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FILED
SEP 08 1998
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

Nos. C 98-00085 CRB
C 98-00086 CRB
C 98-00087 CRB
C 98-00088 CRB
C 98-00245 CRB

v.

CANNABIS CULTIVATOR'S CLUB; and
DENIS PERON,
Defendants.

ORDER

AND RELATED ACTIONS

Now before the Court are the motion for joinder and/or intervention and renewed motion for joinder and/or intervention of Pebbles Trippet and proposed-intervenor's motion to modify preliminary injunction. Proposed intervenor's motions do not comply with the requirements of Civil Local Rules 7-1, 7-2, and 7-4 and therefore no oppositions have been filed. The Court will nonetheless consider the motions for joinder/intervention on the merits.


Proposed intervenor alleges that he is a migraine patient with a medical need for marijuana. He states that he "has no basis for claiming marijuana is the *only* effective drug" for his condition, but that he is unwilling to try the new migraine drugs on the market. He claims that the defendant clubs do not have standing to raise issues related to his situation

1 and that the intervenor club members will not adequately protect his interests because they
2 alleged that marijuana is the only effective treatment for their medical conditions.

3 Federal Rule of Civil Procedure 24(a) provides for intervention-of-right
4 when the applicant claims an interest relating to the property or transaction
5 which is the subject of the action and the applicant is so situated that the
6 disposition of the action may as a practical matter impair or impede the
applicant's ability to protect that interest, unless the applicant's interest is
adequately represented by existing parties.

7 Assuming, without deciding, that proposed intervenor has an interest in the property at issue
8 in this lawsuit, the Court concludes that intervention is nonetheless unwarranted because the
9 proposed-intervenor's interests are adequately represented by existing parties. The defendant
10 clubs and their agents are ably represented and will adequately represent proposed-
11 intervenor's interests with respect to the operation of the clubs. Second, the intervenor club
12 members will adequately represent proposed-intervenor's interests with respect to any
13 substantive due process argument. The Court concludes that permissive intervention, *see*
14 Fed.R.Civ.P. 24(b), is inappropriate for the same reason. Accordingly, the motion to
15 intervene and the renewed motion to intervene are DENIED and the motion to modify the
16 preliminary injunction is DISMISSED.

17 Dated: September 8, 1998


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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE