

IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

ALEXANDRA WILSON,)	
)	CASE NO. LACL157381
Plaintiff,)	
)	DEFENDANTS RELIABLE STREET INC.
v.)	AND ██████████'S (I) MOTION
)	TO CHANGE VENUE; (II) MOTION TO
RELIABLE STREET INC., LOCKWOOD)	DISMISS; (III) ALTERNATIVE MOTION
CAFÉ, ██████████)	TO RECAST; (IV) ALTERNATIVE
██████████)	MOTION FOR A MORE SPECIFIC
██████████, and ██████████.)	STATEMENT
)	
Defendants.)	

Defendants Reliable Street Inc. and ██████████, pursuant to Iowa Rule of Civil Procedure 1.808(2), file this Motion to Change Venue; and pursuant to Iowa Rule of Civil Procedure 1.421(1)(e) and (f), file this Pre-Answer Motion to Dismiss Plaintiff's Petition at Law.

To the extent the Motion to Dismiss is not granted, Defendants Reliable Street Inc. and ██████████ alternatively Move to Recast pursuant to Iowa Rule of Civil Procedure 1.412, and alternatively Move for a More Specific Statement pursuant to Iowa Rule of Civil Procedure 1.421(1)(e).

Introduction

1. This action is the latest in a string of unsubstantiated claims pursued by Plaintiff.
2. Defendant Reliable Street Inc. is a non-profit that operates an art gallery and community space in Ames, Iowa. Defendant Lockwood Café is a café that operates in the same building as Reliable Street. Defendant ██████████ is President of Reliable Street Inc. Defendant ██████████ is owner and operator of Lockwood Café. Defendant ██████████ is

a current employee of Lockwood Café. Defendant [REDACTED] is a former employee of Lockwood Café. Defendant [REDACTED] is a former customer at Lockwood Café.

3. Plaintiff is a former customer at Lockwood Café and participant in various community events and programs held at Reliable Street.

4. In early 2022, Reliable Street Inc. and Lockwood Café barred Plaintiff from the premises due to reports of harassing conduct towards customers and employees.

5. In April of 2022, Plaintiff filed complaints with the Iowa Civil Rights Commission (“ICRC”) and Equal Employment Opportunity Commission (“EEOC”) regarding Reliable Street and Lockwood Café’s conduct. (*See* ICRC Complaint CP# 04-22-78255; EEOC# 26A-2022-00580).

6. In August of 2022, the ICRC administratively closed Plaintiff’s case.

7. Defendants—who include current and former Lockwood Café employees, as well as a customer—have been subject to years of harassing conduct by Plaintiff, both inside and outside of the legal system.

8. Defendants seek a change of venue to Story County—where all relevant conduct is alleged to have occurred, and where all Defendants who have been properly served either reside or operate.

9. Defendants also seek dismissal of Plaintiffs claims for failure to state a claim.

10. Alternatively, Defendants move for the Petition to be recast, and for a more definite statement, so that Defendants may fully respond to the allegations contained therein.

Motion to Change Venue

11. In general, Iowa law provides that actions against a defendant that is a resident of Iowa are to be brought in the county in which the defendant is a resident. Iowa Code § 616.5.

12. On February 9, 2024, Defendants Reliable Street Inc. and [REDACTED] were served, by the Story County Sheriff's Office, with the "Petition to Commence a Civil Action" (D0001, hereinafter "Petition").

13. Defendant Reliable Street Inc. is a non-profit organization that operates an art gallery and community space in Story County.

14. Defendant [REDACTED] is a resident of Story County.

15. No other defendants have been properly served. To the extent it may be relevant, Defendant Lockwood Café is a café that operates in the same building as Reliable Street in Story County. Defendants [REDACTED], and [REDACTED] are also residents of Story County. Named Defendant [REDACTED] is a resident of Polk County, but the Petition does not contain any allegations related to [REDACTED]—it merely lists their name as a Defendant.

16. The Petition indicates that Plaintiff is also a resident of Story County.

17. In substance, Petition appears to make various claims related to the alleged occurrences in Story County and seeks damages for these alleged Story County occurrences.

