ELECTRONICALLY FILED AUG 03, 2023 CLERK OF SUPREME COURT

IN THE SUPREME COURT OF IOWA

IOWA SUPREME COURT ATTORNEY DISPLINARY BOARD, Complainant-Appellee, v. REUBEN ANDREW NEFF, Respondent-Appellant.	SUPREME COURT NO. 23-0572

APPEAL FROM THE IOWA SUPREME COURT GRIEVANCE COMMISSION

APPELLANT'S REPLY BRIEF AND ARGUMENT

MATTHEW G. SEASE
DELANEY J. KOZLOWSKI
SEASE & WADDING
The Rumely Building
104 SW 4th Street, Suite A
Des Moines, Iowa 50309
Phone: (515) 883-2222
Fax: (515) 883-2233
msease@seasewadding.com
dkozlowski@seasewadding.com
ATTORNEYS FOR APPELLANT

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

STATEMENTS OF THE ISSUES

I. WHETHER THE COMMISSION ERRED IN FINDING NEFF VIOLATED IOWA CT. R. 32:8.4(g)

Cases

In re Kelly, 925 N.E.2d 1279 (Ind. 2010)
In re Schuessler, 578 S.W.3d 762 (Mo. 2019)
Iowa Sup. Ct. Att'y Disciplinary Bd. v. Steffes, 588 N.W.2d 121 (Iowa 1999)
Iowa Sup. Ct. Att'y Disciplinary Bd. v. Watkins, 944 N.W.2d 881 (Iowa 2020)
Iowa Supreme Court Bd. of Prof'l Ethics and Conduct v. Visser, 629 N.W.2d 376 (Iowa 2001)
Iowa Supreme Ct. Att'y Disciplinary Bd. v. Moothart, 860 N.W.2d 598 (Iowa 2015)
People v. Abrams, 459 P.3d 1228 (Colo. O.P.D.J. 2020)

Statutes

CO ST RPC Rule 8.4(g)
IN ST RPC Rule 8.4(g)
MO R BAR Rule 4-8.4(g)

Other Authorities

16 Ia. Prac., Lawyer and Judicial Ethics § 12:4(d)(3)

II. WHETHER IOWA CT. R. 32:8.4(g) IS CONSTITUTIONAL

Cases

Connick v. Myers, 461 U.S. 138 (1983)
Garcetti v. Ceballos, 547 U.S. 410, (2006)
Gentile v. State Bar of Nevada, 501 U.S. 1030 (1991)
Grayned v. City of Rockford, 408 U.S. 104 (1972)
Greenberg v. Haggerty, 491 F.Supp.3d 12 (E.D. Penn. 2020)
In re Abrams, 488 P.3d 1043 (Co. 2021)
In re Idaho State Bar Resolution 21-01 (Idaho Supreme Court decided January 20, 2023)
Iowa Sup. Ct. Att'y Disciplinary Bd. v. Steffes, 588 N.W.2d 121 (Iowa 1999)

Other Authorities

IMDB "The Office" https://www.imdb.com/title/tt0386676/
Op. Tenn. Atty. Gen. NO. 18-11 at *4 (March 16, 2018)

III. WHETHER THE SANCTIONS ORDERED BY THE COMMISSION ARE TOO SEVERE

Cases

Akron Bar Ass'n v. DiCato 958 N.E.2d 938 (Ohio 2011)
Connick v. Myers, 461 U.S. 138 (1983)
People v. Gilbert, No. 10PDJ067 (Colo. O.P.D.J. Jan. 14, 2011)
In re Abrams, 488 P.3d 1043 (Co. 2021)
In re Kelly, 925 N.E.2d 1279 (Ind. 2010)
Iowa Sup. Ct. Att'y Disciplinary Bd. v. Watkins, 944 N.W.2d 881, 888 (Iowa 2020)

ARGUMENT

I. THE COMMISSION ERRED IN FINDING NEFF VIOLATED IOWA CT. R. 32:8.4(g).

Discussion

Neff largely stands by his opening brief and reaffirms that each of the stipulated statements do not constitute a violation of Rule 32:8.4(g). Simply put, neither the individual statements nor the statements, as a whole, constitute "sexual harassment" under Rule 32:8.4(g). There is no evidence or indication that any of the statements were said or were performed to further any sexual behaviors or desires of Neff or any other individual. Similarly, there is no evidence or indication that Neff's statements were an attempt to "degrad[e] or demean[] women, [ ] to maintain gender hierarchy." *Iowa Sup. Ct. Att'y Disciplinary Bd. v. Watkins*, 944 N.W.2d 881, 888 (Iowa 2020).

