

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

GUTTENBERG CARE CENTER AND)	Case No. CVCV060109
MIDWEST EMPLOYERS CASUALTY)	
COMPANY,)	
)	
Petitioners,)	
)	
vs.)	
)	
MEGGAN STANTON n/k/a/)	ORDER ON JUDICIAL REVIEW
MEGGAN HEALY,)	
)	
Respondent.)	

Petitioners Guttenberg Care Center and Midwest Employers Casualty Company filed their Petition for Judicial Review on April 23, 2020. Telephonic oral argument was held on August 21, 2020. Appearing for Petitioners was attorney Chris Sheldrup. Appearing for Respondent Meggan Healy (Healy) was attorney Mark Sullivan. Oral argument was not reported.

Upon review of the court file and the administrative record in light of the relevant law, and after careful consideration of the respective arguments of counsel, the court finds the following facts, reaches the following conclusions and enters the following Order.

BACKGROUND FACTS AND PROCEEDING

This case arises out of an April 8, 2010, employment related low back injury to Healy. She filed an arbitration petition, which proceeded to hearing before a deputy workers' compensation commissioner (Deputy I) on January 6, 2014. Deputy I entered

an arbitration decision on August 5, 2015, awarded Healy 30% industrial disability.¹ (Arb. Dec. at pp. 15 – 16; 22).

Healy filed a review-reopening petition on September 5, 2017, which proceeded to hearing in front of Deputy II on October 19, 2018. Deputy II entered an order on February 21, 2019, awarding Healy a modest increase of an additional ten percent of industrial disability. Deputy II correctly noted that he was bound by the findings of fact in the August 5, 2014, arbitration decision as to Healy's medical and physical status at the time of the January 6, 2014, arbitration hearing. (Arb. Dec. at pp. 12, 15; R-R Dec. at p. 2).

In that regard, Deputy II noted Healy's permanent impairment was somewhere in the range of 10% to 13% of the whole person on January 6, 2014. He also noted Healy was only capable of lifting 30 pounds on an occasional basis and was taking only Tylenol and Ibuprofen for management of her symptoms. (Arb. Dec. at p. 16; R-R Dec. at p. 3). Deputy II further noted that at the time of the arbitration hearing, Healy's symptoms were located in her low back and down her right leg. (Arb. Dec. at p. 16; R-R Dec. at p. 3).

Petitioners sought intra-agency review. The Commissioner affirmed the Deputy's review-reopening decision on April 9, 2020, based upon several specific changes in Healy's condition. These included:

1. Different pain now present in the left leg all the way down into the left foot, and worsening pain in the right leg. (R – R Dec. at p. 2; R – R Tr. at pp. 75-77; Resp. Ex. 25 at p. 10; Depo. at p. 33).
2. Worsening pain that now requires the use of Oxycodone and other medications to manage. (R – R Dec. at p. 2; R – R Tr. at pp. 73-75).

¹ The arbitration decision is contained in the certified record in Claimant's black binder titled "Meggan Stanton v. Guttenberg Care Center, File No. 5039363, Hearing Date: February 22, 2016," as Claimant's Exhibit 3.

3. Worsening pain that, for the first time, compelled her treating physicians to recommend and surgically implant a spinal cord stimulator to manage Healy's chronic pain. (Tr. at p. 20; R – R Dec. at p. 5).

4. Tightened work restrictions by Dr. Sassman at Medix, which included a 10-pound limit on lifting, pushing, pulling, and carrying. (Resp. Ex. 22 at p. 10; R – R Dec. at p. 7).

5. Substantially decreased range of motion. Deputy II noted that Dr. Sassman based much of Healy's increased permanent impairment, from 13% to 26% whole person, on these findings of decreased range of motion. Dr. Sassman's first evaluation was done prior to the arbitration hearing and her second evaluation on August 29, 2016 – after the arbitration hearing – revealed substantially more restricted range of motion. (Resp. Ex. 22 at p. 8; R – R Dec. at p. 4).

6. The substantial increase in ratable permanent impairment from 10 to 13% at the time of the arbitration hearing, to 26% whole person at the time of the review-reopening hearing. (R – R Dec. at pp. 3-4).