18. The Petition then recites a narrative about an Iowa Civil Rights Commission (ICRC) Complaint that Plaintiff filed in April of 2022—on the basis of this same alleged conduct—and the ICRC's resolution of that Complaint in August of 2022.

19. The Petition appears to argue that *venue* is proper in Polk County in a section titled "JURISDICTION," which asserts: "This Court has jurisdiction over the subject matter of

this action as due to the fact that the falsified evidence and fraudulent statements against me were submitted into the public record through the Iowa Civil Rights Commission, which is located within the jurisdiction of Polk County District 5.” (Petition, page 2).

20. The location of the office of the Iowa Civil Rights Commission has no bearing on the question of venue.

21. No exception contained in Iowa Code § 616 is applicable.

22. Because all defendants who have been served reside in Story County and no exception applies, venue is proper in Story County and is not proper in Polk County.

23. To the extent Defendants who have not been served are relevant, the only Defendant who resides in Polk County is [REDACTED], and the Petition does not make any allegations related to [REDACTED]—it merely lists their name as a Defendant. All other Defendants reside in Story County.

24. When a plaintiff brings an action in the wrong county, upon a defendant’s pre-answer motion, “the court shall order the change [to the proper county] at plaintiff’s costs, which may include reasonable compensation for defendant’s trouble and expense, including attorney’s fees, in attending the wrong county.” Iowa R. Civ. P. 1.808(1).

WHEREFORE, Defendants Reliable Street Inc. and [REDACTED] respectfully request the Court enter an Order transferring venue of this proceeding to Story County, Iowa, assessing all costs associated with said transfer to Plaintiff, awarding Defendants reasonable compensation to include attorney’s fees; and for such further relief as the Court deems appropriate.

Motion to Dismiss Plaintiff’s Petition for Failure to State a Claim

25. Plaintiff’s Petition states that it seeks to “commence a lawsuit against the following five Defendants.” (Petition, page 1) (emphasis added).

26. The Petition subsequently lists seven defendants. (*Id.*)

27. The Petition later states “this action involves the torts of discrimination, fraud, promissory estoppel, and multiple acts of defamation (libel per se) against me.” (*Id.*)

28. The Petition then recites various allegations in narrative form.

29. Plaintiff later lists the following “CLAIM FOR RELIEF”:

I am seeking damages to compensate me for:

- injuries to my reputation caused by extremely damaging statements and fraudulent document(s) being entered into the public record against me, Iowa Code §714.8 states that any person who “makes any entry in... any public records... knowing the same to be false,” is guilty of fraud. All five Defendants commit fraud against me.
- emotional pain and suffering caused by statements made against me, and the fear I lived with following the political attacks.
- six months labor (approximately 20 hr/day) on behalf of RELIABLE STREET INC which I would not have performed had I known our agreement would be breached. My labor and generosity was exploited.
- Labor performed between March 31, 2022 and [current date] in relation to building, filing, and representing this case pro se.
- breach of the agreement between myself and RELIABLE STREET INC.

(Petition, page 2) (all stylization original).

30. Plaintiff has made related allegations in *Alexandra Sondra Wilson v. State of Iowa, et. al.*, No. LACL157953, Polk County (filed Feb. 8, 2024). *See, e.g.*, Petition, Case No. LACL157953, pages 13 – 18. In that case, Plaintiff filed a 22-page Petition, which alleged “numerous torts and crimes committed against me by the following parties, each of whom either

work(ed) as employees for the State of Iowa, or whose actions were enabled (through negligence) and/or aided and abetted by the State.” Petition, Case No. LACL157953, page 1. The Petition in Case No. LACL157953 appears to name the following Defendants, among others:

- The State of Iowa
- Kim Reynolds
- City of Ames
- Judge Steven Van Marel
- The Iowa Civil Rights Commission
- The Story County Attorney’s Office
- The Office of the Attorney General of Iowa

31. In relevant part, Plaintiff’s Case No. LACL157953 alleges various misconduct by certain state entities in their handling of Plaintiff’s allegations against the defendants in the case at bar, including complaints lodged with ICRC, Story County Attorney’s Office, and Office of the Attorney General of Iowa. Case No. LACL157953 separately alleges various unrelated misconduct by others, including Governor Kim Reynolds.

