

IN THE IOWA DISTRICT COURT IN AND FOR STORY COUNTY

ALEXANDRA “SONDRA” WILSON, )  
 ) CASE NO. LACV053674  
 *Plaintiff,* )  
 )  
 v. ) PLAINTIFF’S REPLY BRIEF  
 )  
 )  
 RELIABLE STREET INC, LOCKWOOD )  
 CAFE, LYND SAY NISSEN, SHARON )  
 STEWART, WILLA COLVILLE, DENISE )  
 MARTINEZ, and CHARLIE ESKER )  
 )  
 *Defendants* )  
 )  
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**PLAINTIFF’S REPLY BRIEF IN SUPPORT OF RENEWED MOTION FOR LEAVE TO FILE REVISED SECOND AMENDED PETITION**

COMES NOW Plaintiff Alexandra “Sondra” Wilson, appearing pro se, and respectfully submits this Reply in support of her Renewed Motion for Leave to File Revised Second Amended Petition. In support, Plaintiff states as follows:

**I. INTRODUCTION**

1. Defendants’ resistance again asks the Court to freeze this case at the October 4, 2024 dismissal order (D0036) while omitting the procedural significance of the Court’s April 22, 2026 order (D0095) and the procedural history that followed the October 4 order (D0037–D0060). Defendants rely on the October 4 order as though Plaintiff had a full and fair opportunity to present the exhibit-supported record and obtain meaningful review of the dismissed claims. That is not what occurred.

2. After the October 4 order, Plaintiff attempted to preserve the ability to respond to that ruling while also participating in settlement proceedings, complying with Court directives,

responding to Defendants' continued motion practice, and attempting to reconstruct a complex record involving multiple Defendants, multiple entities, multiple projects, ICRC submissions, disputed chronology, and alleged documentary distortions. Plaintiff sought an extension that would allow her to file after her academic semester ended. Instead, the deadline ultimately set for reconsideration fell immediately before final examinations. In practical effect, Plaintiff was not afforded a meaningful opportunity to seek reconsideration of claims dismissed before the Court had access to the exhibits Plaintiff had referenced.

3. Plaintiff contends that this posture was not accidental or merely the result of ordinary litigation delay. Plaintiff contends that Defendants repeatedly opposed, narrowed, and reframed Plaintiff's attempts to preserve reconsideration; characterized Plaintiff's filings as delay and obstruction; and required Plaintiff to respond to collateral motion practice during a period when Plaintiff had already informed the Court she could not meaningfully complete the required filings while attending school full time. Plaintiff further contends that this procedural conduct contributed directly to the foreclosure of meaningful reconsideration and forms part of the abuse-of-process allegations now presented more clearly in the Revised Second Amended Petition.

4. The renewed pleading therefore does more than reassert dismissed claims. It places before the Court a clarified account of how Defendants' alleged record-framing and procedural conduct affected Plaintiff's ability to obtain meaningful review, increased the burden and complexity of the litigation, and contributed to continuing injury.

5. The April 22, 2026 order did not hold that Plaintiff could never seek leave to amend. Rather, the Court identified specific problems with the prior filing, including length, reliability, citation accuracy, Rule 1.413 concerns, and the need for a proposed amended pleading that the

Court could evaluate under Rule 1.402(4). Plaintiff has now attempted to cure those defects in the manner the Court's order contemplated.

6. Plaintiff personally reviewed the proposed Revised Second Amended Petition, removed unverified legal authorities, shortened and reorganized the pleading, attached Exhibits A through G by subject matter, and filed both a red-lined comparison and a summary of major amendments. On February 11, 2026, Plaintiff withdrew and disclaimed reliance on the inaccurate citations Defendants identified (D0088). Plaintiff has treated those citation issues as correctable errors, has removed unverified authorities from the revised filing, and does not rely on the withdrawn authorities in support of the renewed motion or proposed pleading.

7. Defendants' current resistance does not meaningfully analyze the revised pleading actually filed. It does not address the specific changes made, the shortened format, the redline, the summary of amendments, the exhibit-supported factual allegations, or the fact that the revised pleading was prepared in response to the Court's April 22 order. Defendants instead ask the Court to treat the October 4 dismissal order and the denial of the prior proposed petition as though they foreclose the revised petition now before the Court.

8. The Court should decline that approach. The Revised Second Amended Petition is necessary to clarify the record, place the exhibit-supported allegations before the Court in organized form, address process-based injuries alleged in the revised pleading, preserve factual issues for adjudication and potential appellate review, and prevent the case from being decided on a pleading record the Court previously recognized did not include the exhibits Plaintiff referenced. Under Rule 1.402(4), justice requires leave to amend.

## **II. THE COURT SHOULD EVALUATE THE REVISED PLEADING ACTUALLY FILED, NOT DEFENDANTS' CHARACTERIZATION OF PRIOR PLEADINGS**

### **A. Defendants' Resistance Does Not Address the Revised Pleading Actually Filed**

9. Defendants' resistance asserts that Plaintiff is attempting to revive claims previously dismissed with prejudice. But that characterization does not address the actual revised pleading, the attached exhibits, the redline, the summary of major amendments, or the procedural posture created by the Court's April 22, 2026 order.

10. The proposed Revised Second Amended Petition is not merely an attempt to relitigate the prior pleading. It clarifies facts discovered from the administrative record, addresses the Court's concerns, and alleges process-based, equitable, and factual claims supported by attached exhibits. It provides a materially different, narrower, exhibit-supported factual presentation that the prior order did not have before it.

