

1 Districts of California and the Court of Appeals for the Federal Circuit and the Ninth Circuit.

2 On January 23, 2006 I sent via overnight delivery my completed application and payment for
3 admission to practice before the District Court for the Southern District of California.

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- 5 2. The ACLU is a nationwide, nonprofit, nonpartisan organization with more than 500,000
6 members dedicated to the principles of liberty and equality embodied in the Constitution and this
7 nation's civil rights laws. Included among those members are many medical marijuana patients
8 and their doctors residing in California whose interests stand to be adversely impacted by the
9 instant litigation.
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- 11 3. The Drug Law Reform Project is a project of the ACLU's national legal department. The Drug
12 Law Reform Project's mission is to end punitive drug policies that cause the widespread
13 violation of constitutional and human rights, as well as unprecedented levels of incarceration.
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- 15 4. The ACLU represents medical marijuana patients and their physicians throughout California and
16 the nation and has been a vigorous advocate of California's medical marijuana laws, and has
17 defended those laws against numerous political and legal challenges. The ACLU currently
18 represents California medical marijuana patients and doctors in federal litigation seeking to
19 defend and vindicate California's medical marijuana laws and the rights of patients and their
20 physicians under those laws, in which published decisions have been issued by District Courts in
21 California and by the Court of Appeals for the Ninth Circuit, including *Conant v. Walters*, 309
22 F.3d 629 (9th Cir. 2002)), *cert. denied*, 540 U.S. 946 (2003) and *County of Santa Cruz,*
23 *California et. al. v. Ashcroft et. al.*, 314 F.Supp.2d 1000 (N.D. Cal. 2004).
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- 25 5. *County of Santa Cruz et. al. v. Ashcroft et. al.* is currently pending before the District Court for
26 the Northern District of California. Dkt.No. 5:03 CV 01802. Among the plaintiffs represented
27 by the ACLU in that case is the Wo/men's Alliance for Medical Marijuana ("WAMM"), a
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1 collective of terminally ill medical marijuana patients and their caregivers residing in Santa Cruz
2 County, California, some of whom are also members of the ACLU. Among the plaintiffs in that
3 case represented by the ACLU are also Valerie Corral, co-founder of WAMM, and other named
4 individual patient members of WAMM.
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6 6. On July 8, 2005 the State of California and the State's Director of Health Services, Sandra
7 Shrewry, suspended the California Department of Health Services' ("DHS") Medical Marijuana
8 Program ("MMP") and the issuance of state medical marijuana patient identification cards. The
9 MMP had previously been established by DHS as one of the means by which DHS was
10 implementing California's medical marijuana laws as required by California Health & Safety
11 Code §§ 11362.5 and 11362.7 through 11362.83. Among other mandatory obligations
12 established by those statutes is the requirement that the State implement a state-wide medical
13 marijuana patient identification card system.
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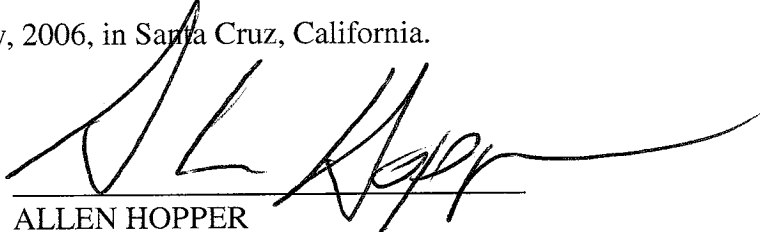
15 7. Under California's medical marijuana law statutory scheme, the identification cards serve to
16 memorialize and identify to law enforcement and other government officials that patients
17 holding such cards are "qualified patients" under California law, have obtained a valid
18 recommendation from their physicians pursuant to California law, and are therefore entitled to
19 the various protections and exemptions from otherwise applicable state laws prohibiting non-
20 medical use of marijuana, including arrest and seizure of their marijuana by state law
21 enforcement.
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23 8. The suspension of the MMP and of the issuance of state patient identification cards violated
24 California statutory law and the California Constitution, and caused significant danger and harm
25 to ACLU members and other medical marijuana patients and their physicians.
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- 1 9. On July 12, 2005 the ACLU responded in defense of state medical marijuana laws and the legal
2 rights of its members and other medical marijuana patients and their physicians by sending a
3 letter to the Governor and the Director of the DHS, with a copy sent to the State Attorney
4 General, demanding the immediate resumption of the MMP and issuance of patient identification
5 cards. That letter is attached as Exhibit 5 to the Memorandum of Points and Authorities in
6 Support of Motion to Intervene in the instant matter. The letter explained in detail the applicable
7 state law establishing the illegality of the actions of the State and the DHS, set a deadline of 5:00
8 p.m. July 19, 2005 for resumption of the MMP and issuance of patient identification cards, and
9 threatened immediate legal action if the deadline was not met.
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12 10. On July 19, 2005, the DHS issued a press statement announcing the resumption of the MMP and
13 implementation of the medical marijuana patient identification card program.
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15 I declare under penalty of perjury that the foregoing is true and correct.
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17 Executed on this 24th day of January, 2006, in Santa Cruz, California.
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20 ALLEN HOPPER
21 Counsel for Proposed Intervening Defendants
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