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10 IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 ANGEL McCLARY RAICH, DIANE  
12 MONSON, JOHN DOE NUMBER  
ONE, and JOHN DOE NUMBER TWO,

13 Plaintiffs,

14 v.

15 JOHN ASHCROFT, as United States  
16 Attorney General, and ASA  
HUTCHINSON, as Administrator of the  
17 Drug Enforcement Administration,

18 Defendants.

ORIGINAL  
FILED

OCT - 9 2002

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

ADR

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Case No. \_\_\_\_\_

**COMPLAINT FOR DECLARATORY  
RELIEF AND FOR PRELIMINARY  
AND PERMANENT INJUNCTIVE  
RELIEF**

19  
20 Plaintiffs ANGEL McCLARY RAICH, DIANE MONSON, JOHN DOE NUMBER  
21 ONE, and JOHN DOE NUMBER TWO bring this action for declaratory, injunctive, and other  
22 relief, and on information and belief, hereby allege:

23 **INTRODUCTION**

24 1. The Defendants are unconstitutionally exceeding their authority by embarking on a  
25 campaign of seizing or forfeiting privately-grown wholly intrastate medical cannabis from  
26 California patients and caregivers, arresting or prosecuting such patients and caregivers,  
27 mounting paramilitary raids against such patients and caregivers, harassing such patients and  
28 caregivers, and taking other civil or administrative actions against them. The Defendants purport

1 to have authority for those actions under the Controlled Substances Act, 21 U.S.C. § 801 *et seq.*

2 2. On November 5, 1996, the sovereign State of California and the People of the State of  
3 California, exercising their reserved powers and expressly retaining certain rights, duly enacted  
4 through the initiative process the Compassionate Use Act of 1996, Cal. Health & Safety Code §  
5 11362.5. The purposes of the Compassionate Use Act are "[t]o ensure that seriously ill  
6 Californians have the *right* to obtain and use marijuana for medical purposes" and "[t]o ensure  
7 that patients and their primary caregivers who obtain and use marijuana for medical  
8 purposes...are not subject to criminal prosecution or sanction." Cal. Health & Safety Code §  
9 11362.5(b)(1)(A, B). (Emphasis added.) All of Plaintiffs' conduct is lawful under the  
10 Compassionate Use Act.

11 3. Defendants' actions are effectively preventing implementation of the Compassionate  
12 Use Act, thereby abrogating the powers and rights constitutionally reserved and retained by the  
13 sovereign State of California and the People of California under the Ninth and Tenth  
14 Amendments to the U.S. Constitution. Moreover, Defendants' actions are infringing on  
15 Plaintiffs' rights guaranteed by the Due Process Clause of the Fifth Amendment to the U.S.  
16 Constitution. Additionally, to the extent that Defendants purport to take their actions pursuant to  
17 an act of Congress, then such act exceeds the powers of Congress granted under the Commerce  
18 Clause of the U.S. Constitution. Furthermore, the doctrine of Medical Necessity precludes  
19 Defendants' actions against Plaintiffs.

## 20 21 JURISDICTION AND VENUE

22 4. This Court has jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 2201.

23 5. Venue is proper in this Court under 28 U.S.C. §§ 1391(e) and 1402(a)(1).

## 24 25 PARTIES

### 26 Plaintiffs

27 6. Plaintiff ANGEL McCLARY RAICH ("ANGEL") is a seriously ill patient who would  
28 likely be dead today were it not for her use of medical cannabis. ANGEL suffers from numerous

1 severe debilitating medical conditions for which cannabis uniquely provides relief. ANGEL's  
2 primary care physician, and all of her numerous specialist physicians, support ANGEL's use of  
3 medical cannabis. ANGEL is a Medical Necessity patient-member of the Oakland Cannabis  
4 Buyers' Cooperative, from which she used to obtain her medicine. Because ANGEL cannot  
5 cultivate her own cannabis, she now relies on two caregivers who provide cannabis to her  
6 without charge. ANGEL resides in Oakland, California.

7 7. Plaintiff DIANE MONSON of Butte County, California is a patient who uses medical  
8 cannabis on her doctor's recommendation to treat Severe Chronic Back Pain and Spasms. On  
9 August 15, 2002, following a three-hour standoff in MONSON's front yard, federal agents raided  
10 her home and seized her six (6) medical cannabis plants, in defiance of an urgent telephone plea  
11 by Butte County District Attorney Mike Ramsey to U.S. Attorney John K. Vincent imploring him  
12 to spare MONSON's medicine.

