

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

MAR 24 2008

JAMES M. HATTEN, Clerk
By: *ah* Deputy Clerk

PRIMATE FREEDOM PROJECT
INC., a non-profit corporation,

Plaintiff,

vs.

REGENTS OF THE UNIVERSITY
OF CALIFORNIA,
in each of their official and
individual capacities,

Defendants.

CIVIL ACTION

FILE NO.

1:08-CV-1166

PLAINTIFF'S VERIFIED COMPLAINT

This in an action for declaratory and injunctive relief, as well as nominal and actual damages, associated with the Defendants' cease and desist demand that Plaintiff's website and others be significantly modified to remove certain statements and add others. Plaintiff files this action because it believes that its own website contents are constitutionally protected, and that the threats and claimed sanctions constitute a prior restraint on Plaintiff's Primate Freedom Project, Inc.'s speech and a vague and overbroad abridgement of its free speech protections.

JURISDICTION AND VENUE

1.

This action arises under the authority vested in this Court by virtue of 42 U.S.C. § 1983, the First and Fourteenth Amendments of the United States Constitution, and pendent jurisdiction under Article I, § 1, ¶¶ I, II, V, VI, VII, IX of the Georgia Constitution. The actions of Defendants were under color of law.

PARTIES

2.

Plaintiff, PRIMATE FREEDOM PROJECT, INC. is a non-profit Georgia corporation dedicated to ending the use of nonhuman primates in biomedical and harmful behavioral experimentation and has a website located at <http://www.primatefreedom.com>.

3.

Defendants, 1. Benjamin Allen, 2. Richard C. Blum, 3. William De La Pena, 4. Russell S. Gould, 5. Judith L. Hopkinson, 6. Eddie Island, 7. Odessa P. Johnson, 8. Joanne Coorday Kozberg, 9. Sherry L. Lansing, 10. Monica C. Lozano, 11. George M. Marcus, 12. Norman J. Pattiz, 13. Frederick Ruiz, 14. Leslie Tang Schilling, 15. Bruce D. Barner, 16. Paul D. Wachter, 17. Arnold Schwarzenegger, 18. Robert C. Dynes, 19. John Garamendi, 20. Fabian Nunez, 21. Jack O'Connell, 22. Eleanor V. Brewer, 23, Philip J. Bugay, 24. Doe One, 25. Doe Two, 26. Doe Three, are the Regents of the

University of California, and are sued each in their official and individual capacities, and have, through counsel, made repeated demands that an entity whom they insist is the Primate Freedom Project, Inc. change its website in accordance with their demands. Defendants have also filed an action *Regents of the University of California v. UCLA Primate Freedom Project, et. al.*, No. SC097145 (Los Angeles County Superior Court 2008) concerning several issues and naming a variety of defendants not including the Plaintiff herein. Plaintiff is not a party to this action.

STATEMENT OF FACTS

Primate Freedom Project, Inc.

4.

Plaintiff, Primate Freedom Project, Inc. is a non-profit Georgia corporation that has been in existence for eight years. It is registered as a Georgia non-profit corporation in good standing, although originally it was started as a California non-profit corporation.¹

5.

The Primate Freedom Project, Inc. obtained Internal Revenue Service 501(c)(3) status from the government during the calendar year 2001.

¹Plaintiff inadvertently re-registered as a non-profit corporation in the State of California in 2005, when it meant only to register as a charity able to solicit donations in California.

6.

The Primate Freedom Project, Inc. is a non-profit corporation, without voting members. Its supporters number approximately 47,000 and are spread throughout the country.

7.

Supporters of the Primate Freedom Project, Inc. pay no dues and there is no charge to participate.

8.

Supporters of the Primate Freedom Project, Inc. may participate in the group merely by signing up on the web site and providing contact information. By doing so, supporters will be alerted to any news circulated by the Primate Freedom Project, Inc.

9.

The Primate Freedom Project, Inc. welcomes donations in any amount and supporters may donate funds to it by way of Paypal, credit card, or check.

10.

The Primate Freedom Project, Inc. primarily is an informational group, and supporters rely on it for information and news referencing primates and testing thereon.

