



1 (b) All records of correspondence or other communication, including but  
2 not limited to email, correspondence, memoranda and notes, to or from  
3 any federal agency or employee thereof relating to the raid on John Worthington on  
January 12,2007

4 (c) All records of correspondence or other communication, including but  
5 not limited to email, correspondence, memoranda and notes, to or from  
6 any state or local agency or employee thereof relating the raid on John Worthington  
on January 12,2007

7 (d) All records of correspondence or other communication, including but  
8 not limited to email, correspondence, memoranda and notes, to or from  
9 any multi-agency and/or multi-jurisdictional drug task force or employee thereof  
relating to the raid on John Worthington on January 12,2007;and

10 1.5 Grant Worthington immediate access to WEST NET, and TNET Defendants'  
11 computer systems, records files and back up media to conduct a review for items related to  
12 a-d.

## 13 **II. RELEVANT FACTS**

14 2.1 Worthington incorporates into this motion for Preliminary Injunction all  
15 statements, facts, and claims made in his motion for Tort damages, Declaratory and Injunctive  
16 Relief.

17 2.2 The TNET defendants claim to be working for the federal government in a federal status  
18 for the U.S. Department of Justice. The TNET defendants have signed federal grants which  
19 require statements of assurances to uphold all federal laws, federal statutes and executive orders.

20 The TNET defendants have also entered into interlocal agreements which cross designate state,  
21 county and city employees as federal agents. In this "federal" status working for a federal  
22 agency which is not listed on any federal government website, or phone book, the TNET

23 Defendants have stated that they will seize medical marijuana regardless of plant limit  
24 thresholds. Unless this court intervenes, Worthington and thousands of Washington State  
25 medical marijuana patients will be irreparably harmed and stand to lose the right to treat their  
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1 conditions, and long term pain management with medical marijuana.

2 2.3 WEST NET defendants claim that the NCIS is a private police agency and not party of the  
3 U.S. Military and continue to use the NCIS in Washington State police actions. The WEST NET  
4 interlocal agreement agrees to use the NCIS in Washington State police actions.

5 2.4 Worthington has filed a Complaint against Defendants for 1) Tort Damages.  
6 Declaratory, Prospective and Injunctive relief. Worthington seeks a preliminary injunction to  
7 preserve the status quo and prevent Worthington and others in a similar position from  
8 having to suffer irreparable harm pending the outcome at trial.

9 2.5 The federal government and state drug control agencies met in 1996 to discuss the  
10 medical marijuana initiatives. During this meeting it was also determined that the DOJ would  
11 federally cross designated state, county and city law enforcement officers in order to seize  
12 medical marijuana for the DEA. The meetings in 1996 led to a federal policy being signed by the  
13 president and entered into the federal registry on February 11, 1997.

14 (See Exhibit 1 in the Declaration of John Worthington)

15 2.6 The following agencies entered into an agreement in 1998 entitled the Tahoma Narcotics  
16 Enforcement Team. The Auburn Police Department, Pierce County Sheriff's Office, Puyallup  
17 Police Department, Sumner Police Department, Washington State Patrol, Pierce County  
18 Prosecutors office, DEA, Tacoma Police Department, and the Bonney Lake Police Department.

19 (See Exhibit 2 in the Declaration of John Worthington)

20 2.7 Each TNET participating agency has conceded state authority to the DEA, in the Tacoma  
21 Regional Drug task force agreement. The Injunction should also be granted for the Spokane  
22 Regional Drug Task force, and the Valley Narcotics enforcement team, which also has the same  
23 distinction as a DEA drug Task forces operating within the state framework out of the safe and  
24 drug free communities unit of the Washington Department of Commerce, formerly known as  
25

1 CTED. [\(See Exhibit 3 in the Declaration of John Worthington\)](#)

2 2.8 The TNET Executive Board has declared that TNET will seize medical marijuana despite  
3 state medical marijuana thresholds. [\(See Exhibit 4 in the Declaration of John Worthington\)](#)

4 2.9 The Washington State Patrol has claimed that its participating members of TNET are part  
5 of a federal entity and are federal employees. [\(See Exhibit 5 in the Declaration of John  
6 Worthington\)](#)

