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SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

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10 LLC

11 SUPERIOR COURT OF CALIFORNIA
12 COUNTY OF HUMBOLDT

13 THE PACIFIC LUMBER COMPANY and)
14 SCOTIA PACIFIC COMPANY LLC,

15 Plaintiffs,

16 vs.

17 DOE 1 "REMEDY"; DOE 2 "WREN";
18 DOE 3 "SHINING LIGHT" and DOES 4-
200, inclusive, and all persons acting in
19 concert with them,

20 Defendants.
21

Case No.:

**COMPLAINT FOR DAMAGES,
RESTITUTION AND INJUNCTIVE
RELIEF FOR TRESPASS AND CIVIL
CONSPIRACY TO COMMIT
TRESPASS**

1 **GENERAL ALLEGATIONS**

2 **(COMMON TO ALL CAUSES OF ACTION)**

3 Plaintiffs allege as follows:

4 1. Plaintiff THE PACIFIC LUMBER COMPANY is, and at all times
5 mentioned herein was, a Delaware (Maryland) corporation licensed to do business in the
6 State of California and doing business in the County of Humboldt, among other locations.

7 2. Plaintiff the SCOTIA PACIFIC COMPANY, LLC, is, and at all times
8 mentioned herein was, a Delaware (Maryland) corporation licensed to do business in the
9 State of California and doing business in the County of Humboldt, among other locations.

10 3. Plaintiffs the PACIFIC LUMBER COMPANY and/or SCOTIA PACIFIC
11 COMPANY, LLC, is, and at all relevant times mentioned was, the owner of numerous
12 parcels of real property and appurtenant roads (and/or access easements along
13 appurtenant roads) located within the County of Humboldt, State of California. The real
14 property is vast in size and includes, but is not limited to, the specific real property
15 locations more particularly described herein.

16 4. The majority of real property parcels owned by THE PACIFIC LUMBER
17 COMPANY and/or SCOTIA PACIFIC, LLC, in the County of Humboldt and those
18 specific locations more particularly described herein constitute timberlands which are
19 zoned for timber production under the Timberland Productivity Act of 1982 set forth at
20 Government Code § 51110, *et seq.*

21 5. Plaintiffs are informed and believe and thereon allege that defendants DOE
22 1 "REMEDY", DOE 2 "WREN" and DOE 3 "SHINING LIGHT" are residents of
23 Humboldt County, California. Alternatively, plaintiffs are informed and believe, and
24 thereon allege, that all acts alleged herein against defendants DOE 1 "REMEDY", DOE 2
25 "WREN" and DOE 3 "SHINING LIGHT" were committed within the County of
26 Humboldt, California.

1 6. Plaintiffs are ignorant of the true names and capacities of defendants sued
2 herein as DOES 4 through 200, and therefore sue these defendants by such fictitious
3 names. Plaintiffs will amend this complaint to allege defendants' true names and
4 capacities when ascertained. Plaintiffs are informed and believe and thereon allege that
5 the defendants named as DOES 1 through 200 are responsible in some manner for the
6 occurrences alleged and/or threatened in this complaint.

7 7. Plaintiffs are informed and believe and thereon allege that, at all times
8 herein mentioned, each of the defendants was the agent of each of the remaining
9 defendants in undertaking activities alleged in this complaint and was acting within the
10 scope and course of such agency and with the consent of each of the co-defendants.

11 8. Commencing on or about March of 2002, and continuing to the present,
12 defendants and each of them knowingly and willfully agreed and conspired among
13 themselves to enter onto and/or occupy portions of plaintiffs' timberlands located in
14 Humboldt County, California, without the consent of the owners, to climb and occupy
15 various redwood and/or douglas-fir trees owned by plaintiffs, for the express purpose of
16 interfering with plaintiffs' lawful logging operations.

17 9. Pursuant to the unlawful agreement and conspiracy amongst the defendants,
18 certain defendants, including but not limited to, defendants DOE 1 "REMEDY", DOE 2
19 "WREN", DOE 3 "SHINING LIGHT" and DOES 4 through 25 committed overt acts in
20 furtherance of the agreement and conspiracy amongst defendants by trespassing onto the
21 plaintiffs' real property, climbing various douglas-fir and redwood trees, placing various
22 items of suspension equipment and personal property in said trees, and refusing vacate
23 said trees as further set forth in the following causes of action.

24 10. Some defendants, including but not limited to DOES 26 through 100 have
25 trespassed onto plaintiffs' real property, and brought food, water, equipment and other
26 items to DOE 1 "REMEDY", DOE 2 "WREN", DOE 3 "SHINING LIGHT" and DOES 4

1 through 25 for the express purpose of perpetuating these defendants' occupation of
2 various redwood and douglas-fir trees situated on plaintiffs' real property.

