

IN THE IOWA DISTRICT COURT IN AND FOR STORY COUNTY

ALEXANDRA "SONDRA" WILSON,)	
<i>Plaintiff,</i>)	CASE NO. LACV053674
)	
v.)	
)	(I) PLAINTIFF'S RESISTANCE TO
RELIABLE STREET INC, LOCKWOOD)	MOTION FOR SUMMARY
CAFE, LOVE CLUB LLC, LYNDSAY)	JUDGMENT,
NISSEN, SHARON STEWART, WILLA)	(II) MOTION TO COMPEL
COLVILLE, DENISE MARTINEZ,)	DISCOVERY, and
and CHARLIE ESKER)	(III) MOTION TO CLARIFY
_____)	OPERATIVE PLEADING

COMES NOW Plaintiff, Alexandra "Sondra" Wilson, appearing pro se, and files this Resistance to Defendants' Motion for Summary Judgment. Plaintiff also files this Motion to Compel Discovery and Motion to Clarify Operative Pleading, and in support thereof states as follows:

I. BACKGROUND

1. On January 6, 2026, Plaintiff filed a Motion for Leave to File Second Amended Petition pursuant to Iowa R. Civ. P. 1.402(4), together with a proposed Second Amended Petition. To date, the Court has not ruled on that motion.

II. NEED FOR CLARIFICATION OF OPERATIVE PLEADING

2. The absence of a ruling has created uncertainty regarding which claims are operative, the permissible scope of discovery, and the issues properly before the Court.

3. Under Iowa R. Civ. P. 1.402(4), leave to amend pleadings "shall be freely given when justice so requires." As Plaintiff previously stated in her January 6 Motion for Leave to Amend, justice so requires that the motion be granted, and the Second Amended Petition becomes the

operative pleading, lest Plaintiff's claims be adjudicated without full consideration of the underlying facts.

4. Defendants have taken the position that only a limited claim remains and have relied on that position to restrict discovery, object to production, and move for summary judgment. However, the operative pleading cannot be determined unilaterally by Defendants, and a ruling from the Court is required before the scope of the case may be narrowed.

5. Since the outset of this case, the procedural posture has created ongoing uncertainty and prejudice to Plaintiff.

a. Plaintiff initially filed this action in Polk County in spring 2024. Defendants moved to transfer venue to Story County, and the case was transferred. Issues regarding fees were raised in connection with that transfer.

b. Defendants have consistently taken the position that Plaintiff's claims should be resolved at the pleading stage, while Plaintiff has maintained that discovery is necessary to fully develop the factual record underlying those claims.

c. In 2024, the Court directed the parties to prepare exhibits. Plaintiff thereafter prepared and organized supporting materials and filed an Amended Petition referencing those materials. Defendants subsequently objected to consideration of exhibits at the pleading stage, while also arguing that Plaintiff had not alleged sufficient facts.

d. In its ruling, the Court determined that certain claims were not supported by sufficiently well-pleaded factual allegations. Plaintiff has since prepared and filed a Second Amended Petition on January 6, 2026, to address those deficiencies by more specifically setting forth the underlying facts.

e. Since that filing, Defendants have continued to rely on the absence of a ruling on the Motion for Leave to Amend to assert a limited scope of claims, restrict discovery, and seek summary judgment.

6. Under these circumstances, Plaintiff submits that justice requires the Court to rule on the Motion for Leave to Amend and permit the Second Amended Petition to become the operative pleading. Proceeding otherwise risks adjudicating the case on an incomplete factual record and without full consideration of Plaintiff's claims.

III. DISCOVERY RECORD AND RESULTING PREJUDICE TO PLAINTIFF

7. The discovery record demonstrates Defendants' failure to provide requested discovery and the resulting prejudice to Plaintiff. This unresolved procedural posture has materially prejudiced Plaintiff by limiting access to discovery necessary to prove claims, preventing development of the factual record, and allowing Defendants to define and constrain the case unilaterally.

8. Iowa courts recognize that cases should be resolved on their merits, not through procedural ambiguity or premature limitation of claims.

