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16 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

17  
18 HEADWATERS FOREST DEFENSE, et al. No. C-97-3989-SI  
19 Plaintiffs, **Plaintiffs' Witness List**

20 vs.

21  
22 COUNTY OF HUMBOLDT, et al., )  
23 Defendants. ) Pre-trial Date: March 29, 2005  
Time: 3:30 p.m.  
24 Judge ILLSTON  
**Trial Date: April 11, 2005**

25 **Carl Anderson** – Anderson is head of security for Pacific Lumber Company, and  
26 assisted the Sheriffs' Department in removing protestors at PL headquarters on 9/25/97, and at  
27 Bear Creek on 10/3/97. He will testify about his background, and the company's past experience  
28 with alternative means of ending lock box sit-ins using normal non-torture methods.

1           **Anthony Bouza** – Plaintiffs’ Police Practices Expert.

2           **Pete Ciarbellini, Humboldt County Sheriff Deputy** – Sergeant of the Earth First  
3 Response Team. He will testify about giving the orders in the first two incidents to use pepper  
4 spray, and overseeing its use. Also about his orders from his supervisors about handling forest  
5 protests and the direct spraying and swabbing of pepper spray, discussions after the incidents,  
6 and the escalation of force by the Sheriff’s Department in dealing with protestors in 1997.

7           **Wayne Hanson** – Pepper spray trainer at HCSD. He will testify about the scope and  
8 content of department training in pepper spray use, his knowledge about pepper spray, and  
9 discussions he had with supervisors about direct application of forest protestors with pepper  
10 spray. Also about his own first-hand experience applying pepper spray to nonviolent forest  
11 protestors.

12           **Randall Held, Humboldt County Deputy Sheriff** – Earth First Response Team, part of  
13 Special Services division, has been dealing with lock-down devices since at least 1990, and has  
14 personally ground out 30 to 35 protestors with a Mikita grinder. He will testify about his  
15 experience grinding out locked-down protestors without any injury, and his role in the incident in  
16 Scotia.

17           **Kim Kerr**– Ms. Kerr was the risk manager for Humboldt County when Chief Deputy  
18 Sheriff Philp was researching the legalities of direct application of pepper spray on nonviolent  
19 demonstrators. She will testify about her discussions with Philp about the risk to the County of  
20 liability.

21           **Deputy Marvin Kirkpatrick** – Part of the Earth First Response Team set up by the  
22 Sheriffs’ Department in the fall of 1997 to deal with demonstrations. He was the individual who  
23 physically applied the pepper spray via Q-tip and direct spray in all three incidents. He will  
24 testify about his background with the Sheriffs’ Department, his orders to use pepper spray, his  
25 training, his experience of using pepper spray on the plaintiffs, and discussions and debriefings  
26 with his supervisors after the incidents.

27           **Dennis Lewis, Ex-Sheriff** – Defendant. He will testify about his “get tough” policy  
28 with regards to forest protests in 1997, his prior experience with protest organizers, Humboldt

1 County's special treatment of arrestees associated with environmental causes, and his  
2 relationship with the Pacific Lumber Company. Also the authorization of direct application of  
3 pepper spray on protestors, Humboldt County's policies, the response from the public to his  
4 pepper spray policy, debriefing after the incidents, and pepper spray training.

5 **Vernell "Spring" Lundberg** – Plaintiff. Ms. Lundberg was swabbed with pepper spray  
6 by Humboldt County deputies at the September 25, 1997 demonstration in Scotia at Pacific  
7 Lumber headquarters. She will testify about her experience of being swabbed repeatedly with  
8 pepper spray by Humboldt County Sheriffs, her injuries and loss. She will also testify about her  
9 commitment to nonviolent political action, including civil disobedience.

10 **James "Butch" Manos, Eureka Police Sergeant**– One of the officers who approved the  
11 use of pepper spray at the Riggs incident, he assisted for the HCSO Earth First Response Team  
12 in applying pepper spray to Terry Slanetz, Maya Portugal, Lisa Sanderson-Fox, and Jennifer  
13 Schneider. He will testify about this, his discussions afterward with his supervisors, and the  
14 Eureka Police Department's use of force policy.

