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United States Attorney

2 MIRANDA KANE (CABN 150630)
3 Chief, Criminal Division

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Assistant United States Attorney

5 450 Golden Gate Avenue, 11th Floor
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8 Email: arvon.perteet@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,
14 Plaintiff,

15 v.

16 REAL PROPERTY AND
17 IMPROVEMENTS LOCATED AT 2106
18 RINGWOOD AVENUE, SAN JOSE,
CALIFORNIA,

19 Defendant.
20

CV 12 3566
No.

COMPLAINT FOR FORFEITURE

21
22 In this *in rem* forfeiture action, the United States alleges:

23 JURISDICTION AND VENUE

24 1. This *in rem* forfeiture action is brought pursuant to Title 21, United States Code,
25 Section 881(a)(7).

26 2. This Court has jurisdiction under Title 28, United States Code, Sections 1345 and
27 1355.
28

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2012 JUL -9 P 12:51

RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

MEJ

CV 12 3566
NORTHERN DISTRICT
OF CALIFORNIA
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UNITED STATES MARSHAL

1 3. Venue lies in the Northern District of California pursuant to Title 28, United
2 States Code, Sections 1355(b) and 1395(a) and (b), as the acts giving rise to this *in rem* action
3 occurred in this district and the defendant real property is located in this district.

4 4. Intra-district venue is appropriate in either San Francisco or San Jose.

5 **PARTIES AND INTERESTED PERSONS**

6 5. Plaintiff is the United States of America.

7 6. Defendant is the real property located at 2106 Ringwood Avenue, San Jose,
8 California, Santa Clara County, identified by assessor's parcel numbers ("APN") 244-19-003 and
9 244-19-004, and further described in Attachment A, affixed hereto and incorporated herein
10 ("defendant real property"). The defendant real property is a low-rise, multi-tenant commercial
11 building with on-site parking. The defendant real property is the business address for San Jose
12 Wellness doing business as Harborside Health Center in San Jose ("Harborside"), a retail
13 marijuana store.

14 7. According to the lien report issued by LSI Title Company, Concourse Business
15 Center, LLC is the sole owner of record for the defendant real property.

16 8. Harborside is believed to have a leasehold interest in the defendant real property.

17 **FACTS**

18 9. Plaintiff incorporates by reference the allegations of paragraphs one through eight
19 as though fully set forth herein.

20 10. At all times relevant in this complaint, the defendant real property was the
21 business location of Harborside, a retail marijuana store which distributes marijuana, and
22 facilitates the distribution of marijuana, to its customers and accepts money for the distribution
23 of said marijuana. Harborside operates its marijuana business out of the defendant real property.

24 11. Steven DeAngelo is the president of Harborside and Steven DeAngelo is also
25 believed to be the Chief Executive Officer of Patients Mutual Assistance Collective Corporation
26 – the entity which owns and operates Harborside Health Center in Oakland, California.

12. Harborside purports to be the largest retailer of marijuana on the planet, serving in excess of 100,000 customers.

13. According to Harborside's website - (www.Harborsidesanjose.com), its hours of operation are 10:00 a.m. to 8:00 p.m., seven days a week.

14. According to Harborside's website, it offers for sale marijuana in various forms including "Flowers"; "Concentrates" of marijuana; "Edible" marijuana; "Topicals" containing marijuana; and Marijuana "Seeds/Clones."

15. Harborside is operating in violation of federal law.

CLAIM FOR RELIEF

21 U.S.C. § 881(a)(7)

(Forfeiture of property used to facilitate cultivation, sale or distribution of marijuana)

16. The United States incorporates by reference the allegations in paragraphs one through 15 as though fully set forth.

17. Title 21, United States Code, Section 841(a) prohibits the manufacture, distribution, or dispensing, and possession with the intent to manufacture, distribute, or dispense a controlled substance, to wit: marijuana.

18. Title 21, United States Code, Section 856 makes it unlawful to rent, lease, profit from or make available for use, with or without compensation, a place for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance, to wit: marijuana.

