

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

DAVID NELSON (State Bar No.51231)
NELSON & RIEMENSCHNEIDER
P.O. BOX N
UKIAH, CA 95482
(707) 462-1351
Fax (707)468-8096

SUSAN B. JORDAN(State Bar No.49969)
Attorney at Law
505 South School Street
Ukiah, CA 95482
(707)462-2151
Fax (707) 462-2194

Attorneys for Defendants
UKIAH CANNABIS BUYER'S CLUB,
CHERRIE LOVETT, MARVIN LEHRMAN,
and MILDRED LEHRMAN

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,)
)
Appellee-Plaintiff,)
)
v.)
)
UKIAH CANNABIS BUYER'S CLUB,)
)
CHERRIE LOVETT, MARVIN)
)
LEHRMAN, and MILDRED LEHRMAN)
)
Appellants-Defendants.)
)
_____)
AND RELATED ACTIONS.)
_____)

No. 02-16715

MOTION TO WITHDRAW
AS COUNSEL OF RECORD;
DECLARATION OF
DAVID NELSON

TO THE HONORABLE JUDGES OF THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT AND TO ALL PARTIES TO THE WITHIN
ACTION:

David Nelson hereby moves this Honorable Court to allow him to
withdraw as counsel of record for Appellant-Defendants Ukiah Cannabis Buyer's
Club, Cherrie Lovett, Marvin Lehrman, and Mildred Lehrman on the grounds

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

that he has been appointed as a judge to the Mendocino County Superior Court and can no longer practice law. Co-Counsel Susan B. Jordan will remain as counsel of record for Appellant-Defendants Ukiah Cannabis Buyer's Club, Cherrie Lovett, Marvin Lehrman, and Mildred Lehrman. In support of this Motion, counsel submits the attached Declaration of David Nelson.

WHEREFORE, David Nelson requests that this Honorable Court grant the instant motion and relieve him as counsel of record for Appellant-Defendants in this matter.

Dated: October 14, 2003

Respectfully submitted,



DAVID NELSON

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

DAVID NELSON (State Bar No.51231)
NELSON & RIEMENSCHNEIDER
P.O. BOX N
UKIAH, CA 95482
(707) 462-1351
Fax (707)468-8096

SUSAN B. JORDAN(State Bar No.49969)
Attorney at Law
505 South School Street
Ukiah, CA 95482
(707)462-2151
Fax (707) 462-2194

Attorneys for Defendants
UKIAH CANNABIS BUYER'S CLUB,
CHERRIE LOVETT, MARVIN LEHRMAN,
and MILDRED LEHRMAN

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,)
)
Appellee-Plaintiff,)
)
v.)
)
UKIAH CANNABIS BUYER'S CLUB,)
CHERRIE LOVETT, MARVIN)
LEHRMAN, and MILDRED LEHRMAN)
)
Appellants-Defendants.)
)
_____)
AND RELATED ACTIONS.)
_____)

No. 02-16715

DECLARATION OF
DAVID NELSON

I, David Nelson, declare the following:

1. That I am admitted to practice before this Honorable Court, am licensed to practice law in the State of California and am counsel of record for Appellant-Defendants Ukiah Cannabis Buyer's Club, Cherrie Lovett, Marvin Lehrman, and Mildred Lehrman in the above-captioned action;

2. I was notified on October 8, 2003, that I have been appointed by

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

Governor Gray Davis to the Mendocino County Superior Court.

3. I will be sworn in as a judge on or about October 17, 2003, and must terminate my law practice before that date.

4. I therefore must withdraw as counsel for Appellant-Defendants Ukiah Cannabis Buyer's Club, Cherrie Lovett, Marvin Lehrman, and Mildred Lehrman.

5. Co-Counsel Susan B. Jordan will continue to serve as counsel for Appellant-Defendants Ukiah Cannabis Buyer's Club, Cherrie Lovett, Marvin Lehrman, and Mildred Lehrman.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 14 day of October, 2003, at Ukiah, California.



DAVID NELSON

PROOF OF SERVICE

I am a citizen of the United States and employed in Mendocino County; I am over the age of eighteen years and not a party to the within action; my business address is 106 N. School Street, Ukiah, California, 95482. On this day I served the above document

By Mail, by placing a copy in an addressed sealed envelope and depositing it in our regularly maintained interoffice mail. I am familiar with my employer's mail collection and processing practices, and know that said mail is collected and deposited with the United States Postal Service on the same day it is deposited in interoffice mail, and know that postage thereon is fully prepaid.

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 14, 2003, at Ukiah, California.


MIREYA ZAMORA

SERVICE LIST

United States of America

Mark T. Quinlivan
U.S. Department of Justice
901 E. Street, N.W., Room 1048
Washington, D.C. 20530

Ukiah Cannabis Buyers' Club

David Nelson
Nelson & Riemenschneider
P.O. Box N
Ukiah, CA 95482

Susan B. Jordan, Esq.
515 South School Street
Ukiah, CA 95482

Oakland Cannabis Buyers Cooperative, et al

Robert A. Raich
A Professional Law Corporation
1970 Broadway, Suite 1200
Oakland, California 94612

Gerald F. Uelmen
Santa Clara University
School of Law
Santa Clara, CA 95053

Randy Barnett
Boston University School of Law
765 Commonwealth Avenue
Boston, Massachusetts 02215

Annette P. Carnegie
Heather A. Moser
Morrison & Foester
425 Market Street
San Francisco, California 94105-2482

Marin Alliance for Medical Marijuana, et al

Rev. Lynette Shaw
Marin Alliance for Medical Marijuana
6 School Street Plaza, #215
Fairfax, CA 94930

Greg Anton
P.O. Box 299
Laganitas, CA 94938

Amicus Curiae State of California

Bill Lockyer, Attorney General of California
Peter Siggins, Chief Deputy Attorney General
Taylor S. Carey, Special Asst. Attorney General
1300 I Street
Sacramento, CA 94244

Amicus Curiae City of Oakland

John Russo, City Attorney
Barbara J. Parker, Chief Asst. City Attorney
City Hall
One Frank Ogawa Plaza, 6th Floor
Oakland, CA 94612

Amicus Curiae County of Alameda

Richard E. Winnie
Alameda County Counsel
1221 Oak Street, #450
Oakland, CA 94612

Amicus Curiae California Medical Association

Alice P. Mead
California Medical Association
221 Main Street, Third Floor
San Francisco, CA 94120-7690

David A. Handzo
Julie M. Carpenter
Robin M. Meriweather
Jenner & Block
601 13th Street, N.W.
Washington, DC 20005