

# EXHIBIT 12

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

LONG HAUL, INC. and EAST BAY )  
PRISONER SUPPORT, )  
 )  
Plaintiffs, )  
 )  
v. ) No. C 09-00168-JSW  
 )  
UNITED STATES OF AMERICA; MIGUEL )  
CELAYA; KAREN ALBERTS; WILLIAM )  
KASISKE; WADE MacADAM; TIMOTHY )  
ZUNIGA; MIKE HART; LISA SHAFFER; )  
and DOES 1 - 25, )  
 )  
Defendants. )  
\_\_\_\_\_ )

DEPOSITION OF KAREN ALBERTS, taken on behalf  
of Plaintiffs, at One Market Street, 32nd Floor, San  
Francisco, California, commencing at 9:00 a.m.,  
Tuesday, August 3, 2010, before Donna J. Blum,  
Certified Shorthand Reporter, No. 11133.

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## I N D E X

EXAMINATION BY	PAGE
MS. GRANICK	6

## E X H I B I T S

PLAINTIFFS' EXHIBIT	DESCRIPTION	PAGE
A	3-page document entitled "University Of California, Berkeley Police Department"	22
B	67-page document entitled "Search Warrants"	24
C	2-page photocopy of emails	30
D	2-page photocopy of emails	58
E	2-page document entitled "Search Warrant"	66
F	4-page document entitled "Statement Of Probable Cause"	66
G	1-page photocopy of email	87
H	1-page photocopy of photograph	120
I	1-page photocopy of photograph	120
J	1-page photocopy of photograph	120
K	1-page photocopy of photograph	120
L	1-page photocopy of photograph	120
M	1-page photocopy of photograph	120

1 THE WITNESS: I don't know if that's necessarily  
2 fair. I made recommendations to send certain detectives  
3 to certain types of POST training, formal training.

4 BY MS. GRANICK:

5 Q Okay. Was Officer Kasiske one of the officers  
6 that you supervised at the -- in 2008 at the time of this  
7 incident?

8 A. He was one of my detectives, yes.

9 Q. Are you familiar with what Officer Kasiske's  
10 training and education was at that point in time?

11 A. Not off the top of my head.

12 Q. Do you remember anything about what Officer  
13 Kasiske's training was as of that point in time?

14 A. Not particularly. I would have to, like, go  
15 back and look at the top of his search warrant which  
16 explains his training and background.

17 Q. When your officers write search warrants, are  
18 they -- and they put down their training and background,  
19 is that supposed to be a comprehensive list of their  
20 training or is that a subset of what the officers have  
21 been taught?

22 MS. ELLIS: Objection, compound.

23 THE WITNESS: I think you asked a couple  
24 different questions. What's the first question?

25 BY MS. GRANICK:

1 BY MS. GRANICK:

2 Q What did Special Agent Shaffer do when you  
3 worked together?

4 MS. ELLIS: Objection, vague and investigative  
5 privilege.

6 So you can answer to the extent that you're not  
7 revealing any investigative techniques or the details of  
8 any ongoing investigations.

9 THE WITNESS: We collaborated.

10 BY MS. GRANICK:

11 Q And what was the nature of that collaboration?

12 MS. ELLIS: Same objection.

13 THE WITNESS: Sharing information of things we  
14 were working on.

15 BY MS. GRANICK:

16 Q And did you also -- and did you also involve  
17 Special Agent Shaffer in the execution of search  
18 warrants?

19 A. I believe just this one.

20 Q. This was the only time, to your knowledge, that  
21 Special Agent Shaffer participated in the execution of a  
22 warrant with the UC police department?

23 A. I believe so.

24 Q. Other than sharing information and this -- this  
25 assistance with the execution of the warrant on Long

1           A. Not specifically that I can think of other than  
2 information on the Internet that I knew there was a  
3 crossover and affiliation, not just with animal rights  
4 activists but other groups as well.

5           Q. In August of 2008 did you know what Slingshot  
6 was?

7           A. I knew. I knew of the publication Slingshot. I  
8 hadn't known about it years earlier. I hadn't heard  
9 about it in many years.

10          Q. What did you know about Slingshot at that time?

11          A. I was a foot patrol officer on Telegraph Avenue  
12 like '89, beginning of '90, and it was a publication that  
13 was out on the street.

14          Q. When you say "publication," what do you mean?

15          A. Like any other free flyers or publications that  
16 people could pick up and read.

17          Q. Like a newspaper, a newsletter, something of  
18 that nature?

19          A. I wouldn't call it a newspaper. More of a  
20 publication.

21          Q. Okay. And it was a physical -- it was printed  
22 on physical paper?

23          A. Correct.

24          Q. And did you have any information about any  
25 connection between Long Haul and Slingshot?

1 MS. ELLIS: Objection.

2 BY MS. GRANICK:

3 Q. -- in August of 2008?

4 A. Not until after I was served with this lawsuit.

5 Q You did not know that Slingshot was published  
6 out of the Long Haul Info Shop in August of 2008?

7 A. No, I did not.

8 Q. You didn't know that there was any connection  
9 between -- I guess I asked that.

10 I'm going to mark please Bates No. 614 and 615.  
11 (Deposition [Exhibit D](#) was marked for  
12 identification.)

13 BY MS. GRANICK:

14 Q This document is dated February 19, 2008, and  
15 appears to be an e-mail.

16 A. I see it.

17 Q. Do you recognize this?

18 A. Yes, I do.

19 Q. What is it?

20 A. It's an e-mail from Officer Zuniga to myself.

21 Q. Did you -- have you seen this e-mail before?

22 A. Yes.

23 Q. Did you see this e-mail in February of 2008?

24 A. Yes, I did.

25 Q. Did you -- this e-mail, is this e-mail about the



1 Slingshot publication? In February of 2008 did you know  
2 this e-mail was about the Slingshot publication?

3 A. I didn't know it was about their publication.

4 Q. Uh-huh. What did you think it was about with  
5 regards to Slingshot, if anything?

6 A. Just that the Long Haul maintained I guess on  
7 their site a list of contacts or different groups that  
8 they may be affiliated with.

