

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

WE CBD, LLC,

Plaintiff,

v.

THE UNITED STATES OF AMERICA
and U.S. CUSTOMS AND BORDER
PROTECTION,

Defendants.

**VERIFIED
COMPLAINT**

(Jury Trial Demanded)

Plaintiff, We CBD, LLC (“We CBD”), complaining of Defendants United States of America (“United States”) and U.S. Customs and Border Protection (“CBP”) (collectively, the “Government”), alleges as follows:

INTRODUCTION

1. Plaintiff asks the Court to enter an emergency order enjoining the government from destroying certain legal hemp that CBP has unlawfully seized without due process or following CBP’s stated rules and regulations, and threatened to imminently destroy.

2. Plaintiff’s property — hemp — is lawful in the United States and lawful to export to Switzerland. Hemp grown under a federally approved pilot program *per se* cannot not be Contraband as the term is defined in 49 U.S.C. § 80302.

3. Plaintiff is entitled to due process pursuant to 18 U.S.C. § 983 and the U.S. Constitution and, in fact, based on a plain reading of applicable law, and is entitled to the immediate and unconditional return/remission of its property.

4. Plaintiff's position is straightforward, the U.S. Constitution requires that the Plaintiff be provided due process. The fundamental requirement of due process is the opportunity to receive notice and be heard at a meaningful time and in a meaningful manner. To date, the CBP has not afforded the Plaintiff this right in any way or at any time despite being obligated by law to do so. Until Plaintiff can be heard meaningfully, at an absolute bare minimum, Plaintiff asks this Court to immediately enjoin CBP from destroying the hemp, grown and cultivated, pursuant to and in compliance with state and federal law.

5. Plaintiff and the Defendants' interests are aligned. The Government should want U.S. farmers or commodity brokers to understand CBP's rationale for denying exporters due process and to understand the CBP representatives' haste to destroy a lawful agricultural commodity.

PARTIES, JURISDICTION AND VENUE

6. Plaintiff, We CBD, LLC, is a limited liability company organized under the laws of North Carolina with its mailing address and principal office at 38954 Proctor Blvd., Suite 196, Sandy, Oregon 97055 and its registered agent at 4030 Wake Forrest Road, Suite 349, Raleigh, North Carolina 27609.

7. Defendant United States is a sovereign nation.

8. Defendant CBP is a United States federal law enforcement agency under the Department of Homeland Security, tasked with (among other things) regulating and facilitating international trade.

9. This Court has federal question jurisdiction and subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1367.

10. Venue is proper under 28 U.S.C. § 1391. Defendants reside in this District for the purposes of the venue statute and have sufficient contacts with this District to support personal jurisdiction in this District, a substantial part of the events or omissions giving rise to the claims set forth in this Complaint occurred in this District, and Defendants' conduct caused harm that Defendants knew would be suffered in this District.

FACTUAL ALLEGATIONS

11. On December 20, 2018, the Agriculture Improvement Farming Act ("Farm Bill") was signed into law by the United States. It legalized the regulated production of hemp. *See* 7 U.S.C. §§ 1639o-1639s.

12. Congress modified the definition of marijuana under the Controlled Substance Act. Specifically, "The term 'marihuana' does not include—(i) hemp, as defined in section 297A of the Agricultural Marketing Act of 1946." *See* Agriculture Improvement Act of 2018, § 12619 amending 21 U.S.C § 802(16).

13. The Farm Bill defines hemp as the "plant *Cannabis sativa* L. and any part of that plant" with "a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis." *See* U.S.C. 7 § 1639o(1).

14. The Farm Bill's amendment of the Controlled Substance Act definition of marijuana to exclude cannabis plant containing 0.3% delta 9 THC or less (hemp, which again is the Plaintiff's property) has real and substantial legal effects. CBP does not have the authority to arbitrarily detain a lawful agricultural commodity. But that is what CBP did here.

15. In accordance with the Farm Bill, the Oregon Department of Agriculture adopted an Oregon Industrial Hemp Agricultural Pilot Program for the purposes of studying the growth, cultivation, and marketing of industrial hemp.

16. The Oregon Department of Agriculture's Hemp Program ensures that hemp growers, hemp handlers, and agricultural hemp seed producers are registered, and that testing of hemp and hemp products are conducted as required by Oregon hemp statutes and regulations.

