

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

JAMIE LEROY HARRIS
1255 C STREET
EUREKA CA 95501

TELEPHONE NO: (707) 441-0702 FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): IN PRO PER

NAME OF COURT: Humboldt County Superior Court
STREET ADDRESS: 825 5th Street
MAILING ADDRESS:
CITY AND ZIP CODE: Eureka, CA 95501
BRANCH NAME:

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

CROSS-COMPLAINANT:
JAMIE LEROY HARRIS

CROSS-DEFENDANT: ERIC SHATZ, CARL ANDERSON, ROBERT MANNE, THE PACIFIC LUMBER COMPANY, ROE 1 "JERRY", AND ROES 2 TO 20

DOES 1 TO 20

CROSS-COMPLAINT—Personal Injury, Property Damage, Wrongful Death
 AMENDED (Number): 1

Causes of Action (check all that apply):

<input type="checkbox"/> Apportionment of Fault	<input type="checkbox"/> Declaratory Relief	ASSAULT, BATTERY, NEGLIGENCE, INTENTIONAL INFLICTION OF MENTAL DISTRESS, CONVERSION
<input type="checkbox"/> Indemnification	<input checked="" type="checkbox"/> Other (specify):	

Jurisdiction (check all that apply):

ACTION IS A LIMITED CIVIL CASE (\$25,000 or less)
 ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)
It is is not reclassified as unlimited by this cross-complaint

FOR COURT USE ONLY

FILED

MAR 14 2003

BRENDAN N.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

CASE NUMBER:
DR020602

1. CROSS-COMPLAINANT (name): JAMIE LEROY HARRIS
- alleges causes of action against CROSS-DEFENDANT (name):
ERIC SHATZ, CARL ANDERSON, ROBERT MANNE, THE PACIFIC LUMBER COMPANY, ROE 1 "JERRY", AND ROES 2 TO 20
2. This pleading, including exhibits and attachments, consists of the following number of pages: 6
3. Each cross-complainant named above is a competent adult
- a. **except** cross-complainant (name): THE PACIFIC LUMBER COMPANY
- (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe):
 - (3) a public entity (describe):
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify):
- Information about additional cross-complainants who are not competent adults is contained in Cross-Complaint—Attachment 3.

(Continued on reverse)



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.

(Continued on page three)

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. Plaintiffs and 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, and 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. Each Defendant 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, conversion, Intentional Infliction of Emotional Distress

SEE ATTACHMENT ONE

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*):
 Pages 1 to 3, paragraphs 1 to 13; Page 4, Attachment 1, paragraphs 1 to 11; Page 5, paragraph IT-1; page 6, paragraph GN-1.

Date:

(TYPE OR PRINT NAME)
(SIGNATURE OF CROSS-COMPLAINANT OR ATTORNEY)

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

CASE NUMBER:

DR020602

ATTACHMENT (Number): 1

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

(Add pages as required)

Sixth Cause of Action Intentional Infliction of Emotional Distress

1. Plaintiffs and Cross-Defendants ERIC SHATZ, CARL ANDERSON, ROBERT MANNE, THE PACIFIC LUMBER COMPANY, DOE 1 "JERRY", and DOES 2-20 engaged in extreme and outrageous conduct. Each of these Defendants were a substantial factor in lowering Defendant and Cross-Plaintiff from a tree in an unsound and unsafe manner from a dangerous height, without training or reasonable measures to protect Defendant and Cross-Plaintiff's safety. Each Plaintiff and Cross-Defendant engaged in overt acts in furtherance of a conspiracy to disrespect Defendant and Cross-Plaintiff's human rights and exercised unlawful dominion over Defendant and Cross-Plaintiff's person and property. DOE 1 "Jerry" injured my thumb upon the direct request of Eric Schatz when I was 200 feet high in an endangered old-growth tree. Eric Schatz & DOE 1 "Jerry" personally lowered Cross-Plaintiff from a tree in a gross and shocking manner, with calculated deliberate indifference to Cross-Plaintiff's life, at the direction, authorization and approval of Cross-Defendant Carl Anderson who was acting at all times under the authority of Robert Manne. Robert Manne is the highest corporate officer or director of The Pacific Lumber Company and is responsible for causing employees of The Pacific Lumber Company to maintain an unconscionable level of unlawful aggression towards persons who speak out publicly against the unlawful and illegal practices of the Plaintiffs and Cross-Defendants. Some of the acts against outspoken critics of Pacific Lumber Co. by Robert Manne, include his labeling of these critics as terrorist in a post 9-11 climate, which he knew was a false accusation and would likely associate Cross-Defendant with violent acts against the United States and its citizens.

