

1 3. The Foundation owns and operates five radio stations located in Berkeley,
2 Los Angeles, Houston, Washington D.C., and New York and interacts with over 150
3 affiliate radio stations in the United States. The Foundation is responsible for the bi-
4 monthly payroll of all five stations along with handling accounts payable to run the
5 stations' programming and infrastructure. The Foundation is responsible for
6 accounting and managing approximately \$15 million dollars in revenue from all
7 stations.

8 4. When the Foundation's operations are impaired, the listening audience is
9 unable to listen to or donate to the Foundation; artists, professors, and public figures
10 are unable to be on the radio; and people lose their jobs. In addition, staff would need
11 to be laid off if revenue is not generated or processed as a result of the recent blockades.

12 5. The National Office is located at 1925 Martin Luther King, Jr. Way, Berkeley,
13 California. It is not an office that would traditionally be considered hospitable as a
14 public forum. On March 13, 2014, the Board of Directors of the Foundation discharged
15 Summer Reese effective March 14, 2014. Reese was notified of her discharge that day.

16 6. Since March 17, 2014, a group of individuals headed by Reese has barricaded
17 and blocked access to the Foundation's National Office. Ms. Reese and her supporters
18 have blocked, physically assaulted, and stopped Board of Directors and Foundation
19 employees and members from entering the National Office. The blockaders have
20 installed air mattresses to sleep inside the National Office and to block the Board or
21 Foundation employees from entering. The blockaders have called in a commercial
22 shredding truck to shred financial documents.

23 7. By standing in and otherwise blocking the entrance of the National Office,
24 Reese and those acting in concert with her have been successful in: (1) preventing the
25 Chair of the Board and Chief Financial Officer (CFO) from having access to the
26 accounts payable and financial data to begin the Foundation's audit as well as to
27 evaluate the state of accounts payable; (2) restricting the Chair of the Board from
28 removing Reese from payroll; and (3) preventing the CFO and new interim Executive

1 Director access to an office to work in to fulfill their duties to the Foundation.

2 8. Reese has explicitly stated during meetings with Berkeley Police and the
3 Chair of the Board that she and those acting in concert with her will not leave the
4 National Office. The Blockaders are private individuals, not employees of the
5 Foundation.

6 9. The Board has sought the assistance of the Berkeley Police Department,
7 which is charged with protecting the Foundation's property. However, the Berkeley
8 Police Department was unable to persuade Reese to vacate the National Office. The
9 Foundation has previously applied for a citizen's arrest to the Berkeley Police
10 Department which after weeks of considering the matter, requested that Cross-
11 Complainant obtain a Court order to abate the nuisance. The Berkeley Police
12 Department has stated that it would enforce a temporary restraining order if this Court
13 were to issue one.


14 10. The Foundation and the public will suffer irreparable injury if the cross-
15 defendants' conduct is not halted immediately. Ms. Reese and her supports are
16 unlikely to be financially able to pay damages to compensate for the many hundreds to
17 thousands of dollars of losses they are causing. Moreover, with each day of shutdown
18 or slowdown at the Foundation, the damage will grow at an increasing pace; members,
19 sustainers, listeners, and vendors will choose to do business with other radio stations or
20 sue for accounts payable.

21 11. The Foundation requires access to the National Office to conduct its
22 business and for its outside auditors to audit the Foundation's financial statements and
23 to finalize its income tax return by the May 2014 extension deadline. The Foundation
24 needs access to the National Office to determine money owed and when payments are
25 due, and to send out notices of change of management. Ms. Reese continues to
26 represent that she is in control of the Foundation to vendors and to the government by
27 virtue of adversely possessing the Foundation's National Office. Ms. Reese has already
28 accepted Foundation's assets knowing that she is not entitled to the funds.

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I declare under penalty of perjury under the laws of the State of California that
the foregoing is true and correct.

Dated: April 22, 2014



MARGY WILKINSON