

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

**EXHIBIT
D**

HW PREMIUM CBD, LLC,
AJ's HEALTH AND WELLNESS d/b/a
AMERICAN SHAMAN, E. KRIEGER
LAND, LLC d/b/a GREENE GOODS
MARKET & GREENHOUSES, GREEN
ONYX INC. d/b/a YOUR CBD STORE,
BEYOND CBD, LLC dba BEYOND CBD,
CAMPBELL'S NUTRITION CENTERS,
INC., TCI ENTERPRISE, INC. d/b/a SKY
HIGH, ICANNA, LLC, YOUR CBD STORES
FRANCHISING, LLC,

Case No. 4:24-cv-00210-SHL-HCA

Plaintiffs,

v.

GOVERNOR KIM REYNOLDS in her official
capacity, DIRECTOR OF IOWA
DEPARTMENT OF HEALTH AND HUMAN
SERVICES KELLY GARCIA in her official capacity,
COMMISSIONER OF IOWA DEPARTMENT
OF PUBLIC SAFETY STEPHAN BAYES in his
official capacity, and IOWA SECRETARY OF
AGRICULTURE MIKE NAIG in his official capacity,

Defendants.

DECLARATION OF TAYLOR FAIRMAN

I, Taylor Fairman, do hereby attest as follows:

1. I am over the age of majority, am competent to testify, and I have personal knowledge of the matters addressed in this declaration.
2. This Declaration is submitted in support of Plaintiffs' Supplemental Brief in Support of Their Motion for Preliminary Injunction.

3. I am the one of the founders of TCI Enterprises, Inc. d/b/a Sky High, which sells products that Iowa has defined as “consumable hemp products.” I got involved in the consumable hemp industry when my two-year-old daughter was diagnosed with cancer.

4. Sky High was established on February 2, 2021, and was the first licensed company marketing THC products within Iowa and registered with Iowa’s consumable hemp program.

5. Sky High is registered with the Iowa Department of Health and Human Services (“DHHS”) as a Retail Consumable Hemp Facility and a Manufacturing Consumable Hemp Facility, and the consumable hemp products previously sold at Sky High were approved by DHHS.

6. After July 1, 2024, all of Sky High’s previously approved products that were specifically manufactured based on the FAQ guidance were removed from Sky High’s Consumable Hemp Registration Portal.

7. If I go into the DHHS portal and click “export template,” it will show the products that I have uploaded. A true and correct copy of the webpage as of July 12, 2024, when I do this action on DHHS’ website for Sky High is attached as Exhibit “1.”

8. However, that same day, I tried to view Sky High’s current product list that could be marketed and sold in Iowa and it shows, “no products pending or approved for this facility at this time.” A true and correct copy of the webpage as of July 12, 2024, when I do this action on DHHS’ website for Sky High is attached as Exhibit “2.”

9. Since the filing of this lawsuit, my contact at DHHS, Bobby Barcelo, the Program Manager for Consumable Hemp within Iowa, has informed me verbally that no products would be approved or denied until the draft regulations are made effective or this Court rules on the

pending preliminary injunction motion. Consequently, Sky High's products are in a limbo state until this matter is addressed by the Court.

10. The regulatory delay and uncertainty have caused tremendous confusion, especially as a manufacturer of products who has to invest thousands of dollars in molds for gummies and additional product development before any products are formally approved by DHHS. The industry needs clarity as soon as possible.

11. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15 day of July 2024.



Taylor Fairman

EXHIBIT
1

A	B	C	D	E	F	G	H	I	J	K	L
Active	Brand	SKU	Product Name	Product Form	Total THC	Total THC	City	Manu State	Man	Manufact	COA
Yes	Sky High	860012192342	Sky Water- Double Berry Razz	Edible	4	4	MINNEAP	MN		https://www.drive.google.co	
Yes	Sky High	860012193438	Sky Water- Grape	Edible	4	4	MINNEAP	MN		https://www.drive.google.co	
Yes	Sky High	860012192335	Sky Water-Lemon Lime	Edible	4	4	MINNEAP	MN		https://www.drive.google.co	
Yes	Sky High	860012192359	Sky Cooler-Peach Moscato	Edible	4	4	MINNEAP	MN		https://www.drive.google.co	
Yes	Sky High	860012192373	Sky Cooler-Grapefruit Cranberry	Edible	4	4	MINNEAP	MN		https://www.drive.google.co	
Yes	Sky High	860012185696	Skyology-Focus	Oral	4	4	MINNEAP	MN		https://www.drive.google.co	
Yes	Sky High	860012192311	Skyology-Relax	Oral	4	4	MINNEAP	MN		https://www.drive.google.co	
Yes	Sky High	860012185658	Skyology-Original	Oral	4	4	MINNEAP	MN		https://www.drive.google.co	
Yes	Sky High	860012185603	Skyology- Active	Oral	4	4	MINNEAP	MN		https://www.drive.google.co	
Yes	Sky High	860009694859	Sky Cooler-Fuji Apple Pear	Edible	4	4	MINNEAP	MN		https://www.drive.google.co	
Yes	Sky High	860012185634	Skysicle-Orange	Edible	4	4	MINNEAP	MN		https://www.drive.google.co	
Yes	Sky High	860012185665	Skysicle-Tropical Punch	Edible	4	4	MINNEAP	MN		https://www.drive.google.co	
Yes	Sky High	860009694873	Skysicle-Cherry	Edible	4	4	MINNEAP	MN		https://www.drive.google.co	
Yes	Sky High	860012185641	Skysicle-Blue Razz	Edible	4	4	MINNEAP	MN		https://www.drive.google.co	

EXHIBIT
2

CH Portal - Manage Products/Update Food License

https://idph.my.site.com/consumablehemp/flow/CH_Portal_Manage_Products_Update_Food_License

There are no Active products in Approved or Pending status related to this facility at this time.