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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

RIGHTHAVEN LLC, a Nevada limited-liability company,

Plaintiff,

v.

NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS, a District of Columbia domestic nonprofit corporation,

Defendant.

Case No.: 2:10-cv-0351

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against the National Organization for the Reform of Marijuana Laws (“NORML”), on information and belief:

**NATURE OF ACTION**

1. This is an action for copyright infringement pursuant to 17 U.S.C. §501.

**PARTIES**

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.
3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Secretary of State of Nevada.
4. NORML is, and has been at all times relevant to this lawsuit, a District of Columbia domestic nonprofit corporation with its principal place of business in the District of Columbia.

**JURISDICTION**

5. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1338(a).
6. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §1332(a)(1) and §1332(c) because this is a civil action between parties with complete diversity of citizenship and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00.
7. NORML purposefully directs activities at Nevada residents, which activities have resulted in the copyright infringement alleged herein.
8. NORML purposefully directs and effectuates the unauthorized reproduction of Righthaven-owned copyrighted works at [www.norml.com](http://www.norml.com) (“NORML’s Website”).
9. NORML’s unauthorized reproduction of Righthaven-owned copyrighted works found on NORML’s Website is purposefully targeted to Nevada residents and to actual and potential visitors to Nevada.
10. NORML copied, on an unauthorized basis, the literary work entitled “Dr. Reefer’s business goes to pot,” attached hereto as Exhibit 1 (the “Dr. Reefer Article”), from a source emanating from Nevada.
11. NORML displayed and displays the Dr. Reefer Article on NORML’s Website.

1 12. NORML's display of the Dr. Reefer Article was and is purposefully directed at Nevada  
2 residents.

3 13. NORML copied, on an unauthorized basis, the literary work entitled "Marijuana activists  
4 take stand against bill," attached hereto as Exhibit 2 (the "Activist Article"), from a  
5 source emanating from Nevada.

6 14. NORML displayed and displays the Activist Article on NORML's Website.

7 15. NORML's display of the Activist Article was and is purposefully directed at Nevada  
8 residents.

9 16. NORML's contacts with Nevada are continuous and systematic because NORML,  
10 through NORML's Website, continually solicits Nevada attorneys willing to provide  
11 legal services to NORML constituents.

12 17. NORML's contacts with Nevada are continuous and systematic because NORML's  
13 Website provides contact information for Nevada attorneys willing to provide legal  
14 services to NORML constituents.

15 18. NORML's contacts with Nevada are continuous and systematic because NORML's  
16 Website provides a mechanism for NORML constituents to send messages directly to  
17 specific Nevada newspapers, magazines, television stations, and radio stations.

18 19. NORML's contacts with Nevada are continuous and systematic because NORML's  
19 Website provides Nevada criminal law information regarding marijuana possession,  
20 sales, cultivation and paraphernalia.

21 20. NORML's contacts with Nevada are continuous and systematic because NORML's  
22 Website provides contact information for health services within Nevada.

23 21. NORML's contacts with Nevada are continuous and systematic because NORML's  
24 Website continually reproduces marijuana-news articles related to Nevada.

25 22. NORML's contacts with Nevada are continuous and systematic because NORML's  
26 Website contains the invitation for a Nevada resident to begin an official NORML  
27 affiliate chapter.  
28

**VENUE**

- 1
- 2 23. The United States District Court for the District of Nevada is an appropriate venue,
- 3 pursuant to 28 U.S.C. §1391(b)(2), because a substantial part of the events giving rise to
- 4 the claim for relief are situated in Nevada.
- 5 24. The United States District Court for the District of Nevada is an appropriate venue,
- 6 pursuant to 28 U.S.C. §1391(b)(3) and § 1400(a), because NORML may be found in
- 7 Nevada.
- 8 25. The United States District Court for the District of Nevada is an appropriate venue,
- 9 pursuant to 28 U.S.C. §1391(c), because a NORML is subject to personal jurisdiction in
- 10 Nevada.

