IN THE COURT OF APPEALS OF IOWA

FILED
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CLERK SUPREME COURT

No. 6-226 / 95-113

LAWRENCE CARAVELLA, Individually and as Parent and Next Friend of His Children, **NIKKI DIANE CARAVELLA, LAURI JON CARAVELLA, RAINI JEAN CARAVELLA, MARC LAWRENCE CARAVELLA,** and **JAMIE ROSE CARAVELLA,**

Appellant,

vs.

JIM A. BUCK, THE FAIRFIELD CLINIC, P.C., and **JEFFERSON COUNTY** d/b/a **JEFFERSON COUNTY HOSPITAL,**

Appellees.

Appeal from the Iowa District Court for Jefferson County, Richard J. Vogel, Judge.

In this medical malpractice action, Lawrence Caravella challenges the order granting the defendants' joint motion for summary judgment. **AFFIRMED.**

Lawrence Caravella, Fairfield, pro se, and Edward F. Noyes, Fairfield, for appellant.

Marion H. Pothoven and Randall C. Stravers of Pothoven, Blomgren & Stravers, Oskaloosa, for appellees Buck and Clinic.

Julie L. Pulkrabek and Richard M. Tucker of Phelan, Tucker, Mullen, Bright & Walker, L.L.P., Iowa City, for appellee County.

Considered by Sackett, C.J., and Cady and Vogel, JJ.

VOGEL, J.

Lawrence Caravella visited the emergency room of the Jefferson County Hospital complaining of abdominal pain in June 1991. Pursuant to the verbal order of Dr. Jim A. Buck, emergency room nurses administered an enema. Caravella experienced relief and he was released. Approximately two months later, Caravella returned to the hospital again complaining of abdominal pain. After hospital personnel observed a colon obstruction in an X-ray, Caravella was transferred to the University of Iowa Hospitals and Clinics (UIHC).

UIHC personnel performed surgery and diagnosed Caravella with colon cancer. During the surgery, Dr. Amanda Metcalf performed a temporary ileostomy for drainage.

Caravella, on behalf of himself and his children, sued Dr. Buck, Fairfield Clinic, the clinic for which he worked, Jefferson County, and the County hospital. He sought damages for alleged negligence in failing to diagnose his cancer in June 1991 which allegedly resulted in the need for a temporary ileostomy.

Athough Caravella originally designated a number of experts, only Dr. Metcalf was deposed. She testified she would not offer opinions on the standard of care and she could not opine if an earlier diagnosis of the cancer would have eliminated the need for the temporary ileostomy.

The defendants filed a joint motion for summary judgment and a motion for production of documents. Caravella's counsel filed an application to withdraw. The

court granted the application to withdraw and the motion for production of documents. The defendants also filed a second motion for summary judgment. In his resistance to the summary judgment motions, Caravella, proceeding pro se, filed correspondence from Dr. Susan Goodner. The district court granted the defendants' joint motion for summary judgment.

Caravella appeals.

Our review of a summary judgment ruling is for errors at law. Iowa R. App. P. 4. Summary judgment is appropriate only if there is no genuine issue of material fact, and the moving party is entitled to judgment as a matter of law. Iowa R. Civ. P. 237. On appeal, our task is to determine whether a genuine issue of material fact exists and whether the district court correctly applied the law. *Hameed v. Brown*, 530 N.W.2d 703, 706 (Iowa 1995).

The movant is entitled to summary judgment "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact." Iowa R. Civ. P. 237(c). Caravella claims summary judgment was not appropriate in light of evidence given by three doctors, Dr. Richard Vazquez, Dr. Susan Goodner, and Dr. Michael Sorrell. The evidence given by Dr. Vazquez and Dr. Sorrell was never part of the record for the district court's consideration. The correspondence from Dr. Goodner was not pleadings, depositions, answers to interrogatories, admissions on file, or sworn

affidavits. As such, it could not be considered by the district court in its determination of whether summary judgment was appropriate.

We find the district court properly concluded there was no genuine issue as to any material fact. Accordingly, we affirm the ruling of the district court.

AFFIRMED.