ELECTRONICALLY FILED MAY 29, 2026 CLERK OF SUPREME COURT

IN THE SUPREME COURT OF IOWA

SUPREME COURT NO. 25-0750

JASPER COUNTY NO. CVCV123759

JEREMY CHEDESTER and CHEDESTER PROPERTIES, LLC,
Plaintiffs/Appellants,

vs.

CITY OF NEWTON,
Defendant/Appellee.

APPEAL FROM THE IOWA DISTRICT COURT
IN AND FOR JASPER COUNTY, IOWA
HONORABLE TERRY RICKERS, DISTRICT COURT JUDGE

DEFENDANT-APPELLEE'S APPLICATION FOR FURTHER REVIEW TO THE IOWA SUPREME COURT

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QUESTIONS PRESENTED

I. Did the Iowa Court of Appeals fail to properly apply Iowa Code Chapter 22 in determining whether a records request was made?

II. Did the Iowa Court of Appeals error in determining notice on the City Attorney constituted notice on the City?

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STATEMENT SUPPORTING FURTHER REVIEW

The Iowa Supreme Court should review this case because the Iowa Court of Appeals has decided an important question of Iowa law concerning how records requests may be made under Iowa Code Chapter 22 which has not been, but should be, decided by the supreme court.

Specifically, Iowa Code section 22.4 allows people to make public records requests to the lawful custodian of the requested records, and the Court of Appeals concluded that, in the context of a municipality, these requests may be made through any city employee or official who is acting on behalf of the municipality. May 13, Iowa Court of Appeals Decision p. 10 ("And we see nothing in the text of sections 22.1(2), 22.3, or 22.4 that implies the City's delegation of open-records-implementation responsibility to the city clerk means that the City can ignore—rather than fulfill—open-records requests sent to its other employees or officials"). This decision incorrectly expands the obligations of all government bodies in Iowa beyond the scope of what is required under Chapter 22 by failing to properly interpret and apply language in Iowa Code sections 22.1 and 22.4 which recognize a government body's role in determining which of its agents should receive requests. Iowa Code § 22.1

(2024) ("Each government body shall delegate to particular officials or employees of that government body the responsibility for implementing the requirements of this chapter and shall publicly announce the particular officials or employees to whom responsibility for implementing the requirements of this chapter has been delegated."); Iowa Code § 22.4 ("The lawful custodian of the records shall post information for making such requests in a manner reasonably calculated to apprise the public of that information.").

Additionally, the rights of citizens and obligations of government bodies under Iowa Code Chapter 22 have been the subject of several Iowa Supreme Court decisions over the last few years, and it remains an area of highly relevant and consequential law. *See Generally City of Davenport v. Off. of Auditor of State*, --- N.W.3d ----, No. 24–1160, 2026 WL 1041446 (Iowa Apr. 17, 2026); *Harrison v. Mickey*, 18 N.W.3d 477 (Iowa 2025); *Diercks v. Scott Cnty.*, 17 N.W.3d 364 (Iowa 2025).

Further, the Court of Appeals's decision is in conflict with existing Supreme Court precedent in *Vermeer v. Sneller*, 190 N.W.2d 389, 393 (Iowa 1971) regarding when notice on an agent constitutes notice on a principal. Under *Vermeer*, "the principal is chargeable with, and bound

by, the knowledge of or notice to his agent received while the agent is acting as such within the scope of his authority and in reference to a matter over which his authority extends." *Id.* But in this case, the Iowa Court of Appeals concluded notice on the agent was notice on the principal so long as the agent "was acting on behalf of the" principal. May 13, Iowa Court of Appeals Decision p. 9. This conflicts with *Vermeer* because it fails to consider whether records requests were "a matter over which [the agent's] authority extends" in this case. *Vermeer*, 190 N.W.2d at 393. This incorrectly expands when notice on the agent equals notice on the principal. *See id.*

Ultimately, this case presents an important and broadly significant question of Iowa law that the Iowa Supreme Court should decide. The questions presented will determine how records requests may be made under Chapter 22. That decision will significantly affect both the obligations of Iowa municipalities and other government bodies under Iowa Code chapter 22 and how requesters must seek records.

The Iowa Supreme Court should grant further review.

