

SUPREME COURT OF IOWA

Opat v. Ludeking

666 N.W.2d 597 (Iowa 2003) · No. No. 02-0657 · Decided July 16, 2003

SUMMARY

The Supreme Court of Iowa affirmed a permanent injunction restricting Cheryl Ludeking's contact with Stacy Opat and Opat's family based on a longstanding pattern of harassment and conduct intended to provoke fear or anxiety. The court also upheld Ludeking's contempt finding for willfully violating a temporary injunction, concluding that procedural defects made the temporary injunction voidable rather than void and did not excuse disobedience. The court affirmed the appeal and annulled the writ of certiorari.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Ternus, Justice
JURISDICTION	Iowa
DECIDED	July 16, 2003
DOCKET	No. 02-0657
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Ludeking appealed a district court order granting Opat a permanent injunction. She separately challenged the district court's contempt finding by petition for writ of certiorari.
STANDARD OF REVIEW	The permanent injunction was reviewed de novo, with weight given to the trial court's credibility assessments. The contempt proceeding was reviewed on certiorari for correction of errors at law; the court examined only the district court's jurisdiction and the legality of its actions, including whether the factual findings had substantial evidentiary support and whether the law was properly applied.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Iowa
PARTIES	Cheryl Ludeking v. Stacy L. Opat

TOPICS

- injunctions
- contempt
- writ of certiorari
- evidence
- appellate procedure

PRACTICE AREAS

Civil procedure

Appellate procedure

Injunctions

Contempt

Evidence

QUESTIONS PRESENTED

1. Whether the evidence established the prerequisites for permanent injunctive relief.
2. Whether the permanent injunction was impermissibly vague or overbroad in prohibiting conduct intended to provoke fear or anxiety in Opat.
3. Whether the temporary injunction was void because Opat's attorney failed to make the certification required by Iowa Rule of Civil Procedure 1.1507 for an injunction issued without notice.
4. Whether the temporary injunction could support a contempt finding despite the procedural defect in its issuance.
5. Whether substantial evidence supported the district court's finding that Ludeking willfully violated the temporary injunction.

HOLDINGS

1. Opat established an invasion or threatened invasion of a right, substantial injury absent an injunction, and the absence of an adequate remedy at law; therefore, the permanent injunction was properly granted.
2. The injunction prohibiting conduct toward Opat or her family intended to provoke fear or anxiety was sufficiently clear and narrowly drawn.
3. The failure to make the certification required by Iowa Rule of Civil Procedure 1.1507 rendered the temporary injunction, at most, voidable rather than void.
4. A temporary injunction that is merely voidable remains valid and binding until dissolved or vacated, and a party may be punished for contempt for violating it.
5. Substantial evidence supported the finding that Ludeking willfully violated the temporary injunction by knowingly remaining within several feet of Opat and her children for at least eight minutes.

KEY QUOTATIONS

“An injunction is warranted when necessary to prevent irreparable injury and when the plaintiff has no adequate remedy at law.” (604)

“We conclude the language of the injunction was not vague and clearly conveyed to the defendant what he could not do.” (605)

“We conclude the temporary injunction issued here, even if not supported by the required certification, was at the most voidable, not void.” (607)

“Therefore, it was valid and binding until dissolved or vacated.” (607)

“In order to find a person guilty of contempt, a court must find beyond a reasonable doubt that the individual willfully violated a court order or decree.” (608)

FACTUAL BACKGROUND

Opat and Ludeking had been high-school friends, but Ludeking thereafter engaged in years of harassment and conduct intended to cause Opat emotional distress, including stalking-like following, public insults, a threatening package containing a beheaded doll and razor blade, and later contacts at Opat's workplace and church. Opat suffered severe emotional consequences, including depression, a suicide attempt, and later counseling for trauma associated with Ludeking's conduct. In 2001, after Ludeking approached Opat at work and later stood near Opat and her children at a store, Opat sought injunctive relief. The district court found that Ludeking's conduct was intentional and issued temporary and permanent injunctions.

PROCEDURAL HISTORY

Opat filed an action in the Iowa District Court for Winneshiek County seeking temporary and permanent injunctive relief. The district court issued an ex parte temporary injunction, later found Ludeking in contempt for willfully violating it, and entered a permanent injunction restricting Ludeking's proximity to and contact with Opat and her family. The Supreme Court of Iowa affirmed the injunctive relief and annulled the writ of certiorari challenging the contempt finding.

DISPOSITION

writ_denied

CASES CITED

- Matlock v. Weets, 531 N.W.2d 118, 121-123 (Iowa 1995)
- Hockenberg Equip. Co. v. Hockenberg's Equip. & Supply Co., 510 N.W.2d 153, 158 (Iowa 1993)
- Myers v. Caple, 258 N.W.2d 301, 304-305 (Iowa 1977)
- Skow v. Goforth, 618 N.W.2d 275, 278 (Iowa 2000)
- Planned Parenthood of Mid-Iowa v. Maki, 478 N.W.2d 637, 640 (Iowa 1991)
- Hughes A. Bagley, Inc. v. Bagley, 463 N.W.2d 423, 425 (Iowa Ct. App. 1990)
- 205 Corp. v. Brandow, 517 N.W.2d 548, 552 (Iowa 1994)
- In re Inspection of Titan Tire, 637 N.W.2d 135, 140 (Iowa 2001)
- Christensen v. Iowa Dist. Ct., 578 N.W.2d 675, 678 (Iowa 1998)
- Burtch v. Zeuch, 200 Iowa 49, 53, 56, 202 N.W. 542, 543-544 (1925)
- Davis v. Rudolph, 242 Iowa 589, 595-599, 45 N.W.2d 886, 889-892 (1951)
- Holmes v. Polk City Sav. Bank, 278 N.W.2d 32, 34 (Iowa 1979)
- Dimmitt v. Campbell, 260 Iowa 884, 888, 151 N.W.2d 562, 565 (1967)
- Rouse v. Rouse, 174 N.W.2d 660, 665 (Iowa 1970)
- Bowman v. City of Waverly, 155 Iowa 745, 751, 128 N.W. 950, 952 (1910)
- R & V, Ltd. v. Iowa Dep't of Commerce, 470 N.W.2d 59, 62 (Iowa Ct. App. 1991)
- Sound Storm Enters., Inc. v. Keefe, 209 N.W.2d 560, 567-568 (Iowa 1973)
- In re Marriage of Jacobo, 526 N.W.2d 859, 866 (Iowa 1995)

- In re C.T., 521 N.W.2d 754, 757 (Iowa 1994)

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