9. Pursuant to Iowa R. Civ. P. 1.503 and 1.509, Plaintiff served a First Set of Discovery

Requests seeking:

- identification of authorship of key documents
- production of draft versions
- metadata and revision history
- communications relating to preparation and submission of the June 28, 2022 document

These materials are directly relevant to Plaintiff's claims, including issues of:

- authorship
- alteration

- accuracy and falsity

A. Defendants' Responses Are Noncompliant

10. Defendants refused to produce draft documents, native files and metadata, and communications among Defendants, instead asserting broad objections including irrelevance, overbreadth, burden, and privilege.

11. Iowa law permits discovery of any nonprivileged matter relevant to the claims or defenses and proportional to the needs of the case. Iowa R. Civ. P. 1.503(1). Where a party withholds information based on privilege, the party must expressly make the claim and describe the nature of the withheld materials in a manner that enables assessment of the claim. Iowa R. Civ. P. 1.503(5).

12. Defendants have not provided meaningful production or sufficient information to support their objections.

13. A bare assertion of privilege is insufficient under Iowa law. Iowa Rule of Civil Procedure 1.503(5) requires a party withholding information based on privilege to “make the claim expressly and describe the nature of the documents, communications, or things not produced or disclosed in a manner that will enable other parties to assess the applicability of the privilege.” Iowa appellate courts recognize that when work-product protection is asserted, the court must have sufficient information to evaluate the claim and distinguish protected material from discoverable facts. See *Shook v. City of Davenport*, 497 N.W.2d 883 (Iowa 1993). Defendants have provided no privilege log, no description of withheld materials, and no information sufficient to assess any claim of privilege. Their objections therefore fail under Rule 1.503(5).

B. Requested Discovery Is Central—Not Collateral

14. The requested materials go directly to who authored the statements at issue, how the document was created and modified, and whether the document was altered or misrepresented.

15. These are not peripheral issues—they are central to Plaintiff’s claims. Discovery that goes to the heart of a claim cannot be withheld on generalized assertions of irrelevance or burden.

16. These issues directly bear on Plaintiff’s defamation and related claims, including falsity, publication, and authorship.

17. Even under the Court’s prior ruling limiting the case to a written defamation claim, the requested discovery remains directly relevant. The Court permitted Plaintiff’s defamation claim to proceed based on written statements submitted to the Iowa Civil Rights Commission. The documents, drafts, metadata, and communications requested by Plaintiff relate directly to those submissions, including their authorship, preparation, and accuracy. Accordingly, even under the narrowest interpretation of the operative claim, the requested discovery is central to the issues that remain before the Court.

18. Defendants’ discovery responses reveal a material inconsistency regarding the preparation of the June 28, 2022 ICRC submission. Defendants state that the submission was “created, edited, formatted, compiled, and revised” by Stewart and Nissen, yet simultaneously assert that the submission was not “modified, rearranged, excerpted, reformatted, selectively compiled, or otherwise altered.” Defendants further acknowledge that at least one error—a duplicated screenshot—occurred during preparation.

19. These statements do not explain what changes, if any, were made to the underlying materials provided by Defendant Colville, nor do they identify what version of the

communications was originally received or how the final submission was constructed. Plaintiff has pleaded facts alleging that the submitted document differs from the original communications in both sequencing and framing. Where the core claim concerns the content and creation of a document, discovery into that document's creation is inherently proportional.

20. This inconsistency underscores the necessity of the requested discovery. Without production of drafts, native files, and metadata, Plaintiff cannot determine how the submission was assembled, whether it was altered, or whether it accurately reflects the underlying communications. These statements cannot be reconciled without production of the underlying native files.

C. Summary Judgment Cannot Proceed Where Discovery Is Obstructed

21. Iowa courts recognize that summary judgment is inappropriate where the nonmoving party has not had a fair opportunity to conduct discovery. See *Bitner v. Ottumwa Community School District*, 549 N.W.2d 295, 302 (Iowa 1996).

22. Similarly, where essential facts are unavailable to the nonmoving party, the court may deny summary judgment or allow time for discovery. See Iowa R. Civ. P. 1.981(6).

