Iowa Supreme Court
Case Law Review
Iowa Academy of Trial Lawyers

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Wrongful Discharge

- *Jasper v. H. Nizam, Inc*., _____ N.W.2d _____ (Iowa 2009)(2009 WL 151568)
  - Is an administrative regulation a source of public policy restricting the rights of an employer to discharge an at will employee?
  - May a corporate officer be individually liable for the tort of wrongful discharge?

Wrongful Discharge – *Jasper v. H. Nizam, Inc.*

- Administrative regulations can serve as a source of public policy and support a claim for wrongful discharge
  - Kimberly Jasper and an officer of the corporation became embroiled in a dispute over proper staffing at a day care center
  - Hussain, the corporate officer, wanted staff reduced; Jasper responded that the staff levels were necessary to comply with state regulations; Jasper is fired after rejecting Hussain's proposal that her assistant and she work as staff; child-to-staff ratios and the state regulation again are at issue

Wrongful Discharge – *Jasper v. H. Nizam, Inc.*

- Administrative regulations can be used as a source of public policy
- To be used in a wrongful discharge case, the administrative regulation must:
  - Relate to public health, safety or welfare
  - Express a substantial public policy in a way that furthers a specific legislative expression of the policy
- To use a violation of public policy to support a claim for wrongful discharge, the public policy must be well recognized and clearly expressed

Wrongful Discharge – *Jasper v. H. Nizam, Inc.*

- Protection of children is a fundamental interest
- The legislature delegated to the Department of Human Services the duty to adopt regulations to protect the health, safety and welfare of children
- The staff-to-child ratios are intended to protect the children in a day care center

Wrongful Discharge – *Jasper v. H. Nizam, Inc.*

- "Our legislature wanted the ratios to be put into place to protect children, and this important public objective would be thwarted if an employer could discharge an employee for insisting that the ratios be followed."
- Staffing a child care facility below the levels established by administrative regulation is not a legitimate business concern

Wrongful Discharge – *Jasper v. H. Nizam, Inc.*

- Individual liability of Hussain for the wrongful discharge tort
  - Should the tort of wrongful discharge apply to the conduct of individuals who act in the name of the corporation?
  - The purpose of the tort is to encourage management to make decisions consistent with public policy and to give employees the freedom to refuse to comply with decisions that are not consistent with public policy

Wrongful Discharge – *Jasper v. H. Nizam, Inc.*

- In this case, Hussain essentially was Kid University, the corporate employer of Jasper
- The jury verdict against Hussain for his conduct is reinstated

Wrongful Discharge – *Jasper v. H. Nizam, Inc.*

- Remittitur
  - The Court holds that Kid University is entitled to a new trial on the issue of emotional distress
  - The jury awarded $100,000; the district court ordered remittitur holding $20,000 was appropriate; the Supreme Court finds $50,000 is proper
    - The discharge was at best insensitive
    - Jasper was not allowed to remove her children from the day care after her discharge; the police were called
    - She did have some emotional distress but not more than common with any job loss

Wrongful Discharge – *Jasper v. H. Nizam, Inc.*

- Evidence at trial supports the jury's conclusion that Jasper was terminated for failing to reduce staff levels in violation of the state regulation

Medical Malpractice – Statute of Limitations

- *Rathje v. Mercy Hospital*, 745 N.W.2d 443 (Iowa 2008)
- *Murtha v. Cahalan*, 745 N.W.2d 711 (Iowa 2008)
- *Rock v. Warhank*, 757 N.W.2d 670 (Iowa 2008)
- *Wilkins v. Marshalltown Medical and Surgical Center*, 758 N.W.2d 232 (Iowa 2008)

Medical Malpractice – Statute of Limitations – *Rathje*

- Does the victim know that an injury has occurred and that the physician or health care provider has caused the injury?
- The issue in determining when the medical malpractice statute of limitations is triggered is not whether the physician or health care provider is negligent – it is whether the victim has reason to know the physician or health care provider played a role in causing or producing the resulting injury