11

**FACTS**

- 12
- 13 26. Righthaven is the copyright owner of the literary work entitled, “Marijuana as medicine”
- 14 (the “Work”), attached hereto as Exhibit 3.
- 15 27. The Work was originally published on August 30, 2009.
- 16 28. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §102(a)(1).
- 17 29. On March 5, 2010, the United States Copyright Office (the “USCO”) granted Righthaven
- 18 the registration to the Work, copyright registration number TX0007095275 (the
- 19 “Registration”) and attached hereto as Exhibit 4 is evidence of the Registration in the
- 20 form of a printout of the official USCO database record depicting the occurrence of the
- 21 Registration.
- 22 30. NORML owns the domain name [norml.com](http://norml.com) (the “Domain”).
- 23 31. NORML is the registrant, administrator, and technical contact for NORML’s Website.
- 24 32. No later than February 18, 2010, NORML reproduced an unauthorized copy of the Work
- 25 (the “Infringement”), attached hereto as Exhibit 5, on NORML’s Website.
- 26 33. NORML did not seek Righthaven’s permission, in any manner, to reproduce, display, or
- 27 otherwise exploit the Work.
- 28

1 34. Righthaven did not grant NORML permission, in any manner, to reproduce, display, or  
2 otherwise exploit the Work.

3  
4 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

5 35. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 34  
6 above.

7 36. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C.  
8 §106(1).

9 37. Righthaven holds the exclusive right to prepare derivative works based upon the Work,  
10 pursuant to 17 U.S.C. §106(2).

11 38. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to 17  
12 U.S.C. §106(3).

13 39. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17 U.S.C.  
14 §106(5).

15 40. NORML reproduced the Work, in derogation of Righthaven's exclusive rights under 17  
16 U.S.C. §106(1).

17 41. NORML created an unauthorized derivative of the Work, in derogation of Righthaven's  
18 exclusive rights under 17 U.S.C. §106(2).

19 42. NORML distributes unauthorized reproductions of the Work via NORML's Website, in  
20 derogation of Righthaven's exclusive rights under 17 U.S.C. §106(3).

21 43. NORML publicly displays an unauthorized reproduction of the Work at NORML's  
22 Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §106(5).

23 44. NORML has willfully engaged in the copyright infringement of the Work.

24 45. NORML's acts as alleged herein, and the ongoing direct results of those acts, have  
25 caused and will continue to cause irreparable harm to Righthaven in an amount  
26 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

27 46. Unless NORML's is preliminarily and permanently enjoined from further infringement of  
28 the Work, Righthaven will be irreparably harmed, and Righthaven is thus entitled to

1 preliminary and permanent injunctive relief against further infringement by NORML of  
2 the Work, pursuant to 17 U.S.C. §502.

3  
4 **PRAAYER FOR RELIEF**

5 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

- 6 1. Preliminarily and permanently enjoin and restrain NORML, and NORML's  
7 officers, agents, servants, employees, attorneys, parents, subsidiaries, related  
8 companies, partners, and all persons acting for, by, with, through, or under  
9 NORML, from directly or indirectly infringing the Work by reproducing the  
10 Work, preparing derivative works based on the Work, distributing the Work to the  
11 public, and/or displaying the Work, or ordering, directing, participating in, or  
12 assisting in any such activity;
- 13 2. Direct NORML to preserve, retain, and deliver to Righthaven in hard copies or  
14 electronic copies:
- 15 a. All evidence and documentation relating in any way to NORML's use of the  
16 Work, in any form, including, without limitation, all such evidence and  
17 documentation relating to NORML's Website;
- 18 b. All evidence and documentation relating to the names and addresses (whether  
19 electronic mail addresses or otherwise) of any person with whom NORML  
20 has communicated regarding NORML's use of the Work; and
- 21 c. All financial evidence and documentation relating to NORML's use of the  
22 Work;
- 23 3. Direct Register.com, Inc. and any successor domain name registrar for the  
24 Domain to lock the Domain and transfer control of the Domain to Righthaven;
- 25 4. Award Righthaven the actual damages and profits for the infringement of the  
26 Work, pursuant to 17 U.S.C. §504(b);
- 27 5. Award Righthaven pre- and post-judgment interest in accordance with applicable  
28 law; and



JS 44 (Rev. 12/07)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**  
 Righthaven LLC, a Nevada limited-liability company