13 8. Plaintiff JOHN DOE NUMBER ONE, of Oakland, California, cultivates cannabis on  
14 ANGEL's behalf, which he supplies to ANGEL free of charge, without any cost or remuneration  
15 whatsoever. In order to protect ANGEL's supply of medical cannabis, JOHN DOE NUMBER  
16 ONE sues in an anonymous capacity. In the cultivation of ANGEL's medical cannabis, JOHN  
17 DOE NUMBER ONE uses only water and nutrients originating from within the borders of the  
18 State of California. Further, JOHN DOE NUMBER ONE uses exclusively growing equipment,  
19 supplies, and materials manufactured within the borders of the State of California. JOHN DOE  
20 NUMBER ONE cultivates for ANGEL medical-grade cannabis free of mold, fungus, pesticide  
21 residue, and other contaminants in the particular strains and potencies that ANGEL has found to  
22 be most effective in treating her specific medical conditions.

23 9. Plaintiff JOHN DOE NUMBER TWO, of Oakland, California, cultivates cannabis on  
24 ANGEL's behalf, which he supplies to ANGEL free of charge, without any cost or remuneration  
25 whatsoever. In order to protect ANGEL's supply of medical cannabis, JOHN DOE NUMBER  
26 TWO sues in an anonymous capacity. In the cultivation of ANGEL's medical cannabis, JOHN  
27 DOE NUMBER TWO uses only water and nutrients originating from within the borders of the  
28 State of California. Further, JOHN DOE NUMBER TWO uses exclusively growing equipment,

1 of her Chronic Pain conditions would quickly develop. When ANGEL's Pain levels are elevated  
2 she is prone to having Seizures.

3 15. The Appendix hereto, *supra*, is a description of ANGEL's numerous complex  
4 medical conditions, and an explanation of how medical cannabis is the only effective treatment  
5 for her medical conditions. Plaintiffs reallege and incorporate by reference all paragraphs of the  
6 Appendix hereto as if set forth fully in the body herein.

7 16. Without access to medical cannabis, ANGEL would experience horrible pain,  
8 suffering, and death. Horrible pain suffering, and death constitute irreparable harm.

9 17. ANGEL requires over two and one-half ounces of cannabis per week, or in excess of  
10 eight pounds of cannabis per year, for her personal medical consumption. Angel is a member of  
11 the Oakland Cannabis Buyers' Cooperative (OCBC), and used to obtain her medicine there, but  
12 cannot now obtain her medicine from OCBC because of Defendant UNITED STATES OF  
13 AMERICA's actions against the OCBC starting in 1998. ANGEL lives in fear that her home  
14 will be raided, her medical cannabis will be seized, she or her caregivers will be arrested, or her  
15 property will be forfeited by Defendants' actions, whether or not the Defendants ever file  
16 criminal charges against her. Stress from that fear is further exacerbating ANGEL's already  
17 precarious medical conditions.

18 18. If Defendants were to take ANGEL into custody and deny her access to medical  
19 cannabis, she would suffer serious medical consequences within a matter of hours. Because of  
20 ANGEL's already fragile medical condition, even a raid by Defendants on ANGEL would trigger  
21 severe medical repercussions.

22 19. ANGEL is at particular risk of being targeted by the Defendants: ANGEL has been  
23 quoted in electronic and print media locally, nationally, and internationally as a medical cannabis  
24 patient, and has defiantly stated that, faced with the alternative of an agonizing death, she would  
25 continue to use medical cannabis notwithstanding the federal war on cannabis patients. Contrary  
26 to claims by Defendant HUTCHINSON, the Defendants are engaging in a campaign of selective  
27 prosecution targeting medical cannabis patients, especially the ones who have been most  
28 outspoken publicly.

1 20. ANGEL is a Medical Necessity Patient. She is one (1) of only fourteen (14)  
2 members designated as being a Medical Necessity Patient by the OCBC following rigorous and  
3 meticulous evaluations by the OCBC's medical and administrative staff. As discussed more  
4 thoroughly herein, ANGEL suffers from numerous serious medical conditions. She would suffer  
5 imminent harm if she did not have access to cannabis. She needs cannabis to treat her medical  
6 conditions or their symptoms. She has no reasonable alternative to cannabis because she is  
7 violently allergic to virtually all pharmaceutical medications.

