EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

SEARCH WARRANT

THE PEOPLE OF THE STATE OF CALIFORNIA TO: **WARRANT NO.**_____
Any peace officer in Alameda County

The affidavit below, sworn to and subscribed before me, has established probable cause for this search warrant which you are ordered to execute as follows:

Place(s) to be searched: Described in Exhibit 1A, *attached* hereto and incorporated by reference.
Property to be seized: Described in Exhibit 1B, *attached* hereto and incorporated by reference.
Night service: [If initialed by judge} for good cause, night service is authorized:_____
Disposition of property: Any item seized during the lawful service of this Search Warrant shall be disposed in accordance with law upon adjudication of the case. The officers serving this search warrant are also hereby authorized, without necessity of further court order, to return seized items to any known victims(s) if such items have been photographically documented.

8/26/08 11:30a
Date and Time

Judge of the Superior Court

♦AFFIDAVIT♦

Affiant's name and agency:
Detective Bill Kasiske #35, University of California Police Department, Berkeley

Incorporation: The facts in support of this warrant are contained in the Statement of Probable Cause which is incorporated by reference. Incorporated by reference and attached hereto are Exhibit 1A, describing the places(s) to be searched; and Exhibit 1B, describing the evidence to be seized.

Evidence type: (Penal Code § 1524)

- ☐ *Stolen or embezzled property.*
- ☒ Property or things used as a means of committing a felony.
- ☐ Property or things in the possession of any person with the intent to use it as a means of committing a public offense, or in the possession of another to whom he or she may have delivered it for the purpose of concealing it or preventing its being discovered.
- ☒ Property or things that are evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony.
- ☐ Property or things consisting of evidence that tends to show that sexual exploitation of a child, in violation of Penal Code § 311.3, or possession of matter depicting sexual conduct of a person under the age of 18 years, in violation of Penal Code § 311.11 has occurred or is occurring.

☐ **Night Service:** [If checked] Authorization for night service is requested based on information contained in the Statement of Probable Cause, filed herewith.

Declaration: I declare under penalty of perjury that the information within my personal knowledge contained in this affidavit, including all incorporated documents, is true.

08/26/08 11:25AM
Date and Time

Det. Bill Kasiske #35, Affiant

PENGAD 800-631-6989 EXHIBIT DB 7/27/10 E Kasiske

SEARCH WARRANT EXHIBITS

Exhibit 1A: Places to be Searched

The premises, structures, rooms, receptacles, outbuildings, associated storage areas, and safes situated at:

The Long Haul Infoshop, 3124 Shattuck Avenue, Berkeley, CA. This is a single-story brick building on the west side of Shattuck Avenue. It has a red sign above the door that reads, "Long Haul Infoshop." The front door is glass.

Exhibit 1B: Property to be Seized

- Any written, typed, or electronically stored documents, papers, notebooks, or logs containing names or other identifying information of patrons who used the computers at the Long Haul Infoshop.
- All electronic data processing and storage devices, computers and computer systems including, but not limited to, central processing units, external hard drives, CDs, DVDs, diskettes, memory cards, PDAs, and USB flash drives.

  Search of all of the above items is for files, data, images, software, operating systems, deleted files, altered files, system configurations, drive and disk configurations, date and time, and unallocated and slack space, for evidence. With respect to computer systems and any items listed above, the Peace Officers are authorized to transfer the booked evidence to a secondary location prior to commencing the search of the items. Furthermore, said search may continue beyond the ten-day period beginning upon issuance of this Search Warrant, to the extent necessary to complete the search on the computer systems and any items listed above.

EXHIBIT 2

STATE OF CALIFORNIA) ss.
COUNTY OF ALAMEDA)

INVENTORY AND AFFIDAVIT ON SEARCH WARRANT

I, the undersigned, make this inventory to the attached Search Warrant. Said Warrant was issued on 08/26/08 (date), and under its authority I, on 08/27/08 (date), diligently searched the persons and places described as follows, to wit: 3124 SHATTUCK, BERKELEY

and I there discovered the following:

INVENTORY

FROM INTERNET ROOM:

35-18-90 - MISC. CDS & DISKETTES
35-1-1 - POWER MACINTOSH G3, S/N XB8292NOCY4
35-2-1 - ACER PC - NO S/N
35-3-1 - "2001" PC - S/N 011124106
35-4-1 - DELL OPTIPLEX GX110 SERVICE TAG: 9585701 (UC)
35-5-1 - DELL OPTIPLEX GX150 S/N JC3ZB11
35-6-1 - POWER MACINTOSH G3, S/N XA8350FYD9B
35-7-1 - ADS PC S/N 6920191
35-8-1 - UNKNOWN WHITE PC, S/N 9041DTYZQ724
35-9-1 - UNKNOWN WHITE PC, NO S/N
35-10-1 - MACINTOSH PERFORMA S/N RM7362NX95R
35-11-1 - BLUE/WHITE MAC S/N YM0173D3J88
35-15-1 - BLACK APPLE HARD DRIVE
35-16-1 - LACIE HARD DRIVE

I, the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all property take by me on the Warrant.

Bill Z

Signature of Officer ~~(before Magistrate)~~

Signature of Magistrate
County of Alameda, State of California

Ref. 1534 (e) P.C.
1535 P.C.
1537 P.C.

