

1 JOAN R. GALLO, City Attorney (#65875)
2 GEORGE RIOS, Asst. City Attorney (#77908)
3 BENJAMIN T. REYES, II, Deputy City Attorney (#165380)
4 Office of the City Attorney
5 151 West Mission Street
6 San Jose, California 95110
7 Telephone: (408) 277-4454

8 Attorneys for Plaintiffs CITY OF SAN JOSE
9 AND THE PEOPLE OF THE STATE OF CALIFORNIA

(ENDORSED)
FILED

MAY 15 1997

STEPHEN V. LOVE
County Clerk
Santa Clara County
BY _____ DEPUTY

10 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

11 NO. CV765690

12 CITY OF SAN JOSE, a municipal
13 corporation, PEOPLE OF THE STATE
14 OF CALIFORNIA

15 ORDER RE PRELIMINARY
16 INJUNCTION

17 Plaintiffs,

18 Hon. Peter G. Stone

19 vs.

20 ROBERT I. NISWONGER, AND DOES
21 1-10, INCLUSIVE

22 Defendants.

23 Plaintiff's application for preliminary injunction came on regularly for hearing on
24 May 13, 1997, in Department 17B of the above entitled court, before the Honorable Peter
25 G. Stone, presiding. Joseph P. DiCuicchio, Esq. and Benjamin T. Reyes, II, Esq., of the
26 City Attorney's Office, appeared on behalf of the Plaintiffs, the City of San Jose and the
27 People of the State of California; Kevin Hutcheson, Esq., appeared on behalf of
28 Defendant Robert I. Niswonger.

Based on the papers, evidence and argument submitted by parties, the Court hereby finds that the plaintiffs, the City of San Jose and the People of the State of California, have met their burden in their application for a preliminary injunction, and the Defendant, Robert I. Niswonger, has not.

1 **ACCORDINGLY, IT IS HEREBY ORDERED** that during the pendency of this
2 action, defendant Robert I. Niswonger, his officers, agents, employees, representatives
3 and all persons acting in concert or participating with them, are enjoined and restrained
4 from engaging in, committing, or performing, directly or indirectly, by any means
5 whatsoever, any of the following acts:

6
7 Defendant is enjoined from using the premises at 147 Race
8 Street, San Jose ("Premises") for any purpose other than one
9 permitted by the San Jose Municipal Code; specifically,
10 defendant is enjoined from operating a cannabis club, or any
11 other use which purports to distribute marijuana at the
12 Premises;

13 This preliminary injunction shall be effective upon service to Counsel for Defendant
14 and Defendant shall take immediate steps to implement the provisions of this Order and
15 shall fully comply with the prohibition immediately.

16 **IT IS SO ORDERED.**

17 Dated: MAY 15 1997

PETER G. STONE

HON. PETER G. STONE
JUDGE OF THE SUPERIOR COURT

18
19 Approved as to form:

20 
21 _____

22 Kevin S. Hutcheson, Esq.
23 Attorney for Defendant,
24 Robert I Niswonger

1
2 **PROOF OF SERVICE**

3 CASE NAME: Niswonger v. City of San Jose, et al.

4 CASE NO.: CV765690

5 I, the undersigned, say: I am a citizen of the United States, over 18 years of age, a
6 resident of the Santa Clara County, and not a party to the within action. My business
address is 151 West Mission Street, San Jose, California 95110.

7 On May 15, 1997, I served the within:

8 **Order Re: Preliminary Injunction**

- 9
- 10 by placing a true copy thereof enclosed in a sealed envelope, with postage thereon
11 fully prepaid, for collection and mailing at my place of business following ordinary
12 business practices. Said correspondence will be deposited with the United States
13 Postal Service at San Jose, California, in the ordinary course of business; and there
14 in United States mail at the place so addressed below. I am aware that on motion
of party served, service is presumed invalid if postal cancellation date or postage
meter date is more than one (1) day after date of deposit for mailing in affidavit.
- 15 by causing to be personally delivered a true copy thereof to the person at the
address set forth below.
- 16 by FAX (Telecopier) - as follows: I personally sent to the addressee's telecopier
17 number a true copy of the above-described document(s). I verified transmission
18 and called the addressee and verified transmission and called the addressee and
19 verified receipt. Thereafter, I placed a true copy in a sealed envelope addressed
and mailed as indicated below.
- 20 by FEDERAL EXPRESS.
- 21 by CERTIFIED MAIL - RETURN RECEIPT REQUESTED.
- 22

