

IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

ALEXANDRA WILSON,

Plaintiff,

v.

RELIABLE STREET INC., LOCKWOOD CAFÉ, ██████████

██████████, ██████████,
██████████, and ██████████.

Defendants.

)
) CASE NO. LACL157381
)
)
) **DEFENDANTS’ MOTION TO ENLARGE**
) **ORDER GRANTING MOTION TO**
) **CHANGE VENUE**
)
)
)
)
)

Defendants Reliable Street Inc., Lockwood Café, ██████████, ██████████, ██████████ a
██████████, ██████████, and ██████████, pursuant to Iowa Rule of Civil Procedure 1.904(3),
file this Motion to Enlarge the Court’s March 15 Order Granting Defendants’ Motion to Change
Venue.

1. On February 29, Defendants filed a Motion to Change Venue to Story County.
2. Defendants’ Motion to Change Venue noted the following:

“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).

(D0010, Defendants’ Feb. 29 Motion, page 4) (emphasis added).

3. Defendants’ Motion to Change Venue also requested the following relief:

WHEREFORE, Defendants . . . 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.

(D0010, Defendants' Feb. 29 Motion, page 4) (emphasis added).

4. On March 15, the Court granted Defendants' Motion to Change Venue, but did not address Defendants' request for costs, including attorneys' fees. (*See* D0014, Order to Change Venue).

5. The March 15 Order was processed through EDMS and made available to the parties on the afternoon of March 19.

6. On March 19, the undersigned spoke with the office of the Clerk of Court for Polk County. The Clerk's office advised that they could take no action to effectuate the transfer to Story County unless and until a \$40.00 processing fee is paid by one of the parties.

7. The March 15 Order does not state which party must pay this processing fee.

8. 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) (emphasis added).

9. Thus, the \$40.00 transfer processing fee should be assessed to Plaintiff.

10. To date, Defendants have incurred attorneys' fees totaling \$478.00 associated with the filing of this action in the wrong county. (*See* Attorney Work-In-Process Report attached as Exhibit A) (all time entries for additional attorneys' fees incurred by Defendants for other aspects of defense of this action have been redacted).

11. Defendants have also incurred \$41.00 in costs related to the Motion to Change Venue, which were charged by the Iowa Civil Rights Commission in order to obtain relevant records that had been cited in Plaintiff's statement of jurisdiction in the Petition.

WHEREFORE, Defendants respectfully request an Order enlarging the March 15 Order and assessing all costs associated with said transfer to Plaintiff, including (i) the \$40.00 processing fee required by Polk County; (ii) Defendants' reasonable attorney's fees of \$478.00; and (iii) Defendants' costs of \$41.00 for Iowa Civil Rights Commission records; and for such further relief as the Court deems appropriate.

Dated: March 19, 2024

/s/ [REDACTED]
[REDACTED]

ATTORNEY FOR DEFENDANTS

Copy to:

ALEXANDRA WILSON
[REDACTED]

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 March 19, 2024. I declare under penalty of perjury that the foregoing is true and correct.

/s/ [REDACTED]