

# **Exhibit B**



March 13, 2009

Via U.S. Mail

Federal Bureau of Investigation  
San Francisco Headquarters  
Attn: Legal Department  
450 Golden Gate Avenue, 13th Floor  
San Francisco, CA 94102

Re: Notification of Incident and Claim for Damages in the Matter of Long Haul, Inc.

To Whom It May Concern:

I represent claimant Long Haul, Inc. ("Long Haul"), and am authorized, as its attorney, as set forth in the attached Authorization to File Federal Tort Claim, to make this claim against the Federal Bureau of Investigation on behalf of Long Haul. I hereby provide notification of an incident that occasions liability under the Federal Tort Claims Act, and present a claim for money damages in the amount of \$75,000 for property damage and other compensable injuries incurred by reason of the incident described below. See 28 U.S.C. § 2675; 28 CFR 14.2.

I understand that Jonathan U. Lee of the United States Attorney's Office for the Northern District of California is representing the FBI in civil litigation arising out of this incident.

NOTICE

1. Claimant:  
Long Haul, Inc., doing business as Long Haul Infoshop  
3124 Shattuck Avenue  
Berkeley, CA. 94705
2. Claimant's Representative:  
Michael T. Risher, Staff Attorney  
American Civil Liberties Union Foundation of Northern California  
39 Drumm Street  
San Francisco, CA. 94111

RON TYLER, CHAIRPERSON | M. QUINN DELANEY, LISA HONIG, LINDA LYE, VICE CHAIRPERSONS | NANCY PEMBERTON, SECRETARY/TREASURER  
MAYA HARRIS, EXECUTIVE DIRECTOR | CHERI BRYANT, DEVELOPMENT DIRECTOR | LAURA SAPONARA, COMMUNICATIONS DIRECTOR | JUSTINE SARVER, ORGANIZING DIRECTOR | ALAN SCHLOSSER, LEGAL DIRECTOR  
ANN BRICK, MARGARET C. CROSBY, JULIA HARUMI MASS, MICHAEL RISHER, JORY STEELE, STAFF ATTORNEYS | NATASHA MINSKER, NICOLE A. OZER, MARK SCHLOSBERG, DIANA TATE, POLICY DIRECTORS  
STEPHEN V. BOMSE, GENERAL COUNSEL



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3. Date and Day of Incident: Thursday, August 27, 2008

4. Time of Incident: The incident began at approximately 10:15 a.m.

5. Basis of Claim: On August 27, 2008, officers from the Federal Bureau of Investigation, working with officers from other agencies including the UC Berkeley police ("UCPD"), executed a search warrant at the Long Haul Infoshop ("Long Haul"), 3124 Shattuck Avenue in Berkeley, California. The warrant was based upon an Affidavit and Statement of Probable Cause ("Probable Cause Statement") submitted by UCPD Detective Bill Kasiske (#35) on August 26, 2008, and was issued by the Alameda County Superior Court that same day. The warrant was apparently issued in connection with an investigation of certain emails.

Although the Statement of Probable Cause Statement submitted in support of the warrant application, indicated the belief that the emails in question were sent from a public-access computer at Long Haul, the officers sought the authorization to -- and did in fact -- seize, remove, and subsequently search and copy, and/or retain copies with an intent to search, every computer and all electronic storage media at 3124 Shattuck Avenue, regardless of whether they were accessible to the public. The seized computers and storage media included not only all computers owned by Long Haul, but a computer owned by East Bay Prisoner Support ("EBPS"), which occupies an office at 3124 Shattuck Avenue.

Among the computers seized and subsequently searched were computers that Long Haul uses in connection with its publication of the Slingshot newspaper, as well as the computer that EBPS uses to store information about prisoner issues so that it can disseminate that information to the public, both on its own behalf and acting in conjunction with other organizations. EBPS also uses the computer to publish a newsletter of prisoner writings and to help publish Prison Action News and other small pamphlets. The Slingshot and EBPS computers were seized even though they were kept behind locked doors and were not publicly accessible. Officers also seized, removed, and subsequently copied and searched or, intend to search, hard drives, compact disks, DVDs, and cassettes, and other storage media, none of which were related to the public access computers at Long Haul.