23 Kevin S. Hutcheson, Esq.
24 Dominion Law Group
1155 N. First Street, Suite 101
25 San Jose, CA 95112

26 I declare under penalty of perjury that the foregoing is true and correct. Executed
27 at San Jose, California, on May 15, 1997.

28 
MARNI J. HAYES

FILED
MAY 14 1997

STEPHEN V. LOVE
County Clerk
San Jose, California
BY _____ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

CITY OF SAN JOSE, a municipal
corporation, PEOPLE OF THE STATE
OF CALIFORNIA,

Plaintiffs,

v.

ROBERT I. NISWONGER, and DOES
1-10, inclusive,

Defendants.

Case No. CV 765690


ORDER

The above-entitled matter came on for hearing before the
Honorable Peter G. Stone on May 13, 1997 at 9:00 a.m. in Department 17.
The matter having been taken under submission, the court orders as
follows:

The motion for preliminary injunction is granted. The City
has met its burden; the respondent has not.

MAY 14 1997

DATED: _____


PETER G. STONE
Judge of the Superior Court

h:\order\niswonger.ppt

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

Plaintiff:

City of San Jose

Defendant:

NISWONGER

FILED

MAY 14 1997

STEPHEN V. LOVE

County Clerk
Santa Clara County

BY _____ DEPUTY

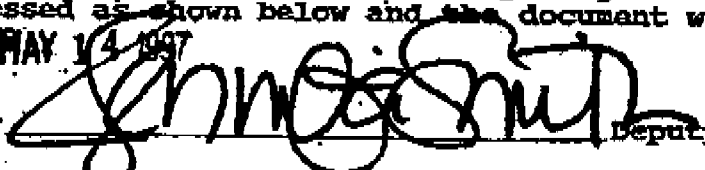
PROOF OF SERVICE BY MAIL OF: *Order from*
5/13/97 hearing re: prelim inj.

Case Number: *CV 165690*

CLERK'S CERTIFICATE OF MAILING: I certify that I am not a party to this case and that a true copy of this document was mailed first class postage fully prepaid in a sealed envelope addressed as shown below and the document was mailed at SAN JOSE, CALIFORNIA on *MAY 14 1997*

STEPHEN V. LOVE, COUNTY CLERK

BY



Deputy

DOMINION LAW GROUP
ATTN: KEVIN S. HUTCHESON
1155 NORTH FIRST STREET, SUITE #101
SAN JOSE, CA 95112

SERVED IN PERSON

CITY OF SAN JOSE
OFFICE OF THE CITY ATTORNEY
ATTN: GEORGE RIOS/BENJAMIN REYES
151 WEST MISSION STREET
SAN JOSE, CA 95110

SERVED BY FAX: 277-3159

JUN-05-1997 11:34

CSJ ATTORNEY OFFICE

SUPERIOR COURT**COUNTY OF****SANTA CLARA**

Date: 5/14/97
 To: George Rios / Benjamin Reyes

Voice: FAX: 277-3159
 From: Jennifer Smith, Court Clerk to Hon. P. Stone
 Santa Clara County Superior Court, Dept 17
 191 North First Street, San Jose, CA 95113
 Number of Pages including this cover sheet: 3

MEMO

It is not part of our normal procedures to fax orders to the attorneys, however, because this case is getting such wide coverage I wanted the attorneys to get their copies first.

If you do not receive all pages, please call back immediately.

