

IN THE COURT OF APPEALS OF IOWA

FILED

FEB 24 1982

CLERK SUPREME COURT

THE CITY OF SIOUX CITY, IOWA,
A Municipal Corporation,

Plaintiff-Appellant,

vs.

THE IOWA CIVIL RIGHTS COMMISSION
and EVELYN R. VILLINES,

Defendants-Appellees.

Filed February 24, 1982

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1-388
2-66585

Appeal from Woodbury District Court, D. M. Pendleton, Judge.

Plaintiff appeals from an order sustaining defendant's special appearance.

AFFIRMED.

Patrick J. Nugent and Bryan J. Arneson, Assistant City Attorneys, for
plaintiff-appellant.

Thomas J. Miller, Attorney General, and Victoria L. Herring, Assistant
Attorney General, for defendants-appellees.

Heard by Oxberger, C.J., and Donielson, Snell, Carter, and Johnson, JJ.

Plaintiff appeals from an order sustaining defendant's special appearance.

We affirm.

We find the case of Richards v. Iowa State Commerce Commission, 270 N.W.2d 616 (Iowa 1978) controlling.

The City has attacked the jurisdiction of the Commission to proceed. The Commission found it had jurisdiction and that its prior dismissal of the case was not a final agency action.

Richards, supra, requires a showing by plaintiff that they would suffer irreparable harm unless the court reviewed the jurisdictional issue prior to the final agency order in the reopened case. There is no such showing here.

AFFIRMED.