3 11. Plaintiffs are informed and believe and thereon allege that some defendants
4 including but not limited to DOES 101 through 200 have recruited DOE 1 "REMEDY",
5 DOE 2 "WREN", DOE 3 "SHINING LIGHT" and DOES 4 through 25 to commit the
6 acts of trespass, tree occupation and unlawful interference with plaintiffs' business
7 operations as set forth in more detail in the following causes of action. DOES 101
8 through 200 have solicited and raised funds and material goods to supply and finance said
9 activities with knowledge of and in furtherance of the unlawful and unfair purposes as
10 part of the plan to damage and disrupt plaintiffs' business operations.

11 **FIRST CAUSE OF ACTION: TRESPASS**

12 **(Against Defendants DOE 1 "REMEDY"; DOE 2 "WREN"; DOE 3 "SHINING
13 LIGHT"; and DOES 4 through 100)**

14 12. Plaintiffs incorporate by reference the allegations of paragraphs 1 through
15 11 of this complaint as though fully set forth hereat.

16 13. Commencing on or about March of 2002, and in furtherance of the
17 conspiracy between and among defendants as alleged more fully herein, defendants DOE
18 1 "REMEDY", DOE 2 "WREN", DOE 3 "SHINING LIGHT" and DOES 4 through 25
19 entered onto and occupied various portions of real property owned by plaintiffs and
20 located in Humboldt County, California.

21 14. Plaintiffs are informed and believe and thereon allege that defendants DOE
22 1 "REMEDY", DOE 2 "WREN", DOE 3 "SHINING LIGHT" and DOES 4 through 25
23 currently are, and have, occupied various redwood trees located on plaintiffs' real
24 property (plaintiffs' timberlands) situated in the County of Humboldt and generally
25 located in the following Townships and Ranges: Township 5N, Range 1E, Sec. 27; and
26 Township 4N, Range 2E, Sec. 6, Humboldt Base and Meridian.

1 15. Plaintiffs are informed and believe and thereon allege that defendants
2 DOES 4 through 25 currently are, and have, occupied various redwood trees and/or
3 douglas-fir trees located on plaintiffs' real property (plaintiffs' timberlands) situated in the
4 County of Humboldt and generally located in the Townships and Ranges described in
5 Paragraph 14 and/or the following additional areas: Township 1N, R3E, Secs. 6 and 7,
6 Humboldt Base and Meridian.

7 16. Plaintiffs are informed and believe and thereon allege that defendants
8 DOES 26 through 100 have trespassed and continue to trespass onto plaintiffs' real
9 property for the purpose of providing food, water, equipment and other items to DOE 1
10 "REMEDY", DOE 2 "WREN", DOE 3 "SHINING LIGHT" and DOES 4 through 25 in
11 order to perpetuate these defendants' occupation of various redwood and douglas-fir trees
12 situated on plaintiffs' real property.

13 17. While on plaintiffs' real property and without plaintiffs' permission or
14 consent, defendants engaged in acts designed to interfere with plaintiffs' lawful business
15 operations, including, but not limited to, occupying various douglas-fir and/or redwood
16 trees without the permission of the plaintiffs' and refusing to vacate despite the lawful
17 requests of plaintiffs and plaintiffs' representatives. Said actions violate California Penal
18 Code §602(j), which prohibits entering on any lands of another for the purpose of
19 injuring any lawful business or occupation carried on by the owner of the land or his
20 agents; California Penal Code § 602(l), which prohibits entering or occupying real
21 property of any kind without the consent of the owner; and/or California Penal Code §
22 602(k), which prohibits similar activities on lands under cultivation or enclosed by a
23 fence.

24 18. The acts of defendants as aforesaid in fact impaired and impeded plaintiffs'
25 timber harvesting and related activities and continue to impair and impede and threaten to
26 impede the same.

1 19. Defendants' activities have resulted in additional expenses to plaintiffs,
2 increased risk of harm to plaintiffs' employees and contractors, loss of income to
3 plaintiffs and other damages according to proof at the time of trial, but in no event less
4 than the amount (as amended from time to time) identified in a Statement of Damages
5 (issued pursuant to California Code of Civil Procedure § 425.11) which will be served on
6 defendants prior to entry of any default judgment(s) herein.

7 20. Plaintiffs are informed and believe and on that basis allege that defendants
8 will continue to trespass and/or commit the other acts alleged herein unless and until they
9 are enjoined by this court.

10 21. The interference causes great and irreparable harm to plaintiffs and the
11 nature of the activity (and continuing threat of such activity) would require multiple
12 lawsuits to collect damages. Consequently, plaintiffs have no adequate remedy at law
13 and injunctive relief is necessary.

