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## Oakland City Attorney and Morrison & Foerster Sue Federal Government to Prevent Seizure of Building Used by Medical Cannabis Dispensary

San Francisco, CA - The City of Oakland filed a complaint in United States District Court today seeking to prevent the federal government from seizing an Oakland building used by a medical cannabis dispensary.

The property at 1840 Embarcadero is the location of the Harborside Health Center, a medical cannabis dispensary operating under a permit issued by the City of Oakland. In July, the U.S. Attorney for the Northern District of California filed a forfeiture action against the real property where the dispensary is located. The City's lawsuit does not seek damages, but asks the court to enjoin and declare unlawful the federal government's attempt to close down the dispensary.

San Francisco law firm Morrison & Foerster LLP is representing the City in this case and filed the complaint this morning on the City's behalf.

"The federal government has acted beyond its authority by initiating the forfeiture action outside of the statute of limitations," Morrison & Foerster partner Cedric Chao said today. "Moreover, the government has indicated for many years by its words and actions that so long as dispensaries and medical patients acted consistently with state law, the dispensaries would be allowed to operate. Oakland has reasonably relied on these assurances, and the government should be prohibited from disrupting Oakland's medical cannabis program."

"This lawsuit is about protecting the rights of legitimate medical patients," City Attorney Barbara Parker said today. "I am deeply dismayed that the federal government would seek

to deny these rights and deprive thousands of seriously ill Californians of access to safe, affordable and effective medicine."

In 1996, California voters passed Proposition 215, the "Compassionate Use Act," which was intended to ensure that seriously ill Californians would have the right to obtain and use marijuana for medical purposes upon the recommendation of a physician and would not be subject to criminal prosecution or sanction. The Compassionate Use Act encouraged the federal and state governments to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana. In 2003, the California Legislature passed the "Medical Marijuana Program Act," which provided guidelines for the implementation of the Compassionate Use Act, including a voluntary patient identification card program.

The City of Oakland carefully created a regulatory scheme for medical cannabis dispensaries in order to maintain public health and safety, including the issuance of permits, the monitoring of licensed dispensaries, annual auditing of the dispensaries' financial statements, and employee background checks to ensure compliance with state and city law.

The benefits of medical cannabis to patients suffering from chronic pain associated with debilitating illnesses such as cancer, AIDS, and multiple sclerosis are well documented.

"Well-regulated dispensaries provide affordable medical cannabis in a controlled, secure setting, which decreases the market for illegal marijuana," Chao said. "Closing dispensaries will not reduce the demand for medical cannabis, but instead will create a distribution vacuum that will drive suffering medical patients into the arms of street dealers, thereby putting the patients' health and safety at risk."

Parker added: "As Oakland's City Attorney, I strongly oppose federal actions against Oakland businesses that are complying with state and local laws and paying their fair share of taxes. My hope is that the federal government will focus its resources on the real crisis in Oakland - violent crime and illegal guns that are snuffing out so many lives. In the midst of this crisis, it is a tragic waste for the federal government to spend its time and resources cracking down on legitimate health care providers."

Parker and Chao are former Assistant U.S. Attorneys in the Northern District of California.

Oakland, CA City Attorney Sues Federal Government to Protect Medical Marijuana Patients

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