

UNITED STATES COURT OF APPEAL  
FOR THE NINTH CIRCUIT

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Nos. 98-16950, 98-17044, and 98-17137

UNITED STATES OF AMERICA,  
Appellee/Plaintiff,

v.

OAKLAND CANNABIS BUYERS'  
COOPERATIVE and JEFFREY JONES,  
Appellants/Defendants.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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**MOTION FOR ADDITIONAL TIME FOR ORAL ARGUMENT**  
**(Fed. R. App. Proc. 34(b))**

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Pursuant to Fed. R. App. Proc. 34(b), Appellants hereby move for additional time for oral argument. As set forth in the accompanying declaration of Annette P. Carnegie, good cause exists for this motion in that there are three appeals which have been consolidated before this Court. The Court has allotted only 20 minutes for argument.

This case involves three consolidated appeals, case nos. 98-16950, 98-17044, and 98-17137. (Carnegie Dec. ¶2) On March 1, 1999, this Court set the hearing for the consolidated appeal on April 13, 1999 at 9:00 a.m. and allotted 20 minutes per side for oral argument. (Carnegie Dec. ¶3) Two counsel will argue on behalf of Appellant. (Carnegie Dec. ¶4) Counsel believes that the amount of time allotted in the notice is insufficient to permit counsel to argue the merits of each appeal. Accordingly, Appellants respectfully request an increase in the amount of time allotted for oral argument of this consolidated appeal.

Dated: March 29, 1999

JAMES J. BROSNAHAN  
ANNETTE P. CARNEGIE  
CHRISTINA KIRK-KAZHE  
MORRISON & FOERSTER LLP

  
By Annette P. Carnegie

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OAKLAND CANNABIS BUYERS'  
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Appellants/Defendants.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

---

**DECLARATION OF ANNETTE P. CARNEGIE IN SUPPORT OF  
MOTION FOR ADDITIONAL TIME FOR ORAL ARGUMENT**

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I, ANNETTE P. CARNEGIE, declare

1. I am a member of the bar of the State of California, and a partner in the law firm of Morrison & Foerster LLP of counsel of record for Appellants Jeffrey Jones and the Oakland Cannabis Buyers' Cooperative. I am admitted to practice before this court. I have personal knowledge of the facts stated herein and if called as a witness could testify competently thereto.

2. The consolidated appeal before this Court involves three appeals: an appeal from Order Denying Motion to Modify Preliminary Injunction (case no. 98-16950), an appeal from Order Denying Motion to Dismiss (case no. 98-17044) and an appeal from Order Modifying Injunction (case no. 98-17137).

3. On March 1, 1999 the court issued a notice informing Appellants that the consolidated appeal had been set for hearing on April 13, 1999 and allotted 20 minutes per side for oral argument.

4. Co-counsel Gerald F. Uelmen will argue at least one of the three appeals on behalf of Appellants.

5. I believe that the time allotted for oral argument is not sufficient to argue the merits of the consolidated appeals.

I declare under the penalty of perjury under the law of the State of California that the foregoing is true and correct.

Executed this 29th day of March, in San Francisco, California.

  
ANNETTE P. CARNEGIE

**PROOF OF SERVICE BY OVERNIGHT DELIVERY**

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California, 94105; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited in a box or other facility regularly maintained by United Parcel Service or delivered to an authorized courier or driver authorized by United Parcel Service to receive documents on the same date that it is placed at Morrison & Foerster for collection.

I further declare that on the date hereof I served a copy of:

**MOTION FOR ADDITIONAL TIME FOR ORAL ARGUMENT (Circuit Rule 34-2)**

**DECLARATION OF ANNETTE P. CARNEGIE IN SUPPORT OF MOTION FOR ADDITIONAL TIME FOR ORAL ARGUMENT**

on the following by placing a true copy thereof enclosed in a sealed envelope with delivery fees provided for, addressed as follows for collection by United Parcel Service at Morrison & Foerster llp, 425 Market Street, San Francisco, California, 94105, in accordance with Morrison & Foerster's ordinary business practices:

Mark T. Quinlivan  
U.S. Department of Justice  
901 E Street, N.W., Room 1048  
Washington, D.C. 20530

Mark Stern  
U.S. Department of Justice  
601 D Street, N.W., Room 9108  
Washington, D.C. 20530

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 29th day of March, 1999.

\_\_\_\_\_  
Eileen O'Hara  
(typed)

\_\_\_\_\_  
(signature)

**PROOF OF SERVICE BY OVERNIGHT DELIVERY (2nd Day Delivery)**

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California, 94105; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited in a box or other facility regularly maintained by United Parcel Service or delivered to an authorized courier or driver authorized by United Parcel Service to receive documents on the same date that it is placed at Morrison & Foerster for collection.

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**SEE SERVICE LIST, ATTACHED.**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 29th day of March, 1999.

\_\_\_\_\_  
Eileen O'Hara  
(typed)

\_\_\_\_\_  
(signature)

SERVICE LIST

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