

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

CARL ERIC OLSEN
Petitioner(s)

05771 CVCV068508

VS.

STATE OF IOWA
Respondent(s)

ORDER
ON PLAINTIFF'S MOTION TO RECONSIDER

On December 22, 2025, the Petitioner moved the court to reconsider its ruling denying the parties' motions for summary judgment.

A 1.904 motion is designed to allow a party to request "a ruling on an issue properly presented to but not decided by the district court." *Homan v. Branstad*, 887 N.W.2d 153, 161 (Iowa 2016). The motion is meant to be a tool for preserving error or requesting a ruling on undecided issues. *Id.* Additionally, a 1.904 motion may be used by a party to ask the court "to examine facts it suspects the court overlooked and request an expansion of the judgment in view of that evidence." *Sierra Club Iowa Chapter v. Iowa Dept. of Transp.*, 832 N.W.2d 636, 641 (Iowa 2013). It is improper to use a 1.904 motion to rehash legal issues that were adversely decided. *Homan*, 887 N.W.2d at 161; see also *Sierra Club*, 832 N.W.2d at 641 (finding a 1.904 motion is not proper "if it is used primarily to obtain reconsideration of the district court's decision."). It is equally improper to submit new evidence for consideration with a 1.904 motion, as such motions should rely on the evidence already in the record. *Homan*, 887 N.W.2d at 161.

In this case, the primary issue that led to the denial of both parties' motions for summary judgment was the lack of undisputed facts identified in support of their respective motions. As such, the court cannot summarily enter judgment when undisputed facts were not cited. The Petitioner now provides the statement of material facts and an affidavit. This is new evidence and should not be considered on reconsideration. Thus, the court denies the motion.

The parties will have an opportunity to present their facts and arguments at trial.



State of Iowa Courts

Case Number

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Type:**Case Title**CARL OLSEN VS STATE OF IOWA
OTHER ORDER

So Ordered

Celene Gogerty, District Judge
Fifth Judicial District of Iowa

Electronically signed on 2026-01-16 15:45:26