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15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERNDISTRICT OF CALIFORNIA**  
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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.  
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Case No. CV 11-5349 DMR

**DECLARATION OF JOHN D'AMATO IN  
SUPPORT OF PLAINTIFF'S PETITION  
FOR TEMPORARY RESTRAINING  
ORDER/ PRELIMINARY INJUNCTION**

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

1 I, JOHN D'AMATO, hereby declare

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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 a member of the Marin Alliance Medical  
9 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. The mission of my Collective is to operate a medical cannabis collective in the City of  
14 Fairfax in order to provide me and other patient-members access to high-quality, medical-  
15 grade and physician-recommended medical cannabis consistent with the Compassionate Use  
16 Act and Medical Marijuana Program Act.

17 5. I suffer from neuropathy caused by diabetes. Neuropathy causes me severe pain,  
18 especially concentrated in my feet, such that at times it can be difficult or even impossible for  
19 me to walk. I am also a heart attack and stroke survivor. In the past, I have been prescribed  
20 various opiate-derivative medications for my pain. These medications take too long to take  
21 effect, last too long, and leave me feeling like a zombie. For the past 6 years or so, I have  
22 been taking cannabis per my doctor's recommendation. Cannabis gives me immediate pain  
23 relief without clouding my brain. Cannabis doesn't get me "high" - I only take a little at a  
24 time, enough to treat my pain.

25 6. Since becoming a qualified patient, I have used medical cannabis, which is the most  
26 effective pain relief for the severe, debilitating, and chronic pain I suffer as a result of my  
27 neuropathy. In fact, medical cannabis is the only medicine that has truly worked to treat my  
28 pain without undesirable side effects - it has significantly changed my life for the better.

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7. I was informed through conversations with individuals and by the media that the Department of Justice has begun sending letters to landlords of buildings where collectives are located, including the landlord of my Collective. These letters manifest threats to the personal and real property of landlords and cooperatives, as well as threatened criminal prosecution of those involved in the cooperatives.

- 8. I decided to become a member of the Collective for a number of reasons, including:
  - a. I am a seriously-ill Californian and a qualified medical cannabis patient and, as such, I have been advised by my attorneys that I can associate with other medical cannabis patients in order to cultivate our medicine and share the expense of cultivation within the closed-loop of our collective consistent with the California Medical Marijuana Program Act and the California Attorney General Guidelines regarding medical cannabis;
  - b. I am concerned about the quality of medical cannabis I use, and require specific strains of specialized, medical-grade cannabis, and my Collective allows me to conveniently access the specific strains of high-quality, medical-grade cannabis that I need and which my doctor recommends;
  - c. The Collective, besides providing me with medicine, provides me with a safe place to assemble with like-minded and similarly situated patients in order to discuss, and participate in, collective action strategies to remove political, economic, and social obstacles to patients' access to medical cannabis;
  - d. The Collective is approximately 100 yards from my home, making it incredibly easy to access for me;
  - e. 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;
  - f. 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

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g. 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.

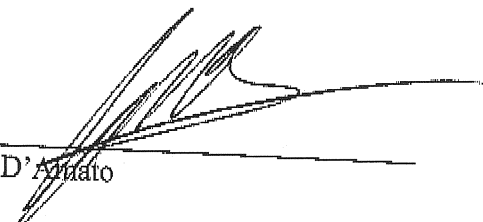
9. I understand, from speaking with my attorneys, that the present threatened actions of the Department of Justice may leave me with no legal options in obtaining my medicine.

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

11. The actions of the Department of Justice will cause immediate and irreparable harm to me and my fellow collective patient-members because the carrying out of the Department's threats would lead to the closure of my collective and nearly every other collective operating in my local area; my physical limitations severely limit my access to those collectives, if any, that remain, as I do not own a car. I do not wish to subject myself to federal criminal penalties. Finally, I do not believe that I should be treated differently from any other patient for whom the law allows access to regulated medicine.

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

Dated: November 7, 2011

  
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John D'Amato