BRIEF IN SUPPORT OF APPLICATION FOR FURTHER REVIEW

STATEMENT OF THE CASE

I. Nature of the Case

Pursuant to Iowa Rule of Appellate Procedure 6.1103, this Application for Further Review arises from the May 13, 2026, decision of the Iowa Court of Appeals reversing and remanding the District Court's Order Granting the City's Motion for Summary Judgment entered on April 30, 2025. May 13, Iowa Court of Appeals Decision; D0024, Order Granting Motion for Summary Judgment (4/30/2025).

Appellants Jeremy Chedester and Chedester Properties, LLC (together "Chedester") challenged the District Court's finding on summary judgment that Chedester had not properly made a records request under Iowa Code chapter 22. On appeal, the Court of Appeals reversed the District Court's decision, finding that Chedester had made a proper records request to the City.

II. Statement of Facts

On July 9, 2024, Appellants filed their Petition against the City of Newton, asserting a claim under Iowa Code section 22.10 and alleging that the City refused to provide Appellants with documents which

Appellants claimed to have requested under Iowa Code Chapter 22. D0001, Petition (7/09/2024). The City filed its Answer denying the Appellants claims on August 12, 2024. D0004, Answer and Affirmative Defenses (8/12/2024).

The case proceeded and on January 20, 2025, the City filed a motion for summary judgment. D0013, Defendant's Motion for Summary Judgment (1/20/2025). The City's Motion was accompanied by a brief and statement of undisputed material facts. D0014, Defendant's Statement of Undisputed Material Facts in Support of Motion for Summary Judgment (1/20/2025); D0015, Newton's Brief in Support of Summary Judgment (1/20/2025). Appellants filed a resistance on February 4, 2025. D0017, Resistance to Motion for Summary Judgment (2/05/2025). The City filed a reply to Appellants' resistance on February 11, 2025. D0018, Reply to Plaintiff's Resistance to Defendant's Motion for Summary Judgment (2/11/2025).

A hearing was held on the City's Motion for Summary Judgment on March 25, 2025. D0029, Tr. Hrg. (3/25/2025 filed 5/22/2025). On April 30, 2025, the District Court granted the City's Motion for Summary Judgment. D0024.

Appellants filed their Notice of Appeal on May 6, 2025. D0025, Notice of Appeal (5/6/2025).

Jeremy Chedester and Chedester Properties, LLC own property in Jasper County, Iowa, locally known as 209 W. 2nd Street N, Newton Iowa (the "Property"). D0014 ¶ 1. In 2021, the City filed a Petition for Abatement of Abandoned or Unsafe Building (the "Building Litigation"), and the City and Chedester engaged in two years of protracted litigation following the filing of that petition. D0014 ¶ 2–3; D0024 at 1. The Parties agreed to settle the Building Litigation in or around October 2023. D0014 ¶ 3. Despite this settlement, conflict has continued between the City and Chedester regarding Chedester's failure to comply with the terms of the settlement for the Building Litigation and 209 W. 2nd Street N. D0014 ¶ 4; D0024 at 1.

On April 24, 2024, Chedester's attorney emailed the City Attorney for the City of Newton. D0017 Attachment at 3, Exh. A, Email from Chedester to City Attorney. The email stated in relevant part:

> Second, it is obvious that Dr. Koenen has received certain assurances from the city administrator or other city staff about what will or will not happen with the common wall. As you know, the repair obligations for a common wall are shared between the property owners. To assist us in moving forward, my client requests pursuant to Iowa Code Chapter 22 that we

> be provided a copy of all communications, whether by letter, email, text message, or other form, between Dr. Koenen or his representatives and any city employee, officer, or representative. This request specifically includes communications with your office.

D0017 Attachment at 3. The City Attorney responded to this email on April 25, 2024, stating in response to the relevant portion of Chedester's email, "No assurances have been made to the Koenens other than their northern wall will be left in a condition that complies with the adopted codes for the City." D0017 Attachment at 4.

Chedester never followed up with the City Attorney after receiving the April 25 email, and no public records request was ever filed with or sent to the City's designated custodian of records. D0024 at 2.

ARGUMENT

I. Did the Iowa Court of Appeals fail to properly apply Iowa Code Chapter 22 in determining whether a records request was made?