7 2.10 All of the HIDTA grant recipients in Washington State are required to sign statements of  
8 assurances, which basically state that the grant recipients have to enforce all federal laws,  
9 statutes and executive orders governing the HIDTA grant program. [\(See Exhibit 6 in the  
10 Declaration of John Worthington\)](#)

11 2.11 The WEST NET interlocal agreement agrees to use the NCIS in Washington State  
12 police actions violates the Posse Comitatus Act, a 2006 directive from the U.S. Navy and case  
13 law precedence set in **U.S. v Chon**, 210 F.3d 990 (9th Cir. 2000)

## 14 **LEGAL ANALYSIS**

### 15 **Preliminary Injunction**

16 2.12 The object of a preliminary injunction is to preserve the *status quo*. The *status quo* to be  
17 maintained is the "...last actual, peaceable, noncontested condition which preceded the pending  
18 controversy...." **The State of Washington v. H.G. Sutton**, 2 wn.2d 523, 529 (1940).

19 Washington courts recognize two alternate standards that must be met in order to obtain a  
20 preliminary injunction. The traditional standard requires a showing that 1) the movant would  
21 suffer irreparable injury if the relief was denied, 2) the movant would probably prevail on the  
22 merits, 3) the balance of potential harm favored the moving party, and 4) the public interest  
23 favored granting the relief. **Burlington Northern R. Co. v. Department of Revenue of State  
24 of Washington**, 934 F.2d 1064 (1991). The alternative standard allows a preliminary  
25 injunction to be issued when the movant shows either the likelihood of success on the merits and  
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1 possibility of irreparable injury, or that serious questions are raised and the balance of hardships  
2 tips sharply in the movant's favor. **Russell v. Gregoire**, 124 F.3d 1079 (1997). Plaintiff  
3 prevails under either of these standards.

#### 4 **Traditional Standard**

##### 5 **Irreparable Injury**

6 2.13 A party seeking a preliminary injunction must show that there is a well-grounded fear that  
7 a held right will be invaded and that the acts complained of are already resulting in, or will result  
8 in, actual and substantial injury. **Le Maine v. Seals**, 47 Wash.2d 259 (1955); **Federal Way**  
9 **Family Physicians, Inc. v. Tacoma Stands Up for Life**, 106 Wash.2d 261 (1986). The actual  
10 or anticipated injury must be irreparable. If the injury can be remedied at law, an injunction is  
11 not appropriate. **Matthews v. national Collegiate Athletic Ass'n**, 79 F.Supp.2d 1199 (1999).  
12 The courts have held that future economic damage may be sufficient to show irreparable harm  
13 when damage appears to be relatively imminent and does not lend itself well to monetary  
14 appraisal. **Sterling Sav. Ass'n v. Ryan**, 751 F.Supp 871 (1990). In this case, Defendants should  
15 not be allowed to argue that injunctive relief is not appropriate when they continue to honor the  
16 interlocal agreements, statements of assurances, and Regional Drug Task Force agreements to  
17 work for the DEA, despite being fully aware that those agreements are putting federal agents in  
18 charge. This arrangement has led to a policy statement that the defendants are going to seize  
19 medical marijuana despite the Washington State medical marijuana law. The WEST NET  
20 agreement to use the NCIS is a threat to Worthington and every other citizen in Washington  
21 State whom is supposed to be protected from their own military from being used against them.

##### 22 **The Ability to Prevail on the Merits**

23 2.14 The TNET defendants will not be able to deny the fact that they have a policy and practice  
24 to seize medical marijuana for the federal government. This policy is stated clearly in their  
25 February 14, 2007 Executive Board meeting minutes. The TNET defendants will not be able to  
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1 show that it was not the intent of the federal government to utilize HIDTA grants to leverage  
2 cross designated state multi-jurisdictional drug task forces to seize medical marijuana for the  
3 federal government. The Exhibits submitted in this preliminary injunction clearly spells out the  
4 intent of the federal government to “condition federal funds” upon the enforcement of a federal  
5 drug control policy. The TNET defendants have signed HIDTA grant contracts and accepted  
6 those federal funds, and are now contractually obligated to enforce a federal drug control policy  
7 which does not include medical marijuana. The TNET defendants cannot show that the HIDTA  
8 grant contracts were not utilized against Worthington, nor can they show that their policy to seize  
9 medical marijuana will never be enforced again on Worthington, unless the courts intervene. The  
10 TNET defendants certainly cannot show that it was the intent of the legislature to create a federal  
11 sovereignty for the purpose of by passing an affirmative defense or entrapping Washington State  
12 citizen’s into violations of federal laws. Only law enforcement, criminal justice, and conservative  
13 interests are served by conspiring to undermine the voting majority with a sneaky federal pre-  
14 emption tactic. The WEST NET Interlocal agreement to use the NCIS in Washington State  
15 police actions including the one on Worthington was blatant and documented. TNET will also  
16 fail to show that state and local resources are not being spent to enforce federal laws and entrap  
17 Worthington and other Washington State medical marijuana patients.