7. Increasing low back pain. (Resp. Ex. 25 at p. 12; Depo. at pp. 43 – 45).

8. New low back pain on the left side. (Resp. Ex. 25 at p. 17; Depo. at pp. 59 – 61).

Deputy II summed up his findings as to changes in Healy's condition that warranted the review reopening award by saying:

Considering claimant's current condition, symptoms, impairment, medical restrictions, ongoing motivation to continue working, her educational background, employment history, and the factors pertaining to her increased symptoms and use of narcotics, I find that Ms. Healy has proven a substantial change in condition since the arbitration hearing. While acknowledging the competing factors and facts presented by defendants, I specifically find that Ms. Healy has developed leg symptoms that now radiate to her left foot. She has required implantation of a spinal cord stimulator since the arbitration hearing, and she now requires the use of narcotics to control her symptoms. She has demonstrated a worsening of her condition that warrants reconsideration of her industrial disability.

(R – R Dec. at p. 5).

STANDARD OF REVIEW

Iowa Code chapter 17A governs judicial review of administrative agency actions. The district court acts in an appellate capacity to correct errors of law on the part of the agency. *Meyer v. IBP, Inc.*, 710 N.W.2d 213, 219 (Iowa 2006). The court “may grant relief if the agency action has prejudiced the substantial rights of the petitioner, and the agency action meets one of the enumerated criteria in section 17A.19(10)(a) through (n).” *Burton v. Hilltop Care Ctr.*, 813 N.W.2d 250, 256 (Iowa 2012) (quoting *Evercom Sys., Inc. v. Iowa Utils. Bd.*, 805 N.W.2d 758, 762 (Iowa 2011)). Where an agency has been “clearly vested” with a fact-finding function, the appropriate “standard of review [on appeal] depends on the aspect of the agency’s decision that forms the basis of the petition for judicial review”—that is, whether it involves an issue of (1) findings of fact, (2) interpretation of law, or (3) application of law to fact. *Burton*, 813 N.W.2d at 256.

“If the claim of error lies with the agency’s findings of fact, the proper question on review is whether substantial evidence supports those findings of fact.” *Meyer*, 710 N.W.2d at 219. “[A] reviewing court can only disturb those factual findings if they are ‘not supported by substantial evidence in the record before the court when that record is reviewed as a whole.’” *Burton*, 813 N.W.2d at 256 (quoting Iowa Code § 17A.19(10)(f)). A district court’s review “is limited to the findings that were actually made by the agency and not other findings that the agency could have made.” *Id.* However, “[i]n reviewing an agency’s finding of fact for substantial evidence, courts must engage in a “fairly intensive review of the record to ensure that the fact finding is itself reasonable.” *Neal v. Annett Holdings, Inc.*, 814 N.W.2d 512, 518 (Iowa 2012) (quoting *Wal Mart Stores, Inc. v. Caselman*, 657 N.W.2d 493, 499 (Iowa 2003)).

“Substantial evidence means the quantity and quality of evidence that would be deemed sufficient by a neutral, detached, and reasonable person, to establish the fact at issue when the consequences resulting from the establishment of the fact are understood to be serious and of great importance.” Iowa Code § 17A.19(10)(f)(1). The Commissioner’s findings are binding on appeal unless a contrary result is contemplated as a matter of law. *Long v. Robertson Dairy Co.*, 528 N.W.2d 122, 123 (Iowa 1995). The court is not free to interfere with the Commissioner’s findings where there is conflict in the evidence or when reasonable minds might disagree about the inferences to be drawn from the evidence, whether disputed or not. *Catalfo v. Firestone Tire & Rubber Co.*, 213 N.W.2d 506, 509 (Iowa 1973).

Judicial review of the Commissioner’s decision is not de novo and the Commissioner’s findings have the force of a jury verdict. *Holmes v. Bruce Motor Freight Inc.*, 215 N.W.2d 296, 298 (Iowa 1974). The burden of demonstrating the required prejudice and the invalidity of agency action is on the party asserting invalidity. Iowa Code § 17A.19(8)(a)(2005).

When assessing whether an agency decision is supported by substantial evidence, a reviewing court must “accord deference to the agency’s decision on witness credibility.” *Clark v. Iowa Dep’t of Revenue & Fin.*, 644 N.W.2d 310, 315 (Iowa 2002). The adequacy of the evidence in the record to support a particular finding of fact must be judged in light of all the relevant evidence in the record, including any determinations of veracity by the presiding officer who personally observed the demeanor of the witnesses and the agency’s explanation of why the relevant evidence in the record supports its material findings of fact. Iowa Code § 17A.19(10)(f)(3).