17. We CBD is fully licensed to handle and distribute hemp by the Oregon Department of Agriculture, License No. AG-R1055545IHH. (**Exhibit A.**)

18. On or around November 8, 2020, Plaintiff shipped, by charter flight, 3,328.05 pounds of legal, industrial hemp belonging to We CBD (the "Hemp") from Oregon to Charlotte, North Carolina. The ultimate destination for the Hemp was a purchaser in Zurich, Switzerland.

19. We CBD purchased the Hemp from Hemp Worldwide, LLC and Zoe Therapeutics, LLC.

20. Both Hemp Worldwide, LLC and Zoe Therapeutics, LLC are licensed by the Oregon Department of Agriculture to grow legal hemp on their premises and are registered hemp growers. (**Exhibit B.**)

21. All Hemp underwent proper testing as required by Oregon hemp statutes and regulations.

22. All Hemp was properly labeled with compliance documents attached to each item during their shipment. Further, all compliance materials were available to CBP in a separate folder held by the charter flight company.

23. When the carrier transporting the Hemp stopped to refuel at Charlotte-Douglas International Airport, CBP purportedly called a North Carolina Highway Patrolman to do a field test on the Hemp at the Charlotte-Douglas International Airport.

24. The field test determined there was THC present, but not what type of THC, and the results of this test were never produced to Plaintiff despite repeated requests.

25. CBP seized 2,779.83 pounds of the Hemp, which it claims contains levels of delta-9 tetrahydrocannabinol (THC) greater than 0.3 percent, summarily forfeited the Hemp and has expressed its intention to immediately destroy the property contrary to law, denying the Plaintiff its property rights.

26. CBP seized another 548.22 pounds of the Hemp, which it does not plan forfeit, if certain coercive conditions are met, including We CBD's compliance with

CBP's improper demand that it release the Government from liability for destroying the rest of the Hemp.

27. Plaintiff neither received a proper Notice of Detention or Notice of Seizure, nor was Plaintiff given due process rights after the detention and the seizure of its property despite multiple and repeated requests for proper due process.

28. CBP failed to follow statutory and regulatory requirements when it did not meaningfully communicate with the Plaintiff when the Hemp was detained, send a Notice of Seizure, or return the seized Hemp.

29. During the months between November 8, 2020 and present, Plaintiff and CBP had ongoing discussions regarding the return of the Hemp, leading Plaintiff to believe CBP would treat it fairly and with due process.

30. However, March 5, 2021, without notice and inconsistently with discussions, CBP surprised Plaintiff by sending it a Determination Letter stating that CBP has seized and summarily forfeited and, in turn, intends to destroy at least 2,779.82 pounds of the Hemp, which it claims contains levels of tetrahydrocannabinol greater than 0.3%, and that 548.22 pounds of the Hemp has been found not to be a controlled substance. **(Exhibit C.)**

31. Without an emergency injunction, Defendants will destroy the Hemp immediately.

32. This seized merchandise is not contraband. It is legal hemp. CBP has presented no evidence, no test results, and no testing methodologies. CBP has provided Plaintiff with nothing to substantiate its determination. By contrast,

Plaintiff has provided CBP with all documents required to establish that the Hemp is a lawful agricultural commodity.

33. In addition to the Oregon State Department of Agriculture compliance documents, Plaintiff provided CBP with the following documentation, which includes, without limitation:

- a. Plaintiff's Licensing Information and the Licensing Information of the growers;
- b. Pre- and Post-Harvesting tests showing <.3% delta-9 THC (i.e., Certificates of Analysis);
- c. Packaging Lists;
- d. Commercial Invoices; and,
- e. Copies of the following statutes: 7 U.S.C. § 1639o(1); 21 U.S.C. §§ 802 (16) and 812 (c).

34. Plaintiff provided CBP applicable export documents including a bill of lading, commercial invoice, packing list, commercial invoice, and the shipper's letter of instruction.

35. Plaintiff has a protected property interest in Hemp, which Defendants have threatened to intentionally destroy immediately, and which has been violated through the unlawful detention and seizing of Plaintiff's lawfully registered industrial hemp.

36. Defendants' conduct in seizing and destroying Plaintiff's Hemp constituted an illegal taking of Plaintiff's property.

37. The Defendants never provided any compensation to Plaintiff for the taking of Plaintiff's property.

38. Upon information and belief, the CBP and other unknown law enforcement personnel and/or agencies willfully and maliciously: (a) intentionally authorized or directed law enforcement officers to undertake the actions that violated Plaintiff's rights; (b) adhered to an unofficial custom or policy to show deliberate indifference towards the rights of hemp handlers; (c) failed to adequately train the individual law enforcement officers to distinguish between industrial hemp and marihuana.