2. Each of the Cross-Defendants are engaged in an unlawful conspiracy to chill persons' first amendment rights to speak out politically against the unlawful logging practices of Plaintiff The Pacific Lumber Company's logging operations through the use of unlawful violence and intimidation of politically outspoken persons. Eric Schatz, DOE 1 "Jerry", and Carl Anderson each intended to unreasonably threaten Cross-Plaintiff's life in an effort to lower Cross-Plaintiff from 200 feet high in an endangered old growth tree, and, they intended that Cross-Plaintiff be so frightened for his personal health and safety that it would be too emotionally upsetting and disturbing for Cross-Plaintiff to ever speak out politically against the illegal logging practices of The Pacific Lumber Company. Robert Manne directly authorized, or tacitly approved, the practice of The Pacific Lumber Company employees to engage in a policy of causing emotional distress to persons who speak out politically against The Pacific Lumber Company's illegal logging practices through unlawful acts of violence, including the use of unauthorized deadly force. Cross-Defendant was injured by a grossly offensive force that is not authorized even against persons who have committed crimes.

3. In lowering Cross-Plaintiff from a high tree in a remote wilderness area, and in the incidental loss of Cross-Plaintiff's camping equipment, Cross-Plaintiff suffered severe emotional distress.

4. In engaging in the conduct described in paragraphs 2 and 3, Cross-Defendants caused Cross-Plaintiff to suffer emotional Distress. Each Cross-Defendant engaged in inherently dangerous activity with knowledge that their acts would likely cause injury to Cross-Plaintiff and others similarly situated.

Eighth Cause of Action Based on Conversion

5. Cross-Defendants converted Cross-Plaintiff's personal property, including his backpack, sleeping bag, rope, 8 carabineers, clothes, blanket, food, parachute cord, and a traditional Native American hunting knife.

6. Cross-Plaintiff was in the immediate possession of the above-described chattel and at all times is entitled to the above-described chattel.

7. Cross-Defendants removed the chattel described in paragraph 5 from Cross-Plaintiff's person and presence and they intended to remove the chattel described in paragraph 5.

8. Cross-Defendants seriously interfered with Cross-Plaintiff's right of possession. After Cross-Defendants, including Robert Manne, removed Cross-Plaintiff's property, they did not return Cross-Plaintiff's property.

Ninth Cause of Action Based on Battery

9. Plaintiffs and Cross-Defendants ERIC SHATZ, CARL ANDERSON, ROBERT MANNE, THE PACIFIC LUMBER COMPANY, DOE 1 "JERRY", and DOES 2-20 forcibly bound my hands, bent my thumb, and lowered me over 200 feet from a rope, swinging me against the tree and in a manner calculated to cause me to have imminent fear of hitting the ground, and jerking the rope in a manner that caused hard sudden stops which injured Cross-Plaintiff's chest.

10. Cross-Defendants intended that Cross-Plaintiff suffer from an imminent harmful and offensive contact with their persons, the tree, and the ground. Cross-Defendants intended that Cross-Plaintiff fear an imminent harmful and offensive contact that would likely cause Cross-Plaintiff's death.

11. Cross-Defendants caused Cross-Plaintiff to be battered by Cross-Defendant's persons, the tree, the ground, and Cross-Defendant's harness. Robert Manne knows that employees of The Pacific Lumber Company have a history of violence towards politically outspoken persons and has taken overt acts in a conspiracy with other Cross-Defendants to cause Cross-Plaintiff and other persons who speak out against the illegal practices of The Pacific Lumber Company to employ unlawful force, including encouraging other Cross-Defendants to lower Cross-Plaintiff (and others like him) from trees in unsafe manners causing injurious collisions with hard objects.

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

CAUSE OF ACTION—Intentional TortPage 5 of 6

(number)

ATTACHMENT TO Complaint Cross-Complaint*(Use a separate cause of action form for each cause of action.)*IT-1 . Plaintiff *(name)*: JAMIE LEROY HARRISalleges that defendant *(name)*:

ERIC SHATZ, 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, 2002at *(place)*: Jordan Creek Demonstration Forest, Humboldt County*(description of reasons for liability):*

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

Cross-Defendants bound Cross-Plaintiff, forcibly tying Cross-Plaintiff's hands behind his back, and lowered him from a height of 200 feet. Cross-Defendants lowered Cross-Plaintiff in a jerky manner. Cross-Defendants placed Cross-Plaintiff in a harness that was not designed for lowering people from trees. The harness was strapped only around Cross-Plaintiff's chest in a manner that caused slipping and abdominal bruising. Cross-Defendants knew that the harness was unsafe and intended that Cross-Plaintiff suffer extreme shock, anger, dismay, and mortification of being lowered from a dangerous height using substandard and unsafe equipment. Cross-Defendants further deliberately pretended not to have due regard for Cross-Plaintiff's safety.

On or about November 15, 2002, Eric Schatz, and 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. Cross-Defendants engaged in other conduct causing Mr. Harris to have reasonable fear and/or apprehension for his personal health and safety.

5
(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 SHATZ, CARL ANDERSON, ROBERT MANNE, THE PACIFIC LUMBER COMPANY, DOE 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 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.