

EXHIBIT A

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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.

1 A. Just the front door.

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

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

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

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

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

1 very good, and they certainly do not get copies, and it
2 happens very rarely because people know that that's a
3 real no, no. So it does not happen very much.

4 Q. And going back to my previous line of
5 questioning about who had access to locked spaces, were
6 there any volunteers of Long Haul that were volunteers of
7 Slingshot?

8 A. I'm not sure I understand the question, because
9 Slingshot is a project of Long Haul. So if you are a
10 volunteer for Long Haul -- or, I'm sorry, if you're a
11 volunteer for Slingshot, you are by definition a
12 volunteer for Slingshot -- sorry. You've got even me
13 confused.

14 If you were a volunteer for Slingshot, you were
15 by definition a volunteer for the Long Haul; however, the
16 converse is not always true. If you're a volunteer for
17 Long Haul, you don't necessarily work on Slingshot, so.

18 Q. Were there volunteers for Long Haul who were
19 volunteers for Slingshot?

20 A. Again, I'm not sure I understand the question
21 because it's the Slingshot is a part of Long Haul. If
22 you're -- this would be like -- this would be like, you
23 know, if General Motors has Chevrolet, so if you -- if
24 you work for general -- you know, if -- if -- if you are
25 a volunteer for Slingshot, you are by definition a

1 volunteer for Long Haul. If you work for Chevrolet, you
2 by definition work for General Motors. There's no
3 separateness.

4 Q. Is there --

5 Are there volunteers for Long Haul who were also
6 volunteers of East Bay Prisoner Support?

7 A. Again, I'm not sure in 2008. I'm just not sure.
8 But I think it's possible that there was a volunteer --
9 one volunteer who was a Long Haul volunteer who also was
10 with East Bay Prisoner Support.

11 Q. And were there volunteers for Long Haul who were
12 also volunteers for The Needle Exchange?

13 A. In 2008?

14 Q. In August 2008.

15 A. I don't think so.

16 Q. In 2008 were there volunteers of Long Haul who
17 were also volunteers of Cycles for Change?

18 A. I don't think so.

19 Q. Going back to Exhibit 9 if you go to Bates
20 No. 10.

21 A. Bates ten or page ten?

22 Q. Bates ten. Sorry. Article two. It states
23 "Objectives and Purposes." Correct?

24 A. Correct.

25 Q. And can you read what the objectives and

1 A. I don't know all the people who created it. I
2 wasn't there. But I do know that David Wildcat and Nick
3 Frabicilo were founders.

4 Q. And were they members of Long Haul at the time?

5 A. No.

6 Q. In 1988 when Slingshot was founded, what was the
7 relationship between Slingshot and Long Haul, if there
8 was one?

9 A. At the moment of creation I don't think there
10 was any relationship at all.

11 Q. Did there come to be a relationship between the
12 two organizations?

13 A. I know that Slingshot had some benefits, fund
14 raising benefits at the Long Haul probably in 1988 or
15 '89, but Slingshot did not have its office at Long Haul
16 until 1993.

17 Q. I'm going to show you what's been marked as
18 Deposition Exhibit 32.

19 (Deposition Exhibit No. 32 was marked for
20 identification.)

21 BY MS. ELLIS:

22 Q. Do you recognize that document?

23 A. Yes.

24 Q. What is that?

25 A. This is a letter to a bank authorizing opening

1 of a bank account in Slingshot's -- you know, using the
2 name Slingshot under the Long Haul tax ID number.

3 Q. And you were the authorized check signer on that
4 account?

5 A. Correct.

6 Q. And you opened that account. Correct?

7 A. Correct.

8 Q. The fourth line down states, "This bank account
9 shall accept checks to Long Haul or our fiscally
10 sponsored group Slingshot Newspaper Collective."