11. The Court's October 4, 2024 order also confirms why the renewed amendment is important. In ruling on the prior motion to dismiss, the Court stated that Plaintiff referenced exhibits, but that the Court did not have access to them and did not consider them. Plaintiff's proposed Revised Second Amended Petition now places the relevant factual record before the Court in an organized, exhibit-supported form. Plaintiff therefore is not merely attempting to reargue the prior pleading; she is seeking leave to file the concise, accurate, exhibit-supported pleading the Court's April 22 order expressly allowed her to attempt.

### **B. The Revised Second Amended Petition Cures the Concerns Identified by the Court**

12. The April 22 order denied the prior proposed Second Amended Petition without prejudice. The Court identified concerns with length, reliability, verification, and compliance with Rule 1.413. Plaintiff's renewed filing was prepared in direct response to that order.

13. The proposed Revised Second Amended Petition has been shortened, reorganized, and simplified. It removes unverified authorities. It consolidates repetitive allegations. It organizes

factual allegations chronologically. It attaches Exhibits A through G by subject matter. It provides a redlined comparison and a summary of major amendments. It replaces broad conclusory allegations with exhibit-supported factual allegations concerning the Open Mic Agreement, Garden Agreement, Prairie Agreement, ICRC proceedings, allegedly altered or misleading submissions, administrative reliance, continuing republication, continuing harm, and the factual basis underlying Plaintiff's claims.

14. Defendants' resistance does not explain why those revisions fail to comply with the Court's April 22 order. It does not identify specific defects in the proposed Revised Second Amended Petition. It does not address the attached exhibits or the redline. It simply relies on the October 4 order as though the April 22 order did not exist.

### **C. The Proposed Amendment Will Assist the Court and Narrow the Issues**

15. The proposed Revised Second Amended Petition will assist the Court by organizing the case in a clearer and more useful form. The revised pleading identifies the parties, projects, agreements, administrative proceedings, disputed statements, alleged documentary distortions, administrative reliance, continuing harm, and specific claims in a structured format. It attaches the relevant exhibits directly rather than referring to materials unavailable to the Court.

16. Granting leave to amend will not unfairly prejudice Defendants. The underlying events, parties, administrative proceedings, and records have been known to Defendants since the beginning of this case. The revised pleading does not arise from unrelated conduct. It concerns the same relationship, the same projects, the same exclusion, the same ICRC proceedings, and the same disputed records. The difference is that Plaintiff has now reconstructed and organized the factual record in the manner the Court's April 22 order required.

17. Defendants have not shown undue prejudice. They have not meaningfully addressed

the revised pleading. They have not shown that Plaintiff failed to comply with the April 22 order. Their resistance instead asks the Court to deny amendment based on the October 4 order alone, despite the Court's later order expressly permitting a renewed motion. Justice therefore requires that leave to amend be granted.

18. Iowa Rule of Civil Procedure 1.402(4) provides that leave to amend “shall be freely given when justice so requires.” Iowa courts afford district courts considerable discretion in ruling on motions for leave to amend, but the rule favors amendment where the opposing party is not unfairly surprised or unduly prejudiced. See *Rife v. D.T. Corner, Inc.*, 641 N.W.2d 761, 766–67 (Iowa 2002). Here, justice requires amendment because Plaintiff has submitted the revised, shortened, exhibit-supported pleading the Court's April 22 order allowed her to attempt, and Defendants have not shown undue prejudice from allowing the pleading actually before the Court to be evaluated.

### **III. THE PROCEDURAL HISTORY SHOWS WHY THE REVISED PLEADING IS NECESSARY**

#### **A. Plaintiff Was Previously Unable to Present the Exhibit-Supported Record the Court Needed to Evaluate the Claims**

19. Defendants' resistance treats the October 4, 2024 dismissal order as though Plaintiff already received full review of the exhibit-supported factual record underlying her claims. That is not what occurred.

20. Plaintiff filed the June 17, 2024 Amended Petition in response to Defendants' earlier omnibus motion practice, motions to dismiss, motions to recast, requests for a more specific statement, and the Court's orders allowing amendment. Plaintiff attempted to organize a complex factual record involving multiple Defendants, multiple entities, multiple alleged agreements, ICRC submissions, disputed chronology, and communications involving several different persons. The

case was factually complex because Plaintiff alleged coordinated conduct by multiple Defendants, not because Plaintiff sought to burden the Court.

21. After Plaintiff filed the Amended Petition, Defendants filed a new motion to dismiss and continued to reframe the case as harassment, delay, and improper litigation rather than addressing the factual record Plaintiff was attempting to present. Plaintiff then requested an evidentiary hearing because the claims depended on numerous contemporaneous communications, administrative records, and supporting documents. Defendants resisted that request and argued that the Court should decide the matter on the pleadings alone.

22. The Court denied Plaintiff's request to present evidence and limited the hearing to legal argument on the pleadings. The October 4 order then expressly stated that Plaintiff had referenced exhibits, but that the Court did not have access to those exhibits and did not consider them. That statement is critical. The October 4 order did not adjudicate the exhibit-supported record now presented with the Revised Second Amended Petition. The Court did not have that record before it.

23. Defendants now rely on the October 4 order while resisting the revised pleading that supplies the very record the Court previously lacked. That creates an unfair procedural loop: Defendants resisted presentation of evidence, obtained dismissal of claims before the exhibits were considered, and now argue that the dismissal order prevents Plaintiff from filing the organized, exhibit-supported pleading needed to address the deficiencies created by the absence of those exhibits.

