
LEGAL UPDATE

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IOWA SUPREME COURT DECISION — DOMESTICATED ANIMAL ACTIVITIES ACT IMMUNITY

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Janey Shafer v. Frank Santana

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www.iowacourts.gov/courtcases/25059/embed/SupremeCourtOpinion

Factual and Procedural Background. Frank Santana was driving a horse-drawn sickle mower on his property while Janey Shafer recorded video of the activity. After Santana finished mowing, he directed Shafer to hold the horses while he attempted to secure the mower's sickle bar. The sickle bar fell to the ground, startling the horses. As the horses moved, Shafer fell and was struck by the steel wheel of the mower and dragged. She suffered severe injuries that left her permanently paralyzed from the waist down.

Shafer filed a personal injury action against Santana. Santana moved for summary judgment, asserting immunity under the Domesticated Animal Activities Act, Iowa Code chapter 673. Shafer resisted, arguing that the statute did not apply and, alternatively, that Santana's conduct fell within the statutory exception for reckless conduct. The district court granted summary judgment in favor of Santana. The Court of Appeals affirmed that Iowa Code chapter 673 applied but reversed on the recklessness issue, concluding that a factual dispute existed for trial. The Iowa Supreme Court granted further review.

Issues. Whether Santana's conduct was protected by the immunity provided in the Domesticated Animal Activities Act and, if so, whether sufficient evidence existed to generate a genuine issue of material fact that Santana acted recklessly, thereby falling within an exception to the statutory immunity.

Holding. The Court vacated the decision of the Court of Appeals and affirmed the district court's grant of summary judgment. The Court held that Santana was engaged in a domesticated animal activity protected by Iowa Code chapter 673 and that the record did not contain sufficient evidence to create a genuine issue of material fact regarding recklessness.

Analysis. The Court first examined whether Santana's action of driving a horse-drawn sickle mower constituted a domesticated animal activity under Iowa Code section 673.1. The statute provides immunity for injuries resulting from the inherent risks of certain domesticated animal activities, including "driving a domesticated animal." The Court concluded that "driving" is a term of art within the equine and draft-animal community that includes controlling animals harnessed to a nonmotorized vehicle.

The Court rejected Shafer's argument that Santana was no longer engaged in driving because the horses had temporarily stopped while he secured the sickle bar. The Court reasoned that the activity of driving encompasses the entire process of operating and controlling a team of horses and is not interrupted merely because the animals are momentarily stationary. Because the horses remained harnessed to the mower and

Santana was preparing to continue driving them, the Court concluded that the activity qualified for immunity under Iowa Code chapter 673.

The Court further held that Shafer's injuries resulted from the inherent risks of a domesticated animal activity. The statute specifically identifies the unpredictable reactions of animals to sudden movements, loud noises, unfamiliar conditions, or other stimuli as inherent risks. The Court determined that the horses' reaction to the falling sickle bar fell squarely within those statutory risks.

The Court next considered whether the statutory exception for reckless conduct applied. The Court emphasized that recklessness requires more than ordinary negligence. To establish recklessness, a plaintiff must show that a defendant intentionally engaged in conduct in disregard of a known risk, or a risk so obvious that the defendant should have known of it, and that the conduct made harm highly probable.

Although Shafer presented expert testimony criticizing Santana's operation of the mower and handling of the horses, the Court concluded that the evidence supported, at most, a claim of negligence. The Court found no evidence that Santana consciously disregarded a known danger or that the risk of injury was so obvious that knowledge could be imputed to him. The Court also noted that the expert's opinions largely reflected hindsight judgments concerning training, equipment maintenance, and safety procedures rather than evidence that Santana knowingly engaged in conduct making serious injury highly probable.

The Court distinguished prior cases in which expert testimony supported a finding of recklessness by demonstrating a defendant's awareness of a specific risk. Here, the Court found no evidence that Santana understood the alleged risks and intentionally disregarded them. Instead, the record reflected an unfortunate accident arising from the inherent unpredictability of animals, a category of risk the Legislature expressly chose to protect through Iowa Code chapter 673.

Accordingly, the Court concluded that the statutory immunity applied to Santana's actions and that no genuine issue of material fact existed regarding recklessness.

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