8 21. Plaintiff DIANE MONSON has suffered from Severe Chronic Back Pain and Spasms  
9 since 1989. She first tried medical cannabis in 1998, and uses it on the recommendation of her  
10 doctors in light of its remarkable efficacy at controlling her symptoms. MONSON's Spasms are  
11 an extremely painful experience in their own right, comparable in intensity to an uncontrollable  
12 cramp. Medical cannabis completely eliminates her Spasms. Even with medical cannabis,  
13 MONSON still experiences discomfort, but cannabis greatly relieves her Chronic Pain. Without  
14 cannabis, her spasms would return and she would be subjected to intense pain that cannot be  
15 relieved any other way. MONSON has tried various combinations of prescription  
16 pharmaceutical medications, but they are often ineffective and they always disrupt her quality of  
17 life by interfering with her ability to function. In contrast, MONSON has found cannabis to be  
18 both effective and free of undesirable side-effects.

## 19 20 LEGAL BACKGROUND

### 21 The Commerce Clause

22 22. Wholly intrastate activity is beyond the power of Congress "to regulate  
23 Commerce . . . among the several States," U.S. Const. Art. I, sec. 8. *See The Federalist* 42  
24 (J. Madison) (referring to the power "to regulate between State and State"). Protecting wholly  
25 intrastate commerce from the reach of Congress is a constitutional imperative in our federal  
26 system. To the extent the Controlled Substances Act purports to grant Defendants' authority to  
27 conduct the activities complained of herein, such Act exceeds the authority granted to Congress  
28 under the Commerce Clause. Plaintiffs seek protection for conduct that has no effect whatsoever

1 on interstate commerce; indeed, Plaintiffs' conduct is not commerce at all.

2 **State Sovereignty as Confirmed in the Tenth Amendment**

3       23. The Tenth Amendment confirms that the power of the Federal Government is subject  
4 to limits that may, in a given instance, reserve power to the States. Although the Constitution  
5 delegates to Congress the power over interstate commerce and other national concerns, the States  
6 are primarily responsible for the health and safety of their citizens, a power known as the "police  
7 power." Traditionally, no power is more central to the sovereignty of the States, and Congress  
8 lacks such a power. State governments have authority to enact measures reasonably necessary to  
9 protect public health. Congress cannot exercise its power over interstate commerce to interfere  
10 with a State's police power by prohibiting *wholly intrastate* conduct that the State mandates in  
11 the interest of health or safety. Respect for the sovereign States that comprise our Federal Union  
12 imposes a duty on federal courts, whenever possible, to avoid or minimize conflict between  
13 federal and state law, particularly in situations in which the citizens of a State have chosen to  
14 "serve as a laboratory" in the trial of "novel social and economic experiments without risk to the  
15 rest of the country." The only doctrine preventing federal usurpation of traditionally State-  
16 regulated activities is that such federal actions would violate the principles of federalism. To the  
17 extent the Controlled Substances Act purports to grant authority for Defendants to prohibit the  
18 conduct for which Plaintiffs herein seek protection, the Act exceeds Congress's constitutional  
19 authority by abrogating powers reserved to the State of California.

20 **Fundamental Constitutional Rights Protected by The Fifth and Ninth Amendments**

21       24. The Due Process Clause of the Fifth Amendment provides protection of  
22 unenumerated liberties against the federal government. The Ninth Amendment also provides  
23 protection under its express injunction that: "The enumeration in the Constitution of certain  
24 rights shall not be construed to deny or disparage others retained by the people." U.S. Const.  
25 Amend. IX. To receive constitutional protection, an unenumerated liberty must have roots in  
26 "our Nation's history, legal traditions, and practices." Infringements upon fundamental liberties  
27 call for heightened scrutiny of the means by which Congress exercises its enumerated powers.

28       25. The rights to bodily integrity, to ameliorate pain, and to prolong life are closely

1 related. They are distinct rights or specific aspects of the famous trinity of “life, liberty, and the  
2 pursuit of happiness” in the Declaration of Independence. These rights, with deep roots in our  
3 Nation’s history, legal tradition and practice, permit decisions about one’s body to be made free  
4 from governmental intervention. In the absence of a compelling interest that would be furthered  
5 by such a proscription, the government cannot, consistent with the Constitution, abridge these  
6 rights of Plaintiffs, who are seriously ill patients. No such compelling governmental interest  
7 exists.

8           26. The right to consult with one’s doctor about one’s medical condition is also a  
9 fundamental right deeply rooted in our history, legal traditions, and practices. Moreover,  
10 imperatives established by the sanctity of the physician-patient relationship prevent Defendants’  
11 interference with Plaintiffs’ ability to act on their doctors’ treatment recommendations.

