

IN THE IOWA DISTRICT COURT IN AND FOR STORY COUNTY

ALEXANDRA “SONDRA” WILSON,)	
)	CASE NO. LACV053674
Plaintiff,)	
)	
v.)	DEFENDANTS’ REPLY IN SUPPORT OF
)	MOTION FOR SUMMARY JUDGMENT
RELIABLE STREET INC., LOCKWOOD)	AND RESISTANCE TO MOTION TO
CAFÉ, LYND SAY NISSEN, SHARON)	COMPEL
STEWART, WILLA COLVILLE, DENISE)	
MARTINEZ, and CHARLIE ESKER.)	
)	
Defendants.)	
)	

Defendants Reliable Street Inc., Lockwood Café, Lyndsay Nissen, Sharon Stewart, Willa Colville, Denise Martinez, and Charlie Esker (collectively, “Defendants”), by and through the undersigned counsel, respectfully submit this Reply in Support of their Motion for Summary Judgment and Resistance to the Motion to Compel.

INTRODUCTION

Plaintiff’s filing at D0091 can be construed as a Motion to Compel and Resistance to Motion for Summary Judgment. Defendants file this joint response.

Plaintiff’s resistance to summary judgment does not offer any response or contradiction to the facts asserted in the Motion for Summary Judgment. Plaintiff’s resistance also does not rebut the legal arguments raised in the Motion for Summary Judgment.

The resistance only argues that more discovery is necessary before the Court can rule. But the resistance does not identify any fact that discovery could uncover that could have any bearing on the Motion – because the alleged defamatory “publication” is undisputed, and thus no further discovery is conceivably needed.

The absolute privilege issue raised in the Motion for Summary Judgment is a question of law. It turns on one factual predicate — that the alleged defamatory statements were made in the course of a quasi-judicial proceeding. The alleged statements and the format of their “publication” are undisputed. The only question the Court must resolve is whether a response to an investigatory request from the Iowa Civil Rights Commission is part of (or preliminary to) a judicial or quasi-judicial proceeding. No discovery, no amendment of the pleading, and no characterization of Defendants’ internal document-preparation process can change the legal character of the Iowa Civil Rights Commission proceeding in which those statements were made. The Court should conclude that no further discovery is necessary and grant summary judgment.

For the same reasons, the Motion to Compel should be denied. Defendants provided substantive and good faith responses to the interrogatories served by Plaintiff. Plaintiff has not and cannot establish any remote relevancy of any further responses to the interrogatories or responses to the request for production of documents. Furthermore, this is a pro se lawsuit that appears to be designed to exact revenge for personal grievances. The discovery responses are harassing and consistent with that theme. The court should not indulge any such undue burdens on Defendants.

ARGUMENT

I. Defendants’ Statements of Fact in the Motion for Summary Judgment Have Been Conceded.

Plaintiff’s resistance to summary judgment does not offer any response or contradiction to the Statement of Facts provided by Defendants in the Motion for Summary Judgment. Thus, the facts contained in the Statement of Facts submitted by Defendants should be deemed undisputed. *See Green v. Racing Ass’n of Cent. Iowa*, 713 N.W.2d 234, 245 (Iowa 2006) (“When a motion for summary judgment is properly supported, the nonmoving party is required to

respond with specific facts that show a genuine issue for trial”); *see also* Iowa R. Civ. P. 1.981(5); *see also Hudson v. Williams, Blackburn & Maharry, P.L.C.*, 2009 WL 139501 (Iowa Ct. App. Jan. 22, 2009) (“The bare conclusory statements contained in Hudson's resistance and statement of disputed facts are not sufficient to defeat the motion for summary judgment”); *Schulte v. Mauer*, 219 N.W.2d 496, 500 (Iowa 1974) (stating it is well-settled that “a party must plead ultimate facts [by affidavits or otherwise] and cannot rely upon conclusions themselves” in resisting summary judgment); *Winkel v. Erpelding*, 526 N.W.2d 316, 318 (Iowa 1995) (“To mount a successful resistance, the challenger must come forward with specific facts constituting competent evidence in support of the claim advanced.”). Although a nonmoving party is entitled to all reasonable inferences in a motion for summary judgment, that party must identify those facts that support the inference to be drawn. *Green*, 713 N.W.2d at 246.

II. The Absolute Privilege is a Pure Question of Law that the Existing Record Resolves.

The key question presented by the Motion is whether the Iowa Civil Rights Commission proceeding was quasi-judicial in character. That is a legal determination.

The factual predicate — the character of the ICRC proceeding — is established by the existing record. Plaintiff filed a formal discrimination complaint with the ICRC under the Iowa Civil Rights Act. The ICRC opened an investigation, assigned an investigator, and issued written questionnaires to each named Defendant. Defendants submitted written responses. The ICRC reviewed the submissions, conducted its investigation, and closed the matter. The ICRC is a state agency conducting adversarial quasi-judicial administrative proceedings pursuant to statutory authority — exactly the kind of proceeding to which the absolute privilege applies.

None of this is disputed. Plaintiff does not contest that she filed the ICRC complaint, that the ICRC investigated it, or that Defendants' responses to the ICRC are the basis of Count II. The privilege question can be resolved on the face of the record before the Court.

The Resistance asserts that Plaintiff needs discovery into “documents, drafts, metadata, and communications . . . relate[d] directly to [the ICRC] submissions, including their authorship preparation, and accuracy.” (D0091, Resistance at 5, ¶ 17). But the Resistance never explains what specific fact any of this discovery would establish, and never explains why that fact would be material to the absolute privilege question.

That is because no such fact exists. The absolute privilege does not turn on authorship — it applies to any statement made in a quasi-judicial proceeding, regardless of who authored it. It does not turn on drafting history — the existence of prior drafts says nothing about the character of the proceeding. It does not turn on metadata — the timestamp of a file does not determine whether the ICRC proceeding was quasi-judicial. And it does not turn on whether the submission was accurate or selectively compiled — the privilege protects inaccurate and even malicious statements in quasi-judicial proceedings, because the policy underlying the privilege — encouraging candid participation in official proceedings without fear of litigation — requires that scope.

III. The Motion to Compel should be Denied.

For many of the same reasons outlined above, the Motion to Compel should be denied. The plaintiff has not established that any of the discovery sought would make any fact asserted in Count II of the petition more or less likely, or could conceivably lead to the discovery of any admissible evidence. Thus, the information sought is not discoverable. Despite this fact, the defendants offered good faith responses to many of plaintiffs' interrogatories. The court should

deny any requests to obtain further responses to the interrogatories or obtain documents sought in the request for production of documents.

CONCLUSION

Plaintiff's Resistance does not identify a single fact in dispute that is material to the absolute privilege question. The ICRC proceeding was quasi-judicial; the statements were made in that proceeding; the privilege bars Count II as a matter of law.

Defendants respectfully request that the Court deny the Motion to Compel, grant the Motion for Summary Judgment, enter judgment in Defendants' favor on Count II of Plaintiff's Amended Petition, and dismiss this action in its entirety.

/s/ Paul J. Esker

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CERTIFICATE OF SERVICE

I certify that a true copy of this document was served upon each of the attorneys of record of all parties to this action at the addresses disclosed by the pleadings on April 27, 2026.

By: ___ U.S. Mail ___ Hand Delivered
 ___ Email ___X EDMS/ECF
 ___ Other

Signature: /s/ James Phan