**(b)** County of Residence of First Listed Plaintiff Clark (Nevada)  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorney's (Firm Name, Address, and Telephone Number)  
 Steven A. Gibson, Esq., J.D. Lowry, Esq., and J. Charles Coons, Esq., Righthaven LLC, 9960 West Cheyenne Avenue, Suite 210, +

**DEFENDANTS**  
 National Organization for the Reform of Marijuana Laws, a District of Columbia domestic nonprofit corporation. +

County of Residence of First Listed Defendant \_\_\_\_\_  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) \_\_\_\_\_

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Acts <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
17 U.S.C. 501

Brief description of cause:  
Copyright Infringement

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND \$** 75,000.00

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 03/15/2010

SIGNATURE OF ATTORNEY OF RECORD: /s/ J. Charles Coons, Esq., Nevada State Bar No. 10553

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Nevada

Righthaven LLC, a Nevada limited-liability company

Plaintiff

v.

National Organization for the Reform of Marijuana Laws, a District of Columbia domestic nonprofit corp.

Defendant

Civil Action No. 2:10-cv-0351

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) National Organization for the Reform of Marijuana Laws
c/o R. Keith Stroup
1600 K Street, N.W., Suite 501
Washington, DC 20006

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Steven A. Gibson, Esq.
J.D. Lowry, Esq.
J. Charles Coons, Esq.
Righthaven LLC
9960 West Cheyenne Avenue, Suite 210
Las Vegas, Nevada 89129-7701

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. 2:10-cv-0351

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# EXHIBIT 1

# EXHIBIT 1



Nevada search by Google GO

Home > State by State Laws > Nevada > Daily Headlines > Dr Reefer's Business Goes To Pot

Daily Headlines

DR. REEFER'S BUSINESS GOES TO POT

by Richard Lake, Las Vegas Review-Journal, (Source:Las Vegas Review-Journal)

30 Mar 2009

Share This Article [social media icons]

Nevada

Advocate Of Marijuana's Medicinal Qualities Moving On After Prison Sentence

Pierre Werner and his mom, Reyna Barnett, stand Thursday in front of a billboard for Dr. Reefer, a medical marijuana referral agency operated by Barnett. Werner was recently released from prison after he was caught growing dozens of pot plants, which he says were for medical purposes.

A couple of years back, a guy named Pierre Werner went to prison. It made the papers. It was his own fault.

The prison sentence followed Werner getting caught growing many dozens of marijuana plants in his house, which he swears he was doing for medical purposes.

The growing of the pot plants came after much pot smoking -- a lot of it, he admitted, had nothing to do with the drug's medicinal qualities.

All that pot smoking came after a prison stint in New Jersey for, well, for selling lots and lots of pot.

The Jersey time came after an episode involving nudity and an ill-fated attempt at walking from Southern California to Las Vegas.

The naked episode came after many other strange things in the life of Pierre Werner.

The latest bit of strange?

The Dr. Reefer billboard out on Decatur Boulevard near the Las Vegas Beltway in the southern end of town. It's an ad for a business that hooks up potential marijuana smokers with a doctor who will help them do it legally.

"I've always considered marijuana a medicine," said Werner, now 37 and out of prison. "Just the way it makes me feel."

Regional News

- US NV: Reefer Madness
- US NV: Marijuana As Medicine
- US NV: Pot Legalization Group Targets Vegas
- US NV: Supreme Court Tosses Drug Case Over Illegal Search
- US NV: Marijuana Bill Dies in Committee
- US NV: Medical Marijuana Advocates Rally for Drug's Expansion
- US NV: Dr Reefer's Business Goes To Pot
- US NV: Marijuana Activists Take Stand Against Bill
- US NV: OPEd: Legal Marijuana Would Be A Tax Windfall
- US NV: Pot Advocate Moving On After Nevada Prison Term



More News

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Werner got out of prison back in November. He is unemployed and lives with his mother. He's on parole until next month, which means he's drug tested all the time.

Werner swears he's not smoking right now.

As soon as his parole is over, he's leaving Nevada for good, he said. He can't take it anymore. And besides, if he gets caught selling pot here again, he could get locked up for 20 years.