11 What was meant by the term "fiscally sponsored
12 group"?

13 MS. GRANICK: Objection, calls for speculation.

14 THE WITNESS: This is a little bit of a muddled
15 area of the law actually, but it's -- I mean, I think
16 what's meant is that it's essentially a dba that Long
17 Haul is going -- has a project that's called the
18 Slingshot Newspaper Collective and that, you know,
19 publishes a paper called Slingshot and it's -- however it
20 is under the Long Haul tax ID. It files its taxes under
21 the Long Haul tax ID.

22 BY MS. ELLIS:

23 Q. So in 1998 was Slingshot filing taxes?

24 A. No.

25 Q. Okay. Has Slingshot ever filed taxes?

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

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

7 A. Correct.

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

10 A. Correct.

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

13 MS. GRANICK: Objection, vague. Which
14 relationship?

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

17 THE WITNESS: I believe in 1993.

18 BY MS. ELLIS:

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

21 A. (Moves head up and down.)

22 MS. GRANICK: You have to answer verbally.

23 THE WITNESS: Oh, correct.

24 BY MS. ELLIS:

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

1 physically sponsored group of Long Haul. Correct?

2 A. Correct.

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

5 A. You mean in 1993?

6 Q. Uh-huh.

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

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

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

21 Q. When did you first become involved with
22 Slingshot?

23 A. 1988.

24 Q. When Slingshot was founded?

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

1 MS. GRANICK: Objection, vague, calls for
2 speculation, overbroad.

3 THE WITNESS: I don't know. I don't think I
4 have any information one way or another about this
5 document.

6 MS. ELLIS: I'm going to turn your attention
7 then to Exhibit 22.

8 (Deposition Exhibit No. 22 was marked for
9 identification.)

10 BY MS. ELLIS:

11 Q. Have you ever seen this document before?

12 A. I don't think so, no.

13 Q. At the top of the document Bates number UC 243,
14 it states Dane, D-a-n-e, Jasper, 11:51 a.m, 3/21/2008,
15 subpoena response. Correct?

16 A. Yep, yes.

17 Q. And in the body of this document it states, "I
18 certify under penalty of perjury that the attached is
19 correct to the best of my knowledge." Correct?

20 A. That seems correct, yes.

21 Q. And if you turn to the next page Bates stamped
22 UC 244, it states "Account Information." Correct?

23 A. Yes.

24 Q. Then it states "Service Location Information"
25 further down the page. Correct?

1 A. Yes.

2 Q. And the first name listed is Jesse, J-e-s-s-y?

3 A. Correct.

4 Q. And the last name is Palmer, P-a-l-m-e-r. Is
5 that correct?

6 A. Correct.

7 Q. The address is 3124 Shattuck Avenue. Correct?

8 A. Correct.

9 Q. The city is Berkeley. Correct?

10 A. Correct.

11 Q. The state is California. Correct?

12 A. Correct.

13 Q. And the zip code is 94705. Correct?

14 A. Yes.

15 Q. The address that's listed there is the same
16 address as the Long Haul. Correct?

17 A. Correct.

18 Q. And the name that's listed there is "Jessy
19 Palmer." Correct?

20 A. It's a wrong spelling, but it looks like
21 somebody's attempt to spell my name.

22 Q. And does Long Haul in March of 2008, did Long
23 Haul have -- use Sonic Net as its Internet provider?

24 A. I think so, yes.

25 Q. And was the internet account opened in your

1 name?

2 A. I think -- I mean, based on this, yes.

3 Q. And do you have any reason to believe that this
4 information is incorrect?

5 A. No.

6 MS. ELLIS: Now, are you aware that in March of
7 2008 UC researchers had received e-mails that they
8 believed to be harassing relating to animal research
9 activity?

10 MS. GRANICK: Objection, vague as to time and
11 calls for speculation and overbroad.

12 THE WITNESS: I found this out in the wake of
13 the police raid, yes.

14 BY MS. ELLIS:

15 Q. Are you aware that the e-mails that were sent to
16 these researchers in March of 2008 were traced back to
17 computers using the IP address associated with the Long
18 Haul?