Medical Malpractice – Statute of Limitations – *Rathje*

- In *Rathje*, the district court granted defendants' motion for summary judgment
  - Defendants argue Rathje's symptoms physically manifested more than two years before the lawsuit was filed
  - The lawsuit was filed after the physical injury occurred – no case

Medical Malpractice – Statute of Limitations – *Rathje*

- The Court holds there are two elements of which the victim needs to be aware to trigger the statute of limitations
  - The injury
  - The cause in fact

Medical Malpractice – Statute of Limitation – *Rathje*

- The Court announces a rule that it hopes will clarify when the medical malpractice statute of limitations begins

Medical Malpractice – Statute of Limitations – *Rathje*

- ". . . [T]he discovery of relevant facts about the injury to commence the statute of limitations must include its cause in order to justify the commencement of the limitation period. The Iowa legislature could not have intended to commence the running of the statute of limitations through inquiry notice before inquiry is warranted."

Medical Malpractice – Statute of Limitations – *Rathje*

- "We think it is clear our legislature intended the medical malpractice statute of limitations to commence upon actual or imputed knowledge of both the injury and its cause in fact. Moreover, it is equally clear this twin-faceted triggering event must at least be identified by sufficient facts to put a reasonably diligent plaintiff on notice to investigate."

Medical Malpractice – Statute of Limitations – *Rathje*

- To be on inquiry notice in a medical malpractice case, the injured person must:
  - 1. Be aware that there is an injury, and
  - 2. Be aware that the actions of a physician or health care provider may have caused the injury
- Then, the injured person must make reasonable inquiry and seek advice from the medical and legal community

Medical Malpractice – Statute of Limitations – *Murtha v. Cahalan*

- *Murtha v. Cahalan*, 745 N.W.2d 711 (Iowa 2008)
- Decided the same day as *Rathje*
- The Supreme Court quotes *Rathje*:
  - "The statute of limitations for medical malpractice cases is triggered upon 'actual or imputed knowledge of **both** the injury and its cause in fact.' *Rathje*, 745 N.W.2d at 461. Knowledge of the wrongfulness of the defendant's conduct, however, is not required to commence the statute of limitations. *Id.*"

Medical Malpractice – Statute of Limitations – *Murtha*

- "First, **the plaintiff must have knowledge, or imputed knowledge, of an injury**, *i.e.*, physical or mental harm. Second, **the plaintiff must have knowledge, or imputed knowledge, of the cause in fact of such injury**."

Medical Malpractice – Statute of Limitations – *Murtha*

- Facts
  - Murtha has a lump in one of her breasts – 1997
    - Mammogram performed
    - No evidence of breast malignancy
  - January 1998 – Dr. Cahalan performs a fine needle aspiration biopsy of the lump
    - Diagnosis – noncancerous
    - Most likely fibroadenoma – a benign neoplasm
    - Results shared with Murtha and her primary physician
  - Mammogram in October 1998
    - No abnormality but radiologist recommends follow-up regarding lump to assure it is not cancerous
    - One week later, Murtha consults with Dr. Cahalan
      - Cahalan recommends removing the lump
      - Murtha declines and has no further contact with Dr. Cahalan for personal reasons

Medical Malpractice – Statute of Limitations – *Murtha*

- October 1999 – Mammogram
  - Unremarkable
  - Family physician, Dr. Keller, recommends routine screening in one year
- December 1999 – sister suggests having an ultrasound
  - Dr. Kollmorgan diagnosis the lump as a simple cyst – recommends cut down on caffeine and take vitamin E
  - Dr. Keller concurs

Medical Malpractice – Statute of Limitations – *Murtha*

- November 10, 2000 – yearly mammogram
  - No evidence of abnormality
- November 15, 2000 – consultation with Dr. Kollmorgan
  - Notes a breast irregularity
  - The lump may be more prominent than the year before
  - Continue with yearly mammograms

