
IN THE IOWA DISTRICT COURT FOR BOONE COUNTY

ADRIA KESTER,
Petitioner,
vs.

**BOONE COUNTY; BOONE COUNTY
SHERIFF'S DEPARTMENT; AND ANDY
GODZICKI,** in his official capacity as
Sheriff of Boone County and Lawful
Custodian of Records,
Respondents.

And

**DES MOINES REGISTER & TRIBUNE,
CO.,**
Intervenor.

Case No. CVCV043297

**ORDER ON MOTION TO INTERVENE
AND ORDER ON MOTION TO
INCREASE SECURITY LEVEL OF THE
CASE TO LEVEL 5**

On June 4, 2026, a motion hearing was held via zoom. The Petitioner was represented by her attorney Matthew Lindholm. The Respondents were represented by Boone County Attorney Matthew Speers. The Des Moines Register & Tribune, Co. ("the Register") was represented by their attorneys Susan Elgin and Ethan Kinney.

This case was initiated on a petition for an injunction wherein the Petitioner asks the court to enjoin the Respondents from releasing any records from the Petitioner's law enforcement file under Iowa Code Chapter 22.

The following matters were before the court:

- 1) Des Moines Register & Tribune Co.'s petition to intervene, filed May 28, 2026 (D0020); and
- 2) Petitioner's motion to increase security level of case to Level 5, filed May 13, 2026 (D0001).

Des Moines Register & Tribune Co.'s petition to intervene, filed May 28, 2026

The Register moves to intervene in this proceeding, asserting intervention of right and in the alternative, permissive intervention.

The Register submitted an open records request for “body camera footage of members of the sheriff’s office interaction with Adria Kester when she was conscious during and after her arrest on Nov. 4, 2025” to the Boone County Sheriff’s Office. This is one of two open records requests submitted to the Boone County Sheriff regarding records of the November 4, 2025 incident that the Petitioner requests not to be released.

The Register argues they have the right to intervene under Iowa Rule of Civil Procedure 1.407 as they state they have a substantial interest in access to public records.

The court finds that the Register has met the elements of intervention of right as their application was timely, the Register has an interest in the subject matter of the action, the Register is so situated that its ability to protect that interest may be impaired or impeded by the disposition of the action, and the Register’s interest is not adequately represented by the existing parties and therefore grants the motion. Even so, the Register also meets the criteria for permissive intervention. The Register’s request for open records shares common questions of law and fact with this action, including whether the requested records are subject to disclosure under Iowa Code Chapter 22. The court also finds the Register’s participation will not unduly delay or prejudice the adjudication of rights of the original parties.

The Petitioner, although not resisting intervention, takes the position that the Register’s intervention should be limited to only involvement on the merits of the case and should not be allowed to litigate other issues, such as the Petitioner’s motion to increase the security level of the case.

The Iowa Supreme Court has held that “[a]n intervenor must typically accept an action as it exists at the time of intervention...However, an intervenor is not prohibited from advancing other claims and defenses appropriate to the case following intervention.” *Keokuk Cnty. v. H.B.*, 593 N.W.2d 118, 123 (Iowa 1999). It is therefore reasonable to conclude that an intervenor, if properly intervening, should have the same ability to participate in the litigation as the original parties. In any event, there is no authority that supports a “limited” intervention. The court therefore does not grant the Petitioner’s request to limit the Register’s participation in these proceedings.

If the Register wishes to submit a responsive pleading to the Petition, they shall do so within 20 days of this order.

The parties shall coordinate with Court Administration in scheduling a hearing on the merits. As agreed to by the parties, the Boone County Sheriff will provide a copy of the items for which there is an Open Records request(s), to the court for an in-camera inspection prior to the hearing on the merits.

Petitioner’s motion to increase security level of case to Level 5 (D0001)

The Petitioner moves the court to set the security level of all filings in this case at EDMS security level 5. EDMS security level 5 would only allow electronic access by authorized court personnel. Today, she proposed that the court should allow the parties to submit filings at a restricted security level as a default and that all docket entries would remain inaccessible to the public. This request is fundamentally contrary to the bedrock principal of the Iowa courts that court proceedings and dockets are presumed to be open to the public. Such an extreme remedy, without any particularized showing or evaluation of the individual filings, cannot be legally justified as set forth below.

In her motion, the Petitioner asserts she is a public figure and that her petition and accompanying affidavits contain health and medical information of the Petitioner which is privileged.

First, the Petitioner cites no legal authority that a “public figure” should have the ability to restrict access to files pertaining to them and the court finds no merit to this assertion. If anything, being a “public figure” supports more disclosure than less.

In her brief, Petitioner further argues that this case is substantially related to confidential proceedings before the Iowa Judicial Qualifications Commission. She cites Iowa Code § 602.2103 in support. Iowa Code § 602.2103 states that all records, papers, proceedings, meetings, and hearing of the commission are confidential. In this case, the open records requests have not been made to the Iowa Judicial Qualifications Commission but for records in the possession of the Boone County Sheriff. Iowa Code § 602.2103 is therefore not applicable.

