

No. 00-16411
(Related Case Nos. 98-16950, 98-17044, 98-17137, 99-15838,
99-15844, and 99-15879)

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

v.

OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES,

Defendants-Appellees.

Appeal from Order Modifying Injunction by the United States District Court
for the Northern District of California
Case No. C 98-00088 CRB
entered on July 17, 2000, by Judge Charles R. Breyer.

SUPPLEMENTAL EXCERPTS OF RECORD
VOLUME I

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SUPPLEMENTAL EXCERPTS OF RECORD

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13 IN THE UNITED STATES DISTRICT COURT

14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 v.

20 OAKLAND CANNABIS BUYERS'
COOPERATIVE, AND JEFFREY JONES

21 Defendants.

22

No. C 98-0088 CRB

**DEFENDANTS' NOTICE OF MOTION
AND MOTION TO DISSOLVE OR
MODIFY PRELIMINARY
INJUNCTION ORDER AND
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF**

(Fed. R. Civ. P. 60(b), Local Rule 7-11)

Date: July 7, 2000
Time: 10:00 a.m.
Hon. Charles R. Breyer

23

24

25 _____

26 AND RELATED ACTIONS.

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28

1 **TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:**

2 Pursuant to Federal Rule of Civil Procedure 60(b) and Local Rule 7-11, and the Ninth
3 Circuit's September 13, 1999 and May 10, 2000 opinions in this case, Defendants the Oakland
4 Cannabis Buyers' Cooperative ("OCBC" or "the Cooperative") and Jeffrey Jones (collectively
5 "Defendants") bring this motion to dissolve preliminary injunction order originally dated May 19,
6 1998 ("Preliminary Injunction Order"), or in the alternative, to modify the Preliminary Injunction
7 Order to permit distribution of cannabis to those patients with a physician-confirmed medical
8 necessity for cannabis.

9 **INTRODUCTION**

10 Defendants have been unable to provide medicine to sick and dying patient-members for over
11 18 months. These patients have been deprived of the only safe means, authorized by state and local
12 law, of obtaining medicine that their physicians have deemed necessary to their very survival. Some
13 patient-members have now died and others continue to live in severe pain with chronic, debilitating,
14 and life-threatening illnesses. The Ninth Circuit has now commanded that the rights and interests of
15 these patient-members be considered and protected by this Court. In light of the Ninth Circuit's
16 ruling, it is evident that this Court must now reconsider and dissolve the preliminary injunction
17 previously issued in this case.

18 In the alternative, because Defendants also have established that these patients and the public
19 interest will be served by modification of the injunction, this Court should modify the Preliminary
20 Injunction Order to permit patients with a medical necessity to obtain cannabis as follows:

21 Notwithstanding the foregoing, the Oakland Cannabis Buyers'
22 Cooperative patient-members who fit the following description may
23 obtain cannabis from the Cooperative to alleviate and/or treat a serious
24 medical condition: patients whose doctors certify that (1) the patient
25 suffers from a serious medical condition; (2) if the patient does not
26 have access to cannabis the patient will suffer imminent harm;
27 (3) cannabis is necessary for the treatment of the patient's medical
28 condition or cannabis will alleviate the medical condition or symptoms
associated with it; (4) there is no legal alternative to cannabis for the
effective treatment of the patient's medical condition because the
patient has tried other legal alternatives to cannabis and has found them
ineffective in treating his or her condition, or has found that such
alternatives result in intolerable side effects.

1 **SUMMARY OF FACTS AND PROCEEDINGS**

2 On January 9, 1998, the government filed civil complaints seeking declaratory judgment and
3 preliminary and permanent injunctive relief against the OCBC, claiming that the activities of the
4 medical cannabis dispensary violated federal criminal law, namely the Controlled Substances Act
5 (“the CSA”) (21 U.S.C. § 841 *et seq.*). On May 19, 1998, this Court issued a Preliminary Injunction
6 Order which enjoined the OCBC and the other named dispensaries from: (1) engaging in the
7 manufacture or distribution of marijuana, or possessing marijuana with the intent to manufacture and
8 distribute it; (2) using their premises for these purposes; and (3) conspiring to do the same — in
9 violation of 21 U.S.C. §§ 841(a)(1), 846, and 856. *See United States v. Cannabis Cultivators Club,*
10 *et al.*, 5 F. Supp. 2d 1086 (N.D. Cal. 1998). The Preliminary Injunction Order specifically
11 incorporated the Court’s Memorandum and Order (“Order”) dated May 13, 1998. The Order found
12 that because the government had established a likelihood of success on the merits, the court would
13 presume that in the absence of the injunction, the government would suffer irreparable injury. The
14 Order made it clear that the Court’s decision was preliminary in nature, and that further proceedings,
15 including a trial, would be necessary to resolve the legal defense raised by Defendants.

16 On July 6, 1998, the government moved for an Order to Show Cause why Defendants should
17 not be held in contempt for violating the Preliminary Injunction Order. In response, Defendants
18 submitted detailed evidence from specific patient-members, establishing the severity of their medical
19 conditions and their medical need for cannabis. (*See* Declarations In Support of Defendants’ Motion
20 To Dissolve Or Modify Preliminary Injunction Order “Declarations” Vol. II) Some of these patient-
21 members have since died. Declaration of Michael Alcalay in Support of Defendants’ Motion to
22 Dissolve or Modify the Injunction (“Alcalay Decl.”) ¶¶ 6, 11 (Declarations Vol. I).

23 Along with specific information provided by medical personnel concerning the serious
24 conditions suffered by OCBC’s patient-members, Defendants presented individual patient-member
25
26
27
28

1 declarations.¹ For example, Defendants presented evidence from patient-member Robert Bonardi, a
2 74-year old grandfather who had never used cannabis before, that cannabis allowed him to eat again
3 after chemotherapy treatment for throat cancer. Declaration of Robert Bonardi, ¶ 6, 9-12.
4 Defendants also presented evidence from patient-member Yvonne Westbrook that, “the spasticity
5 [from multiple sclerosis] immediately subsides” with the use of medical cannabis. Declaration of
6 Yvonne Westbrook ¶ 4. For Kenneth Estes, “cannabis makes it possible for [him] to function in
7 society and to deal with other people because is alleviates the pain [he] experience[s]” as a
8 quadriplegic. Declaration of Kenneth Estes ¶ 5. Cannabis kept Dr. Michael Alcalay alive because it
9 helps to avoid nausea and vomiting associated with his medications for AIDS. Amended Declaration
10 of Dr. Michael Alcalay In Support of Defendants’ Response to Show Cause Order (“Am. Alcalay
11 Decl.”) ¶ 6. Finally, Defendants submitted evidence from recognized medical experts establishing
12 proven superiority of cannabis as a medicine for patients with these conditions. Declaration of Lester
13 Grinspoon M.D. In Support of Defendants’ Response to Show Cause Order (“Grinspoon
14 Decl.”) ¶¶ 9-10; Declaration of John P. Morgan , M.D. In Support of Defendants’ Response to Show
15 Cause Order (“Morgan Decl.”) ¶ 3. (Declarations Vol. II)

16 On September 3, 1998, this Court issued an Order to Show Cause why Defendants should not
17 be held in contempt for violating the Preliminary Injunction Order. On October 13, 1998, this Court
18 found that Defendants had offered sufficient evidence of medical necessity as to some patient-
19 members. Memorandum and Order Re: Motions In Limine and Order To Show Cause In Case
20 No. 98-00088 (Oakland Cannabis Buyers’ Cooperative) (“October 13, 1999 Mem. Op. & Order”) at
21 7. Nonetheless, this Court granted the government’s motions in limine to exclude Defendants’
22 defenses and evidence at trial, and found the Defendants in contempt. *Id.* at 13. In the same order,
23 this Court modified the preliminary injunction to authorize the United States Marshal immediately to
24 enter the premises, evict the tenants and padlock the doors. *Id.*

25

26 ¹ For the Court’s convenience, these declarations have been resubmitted with this motion.
27 (See Declarations Vol. II)

28

1 On October 15, 1998, to prevent further harm to its patient-members OCBC filed an *ex parte*
2 application to stay the order modifying the Preliminary Injunction Order pending appeal. Defendants
3 also moved to modify the Preliminary Injunction Order to permit distribution of cannabis to those
4 patients with a demonstrated necessity, as defined in *United States v. Aguilar*, 883 F.2d 662, 692
5 (9th Cir. 1989). Defendants requested the following modification:

6 Notwithstanding the foregoing, the Oakland Cannabis Buyers'
7 Cooperative patient-members who fit the following description may
8 obtain cannabis from the Cooperative to alleviate and/or treat a serious
9 medical condition: patients whose doctors certify that (1) the patient
10 suffers from a serious medical condition; (2) if the patient does not
11 have access to cannabis the patient will suffer imminent harm;
12 (3) cannabis is necessary for the treatment of the patient's medical
condition or cannabis will alleviate the medical condition or symptoms
associated with it; (4) there is no legal alternative to cannabis for the
effective treatment of the patient's medical condition because the
patient has tried other legal alternatives to cannabis and has found them
ineffective in treating his or her condition, or has found that such
alternatives result in intolerable side effects.

13 Apparently relying on the government's position that necessity is not a legal defense under
14 the CSA, this Court summarily denied the requested modification on October 16, 1998, as well as the
15 request for stay. The Court thus authorized the complete closure of the OCBC as of
16 October 19, 1998.

17 Recognizing the danger to public health and safety posed by the closure of OCBC, on
18 October 27, 1998, the Oakland City Council issued Resolution No. 74618 declaring a Local Public
19 Health Emergency with Respect to Safe, Affordable Access to Medical Cannabis in the City of
20 Oakland. Attached as Exhibit A to Declaration of Annette Carnegie in Support of Defendants'
21 Motion ("Carnegie Decl."), filed herewith. The Resolution found that closure of the Oakland
22 Cannabis Buyers' Cooperative ("OCBC") "impairs public safety. . . ." and that
23 "[OCBC's] . . . closure . . . will cause pain and suffering to seriously ill Oakland residents. . . ."
24 (Carnegie Decl., Ex. A, Resolution No. 74618 at 2.) The Resolution declares a public health
25 emergency and urges the federal government to cease actions "that pose obstacles to access to
26 cannabis for Oakland residents. . . ." *Id.* The City of Oakland has since renewed this resolution
27 every two weeks. (Carnegie Decl. Ex. A.)

28

1 OCBC has identified a strong public interest in the availability of a
2 doctor-prescribed treatment that would help ameliorate the condition
3 and relieve the pain and suffering of a large group of persons with
4 serious or fatal illnesses. Indeed, the City of Oakland has declared a
public health emergency in response to the district court's refusal to
grant the modification under appeal here . . .

5 We have no doubt that the district court could have modified its
6 injunction, had it determined to do so in the exercise of its equitable
discretion. *The evidence in the record is sufficient to justify the
requested modification.*

7 *Id.* at 1114-1115. (*emphasis added*)

8 The Ninth Circuit's findings also establish that there is no legitimate basis for maintaining the
9 preliminary injunction. Because the September 1999 opinion recognizes the viability of a medical
10 necessity defense and requires explicit consideration of the public interest, it is evident the
11 government can no longer meet the standards required for the preliminary injunction. Specifically,
12 the government cannot show a likelihood of success on the merits because Defendants have legally
13 viable defenses to any claimed violation of the CSA. Moreover, this Court failed to consider the
14 public interest when it issued the injunction.

15 The Ninth Circuit has since rejected the government's petition for rehearing and rehearing en
16 banc and the mandate has issued. (Carnegie Decl. Ex. B.) Accordingly, this motion appropriately
17 may be considered by this Court, consistent with the guidelines set forth by the Ninth Circuit.

18 THE MAY 10, 2000 NINTH CIRCUIT OPINION

19 This Court previously rejected Defendants' claim that the government's actions violated the
20 substantive due process rights of OCBC's patient-member. *See United States v. Cannabis*
21 *Cultivators Club, et. al*, 5 F. Supp. 2d at 1102. Thereafter, on February 25, 1999, this Court issued an
22 order dismissing the substantive due process counterclaims of the Intervenors in this action. The
23 Intervenors, all suffering from serious medical conditions, need cannabis for the treatment of a
24 medical condition or to alleviate their symptoms and have no legal alternative for the effective
25 treatment of their condition. (Counterclaim of Intervenors ¶¶ 10, 11-15). By their counterclaim, the
26 Intervenors sought a declaration of their fundamental right "to be free from governmental interdiction
27 of their personal, self-funded medical decisions to take the only effective legal medication available
28 to relieve their own pain and suffering, to obtain their personal physicians' recommendations for such

1 conditions as recommended by their personal physicians.” (*Id.* ¶¶ 21a, 24, 26.) Additionally, the
2 Intervenor sought a declaration that enforcement of the CSA against the defendant cooperatives or
3 their patient-members would violate the patient-members’ fundamental rights. (*Id.* ¶¶ 26(a).)

4 On May 10, 2000, the Ninth Circuit vacated this Court’s order rejecting the Intervenor’s
5 substantive claim of violation of their Fifth Amendment rights, and remanded the claim to this Court
6 for reconsideration in light of the Ninth Circuit’s September 1999 opinion. (Carnegie Decl. Ex. C
7 at 4). The Ninth Circuit’s May 10, 2000 opinion as well as its September 1999 decision clearly
8 requires that this court reconsider its earlier rejection of Defendants’ substantive due process claims.
9 The present injunction plainly infringes upon the fundamental rights of OCBC’s patient-members
10 without the justification required by the United States Constitution. For this separate and
11 independent reason, Defendants request that the injunction be dissolved or modified.

12 **I. THE CIRCUMSTANCES OF THIS CASE REQUIRE THAT THE COURT**
13 **EXERCISE ITS INHERENT POWER TO DISSOLVE OR MODIFY THE**
14 **INJUNCTION**

15 This Court has inherent power to dissolve or modify a preliminary injunction pursuant to
16 Federal Rule of Civil Procedure 60(b). *Schwarzer, W. et al., California Practice Guide, Federal*
17 *Civil Procedure Before Trial*, ¶ 13:212 at p. 13-70 (1999). “Courts have been willing . . . to modify
18 or dissolve an injunction in the interest of fairness and efficiency.” *Transgo, Inc. v. Ajac*
19 *Transmission Parts Corp.*, 911 F.2d 363, 367 (9th Cir. 1990) (citation omitted). The discretion of the
20 court is “guided by traditional principles of equity jurisprudence.” *Safe Flight Instrument Corp. v.*
21 *United Control Corp.*, 576 F.2d 1340, 1343 (9th Cir. 1978). *See also United States v. Swift & Co.*,
22 286 U.S. 106, 114 (1932). Judicial discretion allows modification of the terms of an injunctive
23 decree if circumstances of law or fact have changed. *See e.g. System Federation v. Wright*, 364 U.S.
24 642, 647 (1961) (modification of injunction to allow enjoined party to avail itself of newly granted
25 statutory privilege was appropriate); *Transgo, Inc.*, 911 F.2d at 367. “While changes in fact or in
26 law afford the clearest bases for altering an injunction, the power of equity has repeatedly been
27 recognized as extending also to cases where a better appreciation of the facts in light of experience
28 indicates that the decree is not properly adapted to accomplishing its purpose.” *King-Seeley Thermos*
Co. v. Aladdin Indus., Inc., 418 F.2d 31, 35 (2d Cir. 1969).

1 As discussed below, the Ninth Circuit’s opinions in this case provide a clear basis upon which
2 this Court should exercise its inherent equitable power to dissolve the preliminary injunction. Even if
3 the Court declines to dissolve the injunction, the Ninth Circuit’s opinions require that the Court
4 modify the injunction to safeguard the rights of OCBC’s patient-members.

5 **II. THE PRELIMINARY INJUNCTION SHOULD BE DISSOLVED**

6 The Ninth Circuit’s opinions in this case establish that the government is not entitled to the
7 preliminary injunction previously issued by this Court. In deciding whether to grant a preliminary
8 injunction:

9 [t]he court considers: (1) likelihood of success on merits;
10 (2) possibility of irreparable harm to the moving party if the injunction
11 is not granted; (3) the balance of hardships and (4) in certain cases,
whether the public interest will be advanced by granting preliminary
relief.

12 *United States v. Cannabis Cultivators Club*, 5 F. Supp. 2d at 1098. Over Defendants’ objections, this
13 Court applied a variation of this standard by eliminating any inquiry into irreparable harm:

14 [s]ince this is an action by the federal government to enforce a statute,
15 the injunction must be granted if the federal government establishes a
16 probability of success on the merits since, in such cases, the possibility
of irreparable harm is presumed.

17 *Id.* at 1099. This Court ruled that because the government had established a probability of success on
18 the merits, the government need not show irreparable harm. *Id.* at 1102. In so doing, this Court also
19 suggested that the CSA represented an “implied finding by Congress that violations will harm the
20 public.” *Id.* quoting *United States v. Nutri-cology*, 982 F.2d 394, 398 (9th Cir. 1992).