19 MS. GRANICK: Objection, assumes facts not in
20 evidence, vague as to time, calls for speculation,
21 overbroad.

22 THE WITNESS: That's what I've been told.

23 BY MS. ELLIS:

24 Q. And do you have any reason to believe that that
25 information is not correct?

1 MS. GRANICK: Same objections.

2 THE WITNESS: No.

3 BY MS. ELLIS:

4 Q. I'm going to turn your attention to Deposition
5 Exhibit 24. Actually, I'll give you 25.

6 (Deposition Exhibit No. 25 was marked for
7 identification.)

8 BY MS. ELLIS:

9 Q. Have you ever seen this document before?

10 A. I don't think so.

11 Q. At the top of the document it states "Superior
12 Court of California, County of Alameda." Correct?

13 A. Yes.

14 Q. In the box it states "Court Order Subpoena for
15 Information." Correct?

16 A. Yes.

17 Q. It's directed to Sonic dot Net Incorporated?

18 A. Yes.

19 Q. And it's regarding subscriber information for IP
20 address 208 --

21 MS. GRANICK: Objection, you're just asking him
22 to confirm what the document says as he sits here and
23 looks at it today?

24 MS. ELLIS: Yes.

25 MS. GRANICK: Okay. You can read the document

1 as well as any of us. Go ahead.

2 THE WITNESS: Well --

3 BY MS. ELLIS:

4 Q. It states, "subscriber information for IP
5 address 208 dot 106 dot 103 dot 213." Correct?

6 A. Correct.

7 Q. And that's the same IP address that was the
8 subject of the March subpoena. Correct?

9 A. Correct.

10 Q. And this is dated July 22, 2008. Correct?

11 MS. GRANICK: Objection, vague, calls for
12 speculation.

13 MS. ELLIS: At the bottom.

14 THE WITNESS: That's what it looks like to me.

15 BY MS. ELLIS:

16 Q. I'm going to direct your attention then to
17 Exhibit 25B.

18 (Deposition Exhibit No. 25B was marked for
19 identification.)

20 BY MS. ELLIS:

21 Q. Have you ever seen this document before?

22 A. I don't think so, no.

23 Q. And at the top of the document it states, "Dane
24 Jasper, 1:17 p.m. July 24, 2008, forward subpoena for
25 records UCB." Correct?

1 A. Yes.

2 Q. And at the bottom of this document Bates stamped
3 UC 274 it states first name "Jessy"?

4 A. Yes.

5 Q. At the second page of this document UC 275 it
6 states last name Palmer?

7 A. Yes.

8 Q. The service address is 3124 Shattuck Avenue?

9 A. Yes.

10 Q. The city is Berkeley?

11 A. Yes.

12 Q. The state is California?

13 A. Yes.

14 Q. And the zip code is 94705. Correct?

15 A. Yes.

16 Q. That address is the same address as the Long
17 Haul. Correct?

18 A. Correct.

19 Q. And that references when it says "Jessy Palmer,"
20 it references you. Correct?

21 A. I have to assume, yes.

22 Q. And in June of 2008 Long Haul still used Sonic
23 Net as its internet service provider?

24 A. Correct.

25 Q. And you have no reason to believe that any of

1 the information located in this response is incorrect?

2 A. No.

3 Q. Are you aware that in June of 2008 e-mails were
4 sent to a professor at the University of California
5 Berkeley who did research on animals?

6 A. I've been --

7 MS. GRANICK: Objection, vague as to time, calls
8 for speculation. And, yeah, vague as to time, calls for
9 speculation, assumes facts not in evidence.