18 **The balance of potential harm favored the moving party**

19 2.15 Worthington has an established right to protect. Worthington has been a medical  
20 marijuana patient since 2005. Under the Washington State medical marijuana law,  
21 Worthington has a clear interest in protecting his medical treatment and rights under RCW  
22 69.51A.

23 2.16 Worthington has a well-grounded fear of immediate invasion of that right and the  
24 use of Washington State and local tax dollars to entrap him when he chooses to exercise his state  
25 law rights. The February 14, 2007 TNET Executive Board meeting minutes show a TNET policy  
26 to seize medical marijuana, despite those state law rights. Worthington has uncovered a

1 conspiracy to use cross designated state law enforcement to seize medical marijuana and by pass  
2 Worthington’s affirmative defense under RCW 69.51A.040. Worthington has submitted  
3 evidence that the U.S. Department of Justice has leveraged Washington State multi –  
4 jurisdictional drug task forces with High Intensity Drug Trafficking Area (HIDTA) grants, in  
5 order to seize medical marijuana for them so it would not seem like “outside interference”. The  
6 February 14, 2007 TNET Executive Board meeting minutes reflect that DOJ policy, and that  
7 DOJ conspiracy to undermine the state medical marijuana laws with conditioned HIDTA grants,  
8 and the signing of those contracts by the TNET participating members, along with a contract to  
9 use military resources in Washington State police actions tilts the balance of potential harm  
10 strongly in favor of Worthington.

11 **The public interest favored granting the relief.**

12 2.17 There are thousands of Washington State medical marijuana patients in Washington  
13 State, some of which are the most vulnerable members of society. The federal government’s  
14 conspiracy to undermine the Washington State medical marijuana initiative, which was contrived  
15 to make use of the state and local resources, would not be approved by the 59 percent majority of  
16 the voters whom had expected their state and local law enforcement to abide by the initiative the  
17 overwhelmingly supported or the current Washington State medical marijuana act as it is  
18 codified today. That 59 percent majority also would certainly not approve of Washington State  
19 law enforcement joining that conspiracy by the federal government to by-pass the Washington  
20 State medical marijuana act, or being entrapped by their own state and local resources. The  
21 Washington State medical marijuana act, has also received the support of the majority of the  
22 Washington State legislature, as is evident by the passing of several pieces of legislation  
23 designed to improve the law. In addition, since marijuana is now medicine in Washington State,  
24 these state and local members of TNET have been and will continue to be interfering with the  
25 medical treatment of a physician, without the authority to regulate medical practice in  
26 Washington State. There are millions of Washington State citizens whom need to be protected

1 from agreements to use the U.S. Military against the civilian population for police actions or in  
2 Worthington's case acts of retaliation.

3 **The alternative standard**

4 Likelihood of success on the merits

5 2.18 The HIDTA contracts to work for the DEA are not requirements for state and local  
6 law enforcement to sign. The policies and federal control embodied into the HIDTA grants  
7 should have been considered before they were signed and honored. In 1998, a Puyallup  
8 Police Officer questioned the wisdom of federalizing TNET, and now it appears as though  
9 his concerns were valid concerns. At the end of the day, the state and local participating  
10 agencies are going to be found to be volunteers to participate in a planned conspiracy to  
11 undermine the state medical marijuana laws using cross designated state and local law  
12 enforcement. These members of state and local law enforcement cannot be commandeered to  
13 enforce a federal regulatory scheme, nor are they required to enforce a federal regulatory  
14 scheme. At the end of the day these members of state and local law enforcement will only be  
15 able to show that they were bribed by federal grants to opt out of Washington State  
16 sovereignty and convert to a federal sovereignty .The NCIS is considered part of the U.S.  
17 Military, and not a private federal police agency. The issue has already been decided in **U.S.**  
18 **v Chon**, 210 F.3d 990 (9th Cir. 2000), but the WEST NET participating member agencies  
19 ignored that decision and continued to utilize the NCIS in Washington State police actions  
20 including the one against Worthington.

