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CONTACT: STEVEN SCHECTMAN 213-626-2730

APRIL 15, 2008
JAMES SHAW 310-709-1544

RULING BY LA SUPERIOR COURT JUDGE THAT OVERTURNS MEDICAL MARIJUANA LAWS TO BE CHALLENGED

THURSDAY APRIL 17 2008; 8:30 AM
CHATSWORTH COURTHOUSE 9425 PENFIELD AVENUE, DEPARTMENT F46

Last month Judge Margaret Oldendorf, of the Los Angeles Superior Court ruled in an Unlawful Detainer Case that Federal Law Preempts California's Medical Marijuana Laws. If the ruling is allowed to stand, then Medical Marijuana in California will be effectively ended because, according to the ruling it would be illegal for California Commercial Property Owners to rent to Medical Marijuana Provider groups.

However, a hearing will take place this Thursday, April 17, 2008 at 8:30 am in Department F46 of the Chatsworth Division of the Los Angeles Superior Court before the Honorable Margaret Oldendorf challenging the ruling. At the hearing an attorney from the Union of Medical Marijuana Providers will argue that the Judgment should be vacated because the ruling was based on incorrect law.

The case entitled Parthenia Center v Today's Health Care Inc was filed as the result of the Landlords receipt of what can only be described as a threatening letter from the DEA Agent in Charge of the Los Angeles Office. That letter was one of approximately 400 sent by the DEA to such property owners across the State since June of last year as part of their ongoing "War on Medical Marijuana".

James Shaw, Executive Director of the Union of Medical Marijuana Providers (UMMP) said, "It has been our experience that many of our members as well as the general public are intimidated by the DEA. The DEA has been known to use heavy handed tactics. As a result, when the DEA makes a threat like they did in the Landlord letters, many simply accept what the DEA says as true. Consequently, it's just too scary for most people to even think about taking on the DEA in Court. That is one of the reasons we have created the Union, to try to correct this imbalance in our system of justice."

"The DEA sent out their letter without regard to the substantial body of case law which holds contrary to their assertion that Federal Law preempts California's Medical Marijuana Law", said Union Attorney Steven Schectman. "What is interesting is that the DEA has sent out Judge Oldendorf's decision in this case to various landlords and their attorneys while knowing this motion was pending. I have sent them a letter inviting them to participate in this proceeding and have asked them if they will send out the Judge's ruling in this case if it goes the way we think it should, against the DEA. I have asked them this because I and many others have observed that the DEA seems to think it need only follow Court decisions that it approves of, unlike the rest of us. It is imperative that a police agency like the DEA, which has been given so much power by the citizens of our country, operates subservient to the law and not above it. We shall see if the DEA agrees."

Union representatives will be available both before and after the hearing for further information.

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