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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

COUNTY OF SANTA CRUZ, CALIFORNIA;
CITY OF SANTA CRUZ, CALIFORNIA;
VALERIE CORRAL; ELADIO V. ACOSTA;
JAMES DANIEL BAEHR; MICHAEL
CHESLOSKY; JENNIFER LEE HENTZ;
DOROTHY GIBBS; HAROLD F. MARGOLIN;
and WO/MEN’S ALLIANCE FOR MEDICAL
MARIJUANA

Plaintiffs,

v.

JOHN ASHCROFT, Attorney General of the
United States; KAREN P. TANDY,
Administrator of the Drug Enforcement
Administration; JOHN P. WALTERS, Director of
the Office of National Drug Control Policy; and
30 UNKNOWN DRUG ENFORCEMENT
ADMINISTRATION AGENTS,

Defendants.

Case No.: 03-CV-1802 JF

**[PROPOSED] ORDER FOR
PRELIMINARY INJUNCTIVE
RELIEF**

1 On February 23, 2004, Plaintiffs County of Santa Cruz, California; City of Santa
2 Cruz, California; Valerie Corral; Eladio V. Acosta; James Daniel Baehr; Michael Cheslosky;
3 Jennifer Lee Hentz; Harold F. Margolin; and the Wo/Men's Alliance for Medical Marijuana
4 ("WAMM") (collectively "Plaintiffs") filed a Motion for Reconsideration of August 28, 2003
5 Order. On April 21, 2004, this Court entered an Order Granting Plaintiffs' Motion for
6 Reconsideration (attached hereto), in which this Court also granted Plaintiffs' Motion for
7 Preliminary Injunction, upon finding that Plaintiffs had demonstrated irreparable injury and a
8 likelihood of success with respect to their argument that, on the facts of this case and the
9 controlling case law in this circuit, the Controlled Substances Act as applied to Plaintiffs is an
10 unconstitutional exercise of Congress' Commerce Clause power. Accordingly, during the
11 pendency of this action, and until this Court makes a ruling on the merits,

12 IT IS HEREBY ORDERED THAT Defendants, and their agents and officers, and
13 any person acting in consort with them, are hereby enjoined from arresting or prosecuting
14 Valerie Corral; Eladio V. Acosta; James Daniel Baehr; Michael Cheslosky; Jennifer Lee Hentz;
15 Harold F. Margolin; and/or Michael Corral, seizing their medical cannabis, forfeiting their
16 property, or seeking civil or administrative sanctions against them with respect to the intrastate
17 cultivation, possession, delivery, obtaining without charge, and/or use of cannabis for personal
18 medical purposes on the advice of a physician and in accordance with state law; and

19 IT IS FURTHER ORDERED that Defendants, and their agents and officers, and
20 any person acting in consort with them, are hereby enjoined from enforcing the Controlled
21 Substances Act with respect to the intrastate cultivation, possession, delivery, obtaining without
22 charge, and/or use of cannabis for medicinal purposes at, in or on any WAMM location where
23 such activities are in compliance with state law. For purposes of this Preliminary Injunction
24 Order, the term "WAMM location" includes: (a) the land and structure located at 815 Almar St.,
25 Santa Cruz, California, 95060; (b) the land and structure located at 240 Plymouth Street, Santa
26 Cruz, California, 95060; and (c) the land and structure located at 230 Swanton Road, Davenport,
27 California, 95017; and

1 IT IS FURTHER ORDERED that Plaintiffs shall file with the Court a completed
2 Declaration identifying the true identities of those members of WAMM, including patient and
3 caregiver members, not named as Plaintiffs in this action (“Unnamed Members of WAMM”).
4 Such Declaration shall be filed under seal, shall not be served on Defendants, and shall be kept in
5 the Judge’s chambers, not in the clerk’s file for this case; and

6 IT IS FURTHER ORDERED THAT, any Unnamed Member(s) of WAMM,
7 including patient and caregiver members, may apply to this Court on an emergency basis,
8 pursuant to Civil Local Rule 7-10(a), to modify the Preliminary Injunction to include injunctive
9 relief that would prohibit Defendants, and their agents and officers, and any person acting in
10 consort with them, from arresting or prosecuting such Member(s), seizing their medical
11 cannabis, forfeiting their property, or seeking civil or administrative sanctions against them with
12 respect to intrastate cultivation, possession, delivery, obtaining without charge, and/or use of
13 cannabis for personal medical purposes on the advice of a physician and in accordance with state
14 law, provided that this Court will entertain such a request to modify the Preliminary Injunction
15 Order only if (1) Unnamed Member(s) reveal their identity as a WAMM member to the Court
16 and to Defendants in such request, and (2) the Court confirms that such person is a WAMM
17 member, on the basis of the information provided to the Court under seal. The Unnamed
18 Member(s) of WAMM may apply to this Court to modify the Preliminary Injunction Order
19 pursuant to the terms of this paragraph individually or as a group; and

20 IT IS FURTHER ORDERED THAT the requirement for posting security for
21 payment of any costs or damages incurred by Defendants as a result of the preliminary injunction
22 is hereby waived.

23 IT IS SO ORDERED.

24 DATED: 6/21/04

/s/electronic signature authorized

Hon. Jeremy Fogel
U.S. District Court Judge