

IN THE COURT OF APPEALS OF IOWA

No. 6-900 / 05-1748
Filed February 14, 2007

LUIS AMAYA AND GLORIA AMAYA,
Plaintiffs-Appellants,

vs.

**DAN BUTTARS, STEVE DULLARD
AND BRYAN QUESTELLE,**
Defendants-Appellees.

Appeal from the Iowa District Court for Polk County, Michael Huppert,
Judge.

The plaintiffs appeal the district court's order granting summary judgment
in favor of the defendants and dismissal of the petition. **AFFIRMED.**

Bruce H. Stoltze and Eric M. Updegraff of Brick, Gentry, Bowers, Swartz,
Stoltze & Levis, P.C., Des Moines, for appellants.

Heather L. Palmer and Gene R. La Suer of Davis, Brown, Koehn, Shors &
Roberts, P.C., Des Moines, for appellees.

Considered by Huitink, P.J., and Vogel, J., and Brown, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2005).

PER CURIAM

Luis and Gloria Amaya appeal the district court's grant of summary judgment to the defendants, which resulted in the dismissal of their claims for co-employee gross negligence under Iowa Code section 85.20(2) (2003). Upon consideration of the relevant factors and record before the district court on summary judgment, we agree with the district court that there is no genuine issue of material fact in dispute and defendants are entitled to judgment as a matter of law. *See Hernandez v. Midwest Gas Co.*, 523 N.W.2d 300, 305-06 (Iowa Ct. App. 1994). We affirm without further opinion pursuant to Iowa Rule of Appellate Procedure 6.24(1), (4).

AFFIRMED.