23. Defendants have moved for summary judgment while simultaneously withholding the very evidence necessary for Plaintiff to respond.

24. Under *Bitner v. Ottumwa Community School District*, 549 N.W.2d 295, 302 (Iowa 1996), this case cannot proceed to summary judgment while Defendants are withholding the very evidence necessary for Plaintiff to resist it. Bitner explains that Rule 1.981(6) exists as an “out” for a party who legitimately needs additional time to gather facts essential to justify its opposition.

25. That is precisely the posture here: Plaintiff has diligently sought drafts, metadata, and authorship information that go to the core issues of falsity and publication, and Defendants have refused to produce them. Under Bitner, summary judgment is improper until that essential discovery is completed.

D. Defendants' Objections Improperly Foreclose Fact Development

26. By refusing to produce drafts, metadata, and internal communications, Defendants have prevented identification of document authorship, prevented analysis of document alteration, and prevented development of the factual record.

27. This creates a procedural posture in which Defendants rely on the absence of evidence while simultaneously preventing Plaintiff from obtaining that evidence. A party may not rely on the absence of evidence while simultaneously preventing its discovery.

E. Court Intervention Is Required

28. Because Defendants have failed to provide responsive discovery, and because that discovery is necessary to resolve material factual disputes, Court intervention is required.

29. Plaintiff respectfully requests an order compelling full and complete discovery responses, denial of summary judgment as premature, and such further relief as is just and proper.

30. Plaintiff served her First Set of Discovery Requests on March 2, 2026 (Attachment A), seeking native files and metadata for the June 28, 2022 ICRC submission. Defendants responded on April 1, 2026 (Attachment B), objecting on grounds of privilege and relevance. This refusal prevents Plaintiff from verifying the authenticity, authorship, and timing of the statements at the heart of this litigation and presents a ripe discovery dispute requiring Court intervention.

IV. DISCOVERY IS NECESSARY AND PROPORTIONAL

31. Under Iowa R. Civ. P. 1.503(1), parties may obtain discovery regarding any nonprivileged matter relevant to the claims or defenses and proportional to the needs of the case.

32. Here, authorship and document integrity are central issues, the requested materials are narrowly tailored, and Defendants' blanket objections are improper.

33. To the extent Defendants assert privilege, Iowa R. Civ. P. 1.503(5) requires proper identification and description sufficient to assess the claim of privilege. No such meaningful production or privilege log has been provided.

V. SUMMARY JUDGMENT IS PREMATURE

34. Summary judgment is governed by Iowa R. Civ. P. 1.981 and is appropriate only when the record shows no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. See *Huck v. Wyeth, Inc.*, 850 N.W.2d 353 (Iowa 2014). If reasonable minds could differ on the resolution of a material fact, summary judgment must be denied. See *Clinkscales v. Nelson Security, Inc.*, 697 N.W.2d 836 (Iowa 2005). In *Clinkscales*, the Iowa Supreme Court reversed summary judgment because factual disputes existed regarding the defendant's conduct, emphasizing that such disputes must be resolved by a jury rather than on summary judgment. Iowa courts further recognize that summary judgment is inappropriate where the nonmoving party has not had a fair opportunity to conduct discovery. See *Bitner v. Ottumwa Community School District*, 549 N.W.2d 295, 302 (Iowa 1996).

35. Accordingly, summary judgment is improper where discovery is incomplete, material facts remain in dispute, and the nonmoving party has not had a fair opportunity to obtain evidence. Here, critical discovery has been withheld, the factual record is undeveloped, and key

issues including authorship, alteration, and falsity remain unresolved. Defendants therefore cannot meet their burden under Rule 1.981, and their Motion for Summary Judgment must be denied.

