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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

UNITED STATES DEPARTMENT OF
JUSTICE, DRUG ENFORCEMENT
ADMINISTRATION,

Petitioner,

v.

UTAH DEPARTMENT OF COMMERCE and
UTAH DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING,

Respondents.

Case No. 2:16-cv-611-DN

**DECLARATION OF JOHN DOE 1
IN SUPPORT OF MOTION TO
INTERVENE AND MOTION TO
PROCEED USING PSEUDONYMS**

Chief Judge David Nuffer

UNITED STATES DEPARTMENT OF
JUSTICE, DRUG ENFORCEMENT
ADMINISTRATION,

Petitioner,

v.

IAFF LOCAL 1696 et al.,

Respondents–Intervenors.

I, John Doe 1,¹ hereby declare and state as follows:

1. I submit this declaration based on my personal knowledge in support of the motions to intervene and to proceed using pseudonyms, in the above captioned case.

2. I am one of the individuals seeking to intervene in this action.

3. I am an attorney in private practice and a life-long resident of the State of Utah.

4. I have suffered from Attention Deficit Hyperactivity Disorder (“ADHD”) since childhood. Approximately ten years ago, I began taking prescription medication to treat this disorder.

5. To treat my ADHD, my Utah physician prescribed Adderall. Approximately three years ago, my doctor began alternating my Adderall prescription approximately every three to six months with two additional medications, Dexedrine and Desoxyn.

6. Each of these three prescription medications are classified as Schedule II drugs under the federal Controlled Substances Act.

¹ This is not my real name. I am proceeding under a pseudonym in order to protect my constitutional right to privacy. The use of the name “John Doe” and gender pronouns is not intended to signify that I identify as either male or female.

7. These medications were prescribed by a Utah physician. I obtain refills of my prescriptions at pharmacies in Utah. As a result, I believe that records of my prescriptions for these medications have been and continue to be recorded by the Utah Controlled Substances Database Program (“UCSD”).

8. Adderall and Dexedrine are trade names for amphetamine, which is classified in Schedule II under the Controlled Substances Act.

9. Desoxyn is the trade name for methamphetamine, which is classified in Schedule II under the Controlled Substances Act.

10. When I am taking Adderall, I take 30 milligrams once per day.

11. When I am taking Dexedrine, I take 20 milligrams once per day.

12. When I am taking Desoxyn, I take 5 milligrams three times per day.

13. Each of these three medications is prescribed in 30-day supplies. I must get a new prescription and fill that prescription at a pharmacy every 30 days.

14. Additionally, my physician must examine me every six months in order to continue to prescribe these medications.

15. Absent these medications, I am, impulsive, disorganized, irritable, and unable to focus. These symptoms, if untreated, affect my personal relationships.

16. Though I have sought out alternative forms of treatment, I have not found any other treatments that are available in the United States and that have been successful.

17. I expect that I will continue to take Adderall, Dexedrine, or Desoxyn indefinitely.

18. I am aware that the DEA claims the authority to obtain prescription records from the UCSD without first obtaining a warrant based on probable cause.

19. I consider my medical records to be private. I fear that if law enforcement agents can access my prescription records without first presenting evidence to a judge that I have done something wrong, my personal information could be improperly disclosed.

20. I want to keep information about my prescriptions and medical history private because it could damage my career if the information were no longer confidential. I am concerned that if other people—including my colleagues and future clients—become aware that I am being treated for ADHD, they will question my ability to represent my clients and perceive me as a less capable attorney.

21. Additionally, taking prescription medication is taboo in my religious community and it could be harmful to my personal reputation if others become aware that I am taking medication to treat my ADHD.

22. If the DEA could access my prescription records without first obtaining a warrant, I would strongly consider seeking medical care and my prescription medications outside of Utah. I would also research other means by which I could protect the privacy of my medical information.

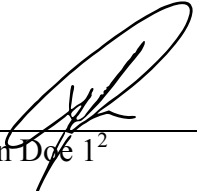
23. While I want to protect my right to the privacy of my prescription records and the medical information that they reveal, I also want to be able to assert my constitutional rights in court to ensure that the DEA cannot obtain personally identifying information from the CSDP that reveals my private prescription information without complying with the Fourth Amendment. The only way for me to do that is to proceed under a pseudonym because, otherwise, I will have to disclose to the DEA (and the public at large) the very information—my name, connected with

the specific Schedule II drugs that I take, the dosage prescribed, the frequency with which I take them, and the condition they treat—that I am seeking to protect through this Intervention.

24. Neither my name nor any other personally identifying information about me (including my image) will be revealed in any public statement that I or my representatives make about this case.

Pursuant to 28 U.S.C. § 1746, I hereby declare and state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this 27th day of July, 2016.



John Doe 1²

² As noted above, this is a pseudonym.