

1 TONY WEST
 Assistant Attorney General
 2 ARTHUR R. GOLDBERG
 Assistant Director, Federal Programs Branch
 3 VARU CHILAKAMARRI (NY Bar #4324299)
 4 KATHRYN L. WYER (Utah Bar #9846)
 U.S. Department of Justice, Civil Division
 5 20 Massachusetts Avenue, N.W., Washington, DC 20530
 Tel. (202) 616-8475/Fax (202) 616-8470
 6 kathryn.wyer@usdoj.gov
 7 *Attorneys for the United States*

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 MARIN ALLIANCE FOR MEDICAL
 MARIJUANA, a not-for-profit association; JOHN
 11 D'AMATO, an individual,
 Plaintiffs,
 12 v.

13 ERIC HOLDER, Attorney General of the United
 14 States; MICHELLE LEONHART, Administrator
 of the Drug Enforcement Administration;
 15 MELINDA HAAG, U.S. Attorney for the Northern
 16 District of California,
 17 Defendants.

CASE NO. 11-5349 (SBA)

**DEFENDANTS' NOTICE OF
 MOTION AND MOTION TO
 DISMISS**

Hearing Date: February 14, 2012
 Hearing Time: 1:00 pm
 Courtroom: 1

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 20 PLEASE TAKE NOTICE that on February 14, 2012, at 1:00 p.m. or as soon thereafter as
 21 counsel may be heard, defendants Eric Holder, Attorney General of the United States; Michelle
 22 Leonhart, Administrator of the United States Drug Enforcement Administration (“DEA”); and
 23 Melinda Haag, U.S. Attorney for the Northern District of California (collectively, “Defendants”),
 24 will bring the following Motion To Dismiss before the Honorable Sandra B. Armstrong, United
 25 States District Judge, Courtroom 1, at the United States Courthouse, 1301 Clay Street, Oakland,
 26 California, 94612.

27 The Defendants move to dismiss Plaintiffs’ amended complaint and this action pursuant
 28 to Fed. R. Civ. P. 12(b)(6) on the grounds that Plaintiffs have failed to state a claim upon which

1 relief can be granted. This motion is based on Plaintiffs' pleadings, Defendants' Memorandum in
2 Support of Motion to Dismiss, filed herewith, and the files and records of this case.

3 This motion is made following the conference of counsel pursuant to paragraph 5 of
4 Judge Armstrong's Standing Orders, which occurred by conference call between undersigned
5 counsel and Plaintiffs' counsel on December 5, 2011.

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7 Dated: January 10, 2012

Respectfully submitted,

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9 TONY WEST
Assistant Attorney General
10 ARTHUR R. GOLDBERG
Assistant Branch Director

11
12 /s/ Kathryn L. Wyer
VARU CHILAKAMARRI (NY#4324299)
13 KATHRYN L. WYER (Utah #9846)
Trial Attorneys
14 U.S. Department of Justice, Civil Division
20 Massachusetts Avenue, N.W.
15 Washington, DC 20530
16 Tel. (202) 616-8475/Fax (202) 616-8470
17 kathryn.wyer@usdoj.gov
Attorneys for the Defendants