

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

SIERRA CLUB IOWA CHAPTER
DICKINSON COUNTY
SHELBY COUNTY
KOSSUTH COUNTY
FRANKLIN COUNTY
EMMET COUNTY
HARDIN COUNTY SHERIFF'S OFFICE
WRIGHT COUNTY
FLOYD COUNTY
WOODBURY COUNTY TREASURER
DAPEMA LLC
GREG & ERICA KRACHT LIVING TRUST
JORDE LANDOWNERS & NON EXHIBIT
H LANDOWNERS COLLECTIVELY,

Petitioners,

vs.

IOWA UTILITIES COMMISSION,

Respondent.

Case No. CVCV067849

**MOTION FOR RULING ON
IUC'S PRE-ANSWER MOTION
TO DISMISS IN CVCV032240**

COMES NOW Respondent Iowa Utilities Commission ("IUC"), by and through counsel undersigned, pursuant to Iowa Rule of Civil Procedure 1.431(7), and for its Motion for Ruling on its Pre-Answer Motion to Dismiss to respectfully states as follows:

1. On October 15, 2024, respondents IUC and Commissioners Sarah Martz, Erik Helland, and Joshua Byrnes filed a Pre-Answer Motion to Dismiss in *Hirth et al v. Iowa Utilities Commission*, Floyd County Case No. CVCV032240. Petitioners Hirth et al. filed a Resistance on October 25, 2024.

2. On November 20, 2024, the case was consolidated with CVCV067849 and transferred to Polk County District Court.

3. Judge Davenport noted in his Order for Transfer that "[d]ue to the pending motion to consolidate, this Court has not ruled upon the October 15, 2024, pre-answer motion to dismiss

and the October 24, 2024, motion to intervene. These motions will have to be decided by the Polk County Court.” 11/20/24 Order at 6.

4. To date, no ruling has ever been issued on Respondent’s Pre-Answer Motion to Dismiss in CVCV032240.

5. Therefore, Respondent IUC respectfully moves this Court for a ruling.

Dated this 2nd day of June, 2025.

Respectfully submitted,

/s/ Michelle E. Rabe
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ALL PARTIES SERVED ELECTRONICALLY