36. Defendants' motion effectively seeks judgment on a record they have prevented from being developed.

37. Summary judgment is premature because Defendants are withholding objective evidence—specifically metadata—essential to the existing defamation claim. As documented in Attachment A, Plaintiff has requested the native files for the June 28, 2022 ICRC submission. This metadata is directly relevant to establishing authorship, sequencing, and Defendants' state of mind in preparing and submitting the statements at issue, including whether those statements were made with knowledge of their falsity or in reckless disregard for the truth. If the metadata reveals that Defendants' statements were drafted or modified after they were in possession of contradictory facts, it would establish a genuine issue of material fact regarding falsity and Defendants' knowledge, thereby precluding summary judgment under *Bitner*.

VI. UNRESOLVED AMENDED PLEADING PRECLUDES DISPOSITIVE RELIEF

38. Plaintiff's Motion for Leave to File Second Amended Petition remains pending.

39. Because the Court has not ruled, the operative pleading is unclear, the scope of claims is unresolved, and discovery cannot be properly limited.

40. Proceeding with summary judgment before resolving the operative pleading creates procedural ambiguity, risks adjudicating an incomplete case, and prejudices Plaintiff's ability to present her claims. Resolving dispositive motions before determining the operative pleading risks adjudicating claims that are not yet properly defined.

41. Plaintiff previously stated in her Motion for Leave to File Second Amended Petition that injustice will occur if the Second Amended Petition is not permitted to become the operative pleading. Plaintiff reasserts that position here.

42. The Second Amended Petition was filed to address deficiencies identified by the Court and to present the full scope of Plaintiff's claims and supporting facts. Failure to rule on that motion, while allowing the case to proceed under a narrowed and incomplete pleading, creates a substantial risk that Plaintiff's claims will not be adjudicated on their merits.

43. Defendants have relied on the absence of a ruling to assert a limited scope of claims, restrict discovery, and seek summary judgment. This creates a procedural posture in which the case is being adjudicated based on an unresolved and potentially incomplete pleading.

44. Under these circumstances, proceeding without resolving the operative pleading would result in prejudice to Plaintiff and undermine the fair adjudication of the case.

45. Iowa Rule of Civil Procedure 1.402(4) governs amendment of pleadings and provides that leave to amend shall be freely given when justice so requires.

46. Iowa courts apply a liberal standard to amendment of pleadings, and amendments are the rule while denials are the exception. See *Ackerman v. Lauver*, 242 N.W.2d 342, 345 (Iowa 1976).

47. Generally, a party may amend a pleading at any time before a decision is rendered, including after substantial proceedings have occurred. See *id.*; *Glenn v. Carlstrom*, 556 N.W.2d 800, 804 (Iowa 1996).

48. Amendments should be allowed where they do not substantially change the issues or defenses in the case. See *Glenn*, 556 N.W.2d at 804.

49. Motions to dismiss are disfavored. Iowa is a notice pleading state. See *Benskin, Inc. v. West Bank*, 952 N.W.2d 292, 296 (Iowa 2020). Plaintiff's Second Amended Petition provides detailed factual allegations sufficient to satisfy that standard.

50. Plaintiff has acted diligently and in good faith in seeking amendment following the Court's ruling, and there is no undue delay or prejudice to Defendants. Under these circumstances, Iowa law strongly favors allowing the amendment so that the case may proceed on a fully developed factual basis.

51. Even an amendment that substantially changes the issues may still be allowed if the opposing party is not prejudiced or unfairly surprised. See *Chao v. City of Waterloo*, 346 N.W.2d 822, 825–26 (Iowa 1984). Defendants were not prejudiced or unfairly surprised by the filing of the Second Amended Petition. Plaintiff informed the Court that she was preparing an amended pleading and filed the Second Amended Petition promptly thereafter. This case remains in the pretrial stage, discovery is ongoing, and no trial date has been disrupted or altered by the filing of the Second Amended Petition. Under these circumstances, Defendants cannot demonstrate prejudice sufficient to justify denial of leave to amend.

52. Iowa courts permit amendments at any stage of litigation, including to conform to the evidence. See *Allison-Kesley Ag Ctr., Inc. v. Hildebrand*, 485 N.W.2d 841, 846 (Iowa 1992). Plaintiff filed the Second Amended Petition in response to the Court's ruling and to ensure that the claims may be adjudicated on a complete factual record.