Voice: 408-299-~~8874~~ 7912

FAX: 408-298-0582

Medical Marijuana Dispensary Regulations
Adopted by the Chief of Police on May 14, 1997

In drafting these Medical Marijuana Dispensary Regulations, the Chief of Police has considered that Proposition 215 was passed by the voters on November 5, 1996, and that the Proposition allows for the medicinal use of marijuana. The Chief of Police has interpreted Proposition 215 in a manner which takes into account the humanitarian purposes of the measure. The Chief of Police intends to cooperate with efforts consistent with the understanding of the voters of California of the purpose and intent of the measure. The Chief of Police concurs that patients who use medical marijuana in a manner consistent with the measure are not criminals and must not be treated as such. These regulations are enacted to ensure that medicinal marijuana is dispensed in a manner which is responsible, lawful and in the spirit intended by the voters. They are adopted, on balance, with the intent of permitting action consistent with the Proposition while recognizing and respecting contemporary statutory laws relating to this subject. The Chief of Police acknowledges that this new law is subject to review and change by the legislature and the judiciary and that subsequent decisions by these entities may require that these regulations be revised at some future date. These regulations recognize the Chief's responsibility as it relates to public peace, health, safety and welfare.

All medicinal marijuana dispensaries shall be operated in accordance with the following regulations:

A. Application of Law

1. The following regulations are not intended to supersede regulations set forth in the Health and Safety Code or in any other applicable laws. Proprietor(s), as primary caregivers, are not relieved from their responsibilities to comply with all laws of the State of California, Santa Clara County Ordinances, City of San Jose Municipal Ordinances and any other applicable rules, regulations or statutes.

B. Definition of Terms

1. For the purpose of these regulations, the term "proprietor(s)" is defined to include, but is not limited to, all owners, directors, advisors, consultants, contractors, employees and volunteers engaged in, or assisting in, the operation of a medicinal marijuana dispensary, whether operated for profit or not.
2. For the purpose of these regulations, the term "operators" is deemed to be synonymous with the term "proprietor(s)".

3. For the purpose of these regulations, the term "premises" is defined to include, but is not limited to, all offices, rooms, storage facilities, lockers, stationary conveyances, outbuildings, parking lots and grounds, whether open to the public or not.

C. Maintenance and Inspection of Records

1. Proprietor(s), as primary caregivers, shall record and retain the following current information for each and every patient and caregiver:
 - a. The patient's current name, current photograph, current home telephone number and current residential street address. Post Office boxes and pager numbers are deemed not to satisfy this requirement.
 - b. The patient's specific ailment.
 - c. A dated record of a physician's recommendation for the use of marijuana as a treatment for the named ailment. No recommendation shall exceed six months in age and remain valid. This document shall identify the recommending physician.
 - d. Should the patient be a minor, operators of the dispensary shall obtain signed consent from the parents or legal guardians of the minor. This document can name both parents, or two legal guardians, who, as caregivers, are entitled to obtain marijuana on behalf of the minor. In the event that the minor has only one parent or legal guardian, that parent or legal guardian may identify a second adult who, as a caregiver, shall be authorized to obtain marijuana on behalf of the minor. The proprietor(s) shall retain all documentation to this effect.
 - e. Should the patient be in such a grave condition that the patient is homebound and unable to personally access the dispensary, the patient will identify a caregiver, other than a proprietor of the dispensary, who shall be entitled to obtain marijuana on behalf of that patient. The patient shall identify this caregiver in writing, on a form which is to be retained by proprietor(s) of the dispensary. The operators of the dispensary shall record and retain the caregiver's current name, current photograph, current home telephone number and current residential street address. Post Office boxes and pager numbers are deemed not to satisfy this requirement.
 - f. Unless provided for in Subsections D and E of this Section, no person shall obtain marijuana on behalf of another.

2. Proprietor(s), as primary caregivers, will record and retain the following inventory information. This information is to be recorded on a daily basis:
 - a. Prior to commencing business each day, operators will record the total number of all living marijuana plants located at the dispensary site.
 - b. Prior to commencing business each day, operators will record the total gross weight of all marijuana possessed at the dispensary which is no longer affixed to any living marijuana plant.
 - c. At the close of business each day, operators will record the total gross weight of marijuana dispensed on that date, the total number of all living marijuana plants located at the dispensary site and the total gross weight of all marijuana possessed at the dispensary which is no longer affixed to any living plant.

