

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

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<b>David Monson</b>	)	
	)	
<b>-and-</b>	)	
	)	
<b>Wayne Hauge,</b>	)	<b>Civ. No. 4:07-cv-00042</b>
	)	<b>(DLH/CSM)</b>
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>Drug Enforcement Administration</b>	)	
	)	
	)	
<b>United States Department of Justice,</b>	)	
	)	
<b>Defendants.</b>	)	

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**MOTION BY AMICUS CURIAE  
NORTH DAKOTA STATE UNIVERSITY  
FOR LEAVE TO FILE BRIEF IN SUPPORT OF  
PLAINTIFFS' CROSS-MOTION FOR  
SUMMARY JUDGMENT AND IN OPPOSITION TO  
DEFENDANTS' MOTION TO DISMISS**

North Dakota State University ("NDSU") hereby moves the Court for an Order allowing it to file, as amicus curiae, a brief in support of the Plaintiffs' Cross Motion for Summary Judgment and in opposition of Defendants' Motion to Dismiss.

**I. Interest of amicus curiae**

As set forth in the Brief of Amicus Curiae filed in conjunction with this motion and incorporated here by reference, NDSU has an interest in the issues involved in this case. NDSU has been given a statutory mandate to "conduct baseline research, including production and processing in conjunction with the research and extension centers of the

state, regarding industrial hemp and other alternative use crops,” S.L. 1999, ch. 53, codified at N.D.C.C. § 4-05.1-05, and to “collect feral hemp seed stock and develop appropriate strains of industrial hemp which contain less than three-tenths of one percent tetrahydrocannabinol in the dried flowering tops.” S.L. 2005, ch. 58, §1, codified at N.D.C.C. § 4-05.1-05. Given this mandate, NDSU’s interest in the resolution of this matter is apparent.

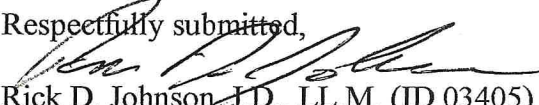
**II. Desirability of amicus brief and relevance to dispositions of the case.**

As set forth in the Brief of Amicus Curiae filed in conjunction with this motion and incorporated here by reference, NDSU’s input into this matter is desirable as NDSU’s has information relevant to the disposition of this case. Specifically, NDSU’s experience through its employee, Dr. Burton Johnson, who applied for a DEA license to grow industrial hemp for study in 1999 and the DEA’s subsequent failure to act on the application in the intervening eight years, is relevant to the issue of the ripeness for adjudication raised by the DEA in its Motion to Dismiss.

**III. Conclusion**

For the reasons set forth above and the reasons set forth in the proposed amicus brief of NDSU, NDSU asks that the Court grant its motion for leave to file its amicus brief.

Respectfully submitted,

  
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