9 Q. Okay.

10 A. And it appears Slingshot was one of those  
11 contacts.

12 Q. Did you have an understanding in February of  
13 2008 what that affiliation consisted of?

14 A. No. I didn't really pay that much attention, to  
15 be honest with you.

16 Q. Did you have any information about where  
17 Slingshot was published from?

18 A. When?

19 Q. In August of 2008.

20 A. Not until after this lawsuit.

21 Q. Not until after the lawsuit?

22 A. (Moves head up and down.)

23 Q. Okay. What else, if anything, did you know  
24 about Slingshot in August of 2008?

25 A. I knew nothing about Slingshot. I knew there

1 Q. And did you review that statement of probable  
2 cause?

3 A. Yes.

4 Q. Was the -- did Officer Kasiske seek the search  
5 warrant a month approximately a month after he got the IP  
6 address information back from the ISP?

7 A. I'd have to go look at the dates that he  
8 received the response and the date he authored it. Could  
9 have been.

10 Q. Sitting here today you don't remember anything  
11 special about the investigation with regards to delay  
12 about the execution of the search warrant?

13 MS. ELLIS: Objection, assumes facts not in  
14 evidence.

15 THE WITNESS: What do you mean about the delay?

16 BY MS. GRANICK:

17 Q. You don't remember whether there was a delay or  
18 any discussions surrounding delay?

19 A. I do remember a discussion with him about the  
20 delay, and it was due to the ongoing tree sitting protest  
21 we had.

22 Q. Okay. Were you aware at the time, tell me what  
23 you did as sergeant with regards to approving the  
24 application for a search warrant?

25 A. I reviewed the probable cause -- statement of

1 probable cause, the search warrant. This is my normal  
2 protocol. I make the corrections on it. Then I pass it  
3 on to my lieutenant who at that point I believe was Doug  
4 Wing. He makes any corrections he sees fit, hands it  
5 back down to me, I take a look, give it back to Bill. He  
6 makes the corrections and gives it back to me, and I make  
7 sure the corrections were made. And then he goes and  
8 gets it signed by the judge.

9 Q. Do you remember what date you reviewed the  
10 search warrant application and the statement of probable  
11 cause?

12 A. Not off the top of my head.

13 Q. Do you remember how many days approximately it  
14 was before the execution of the warrant?

15 A. I don't recall specifically because it was a  
16 crazy time, but it was probably within a day or two.

17 Q. Do you review the search warrant applications  
18 and the statements of probable cause for -- for  
19 information other than correcting the spellings and  
20 grammar and punctuation?

21 A. Yes.

22 MS. ELLIS: Objection, asked and answered.

23 BY MS. GRANICK:

24 Q. And what did you review this particular search  
25 warrant and statement of probable cause for?

1           A. Well, content to see if it meets the elements  
2 necessary for a judge to decide whether or not we had  
3 probable cause to obtain a search warrant.

4           Q. Why did you believe that you had probable cause  
5 to obtain the search warrant at that time?

6           MS. ELLIS: Objection, calls for a legal  
7 conclusion.

8           MR. LEE: Overbroad.

9           THE WITNESS: I can only review what facts we  
10 have on hand to make sure they're contained within the  
11 probable cause statement and search warrant, and it's the  
12 judge's decision as to whether or not to grant the actual  
13 search warrant.

14 BY MS. GRANICK:

15           Q. Did you in August of 2000 -- of 2008, were you  
16 aware that there were multiple office spaces in the Long  
17 Haul Info Shop?

18           A. I'm sorry, did you say before?

19           Q. Yes. Before August of 2008.

20           A. Before the date of the search warrant?

21           Q. Yeah, before the date that the search warrant  
22 was executed.

23           A. Was I aware there were multiple offices?

24           Q. (Moves head up and down.)

25           A. No, I was not.

1 anyone else who was associated with the Long Haul.

2 Q. Where in this search warrant affidavit does it  
3 say "employee of Long Haul"?

4 A. I'd have to read it. I don't know if it does.

5 Q. Okay.

6 A. You want me to -- this? You want me to read the  
7 whole thing?

8 Q. Well, it's a true and correct copy of the  
9 document that you reviewed back in August of 2008?

10 A. As far as I know.

11 Q. Okay.

12 A. Did you want me to read it?

13 Q. No. The document will speak for itself.

14 A. Okay.

15 Q. Did you -- in the paragraphs that are under  
16 opinions and conclusions on the last page of the  
17 document, when you approved this document saying that a  
18 search could reveal logs or sign-in sheets, what was your  
19 understanding of what logs or sign-in sheets meant?