3. Proprietor(s), as caregivers, shall record and retain the following information about each dispersal of marijuana. Each transaction shall be recorded upon an individual receipt, whether or not funds were exchanged during, or were involved in, the transaction:
 - a. The name of the person obtaining the marijuana. Valid, government-issued identification bearing the photograph of the person obtaining the marijuana will be reviewed and recorded at the time of purchase.
 - b. The date, time and amount of marijuana dispensed.
 - c. The amount paid for the marijuana, if any.
 - d. The method of payment for the marijuana, if any.

4. Proprietor(s), as primary caregivers, shall maintain the following financial records:
 - a. Identifying information for all savings accounts, checking accounts, investment accounts and trusts associated with the operation of the dispensary.
 - b. Ledgers documenting all credits and debits affecting said accounts.
 - c. Records documenting all parties involved in, amount of and purposes for all cash transactions.

- d. Records of all transactions related to the operation of the dispensary, including, but not limited to: rent, utilities, inventory, insurance and payroll.
 - e. Records identifying all sources of marijuana seeds.
5. Proprietor(s), as primary caregivers, shall issue identification cards to all persons eligible to obtain marijuana from the dispensary in conformance with Health and Safety Code Section 11362.5. This identification card will, at a minimum, contain the following information:
- a. The name of the issuing dispensary.
 - b. The name of the patient, or caregiver, entitled to obtain marijuana in compliance with Health and Safety Code Section 11362.5.
 - c. A photograph of the patient, or caregiver, entitled to obtain marijuana in compliance with Health and Safety Code Section 11362.5.
 - d. The date on which the identification card was issued. No card shall exceed six months in age and remain valid.
 - e. Proprietor(s) shall retain a copy of each identification card issued.
 - f. All identification cards will be laminated prior to issuance.
6. Proprietor(s), as primary caregivers, shall maintain all of the above records at the dispensary site at all times. All of the records specified in items one through five of this Section shall be subject to inspection by the Chief of Police, or his designee, without warrant and without notice, during that time when the dispensary is open for business. These records shall be subject to inspection by the Chief of Police, or his designee, without warrant and with reasonable notice at all other times. These records shall be retained for a minimum of three years and shall not be purged without the approval of the Chief of Police, or his designee.

D. Inspections of the Dispensary Premises

1. The premises of the dispensary shall be subject to inspection by the Chief of Police, or his designee, without warrant and without notice, during that time when the dispensary is open for business. The premises shall be subject to inspection by the Chief of Police, or his designee, without warrant and with reasonable notice at all other times.

E. Cultivation of Marijuana

1. Proprietor(s), as primary caregivers, shall only grow, produce, cultivate and harvest marijuana after successfully obtaining the appropriate City of San Jose Special Use Permit.
2. As the transportation of marijuana is expressly prohibited by the Health and Safety Code, all marijuana to be distributed for medicinal purposes shall be grown, produced and harvested at the dispensary site. The cultivation of marijuana shall be in a manner which complies with all applicable laws. These regulations recognize the necessity of homebound and minor patients to procure marijuana pursuant to a recommendation. Unless provided for in Sections C.1.D or C.1.E of these regulations, no transportation of marijuana shall occur.
3. As the transportation of marijuana is expressly prohibited by the Health and Safety Code, all cultivation, growth and production of marijuana undertaken at the dispensary location will commence from seed only.
4. Proprietor(s), as primary caregivers, shall not grow, produce, cultivate or harvest any amount of marijuana which is unduly disproportionate to the average number of patients served by the dispensary.

F. Distribution and Packaging of Marijuana


1. Proprietor(s), as primary caregivers, shall only dispense marijuana after successfully obtaining the appropriate City of San Jose Special Use Permit.

2. Proprietor(s), as primary caregivers, shall not distribute marijuana to any person without verifying that person's lawful ability to obtain marijuana in compliance with Health and Safety Code Section 11362.5.
3. Proprietor(s), as primary caregivers, shall not provide marijuana to any person without confirming the patient or caregiver's identity by means of valid, government-issued identification which bears a photograph of the patient or caregiver obtaining the marijuana.
4. Proprietor(s), as primary caregivers, shall not distribute any amount of marijuana which exceeds one ounce to, or on behalf of, any one person during any consecutive seven-day period.
5. Proprietor(s), as primary caregivers, shall dispense all marijuana in sealed containers. Proprietor(s) will make commercially manufactured child-resistant containers available.
6. Proprietor(s), as primary caregivers, shall not deliver, transport or arrange for the delivery of, any quantity of marijuana at any time.

