



**Office of the
JEFFERSON COUNTY ATTORNEY**
51 W. Hempstead Ave.
Fairfield, IA 52556
PHONE: (641) 472-9201
FAX: (641) 472-9202
EMAIL: jeffcoatty@lisco.com

Statement Regarding Settlement of Osborn et al. v. Moulding et al.
United States District Court, Southern District of Iowa

Kyle,

Jefferson County is providing the requested documentation concerning the settlement of federal civil litigation arising from a November 15, 2024, child welfare investigation.

This settlement was made without any admission of liability, wrongdoing, or responsibility by Jefferson County or the County personnel involved. The settlement agreement expressly disclaims wrongdoing, and the County maintains that the responding officers and personnel acted reasonably, in good faith, and consistently with the United States Constitution and applicable law under the circumstances confronting them.

It is important to understand what prompted this incident. The investigation arose from a detailed and credible report received by the Iowa Department of Health and Human Services alleging that an infant had been born under concerning circumstances, had been exposed to dangerous controlled substances, and was potentially in acute distress. The report contained specific identifying information, and additional information reviewed by child welfare authorities gave the responding agencies substantial reason to take the allegations seriously.

The response involved deputies from both the Jefferson County and Washington County Sheriff's Offices, personnel from the Iowa Department of Health and Human Services, commonly known as DHS, and members of the Jefferson County Attorney's Office. These individuals were responding to what they reasonably believed could be an immediate threat to the life and safety of an infant. Their purpose was not to investigate criminal wrongdoing, but to determine whether a child was present and in need of emergency assistance.

The decisions made by these officers and personnel must be evaluated based upon what they reasonably knew and believed at the time, not through the convenience of hindsight. When law enforcement and child welfare authorities receive credible information suggesting that a defenseless infant may be in immediate danger, they have a responsibility to take that information seriously. The consequences of failing to act under such circumstances can be catastrophic. The responding personnel sought and believed they had obtained lawful consent from the property owner to conduct the welfare check. They also reasonably believed that the circumstances presented a potential emergency requiring prompt action. The investigation was limited in scope and duration, lasting approximately seven minutes.

Although the underlying allegations were ultimately determined to be unfounded, that outcome does not retroactively render the decisions of the responding officers and agencies unreasonable or unlawful. Indeed, the fact that no endangered infant was ultimately discovered should not obscure the seriousness of the information confronting those involved. The County maintains that their actions were

measured, appropriate, and legally justified under the circumstances.

The County firmly believes that it and the County personnel involved would likely have prevailed had this matter proceeded to trial. Unfortunately, the County's ability to fully present its defense was materially undermined by the death of one of the original Plaintiffs, Gordon Seaba, during the course of the litigation. Mr. Seaba was the property owner and life tenant from whom the responding personnel maintain they obtained permission to search the property. His consent was a central issue in the litigation, and his testimony concerning the circumstances and scope of that consent would have been particularly significant. Mr. Seaba passed away before the County had an opportunity to take his deposition and preserve his testimony. Importantly, the remaining Plaintiffs were not present during the conversations in which that consent was allegedly obtained and therefore lacked firsthand knowledge of what was said. The County strongly believes that Mr. Seaba's testimony would have substantially supported its legal position and corroborated the accounts of the responding personnel. His death deprived the defense of the opportunity to obtain and present that testimony, creating an additional and unfortunate litigation risk entirely unrelated to the reasonableness or legality of the underlying conduct.

Nevertheless, the realities of civil rights litigation require consideration of more than the underlying merits. Defending this action through trial would have involved substantial additional legal expenses, together with the inherent uncertainties of litigation. Moreover, federal civil rights law permits prevailing plaintiffs, under appropriate circumstances, to recover their reasonable attorney fees and litigation costs. Even a comparatively modest damages award could have exposed the Defendants to substantial additional financial liability. Indeed, the Plaintiffs' potentially recoverable attorney fees and costs alone could well have exceeded the entire amount ultimately paid to settle this case.

Faced with those considerations, and following the recommendation of the Iowa Communities Assurance Pool (ICAP), the County agreed to resolve the litigation for a total settlement of \$250,000. The County's direct financial responsibility was limited to its \$3,000 insurance deductible, with the remainder covered by ICAP. This was an exceptionally bitter settlement for the County and the individuals involved. There is something profoundly unsatisfying about agreeing to pay a substantial settlement to resolve allegations of wrongdoing when those involved remain firmly convinced that their actions were lawful, reasonable, and motivated by a legitimate concern for the welfare of a potentially endangered child. The County continues to believe that the responding personnel did precisely what the public should expect of law enforcement and child welfare authorities when confronted with credible information that a vulnerable infant may be in danger.

The County does not believe that officers and public servants should be faulted for taking such reports seriously and acting upon them in good faith. Nor does the County believe that the decision to settle litigation should be mistaken for vindication of the Plaintiffs' allegations. Nevertheless, the practical reality is that defending even a meritorious case through trial can prove considerably more expensive than resolving it.

For the County, the decision was not between admitting wrongdoing and defending unlawful conduct. It was between spending \$3,000 to conclude litigation the County believes it should have won, or committing substantially greater public resources to obtaining that vindication in court, with no guarantee of the outcome. That is a particularly bitter choice, especially when the underlying actions were undertaken out of concern for the safety of a child. It is unfortunate that the financial realities of litigation, compounded by the loss of potentially critical testimony through the death of a party, can make settlement the prudent choice even when the defending parties maintain that they acted entirely within the law.

Ultimately, the County has an obligation to protect taxpayer resources, even when doing so requires accepting a deeply unsatisfying resolution. Following ICAP's recommendation to settle was the fiscally

responsible decision, however reluctantly it was made. The decision should not be confused with a concession that the Plaintiffs' claims were meritorious.

Finally, the public should be aware of the political circumstances surrounding this litigation. Plaintiffs' counsel, Mr. Harvey, has previously opposed the County Attorney in a local election and, it appears, may be again actively seeking elective office in Jefferson County. While every citizen has the right to pursue legitimate claims through the courts, that political context is relevant when evaluating public characterizations of this litigation and the motives of those advancing them.

In this case, County personnel were confronted with information suggesting that an infant might be in serious danger, and they acted upon that information in what they reasonably believed to be a lawful and appropriate manner. The County remains convinced that their actions were justified. This settlement reflects the difficult financial realities of litigation, not any retreat from that conviction, and certainly not an admission of wrongdoing.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chauncey T. Moulding".

Chauncey T. Moulding
Jefferson County Attorney