

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

TREVOR ANTHONY

05771 CVCV051521

VS.

ORDER

PUBLIC EMPLOYEE RELATIONS BOARD

NOW on this 11th day of July 2016 this matter came before the Court upon the Respondent's motion to dismiss the amended petition of the Petitioner. The parties were present by their respective counsel.

The Court, having reviewed the motion to dismiss, the amended petition, the arguments of counsel and the entire court file finds that the motion should be, and is, hereby granted.

The amended petition seeks to avoid the Court's prior ruling dismissing this matter for lack of jurisdiction. (See order filed May 20, 2016).

The cited to "savings statute", Section 614.10 the Code of Iowa, and the case cited by the Petitioner do not support the Petitioner's argument that a new or amended petition can be filed to overcome a prior dismissal based upon lack of jurisdiction. This is not the intent of 614.10, the Code of Iowa and the cited case of *Furnald v. Hughes*, 804 N.W.2d 273 (Iowa 2011) provides no support or authority to overcome a dismissal based upon lack of jurisdiction.

The motion to dismiss is, therefore, sustained with costs assessed to the Petitioner.

IT IS SO ORDERED ON THIS DAY 07/11/16.

Copies to:

PUBLIC EMPLOYEE RELATIONS BOARD

TREVOR ANTHONY

SAMUEL EDMUND CHARNETSKI
5015 GRAND RIDGE DR SUITE 100
WEST DES MOINES IA 50265-5749

PATRICK RYAN ANDERSON
1454 30TH ST SUITE 102
WEST DES MOINES IA 50266

JAN VANCE BERRY
SUITE 1B
510 E 12TH STREET
DES MOINES IA 50319

DIANA S MACHIR
510 E 12TH, STE 1B
DES MOINES IA 50319



State of Iowa Courts

Case Number
CVCV051521

Case Title
TREVOR ANTHONY VS PUBLIC EMPLOYMENT
RELATIONS BRD
OTHER ORDER

Type:

So Ordered

A handwritten signature in cursive script that reads "Scott D. Rosenberg".

Scott D. Rosenberg, District Court Judge,
Fifth Judicial District of Iowa

Electronically signed on 2016-07-11 09:46:43