

SUPREME COURT OF IOWA

In re Estate of Vajgrt

801 N.W.2d 570 (Iowa 2011) · No. No. 10-1088 · Decided August 5, 2011

SUMMARY

The Iowa Supreme Court affirmed the denial of punitive damages against the estate of Johnny Vajgrt, holding that Iowa precedent bars recovery of punitive damages when the tortfeasor dies before judgment. The court concluded that Iowa’s survival statute and punitive-damages statute did not displace that precedent, and it declined to adopt a different rule based on deterrence or other policy considerations. Justices Wiggins and Appel concurred specially, while Justice Hecht dissented.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Mansfield, Justice; Appel, Justice; Hecht, Justice; Wiggins, Justice
JURISDICTION	Iowa
DECIDED	August 5, 2011
DOCKET	No. 10-1088
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bill Ernst, Inc. appealed from an Iowa district court ruling denying its claim for punitive damages against the estate of a deceased tortfeasor.
STANDARD OF REVIEW	Correction of errors at law because whether a punitive-damages claim survives the death of a tortfeasor is a legal question.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; majority holding precedential in Iowa.
PARTIES	Bill Ernst, Inc., Intervenor-Appellant v. Estate of Johnny Vajgrt

TOPICS

- probate procedure
- estate litigation
- punitive damages
- statutory interpretation
- remedies

PRACTICE AREAS

- probate
- torts
- punitive damages
- remedies
- statutory interpretation

QUESTIONS PRESENTED

1. Whether a claim for punitive damages survives the death of the tortfeasor and may be pursued against the tortfeasor's estate.
2. Whether Iowa's survival statute, punitive-damages statute, and deterrence policies warranted reconsideration of Iowa precedent barring punitive damages against a deceased tortfeasor's estate.

HOLDINGS

1. Under Iowa law, punitive damages may not be recovered from the estate of a deceased tortfeasor when the tortfeasor dies before judgment.
2. Iowa's survival statute does not preserve a claim for punitive damages against the estate of a tortfeasor who dies before judgment.

KEY QUOTATIONS

“The long-standing rule in this state bars the recovery of punitive damages when the tortfeasor dies before judgment.” (573)

“In short, reliance on the survival statute did not carry the day when Sheik was decided. If anything, the argument has less force today, given the legislature’s repeated reenactment of the survival statute without attempting to disturb the holding in Sheik.” (574)

“For the foregoing reasons, we affirm the judgment of the district court, including its refusal to award punitive damages against Vajgrt’s estate.” (578)

FACTUAL BACKGROUND

Vajgrt received permission to enter Bill Ernst, Inc.'s property to remove one fallen tree near Burnett Creek. Instead, Vajgrt and another person removed approximately forty live trees from the property. Vajgrt died before Ernst pursued judicial relief, and Ernst later filed a probate claim against Vajgrt's estate seeking compensatory and punitive damages.

PROCEDURAL HISTORY

Ernst filed a probate claim seeking compensatory and punitive damages after Johnny Vajgrt died. Following a contested hearing, the district court awarded \$2,300 in compensatory damages for trees removed from Ernst's property but denied punitive damages. Ernst appealed only the denial of punitive damages.

DISPOSITION

affirmed

CASES CITED

- Rowen v. Le Mars Mut. Ins. Co., 282 N.W.2d 639 (Iowa 1979)
- Wolder v. Rahm, 249 N.W.2d 630 (Iowa 1977)
- Stevenson v. Stoufer, 237 Iowa 513, 21 N.W.2d 287 (1946)

- Sheik v. Hobson, 64 Iowa 146, 19 N.W. 875 (1884)
- Johnson v. Tyler, 277 N.W.2d 617 (Iowa 1979)
- Bremer v. Wallace, 728 N.W.2d 803 (Iowa 2007)
- Sebastian v. Wood, 246 Iowa 94, 66 N.W.2d 841 (1954)
- State v. Jones, 298 N.W.2d 296 (Iowa 1980)
- McElroy v. State, 703 N.W.2d 385 (Iowa 2005)
- Iowa Dep't of Transp. v. Soward, 650 N.W.2d 569 (Iowa 2002)
- Cover v. Craemer, 258 Iowa 29, 137 N.W.2d 595 (1965)
- McClure v. Walgreens Co., 613 N.W.2d 225 (Iowa 2000)
- Coster v. Crookham, 468 N.W.2d 802 (Iowa 1991)
- Maghee v. State, 773 N.W.2d 228 (Iowa 2009)
- State v. Kriechbaum, 219 Iowa 457, 258 N.W. 110 (1934)
- Babbitt v. Corrigan, 157 Iowa 382, 138 N.W. 466 (1912)
- Pacific Mutual Life Insurance Co. v. Haslip, 499 U.S. 1, 111 S. Ct. 1032, 113 L. Ed. 2d 1 (1991)
- Haralson v. Fisher Surveying, Inc., 31 P.3d 114 (Ariz. 2001)
- Penberthy v. Price, 666 N.E.2d 352 (Ill. App. Ct. 1996)
- Kersten Co. v. Department of Social Services, 207 N.W.2d 117 (Iowa 1973)

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