The Statement of Probable Cause submitted in support of the warrant application made no reference to EBPS and the warrant did not authorize a search of the EBPS office or the seizure of its computer and other materials. Similarly, the Statement of Probable Cause submitted in support of the warrant made no mention of the fact that Long Haul publishes a newspaper and that EBPS publishes information on prison-related issues, although, in obtaining and executing the warrant, the officers knew or should have known these facts. The warrant requested and obtained by the officers was also deficient in that it did not limit the scope of the seizure and subsequent search to any particular time frame or offense. Rather than specifying the criminal conduct that was the subject of the investigation, the warrant stated only that the "[s]earch of all of the above items is for . . . evidence." The warrant also made no reference to any crime, except to state in the affidavit that the "Evidence type" is "Property or

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things used as means of committing a felony” and “Property or things that are evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony.”

In executing the search warrant, the officers forced their way into the Long Haul and EBPS premises, parts of which were locked, damaging doors and locks. The officers also left the offices of claimant in disarray, with papers and other items taken from files strewn about the premises.

The following individuals were involved in and/or are responsible for the events described in this claim:

Federal Bureau of Investigation Special Agent Lisa Shaffer

Mike Hart, who we understand was working for the FBI in this matter and who is or was affiliated with the Alameda County Sheriff's Department

UCPD Chief of Police Victoria Harrison, UCPD officers Karen Alberts, Bruce Bauer, William Kasiske, Wade Macadam, and Timothy J. Zuniga

6. Damages Suffered: Officers' forced entry into locked areas which damaged doors and a bookshelf and required the repair and replacement of locks and padlocks. Property may be inspected at 3124 Shattuck Avenue, Berkeley, CA. 94705, with advance notice to and permission of counsel.

In addition, Long Haul has been injured in that it was deprived of the use of the computers and other materials seized during the raid. During the time that Long Haul's computers were being held by law enforcement officials, Long Haul replaced the computers with computers donated by members of the community in order to continue the work of the organization. A significant amount of time was required in order to install the computers and ensure that they were operating properly.

Claimant's ability to communicate with other organizations and individuals and its ability to publish its newspaper, Slingshot, was disrupted by the seizure of its property. Claimant was damaged by the seizure and search of the Slingshot computers which contained unpublished information obtained or prepared in gathering, receiving or processing information for communication to the public. In addition, as a consequence of the seizure of the Slingshot computers, members of the Slingshot staff had to spend extra time recreating lost files and engaging in other production tasks that they would not ordinarily have been required to undertake had the computers not been seized.

Claimant was also required to spend time restoring order to its files and offices after the raid. Claimant's ability to lend books, sell books, host meetings and have meetings of Long Haul members and other associates was disrupted by the search of the library lending log, the sales log, the seizure of the property and the ongoing reasonable belief that Long Haul space is subject to or will be subject to further police surveillance.

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Claimant also continues to be injured by the retention and/ or dissemination of information seized and/or copied from computers, hard drives and storage media seized during the execution of the warrant. It is also injured by the continuing search of copies of the computers, hard drives and storage media and the retention and/or dissemination of information derived therefrom.

Claimant was also damaged by being deprived of its civil rights through intimidation, threats, and coercion.

7. Witnesses: See Paragraph 4, above, for the names of witnesses currently known to claimant who are connected with the FBI; the University of California, Berkeley, Police Department; and the Alameda County Sheriff's Department. The addresses for each of the foregoing entities are as follows:

Federal Bureau of Investigation  
San Francisco Headquarters  
Attn: Legal Department  
450 Golden Gate Avenue, 13th Floor  
San Francisco, CA 94102

UC Berkeley Police Department  
Attn: Legal Department  
1 Sproul Hall  
Berkeley, CA 94720-1199

Alameda County Sheriff's Department  
Attn: Legal Department  
1401 Lakeside Drive, 12th Floor  
Oakland, CA 94612

Other witnesses currently known to claimant who were present when the warrant was executed include:

Kathryn Miller, Long Haul member  
Patricia Wall, Executive Director of the Homeless Action Center  
Ian Winters, Executive Director of the Northern California Land Trust  
Max Harris, East Bay Prisoner Support

These witnesses may be contacted through claimant's counsel, whose name and address are listed above.

