

IN THE IOWA DISTRICT COURT FOR CLAYTON COUNTY

HARLAN DETTMAN,
GREGORY KOETHER,
RONALD KLEINOW, and
TIMOTHY MASON,

Plaintiffs,

VS.

CLAYTON COUNTY BOARD OF
SUPERVISORS,

Defendant.

Case No. EQCV006737

RULING ON MOTION

FILED
04 JAN 12 AM 10:39
CLAYTON COUNTY, IOWA
CLAYTON DISTRICT COURT

On December 16, 2003, a hearing was held on the defendant's motion for summary judgment. The plaintiffs were represented by attorney Wallace Taylor and the defendant was represented by attorney Dennis Johnson. Oral argument was presented. The court took the motion under advisement.

It is **ORDERED** that the ~~defendants~~ motion for summary judgment is **denied** at this time, without prejudice to the defendant's right to renew the motion again prior to trial, **after** the parties have had time to engage in discovery under the rules of civil procedure, because:

1. The court finds that the present, summary factual record is insufficient to determine the legal issues raised in the case. The plaintiffs should be given more time to develop the facts of the case through investigation, depositions, interrogatories and production of documents. See *Carter v. Jernigan*, 227 N.W.2d 131 (Iowa 1975).

2. The court is particularly concerned about the legal and factual issues surrounding the defendant's action in approving county's comprehensive plan while the urban renewal plan was being considered. See *Holland v. City Council of Decorah*, 682 N.W.2d 681 (Iowa 2003).

DATED: January 8, 2004 Copy hereof mailed or delivered

to Dennis Johnson
Wallace Taylor

on 1/12, 20 04
Dennis Johnson
CLERK OF DISTRICT COURT
CLAYTON COUNTY, IOWA

John Bauercamper
John Bauercamper, District Judge