G. Dispensary Site Security

1. Proprietor(s), as primary caregivers, shall install and maintain an operational alarm system at the dispensary location. This alarm system will be fully functional prior to possessing or cultivating marijuana at the dispensary. At a minimum, this alarm will cover the perimeter of the dispensary and will place specific emphasis on those areas where marijuana is grown, produced, harvested, stored, packaged and dispensed. This alarm is to be monitored by a professional alarm company at all times when the dispensary is closed for business.
2. Proprietor(s), as primary caregivers, shall place adequate security devices on all doors and windows of the premises.

3. Proprietor(s), as primary caregivers, shall store all marijuana which is no longer permanently affixed to any living plant in a locked safe at all times when the dispensary is closed for business. This safe will be retained at the dispensary at all times.
4. Proprietor(s), as patients, may only remove marijuana from the premises in accordance with the requirements specified in Sections C and F of these regulations.
5. Proprietor(s), as primary caregivers, shall notify the San Jose Police Department of all criminal activity which is occurring at, or adjacent to, the dispensary. This activity shall be reported as it is occurring, or when first discovered by the proprietor(s), and shall include all activity which can reasonably be determined to be criminal in nature.


LOUIS A. COBARRUVIAZ
Chief of Police

State of California

Department of Corrections

Memorandum

Date : MAY 8 1997

To : Wardens
Regional Parole Administrators
Health Care ManagersSubject: DEPARTMENTAL POLICY REGARDING HEALTH AND SAFETY CODE SECTION
11362.5 (MEDICAL USE OF MARIJUANA STATUTE)

Health and Safety Code Section 11362.5 became new State law after passage of Proposition 215 by California voters following the November 5, 1996 general election. The intent of the new statute has been interpreted to create an affirmative defense to the criminal prosecution of specifically identified persons involved in the "compassionate medical use of marijuana." Included are licensed California physicians who may "recommend" the use of marijuana for legitimate medical purposes. However, the scope and legal validity of this new statute is presently in the midst of controversy due to inherent conflicts between State and federal drug laws and may require extensive judicial interpretation before the scope of this new law is known.

A preliminary review of this new statute and its potential implications for the State prison system from health care, legal, and security perspectives has been conducted. Based on this review, *all physicians employed by or under contract with the California Department of Corrections (CDC) are prohibited from recommending marijuana as a treatment modality for any inmate-patient or parolee under CDC jurisdiction.*

This policy is based on the following:

1. Under Penal Code Section 2600, a person sentenced to imprisonment in a State prison may be deprived of rights "as is reasonably related to legitimate penological interests." Assuming, for sake of argument, that free citizens have a right to transport, use, and grow marijuana for medicinal use¹, CDC could still keep marijuana outside of its prisons on the basis of legitimate penological interest. The introduction of drugs into prisons poses a serious threat to the safety and security of inmates, their friends and family, and staff, as described below (paragraph 2). Furthermore, CDC has an interest in ensuring that its

¹ This assumption includes an assumption that all conflicts between Proposition 215 and other State and federal laws in this area would be resolved in favor of Proposition 215.

Wardens
Regional Parole Administrators
Health Care Managers
Page 2

physicians do not take actions which could jeopardize their abilities to prescribe controlled substances and subject them, and possibly CDC to criminal liability. Marijuana is classified as a Schedule I drug under both federal and State law. A physician's authority to prescribe controlled substances is granted by the U.S. Drug Enforcement Administration (DEA) in the form of a DEA registration number. Physicians are not allowed to provide, or otherwise "create the means" for a patient to obtain a Schedule I drug, except under very limited circumstances (scientific research projects under specific protocol approved by DEA). According to the California Attorney General, any California physician who recommends the use of marijuana as treatment for a medical condition may be subject to criminal liability under federal law, irrespective of what the new California law allows. Because federal law supersedes any inconsistent State law, physicians could not be protected by the affirmative defense created by Proposition 215 during prosecution of federal laws.

