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RECEIVED  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

JW

CV 11

5596

14 UNITED STATES OF AMERICA,  
15 Plaintiff,

No. CV 11-

16 v.

COMPLAINT FOR FORFEITURE

17 REAL PROPERTY LOCATED AT  
18 6 SCHOOL STREET, FAIRFAX,  
CALIFORNIA,

19 Defendant.

21 In this *in rem* forfeiture action, the United States alleges:

22 JURISDICTION AND VENUE

23 1. This *in rem* forfeiture action is brought pursuant to Title 21, United States Code,  
24 Section 881(a)(7).

25 2. This Court has jurisdiction under Title 28, United States Code, Sections 1345 and  
26 1355.

27 3. Venue lies in the Northern District of California pursuant to Title 28, United  
28 States Code, Sections 1355(b) and 1395(a) and (b), as the acts giving rise to this *in rem* action

1 occurred in this district and the defendant real property is located in this district.

2 4. Intra-district venue is appropriate in the San Francisco Division.

3 **PARTIES AND INTERESTED PERSONS**

4 5. Plaintiff is the United States of America.

5 6. Defendant is the real property located at 6 School Street, Fairfax, California,  
6 Marin County, identified by assessor's parcel number 002-112-13, and further described in  
7 Attachment A, affixed hereto and incorporated herein ("defendant real property"). The  
8 defendant real property is a two-story multi-tenant office park building. The defendant real  
9 property is the business address for Marin Alliance for Medical Marijuana ("MAMM"), a  
10 marijuana store operating in Suites #210 and #215.

11 7. According to the lien report issued by LSI Title Company, Farshid Ezazi is the  
12 owner of record for the defendant real property. The lien report also reflects a deed of trust to  
13 secure indebtedness in the amount of \$1,965,000 was recorded in the Marin County Recorder's  
14 Office on November 19, 2010, for the benefit of J.P. Morgan Chase Bank, N.A.

15 **FACTS**

16 8. Plaintiff incorporates by reference the allegations of paragraphs one through seven  
17 as though fully set forth herein.

18 9. At all times relevant in this complaint, the defendant real property was the  
19 business location of MAMM, a marijuana store which distributes marijuana, and facilitates the  
20 distribution of marijuana, to its customers and accepts money for the distribution of said  
21 marijuana. MAMM operates its marijuana business out of at least two suites at the defendant  
22 real property – suites # 210 and #215.

23 10. Lynette Shaw is believed to be the owner, operator, founder and/or proprietor of  
24 MAMM.

25 11. MAMM purports to distribute marijuana and facilitate the distribution of  
26 marijuana to its customers under a conditional use permit issued by the Town of Fairfax. Upon  
27 information and belief, under the terms of the conditional use permit minors (individuals under  
28 the age of 18) are allowed entry into the marijuana store if accompanied by a parent, legal

1 guardian or medical professional. The terms of the conditional use permit thus authorizes  
2 MAMM to distribute marijuana and facilitate the distribution of marijuana to minors. Upon  
3 information and belief, MAMM distributes and facilitates the distribution of marijuana to  
4 minors.

5 12. Central Field is a little league baseball field located at Contratti Park on Bank  
6 Street in Fairfax. MAMM, which located at 6 School Street, is within 1000 feet of Central Field.  
7 According to MAMM's website, MAMM's is open seven days a week – from 9 a.m. to 9 p.m.,  
8 Monday through Saturday, and 9 a.m. to 5 p.m. on Sunday.

9 13. Since at least 1996 and continuing until the present, Lynette Shaw has operated a  
10 marijuana store engaged in the distribution of marijuana at the defendant real property. Since at  
11 least 1997, MAMM has engaged in the distribution of marijuana at the defendant real property.

12 14. On January 9, 1998, plaintiff filed a complaint in the Northern District of  
13 California seeking to enjoin MAMM and Lynette Shaw from distributing marijuana and  
14 conspiring to distribute marijuana at the defendant real property in violation of federal law. The  
15 matter is captioned *United States v. Marin Alliance for Medical Marijuana*, Case No. CV 98-  
16 0086-CRB.

