

# **Bond Case Briefs**

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## **IMMUNITY - IOWA**

### **Nahas v. Polk County**

**Supreme Court of Iowa - June 9, 2023 - N.W.2d - 2023 WL 3906488**

Former county employee brought action against county and members of county board of supervisors asserting claims for libel per se, wrongful termination in violation of public policy, extortion, civil conspiracy, intentional infliction of emotional distress, and violations of open meetings and confidential records laws.

The District Court denied defendants' motion to dismiss, and they appealed.

The Supreme Court held that:

- Qualified immunity defenses were not available to members of board of supervisors;
- Employee's complaint had to comply with particularity and plausibility components of new heightened pleading standard for claims under the Iowa Municipal Tort Claims Act (IMTCA);
- Requiring compliance with "clearly established" component of new heightened pleading standard would be an impermissible retrospective application;
- Libel per se claim satisfied the particularity and plausibility pleading standards;
- Extortion claim failed the particularity and plausibility pleading standards;
- Civil conspiracy claim satisfied the particularity and plausibility pleading standards; and
- Open meetings violation claim failed the particularity and plausibility pleading standards.