39. In addition, and wholly apart from the lost revenue streams from Plaintiff's commercialization of its hemp, Defendants' misconduct also directly and proximately caused damage to Plaintiff's business contracts and business expectations.

40. Without Court intervention, the Hemp — a lawful agricultural commodity — will be unlawfully destroyed without due process.

THE CBP DID NOT FOLLOW ITS OWN RULES OR THE TARIFF ACT OF 1930

41. CBP must follow applicable regulations and statutes ("CBP Rules") before it can seize, summarily forfeit/or destroy any property, but in this case a U.S. farmer's commodity, hemp.

42. Generally, the CBP Rules require that CBP take the following measures before detaining, seizing, or forfeiting much less destroying, any property, but in this case hemp, a lawful U.S. agricultural commodity.

43. CBP must provide written and proper notice of detention, seizure and forfeiture together with information on the applicable procedures and issue to all parties with an interest in the merchandise.

44. Despite multiple requests for transparency and information, CBP ignored the Plaintiff. Instead, during the period when CBP was legally obligated to provide the Plaintiff with process, CBP informed the Plaintiff that the “Hemp appears to be hemp” and CBP would be returning the Hemp to the Plaintiff.

CBP’s Failure to Comply with the Law: Detention, Seizure, and Forfeiture

45. CBP has repeatedly not complied with CBP’s express notice and process requirements.

46. CBP’s actions and rationale for taking property are fundamentally flawed from the detention of the goods through the so called “seizure” and now, its Determination Letter that requires Plaintiff to relinquish Constitutional rights to obtain property that Plaintiff lawfully owns. (**Exhibit C.**)

Detention - Examination, Sampling, and Testing of Merchandise
19 C.F.R. § 151.16

47. Pursuant to 19 C.F.R § 151.16 CBP must advise the Plaintiff of the “Nature of the tests or inquiries to be conducted” on the detained merchandise. CBP did not do so despite multiple requests.

48. Again, § 1639o defines hemp as “the plant Cannabis sativa L. and any part of that plant ... with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.” 7 U.S.C. § 1639o(1). CBP points to no evidence or any substantiation whatsoever that the Plaintiff’s merchandise is unlawful.

49. CBP was required to inform Plaintiff of the nature of the tests or inquiries conducted and, in turn, inform Plaintiff of the “nature of any information which . . . may accelerate the disposition of the detention.” *See* 19 C.F.R. § 151.16(c)(4),(5). It has not done this.

50. Plaintiff, as is its right, requested testing results for the detained merchandise. “Customs shall provide copies of the results of any testing conducted on the merchandise together with a description of the testing procedures and methodologies used.” *See* 19 C.F.R. § 151.16(c)(5).

51. CBP assured Plaintiff that the Hemp was being tested on multiple occasions, but never provided any results of any testing on the Hemp despite requests.

52. CBP has orchestrated a strategy of delay, obfuscation, and false reassurances only to deny Plaintiff of its rights under CBP Rules and the U.S. Constitution.

Seizure - Inspection, Search, and Seizure
19 C.F.R. §§ 161.1-161.96

53. With respect to goods of this nature — presumptively lawful agricultural commodities — CBP must send written notice of seizure to all known interested parties as soon as practicable. *See, e.g.*, 19 C.F.R. § 162.92.

54. When, as here, CBP does not send notice of a seizure of property in accordance with § 162.92 to the person from whom the property was seized, CBP must return the property to that person without prejudice to the right of the Government to commence a forfeiture proceeding at a later time. *See, e.g.*, 19 C.F.R. § 162.93.

55. This notice must include the provisions of law alleged to have been violated and description of the specific acts or omissions forming the basis of the alleged violations *See, e.g.*, 19 C.F.R. § 162.31.

56. CBP did not do this despite consistent requests and communications.

Forfeiture - Misuse of the Tariff Act of 1930
19 U.S.C. §§ 1401-1654

57. Forfeiture laws that capture goods, agricultural commodities, that are lawfully grown and cultivated under state and federal law are unconstitutional on their face and unconstitutional as applied to this matter, particularly considering the repeated and consistent denials of due process.