21 As previously stated in their opposition to the government’s motion for preliminary
22 injunction, Defendants do not believe that the government was entitled to any presumption of
23 irreparable injury. Because Defendants did not concede a violation of the CSA, and because the
24 government did not show a probability of success on the merits, the presumption of irreparable injury
25 does not apply. *Nutri-cology Inc.*, 982 F.2d at 398; *United States v. Odessa Union Warehouse Co-op*,
26 833 F.2d 172, 174 (9th Cir. 1987); *Miller v. California Pacific Medical Center*, 19 F. 3d 449, 459
27 (9th Cir. 1994) The Ninth Circuit’s opinions fully support Defendants’ position.

28

1 This Court based its conclusion that the government was likely to succeed on the merits on a
2 determination that Defendants could not establish any of their defenses, including medical necessity
3 and the substantive due process defense. *United States v. Cannabis Cultivators Club*, 5 F. Supp. 2d
4 at 1101-1102. The Ninth Circuit has now ruled, however, that Defendants are entitled to both of
5 these defenses. The September 1999 opinion expressly recognizes the availability of the medical
6 necessity defense in this case. *United States v. Oakland Cannabis Buyers' Cooperative*, 190 F. 3d at
7 1113-1115. Moreover, contrary to this Court's earlier decision rejecting the availability of this
8 defense on a "blanket basis" (*United States v. Cannabis Cultivators Club*, 5 F. Supp. 2d at 1101) the
9 Ninth Circuit has expressly recognized that this defense is available prospectively. *United States v.*
10 *Oakland Cannabis Buyers' Cooperative*, 190 F. 3d at 1114. Finally, the Ninth Circuit also has
11 concluded that on the record now before this Court, Defendants have established each element of the
12 medical necessity defense. *Id.* at 1115. This evidence, which is detailed in section III.A *infra*, also
13 supports Defendants' contention that the injunction violates the substantive due process rights of
14 OCBC's patient-members. See section III.B. *infra*. The May 10, 2000, Ninth Circuit opinion
15 expressly requires that this Court reconsider its earlier conclusion that Defendants had not established
16 a substantive due process defense.

17 Finally, the Ninth Circuit's September 1999 opinion holds that this Court should have
18 considered the public interest in determining whether to issue the injunction:

19 In deciding whether to *issue* an injunction in which the public interest
20 would be affected, or whether to modify such an injunction once
21 issued, a district court *must* expressly consider the public interest on the
22 record. The failure to do so constitutes an abuse of discretion.

23 *Id.* at 1114 (emphasis added). Numerous Supreme Court and Ninth Circuit decisions similarly hold
24 that when a court decides whether to issue an injunction, the court *must* consider the public interest
25 even when a violation of a federal statute has been shown. See e.g. *Weinberger v. Romero-Barcelo*,
26 456 U.S. 305 (1982), (although the district court found a violation of the Federal Water Pollution
27 Control Act, it was nevertheless appropriate to consider the public interest rather than automatically
28 to issue an injunction); *American Motorcyclist Ass'n v. Watt*, 714 F.2d 962 (9th Cir. 1983) (the

1 district court did not abuse its discretion in declining preliminarily to enjoin a likely violation of a
2 federal statute on the ground that the injunction would not have served the public interest.).

3 This Court did not consider the public interest, however, when it issued the preliminary
4 injunction. Instead the Court assumed, without the factual analysis mandated by the Ninth Circuit,
5 that because the government asserted a statutory violation, the preliminary injunction was in the
6 public interest. *United States v. Cannabis Cultivators Club*, 5 F. Supp. 2d at 1102.

7 The Ninth Circuit's September 1999 opinion establishes, however, that the injunction is
8 clearly *not* in the public interest, concluding that "OCBC has identified a strong public interest in the
9 availability of a doctor-prescribed treatment that would help ameliorate the condition and relieve the
10 pain and suffering of a large group of persons with serious or fatal illnesses." *United States v.*
11 *Oakland Cannabis Buyers' Cooperative*, 190 F. 3d at 1114-15. Moreover, the Ninth Circuit
12 expressly found that the government had failed to articulate any interest that would be harmed by
13 allowing distribution of medical cannabis to sick patients. *Id.* at 1115. The record, therefore, is
14 devoid of any evidence upon which to base a finding of irreparable harm.

15 The Ninth Circuit's opinions in this case clearly establish that the government cannot now
16 show either a probability of success on the merits of its claims that OCBC's conduct violates the
17 CSA, or that any government interest is irreparably harmed by allowing OCBC to dispense cannabis
18 to patients with a physician confirmed medical need. For these reasons, the preliminary injunction
19 should be dissolved.

20
21 **III. EVEN IF THE INJUNCTION IS NOT DISSOLVED, DEFENDANTS HAVE
ESTABLISHED THAT THE COURT SHOULD MODIFY THE INJUNCTION**

22 In this case, the Ninth Circuit's opinions clearly represent compelling circumstances
23 justifying modification of the injunction. First, the September 1999 opinion explicitly recognizes the
24 availability of medical necessity as a defense in these proceedings. *United States v. Oakland*
25 *Cannabis Buyers' Cooperative*, 190 F. 3d at 1113-1115. Second, the Ninth Circuit has expressly
26 authorized the availability of the medical necessity defense on a prospective basis through an
27 exception in the already existing injunction:

1 The government did not need to get an injunction to enforce the federal
2 marijuana laws. If it wanted to, it could have proceeded in the usual
3 way, by arresting and prosecuting those it believed had committed a
4 crime. Had the government proceeded in that fashion, the defendants
5 would have been able to litigate their necessity defense under *Aguilar*
6 in due course. *However, since the government chose to deal with*
7 *potential violations on an anticipatory basis instead of prosecuting*
8 *them afterward, the government invited an inquiry into whether the*
9 *injunction should also anticipate likely exceptions. This gives rise to a*
10 *drafting issue — crafting an injunction that is broad enough to prohibit*
11 *illegal conduct, but narrow enough to exclude conduct that likely would*
12 *be legally privileged or justified.*

13 *Id.* at 1114 (emphasis added).

14 Third, contrary to this Court’s earlier determination, the Ninth Circuit has concluded that
15 nothing in the Controlled Substances Act “mandates a limitation on the district court’s equitable
16 powers.” *Id.* at 1114.

17 Finally, as more fully discussed below, the Ninth Circuit has ruled that Defendants’ evidence
18 entitles them to the requested modification. *Id.* at 1115. This same evidence also establishes that the
19 injunction infringes upon the substantive due process rights of OCBC’s patient-members. Because
20 the government has not, and cannot adduce any evidence to the contrary, the request for modification
21 of the injunction should be granted.

22 **A. Defendants Have Established Medical Necessity**

23 The medical necessity defense applies to patient-members who satisfy the criteria set forth in
24 *United States v. Aguilar*, 883 F. 2d 662, 693 (9th Cir. 1989).

25 [A] defendant must establish the existence of four elements to be
26 entitled to a necessity defense: (1) that they were faced with a choice of
27 evils and chose the lesser evil; (2) they acted to prevent imminent
28 harm; (3) they reasonably anticipated a direct causal relationship
between their conduct and the harm to be averted; and (4) that there
were no legal alternatives to violating the law.

29 *Id.* at 693; *United States v. Oakland Cannabis Buyers’ Cooperative*, 190 F. 3d at 1115. This Court
30 has itself acknowledged that this defense applies to at least some of OCBC’s members. October 13,
31 1999 Mem. Op. & Order at 7.

32 As the Ninth Circuit recognized, Defendants already have submitted evidence that establishes
33 the necessity defense and justifies the requested modification:

1 OCBC submitted the declarations of many seriously ill individuals and
2 their doctors who, despite their very real fears of criminal prosecution,
3 came forward and attested to the need for cannabis in order to treat the
4 debilitating and life threatening conditions.

5 In short, OCBC presented evidence that there is a class of people with
6 serious medical conditions for whom the use of cannabis is necessary in
7 order to treat or alleviate those conditions or their symptoms; who will
8 suffer serious harm if they are denied cannabis; and for whom there is
9 no legal alternative to cannabis for the effective treatment of their
10 medical conditions because they have tried other alternatives and have
11 found that they are ineffective, or that they result in intolerable side
12 effects.

13 *United States v. Oakland Cannabis Buyers' Cooperative*, 190 F.3d at 1115.

14 The evidence previously before this Court consisted of declarations from OCBC's patient-
15 members, all of which satisfy the criteria for medical necessity. *See e.g.*, Declarations of Robert
16 Bonardi, Albert Dunham, Kenneth Estes, Yvonne Westbrook, David Sanders, and Harold Sweet.²
17 (Declarations Vol. III) These patients suffer from severe and debilitating illnesses such as AIDS and
18 cancer, for which cannabis is the only alternative. Defendants also submitted the declarations of
19 Dr. Michael Alcalay, OCBC's Medical Director, Lauri Galli, an OCBC Staff Nurse, and James
20 McClelland, OCBC's Chief Financial Officer, which also established the medical necessity of
21 OCBC's patient-members. (Declarations Vol. II)

22 In addition to the foregoing, Defendants have submitted with this motion *additional*
23 declarations from OCBC patient-members. (*See* Declarations Vol. I) Defendants' evidence satisfies
24 each criterion for medical necessity. First, the evidence establishes that patient-members are faced
25 with a choice of evils. OCBC's members suffer from debilitating and deadly diseases such as cancer.
26 (*See e.g.* Declarations of Paul Allen, Willie Beal, Creighton Frost Jr., Steven Kubby, Miles Saunders,
27 Renee Shepard, Lorrie Valentine, and Edward Brundridge). Others suffer from HIV/AIDS. (*See e.g.*

28 ² See also Declarations of Larry Campos; Alice Birmingham; Willie Beal; Bruce Armstrong;
Marco Balistreri; Cynara Chatman-Dillon; Pat Crossman; Bruce Gordon; Gary Granata; Bettye
Jones; Patty Jones; Christopher Kendrick-Stafford; Russell Kline; Don Konecny; Izeal Larry Jr.;
Dianalynn Pfenning; Pamela Powers, Victor Puebla; Steven Rosenmiller; Miles Saunders; Paul J.
Scott; Jeffrey Shepherd; Stacie Traylor; Luis Urena; Allen Wall; Steven Wilson; Michael Alcalay all
of which were filed in connection with the previous motion to modify. (*See* Declarations Vol. III)

1 Declarations of Kerie Campbell, Walter Hatchett, Carl Norris, Miles Saunders, Terry Stogdell, and
2 Steven Wilson). Still others suffer from devastating chronic conditions that cause paralysis, severe
3 physical impairments and unbearable pain. (*See e.g.* Declarations of Liza Allen, Rosslyn Carruthers,
4 Mona Freye, Diana Rosen, Mark Sing, and Yvonne Westbrook). Additionally, many patient-
5 members suffer from devastating emotional side effects, which if untreated, exacerbate already
6 existing physical symptoms. (*See, e.g.*, Declarations of Carl Norris, Creighton Frost Jr., and Jennifer
7 Swift.)

8 For many patient-members, such as those experiencing debilitating pain, undergoing
9 chemotherapy, or experiencing AIDS-related conditions, medical cannabis saves their lives. *See e.g.*,
10 Declarations of Kenneth Estes, Steven Kubby.

11 Second, Defendants' evidence establishes that patient-members need cannabis to avert severe
12 pain, blindness and life-threatening harm. Without medical cannabis, these patient-members cannot
13 survive their debilitating illnesses. As stated by one patient-member, Willie Beal, a 71-year old
14 cancer patient, "I would die. I would simply die . . . I'm trying to live from day to day. [Cannabis] is
15 helping me make it." Beal Decl. ¶ 3. Unfortunately, Mr. Beal has since died. Alcalay Decl. ¶ 11.
16 (Declarations Vol. I)

17 Finally, Defendants' evidence establishes that there are no legal alternatives to the distribution
18 of medical cannabis. Specifically, the declarations establish that for OCBC's patient-members
19 (1) there are no legal or safe alternatives to acquire medical cannabis from other sources, and
20 (2) other medications do not work or they are not nearly as effective as cannabis.

21 Sadly, during the course of these proceedings, many patients have died. Paul Allen, Willie
22 Beal, Miles Saunders and Walter Hatchett, whose declarations are now before the Court, have all
23 died. Alcalay Decl. ¶ 11. Other patient-members, including John Odell and Elizabeth Schoen also
24 have died. *Id.* For these individuals, even if cannabis could not have prevented their deaths, having
25 safe, legal access to cannabis may have ameliorated their suffering in their final days. Alcalay Decl.
26 ¶ 11.

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1 **B. Defendants Have Established That The Present Injunction Violates Patient-**
2 **Members' Fundamental Rights**

3 The Supreme Court has established that the Due Process Clause “provides heightened
4 protection against government interference with certain fundamental rights and liberty interests.”
5 *Washington v. Glucksberg*, 521 U.S. 702, 719, 117 S. Ct. 2258, 2267 (1997) (citations omitted). In
6 applying substantive due process analysis, where a fundamental liberty interest is involved,
7 government action must be “narrowly tailored to serve a compelling [government] interest.” *Id.* at
8 2268.

9 Due process analysis begins with an examination of our “[N]ation’s history, legal traditions
10 and practices.” *Id.* at 2262. Unquestionably, individuals historically have had a liberty interest in
11 being free from pain, and have a well-established right to preserve their lives. *Id.* at 2288, 2303
12 (O’Connor, J., concurring). Historically, cannabis long has been accepted and used in society as a
13 medicine. (Declaration of Lester Grinspoon, M.D. ¶¶ 9-12 (Declarations Vol. II)) Moreover,
14 Congress did not intend to proscribe the medicinal use of cannabis in passing the CSA. Congress
15 intended to place marijuana *only tentatively* in Schedule I, awaiting further information and
16 recommendations. 1970 U.S. Code Cong. & Admin. News 4579. Congress then established the
17 Shafer Commission to conduct studies and provide recommendations for cannabis legislation. Pub.
18 L. No. 91-513, § 601(e) (1970). The Shafer Commission recommended decriminalization of
19 cannabis, finding that its use was not dangerous. *See United States v. Cannabis Cultivators Club*,
20 5 F. Supp. 2d at 1104; *Marihuana: A Signal of Misunderstanding: First Report of the National*
21 *Commission on Marihuana and Drug Abuse*, 152 (1972). Finally, at least six other states (Alaska
22 (A.S. § 17.37.010 *et. seq.*) Arizona (A.R.S. § 13-3412.01 *et. seq.*), Maine (22 M.R.S. § 2383-B),
23 Oregon (1999 Ore. ALS 825, 1999 Ore. Laws 825, 1999 Ore. HB 3052), Washington (ARCW §
24 69.51A *et. seq.*) and most recently Hawaii), now have laws similar to that of California’s
25 Compassionate Use Act.

26 As shown in section III.A, *supra*, OCBC has presented specific and uncontroverted evidence
27 regarding the compelling medical needs of its patient members. The prohibition against the medical
28

1 use of cannabis plainly infringes upon the liberty and life interests of these patients to be free from
2 pain and to preserve their lives. The government presented no evidence to the contrary.

3 The government has previously relied upon decisions concerning restrictions on access to a
4 particular provider or treatment to defend its blanket prohibition against the medical use of cannabis.
5 Even where the government has chosen to restrict access to a particular treatment, however, courts
6 have recognized that such restrictions violate constitutional rights if the government's restrictions are
7 irrational or arbitrary. *Carnohan v. United States*, 616 F.2d 1120, 1122 (9th Cir. 1980). The
8 government has offered no evidence, scientific or otherwise, to justify its infringement on the
9 substantive due process rights of these patients, instead suggesting that the court defer to the findings
10 of Congress. Where, as in this case, legislation infringes upon fundamental rights, however, courts
11 have a duty to look beyond legislative findings to determine independently whether the infringement
12 is justified under the Constitution. "A legislature appropriately inquires into and may declare the
13 reasons impelling legislative action but the judicial function commands analysis of whether . . . the
14 legislation is consonant with the Constitution." *Landmark Communications, Inc. v. Virginia*,
15 435 U.S. 829, 844 (1978), *California Prolife Council Political Action Committee v. Scully*,
16 989 F. Supp. 1282, (E.D. Cal. 1998) (deference to a legislative finding cannot limit judicial inquiry
17 when constitutional rights are at stake). Furthermore, "courts are obligated to assure that, in
18 formulating its judgments, Congress has drawn reasonable inferences, based on substantial
19 evidence." *Id.* at 1299 (quotations and citations omitted).

20 The Ninth Circuit's September 1999 opinion plainly requires that this Court reject the
21 government's assertion of a generalized interest in enforcing the CSA, and instead compel the
22 government to justify its infringement upon the fundamental rights of OCBC's patient-members. As
23 the Ninth Circuit observed:

24 The government, by contrast, has yet to identify any interest it may
25 have in blocking the distribution of cannabis to those with medical
26 needs, relying exclusively on its general interest in enforcing its
27 statutes. It has offered no evidence to rebut OCBC's evidence that
28 cannabis is the only effective treatment for a large group of seriously ill
individuals, and it confirmed at oral argument that it sees no need to
offer any. It simply rests on the erroneous argument that the district
judge was compelled as a matter of law to issue an injunction that is
coextensive with the facial scope of the statute. The district court,

1 accepting the government's argument that it lacked the authority to
2 grant the requested modification, failed to undertake the required
3 analysis and summarily denied OCBC's request.