12           27. Plaintiffs herein are entitled to heightened protection against Defendants’  
13 interference with Plaintiffs’ exercise of their fundamental rights and liberty interests. The  
14 Constitution does not allow Congress to authorize Defendants to deny or disparage the activities  
15 for which Plaintiffs seek protection herein.

16 **The Medical Necessity Doctrine**

17           28. The law in the Ninth Circuit specifically and expressly applies the medical necessity  
18 doctrine to those suffering patients who require medical cannabis. There is a class of people with  
19 serious medical conditions; for whom the use of cannabis is necessary in order to treat or  
20 alleviate those conditions or their symptoms; who will suffer serious harm if they are denied  
21 cannabis; and for whom there is no legal alternative to cannabis for the effective treatment of  
22 their medical conditions because they have tried other alternatives and have found that they are  
23 ineffective, or that they result in intolerable side effects. Although the Supreme Court has  
24 determined the doctrine is not available to a medical cannabis *distribution cooperative*, the  
25 applicability of the doctrine for seriously ill *patients* was not before the Court, and was notably  
26 preserved by the Court’s concurrence in *United States v. Oakland Cannabis Buyers’*  
27 *Cooperative*, 532 U.S. 483 (2001).

28           29. Plaintiffs ANGEL and MONSON are seriously ill patients for whom there is no

1 alternative means of avoiding starvation or extraordinary suffering without the benefits of  
2 medical cannabis. The medical necessity doctrine is available to these seriously ill patients to use  
3 and obtain medical cannabis for their own personal medical treatment.

4 **Credible Threat of Actual Harm**

5 30. Plaintiffs' fears of being victimized by Defendants are not merely theoretical.  
6 Defendants are continuing, indeed in the past year have escalated, their attacks on medical  
7 cannabis patients protected by State law in California and other States. Since September 11,  
8 2001, Defendants have terrorized more than 35 Californians because of medical cannabis,  
9 including many individual patients for merely their own personal cannabis medication --  
10 involving amounts as small as one (1) cannabis plant or one (1) ounce of medicine. During that  
11 same period, nearly half of all the federal marijuana cases filed in the Northern District of  
12 California have involved medical cannabis. In a public speech on February 12, 2002, Defendant  
13 HUTCHINSON asserted that enforcement of federal laws against medical cannabis was a  
14 "responsibility" of his agency. HUTCHINSON reiterated that sentiment in a September 30,  
15 2002, letter to California Attorney General Bill Lockyer, claiming the DEA is "legally mandated"  
16 to enforce such laws. With particular reference to Plaintiff MONSON's six medical cannabis  
17 plants, HUTCHINSON praised their seizure, claiming such action was Defendants' "duty under  
18 Federal law". Defendants' tactics commonly involve commando-style raids against sick patients  
19 in their homes, the pointing of high-powered automatic weapons at patients, and traumatizing  
20 patients and their loved ones. The Defendants frequently target those patients who are the most  
21 outspoken critics of federal policy. Being victimized by Defendants once provides no security  
22 for patients: The Defendants have raided several patients on more than one occasion -- always  
23 seizing medical cannabis, and sometimes initiating prosecutions or forfeiture actions against  
24 patients' property. Defendants' threats to medical cannabis patients are not confined to  
25 California, but extend as well to patients in various other States that permit medical cannabis.  
26 Plaintiffs reasonably fear further victimization by Defendants if the Court does not grant the  
27 relief sought herein.



1 **FIRST CAUSE OF ACTION**

2 31. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 30 as if set forth  
3 fully herein.

4 32. The Commerce Clause, Article I, Section 8, of the U.S. Constitution provides that  
5 "Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the  
6 several States, and with the Indian Tribes . . . ."

7 33. Defendants' actions to raid, arrest, prosecute, punish, seize medical cannabis of,  
8 forfeit property of, or seek civil or administrative sanctions against any Plaintiff herein for  
9 intrastate noncommercial activities involving the personal medical cannabis of Plaintiffs ANGEL  
10 or MONSON would violate the Commerce Clause as applied to Plaintiffs.

11  
12 **SECOND CAUSE OF ACTION**

13 34. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 30 as if set forth  
14 fully herein.

15 35. The Fifth Amendment to the U.S. Constitution provides that "No person shall be . . .  
16 deprived of life, liberty, or property, without due process of law . . . ."

