

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

AMERICAN CIVIL LIBERTIES)
UNION, and LEAGUE OF UNITED)
LATIN AMERICAN CITIZENS OF)
IOWA,)

Case No: CVCV009311

Petitioners,)

ORDER

v.)

IOWA SECRETARY OF STATE)
MATT SCHULTZ,)
Respondent.)

FILED
POLK COUNTY, IA.
13 JAN 17 PM 1:38
CLERK DISTRICT COURT

This matter came before this Court on November 30, 2012, on Respondent's Motion to Dismiss, Motion to Quash Subpoena, and Motion for Protective Order, and Petitioners' Motion to Compel Production. The Respondent was represented by Deputy Attorney General, Jeffrey Thompson. The Petitioners were represented by attorney, Joseph Glazebrook.

The Court requested additional briefing from the parties stating their legal authority for and against the Respondent's contention at hearing that his filing of the Amended Notice of Intended Action superseded, nullified, and/or rendered moot the emergency rules at issue here. In the Respondent's Additional Briefing he requested that in the alternative to the Court ruling on his Motion to Dismiss, the adjudication of this matter be stayed until the permanent rulemaking process is finished. The Court then gave Petitioners a chance to respond to the Respondent's alternative request for stay. The Petitioners provided the Court with a response on January 15, 2013, consenting to the stay based on various conditions which the Court now finds are proper and appropriate.

Once the permanent rulemaking procedures are complete the Petitioners will have the opportunity to either amend their Petition to challenge the final, permanent form of the rules, or

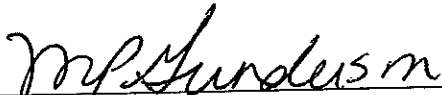
voluntarily dismiss this Petition and file a new one making specific challenges to the permanent rules. Again, the temporary injunction previously granted by this Court will stay in effect until the normal rulemaking process is complete.

The Court further finds it is in the interest of judicial economy to stay the matter until the permanent rulemaking process has finished. The Court will not use limited judicial resources addressing the substantive merits of the validity of rules that could be substantially different in their permanent form.

The Court concludes that by agreement of the parties the Respondent's request for stay should be **GRANTED**.

IT IS THE ORDER OF THE COURT that all proceedings in this matter, including all discovery issues, are stayed until the normal rulemaking process is complete and the permanent rules are either adopted or rescinded.

IT IS SO ORDERED this 16th day of January, 2013.



Mary Pat Gunderson, DISTRICT JUDGE
Fifth Judicial District of Iowa

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