11.

The Primate Freedom Project, Inc. has three components: Education, Advocacy, and Support.

12.

As stated in its website, the education component focuses on the following: "The public must be taught that monkeys and apes have minds and emotions very similar to our own. They must learn what is actually happening in laboratories right now. Once they know these things they will begin to understand that the experiments being performed on primates are as horrible as they would be if they were being performed on human children."

13.

The Primate Freedom Project, Inc. educates its supporters and the public through its website and pamphlets. Individual supporters of the Primate Freedom Project, Inc. also educate people they come into contact with by wearing a "Primate Freedom Tag." Primate Freedom Tags are stainless steel tags permanently embossed with personal information about one individual monkey or ape locked in primate laboratories.

14.

The Primate Freedom Project, Inc. also publishes *The Congressional Educator*, a newsletter written for members of Congress.

15.

The advocacy component of The Primate Freedom Project, Inc.'s work is described as follows on its website: "It is one thing to know what is happening, but yet another to speak out to demand that it stop. The Primate Freedom Project, Inc. is the primary sponsor of the 'Call for an Immediate Presidential Moratorium on Primate Experimentation.' This document has been endorsed by over two hundred organizations. We are consistent in our demand that the atrocity known as primate experimentation be immediately stopped."

16.

The website also describes the advocacy of "individual supporters." It states "Individual supporters of the Primate Freedom Project attempt to intervene on behalf of the primate represented on their Primate Freedom Tag. They seek official documentation regarding the animal's life and situation. They send this information to the project and we publish the disarmingly sad stories of these victims' lives on the Primate Freedom Project website."

17.

The Primate Freedom Project, Inc.'s "support" arm is also described on its website: "The Primate Freedom Project, Inc. supports and nurtures efforts aimed at ending primate experimentation. We do this by assisting campus and community-based groups in various ways. We co-sponsor billboards and

advertisements in campus newspapers. We donate Primate Freedom Tags to campus efforts. We provide research services and write articles for campus publications. We foster community and campus-based Primate Freedom Projects and work to link those efforts together.”

18.

While the Primate Freedom Project, Inc. primarily serves as an information conduit, as described above, other state and or local groups with whom Plaintiff has no formal relationship conduct events such as protests and or fundraisers independently.

19.

The following are among the state and or local groups that share the cause of Plaintiff Primate Freedom Project, Inc.: www.EmoryLies.com; www.MadisonMonkeys.com; www.MinnesotaPrimateFreedom.org; www.UCLAPrimateFreedom.com; www.UTAHPrimateFreedom.com

20.

Most of the state and or local groups target the research activities of a university or university community. For example, www.EmoryLies.com protests research at Atlanta’s Emory University, www.MinnesotaPrimateFreedom.org protests research at the University of Minnesota, and www.UTAHPrimateFreedom.com protests research at the University of Utah.

Before it became the target of Defendants' lawsuit, www.UCLAPrimateFreedom.com protested research at the Defendants' University of California Los Angeles campus.

21.

Plaintiff Primate Freedom Project, Inc. has no formal relationship with any of the groups listed in the preceding paragraph. However, Primate Freedom Project, Inc. will publicize or allow posting on its website the activities of the groups listed in the preceding paragraph.

22.

UCLA Primate Freedom's website, before it became the target of the Defendants' lawsuit, specifically stated: "Each Primate Freedom Project chapter is run independently. The students and non student activists who support the PFP campaigns are local to each chapter."

23.

As an example of the Plaintiff's relationship or lack thereof with the state and or local groups, last year, the Utah group conducted a protest, and Plaintiff Primate Freedom Project, Inc. sent an email alert concerning the protest.

24.

To the extent that Defendants' California lawsuit is successful, Plaintiff Primate Freedom Project, Inc. fears that it will be replicated by other universities

attempting to stifle the free speech rights of the other state groups listed above.

25.

The very filing of Defendants' California lawsuit, and threats against any websites advocating for the abolition of animal research has chilled Plaintiff Primate Freedom Project, Inc. and the free speech and expressive speech rights of the other state groups listed above.

26.

