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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 MARIN ALLIANCE FOR MEDICAL) Case No. CV 11-5349 SBA
15 MARIJUANA, a not-for-profit association;)
16 JOHN D’AMATO, an individual, MED) **DECLARATION OF EDWARD BREYBURG**
17 THRIVE, INC. a not-for-profit cooperative) **IN SUPPORT OF PLAINTIFF’S PETITION**
corporation doing business as MedThrive) **FOR TEMPORARY RESTRAINING**
18 Cooperative; THE JANE PLOTITSA SHELTER) **ORDER/ PRELIMINARY INJUNCTION**
TRUST, a revocable living trust; THE FELM)
19 TRUST, a revocable living trust; and THE)
DIVINITY TREE WELLNESS)
20 COOPERATIVE, INC., a not-for-profit)
cooperative corporation,)

21 Plaintiffs/Petitioners,)

22 vs.)

23 ERIC HOLDER, Attorney General of the United)
States; MICHELLE LEONHART, Administrator)
of the Drug Enforcement Administration; HON.)
24 MELINDA HAAG, U.S. Attorney for the)
Northern District of California; and DOES 1)
25 through 10, inclusive,)

26 Defendants/Respondents.)

1 I, EDWARD BREYBURG, hereby declare

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

6 2. I am a resident of the city of San Francisco, California.

7 3. I am the trustee of the Felm Trust, which is a 50% owner of the property located at
8 1933 Mission St. San Francisco, CA, 94103.

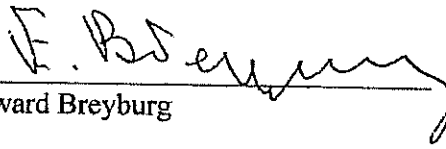
9 4. On or about September 28 2011, I received a letter from the Department of Justice that
10 stated that my tenant at 1933 Mission St. San Francisco, CA is operating a medical cannabis
11 dispensary. The letter further stated that the dispensary's continued operation is illegal under
12 federal law. I was threatened with civil and criminal penalties, including jail time and real
13 property forfeiture if the dispensary does not cease operations within 45 days. A true and
14 correct copy of this letter is attached as Exhibit 1.

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

21 6. The actions of the Department of Justice will cause immediate and irreparable harm to
22 me by depriving me of valuable rents and incomes, and possibly by confiscating my property
23 and subjecting me to criminal liability. My tenants are being forced to vacate the property as
of November 12, 2011.

24 7. I do not wish to subject myself to federal criminal penalties, nor do I believe that I
25 have in any way acted in violation of federal law.

1 Executed: November __, 2011
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4 
Edward Breyburg

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28 DECLARATION OF EDWARD BREYBURG IN SUPPORT OF PLAINTIFF'S PETITION FOR TEMPORARY
RESTRAINING ORDER/ PRELIMINARY INJUNCTION

Case No. CV 11-5349 SBA

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