

# **Bond Case Briefs**

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## **IMMUNITY - IOWA**

### **Baldwin v. City of Estherville**

**Supreme Court of Iowa - June 14, 2019 - N.W.2d - 2019 WL 2482433**

Arrestee brought action in state court against city and police officers, asserting Iowa constitutional claims relating to his arrest for riding his all-terrain vehicle (ATV) on and in a ditch beside a city street, allegedly in violation of state statute that officers mistakenly believed had been incorporated into city's code of ordinances.

Following removal, the United States District Court certified questions.

The Supreme Court held that:

- The due care exemption under the Iowa Municipal Tort Claims Act (IMTCA) could provide a city qualified immunity;
- The IMTCA precludes an award of punitive damages against the municipality that employed a constitutional tortfeasor; and
- A court cannot award attorney fees against the municipal employer of the constitutional tortfeasor in a *Godfrey* action unless there is a statute expressly allowing such an award or the prevailing party satisfies the standard for common law attorney fees.