The Petitioner further asserts that access to this case should be restricted as it includes protected medical and mental health information under Iowa Code § 22.7.

Iowa has enacted the Iowa Open Records Act in Iowa Code Chapter 22. Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information in a public record. Iowa Code § 22.2(1). However, some records shall be kept confidential. Iowa Code § 22.7.

“The general purpose of the Iowa Open Records Act is to “open the doors of government to public scrutiny [and] to prevent government from secreting its decision-making activities from the public, on whose behalf it is its duty to act.” *In re Langholz*, 887 N.W.2d 770, 776 (Iowa 2016).

The Petitioner, in her brief states maintaining open public access to the file would be in violation of Iowa Code § 22.7(2). Iowa Code § 22.7(2) is as follows:

The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information...

(2)Hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of a patient or former patient or a counselee or former counselee, including outpatient. However, confidential communications between a crime victim and the victim's counselor are not subject to disclosure except as provided in section 915.20A. However, the department of health and human services shall adopt rules which provide for the sharing of information among agencies and providers concerning the maternal and child health program including but not limited to the statewide child immunization information system, while maintaining an individual's confidentiality.

Iowa Code § 22.7(2).

Assuming this code section applies, it cannot justify placing an entire court file beyond the access of the Iowa public. The court's orders, attorneys' briefs and motions, and the petition itself are not, and cannot be, a medical record. It is possible that they may have some references to medical records, but in no way does Iowa Code § 22.7(2) support this blanket request.

The Petitioner also cites Iowa Code § 622.10 in support of her position. Iowa Code §622.10 is the physician-patient privilege statute. However, it is not applicable in this circumstance, as the Iowa Supreme Court has held "[t]he privilege in section 622.10 is

limited to disclosure of confidential communications by the giving of testimony.” *McMaster v. Iowa Bd. of Psychology Examiners*, 509 N.W.2d 754, 757 (Iowa 1993). Even if it were applicable, the Petitioner herself submitted the only documents that could arguably contain physician-patient privileged information, that being the petition itself and two attached affidavits (D0007). The Petitioner cannot submit such documents without redactions or a prior court order for a heightened security level and then assert she should have an exception to the rules that apply to everyone else.

In short, there is no authority or justification for such a broad limit to Iowa citizens access to court records.

This court will then individually examine the three documents submitted that potentially are privileged and/or confidential, that being the petition and the two attached affidavits.

A review of the petition shows it has vague references to unidentified medical conditions and disabilities but has no actual records made pursuant to Iowa Code § 622.10 or Iowa Code §22.7(2). The court finds the petition itself does not contain privileged or confidential information.

Affidavit 1 (D0007) is an affidavit of the Petitioner. Like the petition itself, it references unidentified medical conditions and disabilities but provides no specifics. The court finds that Affidavit 1 also does not include any privileged or confidential information.

Affidavit 2 (D0007) is an affidavit of a medical provider and would therefore be arguably subject to Iowa Code § 622.10 and Iowa Code § 22.7(2). All filings in the Iowa court system are public unless system restricted or filed with restricted access, but electronic filing does not affect public access to court files. Iowa R. 16.501. It is the responsibility of the filer to ensure that protected information is omitted or redacted from

documents before the documents are filed. Iowa R. 16.601(1)(a). A filing waives the protections in division VI of the Chapter 16 rules as to the filer's own information by filing the information without redaction. Iowa R. 16.601(1)(c). As it stands, the Petitioner has waived these protections by filing her medical provider's affidavit without redactions.

A party may apply to the court to redact improperly included protected information from a filed document or court file and, after hearing, the court may restrict access to the document and may order a properly redacted document to be filed. Iowa R. 16.608. Information that may be redacted includes information concerning medical treatment or diagnosis. Iowa R. 16.604(4). In this case, the court entered an order on May 27, 2026, which temporarily restricted access to the affidavits attached to the petition (attachments to D0007) pursuant to Iowa R. 16.608. After hearing, the court rescinds the order filed May 27, 2026 (D0019) as it applies to the Petitioner's affidavit (Affidavit 1 filed in D0007) and directs the Clerk of Court to return it EDMS security level 0. The court will leave Affidavit 2 (D0007) at EDMS security level 2 but If the Petitioner wants Affidavit 2 to be considered in support of her Petition, she must file a redacted affidavit which will be set at EDMS security level 0.

This ruling does not foreclose that there may be a filing submitted that will require a higher security level. If a filer believes that a submission does require a higher security level, they may file a motion to elevate the security level for the individual filing. The filer should also be mindful that it is their responsibility to redact protected information prior to submitting filings.

SO ORDERED.



State of Iowa Courts

Case Number
CVCV043297
Type:

Case Title
ADRIA KESTER VS BOONE COUNTY ET AL
OTHER ORDER

So Ordered

Celene Gogerty, District Judge
Fifth Judicial District of Iowa

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