There are other witnesses to the foregoing events whose identities are currently unknown to claimant.

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8. Amount of Claim: Claimant seeks \$ 75,000 in compensation for the injuries described above.

9. Insurance coverage:

Long Haul's public liability/property damage insurance carrier is Penn-American Ins. Co., 3 Bala Plaza East Suite 300, Bala Cynwd, PA 19004; its agent is Dana Guyette, Ramun & Assoc., 2401 San Pablo Ave # B1, Pinole, CA 94564.

The United States is liable to claimant in the amount set forth above because of its tortious conduct. I look forward to the FBI's prompt response to this claim. If there are any questions or if any additional information is needed, I may be reached at (415) 621-2493.

Very truly yours,



Michael T. Risher

Attorney for Claimant

Long Haul, Inc.

Encl.



REC'D JAN 21 2009

**GRANT OF AUTHORITY  
TO FILE FEDERAL TORT CLAIM**

I, Robert Burnett, on behalf of Long Haul, Inc., authorize Michael T. Risher, Long Haul's attorney, to present a federal tort claim to the Federal Bureau of Investigation.

Dated: January 17, 2009

A handwritten signature in cursive script that reads "Robert Burnett". The signature is written in black ink and is positioned above a horizontal line.

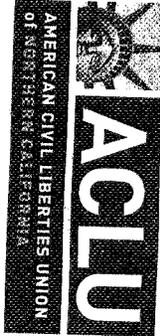
Robert Burnett  
Chief Executive Office  
Long Haul, Inc.

RON TYLER, CHAIRPERSON | M. QUINN DELANEY, LISA HONIG, LINDA LYE, VICE CHAIRPERSONS | NANCY PEMBERTON, SECRETARY/TREASURER  
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STEPHEN V. BOMSE, GENERAL COUNSEL

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF NORTHERN CALIFORNIA  
39 DRUMM STREET, SAN FRANCISCO, CA 94111 | T/415.621.2493 | F/415.255.1478 | TTY/415.863.7832 | WWW.ACLUNC.ORG

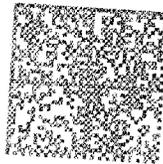


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SAN FRANCISCO, CA 94111



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450 Golden Gate Avenue, 13th Floor  
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Re: Notification of Incident and Claim for Damages in the Matter of East Bay Prisoner Support

To Whom It May Concern:

I represent claimant East Bay Prisoner Support ("EBPS"), and am authorized, as its attorney, as set forth in the attached Authorization to File Federal Tort Claim, to make this claim against the Federal Bureau of Investigation on behalf of EBPS. I hereby provide notification of an incident that occasions liability under the Federal Tort Claims Act, and present a claim for money damages in the amount of \$75,000 for property damage and other compensable injuries incurred by reason of the incident described below. See 28 U.S.C. § 2675; 28 CFR 14.2.

I understand that Jonathan U. Lee of the United States Attorney's Office for the Northern District of California is representing the FBI in civil litigation arising out of this incident.

NOTICE

1. Claimant:

East Bay Prisoner Support Group  
P.O. Box 22449  
Oakland, CA. 94609

2. Claimant's Representative:

Michael T. Risher, Staff Attorney  
American Civil Liberties Union Foundation of Northern California  
39 Drumm Street  
San Francisco, CA. 94111

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3. Date and Day of Incident: Thursday, August 27, 2008

4. Time of Incident: The incident began at approximately 10:15 a.m.

5. Basis of Claim: On August 27, 2008, officers from the Federal Bureau of Investigation, working with officers from other agencies including the UC Berkeley police ("UCPD"), executed a search warrant at the Long Haul Infoshop ("Long Haul"), 3124 Shattuck Avenue in Berkeley, California. The warrant was based upon an Affidavit and Statement of Probable Cause ("Probable Cause Statement") submitted by UCPD Detective Bill Kasiske (#35) on August 26, 2008, and was issued by the Alameda County Superior Court that same day. The warrant was apparently issued in connection with an investigation of certain emails.