19. Title 21, United States Code, Section 881(a)(7) provides for the forfeiture of all real property, including any right, title, and interest, including but not limited to any ownership, lien holder, or leasehold interest, which is used or intended to be used, in any manner or part to commit, or facilitate the commission of any violation of Title 21, United States Code, Chapter 13, Subchapter I, to include sections 841 and 856.

20. In light of the foregoing, plaintiff alleges that the defendant real property is subject to forfeiture, pursuant to Title 21, United States Code, Section 881(a)(7), as property

1 which was used or intended to be used, to commit or facilitate the commission of the
2 distribution, cultivation and possession with the intent to distribute and cultivate marijuana.

3 21. With respect to the defendant real property, the United States has not seized said
4 property. Rather, the United States will, as provided in Title 18, United States Code, Sections
5 985(b)(1) and (c)(1):

- 6 a. Post notice of this action and a copy of this Complaint for Forfeiture at the
7 defendant real property;
8 b. Serve notice of this action together with a copy of the Complaint for Forfeiture
9 and related documents, on the owners of record of the defendant real property; and
10 c. Record a *lis pendens* in the county records to demonstrate the status of the
11 defendant real property in this *in rem* action.

12 WHEREFORE, plaintiff United States of America requests that due process issue to
13 enforce the forfeiture of the defendant real property; that notice be given to all interested parties
14 to appear and show cause why forfeiture should not be decreed; that the Court enter judgment for
15 forfeiture of the defendant real property to the United States; and that the United States be
16 awarded such other relief as may be proper and just.

17 Respectfully submitted,

18 MELINDA HAAG
19 United States Attorney

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21
22 Dated: 7/6/2012

23 
24 ARVON J. PERREET
25 Assistant United States Attorney
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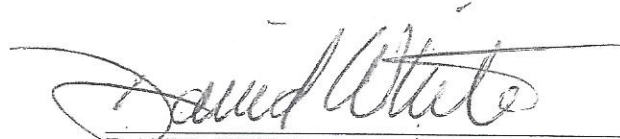
1 VERIFICATION

2
3 I, DAVID WHITE, state as follows:

4 1. I am a Special Agent with the United States Department of Justice, Drug
5 Enforcement Administration. As the agent assigned to this case I am familiar with the facts and
6 investigation leading to the filing of this Complaint for Forfeiture.

7 2. I have read the Complaint, and based upon my personal knowledge, discussions
8 with persons involved in the investigation and my review of relevant investigative reports and
9 other documentation, I believe the allegations contained in it to be true.

10
11 I declare under penalty of perjury that the foregoing is true and correct to the best of my
12 knowledge. Executed this 6 day of July, 2012 in San Francisco, California.

13
14 
15 DAVID WHITE
16 Special Agent
17 Drug Enforcement Administration

ATTACHMENT A

LEGAL DESCRIPTION

PARCELS 26 AND 27, AS SHOWN UPON THAT CERTAIN PARCEL MAP OF INTERNATIONAL BUSINESS PARK, WHICH MAP WAS FILED FOR RECORD ON JANUARY 28, 1977 IN BOOK 388 OF MAPS, AT PAGES 16 THROUGH 27, SANTA CLARA COUNTY RECORDS AND AS CORRECTED BY THAT CERTAIN CERTIFICATE OF CORRECTION RECORDED APRIL 13, 1978 IN BOOK 6592 PAGE 728, OF OFFICIAL RECORDS.

EXCEPTING FROM THE PROPERTY HEREBY CONVEYED THAT PORTION THEREOF LYING BELOW A DEPTH OF 500 FEET, MEASURED VERTICALLY, FROM THE CONTOUR OF THE SURFACE OF SAID PROPERTY; HOWEVER, GRANTOR OR ITS SUCCESSORS AND ASSIGNS SHALL NOT HAVE THE RIGHT FOR ANY PURPOSES WHATSOEVER TO ENTER UPON, INTO OR THROUGH THE SURFACE OF SAID PROPERTY OR ANY PART THEREOF LYING BETWEEN SAID SURFACE AND 500 FEET BELOW SAID SURFACE, AS SET FORTH IN THE DEED FROM SOUTHERN PACIFIC INDUSTRIAL DEVELOPMENT COMPANY TO B.K.B ASSOCIATES RECORDED MAY 22, 1979 BOOK E510 PAGE 86.

