



Contact:	Beth Miller Berbay Corp. (310) 405-7337 beth@berbay.com
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APPELLATE COURT GRANTS TEMPORARY STAY BARRING CLOSURE OF LAKE FOREST MEDICAL MARIJUANA DISPENSARY

*-- HOWARD | NASSIRI Represents Lake Forest Wellness Center and Collective – Only
Dispensary Allowed to Remain Open During Appeal*

ORANGE COUNTY, CA – The Court of Appeal for the 4th District (Santa Ana) granted a temporary stay of an Orange County Superior Court’s injunction order requiring all medical marijuana dispensaries in the City of Lake Forest to close down. The stay applies only to appellant Lake Forest Wellness Center and Collective (LFWCC), the only medical marijuana dispensary willing to challenge the City of Lake Forest, which is seeking to close all dispensaries within that community.

Damian Nassiri, a partner with the consumer advocacy law firm HOWARD | NASSIRI, represented LFWCC in its successful application for the temporary stay, which also vacated an upcoming contempt of court hearing. The result is that LFWCC is the only dispensary allowed to remain open during the appeal without risking arrests or fines.

“This stay is great news for our clients in Lake Forest, and for medical marijuana patients across the State of California,” said Mr. Nassiri. “Cities have no right to ban dispensaries, which are legal businesses in the State of California.”

The Lawsuit and Cross-Complaint

In December 2009, the City of Lake Forest filed suit in Orange County Superior Court seeking an injunction to close all of the medical marijuana collectives operating in that City. That injunction was granted by Superior Court Judge David Chaffee on May 28,

2010. Mr. Nassiri filed an appeal of the injunction on behalf of LFWCC based on violations of LFWCC's constitutional rights. LFWCC refused to shut its doors to its patients. The City then asked the court to hold LFWCC in contempt of court, subjecting its members to arrest, and to fines. In the face of the contempt action, and in light of its pending suit against the City for violation of its constitutional rights, Mr. Nassiri asked the Court of Appeal to intercede to bar the Superior Court from issuing a contempt of court citation while the critical constitutional questions are being resolved. The Court of Appeal agreed, and granted the writ of supersedes sought by LFWCC.

About HOWARD | NASSIRI

HOWARD | NASSIRI is a national law firm representing plaintiffs and consumers in many complex and high-profile litigation matters. The firms practice areas include criminal defense, immigration, loan modifications, predatory lending, labor and employment, bankruptcy, and personal injury.

HOWARD | NASSIRI
Arena Corporate Center
1600 South Douglass Road, First Floor
Anaheim, CA 92806
www.howardnassiri.com

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