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9 Attorneys for Plaintiffs

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.

Case No. C 02 4872 EMC

**DECLARATION OF
FRANK HENRY LUCIDO, M.D.
IN SUPPORT OF
PRELIMINARY INJUNCTION**

NOV 1 2002 PM 2:13
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 I, FRANK HENRY LUCIDO, M.D., declare as follows:

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3 1. I am a physician licensed to practice medicine in California. I am Board Certified in
4 Family Practice, and have been practicing general Family Medicine at 2300 Durant Avenue,
5 Berkeley, California, since 1979. I have been on the Active Medical Staff of Alta Bates Hospital
6 for over 20 years. I have also been the medical director of skilled nursing facilities. I have been
7 Chairman of the Alta Bates Hospital Medical Education Committee, and a member of the Ethics
8 Committee and the Family Practice Advisory Board. I was voted "Best Doctor in Berkeley" by
9 the Daily Californian newspaper in 1993. Attached hereto is my Curriculum Vitae.

10 2. I am Angel McClary Raich's primary care physician, and have been coordinating her
11 care with numerous medical specialists. Angel presents a complex and complicated set of
12 conditions. It is my opinion that Angel cannot be without cannabis as medicine because of the
13 precipitous medical deterioration that would quickly develop.

14 3. Angel is seriously ill. Her medical records confirm that she has numerous serious
15 medical conditions, including life-threatening weight loss, nausea, severe chronic pain (from
16 scoliosis, temporomandibular joint dysfunction and bruxism, endometriosis, headache, rotator cuff
17 syndrome, uterine fibroid tumor causing severe dysmenorrhea, chronic pain combined with an
18 episode of paralysis that confined her to a wheelchair), post-traumatic stress disorder,
19 non-epileptic seizures, fibromyalgia, inoperable brain tumor (probable meningioma or
20 Schwannoma), paralysis on at least one occasion (the diagnosis of multiple sclerosis has been
21 considered), multiple chemical sensitivities, allergies, and asthma, and her body reacts with violent
22 side effects to almost all pharmaceutical medications.

23 4. Angel will suffer imminent harm without access to cannabis. Chronic severe pain
24 constitutes harm. Nausea and anorexia resulting in weight loss, risking malnutrition, cachexia,
25 starvation, and death, constitute harm. Untreated seizures constitute harm. Post-traumatic stress
26 disorder, inadequately treated, constitutes harm. Angel needs to medicate every two waking
27 hours. If she misses a treatment, it could quickly have dangerous repercussions for her health.
28 She clearly loses weight, and would risk wasting syndrome and death, without cannabis. No one

1 knows why she can't hold onto her weight. Angel could become gravely ill if she loses too much
2 more weight. Angel becomes debilitated from severe chronic pain. The pain is bad enough even
3 with cannabis, but it flares up immediately and becomes unmanageable without cannabis.

4 5. There are several studies concluding that cannabinoids may have significant anti-tumor
5 activity. I feel that Angel should continue medicating with cannabis in the hope that, among its
6 other benefits, it will prevent her brain tumor from growing.

7 6. Cannabis works well for Angel in a way that no other medicine has or can be expected
8 to in order to alleviate Angel's medical conditions or symptoms associated with them.

9 7. Angel has no reasonable legal alternative to cannabis for the effective treatment or
10 alleviation of her medical conditions or symptoms associated with the medical conditions because
11 she has tried essentially all other legal alternatives to cannabis and the alternatives have been
12 ineffective or result in intolerable side effects. Angel has tried all of the following medications,
13 which all resulted in unacceptable adverse side effects:

14 Marinol

15 Demulen Tablets

16 Codeine

17 Tylenol #3

18 Erythromycin

19 Acetaminophen with Codeine

20 Serzone

21 Amitriptyline

22 Clonidine

23 Meclizine

24 Promethazine

25 Depakote

26 Prazosin

27 Carbamazepine

28 Imipramine

- 1 Trazodone
- 2 Methadone
- 3 Hydrocodone
- 4 Dicloxacillin
- 5 Chlorpheniramine/Phenylpropanolamine
- 6 Beclonmethasone
- 7 Vicodin
- 8 Dilantin
- 9 Tagretol
- 10 Desipramine
- 11 Valproic Acid
- 12 Seldane
- 13 Lorazepam
- 14 Paxil
- 15 Lamotrigine (Lamictal)
- 16 Elavil
- 17 Soma
- 18 Albuterol Solution
- 19 Fentanyl
- 20 Versed

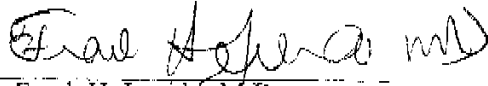
21 Most of the medicines listed above, and others not even listed, make Angel vomit violently. Other
22 side effects of the above medications include hot and cold flashes, shakes, diaphoresis, itching,
23 nausea, and drowsiness. In addition, Marinol caused rapid heart palpitations, dizziness, shaking,
24 and insomnia. Diagnostic lumbar tap and sympathetic block and stellate ganglion block in the
25 throat have been performed with no lasting benefit. After a certain number of medications have
26 been tried, it would be malpractice to subject the patient to further unnecessary harm.

27 8. Angel's medical records confirm that she uses two and one-half ounces of cannabis per
28 week, in various forms, including oral ingestion, smoking, vaporizing, and topical application.

1 There are no other treatments that I can reasonably recommend for Angel, other than what we are
 2 already doing in her course of treatment. It could very well be fatal for Angel to forego cannabis
 3 treatments because of a law that may purport to prohibit the medical use of cannabis.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on this 29th day of October, 2002, in Oakland, California.



 Frank H. Lucido, M.D.