

COURT OF APPEALS OF IOWA

Rochelle M. Combs, Individually and as the Administrator of the Estate of Mitchell Buen v. Jennie Edmundson Memorial Hospital, Mohammed Fareed Quraishi, M.D., Geoffrey Fey, M.D., Patrick Costello, M.D., Thomas Cheadle, M.D., and Tina Recker-Cutshall, P.A.

No. 24-1570 (Iowa Ct. App. Apr. 29, 2026) · No. No. 24-1570 · Decided April 29, 2026

SUMMARY

The Iowa Court of Appeals affirmed dismissal of a medical-malpractice action because the plaintiff's certificates of merit were not signed under oath or under penalty of perjury as required by Iowa Code section 147.140. The court rejected arguments concerning substantial compliance, vagueness, waiver, and estoppel, relying primarily on recent Iowa Supreme Court precedent. Judge Sandy dissented, concluding that estoppel by acquiescence barred the defendants' challenge.

CASE DETAILS

COURT	Court of Appeals of Iowa
WRITING FOR THE COURT	Ahlers, P.J.; Chicchelly, J.; Sandy, J.
JURISDICTION	Iowa Court of Appeals
DECIDED	April 29, 2026
DOCKET	No. 24-1570
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed the Iowa District Court for Pottawattamie County's dismissal of her medical-malpractice action after the defendants challenged the sufficiency of her certificates of merit under Iowa Code section 147.140.
STANDARD OF REVIEW	Rulings on motions to dismiss and statutory interpretation are reviewed for correction of errors at law; constitutional challenges are reviewed de novo.
PRECEDENTIAL VALUE	Published and precedential under the source metadata; the majority applies controlling Iowa Supreme Court precedent.

PARTIES

Rochelle M. Combs, individually and as administrator of the estate of Mitchell Buen v. Jennie Edmundson Memorial Hospital, Mohammed Fareed Quraishi, M.D., Geoffrey Fey, M.D., Patrick Costello, M.D., Thomas Cheadle, M.D., Tina Recker-Cutshall, P.A.

TOPICS

medical malpractice

motions to dismiss

statutory interpretation

constitutional law

appellate procedure

PRACTICE AREAS

medical malpractice

health law

civil procedure

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the certificates of merit complied with or substantially complied with Iowa Code section 147.140.
2. Whether Iowa Code section 147.140 is unconstitutionally void for vagueness.
3. Whether the health-care providers waived their statutory right to challenge the certificates of merit by litigating, conducting discovery, and retaining experts before filing their motion.
4. Whether the health-care providers were estopped from challenging the certificates of merit based on their litigation conduct and delay.

HOLDINGS

1. The certificates did not comply with section 147.140 because the experts did not personally sign them under oath.
2. The certificates did not substantially comply with section 147.140 because they were not signed under oath or expressly under penalty of perjury.
3. Section 147.140 is not unconstitutionally void for vagueness.
4. The providers did not waive their statutory right to challenge the certificates and were not estopped from doing so.

KEY QUOTATIONS

“section 147.140 unambiguously requires that the expert witness personally sign the certificate of merit under oath within sixty days of the defendants’ answer.” (at 4)

“that the Banwarts’ certificates of merit did not substantially comply with section 147.140 because they were not signed by the expert under oath or expressly “under penalty of perjury” to fulfill an essential purpose of the statute.” (at 4)

“to avoid the need to engage in a “fact-intensive inquiry into how much discovery is too much,” the court established a “bright line” deadline for filing motions challenging certificates of merit.” (at 6)

FACTUAL BACKGROUND

The action alleged that health-care providers negligently treated Mitchell Buen and sought damages for the resulting harm. Because the claims required expert testimony, Combs was required to serve certificates of merit addressing the applicable standard of care and its breach. The certificates were signed by experts but were neither notarized nor expressly signed under oath or under penalty of perjury, and corrective affidavits were submitted after the statutory sixty-day deadline.

PROCEDURAL HISTORY

Combs filed a medical-malpractice action individually and as administrator of Mitchell Buen's estate. She timely filed and served certificates of merit signed by two experts, but the certificates were not notarized and did not state that they were signed under oath or under penalty of perjury. Approximately nine months later, the health-care providers moved to dismiss; the district court granted the motion, and the Court of Appeals of Iowa affirmed.

DISPOSITION

affirmed

CASES CITED

- Miller v. Catholic Health Initiatives–Iowa, Corp., 7 N.W.3d 367, 372, 374 (Iowa 2024)
- Banwart v. Neurosurgery of North Iowa, P.C., 18 N.W.3d 267, 271, 275, 277–78 (Iowa 2025)
- State v. Beck, 854 N.W.2d 56, 64 (Iowa Ct. App. 2014)
- Estate of Spieker v. Catholic Health Initiatives–Iowa, Corp., No. 24-1599, 2025 WL 2925143, at *1–2 (Iowa Ct. App. Oct. 15, 2025)

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