In the instant matter, Deputy I found Healy to be a credible witness at the arbitration hearing based upon her findings of fact and her award of industrial disability. (Arb. Dec. at pp. 3 – 22). There is no question that in the review-reopening hearing, Deputy II made a specific creditability finding when he said “Ms. Healy presented credible testimony at the review-reopening hearing.” (R – R Dec. at p. 3). No other witnesses testified live at the review-reopening hearing. (R – R Dec. at p. 1).

It is the Commissioner’s duty to weigh the evidence as a whole. This requires taking into account the credibility of the witnesses and determining causation. Because appellate review is not de novo, the court must not reassess the weight to be accorded various items of evidence. *Burns v. Bd. of Nursing*, 495 N.W.2d 698, 699 (Iowa 1993).

If “the claim of error lies with the agency’s interpretation of the law, the question on review is whether the agency’s interpretation was erroneous, and [the court] may substitute [its] interpretation for the agency’s.” *Meyer*, 710 N.W.2d at 219.

The court must also grant appropriate relief from agency action if such action was “[b]ased upon an erroneous interpretation of a provision of law whose interpretation has not clearly been vested by a provision of law in the discretion of the agency.” Iowa Code § 17A.19(10)(c). With respect to such provisions of law, the court is not required to defer to the agency’s interpretation. Iowa Code § 17A.19(11)(b). Additionally, the court must grant relief from agency action that is “[b]ased upon an irrational, illogical, or wholly unjustifiable interpretation of a provision of law,” based upon misapplication of law to the facts, or is “[o]therwise unreasonable, arbitrary, capricious, or an abuse of discretion.” Iowa Code § 17A.19(10)(l-n); *Burton*, 813 N.W.2d at 256.

If “the claim of error lies with the ultimate conclusion reached, then the challenge is to the agency’s application of the law to the facts, and the question on review is whether

the agency abused its discretion by, for example, employing wholly irrational reasoning or ignoring important and relevant evidence.” *Meyer*, 710 N.W.2d at 219. In other words, the court will only reverse the Commissioner’s application of law to the facts if “it is ‘irrational, illogical, or wholly unjustifiable.’” *Neal*, 814 N.W.2d at 518 (quoting *Lakeside Casino v. Blue*, 743 N.W.2d 169, 173 (Iowa 2007)).

ANALYSIS

Petitioners assert numerous issues regarding the Commissioner’s adoption of Deputy II’s factual determinations in the review-reopening decision. Upon reviewing the record, the court finds the fact finding by Deputy II in the review-reopening decision, affirmed by the Commissioner, is reasonable. These findings are clearly supported by substantial evidence in the record for the following reasons.

Petitioners argue that Healy’s condition actually improved in several respects. They urge that her symptoms and functionality were 75% improved at the time of the review-reopening hearing. This assertion is not reasonably borne out by the facts in this record when it is considered as a whole.

According to Dr. Benedetti’s office note from February 4, 2015, Healy initially experienced 70 to 75% relief of her pain with the implantation of the trial spinal cord stimulator. However, the note makes clear that pain relief improved primarily the leg and foot, while the back pain persisted. (Jt. Ex. 17 at pp. 33 – 34).

Further, Petitioner’s counsel misstated the record when he cross examined Healy in her deposition about the specifics of that 75% improvement. He indicated that it was in regard to a treatment note after the permanent stimulator was placed. In fact, the February 4, 2015, office visit was the same day the temporary stimulator was removed. (Jt. Ex. 17 at p. 36). Further, Petitioner’s counsel asked Healy a leading and compound

question about improvement of both pain and functionality without defining or explaining what he meant by “functionality.” (Def. Ex. A at p. 12; Depo. Tr. at pp. 45 – 46). Later at the review-reopening hearing, Healy explained that her low back pain never improved with the spinal cord stimulator and in fact her back pain got worse when she became more active, with improvement of her leg symptoms from the stimulator. (Resp. Ex. 25 at p. 12; Depo. Tr. at pp. 41 – 42). In addition, she developed left sided low back pain in March 2016, which was a new area of pain. (Jt. Ex. 17 at p. 61; R – R Tr. at p. 54; Jt. Ex. 17 at p. 52; Resp. Ex. 25; Depo. Tr. at pp. 59 – 60).