"There's no way I'll sell marijuana in Nevada," he said. "I don't even want to stay in Nevada. No thanks. Not worth it."

He wants to go to Amsterdam, where he was born, or to California, which is more friendly to medical marijuana smokers.

Nevada's voters legalized marijuana for medical purposes in 2000. Patients who have been diagnosed with a qualifying condition ( cancer or glaucoma, among others ) are allowed to possess small amounts of the drug.

They also are allowed to grow it for their own use.

They are not allowed to grow it for lots and lots of people and then sell it to them.

Which is where Werner got into trouble in 2004.

He was an outspoken advocate of medical marijuana then. He admitted that he was your basic recreational user before a 1998 incident in which he simply lost it, psychologically speaking.

In Southern California at the time, he decided he needed to be in Las Vegas. And so he stripped all his clothes off and began to walk.

That led, eventually, to a diagnosis: bipolar disorder. He was given lithium, which "turned me into a zombie," he said.

However, pot fixed everything, he said.

He began operating a business in Las Vegas that helped patients connect with doctors.

He talked of opening a cannabis club, like they have in California. He grew his own pot. He also decided that he would grow pot for other patients.

That is illegal.

"My medicine was the best in the world," he said.

According to the state Department of Health, the law for people registered in the medical marijuana program allows the possession of 1 ounce of marijuana; the possession of four mature marijuana plants; and the possession of three immature marijuana plants.

When the cops were called to Werner's house, they found dozens of pot plants.

He went to prison.

And what of his referral business? That's where his mother comes in.

Whenever patients would call the business while Werner was in prison, his mom would help them out. He would give her advice over the phone, from prison, on how to work the system.

Now, she operates the business, [dreefer.com](http://dreefer.com), full time. Werner swears he has nothing to do with it now, other than promoting it.

"It bothered me," said Reyna Barnett, 58, Werner's mom, when asked about his pot smoking

as a young man.

She hated that he smoked pot, that he sold it, and that he went to prison for it.

And then came the bipolar diagnosis. The zombie-like lithium experience.

Marijuana seemed to fix him, Barnett said. And so she began to sympathize.

More and more, she worked with the patients that her son used to help.

"I like to help people," she said.

What she does, for a fee, is help people fill out the necessary government paperwork.

She helps them make an appointment with a cause-friendly doctor ( any licensed doctor can prescribe marijuana in Nevada ).

Well then, just who is this sympathetic doctor, anyway?

For fear of harming the doctor's reputation, Werner and Barnett won't reveal any details, other than this one: It is a local pediatrician.

MAP posted-by: Larry Seguin



Share This Article ■     

**Pubdate:** Mon, 30 Mar 2009

**Source:** Las Vegas Review-Journal (NV)

**Copyright:** 2009 Las Vegas Review-Journal

**Contact:** <http://www.reviewjournal.com/about/print/press/letterstoeditor.html>

**Website:** <http://www.lvrj.com/>

**Details:** <http://www.mapinc.org/media/233>

**Author:** Richard Lake, Las Vegas Review-Journal



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NORML and the NORML Foundation: 1600 K Street NW, Suite 501, Washington DC, 20006-2832  
Tel: (202) 483-5500 • Fax: (202) 483-0057 • Email: [norml@norml.org](mailto:norml@norml.org)

# EXHIBIT 2

# EXHIBIT 2



Nevada  GO  
search by Google

Home > State by State Laws > Nevada > Daily Headlines > Marijuana Activists Take Stand Against Bill

Daily Headlines

**MARIJUANA ACTIVISTS TAKE STAND AGAINST BILL**

by Ed Vogel, Las Vegas Review-Journal Capital Bureau, (Source:Las Vegas Review-Journal)

31 Mar 2009

Share This Article

Nevada

CARSON CITY -- Medical marijuana advocates testified Monday that a bill prescribing prison sentences for growing more than seven marijuana plants will prevent sick people from getting their "medicine."

"This bill would send many patients to prison," testified Pierre Werner, a former medical marijuana patient who spent 19 months in prison.

Under current law, the sentence for growing marijuana for sale depends on the pounds of marijuana grown. Senate Bill 262 targets medical marijuana card holders and bases their sentence on the number of plants they are growing.