17 15. As a result of the government's lawsuit, on or about June 10, 2002, the District  
18 Court issued an order permanently enjoining MAMM and Lynette Shaw from engaging in the  
19 distribution of marijuana, the possession with the intent to distribute marijuana, or the  
20 manufacture of marijuana with the intent to distribute marijuana, in violation of federal law. The  
21 court's order also enjoined MAMM and Shaw from using Suite 210 of the defendant real  
22 property for the purpose of engaging in the manufacture and distribution of marijuana. The  
23 Court's order also enjoined MAMM and Shaw from conspiring to violate the Controlled  
24 Substances Act with respect to the distribution of marijuana, the manufacture of marijuana with  
25 the intent to distribute, or the possession of marijuana with the intent to distribute. (See  
26 Attachment B).

27 16. In December 2007, Farshid Ezazi, the owner of the defendant real property,  
28 received a letter from the Drug Enforcement Administration advising him that there was a

1 marijuana dispensary operating at the defendant real property in violation of federal law. The  
2 letter further advised that continued operation of a marijuana store at this property could result in  
3 criminal and civil penalties, including forfeiture of the defendant real property.

4 17. On September 28, 2011, the United States Attorney's Office for the Northern  
5 District of California sent Farshid Ezazi a letter notifying him that MAMM was operating a  
6 marijuana dispensary at the defendant real property in Suite #215 in violation of federal law. The  
7 letter further advised that continued operation of a marijuana store at this property could result in  
8 criminal and civil penalties, including forfeiture of the defendant real property.

9 18. On September 28, 2011, the United States Attorney's Office for the Northern  
10 District of California sent JP Morgan Chase Bank, N.A., the lienholder of the defendant real  
11 property, a letter notifying them that MAMM was operating a marijuana dispensary at the  
12 defendant real property in Suite #215 in violation of federal law. The letter further advised that  
13 continued operation of a marijuana store at this property could result in criminal and civil  
14 penalties, including forfeiture of the defendant real property.

15 19. Despite the existence of the permanent injunction and the letters notifying the  
16 property owner and lienholder of the operation of a marijuana store in violation of federal law,  
17 MAMM continues to distribute and facilitate the distribution of marijuana at the defendant real  
18 property.

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**CLAIM FOR RELIEF**  
**21 U.S.C. § 881(a)(7)**

**(forfeiture of property used to facilitate cultivation, sale or distribution of marijuana)**

20. The United States incorporates by reference the allegations in paragraphs one through 19 as though fully set forth.

21. Title 21, United States Code, Section 841(a) prohibits the manufacture, distribution or dispensing and possession with the intent to manufacture, distribute or dispense a controlled substance, to wit: marijuana.

22. Title 21, United States Code, Section 856 makes it unlawful to rent, lease, profit from or make available for use, with or without compensation, a place for the purpose of unlawfully manufacturing, storing distributing or using a controlled substance, to wit: marijuana.

23. Title 21, United States Code, Section 881(a)(7) provides for the forfeiture of all real property, including any right, title, and interest, which is used or intended to be used, in any manner or part to commit, or facilitate the commission of any violation of Title 21, United States Code, Chapter 13, Subchapter I, to include sections 841 and 856.

24. In light of the foregoing, plaintiff alleges that the defendant real property represents is subject to forfeiture, pursuant to Title 21, United States Code, Section 881(a)(7), as property which was used or intended to be used, to commit or facilitate the commission of the distribution, cultivation and possession with the intent to distribute and cultivate marijuana.

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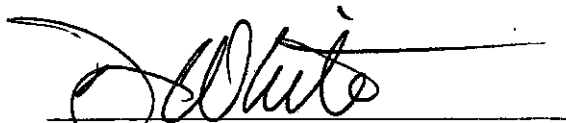
1 VERIFICATION

2  
3 I, DAVID WHITE, state as follows:

4 1. I am a Special Agent with the United States Department of Justice, Drug  
5 Enforcement Administration. As the agent assigned to this case I am familiar with the facts and  
6 investigation leading to the filing of this Complaint for Forfeiture.

7 2. I have read the Complaint, and based upon my personal knowledge, discussions  
8 with persons involved in the investigation and my review of relevant investigative reports and  
9 other documentation, I believe the allegations contained in it to be true.