Subscribed and sworn to before me

on: _____
(date)

EXHIBIT DB 7/27/10 C Kasiske

PENGAD 800-631-6989

STATE OF CALIFORNIA) ss.
COUNTY OF ALAMEDA)

INVENTORY AND AFFIDAVIT ON SEARCH WARRANT

I, the undersigned, make this inventory to the attached Search Warrant. Said Warrant was issued on 08/26/08 (date), and under its authority I, on 08/27/08 (date), diligently searched the persons and places described as follows, to wit: 3124 SHATTUCK, BERKELEY

and I there discovered the following:

INVENTORY

FROM UPSTAIRS OFFICE:

35-12-1 - BLUE/WHITE POWER MACINTOSH G3, S/N: SG852887FQZ

35-13-1 - : MAC, S/N QT3101MGNHX

- MISC. CDS/CASSETTES

I, the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all property take by me on the Warrant.

Bill Z.

Signature of Officer ~~(before Magistrate)~~

Signature of Magistrate
County of Alameda, State of California

Ref. 1534 (e) P.C.
1535 P.C.
1537 P.C.

Subscribed and sworn to before me

on: _____ (date)

STATE OF CALIFORNIA) ss.
COUNTY OF ALAMEDA)

INVENTORY AND AFFIDAVIT ON SEARCH WARRANT

I, the undersigned, make this inventory to the attached Search Warrant. Said Warrant was issued on 08/26/08 (date), and under its authority I, on 08/27/08 (date), diligently searched the persons and places described as follows, to wit: 3124 SHATTUCK, BERKELEY

and I there discovered the following:

INVENTORY

FROM DOWNSTAIRS OFFICE - "EAST BAY PRISONER SUPPORT"

35-14-1 - "EXCEL" COMPUTER, NO 10979

- MISC. CDs

35-17-1 - SPRINT USB FLASH DRIVE

I, the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all property take by me on the Warrant.

Bill Z

Signature of Officer ~~(before Magistrate)~~

Signature of Magistrate
County of Alameda, State of California

Ref. 1534 (e) P.C.
1535 P.C.
1537 P.C.

Subscribed and sworn to before me

on: _____
(date)

EXHIBIT 3

STATEMENT OF PROBABLE CAUSE

Affiant Introduction

Your affiant is currently employed as a Police Officer with the University of California Police Department (UCPD) on the Berkeley campus and has been employed by the UCPD System since January 2003. Your affiant worked as a patrol officer in the Patrol Division from 07/16/03 to 01/31/05 and as a detective in the Criminal Investigations Bureau since 02/01/05.

Your affiant has received formal and informal training, including:

- 1,050 hours, 07/14/03, POST Basic Academy, Alameda County Sheriff's Office Regional Training Center;
- 84 hours, 05/27/05, Institute of Criminal Investigation Core Course
- 40 hours, 11/18/05, Institute of Criminal Investigation Sexual Assault Investigation Course

Your affiant has successfully written and served multiple search warrants.

Case Background

For several months, multiple UC Berkeley faculty members have been targeted by people who object to research the faculty members have conducted using animals. UCPD has taken numerous reports of vandalism and noisy demonstrations that have taken place at the private residences of the researchers. On 08/02/08 two fire bombings were reported in Santa Cruz. An incendiary device was ignited at the home of a UC Santa Cruz researcher while he was home with his family. A second device burned a vehicle belonging to another UC Santa Cruz researcher. UC Berkeley animal researchers are aware of these attacks as well as similar attacks that occurred against UCLA animal researchers in the previous year.

Since September 2007, UCPD has documented at least nine separate occasions when animal rights activists have targeted [redacted]'s residence. Demonstrations in front of her house have included loud chanting, chalk messages written on her driveway and the street in front of her house, and stickers placed on her property. On 03/10/08, [redacted]'s skylight was broken by a garbage can that was thrown onto her roof. There were chalk messages and stickers relating to animal rights that accompanied this vandalism. I was present when animal rights activists demonstrated in front of [redacted]'s home on 01/27/08. While I was there, I heard a known activist, [redacted] shout, "What goes around comes around, smash vivisection to the ground." I also heard him shout, "[redacted], we are urging you to reconsider your [unknown word] at UC Berkeley. We are the friendly, above-ground activists. We are the ones you want to be dealing with. The next visit may not be from the above-ground activists. The next visit may not be so pretty." I heard another known activist, [redacted] lead a call and response chant. He shouted, "For the animals we will fight." When he said this, the other demonstrators responded by shouting, "We know where you sleep at night." He lead another chant in which he shouted, "Vivisection, lies, and death." The other demonstrators responded by shouting, "Free

EXHIBIT DB
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Kasiske
PENGAD 800-631-6989

08-02544

the animals, A-L-F." I am familiar with the ALF as an animal rights group that encourages violence and vandalism against people who they believe mistreat animals.

Multiple UC Berkeley professors who conduct research with animals have reported receiving harassing email messages. Between 03/19/08 at 2003 hours and 03/25/08 at 2111 hours, the following professors received harassing email messages: [redacted], and [redacted].

The messages had subject lines such as, "Hey animal killer," and "Why do you torture and kill animals?" The messages contained obscene comments like, "The blood is on your hands you speciesist [sic] scum. They die, you profit. Sick motherfucker." The sender used email accounts falsely created in the names of the professors to send the email messages. The following accounts were used: [redacted]08@yahoo.com ([redacted]), [redacted]333@yahoo.com ([redacted]), [redacted]01@yahoo.com ([redacted]), and [redacted]11@yahoo.com ([redacted]).

The professors forwarded the harassing messages to me. When [redacted] and [redacted] forwarded their messages, they were able to include the complete header information. I examined the header information and noticed both messages came from the same IP address, which was 208.106.103.213. I traced this IP address back to a company called Sonic.net. On 03/20/08, I wrote a court order to obtain records from Sonic.net. On 03/20/08, I served the order on Sonic.net via fax. I received an email reply from Sonic.net on 03/21/08. I learned that at the time the harassing email messages were sent, the subscriber for IP address 208.106.103.213 was Jessy Palmer and the subscriber's address was 3124 Shattuck Avenue in Berkeley. I recognized this address as belonging to the Long Haul Infoshop. I know that the Long Haul is a resource and meeting center for radical activists. I know that animal rights activists have held meetings at the Long Haul. The Long Haul's website advertises that they offer a computer room with four computers for "activist oriented access."