17 36. Defendants' actions to raid, arrest, prosecute, punish, seize medical cannabis of,  
18 forfeit property of, or seek civil or administrative sanctions against any Plaintiff herein for  
19 activities involving the personal medical cannabis of Plaintiffs ANGEL or MONSON would  
20 violate the Fifth Amendment as applied to Plaintiffs.

21  
22 **THIRD CAUSE OF ACTION**

23 37. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 30 as if set forth  
24 fully herein.

25 38. The Ninth Amendment to the U.S. Constitution provides that "The enumeration in  
26 the Constitution, of certain rights, shall not be construed to deny or disparage others retained by  
27 the people."

28 39. Defendants' actions to raid, arrest, prosecute, punish, seize medical cannabis of,

1 forfeit property of, or seek civil or administrative sanctions against any Plaintiff herein for  
2 activities involving the personal medical cannabis of Plaintiffs ANGEL or MONSON would  
3 violate the Ninth Amendment as applied to Plaintiffs.

4  
5 **FOURTH CAUSE OF ACTION**

6 40. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 30 as if set forth  
7 fully herein.

8 41. The Tenth Amendment to the U.S. Constitution provides that "The powers not  
9 delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved  
10 to the States respectively, or to the people."

11 42. Defendants' actions to raid, arrest, prosecute, punish, seize medical cannabis of,  
12 forfeit property of, or seek civil or administrative sanctions against any Plaintiff herein for  
13 activities within the State of California involving the personal medical cannabis of Plaintiffs  
14 ANGEL or MONSON would violate the Tenth Amendment as applied to Plaintiffs.

15  
16 **FIFTH CAUSE OF ACTION**

17 43. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 30 as if set forth  
18 fully herein.

19 44. Under the doctrine of medical necessity, individual patients who (1) suffer from a  
20 serious medical condition, (2) will suffer imminent harm without access to cannabis, (3) need  
21 cannabis for the treatment of their medical condition or need cannabis to alleviate the medical  
22 condition or symptoms associated with the medical condition, and (4) have no reasonable legal  
23 alternative to cannabis for the effective treatment or alleviation of their medical condition or  
24 symptoms associated with the medical condition because they have tried all other legal  
25 alternatives to cannabis and the alternatives have been ineffective or result in intolerable side  
26 effects, may use and obtain medical cannabis for their own personal medical treatment.

27 45. Plaintiff ANGEL suffers from numerous serious medical conditions, would suffer  
28 imminent harm without access to cannabis, needs cannabis for the treatment of her medical

1 conditions and to alleviate symptoms associated with the medical conditions, and has tried all  
2 other reasonable legal alternatives to cannabis and found them to be ineffective or to result in  
3 intolerable side effects.

4 46. Plaintiff MONSON suffers from a serious medical condition, would suffer imminent  
5 harm without access to cannabis, needs cannabis for the treatment of her medical condition and  
6 to alleviate symptoms associated with the medical condition, and has tried all other reasonable  
7 legal alternatives to cannabis and found them to be ineffective or to result in intolerable side  
8 effects.

9 47. The doctrine of medical necessity permits Plaintiffs ANGEL and MONSON to use  
10 and obtain cannabis for their personal medical treatment free from the threat of Defendants'  
11 actions to raid, arrest, prosecute, punish, seize medical cannabis of, forfeit property of, or seek  
12 civil or administrative sanctions against them.

#### 13 14 **IRREPARABLE HARM**

15 48. Plaintiffs have suffered and will continue to suffer irreparable harm due to  
16 Defendant's challenged actions and practices described in this Complaint.

17 49. Plaintiffs face, or treat, serious or life-threatening medical conditions requiring  
18 therapy with cannabis to alleviate increased suffering, illness, or death. Defendants' interference  
19 with Plaintiff patients' treatment, and the resulting increased risk of suffering, illness, and death,  
20 constitute irreparable harm.

21 50. Plaintiff patients have constitutional rights to obtain treatment to alleviate their  
22 suffering. Defendants' actions are creating well-founded fear by Plaintiffs that Defendants will  
23 attack Plaintiffs' persons, medicine, health, or property, thus exacerbating Plaintiff patients'  
24 already serious medical conditions and constituting irreparable harm.

