

## NEWS

# State Supreme Court to review city of Kent medical marijuana case

by [STEVE HUNTER](#), Kent Reporter Courts, Government Reporter  
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The ongoing battle between the city of Kent and medical marijuana supporters reached a new high with the state Supreme Court's decision to review a lawsuit against the city.

Steve Sarich, executive director of the Cannabis Action Coalition, filed the initial lawsuit against the city in June 2012, the same night the Kent City Council voted 4-3 to approve an ordinance to ban medical cannabis collective gardens. The suit seeks to prohibit the city from enforcing its ban on collective gardens because the state regulates medical marijuana collectives, and cities cannot enforce federal law over state medical marijuana laws.

So far, the Court of Appeals and King County Superior Court affirmed the city's authority to prohibit medical marijuana collective gardens from operating in the city.

But the Supreme Court voted unanimously last week to review Steve Sarich, et al vs. City of Kent, et al.

"We fully expected that the Supreme Court would agree to review the case, but you never know for sure, so I was very pleased that, after more than three years, we'd finally get this case before the Supreme Court," Sarich said in an email.

Sarich and his supporters had objected to the city's stance against medical marijuana even before the council passed the ordinance. The council passed temporary moratoriums banning medical marijuana facilities prior to the ordinance.

The council also recently passed an ordinance to ban recreational marijuana businesses from operating in the city. But that is a separate issue from the medical marijuana case.

"It is nothing more than a mere grant of the plaintiffs' petitions for review," Assistant City

Attorney David Galazin said about the Supreme Court's decision.

Lorrie Thompson, communications officer for Washington courts, said when a petition for review is granted it basically means, "that members of the Supreme Court have determined there is a sufficient question of law in the case that it needs to be heard/reviewed by the Court."

Galazin remains confident in the city's stance.

"I am not privy to the reasoning behind why the petitions were granted, though the city's case in chief rested on several distinct legal bases, and a contrary ruling by the Court on one would not necessarily invalidate the city's zoning ordinance altogether," Galazin said.

Parties in the case have the next several weeks to file briefs and responses. Thompson said there is no firm timeline on that process because it depends on who files and when. Eventually, most cases are set for an oral argument with attorneys from the different parties coming to the Supreme Court to make their arguments and answer questions from the justices.

"The oral arguments will be short and I doubt that they'll be the deciding factor for the Court," Sarich said. "There have been countless attorneys submitting numerous briefs on the case that I believe will be the actual deciding factors for the Court. I will certainly enjoy being there for these arguments."

Deryck Tsang, who owns a Kent medical marijuana collective garden and also is a plaintiff in the lawsuit, continues to operate under a stay granted in December 2012 by the state Supreme Court. City officials believe at least one other medical marijuana facility also operates in Kent.

Sarich didn't hesitate to lash out at Kent elected officials for opposing medical marijuana collective gardens.

"It's unfortunate that there has been such a lengthy and expensive battle simply because the city of Kent was determined to deny the patients of Kent safe local access to their medication," Sarich said. "With all the excuses about public safety concerns expressed by the Kent City Council, the last three years have proven that the dispensaries have not created a public safety problem for the citizens of Kent. The proverbial sky has not fallen on Kent after all."

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