On 06/15/08, [redacted] forwarded me six threatening email messages she received. The messages all came from the email address, "[redacted]isscum@gmail.com." The messages referenced her home address, [redacted]. They contained the following content:

Message #1:
Received: 06/14/08 at 1810 hours
Subject: "let's see"
Message: "im a crazy fuck and im watching YOU
YOU HAD BETTER STOP KILLING THOSE FUCKING ANIMALS OR I WILL SHOW YOU WHAT I HAVE IN STORE AT [redacted] AND IT AINT FUCKING PRETTY"

08-02544

Message #2:
Received: 06/14/08 at 1811 hours
Subject: "do you think"
Message: "do you think that im fucking around you waste of life i know where you work where you live where you shop even i know your credit card number and even what netflix movies you watch
STOP TORTURING ANIMALS OR THINGS GET UGLY"

Message #3:
Received: 06/14/08 at 1811 hours
Subject: "WAIT TO SEE"
Message: "WAIT TO SEE WHAT WE HAVE IN STORE FOR YOU"

Message #4:
Received: 06/14/08 at 1816 hours
Subject: "[redacted] – A surprise in store"
Message: "havent you been paying fucking attention to the news and what is happening at UCLA
quit torturing animals or you're next to receive that and MUCH worse you fucking murderous scum"

Message #5:
Received: 06/14/08 at 1817 hours
Subject: "haha"
Message: "haha"

Message #6:
Received: 06/14/08 at 1916 hours
Subject: "my simple demands"
Message: "I HAVE ONE DEMAND. IT IS FOR YOU TO MAKE A PUBLIC ANNOUNCEMENT THAT YOU WILL NEVER AGAIN EXPERIMENT ON ANIMALS

IT WILL BE THE SMARTEST MOVE YOU EVER MADE [redacted]. TRUST ME

EITHER YOU DO THAT OR I WILL FUCK YOUR LIFE UP. IM GIVING YOU THIS LAST CHANCE BECAUSE I HAVE MORE COMPASSION THAN YOU HAVE EVER SHOWN"

I believed the reference to UCLA related to animal rights activity that had taken place at the homes of UCLA researchers. I was aware of multiple incidents of incendiary devices being placed at researchers' homes as well as an incident in which a garden hose was placed through a broken window and used to flood the inside of a researcher's home.

Based on the ongoing harassment at [redacted]'s residence as well as the repeated threatening email messages, I determined that the sender of the messages was in violation of California Penal Code section 646.9(a) [Stalking].

08-02544

On 06/16/08, I wrote a court order to obtain IP address information for the email address "[redacted]isscum@gmail.com." I served the order on Google via fax on 06/16/08. I received a response from Google on 07/18/08. I learned that the person who used "[redacted]isscum@gmail.com," sent the messages from an internet connection using IP address 208.106.103.213. I recognized this address as the same one that was used to send earlier harassing email messages. On 07/22/08, I wrote a court order to obtain subscriber information for this IP address. I served the order on Sonic.net via fax on 07/22/08. I received a response from Sonic.net on 07/24/08. I learned that the subscriber for this IP address at the time the messages were sent to [redacted] was Jessy Palmer and the subscriber's address was 3124 Shattuck Avenue in Berkeley. I again recognized this as the address of the Long Haul Infoshop.

Opinions and Conclusions

Based on my training and experience, I know establishments that offer public computer access often have some type of system for patrons to sign in or register to use the computers. A search of the Long Haul's premises could reveal logs or sign-in sheets indicating which patrons used the computers on particular dates. This information would aid in identifying the suspect who sent the threatening email messages using the Long Haul's computers.

It is likely that the suspect who sent the threatening email messages used the computers for other purposes as well. A search of the computers at the Long Haul could reveal information the suspect stored on the computers, websites the suspect accessed, or other email accounts the suspect used. This information would aid in identifying the suspect. Due to the complexity of searching computer systems and the need to properly maintain evidence stored on computer systems, a detailed search would need to be conducted off-site by a computer forensics specialist.

Declaration: I declare under penalty of perjury that the information within my personal knowledge contained in this statement of probable cause is true.

08/26/08 11:25AM
Date and Time

Det. Bill Kasiske #35, Affiant

8/26/08 11:30a
Date and Time

Judge of the Superior Court

EXHIBIT 4

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

LONG HAUL, INC. and EAST BAY PRISONER SUPPORT, Plaintiffs, v. UNITED STATES OF AMERICA; MIGUEL CELAYA; KAREN ALBERTS; WILLIAM KASISKE; WADE MacADAM; TIMOTHY ZUNIGA; MIKE HART; LISA SHAFFER; and DOES 1 - 25, Defendants.	No. C 09-00168-JSW

DEPOSITION OF JESSE PALMER, taken on behalf of Plaintiffs, at One Market Street, 32nd Floor, San Francisco, California, commencing at 9:35 a.m., Wednesday, August 4, 2010, before Donna J. Blum, Certified Shorthand Reporter, No. 11133.

before you speak. Then wait so that I have a chance if I'm going to object. Then answer the question that she asked please.

THE WITNESS: Thank you.