However, it is worth noting that the Board is attempting to shoehorn every one of Neff's statements within this rubric to essentially state that every cuss word, off color statement, or reference of an individual's anatomy, constitutes "sexual harassment." This cannot be the case and it lacks statutory support. For example, the parties stipulated that Neff used a gay slur two times. (Con. APP - 011,

Stipulation ¶ 14). The Board has asserted that the use of the slur the second time constitutes a violation constitutes a violation of Rule 32:8.4(g). The Board is unclear as to what part of Rule 32:8.4(g) Neff violated, i.e. "sexual harassment or other unlawful discrimination." There has been little to no law in Iowa regarding the differences between sexual harassment and "other unlawful discrimination." This Court has stated that the term sexual harassment is broader than the limits of the traditional Title VII context. *See Iowa Sup. Ct. Att'y Disciplinary Bd. v. Steffes*, 588 N.W.2d 121, 124-125 (Iowa 1999). However, there does not appear to be any discussion regarding "other unlawful discrimination."

One legal commentator has indicated that: "By prohibiting 'other unlawful discrimination in the practice of law,' the Iowa rule appears to incorporate the same standards as federal, state, or local anti-discrimination law…While the Iowa Supreme Court has interpreted the parallel prohibition on 'sexual harassment' as not demanding the same pervasiveness requirement as in employment law, the court has shown no propensity for applying the rule to expressions of opinion or to ordinary social interactions. Prudential bar authorities will avoid pursuing charges for dubious objections to protected expressions of

opinion on matters of public concern." 16 Ia. Prac., Lawyer and Judicial Ethics § 12:4(d)(3). This opinion is confirmed by the use of "unlawful" to describe all other types of discrimination that are prohibited within Rule 32:8.4(g). In other words, Rule 32:8.4(g) may be broader than Title VII, or other anti-discrimination laws as it relates to "sexual harassment," but it cannot be interpreted as being broader in the "other unlawful discrimination" context. This is because the actions must be "unlawful." Accordingly, all statements which are not "sexual harassment" must be interpreted within the context of Title VII or some other anti-discrimination law. None of the stipulated facts in this case support a finding "unlawful discrimination."

Apparently recognizing this fact, the Board attempts to shoehorn all of the stipulated facts within a sexual harassment context. However, none of these stipulated facts fit within this Court's prior definition of sexual harassment. *See Iowa Supreme Ct. Att'y Disciplinary Bd. v. Moothart*, 860 N.W.2d 598, 604 (Iowa 2015) ("sexual harassment as used in the rule includes ' sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.'") (further citations omitted). None of the stipulated facts are sexual advances, requests for

sexual favors, or are sexual in nature. As such, this Court should find that Neff's statements are not in violation of Rule 32:8.4(g).

Finally, the Board relies upon several opinions from other jurisdictions to support a finding of a violation in this case. Specifically, the Board relies upon opinions from Colorado, Indiana, and Missouri. *People v. Abrams*, 459 P.3d 1228, 1239-41 (Colo. O.P.D.J. 2020); *In re Kelly*, 925 N.E.2d 1279 (Ind. 2010); *In re Schuessler*, 578 S.W.3d 762, 774-75 (Mo. 2019). Each of these jurisdictions Rule 8.4(g) is significantly different than Iowa's version. These jurisdictions rule is closer to the ABA model rule than Iowa's and generally state as follows:

> It is professional misconduct for a lawyer to:
> (g) engage in conduct, in a professional capacity, manifesting, by words or conduct, bias or prejudice based upon race, gender, religion, national origin, disability, sexual orientation, age, socioeconomic status, or similar factors. Legitimate advocacy respecting the foregoing factors does not violate this subsection…

IN ST RPC Rule 8.4(g); *see also* MO R BAR Rule 4-8.4(g) *and* CO ST RPC Rule 8.4(g). These rules state nothing about the discrimination being "unlawful" like in Iowa's Rule 32:8.4(g). If Iowa wanted to adopt a Rule similar to these rules and closer to the ABA model rule, it certainly could

have done so. However, there has been no such adoption and as such, under Iowa's Rule 32:8.4(g) if the prohibited acts are not "sexual harassment," then they must be "unlawful discrimination." Because there is no "unlawful discrimination" in this case, Neff has not violated Rule 32:8.4(g).