24. The Revised Second Amended Petition corrects that problem. It does not merely reargue the prior pleading. It attaches Exhibits A through G, organizes them by subject matter,

clarifies the chronology, identifies the challenged submissions, and explains how the contemporaneous records support Plaintiff's claims. Granting leave to amend is therefore necessary to allow the Court to evaluate the claims on the actual factual record rather than on Defendants' characterization of that record.

### **B. Plaintiff Timely Sought Amendment After the Parties and Court Stayed Reconsideration Deadlines**

25. Defendants' resistance also mischaracterizes the procedural history following the October 4, 2024 dismissal order. Plaintiff did not simply ignore the dismissal order or wait to revive dismissed claims after the fact. After the October 4 order, the parties jointly requested a court-sponsored settlement conference and jointly requested that all deadlines be stayed. That joint motion specifically requested that either party have fifteen days from the date of the settlement conference to move to reconsider the October ruling if settlement was unsuccessful.

26. The Court granted the joint request. The Court's October 9 order stayed all deadlines pending settlement and expressly stated that, if settlement was unsuccessful, both parties would have fifteen days from the settlement conference to move to reconsider the October ruling. After the first settlement conference, the Court continued the settlement process to December 2 and ordered that the deadlines remained stayed until the continued settlement conference. After the second settlement conference proved unsuccessful, the Court ordered that all deadlines from the October 9 order would begin running on December 23, 2024 (D0041).

27. Plaintiff then filed her January 3, 2025 motion within that extended/stayed deadline period (D0043). Plaintiff explained that amendment was necessary before meaningful reconsideration because the June 17, 2024 Amended Petition had been overly complex, unconventional, incomplete, and had failed to present the claims in the clearer element-by-element

format needed for the Court to evaluate them. Plaintiff further explained that amendment would simplify the pleading, reduce burden on the newly assigned judge, address errors or omissions in the prior pleading, and prevent injustice resulting from dismissal of claims before the factual and legal basis could be presented in a conventional form.

28. The January 13 order granted leave to amend (D0044). That ruling recognized the continuing importance of amendment. But the same order denied Plaintiff's request to extend the reconsideration deadline, leaving Plaintiff in a procedural posture where amendment was allowed but meaningful reconsideration of the dismissed-with-prejudice claims was effectively foreclosed before the amended pleading could be filed.

29. That posture matters now. Defendants rely on the October 4 dismissal order as though Plaintiff had a full and fair opportunity to present the organized, exhibit-supported, element-by-element claims now contained in the Revised Second Amended Petition. The record shows otherwise. The prior dismissal occurred without consideration of Plaintiff's referenced exhibits. The reconsideration period was stayed during settlement proceedings. Plaintiff timely sought leave to amend within the extended deadline period. Leave to amend was granted. Plaintiff then attempted to preserve reconsideration and prevent the "with prejudice" dismissals from barring meaningful review of claims that had not yet been presented in a complete, organized, exhibit-supported form.

30. Accordingly, the Revised Second Amended Petition should not be treated as an improper attempt to evade the October 4 order. It is the product of the procedural path created by the Court's orders and Plaintiff's repeated attempts to place the actual record before the Court in a clearer, more reliable, and more conventional form. Granting leave now would allow the Court to

evaluate the claims on the organized record rather than on the incomplete pleading the October 4 order itself recognized did not include accessible exhibits.

31. The record shows that Defendants’ “delay” argument became a recurring theme in their filings. But the same record shows that Plaintiff’s amendment efforts were tied to concrete procedural needs, including the Court’s prior refusal to consider exhibits outside the pleadings, the later recognition that the exhibits had not been considered, the transfer of the case to a new judge, the parties’ agreed stay of reconsideration deadlines during settlement, and Plaintiff’s effort to create a conventional, element-by-element pleading supported by organized exhibits.

### **C. Defendants’ “Delay and Obfuscation” Narrative Misstates the Record**

32. Defendants repeatedly characterize Plaintiff’s amendment efforts as delay, obfuscation, and dilatory prosecution. That characterization distorts the record. Plaintiff’s filings were not filed to delay this case. They were filed because Plaintiff was attempting, as a self-represented litigant, to respond to Defendants’ motion practice, comply with the Court’s directives, organize a complex factual record involving multiple Defendants and multiple alleged submissions to the ICRC, and preserve meaningful review of claims dismissed before the Court had access to the exhibits referenced in the prior pleading.

33. The January 2025 filings illustrate the problem. Defendants’ January 23 resistance asserted that Plaintiff’s requests reflected a “yearslong pattern of delay and obfuscation” and argued that Plaintiff’s amendment efforts had prevented efficient administration of the case (D0048). Defendants repeated that Plaintiff had sought multiple extensions and later characterized her prosecution of the case as “dilatory,” while also portraying Defendants as suffering stress, expense, and prejudice from Plaintiff’s filings.

34. Plaintiff disputed that framing immediately. In her January 30 reply (D0052), Plaintiff

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explained that her prior continuance requests were tied to identifiable procedural needs: responding to Defendants' motions, addressing service and venue issues, responding to the motion to recast and request for more specific statement, dealing with overlapping school obligations, and organizing the exhibit record the Court later acknowledged it had not considered. Plaintiff also explained that she accepted settlement discussions in good faith only after the parties agreed deadlines would be stayed and that she would not lose the opportunity to respond to the October 4 dismissal order if settlement failed.