BY MS. ELLIS:

Q. Did you review any e-mails in preparation for this deposition?

A. No.

Q. Other than the e-mails that we discussed previously?

A. Correct.

Q. How -- when was Long Hall started?

A. Long Haul was incorporated as a corporation in 1993.

Q. Did Long Haul exist prior to 1993 in some other form?

A. As I understand it, Long Haul existed as the location at 3124 Shattuck beginning in roughly 1979.

Q. And what was the -- did Long Haul exist separately as an entity other than a building space in 1979?

A. I believe the first time the word "Long Haul" was used was when they got that building in 1979.

Q. Was Long Haul solely used to describe the building or was there a separate entity that was known as

has a key, and a volunteer who's not a member probably would not have a key.

BY MS. ELLIS:

Q. Okay. And what -- is it a key -- members have a key to the front door?

A. Correct.

Q. Okay. Do members have a key to any other spaces?

Well, first of all, are there locked spaces within the Long Haul building?

A. Correct, yes.

Q. Okay. As of August 2008, which spaces were locked in Long Haul?

A. The -- there would be three offices downstairs that would have locks on them. There would be one office upstairs in what we call the middle loft that would have a lock on it. And then there would be a variety of cabinets and counters, and that there's one -- there's two in the back room and three in the -- in the front room that are locked areas.

Q. And would a member who has a key have access to all of those locked areas?

A. No.

Q. Which of the locked areas would a member who has a key have access to?

A. Just the front door.

Q. Who has -- in 2008, who would have had keys to the locked areas that you described?

A. If somebody was a volunteer with Slingshot, which is upstairs, they would have -- they could -- they would not necessarily but they could have a key to that door.

Continuing, if they were a volunteer with the Info Shop Project, which is in the front room, they would not necessarily have a combination to get into the counter area. If you have that combination, then there is a key to a glass cabinet where books are kept, and there's also a book that has a combination for a place where coffee is kept that's locked and place where audio/visual equipment is kept, which is also locked, and a place where tools and paint, maintenance equipment is kept, which is locked.

If you -- the three locked offices downstairs, the back one would have just been members of East Bay Prisoner Support would have had a key. I don't know whether it was a padlock or a combination but would have had access.

The middle office, which is where The Needle Exchange was, would have just been people associated with that group. And, again, I don't know how they do that.

And the front office I think at that time was Cycles for Change, and they would have had exclusive access to that front office.

Q. Were there volunteers of Slingshot who were also volunteers of the Info Shop?

A. Yes.

MS. GRANICK: Objection, vague as to time.

BY MS. ELLIS:

Q. In August of 2008.

A. Yes.

Q. Were there volunteers of the Info Shop in August of 2008 who were also volunteers of East Bay Prisoner Support?

A. I'm not sure, but perhaps.

Q. In August of 2008 were there volunteers of the Info Shop who were volunteers of The Needle Exchange?

A. I do not think so.

Q. In August of 2008 were there volunteers of the Info Shop who were volunteers of Cycles for Change?

A. I do not think so.

Q. In August of 2008 were there volunteers of East Bay Prisoner Support who were volunteers of Slingshot?

A. No.

Q. In August of 2008 were there volunteers of East Bay Prisoner Support who were volunteers of The Needle

the key and they weren't going to contribute to try to keep the place up but that they wanted for personal reasons or reasons that didn't have anything to do with keeping it up or that they were just an untrustworthy person, and it would be on a case-by-case basis.

Q. Since you've been a member of Long Haul since 1993?

A. (Moves head up and down.)

Q. How many times are you aware that someone has been rejected as an applicant for a membership?

A. That's very hard to say, but it does happen. But, I mean, it's very hard to say over 16 or 17 years. That's a lot of people that got keys. And so, you know, it's maybe five percent of the people that apply. Something like that. Ten percent.

Q. Now, are there other key holders at Long Haul who are not members of Long Haul?

A. In general, no. We make anybody who gets a key a member.

Q. Okay. So you mentioned in 2008 that there were three offices downstairs. The one was occupied by East Bay Prisoner Support. The other one was occupied by The Needle Exchange. And the final one was occupied by Cycles for Change. Correct?

A. Uh-huh.

regularly scheduled, held by Stop Cal Vivisection at Long Haul?

MS. GRANICK: My same objections.

You can answer.

THE WITNESS: Not that I'm aware of.

BY MS. ELLIS:

Q. And you didn't look at -- you didn't review any calendars from 2008 to prepare for this deposition. Correct?

A. I didn't review anything for that deposition.

Q. So it's possible that Stop Cal Vivisection could have held meetings at Long Haul, but you don't remember?

A. It's possible, but I don't remember.

Q. In 2008 who was Long Haul's landlord?

A. The Northern California Land Trust.

Q. And how long had they been Long Haul's landlord?

A. Since before I was involved.

Q. And Long Haul has occupied that building since 1978 or '79. Correct?

A. That's my understanding, yes.

Q. You've testified that Long Haul subleases space to other groups and they did that in 2008. Correct?

A. Correct.

Q. And other than the membership, monthly membership meetings, is there any other decision-making

A. No. Except to the extent that any income that is through Long Haul, you know, all the income goes through the Long Haul's tax ID. So prior to 1998 it didn't.

Q. So any income that Slingshot obtains goes back to Long Haul?

A. Correct.

Q. And is reflected then on Long Haul's tax returns?

A. Correct.

Q. When did Slingshot have this relationship? When did that relationship with Long Haul start?

MS. GRANICK: Objection, vague. Which relationship?

MS. ELLIS: The relationship of being a fiscally sponsored group.

THE WITNESS: I believe in 1993.

BY MS. ELLIS:

Q. When long -- when Slingshot moved its offices into Long Haul?

A. (Moves head up and down.)

MS. GRANICK: You have to answer verbally.

THE WITNESS: Oh, correct.

BY MS. ELLIS:

Q. And prior to that Long -- Slingshot was not a

physically sponsored group of Long Haul. Correct?

