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6 Edward Neil Brundridge, Ima Carter,  
Rebecca Nikkel and Lucia Y. Vier  
7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

12	_____ )	Nos.	C 98-00085 CRB
13	UNITED STATES OF AMERICA, )		C 98-00086 CRB
14	Plaintiff, )		C 98-00087 CRB
15	vs. )		C 98-00088 CRB
16	)		C 98-00245 CRB
17	CANNABIS CULTIVATOR'S CLUB, et al., )		<u>ORDER DENYING PLAINTIFF'S</u>
18	Defendants. )		<u>MOTION TO DISMISS</u>
19	_____ )		<u>COUNTERCLAIM-IN-</u>
20	AND RELATED ACTIONS )		<u>INTERVENTION FOR</u>
21	_____ )		<u>DECLARATORY AND INJUNCTIVE</u>
			<u>RELIEF</u>

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23 Plaintiff United States of America's motion to dismiss the counterclaim-in-  
24 intervention of defendants and counterclaimants EDWARD NEIL BRUNDRIDGE,  
25 IMA CARTER, REBECCA NIKKEL and LUCIA Y. VIER (the "Members") having  
26 come on regularly for hearing on February 5, 1999 before the Honorable Charles R.  
27 Breyer in Courtroom 8 of the United States District Court for the Northern District of  
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1 California; Thomas V. Loran III of the law firm of Pillsbury Madison & Sutro LLP  
2 appearing on behalf of the Members, and Mark T. Quinlivan of the United States  
3 Attorney's office having appeared on behalf of the moving party; and the Court having  
4 considered the pleadings on file and the papers filed in support of and in opposition to  
5 the motion, having heard oral argument and being otherwise fully advised:

6 IT IS HEREBY ORDERED that plaintiff's motion to dismiss the counterclaim  
7 for failure to state a claim upon which relief may be granted is DENIED

8 Dated: \_\_\_\_\_, 1999.

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Charles R. Breyer  
United States District Judge

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Docket No. C 98-00085 CRB  
C 98-00086 CRB  
C 98-00087 CRB  
C 98-00088 CRB  
C 98-00245 CRB

PROOF OF SERVICE BY OVERNIGHT COURIER

I, Doreen M. Griffin, hereby declare:

1. I am over the age of 18 years and am not a party to the within cause. I am employed by Pillsbury Madison & Sutro LLP in San Francisco, California.

2. My business address is 235 Montgomery Street, San Francisco, California 94104. My mailing address is P.O. Box 7880, San Francisco, CA 94120-7880.

3. On January 15, 1999, in the city where I am employed, I served a true copy of the attached document, titled exactly ORDER DENYING PLAINTIFF'S MOTION TO DISMISS COUNTERCLAIM-IN-INTERVENTION FOR DECLARATORY AND INJUNCTIVE RELIEF, by depositing it in a box or other facility regularly maintained by Federal Express, an express service carrier providing overnight delivery, or delivering it to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier, with overnight delivery fees paid or provided for, clearly labeled to identify the person being served at the address shown below:

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1 Mark T. Quinlivan, Esq.  
U.S. Department of Justice  
2 Civil Division, Room 1048  
901 E. Street, N.W.  
3 Washington, D.C. 20530  
(202) 514-3346 Telephone  
4 (202) 616-8470 Fax

5 Attorneys for Plaintiff  
United States of America

6  
7 I declare under penalty of perjury that the foregoing  
8 is true and correct.

9 Executed this 15th day of January, 1999, at San  
10 Francisco, California.

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Doreen M. Griffin

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PROOF OF SERVICE BY MAIL

I, Doreen M. Griffin, hereby declare:

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2. My business address is 235 Montgomery Street, San Francisco, California 94104. My mailing address is P.O. Box 7880, San Francisco, CA 94120-7880.

3. On January 15, 1999, I served a true copy of the attached document titled exactly ORDER DENYING PLAINTIFF'S MOTION TO DISMISS COUNTERCLAIM-IN-INTERVENTION FOR DECLARATORY AND INJUNCTIVE RELIEF by placing it in a sealed envelope and depositing it in the United States mail, first class postage fully prepaid, addressed to the following:

[See Attached Service List]

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of January, 1999, at San Francisco, California.

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Doreen M. Griffin

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