

IN THE IOWA DISTRICT COURT FOR DALLAS COUNTY, IOWA

AMANDA DESOUSA F/K/A  
AMANDA JOHNSTON,

Plaintiff,

vs.

IOWA REALTY CO., INC.  
& MATTHEW & MELISSA FYNAARDT

Defendant.

CASE NO. LACV042473

**PLAINTIFF AMANDA DESOUSA'S  
RESISTANCE OF MOTION FOR  
SUMMARY JUDGMENT**

COMES NOW Plaintiff Amanda DeSousa f/k/a Amanda Johnston, by and through undersigned counsel, and submits her Statement of Material Facts in Resistance of Motion for Summary Judgment.

1. Defendants Matthew Fynaardt and Melissa Fynaardt listed their residential property at 270 Parkview Drive in Waukee, Iowa (hereinafter "Parkview Property") for sale, with the assistance of Defendant Iowa Realty.

2. On December 28, 2018, Plaintiff and her partner parked in the driveway of the Parkview property.

3. Immediately upon stepping out of the vehicle, Plaintiff fell on the ice-covered driveway, landing on her back and striking the back of her head on the running board of her truck. As a result of her fall, Plaintiff sustained personal injuries.

4. While Defendant Iowa Realty did not own the Parkview Property, they did possess it.

5. There are genuine issues of material fact.

6. Defendant Iowa Realty is not entitled to judgment as a matter of law.

WHEREFORE, Plaintiff Amanda DeSousa prays the Court enter an Order denying Defendant Iowa Realty's Motion for Summary Judgment and for all such other and further relief the

Court deems just and equitable.

/s/ Jordan T. Glaser

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ATTORNEYS FOR PLAINTIFF

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STATEMENT OF MATERIAL FACTS IN  
RESISTANCE OF MOTION FOR  
SUMMARY JUDGMENT**

COMES NOW Plaintiff Amanda DeSousa f/k/a Amanda Johnston, by and through undersigned counsel, and submits her Statement of Material Facts in Resistance of Motion for Summary Judgment.

1. Defendants Matthew Fynaardt and Melissa Fynaardt listed their residential property at 270 Parkview Drive in Waukee, Iowa (hereinafter "Parkview Property") for sale.

2. The Fynaardts hired Defendant Iowa Realty to assist with the sale of the Parkview Property.

3. By December 28, 2018, the Fynaardts had moved out of the Parkview Property and were residing at 12624 Horton Avenue in Urbandale, Iowa.

4. Iowa Realty, on behalf of the Fynaardts, were inviting potential homebuyers onto the Parkview Property so they could view the same.

5. On December 28, 2018, Plaintiff Amanda DeSousa and her partner traveled to the Parkview Property to view the property.

6. On December 28, 2018, Plaintiff and her partner parked in the driveway of the Parkview property, a property that was publicly listed for sale by Iowa Realty who was explicitly

inviting potential buyers to visit the property.

7. Immediately upon stepping out of the vehicle, Plaintiff fell on the ice-covered driveway, landing on her back and striking the back of her head on the running board of her truck.

8. As a result of her fall, Plaintiff sustained personal injuries.

WHEREFORE Plaintiff Amanda DeSousa prays that this court overrule Defendant Iowa Realty's Motion for summary judgment and for such other and further relief as may be just and equitable.

/s/ Jordan T. Glaser

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