4 *United States v. Oakland Cannabis Buyers' Cooperative*, 190 F.3d at 1115.

5 The government has presented no evidence, however, that the prohibition against all medical
6 use of cannabis is reasonably related to protecting the public health. In contrast, Defendants have
7 presented scientific evidence establishing cannabis as an extraordinarily safe and effective medicine.
8 (Declarations of John Morgan, M.D., Lester Grinspoon, M.D. (Declarations Vol. II))³ Accordingly,
9 the injunction must be modified to protect the fundamental rights of the patient members.

10 **IV. THE BALANCE OF HARMS COMPELS MODIFYING THE**
11 **INJUNCTION TO ALLOW DISTRIBUTION TO PATIENT-**
12 **MEMBERS WITH A MEDICAL NECESSITY**

13 The Court should exercise its equitable discretion to modify the Preliminary Injunction as
14 directed by the Ninth Circuit. *Transgo, Inc.*, 911 F.2d at 367; *Safe Flight Instrument Corp.*, 576 F.2d
15 at 1343. In this case, all relevant factors compel the requested modification and none weigh against
16 it. First, Defendants have presented the Court with persuasive evidence of the severe hardship the
17 patient-members will suffer if the modification of the injunction is not granted. The Court itself has
18 recognized "the human suffering that will be caused by plaintiff's success in closing down the
19 OCBC." October 13, 1999 Mem. Op. & Order at 13. Defendants have submitted detailed and
20 specific evidence establishing the medical needs of OCBC's patient-members, and that for these
21 people, cannabis is a medical necessity. Defendants also have submitted evidence that cannabis has
22 kept some of these patients alive.

23 _____
24 ³ The court also is requested to take judicial notice, pursuant to Federal Rule of Evidence 201,
25 of the declarations filed in Case No. C 97-0139 FMS, *Conant et. al. v. McCaffrey et. al.*, that were
26 previously submitted to this Court in support of Defendants' Response to the Order to Show Cause.
27 See Defendants' Request for Judicial Notice filed September 14, 1998, and declarations of Drs.
28 Flynn, Estes, Leff, Maccabee, Tripathy, Follansbee, O'Brien, Northfelt, Cafaro, Scott attached
thereto.

1 Moreover, the public interest compels modifying the injunction. The public interest is
2 manifested in many different respects, including but not limited to: the Oakland City Council
3 Resolution No. 74618 declaring a Local Public Health Emergency with Respect to Safe, Affordable
4 Access to Medical Cannabis in the City of Oakland; subsequent resolutions renewing the state of
5 emergency (Carnegie Decl. Ex. A); and the will of citizens of the State of California with the passage
6 of Proposition 215 in 1996. More specifically, the public interest will best be served here by
7 maintaining the lives and health of the patient-members who have no alternative to cannabis to treat
8 their conditions.

9 The Ninth Circuit’s decision fully confirms that in this case, the present preliminary
10 injunction is not in the public interest:

11 OCBC has identified a strong public interest in the availability of a
12 doctor-prescribed treatment that would help ameliorate the condition
13 and relieve the pain and suffering of a large group of persons with
14 serious or fatal illnesses. Indeed, the City of Oakland has declared a
15 public health emergency in response to the district Court’s refusal to
grant the modification under appeal here. Materials submitted in
support of OCBC’s motion to modify the injunction show that the
proposed amendment to the injunction clearly related to a matter
affecting the public interest.

16 190 F.3d at 1114.

17 The Ninth Circuit’s decision also confirms that the government can articulate no countervailing
18 interest that would be harmed by allowing distribution of cannabis to those with a medical necessity.
19 *Id.* at 1115 (“[The government] has offered no evidence to rebut OCBC’s evidence that cannabis is
20 the only effective treatment for a large group of seriously ill individuals”).

21 Defendants’ evidence remains uncontradicted by the government. In short, as recognized by
22 the Ninth Circuit, consideration of the public interest in this case compels modification of the
23 preliminary injunction.

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1 **CONCLUSION**

2 For the foregoing reasons, the Defendants respectfully request that this Court dissolve the
3 preliminary injunction. In the alternative, Defendants request that the Court enter their proposed
4 modification of the Preliminary Injunction Order.

5 Dated: May 30, 2000

6 MORRISON & FOERSTER LLP

7
8 By: 

9 Annette P. Carnegie

10 Attorneys for Defendants
11 OAKLAND CANNABIS BUYERS'
12 COOPERATIVE AND JEFFREY JONES
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PROOF OF SERVICE BY MAIL
FRCivP 5(b)

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 mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

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

**DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISSOLVE OR MODIFY
PRELIMINARY INJUNCTION ORDER AND MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT THEREOF**

**DECLARATIONS IN SUPPORT OF DEFENDANTS' MOTION TO DISSOLVE OR
MODIFY PRELIMINARY INJUNCTION ORDER VOLUME I**

**DECLARATIONS IN SUPPORT OF DEFENDANTS' MOTION TO DISSOLVE OR
MODIFY PRELIMINARY INJUNCTION ORDER VOLUME II**

**DECLARATIONS IN SUPPORT OF DEFENDANTS' MOTION TO DISSOLVE OR
MODIFY PRELIMINARY INJUNCTION ORDER VOLUME III**

**DECLARATION OF ANNETTE P. CARNEGIE IN SUPPORT OF DEFENDANTS'
MOTION TO DISSOLVE OR TO MODIFY PRELIMINARY INJUNCTION ORDER**

[PROPOSED] ORDER

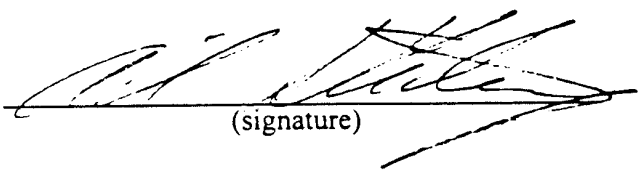
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California, 94105, in accordance with Morrison & Foerster's ordinary business practices:

SEE ATTACHED SERVICE LIST

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 30th day of May, 2000.

Aileen S. Martinez
(typed)



(signature)

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United States of America

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ORIGINAL
FILED

MAY 30 2000

RICHARD W. WHEATING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RLJ

12
 13 IN THE UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION
 16

17 UNITED STATES OF AMERICA,
 18 Plaintiff,
 19 v.
 20 OAKLAND CANNABIS BUYERS'
 COOPERATIVE and JEFFREY JONES,
 21 Defendants.
 22
 23 AND RELATED ACTIONS.
 24
 25
 26
 27

No. C 98-0088 CRB

DECLARATION OF ANNETTE P. CARNEGIE IN SUPPORT OF DEFENDANTS' MOTION TO DISSOLVE OR TO MODIFY PRELIMINARY INJUNCTION ORDER

(Fed. R. Civ. P. 60(b), Local Rule 7-11)

Date: July 7, 2000
Time: 10:00 a.m.
Hon. Charles R. Breyer

1 I, ANNETTE P. CARNEGIE, declare as follows:

2 1. I am a member of the law firm of Morrison & Foerster LLP and am admitted to
3 practice before this Court. I am one of the counsel of record for defendants OAKLAND CANNABIS
4 BUYERS' COOPERATIVE and JEFFREY JONES.

5 2. Attached hereto as Exhibit A are true and correct copies of Oakland City Council
6 Resolution 74618, declaring a local public health emergency with respect to safe, affordable access to
7 medical cannabis in the City of Oakland, and the renewals thereof, of which this Court is requested to
8 take judicial notice pursuant to Federal Rule of Evidence 201.

9 3. Attached hereto as Exhibit B is a true and correct copy of the Ninth Circuit's order
10 filed February 29, 2000 denying the Government's Petition for Rehearing and Petition for Rehearing
11 En Banc, of which this Court is requested to take judicial notice pursuant to Federal Rule of Evidence
12 201.

13 4. Attached hereto as Exhibit C is a true and correct copy of the Ninth Circuit's May 10,
14 2000, order in No. 99-15838 of which this Court is requested to take judicial notice pursuant to
15 Federal Rule of Evidence 201.

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

18 Executed this 30th day of May, 2000, at San Francisco, California.

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Annette P. Carnegie

OAKLAND CITY COUNCIL

RESOLUTION No. 75713 C.M.S.

INTRODUCED BY COUNCILMEMBER _____



RESOLUTION RENEWING THE CITY COUNCIL'S
DECLARATION OF A LOCAL PUBLIC HEALTH
EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE
ACCESS TO MEDICAL CANNABIS IN THE CITY OF
OAKLAND

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

WHEREAS, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

WHEREAS, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

WHEREAS, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

WHEREAS, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

WHEREAS, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

WHEREAS, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

WHEREAS, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

WHEREAS, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

NOW THEREFORE, be it

RESOLVED: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

RESOLVED: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

RESOLVED: that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

RESOLVED: that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.


In Council Oakland, California, MAY 16 2000 , 1999

PASSED BY THE FOLLOWING VOTE:

AYES- Brunner, Chang, Miley, Nadel, Reid, Russo, Spees, and
President De La Fuente — 8

NOES- *None*
ABSENT- *None*
ABSTENTION- *None*

Attest:


CEDA FLOYD
City Clerk And Clerk Of The Council Of The
City Of Oakland, California

OAKLAND CITY COUNCIL

RESOLUTION No. 75613 C.M.S.

INTRODUCED BY COUNCILMEMBER _____



**RESOLUTION RENEWING THE CITY COUNCIL'S
DECLARATION OF A LOCAL PUBLIC HEALTH
EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE
ACCESS TO MEDICAL CANNABIS IN THE CITY OF
OAKLAND**

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

WHEREAS, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

WHEREAS, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

WHEREAS, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

WHEREAS, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

WHEREAS, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

WHEREAS, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

WHEREAS, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

WHEREAS, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

NOW THEREFORE, be it

RESOLVED: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

RESOLVED: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

RESOLVED: that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

RESOLVED: that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

In Council, Oakland, California, APR 11 2000, 1999

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on APR 11 2000.

CEDA FLOYD

City Clerk and Clerk of the Council

Per Onetha Middleton Deputy

OAKLAND CITY COUNCIL

RESOLUTION No. 75590 C.M.S.

INTRODUCED BY COUNCILMEMBER _____



RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

WHEREAS, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

WHEREAS, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

WHEREAS, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

WHEREAS, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

WHEREAS, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

WHEREAS, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

WHEREAS, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

WHEREAS, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

NOW THEREFORE, be it

RESOLVED: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

RESOLVED: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

RESOLVED: that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

RESOLVED: that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on MAR 28 2000.

CEDA FLOYD

City Clerk and Clerk of the Council

Per Onetha Middleton Deputy

OAKLAND CITY COUNCIL

RESOLUTION No. 75565 C.M.S.

INTRODUCED BY COUNCILMEMBER _____



RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

WHEREAS, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

WHEREAS, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

WHEREAS, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

WHEREAS, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

WHEREAS, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

WHEREAS, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

WHEREAS, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

WHEREAS, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

NOW THEREFORE, be it

RESOLVED: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

RESOLVED: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

RESOLVED: that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

RESOLVED: that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on MAR 14 2000

CEDA FLOYD

City Clerk and Clerk of the Council

Per Onetha Middleton Deputy

OAKLAND CITY COUNCIL

RESOLUTION No. 75519 C.M.S.

INTRODUCED BY COUNCILMEMBER _____



RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

WHEREAS, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

WHEREAS, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

WHEREAS, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

WHEREAS, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

WHEREAS, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

WHEREAS, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

WHEREAS, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

WHEREAS, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

NOW THEREFORE, be it

RESOLVED: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

RESOLVED: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

)

RESOLVED: that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

RESOLVED: that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

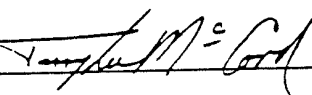
RESOLVED: that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

*I certify that the foregoing is a full, true and correct copy
of a Resolution passed by the City Council of
the City of Oakland, California on*

February 29, 2000

Ceda Floyd
City Clerk and Clerk of the Council

Per  Deputy

OAKLAND CITY COUNCIL

RESOLUTION No. 75520 C.M.S.

INTRODUCED BY COUNCILMEMBER _____



RESOLUTION RENEWING THE CITY COUNCIL'S
DECLARATION OF A LOCAL PUBLIC HEALTH
EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE
ACCESS TO MEDICAL CANNABIS IN THE CITY OF
OAKLAND

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

WHEREAS, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

WHEREAS, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

WHEREAS, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

WHEREAS, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

WHEREAS, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

WHEREAS, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

WHEREAS, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

WHEREAS, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

NOW THEREFORE, be it

RESOLVED: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

RESOLVED: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

)

RESOLVED: that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

RESOLVED: that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on ... FEB 15 2000

CEDA FLOYD

City Clerk and Clerk of the Council

Per Onetha Middleton Deputy

OAKLAND CITY COUNCIL

RESOLUTION No. 75491 C.M.S.

INTRODUCED BY COUNCILMEMBER _____



**RESOLUTION RENEWING THE CITY COUNCIL'S
DECLARATION OF A LOCAL PUBLIC HEALTH
EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE
ACCESS TO MEDICAL CANNABIS IN THE CITY OF
OAKLAND**

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

WHEREAS, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

WHEREAS, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

WHEREAS, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

WHEREAS, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

WHEREAS, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

WHEREAS, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

WHEREAS, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

WHEREAS, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

NOW THEREFORE, be it

RESOLVED: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

RESOLVED: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

OAKLAND CITY COUNCIL

RESOLUTION No. 75477 C.M.S.

INTRODUCED BY COUNCILMEMBER _____



**RESOLUTION RENEWING THE CITY COUNCIL'S
DECLARATION OF A LOCAL PUBLIC HEALTH
EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE
ACCESS TO MEDICAL CANNABIS IN THE CITY OF
OAKLAND**

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

WHEREAS, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

WHEREAS, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

WHEREAS, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

WHEREAS, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

WHEREAS, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

WHEREAS, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

WHEREAS, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

WHEREAS, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

NOW THEREFORE, be it

RESOLVED: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

RESOLVED: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

RESOLVED: that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

RESOLVED: that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on JAN 18 2000.

CEDA FLOYD

City Clerk and Clerk of the Council

Per *Onetha Middleton* Deputy

OAKLAND CITY COUNCIL

RESOLUTION No. 75442 C.M.S.

INTRODUCED BY COUNCILMEMBER _____



**RESOLUTION RENEWING THE CITY COUNCIL'S
DECLARATION OF A LOCAL PUBLIC HEALTH
EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE
ACCESS TO MEDICAL CANNABIS IN THE CITY OF
OAKLAND**

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

WHEREAS, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

WHEREAS, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

WHEREAS, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

WHEREAS, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

WHEREAS, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

WHEREAS, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

WHEREAS, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

WHEREAS, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

NOW THEREFORE, be it

RESOLVED: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

RESOLVED: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

)

RESOLVED: that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

RESOLVED: that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on JAN - 4 2000.

CEDA FLOYD

City Clerk and Clerk of the Council

Per *Onetha Middleton* Deputy

City of Oakland, California

OAKLAND CITY COUNCIL

RESOLUTION No. 75413 C.M.S.

INTRODUCED BY COUNCILMEMBER _____



RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

WHEREAS, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

WHEREAS, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

WHEREAS, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

WHEREAS, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

WHEREAS, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

WHEREAS, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

WHEREAS, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

WHEREAS, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

NOW THEREFORE, be it

RESOLVED: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

RESOLVED: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

RESOLVED: that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

RESOLVED: that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on DEC 14 1999.

CEDA FLOYD

City Clerk and Clerk of the Council

Per Onetha Middleton Deputy

OAKLAND CITY COUNCIL

RESOLUTION No. 75365 C.M.S.

INTRODUCED BY COUNCILMEMBER _____



RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

WHEREAS, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

WHEREAS, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

WHEREAS, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

WHEREAS, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

WHEREAS, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

WHEREAS, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

WHEREAS, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

WHEREAS, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

NOW THEREFORE, be it

RESOLVED: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

RESOLVED: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

RESOLVED: that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

RESOLVED: that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on NOV 30 1999.

CEDA FLOYD

City Clerk and Clerk of the Council

Per Onetha Middleton Deputy

SER 60

OAKLAND CITY COUNCIL

RESOLUTION No. 75338 C.M.S.