Medical marijuana patients can grow up to seven plants if they hold a card from the state Health Division. Nevada voters in 2000 approved a ballot measure to allow medical marijuana for people with illnesses who have a doctor's authorization to use the drug.

The proposed measure states a medical marijuana patient with eight or more plants would be considered as having "prima facie evidence" of cultivating marijuana for purpose of sale.

Having one to 25 plants in excess of the allowed limit would be a felony punishable by one to six years in prison. Harsher sentences would apply according to how many plants the patient possessed.

A patient with 500 or more marijuana plants in excess of the allowed amount could be sentenced to three to 15 years in prison and fined as much as \$100,000.

During the hearing, witnesses said police exaggerate the amount of usable marijuana that each plant can produce.

"Most plants are grown indoors," marijuana advocate Michael McCullough told the Senate Judiciary Committee. "They are lucky to get 1 or 2 ounces per plant."

But he said police will state a single plant produces a pound or two of marijuana.

Regional News

- [US NV: Reefer Madness](#)
- [US NV: Marijuana As Medicine](#)
- [US NV: Pot Legalization Group Targets Vegas](#)
- [US NV: Supreme Court Tosses Drug Case Over Illegal Search](#)
- [US NV: Marijuana Bill Dies in Committee](#)
- [US NV: Medical Marijuana Advocates Rally for Drug's Expansion](#)
- [US NV: Dr Reefer's Business Goes To Pot](#)
- [US NV: Marijuana Activists Take Stand Against Bill](#)
- [US NV: OPED: Legal Marijuana Would Be A Tax Windfall](#)
- [US NV: Pot Advocate Moving On After Nevada Prison Term](#)



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After the hearing, Sen. Allison Copenig, D-Las Vegas, said she did not intend to target legitimate medical marijuana users.

She introduced the bill at the request of Las Vegas police, who told her they were concerned a "drug cartel" might be cultivating pot in Nevada for purposes of sale.

"My intent is to get those doing it for profit," she said.

"I am a cancer survivor," Copenig added. "I know a lot of people who have medical marijuana licenses smoke it to induce an appetite. I understand the need for these patients. It also is necessary for some for pain management."

During the hearing, Werner said the bill should be changed to allow patients to grow as many as 99 plants. He said patients need a 24-ounce supply every 90 days.

"It is ridiculous to expect people on chemotherapy to grow their own medicine," he added. "We need a system where they can buy it. Charge a \$50 per ounce tax, and it would bring in millions for Nevada."

He backed a medical marijuana clinic system such as the one in California, where patients can buy several varieties of marijuana.

A total of 564 people have permits to use medical marijuana, according to the state Health Division.

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MAP posted-by: Richard Lake



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# EXHIBIT 3

# EXHIBIT 3





RY THOMPSON/LAS VEGAS REVIEW-JOURNAL  
jury returns a guilty verdict  
out crashed into a bus stop in  
both legs in the crash.

## Sentencing or May 21

out of his lane.

Hughes, who testified Wednesday, said she saw Murray hit a curb, accelerate, then strike her and Hoff with the truck. Both women were waiting at the bus stop that morning.

Authorities said Murray was driving while impaired when he struck the bus shelter and failed several field sobriety tests afterward.

But on Friday, forensic toxicologist John Hiatt testified that Murray probably wasn't impaired while driving. Hiatt, who testified on Murray's behalf, reviewed police reports on the crash and Murray's toxicology reports.

Hiatt said the levels of Valium and Percocet were within the "therapeutic range," meaning they were within the proper dosages for Murray's prescriptions.

In addition, he said, Murray probably would have built up a tolerance to the drugs because he had been taking them for at least several months.

Both drugs would have had little effect on Murray's driv-

## ► MARIJUANA: Senator says legislation targets sellers

CONTINUED FROM PAGE 1B

Bill 262 targets medical marijuana card holders and bases their sentence on the number of plants they are growing.

Medical marijuana patients can grow up to seven plants if they hold a card from the state Health Division. Nevada voters in 2000 approved a ballot measure to allow medical marijuana for people with illnesses who have a doctor's authorization to use the drug.