1 MELINDA HAAG (CSBN 132612)
United States Attorney

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3 Chief, Criminal Division

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,
13 Plaintiff,

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15 REAL PROPERTY AND
16 IMPROVEMENTS LOCATED AT 2106
17 RINGWOOD AVENUE, SAN JOSE,
CALIFORNIA,

18 Defendant.
19

CV 12 3566
No. CV 12-

NOTICE OF FORFEITURE ACTION

20 A civil complaint seeking forfeiture pursuant to 21 U.S.C. § 881(a)(7) was filed on
21 July 9, 2012 in the United States District Court for the Northern District of California by the
22 United States of America, plaintiff, against the *in rem* defendant real property.

23 In order to contest forfeiture of the *in rem* defendant real property, any person who asserts
24 an interest in or right against the property, must file a verified statement identifying the interest or
25 right within 35 days after the date of service of the complaint in accordance with Rule G(5) of the
26 Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims or within 60 days
27 after the first day of publication on the official internet government forfeiture website,
28 www.forfeiture.gov, of the Notice of Forfeiture Action, whichever is earlier. Additionally, a

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RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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1 claimant must serve and file an answer to the complaint or a motion under Rule 12 of the Federal
2 Rules of Civil Procedure within 20 days after filing the claim.

3 An agent, bailee or attorney must state the authority to file a statement of interest or right
4 against the property on behalf of another.

5 Statements of interest and answers should be filed with the Office of the Clerk, United
6 States District Court for the Northern District of California, 450 Golden Gate Avenue, 16th Floor,
7 San Francisco, California 94102, and copies should be served on Arvon J. Perteet, Assistant
8 United States Attorney, 450 Golden Gate Avenue, 11th floor, San Francisco, California 94102.

10 Respectfully submitted,

11 MELINDA HAAG
12 United States Attorney

13 Dated: 07/09/12

14 
15 ARVON J. PERTEET
16 Assistant United States Attorney
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E-filing


**Case Management Standing Order
Magistrate Judge Maria-Elena James**

San Francisco, Courtroom B, 15th Floor
Rose Maher, Courtroom Deputy (415) 522-4708

CV 12 3566

1. Civil Law & Motion is heard on Thursdays at 10:00 a.m. Parties may reserve any hearing date for civil matters after confirming Magistrate Judge James' availability on the district court web site, www.cand.uscourts.gov. Motions are governed by the Civil Local Rules and the Federal Rules of Civil Procedure. Motions for summary judgment shall be accompanied by a joint statement of undisputed facts in compliance with Civil L.R. 56-2(b).
2. Criminal matters must be scheduled with the courtroom deputy, Rose Maher. Motions are governed by the Federal Rules of Criminal Procedure and the Criminal Local Rules.
3. Discovery disputes are governed by Magistrate Judge James' Discovery Standing Order, which is available on the Court's website and at the Clerk's Office.
4. Counsel shall meet and confer prior to the Case Management Conference and file a Joint Case Management Conference Statement no later than seven days prior to the conference. The statement shall address the information contained in the Standing Order for All Judges of the Northern District of California, which is available on the Court's website and at the Clerk's Office.
5. At least seven days prior to the c.m.c., each party shall file the magistrate jurisdiction consent/declination form, enclosed herewith and available on the Court's website. In the event that any defendant(s) files a motion to dismiss, defendant(s) shall file the consent/request form at the time the motion is filed and plaintiff(s) shall file the consent/declination form fourteen days thereafter, at the time the opposition is due.
6. In all "E-Filing" cases, in addition to filing papers electronically, the parties shall lodge with chambers a printed copy of the papers. These printed copies shall be marked "Chambers Copy" and shall be submitted to the Clerk's Office in an envelope clearly marked "Magistrate Judge Maria-Elena James" and include the case number. **ALL CHAMBERS COPIES OF ELECTRONICALLY FILED DOCUMENTS MUST INCLUDE ON EACH PAGE THE RUNNING HEADER CREATED BY THE ECF SYSTEM. ELECTRONICALLY FILED DOCUMENTS MUST BE CITED IN ALL OTHER DOCUMENTS AS FOLLOWS:**
DKT# __ AT __.