INTRODUCED BY COUNCILMEMBER _____



**RESOLUTION RENEWING THE CITY COUNCIL'S
DECLARATION OF A LOCAL PUBLIC HEALTH
EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE
ACCESS TO MEDICAL CANNABIS IN THE CITY OF
OAKLAND**

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

WHEREAS, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

WHEREAS, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

WHEREAS, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

WHEREAS, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

WHEREAS, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

WHEREAS, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

WHEREAS, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

WHEREAS, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

NOW THEREFORE, be it

RESOLVED: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

RESOLVED: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

RESOLVED: that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

RESOLVED: that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

In Council, Oakland, California, NOV 16 1999, 1999

PASSED BY THE FOLLOWING VOTE:

AYES- Brunner, Chang, Miley, Nadel, Reid, Russo, Spees, and
President De La Fuente

NOES-

ABSENT-

ABSTENTION-

Attest: _____
CEDA FLOYD
City Clerk And Clerk Of The Council Of The
City Of Oakland, California

OAKLAND CITY COUNCIL

RESOLUTION No. 75317 C.M.S.

INTRODUCED BY COUNCILMEMBER _____



**RESOLUTION RENEWING THE CITY COUNCIL'S
DECLARATION OF A LOCAL PUBLIC HEALTH
EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE
ACCESS TO MEDICAL CANNABIS IN THE CITY OF
OAKLAND**

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

WHEREAS, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

WHEREAS, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

WHEREAS, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

WHEREAS, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

WHEREAS, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

WHEREAS, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

WHEREAS, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

WHEREAS, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

NOW THEREFORE, be it

RESOLVED: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

RESOLVED: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

RESOLVED: that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

RESOLVED: that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on NOV 02 1999.

CEDA FLOYD

City Clerk and Clerk of the Council

Per *Onetha Middleton* Depury

OAKLAND CITY COUNCIL

RESOLUTION No. 75286 C.M.S.

INTRODUCED BY COUNCILMEMBER _____



RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

WHEREAS, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

WHEREAS, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

WHEREAS, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

WHEREAS, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

WHEREAS, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

WHEREAS, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

WHEREAS, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

WHEREAS, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

NOW THEREFORE, be it

RESOLVED: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

RESOLVED: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

RESOLVED: that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

RESOLVED: that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on OCT 19 1999.

CEDA FLOYD
City Clerk and Clerk of the Council

Per Onetha Middleton Deputy

OAKLAND CITY COUNCIL

RESOLUTION NO. 74618 C.M.S.

RESOLUTION DECLARING A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

WHEREAS, on November 5, 1996, the voters of California, the
Compassionate Use Act of 1996, by a YES vote of 55.7 per cent, the
voted YES for Proposition 215 by an overwhelming 79.3 per cent
land

Ex A

WHEREAS, marijuana has been shown to help alleviate
suffering from a variety of illnesses including AIDS, cancer, gl
when no other medications have been effective; and
erosis

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's
residents are suffering from life-threatening or serious illnesses whose painful symptoms are
alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable
supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has
provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain
medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the
activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the
City of Oakland that the investigation and arrest of certain individuals involved with the medical
use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of
medical grade marijuana and cannabis products for seriously ill Oakland residents whose
physicians have recommended or approved medical cannabis use in the treatment of their illnesses,
the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland
marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the
City's agent to administer the program; and

WHEREAS, in January 1998, the United States of America filed an action asking the
federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities

from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

WHEREAS, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

WHEREAS, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

WHEREAS, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

WHEREAS, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

WHEREAS, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

WHEREAS, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers;

NOW THEREFORE, be it

RESOLVED: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

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RESOLVED: that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

RESOLVED: that copies of this resolution shall be forwarded to Governor Pete Wilson, Attorney General Daniel Lungren and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

*I certify that the foregoing is a full, true and correct copy
of a Resolution passed by the City Council of the City of
Oakland, California on*

OCT 27 1998

CEDA FLOYD
City Clerk and Clerk of the Council

Per Anetha Middleton Deputy

EXHIBIT B

SER 73

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 1 0 2000

CATHY A. CATTERSON
CLERK, U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

OAKLAND CANNABIS BUYERS'
COOPERATIVE; JEFFREY JONES;

Defendants-Appellants

and

REBECCA NIKKEL,

Defendant-Intervenors
Appellants

and

EDWARD NEIL BRUNDRIDGE; IMA
CARTER; LUCIA Y. VIER,

Defendant-Intervenors

No. 99-15838

D.C. No. CV-98-00088-CRB

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MARIN ALLIANCE FOR MEDICAL
MARIJUANA; LYNETTE SHAW

Defendants-Appellants

and

REBECCA NIKKEL,

Defendant-Intervenor-
Appellant

and

EDWARD NEIL BRUNDRIDGE, IMA
CARTER; LUCIA Y. VIER,

Defendant-Intervenors.

No. 99-15844

D.C. No. CV-98-00088-CRB

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

UKIAH CANNABIS BUYER'S CLUB;
CHERRIE LOVETT; MARVIN
LEHRMAN; MILDRED LEHRMAN,

Defendants,

and

EDWARD NEIL BRUNDRIDGE; IMA
CARTER; REBECCA NIKKEL

Defendant-Intervenors,

and

LUCIA Y. VIER,

Defendant-Intervenors.

No. 99-15879

D.C. No. CV-98-00088-CRB

MEMORANDA¹

Appeal from the United States District Court
for the Northern District of California
Charles R. Breyer, District Judge, Presiding

Submitted May 2, 2000²
San Francisco, California

¹ This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as may be provided by 9th Cir. R. 36-3.

² The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34 (a)(2).

Before: SCHROEDER, REINHARDT, and SILVERMAN, Circuit Judges.

This is an appeal from the district court's order dismissing appellant-intervenor's counterclaims seeking injunctive and declaratory relief.

The underlying action was brought by the United States to enjoin Cannabis clubs from distributing marijuana as violations of the Controlled Substance Act, 21 U.S.C. § 841. In an earlier appeal, we reversed a district court denial of injunctive relief and remanded. See, United States v. Oakland Cannabis Buyer's Cooperative, 190 F.3d 1109 (9th Cir. 1999). Although the substantive claim of violation of Fifth Amendment rights that underlies plaintiffs' claim in this appeal differs from the defense of medical necessity upon which we ruled in the earlier appeal, the injunctive remedy involved in both appeals is similar. The district court entered its order of dismissal underlying this appeal before we decided the earlier appeal. Accordingly, we vacate the district court's order and remand for consideration in light of our prior opinion. See id. at 1114-1115.

VACATED AND REMANDED.

FROM : Robert A. Raich

MAY 12 '00 12:07

PMS SF

PHONE NO. : 510 338 060

4:5 983 1200 TO 9:51:03300620

May. 12 2000 02:04PM P6
P. 06/06

FILED

MAY 10 2000

REINHARDT, Circuit Judge, specially concurring:

CATHY A. CATTERSON
CLERK, U.S. COURT OF APPEALS

I concur in the court's order. I would suggest, however, that on remand the district judge consider whether the constitutional claim should be resolved on summary judgment, rather than on a motion to dismiss, given the Supreme Court's emphasis on examining, in substantive due process cases, a claimed right's basis in "our Nation's history, legal traditions, and practices." See Washington v. Glucksberg, 521 U.S. 702, 710 (1997).

*** TOTAL PAGE.06 ***

SER 78

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CLERK U.S. DISTRICT COURT
FOR THE DISTRICT OF CALIFORNIA

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

OAKLAND CANNABIS BUYERS'
COOPERATIVE, JEFFREY JONES
Defendants.

No. C 98-00088 CRB

[PROPOSED] ORDER

(Fed. R. Civ. P. 60(b), Local Rules 7-11)

Date: July 7, 2000
Time: 10:00 a.m.
Hon. Charles R. Breyer

AND RELATED ACTIONS.

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ORDER

This matter comes before the Court on defendants Jeffrey Jones' and the Oakland Cannabis Buyers' Cooperative's Motion to Dissolve or Modify Preliminary Injunction Order In Case No. C 98-0088 CRB ("Defendants' Motion To Dissolve"). Upon consideration of the foregoing and the entire record herein, and good cause appearing therefore, it is hereby

ORDERED that the defendants' motion to dissolve the Preliminary Injunction Order be, and hereby is, GRANTED.

IT IS SO ORDERED.

Dated: July ____, 2000

HON. CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

COPY

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- 9 Telephone: (415) 268-7000
- 10 Attorneys for Defendants
OAKLAND CANNABIS BUYERS'
- 11 COOPERATIVE AND JEFFREY JONES

ORIGINAL FILED

MAY 30 2000

EDWARD W. WOODWARD
NORTHERN DISTRICT OF CALIFORNIA

RLT

12

13 IN THE UNITED STATES DISTRICT COURT

14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 OAKLAND CANNABIS BUYERS'

20 COOPERATIVE, AND JEFFREY JONES

21 Defendants.

No. C 98-0088 CRB

**DECLARATIONS IN SUPPORT OF
DEFENDANTS' MOTION TO
DISSOLVE OR MODIFY
PRELIMINARY INJUNCTION ORDER**

VOLUME I

(Fed. R. Civ. P. 60(b), Local Rule 7-11)

Date: July 7, 2000
Time: 10:00 a.m.
Hon. Charles R. Breyer

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25 AND RELATED ACTIONS.

LIST OF DECLARATIONS

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
CANNABIS CULTIVATOR'S CLUB, et al.,
Defendants.

No. C 98-0088 CRB

**DECLARATION OF MICHAEL M.
ALCALAY, M.D., M.P.H. IN SUPPORT
OF MOTION TO DISSOLVE OR
MODIFY PRELIMINARY
INJUNCTION ORDER**

AND RELATED ACTIONS.

1 I, MICHAEL M. ALCALAY, declare:

2 1. I am Medical Director of the Oakland Cannabis Buyers' Cooperative (the
3 "Cooperative" or "OCBC"). As Medical Director I am familiar with the policies and procedures
4 of the OCBC. I have personal knowledge of the facts stated herein, and if called as a witness, I
5 could and would testify competently as to them.

6 2. I am a Board-certified pediatrician. I graduated from U.C.L.A. medical school in
7 1968. I received a Masters Degree in public health in 1973 from the University of California
8 Berkeley School of Public Health. I practiced as a pediatrician in the Northern California Kaiser
9 Hospitals until 1995 when I became ill with an AIDS related illness.

10 3. As Medical Director of the Cooperative I attend regular board meetings and
11 consortium meetings. Other duties include acting as liaison between the Cooperative and patient-
12 members' authorizing physicians and doing patient outreach. As a result of my duties as Medical
13 Director, I am knowledgeable about many Cooperative patients and their medical conditions.

14 4. Since October 20, 1998, the OCBC has not engaged in the manufacture or
15 distribution of cannabis from its premises, or used the premises for the purpose of manufacturing
16 or distributing cannabis. The OCBC has remained open for limited purposes including:
17 conducting support groups for patients suffering from a variety of medical conditions; providing
18 massage therapy for patient-members; conducting member intake procedures and verifying
19 physician recommendations and approvals; issuing identification cards on behalf of the City of
20 Oakland pursuant to Oakland municipal law; conducting meetings regarding medical cannabis
21 research; providing meals for patient-members; furnishing a meeting space for various community
22 groups; selling books and T-shirts; responding to telephone inquires regarding medical cannabis
23 issues; and administrative activities.

24 5. As Medical Director, I have reviewed and am generally familiar with the medical
25 circumstances that have led patient- members to seek medical cannabis. I have witnessed the
26 devastating effect of the OCBC's inability to provide cannabis to these members.

27 6. I am personally aware that patient-members of the Cooperative suffer from
28 debilitating and often deadly diseases, including HIV and/or AIDS, cancer, arthritis, multiple

1 sclerosis, and glaucoma—to name a few. I have seen and am aware that medical cannabis
2 provides relief to patient-members as a pain reliever, an appetite stimulant, an anti-nauseant, and as
3 relief from spasticity. Medical cannabis relieves intraocular eye pressure in patient-members who
4 suffer from glaucoma. Patient-members who have not been able to receive cannabis have been
5 unable to eat, have suffered excruciating pain and debilitating side effects. Some have died.

6 7. I am also a patient-member of the Cooperative. I learned I was HIV-positive in
7 1986. I was first diagnosed with AIDS in 1993. In 1995, I became very seriously ill with an
8 AIDS-related condition caused by a microbe called cryptosporidium that caused me to have
9 constant diarrhea. I experienced a dramatic loss of my appetite, and I also suffered generally from
10 apathy. I was suffering from the classic “wasting syndrome” that is associated with many AIDS
11 patients. When I eventually medicated myself with cannabis, I regained my appetite, and I was
12 finally able to regain weight again. The cannabis kept me alive until a therapy could be found to
13 eradicate the microbe from my body.

14 8. I have been required to take a lot of different medications to treat my AIDS
15 condition, including the drug AZT and a variety of different protease inhibitors. I need these
16 medications in order to live. But these medicines cause nausea and vomiting. To combat the
17 nausea I have tried several prescription drugs including Marinol and Atarax, but none of them have
18 worked for me. Cannabis has been the only medicine that has worked for me to control the nausea
19 and vomiting caused by my AIDS medications.

20 9. I am aware that patient-members (including myself) suffer from serious medical
21 conditions such as AIDS-related “wasting syndrome” and those with cancer undergoing
22 chemotherapy experience nausea and severe appetite deficits. Patients, such as myself, also suffer
23 these same conditions as a result of having to take multiple medications to treat AIDS, some of
24 them new or experimental. I am aware that medical cannabis relieves these symptoms in patients
25 and enables them to eat. Medical cannabis prolongs some of these patients’ lives (including my
26 own). Without the necessary cannabis, patients are unable to take the other medications (in the
27 case of AIDS patients) or to continue to undergo the intensive chemotherapy (in the case of cancer
28 patients) in order to stay alive. If the patients do not have access to cannabis these patients will

1 suffer imminent harm. Cannabis is necessary for the treatment of these patients' medical
2 conditions. For some of these patients cannabis will alleviate the medical condition or symptoms
3 associated with it. For these patients, there is no legal alternative to cannabis for the effective
4 treatment of the patients' medical condition because the patients have tried legal alternatives to
5 cannabis and have found them ineffective in treating his or her condition, or have found that such
6 alternatives result in intolerable side effects. Thus, these patients have no reasonable alternative to
7 medical cannabis. I believe, based on personal experience, that supplying medical cannabis to
8 these patient-members is necessary to avert imminent and often life-threatening harm.

9 10. I am aware that the patient-members suffer from serious medical conditions such as
10 multiple sclerosis or quadriplegia. These patient-members experience debilitating spasticity and/or
11 constant pain. If these patients do not have access to cannabis these patients will suffer imminent
12 harm such that they are forced to live with uncontrollable muscular spasticity and to endure
13 debilitating pain throughout every day. Cannabis is necessary for the treatment of these patients'
14 medical condition. For some of these patients, cannabis will alleviate the medical condition or
15 symptoms associated with the multiple sclerosis or quadriplegia. For these patients, there is no
16 legal alternative to cannabis for the effective treatment of the patients' medical condition because
17 the patients have tried legal alternatives to cannabis and have found them ineffective in treating his
18 or her condition, or has found that such alternatives result in intolerable side effects. Thus, these
19 patient-members have no reasonable alternative to medical cannabis. I believe that supplying
20 medical cannabis to these patient-members is necessary to avert imminent and often life-
21 threatening harm.

22 11. Patient-members have been forced to endure further harm by the OCBC's inability
23 to provide medical cannabis. Several of the patient-members are now deceased. They died from
24 illnesses including cancer, AIDS, and cachexia. Patient-members John Odell, Elizabeth Schoen,
25 Willie Beal, Paul Allen, Miles Sanders and Walter Hatchett have died. Access to medical cannabis
26 may have offered them a chance at recovery, minimized their suffering, or even prolonged their
27 life.

28 ///

1 12. Many patient-members' lives have been jeopardized since the preliminary
2 injunction was issued. Patient-members have been forced to try to obtain cannabis from
3 alternative and unsafe sources. They are placed in danger both because the act of purchasing from
4 unauthorized sources such as street dealers is inherently dangerous and because impurities in
5 marijuana purchased on the street may be harmful to their fragile health. Some patient-members
6 have chosen to forego their medication altogether because of the severe and harmful risks
7 associated with these alternative sources. These patients have faced months of needless pain and
8 worsening of the severe symptoms associated with their illnesses. Some of these patients even
9 face death because they do not now have safe lawful access to medical cannabis.

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

12 Executed this _____ day of May, 2000, at Oakland, California.

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Michael M. Alcalay, M.D., M.P.H.
Michael M. Alcalay, M.D., M.P.H.

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City of Oakland)
County of Alameda)
for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. C 98-00088 CRB
)	
Plaintiff,	)	<u>DECLARATION OF</u>
	)	<u>LIZA JANE ALLEN</u>
v.)	
)	
OAKLAND CANNABIS BUYERS' COOPERATIVE,)	
et al.,)	
)	
Defendants.)	
)	
)	

TO THIS HONORABLE COURT:

1. My name Liza Jane Allen. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: I have systemic lupus erythematosus (SLE lupus). I also suffer from irritable bowel syndrome and from interstitial cystitis. This type of cystitis is a chronic and lifelong disease. I also

1 have severe osteoporosis.