A. Scope of Review

When considering an application for further review the Iowa Supreme Court has "the discretion to review all or part of the issues raised on appeal or in the application for further review." *Everly v. Knoxville Cmty. Sch. Dist.*, 774 N.W.2d 488, 492 (Iowa 2009).

Specifically, the Iowa Supreme Court "review[s] questions of statutory interpretation arising under the Open Records Act for correction of errors at law." *City of Davenport*, 2026 WL 1041446, at *2. And generally, a district court's order granting the City's Motion for Summary Judgment is reviewed for correction of errors at law. *Banwart v. 50th St. Sports, L.L.C.*, 910 N.W.2d 540, 544 (Iowa 2018). "Summary judgment is proper when the moving party has shown there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law." *Westco Agronomy Co., LLC v. Wollesen*, 909 N.W.2d 212, 218–19 (Iowa 2017).

B. Discussion

i. The Language of Chapter 22 and the Court of Appeals's Decision

Iowa Code section 22.2 (2024) grants every person the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record. Section 22.4 mandates how public records requests are made. Individuals may make these requests in person, in writing, by telephone, or by electronic means to the lawful custodian of the records. *Id.* The "lawful custodian" is "the

government body currently in physical possession of the public record." Iowa Code § 22.1.

In addition to defining "lawful custodian," section 22.1(2) also requires that "[e]ach government body shall delegate to particular officials or employees of that government body the responsibility for implementing the requirements of this chapter and shall publicly announce the particular officials or employees *to whom responsibility for implementing the requirements of this chapter has been delegated*." (emphasis added). While section 22.4 states that, for records requests in writing, by telephone, or by electronic means, "[t]he lawful custodian of the records shall post information for making such requests in a manner reasonably calculated to apprise the public of that information." Under these sections, chapter 22 requires cities create a specific framework for responding to chapter 22 records requests.

On appeal, the Court of Appeals found that an electronic request simply sent to any agent of the city is sufficient to invoke the inspection rights granted under section 22.4. May 13, Court of Appeals Decision pp. 9–10. This reading of chapter 22 incorrectly broadens the scope of what constitutes a records request beyond what is stated in chapter 22.

In reviewing the language of sections 22.1 and 22.4, the Court of Appeals concluded that it places additional duties on government bodies but does nothing to shape the manner in which records requests are made and fulfilled. This understanding of is inconsistent with both the prior implementation of chapter 22 as well as the plain language of the chapter itself.

ii. Making Records Requests under Chapter 22

In making a public records request, the first question is, who is the request made to? Section 22.4 provides that requests are made to the lawful custodian, which section 22.1 defines as the government body. But of course, a city "like a private corporation, can act only through its officers and agents." *Middle States Utilities Co. v. City of Osceola*, 1 N.W.2d 643, 645 (Iowa 1942). Section 22.1(1) and (2) together address this issue. Section 22.1(2) requires cities delegate implementation of chapter 22 to particular officials or employees and announce that delegation to the public. And crucially, section 22.1(1) defines "government body," not just as a "city" or other intuitive "government body," but also as "any employee delegated the responsibility for implementing the requirements of this chapter."

Under section 22.1(1), the definition of "government body" is all-encompassing, and it includes the individual employees delegated implementation powers. Understanding this, in discussing the requirements of chapter 22, Iowa courts have at several times referred to designated individuals themselves as the "custodian." *See Carver-Kimm v. Reynolds*, 992 N.W.2d 591, 599 (Iowa 2023) (When Carver-Kimm was the *custodian* of records at the department.") (emphasis added); *City of Riverdale v. Diercks*, 806 N.W.2d 643, 658 (Iowa 2011) ("Here, Mayor Grindle is Riverdale's lawful *custodian*.") (emphasis added); *Gabrilson v. Flynn*, 554 N.W.2d 267, 269 (Iowa 1996) ("She sued Peter Flynn, the school's superintendent, as the *custodian* of the records.") (emphasis added); *Wings v. Dunlap*, 527 N.W.2d 407, 408 (Iowa Ct. App. 1994) ("Defendant Rod Dunlap was employed as the Conservation Director for Johnson County and was the lawful *custodian* for the records of the Johnson County Conservation Board") (emphasis added).

