

SUPREME COURT OF IOWA

Overturff v. Raddatz Funeral Services, Inc.

757 N.W.2d 241 (Iowa 2008) · No. No. 06-1140 · Decided September 12, 2008

SUMMARY

The Iowa Supreme Court affirmed summary judgment for a funeral services company in a widow's negligent infliction of emotional distress action arising from the cremation of her husband's remains. The court held that the applicable Iowa administrative rule authorized the decedent's attorney-in-fact for health care decisions to arrange the disposition, and therefore the funeral home did not violate the rule or owe the widow a duty based on it. The court did not decide whether a violation of funeral-director statutes or regulations could independently support such a claim without physical injury.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Baker, Justice
JURISDICTION	Iowa
DECIDED	September 12, 2008
DOCKET	No. 06-1140
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from summary judgment entered for a funeral home in an action alleging negligent infliction of emotional distress and negligent interference with a contractual relationship.
STANDARD OF REVIEW	Summary judgment rulings are reviewed for correction of errors at law. Summary judgment is appropriate when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law; facts are viewed in the light most favorable to the nonmoving party. The existence of a duty under a given set of facts is a question of law properly resolved by summary judgment.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Marilyn Elaine Overturff v. Raddatz Funeral Services, Inc., d/b/a Caldwell Raddatz Funeral Home & Crematory

TOPICS

negligent infliction of emotional distress

duty of care

negligence

torts

PRACTICE AREAS

Torts

Negligent infliction of emotional distress

Funeral services

QUESTIONS PRESENTED

1. Whether Iowa's funeral-service statutes or regulations imposed on Raddatz a duty to Marilyn Overturff to allow her to direct the disposition of Jack Overturff's remains.
2. Whether the alleged regulatory violation could establish a duty supporting a negligent-infliction-of-emotional-distress claim without physical injury.
3. Whether summary judgment for Raddatz was proper.

HOLDINGS

1. Rule 645-100.1 did not impose a duty on Raddatz toward Marilyn because Vane, as the attorney-in-fact under a durable power of attorney for health care, had priority to arrange the final disposition of Jack's remains.
2. Because Raddatz owed Marilyn no duty under either contract or the applicable regulation, her negligent-infliction-of-emotional-distress claim failed as a matter of law.
3. Summary judgment for Raddatz was proper.

KEY QUOTATIONS

"Raddatz simply owed no duty to Marilyn." (246)

"Because Raddatz owed no duty to Marilyn either by contract or statute, summary judgment was appropriate." (247)

FACTUAL BACKGROUND

Jack Overturff died while still legally married to Marilyn Overturff. Jack's son Vane held a durable power of attorney for health care, and Jack's sons represented to the funeral home that Jack was divorced and had no wife. Vane signed the cremation authorization, and Raddatz arranged for Jack's remains to be cremated before Marilyn learned of the cremation. Marilyn claimed that the funeral home had a duty to identify her and give her an opportunity to direct disposition of the remains.

PROCEDURAL HISTORY

Marilyn Overturff sued several defendants concerning the disposition and cremation of Jack Overturff's remains. The district court granted Raddatz Funeral Services summary judgment. The other defendants were dismissed or settled, and Overturff appealed only the negligent-infliction-of-emotional-distress ruling.

DISPOSITION

affirmed

CASES CITED

- Rodda v. Vermeer Mfg., 734 N.W.2d 480, 482-83 (Iowa 2007)
- McIlravy v. North River Ins. Co., 653 N.W.2d 323, 327-28 (Iowa 2002)
- Kolbe v. State, 625 N.W.2d 721, 725 (Iowa 2001)
- Sankey v. Richenberger, 456 N.W.2d 206, 209 (Iowa 1990)
- Millington v. Kuba, 532 N.W.2d 787, 792-93 (Iowa 1995)
- Oswald v. LeGrand, 453 N.W.2d 634, 639 (Iowa 1990)
- Niblo v. Parr Mfg., Inc., 445 N.W.2d 351, 354-55 (Iowa 1989)
- Meyer v. Nottger, 241 N.W.2d 911, 920-21 (Iowa 1976)
- Mentzer v. Western Union Tel. Co., 93 Iowa 752, 757-58, 768-71, 62 N.W. 1, 3, 5-7 (1895)
- Wiersgalla v. Garrett, 486 N.W.2d 290, 292-93 (Iowa 1992)
- Stennett Elevator, Inc. v. State, 430 N.W.2d 122, 124 (Iowa 1988)
- Crippen v. City of Cedar Rapids, 618 N.W.2d 562, 565 (Iowa 2000)

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