2 3. If I did not have access to cannabis, I would suffer
3 imminent harm in the following ways: I would suffer sporadic and
4 spontaneous spasms in my pelvic floor and bladder that are a
5 result of having interstitial cystitis. Cannabis helps to
6 relieve these spasms. Without medical cannabis, the irritable
7 bowel syndrome would cause an annoying, acidic feeling in my
8 stomach that leads to nausea. Cannabis makes this unpleasant
9 feeling go away and helps my stomach to relax. Without access
10 to cannabis, I would also suffer the severe joint pain that I
11 get from lupus. Cannabis helps to relieve this pain. Cannabis
12 also reduces my anxiety level and helps me to relax. When my
13 late husband Paul was diagnosed with metastatic cancer, my use of
14 cannabis helped alleviate my need for tranquilizers. It helped
15 give me the energy to care for my husband while coping with my
16 own health problems.

17 4. There is no alternative to cannabis for the effective
18 treatment of my medical condition, because I have tried the
19 following legal alternatives to cannabis and have found them to
20 be ineffective, or to result in intolerable side effects: I
21 tried nortriptyline to relieve bladder spasms. It caused me to
22 feel edgy, disjointed, and very ill at ease. Nortriptyline made
23 me hyperkinetic, and my skin felt like it was crawling. I now
24 take Elmiron for the cystitis. It seems to be of little or no
25 help. If I take cannabis as well, the spasming goes away and the
26 pain from the cystitis is relieved.

27

28 Declaration,
Case No. C 98-00088 CRB

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City of Oakland }
County of Alameda }

for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

CANNABIS CULTIVATOR'S CLUB:)
et al.,)

Defendants.)

Nos. C 98-00085 CRB
C 98-00086 CRB
C 98-00087 CRB
C 98-00088 CRB
C 98-00245 CRB

DECLARATION

AND RELATED ACTIONS.

TO THIS HONORABLE COURT:

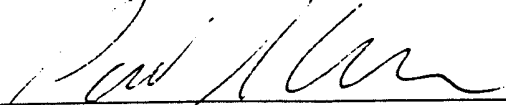
1. My name is Paul Stephen Allen. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical condition(s): Terminal Metastatic Renal Cell Cancer

Declaration:
Case Nos. C 98-00085 CRB, C 98-00086 CRB, C 98-00087 CRB,
C 98-00088 CRB, C 98-00245 CRB

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief.


Signature

Paul Allen
Print Name

Declared and signed in Oakland, California this 31 day of October, 1999.

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City of Oakland }
County of Alameda }

for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

Nos. C 98-00085 CRB
C 98-00086 CRB
C 98-00087 CRB
C 98-00088 CRB
C 98-00245 CRB

v.

CANNABIS CULTIVATOR'S CLUB;
et al.,
Defendants.

DECLARATION

AND RELATED ACTIONS.

TO THIS HONORABLE COURT:

1. My name is Willie Beal. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. The Oakland Cannabis Buyers' Cooperative helps me in the following ways:

Its helps me to eat. I need to eat so that I can gain weight. If I don't eat I die. Food makes me want to throw-up. That's what cancer does to you. And the pain you are in, unbearable pain. It really helps!

The club has kept me alive from day to day.

Declaration;
Case Nos. C 98-00085 CRB, C 98-00086 CRB, C 98-00087 CRB,
C 98-00088 CRB, C 98-00245 CRB

1 3. If the Oakland Cannabis Buyers' Cooperative were to close, I would suffer
2 imminent serious harm in the following ways: I would die, I
3 would simply die. You lose
4 wieght fast with cancer. You can't
5 eat, everything makes you sick, I'm
6 allergic to everything so I have to
7 have something everyday. I'm too
8 old and in too much pain to try to
9 go on the street. I live in
10 Oakland and it is hard, very
11 hard. I'm trying to live from
12 day to day, this is helping me to
13 make it. Please don't take this
14 away. It would kill me, my
15 birthday is October 31. I will be
16 71 years old. If I live to make
17 it please don't murder innocent
18 victims of the club! Have some
19 compassion! You may be in my shoes one
20 day!

20 I declare under penalty of perjury that the foregoing is true and correct to the best of my
21 knowledge and belief.

22
23 Willie Beal
Signature

24
25 WILLIE C. BEAL
Print Name

26
27 Declared and signed in Oakland, California this 15th day of OCTOBER.

28 1998. This order is signing my death warrant
as if I was a person on death row in prison
who is innocent.

Declaration;
Case Nos. C 98-00085 CRB, C 98-00086 CRB, C 98-00087 CRB,
C 98-00088 CRB, C 98-00245 CRB

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Nos. C 98-00085 CRB
Plaintiff,	)	C 98-00086 CRB
vs.	)	C 98-00087 CRB
CANNABIS CULTIVATOR'S CLUB,	)	C 98-00088 CRB
et al.,	)	C 98-00245 CRB
Defendants.	)	<u>DECLARATION OF EDWARD</u>
AND RELATED ACTIONS.	)	<u>NEAL BRUNDRIDGE</u>

TO THIS HONORABLE COURT:

1. My name is EDWARD NEIL BRUNDRIDGE, I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical condition(s):
Severe arthritis and insomnia. I have Hepatitis C which caused damage to my liver. I am currently under consideration for a liver transplant. Earlier this year, in connection with my liver problems, I underwent chemotherapy,

1 which caused me to experience mental problems, including, but not limited
2 to, excessive rage. The foregoing has resulted in severe anxiety and
3 depression which has caused me to lose my appetite and lose weight at a
4 dramatic rate.

5 3. If I did not have access to cannabis, I would suffer imminent
6 harm in the following ways: My allergies and liver condition prevent me
7 from relying on traditional medications to alleviate pain and combat the
8 side effects of depression. Without cannabis I am unable to sleep. I once
9 went without cannabis, and I lost thirty pound in three weeks. In addition, I
10 am unable to relieve my arthritic pain without access to cannabis.
11 Chemotherapy treatments I have received exacerbate my mental condition
12 by making me feel enraged without provocation. Without cannabis, I am
13 unable to control my feelings of rage. As a result, I am unable to undergo
14 medically necessary chemotherapy treatments without cannabis. This poses
15 a significant health risk to me.

16 4. There is no alternative to cannabis for the effective treatment
17 of my medical condition because I have tried legal alternatives to cannabis
18 and have found them to be ineffective or to result in intolerable side
19 effects. However, as a result of liver damage resulting from Hepatitis C, I
20 am unable to take traditional medications. I am allergic to ibuprofen and I
21 have tried other traditional medicines but I found that they either did not
22 work or were too strong that I could not perform daily living activities, such
23 as answering the phone, doing dishes, running errands, watching television,
24 and taking care of my finances. I am unable to take conventional sleeping
25 pills because they are highly addictive and, for that reason, my doctor will
26 not prescribe them for me. Finally, I take Prozac to help alleviate my
27 anxiety and depression but it does nothing to stimulate my appetite.

28

SER 104

1 5. Being unable to obtain medical cannabis from the Oakland
2 Cannabis Buyers' Cooperative has affected my health and well-being in the
3 following ways: Without access to cannabis, I suffer from the medical
4 conditions described in paragraph above. In addition, my well-being is
5 adversely affected by the fact that I am forced to purchase cannabis on the
6 black market to alleviate these symptoms. This presents a serious health
7 and safety risk for me because I am sixty years old and must use a cane to
8 walk. Without access to the Oakland Cannabis Buyers' Cooperative, or any
9 other buying cooperative, I fear that I make myself a prime target for
10 assault and battery, and even robbery. This fear, combined with the
11 knowledge that I must pursue treatment on the black market, exacerbates my
12 mental condition.

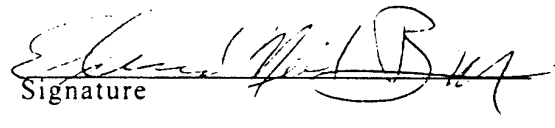
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SER 105

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

Dated: October 21, 1999.


Signature

EDWARD NEIL BRUNDRIDGE
Print Name

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City of Oakland)
County of Alameda)
for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. C 98-00088 CRB
)
Plaintiff,) DECLARATION OF
) KERIE CAMPBELL
v.)
)
OAKLAND CANNABIS BUYERS' COOPERATIVE,)
et al.,)
)
Defendants.)
)

TO THIS HONORABLE COURT:

1. My name is Kerie Campbell. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: I have HIV. I was in a serious motorcycle accident that left me with a bad back and a titanium rod in my left tibia. I also suffer from dysthymia, long bouts of depression, as a result of

Declaration,
Case No. C 98-00088 CRB

1 my present condition.

2 3. If I did not have access to cannabis, I would suffer
3 imminent harm in the following ways: I am extremely sensitive
4 to my HIV medications. Without cannabis, I am often unable to
5 eat, and I suffer frequent episodes of vomiting that are brought
6 on by HIV medications. I would have severe pain in my back and
7 legs. Medical cannabis relieves the pain without side effects.
8 Without cannabis, I would suffer from depression and from panic
9 attacks. Cannabis helps me to control depression and the panic
10 attacks. It also improves my appetite and helps me to eat.

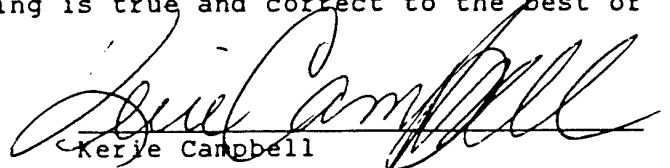
11 4. There is no alternative to cannabis for the effective
12 treatment of my medical condition, because I have tried the
13 following legal alternatives to cannabis and have found them to
14 be ineffective, or to result in intolerable side effects: I
15 have tried Marinol for relief of the nausea and vomiting that I
16 suffer as a side effect of my HIV medications. Marinol dosages
17 are extremely hard to regulate, and it is easy to take too much.
18 If I take enough Marinol to ease the nausea, I become
19 disoriented, incoherent, and unable to function. I am unable to
20 take Marinol or any other pill or capsule when I am suffering a
21 vomiting attack, but I am able to use medical cannabis. I have
22 tried Percoset for pain in my back and legs. Percoset makes me
23 confused and disoriented and severely reduces my level of
24 functioning.

25 5. Being unable to obtain medical cannabis from the Oakland
26 Cannabis Buyers' Cooperative has effected my health and well-

27
28 Declaration,
Case No. C 98-00088 CRB

1 being in the following ways. I am in constant fear for my life
2 when I am forced to seek black market alternatives for buying
3 cannabis. I am unable to obtain the quantity or quality of
4 medical cannabis that I require for my health. So at times, I
5 have to do without this medicine, which causes me great
6 discomfort and suffering.

7
8 I declare under penalty of perjury under the laws of the State of
9 California that the forgoing is true and correct to the best of
10 my knowledge and belief.

11 
Kerie Campbell

12 Declared and signed in Oakland, California this 28th day of
13 April, 2000.

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28 Declaration,
Case No. C 98-00088 CRB

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City of Oakland)
County of Alameda)

for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. C 98-00088 CRB
)
Plaintiff,) DECLARATION OF
) ROSSLYN CARRUTHERS
v.)
)
OAKLAND CANNABIS BUYERS' COOPERATIVE,)
et al.,)
)
Defendants.)
)
)
)
)

TO THIS HONORABLE COURT:

1. My name is Rosslyn Carruthers. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: I suffer from fibromyalgia, a rheumatic disease that causes great pain in my lower spine. I have a tumor on my lower spinal cord, which exacerbates the pain I experience in this part of my body. I have pain in my lower right groin where tumors were

Declaration,
Case No. C 98-00088 CRB

1 removed. And I suffer from bladder spasms and bladder pain.

2 3. If I did not have access to cannabis, I would suffer
3 imminent harm in the following ways: I would be unable to eat,
4 and would become malnourished. The chronic pain I suffer takes
5 away my appetite. Cannabis relieves the pain in my spine and
6 groin. And it greatly improves my appetite, enabling me to eat.
7 Without cannabis, I would have painful bladder spasms, which make
8 me use the bathroom frequently. And it would be very difficult
9 for me to sleep. By easing my pain, calming my bladder, and
10 making me more relaxed, cannabis lets me sleep at night.

11 4. There is no alternative to cannabis for the effective
12 treatment of my medical condition, because I have tried the
13 following legal alternatives to cannabis and have found them to
14 be ineffective, or to result in intolerable side effects: I have
15 taken Vicodin for pain, but it does not help when the pain is
16 severe. I tried Stadol and Nubain for pain. Both made me very
17 jumpy and hyperactive, like I was having a seizure. Nubain also
18 caused my teeth to clench involuntarily. I take Ditropan for
19 bladder spasms. It is only partially effective. If I use
20 cannabis with Ditropan, the bladder spasms and pain go away, and
21 I need a much lower dose of Ditropan than otherwise necessary.

22
23 I declare under penalty of perjury under the laws of the State of
24 California that the forgoing is true and correct to the best of
25 my knowledge and belief.

25 
26 Rosslyn Carruthers

27 Declared and signed in Oakland, California this 2nd day of
28 May, 2000.

Declaration,
Case No. C 98-00088 CRB

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City of Oakland)
County of Alameda)

for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. C 98-00088 CRB
)	
Plaintiff,	)	<u>DECLARATION OF</u>
	)	<u>MONA FREYE</u>
v.)	
)	
OAKLAND CANNABIS BUYERS' COOPERATIVE,)	
et al.,)	
)	
Defendants.)	
)	
)	

TO THIS HONORABLE COURT:

1. My name is Mona Freye. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: osteo-arthritis and scoliosis. I am in constant and severe pain.

3. If I did not have access to cannabis, I would suffer imminent harm in the following ways: I am in my late 80's. The

Declaration,
Case No. C 98-00088 CRB

1 only way I can get relief from the pain I suffer is from medical
2 cannabis. It relaxes my body and relieves the pain completely.
3 Cannabis also relieves nausea and helps me to sleep. Without
4 cannabis, I would not be able to walk without severe pain. My
5 life would be a living hell. I would not be able to function.

6 4. There is no alternative to cannabis for the effective
7 treatment of my medical condition, because I have tried the
8 following legal alternatives to cannabis and have found them to
9 be ineffective, or to result in intolerable side effects: I take
10 the pain killer Relafen. However, it upsets my stomach and gives
11 me severe diarrhea, a problem that I definitely do not need. The
12 diarrhea leaves me completely weakened and unable to leave my
13 home or to do anything. Relafen can also harm my kidneys and
14 liver. Relief from Relafen does not last very long, but I cannot
15 take more than prescribed. Cannabis greatly reduces my need for
16 for Relafen. If medical cannabis were readily available at an
17 affordable price, I would not need to take Relafen at all.

18 I declare under penalty of perjury under the laws of the State of
19 California that the forgoing is true and correct to the best of
20 my knowledge and belief.

21 

22 Mona Freye

23 Declared and signed in Berkeley, California this 11th day of
24 May, 2000.

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28 Declaration,
Case No. C 98-00088 CRB

SER 117

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City of Oakland)
County of Alameda)
for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. C 98-00088 CRB
)
Plaintiff,) DECLARATION OF
) CREIGHTON W FROST JR.
v.)
)
OAKLAND CANNABIS BUYERS' COOPERATIVE,)
et al.,)
)
Defendants.)
)
)

TO THIS HONORABLE COURT:

1. My name is Creighton W Frost Jr. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: I am a cancer survivor. I am post-operative for throat and shoulder cancer. I have resultant muscle loss, and I use a voice prosthesis. I also suffer from severe depression as a result of

1 my medical condition.

2 3. If I did not have access to cannabis, I would suffer
3 imminent harm in the following ways: I would suffer chronic and
4 intense pain on the right side of my neck and chest, where I had
5 surgery. If high quality medical cannabis were available at an
6 affordable price, I would not need any other pain medications.
7 Without access to cannabis, I would suffer from the constant and
8 extreme nausea that results from the cancer medications that I
9 take. Medical cannabis relieves this nausea.

10 4. There is no alternative to cannabis for the effective
11 treatment of my medical condition, because I have tried the
12 following legal alternatives to cannabis and have found them to
13 be ineffective, or to result in intolerable side effects: I
14 currently take Oxycontin, a morphine derivative and Ultram, a
15 synthetic narcotic for pain relief. I find both make me groggy
16 and sleepy, and both harm my mental clarity. Both can cause
17 constipation. I take Oxycontin and Ultram in conjunction with
18 cannabis. When more high quality cannabis is available, I need
19 to take less Oxycontin and Ultram. I have tried Prozac and Zoloft
20 for fighting depression. Both of these drugs cause me to lose
21 normal inhibitions and can make me act in dangerously
22 inappropriate ways. Cannabis relieves my depression without side
23 effects. I have taken Marinol to relieve the nausea that I
24 suffer, but I find it to be ineffective.


25 5. Being unable to obtain medical cannabis from the Oakland
26 Cannabis Buyers' Cooperative has effected my health and well-

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28
Declaration,
Case No. C 98-00088 CRB

SER 119

1 being in the following ways: It has resulted in my suffering
2 from poor health overall, extreme depression, more pain, and
3 bouts of anger.