Section 22.4 allows requests to the "lawful custodian" of any public records, and section 22.1(2) defines "lawful custodian" as the "government body currently in physical possession of the public record." But for purposes of section 22.1(2), "government body," can specifically

mean the individual employee to who responsibility for implementing chapter 22 is delegated. So, in this case, the "lawful custodian" for purposes of section 22.4 is not the City, but the individual employee to whom the City has delegated responsibility for chapter 22 and to who physical possession of the records has been granted. Iowa Code §§ 22.1 & 22.4. Although the section 22.1(1) definition of "government body" is lengthy and convoluted, "the legislature 'may act as its own lexicographer,'" and when "'the common law and dictionary definitions which may not coincide with the legislative definition must yield to the language of the legislature.'" *The Sherwin-Williams Co. v. Iowa Dep't of Revenue*, 789 N.W.2d 417, 425 (Iowa 2010) (citations omitted).

Even though it may not be intuitive, this all makes some more sense considering that the section 22.1(2) official or employee is delegated responsibility for "implementation" of chapter 22. Words in a statute are typically given "their ordinary and common meaning," and "the context within which the words are used" is also important for understanding them. *T & K Roofing Co. v. Iowa Dep't of Educ.*, 593 N.W.2d 159, 162 (Iowa 1999). Webster's dictionary defines "implement" as "to take steps to put into practice." Merriam-Webster.com Dictionary, *Implement*,

Merriam-Webster, https://www.merriam-webster.com/dictionary/implement (last visited May 18, 2026). Understanding this, and the important fact that the delegation requirement is contained within the definition of "lawful custodian," it makes sense that for purposes of chapter 22, the "lawful custodian" is not just the larger government body colloquially, but also its particular delegated representative.

The second question when making a records request is, how is the records request made? And Iowa Code section 22.4 outlines that process. Importantly, after stating that requests can be made "[i]n writing, by telephone, or by electronic means," section 22.4 then delegates implementation of these methods by stating, "[t]he lawful custodian of the records shall post information for making such requests in a manner reasonably calculated to apprise the public of that information." This differs from section 22.4's more specific in-person request instructions, which states requests may be made "[i]n person, at any time during the customary office hours of the lawful custodian of the records." A statute should be understood "in its entirety," and "when the legislature includes certain language in one section of a statute but omits it in another section

of the same statute, we generally presume the omission is intentional." *Chavez v. MS Tech. LLC*, 972 N.W.2d 662, 668 (Iowa 2022). The instructional differences between section 22.4(1) and 22.4(2) indicate that government bodies maintain greater authority in crafting policies for records requests which are not in-person. And specifically, the requirement that a government body post "information for making such requests," implies that a government body must create some information to post. Iowa Code § 22.4.

Read together, these provisions in section 22.1 and section 22.4 require cities create a framework for making records requests and provide the public with notice on to who and how requests should be made. Ultimately, legislation should be read "in a manner to avoid rendering portions of a statute superfluous or meaningless." *Beverage v. Alcoa, Inc.*, 975 N.W.2d 670, 685 (Iowa 2022). In determining requests may be made in any manner to any agent of a government body, the Court of Appeals has rendered significant portions of sections 22.1 and 22.4 meaningless. This cannot be the case. Requests should be made consistent with the frameworks established by government bodies pursuant sections 22.1 and 22.4. *See Eddy v. Casey's Gen. Store, Inc.*, 485 N.W.2d 633, 637 (Iowa

1992) ("when a statute . . . gives a right and creates a remedy unknown at the common law, and at the same time points to a specific method by which that liability can be ascertained and the right assessed, this method must be strictly pursued.").

iii. The Court of Appeals Approach Leads to Absurd Results

In *Brakke v. Iowa Dep't of Nat. Res.*, the Iowa Supreme Court discussed the absurdity doctrine in detail. 897 N.W.2d 522 (Iowa 2017). Describing first that "[i]t is universally accepted that where statutory terms are ambiguous, courts should interpret the statute in a reasonable fashion to avoid absurd results." *Id.* at 534. And second that under "[t]he true absurdity doctrine," "a court declines to follow the literal terms of the statute to avoid absurd results." *Id.*

In this case, the Court of Appeals has determined that a request sent to any agent of a government body must be responded to, no matter how unconnected the agent is from the records. If a staff member of a city's parks department receives an email requesting police body camera footage, has a request been made? The staff member is likely an agent of the city, and body cameras recordings are likely in the physical possession of the city.

