EXHIBIT 1

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 PETITION TO VACATE COURT'S AUGUST 19, 2026 RULING & MOTION FOR STAY**
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,	

Defendant-Intervenor The New Pioneer Gun Club ("**New Pioneer**") hereby submits its Petition to Vacate the Court's Ruling on Petition for Writ of Certiorari entered on August 19, 2026 (Doc. D0104), 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. (Exhibit 1) (New Pioneer's Relocation & Zoning Proposal); (Exhibit 2, at ¶ 3) (Affidavit of James Faust).

2. Since 2024, New Pioneer has expended substantial time and funds to relocate its operations from Waukee, Iowa to Warren County, Iowa. (Exhibit 2, at ¶ 4).

3. As part of that relocation, it sought to have certain property rezoned by Warren Couty to accommodate its operations. (Exhibit 2, at ¶ 5).

4. The County granted the requested rezoning, and New Pioneer subsequently built its proposed outdoor shooting range and related buildings and commenced operations. (Exhibit 2, at ¶ 7).

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. (Exhibit 2, at ¶ 8).

6. However, that rezoning was challenged and ultimately voided by this Court in these proceedings, substantially impacting New Pioneer's property rights. (Doc. D0104); (Exhibit 2, at ¶ 9).

7. Despite that, New Pioneer was never a party to these proceedings and never had the opportunity to present evidence or argument. (Exhibit 2, at ¶ 10).

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. (Exhibit 4) (Notice of Violation).

9. Further, Plaintiffs have now filed an Application for an Order to Show Cause, requesting that the Court direct the County to 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 and requests that the Court vacate its prior order voiding the rezoning given the absence of New Pioneer as an indispensable party.

11. New Pioneer also requests that further proceedings be stayed pending proposed amendments to the Warren County Zoning Ordinance (the "**Ordinance**") by both New Pioneer and Plaintiffs.

BACKGROUND

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

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

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. (Exhibit 4).

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).

MOTION TO VACATE JUDGMENT

23. Iowa Rule of Civil Procedure 1.1012 permits the filing of a motion to vacate a final judgment or order for several reasons, including "[m]istake, neglect or omission of the clerk" and "[i]rregularity" in obtaining the order. Iowa R. Civ. P. 1.1012.

24. Here, there was a fundamental mistake and/or irregularity in the Court's August 19, 2026 order; it was obtained without New Pioneer being joined in the action despite the fact that it is an indispensable party.

25. Iowa Rule of Civil Procedure 1.234(2) states:

> *Definition of indispensable party*. A party is indispensable if the party's interest is not severable, and the party's absence will prevent the court from rendering any judgment between the parties before it; or if notwithstanding the party's absence the party's interest would necessarily be inequitably affected by a judgment rendered between those before the court.

Iowa R. Civ. P. 1.234(2).

26. Iowa Rule of Civil Procedure 1.234(3) states, in relevant part: "*Indispensable party not before court*. If an indispensable party is not before the court, it shall order the party brought in." Iowa R. Civ. P. 1.234(3).

27. The joinder of an indispensable party "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)).

28. A court cannot adjudicate the rights of an indispensable party that is not before it, and any attempt to do so is in error. *Francksen v. Miller*, 297 N.W.2d 375, 377–78 (Iowa 1980) (finding a wife's homestead rights were not adjudicated because she was an indispensable party

who was not joined to the original action, concluding "[i]t was wrong for the court to enter a judgment for possession of the homestead when she was not a party to the suit.").

29. This is particularly true when a court is adjudicating interests in property. *Rice v. Seventeen Twenty Assocs.*, No. 99-0424, 2000 WL 278752, at *3 (Iowa Ct. App. Mar. 15, 2000) (concluding parties to an easement agreement were indispensable parties and that "it would be inequitable to adjudicate the interpretation of the easement agreement without giving them an opportunity to be heard.").

30. New Pioneer was an indispensable party; its interests in its own Property were necessarily and inequitably affected by the Court's order.

31. In *Sear v. Clayton Zoning Bd. 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 512, 513 (Iowa 1999). 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. Thus, the plaintiffs' request for injunction was properly granted. *Id.*

32. Here, the same is true. 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.

33. It is immaterial that the County participated in these proceedings, as its interests are separate and apart from New Pioneer's interests. *See id.* at 516 (holding that a county and board represented "their own interests," not the interests of the plaintiffs).

34. It is immaterial whether or not New Pioneer had constructive notice of these proceedings. *See id.* at 516 (finding the plaintiffs' constructive notice and presence at prior hearings did not cure the failure to join them as an indispensable party).

35. Plaintiffs, the County, and the Court had a mandatory obligation to join New Pioneer as a party under Iowa Rule of Civil Procedure 1.234. As stated in *In re Estate of Janssen*:

> The enforcement of this duty does not rest entirely upon the parties to the record. If they should neglect to raise the question, and to apply for a proper order, the court, upon its own motion, will supply the omission, and will either bring in the new parties, or remand the cause in order the plaintiff may bring them in.

7 N.W.3d at 521 (quoting *Tod v. Crisman*, 99 N.W. at 689).

36. The impact of all this is particularly unfair and injurious to New Pioneer now. As noted above, the County has now served it with a Notice of Violation based on the Court's order. New Pioneer has appealed that notice, and that appeal remains pending, but it threatens substantial penalties and fines against New Pioneer and its base ability to use its Property as intended.

37. Plaintiffs now seek this Court's involvement in such enforcement in their Application for Order to Show Cause, demanding that the County take immediate steps to penalize New Pioneer and limit its property rights.

38. Any such enforcement is invalid given that the underlying order is void due to the failure to join New Pioneer as an indispensable party.

39. In sum, the Court's August 19, 2026 order is invalid and should be vacated because New Pioneer—an indispensable party as a matter of law and indisputably not joined in these proceedings—had no opportunity to be heard. *See Sear*, 590 N.W.2d at 516.

40. Alternatively, if the Court's order is not wholly invalidated, New Pioneer requests that the Court enter a declaratory judgment finding that the order is unenforceable against New Pioneer such that it cannot be used as the basis for any penalty or fine.

MOTION TO STAY

41. Ordinarily, upon the filing of a petition to vacate a judgment, the Court must "promptly assign the petition for trial not less than 20 days after notice is served." Iowa R. Civ. P. 1.1013(3).

42. As noted above, Plaintiff Hoover and New Pioneer have both filed Zoning Text Amendment Request Applications to amend the Ordinance with respect to shooting ranges. (Exhibits 6 & 7).

43. Those applications remain pending and have the potential to fundamentally change the laws applicable to outdoor shooting ranges in the County. (Exhibit 2, at ¶ 15).

44. New Pioneer requests that further proceedings in this case be stayed pending the County's review of these applications to avoid fundamental changes to the facts and legal landscape during litigation.

WHEREFORE, New Pioneer respectfully requests that the Court grant its Petition to Vacate and Motion to Stay as follows:

1) Vacate the ruling entered on August 19, 2026 (Doc. D0104);
2) Stay any further proceedings pending the County's review of the parties' Zoning Text Amendment Request Applications; and
3) Render 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