A. Correct.

Q. What was the basis of the decision to make Slingshot a physically sponsored group of Long Haul?

A. You mean in 1993?

Q. Uh-huh.

A. I'm not sure I fully remember. I think the main reason is that Slingshot had been sponsored by the University of California at Berkeley, and everybody had graduated, and there was no way to -- because we had an office at Eshleman Hall and that office was not viable anymore because there were no students involved in the group, so we needed to find a new office and Long Haul had an office. So it made sense that the physical trappings of the project would also be taken on by this other organization.

Q. So Slingshot is considered a tenant of Long Haul?

A. No. Slingshot does not pay rent to Long Haul. Slingshot is considered a project of Long Haul.

Q. When did you first become involved with Slingshot?

A. 1988.

Q. When Slingshot was founded?

A. I was not there at the founding, but I got

involved about a month later.

Q. And have you been continuously involved with Slingshot ever since then?

A. No. I was not involved for about a year when I lived on the East Coast.

Q. And other than that year have you been continuously involved?

A. Yes.

Q. Since 1993 has Slingshot been a project of Long Haul?

A. Yes.

Q. Continuously?

A. Yes.

Q. Does Long Haul -- in 2008 did Long Haul provide any funds to Slingshot?

A. I don't -- the question doesn't make sense to me because it's one entity. Slingshot is a part of the Long Haul. So I think the answer is no because that doesn't make sense.

Q. So to understand your response, Slingshot is not a -- an organization that is separate from Long Haul?

A. Correct. Slingshot has no separate legal existence other than as a project of Long Haul. It has no tax ID number of its own.

Q. What other projects does Long Haul have, did

A. No.

Q. How many issues does Slingshot normally produce in a year?

A. The last ten years or so we have ordinarily done three per year.

Q. Okay.

A. But sometimes it can be four.

MS. ELLIS: We're going to go on to another topic. We can go off the record.

(Discussion off the record.)

(Lunch recess taken.)

BY MS. ELLIS:

Q. Are you aware of the organization East Bay Prisoner Support?

A. Yes.

Q. To your knowledge, when did East Bay Prisoner Support form?

A. I don't know.

Q. In 2008 was East Bay Prisoner Support a tenant of Long Haul?

A. Yes.

Q. Do you know what the purpose of East Bay Prisoner Support was?

A. Not precisely. Generally they send letters and get letters from prisoners. That's what I know.

Q. In that back upstairs loft area where the computers are held, was the door to that room ever locked?

A. Yes. At one point there was a group that rented that back loft and then the door was locked. But once the computers moved up there, then the door was never locked again.

Q. Do you recall which members participated in the decision to allow East Bay Prisoner Support to become a tenant at Long Haul?

A. No.

Q. To the best of your recollection, do you know when that meeting occurred?

A. It sounds like it would be between the date of this e-mail and the date of the police raid, but I can't be more specific.

Q. Do you -- what was the basis of the decision to allow East Bay Prisoner Support to become a tenant at Long Haul?

A. That the Long Haul had a vacant space that a group wanted to use the space and that the group seemed congruent with things that people at that meeting thought were interesting and should happen.

Q. And why did the group think that East Bay Prisoner Support was I think you used the word congruent

Q. And is this a true and accurate copy of the inventory sheets that were left behind?

A. I think so, yes.

Q. In paragraph 39 of the first amended complaint the third sentence states that the raid team contacted the landlord who refused to allow them entry.

Are you -- do you know whether the -- any of the officers spoke to anyone at Northern California Land Trust?

A. I was told that, yes, that they talked to Ian Winters, who's the executive director of the Land Trust.

Q. Do you know which officers spoke to Mr. Winters?

A. No.

Q. Do you know what was said?

A. No.

Q. Do you know when that conversation allegedly took place?

A. I don't know.

Q. The last sentence of this paragraph states "they then entered through the front door of the homeless action center next door, went through that office to the back of Long Haul, and forced their entry into Long Haul through its secured back door."

When it states "its secured back door," how was the back door to Long Haul secured?

MS. GRANICK: Objection, vague.
BY MS. ELLIS:
Q. At the time in August, on August 27, 2008.
A. My understanding is it was secured with a chain at that time.
Q. And if the chain was then lifted up and removed, would that have forced entry into the back door?
MS. GRANICK: Objection, assumes facts not in evidence, calls for speculation, vague.
THE WITNESS: I'm not sure I know what you mean, but if you -- the door was closed. If the chain was removed, then the door -- then you could swing the door, but while the chain was secured you couldn't swing the door.
BY MS. ELLIS:
Q. Okay. And does Long Haul believe that the door -- that back door was damaged in any way?
A. I don't believe we're alleging that that door was damaged.
Q. On Long Haul's website in August of 2008 did it indicate that East Bay Prisoner Support was a separate tenant of Long Haul?
A. I don't know.
Q. I'm going to show you what's been marked Exhibit 80.

EXHIBIT 5

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

LONG HAUL, INC. and EAST BAY PRISONER SUPPORT, Plaintiffs,	)	
v.	)	No. C 09-00168-JSW
UNITED STATES OF AMERICA; MIGUEL CELAYA; KAREN ALBERTS; WILLIAM KASISKE; WADE MacADAM; TIMOTHY ZUNIGA; MIKE HART; LISA SHAFFER; and DOES 1 - 25, Defendants.	)	

DEPOSITION OF JESSE PALMER, Volume II, taken on behalf of Plaintiffs, at One Market Street, 32nd Floor, San Francisco, California, commencing at 9:23 a.m., Friday, August 6, 2010, before Donna J. Blum, Certified Shorthand Reporter, No. 11133.