4
5 I declare under penalty of perjury under the laws of the State of
6 California that the forgoing is true and correct to the best of
7 my knowledge and belief.

8 
Creighton W Frost Jr.

9 Declared and signed in Oakland, California this 29th day of
10 April, 2000.

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SER 121

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City of Oakland)
County of Alameda)
for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. C 98-00088 CRB
)
Plaintiff,) DECLARATION OF
) RANDI GIVENS
v.)
)
OAKLAND CANNABIS BUYERS' COOPERATIVE,)
et al.,)
)
Defendants.)
)
)

TO THIS HONORABLE COURT:

1. My name is Randi Givens. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: recurring esophageal stricture, hepatitis C infection, and coronary heart disease.


3. If I did not have access to cannabis, I would suffer imminent harm in the following ways: I would suffer from attacks

Declaration,
Case No. C 98-00088 CRB

1 of spasming in my esophagus almost daily. These attacks result
2 in nausea and vomiting. Smoking high quality medical cannabis
3 stops the spasms in my esophagus, and it usually works
4 immediately. Cannabis relieves the nausea and vomiting that come
5 with esophageal stricture. Though I cannot swallow any
6 medications while having one of these attacks, I am able to
7 smoke medical cannabis when my esophagus is spasming. It would
8 be very difficult for me to eat without medical cannabis. I
9 cannot eat when I am having an attack, and frequent nausea and
10 vomiting take away my appetite. Cannabis stops the attacks,
11 relieves my nausea, and stimulates my appetite.

12 4. There is no alternative to cannabis for the effective
13 treatment of my medical condition, because I have tried the
14 following legal alternatives to cannabis and have found them to
15 be ineffective, or to result in intolerable side effects: I have
16 tried sublingual nitroglycerin to relieve the recurring
17 strictures in my esophagus. However, it did not work. I was
18 prescribed Marinol for the spasming. However, when I am
19 having spasms in my esophagus, I cannot swallow anything.
20 Marinol does not work for any of my ailments.

21 I declare under penalty of perjury under the laws of the State of
22 California that the forgoing is true and correct to the best of
23 my knowledge and belief.

24 
25 Randi Givens

26 Declared and signed in San Francisco, California this 1st day of
27 May, 2000.

28 Declaration,
Case No. C 98-00088 CRB

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City of Oakland }
County of Alameda }

for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
CANNABIS CULTIVATOR'S CLUB;)
et al.,)
)
Defendants.)
)
AND RELATED ACTIONS.)

Nos. C 98-00085 CRB
C 98-00086 CRB
C 98-00087 CRB
C 98-00088 CRB
C 98-00245 CRB

DECLARATION

TO THIS HONORABLE COURT:

1. My name is Walter Hatchett. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical condition(s): glaucoma and Wasting Sydnrom

Declaration;
Case Nos. C 98-00085 CRB, C 98-00086 CRB, C 98-00087 CRB,
C 98-00088 CRB, C 98-00245 CRB -1-

1 3. If I did not have access to cannabis, I would suffer imminent harm in the
2 following ways: I have suffered three strokes
3 which caused my health to not be so good.
4 I have lack of appetite and use cannabis
5 to be allowed to eat. It also helps
6 with my glaucoma, I am 79 yrs old and
7 feel that keeping my sight is important.
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11 4. There is no alternative to cannabis for the effective treatment of my medical
12 condition because I have tried the following legal alternatives to cannabis and have found them
13 to be ineffective or to result in intolerable side effects: N/A
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21 5. Being unable to obtain medical cannabis from the Oakland Cannabis Buyers'
22 Cooperative has effected my health and well-being in the following ways: It has
23 made it harder for me to find. Sometimes
24 I get it only after long periods without
25 having it.
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief.

Walter Hatchett
Signature

Walter h Hatchett 350
Print Name

Declared and signed in Oakland, California this 22 day of October, 1999.

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City of Oakland)
County of Alameda)

for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. C 98-00088 CRB
)	
Plaintiff,	)	<u>DECLARATION OF</u>
	)	<u>JAMES HAUSKEN</u>
v.)	
)	
OAKLAND CANNABIS BUYERS' COOPERATIVE,)	
et al.,)	
)	
Defendants.)	
)	
)	

TO THIS HONORABLE COURT:

1. My name is James Hausken. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: Meniere's disease, a disease of the inner ear.

Declaration,
Case No. C 98-00088 CRB

1 imminent harm in the following ways: I would suffer from
2 vertigo, nausea, and blurred vision. Cannabis reduces the
3 tendency to vertigo that I have in connection with Meniere's
4 disease.

5 4. There is no alternative to cannabis for the effective
6 treatment of my medical condition, because I have tried the
7 following legal alternatives to cannabis and have found them to
8 be ineffective, or to result in intolerable side effects: There
9 is no legal medicine that I know of that can help. I tried
10 taking large doses of Vitamin B complex, but that did not help.

11
12 I declare under penalty of perjury under the laws of the State of
13 California that the forgoing is true and correct to the best of
14 my knowledge and belief.

15 
James Hausken

16 Declared and signed in Oakland, California this 27th day of
17 April, 2000.

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28 Declaration,
Case No. C 98-00088 CRB

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City of Oakland)
County of Alameda)
for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. C 98-00088 CRB
)	
Plaintiff,	)	<u>DECLARATION OF</u>
	)	<u>STEVEN W. KUBBY</u>
v.)	
)	
OAKLAND CANNABIS BUYERS' COOPERATIVE,)	
et al.,)	
)	
Defendants.)	
)	
)	

TO THIS HONORABLE COURT:

1. My name is Steven W. Kubby. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: I have cancer of the adrenal gland, or pheochromocytoma. Doctors at the Mayo Clinic have told me my condition is terminal, and

Declaration,
Case No. C 98-00088 CRB

1 that no patient, other than me, has survived more than a few
2 years.

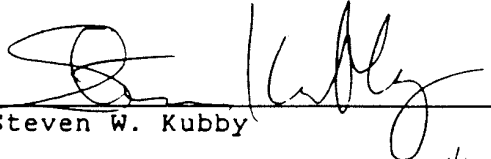
3 3. If I did not have access to cannabis, I would suffer
4 imminent harm in the following ways: Pheochromocytoma kills by
5 dumping large amounts of adrenalin into the blood, causing heart
6 attack, aneurism, or stroke. Scientists and doctors at the
7 University of Southern California Medical Center confirm that I
8 currently have deadly levels of adrenalin, but that I am somehow
9 protected by medical cannabis. When I have not had access to
10 cannabis for short periods of time, I have experienced rapid
11 attacks of dangerously high blood pressure. These high blood
12 pressure attacks cause me to suffer intense nausea and vomiting
13 episodes. The high blood pressure attacks leave me with blinding
14 headaches and suffering from exhaustion. During a recent period
15 in which medical cannabis was not available, I became blind in my
16 left eye. My vision returned within hours after I was able to
17 resume use of cannabis. However, I still have a minor defect in
18 my field of vision which persists today. Without medical
19 cannabis, I would die within a matter of days, according to my
20 doctor.

21 4. There is no alternative to cannabis for the effective
22 treatment of my medical condition, because I have tried the
23 following legal alternatives to cannabis and have found them to
24 be ineffective, or to result in intolerable side effects: I have
25 had four major surgeries, chemotherapy, and radiation. And I
26 have tried alternative medicine. I have taken alpha-methyl
27
28

Declaration,
Case No. C 98-00088 CRB

1 tyrosine, an enzyme inhibitor, to reduce my production of
2 adrenaline. But it causes me to be very exhausted, and I am
3 bedridden after taking it. My physician says prolonged use of
4 this drug could cause permanent palsy. I have taken Dibenzylamine
5 for the hypertension that results from my cancer. However,
6 Dibenzylamine does not work for me.

7
8 I declare under penalty of perjury under the laws of the State of
9 California that the foregoing is true and correct to the best of
10 my knowledge and belief.

11 
12 Steven W. Kubby

13 Declared and signed in Truckee, California this 17th day of
14 May, 2000.

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Declaration,
Case No. C 98-00088 CRB

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City of Oakland)
County of Alameda)

for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. C 98-00088 CRB
)	
Plaintiff,	)	<u>DECLARATION OF</u>
	)	<u>MARTIN MARTINEZ</u>
v.)	
)	
OAKLAND CANNABIS BUYERS' COOPERATIVE,)	
et al.,)	
)	
Defendants.)	
)	
)	

TO THIS HONORABLE COURT:

1. My name is Martin Martinez. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions:
I suffered multiple trauma from a severe motorcycle crash in 1986. I had 25 fractures and near fatal injuries to my internal organs. I needed to have heart surgery. There is residual pain in my chest from this surgery. I have severe neurological

Declaration,
Case No. C 98-00088 CRB

1 impairment as a result of this accident. I have cranial nerve
2 damage, including damage to the vagus nerves that control facial
3 and throat muscles. As a result, my ability to move my eyes has
4 suffered. I have almost no range of motion in my eyes. The
5 nerve damage also makes it painful and difficult for me to
6 speak. I have problems walking. Both my knees and both my
7 elbows were broken in the accident and are in constant pain.

8 3. If I did not have access to cannabis, I would suffer
9 imminent harm in the following ways: I would suffer from severe
10 debilitating neurological pain, which can be agonizing beyond
11 description. The nerve damage results in severe pain in my face,
12 eyes and throat. It feels like hot needles are being stabbed
13 into my eyes. Also, my eyes ache from being frozen in place.
14 Without cannabis, my eyes would be very painful all the time. I
15 would also suffer considerable joint pain and pain throughout my
16 body. Cannabis is the only medication that quells my pain,
17 including my intense neurological pain. Without it I would be
18 unable to conduct my life.

19 4. There is no alternative to cannabis for the effective
20 treatment of my medical condition, because I have tried the
21 following legal alternatives to cannabis and have found them to
22 be ineffective, or to result in intolerable side effects: I have
23 taken the addictive drugs Codeine, Darvoset, Valium, Demerol,
24 Percocet, and Percodan for pain. I have found that each of these
25 drugs makes me too fatigued to go about my life or to get
26 anything done. They all cause me to feel debilitated and wiped
27

28 Declaration,
Case No. C 98-00088 CRB

1 out. Additionally, these drugs cause unbearably painful stomach
2 cramps. They also became less effective over time. The dosage
3 of one of these drugs that I would need to take to quell the pain
4 would knock me out. I can become too fatigued to leave the house
5 or even to get out of bed. I tried amytriptyline to relieve my
6 nerve pain. However, it caused me to have feelings of edginess,
7 nervousness, and paranoia, and made me very ill at ease. The
8 effects from any of these drugs can be intolerable. Cannabis
9 relieves my nerve pain and general body pain without side
10 effects. Cannabis allows me to avoid all of the aforementioned
11 debilitating legal drugs, except I still occasionally take
12 Codeine, in addition to cannabis, when I suffer very intense
13 acute pain.

14 5. Being unable to obtain medical cannabis from the Oakland
15 Cannabis Buyers' Cooperative has effected my health and well-
16 being in the following ways: It is not practical for a severely
17 disabled person to run around the streets looking for a safe and
18 reliable source of illegal cannabis. Vulnerable people are often
19 taken advantage of. Also, supporting criminal profiteers is not
20 good for morale. We need safe access.

21
22 I declare under penalty of perjury under the laws of the State of
23 California that the forgoing is true and correct to the best of
24 my knowledge and belief.

24 
25 _____
26 Martin Martinez

26 Declared and signed in Oakland, California this 12th day of
27 May, 2000.

28 Declaration,
Case No. C 98-00088 CRB

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City of Oakland)
County of Alameda)

for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. C 98-00088 CRB
)	
Plaintiff,	)	<u>DECLARATION OF</u>
	)	<u>BONNIE METCALF</u>
v.)	
)	
OAKLAND CANNABIS BUYERS' COOPERATIVE,)	
et al.,)	
)	
Defendants.)	
)	
)	

TO THIS HONORABLE COURT:

1. My name is Bonnie Metcalf. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical onditions: I suffer from sarcoidosis, which makes my lungs chronically inflamed. I also suffer from fibromyalgia, which causes muscular pain throughout my body and makes it difficult for me to walk. I

Declaration,
Case No. C 98-00088 CRB

1 have Crohn's disease, which causes ulceration in my digestive
2 tract and leads to considerable inflammation and pain in my
3 bowels. Osteo-arthritis gives me severe inflammation and pain in
4 my joints and muscles. I am in chronic pain. I also have
5 Dissociative Identity Disorder.

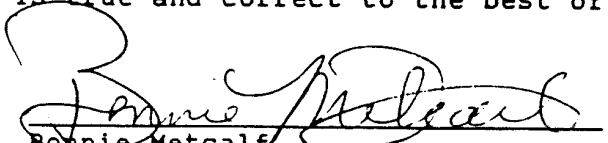
6 3. If I did not have access to cannabis, I would suffer
7 imminent harm in the following ways: I would suffer from
8 considerable inflammation and pain. I am unable to talk without
9 the pain relief from cannabis. I am unable to walk without the
10 salve that I make from the cannabis root, which I use for joint
11 and muscle inflammation. Drinking cannabis tea relieves the
12 stress and mental confusion that results from excessive
13 inflammation and pain. I take prednisone, a steroid drug, to
14 reduce the inflammation in my lungs connected with sarcoidosis.
15 Cannabis relieves the nausea I get from taking prednisone.
16 Cannabis calms my stomach and reduces the inflammation in my
17 bowels. Without it, I would be in too much pain to enjoy my
18 young granddaughter.

19 4. There is no alternative to cannabis for the effective
20 treatment of my medical condition, because I have tried the
21 following legal alternatives to cannabis and have found them
22 to be ineffective, or to result in intolerable side effects:
23 Without cannabis, I would need to take liver-damaging opiates to
24 relieve the pain I suffer from my different illnesses. I have
25 tried Vicodin for pain, but taking it resulted in liver pain.
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Declaration,
Case No. C 98-00088 CRB

1 I have taken Reglan and Tagament to settle my stomach. But they
2 are ineffective and are harmful to my liver.

3
4 I declare under penalty of perjury under the laws of the State of
5 California that the forgoing is true and correct to the best of
6 my knowledge and belief.

7 
8 Bonnie Metcalf

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28 Declared and signed in Rackerby, California this 2 day of
May, 2000.

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City of Oakland)
County of Alameda)

for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. C 98-00088 CRB
)
Plaintiff,) DECLARATION OF
) CARL NORRIS
v.)
)
OAKLAND CANNABIS BUYERS' COOPERATIVE,)
et al.,)
)
Defendants.)
)
)

TO THIS HONORABLE COURT:

1. My name is Carl Norris. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions:
I have AIDS/HIV.

3. If I did not have access to cannabis, I would suffer imminent harm in the following ways: I would suffer from the

Declaration,
Case No. C 98-00088 CRB

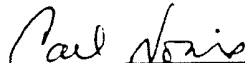
1 intense nausea and stomach pain that are regularly caused by the
2 medications that I take to fight HIV. At times, I have had
3 nausea for three weeks continuously. The residual effects from a
4 stomach ulcer I previously had can exacerbate the pain and
5 nausea. Sometimes I have not taken my HIV medications because I
6 get weary of the nausea and stomach pain. At other times I have
7 just endured the pain, but I am unable to function or go out.
8 When I feel an attack of nausea coming on, using cannabis can
9 make the nausea dissipate for the rest of the day. By
10 relieving the nausea and stomach pain, cannabis enables me to
11 take my HIV medications.

12 4. There is no alternative to cannabis for the effective
13 treatment of my medical condition, because I have tried the
14 following legal alternatives to cannabis and have found them to
15 be ineffective, or to result in intolerable side effects: I
16 formerly tried Tagament for several months, and then Prilosec for
17 several months, to relieve my stomach pain and nausea. Neither
18 Tagament nor Prilosec provided any relief. I was just as sick
19 after taking these medications as when I did not take them at
20 all. I am now trying Prevacid for stomach pain and nausea, in
21 the hope that it will do some good. It apparently works some of
22 the time in preventing the stomach pain and nausea from occurring.
23 However, Prevacid cannot relieve pain or nausea once they have
24 started. I need medical cannabis to relieve stomach pain and
25 nausea once they occur. I have tried Vicodin, an addictive
26 narcotic, for the pain and nausea. However, it makes me sleepy
27
28

Declaration,
Case No. C 98-00088 CRB

1 and groggy and unable to drive a car or to get things done. Once
2 I take Vicodin, I cannot function for the rest of the day.
3 Vicodin is also too slow to take effect. Cannabis is effective
4 in relieving the pain and nausea and works more quickly than
5 Vicodin. I take Tylenol for the nausea and stomach pain, but it
6 is usually ineffective.

7
8 I declare under penalty of perjury under the laws of the State of
9 California that the forgoing is true and correct to the best of
my knowledge and belief.

10 
11 Carl Norris

12 Declared and signed in Oakland, California this 15th day of
13 May, 2000.

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City of Oakland)
County of Alameda)

for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. C 98-00088 CRB
)
Plaintiff,) DECLARATION OF
) DIANA ROSEN
v.)
)
OAKLAND CANNABIS BUYERS' COOPERATIVE,)
et al.,)
)
Defendants.)
)

TO THIS HONORABLE COURT:

1. My name is Diana Rosen. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: I suffer from migraine headaches and degenerative joint disease.

