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Superior Court of California
County of Fresno
By: C. York, Deputy

7 Attorneys for Amicus Curiae HK CANNABIS LAW on
behalf of Defendants BUREAU OF CANNABIS CONTROL;
8 and LORI AJAX, Chief of the Bureau

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF FRESNO**

11
12 COUNTY OF SANTA CRUZ, ET AL.,

13 Plaintiffs,

14 vs.

15 BUREAU OF CANNABIS CONTROL; LORI
16 AJAX, IN HER OFFICIAL CAPACITY AS
CHIEF OF THE BUREAU OF CANNABIS
17 CONTROL, AND DOES 1 THROUGH 10,
INCLUSIVE,

18 Defendants.

CASE NO. 19CECG01224

**EX PARTE APPLICATION FOR LEAVE
TO SUBMIT AN AMICUS CURIAE BRIEF**

DATE: AUGUST 4, 2020

TIME: 3:30 P.M.

DEPT: 502

JUDGE: HON. ROSEMARY T. MCGUIRE

ACTION FILED: APRIL 4, 2019

TRIAL DATE: AUGUST 6, 2020

19
20 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

21 PLEASE TAKE NOTICE that on August 4, 2020 at 3:30 p.m. in Department 502 of the
22 Fresno County Superior Court, *amicus curiae* HK Cannabis Law (“*amicus*”), will appear ex parte
23 to request leave of the court to submit and file an *amicus curiae* brief in the above matter, as
24 follows:

25 **EX PARTE APPLICATION**

26 Having an interest in the status and protection of the laws, rules and regulations governing
27 California’s Cannabis law, *amicus curiae* HK Cannabis Law, a law group within Huguenin Kahn
28 LLP, hereby requests leave of the court to appear for the sole purpose of submitting and filing an

1 *Amicus Curiae* brief in the above-named action involving statutory interpretation of an initiative
2 statute governing a significant and vital area of the law. A proposed copy of the brief is attached as
3 Exhibit A to the accompanying Declaration of Robert J. Kahn, served and filed herewith.

4 *Amicus* wishes to make clear that it does not seek leave to intervene, nor to appear at or
5 otherwise be involved in the trial or related proceedings to be held in this action. *Amicus'* only
6 request is to be allowed to submit and file its *amicus curiae* brief, solely for the Court's
7 consideration and possible assistance in addressing the issues raised in the action.

8 Mindful that both Plaintiffs and Defendants are ably represented by their respective
9 counsel, *amicus* nevertheless believes that its brief offers a perspective, as well as an approach to
10 the Court's task in this matter, that is distinct from that offered by the parties in their briefing to
11 date. Simply put, *amicus* is confident that, consistent with the applicable rules of statutory
12 interpretation of an initiative statute, the meaning of the two statutes in question, Sections
13 26200(a)(1) and 26090(e) of the California Business and Professions Code, can be (and indeed
14 should be) determined from the plain language of the statutes themselves, from the words used as
15 well as those that were not, and when read as a whole and in the context of other specific
16 provisions of Prop. 64 and S.B. 94.

17 As indicated in the brief, the brief is being offered on behalf of the defendants in the action.
18 But that is not the only reason. It is also being offered in the interests of preserving the intent of the
19 voters, as expressed through the approved language of Sections 26200(a)(1) and 26090(e), and the
20 initiative as a whole, without interference from extrinsic matter or materials that postdate the
21 passage of Prop. 64 by the voters in November 2016.

22 For these reasons, and those set forth in the included Memorandum, *amicus* HK Cannabis
23 Law respectfully requests that it be permitted to file its *Amicus Curiae* Brief in this action for the
24 Court's consideration and possible assistance.

25 MEMORANDUM

26 As the California Supreme Court has observed: "Amici curiae, literally "friends of the
27 court," perform a valuable role for the judiciary precisely because they are nonparties who often
28 have a different perspective from the principal litigants. "Amicus curiae presentations assist the

1 court by broadening its perspective on the issues raised by the parties. Among other services, they
2 facilitate informed judicial consideration of a wide variety of information and points of view that
3 may bear on important legal questions.” (*Bily v. Arthur Young & Co.* (1992) 3 Cal.4th 370, 405, fn.
4 14, 11 Cal.Rptr.2d 51, 834 P.2d 745.) See *Connerly v. State Pers. Bd.* (2006) 37 Cal. 4th 1169,
5 1177.

6 While *amicus* briefs are generally offered and accepted at the appellate level (see Rules
7 8.200 and 8.882 of the California Rules of Court), such briefs may also be filed in trial courts. (See
8 48 Cal.Jur.3d, Parties, §18, to that effect and citing the Supreme Court at *Marshall v. Marshall*
9 (1931) 212 Cal. 736.) Moreover, *amicus curiae* briefs are favored in the law. (See *La Mesa,*
10 *Lemon Grove & Spring Val.Irr.Dist. v. Halley* (1925) 195 Cal. 739, 743, and *Jersey Maid Milk*
11 *Prod.Co. v. Brock* (1939) 13 Cal.2d 661, 665.)

12 As noted above, *amicus* HK Cannabis Law does not seek involvement in the present action
13 beyond the opportunity to submit and file its *amicus* brief. *Amicus*’ sole interest is to assist the
14 Court and to help preserve the stated intent of the voters as that intent was expressed in the words
15 of the statutes at issue.

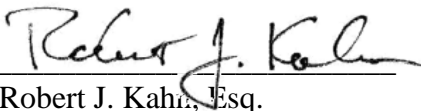
16 **CONCLUSION**

17 For the reasons set forth above, *amicus* HK Cannabis Law respectfully requests the
18 Court’s permission to submit and file its *Amicus Brief* in the case at bar.

19
20 Dated: August 3,2020

21 Respectfully submitted,

22
23 HUGUENIN KAHN LLP

24 By 
Robert J. Kahn, Esq.

25 Edward R. Huguenin, Esq.

26 Ryan P. McGuire, Esq.

27 Attorneys for *Amicus Curiae*

28 HK CANNABIS LAW, for and

on behalf of Defendants

BUREAU OF CANNABIS CONTROL
and LORI AJAX, Chief of the Bureau

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PROOF OF SERVICE

I am employed in the County of Placer, State of California. I am over the age of 18 and not a party to the within action. My business address is 3001 Lava Ridge Court, Suite 300, Roseville, CA 95661.

On August 3, 2020, I served the within document(s) described as:

EX PARTE APPLICATION FOR LEAVE TO SUBMIT AN AMICUS CURIAE BRIEF

on the interested parties in this action as stated on the attached mailing list.

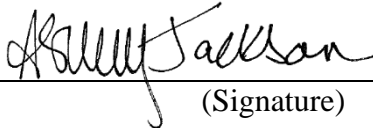
(BY E-MAIL) By transmitting a true copy of the foregoing document(s) to the e-mail addresses set forth on the attached mailing list.

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

Executed on August 3, 2020, at Roseville, California.

Ashley Jackson

(Type or print name)



(Signature)

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ET AL.**

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