

No. 05-16466

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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UNITED STATES OF AMERICA

*Plaintiff-Appellee*

vs.

MARIN ALLIANCE FOR MEDICAL MARIJUANA/  
LYNNETTE SHAW Appellants-Defendants

*Defendant-Appellant*

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MODIFIED JOINDER WITH APPELLANT OAKLAND  
CANNIBIS BUYER'S CLUB'S  
OPENING BRIEF

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Appeal From Entry of Final Judgment by the United States District Court  
for the Northern District of California  
District Court Nos. CV-98-00-86-98-00087-98-00088 CRB  
The Honorable Charles R. Breyer

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May 1, 2007

Appellants-Defendants MARIN ALLIANCE FOR MEDICAL MARIJUANA and LYNNETTE SHAW, (hereinafter "MAMM"), case No. 98-CV-0086, has been previously consolidated with Appellant-Defendant OAKLAND CANNBIS BUYER'S COOPERATIVE, et al., (hereinafter "OCBC"), in case No. 05-16466. MAMM filed its Notice of Appeal on August 3, 2005.

Plaintiff-Appellant Marin Alliance for Medical Marijuana, Lynnette Shaw, (MAMM) hereby requests permission to partially join with Oakland Cannabis Buyer's Cooperative (OCBC) in their Appellant's Opening brief filed on April 6, 2007.

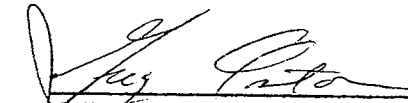
MAMM asks permission to join in presenting all issues and defenses presented by OCBC in their Opening Brief, excepting OCBC's argument designated III, B, 1 at page 36 of their Opening Brief. The argument is entitled "The Injunction Deprived Appellant of the Procedural Safeguards to Which They Would Be Entitled in a Criminal Prosecution." (Reference to this argument is also made in the Summary and Conclusion of OCBC'S Opening Brief).

U.S. Attorney Mark Quinlivan, counsel for The United States in the instant case, has no objection to this requested Joinder. As well, counsel for The United States does not object to MAMM's April 20, 2007 request to file a joinder two weeks late. MAMM reserves all rights it may have to assert designated argument III, B, 1 in the future.

The case of MAMM is substantially similar to the OCBC case that, in the interests of justice and judicial economy, would justify this joinder.

Dated: May 2, 2007

Respectfully submitted,



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GREG ANTON, Attorney for  
Appellants, MAMM and  
LYNNETTE SHAW

**AFFIDAVIT OF PROOF OF SERVICE BY MAIL**

The undersigned hereby affirms:

I am employed in the City of Santa Rosa, County of Sonoma, State of California, and I am over the age of 18 years, and am not a party to the within action; my business address is 111 Santa Rosa Avenue, Ste. 406, Santa Rosa, California, 95404. On May 1, 2007, I served the attached:

**MODIFIED JOINDER WITH APPELLANT OAKLAND  
CANNIBIS BUYER'S CLUB'S OPENING BRIEF**

on the parties in said action by placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Santa Rosa, California, addressed as follows:

**Counsel for Plaintiff, United States of America:**

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**U.S. Dept. of Justice**

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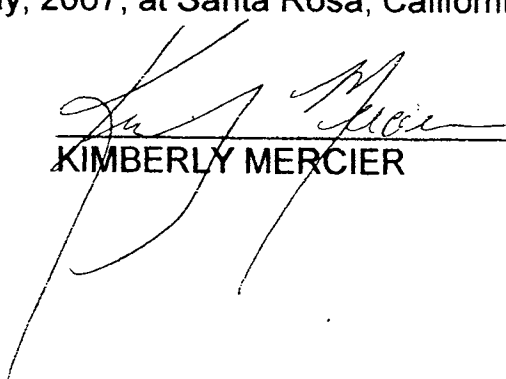
**Cannabis Cultivator's Club, et al.**

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I solemnly affirm the foregoing is true and correct under penalty of perjury,  
punishable under the laws of the United States Government.

Executed this 1st day of May, 2007, at Santa Rosa, California.

  
\_\_\_\_\_  
KIMBERLY MERCIER