32. A court can grant a motion to dismiss if the plaintiff fails to state a claim upon which any relief may be granted. Iowa R. Civ. P. 1.421(1)(f). A motion to dismiss is proper if the petition on its face shows no right of recovery under any state of facts. *Tate v. Derifield*, 510 N.W.2d 885, 887 (Iowa 1994). “While a motion to dismiss admits the truth of all well-pleaded, issuable and relevant facts, it does not admit mere conclusions of fact or law not supported by allegations of ultimate facts.” *Krise v. Cota*, 2000 WL 1825447, *1 (Iowa Ct. App., 2000).

33. When a pleading is filed *pro se*, “some leeway must be accorded from precision in draftsmanship.” *Knight v. Knight*, 525 N.W.2d 841, 843 (Iowa 1994); *see also Munz v. State*, 382 N.W.2d 693, 697 (Iowa Ct. App. 1985) (noting that an “applicant proceeding *pro se* is entitled to a liberal construction of [their] pleadings”).

34. But *pro se* litigants are not “excused from complying with requirements with which represented parties must comply. In short, the challenges to *pro se* pleading do not entitle Plaintiff to special leniency with regard to standards of pleading.” *Pickens v. Zeien*, No. LACV089735, 2018 WL 7863488 (Iowa Dist. Ct., May 14, 2018) (McPartland, J.); *see also Debruin v. State*, 779 N.W.2d 494 (Iowa Ct. App. 2010) (“The law does not judge by two standards, one for lawyers and the other for lay persons. Rather, all are expected to act with equal competence. If lay persons choose to proceed *pro se*, they do so at their own risk.”)

35. The Petition in the case at bar, on its face, shows no right of recovery under any state of facts.

36. The Petition lists four specific claims: “The nature of this action involves the torts of discrimination, fraud, promissory estoppel, and multiple acts of defamation (libel *per se*) against me.” (Petition, page 1).

37. The Petition does not make clear which Defendants are the subject of each claim, so this Motion will assume that all claims are directed at all defendants and will address each claim—and each of the seven listed Defendants—in turn:

The Discrimination Claim

38. The only allegation of discrimination that can be found on the face of the Petition is the following:

On April 29 2022 I filed a complaint with the Iowa Civil Rights Commission (ICRC) against RELIABLE STREET INC and LOCKWOOD CAFE for discriminating against me based on my gender identity; a non-transgender women complained about a transgender woman “violating her space”. Businesses summarily judged with without investigating, asking questions, or offering opportunity for corrective action (there was not corrective action to take because that which I was accused of did not occur). No information other than “violating a

woman's space” and “bombarding people with text messages” was given to me as reasoning for barring me from the premises. Neither accusation held merit.

(Petition, pages 1–2).

39. The only “Claim for Relief” in the Petition that may conceivably relate to the claim for discrimination is the following: “emotional pain and suffering caused by statements made against me, and the fear I lived with following the political attacks.” (Petition, page 2).

40. As an initial matter, the Petition does not allege any discrimination by any of the following defendants:

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41. Thus, any claim for discrimination should be dismissed as to these five defendants.

42. As for Defendants Reliable Street and Lockwood Café, the Petition appears to allege that Plaintiff was unlawfully barred from the premises at Reliable Street and Lockwood Café. Taking the allegations on the face of the Petition as true, the Petition fails to state a claim that shows any “right of recovery [for discrimination] under any state of facts.” *Tate*, 510 N.W.2d at 887.

43. Unlawful discrimination can be proven through direct evidence, or indirectly using the pretext analytical model. *Butler v. Crittenden Cty., Ark.*, 708 F.3d 1044, 1050 (8th Cir. 2013) (citing *Young-Losee v. Graphic Packaging Int'l, Inc.*, 631 F.3d 909, 912 (8th Cir. 2011); *Price Waterhouse v. Hopkins*, 490 U.S. 228, 242 109 S. Ct. 1775 (1989)).