Regarding Respondent’s alleged 75% change in symptoms, Deputy II also said:

[I]t really represents the masking of symptoms provided by the spinal cord stimulator, rather than some type of physical improvement. The improvement identified by defendants also does not account for the development of new symptoms in claimant’s left leg and left foot or the development of the need to use narcotics to control her symptoms.

(R – R Dec. at p. 5).

Petitioners also contend that the decision to proceed with the spinal cord stimulator was made prior to the review-reopening hearing. This argument is inaccurate under this record. No authorized treating providers for Healy specifically prescribed implantation of a spinal cord stimulator prior to the arbitration hearing. Implanting a stimulator had been discussed as a treatment option by Dr. Mouw after he declined to perform a spinal fusion that Dr. Abernathy had recommended.

But Dr. Mouw did not order the spinal cord stimulator. He simply referred Healy to the University of Iowa for an evaluation regarding a possible spinal cord stimulator versus a spinal fusion. Petitioner’s counsel at the time directed a letter to Dr. Abernathy on January 18, 2017. In summarizing the treatment history in that letter to Dr. Abernathy, Petitioner’s counsel said the following:

On May 16, 2013, Claimant presented to Dr. Mouw for a neurosurgical opinion regarding the possible fusions. Dr. Mouw indicated that the more recent MRI showed only a small disc protrusion, largely unchanged from her original MRI, and that it showed no evidence of neural compression. He indicated that he would not recommend a lumbar fusion because the likelihood of it helping Claimant was extremely low. Dr. Mouw instead recommended some additional neurological evaluations and if not other etiologies for her pain, he indicated she could also consider a dorsal column stimulator.

Dr. Patrick Hitchon at the University of Iowa Hospitals and Clinics evaluated Claimant on August 12, 2013. Dr. Hitchon indicated that he also reviewed the August 5, 2013, MRI and recommended a lumbar x-ray to rule out any instability, but otherwise didn't recommend any surgical intervention either In his note, Dr. Hitchon also indicated that they did not recommend a spinal cord stimulator at that time.

(Jt. Ex. 21 at p. 2).

That appointment with Dr. Hitchon was the last treatment Healy had prior to the January 6, 2014, arbitration hearing. Healy correctly asserts that prior to the arbitration hearing, no physician ordered that she should proceed with a spinal cord stimulator. It was merely discussed as a treatment option, but it was not until after the arbitration hearing—once her symptoms had substantially worsened—that Dr. Miller finally determined Healy was a good candidate for a stimulator. (Jt. Ex. 19 at p. 2; R – R Tr. at p. 46).

Dr. Miller referred Healy to the University of Iowa Pain Clinic. There Dr. Elahi initially recommended additional conservative treatment rather than the spinal cord stimulator. (Jt. Ex. 17 at p. 7). Healy was given more epidural steroid injections (Jt. Ex. 17 at p. 14) and was prescribed Oxycodone and Percocet (Jt. Ex. 1 at pp. 6 – 7). Not until yet another unsuccessful epidural steroid injection on October 3, 2014, was Healy scheduled for a psychological evaluation to determine whether she was a good candidate for a trial spinal cord stimulator. (Jt. Ex. 17 at p. 15; Jt. Ex. 20 at pp. 1 – 3). That trial

spinal cord stimulator was not actually implanted until January 28, 2015—more than a year after the arbitration hearing. (Jt. Ex. 17 at pp. 19 – 21). Finally, on March 11, 2015—more than fifteen months after the arbitration hearing—the permanent spinal cord stimulator was implanted. (Jt. Ex. 17 at pp. 46 – 49).

Petitioners argue that at some point prior to the arbitration hearing, Healy used opioids for her pain. They argue that she only stopped using those because of a pregnancy. After stopping the Nucenta for her pain on or about December 2, 2011, due to pregnancy, Healy did not resume the use of opioids until after the arbitration hearing. For more than two years leading up to the January 6, 2014, arbitration hearing, Healy controlled her chronic pain with just over the counter medications. (Arb. Tr. at pp. 50 – 51, Def. Ex. E at p. 14).

