

**IN THE COURT OF APPEALS OF IOWA**

No. 8-1057 / 08-1105  
Filed February 19, 2009

**JANA L. TABAT,**  
Plaintiff-Appellant,

**vs.**

**THE IOWA CLINIC, P.C.,**  
Defendant-Appellee.

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

The plaintiff in a medical malpractice suit appeals from the district court  
order granting summary judgment in favor of the defendant. **AFFIRMED.**

James Sayre of James L. Sayre, P.C., Clive, for appellant.

Frederick Harris of Finley, Alt, Smith, Scharnberg, Craig, Hilmes &  
Gaffney, P.C., Des Moines, for appellee.

Considered by Vogel, P.J., and Mahan and Miller, JJ.

**VOGEL, P.J.**

A plaintiff in a medical malpractice suit appeals from the district court's order granting summary judgment in favor of the defendant. "To establish a prima facie case of medical malpractice, the plaintiff must demonstrate the applicable standard of care, the violation of this standard of care, and a causal relationship between the violation and the harm allegedly suffered by the plaintiff." *Phillips v. Covenant Clinic*, 625 N.W.2d 714, 718 (Iowa 2001). We agree with the district court plaintiff could not establish her prima facie case based on "common knowledge," but required expert testimony, which she failed to timely designate. See Iowa Code § 668.11 (2007); see also Iowa R. Civ. P. 1.508. We also agree with the district court's conclusion that plaintiff cannot meet her burden of proof based under the theory of res ipsa loquitur. As we agree with the district court's reasoning and application of the law, we affirm pursuant to Iowa Court Rule 21.29(1)(c) and (d).

**AFFIRMED.**