

**IN THE COURT OF APPEALS OF IOWA**

No. 1-189 / 10-0538  
Filed April 27, 2011

**LINDA JOY DOWNEY,**  
Plaintiff-Appellant,

**vs.**

WICK BUILDING SYSTEMS,  
INC., and FLUMMERFELT  
ENTERPRISES, INC.,  
Defendants,

**and**

**DAVE GRIMM,**  
Defendant-Appellee.

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Appeal from the Iowa District Court for Warren County, Sherman W.  
Phipps, Judge.

Plaintiff appeals the court's dismissal of defendant Grimm. **REVERSED  
AND REMANDED.**

Jeffrey R. Tronvold of Eells & Tronvold Law Offices, P.L.C., Cedar Rapids,  
for appellant.

Dave Grimm, Des Moines, appellee pro se.

Considered by Vaitheswaran, P.J., and Eisenhauer and Danilson, JJ.

**EISENHAUER, J.**

In April 2009, Linda Downey filed a petition against Wick Building Systems, Inc. and Flummerfelt Enterprises, Inc. for damages allegedly caused by faulty modular-home construction.

In November 2009, the court granted Downey's motion for leave to amend her petition. Downey's amended petition contained allegations against an additional defendant, Dave Grimm, who "advised Wick Homes how to proceed and what equipment [to use] in order to rid the home of the mold infestation."

In April 2010, Grimm filed a pre-answer motion to dismiss alleging: (1) lack of personal jurisdiction, (2) failure to state a claim, and (3) lack of standing. After hearing, the court granted Grimm's motion by calendar order entered February 2010, stating:

The court has heard the arguments of counsel and reviewed the pleadings, motions and brief herein. . . . The court further finds that the Defendant, Dave Grimm's, arguments re lack of personal jurisdiction over the defendant, failure to state a claim as against this defendant, and lack of standing to bring a claim, as against this defendant are legally correct. Therefore . . . Dave Grimm's Pre Answer Motion to Dismiss is granted. So ordered.

In March 2010, Downey filed a motion requesting a specific ruling on each ground of Grimm's motion as required by Iowa Rule of Civil Procedure 1.451. Downey's motion was denied by summary calendar entry and this appeal followed.

Downey argues<sup>1</sup> the trial court erred in generally sustaining Grimm's pre-answer motion to dismiss in contravention of rule 1.451, which provides:

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<sup>1</sup> Grimm did not file a brief.

**“Specific rulings required.** A motion . . . involving separate grounds or parts, shall be disposed of by separate ruling on each and not sustained generally.”

We review a district court’s ruling on a motion to dismiss for errors at law. *State v. Gonzalez*, 718 N.W.2d 304, 307 (Iowa 2006). The Iowa Supreme Court has instructed:

Under rule [1.451<sup>2</sup>] trial courts are required to make specific rulings on each and every ground of a multifaceted motion. The purpose of the rule is to enable the parties to know which grounds are sustained by a court and thus limit issues on appeal. . . . We have stated that cases involving violation of rule [1.451] will ordinarily be reversed and remanded for specific rulings. *Brekken v. County Bd.*, 223 N.W.2d 246, 247 (Iowa 1974) [(stating court’s entry of a “short general ruling” that fails to comply with rule 1.451 ordinarily “is reversible error”)]; *Ruby v. Easton*, 207 N.W.2d 10, 14-15 (Iowa 1973) [(“Cases involving violation of [rule 1.451] will ordinarily be reversed.”)].

*Oak Leaf Country Club, Inc. v. Wilson*, 257 N.W.2d 739, 743 (Iowa 1977). See *Greenwall v. Meredith Corp.*, 189 N.W.2d 901, 904 (Iowa 1971) (holding “we shall henceforth insist that rule [1.451] be strictly complied with”); *Bourjaily v. Johnson Cnty.*, 167 N.W.2d 630, 632 (Iowa 1969) (stating “[m]eaningful compliance with rule [1.451] greatly facilitates appellate procedure . . . [and the] ever increasing volume of appeals renders it imperative the rule be followed.”)

We cannot review the district court’s analysis and ruling on Grimm’s pre-answer motion to dismiss where no specific analysis and legal reasoning has been enunciated. We have no record of the hearing on the motion to dismiss. The court’s calendar entries do not constitute even minimal compliance (procedural history, legal authorities, legal analysis on each separate ground)

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<sup>2</sup> As of February 15, 2002, Iowa R. Civ. P. 118 was amended and renumbered 1.451.

with rule 1.451's requirement of separate comment on each ground of Grimm's motion. Accordingly, we reverse and remand for specific rulings as required by our rules of civil procedure.

**REVERSED AND REMANDED.**