

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,	)	
Plaintiff-Appellee,	)	Nos. 02-16335
	)	02-16534
v.	)	02-16715
	)	
MARIN ALLIANCE FOR MEDICAL	)	
MARIJUANA and LYNNETTE SHAW,	)	
Defendants-Appellants	)	
_____	)	

**APPELLEE’S UNOPPOSED MOTION  
FOR AN EXTENSION OF TIME FOR THE  
PARTIES TO FILE SIMULTANEOUS SUPPLEMENTAL BRIEFS**

For the reasons set forth below, the United States respectfully requests an extension of time, to and including April 30, 2004, for the parties to file their simultaneous supplemental briefs addressing the applicability of Raich v. Ashcroft, 352 U.S. 1222 (2003). We have contacted opposing counsel, who have authorized us to say that this motion is unopposed.

1. These consolidated cases were argued and submitted on September 17, 2003.

2. On March 24, 2004, the panel entered an order vacating submission of these cases and directing the parties to file simultaneous briefs on not more than 15 pages addressing the relevance of Raich v. Ashcroft, 352 F 3d 1222 (9th Cir. 2003). The panel further ordered that the briefs be filed within 14 days of the date

of the order, and that the cases would be resubmitted for decision upon completion of the filing of the supplemental briefs. The parties' simultaneous supplemental briefs are currently due on April 7, 2004.

3. The extension is requested because of other deadlines faced by government counsel during the briefing period. Mark T. Quinlivan is a Senior Trial Counsel with the Federal Programs Branch of the Civil Division of the Department of Justice, with principal responsibility for the federal government's briefing and argument in all three consolidated cases. Mr. Quinlivan also was trial counsel in all three consolidated cases.

On March 29, 2004, Mr. Quinlivan is scheduled to begin a three-week bench trial before the United States District Court for the Northern District of California in Planned Parenthood Foundation of America, et al v. Ashcroft, No. C 03-4872 PJH (N.D. Cal.). That trial will conclude on April 16, 2004. On March 31, 2004, Mr. Quinlivan also is scheduled to present oral argument before the United States District Court for the Northern District of California in County of Santa Cruz, et al. v. Ashcroft, No. C 03-1802 JF (N.D. Cal.), a date on which the Planned Parenthood trial is not in session. On April 6, 2004, Mr. Quinlivan also is scheduled to appear at a status conference before the United States District Court for the Northern District of California in Raich v. Ashcroft, No. C 02-4872 MJJ

(N.D. Cal.), on remand from this Court, at a time when the Planned Parenthood trial is not in session.

The United States therefore requests an extension of time, to and including April 30, 2004, or 14 days following the conclusion of the bench trial in the Planned Parenthood case, for the parties to file their simultaneous supplemental briefs addressing the applicability of Raich v. Ashcroft, 352 U.S. 1222 (2003).

4. On March 24, 2004, Mr. Quinlivan spoke with Annette Carnegie, Esq., co-counsel for appellants in No. 02-16534, and Susan B. Jordan, Esq., counsel for appellants in No. 02-16715. Ms. Carnegie and Ms. Jordan graciously authorized Mr. Quinlivan to say that they did not oppose this motion.

On March 25, 2004, Mr. Quinlivan spoke with Greg Anton, Esq., counsel for appellants in No. 02-16335. Mr. Anton graciously authorized Mr. Quinlivan to say that he did not oppose this motion.

CONCLUSION

For the foregoing reasons, the Court should grant Appellee's motion for an extension of time, to and including April 30, 2004, for the parties to file their simultaneous supplemental briefs addressing the applicability of Raich v. Ashcroft, 352 U.S. 1222 (2003).

Respectfully submitted,

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02-16715

Dated: March 25, 2004

**CERTIFICATE OF SERVICE**

I, Mark T. Quinlivan, Senior Trial Counsel, Civil Division, United States Department of Justice, whose address is 20 Massachusetts Ave., Room 7128, Washington, D.C. 20530, hereby certify that on the 25th day of March 2004, I caused to be served a copy of the foregoing ***Appellee's Unopposed Motion for an Extension of Time for the Parties to File Simultaneous Supplemental Briefs***, by first-class mail, postage prepaid, upon the following counsel:

Appeal No. 02-16335 (Marin Alliance for Medical Marijuana, et al.)

Greg Anton  
P.O. Box 299  
Lagunitas, CA 94938

Appeal No. 02-16534 (Oakland Cannabis Buyer's Cooperative, et al.)

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Appeal No. 02-16715 (Ukiah Cannabis Buyer's Club, et al.)

Susan B. Jordan  
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Ukiah, CA 95482

  
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MARK T. QUINLIVAN