

2nd Civil No. B230436

IN THE
COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE
SECOND APPELLATE DISTRICT, DIVISION 8

AMERICANS FOR SAFE ACCESS, ET
AL.,

Appellants,

v.

THE CITY OF LOS ANGELES,

Respondent.

Civil Case No. BC433942

On Appeal From the Superior Court
of California, County of Los Angeles

Judge: The Honorable Anthony J. Mohr

LETTER BRIEF

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April ⁷~~8~~, 2011

Presiding Justice Tricia A. Bigelow
Associate Justice Laurence D. Rubin
Associate Justice Madeleine Flier
Associate Justice Elizabeth A. Grimes
Second District Court of Appeal, Division 8
Ronald Reagan State Building
300 South Spring Street, Second Floor
Los Angeles, California 90013

Re: *Americans for Safe Access, et al., v. City of Los Angeles et al.*,
Court of Appeal Case No. ~~B~~230436

Presiding Justice and Associate Justices of the Court of Appeal:

The League of California Cities (“League”) hereby submits this letter in support of the petition for writ of mandate and for a writ supersedeas filed by the City of Los Angeles (“City”) in the above-referenced matter. Although an appeal of the lower court’s decision was filed by the City, the League supports the City’s urgent request for immediate appellate review of the lower court’s decision. In the event that the Court of Appeal declines to provide immediate appellate review as requested in the petition for writ of mandate, the League will submit a request to file an amicus brief in the pending appeal.

The League of California Cities is an association of 476 California cities dedicated to protecting the public health, safety and welfare of Californians. The League is advised by its Legal Advocacy Committee consisting of 24 city attorneys representing all regions of California. They monitor appellate litigation to identify cases that are statewide significance. The Legal Advocacy Committee has identified this case as being of significance.

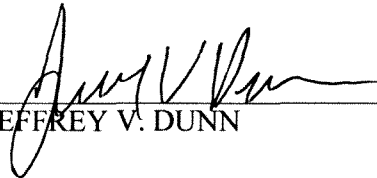
In particular, the League respectfully requests immediate appellate review of the lower court’s decision, in part, finding state law preemption of the City’s ability to regulate medical marijuana distribution facilities. The lower court’s finding of state law preemption is inconsistent with existing law finding there is no preemption of well-established authority allowing cities and counties to regulate medical marijuana distribution facilities within their

respective jurisdictions. (*County of Los Angeles v. Hill* (2011) 192 Cal.App.4th 861 and *City of Claremont v. Kruse* (2009) 177 Cal.App.4th 1153.)

Cities throughout California rely upon case law recognizing their ability to regulate marijuana distribution facilities. By one advocacy's group's recent count, 103 cities and 15 counties have adopted moratoria prohibiting medical marijuana dispensaries; and 143 cities and 12 counties have adopted permanent prohibitions of one sort or another. (See <http://www.safeaccessnow.org/article.php?id+3165>.) The highly-publicized lower court's decision creates public confusion as the ability of the City of Los Angeles and other California cities ability to regulate medical marijuana distribution facilities. For this reason, the League respectfully requests immediate appellate review of the lower court's decision.

Dated: April ⁷ 8, 2011

BEST BEST & KRIEGER LLP

By: 
JEFFREY V. DUNN

Dated: April ⁶ 5, 2011

BURKE, WILLIAMS & SORENSEN, LLP

By: 
THOMAS B. BROWN

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PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 300 South Grand Avenue, 25th Floor, Los Angeles, California 90071. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On April 7, 2011, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

LETTER BRIEF

in a sealed envelope, postage fully paid, addressed as follows:

SEE ATTACHED LIST

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 7, 2011, at Los Angeles, California.



Faith D. Kristiansen

SERVICE LIST

*MEDICAL MARIJUANA COLLECTIVES LITIGATION
Americans for Safe Access v. City of Los Angeles
Los Angeles Superior Court Case No. BC433942(Lead Case)
Court of Appeal Case No. B230436*

*Related Action Case No. BC436239, BC4368596, BC438588, BC439647,
BC439660, BC438497, EC053150, BC438584, BC438593, BC438585,
BC438594, BC438587, BC438586, BC438589, LC089912, BC438772,
BC439123, PC048354, BC440036*

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		<p>Greenthumb Medicinal Clinic, Inc., PC048354 Green Valley Collective, Inc., Natural Solutions Patient Care, Inc.; House of Kush, Inc., LC089912 The Hollywood Collective, BC439660 Kush Korner IV, BS439647</p> <p>Appellate Court Designation: Respondent Trial Court Designation: Plaintiffs</p>
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<p>Honorable Anthony J. Mohr Los Angeles Superior Court Judge Central Civil West Courthouse 600 S. Commonwealth, Dept. 309 Los Angeles, CA 90005</p>	<p>Tel: (213) 531-8590</p>	<p>Served with 2 copies (via personal delivery)</p>

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