

IN THE IOWA DISTRICT COURT IN AND FOR JOHNSON COUNTY

<p>FINNEGAN MEADOWS,</p> <p>Plaintiff,</p> <p>vs.</p> <p>LIBERTY HIGH SCHOOL and IOWA CITY COMMUNITY SCHOOL DISTRICT,</p> <p>Defendants,</p> <p>And</p> <p>STATE OF IOWA</p> <p>Intervenor-Defendant.</p>	<p>Case No. CVCV086130</p> <p>STATE OF IOWA MOTION TO INTERVENE</p>
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The State of Iowa moves to intervene here.

1. Iowa law says that it “shall not be an unfair or discriminatory practice for a school to require a single or multiple occupancy restroom or changing area to be designated for and used by persons of the same biological sex.” Iowa Code §§ 216.9A, 280.33.

2. And Iowa law continues that it “shall not be an unfair or discriminatory practice to prohibit a person from using a single multiple occupancy restroom or changing area that does not correspond with the person’s biological sex.” Iowa Code §§ 216.9A, 280.33.

3. That is the narrowest and most recent enactment relating to biological sex and bathroom use in Iowa Code.

4. Plaintiff Finnegan Meadows contends that the earlier enacted and more general law, which prohibits discrimination on the basis of gender identity, somehow makes this latter enactment a nullity. Indeed, the more general law has been repealed effective July 1, 2025—avoiding even an argument of potential conflict moving forward from that date. *See* SF 418 §§ 7–23, 27–28 (signed into law on Feb. 28, 2025). Yet Plaintiff seeks damages against Defendants Liberty High School and the Iowa City School District. D0001, Petition, at ¶¶ 1–5 (Feb. 17, 2025).

5. The State is entitled to intervene as of right under Iowa Rule of Civil Procedure 1.407(1) and meets the criteria for permissive intervention under Iowa Rule of Civil Procedure 1.407(2). The State’s vital legal interest, including defending State law, shares common questions of law and fact with the existing parties and intervention will result in no delay or prejudice.

6. Rule 1.407 “should be liberally construed” in favor of intervention. *Schimerowski v. Iowa Beef Packers, Inc.*, 196 N.W.2d 551, 555 (Iowa 1972). Intervention should be granted as of right when (1) the motion is timely; (2) movant has a legally protected interest in the action; (3) the action may impair or impede movant’s ability to protect that interest; and (4) no existing party to the action adequately represents

movant's interest. Iowa R. Civ. P. 1.407(1)(b), *In re Marriage of Ballstaedt*, 606 N.W.2d 345, 350 (Iowa 2000).

7. The motion is timely. The Petition was filed on February 17, 2025. When the State became aware of the potential conflict between State laws that risked requiring violating State law, the State moved to intervene.

8. Iowa law requires that the Attorney General investigate complaints filed by citizens related to people using a bathroom incongruent with their sex. Iowa Code § 280.33(6)(a)–(c). The Attorney General has a legal interest in ensuring that Iowa's laws are enforced generally. Here, the Legislature has assigned to the Attorney General a legal interest to ensure that Iowa Code 216.9A is enforced. *See id.*

9. Should Defendants enter a settlement that allows Plaintiff to use the restroom incongruent with Plaintiff's sex, then the Attorney General may be required to investigate, sue, and receive injunctive relief prohibiting such use. Iowa Code § 280.33(6)(c). Avoiding that outcome, whereby Defendants may be caught between a pincer of following State law and a settlement or consent decree with Plaintiff also reflects the Attorney General's role in ensuring Iowa's laws are enforced. *Cf.* Iowa Code §§ 4.4(3)–(5).

10. Defendants have different interests from the State and thus do not adequately represent the State's interests. "[T]he government's representation of the public interest generally cannot be assumed to be

identical to the individual parochial interest of a particular member of the public merely because both entities occupy the same posture in the litigation.” *Utah Ass’n of Cnty. v. Clinton*, 255 F.3d 1246, 1255–56 (10th Cir. 2001). “Sufficient Interest, not necessity, is the test for the right to intervene and neither the desire, advantage nor disadvantage of plaintiff or defendant is controlling.” *State ex rel. Turner v. Iowa State Hwy. Comm’n*, 186 N.W.2d 141, 147 (Iowa 1971), *abrogated on other grounds by Rants v. Vilsack*, 684 N.W.2d 193 (Iowa 2004).

11. Allowing the State to intervene here will avoid any future litigation by the State to enforce Iowa Code section 216.9A. “Intervention is remedial and should be liberally construed to the end that litigation may be reduced and more expeditiously determined.” *Id.*

12. Here, the School District’s interest is defending in this lawsuit but not necessarily in defending the law or the best interpretation of the complementary fashion in which Iowa Code sections may be interpreted. Defendants also seek to prevail on the alternative ground of qualified immunity. *See* D0005, Motion to Dismiss, at *5–6 (March 21, 2025).

13. When the State has a separate interest from a component part of the State, like a municipality, “its interest is independent.” *Fisher v. Iowa Bd. of Optometry Examiners*, 476 N.W.2d 48, 51 (Iowa 1991). That independent interest justifies intervention. *Id.* (reversing the district court’s denial of the State’s intervention).

14. Alternatively, the above factors support permissive intervention. Exercising broad judicial discretion, courts grant permissive intervention when the movant's "claim or defense and the main action have a question of law or fact in common." Iowa R. Civ. P. 1.407(2)(b). The Court must also consider "whether the intervention will unduly prejudice the adjudication of the rights of the original parties." Iowa R. Civ. P. 1.407(2)(c). The State will not delay the resolution of this matter and commit to filing all briefs and pleadings on the schedule subsequently set by the Court.

15. After granting intervention, the State is prepared to follow a briefing schedule as set by the Court.

16. Counsel for the State has contacted counsel for the parties to learn their position on the motion. Plaintiff opposes intervention. Defendants do not oppose intervention.

WHEREFORE the State of Iowa respectfully asks the Court to grant its motion intervene either as a matter of right or permissively.

Respectfully submitted,

BRENNNA BIRD
Attorney General of Iowa

ERIC WESSAN
Solicitor General

/s/ Nicholas A. Davis
NICHOLAS A. DAVIS

Assistant Attorney General
Iowa Department of Justice
1305 East Walnut Street
Des Moines, Iowa 50319
Phone: 515-281-6689
Email: nick.davis@ag.iowa.gov

Attorneys for Intervenor State of Iowa

All parties served electronically.