

1 ROBERT A. RAICH (State Bar No. 147515)
1970 Broadway, Suite 1200
2 Oakland, California 94612
Telephone: (510) 338-0700

3 DAVID M. MICHAEL (State Bar No. 74031)
4 The DeMaritini Historical Landmark Building
294 Page Street
5 San Francisco, California 94102
Telephone: (415) 621-4500

6 RANDY E. BARNETT
7 Boston University School of Law
Boston, Massachusetts 02215
8 Telephone: (617) 353-3099

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
13 NUMBER ONE, and JOHN DOE
NUMBER TWO,

14 Plaintiffs,

15 v.

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

18 Defendants.
19
20
21

Case No. C 02 4872 EMC

**DECLARATION OF DIANE MONSON
IN SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION**

22 I, DIANE MONSON, declare as follows:

23 1. I am 45 years old and for last 24 years I have lived in the city of Oroville, located in
24 Butte County, California. I am one of the Plaintiffs in the above-entitled action.

25 2. I am a medical cannabis patient, and have been since March of 1999. I use medical
26 cannabis on the recommendation of my physicians for the treatment of my Severe Chronic Back
27 Pain and Spasms, which have plagued me since 1989. Dr. Rose has been my personal physician

for many years and is completely familiar with my medical condition.

1 3. The constant spasms with which I suffer, and which are related to, and caused by, my
2 chronic back pain, are an extremely painful experience in their own right, comparable in intensity
3 to an uncontrollable cramp. Cannabis completely eliminates these spasms as no other substance
4 has been able to do. Without cannabis, these spasms would be torturous and unbearable no
5 matter whatever other medications were available.

6 4. I have tried numerous prescription and non-prescription drugs for my Severe Chronic
7 Pain and Spasms, including Flexeril, a muscle relaxant, and Feldene, a powerful anti-
8 inflammatory. From the beginning those drugs caused me significant problems. Flexeril has a
9 very powerful effect on me and makes me groggy in any amounts, even if I halve the
10 recommended dosage. If I take the prescribed dosage, I inevitably fall asleep and am unable to
11 function as a normal human being. Flexeril has been ineffective in relieving my spasms and also
12 has many undesirable side effects. In addition, I am quite concerned about its effect on my
13 organs, including my kidneys and liver, over the many decades of necessary use, even if it were
14 effective in relieving my pain.

15 5. The other drugs I have had prescribed over the years are Vicodin and Vioxx. Vicodin,
16 an addictive drug, has a complete nauseating effect upon me and I avoid it because of the
17 extremely sick stomach that it leaves me with for several days after any use. Vioxx is supposed
18 to be easier on the stomach, so I take it occasionally to reduce the inflammation associated with
19 the back pain. Regardless, it does not relieve the spasms.

20 6. I am employed as the office manager for one business and the bookkeeper for several
21 other businesses as well. Inevitably, the stress levels with these responsibilities rise throughout
22 the day. The more stress I have, the worse the back pain is. I have sought out various methods
23 of self-help in dealing with my pain and suffering, including exercises, long walks, yoga and
24 stretches, which I do each and every night. I am keeping my weight down and eat a healthy diet.
25 I walk a very hard mile and a half per day, which helps to strengthen the back muscles as well.
26 Regardless of this regimen, my chronic back pain and spasms generally start by late morning
27 each day; when the yoga and walking that I do earlier that day wear off. From that point in the

1 day forward the pain worsens by the hour. Before I began using medical cannabis I was having
2 back spasms multiple times per week. Once a spasm starts it is very difficult to relax my back
3 enough to make it stop. Generally speaking, work is impossible during spasms, sitting down is
4 impossible, and the only way to even partially relieve the severe pain it causes is to lie down
altogether.

5 7. In early 1999, when I first tried cannabis for my back pain and spasms, I immediately
6 noticed a massive improvement in my level of pain. And from the moment I began to use
7 medical cannabis my spasms decreased in frequency about 75 percent. The medicine relaxes me
8 without making me sleepy, and so I can work again without pain. I still do most of the self-help
9 things I have been doing for years, and now I have added medical cannabis to my self-help list.
10 In addition to the smoking method, I use a vaporizer for the cannabis. My physicians
11 recommended the vaporizer. Another delivery method I have used with cannabis is a sublingual
12 spray form. This is a method I use in a more crowded situation, where other people might object
13 to the smoke from my medicine.

14 8. In early 2002 I elected to stop hormone replacement therapy. I had taken HRT for
15 nearly 14 years at that time and I began to worry about the side effects of that medicine and the
16 recently reported risks associated with such use. But I had no idea of the effect that quitting
17 would have upon my body and my psyche. The physical symptoms were fairly intense, with hot
18 flashes and trembling hands. The mental repercussions were even more debilitating. I became
19 anxious and had a hard time concentrating. Tears would come easily for little to no reason.
20 Although I have always sought out new clients and work, I was overwhelmed by responsibilities
21 and sought no further clients. I have to say my self-confidence plummeted in those first few
22 months after ending my hormone replacement therapy. I then discovered that cannabis helped
23 me through this stage in my life, too. While contemporaries are being prescribed Paxil and
24 Prozac and other drugs to help with these menopausal symptoms I rely on cannabis to calm my
25 psyche and alleviate the symptoms. Its effect upon me is soothing and I find that cannabis
26 alleviates the physical symptoms as well.

27 9. With regard to all of the above symptoms and medical conditions, I have found

1 medical cannabis to be both effective and free of undesirable side-effects. Cannabis virtually
 2 eliminates my debilitating and extremely painful Spasms and greatly relieves my Chronic Back
 3 Pain. Without cannabis, my spasms would return and I would be subjected to intense pain that
 4 cannot be relieved any other way. I have tried various combinations of prescription
 5 pharmaceutical medications, but they are often ineffective and they always disrupt my quality of
 6 life by interfering with my ability to function.

7 10. On August 15, 2002, deputies from the Butte County Sheriff's Department and DEA
 8 agents visited our home. After a discussion with them, the sheriff's deputies agreed that my
 9 cultivation and possession of six cannabis plants was lawful under the Compassionate Use Act of
 10 the State of California. The DEA agents insisted on seizing and destroying my plants. For three
 11 hours we talked with them, reasoned with them, and finally pleaded with them to leave the plants
 12 alone. The local District Attorney, Mike Ramsey, also fought for my right to keep my medicine
 13 by calling John K. Vincent, the U.S. Attorney for the Eastern District of California, to plead with
 14 him to keep the DEA agents from destroying my medicine. All of the efforts by my local law
 15 enforcement agents and the Butte County District Attorney were to no avail. As I stood and
 16 watched, the DEA agents chopped down my medicinal plants. I was crying and my back began
 17 to tighten up; for the rest of the week I experienced debilitating back spasms. I have not had a
 18 good night's sleep since the actions of the DEA in destroying my plants. My 20-year marriage is
 19 suffering as well because my wonderful husband also has to deal with all the repercussions of
 20 this action. We do not feel safe; we have had our civil rights and our rights under California law
 21 taken from us in our own back yard. I must now find a way to get my medicine from another
 22 source. To do so will be very expensive and I will have no idea what the quality of the medicine
 23 I receive will be.

24 I declare under penalty of perjury under the laws of the State of California that the
 25 foregoing is true and correct, and that this declaration was executed on this 29th day of October,
 26 2002, in Oroville, California.

27 
 28 Diane Monson