRICT JUDGE

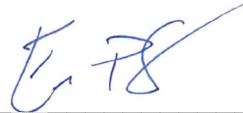
APPELLEE/CROSS-APPELLANT
IOWA CITY COMMUNITY SCHOOL DISTRICT'S
REPLY BRIEF

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CERTIFICATE OF FILING AND SERVICE

I, EreK P. Sittig, hereby certify that I filed this Reply Brief through the 11th day of January, 2024.

I further certify that I served this Reply Brief on all parties by filing it through the Iowa Judicial Branch Electronic Document Management System on the 11th day of January, 2024.



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ISSUES PRESENTED FOR REVIEW

- I. THE DISTRICT COURT ABUSED ITS DISCRETION WHEN IT DENIED DEFENDANT'S MOTION TO AMEND

Nahas v. Polk County, 991 N.W.2d 770 (Iowa 2023)
Iowa Code § 670.4A (2021)

ARGUMENT

I. THE DISTRICT COURT ABUSED ITS DISCRETION WHEN IT DENIED DEFENDANT’S MOTION TO AMEND

Ms. Villarini points out in her Reply Brief that ICCSD did not cite *Nahas v. Polk County* in its brief related to this issue.¹ This is true, as the *Nahas* case does not squarely address ICCSD’s position regarding Section 670.4A.² The undersigned have found no reported case that interprets whether Section 670.4A(1)(a) can apply where, as in this case, there is no individual named as a co-defendant of a municipality, which is not surprising given how recently the statute was enacted.

The threshold to reaching that question, of course, is whether the District Court abused its discretion in denying ICCSD’s Motion for Leave to Amend. That issue is addressed fully in ICCSD’s Brief and ICCSD will not rehash it here.³

Whether Section 670.4A(1)(a) applies in this case may depend on the meaning of the phrase “an employee or officer subject to a claim brought under this chapter” in the opening clause of Section 670.4A(1).⁴ In its Brief,

¹ Villarini Reply Brief, p. 16.

² *Nahas v. Polk County*, 991 N.W.2d 770 (Iowa 2023).

³ ICCSD Brief p. 25-29, II.C-II.D.

⁴ Iowa Code § 670.4A(1) (2021).

ICCSD assumed the phrase to mean a co-defendant⁵ and believes, given that the provision references “a claim *brought under this chapter*,” this is a correct interpretation of the language included in the statute. If no claim is “brought under” Chapter 670, the provision does not apply.⁶ If a person is not named as a defendant in a case, it does not seem they are “subject to” that claim.⁷

As a result, the question remains whether Section 670.4A(1)(a) can apply in a case where no individual is named as a co-defendant. As noted in ICCSD’s Brief, ICCSD does not believe the Legislature intended to include a loophole in this grant of immunity.⁸

CONCLUSION

The District Court abused its discretion in denying ICCSD’s Motion to Amend. The Court should reverse that decision and reach the question of ICCSD’s immunity under Section 670.4A of the Code of Iowa. The Court

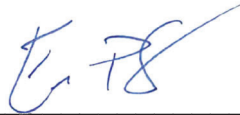
⁵ “Ms. Villarini did not name any individual employee as a defendant, so the first portion of Section 670.4A does not seem to apply.” ICCSD Brief p. 29.

⁶ Iowa Code § 670.4A(1) (2021).

⁷ The definition of “subject to” is “affected by or possibly affected by (something). “Subject to.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/subject%20to>. Accessed 11 Jan. 2024. ICCSD suggests that, for the purposes of the statute, this only includes a person affected directly, not the possibility of somehow being affected indirectly.

⁸ ICCSD Brief pp. 29-30.

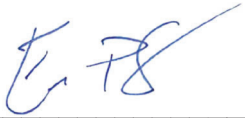
should ultimately find that the law related to Ms. Villarini's claims was not clearly established or the state of the law was not sufficiently clear that every reasonable employee would have understood that the conduct alleged constituted a violation of law.



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**CERTIFICATE OF COMPLIANCE WITH TYPEFACE
REQUIREMENTS AND TYPE-VOLUME LIMITATION**

1. This brief complies with the type-volume limitation of Iowa R. App. P. 6.903(1)(g)(1) because this brief contains 509 words, excluding the parts exempted by Iowa R. App. P. 6.903(1)(g)(1).
2. This brief complies with the typeface requirements Of Iowa R. App. P.(1)(g)(2) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word for Office 365 and Times New Roman 14-point font.



Signature

January 11, 2024

Date