20 A. Any type of, like it says here, written, typed,  
21 electronic document which may indicate any type of usage  
22 on a given date and type of any computer whether it be  
23 individual or -- we had no idea what type of records the  
24 Long Haul kept. We had no idea if any of our known  
25 activists were actual employees of the Long Haul or were

1 context?

2 A. Anyone who worked there, anyone who goes in  
3 there, any -- anyone we've seen go in there. I mean,  
4 anyone who uses or used a computer inside the Long Haul,  
5 be it an employee or not an employee, could have been the  
6 one who sent the threatening e-mails. We had no idea  
7 who.

8 Q. And yet you thought that Jesse Palmer would help  
9 you get into the Long Haul even though he could have been  
10 the one to send the e-mails?

11 A. We felt that he may have had a key to get into  
12 the Long Haul since he was affiliated with that address.

13 Q. What else, if anything, was discussed at the  
14 briefing meeting on the morning of the 27th?

15 MS. ELLIS: Other than what she's already  
16 testified to?

17 MS. GRANICK: Yes.

18 THE WITNESS: I don't recall anything else,  
19 anything of significance.

20 BY MS. GRANICK:

21 Q What role --

22 So after that meeting, did the officers from  
23 that meeting go to the Long Haul space?

24 A. Yes.

25 Q. And you were there too. Is that correct?

1 A. Correct.

2 Q. Okay. Did you act as supervisor during the  
3 execution of the search warrant?

4 A. Yes.

5 Q. And with regards to executing search warrants,  
6 what does the supervisor do?

7 A. I pretty much monitor everything going on to  
8 make sure everything goes as planned.

9 Q. What did you do when you got to the Long Haul  
10 premises?

11 MS. ELLIS: Objection, calls for a narrative.

12 THE WITNESS: Can you clarify that?

13 BY MS. GRANICK:

14 Q What did you do when you got to the Long Haul  
15 premises?

16 A. I stood outside to see if we could gain entry.

17 Q. And were you able to gain entry?

18 A. Eventually we were.

19 Q. And how did you do that?

20 A. Initially we couldn't get in through the front  
21 door, so I contacted -- there was a business next door,  
22 to see if they by chance had a key because the business  
23 was closed or the Long Haul was closed. And they said  
24 that they both had the same landlord. So they got on the  
25 phone to attempt to contact the landlord for me to see if

1 he or she could bring down a key to the location. And  
2 then I think someone in the back actually felt they may  
3 have had a key, so they were looking for a key. And they  
4 invited one of my officers or a couple of them through  
5 their business to go to the rear of -- there's a set of  
6 businesses there, to the rear of the Long Haul. And one  
7 of my detectives was able to gain entry because it wasn't  
8 very well secured.

9 Q. Did you remain in the front on the sidewalk at  
10 that time or did you go with the officers to gain entry  
11 initially through the back?

12 A. No, I went to the back as well.

13 Q. Okay. When you went to the back, were you part  
14 of the initial set of officers that entered the Long Haul  
15 or had other officers already entered?

16 A. I was at the back of the line.

17 Q. Okay. What did you do next?

18 A. We went in, secured the building, made sure no  
19 one was inside, and then everybody stepped outside so  
20 Officer MacAdam or Detective MacAdam could videotape the  
21 premises.

22 Q. Did Detective MacAdam videotape the -- when  
23 Detective MacAdam was videotaping the premises, was he  
24 the only officer inside the Long Haul Info Shop?

25 A. I couldn't tell you for sure. We usually try to



1 Q. Uh-huh.

2 A. So I pretty much kind of focused on them while  
3 everyone else commenced the searching.

4 Q. When you say "focused on," what do you mean?

5 A. Trying to communicate with them, letting them  
6 know a little bit about what was going on.

7 Q. Did you go back outside?

8 A. I did.

9 Q. Okay.

10 A. A couple of times.

11 Q. So you entered the front office, and then you  
12 noticed that people had gathered?

13 A. At some point.

14 Q. Okay. What did you do while you were in the  
15 front office before you noticed that people had gathered,  
16 if anything?

17 A. I started looking around for some of the items  
18 on the search warrant.

19 Q. Okay. Tell me what you did to look for the  
20 items on the search warrant while in the front office?

21 A. There were some handwritten logs, notebook-type  
22 things. So I started opening them up and reading them.

23 Q. Okay. Where were those located?

24 A. They were all over. You know, there was a  
25 couple -- there was a desk and a -- there was like an

1 L-shaped counter I think. And there were -- you know,  
2 lots of papers and paperwork and notebooks and things of  
3 that nature. So I was looking for any in the potential  
4 logs or documents that were listed in the search warrant  
5 which hopefully could help us identify some of the people  
6 who sent these e-mails.

7 I searched I think there was like a I guess you  
8 call a recipe card box either on the counter or on the  
9 desk or on one of the shelves which contained like cards  
10 to see if they had any notes on it that could be  
11 beneficial.

12 Q. Okay. Where were the papers that you searched  
13 in the front room located? Were they on the -- were the  
14 papers that you searched in the front room on the desk or  
15 were they in locked cabinets or both or neither?