II. ALTERNATIVELY, IF RULE 32:8.4(g) IS IN VIOLATION OF THE FIRST AMMENDMENT OF THE UNITED STATES CONSTITUTION

Preservation of Error

The Board contends that error was not preserved on the constitutional issues. Neff maintains error was preserved on all of his constitutional arguments. However, even if some error was preserved, this Court has recognized that when confronted with constitutional arguments in the disciplinary proceeding context traditional error preservation rules do not apply. *Iowa Supreme Court Bd. of Prof'l Ethics and Conduct v. Visser*, 629 N.W.2d 376, 380 (Iowa 2001). The traditional error preservation rulings should also not apply, because this Court is the ultimate decision maker in disciplinary proceedings. Indeed, in the post hearing briefing, the Board argued that the Commission did not have the authority to even consider the constitutionality of Rule 32:8.4(g).

A position the Commission ultimately agreed and determined that they did not have the authority to consider the constitutionality of Rule 32:8.4(g). While the traditional error preservation rules allow a lower tribunal to consider an issue, that does not apply in the disciplinary context when addressing constitutional claims. Accordingly, this Court should full consider all issues briefed by Neff.

Discussion

Neff stands by his previously asserted arguments that Rule 32:8.4(g) does not pass constitutional muster. However, it is important to address several of the Boards arguments.

A. Neff's Status as Government Employee

First, the Board is incorrect to assert that *Garcetti v. Ceballos*, 547 U.S. 410, 417 (2006) applies in this context. In *Garcetti* the United States Supreme Court recognized that "while the First Amendment invests public employees with certain rights, it does not empower them to 'constitutionalize the employee grievance.'" *Id.* (quoting *Connick v. Myers*, 461 U.S. 138 (1983)). At its core, *Garcetti* is a case that discusses how a government *employer* may restrict the speech of a government *employee*. *Id.* at 417-20. For example, in describing the justification for

the two part test found in *Garcetti*, the Court stated that "[a] government entity has broader discretion to restrict speech when it acts in its role as ***employer***, but the restrictions it imposes must be directed at speech that has some potential to affect the entity's operations." *Id.* at 418. While Neff is certainly a government employee, that is not the basis in which he is being disciplined under Rule 32:8.4(g). Instead, Neff's obligations to comply with Rule 32:8.4(g) come from his duties as an attorney generally. The Board is not acting as a supervisor of Neff or as an employer of Neff. Instead, the Board is acting as an enforcer of the Iowa Rules of Professional Conduct against attorneys in general.

In other words, if Neff would have received employment discipline from his county employer, he may have been prohibited from pursuing claims under the First Amendment against the County. But that is not the case here. Instead, he is being treated in the same manner that all attorneys licensed in the State of Iowa would be treated. It would seem quite bizarre, if the Board could find Neff's comments constitutional if he was a county attorney/public employee but it would be unconstitutional if he were a private citizen. A result which would require this Court to carve out exceptions to Rule 32:8.4(g) that are not found within Rule

32:8.4(g). The difficulties are even greater when considering the many part time county attorneys found throughout the State. Would they be held to a different constitutional standard if they made the statements? Simply put, it is illogical to hold Neff to a different constitutional standard regarding his ability to maintain his license than an attorney engaged in private practice.

B. The Board's Interpretation of Rule 32:8.4(g) is Overbroad

The Board contends that "[n]o broad swath of speech is limited by this rule." Appellee's Brief P. 42. Yet, earlier in the brief, the Board criticizes Neff and accuses him of violating Rule 32:8.4(g) for retelling a story by using the anatomically correct term "penis." The Board also criticizes Neff for making a reference to a running joke on the wildly popular television show "The Office" that has been off the air for nearly 10 years. *See* IMDB "The Office" https://www.imdb.com/title/tt0386676/ (last visited July 26, 2023). To think that lawyers' speech will not be chilled as a result of the Board's interpretation of is unreasonable. It is unequivocal that the Board's interpretation and application of Rule 32:8.4(g) would result in widespread punishment of protected speech.