58. Instead of complying with its own CBP Rules, CBP has arbitrarily and capriciously detained, seized and forfeited an agricultural commodity, the Hemp, under the Tariff Act of 1930 (“Tariff Act”).

59. CBP’s actions did not comply with the Tariff Act, much less applicable CBP Rules, before informing Plaintiff that CBP intends to destroy its property.

60. Plaintiff is entitled to an opportunity to be heard. 19 U.S.C. § 1607 states, in relevant part, that a customs officer shall cause a notice of the seizure of such articles and the intention to forfeit and sell or otherwise dispose of the same according to law to be published for at least three successive weeks in such manner as the Secretary may direct. Written notice of seizure together with information on the applicable procedures shall be sent to each party who appears to have an interest in the seized article.

61. Defendants have mischaracterized applicable law to justify the destruction of the Hemp without due process.

62. Under 49 U.S.C. § 80302 “contraband” means a narcotic drug (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. § 802)), including marihuana (as defined in section 102 of that Act (21 U.S.C. § 802)), that--(A) is possessed *with intent to sell or offer for sale in violation of the laws and regulations of the United States*.

63. As outlined throughout this Complaint, the Hemp, was grown under a U.S. Department of Agriculture (“USDA”) approved pilot program and deemed to be a lawful agricultural commodity by the State of Oregon and the USDA.

64. Accordingly, there was no intent to sell a controlled substance. Put differently, the grounds cited by CBP for forfeiture do not apply to this matter and the Plaintiff is entitled to process, under the 5th and 14th Amendments to the U.S. Constitution as well as the CBP Rules and applicable statutes.

65. Deeming to be contraband an agricultural commodity grown pursuant to state and federal law is arbitrary, capricious and abuse of the agency’s discretion.

66. Again, the Plaintiff was denied regulatorily, statutorily and constitutionally required due process at the detention stage, the seizure stage, and by the determination by CBP.

67. Effectively, the Government, in its Determination Letter, says if the Plaintiff wants its lawful property back, it must agree to not file a civil action against the Government for destroying the Plaintiff’s lawful property. *See Exhibit C*.

68. The Government deemed to be contraband Plaintiff's property—an agricultural commodity—in a cloak of secrecy and shadows, without providing any explanation or process. In fact, the Government falsely told the Plaintiff it would provide Plaintiff process and Plaintiff's property back and then, without proper notice or an opportunity to be heard, the Government stated it is entitled to destroy Plaintiff's property.

69. The Government's authority to destroy property that it, arbitrarily and capriciously, deems to be contraband and summarily forfeits is not absolute. The Plaintiff is entitled to due process. *See, e.g.*, 18 U.S.C. §§ 983, 981.

FIRST CAUSE OF ACTION

Violation of the United States Constitution's Guarantee of Due Process

70. Plaintiff fully incorporates the preceding paragraphs by reference as if fully set forth herein.

71. A bare statement by CBP that the Hemp has a THC level of more than .3% on a dry weight basis is not adequate under any applicable body of law including those cited by CBP to justify a seizure of an agricultural commodity regulated by the states and the USDA.

72. Plaintiff has a protected property interest in its Hemp that the Defendants intentionally detained, seized, and intend to destroy, through unlawful means, which deprived Plaintiff of its protected property interest in the Hemp.

73. As set forth above, Defendants intentionally, willfully and recklessly violated Plaintiff's rights under the Fourteenth Amendment to the United States

Constitution to be free from the deprivation of life, liberty or property without due process of law.

74. As set forth above, Defendants intentionally, willfully and recklessly violated Plaintiff's rights under the Fifth Amendment to the United States Constitution to be free from the deprivation of life, liberty or property for public use without just compensation.

75. As a proximate result of these acts and/or omissions, Plaintiff has suffered damages in an amount to be proven at trial.

SECOND CAUSE OF ACTION
Declaratory Judgment

76. Plaintiff fully incorporates the preceding paragraphs by reference as if fully set forth herein.

77. An actual controversy exists between We CBD and Defendants.

78. Specifically, the Government has seized the Hemp, and threatens to imminently destroy it, without complying with CBP's own applicable rules, or the applicable statutes or the United States Constitution.

79. Pursuant to the Uniform Declaratory Judgment Act, 28 U.S.C. § 2201, and Federal Rule of Civil Procedure 57, We CBD in good faith requests that the Court declare the following:

- a. CBP did not follow CBP Rules and other statutes and laws as it relates to notifying and giving We CBD an opportunity to be heard regarding the Detention and Seizure of its property;

- b. The Hemp should be retained and safeguarded until this action can be adjudicated; and,
 - c. All Plaintiff's Hemp should be returned, not destroyed.
80. Declaratory action would settle the controversy.