The proposed measure states a medical marijuana patient with eight or more plants would be considered as having "prima facie evidence" of cultivating marijuana for purpose of sale.

Having one to 25 plants in excess of the allowed limit would be a felony punishable by one to six years in prison. Harsher sentences would apply according to how many plants the patient possessed.

A patient with 500 or more marijuana plants in excess of the allowed amount could be sentenced to three to 15 years in prison and fined as much as \$100,000.

During the hearing, witnesses said police exaggerate the amount of usable marijuana that each plant can produce.

"Most plants are grown indoors," marijuana advocate Michael McCullough told the Senate Judiciary Committee. "They are lucky to get 1 or 2 ounces per plant."

But he said police will state a single plant produces a pound or two of marijuana.

After the hearing, Sen. Alison Copenig, D-Las Vegas, said she did not intend to target legitimate medical marijuana users.

She introduced the bill at the

**"It is ridiculous to expect people on chemotherapy to grow their own medicine. We need a system where they can buy it."**

PIERRE WERNER  
MARIJUANA ACTIVIST

request of Las Vegas police, who told her they were concerned a "drug cartel" might be cultivating pot in Nevada for purposes of sale.

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### Deaf H

Do you know any at your school or in your neighborhood who is deaf or hard of hearing? You might have some of them and now t

A person can't hear using a hearing aid if they have a different le

Some people are able to understand pitched tones without answering

### Why are

Hearing loss has reasons. So hearing from might be caused by the ears.

Others have jobs, which listening to ability to hear caused by the ears.

For Deaf April 15, Th about living

### Mee



she stood as an instrument. Evelyn, 11, clarinet as a child. She has homes. She has Grammy Award "Sesame Street" She also com to her deafness. Evelyn supp are deaf and ke "Percussion in often keep the



# EXHIBIT 4

# EXHIBIT 4

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# EXHIBIT 5

# EXHIBIT 5

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**Daily Headlines**

**MARIJUANA AS MEDICINE**

by *Corey Levitan, Las Vegas Review-Journal*, (Source:Las Vegas Review-Journal)

30 Aug 2009

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Nevada

Legal Process Requires Paperwork, Overcoming Physician Resistance

Doctors Say There Are More Effective Ways to Treat Glaucoma

The debate over the legalization of marijuana in Nevada overlooks one significant detail: It's already legal.

An estimated 1,530 Nevadans have obtained permission to lawfully possess and use pot since NRS-453A was signed into law in 2001, according to the Nevada State Health Division. ( Nevada is one of 13 states with a medical marijuana program. )

But a medical marijuana card does not read: "Get Out of Jail Free." Medical marijuana can never legally be purchased, or smoked in a public place. It must be grown and inhaled ( or ingested via baked goods ) at the cardholder's residence.

The process begins with a written request and \$50 check sent to the state Health Division in Carson City. This gets prospective patients an application and a physician's statement that must be taken to a doctor willing to recommend marijuana. ( According to FDA guidelines, it's a Schedule 1 drug, which makes it illegal to prescribe. )

The legal conditions recognized by Nevada to medicate with marijuana are restricted to AIDS, cancer, glaucoma, weight loss, severe nausea, severe pain, seizures and persistent muscle spasms. ( Each has a box on the form for the physician to check. )

If the application is approved by the Health Division, patients then pay a further \$150 processing fee, which covers a background check for the one crime that will get them rejected: selling, or intending to sell, a controlled substance.

After fingerprinting, notary public and Department of Motor Vehicles fees of about \$20 each, the DMV issues a card good for one year. ( The card must be renewed annually for another \$150 fee and signed physician's

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statement. )

The trickiest part is finding a doctor. Most will not sign off on the card, according to Bruce Mirken, spokesman for the Washington, D.C.-based Marijuana Policy Project advocacy group.

Las Vegas ophthalmologist Dr. Kent Wellish, director of the Wellish Vision Institute, and oncologist Dr. Paul Michaels of the Comprehensive Cancer Centers of Nevada have never signed off -- although both are occasionally asked.

Wellish said laser treatment and the eyedrops Xalatan, Lumigan and Travatan are much more effective for glaucoma.

