IN THE IOWA DISTRICT COURT FOR WARREN COUNTY

DANIEL KING, SUSAN KING, SARAH HOOVER, TIM HOOVER, DENNIS MORGAN, PATRICIA MORGAN, CHARLIE WALTERS, MONA WALTERS, KAREN KREHLIK, WILLIAM COX, DUSTY CHAPLINE, HOWELL FAMILY TRUST, DEWAYNE JENKINS, JENNIFER JENKINS, KATHRYN MORRIS, WADE PETERSON, LAURIE PETERSON, HELEN R. REED TRUST, SK5 LLC, CHARLOTTE WICKETT, Plaintiffs, v. WARREN COUNTY BOARD OF SUPERVISORS; and WARREN COUNTY, Defendants,	Case No. CVCV041202 **THE NEW PIONEER GUN CLUB'S MOTION TO INTERVENE** **(EXPEDITED HEARING REQUESTED)**
DANIEL KING, SUSAN KING, SARAH HOOVER, TIM HOOVER, DENNIS MORGAN, PATRICIA MORGAN, CHARLIE WALTERS, MONA WALTERS, KAREN KREHLIK, WILLIAM COX, DUSTY CHAPLINE, HOWELL FAMILY TRUST, DEWAYNE JENKINS, JENNIFER JENKINS, KATHRYN MORRIS, WADE PETERSON, LAURIE PETERSON, HELEN R. REED TRUST, SK5 LLC, CHARLOTTE WICKETT, Plaintiffs, v. THE NEW PIONEER GUN CLUB, Defendant-Intervenor,	

COMES NOW, Defendant-Intervenor The New Pioneer Gun Club ("**New Pioneer**"), and pursuant to Iowa Rule of Civil Procedure 1.407, hereby submits its Motion to Intervene in the above-captioned proceedings, stating as follows:

INTRODUCTION

1. New Pioneer is a non-profit which operates an outdoor shooting range with the mission of promoting community engagement, rural recreation, youth development, and firearm safety.

2. Since 2024, New Pioneer has expended substantial time and funds to relocate its operations from Waukee, Iowa to Warren County, Iowa.

3. As part of that relocation, it sought to have certain property rezoned by Warren County to accommodate its operations.

4. The County granted the requested rezoning, and New Pioneer subsequently built its proposed outdoor shooting range and related buildings and commenced operations.

5. New Pioneer incurred expenses to purchase the Property, construct the shooting range on the Property, and otherwise improve the Property totaling approximately $5,200,000.

6. However, that rezoning was challenged by Plaintiffs in a lawsuit against Warren County and ultimately voided by this Court in these proceedings, substantially impacting New Pioneer's property rights.

7. Despite that, New Pioneer was never a party to these proceedings and never had the opportunity to present evidence or argument.

8. Warren County subsequently served a Notice of Violation on New Pioneer based on this Court's findings, asserting that New Pioneer must either cease operations or face substantial financial penalties.

9. Further, Plaintiffs have now filed an Application for an Order to Show Cause, requesting that the Court order that the County hasten enforcement efforts against New Pioneer, all again in New Pioneer's absence. (Doc. D0107).

10. New Pioneer now seeks to intervene in these proceedings to request that the Court vacate its prior order on the basis that New Pioneer was an indispensable party that was erroneously not joined in the lawsuit, thus invalidating the judgment and making it unenforceable against New Pioneer.

11. New Pioneer's Petition for Relief requesting that the Court vacate its prior order under Iowa Rule of Civil Procedure 1.1012 is attached hereto.[1] (Exhibit 1) (New Pioneer's Petition).

BACKGROUND

12. Plaintiffs—all property owners of Warren County, Iowa—filed their Petition for Writ of Certiorari on November 5, 2025. (Doc. D0001).

13. Plaintiffs' Petition specifically challenged the rezoning of four parcels owned by New Pioneer— 27000320240, 27000320260, 27000320840, & 27000320860 (collectively, the "**Property**")— from A-1 (Agricultural) to C-2 (General Commercial-Highway Service Districts) under the Warren County Zoning Ordinance (the "**Ordinance**").

14. The intent of the rezoning was to allow New Pioneer to operate an outdoor shooting range and related accessory buildings on the Property. (Exhibit 2, at ¶ 6) (Affidavit of James Faust); (Exhibit 3) (New Pioneer's Relocation & Zoning Proposal).

15. Plaintiffs named only Warren County and the Warren County Board of Supervisors (collectively, the "**County**") as Defendants, not New Pioneer. (Doc. D0001).

16. Plaintiffs and the County litigated the rezoning without New Pioneer's involvement; the parties nor the Court ever joined New Pioneer as a party to these proceedings.