44. The Petition first fails to state a claim of discrimination via direct evidence. The Petition fails to allege that any action “occurred under circumstances giving rise to an inference of discrimination,” *and* that Plaintiff’s status as a protected class member was a motivating factor in the decision. *DeBoom v. Raining Rose, Inc.*, 772 N.W.2d 1, 13 (Iowa 2009) (emphasis added).

45. First, Plaintiff fails to allege any membership in a protected class. The Petition does provide a description of the previous ICRC filing—“I filed a complaint with the Iowa Civil Rights Commission (ICRC) against RELIABLE STREET INC and LOCKWOOD CAFE for discriminating against me based on my gender identity; a non-transgender women complained about a transgender woman “violating her space””—but it is not altogether clear whether Plaintiff is reasserting these allegations in the present Petition. Additionally, Defendants could arguably assume that the Petition’s third-person reference to “a transgender woman” is a reference to Plaintiff herself, but again, this is not directly alleged.

46. Even assuming that Plaintiff is a member of a protected class, Plaintiff fails to allege that protected class membership was a motivating factor in Reliable Street and Lockwood Café’s alleged decision to ban Plaintiff from the premises.

47. Moving to the indirect evidence option: A prima facie case of discrimination in public accommodation requires a showing Plaintiff (1) is a member of a protected class; (2) sought to enjoy the accommodations of the public accommodation; and (3) did not enjoy the accommodations because of discrimination in that (a) the Plaintiff was refused or denied the accommodations while similarly situated persons outside the protected class were not deprived of those services, or (b) the individual was allowed to use them but was subjected to markedly hostile conduct. *Kirt v. Fashion Bug* #3253, 479 F. Supp. 2d 938, 959 (N.D. Iowa 2007).

48. The Petition similarly fails to state a claim for discrimination under the indirect evidence option, because the face of the Petition fails to allege facts sufficient to establish a prima facie case of discrimination in public accommodation. First, the Petition does not allege that Plaintiff is a member of a protected class—as discussed further above. Second, the Petition does not allege that Plaintiff sought to enjoy the accommodations at Reliable Street or Lockwood Café. Third, the Petition does not allege that similarly situated persons outside the protected class were not deprived of services at Reliable Street or Lockwood Café.

49. Thus, any claim for discrimination should be dismissed as to Defendants Reliable Street and Lockwood Café.

50. Taking the foregoing together, any claim for discrimination should be dismissed as to all seven named Defendants.

The Fraud Claim

51. The only allegations of fraud that can be found on the face of the Petition are the following:

[Defendant ██████████ submitted a falsified document to ICRC, presumably created and given to her by Ms. ██████████. I suspect Ms. ██████████ commit fraud on behalf of LOCKWOOD CAFE.

...

I am seeking damages to compensate me for: injuries to my reputation caused by extremely damaging statements and fraudulent document(s) being entered into the public record against me, Iowa Code §714.8 states that any person who “makes any entry in... any public records... knowing the same to be false,” is guilty of fraud. All five Defendants commit fraud against me.

(Petition, page 2).

52. As an initial matter, the Court should disregard Petition’s conclusory statement that “all five Defendants commit [*sic*] fraud against me.” (*Id.*). See *Krise v. Cota*, 2000 WL 1825447, *1 (Iowa Ct. App., Dec. 13, 2000) (“While a motion to dismiss admits the truth of all well-pleaded, issuable and relevant facts, it does not admit mere conclusions of fact or law not supported by allegations of ultimate facts”).

53. Setting aside stated conclusions of law, the Petition does not allege any facts on its face that relate to any fraudulent conduct by any of the following defendants:

- Reliable Street Inc.
- [REDACTED]
- [REDACTED]
- [REDACTED]

54. Thus, any claim for fraud should be dismissed as to these four defendants.

55. As for Defendants Lockwood Café, [REDACTED], and [REDACTED], the Petition appears to allege that these defendants are liable for fraud because they were involved in the submission of “a falsified document” to the Iowa Civil Rights Commission, in alleged violation of Iowa Code § 714.8.

