

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

CLIMBING KITES LLC and FIELD DAY)	
BREWING COMPANY LLC,)	CASE NO. <u>4:24-CV-202</u>
)	
Plaintiffs,)	
)	
v.)	
)	
THE STATE OF IOWA; KELLY GARCIA,)	PLAINTIFFS' MOTION FOR
in her official capacity as Director of the Iowa)	TEMPORARY RESTRAINING
Department of Health and Human Services;)	ORDER AND/OR RENEWED
and THE IOWA DEPARTMENT OF)	MOTION FOR PRELIMINARY
HEALTH AND HUMAN SERVICES,)	INJUNCTION
)	
Defendants.)	

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, hereby move this Court for entry of a temporary restraining order and/or renewed motion for preliminary injunction against Defendants State of Iowa, Kelly Garcia, and the Department of Health and Human Services (together the “Department”).

A temporary restraining order and/or 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 the Fourteenth Amendment of the United States Constitution as they are void for vagueness. Alternatively, 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

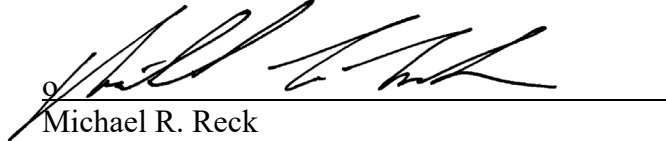
laws in a manner that prohibits the manufacture, distribution, or sale of a consumable hemp product that contain “four milligrams per serving and ten milligrams per container.” The statute and/or the Department must be enjoined now to prevent irreparable harm to Plaintiffs.

The undersigned certifies they have given notice to the Defendants, via email, regarding the request for a temporary restraining order made herein. For the foregoing reasons and as more fully explained in the Brief and other materials previously filed with the Court, Plaintiffs respectfully request their Motion be granted.

Dated this 28th 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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