[1] If the Court grants New Pioneer's Motion to Intervene, New Pioneer will separately file and serve its Petition and pay the required fee at that time.

17. On August 19, 2026, the Court entered its Ruling on Plaintiffs' Petition, sustaining the Petition, reversing the rezoning of the Property, and declaring the rezoning void. (Doc. D0104). In doing so, the Court made numerous findings about the nature of New Pioneer's property, its operations, and its navigation of the rezoning process, all without any argument, involvement, or evidence (to the extent the Court allows additional evidence beyond the return to the writ provided by the County) from New Pioneer.

18. On August 27, 2026, the County subsequently served a Notice of Violation on New Pioneer asserting that New Pioneer must cease operations or face substantial financial penalties based on this Court's order. *See* Notice of Violation identified as Exhibit 4 to New Pioneer's Motion to Intervene.

19. On September 3, 2026, New Pioneer filed a Petition for Zoning Text Amendment Request and, on October 1, 2026, filed a corresponding Zoning Text Amendment Request Application, under which New Pioneer requests that the County amend Sections 41.11 and 42.08 of the Ordinance regarding shooting ranges. Such Zoning Text Amendment Request Application was thereafter amended, with New Pioneer filing an Amended and Substituted Zoning Text Amendment Request Application on October 21, 2026. (Exhibit 7) (New Pioneer's Amended and Substituted Zoning Text Amendment Request Application). New Pioneer's Application is pending.

20. On September 25, 2026, New Pioneer appealed the Notice of Violation, and its appeal remains pending with the County Zoning Commission. (Exhibit 5) (New Pioneer's Notice of Appeal).

21. On October 12, 2026, Plaintiff Sarah Hoover ("**Hoover**") filed a Zoning Text Amendment Request Application seeking to amend Section 41.11, 42.08, 43.02, 43.03, and 43.05 of the Ordinance regarding shooting ranges. (Exhibit 6) (Hoover Application).

22. On November 4, 2026, Plaintiffs filed an Application for an Order to Show Cause demanding that the County take immediate enforcement action against New Pioneer based on the Court's August 19, 2026 order. (Doc. D0107).

23. The Court has now set a hearing on that application for December 15, 2026. (Doc. D0108).

24. New Pioneer now seeks to vacate the judgment entered on August 19, 2026. (Exhibit 1).

25. New Pioneer's motion to vacate is timely under Iowa Rule of Civil Procedure 1.1013(1), filed within one year of the Court's August 19, 2026 order.

26. New Pioneer requests an **expedited** hearing on this motion to occur prior to the Court entering any further orders in this case, including any ruling on the Plaintiffs' pending Application for an Order to Show Cause.

MOTION TO INTERVENE

27. Iowa Rule of Civil Procedure 1.407(1)(b) states:

> *Intervention of right*. Upon timely application, anyone shall be permitted to intervene in an action under any of the following circumstances:
>
> . . .
>
> b. When the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

Iowa R. Civ. P. 1.407(1)(b).

28. New Pioneer is entitled to intervene in these proceedings as a matter of right for the reasons described below.

ARGUMENT

29. First, New Pioneer's motion to intervene is timely.

30. "A rule or statute granting the right to intervene is remedial and is to be liberally construed." *In re J. R.*, 315 N.W.2d 750, 752 (Iowa 1982).

31. "It is the general rule intervention will not be allowed after final judgment or decree has been entered." *Morse v. Morse*, 77 N.W.2d 622, 628 (Iowa 1956).

32. However, Iowa Rule of Civil Procedure 1.407 affords district courts "discretion in determining whether to allow intervention." Iowa R. Civ. P. 1.407, cmt. 2 & 4 (noting the rule was amended to remove the explicit requirement that intervention be sought before trial, affording courts more discretion).

33. Moreover, as noted above, the basis of New Pioneer's intervention is to challenge the validity of the Court's findings due to absence of New Pioneer as an indispensable party in these proceedings.

34. Iowa Rule of Civil Procedure Rule 1.234(3) states that if an indispensable party is not included a lawsuit, the court "shall order the party brought in." Iowa R. Civ. P. 1.234(3).

35. "It is not a matter of discretion, but of absolute judicial duty." *In re Estate of Janssen*, 7 N.W.3d 516, 521, 523 (Iowa 2024) (quoting *Tod v. Crisman*, 99 N.W. 686, 689 (Iowa 1904)).

36. The failure to join an indispensable party is so fundamental that it may be raised for the first time on appeal even after judgment has been entered. *Rice v. Seventeen Twenty*

Assocs., No. 99-0424, 2000 WL 278752, at *3 (Iowa Ct. App. Mar. 15, 2000) ("The failure to join an indispensable party may be raised for the first time on appeal.").

