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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN JOSE DIVISION)**

COUNTY OF SANTA CRUZ, et al.,)
)
Plaintiffs,)
)
v.)
)
ERIC H. HOLDER, JR.,)
Attorney General of the United States;)
MICHELE LEONHART,)
Acting Administrator of the)
Drug Enforcement Administration; and)
R. GIL KERLIKOWSKE,)
Director of the Office of)
National Drug Control Policy,)
)
Defendants.)
_____)

Civil Action No. 03-1802 JF

**JOINT STIPULATION OF DISMISSAL
WITHOUT PREJUDICE**

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the parties hereby jointly stipulate to the dismissal of this action without prejudice, as follows:

1. On October 19, 2009, the United States Department of Justice issued a Memorandum from Deputy Attorney General David Ogden to selected United States Attorneys regarding Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana (hereinafter "Medical Marijuana Guidance"). This Medical Marijuana Guidance is incorporated herein and attached as Exhibit 1. As a result of the issuance of the Medical Marijuana Guidance, plaintiffs agree to dismiss this case without prejudice.

2. The parties further stipulate and agree that if Defendants withdraw, modify, or
cease to follow the Medical Marijuana Guidance, this case may be reinstated in its present
posture on any Plaintiffs’ motion, although if any Plaintiff seeks to reinstate this case,
Defendants reserve the right to argue that they have not withdrawn, modified, or ceased to
follow the Medical Marijuana Guidance, and that this case is moot. The parties further
stipulate and agree that any non-jurisdictional defenses challenging the timeliness of the
Plaintiffs’ reinstatement of this lawsuit, including laches, will be based solely on the delay, if
any, after the alleged change of policy on which the Plaintiffs base the reinstatement of this
lawsuit. The parties further stipulate and agree that all prior rulings shall remain as law of
the case, with the parties retaining their rights to appeal any of those rulings.

3. All parties will bear their own costs and fees.

Respectfully submitted,

FOR THE PLAINTIFFS

FOR THE DEFENDANTS

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IT IS SO ORDERED

JEREMY FOGEL
UNITED STATES DISTRICT JUDGE