

FILED

AUG 10 2020

FRESNO SUPERIOR COURT  
By \_\_\_\_\_ DEPUTY

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6 SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 COUNTY OF FRESNO

8 COUNTY OF SANTA CRUZ; CITY  
9 OF AGOURA HILLS; CITY OF  
10 ANGELS CAMP; CITY OF  
11 ARCADIA; CITY OF ATWATER;  
12 CITY OF BEVERLY HILLS; CITY OF  
13 CERES; CITY OF CLOVIS; CITY OF  
14 COVINA; CITY OF DIXON; CITY OF  
15 DOWNEY; CITY OF MCFARLAND;  
16 CITY OF NEWMAN; CITY OF  
17 OAKDALE; CITY OF PALMDALE;  
18 CITY OF PATTERSON; CITY OF  
19 RIVERBANK; CITY OF RIVERSIDE;  
20 CITY OF SAN PABLO; CITY OF  
21 SONORA; CITY OF TEHACHAPI;  
22 CITY OF TEMECULA; CITY OF  
23 TRACY; CITY OF TURLOCK; and  
24 CITY OF VACAVILLE,

25 Plaintiffs,

26 vs.

27 BUREAU OF CANNABIS  
28 CONTROL; LORI AJAX, in her  
official capacity as Chief of the Bureau  
of Cannabis Control; and DOES 1  
through 10, inclusive,

Defendants.

Case No.: 19CECG01224

APPLICATION TO FILE AMICUS  
CURIAE BRIEF AND BRIEF OF  
AMICUS CURIAE IN SUPPORT OF  
DEFENDANTS BUREAU OF  
CANNABIS CONTROL; LORI  
AJAX, in her official capacity as  
Chief of the Bureau of Cannabis  
Control; and DOES 1 through 10,  
inclusive

1 **APPLICATION FOR LEAVE TO FILE AMICUS BRIEF**

2 Pursuant to California Rules of Court, rule 8.200(c) amicus curiae is a medical  
3 cannabis patient and religious (First Amendment) user of cannabis and previous  
4 resident of the City of Clovis (one of the Plaintiffs) who respectfully requests  
5 permission to file the attached brief in support of defendants Bureau of Cannabis  
6 Control, Lori Ajax, DOES 1 through 10, et al. Amicus curiae has seen long  
7 standing opposition to the legalization of cannabis by cities and their law  
8 enforcement despite many of their residents partaking in the medical or adult use  
9 of cannabis. The most recent opposition is seen in this case aimed against the  
10 statewide delivery of cannabis from jurisdictions where the sale is licensed to any  
11 other jurisdiction.  
12

13 The ongoing opposition by many cities to regulating cannabis production and  
14 sale results in an underground market on one level or another and continued  
15 criminalization of many of the residents of these cities. Amicus curiae has  
16 personally tried to go through the process to bring an underground/gray market  
17 nonprofit medical collective into the legal regulated market licensed with the City  
18 of Clovis and the State of California’s Bureau of Cannabis Control.  
19

20 Amicus curiae as suffered criminal prosecution on two occasions including one  
21 for activity in the City of Clovis resulting in a felony for opening and maintaining a  
22 place for sale or use of marijuana.  
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1 Amicus curiae disagrees with the ban on commercial cannabis activity in the City  
2 of Clovis and other California cities and counties. Amicus curiae disagrees with  
3 other jurisdictions who license cannabis business but aim to ban outside services  
4 from serving their local market.  
5

6  
7 No party or counsel for a party has authored the accompanying brief in whole or  
8 in part, nor made any monetary contribution intended to fund the preparation or  
9 submission thereof. No person or entity, other than the amicus curiae, have made  
10 any monetary contribution intended to fund the preparation or submission of the  
11 accompanying brief.  
12

13  
14 Amicus respectfully submit that consideration of the accompanying brief will  
15 assist the Court in deciding this matter, and respectfully request that the Court  
16 grant leave to file.  
17

18  
19 DATED: August 5, 2020

Respectfully submitted,

20  
21 STEPHEN ZYSKIEWICZ

22 \_\_\_\_\_  
23 Amicus curiae  
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1 **BRIEF OF AMICUS CURIAE**

2 The medical use of cannabis has been legal since 1996 with the Compassionate  
3 Use Act (Proposition 215). Since that time, there has been much debate and  
4 controversy over how the demand for medical cannabis should be handled. The  
5 cannabis industry has been underground since before the Compassionate Use Act  
6 of 1996 and continues in the present time with many small indoor grows  
7 throughout California and large outdoor grows typically hidden in the mountains of  
8 Northern California to meet the demand. It goes without saying that it would make  
9 common sense to allow growing cannabis outdoors on agricultural land, indoors in  
10 industrial zones, and distribution, testing, production of products, and sales in  
11 every city and county of California. It is obvious that there is a demand for medical  
12 and adult use cannabis in every city and county of California. Attempts are made  
13 time and time again by jurisdictions and law enforcement to pretend the residents  
14 of these jurisdictions are somehow puritanical and would never consume cannabis  
15 has failed. These policies of banning commercial activity only reinforce the black  
16 market demand and create more violence and crime in our communities, the  
17 complete opposite of what law enforcement and municipalities claim. Some  
18 jurisdictions license cannabis activity but oppose competition from services  
19 licensed by other jurisdictions, contrary to common supply and demand market  
20 competition.

