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14  
15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**  
17

18 MARIN ALLIANCE FOR MEDICAL )  
MARIJUANA, a not-for-profit association; )  
19 JOHN D’AMATO, an individual, )  
20 Plaintiffs/Petitioners, )

21 vs. )

22 ERIC HOLDER, Attorney General of the United )  
States; MICHELLE LEONHART, Administrator )  
23 of the Drug Enforcement Administration; HON. )  
MELINDA HAAG, U.S. Attorney for the )  
24 Northern District of California, )

25 Defendants/Respondents. )  
26 )  
27 )  
28 )

Case No. CV-11-5349-DMR

**DECLARATION OF MATTHEW KUMIN IN  
SUPPORT OF PLAINTIFF’S EX PARTE  
APPLICATION FOR PERMISSION TO  
FILE TEMPORARY RESTRAINING  
ORDER MEMORANDUM LONGER THAN  
25 PAGES**

1 I, Matthew Kumin, hereby declare

2 1. I am an attorney duly licensed to practice law in the State of California. I am a partner  
3 in the firm that represents the Plaintiffs in this case. I make this declaration based on personal  
4 knowledge, and if called to do so, I could and would testify competently thereto. This Declaration is  
5 made in support of Plaintiff's Ex Parte Application to increase the page limits for Plaintiff's Motion  
6 for a temporary restraining order/preliminary injunction.

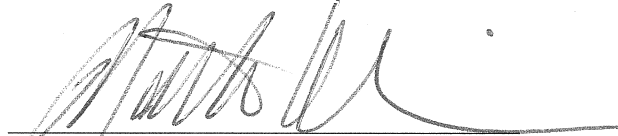
7 2. The motion for a temporary restraining order/preliminary injunction is based on  
8 allegations that: the federal government is estopped from changing its position regarding non-  
9 enforcement of the Controlled Substances Act against patients in compliance with state medical  
10 cannabis laws; the federal government is violating the Equal Protection rights of medical cannabis  
11 patients in California; the federal government is violating the 9th Amendment by threatening  
12 landlords, patients and their supplying organizations; the federal government is violating the 10th  
13 Amendment by threatening landlords, patients and their supplying organizations; and the federal  
14 government is violating the Commerce Clause prohibitions against regulating purely intrastate  
15 activity.

16 3. The novelty and complexity of the issues presented by the complaint and this motion  
17 necessitate detailed factual and legal discussion. Due to the attention paid to the pending issues,  
18 Plaintiff's memorandum is 30 pages in length, not including caption page, table of contents, and table  
19 of authorities. It will assist the Court's review of this motion to preserve the length of the  
20 memorandum, and will fully allow Plaintiffs to present their argument by exceeding the 25 page limit.

21 Respectfully submitted.

22  
23 Dated: November 8, 2011

KUMIN SOMMERS LLP

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26 Matthew W. Kumin  
27 Attorneys for Plaintiffs  
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