THIRD CAUSE OF ACTION
Conversion

81. Plaintiff fully incorporates the preceding paragraphs by reference as if fully set forth herein.

82. Defendants wrongfully and intentionally exercised control and dominion over Plaintiff's personal property.

83. Plaintiff owned, possessed, and had a right to possess the Hemp.

84. Defendants willfully, maliciously, and substantially interfered with Plaintiff's property by taking possession of Plaintiff's personal property and either destroying Plaintiff's Hemp or stating its intent to imminently do so.

85. Defendants' conduct did, permanently interfere with Plaintiff's dominion and control over Plaintiff's property.

86. Plaintiff did not consent to Defendants' actions.

87. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

88. Plaintiff was harmed by Defendants' actions.

89. Defendants' conduct violated the United States Constitution as set forth above.

90. As a proximate result of these acts and/or omissions, Plaintiff has suffered damages in an amount to be proven at trial.

FOURTH CAUSE OF ACTION
Trespass to Chattels

91. Plaintiff fully incorporates the preceding paragraphs by reference as if fully set forth herein.

92. Plaintiff owned, possessed, and has a right to possess its Hemp.

93. Defendants willfully, maliciously, and substantially physically interfered with Plaintiff's use and possession of Plaintiff's property, namely Plaintiff's Hemp, took possession of Plaintiff's property, and damaged or destroyed that property.

94. Plaintiff did not consent to Defendants' actions.

95. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

96. Plaintiff was harmed by Defendants' actions in an amount to be proven at trial.

FIFTH CAUSE OF ACTION
Request for TRO and Preliminary Injunction

97. Plaintiff fully incorporates the preceding paragraphs by reference as if fully set forth herein.

98. Pursuant to Rule 65, Plaintiff requests that the Court issue a Temporary Restraining Order and Preliminary Injunction, ordering Defendants not to destroy Plaintiff's property or further diminish its value by storing it in such a way that would cause the Hemp to spoil, meaning storing the property in a secured climate controlled warehouse.

99. Plaintiff is likely to succeed on the merits of the claims asserted in this action. In particular, it is evident that the Government has not complied with any applicable state or federal rules, and statutes, and most concerning, the U.S. Constitution. Moreover, the Hemp is a legal substance and property of Plaintiff.

100. Without the injunctive relief requested herein, Plaintiff will suffer immediate and irreparable harm. For example, without limitation, Plaintiff's Hemp is a unique commodity that will spoil or degrade if not properly stored. If the Hemp is not properly stored it will lose nearly all of its value. CBP's acts have already damaged Plaintiff's business relationships. To prevent further damage to the business relationship between Plaintiff and its buyer, the Government must protect the merchandise properly. Plaintiff has tried to raise this issue with CBP, but CBP has willfully and deliberately avoided communications.

101. The balance of hardships tips sharply in Plaintiff's favor. Plaintiff simply asks the Court to protect its property rights in the Hemp while this action is pending.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays to the Court for the following relief:

1. For a declaration that Defendants' did not follow the CBP Rules and applicable regulations, that CBP's actions were unconstitutional, and that the Hemp should be safeguarded and not destroyed, or else returned.
2. For preliminary and permanent injunctive relief, pursuant to Rule 65, that enjoins Defendants from destroying Plaintiff's Hemp or further diminishing

its value by storing it in such a way that would cause the crop to spoil or otherwise degrade.

3. For compensatory and punitive damages in an amount to be determined at trial.
4. For pre- and post-judgment interest on all damages as allowed by the law.
5. For such other and further relief as this Court deems just and proper.
6. For a trial by jury.

Respectfully submitted this 19th day of March, 2021.

/s/ William R. Terpening
William R. Terpening
N.C. Bar 36418
Carlin G. Robertson
N.C. Bar 54975

TERPENING LAW PLLC
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Charlotte, NC 28202
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(980) 265-1700

Counsel for Plaintiff

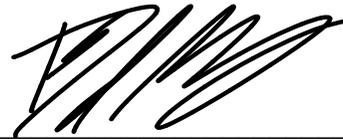
VERIFICATION

Pursuant to 28 U.S.C. § 1746, I, Daniel J. Martin, declare the following:

1. I have personal knowledge of the matters alleged regarding Plaintiff, We CBD, LLC in the foregoing Complaint.
2. The allegations contained herein are true and correct.