#### 25 26 **PRAYER FOR RELIEF**

27 WHEREFORE, Plaintiffs pray that this Court enter judgment as follows:

28 A. Issue a Preliminary Injunction during the pendency of this action and a Permanent

1 Injunction enjoining Defendants from arresting or prosecuting Plaintiffs, seizing their medical  
2 cannabis, forfeiting their property, or seeking civil or administrative sanctions against them for  
3 their activities with respect to any of the following:

4 (1) The possession of medical cannabis by Plaintiffs Angel McClary Raich and  
5 Diane Monson for their personal medical use;

6 (2) The ability of Plaintiff Angel McClary Raich to obtain medical cannabis from  
7 her Plaintiff caregivers, John Doe Number One and John Doe Number Two, for her personal  
8 medical use;

9 (3) The ability of Plaintiffs John Doe Number One and John Doe Number Two to  
10 cultivate and provide medical cannabis to Plaintiff Angel McClary Raich for her personal  
11 medical use;

12 (4) The processing of medical cannabis by Plaintiff Angel McClary Raich for her  
13 personal medical use; and

14 (5) The cultivation of medical cannabis by Plaintiff Diane Monson for her  
15 personal medical use.

16 B. Declare that enforcement of the Controlled Substances Act is unconstitutional to the  
17 extent it purports to prevent Plaintiffs from possessing, obtaining, manufacturing, or providing  
18 cannabis for Plaintiff patients' personal medical use.

19 C. Declare that the doctrine of Medical Necessity precludes enforcement of the  
20 Controlled Substances Act to the extent it purports to prevent ANGEL from possessing,  
21 obtaining, or manufacturing cannabis for her personal medical use.

22 D. Declare that the doctrine of Medical Necessity precludes enforcement of the  
23 Controlled Substances Act to the extent it purports to prevent MONSON from possessing,  
24 obtaining, or manufacturing cannabis for her personal medical use.

25 E. Award Plaintiffs their reasonable attorneys' fees and costs.  
26  
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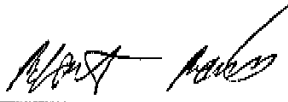
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F. Grant Plaintiffs such other and further relief as the Court deems just and proper.

Dated: October 9, 2002

Respectfully submitted,

ROBERT A. RAICH  
DAVID M. MICHAEL  
RANDY E. BARNETT

By:   
Robert A. Raich

Attorneys for Plaintiffs

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APPENDIX

MEDICAL CONDITIONS OF PLAINTIFF ANGEL McCLARY RAICH

51. Plaintiffs incorporate by reference all paragraphs in this Appendix as if set forth fully in the body of this document.

52. *Life-Threatening Weight Loss, Malnutrition, Cachexia, and Starvation:* ANGEL experiences great difficulty maintaining a healthy weight. ANGEL's physicians, including her gastroenterologist, are unable to diagnose the root cause of her weight problems or to prescribe an effective course of treatment. One fact, however, is clear: ANGEL literally cannot eat without a sufficiently high level of cannabis in her system. Without cannabis, ANGEL's weight can drop precipitously and she runs the very real risk of Malnutrition and Starvation. One result of Starvation is death. Death constitutes irreparable harm.

53. *Nausea:* ANGEL experiences chronic Nausea, which makes eating and drinking difficult, and exacerbates her wasting weight loss conditions. Even the smell, sight, or taste of food can trigger the nausea, and eating can cause stomach cramps leaving ANGEL in wrenching pain. Pharmaceutical anti-nausea medications are ineffective, but cannabis is the only medicine that provides relief.

54. *Severe Chronic Pain:* Every second that she is awake, ANGEL experiences Pain from one or more of the Chronic Pain conditions from which she suffers. She suffers greatly from Pain every single day. Sleep provides meager escape from the everpresent Pain she experiences. Her pervasive Pain and other conditions have made ANGEL permanently disabled. The prolonged Pain and suffering from her medical conditions significantly interferes with the quality of her life. Because ANGEL has an extremely high pain threshold, she is occasionally able to function when going about her life. On frequent occasions, however, the Pain becomes so great that ANGEL experiences difficulty performing everyday activities, or the Pain is so overpowering that she becomes completely debilitated and cannot get out of bed. When her nervous system becomes too overloaded with Pain, ANGEL experiences Muscle Spasms and Seizures. ANGEL's treatment is complicated by the fact that she is violently allergic to almost

1 all pharmaceutical medicines. Cannabis, however, has the effect of making it easier for ANGEL  
2 to tolerate her constant Pain, although it does not make the Pain go away. Without cannabis,  
3 ANGEL's Pain would be torturous. On one occasion shortly before she discovered the benefits  
4 of cannabis, ANGEL's Pain levels were so high for such a prolonged period of time that, her  
5 body and soul racked with agony, ANGEL attempted suicide -- as a desperate attempt at the only  
6 escape she could perceive from her torment.

