

IN THE COURT OF APPEALS OF IOWA

No. 6-411 / 04-0558

Filed July 12, 2006

**IN THE MATTER OF THE ESTATE OF
CLARISSE NEOMI DRUMMOND**

JACOB I. ROSS,
Plaintiff-Appellant,

vs.

**GERALDINE GOMEZ, Fiduciary of the
Estate of Clarisse Naomi Drummond,**
Defendant-Appellee.

Appeal from the Iowa District Court for Polk County, Don Nickerson,
Judge.

Jacob Ross appeals from the jury's damage award on his negligence
claim against the estate of Clarisse Naomi Drummond. **APPEAL DISMISSED.**

Thomas G. Ross of Thomas G. Ross Law Office, Des Moines, for
appellant.

Kent A. Gummert and Frank A. Comito of Guadineer & Comito, L.L.P.,
West Des Moines, for appellee.

Considered by Mahan, P.J., and Hecht and Eisenhauer, JJ.

EISENHAUER, J.

Jacob Ross appeals from the jury's damage award on his negligence claim against the estate of Clarisse Naomi Drummond. Prior to appealing, the estate paid the judgment and Ross negotiated the check. By so doing, Ross has waived his right to appeal, and his appeal is therefore dismissed. See *Kettels v. Assurance Co.*, 644 N.W.2d 299, 302 (Iowa 2002).

APPEAL DISMISSED.