37. In any event, proceedings as to the application and enforceability of the Court's findings remain pending before this Court given Plaintiffs' Application for an Order to Show Cause. (Doc. D0107). New Pioneer seeks to intervene on that same issue, contesting enforcement in its entirety.

38. New Pioneer believes that its Motion to Intervene and Motion to Vacate promote judicial economy. New Pioneer could file a separate lawsuit seeking injunctive relief challenging the enforceability of the August 19, 2026 order. *See Sear v. Clayton Zoning Bd. of Adjustment*, 590 N.W.2d 512, 513 (Iowa 1999) (granting injunctive relief in a separate lawsuit filed by plaintiffs given their absence as indispensable parties in the underlying proceedings). However, it would likely be in the interest of all involved to avoid multiple lawsuits addressing the same subject matter. That said, if the Court would prefer New Pioneer to file a separate action, it will do so.

39. Second, New Pioneer's Property is the sole subject of the action. There can be no reasonable dispute that New Pioneer has a clear property interest in defending the validity of the rezoning it requested of its own Property.

40. At a minimum, New Pioneer has an interest in challenging the enforceability of the August 19, 2026 order, which again was rendered without its joinder.

41. The Court's order said nothing about enforcement, penalties, or fines against New Pioneer. (Doc. D0104). Now, Plaintiffs are explicitly asking the Court to direct the County to take action against New Pioneer and its Property. (Doc. D0107). Fundamentally, the Court has no basis to adjudicate any of this in New Pioneer's absence.

42. In *Sear v. Clayton Zoning Board of Adjustment*, plaintiffs obtained a variance to place a mobile home on agricultural land. An adjoining landowner subsequently brought a writ of certiorari action challenging the variance, joining only the county (not the plaintiffs) as a party. The district court found deficiencies in the variance and vacated it. Plaintiffs subsequently filed an injunctive action. 590 N.W.2d at 513. The court concluded that "a landowner who has obtained a variance or other property right as a result of zoning decision is a necessary and indispensable party to any certiorari proceedings brought to challenge the decision" and the plaintiffs' "interest in the property was necessarily [and] inequitably affected by [the] judgment". *Id.* at 517.

43. New Pioneer's property interests have been impacted in precisely the same manner, and its absence as an indispensable party is similarly fatal to the underlying order here.

44. Third, the result of these proceedings has now impaired and impeded New Pioneer's property rights as shown by the County's Notice of Violation. And again, Plaintiffs want even more, demanding more immediate enforcement. (Doc. D0107).

45. New Pioneer's right to use its Property would undoubtedly be impacted by these proceedings. And now, New Pioneer is threatened with penalties and fines. All this would be substantially injurious and damaging to New Pioneer, and it would be unfair to prohibit New Pioneer from appearing and advocating for itself and its own interest.

46. Again, the facts here are the virtually the same as in *Sears*. 590 N.W.2d at 516. New Pioneer applied to have its Property rezoned, and the County granted its application. Thus, New Pioneer had a fundamental property interest, and its interest was negatively and unfairly impacted by litigating that rezoning in its absence.

47. Fourth, the County did not adequately represent New Pioneer's interests. *See, e.g.*, *Sear*, 590 N.W.2d at 516 (concluding a county and board of adjustment "represented their own

interests" and not those of the plaintiffs). Thus, it is immaterial whether New Pioneer had constructive notice of these proceedings or even if they attended any hearings; none of this changes the fact that they were not joined despite being an indispensable party. *See id.* (rejecting the arguments that the plaintiffs "may have had constructive notice" of the proceedings and "were present at the hearing," concluding they were nonetheless "not afforded the opportunity to appear and be head in opposition to the proceedings and were denied due process").

48. While it is New Pioneer's position that its shooting range poses substantial benefits to the County, New Pioneer's interest as a non-profit in continuing its operations—ongoing in Iowa since 1960—are inherently separate.

WHEREFORE, New Pioneer respectfully requests that the Court grant its Motion to Intervene and proceed with its Petition to Vacate and for such other and further relief as this Court deems just and appropriate.

Dated this 6th day of November, 2026.

By: *Jodie C. McDougal*

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ATTORNEYS FOR THE NEW PIONEER GUN CLUB

Certificate of Service

The undersigned certifies that on November 6, 2026, the foregoing document was electronically filed with the Clerk of the Court using the EDMS system which will send a notice of electronic filing to all counsel of record registered with the EDMS system.

/s/ *Danielle Van Wyk*
Danielle Van Wyk, Legal Assistant