

**SUMMONS
(CITACION JUDICIAL)**

NOTICE TO DEFENDANT: (Aviso a Acusado)

ERIC SCHATZ, CARL ANDERSON, ROBERT MANNE, THE
PACIFIC LUMBER COMPANY, ROE 1 "JERRY", AND ROES 2
TO 20

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**YOU ARE BEING SUED BY PLAINTIFF:
(A Ud. le está demandando)**

JAMIE LEROY HARRIS

You have **30 CALENDAR DAYS** after this summons is served on you to file a typewritten response at this court.

A letter or phone call will not protect you; your typewritten response must be in proper legal form if you want the court to hear your case.

If you do not file your response on time, you may lose the case, and your wages, money and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

Después de que le entreguen esta citación judicial usted tiene un plazo de 30 DIAS CALENDARIOS para presentar una respuesta escrita a máquina en esta corte.

Una carta o una llamada telefónica no le ofrecerá protección; su respuesta escrita a máquina tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte escuche su caso.

Si usted no presenta su respuesta a tiempo, puede perder el caso, y le pueden quitar su salario, su dinero y otras cosas de su propiedad sin aviso adicional por parte de la corte.

Existen otros requisitos legales. Puede que usted quiera llamar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal (vea el directorio telefónico).

The name and address of the court is: *(El nombre y dirección de la corte es)*

Humboldt County Superior Court
825 5th Street
Eureka, CA 95501

CASE NUMBER: *(Número del Caso)*

DR02 0602

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)

JAMIE LEROY HARRIS
1255 C STREET
EUREKA CA 95501 Tel. (707) 441-0702

LINDA JOY W.

DATE: **JAN 17 2003**
(Fecha)

DWIGHT W. CLARK Clerk, by
(Actuario)

, Deputy
(Delegado)

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of *(specify)*:

on behalf of *(specify)*:

- under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (individual)
 other:

4. by personal delivery on *(date)*:

[SEAL]

COPY

SHORT TITLE:

THE PACIFIC LUMBER CO, ET AL v. DOE 1, et al

CASE NUMBER:

DR020602

4. Each cross-defendant named above is a natural person

a. except cross-defendant (name):

(1) a business organization, form unknown

(2) a corporation

(3) an unincorporated entity (describe):

(4) a public entity (describe):

(5) other (specify):

b. except cross-defendant (name):

(1) a business organization, form unknown

(2) a corporation

(3) an unincorporated entity (describe):

(4) a public entity (describe):

(5) other (specify):

Information about additional cross-defendants who are not natural persons is contained in Cross-Complaint-- Attachment 4.

5. The true names and capacities of cross-defendants sued as Does are unknown to cross-complainant.

6. Cross-complainant is required to comply with a claims statute, and

a. has complied with applicable claims statutes, or

b. is excused from complying because (specify):

7. 1 Cause of Action—Indemnification
(NUMBER)

a. Cross-defendants were the agents, employees, co-venturers, partners, or in some manner agents or principals, or both, for each other and were acting within the course and scope of their agency or employment.

b. The principal action alleges, among other things, conduct entitling plaintiff to compensatory damages against me. I contend that I am not liable for events and occurrences described in plaintiff's complaint.

c. If I am found in some manner responsible to plaintiff or to anyone else as a result of the incidents and occurrences described in plaintiff's complaint, my liability would be based solely upon a derivative form of liability not resulting from my conduct, but only from an obligation imposed upon me by law; therefore, I would be entitled to complete indemnity from each cross-defendant.

8. 2 Cause of Action—Apportionment of Fault
(NUMBER)

a. Each cross-defendant was responsible, in whole or in part, for the injuries, if any, suffered by plaintiff.

b. If I am judged liable to plaintiff, each cross-defendant should be required: (1) to pay a share of plaintiff's judgment which is in proportion to the comparative negligence of that cross-defendant in causing plaintiff's damages; and (2) to reimburse me for any payments I make to plaintiff in excess of my proportional share of all cross-defendants' negligence.

X

(Continued on page three)

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| SHORT TITLE: THE PACIFIC LUMBER CO, ET AL v. DOE 1, et al | CASE NUMBER: DR020602 |
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9. 3 Cause of Action—Declaratory Relief
 (NUMBER)

An actual controversy exists between the parties concerning their respective rights and duties because cross-complainant contends and cross-defendant disputes as specified in Cross-Complaint—Attachment 9 as follows:

Plaintiffs believe the amount of force used to restrain persons from engaging in lawful protest activity exceeds that authorized by law. Cross-Defendants believe they are entitled to use life threatening force for the protection of their business interests.

10. 4 Cause of Action—(specify): ASSAULT
 (NUMBER)

On or about November 15, 2002, Eric Schatz, an employee or agent of The Pacific Lumber Company under the direction of Carl Anderson, by pulling Jamie Harris' sleeping bag from under him, did weaken Mr. Harris' handhold while 200 feet up in a precarious place. Said action placed Mr. Harris in reasonable apprehension or fear of falling to his death. On November 16, 2002, Eric Schatz zip tied Mr. Harris' hands behind his back and held him out over a 200 foot drop. said action placed Mr. Harris in fear and/or apprehension of falling to his death. On or about November 16, 2002, ROE 1 "Jerry" an agent or employee of The Pacific Lumber Company bent Jamie Harris' thumb back to the point of great pain. Mr. Harris' thumb is still sore to this day and does not have full motion of his thumb without experiencing pain. Defendants engaged in other conduct causing Mr. Harris to have reasonable fear and/or apprehension for his personal health and safety.

