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10 Attorneys for Plaintiffs and Cross-defendants THE PACIFIC LUMBER COMPANY,
SCOTIA PACIFIC, LLC, ROBERT MANNE, ERIC SCHATZ, and CARL ANDERSON
11

12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF HUMBOLDT

14 THE PACIFIC LUMBER COMPANY and)
15 SCOTIA PACIFIC COMPANY LLC,)
16 Plaintiffs,)
17 vs.)
18 DOE 1 "REMEDY"; DOE 2 "WREN";)
19 DOE 3 "SHINING LIGHT" and DOES 4-)
20 200, inclusive, and all persons acting in)
concert with them,)
21 Defendants.)

Case No.: DR020602

[PROPOSED]

ORDER TO SHOW CAUSE RE;
PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING
ORDER AGAINST DOE 1
"REMEDY"; DOE 2 "WREN" DOE 3
"SHINING LIGHT" AND DOES 11
THROUGH 20 AND 24 THROUGH 50

22 AND RELATED CROSS-ACTION)
23

24 TO DEFENDANTS DOE 1 "REMEDY", DOE 2 "WREN", DOE 3 "SHINING
25 LIGHT" AND DOES 11 THROUGH 20 AND 24 THROUGH 50, PLEASE TAKE
26 NOTICE OF THE FOLLOWING:

MITCHELL, BRISSO,
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814 Seventh Street
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Eureka, CA 95502

FILED

MAR 10 2003

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

1 Based on the complaint on file herein, plaintiffs' application for a temporary
2 restraining order and order to show cause regarding issuance of a preliminary injunction
3 against you, the declarations of Carl Anderson and Dave Lorence filed March 4, 2003,
4 and the supplemental declaration of Carl Anderson filed on March 7, 2003, the court
5 finds that a sufficient showing has been made for issuance of an order to show cause
6 regarding preliminary injunction and the issuance of the requested temporary restraining
7 order. The court specifically finds that plaintiffs have established a substantial likelihood
8 of success on the merits of their trespass claim in this action and that the interim harm
9 plaintiffs are likely to sustain if an injunction is denied far exceeds the potential harm you
10 will sustain if the injunction is granted.

11 With respect to those DOE defendants which are currently occupying trees on
12 plaintiffs' real property as described in the declaration of Carl Anderson filed on March
13 4, 2003, these DOE defendants (identified as DOE 1 "REMEDY", DOE 2 "WREN",
14 DOE 3 "SHINING LIGHT" and DOES DOES 11 THROUGH 20 AND 24 THROUGH
15 50) were provided adequate notice of plaintiffs' intention to seek the temporary
16 restraining order and order to show cause recited herein.

17 IT IS THEREFORE ORDERED AS FOLLOWS:

18 **ORDER TO SHOW CAUSE RE; PRELIMINARY INJUNCTION**

19 DEFENDANTS DOE 1 "REMEDY", DOE 2 "WREN", DOE 3 "SHINING
20 LIGHT" and DOES DOES 11 THROUGH 20 AND 24 THROUGH 50 SHALL
21 APPEAR AND SHOW CAUSE at 8:45 a.m., on MARCh 24, 2003,
22 or as soon thereafter as counsel may be heard in Department TBA of the
23 above-entitled Court, located at 825 Fifth Street, Eureka, CA, why defendants,
24 defendants' agents, servants, assigns and all those acting in concert with defendants,
25 should not ordered to:

26

1 Pending hearing on the Order to Show Cause entered above, defendants DOE 1
2 "REMEDY", DOE 2 "WREN", DOE 3 "SHINING LIGHT", and DOES 11 THROUGH
3 20 AND 24 THROUGH 50 as well as defendants' agents, servants, assigns, and all those
4 acting in concert with defendants, ARE HEREBY ORDERED as follows:

- 5 1. DOE 1 "REMEDY", DOE 2 "WREN", DOE 3 "SHINING LIGHT", and
6 DOES 11 THROUGH 20 AND 24 THROUGH 50 shall remove their
7 persons and personal property from the trees they currently occupy on
8 plaintiffs' real property within twenty-four (24) hours of being personally
9 served with this order or having the order posted on the tree occupied by
10 the said defendant(s) and shall not return.

11 Furthermore, pending hearing on the Order to Show Cause entered above,
12 defendants DOE 1 "REMEDY", DOE 2 "WREN", DOE 3 "SHINING LIGHT", and
13 DOES 11 THROUGH 20 AND 24 THROUGH 50 as well as defendants' agents,
14 servants, assigns, and all those acting in concert with defendants are RESTRAINED
15 AND ENJOINED from:

- 16 2. Harassing, threatening, stalking or otherwise physically interfering with the
17 plaintiffs' performance of timber harvest activities and/or blocking the
18 movements of plaintiffs and/or plaintiffs' employees, agents or contractors;
19 3. Entering onto or occupying any portion of plaintiffs' privately owned
20 timberlands (and/or the trees thereon) situated in Humboldt County as
21 identified in the map appended hereto as **Exhibit "A"**. Areas of Pacific
22 Lumber Company and Scotia Pacific, LLC, ownership are depicted on said
23 map as the areas shaded the colors of white, blue, pink, orange and
24 lavender;
25 4. Blocking or damaging roads or gates servicing plaintiffs' privately owned
26 timberlands in Humboldt County as identified in paragraph 2 of this Order;

- 1 5. Conspiring with or soliciting others to enter onto plaintiffs' timberlands in
- 2 Humboldt County without written permission of plaintiffs and/or to damage
- 3 plaintiffs' properties or the roads appurtenant thereto; and
- 4 6. Entering onto plaintiffs' privately owned timberlands for the purposes of
- 5 providing supplies and materials to persons engaged in activities of trespass
- 6 and/or tree occupation (also known as "tree-sits").

SERVICE AND BRIEFING SCHEDULE

8 This Order to Show Cause, and Temporary Restraining Order and supporting
9 papers shall be served on defendants no later than MARCH 15, 2003
10 by personal service. As to persons who continue to occupy trees after issuance of this
11 Order to Show Cause and Temporary Restraining Order, the posting of the Order to
12 Show Cause and Temporary Restraining Order on the Occupied Tree is deemed adequate
13 service. Proof of such service shall be filed and delivered in the manner provided by
14 CRC 359(a).

15 The following briefing schedule shall apply: Any opposition papers to the OSC
16 shall be filed and served on plaintiffs no later than MARCH 19, 2003. Any reply
17 papers to such opposition shall be filed and served on defendants no later than
18 MARCH 21, 2003.

19 The restraining order granted herein shall expire on MARCH 21, 2003,
20 unless otherwise extended or modified by the Court. No bond or undertaking is required
21 in connection with the temporary restraining order.

22 Dated: MARCH 10, 2003



JUDGE OF THE SUPERIOR COURT