

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MONA ALLEN, et al.,
Plaintiffs,
v.
COUNTY OF LAKE, et al.,
Defendants.

Case No. 14-cv-03934-TEH

**ORDER RE: HEARING ON
PLAINTIFFS’ MOTION FOR A
PRELIMINARY INJUNCTION**

The parties shall come prepared to address the following at the October 6, 2014 hearing on Plaintiffs’ motion for a preliminary injunction:

QUESTIONS FOR PLAINTIFFS:

1. Do all Plaintiffs primarily reside in Lake County, and were the properties at issue their residential properties?
2. Several of the Plaintiffs were clearly out of compliance with the Ordinance. Why do they not have unclean hands when they ask this Court for equitable relief?
3. The Court notes that one Plaintiff had twenty-five medical marijuana plants on her property. Is this number of plants typical for a single medical marijuana patient?
4. Why does the balance of equities favor Plaintiffs?
5. Why should the Court not apply the “heavy burden” test for the injunction in this case?
6. How should the Court write an injunction that protects Plaintiffs’ Fourth Amendment rights while also allowing the County to take action in legitimate emergencies?

//
//
//

United States District Court
Northern District of California

1 7. The Court is concerned that the allegations against the individual defendants do
2 not state a claim for relief. How should the Court write an injunction that protects
3 Plaintiffs' Fourth Amendment rights if the allegations against these officials are
4 insufficient?
5

6 **QUESTIONS FOR DEFENDANTS:**

7 1. How long does it take to obtain a warrant for a search and seizure such as those
8 at issue in this case?

9 2. Why is the water used by, for example, six plants on less than an acre outdoors
10 an emergency, justifying a warrantless search and seizure, but the water used by six plants
11 on just over an acre outdoors, or the water used by as many plants as fit in 100 square feet
12 indoors, perfectly acceptable under the Ordinance? Why are these standards not arbitrary?

13 3. Were the abatements at issue conducted according to the Ordinance's summary
14 abatement provision, or were these seizures consensual?

15 4. What is the justification for engaging in the immediate abatement of the
16 marijuana plants as opposed to waiting only five days to abate them in accordance with the
17 Ordinance's notice process?

18 5. What other agricultural crops have been abated, summarily or otherwise, in order
19 to save water in Lake County?

20 6. Besides the current drought, why does the balance of hardships favor
21 Defendants?
22
23

24 **IT IS SO ORDERED.**

25
26 Dated: 10/02/2014



THELTON E. HENDERSON
United States District Judge