Dated: July 2, 2012



Maria-Elena James
United States Magistrate Judge

Magistrate Judge Maria-Elena James
Courtroom B, 15th Floor

Rose Maher, Courtroom Deputy
(415) 522-4708

STANDING ORDER
Discovery & Dispute Procedures

This standing order informs all parties of the procedures for cases assigned to Magistrate Judge Maria-Elena James for trial or referred for purposes of discovery. This Order is intended to address all case-related discovery, including that which involves non-parties, and therefore applies whether or not an individual or entity is named in the complaint. Failure to abide by this Standing Order may result in the imposition of sanctions pursuant to Federal Rule of Civil Procedure 16(f) and Civil Local Rule 37-3.

1. Parties shall propound disclosures and discovery in accordance with Federal Rules of Civil/Criminal Procedure and the corresponding Civil/Criminal Local Rules for the Northern District of California. A copy of the Local Rules is available at the Clerk's Office and at the Court's Web site - www.cand.uscourts.gov. No exceptions to the limitations established in the Federal and Local Rules shall be permitted except pursuant to stipulation of the parties or order of the Court.
2. No motions to compel shall be considered. Instead, the parties must meet and confer in person for the purpose of resolving all disputes. If unable to resolve any disputes, the parties shall draft and file a jointly-signed letter that contains the following:
 - (a) A cover page with the case caption, an attestation that the parties met and conferred in person prior to filing the letter, and the signature of both parties or counsel;
 - (b) A joint section setting forth the unresolved dispute and any pertinent factual background; and
 - (c) Each party's position, including relevant legal authority.

The joint letter shall be limited to five pages, excluding the cover page, and may not be accompanied by exhibits or affidavits other than exact copies of interrogatories, requests for production of documents and/or responses, privilege logs, and relevant deposition testimony. The parties need not state all disputes in one letter; rather, it is preferable that the parties file a separate letter for each dispute.

3. In the event that the parties are unable to meet and confer as directed above, or a moving party is unable to obtain the opposing party's portion of a joint letter after the meet and confer session, the moving party shall file a written request for a telephonic conference for the purpose of enforcing the Court's meet and confer requirement, or for the Court to fashion an alternative procedure. The written request shall include a declaration which

states any attempt to meet and confer and/or obtain the joint letter, the reasons for the inability to comply with the standing order, and (if possible) three dates and times at which all parties are available for a telephonic conference. The moving party may attach exhibits to the declaration, but the declaration and exhibits combined may not exceed seven pages. The Court will not excuse a party from the requisite in-person meeting unless good cause is shown.

4. In the event that the parties are participating in a deposition or a site inspection and a dispute arises, the parties may contact the courtroom deputy, Rose Maher, to inquire whether Magistrate Judge James is available to address the dispute telephonically. In the event she is unavailable, the parties shall follow the procedures for requesting a telephonic conference as set forth in paragraph 3 above. In such a case, the deposition or site inspection shall proceed with objections noted for the record.
5. No motion for sanctions may be filed until after the moving party has complied with the requirements of paragraphs 2 and 3 above. Motions for sanctions shall be filed separately, pursuant to Federal Rule 37 and Civil Local Rules 7 and 37-3.
6. The parties shall comply with Civil Local Rule 6 regarding any requests to change time.
7. Pursuant to Civil Local Rule 11-4(c), with the exception of communication with the courtroom deputy regarding scheduling, no party may contact the Court ex parte without prior notice to the opposing party. All communications or questions to the Court shall be presented in writing, properly filed, and include a certification that all parties were served.
8. In all "E-Filing" cases, in addition to filing papers electronically, the parties shall lodge with chambers a printed copy of the papers. These printed copies shall be marked "Chambers Copy" and submitted to the Clerk's Office in an envelope marked with "Magistrate Judge Maria-Elena James - Chambers Copy" and the case name and number.

IT IS SO ORDERED.