35. This history matters because Defendants now ask the Court to treat the October 4 dismissal order as the final word on claims the Court did not evaluate with access to the exhibits. Defendants resisted Plaintiff's attempts to present evidence at the motion-to-dismiss stage, then relied on the pleading-stage dismissal order to argue that Plaintiff should not be permitted to file the organized, exhibit-supported pleading necessary to cure the very problems created by the prior lack of exhibits.

36. The March 14 order (D0056) confirms that the procedural posture remained unsettled. The Court recognized that Plaintiff was permitted to file a motion for leave to amend under Rule 1.402(4), but concluded that whether a second amended petition would be allowed could not be determined because no proposed amendment had yet been filed. The Court further recognized that leave to amend is generally governed by whether justice requires amendment. Plaintiff has now done what the Court indicated was necessary: she filed a proposed revised pleading, attached Exhibits A through G, reorganized the allegations, removed unverified authorities, shortened the presentation, and identified the factual basis for the claims.

37. Defendants' characterization of Plaintiff's filings as delay should not substitute for

analysis of the revised pleading actually before the Court. The relevant question is not whether Plaintiff previously struggled to present a complex record as a self-represented litigant. The relevant question is whether the revised pleading now filed is concise, accurate, exhibit-supported, and necessary for the merits to be fairly evaluated. It is.

38. The prejudice to Plaintiff from Defendants' procedural framing was concrete. Plaintiff was repeatedly required to respond to collateral motion practice defending the timing, purpose, and necessity of her filings rather than completing the amended pleading and motion to reconsider she had sought to preserve. Plaintiff had already informed the Court that she could not meaningfully complete those filings later in the semester while attending school full time and requested a deadline after the semester ended. Instead, after Defendants repeatedly characterized Plaintiff's filings as delay, obstruction, and dilatory prosecution, the final reconsideration deadline was set for April 29, 2025, immediately before final examinations. Plaintiff was unable to meet that deadline. As a result, Plaintiff was never able to obtain meaningful reconsideration of claims dismissed with prejudice before the Court had access to the exhibit-supported factual record. Plaintiff continues to contend that several claims dismissed with prejudice ought not have been dismissed in light of the complete record. At minimum, the Revised Second Amended Petition should be allowed so the record is clarified for this Court, for adjudication of Plaintiff's process-based claims, and, if necessary, for appellate review or consideration on remand.

39. Even where a prior ruling ordinarily guides later proceedings, it should not be applied mechanically to foreclose consideration of a revised pleading that materially changes the record before the Court. The point here is not that the October 4 order should be ignored, but that it should not be used to foreclose the revised pleading where the Court expressly recognized that the exhibits

Plaintiff referenced were not before it.

**D. The Complexity of the Case Necessarily Required Time to Reconstruct the Record, and the Revised Petition Returns the Case to the Core Dispute**

40. This case required time to reconstruct because Plaintiff alleges coordinated conduct by multiple Defendants across multiple projects, followed by administrative submissions that Plaintiff contends omitted context, rearranged chronology, and created mutually reinforcing false impressions. The complexity was not created by Plaintiff's pleading choices alone; it arose from the number of actors, records, communications, and procedural uses of those records.

41. The Revised Second Amended Petition corrects that procedural drift. It returns the case to the core dispute: what Defendants submitted, whether those submissions were false or misleading, whether the ICRC relied on them, whether Plaintiff was denied statutory remedies, whether Defendants' alleged litigation conduct caused additional process-based injury, and whether Defendants may avoid all judicial scrutiny through an overbroad privilege theory.

**IV. LEAVE TO AMEND SHOULD BE GRANTED BEFORE SUMMARY JUDGMENT IS DECIDED**

**A. Defendants' Summary-Judgment Motion Depends on Freezing the Case in an Outdated Pleading Posture**

42. The Court should grant leave to file the Revised Second Amended Petition before ruling on summary judgment because the proposed pleading clarifies the factual basis for Plaintiff's claims, identifies non-defamation and process-based harms, supports the allegations with organized exhibits, and narrows the issues for adjudication.

43. Defendants' summary-judgment motion depends on treating the prior pleading posture as fixed while simultaneously resisting the revised pleading that the Court's April 22 order permitted Plaintiff to file. If the Court rules on summary judgment first, Defendants will obtain the

benefit of the very procedural posture Plaintiff seeks leave to correct.

### **B. The Revised Petition Identifies Non-Defamation and Process-Based Harms**

44. Defendants characterize the case as only a libel claim based on statements submitted to the ICRC. The proposed Revised Second Amended Petition explains why that framing is incomplete. Plaintiff alleges that Defendants did not merely participate in an administrative proceeding, but created and used a false factual record, selectively compiled or altered documents, reversed chronology, omitted contrary contemporaneous records, caused the ICRC to rely on those distortions, and then continued to rely on the resulting administrative record in later proceedings.

45. That distinction matters because Plaintiff's claims and requested relief are not limited to punishing ordinary participation in the ICRC process. Plaintiff seeks adjudication of the truth or falsity of the challenged allegations, relief from the continuing effects of a distorted administrative record, and adjudication of claims based on agreements, reliance, unjust enrichment, abuse of process, false light, declaratory relief, denial of statutory remedies, and related harms..

### **C. Defendants Have Not Shown Undue Prejudice**

46. Defendants have not shown undue prejudice from amendment before summary judgment. The revised pleading concerns the same parties, projects, ICRC proceedings, alleged statements, administrative record, and disputed chronology that have been at issue throughout this case. The prejudice Defendants assert is not unfair surprise; it is their objection to Plaintiff being allowed to present the organized, exhibit-supported version of the claims the Court's April 22 order permitted her to file.