16 MS. ELLIS: Objection, compound, assumes facts  
17 not in evidence.

18 THE WITNESS: Can you break that down for me?

19 BY MS. GRANICK:

20 Q. Yeah. When you searched logs in the front  
21 office, where were they located?

22 A. All over.

23 Q. Okay. So can you identify for me what logs you  
24 found where and looked at?

25 A. No, because I didn't seize any of them. None of

1    them ended up being relevant.  I mean, so part of what we  
2    do when we go in on a search warrant is search.  In this  
3    case we were searching paperwork, and so wherever  
4    paperwork was I started to read it.

5           Q.  Were any of these logs labeled with titles?

6           A.  I believe one of them might have been like a  
7    lending log or a lending -- they had a library, extensive  
8    archive library there.  So one of them could have been  
9    labeled that, but I can't say for sure.

10          Q.  Did you look at that document?

11          A.  I did.

12          Q.  And what did you see?

13          A.  People's names, dates of what I'm assuming is  
14    when they checked stuff out.

15          Q.  Where was that item located?

16          A.  Somewhere in that front office area around the  
17    desk.  I can't really say for sure.

18          Q.  Why did you think that a document labeled  
19    lending log would have information about who sent the  
20    June e-mails?

21                 MS. ELLIS:  Objection, vague.

22                 THE WITNESS:  What do you mean?

23    BY MS. GRANICK:

24                 Q    Why did you think that the document you reviewed  
25    that said lending log would assist you in determining who

1 Q. Who was in there?

2 A. Officer Zuniga.

3 Q. Was that the area where you saw the Slingshot  
4 publication?

5 A. Somewhere up in that area, yes.

6 Q. Did you see the Slingshot banner over the door  
7 in that loft area?

8 MS. ELLIS: Objection, assumes facts not in  
9 evidence.

10 THE WITNESS: What Slingshot banner?

11 BY MS. GRANICK:

12 Q. Did you see any signs that said "Slingshot" when  
13 you were in that area?

14 A. There may have been. I don't remember one off  
15 the top of my head.

16 Q. Did you see any officers up there other than  
17 Officer Zuniga?

18 A. At the time I went up there, no.

19 Q. Did you -- when you were in that area, did you  
20 see any cutting of locks or opening of doors or?

21 A. No.

22 Q. The door -- did you see a door up there?

23 A. Yeah. The door, there was a door on the street  
24 side I think facing the street.

25 Q. Was that door already open when you got up

1 there?

2 A. Yes.

3 Q. What did you see Officer Zuniga doing?

4 A. Just searching.

5 Q. What was he searching?

6 A. I think when I --

7 MS. ELLIS: Objection, speculation.

8 THE WITNESS: I don't know what he was  
9 searching, but he was inside the small office area,  
10 inside that door.

11 BY MS. GRANICK:

12 Q And could you see what he had in his hands?

13 A. No. I wasn't looking.

14 Q. How did you know he was searching?

15 A. Because you could hear movement. I mean, that  
16 was his job. That was what all the detectives' job was  
17 at that point was to search.

18 Q. And could you tell what he was looking at?

19 A. I don't recall at the time when I first got up  
20 there.

21 Q. Could you tell whether he was looking at  
22 documents?

23 A. Could have been looking at documents. I think  
24 there was some photographs up there, that type of thing.

25 Q. What did you see him doing with regards to

1 photographs?

2 MS. ELLIS: Objection, assumes facts not in  
3 evidence.

4 THE WITNESS: I don't recall if I actually saw  
5 him going through photographs. I remember some  
6 discussion about photographs at some point.

7 BY MS. GRANICK:

8 Q. What was that discussion?

9 A. I remember him telling Agent Shaffer that he had  
10 seen some photographs of potential protests up in  
11 Seattle.

12 Q. And what were the -- did he -- what were the  
13 potential protests?

14 MS. ELLIS: Objection, speculation.

15 THE WITNESS: I don't know.

16 BY MS. GRANICK:

17 Q. What else did he tell Agent Shaffer?

18 A. I just --

19 MS. ELLIS: Objection, speculation.

20 THE WITNESS: Yeah, I don't know.

21 BY MS. GRANICK:

22 Q So he -- so Zuniga told Special Agent Shaffer  
23 that there were potential protests -- there were  
24 photographs of potential photographs in Seattle. Is that  
25 correct?

1 not see anyone else up there. I know Agent Shaffer was  
2 up there at some point, but I don't know whether she was  
3 searching or not.

4 Q. Did you see anyone other than Officer Kasiske in  
5 the loft on the other side of the space towards the back  
6 of the building?

7 A. Yes.

8 Q. Who?

9 A. I believe Officer MacAdam was up there helping  
10 bring stuff down.

11 Q. Anybody else?

12 A. Not that I can remember. But people were up and  
13 down, so I couldn't really say for sure.

14 Q. Did you see any officers in the office that was  
15 marked with the sign "East Bay Prisoner Support"?

16 A. No.

17 Q. Do you know if any officers -- do you know which  
18 officers searched that space?

19 MS. ELLIS: Objection, assumes facts not in  
20 evidence.

21 THE WITNESS: As I said earlier, I don't know  
22 who searched it.

23 BY MS. GRANICK:

24 Q Do you know what -- what Officer Mike Hart did  
25 during the execution of the warrant?

1 A. Predominantly he stayed outside to watch over  
2 our vehicles. A large crowd had gathered, and I actually  
3 had to call some -- a marked patrol unit from campus to  
4 come also help watch over our cars.

