
LEGAL UPDATE

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IOWA SUPREME COURT DECISION — MUNICIPAL QUALIFIED IMMUNITY, ANONYMOUS PLAINTIFFS, AND COMMON LAW CLAIMS

Legal Updates, prepared by the nonpartisan Legal Services Division of the Legislative Services Agency, provide summaries of recent meetings, court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic and are intended for use primarily by legislators, legislative staff, and other persons interested in legislative matters. The reader is cautioned against using information contained in a legal update to draw conclusions as to the legality of a particular behavior or set of circumstances and should not be interpreted as advocating a particular course of action.

Doe v. W. Dubuque Cmty. Sch. Dist.

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No. 24-0700

www.iowacourts.gov/courtcases/22275/embed/SupremeCourtOpinion

Factual and Procedural Background. A student assaulted another student by hitting the other student over the head with a board while the student was participating in an industrial arts technology class at Drexler Middle School in the Western Dubuque Community School District. The injured student was taken to the principal's office and left unattended. The injured student later returned to class. The school did not contact medical personnel or the injured student's parents after the assault. The injured student's parent came to the school, removed the injured student from class, and took the injured student to the hospital. The injured student was diagnosed with a concussion and other injuries.

The injured student's parents sued, under a fictitious name (Doe), the Western Dubuque Community School District, the school board president, the superintendent, and the Drexler Middle School principal. The Does asserted three causes of action: (1) negligence, (2) breach of fiduciary duty, and (3) loss of consortium. The defendants filed a pre-answer motion to dismiss asserting three grounds for dismissal: (1) the petition failed to meet the heightened pleading requirements set forth in Iowa Code section 670.4A, (2) the district court lacked jurisdiction over the case because the plaintiffs prosecuted the action using fictitious names instead of the names of the real parties in interest, and (3) the Does' breach of fiduciary duty claim failed as a matter of law. The district court granted the defendants' motion. The plaintiffs appealed the district court's decision, and the Iowa Supreme Court (Court) retained the appeal.

Issues.

1. Whether the district court correctly determined that Iowa Code section 670.4A required dismissal of the petition.
2. Whether the district court correctly determined that the plaintiffs' petition using fictitious names was impermissible.
3. Whether the district court correctly dismissed the plaintiffs' claim for breach of fiduciary duty.

Holding. The Court held that the district court (1) erred in determining that Iowa Code section 670.4A required dismissal of the petition, (2) erred in determining that the plaintiffs' petition using fictitious names

was impermissible, and (3) correctly dismissed the plaintiffs' claim for breach of fiduciary duty. The Court remanded the case.

Analysis. The Court stated Iowa Code section 670.4A does three things: (1) provides "a substantive qualified immunity defense to officers and employees of municipalities"; (2) establishes "a heightened pleading requirement distinct from Iowa's notice pleading requirement"; and (3) provides "a statutory right of interlocutory appeal from the denial of qualified immunity."

The Court observed that the substantive qualified immunity defense and the heightened pleading requirements in Iowa Code section 670.4A are lifted directly from federal qualified immunity law. Under federal law, the qualified immunity defense only applies to alleged violations of constitutional or statutory rights; it is not a defense to common law claims. To "keep step with federal law," the Court concluded "[Iowa Code] section 670.4A applies only where the plaintiff has asserted a state constitutional tort claim or statutory claim and not where the plaintiff has asserted only a state common law claim." The Court stated the terminology in Iowa Code section 670.4A "evidences a doctrinal and conceptual mismatch between [Iowa Code section 670.4A] when applied to common law claims[.]" and because of this mismatch Iowa Code "section 670.4A would pose insurmountable problems of judicial administration when applied to common law claims."

The Court acknowledged that when it is interpreting statutes, the Court must presume the General Assembly intended a "just and reasonable result" as specified in Iowa Code section 4.4(3). "We cannot conclude that the legislature intended, in enacting [Iowa Code] section 670.4A, to effectively repeal the common law system of municipal officer and employee liability that has been in place since 1967." The Court concluded the district court erred in holding that Iowa Code section 670.4A required dismissal of the petition because Iowa Code section 670.4A is inapplicable to the plaintiffs' common law negligence and loss of consortium claims.

The Court held that there is a presumption against allowing a party to proceed under a fictitious name and identified some factors courts should consider when determining whether to allow a party to proceed with a case under a fictitious name. The Court stated that, on remand, the plaintiffs in this case should be afforded an opportunity to amend their pleadings to use the injured student's parents' real names, and the injured student's initials.

The Court determined the district court correctly dismissed the plaintiffs' claim for breach of fiduciary duty because there is no fiduciary relationship between the defendants and the plaintiffs. The Court cited several cases indicating that, although schools and school employees have a duty to exercise reasonable care with respect to students, schools and school employees do not generally have a fiduciary relationship with students.

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