

**In the Iowa District Court  
in and for  
Polk County Iowa**

George McMahon, and Barbara  
Douglass, Petitioners

vs.

The Iowa Board of Pharmacy,  
Respondent

Docket No. CV7415

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**Petition for Further Judicial Review of Agency Action**

Following Remand from the Iowa District Court  
The Hon. Joel D. Novak, presiding

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COME NOW George McMahon and Barbara Douglass and respectfully resist the Board's Motion to Dismiss or Recast Petition for Further Judicial Review.

1. This is a continuation of proceedings under the Petitioner's original Petition for Judicial Review of Agency Action seeking compliance with this Court's prior ruling.
2. Contrary to the Board's assertions, Petitioners are not seeking an opportunity to present further evidence or start a new action to open up the record for additional evidence.

3. Petitioners do seek review of the July 21, 2009 Supplemental Order of the Board and review of the Pharmacy Board's overall failure to comply with this Court's prior ruling upon the grounds and particulars stated in their Petition for Further Review.

WHEREFORE, the Petitioners respectfully request that the Pharmacy Board's Motion to Dismiss be denied and that this Court proceed to determine Petitioner's claims upon their merits.

Respectfully Submitted:



**Randall C. Wilson, Esq.** PK 0007857

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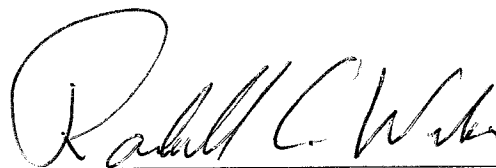
Counsel for Petitioners

### **Proof of Service**

I certify on or before September 18<sup>th</sup>, 2009 I effected service of this filing upon the other parties to this action by placing a true copy of the same in the U.S. Mail addressed to each the parties or their attorney of record as follows:

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