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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 VERNELL LUNDBERG, et al.,

19 Plaintiffs,

20 v.

21 COUNTY OF HUMBOLDT, et al.,

22 Defendants.  
23  
24

) Case No. C-97-3989-SI

) **DECLARATION OF MARK P.  
HARRIS IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
ENTITLEMENT TO ATTORNEY'S  
FEES**

) [42 U.S.C. § 1988(b)]

) Date: July 29, 2005  
) Time: 9:00 a.m.  
) Courtroom: 10  
) Judge: Hon. Susan Illston  
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1 I, MARK P. HARRIS, declare as follows:

2 1. I am a member in good standing of the State Bar of California. I make this  
3 declaration based on my personal knowledge, and if called to testify, could and would testify as  
4 stated herein.

5 2. I am former counsel for Plaintiffs. I represented them when criminal charges were  
6 originally brought by the Humboldt County District Attorney's office in fall 1997. I, with  
7 attorney Macon Cowles, also filed the civil complaint on Plaintiffs' behalf. Mr. Cowles and I  
8 represented Plaintiffs through the first trial.

9 3. I obtained the videotapes of the pepper spray incidents from the Humboldt  
10 County District Attorney's office in October 1997. As part of Plaintiffs' civil litigation strategy,  
11 the videotapes were released publicly the same day the civil complaint was filed: Thursday,  
12 October 30, 1997.

13 4. Mr. Cowles and I submitted Peter Reedy as an expert in the first trial. However,  
14 District Court Judge Vaughn Walker, in an order issued prior to the first trial, ruled that use of  
15 force experts would not be helpful to the jury and so precluded Mr. Reedy as well as the defense  
16 expert from testifying. Judge Walker did not find that Mr. Reedy was unqualified as a use of  
17 force, pepper spray or general law enforcement expert.

18 5. Attached as **Exhibit A** is a true and correct copy of Peter Reedy's curriculum  
19 vitae.

20 6. Attached as **Exhibit B** is a true and correct copy of Larry Danaher's curriculum  
21 vitae.

22 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
23 knowledge.

24 Executed this 20th day of July, 2005, in Arcata, California.

25 \_\_\_\_\_  
26 Mark P. Harris  
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