

**IN THE IOWA DISTRICT COURT FOR POLK COUNTY**

<b>ALEXANDRA WILSON,</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>STATE OF IOWA and KIM REYNOLDS FOR IOWA,</b>  <b>Defendants.</b>	<b>CASE NO. LACL157953</b>  <b>RULING ON DEFENDANT STATE OF IOWA'S MOTION TO DISMISS AMENDED PETITION</b>
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A contested hearing on the motion to dismiss amended petition filed by the defendant, State of Iowa, was held before the undersigned on August 9, 2024 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 rules as follows:

The plaintiff has commenced this action seeking redress for a number of “tortious acts and crimes” allegedly directed to her by the defendants. Her petition has gone through a number of iterations, the most recent of which was an amended petition filed on or about July 23, 2024. The defendant State of Iowa seeks dismissal of the action pre-answer pursuant to Iowa Rule of Civil Procedure 1.421.<sup>1</sup>

The standards for a pre-answer motion to dismiss are well-settled under Iowa law. The sufficiency of a claim in the face of a motion to dismiss is measured by the allegations pled therein, all of which are deemed to be true for purposes of the motion. O'Hara v. State, 642 N.W.2d 303, 305 (Iowa 2002). A motion to dismiss waives

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<sup>1</sup> The court has recently dismissed the plaintiff's claims against the co-defendant, Kim Reynolds for Iowa, for failure to timely serve that party as previously ordered. The plaintiff is seeking reconsideration of that ruling, which will be dealt with by separate order.

any ambiguity or uncertainty in the petition, and those allegations are construed in the light most favorable to the claimants, with any doubts resolved in their favor. Young v. HealthPort Technologies, Inc, 877 N.W.2d 124, 127 (Iowa 2016); Tate v. Derifield, 510 N.W.2d 885, 887 (Iowa 1994). A motion to dismiss should only be granted if there is no state of facts conceivable under which a claimant might show a right of recovery. Kingsway Cathedral v. Iowa Dep't of Transp., 711 N.W.2d 6, 7 (Iowa 2006):

Under our notice-pleading standards, nearly every case will survive a motion to dismiss for failure to state a claim upon which any relief may be granted. To survive a motion to dismiss, the petition need not allege the ultimate facts to support each element of a cause of action. However, it must contain factual allegations sufficient to give the defendant fair notice of each claim asserted so the defendant can adequately respond. The allegations in a petition comply with this fair-notice requirement if the petition informs the defendant of the general nature of the claim and the incident giving rise to it.

Young, 877 N.W.2d at 127-28 (internal citations omitted).

All of the claims being made by the plaintiff pertain to actions purportedly taken against her by virtue of her status as a transgender woman. The plaintiff's amended petition goes far beyond notice pleading and takes on more of a literary form; however, as the defendant has summarized in its motion (which is not objected to by the plaintiff), the plaintiff's claims can be distilled down to the following:

1. Negligence based on alleged deficiencies in the Iowa Rules of Professional Conduct and the defendant's failure to properly regulate attorneys, all arising from the conduct of a private attorney who advised her in 2007 after her arrest for trespass;
2. A claim of abuse of power directed to an Iowa district judge for not recusing himself and finding against her in the trial on the aforementioned trespass charge;

3. Violation of 18 U.S.C. §241 and §242, as well as the Iowa Civil Rights Act, arising from the passage of an amendment to the ICRA by the Iowa legislature following the Iowa Supreme Court's decision in Good v. Iowa Dep't of Human Services, 924 N.W.2d 853 (Iowa 2019);
4. Violation of 42 U.S.C. §1983 based on an alleged 9<sup>th</sup> Amendment violation again pertaining to the legislature's action as described above, as well as the overall basis for all of her claims against the state;
5. Violation of 18 U.S.C. §241 and common law defamation based on statements made by a spokesperson for Governor Kim Reynolds following the district court decision in Vasquez v. Iowa Dep't of Human Services, Case No. CVCV061729;
6. Violation of her rights based on the state's decision to appeal the ruling in Vazquez;
7. Violation of Iowa Code chapter 729A based on the amendment to the ICRA and the state's appeal of the Vazquez decision;\
8. Fraudulent misrepresentation based on the handling of her civil rights complaint by the Iowa Civil Rights Commission;
9. Violation of her due process rights based on the ICRC's procedures for requesting a right-to-sue letter and receiving a complainant's full case file;
10. Defamation by Governor Reynolds regarding Bud Light cans featuring "real women;"
11. "Overt acts of furtherance" based on various legislative initiatives by the governor and legislature; and
12. Violation of Iowa Code §706A.2 based on "continuous acts of misconduct, harassment of transgender persons in general, and malicious behavioral patterns which adversely impact transgender Iowans particularly."

