

1 WILLIAM G. PANZER
 State Bar No. 128684
 2 370 Grand Avenue, Suite 3
 Oakland, California 94610
 3 Telephone: (510) 834-1892
 4 Attorney for Defendants
 MARIN ALLIANCE FOR MEDICAL
 5 MARIJUANA; LYNNETTE SHAW

6
 7

8 IN THE UNITED STATES COURT OF APPEALS
 9 FOR THE NINTH CIRCUIT

10

11 UNITED STATES OF AMERICA,)	Nos. No. 02-16335
)	
12 Appellee-Plaintiff,)	DECLARATION OF
)	<u>WILLIAM G. PANZER</u>
13 v.)	
)	
14 MARIN ALLIANCE FOR MEDICAL)	
MARIJUANA; LYNNETTE SHAW;)	
15)	
Appellants-Defendants.))	
16)	

17 I, WILLIAM G. PANZER, declare:

18 1. That I am admitted to practice before this
 19 Honorable Court, am licensed to practice law in the State of
 20 California and am counsel of record for appellants MARIN
 21 ALLIANCE FOR MEDICAL MARIJUANA and LYNNETTE SHAW in the above-
 22 captioned action;

23 2. Appellant Lynnette Shaw is the owner, director
 24 and manager of the entity known as appellant Marin Alliance for
 25 Medical Marijuana;

26 3. Unrelated to the instant appeal, I, along with my
 27 wife, are litigants in a civil matter in the Superior Court of
 28 the State of California, County of Mendocino, where we are

1 seeking conservatorship of my wife's 84 year-old mother who was
2 recently admitted to a nursing home in an emaciated state,
3 blind, and with dementia, following an operation to amputate her
4 foot due to gangrene. We are opposed in this action by my
5 wife's sister, Michelle Philson, who had been "caring" for my
6 mother-in-law prior to her admittance to the nursing home.
7 During the time that Ms. Philson was "caring" for my mother-in-
8 law, eyewitness reports were filed with the sheriff's office
9 accusing Ms. Philson of both physical and verbal abuse of my
10 mother-in-law. Also during this time period, substantial assets
11 were transferred from my mother-in-law to Ms. Philson under
12 suspicious circumstances. I have been advised that there is a
13 pending criminal investigation of Ms. Philson;

14 4. Appellant Lynnette Shaw is a friend of my sister-
15 in-law, Michelle Philson;

16 5. In connection with the above-described
17 conservatorship action in Mendocino County, Lynnette Shaw
18 submitted declarations in support of Ms. Philson that are false,
19 fictional, and defamatory to both myself and my wife. I believe
20 that Ms. Shaw's declaration is perjurious and, but for the
21 privilege afforded to statements made during the course of
22 litigation, would render her liable in a defamation action;

23 6. In addition to submitting the aforesaid
24 declarations, Ms. Shaw made a false report to the Fairfax Police
25 Department and caused an officer of said department to telephone
26 me and advise me that I was not to contact Ms. Shaw;

27 7. The attorney representing Ms. Philson in the
28 conservatorship matter has advised me that Ms. Shaw told him

1 that she had fired me as counsel for herself and appellant Marin
2 Alliance for Medical Marijuana;

3 8. I have received no communication from Ms. Shaw or
4 her representative advising me that I have been fired or that
5 new counsel has been retained;

6 9. In view of the above I cannot continue to
7 represent Ms. Shaw or the Marin Alliance for Medical Marijuana
8 in this or any other matter.

9
10 I declare under penalty of perjury as provided for by
11 the laws of the United States of America that the foregoing is
12 true and correct to the best of my knowledge.

13 Executed this 6th day of March, 2003, at Oakland,
14 California.

15
16 
17 _____
18 WILLIAM G. PANZER
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE BY FACSIMILE

The undersigned hereby declares:

I am employed in the City of Oakland, County of Alameda, am over the age of 18 years, and am not a party to the within action; my business address is 370 Grand Avenue, Suite 3, Oakland, California, 94610. On March 6, 2003, I served the attached:

MOTION TO WITHDRAW AS COUNSEL OF RECORD;
DECLARATION OF WILLIAM G. PANZER

on the parties in said action by transmitting via facsimile the above listed document(s) to the fax number(s) set forth below on this date before 5:00 p.m:

Lynnette Shaw
Marin Alliance for Medical Marijuana
6 School Street Plaza, Suite 215
Fairfax, CA 94930
FAX: (415) 256-8140

Counsel for Plaintiff: Mark T. Quinlivan, Esq.
U.S. Dept. of Justice
910 E Street, N.W.
Washington D.C. 20530
FAX: (202) 616 8470

Counsel for Defendants Robert A. Raich, Esq.
Oakland Cooperative; 1970 Broadway, Suite 1200
Jeffrey Jones: Oakland, CA 94612
FAX: (510) 338-0600

Counsel for Defendants David Nelson, Esq.
Ukiah Cannabis Buyer's Nelson & Reimenschneider
Club, et al. 106 N. School Street
Ukiah, CA 95482
FAX: (707) 468-8096

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on March 6, 2003, at Oakland, California.

/s/