10 THE WITNESS: I've been -- I heard that after
11 the police raid, yes.

12 BY MS. ELLIS:

13 Q. And that the subject of those e-mails had to do
14 with the professor's research on animals. Is that
15 correct?

16 MS. GRANICK: Objection, assumes facts not in
17 evidence, vague as to time, confusing and compound.

18 THE WITNESS: I believe that I heard that it had
19 something to do with animals.

20 BY MS. ELLIS:

21 Q. What did you hear about those, the e-mails that
22 were sent to that particular researcher?

23 MS. GRANICK: Objection, vague, assumes facts
24 not in evidence.

25 THE WITNESS: That's a broad question. There

1 Q. Do you remember that the text of the e-mails
2 were threatening in nature?

3 A. Yes.

4 MS. GRANICK: My objection is calls for
5 speculation, calls for a legal conclusion. And his
6 answer is yes.

7 BY MS. ELLIS:

8 Q. And are you aware that these particular e-mails
9 that were sent to this researcher in June were traced
10 back to a computer at Long Haul?

11 MS. GRANICK: Objection, assumes facts not in
12 evidence, vague as to time.

13 THE WITNESS: I believe that's what the -- the
14 support for the search warrant alleged, and that's what I
15 heard.

16 BY MS. ELLIS:

17 Q. And do you have any reason to believe that the
18 information tracing these e-mails back to the Long Haul
19 was incorrect?

20 MS. GRANICK: Same objections.

21 THE WITNESS: I don't have any reason to either
22 believe or disbelieve it. I don't. It's outside of my
23 area of knowledge.

24 BY MS. ELLIS:

25 Q. I'm going to turn your attention to Deposition

1 were actually searched?

2 A. No.

3 Q. And was anyone at Long Haul ever made aware of
4 which of the computers at Long Haul that were seized were
5 actually searched?

6 MS. GRANICK: Objection, calls for legal
7 conclusion. Same objection applies to the previous
8 question.

9 You can answer.

10 THE WITNESS: Not that I know of.

11 BY MS. ELLIS:

12 Q. Do you have any reason to believe that the
13 computers taken from the Slingshot office and the East
14 Bay Prisoner Support office were not searched by any
15 defendant?

16 MS. GRANICK: Objection, calls for a legal
17 conclusion, assumes facts not in evidence.

18 THE WITNESS: I have no knowledge of -- I don't
19 know.

20 BY MS. ELLIS:

21 Q. Now going back to Exhibit 17 this is the tax
22 return for Long Haul for 2008. Correct?

23 A. Correct.

24 Q. And if you go to the second to last page of that
25 exhibit it states "attachments, part one, line ten." Is

1 that correct?

2 A. Yeah, "attachments part one, line ten."

3 Q. And is it your understanding that this document
4 reflects all the grants that were paid to different
5 organizations by Long Haul in fiscal year 2008?

6 A. Yes.

7 Q. And if you go to the third box down it reflects
8 that Long Haul provided East Bay Prisoner Support \$75.
9 Is that correct?

10 A. Correct.

11 Q. Do you remember when, at what point in time Long
12 Haul provided this grant to East Bay Prisoner Support?

13 A. No, beyond 2008, no, I don't know.

14 Q. Do you know what the grant was for?

15 A. It was a general grant, no.

16 Q. Do you know what East Bay Prisoner Support used
17 the grant for?

18 A. We assume paper copies and stamps.

19 Q. The tenth box down states "SCV" and the amount
20 of grant was for \$50.

21 A. Correct.

22 Q. What does SCV stand for?

23 MS. GRANICK: Objection, calls for speculation.

24 BY MS. ELLIS:

25 Q. You did draft you prepared this tax return.

1 Right?

2 A. I did.

3 Q. Okay. What does did SCV stand for?

4 A. I think it probably stands for -- I'm not sure I
5 remember.

6 Q. Is it possible that it stands for Stop Cal
7 Vivisection?

8 A. Yeah, it's possible.

9 Q. And do you remember whether Long Haul gave Stop
10 Cal Vivisection a grant of \$50 in 2008?

11 A. I think that's true.

12 Q. And the address for Stop Cal Vivisection is
13 listed at 3124 Shattuck Avenue, Berkeley, California
14 44705. That's the same address as the Long Haul. Right?