2. The introduction of marijuana in a correctional setting poses a threat to the safety and security of the prisons. Despite the efforts of staff to prevent drug introduction via searches and fluoroscope machines, drugs, and other contraband still get in, resulting in violent and deadly consequences. A significant proportion of inmates and parolees are in the CDC system because of drugs, including marijuana. It would be an anomaly for these persons to have access to marijuana, and would have a destabilizing effect on the prison. Furthermore, a significant amount of drug activity is gang related. For example, a melee occurred involving 30 Black and Hispanic inmates. This melee resulted in a state of emergency being declared due to the violence and numerous serious injuries to inmates. Subsequent investigations determined that the melee was planned as an act of retaliation because a drug deal for marijuana had been rejected between different gang members. Furthermore, the Penal Code prohibits the use or possession of controlled substances and related drug paraphernalia in State correctional facilities. Finally, the use or possession of marijuana by a parolee will continue to be processed as a parole violation by the Parole and Community Services Division (P&CSD).
3. The Health Care Review Committee (HCRC) of CDC's Health Care Services Division (HCSD) has concluded that there is presently a lack of generally accepted scientific medical literature supporting the medical necessity of recommending marijuana for any specific medical condition as a standard of medical practice. There is presently a lack of generally accepted health care outcome data supporting the medical necessity of recommending marijuana for any specific medical condition as a standard of medical practice. There is also, a lack of generally accepted health care outcome data supporting the effectiveness of the use of marijuana as medical treatment. These determinations are consistent with the findings of national medical and health care organizations, the California Medical Association, and nationally recognized expert physicians, scientists, and researchers who

Wardens
 Regional Parole Administrators
 Health Care Managers
 Page 3

have concluded that smoking marijuana is not a safe and effective treatment. Reasonable alternative therapies are available to physicians employed by or under contract with CDC for health conditions the lay society proffers would benefit from the use of marijuana.

If you have any questions, please contact your HCSD, Regional Administrator, Institutions Division (ID), Regional Administrator or P&CSD, Marisela Montes, Deputy Director.

"Original Signed By
 Robin J. Dezember"

ORIGINAL SIGNED BY
 DATE

"ORIGINAL SIGNED BY"

ROBIN J. DEZEMBER
 Deputy Director
 Health Care Services Division

DAVID TRISTAN
 Deputy Director
 Institutions Division

MARISELA MONTES
 Deputy Director
 Parole and Community Services Division

cc: Roger Hagen, Regional Administrator, HCSD
 Tom Voss, Regional Administrator, HCSD
 Teresa Hawkes, Regional Administrator, HCSD
 Lewis N. Jones, Regional Administrator, ID
 Jo Ann Gordon, Regional Administrator, ID
 Michael T. Pickett, Regional Administrator, ID

bcc: Thomas M. Maddock
 Eddie Myers
 Gregg Harding
 Jerold Prod
 Peter Siggins
 John R. Covington, D.O.
 Nadim K. Khoury, M.D.
 Sandra K. Duveneck
 Stephen K. Larsen
 Ruth Melrose
 Robert Meeks
 Pam Smith-Steward
 Christine Roloff
 Ken Baumgarten
 Bonnie Garibay
 Donald Calvo, M.D.
 Marjorie TaVoularis, M.D.
 Anne Vasquez
 Shirley Opie
 Planning and Program Coordination Subject Chron
 DD97-9-311/interim2/so/ma

Municipal Court of California, Small Claims Division
3501 Civic Center Drive
San Rafael, CA 94903-4164

SMALL CLAIMS CASE NO. 897-0617

NOTICE TO DEFENDANT - YOU ARE BEING SUED BY PLAINTIFF
To protect your rights, you must appear in this court on the trial date shown in the table below. You may lose the case if you do not appear. The court may award the plaintiff the amount of the claim and the costs. Your wages, money, and property may be taken without further warning from the court.

