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2012 JUL -9 P 12:56
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

EDL

UNITED STATES OF AMERICA, Plaintiff, v. REAL PROPERTY AND IMPROVEMENTS LOCATED AT 1840 EMBARCADERO, OAKLAND, CALIFORNIA, Defendant.	No. CV 12 3567 **COMPLAINT FOR FORFEITURE**

RECEIVED
UNITED STATES MARSHALS
2012 JUL -9 PM 2:10
NORTHERN DISTRICT
OF CALIFORNIA

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

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 Oakland.

PARTIES AND INTERESTED PERSONS

5. Plaintiff is the United States of America.

6. Defendant is the real property located at 1840 Embarcadero, Oakland, California, Alameda County, identified by assessor's parcel number ("APN") 019-0048-003, 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 Patients Mutual Assistance Collective Corporation doing business as Harborside Health Center ("Harborside"), a retail marijuana store and is also the business address for ABC Security Service, Inc., ("ABC").

7. According to the lien report issued by LSI Title Company, Ana Chretien is the sole owner of record for the defendant real property. The lien report also reflects a deed of trust to secure indebtedness in the amount of $1,861,000.00 and a $200,000.00 equity line or other revolving line of credit was recorded in the Alameda County Recorder's Office on July 25, 2008, for the benefit of Summit Bank.

8. Harborside and/or Patients Mutual Assistance Collective Corporation are 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. Upon information and belief, in 2006 Harborside sought and obtained a permit to distribute marijuana at the defendant real property.

12. Since at least 2006 and continuing to the present, Harborside has operated a marijuana retail store engaged in the distribution of marijuana at the defendant real property.

13. Steven DeAngelo and David Wedding Dress are the co-founders and co-owners of Harborside. Steven DeAngelo is also believed to be the Chief Executive Officer of Patients Mutual Assistance Collective Corporation – the entity which owns and operates Harborside. Andrew DeAngelo is the general manager at Harborside.

14. ABC provides security to the parking lot that Harborside shares with ABC.

15. Ana Chretien is the President and Chief Executive Officer of ABC, and her business address is located at the defendant real property.

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

17. Harborside claims that its annual gross sales revenues are in excess of $20 million.

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

19. 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".

20. Harborside is operating in violation of federal law.

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CLAIM FOR RELIEF
21 U.S.C. § 881(a)(7)
(Forfeiture of property used to facilitate cultivation, sale or distribution of marijuana)

21. The United States incorporates by reference the allegations in paragraphs one through 20 as though fully set forth.

22. 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.

23. 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.

24. 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.

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

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

a. Post notice of this action and a copy of this Complaint for Forfeiture at the defendant real property;

b. Serve notice of this action together with a copy of the Complaint for Forfeiture and related documents, on the owners of record of the defendant real property; and

c. Record a *lis pendens* in the county records to demonstrate the status of the defendant real property in this *in rem* action.

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

Respectfully submitted,

MELINDA HAAG
United States Attorney

Dated: 7/6/2012

ARVON J. PERTEET
Assistant United States Attorney

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

DAVID WHITE
Special Agent
Drug Enforcement Administration

ATTACHMENT A

LEGAL DESCRIPTION

REAL PROPERTY in the City of Oakland, County of Alameda, State of California, described as follows:

Lot 1, Parcel Map 6349, Filed January 3, 1997, Map Book 229, Page 23 & 24, Alameda County Records

A.P.N. 019-0048-001-01 (portion)

MELINDA HAAG (CSBN 132612)
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Attorneys for United States of America

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CV 12 3567

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY AND IMPROVEMENTS LOCATED AT 1840 EMBARCADERO, OAKLAND, CALIFORNIA,

Defendant.

No. CV 12-

NOTICE OF FORFEITURE ACTION

EDL

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

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

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

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

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

Respectfully submitted,

MELINDA HAAG
United States Attorney

Dated: 07/09/12

ARVON J. PERTEET
Assistant United States Attorney

ORIGINAL
FILED
2012 JUL -9 P 12:55
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CV 12 3567

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EDL

STANDING ORDER

Magistrate Judge Elizabeth D. Laporte

1) Civil law and motion is heard on Tuesdays at 9:00 a.m. Criminal law and motion is heard on Tuesdays at 1:15 p.m. Counsel need not reserve a hearing date in advance. However, noticed dates may be reset as the court's calendar requires.

