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In re Davenport Hotel Building Collapse

Supreme Court of Iowa - November 7, 2025 - N.W.3d - 2025 WL 3116270

Plaintiffs in multiple lawsuits brought negligence and nuisance claims against city and city employees, among others, relating to partial collapse of apartment building in which three people were killed and others suffered bodily or property injury.

The District Court consolidated lawsuits and denied city's and employees' pre-answer motion to dismiss on basis of qualified immunity. City and employees appealed.

The Supreme Court held that plaintiffs' claims were not based on "right, privilege, or immunity secured by law."

Plaintiffs' claims were not based on "right, privilege, or immunity secured by law," as would support application of qualified immunity under Iowa Municipal Tort Claims Act to city and city employees in actions against city and employees, among others, relating to partial collapse of apartment building in which three people were killed and others suffered bodily or property injury; plaintiffs asserted claims for common law negligence and nuisance, rather than state constitutional tort claims or claims for violation of specific statutory right.

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