

IN THE SUPREME COURT OF IOWA
No. 19-1109
Polk County No. CVCV058127

BOB RUSH, BRIAN MEYER,)	
RICK OLSON, MARY MASCHER,)	MOTION TO RECONSIDER
ART STAED, LIZ BENNETT,)	DIRECTED TO JUSTICE
MARK SMITH, JO OLDSON,)	WATERMAN REGARDING
MARY WOLFE, MARTI)	REQUEST FOR RECUSAL
ANDERSON, LEON SPIES, and)	
MARTIN A. DIAZ,)	
)	
Plaintiffs-Appellants,)	
)	
vs.)	
)	
GOVERNOR KIMBERLY K.)	
REYNOLDS, GLEN DICKINSON,)	
LESLIE HICKEY and DAN)	
HUITINK,)	
)	
Defendants-Appellees.)	

Appellant Bob Rush moves for Justice Waterman to reconsider his response to the motion to recuse. In support he states:

1. Appellants previously filed a motion for recusal.
2. On September 13 Justice Waterman signed an order declining to recuse himself.
3. Chief Justice Cady filed an order on September 13 which detailed relevant facts and circumstances. This included information “that

current justices on the Supreme Court are telling legislators that they think the bill is good policy and should vote for it.”

4. Chief Justice Cady’s order further detailed that he “called a justice on the Supreme Court and reported what I had heard. He generally confirmed the report.”

5. In a September 17 *Des Moines Register* article, Justice Waterman was identified as a justice communicating with legislators regarding passage of Senate File 638.

6. These facts and circumstances place appellant in a difficult position. Appellants are not questioning whether Justice Waterman can act in a fair and impartial manner. They do not believe Justice Waterman is biased.

7. However, the question is under this unique set of facts and circumstances whether a reasonable person could question this justice’s fairness and impartiality.

8. Therefore appellant respectfully requests this justice reconsider his prior order and recuse himself.

9. Should this justice decline to recuse himself, appellant requests he make a public record disclosing all relevant facts and circumstances relating to the claim of disqualification.

Authority

1. *State v. Smith*, 242 N.W.2d 320 (Iowa 1976)
2. *In Re Howes*, 880 N.W.2d 184 (Iowa 2016)
3. Rule 51:2.11, Iowa Code of Judicial Conduct

WHEREFORE appellant respectfully requests his motion be granted.

/s/ Bob Rush
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ATTORNEYS FOR
APPELLANTS

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this combined certificate was served on September 23, 2019, upon the following persons electronically via EDMS for EDMS registrants:

David Ranscht
Jeffrey Thompson
Thomas J. Ogden

/s/ Linda J. Dean