15 ~~**Michael McCurdy** – Plaintiff. Mr. McCurdy was swabbed and sprayed full force in the~~  
16 ~~face with pepper spray by Humboldt Deputies at Bear Creek on October 3, 1997. He will testify~~  
17 ~~about this experience, its effect on his life, his background, and his commitment to nonviolent~~  
18 ~~activism and civil disobedience.~~

19 **Arnold Millsap** – Chief of the Eureka Police, he was present at Frank Riggs' office after  
20 the pepper spraying, and signed off on the use by his officers of direct application of pepper  
21 spray to protestors. He will testify about Eureka's use of force policy, his pepper spray policy  
22 with regards to protestors, his work after the incident to publicly counter the widespread negative  
23 response to the practice, and the incident at Riggs' office.

24 **Sam Neuwirth** – Plaintiff. Mr. Neuwirth was swabbed in the eyes with pepper spray by  
25 Humboldt County Sheriffs' deputies on September 25, 1997 at Pacific Lumber headquarters in  
26 Scotia. He will testify about this incident and its effect on his life, as well as his commitment to  
27 nonviolent activism.

28

1           **Gary Philp, Chief Deputy (now Sheriff)** – Defendant. He will testify about his  
2 research into pepper spray use, his authorization and orders to the Earth First Response Team,  
3 Humboldt County’s policies, training, his prior experience and relationships with protest  
4 organizers, follow-up discussion and debriefing after the incidents, and his department’s desire to  
5 counter the growing success of civil disobedience by Earth First! activists.

6           **Maya Portugal** – Plaintiff. Ms Portugal was swabbed with pepper spray by the  
7 Humboldt County Sheriff and Eureka Police at Frank Riggs’ office in Eureka on October 16,  
8 1997. She was 16 years old. She will testify about this experience, its effect on her life, her  
9 commitment to nonviolent activism, and her background.

10           **Lisa Sanderson-Fox** – Plaintiff. Ms. Sanderson-Fox was swabbed with pepper spray by  
11 the Humboldt County Sheriff and Eureka Police at a nonviolent sit-in at Congressman Frank  
12 Riggs’ office in Eureka on October 16, 1997. She will testify about her background, the  
13 experience at the Congressman’s office and its subsequent effect on her.

14           **Jennifer Schneider** – Plaintiff. Ms. Schneider was swabbed with pepper spray on  
15 ~~September 25, 1997 at Pacific Lumber headquarters in Scotia. She was swabbed a second time~~  
16 in another incident at Congressman Frank Riggs’ Eureka office on October 16, 1997. She will  
17 testify about these experiences, her commitment to peaceful political activism as a spiritual  
18 practice, and the impact of the excessive force caused by defendants.

19           **Terri Slanetz** – Plaintiff. Ms. Slanetz was swabbed and directly sprayed in the eye by  
20 Humboldt County Sheriff and Eureka Police Department at Frank Riggs’ office on October 16,  
21 1997. She will testify about this experience and its effect on her life. Also her lifelong  
22 commitment to nonviolent political activism and community organizing.

23           **Noel Tendick** – Plaintiff. Mr. Tendick was swabbed and sprayed full force in the face  
24 with pepper spray by Humboldt deputies at Bear Creek on October 3, 1997. He will testify about  
25 this experience, its effect on his life, his background, and his commitment to community  
26 organizing and nonviolent social change.

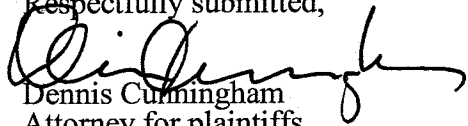
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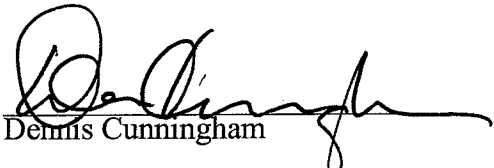
In addition to these individuals, the Plaintiffs reserve the right to call any witnesses listed by defendants, and to call others in rebuttal.

DATED: March 18, 2005

Respectfully submitted,  
  
Dennis Cunningham  
Attorney for plaintiffs

CERTIFICATE

I certify that I served the within **Witness List** on defendants, together with **Plaintiffs' Exhibit List**, by FAX and mailing a copy to Nancy Delaney and William Mitchell at their office in Eureka, California, on March 18, 2005.

  
Dennis Cunningham