5 Q. Do you know whether Officer Hart entered the  
6 Long Haul space?

7 MS. ELLIS: Objection, vague as to time.

8 THE WITNESS: When?

9 BY MS. GRANICK:

10 Q. Any point during the execution of the warrant.

11 A. I think towards the end he may have assisted in  
12 carrying stuff out. I'm not positive of that, but he  
13 might have.

14 Q. Do you know whether any of the documents that  
15 officers reviewed during the search were sales logs?

16 A. No.

17 Q. Do you know whether any officer during the  
18 search looked through envelopes of cash?

19 A. I think I might -- I think there might have been  
20 a cash box up front. I don't remember if it was a cash  
21 drawer, if it was one of those card boxes I talked about  
22 earlier. There was like a little petty cash thing.  
23 There was very little cash in it.

24 Q. Is it your recollection that you are the officer  
25 who looked through that?



1           A. There may have been others, but I remember  
2 seeing some like a little petty cash like thing in the  
3 front office.

4           Q. And do you know whether any officers looked at  
5 mail in the East Bay Prisoner Support Group office?

6           A. I'm sorry. What was the --

7           Q. Do you know whether any officers looked at mail?

8           A. No.

9           Q. Letters in the East Bay Prisoner Support Group  
10 office?

11          A. No, no, I don't.

12          Q. Were any computer sign-in logs found during the  
13 search?

14          A. Not to my knowledge.

15          Q. There -- Officer MacAdam made a videotape of the  
16 search. Is that correct?

17          A. No. He made a videotape of the premises before  
18 the search and after the search.

19          Q. Okay.

20          A. I believe.

21          Q. Okay. And there was a police report written  
22 about the search by Officer Kasiske. Is that correct?

23          A. Correct.

24          Q. I believe Officer Kasiske also took some  
25 photographs of the items that were seized from the

1 premises. Is that correct?

2 A. Correct.

3 Q. Other than the videotape, the photographs, and  
4 the report, were there other reports or records made  
5 about the execution the search warrant?

6 MS. ELLIS: Objection, vague.

7 THE WITNESS: Can you clarify that?

8 BY MS. GRANICK:

9 Q. Yeah. Any photos, videos, written reports, or  
10 other documentation that reflects what happened during  
11 the execution of the search warrant at the Long Haul  
12 premises?

13 A. I think the inventory is included as part of the  
14 report. So, nothing else that I can recall.

15 Q. Did you have a copy of the search warrant during  
16 the execution of the warrant and the conduct of the  
17 search?

18 A. I believe I did.

19 Q. Did you have a copy of the statement of probable  
20 cause with you during execution of the search warrant?

21 A. That I don't know.

22 Q. Was there a copy of the statement of probable  
23 cause at the pre-search breaching meeting?

24 MS. ELLIS: Objection, vague.

25 THE WITNESS: What do you mean? The briefing

1 took place in our office, so.

2 BY MS. GRANICK:

3 Q Did you have a copy of the statement of probable  
4 cause at that meeting?

5 A. I don't --

6 MS. ELLIS: Objection, foundation.

7 THE WITNESS: What do you mean?

8 BY MS. GRANICK:

9 Q. Did you have a copy of the statement of probable  
10 cause at that meeting?

11 MS. ELLIS: Same objection.

12 THE WITNESS: I don't know if I had one in my  
13 possession. There may have been one on my desk.

14 BY MS. GRANICK:

15 Q. Did you look at it during the meeting?

16 A. No. I had looked at it plenty before then.

17 Q. Did other officers look at it during the  
18 meeting?

19 A. I don't know.

20 MS. ELLIS: Objection, speculation.

21 BY MS. GRANICK:

22 Q At some point after the execution of the warrant  
23 did -- did you or Officer Kasiske ask the court to seal  
24 the warrant and the statement of probable cause?

25 A. Yes.

1 A. I believe so.

2 Q. What happened to the computers that were not  
3 sent to the lab but were seized that day?

4 MS. ELLIS: Objection, foundation.

5 THE WITNESS: What do you mean?

6 BY MS. GRANICK:

7 Q. What happened to those?

8 A. When?

9 Q. After the search.

10 A. After the search warrant?

11 Q. Yeah, after they were seized, they were not sent  
12 to the lab?

13 A. Right. I believe I'd have to go -- I don't know  
14 when she actually did it, but Nicole Miller actually  
15 copied, I believe, the hard drives from the computers,  
16 and then the computers were ultimately returned back to  
17 the members of the Long Haul.

18 Q. Was the data copied from the hard drives  
19 searched by anyone other than the lab?

20 MS. ELLIS: Objection, assumes facts not in  
21 evidence.

22 THE WITNESS: What computers are you talking  
23 about?

24 BY MS. GRANICK:

25 Q. The data that copied -- that Nicole Miller

1 copied from the computers?

2 A. Which computers?

3 Q. From any of the computers that Nicole Miller  
4 copied data from, what happened to that data?

5 A. I'd have to go back and read her report. I  
6 don't -- I don't think she -- I'd have to -- I don't know  
7 whether she copied any of the original six. I think the  
8 lab might have done that, not her. The other ones I  
9 believe she copied, and I'd have to refresh my memory and  
10 then those copies have never been searched, they were  
11 just stored.

12 Q. So your recollection is that the -- the data  
13 from machines that did not get sent to the lab was simply  
14 stored and not searched?