21 Possibility of irreparable injury

22 2.19 Worthington was forced back onto medication which could only provide relief thru the  
23 liver and kidneys. The available medication for relief of Worthington's symptoms caused by a  
24 fall from a tree and multiple car accidents had already taken its toll on Worthington in the course  
25 of his longtime long term pain management for the treatment of severe arthritis. Marijuana  
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1 administered via vaporizer or ingested was Worthington's only source of relief. When someone  
2 in Worthington's condition and medical history of reactions to the standard methods for treating  
3 his conditions, is forced to seek those harmful standard treatment irreparable harm is not only  
4 possible it was inevitable. Worthington was forced to go to emergency rooms at Overlake  
5 Hospital in Bellevue and Valley Medical Center in Renton after his medical treatment was  
6 interrupted, due to adverse reactions to standard methods of treatment which Worthington had  
7 used extensively since the late 1970's, and which were no longer effective without side effects,  
8 complications and irreparable damages. These irreparable damages which have already happened  
9 to Worthington are more than likely to continue to happen unless the court intervenes.

### 10 **III. ISSUES**

11  
12 **3.1 Whether the state and local TNET participating members should be able to sign**  
13 **HIDTA grant contracts which were intended to cross designate Washington State and local**  
14 **law enforcement, to seize medical marijuana, so it could be summarily forfeited to the**  
15 **DEA. Worthington argues that the answer to that is no, because State and local law**  
16 **enforcement cannot create a federal sovereignty that is immune from state laws.**

17 **3.2 Whether state and local TNET participating members be able to adopt a policy to**  
18 **seize medical marijuana despite the Washington State medical marijuana law.**  
19 **Worthington argues that the answer to that is no, because state and local funds would be**  
20 **diverted to enforce federal laws over state law, which is not required, and is only voluntary.**

21 **3.3 Whether state and local TNET participating members be required to give 30 days'**  
22 **written notice to withdraw from the HIDTA grant contract intended to leverage**  
23 **Washington State and local law enforcement into enforcing a federal drug control policy.**  
24 **Worthington argues that the answer to that is yes, because the agreements were created to**  
25 **by-pass state laws.**

26 **3.4 Whether the WEST NET interlocal agreement to use the NCIS be terminated by the**  
27 **court for violating the U.S. Navy's own directive and the Posse Comitatus Act.**  
28 **Worthington argues the answer to that is yes because the issue of whether the NCIS is**  
29 **under the provisions of the Posse Comitatus Act was decided in U.S. v. Chon**

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#### IV. EVIDENCE RELIED UPON

4.1 Worthington relies upon the declaration of John Worthington and the exhibits attached thereto in support of this motion. Worthington reserves the right to submit live testimony in addition to the supporting declarations submitted herewith.

#### V. AUTHORITY

5.1 Worthington relies on the Anti- Commandeering Doctrine established in New York v. United States, 505 U.S. 144 (1992) and Printz v. United States, 521 U.S. 898 (1997), which hold that the federal government cannot "commandeer" the state governments by directly compelling them to participate in a federal regulatory program.

5.2 Since Congress cannot directly force States to legislate according to their Scheme without violating the 10<sup>th</sup> amendment, and since Washington State and local law enforcement have chosen to enforce the federal drug control policy and adopt a policy to seize medical marijuana for the DEA in order to get their hands on the federal grant funding, the Washington State and local law enforcement assigned to TNET have chosen to accept a federal bribe to violate Washington State laws and the Washington State Constitution.

(Case law 1 attached)

5.3 Worthington also relies on City of Garden Grove v. Superior Court of Orange County, 68 Cal. Rptr. 3d 656 (Cal. Ct. App. 2007), and County of San Diego v. San Diego NORML, 165 Cal. App. 4th 798, 827, 81 Cal. App. 4th Dist., 2008), cert denied, 129 S. Ct. 2380, 173 L. Ed. 2d 1293 (2009), which holds that "it is not the job of the local police to enforce the federal drug laws. Since it is not a requirement for the state and local law enforcement to enforce federal law, they are volunteering to enforce federal laws, in order to receive federal grant bribes to violate Washington State laws, and the Washington State Constitution.

