

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

GEORGE McMAHON, BRYAN)	
SCOTT and BARBARA DOUGLASS)	CASE NO. CV 7415
)	
Petitioners,)	
)	
CARL OLSEN,)	RESPONDENT'S
)	OBJECTIONS TO STATEMENTS
Intervenor)	OF PROCEEDINGS
vs.)	
)	
IOWA BOARD OF PHARMACY)	
(00AG27588))	
)	
Respondent.)	

Pursuant to Iowa R. of Appellate P. 6.806(2), Respondent Board of Pharmacy (hereinafter, "Board") objects to the statements of proceedings filed by the Petitioners and the Intervenor herein. The Board's objections are as follows:

1. This matter is on appeal to the Iowa Supreme Court (case number 09-1789).
2. The Petitioners and the Intervenor each filed a notice of appeal.
3. Each appellant has now served and filed a Statement of Proceedings in the District court. The two statements are not the same.
4. Respondent Board objects to each statement. Petitioner's Statement of Proceedings contains thirty-one paragraphs. District Court proceedings are not mentioned until the sixteenth paragraph, the prior paragraphs being consumed by descriptions of Board hearings and arguments related to rescheduling marijuana. Petitioners' Statement of Proceedings is non-compliant with Iowa R.

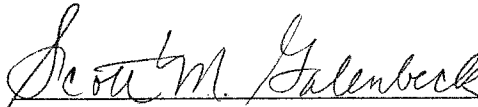
Appellate Procedure 6.806(1), contains mostly irrelevant matter, is inaccurate, argumentative and largely useless to an appellate court.

5. Intervenor's Statement of Proceedings contains seventeen paragraphs. District Court *rulings* are mentioned in paragraphs 11, 16 and 17, but District Court *proceedings* are not mentioned at all. Intervenor's statement is merely an argument related to rescheduling marijuana. As it stands now, the statement is totally non-compliant with Iowa R. Appellate Procedure 6.806(1), inaccurate, argumentative and useless to an appellate court.

WHEREFORE Respondent Iowa Board of Pharmacy requests an order striking the two statements of proceedings on file and directing the Petitioners and Intervenor to formulate and file a single proposed statement, after which filing the Board should again be allowed to voice objection pursuant to Iowa R. of Appellate P. 6.806(2).

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon each of the attorneys of record of all parties in the above-entitled cause by enclosing the same in an envelope addressed to each such attorney at his respective address as disclosed by the pleadings of record herein, with postage fully paid, and by depositing said envelope in a United States Post Office depository in Des Moines, Iowa, on the 23rd day

of Dec., 2009.

Lisa Wittman