15 MS. ELLIS: Objection, asked and answered.

16 THE WITNESS: I'll clarify that. Yes, it's my  
17 belief that no other computers have been -- or hard  
18 drives have been searched other than the ones that went  
19 to the lab.

20 BY MS. GRANICK:

21 Q Now, Sergeant Alberts, I believe you said that  
22 you had reviewed your interrogatory answers prior to the  
23 deposition today?

24 A. Correct.

25 Q. And as one of the interrogatories that we asked

**From:** tzuniga@berkeley.edu  
**Sent:** Tuesday, February 19, 2008 12:21 PM  
**To:** kalberts@berkeley.edu  
**Subject:** Re: [Fwd: Activist Website Article - Berkeley/LA Connection]

---

>Sarg,  
> On their home page they claim an affiliation with The Long Haul on  
>3124 Shattuck Ave here in Berkeley. They have a "Radical contact  
>list" on their site (<http://slingshot.tao.ca/rcelist.php>)  
>  
>I made a list of locations here in Berkeley, Oakland, San Francisco and  
>Santa Cruz in case we need this for reference in future or current  
>investigations. I put it in the N drive under AREWG/Subjects and  
>Victims/Slingshot Radical Contact list.  
>  
>Please contact me with any questions. Thank you.

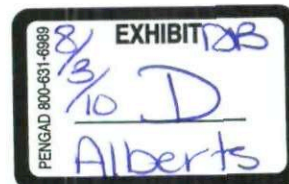
Corporal Timothy J. Zuniga  
Crime Prevention Unit  
UC Berkeley Police Department  
1 Sproul Hall  
Berkeley, Ca 94720  
Phone 510-642-3722  
Fax 510-642-6434

This e-mail communication and any attachments may contain confidential and privileged, or otherwise protected, information for the use of the designated recipients named above only. If you are not the intended recipient, you are hereby notified that you have received this communication in error and that any review, disclosure, dissemination, distribution or copying of it or its contents is prohibited and unauthorized. If you have received this communication in error, please notify me immediately by replying to this message and deleting it from your computer. Thank You.

> FYI!  
>  
> Karen  
>

> ----- Original Message -----  
> Subject: Activist Website Article - Berkeley/LA Connection  
> From: "Richard C. Van Sluyters" <[rcvs@berkeley.edu](mailto:rcvs@berkeley.edu)>  
> Date: Tue, February 19, 2008 11:30 am  
> To: Animal Issues Committee;;  
> Cc: Animal Issues Committee-copies;;  
> -----  
>

> Dear Colleagues,  
>  
> John Sandbrook at UCLA discovered this website, which seems to be  
> authored by one of our animal activists or someone very close to  
> them. It contains a number of interesting statements, including a  
> comparison of the campaign against research at UC Berkeley to that  
> against UCLA. If any of us had any doubts about whether the two  
> campaigns are not at least watching each other, this should dispel  
> them.  
>  
> I've forwarded it to UCPD, OGC and the FBI as well.  
>  
> -Rick



> --  
> Richard C. Van Sluyters, OD, PhD  
> Professor and Associate Dean for Student Affairs,  
> School of Optometry  
> Chair, Animal Care and Use Committee  
> University of California  
> Berkeley, CA 94720-2020

>  
> Associate Dean's Office: (510) 642-9537  
> ACUC Office: (510) 642-8855  
> Personal: (510) 642-1235  
> Facsimile: (510) 642-2281

> --  
> Sergeant Karen Alberts  
> UC Berkeley Police Department  
> Criminal Investigations Bureau  
> 1 Sproul Hall  
> Berkeley, CA 94720  
> (510) 642-6760 (24 hr. number)  
> (510) 642-0482 (Voice Mail)  
> (510) 642-6434 (Fax)

>

**From:** kasiske@berkeley.edu  
**Sent:** Friday, March 21, 2008 3:20 PM  
**To:** kalberts@berkeley.edu  
**Subject:** [Fwd: Subpoena response]  
**Attach:** Capture3-21-2008-11.46.40 AM.jpg

---

Hi Karen,

Somehow I'm not surprised that the IP address comes back to the Long Haul. Maybe if we go over there and ask them really nicely, they will tell us who was using their computer room that night (ha ha).

Bill

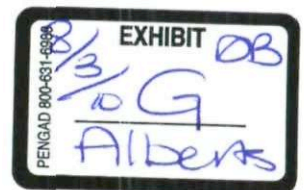
----- Original Message -----

Subject: Subpoena response  
From: "Dane Jasper" <dane@corp.sonic.net>  
Date: Fri, March 21, 2008 11:51 am  
To: kasiske@berkeley.edu

I certify under penalty of perjury that the attached is correct to the best of my knowledge.

On 3/19/2008, the IP 208.106.103.213 was allocated to the individual and location on the attached.

-Dane Jasper  
CEO  
Sonic.net



UC 000442



# EXHIBIT 13

1 SCHIFF HARDIN LLP  
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5 Telephone: (415) 901-8700  
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6 SARA L. ELLIS (ILSB #6224868)  
7 sellis@schiffhardin.com  
233 South Wacker Drive  
8 Suite 6600  
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9 Telephone (312) 258-5800  
Facsimile (312) 258-5600

10 Attorneys for Defendants  
11 MITCHELL CELAYA, KAREN ALBERTS,  
WILLIAM KASISKE, WADE MACADAM and  
12 TIMOTHY J. ZUNIGA

13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16

17 LONG HAUL, INC., and EAST BAY  
PRISONER SUPPORT,

18 Plaintiffs,

19 v.