AVISO AL DEMANDADO - A USTED LO ESTAN DEMANDANDO
Para proteger sus derechos, usted debe presentarse ante esta corte en la fecha del juicio indicada en el cuadro que aparece a continuación. Si no se presenta, puede perder el caso. La corte puede decidir en favor del demandante por la cantidad del reclamo y los costos. A usted le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte.

PLAINTIFF/DEMANDANTE (Name, address, and telephone number of each):
Darice Murray-McKay
11000 State Highway 1
PO Box 212
Point Reyes Station, CA 94956
Telephone No. 415-663-8586
Leslie Joe McKay
11000 State Highway 1
PO Box 212
Point Reyes Station, CA 94956
Telephone No. 415-663-8586
Fict. Bus. Name Smt. No. Expires:

DEFENDANT/DEMANDADO (Name, address, and telephone number of each):
Lynnette Shaw, *IND & DBA*
210 School St Plaza *MAIN*
Fairfax, CA 94930 *ALLIANCE*
Telephone No. 415-256-9328
Marin Alliance
210 School St Plaza
Fairfax, CA 94930
Telephone No. 415-256-9328
 See attached sheet for additional plaintiffs and defendants

PLAINTIFF'S CLAIM

- 1. Defendant owes me the sum of \$ 2,375.00, not including court costs, because (describe claim and date): defendant accepted 1/2 lb of medical marijuana valued at \$2400, on 2/6/97 defendant has paid only \$25 on this debt.
- 2. a. I have asked defendant to pay this money, but it has not been paid.
b. I have NOT asked defendant to pay this money because (explain):
- 3. This court is the proper court for the trial because (In the box at the left, insert one of the letters from the list marked "Venue Table" on the back of this sheet. If you select D, E, or F, specify additional facts in this space.)
- 4. I have have not filed more than one other small claims action anywhere in California during this calendar year in which the amount demanded is more than \$2,500.
- 5. I have have not filed more than 12 small claims, including this claim, during the previous 12 months.
- 6. I understand that:
a. I may talk to an attorney about this claim, but I cannot be represented by an attorney at the trial in the small claims court.
b. I must appear at the time and place of trial and bring all witnesses, books, receipts, and other papers or things to prove my case.
c. I have no right of appeal on my claim, but I may appeal a claim filed by the defendant in this case.
d. If I cannot afford to pay the fees for filing or service by a sheriff, marshal, or constable, I may ask that the fees be waived.
- 7. I have received and read the information sheet explaining some important rights of plaintiffs in the small claims court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: 4/18/97
Darice Murray-McKay
Leslie Joe McKay
(TYPE OR PRINT NAME) (SIGNATURE OF PLAINTIFF)

ORDER TO DEFENDANT

You must appear in this court on the trial date and at the time LAST SHOWN IN THE BOX BELOW if you do not agree with the plaintiff's claim. Bring all witnesses, books, receipts, and other papers or things with you to support your case.

TRIAL DATE	DATE	DAY	TIME	PLACE	COURT USE
FECHA DEL JUICIO	1. 5-12-97	MON	10:15am	[SEE COURT ADDRESS ABOVE]	Gadoua
	2.			CHECK COURT CALENDARS POSTED ON BULLETIN	
	3.			BOARD LOCATED IN LOBBY ON COURT (C) FLOOR	
	4.			AND REPORT TO ASSIGNED COURTROOM	

FILED

DATE April 22, 1997

JOHN P. MONTGOMERY,
COURT EXECUTIVE OFFICER
By: [Signature] DEPUTY



Plaintiff P in Court; Defendant P in Court; Submitted _____
 Judgment for Plt(s) Def(s) on Claim of Plt against _____ for \$ _____ plus \$ _____ costs.
 Judgment for Plt(s) Def(s) on Claim of Deft against _____ for \$ _____ plus \$ _____ costs.
 Judgment payable in payments of \$ _____ per month commencing _____

Ordered continued to _____ For: Dism. if not reset
 Trial or Dism. Further trial Other Dispo. _____

CASE DISMISSED Without With prejudice By Plaintiff By Court
 For failure to reset For failure to prosecute Other _____

Dated: 5/12/97

[Signature]
(Temporary) JUDGE OF THIS COURT