This result is perhaps a consequence of the extended definition of "government body" described in section 22.1(1) and the use of that term in defining "lawful custodian" in section 22.1(2). As discussed, the definition of "government body" is both a city and any particular employee delegated responsibility for implementing chapter 22. Iowa Code § 22.1(1). But that's not all, it also includes nearly every level of a governmental entity, including "any branch, department, board, bureau, commission, council, committee, official, or officer of any of the foregoing." *Id.*

This sort of nesting doll approach to defining "government body," leads to the situation where multiple government bodies could be considered to literally have "physical possession of the public record."

Now, regardless of whether this is an ambiguity or not, the statute should not be interpreted to require judicial branch employees in Scott County facilitate requests for records held by Department of Health and Human Services employees in Sioux City just because both are agents of the state. This is an absurd and avoidable result. If the statute is ambiguous, the answer is simple, the "lawful custodian" should be interpreted to mean the "government body" with the most immediate

physical possession of the records. This approach makes the most sense considering the above discussion on requests, custodians, and the entire context of the statute. *Matter of Est. of Gantner*, 893 N.W.2d 896, 902 (Iowa 2017) (noting Iowa courts "read statutes as a whole rather than looking at words and phrases in isolation" and also "read related statutes together and attempt to harmonize them.").

If it is not ambiguous, the true absurdity doctrine has been invoked by the Iowa Supreme Court "when the literal terms of a broadly framed statute have been narrowed to avoid an absurd result in specific instances." *Brakke*, 897 N.W.2d at 538. And chapter 22 should not be read in such a broad manner as to require absurd results.

iv. The City of Newton's Open Records Policies

In this case, the City of Newton has designated certain employees as responsible for certain records, and it has notified the public of these designations. *Open Records Policy as of City of Newton Resolution #16-057* (Apr. 1, 2016), City of Newton, (available at https://www.newtongov.org/DocumentCenter/View/1951/City-of-Newton-Open-Records-Policy-04012016?bidId=). Additionally, under the City of Newton Code of Ordinances section 31.052 (B) provides, "[t]he

Clerk shall have custody and be responsible for the safekeeping of all writings or documents in which the city is a party in interest unless otherwise specifically directed by law or ordinance." Under the City's ordinances, the city clerk is the actual individual with "physical possession" of most city records. *Id.* Making the city clerk the most direct "lawful custodian." *See* Iowa Code § 22.1.

In attempting to make a records request, Chedester only sent an email to the City Attorney. D0017. He made no request to the City's designated official or employee, nor did he make any request consistent with the City's open records policies. Chedester did not make a records request pursuant to Iowa Code chapter 22, and the District Court's order granting summary judgment should be affirmed. *See* Iowa Code §§ 22.1, 22.4.

II. Did the Iowa Court of Appeals error in determining notice on the City Attorney constituted notice on the City?

A. *Scope of Review*

The District Court's Order granting the City's Motion for Summary Judgment is reviewed for correction of errors at law. *Banwart*, 910 N.W.2d at 544.

B. Discussion

Even if a records request may be made in any manner whatsoever to any level of government body, the Court of Appeals erred in concluding that a request sent to the City Attorney was sufficient to provide notice to the City.

Generally, "notice to an agent is notice to a principal if the agent was acting within his duties." *Meredith Outdoor Advert., Inc. v. Iowa Dep't of Transp., Off. of Right of Way*, 648 N.W.2d 109, 114 (Iowa 2002). Relying on this, the Court of Appeals determined notice on the City Attorney was notice on the City because the City Attorney was acting on behalf of the City during the email exchange in question. May 13, Court of Appeals Decision p. 9. But this determination takes an overly broad view of the principle stated in *Meredith*. First, the agent in *Meredith* who was served with a notice of appeal "was authorized to accept service of a notice of appeal" on behalf of the principal on who notice was required. *Id.* In reviewing this situation, the Iowa Supreme Court concluded "if notice must be delivered to a particular officer listed by statute, notice to a *designated* representative of the officer should normally be sufficient." *Id.* (emphasis added). And in another case, the Iowa Supreme Court more

specifically stated the general rule as "the principal is chargeable with, and bound by, the knowledge of or notice to his agent received while the agent is acting as such within the scope of his authority and in reference to a matter over which his authority extends." *Vermeer v. Sneller*, 190 N.W.2d 389, 393 (Iowa 1971). With this more specific statement, it becomes apparent that the notice must relate to an issue within the scope of the agent's particular authority.