Medical Malpractice – Statute of Limitations – *Murtha*

- December 4, 2001
  - Dr. Baker (Dr. Kollmorgan has retired) sees Murtha
  - Palpation of the lump in the breast reveals concerns
    - Does a needle biopsy
    - The area felt “gritty”
    - Possible cancer
  - Recommends that the lump be removed
  - Excisional biopsy scheduled for January 4, 2002

Medical Malpractice – Statute of Limitations – *Murtha*

- January 3, 2002, Murtha cancels the biopsy to get a second opinion
- April 2002 sees Dr. Beck
  - Dr. Beck concurs with Dr. Baker
  - Recommends removing the lump
- June 14, 2002
  - Excisional biopsy of the lump in the left breast performed
  - Testing reveals that Murtha has **adenocarcinoma—breast cancer**

Medical Malpractice – Statute of Limitations – *Murtha*

- September 5, 2003, Murtha files suit against Drs. Cahalan, Keller, Kollmorgan, and Baker
- She alleges that each doctor failed to properly diagnose the condition of her breast, beginning in September 1997 and failed to properly treat her condition

Medical Malpractice – Statute of Limitations – *Murtha*

- Defendants argued, and the district court agreed, that the injury was when Murtha knew about the lump – September 1997
- Defendants contend that Murtha had a duty to investigate at that point
- Defendants argued that the statute of limitations began to run in September 1997 and expired in September 1999 – well before the time that she filed her lawsuit

Medical Malpractice – Statute of Limitations – *Murtha*

- Murtha contended that the injury did not occur until she was diagnosed with cancer
- The Supreme Court observes that injury may occur at some point between the discovery of the lump and the final diagnosis of cancer
- This is a case in which the injury is not immediately apparent – it is an internal condition with no specific external symptoms or a progressive condition

Medical Malpractice – Statute of Limitations – *Murtha*

- The Court admits that in a case such as Murtha's "determining when the plaintiff knew, or should have known, of the existence of the not-immediately-apparent injury, for statute-of-limitations purposes, is far from straightforward."
- The question is when should Murtha have reasonably known of her injury – the physical harm that she suffered

Medical Malpractice – Statute of Limitations – *Murtha*

- In this case, the "injury" does not occur merely upon the existence of a continuing undiagnosed condition
- The "injury" occurs when "the problem [grows] into a more serious condition which poses greater danger to the patient or which requires more extensive treatment."

Medical Malpractice – Statute of Limitations – *Murtha*

- The Court observes none of the events prior to September 5, 2001, were injuries
- "A reasonable fact finder could conclude that Murtha should have known of her injury and its cause **only** after December 7, 2001, when Dr. Baker expressed his concern that she may have a serious condition and recommended excision. This date was well within the two-year period preceding the lawsuit."

Medical Malpractice – Statute of Limitations – *Murtha*

- Concurrence by Justice Wiggins
  - The defendants failed to establish no genuine issue of material face regarding application of section 614.1(9)(a)
  - The defendants did not have sufficient facts to submit a statute of limitations issue to the jury

Medical Malpractice – Statute of Limitations – *Murtha*

- Concurrence by Justice Wiggins
  - ". . . I would make it clear that under the current record no reasonable jury could conclude the plaintiff should have known of her injury or that it was caused by medical care prior to the time the treating physician made the diagnosis that she had a malignancy."