C. Rule 32:8.4(g) is Unconstitutionally Vague

The Board begins by quoting this Court's general reluctance to find attorney professional conduct rules unconstitutional. Appellee's Brief P. 43. While this is generally true, it is far from an absolute rule. Indeed, one of the seminal First Amendment cases from the United States Supreme Court regarding the lawyer speech recognizes that professional conduct rules may be unconstitutionally vague when improperly interpreted. In *Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1048 (1991), the United States Supreme Court stated: "As interpreted by the Nevada Supreme Court, the rule is void for vagueness, in any event, for its safe harbor provision." In the same context, the Board's interpretation of Rule 32:8.4(g) is unconstitutionally vague as it does not clearly define what is and what is not prohibited speech.

Rule 32:8.4(g) "was adopted in response to a recommendation made by the Equality in the Courts Task Force," which published its report in 1993. *Iowa Sup. Ct. Bd. of Prof'l Ethics & Conduct v. Steffes*, 588 N.W.2d 121, 124 (Iowa 1999). The first reported case regarding the rule appears to have occurred in 1999. *Id.* During that time, there is no reported case that uses Rule 32:8.4(g) in the manner requested by the Board. Is this

because Neff is the first attorney in Iowa to ever utter any of the words in the stipulation since the adoption of Rule 32:8.4(g)? Of course not. For the Board to now assert that Rule 32:8.4(g)'s prohibition of sexual harassment to include utter words that are clearly not sexual in nature establishes that "the Rule fails to provide 'fair notice to those to whom it is directed.' A lawyer seeking to avail himself of [Rule 32:8.4(g)]…must guess at its contours." *Id.* (quoting *Grayned v. City of Rockford*, 408 U.S. 104, 112 (1972)). As such, this Court should follow the logic of the Idaho Supreme Court and find that Rule 32:8.4(g) is unconstitutionally vague. *In re Idaho State Bar Resolution 21-01* at 1-3 (Idaho Supreme Court decided January 20, 2023) (located at https://isc.idaho.gov/opinions/50356.pdf) (per curiam) (last visited July 26, 2023).

D. Rule 32:8.4(g) Does Not Survive Strict Scrutiny

Preliminarily, this Court should decline the Boards request to only apply intermediate scrutiny. As the Board has recognized, all jurisdictions that have addressed this issue have applied a strict scrutiny analysis. Appellee's Brief P. 46 (citing *In re Abrams*, 488 P.3d 1043 (Co. 2021); *In re Idaho State Bar Resolution 21-01* at 8-10 (Idaho Supreme

Court decided January 20, 2023) (located at https://isc.idaho.gov/opinions/50356.pdf) (per curiam) (last visited July 26, 2023). In making this request, the Board attempts to analyze Rule 32:8.4(g) within the context of Title VII by arguing Rule 32:8.4(g) is a mere "time, place, and manner regulation." Appellee's Brief P. 50. However, as the Board has and must argue, Rule 32:8.4(g) is broader than Title VII. This overbreadth finding is exactly why the Idaho Supreme Court determined that strict scrutiny must apply. *In re Idaho State Bar Resolution 21-01* at 5 (Idaho Supreme Court decided January 20, 2023) (located at https://isc.idaho.gov/opinions/50356.pdf) (per curiam) (last visited July 26, 2023).

> We conclude that the language of the resolution goes beyond the regulation of employment practices and is instead a content-based regulation of speech protected by the First Amendment. As a result, it is subject to a strict scrutiny analysis. While the framework of the resolution is based on Title VII principles of unlawful discrimination and harassment, and while the resolution does regulate some conduct, the resolution also singles out certain topics for professional discipline while leaving other topics not subject to discipline.

Id.; *see also* Op. Tenn. Atty. Gen. NO. 18-11 at *4 (March 16, 2018) ("Proposed Rule 8.4(g) would reach well beyond federal and state

antidiscrimination laws."). This Court should follow this same logic and apply strict scrutiny.

As outlined in Neff's opening brief, this Court should follow the sound logic of the Idaho Supreme Court and the federal district court in *Greenberg v. Haggerty*, 491 F.Supp.3d 12 (E.D. Penn. 2020) and find that Rule 32:8.4(g) is an unconstitutional restraint on free speech. In addition to these courts, the Tennessee Attorney General released an opinion regarding the ABA's proposed Rule 8.4(g) and effectively argued that it would be unconstitutional for several reasons.

