

1 defendants to comply with that part of the injunction which the Court found defendants had
2 violated, the Court modified the preliminary injunction to provide as follows:

3 The United States Marshal is empowered to enforce this Preliminary
4 Injunction. In particular, the United States Marshal is authorized to enter the
5 premises of the Oakland Cannabis Buyers' Cooperative at 1755 Broadway,
6 Oakland, California, at any time of the day or night, evict any and all tenants,
inventory the premises, and padlock the doors, until such time that defendants
can satisfy the Court that they are no longer in violation of the injunctive order
and that they would in good faith thereafter comply with the terms of the order.

7 October 13, 1998 Order.

8 In response to the Court's order modifying the injunction, defendants voluntarily
9 closed the Cooperative at 1755 Broadway and gave the key to the Cooperative to the United
10 States Marshal's Office. Defendants now seek an order permitting them to reenter the
11 premises at 1755 Broadway to conduct activities other than the manufacture or distribution
12 of marijuana.

13 The Court is satisfied that defendants are no longer in violation of the injunctive order
14 and that they will in good faith comply with the terms of the order. Defendant Jeffrey Jones,
15 the Executive Director of defendant Oakland Cannabis Buyers' Cooperative, has submitted a
16 declaration in which he attests that he will follow the terms of the injunction with respect to
17 the premises at 1755 Broadway, Oakland, California and will take all reasonable steps to
18 ensure compliance by the Oakland Cannabis Buyers' Cooperative with the injunction. Since
19 defendants have declared they will not use the premises at 1755 Broadway, Oakland,
20 California for the purpose of manufacturing or distributing marijuana, there is no reason to
21 keep them out of the premises to ensure that they will not use the premises for the purpose of
22 manufacturing or distributing marijuana.

23 Accordingly, upon the expressed representation of defendants' Jeffrey Jones and the
24 Oakland Cannabis Buyers' Club that they will not manufacture or distribute marijuana at
25 1755 Broadway, Oakland, California, or use the premises at 1755 Broadway, Oakland,
26 California for the purpose of manufacturing or distributing marijuana, the Court will vacate
27 the modification to the preliminary injunction issued on October 13, 1998. The Court will
28 permit defendants to reenter the premises provided they do not engage in the manufacture or

1 distribution of marijuana from those premises, or use the premises for the purpose of
2 manufacturing or distributing marijuana.

3 CONCLUSION

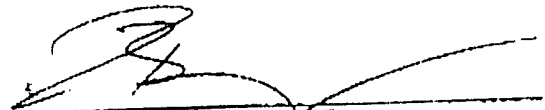
4 For the foregoing reasons, defendants' ex parte motion is hereby GRANTED in part.
5 The October 13, 1998 modification to the May 19, 1998 preliminary injunction is hereby
6 VACATED. The May 19, 1998 preliminary injunction is hereby modified as follows:

7 The Oakland Cannabis Buyers' Cooperative and Jeffrey Jones may reenter the
8 premises at 1755 Broadway, Oakland, California, provided they do not engage
9 in the manufacture or distribution of marijuana from those premises, or use the
10 premises for the purpose of manufacturing or distributing marijuana.

11 If the plaintiff believes in good faith that defendants have violated the
12 preliminary injunction by manufacturing or distributing marijuana at 1755
13 Broadway, Oakland, California, or using the premises at 1755 Broadway,
14 Oakland, California for the purpose of manufacturing or distributing marijuana,
15 the United States Marshal is authorized to enter the premises of the Oakland
16 Cannabis Buyers' Cooperative at 1755 Broadway, Oakland, California, at any
17 time of the day or night, evict any all tenants, inventory the premises, and
18 padlock the doors, until a hearing before the Court, which hearing shall be held
19 forthwith.

20 **IT IS SO ORDERED.**

21 Dated: October 30, 1998

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23 CHARLES R. BREYER
24 UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

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