THE WITNESS: That defendant participated in the police raid and participated in some way that is revealed in discovery that I don't know plus as alleged in our complaint and the documents that we gave you took computers from the Long Haul.

So in terms of communicating with other organizations and the public, to the extent that the public access computers were taken, then they had to be replaced.

There's a disruption. The computer room was not functional for a month as a result and I guess additionally seizing the Slingshot computers. Then there was things that were being worked on on those computers that we had to recreate those -- that information, those articles. And then we also had to get new computers for that which meant that it was a severe amount of time was spent dealing with replacing computers and recreating items that had, but for the raid, would have just existed, and we would have been able to just go forward.

And if you can ask me a more specific question, I can give you a more specific answer about how that worked.

BY MS. ELLIS:

Q. Okay. Which actions of Karen Alberts that you know of dis- -- other than what's alleged in the

Zuniga?

A. Correct.

Q. Is the answer true for defendant Lisa Shafer?

A. Correct.

Q. Is the answer true for defendant Mike Hart?

A. Correct.

MS. GRANICK: Just for the record, those questions were subject to the same objection that I had named before.

BY MS. ELLIS:

Q. Which communications in particular were disrupted by the execution of the search warrant?

A. I mean, I'm not sure that anybody is capable of knowing all communications because they were disrupted and, therefore, what would have happened in the absence of the raid, it seems like it's speculation.

If we had not spent a month or two dealing with the aftermath of this raid, I can anticipate that there would have been events that would have been scheduled, educational events, which is the purpose of the organization, that would, you know -- that were not scheduled as a result. So that means cafe nights, potentially movies, potentially speakers that would have been presented to the public. That's one category.

Q. Do you know --

issue that did not mention that the police had seized the computers that are used to publish the issue.

Q. Okay. In that same paragraph, paragraph 57, it states that Long Haul's ability to publish Slingshot was disrupted by the seizure of Slingshot storage media.

Which storage media was seized?

A. I think what that means is the hard drive contained within the computer that contained not only articles but also general documents that are used in the production of an issue that are used issue to issue.

Q. So there were no separate -- there was no separate storage media other than the computers that were seized -- is that correct? -- that related to the publishing of Slingshot?

A. As I understand it, there was no memory stick other than that I also believe that there were a bag of music CDs that weren't related, but, as you said, it's not related to publishing the issue except to the extent we wanted to listen to that music.

Q. And when you testified earlier on August 4, 2010, you stated that articles for Slingshot were kept in a binder. Is that correct?

A. As of the time of the deadline, which is I'd have to look at the issue before this, but it would be published and it would usually be the week before

publication, then everything that is in the computer is printed out and put in a binder.

But ordinarily before the date of the deadline, which is on a Saturday, most materials are in a computerized form and they're not printed out until that deadline.

Q. I'm going to show you deposition Exhibit No. 72.

(Deposition Exhibit 72 was marked for identification.)

BY MS. ELLIS:

Q. Do you recognize this?

A. I do.

Q. What is it?

A. This is an e-mail from me to the Slingshot -- it's to the Slingshot e-mail list plus a couple of other individuals.

Q. And when is it dated?

A. This is dated -- this is dated the date of the raid, August 27.

Q. Okay. In the text of that e-mail, does it state, "We don't need to worry about the Slingshot computer yet. The deadline isn't until September 13"?

A. That's correct.

Q. And then does it state, "Our e-mail still works, and we don't usually use the office computer much until

particular computer files were that I did know, for instance, that the distribution and financial records were not on that computer, and knowing that would be -- would be a reassuring fact for those volunteers who didn't have that information of their own knowledge, and I did. So I shared that information.

BY MS. ELLIS:

Q. Okay. And the information that you shared about saying the only things that were on the computer was the new volunteer flyer and other flyers that are used that information was not correct?

A. In the subsequent --

That's correct. In the subsequent two years I have noticed many files that were only stored on the computers that were seized and in particular back, you know, how do you say it, files from things that had already been published and distributed to the public that we did not have a backup of those files. And periodically people will ask for an electronic copy of something we've published in hard copy, and many times we do not have that electronic copy. Sometimes we do. It's spotty.

They were all maintained on those computers, and we lost access to that.

Q. And those are issues that were already

that correct?

A. Yeah, that's correct.

Q. In paragraph 57 of the first amended complaint it states that, "Long Haul's ability to lend books, sell books, host meetings, and have meetings of Long Haul members and other associates was disrupted by the search of the lending library log, the sales log, the seizure of the property, and the ongoing reasonable belief that Long Haul's face is subject to or will be subject to further police surveillance."

How was Long Haul's ability to lend books disrupted by the search of the library lending log?

A. The Long Haul lending library has a form or it's a list. When somebody takes a book out, they put their name and their contact information and the name of the book and the date that they took the book out in order to get the book, and this has been the case for many years.

During the raid we -- Katherine saw police looking at the library logs and looking through those logs, and that was widely disseminated in the press in the wake of the raid that the Long Haul library logs had been examined by the police.

Q. Who disseminated that information?

MS. GRANICK: I don't think he was done with his answer.

Were you done? I don't think he was done with his answer.

MS. ELLIS: Go ahead. I'm sorry.

THE WITNESS: It was published in the press, and it was probably distributed by the Long Haul as well because we thought that that was true information that they had looked at those library records. And in the wake of that some people did not want to sign their name on that list after that because they felt that by putting their name on that list, their name could be taken, you know, and viewed by the police, and that'd make people uncomfortable.

Q. Does Long Haul have any information that the lending log for the library was actually seized and taken?

MS. GRANICK: Objection, calls for a legal conclusion.

THE WITNESS: My information is that it was examined, and my investigation for this deposition I spoke with Katherine Miller, but, in fact, for her recollection you need to depose Katherine Miller precisely what she saw.