Dated: July 2, 2012



MARIA-ELENA JAMES
United States Magistrate Judge

STANDING ORDER FOR ALL JUDGES
OF THE NORTHERN DISTRICT OF CALIFORNIA

CONTENTS OF JOINT CASE MANAGEMENT STATEMENT

Commencing July 1, 2011, all judges of the Northern District of California will require the identical information in Joint Case Management Statements filed pursuant to Civil Local Rule 16-9. The parties must include the following information in their statement which, except in unusually complex cases, should not exceed ten pages:

1. Jurisdiction and Service: The basis for the court's subject matter jurisdiction over plaintiff's claims and defendant's counterclaims, whether any issues exist regarding personal jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be served, a proposed deadline for service.
2. Facts: A brief chronology of the facts and a statement of the principal factual issues in dispute.
3. Legal Issues: A brief statement, without extended legal argument, of the disputed points of law, including reference to specific statutes and decisions.
4. Motions: All prior and pending motions, their current status, and any anticipated motions.
5. Amendment of Pleadings: The extent to which parties, claims, or defenses are expected to be added or dismissed and a proposed deadline for amending the pleadings.
6. Evidence Preservation: Steps taken to preserve evidence relevant to the issue reasonably evident in this action, including interdiction of any document-destruction program and any ongoing erasures of e-mails, voice mails, and other electronically recorded material.
7. Disclosures: Whether there has been full and timely compliance with the initial disclosure requirements of Fed. R. Civ. P. 26 and a description of the disclosures made.
8. Discovery: Discovery taken to date, if any, the scope of anticipated discovery, any proposed limitations or modifications of the discovery rules, and a proposed discovery plan pursuant to Fed. R. Civ. P. 26(f).
9. Class Actions: If a class action, a proposal for how and when the class will be certified.
10. Related Cases: Any related cases or proceedings pending before another judge of this court, or before another court or administrative body.

11. Relief: All relief sought through complaint or counterclaim, including the amount of any damages sought and a description of the bases on which damages are calculated. In addition, any party from whom damages are sought must describe the bases on which it contends damages should be calculated if liability is established.
12. Settlement and ADR: Prospects for settlement, ADR efforts to date, and a specific ADR plan for the case, including compliance with ADR L.R. 3-5 and a description of key discovery or motions necessary to position the parties to negotiate a resolution.
13. Consent to Magistrate Judge For All Purposes: Whether all parties will consent to have a magistrate judge conduct all further proceedings including trial and entry of judgment. ☐ Yes ☐ No
14. Other References: Whether the case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.
15. Narrowing of Issues: Issues that can be narrowed by agreement or by motion, suggestions to expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and any request to bifurcate issues, claims, or defenses.
16. Expedited Trial Procedure: Whether this is the type of case that can be handled under the Expedited Trial Procedure of General Order No. 64 Attachment A. If all parties agree, they shall instead of this Statement, file an executed Agreement for Expedited Trial and a Joint Expedited Case Management Statement, in accordance with General Order No. 64 Attachments B and D.
17. Scheduling: Proposed dates for designation of experts, discovery cutoff, hearing of dispositive motions, pretrial conference and trial.
18. Trial: Whether the case will be tried to a jury or to the court and the expected length of the trial.
19. Disclosure of Non-party Interested Entities or Persons: Whether each party has filed the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16. In addition, each party must restate in the case management statement the contents of its certification by identifying any persons, firms, partnerships, corporations (including parent corporations) or other entities known by the party to have either: (i) a financial interest in the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding.
20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.

Notice Regarding Cameras in the Courtroom Pilot



On October 3, 2011, the Northern District of California will begin participating in the Cameras in the Courtroom Pilot Program ("Pilot Program") created by the Judicial Conference of the United States.

The Pilot Program allows for video recording of in-court proceedings in civil cases, upon the approval of the presiding judge and the consent of all parties. Subject to the approval of the presiding judge, the video recording will be posted on the U.S. Courts website for public viewing.

Only active and senior district judges are eligible to participate in the Pilot Program. **Presently, the following judges have agreed to participate:**

Chief Judge James Ware
Judge Thelton E. Henderson
Judge Maxine M. Chesney
Judge Claudia Wilken
Judge Susan Illston
Judge Charles R. Breyer
Judge Jeffrey S. White
Judge Lucy H. Koh
Judge Edward J. Davila
Judge Edward M. Chen

A request to record a proceeding before a participating judge may be submitted by the judge, any party to the case, or a member of the media. Procedures for submitting a request to record may be found at <http://www.cand.uscourts.gov/cameras/procedures>.