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11 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
12 knowledge. Executed this 18 day of November 2011, in SAN FRANCISCO, California.

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16 DAVID WHITE  
17 Special Agent  
18 Drug Enforcement Administration  
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ATTACHMENT A

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**EXHIBIT A**

**LEGAL DESCRIPTION OF PROPERTY**

The Property is located in the City of Fairfax, County of Marin, State of California and is described as follows:

**PARCEL ONE:**

Lots 24, 25 and 26, as shown upon that certain Map entitled "Map No. 1, Fairfax Park Tract, Marin Co., Calif.", filed for record June 5, 1911 in Volume 4 of Maps, at Page 1, Marin County Records,

**PARCEL TWO:**

Beginning at the most Northerly corner of Lot 59, as shown upon that certain Map entitled "Frustruck and Wreden Subdivision of Fairfax Park", filed for record January 8, 1914 in Volume 4 of Maps, at Page 64, Marin County Records, on the Westerly line of Marin Street and running along said line, North 38° 45' West 56.3 feet; thence North 29° 13' West 24 feet to the Southerly line of 40 foot road; thence along said last mentioned line, South 85° 21' West 56.8 feet; thence South 69° 10' West 62.55 feet and thence South 38° 51' West 23.4 feet; thence leaving said line and running South 42° 54' East 170.1 feet and thence North 84° 33' East 149 feet to the point of beginning.

Being Lot marked "Z7" reserved, on a Map entitled, "Map No. 1, Fairfax Park Tract", filed for record June 5, 1911 in Volume 4 of Maps, at Page 1, Marin County Records, Together with all and singular the tenements.

**PARCEL THREE:**

Lots 57, 58, 59, 60, 61, 62 and 63, as shown upon that certain Map entitled "Frustruck and Wreden Subdivision of Fairfax Park", filed for record January 8, 1914 in Volume 4 of Maps, at Page 64, Marin County Records.

ATTACHMENT B

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**FILED**

JUN 10 2002

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

JUN 11 2002

ENTERED IN CIVIL DOCKET

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

UNITED STATES OF AMERICA,

No. C 98-00086 CRB

Plaintiff,

**JUDGMENT; PERMANENT  
INJUNCTION**

v.

MARIN ALLIANCE FOR MEDICAL  
MARIJUANA, and LYNETTE SHAW,

Defendants.

The Court having granted plaintiff's motion for summary judgment by Memorandum and Order filed May 3, 2002, and for the reasons stated in its Memorandum and Order dated June 10, 2002, it is hereby ORDERED that judgment be entered in favor of the United States of America and against defendants Marin Alliance For Medical Marijuana and Lynette Shaw as follows:

1. Defendants Marin Alliance for Medical Marijuana and Lynette Shaw are hereby permanently enjoined from engaging in the distribution of marijuana, the possession of marijuana with the intent to distribute, or the manufacture of marijuana with the intent to distribute, in violation of 21 U.S.C. § 841(a)(1); and

2. Defendants Marin Alliance for Medical Marijuana and Lynette Shaw are hereby permanently enjoined from using the premises of Suite 210, School Street Plaza,

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PARTIES OF RECORD

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Fairfax, California for the purposes of engaging in the manufacture and distribution of marijuana; and

3. Defendant Lynette Shaw is hereby permanently enjoined from conspiring to violate the Controlled Substances Act, 21 U.S.C. § 841(a)(1) with respect to the distribution of marijuana, the manufacture of marijuana with the intent to distribute, or the possession of marijuana with the intent to distribute.

4. It shall not be a violation of this injunction for defendants to seek and obtain legal advice from their attorneys.

5. Pursuant to Federal Rule of Civil Procedure 65(d), this injunction shall bind the defendants, their officers, agents, servants, employees, successors, and attorneys, and those persons in active concert or participation with them who receive notice of the order by personal service or otherwise.

**IT IS SO ORDERED.**

Dated: June 10, 2002



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

FILE COPY

bae

United States District Court  
for the  
Northern District of California  
June 12, 2002

\* \* CERTIFICATE OF SERVICE \* \*

Case Number:3:98-cv-00086

USA

vs

Marin Alliance

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 12, 2002, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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