

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

CARL OLSEN, Petitioner, v. STATE OF IOWA, Respondent.	Case No. CVCV062566  <b>Response to Motion for Leave to Amend Petition for Declaratory Judgment</b>
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COMES NOW the State of Iowa and submits this response to Carl Olsen's Motion for Leave to Amend Petition for Declaratory Judgment.

1. Petitioner Carl Olsen originally sued seeking 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.

2. The State moved to dismiss Olsen's Petition because, among other reasons, a suit against the State is barred by sovereign immunity.

3. On January 3, 2022, Olsen filed a Motion for Leave to Amend Petition for Declaratory Judgment, replacing the State of Iowa as the Respondent with the Iowa Department of Public Health and amending other allegations and requests for relief.

4. A hearing is current set on the State's Motion to Dismiss Olsen's original petition and on this motion to amend on January 14, 2022, at 9:00 a.m.

5. The State does not resist Olsen's motion to amend. But it reserves the right of the Iowa Department of Public Health to challenge any defects in the first amended petition in a new motion to dismiss the amended petition.

6. If the court grants Olsen's motion to amend, the State's motion to dismiss the original petition is moot. It would conserve judicial and party resources to conduct briefing and any hearing only on a new motion to dismiss the amended petition, if one is filed by the Iowa Department of Public Health.

7. Since the State does not resist this motion to amend and the motion to dismiss the original petition is moot, the hearing on these motions scheduled for January 14 is unnecessary and should be canceled.

WHEREFORE, the State of Iowa does not resist Olsen's Motion to Amend and respectfully requests that if the motion is granted, the Court also cancel the hearing on its motion to dismiss the original petition.

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 January 5, 2022:

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|--|--|
| <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: /s/ Samuel P. Langholz