14 22. The acts of defendants complained of herein were willful, malicious and
15 oppressive in that they were undertaken with the intention to cause injury and damage to
16 plaintiffs and/or despicable in that they were carried out with a willful and conscious
17 disregard of the rights and safety of plaintiffs, their employees and contractors and
18 subjected plaintiffs and their employees to cruel and unjust hardship and unnecessary
19 delay and burden in the completion of their business operations. Plaintiffs may thus
20 recover exemplary damages in an amount sufficient to deter such conduct in the future
21 and to punish defendants.

22 **SECOND CAUSE OF ACTION: CONSPIRACY TO COMMIT TRESPASS**
23 **(Against Defendants DOE 1 "REMEDY"; DOE 2 "WREN"; DOE 3 "SHINING**
24 **LIGHT"; and DOES 4 through 100)**

25 23. Plaintiffs incorporate by reference the allegations of paragraphs 1 through
26 22 of this complaint as though fully set forth hereat.

1 24. Plaintiffs are informed and believe, and thereon allege, that the specific acts
2 of trespass and other activities identified above were carried out as part of and pursuant to
3 an organized plan formed and implemented by DOE 1 "REMEDY", DOE 2 "WREN",
4 DOE 3 "SHINING LIGHT" and all other DOE defendants herein with the express
5 purpose of interfering with and impeding plaintiffs' lawful timber harvest operations.

6 25. In addition, plaintiffs are informed and believe and thereon allege that all
7 named and DOE defendants herein conspired with each other to commit unfair and
8 unlawful acts, including but not limited to those in violation of the California Penal Code
9 sections cited in paragraph 17 of this complaint, above, and some defendants committed
10 overt acts in furtherance of the object of the conspiracy, all of which took place in
11 violation of California Penal Code §182(a).

12 26. Plaintiffs are informed and believe, and thereon allege, that the specific acts
13 of trespass identified above were carried out as part of and pursuant to an organized plan
14 formed and implemented by all named and DOE defendants herein with the express
15 purpose of interfering with and impeding plaintiffs' lawful timber harvest operations.

16 Plaintiffs are informed and believe and thereon allege that DOES 26 through 100
17 furthered this plan by trespassing onto plaintiffs' real property and supplying DOE 1
18 "REMEDY", DOE 2 "WREN", DOE 3 "SHINING LIGHT" and DOES 4 through 25
19 with food and supplies as hereinabove alleged. Plaintiffs are informed and believe and
20 thereon allege that DOES 101 through 200 furthered this plan by soliciting and raising
21 funds and material goods to supply and finance the above-described activities.

22 27. The formation and implementation of defendants' plan interfered with
23 timber operations on plaintiffs' real property and caused consequential damages in an
24 amount according to proof at the time of trial but in no event less than the amount (as
25 amended from time to time) identified in a Statement of Damages (issued pursuant to
26 California Code of Civil Procedure § 425.11) which will be served on defendants prior to

1 entry of any default judgment(s) herein.

2 **PRAYER**

3 WHEREFORE, on the FIRST and SECOND CAUSES OF ACTION plaintiffs
4 pray for:

- 5 1. For general and special damages according to proof, but in no event less
6 than the amount (as amended from time to time) identified in a Statement
7 of Damages (issued pursuant to California Code of Civil Procedure §
8 425.11) which will be served on defendants prior to entry of any default
9 judgment(s) herein;
- 10 2. For costs of suit; and
- 11 3. For preliminary and permanent injunctions prohibiting defendants and all
12 persons acting in concert with them from:
 - 13 a. Harassing, threatening, stalking or interfering with the plaintiffs'
14 performance of timber harvest activities and/or blocking the
15 movements of plaintiffs and/or their employees or contractors;
 - 16 b. Entering onto or occupying any portion of plaintiffs' timberlands
17 situated in Humboldt County;
 - 18 c. Blocking or damaging roads or gates servicing plaintiffs' timberlands
19 in Humboldt County;
 - 20 d. Conspiring with or soliciting others to enter onto plaintiffs'
21 timberlands in Humboldt County without written permission of
22 plaintiffs and/or to damage plaintiffs' properties or the roads
23 appurtenant thereto;
- 24 4. For a mandatory injunction compelling defendants DOE 1 "REMEDY",
25 DOE 2 "WREN" and DOES 3 through 25 to immediately vacate plaintiffs'
26 timberlands;

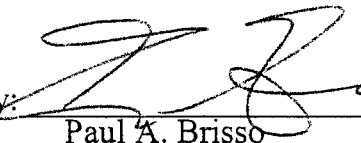
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5. For exemplary damages in an amount sufficient to deter the conduct complained of; and

6. For such other and further relief as the court may deem just and proper.

Dated: September 24, 2002

MITCHELL, BRISSO, DELANEY & VRIEZE

By: 

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Attorneys for Plaintiffs