2) Case Management Conferences are held on Tuesdays at 10:00 a.m. Pretrial Conferences are held on Tuesdays at 2:00 p.m.

3) Discovery motions may be addressed to the Court in three ways. A motion may be noticed on not less than 35 days pursuant to Civil L.R. 7-2. Alternatively, any party may seek an order to shorten or enlarge time under Civil L.R. 6-3 if the circumstances justify that relief. In emergencies during discovery events, the Court is available pursuant to Civil L.R. 37-1(b).

In the event a discovery dispute arises, counsel (or if pro se, the party) seeking discovery or a protective order shall confer in good faith with opposing counsel (or pro se party) in an effort to resolve the dispute without court action, as required by Fed. R. Civ. P. 37 and Civil L.R. 37-1(a). The Court will not consider discovery motions unless the moving party has complied with Fed. R. Civ. P. 37 and Civil L.R. 37-1(a).

4) The Court strives to set matters and render decisions in a timely manner. The Court encourages parties to advise the Court by letter to chambers of any matter that appears to have been unduly delayed.

10/16/12 @ 1000 [illegible]

IT IS SO ORDERED.

Dated: July 26, 2005

Elizabeth D. Laporte
ELIZABETH D. LAPORTE
United States Magistrate Judge

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Plaintiff(s),

v.

Defendant(s).
/

No. C EDL

STANDING ORDER RE
CASE MANAGEMENT CONFERENCE

Lead trial counsel who will try this case are directed to confer in advance of the Case Management Conference with respect to all matters contained in the March 1, 2007 Standing Order for all Judges of the Northern District of California regarding Contents of Joint Case Management Conference, including **a discovery plan and discovery limits** and all other matters described in Federal Rules of Civil Procedure 16(a), 16(b) and 26(f) and Civil Local Rule 16-10. Pursuant to Civil L.R. 16-10(a), **lead trial counsel shall attend the Case Management Conference** and be prepared to discuss all matters referred to in this order. Counsel shall have the authority to enter stipulations and make admissions regarding all matters described herein.

PLAINTIFF IS DIRECTED TO SERVE COPIES OF THIS ORDER AT ONCE UPON ALL PARTIES IN THIS ACTION AND UPON THOSE SUBSEQUENTLY JOINED IN ACCORDANCE WITH THE PROVISIONS OF FEDERAL RULES OF CIVIL PROCEDURE 4 AND 5 AND CIVIL LOCAL RULES 4 AND 5, and to file with the Clerk of the Court a Certificate reflecting such service.

Failure to comply with this order, the provisions of Federal Rule of Civil Procedure 16 and 26(f) or the provisions of Civil L.R. 16-10 may be grounds for sanctions. (See Fed. R. Civ. P. 16(f)).

Dated:

ELIZABETH D. LAPORTE
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.

Effective date: July 1, 2011 (Last Revised May 8, 2012)

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.

WELCOME TO THE U.S. DISTRICT COURT
SAN FRANCISCO OFFICE HOURS:
9:00 A.M. TO 4:00 P.M.
415.522.2000
www.cand.uscourts.gov

In addition to the local rules, the following guidelines have been provided to ensure that the filing process is accomplished with ease and accuracy. For additional information or assistance, please call the above number during office hours.

1. Documents are to be filed in the Clerk's Office at the location of the chambers of the judge to whom the action has been assigned. We do not accept filings for cases assigned to judges or magistrate judges in the Oakland or San Jose division, per Civil L.R. 3-2(b).

2. This office will retain the original plus one copy of most documents submitted. We will conform as many copies as you bring for your use. Related cases require an extra copy for **each** related action designated.

3. The copy retained goes directly to the assigned Judge. Courtesy copies, or instructions for couriers to deliver a copy directly to chambers are inappropriate, unless you have been instructed to do so by court order.

4. In order to facilitate the file stamping process, each original document should be submitted on top of its copies. In other words, group like documents together (as opposed to a set of originals and separate sets of copies).