## **V. DEFENDANTS' ABSOLUTE-PRIVILEGE THEORY IS OVERBROAD**

### **A. Defendants Seek More Than Protection for Candid Participation in an Administrative Proceeding**

47. Defendants are not merely asking the Court to protect candid participation in an administrative proceeding. They are asking the Court to hold that a civil-rights respondent may knowingly create a false factual record, selectively compile or alter documents, reverse chronology, cause the agency to rely on those distortions, and then avoid all judicial scrutiny because the distortion occurred inside the civil-rights process itself.

48. That is not a narrow application of litigation privilege. It is an expansive theory that would transform a doctrine intended to protect adjudicative truth-seeking into a mechanism for insulating the alleged corruption of that truth-seeking process.

49. Plaintiff does not ask the Court to impose liability merely because Defendants responded to an ICRC investigation. Plaintiff alleges that Defendants used the administrative process itself as the vehicle of harm by presenting materially false or misleading factual narratives, omitting contrary contemporaneous records, selectively compiling and arranging materials, and creating a distorted record that was relied upon in administrative closure and later proceedings.

50. Defendants' current resistance incorporates their January 20, 2026 resistance and asks the Court to proceed to summary judgment. But the defenses Defendants invoke, including truth, privilege, lack of malice, lack of publication, and lack of damages, depend upon factual premises that the revised pleading and exhibits directly dispute. Those issues should not be resolved by treating Defendants' administrative submissions as truthful merely because they were made during the ICRC process.

## **B. Absolute Privilege Is Not Automatic and Must Be Evaluated in Context**

51. Iowa law does not treat privilege as automatic merely because a statement is connected to a governmental or adjudicative setting. In *Mills v. Denny*, the Iowa Supreme Court explained that whether a privilege is absolute or qualified depends on the occasion and circumstances

involved, and the Court recognized the tension between protecting free disclosure in official proceedings and protecting a person's reputation from defamatory attack. 245 Iowa 584, 588–89, 63 N.W.2d 222, 224–25 (1954). That balance matters here because Defendants seek not a narrow privilege for candid participation, but categorical immunity for alleged distortion of the factual record used by a civil-rights agency.

52. That limitation is especially important here. Absolute privilege is an extraordinary doctrine. It can bar recovery even for false and malicious statements. For that reason, the privilege should be confined to circumstances where the public policy supporting immunity outweighs the injury to reputation and where the proceeding supplies adequate safeguards, supervision, control, or alternate remedies.

53. Absolute privilege should not be applied mechanically merely because a disputed statement was made in connection with an administrative process. The relevant question is whether the privilege Defendants seek would serve the truth-seeking purpose of the proceeding or instead defeat it. Defendants' theory would bar judicial review even if the record shows that a respondent knowingly submitted false, misleading, selectively excerpted, altered, or chronologically distorted materials that caused the ICRC to rely on a false factual record. That is not a narrow privilege doctrine. It is a rule of categorical immunity for alleged abuse of the civil-rights process.

54. Those limits matter here. Plaintiff does not challenge ordinary advocacy, ordinary disagreement, mistake, or good-faith participation in an administrative proceeding. Plaintiff challenges the alleged use of false, altered, misleading, selectively excerpted, and chronologically distorted submissions to defeat a civil-rights complaint. That alleged conduct does not further the administration of justice. It corrupts the fact-finding process on which justice depends.

### **C. The Scope of Any Privilege Requires Statement-Specific and Context-Specific Analysis**

55. A doctrine designed to protect participation in adjudicative proceedings should not be expanded to immunize conduct that allegedly corrupted the factual record used in that proceeding. At minimum, the scope of any privilege requires a statement-specific and context-specific analysis, including who made each statement, what was stated, how the statement was supported or distorted, whether the statement was factual or opinion-based, whether the statement relied upon provably false factual premises, whether it was incorporated into later records, whether it was republished, and whether Plaintiff's alleged harm arises from privileged speech alone or from independent misuse of process.

### **D. For Purposes of the Privilege Analysis, the Court May Assume the Challenged Statements Were Submitted and Were Defamatory**

56. Plaintiff's revised pleading and supporting exhibits do not ask the Court to speculate. The Revised Second Amended Petition identifies the challenged ICRC submissions, alleges that Defendants made or transmitted them, and alleges that the submissions portrayed Plaintiff as engaging in stalking, harassment, racism, anti-LGBT+ conduct, boundary violations, unauthorized labor, unauthorized spending, improper solicitation of money, obsessive conduct, and other misconduct.

57. The attached exhibits provide contemporaneous communications for comparison with the later ICRC submissions. Those exhibits support a reasonable inference that Defendants' later submissions materially differed from the underlying communications, including by omitting context, reversing chronology, selectively excerpting messages, reframing previously authorized conduct as unauthorized or invasive, and portraying collaborative or friendly communications as evidence of harassment or misconduct.

58. These factual disputes also defeat Defendants' effort to invoke "truth" as a basis to prevent amendment or obtain summary judgment at this stage. Truth cannot be resolved by accepting Defendants' ICRC submissions as accurate while disregarding the contemporaneous communications attached to the revised pleading. At minimum, the exhibits create factual disputes concerning whether the challenged statements were true, substantially true, materially misleading, incomplete, altered, or presented in a false context.