"For marijuana to work, the patient would have to be stoned around the clock," he said. "When you're not stoned, the pressure goes back up, and that's when damage occurs to the optic nerve."

Michaels prefers Zofran and Compazine for the short-term nausea associated with chemotherapy. ( He said that marijuana has "no effect whatsoever" on cancer pain. )

Michaels has prescribed marijuana to five of his chemo patients with long-term nausea, but only in the form of Marinol pills, which concentrate the drug's active ingredient, THC, and do not require a medical marijuana card.

"Marijuana inhalation or baking is not a good idea," Michaels said. "Funguses and bacteria grow on plants very easily, and sometimes you don't kill them with heat. And the immune system of chemo patients is shot, so they're more susceptible."

Difficulty finding a doctor is why advertisements for medical marijuana appear in the back of Nevada's alternative weeklies.

"We stand behind you and your right to choose alternative medicine," read a recent CityLife ad from the Hemp and Cannabis Foundation. An ad on the same page from [DrReefer.com](http://DrReefer.com) announced: "Get legal today!"

These companies -- which charge \$200 to \$300 on top of the required fees -- promise to refer patients to sympathetic physicians such as Dr. Rabia Ahmed, who practices at the Hemp and Cannabis Foundation's clinic at 10161 Park Run Drive. ( Ahmed would not respond to the Review-Journal's request for an interview. )

Ivan Goldsmith, an internal medicine physician who operates three valley medical centers, said he has recommended marijuana for all six of the customers referred to him by [DrReefer.com](http://DrReefer.com).

"They all qualified and have appropriate radiographic or medical records to justify the recommendation," he said.

Goldsmith calls marijuana "highly effective" and said that studies back him up.

"The research is now catching up that the cannabinoid system is very important in a lot of body functions," he said. "They're finding that if you stimulate the cannabinoid system, you can block neuropathic pain."

When asked to respond to the opinions of Drs. Wellish and Michaels, Goldsmith said doctors frequently disagree on diagnoses, and that all safe options should always be available for them to try.

Once Nevadans receive their cards, one step remains. Unlike California, Colorado, New Mexico and Rhode Island -- which permit convenient medical marijuana dispensaries -- Nevada requires that patients grow their own. The law limits each cardholder to seven plants on his or her own property: three mature and four immature. Another Nevada resident can be designated to grow for a marijuana cardholder, but that grower must obtain a card, too.

The difficulty of growing one's own marijuana transcends the plant's finicky light, heat and moisture requirements. It happens to be illegal to sell seeds in the United States. ( Not even [DrReefer.com](http://DrReefer.com) or the Hemp and Cannabis Foundation offer to help with this problem. )

The only legal ways for cardholders in Nevada to begin growing, according to Metropolitan Police Department public information officer Barbara Morgan, are to purchase an ounce or less of seeds from another country via the Internet, or to obtain seeds or a cutting from another plant, for free, from another cardholder.

Once cardholders meet all the above requirements, police officers cannot detain them for any suspicious green baggie found during a routine traffic stop -- as long as that baggie weighs less than an ounce and the motorist doesn't appear under its influence.

"I wouldn't be surprised if it happens quite often," Morgan said.

Even if patients don't have their cards on them, they're not arrested, because the DMV notes their existence in its computer record.

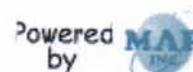
This begs the question of how many, if any, medical marijuana patients are actually illegal drug users who exaggerate or fake medical symptoms to get impunity for their habit.

"Every medication has potential for abuse," Goldsmith said. "But a patient can easily go on the street, buy the marijuana and not seek medical evaluation. So if he has enough moxie to come in and want to do it through legal channels, you have to respect that."

When asked for her take, officer Morgan replied: "All we do is enforce the law. We can't personally have our opinions."

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MAP posted-by: Richard Lake



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**Author:** Corey Levitan, Las Vegas Review-Journal

**Photo:** Marijuana cards are issued by the Nevada Department of Motor Vehicles, which provided this sample of what they look like. Nevada [DMV courtesy photo]

<http://www.mapinc.org/images/NevadaCard.jpg>

**Referenced:** Nevada Medical Marijuana Program <http://health.nv.gov/MedicalMarijuana.htm>

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