I verify under penalty of perjury that the foregoing is true and correct.

Executed this the 19th day of March, 2021.



Daniel J. Martin
Managing Member
We CBD, LLC

NOTICE TO LAW ENFORCEMENT

This package contains industrial hemp products grown and produced in accordance with the Agricultural Act of 2014, section 7606, and contain less than 0.3% Delta-9 THC. While the products may look like marijuana, they are not. "Industrial Hemp" as defined by Section 7606(b)(2) in the Agricultural Act of 2014, "means the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis." As such, any "industrial hemp" products are exempt from the Controlled Substances Act (21 U.S.C. 801 et seq.) and are perfectly legal to possess, use, and distribute. Any state law to the contrary is preempted pursuant to the Full Faith and Credit Clause and the Supremacy Clause of the United States Constitution, Article VI, Sections 1 and 2.

Furthermore, We CBD LLC is fully licensed by the state of Oregon Agricultural Department to produce, handle & distribute Industrial Hemp products. For questions and concerns, please contact legal staff:

Bear Wilner-Nugent
(503) 351-2327

Courtney Moran
(541) 632-4367

Form 1014 Rev 04/19
OREGON DEPARTMENT OF AGRICULTURE
635 CAPITOL ST NE, STE 100
SALEM, OR 97301-2532
(503) 986-4550

POST IN A CONSPICUOUS PLACE

WE CBD LLC
BEAR WILNER NUGENT
620 SW 5TH AVE STE 1008
PORTLAND OR 97204

BUSINESS LOCATION

WE CBD LLC
29880 SE FOI SOM RD
EAGLE CREEK OR 97022

<u>LICENSE NUMBER</u>	<u>DATE ISSUED</u>	<u>DATE EXPIRES</u>	<u>LICENSE</u>
AG-R10555451HH	03/12/2020	12/31/2020	Hemp Handler Registration

Printed: 03/13/2020

POST IN A CONSPICUOUS PLACE

HEMP WORLDWIDE LLC
LESLEY BRUNER
13500 E EVANS CREEK RD
ROGUE RIVER OR 97537

BUSINESS LOCATION

GROW SITE 1
13500 E EVANS CREEK RD
ROGUE RIVER OR 97537

<u>LICENSE NUMBER</u>	<u>DATE ISSUED</u>	<u>DATE EXPIRES</u>	<u>LICENSE</u>
AG-R1065128HGS	01/14/2020	12/31/2020	Hemp Grow Site
AG-R1050975IHG	01/14/2020	12/31/2020	Hemp Grower Registration

Printed: 01/15/2020

Exhibit B

POST IN A CONSPICUOUS PLACE

ZOE THERAPEUTICS LLC
CHRIS SHIRLEY
1751 DRAPER VALLEY RD
SELMA OR 97538

BUSINESS LOCATION

ZOE
1751 DRAPER VALLEY RD
SELMA OR 97538

<u>LICENSE NUMBER</u>	<u>DATE ISSUED</u>	<u>DATE EXPIRES</u>	<u>LICENSE</u>
AG-R1053208AHS	02/05/2020	12/31/2020	Agricultural Hemp Seed Registration
AG-R1065702HGS	02/05/2020	12/31/2020	Hemp Grow Site
AG-R1053204IHG	02/05/2020	12/31/2020	Hemp Grower Registration

Printed: 02/06/2020



**U.S. Customs and
Border Protection**

Sent via Certified USPS Mail (7019 1120 0000 8581 1741)

March 5, 2021

Robison Law Group, LLC
Attention: Frank Robison, Attorney at Law
908 Main Street, Suite 220
Louisville, CO 80027

Re: We CBD, LLC
Case No. 2021-1512-000295-01

Dear Mr. Robison:

On November 8, 2020, U.S. Customs and Border Protection, Charlotte, NC, detained a total of ninety-three (93) bags of suspected marijuana from an outbound chartered aircraft destined for Zurich, Switzerland. Much of the shipment contained property that was tested and found to constitute a controlled substance.

Approximately 2,779.83 pounds of the product contain levels of tetrahydrocannabinol (THC) greater than 0.3 percent and constitutes marijuana, a Schedule I controlled substance. The marijuana has been seized and summarily forfeited, and will be destroyed, pursuant to 19 U.S.C. §1595a(d), 21 U.S.C. §953, 21 U.S.C. §881(f), and 19 C.F.R. §162.45a.

