IN THE COURT OF APPEALS OF IOWA

No. 24-1609
Filed September 2, 2026

Estate of Emily C. Williamson, by its Administrator, Aaron Williamson, and Aaron Williamson, as parent and next best friend of M.R.W. and C.E.W., Minors,
Plaintiffs–Appellants,
v.
Great River Health System, Inc., Burlington Ear, Nose and Throat Clinic, P.C., Douglas Henrich, M.D., ENT Medical Services, P.C., Thomas Simpson, M.D., Georgi Grekoff, M.D., Henry County Health Center, Inc., and Frederick Frank, D.O.,
Defendants–Appellees.

Appeal from the Iowa District Court for Johnson County,
The Honorable Lars G. Anderson, Judge.

AFFIRMED

Roxanne Conlin and Devin C. Kelly of Roxanne Conlin & Associates, P.C., Des Moines, attorneys for appellants.

Desirée A. Kilburg and Paul J. Esker of Bradley & Riley PC, Iowa City, and Melinda S. Kollross (pro hac vice) and Scott R. Shinkan (pro hac vice) of Clausen Miller PC, Chicago, Illinois, attorneys for appellees Great River Health System, Inc., Henry County Health Center, Inc., Georgi Grekoff, M.D., and Frederick Frank, D.O.

Christine L. Conover and Carrie L. Thompson of Simmons Perrine Moyer Bergman PLC, Cedar Rapids, attorneys for appellees Burlington Ear Nose and Throat and Douglas Henrich, M.D.

Jennifer E. Rinden, Robert D. Houghton, Vincent S. Geis, and Graham R. Carl of Shuttleworth & Ingersoll, P.L.C., Cedar Rapids, attorneys for appellees ENT Medical Services, P.C., and Thomas Simpson, M.D.

Considered without oral argument
by Ahlers, P.J., and Badding and Langholz, JJ.
Opinion by Langholz, J.

LANGHOLZ, Judge.

The Estate of Emily Williamson and her children (collectively, "the Estate") brought this suit against eight of her medical providers, mainly alleging that their malpractice over six months in late 2021 and early 2022 caused Williamson's death.[1] In June 2024—over four months before the dispositive-motion deadline—the medical providers moved to dismiss all the Estate's claims for failing to comply with the certificate-of-merit requirement of Iowa Code section 147.140 (2023). Relying on *Miller v. Catholic Health Initiatives-Iowa, Corp.*, 7 N.W.3d 367, 373–76 (Iowa 2024)—which had been decided the month before—they argued that the Estate's attempted certificates of merit failed to substantially comply with section 147.140 because they were neither sworn affidavits nor signed under penalty of perjury. The district court agreed and dismissed the case.

On appeal, the Estate raises many arguments that the dismissal was in error. But while this appeal has been pending, our supreme court has rejected every one of the arguments in indistinguishable cases.

First, the Estate argues that its certificates of merit comply with section 147.140 because each certificate was captioned as a "Certificate of Merit Affidavit" and included an introductory statement that "[i]n compliance with Iowa Code Section 147.140," the expert did "hereby affirm and state as follows." But the certificates of merit here do not have "a jurat completed by the notary (or other authorized person) to prove the oath was administered." *Banwart v. Neurosurgery of North Iowa, P.C.*, 18 N.W.3d 267,

[1] The Estate also asserted related claims against all the medical providers. But it makes no separate arguments about those claims on appeal. And the suit initially included other parties that were voluntarily dismissed: six more medical providers (as defendants) and Williamson's husband in his individual capacity (as a plaintiff).

273 (Iowa 2025) (cleaned up). Calling the certificate of merit an affidavit or stating that its contents are affirmed in compliance with section 147.140 does not make it an affidavit or make its statements to be ones under oath and actually in compliance with the statute. *See id.* at 271–74 (holding that the same certificate-of-merit template did not comply with section 147.140).

Second, the Estate argues that its certificates of merit at least substantially comply with section 147.140. But there are only two ways to substantially comply with the statute. "The plaintiff must either provide (1) an actual affidavit executed by an expert before a separate person who is authorized to administer the oath, or (2) the permissible substitute, namely, a document compliant with section 622.1, which requires the statement that the person is signing under penalty of perjury." *Rarick v. Smidt*, 36 N.W.3d 1, 6 (Iowa 2026) (cleaned up). Again, the certificates of merit here are not actual affidavits. And they do not include any penalty-of-perjury language. That is the end of the analysis, notwithstanding the Estate's other arguments to the contrary. The Estate's certificates of merit do not substantially comply with section 147.140. *See id.* at 6, 8–9.

Third, the Estate argues that section 147.140's requirement that the certificate of merit be "under oath" is unconstitutionally vague. But the supreme court has already rejected this challenge to the statute. *See Banwart*, 18 N.W.3d at 275–76. We cannot reach a different conclusion here.

And fourth, the Estate argues that the medical providers waived their right to challenge, or should be estopped from challenging, the certificates of merit by failing to challenge them sooner. And they relatedly contend, under a separate argument heading, that waiting to raise the challenge until after the plaintiff's expert certifications under section 668.11 forfeits the right to challenge the certificate of merit. But the supreme court has "impose[d] a

'bright-line rule': If defendants seek dismissal by the dispositive motion deadline, their section 147.140 rights are preserved" against claims of "waiver . . . , estoppel, consent, laches, or the like." *Rarick*, 36 N.W.3d at 7. The medical providers sought to dismiss this case four months before the dispositive-motion deadline. The Estate's waiver, estoppel, and forfeiture arguments thus fail too.

AFFIRMED.