

1 MATTHEW KUMIN, State Bar No. 177561  
KUMIN SOMMERS LLP  
2 870 Market Street, Suite 428  
San Francisco, CA 94102  
3 Telephone: (415) 434-4500  
Facsimile: (415) 434-8453  
4 e-mail: matt@kuminsommers.com

5 DAVID M. MICHAEL, State Bar No. 74031  
LAW OFFICE OF DAVID M. MICHAEL  
6 101 California Street, Suite 2450  
San Francisco, CA 94111  
7 Telephone: (415) 946-8996  
Facsimile: (877) 538-6220  
8 e-mail: dmmp5@aol.com

9 ALAN SILBER, State Bar No. 52973  
WALDER, HAYDEN, & BROGAN, P.A.  
10 5 Becker Farm Road  
Roseland, NJ 07068  
11 Telephone: (973) 436-4122  
Facsimile: (973) 436-4232  
12 e-mail: ASilber@whbesqs.com

13 *Attorneys for Plaintiffs/Petitioners*

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; and DOES 1 )  
through 10, inclusive, )

25 Defendants/Respondents. )  
26

Case No. CV 11-5349 DMR

**DECLARATION OF LYNNETTE SHAW IN  
SUPPORT OF PLAINTIFF'S PETITION  
FOR TEMPORARY RESTRAINING  
ORDER/ PRELIMINARY INJUNCTION**

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28 **DECLARATION OF LYNNETTE SHAW IN SUPPORT OF PLAINTIFF'S PETITION FOR TEMPORARY  
RESTRAINING ORDER/ PRELIMINARY INJUNCTION**  
Case No. CV 11-5349 DMR

1  
2 I, LYNNETTE SHAW, hereby declare

3 1. I am an adult, over 18 years of age, and am fully competent to make this declaration,  
4 and am a party to this lawsuit. I make this declaration based on personal knowledge, and if  
5 called to do so, I could and would testify competently thereto. This Declaration is made in  
6 support of Plaintiff's Petition for a Temporary Restraining Order/Preliminary Injunction.

7 2. I am a resident of the city of Fairfax, California.

8 3. I am a qualified medical cannabis patient and the operator of the Marin Alliance for  
9 Medical Marijuana, a group of patients associating within the State of California in order to  
10 collectively and cooperatively cultivate cannabis for medical purposes, pursuant to the  
11 immunity provisions as provided for in Health and Safety Code section 11362.775  
12 (hereinafter "Collective").

13 4. My Collective is located at 6 School Street Plaza, #210, Fairfax, CA 94930.

14 5. My Collective operates as a not-for-profit association.

15 6. My Collective has been operating in full compliance with California law since its  
16 inception in 1997.

17 7. On September 29, 2011, my landlord and the note holder of my landlord's mortgage  
18 each received a letter from the Department of Justice that stated that my Collective is  
19 operating a medical cannabis dispensary. The letter further stated that the dispensary's  
20 continued operation is illegal under federal law. I, my landlord and the note holder were  
21 threatened with civil and criminal penalties, including imprisonment and real property  
22 forfeiture if the dispensary does not cease operations within 45 days. A true and correct copy  
23 of the letter sent to my landlord is attached as Exhibit 1.

24 8. I have been informed through news outlets and conversations with other individuals  
25 that the Department of Justice has begun sending letters to many other landlords of buildings  
26 where other collectives are located. These letters manifest similar threats to the personal and  
27

1 real property of landlords and cooperatives, as well as threatened criminal prosecution of  
2 those involved in the cooperatives.

3 9. I understand from the attached public memorandum written by David Ogden of the  
4 Department of Justice, dated October 19, 2009, that the Department of Justice had stated that  
5 it would not subject medical cannabis cooperatives operating in compliance with state law to  
6 federal law enforcement action. This memorandum puts me at a loss as to why the federal  
7 government is now threatening action against me. A true and correct copy of this  
8 memorandum is attached as Exhibit 2.

9 10. The Town of Fairfax allowed me to renew my business permit without review in  
10 2009. Then, in 2010 I was allowed to modify the permit to ease several conditions and add  
11 regulated delivery service. I submitted a copy of the Ogden memorandum to the Planning  
12 Commission to help persuade them that we were in a position to increase services. But for the  
13 memorandum, the Town of Fairfax would have refused to renew my Collective's business  
14 license under the terms of the special use permit and also would have refused to allow my  
15 Collective to increase services.

16 11. The mission of my Collective is to operate a medical cannabis collective in the City of  
17 Fairfax in order to provide me and other patient-members access to high-quality, medical-  
18 grade and physician-recommended medical cannabis consistent with the California  
19 Compassionate Use Act and California Medical Marijuana Program Act. The City of Fairfax  
20 granted my Collective a use and zoning permit to operate as a medical cannabis collective in  
21 1997.

