

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

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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