

ENDORSED
FILED
ALAMEDA COUNTY

APR 25 2014

CLERK OF THE SUPERIOR COURT
By PSW Deputy

1 DAN SIEGEL, SBN 056400
2 ALAN S. YEE, SBN 091444
3 SIEGEL & YEE
4 499 14th Street, Suite 300
5 Oakland, CA 94612
6 Telephone: (510) 839-1200
7 Facsimile: (510) 444-6698

8 Attorneys for Cross-Complainant
9 Pacifica Foundation Radio, a California
10 Not-for-Profit Corporation

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

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

16 Cross-Complainant,

17 vs.

18 SUMMER REESE, and ROES 1 to 100,
19 inclusive,

20 Cross-Defendants.
21

) Case No. HG14720131

) **VERIFIED CROSS-COMPLAINT FOR**
) **INJUNCTIVE RELIEF-NUISANCE**
) **AND TRESPASS, AND FOR**
) **DAMAGES**

22
23 Cross-Complainant alleges as follows:

24 **GENERAL ALLEGATIONS**

25 1. At all times mentioned herein, cross-complainant was and is a not-for-
26 profit corporation organized and existing under and by virtue of the laws of the State of
27 California and governed by its Bylaws; that during all of said times the Board of
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1 Directors (Board) of Pacifica Foundation Radio (Foundation) has been and now is
2 organized and exists under and by virtue of said Bylaws vested with exclusive control
3 and management of all properties of the Foundation, and authorized by said Bylaws to
4 sue and defend on its own behalf in all actions involving matters within the jurisdiction
5 of said Board.

6 2. Cross-defendant Summer Reese (Reese) is, and at all times herein
7 mentioned was, an individual residing in the State of California, and has declared
8 herself as "Executive Director" of the Foundation, despite being discharged from
9 Foundation employment. Cross-defendant Reese has declared herself the organizer of
10 a group of individuals who have barricaded themselves at 1925 Martin Luther King, Jr.
11 Way, Berkeley, California, as more fully described below.

12 3. Cross-complainant does not know the true names or capacities of cross-
13 defendants sued herein as Roes 1 through 100, inclusive, and therefore sues said cross-
14 defendants under the provisions of Section 474 of the Code of Civil Procedure of the
15 State of California. When the true names of said parties are ascertained, cross-
16 complainant will amend this cross-complaint to add their true names and capacities
17 together with appropriate charging allegations.

18 ALLEGATIONS

19 4. The Foundation is the owner of the premises located at 1925 Martin
20 Luther King, Jr. Way, Berkeley, 94704, County of Alameda, California, which is its
21 National Office (Office) for five radio stations across the United States engaged in
22 interstate commerce and providing public broadcasting.

23 5. The Board is informed and believes that Reese, and each of the Roes, are
24 individuals engaged in trespass and nuisance activity, or are supporters of such
25 trespass and nuisance activity at 1925 Martin Luther King, Jr. Way, Berkeley,
26 California.

1 6. The Board is informed and believes that cross-defendants are dissatisfied
2 with the decision of the Board to discharge Reese's employment as a Foundation
3 employee.

4 7. On or about March 17, 2014, Reese improperly entered the Foundation's
5 Office at 1925 Martin Luther King, Jr. Way, Berkeley, California, by using bolt cutters
6 to cut the padlock to the office and fortifying herself inside.

7 8. During the period March 17, 2014, through the present, cross-defendants
8 have consistently continued their campaign, acting in concert. Cross-defendants have
9 pursued their objective by breaking into the secured Office, installing a two-by-four
10 piece of wood to secure the inside of the Office's front door, using unauthorized
11 personnel to prevent the entry of the Foundation's employees, officers, and Board
12 Directors, ordering a paper-shredding company to shred financial documents, and
13 authorizing the transfer of Foundation assets to Reese knowing that she is not entitled
14 to the funds.

15 FIRST CAUSE OF ACTION

16 NUISANCE

17 (Against All Cross-Defendants)

18 9. The Board realleges each of the allegations contained above in paragraphs
19 1-8, and said paragraphs are incorporated here in their entirety as if set forth in full.

20 10. The Board brings this action in the name of the Foundation to abate a
21 private nuisance pursuant to California Civil Code Sections 3479 and 3501. The conduct
22 of cross-defendant, acting alone, or in concert with Roes 1-100, has obstructed, and will
23 continue to obstruct, the use of the Foundation's premises, and the public broadcasting
24 and business operations at 1925 Martin Luther King, Jr. Way, Berkeley, California.

25 11. Cross-defendants' nuisance-causing activities caused damage to the
26 Foundation and its employees, the Board, and the public.
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1 SECOND CAUSE OF ACTION

2 TRESPASS

3 (Against All Cross-Defendants)

4 12. The Board realleges each of the allegations contained above in paragraphs
5 1-11, and said paragraphs are incorporated here in their entirety as if set forth in full.

6 13. Reese and Roes 1-100 intentionally entered the Office on March 17, 2014.
7 The Board did not give Reese and Does 1-100 permission to enter the Office.

8 14. Cross-defendants' trespassing caused damage to the Foundation and its
9 employees, the Board, and the public.

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11 THIRD CAUSE OF ACTION

12 PENAL CODE SECTION 496(c)

13 (Against All Cross-Defendants)

14 15. The Board realleges each of the allegations contained above in paragraphs
15 1-14, and said paragraphs are incorporated here in their entirety as if set forth in full.

16 16. Reese and Roes 1-100 intentionally broken into the secured Office on
17 March 17, 2014, installing a two-by-four piece of wood to secure the inside of the
18 Office's front door, using unauthorized personnel to prevent the entry of the
19 Foundation's employees, officers, and Board Directors, ordering a paper-shredding
20 company to shred financial documents, and authorizing the theft of Foundation assets
21 and transfer of assets to Reese knowing that she is not entitled to the funds.

22 17. Cross-defendants' theft and receipt of stolen Foundation assets caused
23 damage to the Foundation and its employees, the Board, and the public.

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25 PRAYER FOR RELIEF

26 WHEREFORE, cross-complainant prays judgment against cross-defendant, and
27 each of the Roes, as follows:
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1. For injunctive relief pursuant to Code of Civil Procedure, Sections 526, 731 and Civil Code Section 3501;

2. For costs of suit herein incurred;

3. For treble damages for forcible and unlawful entry pursuant to Code of Civil Procedure, Section 735.

4. For treble damages pursuant to Penal Code Section 496(c).

5. For attorneys' fees; and

6. For such other relief as the Court may deem proper.

Dated: April 25, 2014

SIEGEL & YEE

By 

Alan S. Yee

Attorneys for Cross-Complainant

Pacifica Foundation Radio


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VERIFICATION

I, Margy Wilkinson, declare as follows:

I am the Chair of the Board of Directors of Pacifica Foundation Radio in the above-entitled case. I have read the foregoing VERIFIED Cross-Complaint for Injunctive Relief-Nuisance and Trespass, and for damages and know the contents thereof. The information supplied therein is based on my own personal knowledge and/or has been supplied by my attorneys or other agents and is therefore provided as required by law. The information contained in the foregoing document is true, except as to the matters, which were provided by my attorneys or other agents, and, as to those matters, I am informed and believe that they are true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 25 day of April 2014, at Oakland, California.



Chair of the Board of Directors of Pacifica Foundation Radio