56. Iowa Code § 714.8 is a criminal statute and is not relevant.

57. Even assuming that Plaintiff intended to allege a civil claim for fraudulent misrepresentation, the allegations on the face of the Petition fail to state a claim that shows any “right of recovery [for fraud] under any state of facts.” *Tate*, 510 N.W.2d at 887.

58. To establish fraudulent misrepresentation, the plaintiff must “show by a preponderance of the evidence, satisfactory and convincing evidence each of the following elements: (1) representation; (2) falsity; (3) materiality; (4) scienter; (5) intent to deceive; (6) reliance; and (7) resulting injury and damage.” *Cornell v. Wunschel*, 408 N.W.2d 369, 374 (Iowa

1987); *Arthur v. Brick*, 565 N.W.2d 623, 625 (Iowa Ct.App.1997). “[A]ll seven elements of fraudulent misrepresentation must be met.” *Arthur*, 565 N.W.2d at 625.

59. The Petition, on its face, fails to allege facts sufficient to establish any of these seven elements—either related to any submissions to the ICRC, or otherwise.

60. If the Court concludes that Plaintiff has failed to allege any one of these elements, the claim for fraud should be dismissed as to Defendants Lockwood Café, [REDACTED], and [REDACTED].

61. Taking the foregoing together, any claim for fraud should be dismissed as to all seven named Defendants.

The Promissory Estoppel Claim

62. The listed claim for promissory estoppel (Petition, page 1) appears to relate to the following allegations:

Between October 2021 and March 31, 2022 I performed approximately 6 months labor volunteering for RELIABLE STREET INC, including gardening, prairie restoration, and helping to run open mic . Defendant [REDACTED] Nissen, President of RELIABLE STREET INC, entered into an agreement with me to help manage the garden located on the premises, and to lead a prairie restoration project I proposed. The agreement included my continued labor throughout the growing season.

In March 2022 Defendants [REDACTED] Colville and [REDACTED] Martinez, LOCKWOOD CAFE employees, submitted defamatory statements against me to Defendant Ms. [REDACTED], Owner of LOCKWOOD CAFE. [REDACTED] relayed statements to [REDACTED] Nissen, causing [REDACTED] to bar me from the premises, thus violating our agreement. I would not have performed six months of labor had I known our agreement would be violated.

...

I am seeking damages to compensate me for:

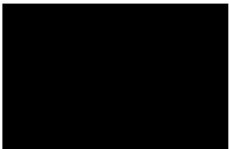
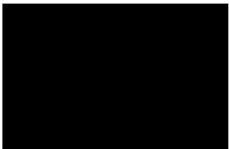
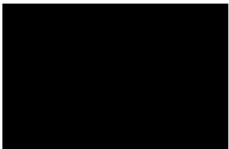
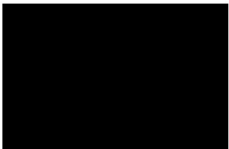
- six months labor (approximately 20 hr/day) on behalf of RELIABLE STREET INC which I would not have performed had I known our agreement would be breached. My labor and generosity was exploited.

- Labor performed between March 31, 2022 and [current date] in relation to building, filing, and representing this case pro se.
- breach of the agreement between myself and RELIABLE STREET INC.


(Petition, pages 1–2) (all stylization original).

63. As an initial matter, the claim for compensation for “labor performed between March 31, 2022 and [current date] in relation to building, filing, and representing this case pro se” is not a cognizable claim under Iowa law—under a theory of promissory estoppel, or any other cause of action.

64. Additionally, on its face, the Petition does not allege any facts related to any conceivable promissory estoppel claim against any of the following defendants:

- Lockwood Café
- 
- 
- 
- 

65. Thus, any claim for promissory estoppel should be dismissed as to these five defendants.

66. As for Defendants Reliable Street, Inc., and , the Petition appears to allege that these defendants are liable for promissory estoppel because they “violated” an agreement related to management of a garden. The Petition appears to seek damages for six months of labor in the garden, and further claims to have worked “approximately 20 hr/day.”

