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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIN ALLIANCE FOR MEDICAL
MARIJUANA and LYNETTE SHAW,

Defendants.

No. Cv-98-00086-CRB
DEFENDANT'S NOTICE
OF APPEAL TO THE
UNITED STATES
COURT OF APPEALS
FOR THE NINTH
CIRCUIT OF FINAL
JUDGMENT AND ALL
RELATED
INTERLOCUTORY
ORDERS

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Attorney for Defendants
MARIN ALLIANCE FOR
MEDICAL MARIJUANA and
LYNETTE SHAW, D.C.

1 NOTICE IS HEREBY GIVEN that MARIN ALLIANCE FOR MEDICAL
2 MARIJUANA and LYNETTE SHAW, D.C., Defendants in the above-styled
3 action, hereby appeal to the United States Court of Appeals for the Ninth Circuit
4 from the final judgment of the District Court. This Court previously entered final
5 judgment by granting summary judgment and entering a permanent injunction
6 against Defendants in two separate orders dated May 3, 2002 and June 10,
7 2002, respectively. Because these Orders did not dispose of the claims of the
8 intervenors, this Court entered its July 29, 2002 Order Granting Defendants'
9 Motion for Partial Judgment pursuant to Federal Rule of Civil Procedure 54(b).

10 On August 1, 2002, Defendants appealed this Court's Orders to the
11 United States Court of Appeals for the Ninth Circuit. After fully briefing the
12 appeal on the merits, on June 18, 2004, the Ninth Circuit issued an Order
13 remanding Defendants' appeal to this Court for reconsideration following the
14 United States Supreme Court's decision in the related case of *Gonzales v. Raich*
15 ___ U.S. ___, 125 S. Ct. 2195 (2005).

16 In an Order dated June 6, 2005, this Court declined to reconsider its prior
17 rulings in light of the Supreme Court's opinion in *Raich*, which constituted final
18 judgment after remand. In addition to final judgment, Defendants also appeal all
19 interlocutory orders that gave rise to that judgment, including but not limited to:

- 20 • May 13, 1998 Memorandum and Order;
- 21 • May 19, 1998 Order denying Defendants' Motion to Dismiss;
- 22 • May 19, 1998 Order;
- 23 • September 3, 1998 Order to Show Cause;
- 24 • September 3, 1998 Order Re: Motion to Dismiss;
- 25 • September 8, 1998 Order dismissing Motion to Modify Injunction;
- 26 • October 13, 1998 Memorandum and Order Re: Motions in Limine

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and Order to Show Cause;

- December 3, 1998 Order Denying Motion for Reconsideration;
- May 3, 2002 Memorandum and Order;
- June 10, 2002 Memorandum and Order;
- June 10, 2002 Judgment; Permanent Injunction;
- July 29, 2002 Order Granting Defendants' Motion for Partial Judgment and
- June 6, 2005 Order.

Pursuant to Ninth Circuit Rule 3-2, attached is a Representation Statement that identifies all parties to this action, along with the names, addresses, and telephone numbers of their respective counsel. Pursuant to Ninth Circuit Local Rules 3-4, a Civil Appeals Docketing Statement is being concurrently filed.

Dated: August 1, 2005

LAW OFFICES OF GREG ANTON



GREG ANTON, Attorney for
MARIN ALLIANCE FOR MEDICAL
MARIJUANA, and LYNETTE SHAW

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CIRCUIT RULE 3-2 REPRESENTATION STATEMENT

1. Defendants/Appellants are MARIN ALLIANCE FOR MEDICAL MARIJUANA, and LYNETTE SHAW.

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AFFIDAVIT OF SERVICE

I, KIMBERLY MERCIER, solemnly affirm as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the within entitled action. I am employed at 50 Santa Rosa Avenue, Santa Rosa, California.

On August 1, 2005, I served the attached:

DEFENDANT'S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEAL FOR THE NINTH CIRCUIT OF FINAL JUDGMENT AND ALL RELATED INTERLOCUTORY ORDERS

on the interested parties in said action, by placing a true copy thereof in a sealed envelope addressed as follows:

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