7           A. ANGEL's numerous Pain conditions, as with all her medical conditions,  
8 exhibit a complicated interplay between each other, whose exacerbation presents the potential of  
9 a vicious spiral. Those Pain conditions include:

10           B. *Scoliosis*: ANGEL is plagued with abnormal curvatures and a rotation of the  
11 spine in her upper back and neck. She will be afflicted with Scoliosis until the day she dies.  
12 Scoliosis causes Chronic Pain in the vertebrae and muscles around her spine. The constant Pain  
13 ANGEL experiences from Scoliosis also causes or exacerbates other medical conditions by  
14 affecting the musculoskeletal system of the arms, ribs, shoulder, clavicle, neck, and jaw. In  
15 addition, the painful site of a recent neck and back injury causes excruciating burning Pain in her  
16 vertebrae, nerve problems going down both arms, and difficulties with her thumbs. The injury  
17 also caused several of ANGEL's other Pain conditions to worsen. The resulting Pain has caused  
18 ANGEL to experience multiple episodes of Seizures and Muscle Spasms (which are painful in  
19 their own right) further exacerbating ANGEL's other Chronic Pain conditions and causing new  
20 and painful secondary injuries. Perhaps most critically, the injury caused ANGEL to get  
21 Fibromyalgia, a pain and fatigue disorder.

22           C. *Temporomandibular Joint Dysfunction Syndrome (TMJ)*: TMJ combined with  
23 Bruxism causes pain, aching, throbbing, soreness, spasming, or cramps in ANGEL's face, gums,  
24 teeth, and jaw. This can make it difficult to talk, can make her jaw lock closed, can make eating  
25 difficult, and can cause headaches. Medical cannabis helps release ANGEL's cramps, relax her  
26 muscles, open her mouth, and cope with the Pain. Without medical cannabis, ANGEL's TMJ  
27 and Bruxism would spin out of control, worsening her Weight Loss conditions.

28           D. *Endometriosis*: Endometriosis causes ANGEL to experience disabling

1 excruciating pain, and light headedness due to blood loss, during menstrual periods. ANGEL has  
2 undergone seven surgeries for Endometriosis. Immediately following her most recent surgery,  
3 ANGEL vaporized with cannabis in the hospital, amazing her doctors and nurses with how fast  
4 she recovered relative to patients who use narcotics after surgery.

5           E *Headaches:* ANGEL experiences extremely Painful Headaches all over her  
6 head. ANGEL wakes up with Headaches nearly every morning. If they are too overpowering  
7 she must retreat to a dark quiet place. The muscles in her head and face can go into spasms,  
8 exacerbating the Headaches. Vaporizing or smoking cannabis helps ANGEL with Headaches that  
9 are not too bad, but the only medication that helps her with Severe Headaches is eating cannabis  
10 food.

11           F. *Rotator Cuff Syndrome:* A work-related injury in 1986 caused ANGEL to get  
12 Rotator Cuff Syndrome. Its Burning Pain has worsened over the years. She has difficulty doing  
13 repetitive tasks with her right arm, hand, shoulder, and shoulder blade. Overdoing them can  
14 cause her shoulder to freeze up and excruciating Burning Pain. Medical cannabis helps ANGEL  
15 cope with the Pain, and cannabis makes muscles, tendons, and ligaments around her shoulder  
16 joint more pliable, allowing her to use her arm.

17           G. *Uterine Fibroid Tumor:* ANGEL has a Fibroid Tumor within or on the uterine  
18 wall. This causes extremely heavy menstrual bleeding, making ANGEL light headed, dizzy, and  
19 nauseous to the point of almost passing out. The heavy bleeding and Painful menstrual periods  
20 can keep ANGEL down flat on her back for two or three days per month. Medical cannabis  
21 helps minimize ANGEL's pelvic Pain and helps release Spasms and Cramps, allowing her to  
22 function more easily.

23           H. Chronic Pain combined with the Paralysis that confined ANGEL to a  
24 wheelchair made her feel that she suffered indescribable torture in Hell. Only medical cannabis,  
25 characterized by ANGEL as a miracle sent to her from heaven, delivered ANGEL from the pits  
26 of that Hell. Without cannabis, ANGEL would endure the excruciating torture of Severe Chronic  
27 Pain, and she might even again attempt suicide in an effort to escape. Pain, Torture, and Death  
28 constitute irreparable harm.



