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15 Attorneys for Defendants
OAKLAND CANNABIS BUYERS' COOPERATIVE and
16 JEFFREY JONES

17

18 IN THE UNITED STATES DISTRICT COURT
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION
21

22 UNITED STATES OF AMERICA,

23 Plaintiff,

24 v.

25 OAKLAND CANNABIS BUYERS'
COOPERATIVE and JEFFREY JONES,

26 Defendants.
27

28 AND RELATED ACTIONS.

No. C 98-0088 CRB

**DEFENDANTS' *EX PARTE*
APPLICATION TO SHORTEN TIME
FOR HEARING ON DEFENDANTS'
MOTION FOR ENTRY OF PARTIAL
JUDGMENT PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 54(B)**

Date: July 3, 2002

Honorable Charles R. Breyer

1 Pursuant to United States District Court, Northern District of California, Civil Local Rule 6-3,
2 Defendants Oakland Cannabis Buyers' Cooperative and Jeffrey Jones ("Defendants") hereby request
3 *ex parte* an order shortening time for a briefing and hearing schedule on Defendants'
4 contemporaneously filed Motion for Entry of Partial Judgment Pursuant to Federal Rule of Civil
5 Procedure 54(b) ("Motion for Entry of Partial Judgment").

6 Before filing this *ex parte* application, Defendants sought the stipulation of the government to
7 an expedited schedule for the Motion for Entry of Partial Judgment, and to determine whether the
8 government would oppose the Rule 54(b) motion. (*See* Declaration of Annette P. Carnegie in
9 Support of Ex Parte Application to Shorten Time for Hearing on Motion for Entry of Partial
10 Judgment ("Carnegie Decl.") ¶ 2.) As of the filing of these papers, the government has not
11 responded. (*See* Carnegie Decl. ¶ 2.)

12 Pursuant to the requirements of Northern District of California Local Rule 7-2, Defendants
13 have set their Motion for Entry of Partial Judgment for hearing more than 35 days out, on August 9,
14 2002. This hearing date falls upon the approximate due date for Defendants' Notice of Appeal.
15 Defendants believe that their Motion for Entry of Partial Judgment can be, and should be, ruled upon
16 forthwith without a hearing. The motion seeks entry of final judgment as to this Court's summary
17 judgment and permanent injunction orders of May 3 and June 10, 2002, respectively. However, in
18 the event that the Court believes Defendants' Motion for Entry of Partial Judgment should be
19 addressed as a regularly calendared motion, Defendants suggest that it be subject to an expedited
20 briefing and hearing schedule so that the matter can be resolved promptly and timely appeal taken.

21 Accordingly, Defendants respectfully request that the Court approve the following expedited
22 schedule relating to their Motion for Entry of Partial Judgment:

23 Defendants' Opening Brief	Filed Herewith
24 Opposition (If Any)	July 12, 2002
25 Defendants' Reply (If Any)	July 19, 2002
26 Hearing (If Any)	July 26, 2002

1 If, however, the Court waits until August 9, 2002, to act on the motion, Defendants and their
2 patient-members will be prejudiced by the uncertainty associated with the finality of the Court's
3 orders, and the inability to timely file an appeal.

4 Accordingly, to avoid any prejudice and to accommodate the needs of all concerned,
5 Defendants respectfully request the Court, pursuant to Local Rule 6-3, to hear Defendants'
6 contemporaneously filed Motion for Entry of Partial Judgment on an expedited basis, as set forth
7 above.

8 Dated: July 3, 2002

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11 MORRISON & FOERSTER LLP

12 By: Annette Carnegie
13 Annette P. Carnegie

14 Attorneys for Defendants
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