20 UNITED STATES OF AMERICA;  
21 MITCHELL CELAYA; KAREN  
ALBERTS; WILLIAM KASISKE; WADE  
22 MACADAM; TIMOTHY J. ZUNIGA;  
MIKE HART; LISA SHAFFER; AND  
23 DOES 1-25,

24 Defendants.

Case No. 3:09-cv-0168 JSW

**DEFENDANT MITCHELL CELAYA'S  
RESPONSES TO PLAINTIFFS'  
REQUESTS FOR ADMISSION**

25 PROPOUNDING PARTY: Plaintiffs LONG HAUL, INC. and EAST BAY PRISONER  
26 SUPPORT

27 RESPONDING PARTY: Defendant MITCHELL CELAYA

28 SET NUMBER: ONE

1 **REQUEST FOR ADMISSION NO. 20:**

2 Admit that defendants or their agents made copies of Plaintiffs' data following the  
3 raid.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

5 Celaya objects to this request on the grounds that it is vague and ambiguous as  
6 the term "Defendants" and understands that term to refer specifically to defendants  
7 Mitchell Celaya, Karen Alberts, William Kasiske, Wade Macadam and Timothy J. Zuniga  
8 (collectively, "University Defendants"). Celaya further objects to this request on the  
9 grounds that it is vague and ambiguous as to the terms "agents," "copies," and "data."  
10 Celaya further objects to this request to the extent that it assumes facts not in evidence.  
11 Celaya further objects to this request to the extent that it calls for a legal conclusion.  
12 Celaya further objects to this request on the ground that it is compound. Celaya further  
13 objects to this request on the ground that it is overbroad and unduly burdensome.  
14 Celaya further objects to this request on the ground that it is argumentative, prejudicial,  
15 and misleading as to the use of the term "raid." Celaya further objects to this request to  
16 the extent it seeks information protected from disclosure by the attorney-client privilege  
17 and/or the attorney work-product doctrine.

18 Subject to and without waiving the foregoing general and specific objections,  
19 Celaya responds as follows: Celaya admits that the University of California Berkeley  
20 Police Department made copies of the hard drives and a flashdrive that were seized  
21 from the Long Haul premises.

22 **REQUEST FOR ADMISSION NO. 21:**

23 Admit that defendants or their agents have retained copies of Plaintiffs' data taken  
24 during the raid.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

26 Celaya objects to this request on the grounds that it is vague and ambiguous as  
27 the term "Defendants" and understands that term to refer specifically to defendants  
28 Mitchell Celaya, Karen Alberts, William Kasiske, Wade Macadam and Timothy J. Zuniga

1 (collectively, "University Defendants"). Celaya further objects to this request on the  
2 grounds that it is vague and ambiguous as to the terms "agents," "retained," "copies,"  
3 "data, and "taken." Celaya further objects to this request to the extent that it assumes  
4 facts not in evidence. Celaya further objects to this request to the extent that it calls for a  
5 legal conclusion. Celaya further objects to this request on the ground that it is  
6 compound. Celaya further objects to this request on the ground that it is overbroad and  
7 unduly burdensome. Celaya further objects to this request on the ground that it is  
8 argumentative, prejudicial, and misleading as to the use of the term "raid." Celaya  
9 further objects to this request to the extent it seeks information protected from disclosure  
10 by the attorney-client privilege and/or the attorney work-product doctrine.

11 Subject to and without waiving the foregoing general and specific objections,  
12 Celaya responds as follows: Celaya admits that the University of California Berkeley  
13 Police Department made copies of the hard drives and a flashdrive that were seized  
14 from the Long Haul premises and have retained these copies which is are governed by a  
15 stipulation entered into between the parties to this litigation.

16 **REQUEST FOR ADMISSION NO. 22:**

17 Admit that you did not object to the search plan presented by Kasiske on the  
18 morning of the raid.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

20 Celaya objects to this request on the ground that it is vague and ambiguous as to  
21 the term "you," and understands that term to refer specifically and solely to Defendant  
22 Mitchell Celaya. Celaya further objects to this request on the grounds that it is vague  
23 and ambiguous as to the terms and phrase "object," "search plan," and "presented."  
24 Celaya further objects to this request to the extent that it assumes facts not in evidence.  
25 Celaya further objects to this request to the extent it seeks information protected by the  
26 investigation privilege. Celaya further objects to this request on the ground that it is  
27 argumentative, prejudicial, and misleading as to the use of the term "raid."

28 Subject to and without waiving the foregoing general and specific objections,

# EXHIBIT 14

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

LONG HAUL, INC., and EAST )  
BAY PRISONER SUPPORT, )  
 )  
Plaintiffs, )  
 )  
vs. ) No. C 09-00168-JSW  
 )  
UNITED STATES OF AMERICA; )  
MIGUEL CELAYA; KAREN )  
ALBERTS; WILLIAM KASISKE; )  
WADE MacADAM; TIMOTHY )  
ZUNIGA; MIKE HART; LISA )  
SHAFFER, )  
 )  
Defendants. )  
\_\_\_\_\_ )

30(b)(6)

DEPOSITION OF  
SUPERVISORY SPECIAL AGENT  
DAVID STRANGE

Held at the Law Offices of SchiffHardin  
One Market Street, San Francisco, California  
Thursday, December 16, 2010, 2010, 9:33 a.m.