Plaintiff Primate Freedom Project, Inc. has removed material from its own web site information referencing faculty members at one of the Defendants' campuses.

Defendants' Cease and Desist Demands

27.

At some point, Defendants became concerned about the conduct of certain individuals and organizations in California who are dedicated to abolishing animal research.

28.

Defendants subsequently, on February 21, 2008, filed *The Regents of the University of California v. UCLA Primate Freedom et al.*, Superior Court of the State of California, County of Los Angeles, West District (Santa Monica), Case No. SC097145 (2008).

29.

Plaintiff is not named in the California lawsuit, nor is a party to the California lawsuit, and has never met and had no contact with most of the named Defendants in the California lawsuit.

30.

Plaintiff expressly communicated to the Defendants that is it not a party to the California lawsuit. *See EX. A.*

31.

Nevertheless, Defendants herein continued to send correspondence to UCLA Primate Freedom c/o Jean Barnes, P.O. Box 1623, Fayetteville, GA 30214, which is the registered agent and address for Plaintiff Primate Freedom Project, Inc. *See EX. B - G, below.*

32.

The Defendants herein utilized the registered agent and address of Plaintiff Primate Freedom Project, Inc. apparently because they were unable to correctly locate and or identify any contact information for UCLA Primate Freedom.

33.

The volume of correspondence sent by Defendants herein to Plaintiff's own Director constitutes a pattern of behavior that impacts and chills Plaintiff's own right to free and expressive speech.

34.

Defendants made several demands to Plaintiff's own Director demanding first that UCLA Primate Freedom change its web site, and later demanding that *any* website be restricted. *See EX. G*, below.

35.

The following cease and desist demands to Plaintiff's own Director at Plaintiff's address directly threaten Plaintiff Primate Freedom Project, Inc. right to free and expressive speech, to wit:

- (A) Telephone voicemail message from Defendants, dated February 20, 2008: "Hi. I'm calling for the UCLA Primate Freedom Project. Um, I'm calling to give notice that tomorrow morning at 8:30 in Dept. A of Los Angeles Superior Court, in Santa Monica, at 1275 Main Street, Santa Monica, the Regents of the University of California will be moving for a temporary restraining order against UCLA Primate Freedom. Again, tomorrow morning, 8:30, Dept A., Santa Monica, Los Angeles Superior Court, 1275 Main Street, Santa Monica." While Plaintiff Primate Freedom Project, Inc. was unable to hear the identity of the caller, the Defendants have admitted in the corresponding litigation, that it was they who left this telephone voicemail message. *See The Regents of the University of California v. UCLA Primate Freedom et al.*, Superior Court of

the State of California, County of Los Angeles, West District (Santa Monica), Case No. SC097145: Declaration of Wendy Sugg, February 21, 2008, ¶ 3, Supplemental Declaration of Wendy Sugg, February 21 2008, ¶ 5.

- (B) Email message from Defendants, dated February 20, 2008 (*see EX. B*):
“Attached please find notice of an ex parte TRO hearing tomorrow in Los Angeles Superior Court.”
- (C) Letter from Defendants, dated February 20, 2008 (*see EX. C*): “Please be advised that Plaintiff The Regents of the University of California intends to move ex parte for the issuance of a temporary restraining order against all Defendants and an order to show cause why a preliminary injunction should not issue. Defendants in this proposed action are as follows: (1) UCLA Primate Freedom; (2) Animal Liberation Brigade, (3) Animal Liberation Front, (4) Linda Faith Greene (aka Lindy Greene), (5) Hillary Roney, (6) Kevin Olliff, (7) Ramin Saber, and (8) Tim Rusmiser.”
- (D) Letter from Defendants, dated February 26, 2008 (*see EX. D*): “Enclosed please find an amended Order to Show Cause re Preliminary Injunction and Temporary Restraining Order. Due to a clerical error, the Order has been amended. All terms of the Order remain the same.”