Healy's symptoms worsened after the arbitration hearing. On January 22, 2014, Dr. Smith prescribed Oxycodone, one tablet two times per day as needed. (Jt. Ex. 18 at p. 3). Healy had never taken Oxycodone before. (R – R Tr. at p. 45). Healy eventually would extensively use Oxycodone, Zanaflex, Gabapentin, Amitriptyline, Xanax, Tramadol, and prescription Ibuprofen, together with her spinal cord stimulator, to cope with her increased pain after the arbitration hearing. (Jt. Ex. 17 at pp. 7, 10, 14; Jt. Ex. 18 at pp. 5, 12, 22 – 23, 37; R – R Tr. at pp. 64 – 65, 81). At the time of the review-reopening hearing, and after her stimulator had stopped functioning, Healy was taking more than eight Oxycodone per day, plus Tylenol, Ibuprofen, Clonidine and Alprazolam, plus a muscle relaxer and a pill for the nerve pain. (R - R Tr. at pp. 48, 56 – 57, 65 – 67, 72; Ex. A at p. 16; Depo. at p. 63).

In the review-reopening decision, Deputy II found Healy only had required Tylenol and Ibuprofen for management of her symptoms at the time of the arbitration hearing.

In contrast, he found that at the time of the review-reopening hearing,

[s]he now requires the use of oxycodone to manage her pain symptoms. As the prior deputy commissioner found, Ms. Healy required only over-the-counter medications to manage her symptoms at the time of the arbitration hearing. Again, this is convincing evidence that Ms. Healy's condition has substantially worsened since the arbitration hearing.

(R – R Dec. at p. 3).

Petitioners say that Healy's increase in earnings after her certification as a medical assistant should defeat any review-reopening claim in this matter. As Deputy II correctly noted:

The fact that Ms. Healy now earns more than she did at the time of the arbitration hearing is not, standing alone, sufficient to defeat her review reopening claim. Rather, the prior deputy commissioner anticipated that claimant may seek additional education and training and accounted for that in her industrial disability factors and award. Claimant's ability to accomplish this was contemplated and she has earned her way back to a wage she had prior to the work injury. However, this is not evidence that she is improved or has greater earning capacity than was estimated or foreseen at the time of the arbitration hearing. Rather, it is a manifestation of the claimant's motivation and cognitive abilities, as recognized by the deputy at the arbitration hearing.

(R – R Dec. at p. 4).

Petitioner did not appeal from the original arbitration decision. In the review-reopening decision, Deputy II also said:

Claimant's increase in earnings arguably demonstrates that she has increased earning capacity since the arbitration hearing. However, this increase in wages is really the result of claimant's motivation and her continued education and training. Since the arbitration hearing, Ms. Healy has obtained additional education and become nationally certified as a medical assistant. The prior deputy commissioner contemplated claimant's ability to retrain, her age, and her motivation in the arbitration decision.

(R – R Dec. at p. 4).

Increased earnings since the arbitration hearing as a result of additional education does not necessarily mean no reduction in earning capacity. Earning capacity requires an analysis of all the factors required in assessing industrial disability. *Quaker Oats v. Ciha*, 552 N.W.2d 143, 157 (Iowa 1996). Loss of earning capacity is determined by considering the employee's functional impairment, age, education, work experience, qualifications, ability to engage in similar employment, and adaptability to retraining to the extent any of these factors affect the employee's prospects for relocation in the job market. *Sherman v. Pella Corp.*, 576 N.W.2d 312, 321 (Iowa 1998).

In the arbitration decision, Deputy I relied upon Healy's relative youth at age 34 and noted that younger workers have less difficulty than older workers when seeking employment. (Arb. Dec. at p. 16). Deputy I also noted Healy's prior educational accomplishments, including her CNA certificate and her two-year degree in radiology technology. She found that retraining was possible for Healy and that Healy was motivated to find work. (Arb. Dec. at pp. 3 – 4, 16).

Petitioners also allege that Deputy II erred by applying the wrong legal standard to the review-reopening decision or by misapplying the law to the facts. The gist of Petitioners' argument that Deputy II applied the wrong legal standard appears to be that he did not put enough stock in Healy's increased earnings which resulted from her obtaining her medical assistant certification after the arbitration hearing. Deputy II concluded the relatively modest award of just 30% industrial disability in the original arbitration decision reflected that Deputy I relied on Healy's youth, motivation, and prior pursuit of post-secondary education and certification in making that award. (R – R Dec. at pp. 2, 4 – 8).

In reviewing the conclusions of law in the review-reopening decision, the court finds that Deputy II was aware of the appropriate legal standard requiring him to evaluate all factors impacting Healy's industrial disability arising from a change of condition after the arbitration hearing.