But my information, based on my investigation, is that they were examining it and viewing it, that they didn't physically take it, but that they were -- had

access, you know, unrestricted access to the information on it.

So whether they physically took the pages or just took the information that was written on the pages, I don't think that that -- that -- I think that a reasonable person could still be reasonably worried about in the future borrowing books from Long Haul based on those set of facts.

BY MS. ELLIS:

Q. Did any -- did any individuals communicate to Long Haul that they were fearful of putting their name on the library lending log?

A. In my capacity as the 30(b)(6) witness, that was not discussed at a Long Haul meeting. So I'd say the Long Haul as a corporation doesn't have that. However, in my capacity as an individual who, in fact, staffs the Long Haul once a week for three hours, and I have staffed since 1993, I can say that, yes, some people do express that concern and do not take out books out of the Long Haul as a result of this police raid.

Q. During your investigation in speaking with Katherine Miller, are you aware whether any police officer took notes of what was contained in the library lending log?

A. I didn't ask that question, and she didn't

answer it, and I don't know the answer, which is why I think she would have that answer better than I would.

Q. Did you, in your preparation for this deposition, did you ask her about her recollections of what she observed?

A. Yes.

Q. During the execution of the search warrant?

A. Yes, I did.

Q. And she did not indicate to you when you were having this discussion about what she observed, that she saw police officers taking notes of what -- of the information that was contained in the library lending log. Is that correct?

A. That's correct, she did not say that.

Q. How was Long Haul's ability to sell books disrupted by any search, if any, of the sales log?

A. The wording is a bit odd of that sentence, but the sales I think would be impacted by two -- in two respects.

The first respect is similar to the library that people whom might have felt comfortable going to the Long Haul before the police raid felt less comfortable going to the Long Haul after the police raid, and, therefore, that would affect the sales.

And the other and probably more important aspect

is that organizational time that would have gone into finding books and promoting the books went into dealing with replacing the computers, replacing the locks, and recovering from the raid.

Q. Does Long Haul have any records to indicate the level of sales in September of 2008?

A. We do.

MS. ELLIS: I don't believe that those were produced in discovery.

MS. GRANICK: I'll represent on the record that defense counsel, both Jonathan Lee and my conversations with University counsel, I indicated we have a bunch of financial records, and we agreed temporarily that those were non-responsive. We do have those. They are not in a format that you are probably imagining as you sit here today, but we do have some records.

BY MS. ELLIS:

Q. Does Long Haul have a basis to demonstrate that the sales of books declined in September 2008 or October 2008?

A. I would say that I don't know as the 30(b)(6). Exhibit A is not specific enough for me to make an investigation of that, No. 1. And, No. 2, I'm not an expert witness or economist to determine that. However, we do -- the financial records show sales on each day

to assume that everybody who has a key is on that list serve plus some others.

Q. Okay. When people from the Info Shop or volunteers for the Info Shop need to use the computer at Long Haul, which computer do they use for Info Shop business?

A. They would use the public ones in the back upstairs space.

Q. And was that true in 2008?

A. Correct.

Q. Did -- were the Slingshot computers in the Slingshot office used for any other purpose than Slingshot business?

A. No, just Slingshot.

Q. Do you know whether any members of Slingshot used the Slingshot computers for Long Haul business to maintain member listings or any other types of activities?

MS. GRANICK: Could you just read the question back please?

(Record read.)

THE WITNESS: If somebody is a Slingshot person with a key to the Slingshot office, then they could use that computer for Slingshot business or Long Haul business. They're not supposed to use it for personal

Seattle because I was in Seattle. The communications I was having were not like around the water cooler conversations. They were directed on solving particular problems. So I wasn't speculating, and I think by the time we got back, there wasn't a lot of speculation.

Q. Do you know when Long Haul received the search warrant and statement of probable cause from Channel 7?

A. I don't -- I saw an e-mail that was produced to you that says the date, but I don't recall what it is without seeing that document.

Q. What's the -- why does Long Haul believe that it is -- well, does Long Haul believe that it is currently subjected to police surveillance?

A. You mean right now at this moment?

Q. Uh-huh.

A. I mean, as the 30(b)(6) witness, I don't think this has been discussed at a meeting. What Long Haul believes about police surveillance, and as an individual, I don't know. I haven't seen the discovery, and I'm curious to see the discovery in this case to see what extent there was surveillance. I'm -- as an individual, I'm kind of agnostic about it.

Q. What do you mean by "agnostic"?

A. I believe that it is possible there's some police surveillance, but I'm not certain that there's

police surveillance. Either I would hope that we're not -- that the police are smart enough to realize that we're not worth surveilling.

Q. Does Long Haul have any information in its possession to believe that it will be the subject of future surveillance?

A. Again, I haven't seen the discovery, and I think that that would be probative on that part. I would say it might be vague as to the meaning of information. I don't think that we have any -- I think it would be difficult for Long Haul to have that kind of information because that would be within the hands of the people doing the surveillance, and we do not have spies within the law enforcement community.

So I guess I can say that Long Haul has no spies within the law enforcement community, so we don't, other than through this lawsuit, we don't have any way of knowing whether we'll be the subject of future surveillance.

Q. Does -- did anyone at Long Haul ever notice police cars sitting outside surveilling Long Haul during the period of 2008?

A. As the 30(b)(6) witness, I think it is -- I think it wasn't discussed at a meeting, and I think it was possibly discussed in one of those Slingshot articles

you showed me.

So to the extent it's in the Slingshot, then that's some level of knowledge, although not the level of knowledge where it was discussed at a meeting. And as an individual, there have been times when I have noticed police cars outside Long Haul.

