

SUPREME COURT OF IOWA

Patty A. Thorington, individually and as administrator of the Estate of Robert Ronald Mitchell v. Scott County, Iowa and Greg Hill

Thorington v. Scott County, No. 25-0220 · No. 25-0220 · Decided May 29, 2026

SUMMARY

The Iowa Supreme Court considered Patty A. Thorington’s claims against Scott County and Deputy Greg Hill arising from the shooting death of her son. Because the court was evenly divided, with one justice taking no part, the district court’s summary judgment for the defendants was affirmed by operation of law.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Christensen, C.J.; Mansfield, J.; May, J.; McDonald, J.; Oxley, J.; McDermott, J.
JURISDICTION	Iowa Supreme Court
DECIDED	May 29, 2026
DOCKET	25-0220
DISPOSITION	affirmed
PROCEDURAL POSTURE	Thorington appealed the district court's order granting summary judgment to Scott County and Greg Hill and dismissing her remaining claims. The Iowa Supreme Court retained the appeal.
STANDARD OF REVIEW	Not stated in the opinion; the appeal arose from a grant of summary judgment.
PRECEDENTIAL VALUE	Published opinion; the merits of the summary-judgment ruling were not resolved because the court was evenly divided.
PARTIES	Patty A. Thorington, individually and as administrator of the Estate of Robert Ronald Mitchell v. Scott County, Iowa, Greg Hill

TOPICS

- summary judgment
- appellate procedure
- civil procedure
- municipal liability
- wrongful death

PRACTICE AREAS

civil procedure

appellate procedure

torts

municipal law

QUESTIONS PRESENTED

1. What is the effect of an evenly divided Iowa Supreme Court on an appeal from a district court judgment?

HOLDINGS

1. When the Iowa Supreme Court is equally divided, the district court's judgment is affirmed by operation of law.

KEY QUOTATIONS

“[S]ection 602.4107 requires that, when the supreme court is equally divided . . . , the decision of the district court is affirmed by operation of law.” (2)

FACTUAL BACKGROUND

Patty A. Thorington brought individual and estate claims against Scott County and Deputy Greg Hill seeking tort damages related to the shooting death of her son. The district court granted summary judgment to the defendants and dismissed Thorington's remaining claims.

PROCEDURAL HISTORY

Thorington sued Scott County and Deputy Greg Hill for tort damages arising from the shooting death of her son. The district court granted summary judgment for the defendants and dismissed the remaining claims. The Iowa Supreme Court was evenly divided on the appeal, with three justices favoring affirmance and three favoring reversal; the district court judgment was therefore affirmed by operation of law.

DISPOSITION

affirmed

CASES CITED

- State v. Effler, 769 N.W.2d 880, 884 (Iowa 2009)

OPINION

Patty A. Thorington, individually and as administrator of the Estate of Robert Ronald Mitchell v. Scott County, Iowa and Greg Hill

PER CURIAM.

In the Iowa Supreme Court No. 25–0220 Scott County No. LACE 133201 Patty A. Thorington, individually and as administrator of the Estate of Robert Ronald Mitchell, Appellant, vs. Scott County, Iowa, and Greg Hill, Appellees. The court, Waterman, J., taking no part, being evenly divided, declares this case affirmed by operation of law. See Iowa Code § 602.4107 (2026). Patty

Thorington brought an action individually and as administrator of her son's estate against Scott County and Deputy Greg Hill seeking tort damages related to the shooting death of her son. The district court granted summary judgment for the defendants and dismissed Thorington's remaining claims. Thorington appealed, and we retained the case. Christensen, C.J., and Mansfield and May, JJ., would affirm the district court's order granting summary judgment. McDonald, Oxley, and McDermott, JJ., would reverse the order. The judgment of the district court is therefore affirmed by operation of law. See *State v. Effler*, 769 N.W.2d 880, 884 (Iowa 2009) ("[S]ection 602.4107 requires that, when the supreme court is equally divided . . . , the decision of the district court is affirmed by operation of law."). 2 Copies to: David A. O'Brien 1500 Center Street NE Cedar Rapids, IA 52402 Andrew L. Mahoney 3012 Division Street Burlington, IA 52601 Ian J. Russell Jenny L. Juehring David C. Waterman 220 North Main Street, Suite 600 Davenport, IA 52801 James G. Sotos Joseph M. Polick Jeffrey R. Kivetz 141 West Jackson Boulevard, Suite 1240 Chicago, IL 60604

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