11. The following additional causes of action are attached and the statements below apply to each (*in each of the attachments, "plaintiff" means "cross-complainant" and "defendant" means "cross-defendant"*):

- a. Motor Vehicle
- b. General Negligence
- c. Intentional Tort
- d. Products Liability
- e. Premises Liability
- f. Other (specify):

Battery, Slander, Intentional Infliction of Emotional Distress, Negligent Infliction of Emotional Distress

12. **CROSS-COMPLAINANT PRAYS** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. total and complete indemnity for any judgments rendered against me.
- b. judgment in a proportionate share from each cross-defendant.
- c. a judicial determination that cross-defendants were the legal cause of any injuries and damages sustained by plaintiff and that cross-defendants indemnify me, either completely or partially, for any sums of money which may be recovered against me by plaintiff.
- d. compensatory damages
 - (1) (unlimited civil cases) according to proof.
 - (2) (limited civil cases) in the amount of: \$ 22,369.42
- e. other (specify):

13. The paragraphs of this cross-complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: 1/17/2003

Jamie LeRoy Harris
 (TYPE OR PRINT NAME)


 (SIGNATURE OF CROSS-COMPLAINANT OR ATTORNEY)

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(number)

CAUSE OF ACTION—General Negligence

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ATTACHMENT TO Complaint Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): JAMIE LEROY HARRIS

alleges that defendant (name):

ERIC SCHATZ, CARL ANDERSON, ROBERT MANNE, THE PACIFIC LUMBER COMPANY, ROE 1 "JERRY"

Does 2 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): November 15, 2002 and November 16, 2002

at (place): Jordan Creek Demonstration Forest, Humboldt County

(description of reasons for liability):

Defendants have a duty to exercise general and ordinary care to prevent injuries to other person's and property belonging to other persons. Defendants breached this duty by extracting Plaintiff from a tree in an unsafe manner that caused Plaintiff to suffer injuries to his person and property.

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(number)

CAUSE OF ACTION—Intentional Tort

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ATTACHMENT TO Complaint Cross-Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): JAMIE LEROY HARRIS

alleges that defendant (name):

ERIC SCHATZ, CARL ANDERSON, ROBERT MANNE, THE PACIFIC LUMBER COMPANY, ROE 1 "JERRY"

Does 2 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date): November 15, 2002 and November 16, 2002

at (place): Jordan Creek Demonstration Forest, Humboldt County

(description of reasons for liability):

In removing Plaintiff's person and personal property from Defendant's property, Defendants intended to cause Plaintiff to suffer personal injuries and damage to personal property. Defendants intended that Plaintiff suffer greater physical injuries to his person and property than lawfully permitted. As a result of such intent, Plaintiff did suffer injuries to his person and property that he would not have suffered had Defendants not had unlawful ulterior motives to cause Plaintiff to suffer injuries.

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PH020607

ATTACHMENT (Number): 1Page 6 of 6

(This Attachment may be used with any Judicial Council form.)

(Add pages as required)

Cause of Action 7 - Battery

On or about November 15, 2002, Eric Schatz, an employee or agent of The Pacific Lumber Company, by pulling Jamie Harris' sleeping bag from under him, did weaken Mr. Harris' handhold while 200 feet up in a precarious place. Said action placed Mr. Harris in reasonable apprehension or fear of falling to his death. On November 16, 2002, Eric Schatz zip tied Mr. Harris' hands behind his back and held him out over a 200 foot drop, said action placed Mr. Harris in fear and/or apprehension of falling to his death. On or about November 16, 2002, ROE 1 "Jerry" an agent or employee of The Pacific Lumber Company bent Jamie Harris' thumb back to the point of great pain. Mr. Harris' thumb is still sore to this day and does not have full motion of his thumb without experiencing pain. Defendants engaged in other conduct causing Mr. Harris to have reasonable fear and/or apprehension for his personal health and safety.

Cause of Action 8 - Slander

In April of 2002 Defendant Robert Manne called Plaintiff a terrorist in public in the presences of numerous members of the public. Robert Manne intended to impugn the reputation and integrity of Plaintiff. Robert Manne knew that Plaintiff was and is not a terrorist and that his naming Plaintiff a terrorist was false and designed solely to cause injury to Plaintiff's person.

Cause of Action 9 - Intentional Infliction of Emotional Distress

On November 15, 2002 and November 16, 2002, Defendants intended to cause Plaintiff to suffer emotional distress. Defendants intended that Plaintiff suffer severe and outrageous mental distress. Defendants bound Plaintiff, forcibly tying Plaintiff's hands behind his back, and lowered him from a height of 200 feet. Defendants lowered Plaintiff in a jerky manner. Defendants placed Plaintiff in a harness that was not designed for lowering people from trees. Defendants knew that the harness was unsafe and intended that Plaintiff suffer extreme shock, anger, dismay, and mortification of being lowered from a dangerous height using substandard and unsafe equipment. Defendants further deliberately pretended not to have due regard for Plaintiff's safety.

Cause of Action 10 - Negligent Infliction of Emotional Distress

On November 15, 2002 and November 16, 2002 Defendants were negligent in lowering Plaintiff from a tree. The manner Defendants lowered Plaintiff from a tree was outrageous and shocking to a reasonable person of ordinary sensibilities. As a result thereof, Plaintiff suffered severe emotional distress which no person can be expected to endure.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)