

SUPREME COURT OF IOWA

Susan Ronnfeldt v. Shelby County Chris A. Myrtue Memorial Hospital d/b/a Myrtue Medical Center and Shelby County Medical Corporation

Ronnfeldt v. Shelby County Chris A. Myrtue Memorial Hospital, No. 22-0365 (Iowa Jan. 6, 2023) · No. No. 22-0365 · Decided January 6, 2023

SUMMARY

The Iowa Supreme Court held that Iowa Code section 147.140's certificate-of-merit dismissal requirement can be harmonized with Iowa Rule of Civil Procedure 1.943. Because the plaintiff's voluntary dismissal was self-executing and filed before the applicable deadline, it terminated the case and deprived the district court of jurisdiction to adjudicate the defendants' motion to dismiss with prejudice. The court reversed the district court's order.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Justice Oxley; Chief Justice Christensen; all participating justices
JURISDICTION	Iowa
DECIDED	January 6, 2023
DOCKET	No. 22-0365
DISPOSITION	reversed
PROCEDURAL POSTURE	The plaintiff appealed from an order vacating her prior voluntary dismissal without prejudice and dismissing her medical malpractice action with prejudice under Iowa Code section 147.140.
STANDARD OF REVIEW	Motions to dismiss and statutory construction are reviewed for correction of errors at law. Constitutional issues generally must be raised at the earliest available time and preserved by presentation to and ruling by the district court.
PRECEDENTIAL VALUE	Published opinion; precedential Iowa Supreme Court decision.
PARTIES	Susan Ronnfeldt v. Shelby County Chris A. Myrtue Memorial Hospital d/b/a Myrtue Medical Center, Shelby County Medical Corporation

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Iowa Code section 147.140, which requires dismissal with prejudice for failure to substantially comply with the medical-malpractice certificate-of-merit requirement, conflicts with Iowa Rule of Civil Procedure 1.943's authorization for a first voluntary dismissal without prejudice.
2. Whether the district court retained jurisdiction to adjudicate the defendants' section 147.140 motion after the plaintiff filed a self-executing voluntary dismissal under rule 1.943.
3. Whether Ronnfeldt preserved her constitutional separation-of-powers challenge to section 147.140.

HOLDINGS

1. The provisions can be harmonized. Section 147.140 governs while a live case exists, but it does not create an immediate or vested right to a dismissal with prejudice upon the filing of a defendant's motion. A proper first voluntary dismissal under rule 1.943 ends the case without prejudice and leaves nothing for section 147.140 to dismiss.
2. The district court lacked jurisdiction to rule on Myrtue's section 147.140 motion after Ronnfeldt voluntarily dismissed her case. The dismissal mooted the motion, and the district court's subsequent order was void.
3. Ronnfeldt's constitutional separation-of-powers challenge was not preserved for appellate review because she did not raise it in the district court.

KEY QUOTATIONS

“a rule 1.943 dismissal ends the case, leaving nothing to dismiss under section 147.140; absent a rule 1.943 dismissal, section 147.140 continues to govern the case.” (11)

“The dismissal mooted Myrtue’s pending motion, and the district court lacked jurisdiction to posthumously resurrect and rule on it.” (21)

FACTUAL BACKGROUND

In May 2016, Susan Ronnfeldt underwent hernia repair surgery at Myrtue Medical Center, where a CT scan showed significant uterine enlargement warranting follow-up. She was not informed of the result or referred for further treatment. Four years later, another CT scan revealed that the mass had substantially increased and was a tumor; after its removal, she was diagnosed with stage IV uterine cancer.

PROCEDURAL HISTORY

Ronnfeldt sued the appellees for medical negligence. After the defendants moved to dismiss with prejudice for failure to file the statutory certificate of merit affidavit, Ronnfeldt voluntarily dismissed her petition without

prejudice under Iowa Rule of Civil Procedure 1.943. The district court initially treated the defendants' motion as moot, but on reconsideration concluded it retained jurisdiction, vacated the voluntary dismissal, and dismissed the case with prejudice. The Supreme Court of Iowa retained the appeal and reversed.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The district court's order ruling on the section 147.140 motion and its order on reconsideration are reversed. The voluntary dismissal remains effective; no further merits adjudication of the dismissed action was authorized.

CASES CITED

- Inghram v. Dairyland Mut. Ins., 215 N.W.2d 239 (Iowa 1974) (en banc)
- State v. Stoen, 596 N.W.2d 504 (Iowa 1999)
- State v. Mitchell, 757 N.W.2d 431 (Iowa 2008)
- State v. Mann, 602 N.W.2d 785 (Iowa 1999)
- Struck v. Mercy Health Services-Iowa Corp., 973 N.W.2d 533 (Iowa 2022)
- McHugh v. Smith, 966 N.W.2d 285 (Iowa Ct. App. 2021)
- State v. Carpenter, 616 N.W.2d 540 (Iowa 2000) (en banc)
- Beverage v. Alcoa, Inc., 975 N.W.2d 670 (Iowa 2022)
- Valles v. Muetting, 956 N.W.2d 479 (Iowa 2021)
- Venard v. Winter, 524 N.W.2d 163 (Iowa 1994)
- Smith v. Lally, 379 N.W.2d 914 (Iowa 1986)
- Sorensen v. Shaklee Corp., 461 N.W.2d 324 (Iowa 1990) (en banc)
- Taschner v. Iowa Elec. Light & Power Co., 86 N.W.2d 915 (Iowa 1957)
- Darrah v. Des Moines General Hospital, 436 N.W.2d 53 (Iowa 1989)
- Schettler v. Iowa Dist. Ct., 509 N.W.2d 459 (Iowa 1993)
- Merrill v. Valley View Swine, LLC, 941 N.W.2d 10 (Iowa 2020)
- Klinge v. Bentien, 725 N.W.2d 13 (Iowa 2006)
- State ex rel. Turner v. Midwest Dev. Corp., 210 N.W.2d 525 (Iowa 1973) (per curiam)
- ACC Holdings, LLC v. Rooney, 973 N.W.2d 851 (Iowa 2022)
- Morrow v. United States, 47 F.4th 700 (8th Cir. 2022)
- Graham v. Mentor Worldwide LLC, 998 F.3d 800 (8th Cir. 2021)
- Alvarez Victoriano v. City of Waterloo, ___ N.W.2d ___ (Iowa 2023)
- Simon Seeding & Sod, Inc. v. Dubuque Human Rights Commission, 895 N.W.2d 446 (Iowa 2017)
- Rhoades v. State, 880 N.W.2d 431 (Iowa 2016)
- Nedved v. Welch, 585 N.W.2d 238 (Iowa 1998) (per curiam)

- Womer v. Hilliker, 908 A.2d 269 (Pa. 2006)
- Chicago Professional Sports Ltd. Partnership v. National Basketball Association, 961 F.2d 667 (7th Cir. 1992)

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