

IN THE COURT OF APPEALS OF IOWA

No. 7-293 / 96-0953

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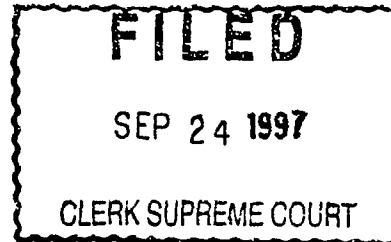
BILL MICHAEL FERRIS,

Plaintiff-Appellant,

vs.

MARIAN HEALTH CENTER, A Division
of Sisters of Mercy Health Corporation,

Defendant-Appellee.



Appeal from the Iowa District Court for Woodbury County, Phillip S. Dandos,
Judge.

Bill M. Ferris appeals from a dismissal of his suit against Marian Health
Center for wrongful termination of his employment. **AFFIRMED.**

Bill Ferris, Sioux City, pro se.

Maureen B. Heffernan of Berenstein, Moore, Moser, Berenstein & Heffernan,
Sioux City, for appellee.

Considered by Sackett, Cady, and Habhab*, JJ.

* Senior judge assigned by order pursuant to Iowa Code § 602.9206 (1997).

PER CURIAM

Bill Ferris appeals the dismissal of his action based on his alleged wrongful termination by the Marian Health Center. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Ferris was employed by defendant Marian Health Center. In 1989-1990, Ferris reported to defendant certain of its employees had abused patients. In 1990, Ferris was temporarily suspended from his job based on charges he was guilty of misconduct. These charges were later determined to be unfounded. Ferris suffered a cardiac episode on August 16, 1990. One year later, on August 16, 1991, his physician informed him he should not return to his former work. Ferris claims he was wrongly terminated from his employment with defendant on the same day.

Ferris filed an action against defendant on June 22, 1993. This case was dismissed without prejudice on July 12, 1994. Ferris refiled the same action on February 7, 1996. The petition contained the following counts: (I) libel; (II) defamation/slander; (III) breach of contract; (IV) outrageous misconduct; (V) implied covenant of good faith and fair dealing; (VI) negligent infliction of severe emotional distress, (VII) intentional infliction of severe emotional distress; (VIII) negligent hiring and supervision; (IX) wrongful termination in violation of public policy; and (X) punitive damages.

Defendant filed a motion to dismiss citing Iowa Rule of Civil Procedure 104(b). The district court held counts I, II, III, VII, and IX were barred by Iowa Code section 614.1(2) because they were not brought within two years of the alleged incidents. The court found counts IV, V, and VI failed to state a claim upon which relief could be granted. The court dismissed count VIII finding plaintiff was not the real party in interest. Because the court dismissed all nine of Ferris's claims, there was no claim upon which the court could consider an award for punitive damages, and this count was also dismissed. Ferris has appealed.

Ferris has cited no legal authority in his appellate brief. Under Iowa Rule of Appellate Procedure 14(a)(3), failure to cite authority in an appellate brief may be deemed waiver of that issue. We may conclude, therefore, that Ferris has waived all issues on appeal.

Even if Ferris's arguments were not waived on appeal, we determine Ferris's action was properly dismissed. Actions founded on injuries to the person or reputation, whether based on contract or tort, must be brought within two years. Iowa Code § 614.1(2). Ferris's claims on counts I and II, and counts IV through X are barred by this two-year statute of limitations. These counts seek damages for injuries to the person or reputation and the alleged incidents which are the basis for the claims occurred, at the latest, on August 16, 1991. The present action was not filed until February 7, 1996.

In count III, Ferris claims injuries to his reputation based on defendant's breach of his employment contract. These claims for injury to person and reputation are barred by the two-year statute of limitations in Iowa Code section 614.1(2).

Ferris's claims being barred by the statute of limitations, the district court's decision to dismiss the claims is affirmed.

AFFIRMED.