VII. DUE PROCESS AND RIGHT TO JURY TRIAL

53. Article I, Section 9 of the Iowa Constitution guarantees that the right of trial by jury shall remain inviolate. That right applies where material facts are in dispute. Plaintiff has reserved her right to a fair trial by jury, so that all her claims may be adjudicated on the merits.

54. However, that right cannot be meaningfully exercised where the operative pleading remains unresolved, discovery necessary to establish material facts is withheld, and the factual record is undeveloped.

55. Plaintiff submits that material factual disputes exist, those disputes require evidentiary development, and those disputes are properly resolved by a jury.

56. Granting summary judgment under these conditions would prevent factual development, preclude jury determination, and result in a denial of due process. Plaintiff objects to and resists Defendants' motion for summary judgment.

VIII. AFFIDAVIT OF PLAINTIFF PURSUANT TO IOWA R. CIV. P. 1.981(6)

I, Alexandra "Sondra" Wilson, being duly sworn, state as follows:

1. I am the Plaintiff in this action and make this affidavit based on personal knowledge.
2. Defendants have filed a Motion for Summary Judgment in this matter.
3. Plaintiff has served a First Set of Discovery Requests pursuant to Iowa Rules of Civil Procedure 1.503 and 1.509 seeking, among other things:
 - identification of individuals who authored and edited key documents
 - production of draft versions of those documents
 - metadata and revision history
 - communications relating to the preparation and submission of the June 28, 2022 document

4. These materials are necessary to establish facts essential to Plaintiff's claims, including authorship of the statements at issue, whether the documents were altered or selectively compiled, and the accuracy or falsity of the statements.
5. Defendants have declined to produce key requested materials, including drafts, metadata, and communications, and have instead asserted objections including irrelevance, burden, and privilege.
6. As a result, Plaintiff does not currently have access to facts essential to justify opposition to Defendants' Motion for Summary Judgment.
7. The requested discovery is within Defendants' possession, custody, or control and cannot be obtained by Plaintiff without Court intervention.
8. Plaintiff has acted diligently in seeking discovery and has not delayed in pursuing the information necessary to support her claims.
9. Without this discovery, Plaintiff is unable to fully present facts necessary to demonstrate the existence of genuine issues of material fact.
10. Plaintiff respectfully submits that this affidavit is made pursuant to Iowa R. Civ. P. 1.981(6) to demonstrate the need for additional discovery before summary judgment may be considered.

WHEREFORE, Plaintiff respectfully requests that the Court deny Defendants' Motion for Summary Judgment as premature, or defer consideration of the motion and allow time for completion of discovery pursuant to Iowa R. Civ. P. 1.981(6).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 14, 2026

/s/ Alexandra "Sondra" Wilson
Alexandra "Sondra" Wilson

IX. REQUEST FOR RELIEF

57. Plaintiff respectfully requests that the Court:

- a. Deny Defendants' Motion for Summary Judgment
- b. Order Defendants to fully respond to Plaintiff's First Set of Discovery Requests

(Attachment A), including the production of native files with intact metadata

c. Rule on Plaintiff's Motion for Leave to File Second Amended Petition

d. Clarify the operative pleading in this matter

e. Permit discovery to proceed consistent with the operative claims

f. Grant any further relief the Court deems just and proper, including such relief as is necessary to ensure full and fair development of the factual record

Respectfully submitted,

Alexandra "Sondra" Wilson

Executed on this 14th day of April, 2026.

/s/ Alexandra "Sondra" Wilson
Alexandra "Sondra" Wilson
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CERTIFICATE OF SERVICE

I certify that on April 14, 2026, a true and correct copy of this document was served upon all counsel of record via the Iowa Judicial Branch Electronic Document Management System (EDMS).

/s/ Alexandra "Sondra" Wilson
Alexandra "Sondra" Wilson

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ATTACHMENTS

Attachment A – Plaintiff’s First Set of Discovery Requests (March 2, 2026)

Attachment B – Defendants’ Objection to Plaintiff’s First Set of Discovery Requests (April 1, 2026)