In response to these claims, the defendant makes the following legal arguments, all supported by appropriate legal authority:

1. Federal criminal statutes do not create a private right of action;
2. The acts of the Iowa legislative branch in passing a statutory amendment, or that of the executive branch in appealing a court decision, do not constitute either an act of violence or unspecified unlawful activity which would trigger a claim under either Iowa Code §729A or §706A;
3. The state is not a person for purposes of a claim brought pursuant to 42 U.S.C. §1983; s
4. The plaintiff has failed to exhaust her administrative remedies under the Iowa Tort Claims Act;<sup>2</sup>
5. Plaintiff's negligence claim regarding the regulation of attorneys pursuant to the Iowa Rules of Professional Conduct is barred by the public duty doctrine;
6. Plaintiff's claims for defamation, fraudulent misrepresentation and due process violations are barred by the doctrine of sovereign immunity; and
7. Plaintiff's abuse of power claim is barred by the doctrine of judicial immunity.

Plaintiff does not reply to the defendant's arguments with any of her own supported by contrary controlling precedent. Instead, she relies on the following arguments: 1) the invocation of Iowa Rule of Appellate Procedure 6.901(3) to call into question the constitutionality of the Iowa Torts Claim Act; 2) her claim is a "penal action" designed to recover a penalty from a defendant who has violated a statute; 3) the state is a person for purposes of a §1983 claim by virtue of a definition in Black's Law Dictionary, and her inability to pursue such a claim deprives her of her right to redress; 4) her failure to exhaust her administrative remedies should be excused because of the "spirit of the law" doctrine; 5) her negligence is not barred by the public duty doctrine

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<sup>2</sup> The plaintiff acknowledges these lapses in her petition. D0030, Plaintiff's Amended Petition at ¶¶4-6 (7/23/2024).

and she is entitled to injunctive relief because of the irreparable harm to others if the Iowa Rules of Professional Conduct are not amended; 6) the doctrine of sovereign immunity is inconsistent with a number of treatises, including the Bible, the Declaration of Independence and the writings of John Locke and Alexander Hamilton; and 7) the state should assume the liability of judicial officers who are immune from civil liability.

It is clear to the court that the plaintiff is incredibly passionate regarding the grievances she holds against any number of public officials who she perceives as having wronged her because of her status as a transgender woman. Likewise, the court is willing to concede that the status of transgender persons in Iowa has been the focus of considerable legislative and executive activity in recent years. However, that activity (and the motives that are perhaps behind it) do not necessarily translate into the type of sweeping judicial remedies the plaintiff is seeking in this action. Those remedies must be based on theories that are supported by controlling precedent and not by passages in a treatise that appear to support some loosely-based concept of equity. It would unnecessarily lengthen this ruling by addressing each one of the defendant's positions as expressed in its motion point by point. It is sufficient to say that all of the defendant's arguments are properly supported by appropriate legal authority and none of the plaintiff's arguments are. Those authorities call for the dismissal of plaintiff's claims as a matter of law. While pre-answer motions to dismiss are disfavored, see *Benskin v. West Bank, Inc.*, 952 N.W.2d 292, 296 (Iowa 2020); *Cutler v. Klass, Whicher & Mishne*, 473 N.W.2d 178, 181 (Iowa 1991), they are an appropriate remedy in a proper circumstance; the present case is such a circumstance.

**IT IS THEREFORE ORDERED** that the motion to dismiss filed by the defendant, State of Iowa, is granted. The plaintiff's claims against this defendant are dismissed with prejudice at the cost of the plaintiff.



State of Iowa Courts

**Case Number**  
LACL157953

**Case Title**  
ALEXANDRA SONDR A WILSON VS STATE OF IOWA ET  
AL  
**Type:**  
ORDER REGARDING DISMISSAL

So Ordered

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

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