Further information about the Pilot Program may be found at www.cand.uscourts.gov/cameras, and <http://www.uscourts.gov/Multimedia/cameras.aspx>.

Questions regarding the Northern District's participation in the Pilot Program should be directed to Chief Deputy of Operations, Chris Wolpert at 415-522-2003 or Chris_Wolpert@cand.uscourts.gov.

U.S. District Court Northern California ECF Registration Information Handout

The case you are participating in has been designated for this court's Electronic Case Filing (ECF) Program, pursuant to Local Rule 5-4 and General Order 45. Follow the steps outlined below to begin e-filing:

- ☐ **Serve** this ECF Registration Information Handout to **all** parties in the case along with the complaint or removal notice. **DO NOT** serve the e-filer application form, just this handout.

Each attorney representing a party must:

- ☐ **Register** to become an e-filer by completing the application form. Follow the instructions carefully. If you are already registered in this district, your registration is valid for life on ECF case filings in this district. **DO NOT** register again.
- ☐ **Email** (DO NOT E-FILE) the complaint or removal notice and all attachments, in PDF format, within ten (10) business days, following the instructions below. You do not need to wait for your ECF registration to be complete to email the court.
- ☐ Access dockets and documents using your **PACER** (Public Access to Court Electronic Records) account. If your firm already has a PACER account, please use that account. It is not necessary to have individual PACER accounts for each user in your office.

PACER registration is free. To set up an account, visit: <http://pacer.psc.uscourts.gov> or call (800) 676-6856.

BY SIGNING AND SUBMITTING TO THE COURT A REQUEST FOR AN ECF USER ID AND PASSWORD, YOU CONSENT TO ENTRY OF YOUR EMAIL ADDRESS INTO THE COURT'S ELECTRONIC SERVICE REGISTRY FOR ELECTRONIC SERVICE ON YOU OF ALL E-FILED PAPERS, PURSUANT TO RULES 77 AND 5(b)(2)(d) OF THE FEDERAL RULES OF CIVIL PROCEDURE.

- ☐ All subsequent papers submitted by attorneys in this case shall be filed electronically.
- ☐ Unrepresented litigants must file and serve in paper form, unless prior leave to file electronically is obtained from the assigned judge.

ECF registration forms, interactive tutorials, and complete instructions for e-filing may be found on the ECF website: <https://ecf.cand.uscourts.gov>.

1 MELINDA HAAG (CSBN 132612)
United States Attorney

2 MIRANDA KANE (CSBN 150630)
3 Chief, Criminal Division

4 ARVON J. PERTEET (CSBN 242828)
Assistant United States Attorney

5 450 Golden Gate Avenue, 11th Floor
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Email: arvon.perteet@usdoj.gov

8 Attorneys for United States of America

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,
14
15 Plaintiff,
16 v.

17 REAL PROPERTY AND IMPROVEMENTS
LOCATED AT 2106 RINGWOOD AVENUE,
18 SAN JOSE, CALIFORNIA,

19 Defendant.

20 CONCOURSE BUSINESS CENTER, LLC,

21 Owner of Record.

No. CV 12-3566 MEJ

NOTICE OF PENDENCY OF
ACTION (LIS PENDENS)

22
23 NOTICE IS HEREBY GIVEN that an action has been commenced in the above-entitled
24 Court pursuant to a Complaint, a copy of which is attached hereto as Exhibit A, filed by the
25 United States of America on July 9, 2012 to secure a judicial forfeiture of real property and
26 improvements located at 2106 Ringwood Avenue, San Jose, California (Assessors Parcel
27 Number 244-19-003 and 244-19-004), and further described in Exhibit B, which is attached
28 hereto.

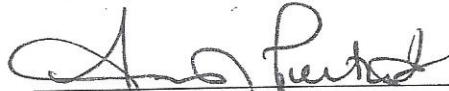
1 In the Complaint, plaintiff alleges that the said real property is subject to forfeiture
2 pursuant to Title 21, United States Code, Sections 881(a)(7).