(E) Letter from Defendants, dated February 27, 2008 (*see EX. E*): "The Order and the Amended Order prohibit UCLA Primate Freedom from placing or maintaining upon any website or otherwise disseminating any private or personal information, including home addresses, home phone numbers, mobile phone numbers, email addresses or vehicle license plate numbers, regarding any individual known or believed to be an employee or student of The Regents who conducts, supports, or oversees animal research, or a family or household member who resides with such employee or student." This demand also required the posting of specific language concerning the California lawsuit.

(F) Letter from Defendants, dated February 28, 2008 (*see EX. F*): "Despite UCLA Primate Freedom's actions with respect to its home page, UCLA Primate Freedom remains in violation of the Amended Order with respect to live and publicly available internal web pages that contain the personal information of Plaintiff's employees. Accordingly, Plaintiff requests that the following web pages be immediately disabled or modified to remove any and all information prohibited by the Amended Order:

- <http://www.uclaprimatefreedom.com/targets.html>
- <http://www.uclaprimatefreedom.com/Anton.htm>
- <http://www.uclaprimatefreedom.com/abrams.html>

- <http://www.uclaprimatefreedom.com/fairbank.html>
- <http://www.uclaprimatefreedom.com/freimer.html>
- <http://www.uclaprimatefreedom.com/fuster.html>
- <http://www.uclaprimatefreedom.com/london.html>
- <http://www.uclaprimatefreedom.com/peccei.html>
- <http://www.uclaprimatefreedom.com/Rosenbaum.html>
- <http://www.uclaprimatefreedom.com/flyers.html>
- <http://www.uclaprimatefreedom.com/Abrams-UCLA.pdf>
- <http://www.uclaprimatefreedom.com/Fairbanks-UCLA.pdf>
- <http://www.uclaprimatefreedom.com/Fuster-UCLA.pdf>
- <http://www.uclaprimatefreedom.com/Peccei-UCLA.pdf>
- <http://www.uclaprimatefreedom.com/Rosenbaum-UCLA.pdf>
- <http://www.uclaprimatefreedom.com/080210.html>
- <http://www.uclaprimatefreedom.com/071222.html>
- <http://www.uclaprimatefreedom.com/071014.html>
- <http://www.uclaprimatefreedom.com/070916.html>

Defendants made the above request, despite their admission in the preceding paragraph of the letter that UCLA Primate Freedom had removed other material from its website at the Defendants' request.

- (G) Letter from Defendants, dated February 29, 2008 (*see* EX. G): "Please note that under the terms of the Temporary Restraining Order, you are prohibited from "placing or maintaining upon any website or otherwise disseminating any private or personal information" regarding any employee of The Regents. This would not only include emailing personal information as you referenced in the article, but all other means of disseminating the personal information of employees of The Regents. This letter is to inform and remind you that under the

terms of the order, you may not disseminate this information by any means, including through email” (underlined emphasis in original).

36.

This last cease and desist demand, most specifically, extends beyond the parties to the California action and demands alteration of any website, under threat of legal sanction, including Plaintiff’s own website.

37.

In an abundance of caution, UCLA Primate Freedom self-censored and acceded to the demands of the Defendants and modified its web-site, as set forth in **EX. E.**

38.

As a result of the communications referenced above, delivered to Plaintiff’s own Director, Plaintiff Primate Freedom Project, Inc. became fearful of prospective legal sanctions against itself and removed material pertaining to another of the Defendants’ universities, University of California Davis, from its own website.

39.

Plaintiff then filed this action seeking protection from further cease and desist demands and further prior restraint.

CLAIMS FOR RELIEF

40.

Plaintiff re-alleges all the within and foregoing allegations for each and every claim for relief.

41.

The Cease and Desist demands and threats by Defendants are an impermissible restriction of free speech in violation of the First and Fourteenth Amendments of the United States Constitution, the privileges and immunities, due process and equal protection clauses of the Fourteenth Amendment of the United States Constitution, and Article I, § 1, ¶¶ I, II, V, VI, VII, IX of the Georgia Constitution.

42.

Primate Freedom Project, Inc.'s website is true speech on an issue of public interest and concern.

43.

