

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>LISA KRAGNES, et al.</p> <p>Plaintiffs,</p> <p>vs.</p> <p>CITY OF DES MOINES, IOWA,</p> <p>Defendant.</p>	<p>Case No. CE 49273</p> <p><b>STATEMENT OF ADDITIONAL FACTS SUPPORT OF PLAINTIFF'S RESISTANCE TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT PURSUANT TO IOWA CODE SECTIONS 670.4(2) AND 670.4(3)</b></p>
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COMES NOW the Plaintiff, Lisa Kragnes, on behalf of herself and all others similarly situated, and respectfully submits this statement of additional facts in support of Plaintiffs' Resistance to Defendant's Motion for Summary Judgment Pursuant to Iowa Code Sections 670.4(2) and 670.4(3). The Plaintiffs' state the following:

1. The Plaintiffs' petition and jury demand do no cast the Plaintiffs' claim as "tort." (Defendant's App. 13-18).
2. A Polk County District Court has already considered arguments of tort immunity in a similar case and rejected those arguments. *See Mary E. Lindstrom v. City of Des Moines, Iowa*, Case No. CL 103299. (Plaintiff's Appendix pp. 1-10).

WHEREFORE the Plaintiff respectfully requests that the Court deny Defendant's Motion for Summary Judgment and assess costs against the Defendant, and for such other and further relief as the Court deems equitable in the premises.

FILED  
POLK COUNTY IA  
09 MAY 20 PM 1:09  
CLERK DISTRICT COURT

Respectfully Submitted,

By:



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**ORIGINAL FILED.**

**CERTIFICATE OF SERVICE:**

Copies of the foregoing have been mailed  
this 19th day of May, 2008, to the following:

Mark Godwin  
Deputy City Attorney  
City Hall  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309-1891  
ATTORNEY FOR DEFENDANT

Judge Joel D. Novak  
Polk County Courthouse  
500 Mulberry Street  
Des Moines, IA 50309



By \_\_\_\_\_