1           55. *Post Traumatic Stress Disorder (P.T.S.D.):* Years of molestation, physical, and  
2 mental abuse by family members created traumas that left ANGEL with Post Traumatic Stress  
3 Disorder. Escalated raids by the Defendants on medical cannabis patients since 2001 have  
4 exacerbated ANGEL's P.T.S.D. symptoms: She can find herself uncontrollably overwhelmed  
5 feeling suddenly in danger, and consumed with feelings of fear, helplessness, and horror. She re-  
6 experiences past traumas, has nightmares, and becomes overwhelmed with anxiety. She is  
7 becoming increasingly upset, gets angry and aggressive feelings, and fears that she must defend  
8 herself before the federal government breaks in her door, attacks her, incarcerates her, or kills  
9 her. She experiences sensations of panic and of trying to escape, yet she is too sick and her body  
10 is too weak. Medical cannabis helps keep ANGEL from living in the past, helps her deal with  
11 flashbacks, and helps her have courage to face her past abuse, her anger, her sadness, and her  
12 hurt. Cannabis allows ANGEL to cope with and manage her P.T.S.D. symptoms in a calm safe  
13 manner. Experiencing traumatic events (such as learning of new raids by federal agents on  
14 medical cannabis patients) can still trigger the P.T.S.D.

15           56. *Non-Epileptic Seizures:* When ANGEL has a Seizure, she loses awareness, has  
16 uncontrollable movements of her arms or legs, shakes all over, and falls to the ground. If she  
17 forces herself to go about daily life while having functioning problems, if she moves too fast, or  
18 if she becomes frightened for any reason, she can have Seizures. They are extremely Painful,  
19 make all of her Pain conditions worse, and can trigger several of her other conditions. She may  
20 suffer for days at a time, having series of Seizures in combination with excruciatingly Painful  
21 body jerks, muscle spasms, and twitches. The use of medical cannabis minimizes those  
22 symptoms. Medicating with cannabis at the first onset of symptoms can prevent a seizure.

23           57. *Fibromyalgia:* Fibromyalgia is a condition characterized by multiple serious  
24 conditions. It causes ANGEL widespread chronic Pain in her muscles, ligaments, and tendons.  
25 Every muscle in her body can scream out Pain. The Pain can overload her body, putting her flat  
26 on her back for days. Fibromyalgia also causes extreme fatigue, totally draining ANGEL of  
27 energy, as though her arms and legs are tied to concrete blocks, and making it difficult to  
28 concentrate. Fibromyalgia further causes a sleep disorder inhibiting deep levels of sleep, as if

1 ANGEL spends nights with one foot in sleep and the other one out of it. Other Fibromyalgia  
2 symptoms ANGEL experiences include Premenstrual Syndrome, Painful periods, chest Pain,  
3 severe morning Stiffness, Cognitive Functioning Problems, Numbing in her arms and legs,  
4 Tingling sensations, muscle Twitching, Skin Sensitivity, Dizziness, Impaired Coordination,  
5 losing her balance, and stumbling. Medical cannabis makes ANGEL's muscles, tendons, and  
6 ligaments more pliable, allowing her to move and go about her life with her family. It also helps  
7 her cope with the Chronic Pain and makes physical therapy more effective.

8       58. *Inoperable Brain Tumor:* ANGEL has a Meningioma or Schwannoma Brain Tumor.  
9 The Tumor is too deep for surgeons to remove it. In research suppressed by Defendants,  
10 researchers found that THC (one component in medical cannabis) slowed the growth of Cancer  
11 in Mice. Later research (conducted outside the United States) confirmed that THC can destroy  
12 Brain Tumors in rats. ANGEL's doctors want her to continue medicating with cannabis in the  
13 hope that, among its other benefits, it will prevent her Brain Tumor from growing.

14       59. *Paralysis:* In September 1995, ANGEL suddenly lost the use of her right leg. By  
15 1996, ANGEL was paralyzed on the right side of her body. For two years, her doctors could not  
16 diagnose the cause of her paralysis or prescribe an effective treatment. They said ANGEL would  
17 never walk again. In 1998, the use of high quality cannabis allowed sensation slowly to return to  
18 ANGEL's right side. Finally, in 1999 ANGEL regained use of her arm and leg and eventually  
19 learned to walk again in a difficult process made possible by cannabis.