5. The case number must indicate whether it is a civil or criminal matter by the inclusion of **C** or **CR** at the beginning of the number. Miscellaneous and foreign judgment matters should also be indicated with initials **MISC** at the end of the case number.

6. The document caption should include the appropriate judge or magistrate judge involved in a particular matter or before whom an appearance is being made. This is especially important when submitting Settlement Conference Statements.

7. Documents are to be stapled or acco-fastened at the top. Backings, bindings and covers are not required. Two holes punched at the top of the original document will facilitate processing.

8. Appropriately sized, stamped, self-addressed return envelopes are to be included with proposed orders or when filing documents by mail.

9. Proofs of service should be attached to the back of documents. If submitted separately, you must attach a pleading page to the front of the document showing

case number and case caption.

10. There are no filing fees once a case has been opened except for a Notice of Appeal.

11. New cases must be accompanied by a completed and signed Civil Cover Sheet, the filing fee or fee waiver request form and an original plus **two** copies of the complaint and any other documents. For Intellectual Property cases, please provide an original plus **three** (3) copies of the complaint. Please present new cases for filing before 3:30 p.m., as they take a considerable amount of time to process.

12. Copies of forms may be obtained at no charge. Forms and local rules are available at our website: www.cand.uscourts.gov for a no-cost download. They may also be picked up in person from the Clerk's Office forms cabinet or with a written request accompanied by an appropriate sized, stamped, self-addressed envelope for return. In addition, copies of the Local Rules may be obtained, free of charge, in the Clerk's Office or by sending a written request, along with a self-addressed, 10" x 14" return envelope, stamped with **$ 7.50** postage to: Clerk, U.S. District Court, 450 Golden Gate Avenue, 16th Floor, San Francisco, CA 94102.

13. Two computer terminals which allow public access to case dockets and one terminal with information regarding files at the Federal Records Center (FRC) are located in the reception area of the Clerk's Office. Written instructions are posted by the terminals. Outside of the Clerk's Office, electronic access to dockets is available through PACER. To obtain information or to register call 1-800-676-6851.

14. A file viewing room is located adjacent to the reception area. Files may be viewed in this area after signing the log sheet and presenting identification. Files are to be returned by 1:00 pm. Under no circumstances are files to be removed from the viewing room.

15. The Clerk's Office can only accept payment by exact change, check made payable to Clerk, U.S. District Court, or credit card if paying in person.

16. Two pay copy machines are located in the file viewing room for public use, at twenty-five cents ($.25) per page or by purchasing a copy card. Orders for copy work may be placed through Colour Drop by phoning 415-353-5720. Arrangements may be made to bring in a personal copier by calling the Clerk's Office in advance.

17. Drop boxes for filing when the Clerk's Office is closed are available. Please visit our website for further details: .http://www.cand.uscourts.gov/dropbox

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT OF CASE

TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL

Pursuant to General Order 44, the Assignment Plan of the United States District Court for the Northern District of California, this case has been randomly assigned to Magistrate Judge Elizabeth D. Laporte.

Pursuant to Title 28 U.S. C. § 636(c), with written consent of all parties, a magistrate judge may conduct all proceedings in the case. Attached is a form to complete if you consent to proceed before the assigned magistrate judge and a form to complete if you decline to proceed before the assigned magistrate judge. Electronic versions of both forms are also available at the Court's Internet site: http://www.cand.uscourts.gov. Click on Forms-Civil. A party is free to withhold consent without adverse consequences. If a party declines to consent, the case will be randomly reassigned to a district judge and a case management conference will be scheduled on the district judge's calendar as close as possible to the date presently scheduled before the magistrate judge.

You must file your consent or declination by the deadline for filing the initial case management statement.

The plaintiff or removing party shall serve a copy of this notice and all attachments upon all other parties in the action pursuant to Federal Rules of Civil Procedure 4 and 5.

FOR THE COURT,

RICHARD W. WIEKING, CLERK

Mary Ann Buckley

By: Deputy Clerk

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

No. C

Plaintiff(s),

v.

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

Defendant(s).
_____/

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C. Section 636(c), the undersigned party hereby voluntarily consents to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment. Appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

Dated: _____

_____
Signature

Counsel for _____
(Plaintiff, Defendant or indicate "pro se")