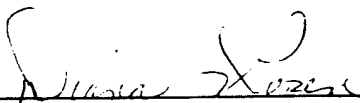
3. If I did not have access to cannabis, I would suffer imminent harm in the following ways: Without cannabis, my migraine headaches last an average of four days. The pain is so

Declaration,
Case No. C 98-00088 CRB

1 severe that nausea and vomiting result, and I am unable to walk.
2 It is too painful to open my eyes, and any light can make the
3 migraine worse. I am forced to lie in bed in a dark room, and
4 thus cannot go about my life at all. My head feels like it is
5 being squeezed in a nutcracker. Without cannabis, the migraine
6 headaches can be so severe as to require medical intervention
7 using high-risk drugs such as morphine. However, I have been
8 incapacitated for days after having taken morphine. If taken in
9 time, cannabis releases the grip that a migraine can have on me.
10 Cannabis makes my head feel relaxed, and the pain fades away.

11 4. There is no alternative to cannabis for the effective
12 treatment of my medical condition, because I have tried the
13 following legal alternatives to cannabis and have found them to
14 be ineffective, or to result in intolerable side effects: I have
15 tried morphine, Midrin, Imitrex, Motrin, and Stadol. Most of the
16 time, these drugs are ineffective in relieving my migraine
17 headaches. Morphine and similar drugs cause me to lose my sense
18 of time and space. They put me in a deep haze for hours at a
19 time and can knock me unconscious. Afterwards, I have no memory
20 of the hours that I was under the influence of these drugs.
21 Cannabis, however, does not impact my cognitive abilities.

22
23 I declare under penalty of perjury under the laws of the State of
24 California that the forgoing is true and correct to the best of
25 my knowledge and belief.

26 
Diana Rosen

27 Declared and signed in Citrus Heights, California this 26th day
of April, 2000.

28 Declaration,
Case No. C 98-00088 CRB

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City of Oakland }
County of Alameda }
for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

CANNABIS CULTIVATOR'S CLUB;
et al.,
Defendants.

Nos. C 98-00085 CRB
C 98-00086 CRB
C 98-00087 CRB
C 98-00088 CRB
C 98-00245 CRB

DECLARATION

AND RELATED ACTIONS.

TO THIS HONORABLE COURT:

1. My name is Miles C. SAUNDERS. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. The Oakland Cannabis Buyers' Cooperative helps me in the following ways:
Purchasing pot without hassels for example getting robbed - ripped off - trying to find it. Marijuana is a necessity in my well being, relieving stress, nausea, increase of appetite. I have been living with Aids since 1986 & living with KS Cancer since 1997 and I believe that with marijuana I will live longer. Please allow me to receive pot personally - feel I need it to be able to eat.

Declaration;
Case Nos. C 98-00085 CRB, C 98-00086 CRB, C 98-00087 CRB,
C 98-00088 CRB, C 98-00245 CRB

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City of Oakland)
County of Alameda)

for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. C 98-00088 CRB
)
Plaintiff,) DECLARATION OF
) RENEE SHEPHERD
v.)
)
OAKLAND CANNABIS BUYERS' COOPERATIVE,)
et al.,)
)
Defendants.)
)
)

TO THIS HONORABLE COURT:

1. My name is Renee Shepherd. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions:
I have high-grade stenosis of the dominant right lateral sinus cavity of the brain. This cavity in my brain has become hardened, much like the hardening of arteries. Also I have secondary

Declaration,
Case No. C 98-00088 CRB

1 pseudotumor cerebri, which means I have symptoms similar to those
2 of a brain tumor. I have high blood pressure in my brain. I
3 suffer from horrific headaches all the time. I have a peritoneal
4 lumbar shunt, a plastic tube in my spinal cord. This shunt
5 drains excess fluid from my head by removing fluid from my spine
6 and sending it to my stomach.

7 3. If I did not have access to cannabis, I would suffer
8 imminent harm in the following ways: I would suffer from
9 unrelenting pain. The painful headaches, and the pain associated
10 with my peritoneal lumbar shunt are significantly reduced with
11 cannabis. Without medical cannabis, I could not function as a
12 normal person.

13 4. There is no alternative to cannabis for the effective
14 treatment of my medical condition, because I have tried the
15 following legal alternatives to cannabis and have found them to
16 be ineffective, or to result in intolerable side effects: My
17 doctors have tried for years to find something that will rid me
18 of the constant pain, but to no avail. Morphine failed, and
19 also caused side effects of nausea, vomiting and ulcers.
20 Cannabis is effective, and without side effects.

21 I declare under penalty of perjury under the laws of the State of
22 California that the forgoing is true and correct to the best of
23 my knowledge and belief.

24 
25 Rehee Shepherd

26 Declared and signed in Oakland, California this 20th day of
27 May, 2000.

28 Declaration,
Case No. C 98-00088 CRB

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City of Oakland)
County of Alameda)

for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. C 98-00088 CRB
)	
Plaintiff,	)	<u>DECLARATION OF</u>
	)	<u>MARK SING</u>
v.)	
)	
OAKLAND CANNABIS BUYERS' COOPERATIVE,)	
et al.,)	
)	
Defendants.)	
)	
)	

TO THIS HONORABLE COURT:

1. My name is Mark Sing. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: quadriplegia, leg and back spasms.

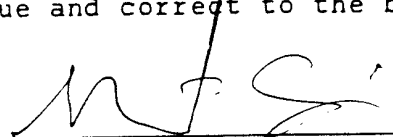
3. If I did not have access to cannabis, I would suffer imminent harm in the following ways: Without medical cannabis, I

Declaration,
Case No. C 98-00088 CRB

1 would suffer terrible leg and back spasms. I would be unable to
2 sleep, as the spasms are worse at night and keep me awake.
3 Cannabis relieves my leg and back spasms without causing side
4 effects, and enables me to sleep at night.

5 4. There is no alternative to cannabis for the effective
6 treatment of my medical condition, because I have tried the
7 following legal alternatives to cannabis and have found them to
8 be ineffective, or to result in intolerable side effects:
9 I take baclofen and Valium to relieve the spasticity. However,
10 both of these prescriptions drugs make me very tired and unable
11 to function. Neither is as effective as cannabis, and neither
12 works as long as cannabis. When using cannabis, I can reduce my
13 dosages of baclofen and Valium.

14 I declare under penalty of perjury under the laws of the State of
15 California that the foregoing is true and correct to the best of
16 my knowledge and belief.

17 
18 _____
19 Mark Sing

20 Declared and signed in Oakland, California this 3rd day of
21 May, 2000.
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Declaration,
Case No. C 98-00088 CRB

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City of Oakland)
County of Alameda)
for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. C 98-00088 CRB
)
Plaintiff,) DECLARATION OF
) RITA SMITH
v.)
)
OAKLAND CANNABIS BUYERS' COOPERATIVE,)
et al.,)
)
Defendants.)
)
)

TO THIS HONORABLE COURT:

1. My name is Rita Smith. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions:
As a result of a vehicular accident in 1993, I have traumatic injury to the L-4, L-5, and S-1 discs in the lower lumbar region of my spine. These discs are bulging and are pinching my nerves. As a result, I suffer from myalgia throughout my body. The

Declaration,
Case No. C 98-00088 CRB

1 accident injured my neck as well. I also have a spastic colon.
2 3. If I did not have access to cannabis, I would suffer
3 imminent harm in the following ways: Without cannabis, my
4 bulging discs and the pressure on my spinal cord cause me to
5 suffer pain shooting down my spine and legs and throughout my
6 body. The pain can be so intense that it makes childbirth seem
7 like a cake walk. Without medical cannabis, the pain in my neck,
8 my spine, and my legs can be intolerable. I also get spasms
9 running through my body. Cannabis provides effective relief from
10 this pain and from the spasms, so that I am able to leave my
11 house, complete errands, keep medical appointments, and function
12 in public. Spasming in my back puts pressure on my ribs, making
13 it hard for me to breathe. By relaxing me and stopping the
14 spasming, medical cannabis enables me to breathe. The pain and
15 spasms in my spine can be particularly acute at night, thus
16 keeping me awake. Cannabis relaxes me and calms the pain and
17 spasming, and enables me to sleep at night. Without cannabis, I
18 would suffer from the stomach pain and nausea that result from
19 having a spastic colon. Cannabis brings immediate relief from
20 the stomach pain and nausea. If cannabis is not available, I
21 either try to endure the pain or take heavy-duty pain
22 medications. The pain is intolerable and makes me incapacitated.
23 In addition, I become mean and irritable toward my husband and
24 children or I become too debilitated to help them. Without
25 cannabis, I am preoccupied with my suffering, have no patience
26 for my family, and cannot attend to their needs or to my own
27 needs. With medical cannabis, I can focus on my family, and I am

28 Declaration,
Case No. C 98-00088 CRB

1 nicer to be around. Only with cannabis can I live a meaningful
2 Low pain life and be a good wife and mother.

3 4. There is no alternative to cannabis for the effective
4 treatment of my medical condition, because I have tried the
5 following legal alternatives to cannabis and have found them to
6 be ineffective, or to result in intolerable side effects: I have
7 been prescribed Oxycontin, an opioid narcotic, for my spinal
8 pain. However, Oxycontin causes me to vomit and to break out in
9 hives. It flattens me out like a Mack truck, making me too
10 groggy even to leave the house. It blurs my speech and vision.
11 I have also been prescribed the opioid narcotic Stadol for pain
12 relief. Stadol caused me to suffer a long bout of vomiting. It
13 wiped me out to the point that I could not raise my head for 10
14 hours. I have taken the prescription pain medications Loracet
15 and Vicodin. Both of these drugs caused me to be feel very ill
16 at ease and jumpy, with excessive nervous energy and an inability
17 to relax. Loracet and Vicodin both kept me from being able to
18 sleep at night. I have used Elavil and Paxil to help me to
19 sleep, but either of these drugs will knock me out for 16 to 17
20 hours at a time and make me feel very hung over the next day.

21 These drugs CAUSE ME MORE PAIN, THE WEIGHT OF THE HANG
22 OVER HURTS MORE. Toxicity is too great.

23 I declare under penalty of perjury under the laws of the State of
24 California that the forgoing is true and correct to the best of
25 my knowledge and belief.

26 
27 Rita Smith

28 Declared and signed in Madera Ranchos, California this 18 day
of May, 2000.

Declaration,
Case No. C 98-00088 CRB

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City of Oakland)
County of Alameda)
for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. C 98-00088 CRB
)
Plaintiff,) DECLARATION OF
) TERRANCE C. SMITH
v.)
)
OAKLAND CANNABIS BUYERS' COOPERATIVE,)
et al.,)
)
Defendants.)
)
)
)

TO THIS HONORABLE COURT:

1. My name is Terrance C. Smith. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: I have cauda equina lipoma, which means that a tumor is tethered to the lower end of my spinal cord. This tumor compresses and pulls on my nerves. I suffer from irritable bowel syndrome, which is unrelated to the tumor on my spine. I also have a very

Declaration,
Case No. C 98-00088 CRB

1 high triglyceride level in my blood.

2 3. If I did not have access to cannabis, I would suffer
3 imminent harm in the following ways: I would suffer very painful
4 spasms in my back, legs, and feet as a result of the tumor. The
5 tumor causes chronic pain in my back, and a lancing pain in my
6 legs and feet. I would suffer from terrible pain in my bowels as
7 a result of irritable bowel syndrome. Cannabis helps to relieve
8 the pain and spasming. Cannabis relieves the nausea caused by
9 the medications I need to take for irritable bowel syndrome and
10 for a high triglyceride level in my blood. Without cannabis, I
11 would not be able to take these medications.

12 4. There is no alternative to cannabis for the effective
13 treatment of my medical condition, because I have tried the
14 following legal alternatives to cannabis and have found them to
15 be ineffective, or to result in intolerable side effects: I take
16 Talwin for general relief of the pain that results from the tumor
17 on my spine. I take Darvocet for the acute pain in my legs and
18 feet that the tumor causes. When taken with cannabis, I need
19 only half as much Talwin and Darvocet as I would otherwise need
20 for the pain. I get more effective relief when I take Talwin and
21 Darvocet in conjunction with cannabis. I am very concerned about
22 long term side effects from Talwin and Darvocet. I take
23 Flexerall, a muscle relaxant, to relieve muscle cramping in my
24 legs. Cannabis also relaxes my muscles, and I need a much lower
25 dosage of Flexerall when taken in conjunction with cannabis. I
26 take belladonna for irritable bowel syndrome pain and cramping.

27
28 Declaration,
Case No. C 98-00088 CRB

1 However, it makes me nauseous and causes vomiting, and prevents
2 me from holding food down. Medical cannabis calms this nausea.
3 Without cannabis, the nausea is so bad that I could not take this
4 medication. Belladonna taken in conjunction with cannabis also
5 provides more effective relief from the pain and cramping that
6 result from irritable bowel syndrome. I take Zocor every day to
7 treat the high triglyceride level in my blood. However, Zocor
8 causes me to suffer severe nausea. When I take Zocor I cannot
9 keep food down, and I cannot function. Cannabis relieves the
10 nausea that results from Zocor and enables me to eat. I could
11 not take Zocor without cannabis. If left untreated, high
12 triglyceride levels can cause arterial diseases, heart attack, or
13 pancreatitis, which could each be fatal.

14 5. Being unable to obtain medical cannabis from the Oakland
15 Cannabis Buyers' Cooperative has effected my health and well-
16 being in the following ways: I have to buy my medical cannabis
17 from street dealers. I have been beaten and robbed trying to get
18 my medicine on the street. I need the federal government to let
19 me obtain medical cannabis from a safe place such as the Oakland
20 Cannabis Buyers' Cooperative.

21 I declare under penalty of perjury under the laws of the State of
22 California that the forgoing is true and correct to the best of
23 my knowledge and belief.

24 
25 Terrance C. Smith

26 Declared and signed in Napa, California this 15 day of
27 May, 2000.

28 Declaration,
Case No. C 98-00088 CRB

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City of Oakland)
County of Alameda)

for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. C 98-00088 CRB
)	
Plaintiff,	)	<u>DECLARATION OF</u>
	)	<u>TERRY STOGDELL</u>
v.)	
)	
OAKLAND CANNABIS BUYERS' COOPERATIVE,)	
et al.,)	
)	
Defendants.)	
)	

TO THIS HONORABLE COURT:

1. My name is Terry Stogdell. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: I have severe AIDS, hemophilia, arthritis, and asthma.

3. If I did not have access to cannabis, I would suffer imminent harm in the following ways: I would not be able to eat and would waste away. The medications I take for AIDS take away


Declaration,
Case No. C 98-00088 CRB

1 my appetite and make me nauseous. When my stomach is upset I
2 don't eat, and I might not take the medications that are vital
3 to my treatment. Cannabis eases my pain, makes the nausea go
4 away, and stimulates my appetite. As an appetite stimulant, it
5 works consistently and quickly. Cannabis relaxes my upset
6 stomach, helps me eat, and lets me take my vital medications.
7 Cannabis also helps relieve severe pain in my joints.

8 4. There is no alternative to cannabis for the effective
9 treatment of my medical condition, because I have tried the
10 following legal alternatives to cannabis and have found them to
11 be ineffective, or to result in intolerable side effects: I have
12 taken Marinol and Megace to stimulate my appetite and fight AIDS
13 related wasting. Marinol is inconsistent in stimulating my
14 appetite, and Megace is not effective at all. Both drugs can
15 make me nauseous. I have taken Compazine for nausea. However,
16 it causes painful cramps in my fingers and toes. I am currently
17 taking Dilauded, a very strong pain medication that can cause
18 bleeding in my joints. With cannabis, I can ease my pain while
19 considerably reducing the amount of Dilauded that I would
20 otherwise have to take.

21

22 I declare under penalty of perjury under the laws of the State of
23 California that the forgoing is true and correct to the best of
24 my knowledge and belief.

24 
Terry Stoddell

25

26 Declared and signed in Oakland, California this 27th day of
27 April, 2000.

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Declaration,
Case No. C 98-00088 CRB

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City of Oakland)
County of Alameda)
for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. C 98-00088 CRB
)
Plaintiff,) DECLARATION OF
) JENNIFER SWIFT
v.)
)
OAKLAND CANNABIS BUYERS' COOPERATIVE,)
et al.,)
)
Defendants.)

TO THIS HONORABLE COURT:

1. My name is Jennifer Swift. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: I suffer from constant pain in my neck, shoulders, lower back, and the base of my spine, as a result of three automobile accidents and a work injury. I have a crushed disc in the back

Declaration,
Case No. C 98-00088 CRB

1 of my neck. In addition, I have suffered from cluster migraine
2 headaches for my entire life. I also have osteo arthritis.

