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Leland R. Berger
Attorney at Law
January 26, 2009

Sr. AAG Marc Abrams
Department of Justice, Trial Division
Special Litigation Unit
1162 Court Street NE
Salem, OR 97301

VIA EMAIL TO marc.abrams@state.or.us
CONFIRMATION BY MAIL

Re: Edward Glick's Petition

Dear Marc:

I write to confirm our agreements regarding how DHS will process Mr. Glick's petition:

- 1) The process will be as set forth in OAR 333-080-0090;
- 2) Mr. Glick will be provided the opportunity to suggest panel members and object to panel members selected by the Department. The Department will consider his suggestions. Ultimate appointing authority rests with the Department and the panel must be in accordance with 333-008-0090(4);
- 3) In accordance with OAR 333-080-0090(4)(a), Mr. Glick shall have the opportunity to address the panel if he so chooses.
- 4) The panel will hear evidence in accordance with OAR 333-008-0090(5)(a). Mr. Glick may suggest a list of patients to testify. He may also submit as much *written* patient testimony as he would like. The panel does not waive its authority to conduct the hearing or its right appropriately to limit the hearing to avoid delay or redundancy;
- 5) All evidence-gathering meetings of the panel shall be open to the public, except that the panel shall reserve the right to close such portions of the hearing, if any, in which testimony is taken from someone who is concerned about confidentiality; and

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6) Evidence will be limited to scientific evidence, and Mr. Glick will have an opportunity, once the panel receives all the evidence, to make a final submission to the panel if he would like to rebut any of the evidence.

I appreciate your, and AAG Lianni Reeves' compassionate response to the concerns Mr. Glick and I had to the way the 2000 hearings were held, and to Dr. Higginson's decision to deny Mr. Glick's 1st petition as frivolous, only to withdraw that finding once we sought judicial review.

Mr. Glick will be filing his new petition with DHS later today, at the Advisory Committee on Medical Marijuana's hearing.

Very truly yours,

Leland R. Berger
Attorney for Edward Glick

Encl.
cc.(W/o Encl.): Ed Glick