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## **Judge tosses suit by O.C. medical pot users**

**They had claimed that bans in Costa Mesa and Lake Forest violate their rights under the Americans With Disabilities Act.**

By Mona Shadia, Los Angeles Times

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A federal judge has thrown out a lawsuit by four Orange County medical marijuana users who claimed that bans on pot dispensaries in Costa Mesa and Lake Forest violate their rights under the Americans With Disabilities Act.

U.S. District Court Judge Andrew Guilford in Santa Ana rejected the argument that laws prohibiting pot dispensaries in the two cities conflict with the disabilities act or the plaintiffs' access to public services.

"Because marijuana cannot be prescribed under the ADA, the court finds no likelihood of success on the merits," Guilford wrote in his ruling, made public Monday.

Matthew Pappas, the Mission Viejo attorney representing plaintiffs Marla James, Wayne Washington, James Armantrout and Charles Daniel DeJong, disagreed with the judge's interpretation of the law and said he's likely to appeal.

"This has happened in other civil rights cases for hundreds of years," Pappas said. "When you're working to change something in our society, it takes work to make that happen. We believe our position is correct, and we'll continue our efforts."

Last year, Congress lifted a 12-year ban on medical marijuana in Washington, D.C., making it legal for dispensaries to operate within the city. Pappas argues that under the equal provision act, disabled people in California should be allowed access to the drug they call medicine. But Guilford did not address the provision in his ruling.

Although illegal in the eyes of the federal government, a 1996 California proposition allows those with various ailments to use marijuana under the supervision of a healthcare professional.

Some cities have made dispensaries legal and regulate them, while others, including Costa Mesa and Lake Forest, decided to ban them with the backing of federal laws. Since February, Costa Mesa has gone after at least half a dozen dispensaries by making arrests for sale and possession in some cases, and issuing cease-and-desist orders in others.