(Case law 1 attached)

1 5.4 Worthington also relies on a transcript of oral arguments given during U.S. v.  
2 Fry and Schafer NO. 08-10167, in which the U.S. Attorney’s office describes in great detail  
3 when the state multi-jurisdictional drug task force members are fully empowered to act on  
4 behalf of the federal government. These arguments show when the federal government thinks  
5 the state and local multi-jurisdictional drug task forces are empowered to act or “bind” the  
6 federal government despite the cross designation of state and local multi jurisdictional drug  
7 task force members. According to the U.S. Attorneys offices own testimony to the panel of  
8 U.S. Ninth Circuit court of appeals judges, the state and local cross designated multi  
9 jurisdictional drug task forces are not empowered to bind the federal government until the state  
10 investigation as to whether there are going to be charges for violations of state laws is  
11 complete. Then and only then can the U.S. Attorney’s office empower state and local law  
12 enforcement to act on behalf of the federal government. The fact that TNET receives federal  
13 funding does not mean that TNET is a federal drug task force. United States v. Spires, 79 F.3d  
14 464, 466-67 (5th Cir. 1996) TNET has been misrepresenting themselves to the public as a  
15 federal drug task force. [\(Case law 3 attached\)](#)

16 5.5 Worthington also relies on RCW 39.34, the Interlocal Cooperation Act, which  
17 does not describe any process to allow state and local law enforcement to declare, create or join  
18 a federal sovereignty.

19 5.6 Worthington also relies on RCW 10.93, the Washington Mutual Aide Piece  
20 Officers Powers Act, which also does not describe any process to allow state and local law  
21 enforcement to declare, create or join a federal sovereignty.

22 5.7 Worthington also relies on a U.S. Navy directive issued in 2006, and a U.S. Ninth  
23 Circuit Court of Appeals decision in U.S. v Chon, 210 F.3d 990 (9th Cir. 2000)  
24 [\(Case law 4 attached\)](#)

## 25 VI. CONCLUSION

26 6.1 Worthington has easily prevails under either traditional or alternative standards  
for granting a preliminary injunction enjoining the state and local members of TNET from

1 participating in the TNET HIDTA grants and the TNET policy to seize medical marijuana for the  
2 federal government. Worthington respectfully requests that the state and local members of TNET  
3 be enjoined to give 30 day written notice to terminate their involvement with the HIDTA grant  
4 interlocal agreement for the Tahoma Narcotics Enforcement Team. Worthington is required to  
5 enter into a bond. However, since Worthington and thousands of Washington State medical  
6 marijuana (cannabis) patients' health and in some cases lives would be jeopardized,  
7  
8 Worthington' is asking for a nominal bond of 1 dollar.

9 Executed on this 23<sup>RD</sup> day of January, 2012

10  
11 BY *John Worthington*  
12 John Worthington  
13 4500 SE 2<sup>ND</sup> PL.  
14 Renton WA.98059  
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1  
2 **Certificate of Service**

3 I certify that on the date and time indicated below, I caused to be served  
4 via private server , a copy of the documents and pleadings listed below upon the  
5 attorney of record for the defendants herein listed and indicated below.

- 6 1. MOTION FOR PRELIMINARY INJUNCTION  
7 2. DECLARATION OF JOHN WORTHINGTON AND THE EXHIBITS ATTACHED.

8  
9 Washington State Attorney General's Office  
10 1125 Washington Street  
11 Olympia WA. 98504

12 Mayor Patty Lent, Clerks office  
13 Norm Dicks Government Center  
14 345 6th Street, Suite 600  
15 Bremerton, WA 98337

16 Mayor Becky Erickson, Clerks office  
17 200 NE Moe Street  
18 Poulsbo WA. 98370

19 Mayor Lary Coppola, Clerks office  
20 216 Prospect Street  
21 Port Orchard, WA 98366

22 Mayor Pete Lewis, Clerks office  
23 25 W Main Street  
24 Auburn WA 98001-4998

25 I declare under penalty of perjury under the laws of the United States that the  
26 foregoing is True and correct.

**Executed** on this 23<sup>RD</sup> day of January, 2012

BY John Worthington  
John Worthington  
4500 SE 2<sup>ND</sup> PL.  
Renton WA.98059