59. At this stage, Plaintiff is not asking the Court to decide every disputed factual issue. Rather, Plaintiff asks the Court to recognize that Defendants' absolute-privilege argument assumes the legal significance of the very allegations Plaintiff seeks to adjudicate. If the Court assumes, as it must at this stage, that Plaintiff's allegations are true or at least supported by genuine disputes of material fact, the question becomes whether Iowa law requires dismissal anyway merely because the alleged defamation was placed inside an ICRC proceeding.

60. That is the critical question. The issue is not simply whether Defendants communicated with the ICRC. The issue is whether absolute privilege should be extended to bar all judicial scrutiny where Plaintiff alleges that Defendants used the civil-rights process itself to create a false factual record, deprive Plaintiff of statutory remedies, and inflict reputational and emotional injury.

#### **E. The Court Should Not Resolve This Case by Expanding Absolute Privilege Before Discovery**

61. Defendants seek a rule that would make discovery irrelevant. They argue that no matter what discovery shows about authorship, alteration, chronology, omissions, falsity, intent, administrative reliance, republication, or injury, absolute privilege bars Plaintiff's claims as a matter of law.

62. That rule would be too broad. Plaintiff's revised pleading and exhibits raise factual

issues concerning what was submitted, who created or transmitted the submissions, whether documents were altered or selectively compiled, whether chronology was reversed, whether Defendants knew the submissions were false or misleading, whether the ICRC relied on those submissions, whether the submissions caused denial of statutory remedies, and whether the allegations were republished through administrative or judicial records.

63. Those issues matter to the scope of any privilege. They also matter to whether the alleged harm arises from privileged speech alone or from independent misuse of process, record distortion, administrative reliance, continuing republication, denial of statutory remedies, and other process-based injuries.

64. At minimum, if the Court concludes that some privilege may apply, the privilege should be no broader than the occasion and public policy justify. The Court should decline to hold, before discovery, that the Iowa Civil Rights Act gives respondents absolute civil immunity for allegedly false, altered, misleading, or chronologically distorted submissions that deprive a complainant of the Act's remedies.

## **VI. THE IOWA CIVIL RIGHTS ACT DOES NOT SUPPORT EXTENDING ABSOLUTE PRIVILEGE TO ALLEGED ABUSE OF THE CIVIL-RIGHTS PROCESS**

### **A. The ICRA Must Be Construed to Protect Access to Civil-Rights Remedies**

65. The Iowa Civil Rights Act is remedial civil-rights legislation. Its purpose is not merely to provide a procedural mailbox for accusations and responses. Its purpose is to eliminate unfair and discriminatory practices, provide an administrative process for receiving, investigating, mediating, conciliating, and adjudicating discrimination complaints, and authorize remedies that restore rights, compensate injury, and prevent recurrence.

66. That purpose matters here. Iowa Code section 216.18 directs that the Iowa Civil Rights

Act “shall be construed broadly to effectuate its purposes.” Iowa courts have likewise recognized the Act’s broad remedial purpose and have construed it liberally to eliminate unfair and discriminatory acts and practices. The Act authorizes meaningful remedies, including cease-and-desist relief, necessary remedial action, actual damages, costs, attorney fees, and other relief designed to carry out the purposes of the chapter.

67. The Iowa Supreme Court has recognized the broad remedial purpose of the Iowa Civil Rights Act. In *Foods, Inc. v. Iowa Civil Rights Commission*, the Court recognized the Commission’s authority to fashion remedies that effectuate the purposes of the Act. 318 N.W.2d 162, 171–72 (Iowa 1982). In *Chauffeurs, Teamsters & Helpers, Local Union No. 238 v. Iowa Civil Rights Commission*, the Court likewise recognized the strong public interest served by enforcement of Iowa civil-rights protections and upheld compensatory relief for civil-rights injury. 394 N.W.2d 375, 382–83 (Iowa 1986). Those authorities support construing Chapter 216 to preserve access to remedies, not to create categorical immunity for alleged manipulation of the administrative record.

68. Defendants’ absolute-privilege argument would invert that statutory purpose. Under Defendants’ theory, a civil-rights respondent may submit false, misleading, selectively excerpted, rearranged, altered, or out-of-context materials into the ICRC process; cause the agency to rely on those materials; cause the complainant to be denied investigation, probable-cause review, conciliation, remedial orders, and damages; and then claim complete immunity because the misconduct occurred inside the very civil-rights process designed to uncover discrimination. That interpretation would not further the Iowa Civil Rights Act. It would defeat it.

69. The Court should reject any interpretation of privilege that transforms the Iowa Civil Rights Act from a remedial statute into an immunity zone. A doctrine designed to protect candid

participation in legal proceedings should not be expanded to protect alleged manipulation of the administrative record where the result is denial of the complainant's statutory remedies.

**B. The ICRA Enforces Public Rights Against Illegal Discrimination, Not Merely Private Civil Disputes**

70. Defendants' privilege argument also minimizes the nature of the Iowa Civil Rights Act. Chapter 216 does not merely create a private forum for interpersonal disputes. It creates a statutory enforcement scheme directed at "illegal discriminatory practices." Iowa Code section 216.5 authorizes the agency to receive, investigate, mediate, conciliate, and determine the merits of complaints alleging illegal discriminatory practices; to investigate the existence, causes, and extent of illegal discrimination; to seek temporary injunctions; to subpoena witnesses; to administer oaths; to compel production of books and papers; to pursue consent decrees; and to enforce agency orders in district court.