67. The Iowa Supreme Court has identified four elements of promissory estoppel: “(1) a clear and definite promise; (2) the promise was made with the promisor's clear understanding that the promisee was seeking an assurance upon which the promisee could rely and without which [the promisee] would not act; (3) the promisee acted to [the promisee's]

substantial detriment in reasonable reliance on the promise; and (4) injustice can be avoided only by enforcement of the promise.” *Mowery v. City of Carter Lake*, 961 N.W.2d 739, 757 (Iowa Ct. App. 2021) (quoting *Kunde v. Est. of Bowman*, 920 N.W.2d 803, 810 (Iowa 2018)).

68. The Petition, on its face, fails to allege facts sufficient to establish elements (1), (2), or (3) of promissory estoppel as it relates to the alleged agreement for Plaintiff to “manage” a garden at Reliable Street.

69. Regarding Element (1), the Petition does not allege any clear and definite promise of compensation for gardening or any other services, or guarantee of an ongoing relationship. To the contrary: the Petition characterizes Plaintiff’s alleged work at Reliable Street as “volunteering” (Petition, page 1) and later as an act of “generosity” (Petition, page 2). Thus, the Plaintiff fails to allege facts sufficient to establish element (1).

70. Regarding Element (2), the Petition does not allege that any Defendant had a clear understanding that Plaintiff was—at any point—seeking an assurance of any kind upon which the Plaintiff could rely. Thus, the Plaintiff fails to allege facts sufficient to establish element (2).

71. Regarding Element (3), Plaintiff has arguably pled the “detriment” prong, but has failed to plead “reliance” prong: Plaintiff has not alleged that she engaged in “6 months labor volunteering” in reliance on any promise from any defendant. Thus, the Plaintiff fails to allege facts sufficient to establish element (3).

72. If the Court concludes that Plaintiff has failed to allege any one of these elements, the claim for promissory estoppel should be dismissed as to Reliable Street and [REDACTED]

73. Taking the foregoing together, any claim for promissory estoppel should be dismissed as to all seven named Defendants.

The Defamation Claim

74. The listed claim for defamation (Petition, page 1) appears to relate to the following allegations:

In March 2022 Defendants ██████ and ██████, LOCKWOOD CAFE employees, submitted defamatory statements against me to Defendant Ms. ██████ Stewart, Owner of LOCKWOOD CAFE.

...

In August 2022 I received notice from ICRC that they were administratively closing (choosing not to investigate) my case. ICRC's reasoning pointed to approximately ten libelous statements submitted to them by all Defendants, who appear to have conspired against me in retaliation for filing against the businesses. ██████ submitted a falsified document to ICRC, presumably created and given to her by Ms. Colvill. I suspect Ms. ██████ commit fraud on behalf of LOCKWOOD CAFE. Defamatory statements severely damage my reputation, economically impact me, and jeopardize my safety throughout Ames due to common prejudices and misconceptions against transgender women. They were so severe they amount to a classification of defamation called character assassination. I was accused of stalking and harassing Ms. ██████, harassing multiple LOCKWOOD CAFE employees, saying racist comments, and other unsavory accusations I can prove to be false.

...

I am seeking damages to compensate me for:

- injuries to my reputation caused by extremely damaging statements and fraudulent document(s) being entered into the public record against me
- emotional pain and suffering caused by statements made against me, and the fear I lived with following the political attacks.

(Petition, pages 1–2) (all stylization original).

75. As an initial matter, the Court should disregard the Petition’s conclusory statements regarding alleged defamation. *See Krise v. Cota*, 2000 WL 1825447, *1 (Iowa Ct. App., Dec. 13, 2000) (“While a motion to dismiss admits the truth of all well-pleaded, issuable and relevant facts, it does not admit mere conclusions of fact or law not supported by allegations of ultimate facts”).

76. Specifically, the Court should disregard the Petition’s following conclusions of law:

- “Defendants ██████ and ██████ . . . submitted defamatory statements against me to Defendant Ms. ██████”
- “ICRC's reasoning pointed to approximately ten libelous statements submitted to them by all Defendants”

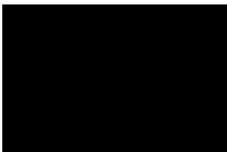
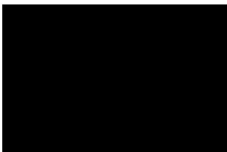
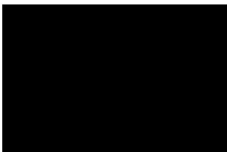
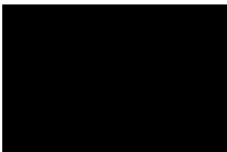
(Petition, pages 1–2) (all stylization original).