1 There has been longstanding pushback in one form or the other from cities and  
2 counties and their top law enforcement officials, Chiefs of Police and County  
3 Sheriffs who say that the legalization of cannabis encourages the use of  
4 “narcotics”, “controlled substances”, and profiteering from drugs including Fresno  
5 County and the City of Clovis. Their position is completely contrary to common  
6 sense which would dictate that legalizing cannabis and its associated activities  
7 would actually remove the underground market completely from their jurisdictions.  
8

9  
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11 The ongoing opposition by many cities to regulating cannabis production and  
12 sale results in an underground market on one level or another and continued  
13 criminalization of many of the residents of these cities. Amicus curiae has  
14 personally tried to go through the process to bring an underground/gray market  
15 nonprofit medical collective into the legal regulated market licensed with the City  
16 of Clovis and the State of California’s Bureau of Cannabis Control.  
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19

20 Amicus curiae as suffered criminal prosecution on two occasions including one  
21 for activity in the City of Clovis resulting in a felony for opening and maintaining a  
22 place for sale or use of marijuana.  
23

24 As a previous resident of the City of Clovis, I know there are many cannabis  
25 consumers in the city who would like to not only continue to receive deliveries  
26 from out of town services, but be able to purchase cannabis from a local dispensary  
27 in the City of Clovis as well. Many plots of land in the City of Clovis are  
28

1 appropriate for agricultural use and would be well suited to growing cannabis  
2 legally through commercial licenses. Many residents would like to move their  
3 underground delivery services and black market drug dealing activities into the  
4 regulated market, so they could operate without fear of arrest and prosecution.  
5 Many residents would benefit from being able to create business and jobs locally  
6 instead of exporting these funds to legal businesses in the bay area or illegal  
7 cannabis grows far north.  
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11 As a past resident and business owner of a cannabis business in the City of  
12 Clovis, I would like to return to the City of Clovis under a regular or “social  
13 equity” license intended for people with criminal convictions like myself who  
14 faced prosecution and incarceration under the failed War on Drugs.  
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17 It does not make sense for cities and counties to try to outright ban legal licensed  
18 delivery services from their city or county simple because they want to ban the sale  
19 of cannabis or only allow the sale from businesses operating in their own  
20 jurisdiction. Neither the want to ban cannabis sales or to control them completely  
21 make any logical sense in providing their residents safe access to cannabis and a  
22 competitive market from which to purchase.  
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1 **CONCLUSION**

2 For the foregoing reasons, Amicus urges the Court to find that statewide delivery  
3 from other jurisdictions shall remain legal in the entire State of California.  
4

5 Furthermore, Amicus urges the Court to find that no jurisdiction shall ban cannabis  
6 businesses. It is not the will of the residents of these municipalities to participate in  
7 a lawsuit against statewide cannabis licensing and delivery. It is not the will of the  
8 people of California to continue the War on Drugs.  
9  
10

11 DATED: August 5, 2020

12 Respectfully submitted,

13 **STEPHEN ZYSKIEWICZ**

14   
15 \_\_\_\_\_  
16 Amicus curiae

1 **PROOF OF SERVICE**

2 I, Stephen Zyszkiewicz, state:

3 My residential address is 10446 W Sylvia St, Milwaukee, WI 53224. I am a  
4 resident in the County of Milwaukee where this service occurs or mailing occurred.  
5 I am over the age of eighteen and am not a party to the within action. On August 5,  
6 2020, I mailed the following documents described as:

7  
8 **APPLICATION TO FILE AMICUS CURIAE BRIEF AND BRIEF OF**  
9 **AMICUS CURIAE IN SUPPORT OF DEFENDANTS BUREAU OF**  
10 **CANNABIS CONTROL; LORI AJAX, in her official capacity as Chief of the**  
11 **Bureau of Cannabis Control; and DOES 1 through 10, inclusive**

12  
13 on the following person(s) by and by placing a true copy thereof enclosed in an  
14 envelope with certified mail postage prepaid and depositing the envelope with the  
15 United States Postal Service in Milwaukee, Wisconsin.

16  
17 The envelope was addressed and mailed as follows:

18 Attorneys for Plaintiffs  
19 Steven G. Churchwell (SBN 110346)  
20 Douglas L. White (SBN 206705)  
21 Nubia I. Goldstein (SBN 272305)  
22 CHURCHWELL WHITE LLP  
23 1414 K Street, 3rd Floor  
24 Sacramento, CA 95814

25  
26 Defendant  
27 Bureau of Cannabis Control (Lori Ajax)  
28 ATTN: Tamara Colson – Assistant Chief Counsel



1 2920 Kilgore Road  
2 Rancho Cordova, CA 95670

3  
4 Fresno County Superior Court  
5 1100 Van Ness Ave  
6 Fresno, CA 93724

7  
8 I declare under penalty of perjury that the foregoing is true and correct and  
9 that this declaration was executed this date at Milwaukee, Wisconsin.

10  
11 Dated: August 5, 2020



12 Stephen Zyszkiewicz  
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