> Because Proposed Rule 8.4(g) would regulate protected speech based on its viewpoint, it would be "presumptively unconstitutional" and could be upheld only if it were narrowly tailored to further a compelling government interest. *Rosenberger v. Rector & Visitors of Univ. of Va*, 515 U.S. 819, 830 (1995). But the proposed rule could not satisfy that exacting scrutiny. Even assuming that the government has a compelling interest in preventing discrimination in particular contexts such as employment or education, *see Saxe v. State Coll. Area Sch. Dist.*, 240 F.3d 200, 209 (3d. Cir. 2001), or in protecting the administration of justice, Proposed Rule 8.4(g) is not narrowly tailored to further those interests because it would reach all speech and conduct in any way "related to the practice of law," regardless of the particular context in which the expression occurs or whether it actually interferes with the administration of justice.

Op. Tenn. Atty. Gen. NO. 18-11 at *7 (March 16, 2018).

In addressing arguments similar to those proposed by the Board, the Tennessee Attorney General opined the following:

> The Joint Petition asserts that Proposed Rule 8.4(g) is consistent with the First Amendment because it "lease a sphere of *private thought and private activity* for which lawyers will remain free from regulatory scrutiny."…That statement is alarming. It makes clear that the goal of the proposed rule is to *subject* to regulatory scrutiny all attorney expression that is any way connected with the practice of law. That approach is wholly inconsistent with the First Amendment.

Id. at 10. (emphasis in original). This Court should similarly reject the Boards arguments and find that Rule 32:8.4(g) is unconstitutional and in violation of the First Amendment.

III. ALTERNATIVELY, IF NEFF IS NOT ENTITLED TO CONSTITUTIONAL PROTECTION FOR ANY COMMENTS, THE SANCTION PROVIDED BY THE COMMISSION IS TOO SEVERE

Discussion

The Board agrees with Neff that the Commission's proposed sanction is inappropriate in that it is too severe and contains improper recommendations. However, Neff asserts that the Board's recommendations are still improper. Neff continues to assert that should

this Court find a violation of Rule 32:8.4(g) and that Rule 32:8.4(g) is constitutional, that the appropriate remedy in this case is a private admonishment.

A. Sexual Harassment Training

The Board is correct in that it is improper to require the entire Wapello County Attorney's office to attend sexual harassment and hostile work environment training. Neff contends it is also improper for him to be required to attend any additional training as well. First, it appears that there have been no such requirements in any prior cases involving violations of Rule 32:8.4(g). Instead, the cases relied upon by the Board all require the attorney to take additional CLE training only. Those holdings are consistent with Iowa Ct. R. 36.19(1) which states that the commission "may recommend additional or alternative sanctions such as restitution, costs, practice limitations, appointment of a trustee or receiver, passage of a bar examination or the Multistate Professional Responsibility Examination, attendance at continuing legal education courses, or other measures consistent with the purposes of attorney discipline." However, the blanket demand to attend sexual harassment training and then have that training be approved by a third-party agency

is outside of the purview of Iowa Ct. R. 36.19(1). It is also worth noting that this Court has never ordered another attorney to attend any such training despite there being significantly more sever violations of Rule 32:8.4(g). *See Watkins*, 944 N.W.2d 881, 894 (Iowa 2020). Accordingly, this request should be denied.

B. Request for Suspension

Despite the Board's arguments to the contrary, a thirty (30) day suspension[1] is not an appropriate sanction in this matter and Neff stands by his original arguments regarding mitigating and aggravating factors. However, it is worth noting that the Board cannot point to any Iowa cases that are remotely similar to the facts in this case. The only Iowa case relied upon by the Board is *Watkins*, which contained ***significantly*** different conduct and statements, over a more prolonged period of time, and actually fit within the traditional "sexual harassment" context.

It is also worth noting that in the cases from other jurisdictions that the Board uses to support its argument that a suspension is

[1] It is worth noting that unlike other attorneys, a suspension for Neff will result in his loss of his position as County Attorney. *See* Iowa Code § 331.751(2) ("A person is not qualified for the office of county attorney while the person's license to practice law in this or any other state is suspended or revoked.")

