

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>CARL OLSEN, Petitioner, v. STATE OF IOWA, Respondent.</p>	<p>Case No. CVCV062566</p> <p>Respondent's Motion to Dismiss</p>
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COMES NOW the State of Iowa and moves to dismiss this case under Rule 1.421 of the Iowa Rules of Civil Procedure. In support, the State pleads:

1. Petitioner Carl Olsen seeks a declaratory judgment against the State of Iowa that he can purchase, possess, and use medical cannabidiol through Iowa's medical cannabidiol program for bona fide religious purposes and that he could raise the same affirmative defenses to Iowa's criminal statute that are available to patients and their primary caregivers. Pet. ¶ 5.

2. Olsen's Petition must be dismissed because it is barred by sovereign immunity. The State of Iowa has not consented to this suit. And Olsen has named only the State—not any other state officials or other parties.

3. Even if the Court could look past this fatal defect, the Petition still fails to state a claim. Iowa's marijuana and medical cannabidiol laws are neutral and generally applicable. Thus, they do not violate the First Amendment or article 1, section 3, of the Iowa Constitution

4. The State has filed a brief in support of this motion.

WHEREFORE, the State of Iowa respectfully requests that the Court dismiss this case, assess all costs to Olsen, and award any other appropriate relief under the circumstances.

Respectfully submitted,

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ATTORNEYS FOR RESPONDENT

PROOF OF SERVICE	
The undersigned certifies that the foregoing instrument was served upon all parties of record by delivery in the following manner on November 23, 2021:	
<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> FAX
<input type="checkbox"/> Hand Delivery	<input type="checkbox"/> Overnight Courier
<input type="checkbox"/> Federal Express	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> EDMS	
Signature: <u>/s/ Samuel P. Langholz</u>	