Medical Malpractice – Statute of Limitations – *Rock*

- *Rock v. Warhank*, 757 N.W.2d 670 (Iowa 2008)
- Rock could not know that there was a potential cause of action of medical malpractice until she was diagnosed with cancer
- A reasonable application of the discovery rule allows for a period of investigation
- A layperson should not be charged with the same knowledge of a medical condition as a doctor – who is an expert

Medical Malpractice – Statute of Limitations -- *Wilkins*

- *Wilkins v. Marshalltown Medical and Surgical Center*, 758 N.W.2d 232 (Iowa 2008)
- The earliest possible triggering date for the statute of limitations is when the patient is properly diagnosed with his or her condition
- Failure to follow-up emergency room care by the patient does not support a statute of limitations defense

Medical Malpractice – Jury Instructions – *Smith v. Koslow*

- *Smith v. Koslow*, 757 N.W.2d 677 (Iowa 2008)
- Plaintiff objected to jury instruction:
  - The mere fact that a party was injured does not mean that a party was negligent.
- A majority of the Court approved giving the instruction in this case
- The jury had to decide if there was a spontaneous rupture of an artery or if the negligence of the doctor caused the rupture

Medical Malpractice – Jury Instructions – *Smith v. Koslow*

- Dissent by Justice Hecht
  - "Stuff happens" should not be included in a jury instruction
  - The instruction was unnecessary
  - The jury was advised in other instructions what is negligence
  - The instruction over emphasized one party's theory of the case
  - The instruction communicated the court's belief that Dr. Koslow's care met acceptable standards

Medical Malpractice – Jury Instructions – *Schroeder v. Albaghdadi*

- *Schroeder v. Albaghdadi*, 744 N.W.2d 651 (Iowa 2008)
- The district court gives separate forms of verdict based upon each side's theory of the case
- The Court approves the forms of verdict offered by the district court

Medical Malpractice – Use of Investigation by the Board of Medical Examiners

- *Cawthorn v. Catholic Health Initiatives Iowa Corp.*, 743 N.W.2d 525 (Iowa 2008).
  - Plaintiff offered evidence from an Iowa Board of Medical Examiners investigation of the competency of the doctor involved in treatment of plaintiff's spine injury
  - Evidence offered to show that the hospital was aware the doctor was neither competent nor qualified
  - The Court holds that materials from an investigation by the Board of Medical Examiners are confidential and should not have been admitted as evidence by the trial court

Statute of Limitations – Unknown Defendant

- *Buechel v. Five Star Quality Care, Inc.*, 745 N.W.2d 732 (Iowa 2008)
- Juanita Buechel dies at a nursing home on January 20, 2001
- On January 21, 2001, the family is told that she asphyxiated

Statute of Limitations -- *Buechel*

- A wrongful death lawsuit is filed in January 2003
- Claims against unknown defendants are urged using section 613.18(3), Iowa Code
- Statute of limitations against the unknown defendants is tolled
- Discovery identifies the bed manufacturers on September 15, 2003
- Plaintiffs seek to amend to include the bed manufacturers on October 26, 2003

Statute of Limitations – *Buechel*

- The district court grants summary judgment for the bed manufacturers
- The district court holds that the claims against the manufacturers were not brought within the statute of limitations
- The Supreme Court agrees
  - Claim accrued on January 21, 2001
    - The family was advised that the death involved the bed
    - They were on inquiry notice at that point

Statute of Limitations – *Buechel*

- Lawsuit was filed on January 15, 2003
  - This is five days prior to the statute of limitations expiring
  - Claiming unnamed defendants under section 613.18(3), tolls the statute against them until identities are learned
- Bed manufacturers were identified on September 15, 2003
- Plaintiffs had five days to amend to bring in the bed manufacturers
  - The five days is the difference between the date the lawsuit was filed and the date that the statute of limitations expired

Statute of Limitations – *Buechel*

- The Court does not consider defendants' arguments that the 15 year statute of repose also applied

Statute of Limitations – State Tort Claims Act

- *Hook v. Lippolt*, 755 N.W.2d 514 (Iowa 2008)
  - Hook and Lippolt involved in a motor vehicle collision on June 9, 2000
  - Hook files lawsuit against Lippolt on March 13, 2002
  - July 2002 – Lippolt answers interrogatories

Statute of Limitations – *Hook*

- Lippolt claims in interrogatory answers that at the time of the collision he was acting as a volunteer for the Iowa Department of Human Services
- Lippolt claims that he is immune from liability for the collision under section 669.13, Iowa Code