This more specific understanding of agency is supported in other jurisdictions, as well. The Alabama Supreme Court has stated, "[t]he same rule which denies the agent's power to bind his principal outside the scope of his employment equally denies the efficacy of notice to the principal through the knowledge of the agent whose employment does not relate to the matter in question." *Cooper & Sons Motor Co. v. Klepsig*, 135 So. 430, 430 (Ala. 1930). In Minnesota, "[t]he facts of which the agent had notice must be within the scope of the agency, so that it becomes his duty to act upon them, or communicate them to his principal." *Trentor v. Pothen*, 49 N.W. 129, 129–30 (Minn. 1891). And this is the case in other jurisdictions as well. *Pateras v. Standard Acc. Ins. Co.*, 174 N.E. 620, 621 (Ohio Ct. App. 1929) ("If the true theory be that the agent owes a duty to

communicate, then the person to whom the notice comes must be such a one and acting in such a capacity that it may fairly be said that the principal looks to him for information concerning the subject-matter; that he is the person to whom information is likely to come, and whose duty it would be to communicate it."); *People ex rel. Carr v. Gullborg*, 155 N.E. 324, 325 (Ill. 1927) ("The law is well settled that, when notice to an agent is relied upon to bind a principal, the nature of the agency must be such that the law will presume that the agent carried the notice to his principal, or it must be established as a fact that the agent did communicate to his principal such notice.").

This all makes sense considering the general principles of agency law under which an agent can only bind their principle where they have actual or apparent authority to act for the principle. *State v. Sellers*, 258 N.W.2d 292, 297 (Iowa 1977).

In this case, the issue of chapter 22 records requests was neither within the actual nor the apparent authority of the City Attorney; as the City has publicly designated other employees or officials to handle requests and to have custody of the records. *Open Records Policy as of City of Newton Resolution #16-057* (Apr. 1, 2016), City of Newton,

(available at https://www.newtongov.org/DocumentCenter/View/1951/City-of-Newton-Open-Records-Policy-04012016?bidId=); City of Newton Code of Ordinances section 31.052 (B); *Sellers*, 258 N.W.2d at 297. Because the handling of records requests was outside the scope of the City Attorney's authority, notice cannot be imputed on the City. *See Vermeer*, 190 N.W.2d at 393. As a result, no records request was made to the City, and the District Court's grant of summary judgment should be affirmed.

CONCLUSION

For the reasons set forth above, the City of Newton, Iowa, respectfully requests the Supreme Court accept this matter for further review of the Court of Appeals's May 13, 2026, Decision reversing and remanding the District Court's April 30, 2025, Order. The City respectfully requests the Supreme Court reverse the Court of Appeals Decision and affirm the District Court.

Respectfully submitted,

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that I have filed the attached Defendant-Appellee's Application for Further Review with the Clerk of the Iowa Supreme Court through the Electronic Document Management System on May 29, 2026

/s/ Jacob A. Hatanpa
Jacob A. Hatanpa
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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of May, 2026, I served the attached Defendant-Appellee's Application for Further Review through the Electronic Document Management System upon the following attorneys:

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CERTIFICATE OF COMPLIANCE

1. This Application for Further Review complies with the type-volume limitation of Iowa R. App. P. 6.1103(5), because this Application for Further Review has been prepared in a proportionally spaced typeface using Century Schoolbook font in 14-point font plain style and contains 4,319 words, excluding the parts of the Application for Further Review exempted by Iowa R. App. P. 6.1103(5)(a).

/s/ Jacob A. Hatanpa
Jacob A. Hatanpa
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May 29, 2026
Date