REPORTED BY: ELAINA BULDA-JONES, RPR, CSR #11720



1 are managing the investigations of the domestic  
2 terrorism squad, which is called Squad DT4. And  
3 it's based in Oakland, covers the entire northern  
4 district of California from Crescent City to  
09:35 5 Monterey more or less.

6 BY MS. GRANICK:

7 Q. What were your responsibilities back in  
8 2008?

9 A. The same.

09:35 10 Q. Did -- is Agent Lisa Shaffer one of  
11 your -- one of the people that you supervise?

12 A. Yes.

13 Q. And was she one of the people you  
14 supervised in 2008?

09:36 15 A. Yes.

16 Q. And what about Mike Hart?

17 A. Mike Hart is a task -- was a task force  
18 officer. He has since retired and moved on.

19 Q. What does that mean, to be a task force  
09:36 20 officer?

21 A. A task force officer is an employee of  
22 another agency who assigns that person to the FBI to  
23 work certain matters.

24 Q. He was an employee of the Alameda County  
09:36 25 Sheriff's Department; is that correct?

1 A. Yes, ma'am.

2 Q. Do you know how he was assigned to work  
3 with the FBI?

4 A. Yes.

09:36 5 Q. How was he assigned to work with the FBI?

6 A. He -- his department asked if they could  
7 place Mike Hart on the joint terrorism task force  
8 and we agreed.

9 Q. Do you know why they asked if he could be  
09:36 10 placed on the task force?

11 A. The --

12 MR. LEE: Calls for speculation.

13 THE WITNESS: I do not know specifically,  
14 but I can give you answers as to generally why  
09:36 15 agencies want people to be part of a joint terrorism  
16 task force.

17 BY MS. GRANICK:

18 Q. Please do.

19 A. Most agencies want their people to be  
09:37 20 involved in working terrorism investigations of one  
21 kind or another because they like to be involved in  
22 that and they want to know what threats are against  
23 their people and communities and have a pipeline  
24 into the FBI.

09:37 25 That's what the task force program



1 provides.

2 Q. Do you -- why did the FBI accept Mike Hart  
3 as a member of the task force?

4 MR. LEE: Objection. It's -- I'm not sure  
09:37 5 it's been fairly noticed as a topic as a 30(b)(6)  
6 witness. So I think I would object that this is not  
7 30(b)(6) testimony. This is his understanding. It  
8 may also call for a legal conclusion or personnel  
9 information that is protected from disclosure.

09:37 10 THE WITNESS: Can you repeat the question?

11 BY MS. GRANICK:

12 Q. Why did the FBI accept Mike Hart on to the  
13 task force?

14 A. Mike Hart was offered by the Alameda  
09:37 15 County Sheriff's office. He passed a background  
16 investigation and we accepted him.

17 Q. Okay. Who participated in the decision to  
18 select you as the 30(b)(6) witness?

19 A. I am unsure.

09:38 20 Q. Do you know why you were chosen to be the  
21 30(b)(6) witness?

22 MR. LEE: Assumes facts not in evidence.

23 THE WITNESS: I believe it was -- I'm the  
24 supervisor of the squad that participated in the  
09:38 25 events of August 27, 2008.

1 or wear FBI clothes?

2 A. Neither. They wear regular clothes.

3 Q. Plain clothes?

4 A. Yeah, plain clothes. We don't have  
10:08 5 clothes in the FBI.

6 Q. You have jackets?

7 A. We dress like this (indicating).

8 Q. And you have the jackets that say "FBI" on  
9 the back?

10:08 10 A. Yes, yes.

11 Q. Okay. Was Officer Hart armed at the  
12 search?

13 A. I do not know for a fact. I have not  
14 discussed that with him but I imagine he was.

10:08 15 Q. And what about Agent Shaffer, was she  
16 armed?

17 A. Yes.

18 Q. Did she ever take her gun out of its  
19 holster during the course of the search?

10:08 20 A. When I spoke to Agent Shaffer about this  
21 she said she did.

22 Q. She said she did?

23 A. Yes.

24 Q. When did she do that?

10:08 25 A. Upon entry into the Long Haul.

1 Q. What's the relationship between the  
2 Silicon Valley Regional Computer Forensic Lab and  
3 the United States?

4 A. The relationship is that the United States  
11:10 5 government has helped fund it and organize it, and  
6 other entities provide participation as requested or  
7 if they want to do it or not.

8 Q. And does the U.C. Berkeley police  
9 department give funding to the lab?

11:10 10 A. I do not know if they do or don't.

11 Q. Do agencies that ask for forensic services  
12 from the lab pay per service?

13 A. I am not aware of the actual details of  
14 pay for service and the RCFL.

11:11 15 Q. Is the lab funded entirely by federal  
16 government money?

17 A. I am not entirely sure about that.

18 Q. Is the lab considered an agency of the  
19 United States?

11:11 20 A. Define "agency," please.

21 Q. Like the FBI is an agency.

22 MR. LEE: I object that the previous  
23 30(b)(6) witness we produced who was the director of  
24 the lab was the witness who could answer questions  
11:11 25 like these most accurately.