Statute of Limitations – *Hook*

- June 3, 2003, Hook dismisses her lawsuit
- Claim filed with the State Appeal Board
- After six months a new lawsuit is filed
- Lippolt claims statute of limitations and immunity; state urges statute of limitations

Statute of Limitations – *Hook*

- The district court denies the summary judgment motions on the basis that Hook had neither actual nor imputed knowledge of her cause of action more than two years prior to filing her administrative claim
- The Supreme Court grants interlocutory appeal

Statute of Limitations – *Hook*

- The Supreme Court holds that summary judgment should have been granted on the statute of limitations defense
  - Hook knew on June 9, 2000, that she was involved in a motor vehicle collision and that she was injured
  - Hook should have immediately made inquiry about who might be liable for her injuries
  - Hook waited too long to investigate
  - The statute of limitations defense provided by section 669.13, Iowa Code applies to Hook's claims against Lippolt and the state of Iowa

Statute of Limitations – *Hook*

- "An injured party's duty to investigate the identity of persons liable for her injury is not a seriatim process that stops upon the discovery of one defendant and arises again only when that defendant's liability is questioned."

Statute of Limitations – *Hook*

- A claim that Hook should be allowed to proceed because Lippolt had insurance is rejected
- The Court rejects a contention that Lippolt engaged in fraudulent concealment
  - A plaintiff claiming fraudulent concealment must show an intent to mislead the injured party
  - The Court finds no support for Hook's contention that Lippolt engaged in fraudulent concealment

Statute of Limitations – *Hook*

- The district court is directed to enter judgment for both Lippolt and the state

Statute of Limitations – Attorney Discipline Appeal

- *Iowa Supreme Court Attorney Disciplinary Board v. Attorney Doe No. 639*, 748 N.W.2d 208 (Iowa 2008)
- The Grievance Commission of the Iowa Supreme Court issues a private admonition to Attorney Doe 639
- The Disciplinary Board wishes to appeal to the Supreme Court
- The Board has ten days to get the Supreme Court's permission to appeal

Statute of Limitations – *Attorney Doe No. 639*

- The Board was one day late in filing its request with the Iowa Supreme Court
- Attorney Doe No. 639 resists the application of the Board and seeks to have it dismissed
- The Court finds the application is not timely and the Board's appeal is dismissed
- The ten-day time limit is mandatory and jurisdictional

Statute of Limitations – *Attorney Doe No. 639*

- "The Board must file its application for permission to appeal within ten days from when the Commission files its disposition. Iowa Ct. R. 35.11(2). Here, a party, not the tribunal, caused the delay in proceedings by failing to meet this deadline. **The rule states the consequence for failing to file an appeal within the required time is that the Commission's decision becomes final.** *Id.* r. 35.9.

Statute of Limitations – *Attorney Doe No. 639*

- Once the ten days passed, the Commission's private admonition became final, and the Board's application to appeal was not timely

Statute of Limitations – Civil Rights

- *State, ex rel Claypool v. Evans*, 757 N.W.2d 166 (Iowa 2008)
- Condominium designer, developer and builder urge statute of limitations defenses in civil rights claims
- Allegations include that the complex did not have proper access for persons with handicaps

Statute of Limitations – *State, ex rel. Claypool v. Evans*

- The district court grants the defendants' summary judgment motions
- The state appeals
- The Supreme Court affirms
- The state argues that the statutes of limitation do not apply to it
- The Court disagrees

Statute of Limitations – *State, ex rel. Claypool v. Evans*

- The allegations of Frank and the Civil Rights Commission are that the design and construction of the units in the condominium complex results in discrimination because of access issues

Statute of Limitations – *State, ex rel. Claypool v. Evans*

- Regarding the claims of Frank
  - The 180-day time period to file with the civil rights commission began when he purchased the condominium
  - The two-year statute of limitations, likewise, began when he purchased the condominium
  - Neither his complaint to the Civil Rights Commission nor the lawsuit filed on his behalf were brought within the applicable time limits