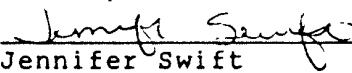
3 3. If I did not have access to cannabis, I would suffer
4 imminent harm in the following ways: As a result of my injuries,
5 I would suffer from continuous and at times unbearable pain in my
6 neck, shoulders, lower back, and the sacroiliac region of my
7 spine. This pain is made worse by arthritis. Without cannabis,
8 I would suffer from cluster migraine headaches and from the
9 severe nausea that accompanies these migraine headaches.
10 Migraine headaches can stay with me for a month straight.
11 Medical cannabis quickly relieves both the headaches and the
12 nausea. Whereas prescription drugs at best mask the pain,
13 cannabis enables my head and body to relax, and the pain
14 disappears. I do not experience any side effects from cannabis
15 use.

16 4. There is no alternative to cannabis for the effective
17 treatment of my medical condition, because I have tried the
18 following legal alternatives to cannabis and have found them to
19 be ineffective, or to result in intolerable side effects: I have
20 tried Darvaset and Roboxin to relieve the pain caused by my
21 injuries. They cause me to be very dizzy and drowsy, and unable
22 to go to work or get anything done. I have taken Imitrex for
23 relief from cluster migraine headaches. However, Imitrex
24 consistently makes me nauseous, thus exacerbating the nausea that
25 I already suffer as a consequence of my migraine headaches. I
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28 Declaration,
Case No. C 98-00088 CRB

1 have been prescribed Compazine for nausea. However, Compazine
2 knocks me out to the extent that I can barely stay awake. With
3 Compazine, I cannot work or even leave my home. I was also
4 prescribed Atenolol, a beta blocker drug, for treatment of
5 migraines. However, Atenolol caused me to experience memory loss
6 and a sense of confusion. It dulled my emotions and took away my
7 ability to experience normal human feelings. I took Vicodin for
8 several years for migraine relief. Over time, I needed a larger
9 and larger dosage of Vicodin to experience any relief. Now, it
10 is completely ineffective. Continued use of these various
11 prescription drugs harms my body's natural healing process.

12 I declare under penalty of perjury under the laws of the State of
13 California that the forgoing is true and correct to the best of
14 my knowledge and belief.

15 
Jennifer Swift

16 Declared and signed in Citrus Heights, California this 5/12/00 day
17 of May, 2000.

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28 Declaration,
Case No. C 98-00088 CRB

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City of Oakland)
County of Alameda)

for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. C 98-00088 CRB
)
Plaintiff,) DECLARATION OF
) LORRIE VALENTINE
v.)
)
OAKLAND CANNABIS BUYERS' COOPERATIVE,)
et al.,)
)
Defendants.)
)

TO THIS HONORABLE COURT:

1. My name is Lorrie Valentine. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: I have a pituitary tumor. I also suffer from pseudotumor, which is swelling in my brain that puts pressure on my eyes. I have a shunt placed in my brain to relieve the pressure by draining

Declaration,
Case No. C 98-00088 CRB

1 fluid to my stomach. I also get severe migraine headaches.

2 3. If I did not have access to cannabis, I would suffer
3 imminent harm in the following ways: I would suffer constant
4 nausea and vomiting as a result the migraine headaches and the
5 various prescription pain medications that I have to take. I
6 would be unable to sleep, as the nausea, vomiting, and pain would
7 keep me awake at night.

8 4. There is no alternative to cannabis for the effective
9 treatment of my medical condition, because I have tried the
10 following legal alternatives to cannabis and have found them to
11 be ineffective, or to result in intolerable side effects: I
12 currently take morphine, methadone, and Dilauded to control my
13 pain. However, these three drugs cause nausea and vomiting.
14 Medical cannabis relieves this nausea and vomiting. And,
15 cannabis helps relieve my migraine headaches, thus allowing me to
16 reduce the amount of morphine, methadone, and Dilauded that I
17 must take. I have tried Compazine to control the nausea and
18 vomiting, but it does not work most of the time.

19 I declare under penalty of perjury under the laws of the State of
20 California that the forgoing is true and correct to the best of
21 my knowledge and belief.

22 Lois D. Valentine
23 Lois Valentine

24 Declared and signed in Pinole, California this 5-2 day of
25 May, 2000.

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28 Declaration,
Case No. C 98-00088 CRB

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City of Oakland)
County of Alameda)
for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. C 98-00088 CRB
)
Plaintiff,) DECLARATION OF
) YVONNE WESTBROOK
v.)
)
OAKLAND CANNABIS BUYERS' COOPERATIVE,)
et al.,)
)
Defendants.)
)
)

TO THIS HONORABLE COURT:

1. My name is Yvonne Westbrook. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: I have multiple sclerosis.

3. If I did not have access to cannabis, I would suffer imminent harm in the following ways: The spasticity in my legs, which results from having multiple sclerosis, would be out of

Declaration,
Case No. C 98-00088 CRB

1 control. The spasticity in my legs would prevent me from
2 sleeping at night. By stopping the spasticity, cannabis enables
3 me to sleep. Without medical cannabis, the painful headaches
4 that I get from having multiple sclerosis would become much
5 worse. Also, the mood swings that I experience as a result of
6 having multiple sclerosis would increase.

7 4. There is no alternative to cannabis for the effective
8 treatment of my medical condition, because I have tried the
9 following legal alternatives to cannabis and have found them to
10 be ineffective, or to result in intolerable side effects: I take
11 Valium for relief of the spasticity in my legs during the day.
12 Valium makes me very groggy and lethargic. When I use cannabis
13 to control the spasticity, I need much less Valium than I would
14 otherwise have to take. When cannabis is not available, I take
15 baclofen to control my leg spasticity at night. However,
16 baclofen makes me very tired, and I feel hung over the next day.
17 With cannabis, I do not need baclofen. I have taken Vicodin for
18 my headaches. Vicodin hurts my stomach and causes constipation.
19 Cannabis relieves my headaches without side effects, and also
20 works more quickly than Vicodin.

21 I declare under penalty of perjury under the laws of the State of
22 California that the forgoing is true and correct to the best of
23 my knowledge and belief.

24 
25 _____
Yvonne Westbrook

26 Declared and signed in Oakland, California this 3 day of
27 May, 2000.

28 Declaration,
Case No. C 98-00088 CRB

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City of Oakland)
County of Alameda)

For Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. C 98-00088 CRB
)
Plaintiff,)
)
vs.)
)
OAKLAND CANNABIS BUYERS') DECLARATION OF
COOPERATIVE, et al.,) MIRIAM LYNNE WHITE
)
Defendants.)

TO THIS HONORABLE COURT:

1. My name is MIRIAM LYNNE WHITE. I am over 18 years of age and
am of sound mind. I make the following statements upon my own personal knowledge of the
facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: Severe and debilitating
classic and common migraine headaches, recurring depression and bulimia. I have suffered
from severe migraine headaches since I was very young (around 5 years old). I was diagnosed
by a neurologist as having both classic migraines (these typically occur monthly around
menstrual cycle) and common migraines (these typically occur daily). My condition has been
so severe and serious that it has caused countless hospitalizations and emergency room visits.

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3 The pain is so intense from a classic migraine that when I am having an attack, suicide seems
4 the only remedy. The only thing I can compare a classic migraine attack to is natural
5 childbirth; they are both that intense and debilitating. Typically, in a classic migraine attack,
6 I lose vision in one or both eyes, am extremely sensitive to any light or sound, and I also
7 experience severe nausea and vomiting. There is nothing I can do to subside the pain during a
8 classic migraine attack other than sit face down on the cold bathroom floor, squeezing my head
9 together with all my might until I pass out.
10

11 3. I have been undergoing traditional medical treatment for this condition since
12 childhood, and have subsequently been under the care of countless doctors, neurologists, and
13 psychologists. Doctors "helped me" by prescribing heavy doses of pharmaceutical drugs. I
14 have been prescribed, and have taken daily, every drug possible for the treatment of
15 migraines. None of the conventional drugs provided me relief. I regularly lost a couple of
16 days per month to classic migraine attacks, and it became almost impossible for me to work
17 and live a productive life.
18

19 4. During my teenage years, I developed the eating disorder: Bulimia. For years I
20 lived the typical binge/purge lifestyle that has now resulted in severe damage to my teeth and
21 stomach. I currently need several root canals and extractions, but am unable to afford this,
22 therefore I must live with the nagging tooth pain. My stomach has suffered so much damage
23 from abuse of laxatives and the stresses of over-eating that it is extremely difficult for me to
24 hold down meals. I am constantly nauseous and my gag reflex causes me to vomit much of what
25 I eat. I further have sharp pains in my stomach that typically cause me to buckle over and
26 temporarily lose focus of what I am doing.
27

28 5. I further suffer from Severe Recurring Depression, resulting from years of
trying to live with a serious illness, plus the stresses of being a single parent head of

1 household living at poverty level.

2
3 6. If I did not have access to medical cannabis I would suffer imminent harm in the
4 following ways: I believe cannabis to be the only medicine keeping me alive, functioning, and
5 able to care for my child and myself. Cannabis is the only medicine providing me relief from
6 my migraine headaches. Cannabis works effectively to alleviate the severe pain and nausea
7 during a migraine attack. When used over long periods of time, cannabis serves as an effective
8 preventative medicine for the migraine attacks. Without cannabis I would be unable to
9 prevent the daily common migraines and the monthly classic migraine attacks. I would thus be
10 vulnerable to attacks at a high frequency. With uncontrollable migraine attacks I would be
11 unable to hold down a job, and thus support myself, much less my minor dependant son.
12 Without medical cannabis, I would also be forced to medicate with expensive, highly addictive,
13 and non-effective prescription drugs, or find cannabis at another location such as a seedy
14 street corner. Buying cannabis on a street corner would put me at great risk not only for
15 mugging and other street violence, but I would be at risk of arrest.

17 7. There is no alternative to cannabis for the effective treatment of my medical
18 condition because I have tried the following legal alternatives to cannabis and have found them
19 to be ineffective or to result in intolerable side effects: By the time I was 21, I was prescribed
20 and was taking heavy-duty prescription drugs including antidepressants, controlled narcotics,
21 tranquilizers, and strong drugs that required needles. None of the pharmaceutical drugs
22 provided me adequate relief and the side effects are unreasonable and intolerable.

23
24 Prescription drugs that I have been prescribed and used for my migraines include:

25 A. Beta-Adrenergic-Blocking Drugs (Beta-Blockers) such as Inderal and Tenormin.

26 These drugs made me feel groggy and overdrugged. I actually experienced more
27 migraine attacks when taking these medications. I further began having panic attacks
28 while on these medications.

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B. Anti-Inflammatory Drugs such as aspirin, ibuprofen, and naproxen. I took these drugs multiple times daily. They did help me somewhat with the daily headaches, but were completely ineffective at preventing or alleviating a classic migraine attack.

C. Vasoconstrictor Drugs such as Cafergot, Wigraine, Ergostat and Sumatriptan. Although these medications helped with daily headaches, they were virtually useless during classic migraine attacks. I found no relief from these drugs, yet developed a psychological dependency on these drugs all the same.

D. Controlled Narcotics such as Fiorinal. I took this drug daily. At first the Fiorinal worked to relieve the pain of a classic migraine attack. Unfortunately, I quickly gained a tolerance to the drug, and found it both addictive and ineffective for pain after prolonged use.

E. Sumatriptan (this is injected with needles). This drug bruised me horribly and scarred me both physically and emotionally because of the needles. This drug required me to "shoot up" much like a heroin junkie. This medication did not provide me any relief during a migraine attack. The medication was also difficult to administer to myself and very costly (with the needles, kits, and disposal).

F. Opioid Analgesics (Stadol-NS). This was a nasal spray that knocked me out but did nothing to relieve the pain. Instead of providing relief, this drug made me feel too "drugged up," while the nagging, pulsating pain continued during this zombie-like state. Furthermore, this drug wiped me out so completely that I felt I had to recover more from the side effects of the drug, than from the actual migraine.

G. Anti-Depressants such as Zoloft and Amitriptyline. For some migraine patients it is believed that heavy doses of antidepressants taken for many years will work to prevent migraine headaches. I was prescribed heavy doses of antidepressants for many years under this theory. The antidepressants did nothing to prevent my

1 migraine attacks. I still lived with daily pain, and monthly debilitating classic
2 migraines. The antidepressants also had me feeling more confused and disoriented in
3 my daily routine. I felt groggy, over-drugged, and also experienced some short term
4 memory loss.

5
6 H. Tranquilizers such as Xanax and Valium. I began taking Xanax daily to help me
7 relax and hopefully prevent migraine attacks. Xanax is more addictive than heroin and
8 is also a costly habit. I quickly built up immunity to Xanax, as I was taking the drug
9 several times a day with no relief. Xanax was not helping me relax, nor was it working
10 to fight off the attacks.

11 I. Oral Drobinol (Marinol). I have even tried Marinol and found it ineffective in
12 relieving the pain or in preventing the migraine attacks.

13
14 8. One major problem with all of the oral medications is that during a migraine
15 attack, I am extremely nauseous and typically unable to keep anything down, including water.
16 It is impossible for me to take medications orally during a migraine attack.

17 9. Furthermore, the oral medications, including Marinol, would take from 20 minutes
18 to an hour to take effect. Cannabis, through smoking or vaporization, provides immediate
19 relief, as the medicinal effect is instantaneous.

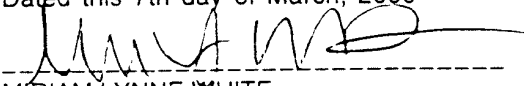
20
21 10. For my stomach problems relating to Bulimia, I have tried Priloxic, but it
22 provides me no relief. Cannabis is the only medicine that enables me to gain appetite and hold
23 down food. Cannabis is also the only medicine that works to control the nausea.

24 11. Cannabis provides miraculous relief, both as a preventative medicine and also as a
25 primary painkiller during the migraine attacks. Currently, I take only cannabis for my
26 conditions and I feel healthier and more in control than ever. I am a member of the Oakland
27 Cannabis Buyers's Cooperative. This entity has helped me greatly in combating my illness and
28 living a safe and productive life.

1
2 12. Without safe access to medical cannabis through the Oakland Cannabis Buyers'
3 cooperative I have been hurt tremendously. Now, I either must turn to dangerous street
4 dealers, travel to another cannabis dispensary hours away from where I live, or attempt to
5 live without my much-needed medicine. None of those alternatives work for me. The Oakland
6 Cannabis Buyers Cooperative was the only place I found that provided me safe access to medical
7 cannabis, while also providing a supportive community. The closing of this valuable
8 institution has been a great loss to the community and to me personally.
9

10
11 I declare under penalty of perjury under the laws of the State of California that the
12 forgoing is true and correct to the best of my knowledge and belief.

13 Dated this 7th day of March, 2000

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16 MIRIAM LYNNE WHITE
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City of Oakland)
County of Alameda)

for Defendants OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. C 98-00088 CRB
)	
Plaintiff,	)	<u>DECLARATION OF</u>
	)	<u>STEVEN WILSON</u>
v.)	
)	
OAKLAND CANNABIS BUYERS' COOPERATIVE,)	
et al.,)	
)	
Defendants.)	
)	
)	

TO THIS HONORABLE COURT:

1. My name is Steven Wilson. I am over 18 years of age and am of sound mind. I make the following statements upon my own personal knowledge of the facts stated herein. If called upon, I am willing to testify orally to such matters.

2. I suffer from the following serious medical conditions: I have AIDS, AIDS wasting syndrome, and peripheral neuropathy, which has resulted in severe nerve damage in my legs.

3. If I did not have access to cannabis, I would suffer imminent harm in the following ways: I would not be able to take

Declaration,
Case No. C 98-00088 CRB

1 the medications that I need to live. I would not be able to eat,
2 since my appetite would be greatly diminished, and my body weight
3 would plummet. I would be vomiting, due to the toxicity of my
4 medicinal regime. Cannabis relieves the nausea that is caused by
5 the medications I take to combat AIDS. Cannabis stimulates my
6 appetite. Without cannabis, the pain in my legs from peripheral
7 neuropathy would be unbearable. I would be very depressed as a
8 result of my medical situation. Cannabis lessens my depression.

9 4. There is no alternative to cannabis for the effective
10 treatment of my medical condition, because I have tried the
11 following legal alternatives to cannabis and have found them to
12 be ineffective, or to result in intolerable side effects: I have
13 taken Marinol to stimulate my appetite. However it makes me very
14 tired, edgy, and uneasy. I tried Demerol for pain relief, but it
15 was ineffective and made me nauseous. I tried Dilatin for
16 tremors and seizures, but it made me very lethargic and unable to
17 function normally. I currently use fentanyl transdermal patches
18 for leg pain, though they make me very drowsy. With cannabis, I
19 am able to use the patches less frequently. I took Paxil for
20 depression, but it caused my prostate to enlarge.

21
22 I declare under penalty of perjury under the laws of the State of
23 California that the forgoing is true and correct to the best of
24 my knowledge and belief.

25 
26 _____
27 Steven Wilson

28 Declared and signed in Oakland, California this 29 day of
April, 2000.

Declaration,
Case No. C 98-00088 CRB