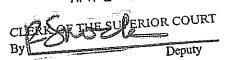
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# IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF ALAMEDA

PACIFICA FOUNDATION RADIO, A CALIFORNIA NOT-FOR-PROFIT CORPORATION,

Cross-Complainant,

VS.

SUMMER REESE, and ROES 1 to 100, inclusive,

Cross-Defendants.

Case No. HG14720131

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

Cross-Complainant alleges as follows:

#### GENERAL ALLEGATIONS

 At all times mentioned herein, cross-complainant was and is a not-forprofit corporation organized and existing under and by virtue of the laws of the State of California and governed by its Bylaws; that during all of said times the Board of

Pacifica Foundation Radio v. Reese, et al., Case No. HG14720131 Verified Complaint for Injunctive Relief-Nuisance and Trespass-and for Damages-1

Directors (Board) of Pacifica Foundation Radio (Foundation) has been and now is organized and exists under and by virtue of said Bylaws vested with exclusive control and management of all properties of the Foundation, and authorized by said Bylaws to sue and defend on its own behalf in all actions involving matters within the jurisdiction of said Board.

- 2. Cross-defendant Summer Reese (Reese) is, and at all times herein mentioned was, an individual residing in the State of California, and has declared herself as "Executive Director" of the Foundation, despite being discharged from Foundation employment. Cross-defendant Reese has declared herself the organizer of a group of individuals who have barricaded themselves at 1925 Martin Luther King, Jr. Way, Berkeley, California, as more fully described below.
- 3. Cross-complainant does not know the true names or capacities of cross-defendants sued herein as Roes 1 through 100, inclusive, and therefore sues said cross-defendants under the provisions of Section 474 of the Code of Civil Procedure of the State of California. When the true names of said parties are ascertained, cross-complainant will amend this cross-complaint to add their true names and capacities together with appropriate charging allegations.

#### ALLEGATIONS

- 4. The Foundation is the owner of the premises located at 1925 Martin Luther King, Jr. Way, Berkeley, 94704, County of Alameda, California, which is its National Office (Office) for five radio stations across the United States engaged in interstate commerce and providing public broadcasting.
- 5. The Board is informed and believes that Reese, and each of the Roes, are individuals engaged in trespass and nuisance activity, or are supporters of such trespass and nuisance activity at 1925 Martin Luther King, Jr. Way, Berkeley, California.

- 6. The Board is informed and believes that cross-defendants are dissatisfied with the decision of the Board to discharge Reese's employment as a Foundation employee.
- 7. On or about March 17, 2014, Reese improperly entered the Foundation's Office at 1925 Martin Luther King, Jr. Way, Berkeley, California, by using bolt cutters to cut the padlock to the office and fortifying herself inside.
- 8. During the period March 17, 2014, through the present, cross-defendants have consistently continued their campaign, acting in concert. Cross-defendants have pursued their objective by breaking into the secured Office, installing a two-by-four piece of wood to secure the inside of the Office's front door, using unauthorized personnel to prevent the entry of the Foundation's employees, officers, and Board Directors, ordering a paper-shredding company to shred financial documents, and authorizing the transfer of Foundation assets to Reese knowing that she is not entitled to the funds.

#### FIRST CAUSE OF ACTION

#### NUISANCE

(Against All Cross-Defendants)

- 9. The Board realleges each of the allegations contained above in paragraphs 1-8, and said paragraphs are incorporated here in their entirety as if set forth in full.
- 10. The Board brings this action in the name of the Foundation to abate a private nuisance pursuant to California Civil Code Sections 3479 and 3501. The conduct of cross-defendant, acting alone, or in concert with Roes 1-100, has obstructed, and will continue to obstruct, the use of the Foundation's premises, and the public broadcasting and business operations at 1925 Martin Luther King, Jr. Way, Berkeley, California.
- 11. Cross-defendants' nuisance-causing activities caused damage to the Foundation and its employees, the Board, and the public.

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#### SECOND CAUSE OF ACTION

#### TRESPASS

#### (Against All Cross-Defendants)

- The Board realleges each of the allegations contained above in paragraphs 12. 1-11, and said paragraphs are incorporated here in their entirety as if set forth in full.
- Reese and Roes 1-100 intentionally entered the Office on March 17, 2014. 13. The Board did not give Reese and Does 1-100 permission to enter the Office.
- Cross-defendants' trespassing caused damage to the Foundation and its 14. employees, the Board, and the public.

#### THIRD CAUSE OF ACTION

#### PENAL CODE SECTION 496(c)

#### (Against All Cross-Defendants)

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

#### PRAYER FOR RELIEF

WHEREFORE, cross-complainant prays judgment against cross-defendant, and each of the Roes, as follows:

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 Z5 day of April 2014, at Oakland, California.

Chair of the Board of Pirectors of Pacifica Foundation Radio