Primate Freedom Project, Inc.'s website is protected speech as it is (1) not advocacy of imminent lawlessness that is likely to occur, (2) not a "true threat," or (3) not libelous nor defamatory. However, even if some speech fell into one of these categories, ordering the removal of speech from a website, preventing future statements and compelling speech is unconstitutional and an impermissible prior

restraint.

44.

Threats and commands by Defendant public-officials to modify **any** website are also unconstitutionally vague and overbroad in violation of the First and Fourteenth Amendments of the United States Constitution and Georgia Constitution.

PRAYERS FOR RELIEF

Wherefore, on the basis of the foregoing, Plaintiff prays that this Court:

(1) Issue an order declaring null and void Defendants' commands, orders, threats, actions, policies, and procedures to the extent that they have suppressed expressive speech which is protected under the free expression and petition clauses of the First and Fourteenth Amendments of the United States Constitution, the privileges and immunities, due process and equal protection clauses of the Fourteenth Amendment of the United States Constitution, and Article I, § 1, ¶¶ I, II, V, VI, VII, IX of the Georgia Constitution.

(2) Enjoin all Defendants, their officers, agents, successors, employees, attorneys, and those acting in concert therewith, from interfering with Primate Freedom Project, Inc.'s website or engaging in further impermissible prior restraint of speech.

(3) Grant to Plaintiff actual and nominal damages against the individual

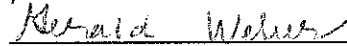
defendants in their individual capacities in an amount reasonable and commensurate with the losses inflicted upon Primate Freedom Project, Inc. by Defendants' unlawful acts;

- (4) Grant reasonable attorneys' fees and expenses as permitted by law; and
- (5) Grant such other and further relief as may be necessary or proper.

DATED: This the 24 day of March, 2008.

Respectfully submitted,

/s Gerald Weber

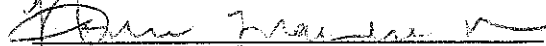


Gerald Weber

Georgia Bar No. 744878

Post Office Box 5391
Atlanta, Georgia 31107
Phone: (404) 522-0507
wgerryweber@gmail.com

/s Hollie Manheimer



Hollie Manheimer

Georgia Bar No. 468880

150 E. Ponce de Leon Avenue
Suite 230
Decatur, Georgia 30030
(404) 377-0485
hmanheimer@gfaf.org

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

PRIMATE FREEDOM PROJECT)
INC., a non-profit corporation,)

Plaintiff,)

vs.)

CIVIL ACTION)
FILE NO. _____

REGENTS OF THE UNIVERSITY)
OF CALIFORNIA,)
in each of their official and)
individual capacities,)

Defendants.)

VERIFICATION DECLARATION

As Plaintiff in this case, JEAN BARNES on behalf of PRIMATE FREEDOM PROJECT, INC., does hereby declare under penalty of perjury that the within and foregoing Complaint is true and correct to the best of my knowledge, information and belief and is based upon the undersigned's personal knowledge. Declarant also states that the attached exhibits are true and correct.

This the 24 day of March, 2008.

FURTHER DECLARANT SAITH NOT.



Jean Barnes

Hollie Manheimer

From: Jean Barnes [quiver@bellsouth.net]
Sent: Tuesday, March 18, 2008 6:44 PM
To: Hollie Manheimer; Gerald Weber
Subject: Fw: UCLA Primate Freedom

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

From: Jean Barnes
To: Sugg, Wendy
Cc: Gerald Weber
Sent: Thursday, February 28, 2008 8:08 AM
Subject: Re: UCLA Primate Freedom

- 1) I am not a party to this lawsuit.
- 2) I am consulting an attorney on Friday, February 29.
- 3) I have not been served.

Jean Barnes

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

From: Sugg, Wendy
To: info@primatefreedom.com ; quiver@bellsouth.net
Sent: Thursday, February 28, 2008 1:29 AM
Subject: UCLA Primate Freedom

<<UCLA Primate Freedom Letter1.PDF>> <<2008-02-25 Am Order-TRO.PDF>>

ccmailg.irell.com made the following annotations

PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient(s) is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system. Thank you.

