

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

GEORGE McMAHON, BRYAN)	
SCOTT and BARBARA DOUGLAS)	CASE NO. CV 7415
)	
Petitioners,)	
vs.)	
)	
IOWA BOARD OF PHARMACY)	MOTION TO ENLARGE
(00AG27588))	TIME FOR FILING
)	RESPONDENT'S BRIEF
)	
Respondent.)	

Pursuant to Iowa R. Civil P. 1.431, the Iowa Board of Pharmacy, Respondent, moves for additional time to file the Respondent's brief herein. In support of its motion, Respondent submits the following:

1. Petitioner's brief was served January 16, 2009.
2. By order of this court, dated November 13, 2008, Respondent's brief is due to be served on or before February 9, 2009.
3. By the same order of this court, Petitioners are allowed through February 16, 2009 to file a reply brief.
4. Respondent's counsel has a case set for jury trial in Polk County, commencing on February 9, 2009. Trial may last a full week, through February 13, 2009.
5. Pre-trial preparation for the pending jury trial has precluded Respondent's counsel from completing work on Respondent's brief.
6. Respondent's counsel has contacted Petitioners' counsel and Carl Olsen, who has moved to intervene, to determine if they oppose an extension of time of 30 days, to and


including March 11, 2009, in which to file Respondent's brief. Neither Petitioners nor Carl Olsen object to the proposed extension of time.

7. On January 5, 2009 this court issued an Order Continuing Hearing which set February 13, 2009 as the date for oral argument ("final hearing") in this case. If the court grants Respondent's request for additional time to file its brief, a new hearing date will also need to be established.

WHEREFORE, Respondent-Iowa Board of Pharmacy requests an order allowing Respondent an additional 30 days -- through March 11, 2009 -- in which to serve its brief, with Petitioners' and Carl Olsen's reply briefs to be served on or before March 16, 2009. Respondent further requests that the date for oral argument be reset to a date after March 16, 2009.

Respectfully submitted,

THOMAS J. MILLER
IOWA ATTORNEY GENERAL


SCOTT M. GALENBECK AT0002647
Assistant Attorney General
Administrative Law Division
Hoover Building, 2nd Floor
Des Moines, Iowa 50309
Ph: (515) 281-6658
Fax: (515) 281-7551
scott.galenbeck@ag.state.ia.us

Copies to:

Randall C. Wilson
ACLU of Iowa Foundation
901 Insurance Exchange Bldg.
Des Moines, Iowa 50309-2316

Lloyd Jessen
Executive Director
Iowa Board of Pharmacy
400 S.W. 8th Street, Suite E
Des Moines, Iowa 50309-4688

Carl Olsen
130 East Aurora Avenue
Des Moines, Iowa 50313-3654

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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 3rd day

of Feb., 2009.

John Wittmus