

**IN THE IOWA DISTRICT COURT
IN AND FOR
POLK COUNTY, IOWA**

George McMahon, Bryan Scott, and)	
Barbara Douglass, Petitioners)	
)	
and)	Docket No. CV 7415
)	
Carl Olsen, Intervenor)	
)	
<i>vs.</i>)	MOTION TO ENLARGE
)	THE RECORD WITH
The Iowa Board of Pharmacy,)	MEMORANDUM OF LAW
Respondent)	FILED WITH AGENCY

Carl Olsen (“Olsen” hereafter), the Petitioner below before the Iowa Board of Pharmacy (“Board” hereafter) and the Intervenor in this case, respectfully moves this Court for permission to enlarge the record.

The grounds for this motion are as follows:

1. Olsen is preparing his Reply Brief to the Respondent’s Brief that was served on Olsen by mail on March 10, 2009.

2. In preparing his Reply Brief, Olsen found that the Respondent’s Brief filed on March 10, 2009, argues that the record does contain any reference by Olsen to the scheduling criteria found at Iowa Code 124.201. See Respondent’s Brief at page 3.

3. Olsen submitted a Memorandum of Law with his petition that was not included in the Stipulated Record prepared by the Respondent and filed with this Court on November 18, 2008. See Stipulated Record, Tab A.

4. Olsen stipulated to a shortened record to relieve the Respondents from the cost of reproducing those portions of the record that the Respondent now argues never existed.

5. Olsen does not agree that the portions of the record that the Respondent did not want to reproduce were never submitted to the Board or never existed.

6. Attached to this motion are certified mail receipts showing when the Memorandum of Law was mailed to the Board and showing when the Memorandum of Law was received by the Board.

7. The Memorandum of Law addresses issues which the Respondent is now claiming were not addressed by Olsen in his petition before the Board. See Respondent's Brief at pages 2-5.

8. Olsen has contacted the other parties to this case by email asking for their consent to this motion.

For the foregoing reasons, Olsen now moves this Court to include the Memorandum of Law he filed with the Board in the record on review, because the Respondent is actually using the Stipulated Record as a strategic maneuver to gain advantage over Olsen.

Dated: March 13, 2009.

Respectfully submitted:

Carl Olsen, Pro Se
130 E. Aurora Ave.
Des Moines, IA 50313-3654
Telephone: 515-288-5798
Email: carl-olsen@mchsi.com

CERTIFICATE OF SERVICE

I certify that on or before March 13th, 2009, I served the other parties to this action with notice of this motion by mailing true copies to all parties of record or their attorneys as the case may be at the addresses shown below:

For Respondent, Iowa Board of Pharmacy

Scott Galenbeck, Esq.
Assistant Iowa Attorney General
1305 E. Walnut St.
Des Moines, IA 50319

For Petitioners, George McMahon,
Bryan Scott, and Barbara Douglass

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

Carl Olsen, Pro Se



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