15 A. Except for the typo, yeah.

16 Q. Why was the address for Stop Cal Vivisection
17 listed as the Long Haul address?

18 A. Because I believe they had a dinner event, and
19 so when -- when people have a dinner event and they get a
20 grant out of that event and we don't have an address for
21 them, then we just put that address because that's where
22 it was, that's where the event was.

23 Q. Did you ever ask anyone from Stop Cal
24 Vivisection for an address in preparing this tax return?

25 A. I probably did not.. I did not.

1 Q. Do you know whether Terry Compost did?

2 A. She did not.

3 Q. And do you know what this \$50 is used for?

4 A. I do not.

5 Q. Now, in -- we spoke about this dinner event that
6 occurred in April of 2008. Correct?

7 MS. GRANICK: Assumes facts not in evidence.

8 THE WITNESS: I'm not sure. But we don't keep
9 records. That is possible.

10 BY MS. ELLIS:

11 Q. Do you know what the purpose of Stop Cal
12 Vivisection was in 2008?

13 MS. GRANICK: Are you asking him as Long Haul's
14 representative or individually?

15 BY MS. ELLIS:

16 Q. This whole deposition is just Long Haul's
17 representative.

18 A. I mean, I don't know. I think that's the
19 answer. Other than the name speaking for itself.

20 Q. Did Stop Cal Vivisection want to or was it
21 opposed to vivisection activities by Berkeley
22 researchers?

23 MS. GRANICK: Objection, calls for speculation.

24 THE WITNESS: I mean, I'm not sure I know, but
25 the name implies that.

1 do you recognize that?

2 MS. GRANICK: Meaning as he sits here today or?

3 BY MS. ELLIS:

4 Q. As you sit here today, do you recognize it?

5 A. I haven't seen this before.

6 Q. Okay. Are you familiar with the East Bay India
7 Media site?

8 A. I mean, I know it exists.

9 Q. And the title says "Stop Cal Vivisection cafe
10 night at the Long Haul." Correct?

11 A. Correct.

12 Q. And was there a Stop Cal Vivisection cafe night
13 at the Long Haul on Sunday April 20?

14 A. I don't know what date it was. I think there
15 was one in 2008.

16 Q. And the purpose of that cafe night was to raise
17 funds for Stop Cal Vivisection. Is that correct?

18 MS. GRANICK: Objection, calls for speculation,
19 assumes facts not in evidence.

20 THE WITNESS: That and probably to provide
21 information about the campaign.

22 BY MS. ELLIS:

23 Q. Did you attend that dinner event?

24 A. No.

25 Q. Do you know whether members of Long Haul

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DEPOSITION OFFICER'S CERTIFICATE

STATE OF CALIFORNIA)
) ss.
COUNTY OF MARIN)

I, Donna J. Blum , hereby certify:

I am a duly qualified Certified Shorthand Reporter in the State of California, holder of Certificate Number CSR 11133 issued by the Court Reporters Board of California and which is in full force and effect. (Fed. R. Civ. P. 28(a)).

I am authorized to administer oaths or affirmations pursuant to California Code of Civil Procedure, Section 2093(b) and prior to being examined, the witness was first duly sworn by me. (Fed. R. Civ. P. 28(a), 30(f)(1)).

I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in this action. (Fed. R. Civ. P. 28).

I am the deposition officer that stenographically recorded the testimony in the foregoing deposition and the foregoing transcript is a true record

/ / /

1 of the testimony given by the witness. (Fed. R. Civ. P.
2 30(f)(1)).

3 Before completion of the deposition, review of
4 the transcript [XX] was [] was not requested. If
5 requested, any changes made by the deponent (and
6 provided to the reporter) during the period allowed, are
7 appended hereto. (Fed. R. Civ. P. 30(e)).

8

9 Dated: August 19, 2010

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