
IN THE IOWA DISTRICT COURT FOR DALLAS COUNTY

**AMANDA DESOUSA, f/k/a AMANDA
JOHNSTON, Plaintiff,****v.****IOWA REALTY CO., INC.;
MATTHEW FYNAARDT; and
MELISSA FYNAARDT, Defendants.****Case No. LACV042473****SUPPLEMENTAL RULING ON IOWA
REALTY'S MOTION FOR SUMMARY
JUDGMENT**

Following this court's February 11, 2021 order, Plaintiff and Defendant, Iowa Realty, Inc., submitted supplemental briefs. Both parties submitted additional evidentiary documents. Plaintiff filed the deposition transcript of Defendant, Matthew Fynaardt.

The property where this incident occurred was owned by the Fynaardt's, but they were not occupying this residence on the day Plaintiff allegedly sustained her injuries. A reasonable juror could find that the Fynaardt's were unaware that the property was being shown to prospective buyers on that day, that Iowa Realty knew or should have known that the exterior walkways or driveway were slick, and that Iowa Realty should have exercised reasonable care to ensure they were safe. Under *Thompson v. Kaczinski*, 744 N.W.2d 829 (Iowa 2009), summary judgment based on the argument that Iowa Realty owed Plaintiff no duty of reasonable care would be inappropriate.

Iowa Realty's motion for summary judgment denied.



State of Iowa Courts

Case Number
LACV042473

Case Title
DESOUSA, AMANDA FKA JOHNSTON, AMANDA V.
HOMESERVIC
Type: OTHER ORDER

So Ordered

A handwritten signature in black ink, appearing to read "Randy V. Hefner", is written over a horizontal line.

Randy V. Hefner, District Court Judge,
Fifth Judicial District of Iowa

Electronically signed on 2021-04-17 19:35:25