

IN THE SUPREME COURT OF IOWA
Supreme Court No. 20-0477

ROB SAND, Auditor of the State of Iowa,
Applicant-Appellee,

vs.

JOHN DOE, in his official
capacity, and
UNNAMED STATE AGENCY, STATE OF IOWA,
Defendants-Appellants.

APPEAL FROM THE IOWA DISTRICT COURT
FOR POLK COUNTY

THE HONORABLE JUDGE HEATHER LAUBER

APPELLANTS' SUPPLEMENTAL BRIEF

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CERTIFICATE OF SERVICE

On the 13th day of October, 2020, the Appellants served Appellants' Supplemental Brief on all other parties to this appeal by electronic filing and email to:

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**STATEMENT OF THE ISSUES PRESENTED FOR
REVIEW**

- I. The Arguments of Amicus Curiae Should Be Rejected Because Iowa Code § 679A.19 Is Not Applicable to This Case.**

ARGUMENT

I. The Arguments of Amicus Curiae Should Be Rejected Because Iowa Code § 679A.19 Is Not Applicable to This Case.

In its brief, Amicus Curiae argues that this Court lacks subject matter jurisdiction over this case because it is, according to Amicus, a “dispute between two administrative departments of state government,” and must be handled via the adjudicative process required by Iowa Code § 687A.19. On October 12, 2020, Appellee filed his Supplemental Brief, responding to Amicus’ arguments. There, Appellee raises three counter-arguments: (1) that Iowa Code § 11.52 expressly authorizes the Auditor of State to apply to the district court for enforcement of his subpoenas; (2) that Iowa Code § 679A.19 does not apply to constitutional officers such as the Auditor of State; and (3) that the Court has subject matter jurisdiction over this case, and Amicus’ challenge is actually to the Court’s authority over this case, which is not a proper challenge at this time.

Appellants concur with the counter-arguments raised by Appellee, with the sole exception being that Appellee claims the

subpoena in question was lawful and that Appellants' refusal to comply with the subpoena was unlawful.¹

CONCLUSION

For these reasons, the arguments of Amicus Curiae should be rejected.

¹ This is the central dispute between the parties.

COST CERTIFICATE

We certify that the cost of printing the Appellant's Supplemental Brief and Argument was the sum of \$ 0.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This brief complies with the typeface requirements and type-volume limitation of Iowa Rs. App. P. 6.903(1)(d) and 6.903(1)(g)(1) or (2) because:

- This brief has been prepared in a proportionally spaced typeface using Georgia in size 14 and contains 211 words, excluding the parts of the brief exempted by Iowa R. App. P. 6.903(1)(g)(1).

Dated: October 13, 2020



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