

IN THE SUPREME COURT OF IOWA

No. 21-0859

Pottawattamie County No. LACV121204

ORDER

REED DICKEY, MICHAEL DICKEY, and ANDREA DICKEY,

Appellants,

vs.

JEREMY HOFF, JENNIE EDMUNDSON MEMORIAL HOSPITAL, METHODIST JENNIE EDMUNDSON HOSPITAL, LOESS HILLS BEHAVIORAL HEALTH, JEFF RUTLEDGE, THE SCHOOL DISTRICT OF LINCOLN a/k/a LINCOLN PUBLIC SCHOOL, and EMILY GORMAN,

Appellees.

The court, McDermott, J., taking no part, being evenly divided, declares this case affirmed by operation of law. *See* Iowa Code § 602.4107 (2022).

The district court’s ruling on the statute of limitations required dismissal of the entire action. McDonald, Oxley, and May, JJ., would affirm the judgment of the district court on the statute of limitations; Christensen, C.J., and Waterman and Mansfield, JJ., would reverse the judgment of the district court on that issue. *See State v. Effler*, 769 N.W.2d 880, 884 (Iowa 2009) (“[W]hen the supreme court is equally divided . . . , the decision of the district court is affirmed by operation of law.”).

Copies to:

Dominic F. Pechota
Trial Lawyers for Justice, P.C.
421 W. Water St., Third Floor
Decorah, IA 52101

Webb L. Wassmer
Wassmer Law Office, PLC
5320 Winslow Road
Marion, IA 52302

Jason W. Miller
Brittany N. Salyars
Patterson Law Firm, L.L.P.
505 5th Avenue, Suite 729
Des Moines, IA 50309

Anthony L. Osborn
Gehling Osborn Law Firm, PLC
600 4th Street, Suite 900
Sioux City, IA 51101

Robert A. Mooney
Mooney, Lenaghan, Westberg Dorn, LLC
450 Regency Parkway, Suite 320
Omaha, NE 68114

Joshua J. Schauer
Perry, Guthery, Haase & Gessford, P.C., L.L.O.
233 South 13th Street, Suite 1400
Lincoln, NE 68508



IOWA APPELLATE COURTS

State of Iowa Courts

Case Number
21-0859

Case Title
Dickey v. Hoff

So Ordered

A handwritten signature in black ink, appearing to be "SLC", is written over a horizontal line.

Susan Larson Christensen, Chief Justice

Electronically signed on 2022-10-21 08:15:00