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ALAMEDA COUNTY

APR 25 2014

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By PSnoek Deputy

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9 Pacifica Foundation Radio

10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF ALAMEDA**

12 PACIFICA FOUNDATION RADIO, A
13 CALIFORNIA NOT-FOR-PROFIT
14 CORPORATION,

15 Cross-Complainant,

16 vs.

17 SUMMER REESE, and DOES 1 to 100,
18 inclusive,

19 Cross-Defendants.

) Case No. HG14720131

) **APPLICATION FOR ORDER TO SHOW
20 CAUSE AND TEMPORARY
21 RESTRAINING ORDER**

) Hearing Date: April 28, 2014

) Hearing Time: 9:00 a.m.

) Department: 15

) Reservation # R-150818

22 Cross-complainant, Pacifica Foundation Radio (Foundation), a not-for-profit
23 corporation operating five radio stations located in Berkeley, Los Angeles, Houston,
24 Washington D.C., and New York, acting by and through its Board of Directors (Board),
25 applies for a temporary restraining order restraining cross-defendant Summer Reese,
26 and those acting in concert with her, from entering, remaining, blocking or impeding
27 ingress into or egress from, or passage of persons through, Foundation facilities,
28 including, but in no way limited to, the Foundation's National Office (NO) in violation
of California Civil Code Section 3479 and Code of Civil Procedure Section 731. The

1 Board further applies for an order to show cause why a preliminary injunction should
2 not be granted enjoining cross-defendants from committing the above-described acts
3 during the pendency of this action. This application is made on the grounds that
4 defendants are in violation of California Civil Code Sections 3479 (nuisance), Berkeley
5 Municipal Code 13.52.020 (trespass), Penal Code § 647 (e) (disorderly conduct), Code
6 of Civil Procedure Sections 735 (Forcible Entry damages), and on the further ground
7 that great and irreparable injury will result to plaintiff before the matter can be heard
8 on statutory notice.

9 Cross-Complainant has previously applied for a citizen's arrest to the Berkeley
10 Police Department which after weeks of considering the matter, requested that Cross-
11 Complainant obtain a Court order to abate the nuisance. Cross-Complainant requires
12 access to the National Office to conduct its business and for its outside auditors to audit
13 the Foundation's financial statements and to finalize its income tax return by the May
14 2014 extension deadline. Cross-Complainant needs access to the NO to determine
15 money owed and when payments are due, and to send out notices of change of
16 management. Cross-Defendant Reese continues to represent that she is in control of
17 the Foundation to vendors and to the government by virtue of adversely possessing the
18 Foundation's NO. Reese has already accepted Foundation's assets knowing that she is
19 not entitled to the funds.

20 This application is based on the verified cross-complaint on file in this case, the
21 Memorandum of Points and Authorities, and the Declaration of Margy Wilkinson filed
22 herewith.

23 Dated: April 25, 2014

SIEGEL & YEE

24
25
26 By: 

Alan S. Yee

27 Attorneys for Cross-Complainant
28 Pacifica Foundation Radio