Deputy II noted that the required change of condition could be economic or physical. He concluded by saying:

In this case, the parties presented competing evidence that demonstrated a potential increase in claimant's industrial disability, a potential decrease in her industrial disability, or evidence that there is no significant change in the industrial disability. Having considered and weighed that competing evidence, I found that Ms. Healy proved a substantial change in her condition that resulted in a marginal worsening of her industrial disability.

(R – R Dec. at p. 7).

In an unscheduled whole body injury case, the claimant's loss of earning capacity is determined by the Commissioner at the time of the arbitration hearing based upon the factors bearing on industrial disability then prevailing – not based upon what the claimant's physical condition and economic realities might be at some future time. Iowa Code § 85.34(3); *Quaker Oats*, 552 N.W.2d at 157. Factors that should be considered include the employee's functional disability, age, education, qualifications, experience, and the ability of the employee to engage in employment for which the employee is fitted. *Second Injury Fund v. Nelson*, 554 N.W.2d 258, 266 (Iowa 1995). The workers' compensation statutory scheme contemplates that future developments (post-award and post-settlement developments), including the worsening of a physical condition or a reduction in earning capacity, should be addressed in review-reopening proceedings. Iowa Code § 86.14(2); *Kohlhaas v. Hog Slat Inc.*, 777 N.W.2d 387, 392 (Iowa 2009).

Deputy II's reasonable finding that there were changes in Healy's physical condition warranting a review-reopening and an increase in the industrial disability award is supported by substantial evidence in the record.

Deputy II properly applied the correct legal standard to the facts in this case when he awarded Healy an additional ten percent industrial disability. As the Commissioner said in the agency appeal decision:

I affirm the deputy commissioner's finding that claimant carried her burden of proof to establish a physical change in condition after the arbitration decision filed on August 5, 2014. In doing so, I affirm the deputy commissioner's acknowledgment of the competing factors, and the factors presented by defendants. However, I affirm the deputy commissioner's finding that after the arbitration decision, claimant developed left leg symptoms, required implantation of a spinal cord stimulator, and requires the use of narcotic medications to control her symptoms. As a result, I affirm the deputy commissioner's finding that claimant proved an increase of ten percent in her industrial disability after the arbitration decision.

(App. Dec. at p. 2).

Deputy II, in the review-reopening decision affirmed by the Commissioner, applied the correct legal standard in reviewing all of the appropriate factors impacting any determination of industrial disability loss in a workers' compensation case. Deputy II compared all of those factors as they existed at the time of the arbitration hearing to those same factors as they existed at the time of the review-reopening hearing. Deputy II reasonably found that some of the factors did not change, some changed for the better, and some changed for the worse. (R – R Dec. at p. 7). As noted above, Deputy II ultimately found that Healy proved a substantial change in her condition that resulted in a marginal worsening of her industrial disability. (*Id.*).

On balance, Deputy II reasonably found the substantial deterioration of Healy's physical condition since the arbitration hearing warranted the modest ten percent increase in industrial disability that Deputy II ordered.

CONCLUSION

The Commissioner adopted Deputy II's review-reopening decision in all relevant respects. When this record is considered as a whole, the Commissioner's determination that Healy proved a deterioration in her physical condition from the time of the January 6, 2014, arbitration hearing until the time of the October 19, 2018, review-reopening hearing is supported by substantial evidence. The Commissioner's interpretation of the relevant law was not erroneous. The Commissioner's application of the law to the facts was not irrational, illogical, wholly unjustifiable or an abuse of discretion. The Commissioner did not ignore important and relevant evidence. The Commissioner's decision was not otherwise unreasonable, arbitrary, capricious or an abuse of discretion.

The Commissioner's final agency decision should be affirmed in its entirety and the Petition should be denied and dismissed.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the final agency decision is affirmed in its entirety and the Petition is denied and dismissed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that costs are assessed to Petitioners.



State of Iowa Courts

Type: OTHER DECREE

Case Number	Case Title
CVCV060109	GUTTENBERG CARE CENTER ET AL VS MEGGAN STANTON NKA HEALY

So Ordered

A handwritten signature in cursive script, reading "Jeanie Vaudt", is written over a horizontal line.

Jeanie Vaudt, District Court Judge,
Fifth Judicial District of Iowa