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IN THE COURT OF APPEALS OF IOWA

No. 25-1382
Filed August 19, 2026

Erin Barker,
Plaintiff–Appellant,
v.
J. Matthew Glascock,
Defendant–Appellee.

Appeal from the Iowa District Court for Bremer County,
The Honorable Gregg R. Rosenbladt, Judge.

AFFIRMED

Adam C. Witosky, Christopher Stewart, and Matthew M. Boles of Boles Witosky Stewart Law PLLC, Des Moines, attorneys for appellant.

Christine L. Conover and Carrie L. Thompson of Simmons Perrine PLC, Cedar Rapids, attorneys for appellee.

Considered without oral argument
by Greer, P.J., and Buller and Langholz, JJ.
Opinion by Buller, J.

BULLER, Judge.

Erin Barker appeals the dismissal of her medical malpractice case against J. Matthew Glascock. On Glascock's motion for summary judgment, the district court found the certificate of merit filed by Barker did not meet the statutory requirements under Iowa Code section 147.140 (2025) because it was "not in the form of an affidavit and was not executed under oath and under penalty of perjury. There is no jurat." On our review, and after applying controlling case law, we affirm.

Over the past several years, our supreme court has rigorously enforced the requirements of section 147.140. *See generally Rarick v. Smidt*, 36 N.W.3d 1, 5–7 (Iowa 2026).

> Under those precedents, substantial compliance with the affidavit requirement requires either (1) a true affidavit, meaning a written declaration under oath that is made in the presence of any person authorized to administer oaths, Iowa Code section 622.85; or (2) a written statement that includes the phrase "penalty of perjury" as required by our affidavit-substitute statute, Iowa Code section 622.1.

Id. at 3 (cleaned up). *But see id.* at 19–20 (Mansfield, J., dissenting) (suggesting the court has moved to strict—not substantial—compliance for the affidavit requirement). The certificate at issue here ended with: "I, [expert's name], on this 7th day of March, 2024, do hereby certify under oath that the contents set forth herein are true and correct," followed by his signature. This was followed by the notary's statement: "On this 7th day of March, 2024, before me, a Notary Public in and for said County and State, personally appeared [expert's name], known by me to be the person in the above-entitled action." The notarization included the county and state name, and the notary signed and stamped the acknowledgment. The certificate did

not include the phrase "penalty of perjury," so we limit our analysis to the "true affidavit" alternative.

Under Iowa Code section 622.85, "an affidavit requires two different people who are together at the same time. It requires the affiant, who provides his or her written declaration under oath, and it also requires the officer authorized to administer oaths, before whom the declaration is made." *Id.* at 5 (majority opinion). "Affidavits include a jurat completed by the notary (or other authorized person) to prove the oath was administered." *Banwart v. Neurosurgery of N. Iowa, P.C.*, 18 N.W.3d 267, 273 (Iowa 2025). A jurat accepted as verifying on oath or affirmation in Iowa usually includes language that the affidavit is "[s]igned and sworn to (or affirmed) before," "[s]ubscribed and sworn to before," or a similar certification of "an actual affidavit executed by an expert before a separate person who is authorized to administer the oath." Iowa Code § 9B.16(3); *Rarick*, 36 N.W.3d at 4, 6 (cleaned up).

Using Barker's own words, "the oath and *proof* of the oath are two separate things. A jurat is one form of proof of an oath. A declaration under penalty of perjury is another." And the supreme court has declared that "substantial compliance with the affidavit requirement requires" one of these forms of proof within the certificate of merit to be valid. *Rarick*, 36 N.W.3d at 3. Because the certificate of merit here offers neither form, we affirm the summary judgment ruling.

AFFIRMED.



IOWA APPELLATE COURTS

State of Iowa Courts

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