Q. When are those times?

A. I'm not sure I can be specific. I mean, as I said, I've staffed there for 17 years once a week, and in general you see police cars, and I don't think it's a regular occurrence.

I'm not trying to imply that there's always a police car sitting across from Long Haul. That's not the case at all. Occasionally there are police cars parked out there.

I should mention that there might be a document we produced. Even there have been a couple of music shows where police arrive to say the music was too loud. So that's actually my most present memory is when we had problems with amplified shows, and so I may have to modify my answer.

The Long Haul meeting as a corporation has discussed the issue of police officers shutting down amplified music shows, and we repeatedly tried to get the musicians not to turn up the music so loud or just not

have amplified shows. That's been a constant.

Q. So other than police responding to amplified shows, how many times in 17 years would you say that you've noticed police cars sitting outside of Long Haul?

MS. GRANICK: This is in his individual capacity?

MS. ELLIS: Uh-huh.

THE WITNESS: In my individual capacity I would say maybe once a year.

BY MS. ELLIS:

Q. And do you know what it was related to at any of those times?

A. I've never known, and I have suspected that it probably is that they were having a coffee break sometimes.

Q. I'm going to show you what's been marked as Exhibit 54.

(Deposition Exhibit 54 was marked for identification.)

BY MS. ELLIS:

Q. Do you recognize this?

A. I do recognize this.

Q. What is it?

A. Well, there's actually a few different e-mails. The e-mail on Bates 170 is an e-mail from the -- doesn't

disclosures of Long Haul to determine whether the monetary damages have been itemized and specified, and if they have not, they will be, and we will determine how this receipt relates to which specific damage is being claimed by Long Haul.

MS. GRANICK: That is correct.

BY MS. ELLIS:

Q. Okay. Turning to the next page where it states Urban Ore, what receipt is that for?

A. Urban Ore is a place where you can by used building materials in Berkeley, and we bought a new door to replace a door that was damaged. It's a used door, so they only charged us ten bucks, which is a good deal for a door.

Q. Okay. And which door are you claiming is damaged?

A. This is, I believe, that East Bay Prisoner Support door. I'm pretty sure that's the one.

Q. Okay. And is this a damage that's being claimed by Long Haul?

A. Yes.

Q. Okay.

A. Because Long Haul owns the building and, yeah.

Q. Long Haul replaced that door?

A. Yes.

Q. And this is on a Thursday. Correct?
A. Yes, that's what it says.
Q. And then it says by Saturday hopefully at least a dozen computers. Is that correct?
A. It says that. I don't know if that was achieved or not.
Q. All right. Now we're ready to switch hats.
Oh, sorry, last one.
You stated that there were articles for the Issue 98 of Slingshot on the Slingshot computer at the time of the seizure. Do you know how many articles were on there?
A. As the 30(b)(6), I didn't specifically ask any questions.
As an individual I recall that there were two individuals who had articles going on there. And I believe at least one of them was finished. Was -- I mean, I was told there was a finished article.
Q. So there was one finished article and one article in progress?
A. No, that's not what I said. There were two people that were working on articles. And so often one person writes more than one article. So I know there was one finished article and there was an unknown number of others that were in progress. I just know there were two

people that were working -- that did not have their own computer and, therefore, they were having to use the Slingshot computer to work on stuff.

Q. Who were those people?

A. Domnic and Melissa, and I don't know their last names. I'm sorry.

Q. And do you know whether either of them are members of Long Haul?

A. I'd have to look at the key list, but I'm certain that at least one or the other of people was a member and it's possible they were both members.

Q. Okay. Now we really are switching hats.

A. Okay.

Q. Okay. Were you present during the execution of the search warrant?

A. No.

Q. Where were you?

A. I was in Seattle.

Q. When did you return from Seattle?

A. I don't recall. It seemed like it was a long time because there was a lot happening here. But I think it was roughly a week after the police raid, but I don't remember the precise time.

Q. But your best estimate was it was --

A. It might have been slightly more than a week. I

much. And then we had a couple of inventory sheets that showed the items that had been seized. And I believe that's all. I'm not sure what you mean by what we had, but what we had relating to the raid?

MS. ELLIS: Right.

THE WITNESS: That was documents from the Government. That's all we had.

BY MS. ELLIS:

Q. By that point in time you did not have the statement of probable cause which was under seal?

A. Correct.

Q. In the next paragraph it states, "The thing that Greg sent from the Electronic Frontier Foundation is really interesting. I like the angle but not only were some of the computers akin to library computers but the Slingshot computers were media computers."

What did you mean when you said, "I like the angle that not only were some of the computers akin to library computers"?

A. Well, that's a -- there's two parts in that statement. But I think before the EFF e-mail we had already thought that the way we thought about our computers was that they were similar to a public library computers. They were at a library. Members of the public could use them for free. That is very similar to

a public library where you can use computers for free. We had already thought about that.

The part about the EFF is actually the second part which is the Slingshot computers being media computers and being entitled to extra protection under the PPA, and that I hadn't thought of, and that was new to me based on the EFF seeing that.

MS. GRANICK: So if I just -- something for the record. As a lawyer with EFF, regarding whatever was the thing that Greg sent from the Electronic Frontier Foundation, it's my recollection it was not something that was attorney/client privilege or an attorney/client type of communication at that point in time which is why it's not -- why the substance of this is not redacted.

To the extent that anything that the witness said in his answer suggests otherwise, then I would say that's an inadvertant disclosure and should not waive any attorney/client privilege. I do not believe this paragraph is attorney/client privilege. That's why it's not redacted. Anything that he said in that answer should not waive anything that actually was attorney/client privilege.

MS. ELLIS: I understand.

MS. GRANICK: Is that clear?

MS. ELLIS: And that's not how the answer was