warranted does not actually support a suspension. That is because in each of the cases cited by the Board, a suspension was not actually awarded, but instead, the punishments were closer to a public reprimand. In *People v. Gilbert*, No. 10PDJ067, (Colo. O.P.D.J. Jan. 14, 2011) the attorney received a public censure which appears to be the equivalent of a public reprimand. In *Kelly*, 925 N.E.2d at 1279, the attorney also received a public reprimand. Finally, the Board cites *Akron Bar Ass'n v. DiCato* 958 N.E.2d 938, 939-40 (Ohio 2011), for the proposition that a suspension can be issued for multiple rule violations. Yet, here, Neff does not have multiple rule violations. More importantly, the attorney in *DiCato*, actually did not receive a true suspension. Instead, under Ohio law, a lawyer's suspension may be stayed and that is exactly what occurred. *Id.* at 941. Specifically, the Supreme Court of Ohio "conclude[d] that a six-month suspension stayed on the condition of no further misconduct is the appropriate sanction for DiCato's ethical violations." *Id.* In reality, it formed the equivalent of a public reprimand.

Similarly, the Board also relies upon the *Abrams* ruling from the Colorado Supreme Court to support its contention that Neff has violated Rule 32:8.4(g). *In re Abrams*, 488 P.3d 1043 (Col. 2021). Yet, the Colorado

Supreme Court did not impose a true suspension. Instead, the attorney in *Abrams*, received a suspension "for three months, stayed upon the successful completion of an eighteen-month probation." *Id.* at 1050. This again is essentially another form of public reprimand rather than an actual suspension. As such, the cases that are potentially the most similar to the situation here actually support no suspension, but instead, at worst, a public reprimand.

CONCLUSION

In conclusion, Neff respectfully requests that this Court should find that Neff did not violate Rule 32:8.4(g). Alternatively, this Court should find that the enforcement of Rule 32:8.4(g) is in violation of the First Amendment of the U.S. Constitution. Finally, should the Court find that Neff violated Rule 32:8.4(g) and it is not in violation of the First Amendment of the U.S. Constitution, this Court should issue a private admonition.

REQUEST FOR ORAL SUBMISSION

Neff respectfully requests this Court grant oral argument in this matter.

Respectfully Submitted,

By: 

MATTHEW G. SEASE
DELANEY J. KOZLOWSKI
SEASE & WADDING
The Rumely Building
104 SW 4th Street, Suite A
Des Moines, Iowa 50309
Ph: (515) 883-2222
Fx: (515) 883-2233
dkozlowski@seasewadding.com
msease@seasewadding.com
ATTORNEYS FOR
APPELLANT

ATTORNEY'S COST CERTIFICATE

I, the undersigned, hereby certify that the true cost of producing the necessary copies of the foregoing Proof Brief and Argument was $0.00, as it was electronically filed.

By: 

MATTHEW G. SEASE
DELANEY J. KOZLOWSKI
SEASE & WADDING
The Rumely Building
104 SW 4th Street, Suite A
Des Moines, Iowa 50309
Ph: (515) 883-2222
Fx: (515) 883-2233
dkozlowski@seasewadding.com
msease@seasewadding.com
ATTORNEYS FOR
APPELLANT

CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitation of Iowa R. App. P. 6.903(1)(g)(1) or (2) because:

[X] This brief contains 3,461 words, excluding the parts of the brief exempted by Iowa R. App. P. 6.903(1)(g)(1)

2. This brief complies with the typeface requirements of Iowa R. App. P. 6.903(1)(e) and the type-style requirements of Iowa R. App. P. 6.903(1)(f) because:

[X] This brief has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in Century font, 14 point.

Dated: August 3, 2023

By:

MATTHEW G. SEASE
DELANEY J. KOZLOWSKI
SEASE & WADDING
The Rumely Building
104 SW 4th Street, Suite A
Des Moines, Iowa 50309
Ph: (515) 883-2222
Fx: (515) 883-2233
dkozlowski@seasewadding.com
msease@seasewadding.com
ATTORNEYS FOR
APPELLANT

CERTIFICATE OF SERVICE AND CERTIFICATE OF FILING

I certify on August 3, 2023, I will serve this document on the Appellee's Attorney Robert Howard by electronically filing it.

I further certify that on August 3, 2023, I will electronically file this document with the Clerk of the Iowa Supreme Court.

By:

MATTHEW G. SEASE
DELANEY J. KOZLOWSKI
SEASE & WADDING
The Rumely Building
104 SW 4th Street, Suite A
Des Moines, Iowa 50309
Ph: (515) 883-2222
Fx: (515) 883-2233
dkozlowski@seasewadding.com
msease@seasewadding.com
ATTORNEYS FOR
APPELLANT