

IOWA SUPREME COURT

CURT N. DANIELS and INDIAN CREEK CORPORATION,)	
)	
Plaintiffs-Appellants)	SUPREME COURT CASE. 19-1674
)	
vs.)	CASE NO: CVCV033187
)	
JOHN HOLTZ PERSONALLY AND JOHN HOLTZ, d/b/a WSH PROPERTIES, LLC, HUNTERS RETREAT, LLC, and NAVAJO ASSOCIATES, LLC)	DEFENDANTS'-APPELLEES'
)	WAIVER OF BRIEF
)	
Defendants-Appellees)	
)	

COMES NOW defendants-appellees John Holtz, both personally and purportedly doing business as WSH Properties, LLC, Hunters Retreat, LLC, and Navajo Associates, LLC (collectively, “Holtz”), pursuant to Rule 6.903(4), *Iowa Rules of Civil Appellate Procedure*, and hereby waives the appellee’s brief.

Holtz incorporates the Motion to Dismiss filed in this appeal on October 11, 2019 which cites the following Order affirmed by the Iowa Supreme Court on March 18, 2019 in Case No. 19-0078:

In order to fully understand and appreciate Defendants’ Motion to Dismiss and Plaintiffs’ Resistance thereto, the court has reviewed each of the rulings and documents addressed herein. Based upon that review, the court finds Daniels, who is an attorney, has continued to file motions and complaints against Defendants based upon rejected legal propositions. He has continued to advocate positions against Holtz that have been

found unsound. As noted above, both the District Court and the Supreme Court ordered Daniels to cease filing documents in two previous related cases between the parties, and the Supreme Court publicly reprimanded him for frivolous filings in a third. Yet Daniels continues.

Daniels' failure to make proper inquiry into the law regarding the present case has caused needless litigation costs for the Defendants and has been wasteful of judicial resources. The court finds Defendants' request for sanctions is appropriate to prevent further misuse of the judicial system.

ORDERS:

Based upon the foregoing, Defendants' Motion to Dismiss is GRANTED for failure to state a claim upon which relief may be granted.

IT IS FURTHER ORDERED as and for sanctions, that Curt N. Daniels is enjoined from filing any new actions or filings, other than a notice of appeal from this ruling, arising out of or related to the facts or subject matter of this case or previous litigation between the parties to this action.

Respectfully submitted,

/s/ John Holtz
John B. Holtz

1747 East Morten Avenue, Suite 105
Phoenix, Arizona 85020
Telephone: 602-266-7766

Copy to:

Curt Daniels
P.O. Box 701
Chariton, IA 50049

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon one of the attorneys of record for each of the parties to the above-entitled cause by enclosing the same in an envelope addressed to each such attorney at his/her respective address as disclosed by the pleadings of record herein, by U.S. Mail, with postage fully paid, and by depositing said envelope in a United States Post Office depository on November 26, 2019.


