

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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| DRAKE ALDEN SHELTON Petitioner | 05771 EQCE086503 |
| VS. | |
| KIMBERLY KAY REYNOLDS Respondent | ORDER |

A contested hearing on the respondent's motion to dismiss was held before the undersigned on May 21, 2021 as previously scheduled. Upon consideration of the arguments made at the hearing, and having reviewed the file and being otherwise duly advised in the premises, the court grants the motion. The basis for the action appears to be the petitioner's argument that the respondent's prior and any future proclamations in response to the COVID-19 pandemic are invalid as not based on first-hand information and ultimately on a scientific theory (the germ theory of transmission of disease), with which the petitioner disagrees. As the respondent points out, the proclamations were all made in accordance with her authority as the governor of Iowa and consistent with statutory authority when a public health emergency puts the health and welfare of Iowans at risk. The petitioner is simply fundamentally wrong in the way in which he has assessed the situation, and cannot use the courts as a basis for being relieved of any personal responsibility that may derive from the respondent's proclamations. The court agrees with the respondent that the petitioner's petition does not state a claim upon which relief can be granted, even assuming the correctness of the allegations contained therein.

While the respondent made an argument based on the petitioner's lack of standing in support of her motion, the court declines to address this issue, as it was neither alleged in the motion nor contained within the brief filed with it.

IT IS THEREFORE ORDERED that the respondent's motion to dismiss is granted. This action is dismissed with prejudice, at the cost of the petitioner. No further proceedings shall be scheduled in this matter in the district court.



State of Iowa Courts

Case Number
EQCE086503
Type:

Case Title
DRAKE ALDEN SHELTON VS KIMBERLY KAY REYNOLDS
ORDER REGARDING DISMISSAL

So Ordered

Michael D. Huppert, District Court Judge,
Fifth Judicial District of Iowa

Electronically signed on 2021-05-21 11:55:53