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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN JOSE DIVISION

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COUNTY OF SANTA CRUZ, CALIFORNIA;  
18 CITY OF SANTA CRUZ, CALIFORNIA;  
VALERIE CORRAL; ELADIO V. ACOSTA;  
19 JAMES DANIEL BAEHR; MICHAEL  
CHESLOSKEY; JENNIFER LEE HENTZ;  
20 DOROTHY GIBBS; HAROLD F. MARGOLIN;  
and WOMEN'S ALLIANCE FOR MEDICAL  
21 MARIJUANA

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Plaintiffs,

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v.

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JOHN ASHCROFT, Attorney General of the  
United States; JOHN B. BROWN III, Acting  
25 Administrator of the Drug Enforcement  
Administration; JOHN P. WALTERS, Director of  
the Office of National Drug Control Policy; and  
26 30 UNKNOWN DRUG ENFORCEMENT  
ADMINISTRATION AGENTS,

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Defendants.

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APR 23 2003  
ADR  
E-filing

**C03 01802**

Case No.:

**PLAINTIFFS' NOTICE OF MOTION  
AND MOTION FOR PRELIMINARY  
INJUNCTION**

Date:  
Time:  
Place:  
Judge:

1 TO DEFENDANTS JOHN ASHCROFT, ATTORNEY GENERAL OF THE  
2 UNITED STATES; JOHN B. BROWN III, ACTING ADMINISTRATOR OF THE DRUG  
3 ENFORCEMENT ADMINISTRATION; JOHN P. WALTERS, DIRECTOR OF THE OFFICE  
4 OF NATIONAL DRUG CONTROL POLICY AND THEIR ATTORNEYS OF RECORD:

5 PLEASE TAKE NOTICE THAT on June 4, 2003, at \_\_\_\_\_ .m. or as soon  
6 thereafter as counsel may be heard, in the Courtroom of the Honorable \_\_\_\_\_  
7 of the United States District Court for the Northern District of California, located at 280 South  
8 1st Street, San Jose, California, Plaintiffs County of Santa Cruz, California; City of Santa Cruz,  
9 California; Valerie Corral; Eladio V. Acosta; James Daniel Baehr; Michael Cheslosky; Jennifer  
10 Lee Hentz; Dorothy Gibbs; Harold F. Margolin; and Wo/Men's Alliance For Medical Marijuana  
11 (collectively "Plaintiffs"), will and hereby do move for a preliminary injunction pursuant to Rule  
12 65 of the Federal Rules of Civil Procedure enjoining John Ashcroft, Attorney General of the  
13 United States; John B. Brown III, Acting Administrator of the Drug Enforcement  
14 Administration; John P. Walters, Director of the Office of National Drug Control Policy  
15 (collectively "Defendants"), and their officers, agents, employees, and all those in active concert  
16 or participation with them from (1) conducting further raids and/or seizures against Plaintiffs  
17 WAMM, its members and the individual Patient-Plaintiffs, and (2) from conducting raids and/or  
18 seizures against patients using medical marijuana in compliance with California's  
19 Compassionate Use Act within the City and County of Santa Cruz, California, unless the  
20 activities described above are enjoined until such time as the Court makes a ruling on the merits  
21 or pending trial of this action.

22 This Motion will be made on the grounds that Plaintiffs are likely to succeed on  
23 the merits, and irreparable injury will result to Plaintiffs in violation of their fundamental rights,  
24 in derogation of the Tenth Amendment, and in excess of the powers delegated under the  
25 Commerce Clause and reserved to the State of California and its political subdivisions. In  
26 addition, the balance of hardships tips sharply in Plaintiffs' favor and the public interest favors  
27 granting Plaintiffs' Motion. This Motion is based on this Notice of Motion and Motion, the  
28 accompanying Memorandum of Points and Authorities, the Request for Judicial Notice, and the

PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION

1 Declarations of the Chair of the Santa Cruz County Board of Supervisors Ellen Pirie; Mayor of  
2 the City of Santa Cruz Emily Reilly; Valerie Corral; Eladio V. Acosta; James Daniel Baehr;  
3 Michael Cheslosky; Jennifer Lee Hentz; Dorothy Gibbs; Harold F. Margolin; Gerald Uelmen;  
4 Dr. Robert V. Brody; Dr. Arnold Leff; Dr. Neil M. Flynn; Dr. Harvey L. Rose; and Dr. Ernest H.  
5 Rosenbaum attached hereto.

6 DATED: April 22 2003

BINGHAM McCUTCHEN LLP

7  
8 By: Frank Kennamer / NSN  
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