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12 Counsel for Proposed Intervening Defendants

13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 COUNTY OF SAN DIEGO,)
16)
17 Plaintiff,)
18 v.)
19 STATE OF CALIFORNIA, SANDRA)
20 SHEWRY, Director of the California Department)
21 of Health Services in her official capacity; and)
22 DOES 1 through 50, inclusive,)
23 Defendants.)

No. 06-cv-0130 WQH JMA

**DECLARATION OF DANIEL
ABRAHAMSON IN SUPPORT OF
MOTION TO INTERVENE**

Date: March 13, 2006

Time: 11 a.m.

Place: Courtroom 4

24
25 I, Daniel N. Abrahamson, declare as follows:

26 1. I am Director of Legal Affairs for the Drug Policy Alliance and a member in good
27 standing of the State Bar of California.
28

1 2. Based upon my investigation into this case, I understand the following facts regarding
2 the proposed intervening defendants.

3 3. Proposed intervening defendant DRUG POLICY ALLIANCE (“DPA”) is a non-profit
4 corporation headquartered in New York with offices New Jersey, New Mexico, and the District of
5 Columbia, and four offices in California, including Berkeley, San Francisco, Sacramento, and
6 Southern California. A representative of DPA’s Southern California office is based in San Diego.
7 DPA’s members and constituents include individuals within the County of San Diego and other parts
8 of the State of California who are adversely affected by the instant litigation.
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11 4. Drug Policy Alliance is the leading drug policy reform organization in the United
12 States. With 25,000 individual members, the Alliance has played—and continues to play—a central
13 role in efforts, in California and elsewhere, to bring marijuana regulation in line with medical reality.
14 DPA is committed to enabling sick and dying patients to obtain, free from the threat of criminal
15 sanctions, physician-recommended medical marijuana to relieve their suffering; to enabling
16 physicians to exercise their professional medical judgment regarding medical marijuana free from
17 government interference; and to advancing understanding—in the medical community, legislatures,
18 courts, and society at large—of the clinical bases for the medical efficacy of marijuana to alleviate
19 debilitating symptoms associated with various serious medical conditions.
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22 5. Although DPA was not involved in drafting of California’s Proposition 215, the
23 Compassionate Use Act, DPA’s Executive Director, Ethan Nadelmann, played a pivotal role in
24 raising funds for and overseeing the Proposition 215 campaign that led to the initiative’s victory in
25 November 1996. Since 1996, DPA (formerly The Lindesmith Center) has worked to assure that the
26 statute is implemented and interpreted consistently with its core premise—that irrational,
27 scientifically untenable assumptions about marijuana should not stand in the way of needed,
28 medically appropriate treatment for individuals with serious illnesses.

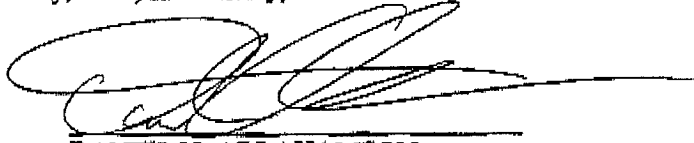
1 6. This litigation, if resulting in the declaratory and injunctive relief sought by plaintiff,
2 will have a severe impact on the statutory rights of the members and constituents of DPA, including,
3 but not limited to, the deprivation of medicine to the seriously ill.

4 4. Proposed intervening defendant BILL ZIMMERMAN was the Director of
5 Californians for Medical Rights and served as Campaign Manager for the Proposition 215 campaign
6 in 1996. Between 1998 and 2000, Mr. Zimmerman managed seven more successful medical
7 marijuana initiative campaigns in six other states: Alaska, Washington, Oregon, Nevada, Maine, and
8 Colorado. In 1998, Mr. Zimmerman co-authored and published the authoritative book, *Is Marijuana*
9 *the Right Medicine for You?*
10

11 5. Proposed intervening defendant STEPHEN O'BRIEN, M.D., is a physician licensed to
12 practice in the State of California, is board certified in internal medicine, and currently practices
13 medicine in Oakland, California. Dr. O'Brien's medical practice is largely devoted to treating AIDS
14 patients, many of whom experience AIDS-related nausea, wasting syndrome, and severe pain. Some
15 of Dr. O'Brien's patients find that prescription drugs are ineffective in reducing their debilitating
16 symptoms. It is Dr. O'Brien's clinical judgment and experience that a significant subset of his
17 seriously ill patients benefit from the medical use of marijuana. Further, it is Dr. O'Brien's
18 professional opinion that for certain patients, medical marijuana can make the difference between life
19 and death—by enabling patients to tolerate their life-sustaining protease inhibitors, alleviating
20 persistent their nausea, stimulating their appetites, combating wasting syndrome, and helping control
21 pain. Accordingly, since 1996, Dr. O'Brien, pursuant to Proposition 215, has recommended medical
22 marijuana to certain of his patients. In 1997, Dr. O'Brien agreed to serve as a named plaintiff in the
23 federal class action lawsuit, *Conant v. Walters*, in which the Ninth Circuit Court of Appeals
24 recognized the federal constitutional right of physicians to recommend medical marijuana to their
25 patients free from the interference of law enforcement.
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 24th day of January, 2006, in Berkeley, California.



DANIEL N. ABRAHAMSON
Counsel for Proposed Intervening Defendants

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