3 The owner of record to the said real property is Concourse Business Center, LLC, sole
4 owner.

5
6 Dated: 07/09/12

Respectfully submitted,

7 MELINDA HAAG
8 United States Attorney

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10 ARVON J. PERFEET
11 Assistant United States Attorney
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of:

• NOTICE OF PENDENCY OF ACTION (LIS PENDENS)

to be served this date via certified mail delivery and first class mail delivery upon the person(s) below at the place(s) and address(es) which is/are the last known address(es):

James Anthony
San Jose Wellness
3542 Fruitvale Avenue, PMB 351
Oakland, CA 94602
Agent for Service of Process

Elizabeth E. Wright
Concourse Business Center, LLC
14103-B Winchester Blvd
Los Gatos, CA 95032
Agent for Service of Process

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 9th day of July, 2012, at San Francisco, California.



CAROLYN JUSAY
Paralegal
Asset Forfeiture Unit

EXHIBIT A

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

ARVON J. PERTEET (CABN 242828)
Assistant United States Attorney

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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY AND
IMPROVEMENTS LOCATED AT 2106
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Defendant.

CV No. 12 3566

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JURISDICTION AND VENUE

1. This *in rem* forfeiture action is brought pursuant to Title 21, United States Code, Section 881(a)(7).

2. This Court has jurisdiction under Title 28, United States Code, Sections 1345 and 1355.

3. Venue lies in the Northern District of California pursuant to Title 28, United States Code, Sections 1355(b) and 1395(a) and (b), as the acts giving rise to this *in rem* action occurred in this district and the defendant real property is located in this district.

4. Intra-district venue is appropriate in either San Francisco or San Jose.

PARTIES AND INTERESTED PERSONS

5. Plaintiff is the United States of America.

6. Defendant is the real property located at 2106 Ringwood Avenue, San Jose, California, Santa Clara County, identified by assessor's parcel numbers ("APN") 244-19-003 and 244-19-004, and further described in Attachment A, affixed hereto and incorporated herein ("defendant real property"). The defendant real property is a low-rise, multi-tenant commercial building with on-site parking. The defendant real property is the business address for San Jose Wellness doing business as Harborside Health Center in San Jose ("Harborside"), a retail marijuana store.

7. According to the lien report issued by LSI Title Company, Concourse Business Center, LLC is the sole owner of record for the defendant real property.

8. Harborside is believed to have a leasehold interest in the defendant real property.

FACTS

9. Plaintiff incorporates by reference the allegations of paragraphs one through eight as though fully set forth herein.

10. At all times relevant in this complaint, the defendant real property was the business location of Harborside, a retail marijuana store which distributes marijuana, and facilitates the distribution of marijuana, to its customers and accepts money for the distribution of said marijuana. Harborside operates its marijuana business out of the defendant real property.

11. Steven DeAngelo is the president of Harborside and Steven DeAngelo is also believed to be the Chief Executive Officer of Patients Mutual Assistance Collective Corporation – the entity which owns and operates Harborside Health Center in Oakland, California.

12. Harborside purports to be the largest retailer of marijuana on the planet, serving in excess of 100,000 customers.

13. According to Harborside's website - (www.Harborsidesanjose.com), its hours of operation are 10:00 a.m. to 8:00 p.m., seven days a week.

14. According to Harborside's website, it offers for sale marijuana in various forms including "Flowers"; "Concentrates" of marijuana; "Edible" marijuana; "Topicals" containing marijuana; and Marijuana "Seeds/Clones."

15. Harborside is operating in violation of federal law.

CLAIM FOR RELIEF

21 U.S.C. § 881(a)(7)

(Forfeiture of property used to facilitate cultivation, sale or distribution of marijuana)

16. The United States incorporates by reference the allegations in paragraphs one through 15 as though fully set forth.

17. Title 21, United States Code, Section 841(a) prohibits the manufacture, distribution, or dispensing; and possession with the intent to manufacture, distribute, or dispense a controlled substance, to wit: marijuana.

18. Title 21, United States Code, Section 856 makes it unlawful to rent, lease, profit from or make available for use, with or without compensation, a place for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance, to wit: marijuana.

