

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

STATE OF IOWA, Plaintiff, v. DANIEL MARX, in his official capacity as Winneshiek County Sheriff, and WINNESHIEK COUNTY, Defendants.	Case No. CVCV068880 Response to Defendant Winneshiek County's Motion for Remedy for Misjoinder
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COMES NOW Plaintiff State of Iowa and submits this response to Defendant Winneshiek County's motion for this Court to drop the County as a party.

Though millions of dollars of its State funding is on the line, Winneshiek County makes the odd request to be removed from the case. D0011, Def. Misjoinder Br. at 4 (05/07/2025). Given the financial consequences, the State assumed that the County would want to have a say in this litigation. But since the State does not see any part of the statute that requires that the County be a party to this lawsuit, the State does not oppose this Court dropping the County as a party, assuming this Court concludes that the County is not an indispensable party. *See* Iowa R. Civ. P. 1.234(2).

The Court should also likely confirm with Co-Defendant Daniel Marx his non-opposition to Winneshiek County's misjoinder request. Co-Defendant Daniel Marx contends that despite explicit statutory language to the contrary, that a sheriff "is not the type of 'local entity' under which a civil action can be brought." D0009, Motion to

Dismiss at 9 (05/07/2025). Instead, Marx contends that only the “*governing bodies* of cities and count[ies]” are proper defendants. D0009 at 10.

The County also argues that instead of Winneshiek County, that the Winneshiek County Board of Supervisors is a proper party to this case. Though the distinction between Winneshiek County and its Board of Supervisors is trivial, if not immaterial, if this Court concludes that the Board of Supervisors is a necessary party the State will amend its petition to add the Board.

Respectfully submitted,

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*Original filed electronically.
Copy electronically served on all parties of record.*

PROOF OF SERVICE	
The undersigned certifies that the foregoing instrument was served upon each of the persons identified as receiving a copy by delivery in the following manner on June 6, 2025:	
<input type="checkbox"/> U.S. Mail	<input checked="" type="checkbox"/> Electronically
<input type="checkbox"/> Hand Delivery	<input type="checkbox"/> Overnight Courier
<input type="checkbox"/> Federal Express	<input type="checkbox"/> Other
Signature: <u>/s/ Julie Sander</u>	