71. This matters because the integrity of the administrative record is central to the Act's enforcement function. The ICRA's process cannot function as intended if a respondent may allegedly submit false, altered, selectively excerpted, or chronologically distorted materials into the agency's investigation, cause the agency to rely on those materials, and then invoke absolute privilege to bar all judicial scrutiny. Such a rule would undermine the very enforcement mechanism Chapter 216 creates.

72. The same concern is heightened where the respondents are public-facing businesses or nonprofit entities subject to the Act's public-accommodation protections. Iowa Code section 216.7 prohibits public accommodations and their agents or employees from denying services, privileges, advantages, or accommodations because of protected characteristics, and from indicating that patronage by protected classes is unwelcome, objectionable, unacceptable, or not solicited. The

public therefore has a legally protected interest in nondiscriminatory access to such places, and complainants have a statutory right to seek enforcement when they allege that those protections were violated.

73. Plaintiff does not contend that every inaccurate statement in an ICRC proceeding gives rise to liability. Plaintiff contends that absolute privilege should not be expanded to immunize alleged knowing misuse of the civil-rights enforcement process itself. A doctrine designed to protect candid participation in proceedings should not be converted into a shield for alleged falsification, alteration, omission, selective compilation, or chronological distortion of records used to defeat a complaint alleging illegal discrimination.

74. The Court should therefore distinguish between protected participation in a proceeding and alleged conduct that corrupts the proceeding's fact-finding function. Because Chapter 216 is designed to enforce public rights against illegal discrimination, the privilege doctrine should be applied, if at all, in a manner consistent with that statutory purpose.

### **C. Applying Absolute Privilege Here Would Create Manifest Injustice and Undermine the ICRA's Remedial Scheme**

75. Defendants' position would produce an absurd and unjust result. It would mean that the more successfully a respondent distorts the administrative record, the more insulated the respondent becomes. If the agency relies on the distortion and closes the case, the complainant loses access to civil-rights remedies. If the complainant then seeks judicial review or related tort remedies, the respondent invokes absolute privilege and argues that the court cannot examine the truth or falsity of the statements because they were made during the administrative process.

76. That result would create manifest injustice. It would allow the civil-rights process to become the mechanism by which civil-rights remedies are denied. The ICRA should not be

construed to produce that result. Nor should a privilege doctrine be applied mechanically where doing so would foreclose judicial review of concrete injuries allegedly caused by false, misleading, or manipulated records.

77. Iowa courts avoid constructions that defeat legislative purpose or produce absurd results. See *Schonberger v. Roberts*, 456 N.W.2d 201, 203 (Iowa 1990). That principle applies with particular force where Defendants' proposed privilege rule would allow the civil-rights process itself to become the mechanism by which civil-rights remedies are denied. The ICRA should not be construed to produce that result.

78. This is especially true where the alleged injury is not limited to reputational harm alone. Plaintiff alleges that Defendants' submissions caused denial of statutory process and remedies, including a fair investigation, meaningful opportunity to rebut the record, probable-cause review, conciliation, remedial relief, and damages available under the Iowa Civil Rights Act. The loss of those statutory remedies is itself a legal injury.

## **VII. PLAINTIFF HAS ALLEGED LEGAL INJURY INDEPENDENT OF SPECIAL DAMAGES**

### **A. Plaintiff Alleges Injury to Statutory Rights and Denial of Civil-Rights Remedies**

79. Defendants' injury argument fails at the pleading and amendment stage because Plaintiff alleges multiple legally cognizable injuries, not merely speculative or abstract harm.

80. First, Plaintiff alleges injury to statutory rights. Plaintiff alleges that Defendants' false and misleading submissions caused the ICRC to rely on a distorted factual record, administratively close the complaint, and deny Plaintiff the remedial process the ICRA was enacted to provide. Denial of access to statutory remedies, including investigation, probable-cause review, conciliation, remedial relief, and damages, is not an abstract grievance. It is a concrete legal injury.

## **B. Plaintiff Alleges Reputational Injury and Defamation-Based General Damages**

81. Second, Plaintiff alleges reputational injury. The challenged statements accused Plaintiff of serious misconduct, including stalking, harassment, racist and anti-LGBT+ comments, boundary violations, unauthorized conduct, improper solicitation of money, obsessive conduct, and related wrongdoing. Statements of that nature tend to expose a person to hatred, contempt, ridicule, distrust, or loss of standing in the community, and are not harmless private disagreements.

82. Third, Plaintiff alleges general damages traditionally associated with defamation, including humiliation, embarrassment, mental anguish, emotional pain and suffering, reputational harm, and loss of standing in the community. Plaintiff further alleges that the challenged statements were defamatory on their face because they accused her of serious misconduct, dishonesty, harassment, discrimination, stalking, and conduct incompatible with her community, professional, advocacy, and public roles. At minimum, those allegations are sufficient at this stage to plead reputational and emotional injury.

## **C. Plaintiff Alleges Continuing Harm From Administrative and Judicial Records**

83. Fourth, Plaintiff alleges continuing harm because the challenged statements were not merely spoken once and forgotten. Plaintiff alleges they were submitted into administrative records, summarized or relied upon by the agency, later repeated or incorporated in judicial filings, and remain capable of future reliance, citation, access, unauthorized disclosure, or republication. That risk is heightened because Plaintiff is a public-facing gubernatorial candidate and the challenged allegations accuse her of serious misconduct, including stalking, harassment, racism, anti-LGBT+ conduct, boundary violations, and related wrongdoing. If such allegations are later accessed, disclosed, quoted, or republished without adjudication of their truth or falsity, the resulting harm

would not be speculative; it would be a foreseeable continuation of the record-based injury Plaintiff alleges.

