

**IN THE COURT OF APPEALS OF IOWA**

No. 2-688 / 12-0160  
Filed August 22, 2012

**TA-YU YANG,**  
Plaintiff-Appellant,

**vs.**

**CITY OF DES MOINES, IOWA,**  
Defendant-Appellee.

---

Appeal from the Iowa District Court for Polk County, D.J. Stovall, Judge.

Ta-Yu Yang appeals from the district court's grant of summary judgment in favor of the City of Des Moines and dismissal of his petition to abate public and private nuisance. **AFFIRMED.**

Ta-Yu Yang, Des Moines, appellant pro se.

Gary D. Goudelock Jr. and Angela T. Althoff, Assistant City Attorneys, Des Moines, for appellee.

Considered by Eisenhauer, C.J., and Doyle and Tabor, JJ.

**DOYLE, J.**

In June and August of 2010, severe wet weather events in the Des Moines area pushed the Des Moines metropolitan sewer system to its capacity, resulting each time in a sanitary sewer overflow in city-owned Prospect Park and into the Des Moines River. Ta-Yu Yang lives near the Des Moines River and Prospect Park, and he frequently uses the park. He filed a petition in equity alleging the City of Des Moines had committed both public and private nuisances by discharging sewage into the park and the river. The district court granted the City's motion for summary judgment on several bases. Yang appeals, arguing the district court erred by (1) ruling there is no dispute of material fact, (2) finding the City immune from Yang's claims, and (3) finding that court action is not the proper vehicle for addressing Yang's complaints.

Iowa Rule of Appellate Procedure 6.903(2)(g)(3) provides failure to cite authority in support of an issue may be deemed a waiver of that issue. See also *Baker v. City of Iowa City*, 750 N.W.2d 93, 103 (Iowa 2008). Other than citing to well-established rules regarding the standards for summary judgment, Yang has failed to cite to any authority in support of his arguments. It matters not that Yang, an attorney, represents himself. It has long been the rule that procedural rules apply equally to parties who are represented by counsel and those who are not. See *Hays v. Hays*, 612 N.W.2d 817, 819 (Iowa Ct. App. 2000). Pro se parties receive no preferential treatment. *Id.* We could well deem all his issues on appeal as waived. *Baker*, 750 N.W.2d at 102-03.

Nevertheless, rather than dismiss Yang's appeal, we find the district court's ruling identifies and considers all the issues presented, and we approve of

the reasons and conclusions in that ruling. Accordingly, we affirm without opinion pursuant to Iowa Rule of Appellate Procedure 6.1203(a) and (d).

**AFFIRMED.**