

## COURT OF APPEALS OF IOWA

### Montora Johnson and Woochie's World, L.L.C. v. Bauer Built, Inc.

Montora Johnson and Woochie's World, L.L.C. v. Bauer Built, Inc. · No. No. 25-0321 · Decided June 24, 2026

#### SUMMARY

The Iowa Court of Appeals affirmed summary judgment for Bauer Built, Inc. in a negligence action arising from a wheel assembly that detached from a repaired semi-tractor. The court held that the cross-claim sufficiently pleaded *res ipsa loquitur* and that expert testimony was not required, but affirmed on the alternative ground that the plaintiff failed to generate a genuine issue of material fact that Bauer Built's alleged negligence caused the claimed insurance-related damages.

#### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                          |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Iowa                                                                                                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Ahlers, Presiding Judge; Ahlers, P.J.; Buller, J.; Doyle, S.J.                                                                                                                                                                                                                                                           |
| JURISDICTION          | Iowa Court of Appeals                                                                                                                                                                                                                                                                                                    |
| DECIDED               | June 24, 2026                                                                                                                                                                                                                                                                                                            |
| DOCKET                | No. 25-0321                                                                                                                                                                                                                                                                                                              |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Appeal from a summary judgment ruling in favor of Bauer Built, Inc. on Johnson's cross-claim alleging negligent repair of a wheel assembly and <i>res ipsa loquitur</i> .                                                                                                                                                |
| STANDARD OF REVIEW    | Summary judgment rulings are reviewed for correction of errors at law. Summary judgment is proper when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law; the evidence and legitimate inferences are viewed in the light most favorable to the nonmoving party. |
| PRECEDENTIAL VALUE    | published and precedential                                                                                                                                                                                                                                                                                               |
| PARTIES               | Montora Johnson, Woochie's World, L.L.C. v. Bauer Built, Inc.                                                                                                                                                                                                                                                            |

#### TOPICS

negligence

summary judgment

civil procedure

appellate procedure

insurance

#### PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Johnson's cross-claim sufficiently pleaded both specific negligence and general negligence based on *res ipsa loquitur*.
2. Whether expert testimony was required to support Johnson's *res ipsa loquitur* claim.
3. Whether summary judgment was proper because Johnson failed to produce evidence creating a genuine issue of material fact that Bauer Built's alleged negligence caused his claimed damages.

## HOLDINGS

1. A pleading alleging that a defendant negligently repaired and calibrated an instrumentality, without specifying how the negligence occurred, can provide fair notice of both a specific negligence claim and a general negligence claim based on *res ipsa loquitur*. Johnson's cross-claim sufficiently pleaded *res ipsa loquitur*.
2. Expert testimony was not required to establish the *res ipsa loquitur* claim because ordinary citizens commonly understand that a wheel assembly that was just repaired ordinarily would not detach while a vehicle is being driven three hours later absent negligence.
3. Summary judgment was proper because Johnson's only asserted damages were lost revenue allegedly caused by his inability to obtain insurance, and he produced no evidence creating a genuine issue of material fact that the wheel-detachment incident or related claims caused the loss of insurance.

## KEY QUOTATIONS

*"The supreme court in Weyerhaeuser Co. v. Thermogas Co. found that a plaintiff can make both a specific negligence claim and a general negligence claim based on res ipsa."* (at 4)

*"It is within the common experience of ordinary citizens that a wheel assembly that was just repaired does not fly off while driving three hours later in the absence of negligence."* (at 5)

*"As no evidence rebuts BBI's evidence that Johnson lost his insurance for reasons unrelated to the wheel detachment, and his loss of insurability is the only basis for his damage claim, we conclude that BBI is entitled to summary judgment for lack of proof that any alleged negligence by BBI caused Johnson any damage."* (at 9)

## FACTUAL BACKGROUND

Johnson took a semi-tractor to Bauer Built to repair a wheel assembly. After Johnson picked up the semi and began a routine business route, approximately three hours later the serviced wheel detached, struck another vehicle, and injured its driver. The injured driver sued Johnson and Bauer Built, and Johnson asserted a cross-claim alleging negligent repair and resulting damages, including loss of business after allegedly becoming unable to obtain insurance. The insurance cancellation notice cited failure to disclose additional vehicles, not the wheel-detachment incident or related claims.

## PROCEDURAL HISTORY

A driver injured in an accident involving a detached wheel sued Johnson and Bauer Built. The driver later dismissed the claims, leaving Johnson's cross-claim against Bauer Built. The district court granted Bauer Built summary judgment, concluding that Johnson had not adequately pleaded a res ipsa claim and lacked the expert testimony allegedly required to support it. The Court of Appeals of Iowa rejected those grounds but affirmed on the alternative ground that Johnson failed to generate a genuine issue of material fact that Bauer Built's alleged negligence caused his claimed damages.

## DISPOSITION

affirmed

## CASES CITED

- Singh v. McDermott, 2 N.W.3d 422, 424, 427-29 (Iowa 2024)
- Weyerhaeuser Co. v. Thermogas Co., 620 N.W.2d 819, 831-32 (Iowa 2000)
- Benskin, Inc. v. West Bank, 952 N.W.2d 292, 307 (Iowa 2020)
- Banks v. Beckwith, 762 N.W.2d 149, 152 (Iowa 2009)
- Neace v. Laimans, 951 F.2d 139, 141 (7th Cir. 1991)
- McDougald v. Perry, 716 So. 2d 783, 786 (Fla. 1998)
- Fencl v. City of Harpers Ferry, 620 N.W.2d 808, 811-12 (Iowa 2000)
- Banwart v. 50th St. Sports, LLC, 910 N.W.2d 540, 545 (Iowa 2018)
- Green v. Racing Ass'n of Cent. Iowa, 713 N.W.2d 234, 245 (Iowa 2006)
- State v. Jackson, 4 N.W.3d 298, 311 (Iowa 2024)
- Ronnfeldt v. Shelby Cnty. Chris A. Myrtue Mem'l Hosp., 984 N.W.2d 418, 421 (Iowa 2023)