84. These alleged injuries are independent of any requirement that Plaintiff prove special damages at this stage. Plaintiff alleges injury to statutory rights, reputational injury, general damages, emotional distress, continuing record-based harm, political and public-standing harm, and process-based injury arising from the alleged use and continued reliance on false or misleading administrative submissions.

## **VIII. SUMMARY JUDGMENT IS PREMATURE IF THE COURT CONSIDERS DEFENDANTS' ALTERNATIVE ARGUMENTS**

### **A. Discovery Is Needed on Authorship, Alteration, Chronology, Transmission, Reliance, Republication, Falsity, Malice, and Damages**

85. In the alternative, if the Court considers summary judgment before deciding whether to grant leave to amend, summary judgment should be denied or deferred because the factual record remains undeveloped concerning authorship, alteration, chronology, recipients, transmission, republication, administrative reliance, falsity, malice, and damages.

86. Defendants' summary-judgment arguments do not depend only on absolute privilege. Defendants also invoke conditional privilege, truth, lack of actual malice, lack of damages, narrow publication, and lack of actionable injury. Those alternative arguments raise factual issues. If the Court grants summary judgment solely on absolute privilege, it must decide whether every challenged statement, submission, transmission, and later use falls within that privilege. But if the Court considers Defendants' alternative arguments—truth, conditional privilege, actual malice, damages, narrow publication, lack of republication, or lack of actionable injury—then discovery is plainly material.

87. If the Court concludes that any privilege applies, the privilege should at most be

evaluated on a statement-specific and context-specific basis. Iowa law distinguishes absolute privilege from qualified or conditional privilege, and if a privilege is qualified or conditional, the question of malice is ordinarily a factual issue. See *Mills v. Denny*, 245 Iowa 584, 589, 63 N.W.2d 222, 225 (1954). That distinction confirms why discovery is material if the Court considers Defendants' alternative arguments concerning conditional privilege, truth, actual malice, publication, republication, or damages.

88. Plaintiff has sought discovery concerning the creation, authorship, editing, formatting, sequencing, alteration, transmission, approval, and use of the June 28, 2022 ICRC submission and related materials. That discovery is material to whether Defendants' statements were true, substantially true, materially misleading, or false; whether the challenged materials were selectively arranged or altered; whether Defendants knew or recklessly disregarded their falsity or misleading nature; whether the ICRC relied on them; whether they caused denial of statutory remedies; and whether they contributed to continuing record-based harm.

#### **B. Rule 1.981(6) Supports Denial or Deferral of Summary Judgment**

89. Iowa Rule of Civil Procedure 1.981(6) permits the Court to refuse summary judgment, continue the matter, permit affidavits or depositions to be obtained, allow discovery to be had, or make another just order where the resisting party shows by affidavit that, for stated reasons, she cannot present facts essential to justify opposition. Plaintiff does not seek discovery for delay. Plaintiff seeks discovery into specific factual issues directly related to Defendants' own summary-judgment arguments, including authorship, alteration, chronology, transmission, administrative reliance, republication, falsity, malice, damages, and the scope of any claimed privilege.

### **IX. CONCLUSION**

90. For the foregoing reasons, Plaintiff respectfully requests that the Court grant Plaintiff's *Plaintiff's Reply Brief in Support of Mot. for Leave to Amend* — Page 26 of 29

Renewed Motion for Leave to File Revised Second Amended Petition and accept the proposed Revised Second Amended Petition, Exhibits A through G, redlined comparison, and summary of major amendments.

91. Plaintiff further requests that the Court resolve the motion for leave to amend before ruling on Defendants' motion for summary judgment. Defendants' summary-judgment request depends on the prior pleading posture, while Plaintiff's renewed motion asks the Court to permit the revised pleading that clarifies the factual record, addresses the Court's April 22 order, and identifies non-defamation and process-based injuries.

92. In the alternative, if the Court considers summary judgment at this time, Plaintiff respectfully requests that summary judgment be denied or deferred pursuant to Iowa Rule of Civil Procedure 1.981(6) so that Plaintiff may obtain discovery concerning authorship, preparation, alteration, chronology, transmission, administrative reliance, republication, falsity, malice, damages, and the scope of any claimed privilege.

93. Plaintiff does not ask the Court to impose liability for ordinary participation in an ICRC proceeding. Plaintiff asks the Court to prevent the Iowa Civil Rights Act from being transformed into a shield for alleged record manipulation, defamatory submissions, administrative reliance on false or misleading materials, and denial of statutory remedies.

94. The Iowa Civil Rights Act must be construed broadly to effectuate its remedial purposes. Absolute privilege should be confined to circumstances where it serves the administration of justice, not where it allegedly defeats the fact-finding process and prevents a civil-rights complainant from accessing statutory remedies. Applying absolute privilege mechanically here would create manifest injustice, deny Plaintiff a meaningful opportunity to be heard, and insulate

the alleged misuse of the civil-rights process from judicial scrutiny.

95. For these reasons, the Court should grant leave to file the Revised Second Amended Petition before ruling on summary judgment. If the Court reaches Defendants' privilege or summary-judgment arguments, summary judgment should be denied or deferred so that the purposes of the Iowa Civil Rights Act are not undermined and the factual record may be properly developed.

Respectfully submitted,  
Sondra Wilson

Dated: 6/22/2026

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#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of this document will be served upon the persons listed on this document at the addresses indicated on EDMS by transmitting a copy via email no later than 6/22/2026. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Sondra Wilson