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15 Attorneys for Defendants  
OAKLAND CANNABIS BUYERS' COOPERATIVE and  
16 JEFFREY JONES

17  
18 IN THE UNITED STATES DISTRICT COURT  
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
20 SAN FRANCISCO DIVISION

21 UNITED STATES OF AMERICA,  
22 Plaintiff,  
23 v.  
24 OAKLAND CANNABIS BUYERS'  
COOPERATIVE and JEFFREY JONES,  
25 Defendants.  
26

27 AND RELATED ACTIONS.  
28

No. C 98-0088 CRB  
**DECLARATION OF ANNETTE P.  
CARNEGIE IN SUPPORT OF  
DEFENDANTS' EX PARTE  
APPLICATION TO SHORTEN TIME  
FOR HEARING ON DEFENDANTS'  
MOTION FOR ENTRY OF PARTIAL  
JUDGMENT PURSUANT TO FEDERAL  
RULE OF CIVIL PROCEDURE 54(B)**

Date: August 9, 2002  
Time: 10:00 a.m.  
Honorable Charles R. Breyer

1 I, ANNETTE P. CARNEGIE, declare as follows:

2 1. I am a member of the law firm of Morrison & Foerster LLP and am admitted to practice  
3 before this Court. I am one of the counsel of record for Defendants OAKLAND CANNABIS  
4 BUYERS' COOPERATIVE and JEFFREY JONES (collectively "OCBC" or "Defendants"). If  
5 called as a witness, I could and would competently testify thereto.

6 2. On June 18, 2002, I contacted Mark T. Quinlivan, plaintiff's counsel of record in this  
7 case, by telephone. I informed Mr. Quinlivan of Defendants' intention to file a Motion for Entry of  
8 Partial Judgment Pursuant to Federal Rule of Civil Procedure 54(b). I further discussed the matter  
9 with Mr. Quinlivan on July 1, 2002. At that time, I informed Mr. Quinlivan of our intention to file  
10 this motion as quickly as possible and to have it heard on shortened time if necessary. Mr. Quinlivan  
11 indicated that he would get back to me on July 2 regarding the government's position. Not having  
12 heard from Mr. Quinlivan and because of the need to bring this matter to the Court's attention as  
13 quickly as possible, Defendants did not wish to delay filing these papers. We intend to continue  
14 discussions with the government, and will keep the Court informed of any developments affecting  
15 this motion.

16 3. Defendants believe that the Rule 54(b) motion should be resolved as quickly as possible  
17 so as to permit Defendants to pursue their appeal. Defendants also believe that the matter can be  
18 resolved without a hearing. Given the importance of the issues involved, Defendants request that the  
19 Court act expeditiously upon Defendants' motion, so that Defendants may timely file their Notice of  
20 Appeal. That appeal should not be delayed by the government's failure to seek a summary judgment  
21 against the Intervenors.

22 I declare under penalty of perjury under the laws of the United States and the State of  
23 California that the foregoing is true and correct.

24 Executed this 3rd day of July 2002, at San Francisco, California.

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Annette P. Carnegie