

IN THE COURT OF APPEALS OF IOWA

No. 16-0624
Filed January 11, 2017

FIRST AMERICAN BANK and C.J. LAND, L.L.C.,
Plaintiffs-Appellees,

vs.

**FOBIAN FARMS, INC., HOOVER HIGHWAY
BUSINESS PARK, INC., and GATEWAY, LTD.,**
Defendants-Appellants.

Appeal from the Iowa District Court for Johnson County, Ian K. Thornhill,
Judge.

Fobian Farms, Inc. challenges the district court's ruling on remand arguing
it abused its discretion in imposing sanctions. **WRIT ANNULLED.**

Gregg A. Geerdes, Iowa City, for appellants.

Mark A. Roberts, Lynn W. Hartman, and Dawn M. Gibson of Simmons
Perrine Moyer Bergman P.L.C., Cedar Rapids, for appellees.

Considered by Vogel, P.J., and Tabor and Mullins, JJ.

MULLINS, Judge.

This case was previously before this court and was remanded to the district court to make required specific findings and reconsider the amount of the sanctions. See *First Am. Bank v. Fobian Farms, Inc.*, No. 14-0309, 2015 WL 3613379, at *12 (Iowa Ct. App. June 10, 2015). Fobian Farms, Inc. challenges the district court's ruling on remand arguing it abused its discretion in several respects.¹

"A district court's order imposing sanctions under our rules of civil procedure is reviewable for an abuse of discretion." *Everly*, 774 N.W.2d at 492. An abuse occurs "when the district court exercises its discretion on grounds or for reasons clearly untenable or to an extent clearly unreasonable." *Schettler v. Iowa Dist. Ct.*, 509 N.W.2d 459, 464 (Iowa 1993). On our review for an abuse of discretion, we will correct erroneous applications of law. *Weigel v. Weigel*, 467 N.W.2d 277, 280 (Iowa 1991).

On remand, the district court entered an order directing the parties to submit briefs on the remaining issues. After the parties submitted their briefs, the court wrote a thorough opinion identifying and addressing the issues. The court showed it exercised its discretion by considering all the necessary factors. The reasons for its conclusions are not untenable and are not clearly unreasonable. We find no erroneous applications of law. Accordingly, we find the district court

¹ Fobian Farms filed an appeal. "The proper means to review a district court's order imposing sanctions is by writ of certiorari." *Everly v. Knoxville Cmty. Sch. Dist.*, 774 N.W.2d 488, 492 (Iowa 2009). Thus, we treat this appeal as a petition for a writ of certiorari. See *id.*

did not abuse its discretion. We annul the writ without further opinion. See Iowa Ct. R. 21.26(1)(d), (e).

WRIT ANNULLED.



IOWA APPELLATE COURTS

State of Iowa Courts

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