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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

**FILED**

AUG 10 2002

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
ALEXANDER "Alex" WHITE PLUME, )  
PERCY WHITE PLUME, their )  
agents, servants, assigns, attorneys, )  
and all others acting in concert with the )  
named Defendant, )  
Defendants, )  
)

CIV 02-5071

MOTION TO INTERVENE  
AS DEFENDANTS

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Comes Now Tierra Madre, LLC, a Delaware limited liability company ("Tierra Madre"), and Madison Hemp & Flax Company 1806, Inc., a Kentucky corporation ("Madison Hemp"), by and through their local counsel, Jamie L. Damon, Damon Law Office, Pierre, South Dakota, and respectfully move this Court for leave to intervene as defendants in this action, in order to assert the defenses and counterclaims set forth in their proposed answer and counterclaim, of which a copy is hereto attached, on the ground that they are the purchasers of the industrial hemp products from the industrial hemp crops grown by Defendants White Plume, alleged in the complaint to be controlled substances under the Controlled Substances Act, 21 U.S.C. Sec. 801 et seq.; 21 U.S.C. Sec. 802(16) (the "CSA").

The Court's Temporary Restraining Order dated August 13, 2002 restrains Tierra Madre and Madison Hemp, as persons acting in concert with the named Defendants White Plume, from possession and/or distribution of lawful industrial hemp products that

are expressly excluded from the legal definition of “marihuana” under Section 102(16) of the CSA. Furthermore, Plaintiff’s interchangeable usage of the slang word “marijuana,” the legal definition “marihuana” and the term “industrial hemp,” with reference at various times to drug Cannabis, non-drug Cannabis plants, and non-drug industrial hemp products is confusing to this Court, to the public and to the customers and business partners of Tierra Madre and Madison Hemp, respectively. As such, Tierra Madre and Madison Hemp have defenses to Plaintiff’s claims presenting both questions of law and of fact which are common to the main action.

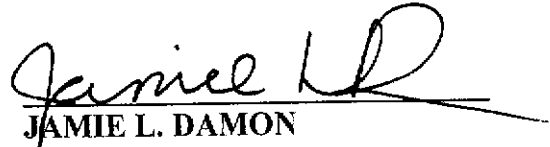
Tierra Madre and Madison Hemp are bound by this Court’s Temporary Restraining Order issued August 13, 2002 in this case, which they believe is overbroad and which adversely affects their legal and property rights and business interests. Accordingly, Tierra Madre and Madison Hemp have interests relating to the transactions which are the subject matter of the instant case. Moreover, their interests are not represented adequately, or at all, by the other parties to this case and such interests have already been impaired by the Temporary Restraining Order and may well be irreparably harmed by the disposition of this case.

Unless this motion is granted, Tierra Madre and Madison Hemp will continue to suffer injury, their respective business interests will be impaired and they will be restrained by this Court’s Temporary Restraining Order from conducting their lawful businesses concerning industrial hemp products, in each case without providing an opportunity to be heard.

Defendant incorporates a Memorandum in Support of this Motion.

Dated this 30<sup>th</sup> day of August, 2002.

**DAMON LAW OFFICE**



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