

PACIFIC LEGAL FOUNDATION
3900 Lennane Drive, Suite 200
Sacramento, CA 95834
(916) 419-7111 FAX (916) 419-7747

1 PAUL J. BEARD II, No. 210563
E-mail: pjb@pacificlegal.org
2 DAMIEN M. SCHIFF, No. 235101
E-mail: dms@pacificlegal.org
3 BRANDON M. MIDDLETON, No. 255699
E-mail: bmm@pacificlegal.org
4 Pacific Legal Foundation
3900 Lennane Drive, Suite 200
5 Sacramento, California 95834
Telephone: (916) 419-7111
6 Facsimile: (916) 419-7747

7 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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12 MERCER, FRASER CO., a California corporation; and)
O & M INDUSTRIES, a California corporation,)

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Plaintiffs,)

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v.)

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16 COUNTY OF HUMBOLDT, CALIFORNIA, a)
political subdivision of the State of California,)

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Defendant.)

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I, Justin Zabel, hereby declare as follows:

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1. I am now, and at all times relevant to this case was, Vice President of Mercer, Fraser
Co., a plaintiff in this action.

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2. I understand that the Court has requested Mercer to articulate how the company's
participation in the Humboldt County election process will be infringed upon between September
12, 2008, and September 22, 2008. In light of the rapidly approaching November 4, 2008, election,
immediate participation in the local election process is critical.

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No. CV 08-4098 SI

**SUPPLEMENTAL
DECLARATION OF
JUSTIN ZABEL IN SUPPORT
OF PLAINTIFFS'
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE RE: PRELIMINARY
INJUNCTION**

Judge: Hon. William H. Alsup
Dept.: 9
Time: 2:00 p.m.
Date: September 15, 2008

1 3. Mercer has been invited and requested to attend a private fundraising dinner along
2 with representatives of other local area businesses. The purpose of the meeting is to convene a
3 round table discussion concerning candidates in the various local election races anticipated to be
4 the most receptive to the needs of small business and creation of local jobs. One of the objectives
5 of the dinner is to obtain fundraising commitments from the local businesses in participation. All
6 principal candidates are now accepting donations. Further, the candidates themselves, I am
7 informed, must have certainty with respect to potential contributions to finalize campaign budgets,
8 purchase signs, advertisements, and fund mailer solicitations and satisfy immediate financial
9 commitments. The dinner I referenced above is scheduled for September 16, 2008, and Mercer will
10 not be able freely to participate by expending or contributing, directly or indirectly, on behalf of
11 these campaigns without relief from Measure T. Mercer is ready, willing, and able to expend \$500
12 at this dinner.

13 4. Mercer also would like immediately to spend funds totaling \$1000 for two (2) of
14 the three (3) candidates running for the Second District Board of Supervisors race, and would
15 immediately pledge these funds but for Measure T.

16 5. In addition, Mercer opposes and would like immediately to spend funds in
17 opposition to the following Measures appearing on the November 4 ballot:
18 Measure D—Transaction and Use Tax Increase in the City of Eureka; and Measure G—Transaction
19 and Use Tax Increase City of Arcata. But for Measure T, Mercer would be ready, willing, and able
20 to provide funds to a group opposing these measures totaling \$1,000.

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I declare under penalty of perjury under the laws of California that the foregoing is true and correct, and that this declaration was executed on September 5th, 2008, in Eureka, CA.



JUSTIN ZABEL