

LEGAL STANDARDS

In order to take judicial notice of a document, it must be relevant and “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” F.R.E. 201(b). Under Rule 201, the Court may “take judicial notice of matters of general public record.” *Moxley v. Meredith*, 471 F.Supp. 777, 779 n.4 (D.D.C. 1979) (citation omitted). In addition, “[a] court may consider evidence outside the administrative record as necessary to explain agency action.” *Friends of the Earth v. Hintz*, 800 F.2d 822, 829 (9th Cir. 1986); *Animal Defense Council v. Hodel*, 840 F.2d 1432, 1436 (9th Cir. 1988), *modified by* 867 F.2d 1244 (9th Cir. 1989).

ARGUMENT

The documents here meet the test for judicial notice under Rule 201, as they are only being relied upon to elucidate the agencies’ decisionmaking; in particular, their failure to consider the federal government’s own patent for cannabinoids and pertinent scientific studies published since the petitioners filed their rescheduling petition. These materials are subject to judicial notice to show that these agencies failed to consider “all relevant factors.” *See Hodel*, 840 F.2d at 1436.

For the foregoing reasons, Petitioners respectfully request that this Court take judicial notice of Exhibits 1 & 2, which are attached hereto.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served on January 26, 2012, via ECF/electronic filing upon the United States Attorney General's Office, 950 Pennsylvania, Avenue, N.W., Washington DC, 20530, and Carl E. Olsen, 130 East Aurora Avenue, Des Moines, IA 50313.

DATED: January 26, 2012 Respectfully Submitted,

/s/ Joseph D. Elford
Joseph D. Elford