Statute of Limitations – *State, ex rel. Claypool v. Evans*

- The claims of the Civil Rights Commission
  - The 180-day time period began when the last condominium was sold
  - The two-year statute of limitations, likewise, began when the last condominium was sold
  - The state's claims were brought well after the date of the last sale

Statute of Limitations – *State, ex rel. Claypool v. Evans*

- The Court rejects an argument that the statutes of limitations did not toll because of a continuing violation
- "In this case the specific discriminatory practice was the sale of a housing unit designed and constructed to be inaccessible to a person with disabilities. This discriminatory practice was complete upon the sale. The lack of accessibility of the non-compliant development was a continuing effect of the discriminatory practice rather than a continuing violation."

Statute of Repose

- *Estate of Ryan v. Heritage Trails Associates, Inc.*, 745 N.W.2d 724 (Iowa 2008)
- One worker died; the other suffered severe injuries when a weld on an anhydrous nurse tank failed
- The nurse tank was manufactured by Trinity Industries 27 years prior to the weld malfunction

Statute of Repose – *Estate of Ryan*

- The workers sue a number of parties, but they do not assert claims against Trinity
  - The 15-year statute of repose applies
- A third-party action for indemnity and contribution is asserted against Trinity
- Trinity asks the district court to dismiss it based upon the fifteen year statute of repose
- The district court denies Trinity's motion
- Trial results in jury verdict – judgment on the third-party claims against Trinity of over two million dollars

Statute of Repose – *Estate of Ryan*

- The Supreme Court finds that the statute of repose does not prohibit contribution claims against Trinity
- But, may the defendants claim contribution from Trinity under the contribution statute?
- No! There is a lack of common liability
- The defendants may not maintain a third-party action against Trinity

Statute of Repose – *Estate of Ryan*

- "In 2003 the statute of repose prevented Ryan's and Nissen's causes of action against Trinity from accruing. Because Trinity could not be liable for Ryan's and Nissen's damages, Trinity did not have common liability with Agriliance, CHS, CF, or Heritage Trails. Therefore, as a matter of law, section 668.5(1) precludes Agriliance's, CHS's, CF's, and Heritage Trails' contribution claims against Trinity."

Implied Warranty of Workmanlike Construction

- *Speight v. Walters Development Co., Ltd.*, 744 N.W.2d 108 (Iowa 2008)
- Mr. and Mrs. Speight are the third owners of a house that was custom built in 1995
- They discover water damage in 2005
- The district court dismisses their cause of action
- The Supreme Court reverses

Implied Warranty of Workmanlike Construction

- The Court states the purpose of the implied warranty of workmanlike construction
- “The implied warranty of workmanlike construction is a judicially created doctrine implemented to protect an innocent home buyer by holding the experienced builder accountable for the quality of construction. Home buyers are generally in an inferior position when purchasing a home from a builder-vendor because of the buyer’s lack of expertise in quality home construction and the fact that many defects in construction are latent. These defects, even if the home were inspected by a professional, would not be discoverable.”

Implied Warranty of Workmanlike Construction

- The Court finds that it is proper, since the warranty is a judicial creation, to allow it to extend beyond the original purchaser
- The Court observes that the Implied Warranty is a safety net for home buyers

Negligent Infliction of Emotional Distress

- *Overturff v. Raddatz Funeral Services, Inc.*, 757 N.W.2d 241 (Iowa 2008)
- A funeral home is not liable to the widow for following instructions from a son who held his father's durable power of attorney
- The widow was estranged from her husband
- She did not go to the funeral home
- She did not attend the funeral
- She did not want to upset her husband's children from a previous marriage