From: Sugg, Wendy
Sent: Wednesday, February 20, 2008 10:11 AM
To: 'info@primatefreedom.com'; 'quiver@bellsouth.net'
Subject: UCLA Primate Freedom - 2/20/08 ex parte notice

Attachments: 2008-02-20 Ltr ex parte notice.PDF

Attached please find notice of an ex parte TRO hearing tomorrow in Los Angeles Superior Court.



2008-02-20 Ltr ex
parte notice...

IRELL & MANELLA LLP

A REGISTERED LIMITED LIABILITY LAW PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

1800 AVENUE OF THE STARS, SUITE 900
LOS ANGELES, CA 90067-4276
TELEPHONE (310) 277-1010
FACSIMILE (310) 203-7199

840 NEWPORT CENTER DRIVE, SUITE 400
NEWPORT BEACH, CALIFORNIA 92660-6324

TELEPHONE (949) 760-0991
FACSIMILE (949) 760-5200
WEBSITE: www.irell.com

WRITER'S DIRECT

February 20, 2008

VIA E-MAIL & FACSIMILE

Animal Liberation Front
c/o Animal Liberation Press Office
6320 Canoga Avenue #1500
Woodland Hills, CA 91367
Facsimile: (818) 227-5099

Animal Liberation Brigade
c/o Animal Liberation Press Office
6320 Canoga Avenue #1500
Woodland Hills, CA 91367
Facsimile: (818) 227-5099

UCLA Primate Freedom
c/o Jean Barnes
P.O. Box 1623
Fayetteville, GA 30214
Email: quiver@bellsouth.net
Email: info@primatefreedom.com
Telephone: (770) 719-5348

Re: The Regents of the University of California v. UCLA Primate Freedom, et al.

To whom it may concern:

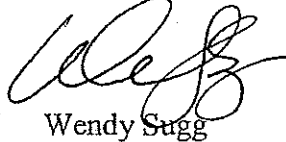
Please be advised that Plaintiff The Regents of the University of California intends to move *ex parte* for the issuance of a temporary restraining order against all Defendants and an order to show cause why a preliminary injunction should not issue. Defendants in this proposed action are as follows: (1) UCLA Primate Freedom, (2) Animal Liberation Brigade, (3) Animal Liberation Front, (4) Linda Faith Greene (aka Lindy Greene), (5) Hillary Roney, (6) Kevin Olliff, (7) Ramin Saber, and (8) Tim Rusmisl.

The Regents' *ex parte* application will be heard on Thursday, February 21, 2008, at 8:30 a.m., in Department A of the Los Angeles Superior Court, West District, Santa Monica Courthouse, located at 1725 Main Street, Santa Monica, California 90401. We will provide you with the moving papers as soon as they are available, which may not be until shortly before the hearing.

Animal Liberation Front
UCLA Primate Freedom
Animal Liberation Brigade
February 20, 2008
Page 2

Please advise us whether or not you intend to appear in opposition to The Regents' *ex parte* application.

Sincerely,



Wendy Sugg

WAS

1800 AVENUE OF THE STARS, SUITE 900
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FACSIMILE (310) 203-7199

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TELEPHONE (949) 760-0991
FACSIMILE (949) 760-5200
WEBSITE: www.irell.com

February 26, 2008

VIA OVERNIGHT EXPRESS MAIL

✓ UCLA Primate Freedom
c/o Jean Barnes
P.O. Box 1623
Fayetteville, GA 30214

Linda Faith Greene
aka Lindy Greene
11822 Magnolia Blvd.
Valley Village, CA 91607

Hillary Roney
4010 Los Feliz Blvd.
Los Angeles, CA 90027

Ramin Saber
2857 Mary Street
La Crescenta, CA 91214

Kevin Olliff
No. County Correctional Facility
29340 The Old Road
Castaic, CA 91384


Re: The Regents of the University of California v. UCLA Primate Freedom et al.;
OCSC Case No. SC097145

To whom it may concern:

Enclosed please find an amended Order to Show Cause re Preliminary Injunction and Temporary Restraining Order. Due to a clerical error, the Order has been amended. All terms of the Order remain the same.

The Court has scheduled a hearing on Plaintiff's motion for a Preliminary Injunction on March 12, 2008, at 8:30 a.m. in Department F.