22 12. I suffer from non-military PTSD. I am a formerly battered woman with both physical  
23 and psychological injuries. I suffer from clinical depression and am in chronic pain. I am  
24 allergic to most medications. In 1991, before it was legal, the late Dr. Todd Mikuriya  
25 recognized my severe ailments and chemical sensitivities, and recommended Marinol at first  
26 and then cannabis. Shortly after Prop 215 passed in California, I received a recommendation  
27

1 from my doctor to take cannabis to alleviate my ailments. I have been a qualified medical  
2 cannabis patient ever since.

3 13. I have been informed and believe that I am a disabled person as defined by California  
4 Government Code section 12926, as well as the Americans with Disabilities Act.

5 14. Since becoming a qualified patient, I have used medical cannabis, which is the most  
6 effective relief for the severe, debilitating, and chronic pain I suffer as a result of my medical  
7 condition. In fact, medical cannabis is the only medicine that has worked for me – it changed  
8 my entire life.

9 15. I decided to start the Collective for a number of reasons, including:

- 10 a. I am a seriously-ill Californian and a qualified medical cannabis patient and, as  
11 such, I have been advised by my attorneys that I can associate with other  
12 medical cannabis patients in order to cultivate our medicine and share the  
13 expense of cultivation within the closed-loop of our collective consistent with  
14 the California Medical Marijuana Program Act and the California Attorney  
15 General Guidelines regarding medical cannabis;
- 16 b. My collective is easy to access; in fact many of the patient-members have  
17 moved to the area so that they can be as close to their medicine as possible
- 18 c. I am concerned about the quality of medical cannabis I use, and require  
19 specific strains of specialized, medical-grade cannabis, and my Collective  
20 allows me to conveniently access the specific strains of high-quality, medical-  
21 grade cannabis that I need and which my doctor recommends;
- 22 d. The Collective, besides providing me with medicine, provides me and my  
23 fellow-patient members` with a safe place to meet like-minded and similarly  
24 situated patients in order to discuss, and participate in, collective action  
25 strategies to remove political, economic, legal and social obstacles to patients`  
26 access to medical cannabis;
- 27

- e. The Collective affords access to valuable patient support services, health care, social services, and legal defense that improve my quality of life, health, and well-being and safety;
- f. I do not want to procure cannabis illegally from the local black market (e.g. people illegally selling cannabis) because I do not want to contribute money to what may constitute a criminal enterprise;
- g. I do not want to procure cannabis illegally from the local black market because I do not want to expose myself to criminal or civil liability; and
- h. I do not want to attempt to procure cannabis illegally from the black market because I fear that doing so may subject me to dangerous and unsafe situations.

16. My Collective serves approximately 800 patients per month, half of whom are women and a great many of whom are senior citizens. Marin County has one of the highest breast cancer rates in the nation, as well as among the highest percentage of senior citizens in the state. Our patient-members suffer from a variety of debilitating and chronic ailments, including seizures, chronic pain, arthritis, general disabilities, lupus, MS, HIV, all types of cancer (but especially breast cancer), PTSD in both veterans and civilians, and a litany of other conditions. My Collective is the only licensed and zoned medical cannabis collective in all of Marin County. A true and correct copy of my Collective's use permit is attached as Exhibit 3.

17. For the first 14 years of my Collective's existence, we were required to have potential patients first sign up for state medical marijuana ID program before they could be admitted into our Collective. That condition has been recently changed. Now, when a prospective member comes into my Collective, they are required to present a driver's license or other valid photo identification, along with their doctor's recommendation or, if they have one, their state medical marijuana ID card. We then check, either by calling the doctor or through the online database, to be sure the doctor indeed recommended this patient and that the doctor's license is current. My Cooperative checks to be sure that all recommendations are current and

1 are written by a licensed physician in good standing. Furthermore, patients at my Collective  
2 must present their CBC Marin membership card, doctor's recommendation and valid, current  
3 California photo ID each time they come to get their medicine.

4 18. My collective does not operate on a for-profit basis, nor does it make a profit.

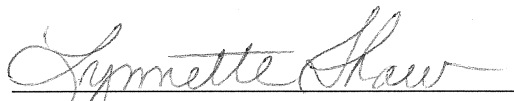
5 19. I understand, from speaking with my attorneys, that the present threatened actions of  
6 the Department of Justice may leave me with no legal options in obtaining my medicine.

7 20. I understand that cannabis remains illegal under Federal law; therefore, the disclosure  
8 of information indicating that I am allegedly conspiring to commit a federal crime causes me  
9 great concern. I am very fearful of the criminal penalties to which I will be exposed under  
10 federal law.

11 21. The actions of the Department of Justice will cause immediate and irreparable harm to  
12 me and my fellow collective patient-members because the carrying out of the Department's  
13 threats would lead to the closure of my collective and nearly every other collective operating  
14 in my local area. I do not wish to subject myself to federal criminal penalties. Finally, I do  
15 not believe that I should be treated differently from any other patient for whom the law allows  
16 access to regulated medicine.

17 I declare under penalty of perjury that the foregoing is true and correct.

18  
19 Executed: November 7, 2011

20  
21   
22 Lynnette Shaw  
23