77. Moreover, any allegations related to statements submitted to the ICRC should be dismissed for the additional reason that these statements do not qualify as the “publication” of a statement. *See Bierman v. Weier*, 826 N.W.2d 436, 444 (Iowa 2013) (identifying “publication” of a statement as the first of six elements of defamation). “The key to whether [a] statement meets the publication requirement of defamation is whether [the receiver of the statement] heard and understood the statement to be defamatory.” *Huegerich v. IBP, Inc.*, 547 N.W.2d 216, 222 (Iowa 1996). A defamatory statement is one that “tend[s] to injure a person's reputation and good name.” *Id.* at 221. In determining what the third person understands, the defamatory statement must be viewed in the context of the surrounding circumstances and within the entire communication. *Kidd v. Ward*, 59 N.W. 279, 280–81 (Iowa 1894); *see also* Restatement (Second) of Torts § 563 cmts. d, e.


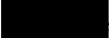
78. A statement made to the Iowa Civil Rights Commission in the context of an investigation cannot satisfy the “publication” element, as described above, because—in that context—an ICRC staff person receiving a statement from a witness would not “understand” a statement to be defamatory.

79. Public policy considerations also strongly counsel against a finding that a statement made to the ICRC can give rise to a defamation claim.


80. Notwithstanding conclusions of law and statements made to the Iowa Civil Rights Commission, the Petition does not allege any facts related to any conceivable defamation claim against any of the following defendants:

- Reliable Street
- Lockwood Café
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81. Thus, any claim for defamation should be dismissed as to these six defendants.

82. As for Defendant —notwithstanding conclusions of law and statements made to the Iowa Civil Rights Commission—the Petition only alleges the following “I was accused of stalking and harassing Ms. , harassing multiple LOCKWOOD CAFE employees, saying racist comments, and other unsavory accusations I can prove to be false.”

83. The Iowa Supreme Court has identified six elements of defamation: “(1) publication, (2) of a defamatory statement, (3) which was false and (4) malicious, (5) made of and concerning the plaintiff, (6) which caused injury.” *Bierman v. Weier*, 826 N.W.2d 436, 444 (Iowa 2013).

84. The Petition, on its face, fails to allege facts sufficient to establish elements (1), (3), or (4) of defamation as it relates to the allegation that “I was accused of stalking and harassing Ms. , harassing multiple LOCKWOOD CAFE employees, saying racist comments, and other unsavory accusations I can prove to be false.”

85. Regarding Element (1), the Petition does not allege to whom, if anyone, Defendant [REDACTED] published the alleged statements. Thus, the Plaintiff fails to allege facts sufficient to establish element (1).

86. Regarding Element (3), the Petition does not specifically allege that she did not stalk or harass Defendant [REDACTED]. Instead, the Petition vaguely asserts that there were “other unsavory accusations I can prove to be false.” Thus, Plaintiff fails to allege facts sufficient to establish element (3) as to the falsity of a statement that she stalked or harassed Defendant [REDACTED].

87. Regarding Element (4), the Petition does not allege that Defendant [REDACTED] made any statements with malice. “A statement is made with actual malice if the speaker ‘acted with knowing or reckless disregard of the truth of the statement.’” *Bandstra v. Covenant Reformed Church*, 913 N.W.2d 19, 48 (Iowa 2018) (quoting *Barreca v. Nickolas*, 683 N.W.2d 111, 118 (Iowa 2004)). The Petition does not allege that Defendant [REDACTED] acted with actual malice, or otherwise did not have regard for the truth of her statements. Thus, the Plaintiff fails to allege facts sufficient to establish element (4).

88. If the Court concludes that Plaintiff has failed to allege any one of these elements, the claim for defamation should be dismissed as to Defendant [REDACTED].