Sincerely,


Wendy Sugg

Enclosure

IRELL & MANELLA LLP
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February 27, 2008

VIA E-MAIL

UCLA Primate Freedom
c/o Jean Barnes
P.O. Box 1623
Fayetteville, GA 30214
Email: quiver@bellsouth.net
Email: info@primatefreedom.com

Re: *The Regents of the University of California v. UCLA Primate Freedom, et al.*, Superior Court of California, Los Angeles County, Case No. SC097145

To whom it may concern:

On Thursday, February 21, 2008, Plaintiff The Regents of the University of California moved *ex parte* for a Temporary Restraining Order against Defendant UCLA Primate Freedom. Attorney David Rutan, Esq. specially appeared in court on behalf of UCLA Primate Freedom. At that hearing, the Court granted Plaintiff's request for a Temporary Restraining Order, and Mr. Rutan agreed to receive notice of the Order via facsimile. The Order was signed by the Court on February 22, 2008. A copy of the Order was sent via facsimile to Mr. Rutan on Friday, February 22, 2008. A copy of the Order was also delivered on UCLA Primate Freedom via U.S. Express Mail on Monday, February 25, 2008, along with copies of Plaintiff's *ex parte* application for a Temporary Restraining Order and all supporting papers.

The Court amended the Order on Monday, February 25, 2008. A copy of the Amended Order was sent to UCLA Primate Freedom via U.S. Express Mail on Tuesday, February 26, 2008, with delivery scheduled for today. Additionally, a copy of the Amended Order, along with copies of the summons and complaint in this matter, were sent to UCLA Primate Freedom via email at the above addresses on February 27, 2008. A copy of the Amended Order was served via facsimile on Mr. Rutan on February 27, 2008. Another copy of the Amended Order is enclosed for your reference.

The Order and the Amended Order prohibit UCLA Primate Freedom from "placing or maintaining upon any website or otherwise disseminating any private or personal information, including home addresses, home phone numbers, mobile phone numbers, email


UCLA Primate Freedom
February 27, 2008
Page 2

addresses or vehicle license plate numbers, regarding any individual known or believed to be an employee or student of The Regents who conducts, supports, or oversees animal research, or a family or household member who resides with such employee or student.”

Additionally, UCLA Primate Freedom was ordered to post the following language on its website: “Notice: The Superior Court of California has issued an order prohibiting certain activity relating to The Regents of the University of California and their employees, pursuant to Los Angeles Superior Court Case No. SC097145 (Santa Monica)” in 10 point font in such a manner that the posting would ordinarily be displayed to a user viewing the page.

To date, UCLA Primate Freedom has not complied with either provision of the Court’s Order. If UCLA Primate Freedom does not comply with the Court’s Order by 5:00 p.m. Eastern Standard Time on Thursday, February 28, 2008, Plaintiff will seek an order holding UCLA Primate Freedom in contempt of court and will seek all available remedies.

Sincerely,



Wendy Sugg

Enclosures

cc: David Rutan, Esq.

I R E L L & M A N E L L A L L P

A REGISTERED LIMITED LIABILITY LAW PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

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TELEPHONE (949) 760-0991
FACSIMILE (949) 760-5200
WEBSITE: www.irell.com

February 28, 2008

VIA E-MAIL

UCLA Primate Freedom
c/o Jean Barnes
P.O. Box 1623
Fayetteville, GA 30214
Email: quiver@bellsouth.net
Email: info@primatfreedom.com

Re: *The Regents of the University of California v. UCLA Primate Freedom, et al., Los Angeles County Superior Court of California, Case No. SC097145*

To whom it may concern:

I write to follow up on my letter of yesterday. Thank you for modifying UCLA Primate Freedom's home page (www.uclaprimatfreedom.com) so as to (i) remove the links to webpages that contain the personal information of employees of Plaintiff The Regents of the University of California and (ii) add the notice required in the Amended Temporary Restraining Order (the "Amended Order") entered by the Court on February 25, 2008 in the above-referenced matter.