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In executing the search warrant, the officers forced their way into the Long Haul and EBPS premises, parts of which were locked, damaging doors and locks. The officers also left the offices of claimant in disarray, with papers and other items taken from files strewn about the premises.

The following individuals were involved in and/or are responsible for the events described in this claim:

Federal Bureau of Investigation Special Agent Lisa Shaffer  
Mike Hart, who we understand was working for the FBI in this matter and who is or was affiliated with the Alameda County Sheriff's Department  
UCPD Chief of Police Victoria Harrison, UCPD officers Karen Alberts, Bruce Bauer, William Kasiske, Wade Macadam, and Timothy J. Zuniga

6. Damages Suffered:

Officers forced entry into EBPS' locked office, thus requiring EBPS to reinstall the locking mechanism. Property may be inspected at 3124 Shattuck Avenue, Berkeley, CA. 94705. Claimant was also required to spend time restoring order to its files and offices after the raid.

Claimant was, and continues to be injured by the seizure of its computer and other materials. The seizure impaired claimant's ability to carry on its work during the time its property was in the hands of law enforcement because needed information was no longer available to it. During that time, claimant was required to replace the flash drive seized by law enforcement officers. Claimant's ability to communicate with other organizations and individuals and its ability to publish and otherwise provide information to the public about prisoner rights and prisoner support efforts was disrupted by the seizure of its computer and storage media. Claimant was also damaged by the seizure and search of computers which contained unpublished information obtained or prepared in gathering, receiving or processing information for communication to the public.

Claimant continues to be injured by the seizure of its computer because the organization does not feel that it can safely use that computer, after its return by law enforcement, because it reasonably fears that its use of the seized computer may subject EBPS to further surveillance. EBPS will therefore incur the cost of replacing the computer and, in the meantime, continues to be damaged in its ability to carry on its work because of the lack of a computer. Claimant has also been damaged in its ability to carry on its work because of its ongoing reasonable belief that its office is subject to or will be subject to further police surveillance.

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Other witnesses currently known to claimant who were present when the warrant was executed include:

Kathryn Miller, Long Haul member  
Patricia Wall, Executive Director of the Homeless Action Center  
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Max Harris, East Bay Prisoner Support

These witnesses may be contacted through claimant's counsel, whose name and address are listed above.

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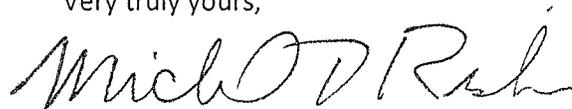
March 13, 2009

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8. Amount of Claim: Claimant seeks \$75,000 in compensation for the injuries described above.
  
9. Insurance coverage:  
EBPS' losses are not covered by insurance

The United States is liable to claimant in the amount set forth above because of its tortious conduct. I look forward to the FBI's prompt response to this claim. If there are any questions or if any additional information is needed, I may be reached at (415) 621-2493.

Very truly yours,



Michael T. Risher

Attorney for Claimant

East Bay Prisoner Support

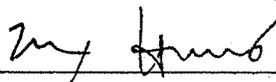
Encl.



**GRANT OF AUTHORITY  
TO FILE FEDERAL TORT CLAIM**

I, Max Harris, on behalf of East Bay Prisoner Support., authorize Michael T. Risher, EBPS' attorney, to present a federal tort claim to the Federal Bureau of Investigation.

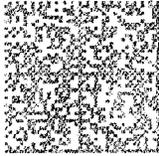
Dated: February 20, 2009

  
\_\_\_\_\_  
Max Harris on behalf of East Bay Prisoner Support

RON TYLER, CHAIRPERSON | M. QUINN DELANEY, LISA HOWE, LINDA LYE, VICE CHAIRPERSONS | NANCY PEMBERTON, SECRETARY/TREASURER  
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STEPHEN V. BOMSE, GENERAL COUNSEL



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SAN FRANCISCO, CA 94111



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Federal Bureau of Investigation  
San Francisco Headquarters  
Attn: Legal Department  
450 Golden Gate Avenue, 13th Floor  
San Francisco, CA 94102

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