19. Title 21, United States Code, Section 881(a)(7) provides for the forfeiture of all real property, including any right, title, and interest, including but not limited to any ownership, lien holder, or leasehold interest, which is used or intended to be used, in any manner or part to commit, or facilitate the commission of any violation of Title 21, United States Code, Chapter 13, Subchapter I, to include sections 841 and 856.

20. In light of the foregoing, plaintiff alleges that the defendant real property is subject to forfeiture, pursuant to Title 21, United States Code; Section 881(a)(7), as property

1 which was used or intended to be used, to commit or facilitate the commission of the
2 distribution, cultivation and possession with the intent to distribute and cultivate marijuana.

3 21. With respect to the defendant real property, the United States has not seized said
4 property. Rather, the United States will, as provided in Title 18, United States Code, Sections
5 985(b)(1) and (c)(1):

- 6 a. Post notice of this action and a copy of this Complaint for Forfeiture at the
7 defendant real property;
8 b. Serve notice of this action together with a copy of the Complaint for Forfeiture
9 and related documents, on the owners of record of the defendant real property; and
10 c. Record a *lis pendens* in the county records to demonstrate the status of the
11 defendant real property in this *in rem* action.

12 WHEREFORE, plaintiff United States of America requests that due process issue to
13 enforce the forfeiture of the defendant real property; that notice be given to all interested parties
14 to appear and show cause why forfeiture should not be decreed; that the Court enter judgment for
15 forfeiture of the defendant real property to the United States; and that the United States be
16 awarded such other relief as may be proper and just.

17 Respectfully submitted,

18 MELINDA HAAG
19 United States Attorney

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22 Dated: 7/6/2012


23 ARVON J. PERREET
24 Assistant United States Attorney
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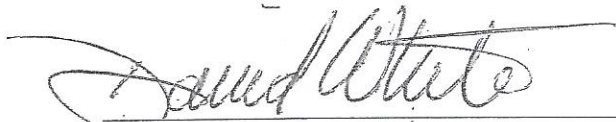
VERIFICATION

I, DAVID WHITE, state as follows:

1. I am a Special Agent with the United States Department of Justice, Drug Enforcement Administration. As the agent assigned to this case I am familiar with the facts and investigation leading to the filing of this Complaint for Forfeiture.

2. I have read the Complaint, and based upon my personal knowledge, discussions with persons involved in the investigation and my review of relevant investigative reports and other documentation, I believe the allegations contained in it to be true.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 6 day of July, 2012 in San Francisco, California.



DAVID WHITE
Special Agent
Drug Enforcement Administration

ATTACHMENT A

LEGAL DESCRIPTION

PARCELS 26 AND 27, AS SHOWN UPON THAT CERTAIN PARCEL MAP OF INTERNATIONAL BUSINESS PARK, WHICH MAP WAS FILED FOR RECORD ON JANUARY 28, 1977 IN BOOK 388 OF MAPS, AT PAGES 16 THROUGH 27, SANTA CLARA COUNTY RECORDS AND AS CORRECTED BY THAT CERTAIN CERTIFICATE OF CORRECTION RECORDED APRIL 13, 1978 IN BOOK 6592 PAGE 728, OF OFFICIAL RECORDS.

EXCEPTING FROM THE PROPERTY HEREBY CONVEYED THAT PORTION THEREOF LYING BELOW A DEPTH OF 500 FEET, MEASURED VERTICALLY, FROM THE CONTOUR OF THE SURFACE OF SAID PROPERTY; HOWEVER, GRANTOR OR ITS SUCCESSORS AND ASSIGNS SHALL NOT HAVE THE RIGHT FOR ANY PURPOSES WHATSOEVER TO ENTER UPON, INTO OR THROUGH THE SURFACE OF SAID PROPERTY OR ANY PART THEREOF LYING BETWEEN SAID SURFACE AND 500 FEET BELOW SAID SURFACE, AS SET FORTH IN THE DEED FROM SOUTHERN PACIFIC INDUSTRIAL DEVELOPMENT COMPANY TO B.K.B ASSOCIATES RECORDED MAY 22, 1979 BOOK E510 PAGE 86.

EXHIBIT B

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