Despite UCLA Primate Freedom's actions with respect to its home page, UCLA Primate Freedom remains in violation of the Amended Order with respect to live and publicly available internal web pages that contain the personal information of Plaintiff's employees. Accordingly, Plaintiff requests that the following web pages be immediately disabled or modified to remove any and all information prohibited by the Amended Order:

<http://www.uclaprimatfreedom.com/targets.html>
<http://www.uclaprimatfreedom.com/Anton.html>
<http://www.uclaprimatfreedom.com/abrams.html>
<http://www.uclaprimatfreedom.com/fairbanks.html>
<http://www.uclaprimatfreedom.com/freimer.html>
<http://www.uclaprimatfreedom.com/fuster.html>
<http://www.uclaprimatfreedom.com/london.html>
<http://www.uclaprimatfreedom.com/peccei.html>
<http://www.uclaprimatfreedom.com/Rosenbaum.html>
<http://www.uclaprimatfreedom.com/flyers.html>

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UCLA Primate Freedom

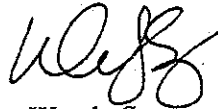
February 28, 2008

Page 2

<http://www.uclaprimatofreedom.com/flyers/Abrams-UCLA.pdf>
<http://www.uclaprimatofreedom.com/flyers/Fairbanks-UCLA.pdf>
<http://www.uclaprimatofreedom.com/flyers/Fuster-UCLA.pdf>
<http://www.uclaprimatofreedom.com/flyers/Peccei-UCLA.pdf>
<http://www.uclaprimatofreedom.com/flyers/Rosenbaum-UCLA.pdf>
<http://www.uclaprimatofreedom.com/080210.html>
<http://www.uclaprimatofreedom.com/071222.html>
<http://www.uclaprimatofreedom.com/071014.html>
<http://www.uclaprimatofreedom.com/070916.html>

If UCLA Primate Freedom does not comply fully with the Court's Amended Order by 5:00 p.m. Eastern Standard Time on Friday, February 29, 2008, Plaintiff will seek an order holding UCLA Primate Freedom in contempt of court and will seek all available remedies.

Sincerely,



Wendy Sugg

cc: David Rutan, Esq. (via fax)
Gerry Weber, Esq. (via fax and e-mail)

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1800 AVENUE OF THE STARS, SUITE 900
LOS ANGELES, CA 90067-4276
TELEPHONE (310) 277-1010
FACSIMILE (310) 203-7199

840 NEWPORT CENTER DRIVE, SUITE 400
NEWPORT BEACH, CALIFORNIA 92660-6324

TELEPHONE (949) 760-0991
FACSIMILE (949) 760-5200
WEBSITE: www.irell.com

February 29, 2008

VIA E-MAIL AND U.S. MAIL

UCLA Primate Freedom
c/o Jean Barnes
P.O. Box 1623
Fayetteville, GA 30214
Email: info@primatefreedom.com

Re: The Regents of the University of California v. UCLA Primate Freedom, et al., Los Angeles County Superior Court of California, Case No. SC097145

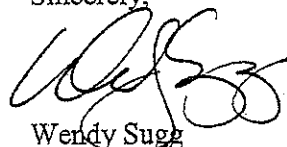
Dear Ms. Barnes:

It has come to our attention that you made certain statements to Newsweek indicating your belief that under the terms of the restraining order issued in the above case, you are free to disseminate personal information regarding employees of The Regents, including home addresses, via e-mail or means other than through the website www.uclaprimatfreedom.com. Please see the enclosed article, which refers to your statements and identifies you as the "director of Primate Freedom and operator of the UCLA Primate Freedom" website.

Please note that under the terms of the Temporary Restraining Order, you are prohibited from "placing or maintaining upon any website or otherwise disseminating any private or personal information" regarding any employee of The Regents. This would not only include e-mailing personal information as you referenced in the article, but all other means of disseminating the personal information of employees of The Regents.

This letter is to inform and remind you that under the terms of the order, you may not disseminate this information by any means, including through e-mail.

Sincerely,



Wendy Sugg

Enclosure

cc: David Rutan, Esq. (via fax)
Gerry Weber, Esq. (via fax)