89. Taking the foregoing together, any claim for defamation should be dismissed as to all seven named Defendants.

WHEREFORE, Defendants Reliable Street Inc. and [REDACTED] respectfully request the Court enter an Order dismissing the Petition in its entirety pursuant to Iowa R. Civ. P.

1.421(1)(f); assess all costs to Plaintiff; and grant such further relief as the Court deems appropriate.

Alternatively, Defendants Reliable Street Inc. and [REDACTED] respectfully request the Court enter an Order dismissing any claims against any defendant that have not been properly stated pursuant to Iowa Rule of Civil Procedure 1.421(1)(f); assess all costs to Plaintiff; and grant such further relief as the Court deems appropriate.

Motion to Recast
(in the alternative)

90. If Plaintiff's petition is not dismissed in its entirety, Defendants Reliable Street Inc. and [REDACTED] respectfully move for the Pleading to be recast pursuant to Iowa Rule of Civil Procedure 1.412.

91. Iowa Rule of Civil Procedure 1.412 requires the following: "All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth." Iowa R. Civ. P. 1.412.

92. The Petition does not comply with Iowa Rule of Civil Procedure 1.412 at least insofar as it does not contain numbered paragraphs and the paragraphs are not limited as far as practicable to a statement of a single set of circumstances.

WHEREFORE, Defendants Reliable Street Inc. and [REDACTED] respectfully request the Court enter an Order requiring Plaintiff to recast the Petition, pursuant to Iowa Rule of Civil Procedure 1.412; assess all costs to Plaintiff; and grant such further relief as the Court deems appropriate.

Motion for a More Specific Statement
(in the alternative)

93. If Plaintiff's petition is not dismissed in its entirety, Defendants Reliable Street Inc. and [REDACTED] respectfully move for a more specific statement.

94. A party may move for more specific statement of any matter not pleaded with specific definiteness to enable the party to plead to it, and for no other purpose. Iowa R. Civ. P. 1.421(1)(e). The motion must point out the insufficiency claimed and the particulars desired.

95. A Petition "must contain factual allegations that give defendant 'fair notice' of the claim asserted so that defendant can adequately respond to the petition." *Rees v. City of Shenandoah*, 682 N.W.2d 77, 79 (Iowa 2004). "A petition complies with the 'fair notice' requirement if it informs the defendant of the incident giving rise to the claim and of the claim's general nature." *Id.*

96. There are four major deficiencies in the Petition: First, the Petition states that it is commencing a lawsuit against "five Defendants" but subsequently lists seven parties. The Petition is not clear which five out of the seven listed parties is a subject of the action.

97. Second, the petition does not state which causes of action are applicable to particular defendants.

98. Third, the petition does not provide sufficient detail regarding the purported “agreement” between Plaintiff and Defendant Reliable Street, including (1) when it was made, (2) whether it was oral or written, (3) the terms of the alleged agreement, or (4) the nature of the alleged breach; such that Reliable Street is unable to adequately respond to the alleged claims for “fraud” and “promissory estoppel,” or evaluate the portion of the “CLAIM FOR RELIEF” section that states “I am seeking damages to compensate me for breach of the agreement between myself and RELIABLE STREET INC.” (Petition, page 2).

99. Fourth, the petition does not make any allegations of any conduct on the part of Defendant [REDACTED], except for one mention of an alleged act undertaken by her, on behalf of Defendant Reliable Street.

WHEREFORE, Defendants Reliable Street Inc. and [REDACTED] respectfully request the Court enter an Order requiring Plaintiff to make a more specific statement as to all claims, pursuant to Iowa Rule of Civil Procedure 1.421(1)(e); assess all costs to Plaintiff; and grant such further relief as the Court deems appropriate.

[REDACTED] _____
of
[REDACTED]

*ATTORNEY FOR DEFENDANTS RELIABLE
STREET INC. AND [REDACTED]*

Copy to:

ALEXANDRA WILSON

[REDACTED]

AMES, IA 50014-3736

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of this document was served upon the persons listed on this document at the addresses indicated on EDMS by transmitting a copy via USPS on February 29, 2024. I declare under penalty of perjury that the foregoing is true and correct.

/s/ [REDACTED]