Approximately 548.22 pounds of the product has been found not to be a controlled substance. Although the attempted exportation of this merchandise did involve violations of 19 U.S.C. §1595a(d), 22 U.S.C. §401, and 18 U.S.C. §554; the government is prepared not to pursue the forfeiture of this property, which will be remitted, along with the fifty-eight (58) canvas bags, to Daniel Martin of We CBD LLC provided the following conditions are met:

1. Execution and submission of the enclosed Hold Harmless Agreement (HHA).
2. The name, address and telephone number of the company and/or individuals designated as the responsible party to accept physical custody of the seized property at the time of release. Only this person or persons as designated can accept the release from the Seized Property Specialist (SPS).

Exhibit C

Please mail the Hold Harmless Agreement to U.S. Customs and Border Protection, Attn: FP&F, 1901 Cross Beam Drive, Charlotte, NC 28217. The remittal of the approximately 548.22 pounds of product and canvas bags will be processed after receipt of the properly executed Hold Harmless agreement. Once received, the Seized Property Specialist (SPS) will contact you with instructions on how to pick up the property. If the Hold Harmless is not received within 30 days of the date of this letter, we will commence forfeiture proceedings.

If you have any questions, please contact the Fines, Penalties, and Forfeitures office at (704) 329-6116 or gregory.a.cyr@cbp.dhs.gov.

Sincerely,

FOR


Terese A. Weaver
Fines, Penalties, and Forfeitures Officer

Enclosure

**U.S. CUSTOMS AND BORDER PROTECTION
HOLD HARMLESS RELEASE AGREEMENT**

FP&F Case Number: 2021-1512-000295-01

**Property: - Hemp labeled CBG (lab tested under .3% THC) (Bulk)
- Canvas Bags containing the vacuum sealed plastic bags**

This Agreement is made between Daniel James Martin of We CBD LLC, Claimant, and the United States Customs and Border Protection, Department of Homeland Security, for and in consideration of the return of the property described above which is the subject of Customs Case Number shown above and was seized for violation of 19 U.S.C. §1595a(d), 22 U.S.C. §401, and 18 U.S.C. §554 and for other consideration, the receipt of which is hereby acknowledged.

In consideration of the release of the above listed property to the above named party, I hereby release and forever discharge the United States, its officers, agents, servants, and employees, their heirs, successors, or assigns, from any and all action, suits, proceedings, debts, dues, contracts, judgments, damages, claims, and/or demands whatsoever in law or equity which I, my heirs, successors, or assigns, ever had, now have, or may have in the future in connection with the detention, seizure, and/or release by the United States Customs and Border Protection of the above listed property.

I further agree to hold and save the United States, its officers, agents, servants and employees, their heirs, successors, or assigns, harmless from any claims by any others, including costs and expenses for or on account of any and all lawsuits or claims of any character for or on account of any and all lawsuits or claims of any character whatsoever in connection with the detention, seizure, and/or release by the United States Customs and Border Protection of the above listed property.

In addition, I herein agree to reimburse the United States, its employees, or agents from any necessary expenses, attorney's fees, or costs incurred in the enforcement of any part of this agreement within thirty (30) days after receiving written notice that the United States, its employees, or agents has incurred them.

Executed this date, _____ 2021 _____
(Signature)

SIGNED BEFORE ME this date, _____ 2021.

Notary Public _____

My commission expires _____

(Or)

ICE/CBP Witness _____ Date _____

ICE/CBP Witness _____ Date _____

The requirement to execute this document is authorized under 19 USC 1618 which provides that the Commissioner of Customs may mitigate or remit fines, penalties, and forfeitures under such terms and conditions as deemed appropriate. By accepting this remission decision, petitioner understands that he/she is waiving any claim to attorney's fees, interest or any other relief not specifically provided for in this decision.

(To remit property to a corporation/company)

Name and Title (Print): Daniel James Martin

Company Name: We CBD LLC

Address: _____

Signature: _____ Date: _____

The requirement to execute this document is authorized under 19 USC 1618 which provides that the Commissioner of Customs may mitigate or remit fines, penalties, and forfeitures under such terms and conditions as deemed appropriate. By accepting this remission decision, petitioner understands that he/she is waiving any claim to attorney's fees, interest or any other relief not specifically provided for in this decision.