

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

CLIMBING KITES LLC and FIELD DAY
BREWING COMPANY LLC,

Plaintiffs,

v.

THE STATE OF IOWA; KELLY GARCIA,
in her official capacity as Director of the Iowa
Department of Health and Human Services;
and THE IOWA DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Defendants.

CASE NO. 4-24-cv-202

**PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Plaintiffs Climbing Kites LLC and Field Day Brewing Company LLC, by and through the undersigned counsel, and pursuant to Federal Rule of Civil Procedure 65(a), hereby move this Court for entry of a preliminary injunction against Defendants State of Iowa, Kelly Garcia, and the Department of Health and Human Services (together the "Department").

A preliminary injunction should be granted because the state-law Potency Limits and Packaging and Labeling Authority enacted in House File 2605 violate the Supremacy Clause of the United States Constitution and/or those provisions should be enjoined until the FDA issues regulatory guidance for consumable hemp products. Alternatively, a preliminary injunction should be issued to restrain the Department from interpreting, enforcing, or otherwise administering Iowa's consumable hemp laws in any manner beyond the plain language of the statute, through rulemaking or otherwise, and prohibiting the Department from interpreting, enforcing, or otherwise administering Iowa's consumable hemp laws in a manner that prohibits the manufacture, distribution, or sale of a consumable hemp product that contain ten or less milligrams total THC

per container. The statute and/or the Department must be enjoined now to prevent irreparable harm to Plaintiffs.

For the foregoing reasons and as more fully explained in the Brief and other materials filed herewith, Plaintiffs respectfully request their Motion be granted.

Dated this 17th day of June 2024.

Respectfully submitted,

BELIN McCORMICK, P.C.

A handwritten signature in black ink, appearing to read "Michael R. Reck", is written over a horizontal line.

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