

IN THE SUPREME COURT OF IOWA

NO. 09-_____

GEORGE McMAHON and BARBARA DOUGLASS,
Petitioners-Appellants,

v.

IOWA BOARD OF PHARMACY,
Respondent-Appellee.

AMENDED COMBINED CERTIFICATE

1. Notice of appeal was filed in district court on 25th day of November, 2009 from a judgment or ruling filed on October 30, 2009.
- 2A. ~~Hereby order a transcript or portions thereof on the 30th day of October, 2009, from:~~

(1)

(court reporter name) (address)

(2)

(court reporter' name) (address)

~~No arrangements have been made or suggested to delay the preparation thereof. Financial arrangements have been made with the reporter(s) in accordance with Iowa R. App. P. 6.803(5). Payment (___ will be) (___ has been) made by~~

~~___ private funds~~

~~___ court ordered funds (attach a copy of the order appointing appellate counsel)~~

~~The following proceedings are ordered:~~

~~(1) (describe parts ordered) before (judge) on _____ (date of hearing/trial).~~

~~(2) _____ (describe parts ordered) before _____ (judge) on _____ (date of hearing/trial).~~

-OR-

2B. I need not order a transcript under Iowa R. App. P. 6.804(2) because:

The proceedings below were not reported.

I (will) (will not) prepare a statement of the evidence or proceedings pursuant to Iowa R. App. P. 6.806.

2C. *[To be completed by appellant if less than full transcript is ordered.]* The issues appellant(s) intends to present on appeal are:

I. Whether the district court erred in failing to uphold and enforce its earlier ruling that the Board of Pharmacy cannot insist on proof that marijuana lacks a “high potential for abuse” before fulfilling its statutory obligation to recommend removal of substances from schedule I of the Iowa Controlled Substances act when an alternative ground exists.

II. Whether the district court erred in failing to hold that the decision of the Board of Pharmacy concluding that marijuana lacks “accepted medical use in treatment in the United States” was was contrary to law or arbitrary and capricious and entered without reference to any ascertainable standard.

III. Whether the district court erred in failing to hold, as a matter of law, that marijuana has “accepted medical use in treatment in the United States.”

FAILURE TO SPECIFY IN ADEQUATE DETAIL THOSE PROCEEDINGS TO BE TRANSCRIBED, OR FAILURE TO MAKE PROMPT SATISFACTORY ARRANGEMENTS TO PAY FOR THE TRANSCRIPT, ARE GROUNDS FOR DISMISSAL OF THE APPEAL.

3. If Iowa Rs. App, P. 6.303(2), 6.803(3), or 6.902(1) apply to this case, check category:

- A contest as to custody of children, an adoption, or a juvenile proceeding affecting child placement.
- A termination of a parent-child relationship under Iowa Code chapter 600A.
- A conviction and sentence on a plea of guilty or a sentence only.
- A certified question of law under Iowa Code chapter 684A.
- A lawyer disciplinary matter.
- Involuntary mental health commitments under Iowa Code chapter 229.
- Involuntary substance abuse commitments under Iowa Code chapter 125.

4. I assert in good faith that this appeal meets jurisdictional requirements and is from:

A final judgment, order, or decree and a timely notice of appeal has been filed.

-OR-

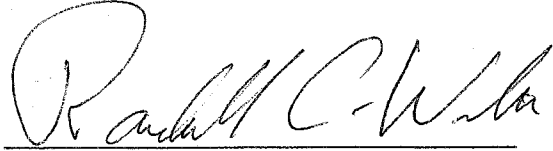
A ruling entered in advance of a final judgment and permission to appeal has been granted by the supreme court.

5. The names of the parties involved in this appeal and their designations in district court are shown below under column A. Their respective attorneys' names, law firms, addresses, and telephone numbers are shown below under column B:

| | Column A (Parties) | Column B (Attorneys) |
|---------------------|------------------------------------|--|
| Appellants: | George McMahon Barbara Douglass | Randall C. Wilson 901 Insurance Exchange Bldg. Des Moines, IA 50309-2316 Telephone: 515.243.4032 Facsimile: 515.243 8506 |
| Appellee: | Iowa Board of Pharmacy | Scott Galenbeck, Esq. Assistant Iowa Attorney General 1305 E. Walnut St. Des Moines, IA 50319 |
| Intervenor/Appellee | Carl Olsen | <i>Pro Se</i> 130 East Aurora Ave. Des Moines, IA 50313-3654 Telephone: 515 288 5798 |

Combined Certificate: McMahon, et al. v. Iowa Board of Pharmacy.

Respectfully Submitted:



Randall C. Wilson, Esq. PK 0007857

ACLU OF IOWA FOUNDATION

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Counsel for Appellants

CERTIFICATE OF SERVICE

The undersigned certifies a copy of this combined certificate was served on the 2nd day of December, 2009, upon the following persons and upon the clerk of the supreme court.

| Name | Address | Manner of Service |
|---|---|-------------------|
| Scott Galenbeck, Esq. | Assistant Iowa Attorney General 1305 E. Walnut St. Des Moines, IA 50319 | regular mail |
| Carl Olsen | 130 East Aurora Ave. Des Moines, IA 50313-3654 | regular mail |
| Donna Humpal Clerk of Iowa Supreme Court | Iowa Judicial Branch Bldg. 1111 East Court Ave. Des Moines, IA 50319 | hand delivery |