Negligent Infliction of Emotional Distress – *Overturff v. Raddatz*

- The widow contends the funeral home negligently failed to find out that she was the deceased's widow
  - She claims the funeral home should have checked with the hospital and reviewed medical records
- The funeral home according to the widow had a duty to find out that she existed and to determine her desires regarding her deceased husband
- The widow contends the funeral home inflicted emotional distress when it cremated the body based upon the son's instructions
- The Court rejects the arguments

Negligent Infliction of Emotional Distress – *Overturff v. Raddatz*

- The Court notes that Mrs. Overturff had no contract with the funeral home
- The Court states that the funeral home followed rules that were in effect at the time regarding instructions from relatives
- The funeral home had no duty to the widow and cannot be held liable

Trade Secrets

- *Cemen Tech, Inc. v. Three D Industries, L.L.C.*, 753 N.W.2d 1 (Iowa 2008)
- An Iowa Supreme Court primer on how to establish a trade secrets claim
- What are trade secrets in Iowa and how they can be protected
- District court decision granting summary judgment for defendants is reversed

Standing

- *Godfrey v. State of Iowa*, 752 N.W.2d 413 (Iowa 2008)
  - Court refused to allow a citizen to challenge the Iowa Values Fund law based upon the Constitutional provision requiring a law to be based upon a single subject
  - Strong dissent from Justices Wiggins and Hecht arguing the great public importance doctrine should apply

Real Party in Interest

- *Lobberecht v. Chendrasekhar*, 744 N.W.2d 104 (Iowa 2008)
  - Does the medical malpractice claim belong to the victim or to the bankruptcy trustee?
  - Victim and her husband had filed a Chapter 7 Bankruptcy following the surgery that gives rise to the lawsuit
  - The Court observes that it is a question of bankruptcy law
  - The claim belongs to the Bankruptcy Estate and the district court should have allowed time for the Bankruptcy Trustee to be substituted for the victim

Minimum Contacts

- *Capital Promotions, L.L.C. v. Don King Productions, Inc.*, 756 N.W.2d 828 (Iowa 2008)
  - Lawsuit brought against boxing promoter Don King alleging interference that an Iowa based entity had with a boxer
  - The district court grants summary judgment for Don King finding it does not have jurisdiction – a lack of minimum contacts

Minimum Contacts – *Capital Promotions, L.L.C.*

- The Supreme Court affirms
  - The Court observes that there is no contact with the state of Iowa regarding a boxing match that gives rise to the claims of interference with contract
  - At the time of the alleged interference
    - Boxer Tye Fields lived in Nevada
    - Fields' manager was in Nevada
    - The boxing match was to be in St. Louis, Missouri
    - Discussions about the match were in Nevada
    - Fields signed the contract in St. Louis

Minimum Contacts – *Capital Promotions, L.L.C.*

- The Court concludes that the plaintiff cannot show Iowa is a proper forum state for its claims against Don King
- The plaintiff has to show:
  - 1. The defendant "purposely directed" its activities at residents of the proposed forum state, and;
  - 2. The alleged injuries "arise out of" the "purposely directed" activities.

Minimum Contacts – *Capital Promotions, L.L.C.*

- "Although the present case alleges an intentional tort and the plaintiff claims to have suffered economic harm in Iowa, we do not think the plaintiff has established that King Productions expressly aimed its *tortuous activities* at Iowa. The defendant is alleged to have interfered with a contract between an Iowa company, Capital, and a Missouri resident, Fields. But the acts alleged to constitute the interference were directed toward Fields, who was by then a resident of Nevada, and Baxter, his Nevada manager. These allegedly tortuous acts took place in Nevada and Missouri and were centered on a fight to take place in Missouri. Thus, Iowa was not the focal point of the alleged tort."

Venue in Lee County

- *Froman v. Keokuk Health Systems, Inc.*, 755 N.W.2d 528 (Iowa 2008)
  - The Court overturns long-standing Lee County tradition that a case may be filed in either Keokuk or Fort Madison
  - Cases now must be filed, based upon the townships within Lee County where a defendant resides or where the incident occurred
  - This is to prevent forum shopping within Lee County