

ENDORSED
FILED
ALAMEDA COUNTY

AUG 02 2019

CLERK OF THE SUPERIOR COURT

By _____ Deputy

1 MARK M. HATHAWAY
2 (CA 151332; DC 437335; NY 2431682)
3 JENNA E. PARKER (CA 303560)
4 **HATHAWAY PARKER**
5 445 S. Figueroa St. 31st Fl.
6 Los Angeles, California 90071
7 Telephone: (213) 529-9000
8 Facsimile: (213) 529-0783
9 E-Mail: mark@hathawayparker.com
10 E-Mail: jenna@hathawayparker.com

11 ANDREW T. MILTENBERG (NY-2399582)
12 STUART BERNSTEIN (NY 2371953)
13 **NESENOFF & MILTENBERG LLP**
14 363 Seventh Avenue, 5th Floor
15 New York, New York 10001
16 Telephone: (212)-736-4500
17 Facsimile 212-736-2260
18 E-mail: amiltenberg@nmlplaw.com
19 E-mail: sbernstein@nmlplaw.com

20 KEVIN J. STOOPS (P64371)
21 **SOMMERS SCHWARTZ, P.C.**
22 Kevin J. Stoops
23 One Towne Square, Suite 1700
24 Southfield, Michigan 48076
25 Telephone: 248-355-0300
26 E-Mail: jthompson@sommerspc.com
27 E-Mail: kstoops@sommerspc.com

28 Attorneys for Petitioner

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA**

JOHN DOE, an individual, on behalf of
himself and all others similarly situated,

Petitioner,

v.

REGENTS OF THE UNIVERSITY OF
CALIFORNIA; and DOES 1 to 20 inclusive,

Respondents.

) Case No.: RG19029617

) **CLASS ACTION**

) **AMENDED PETITION FOR WRIT OF
ADMINISTRATIVE MANDATE**

1 Petitioner alleges:

- 2 1. Petitioner JOHN DOE is a former student at the University of California, Los Angeles.
- 3 2. Respondent REGENTS OF THE UNIVERSITY OF CALIFORNIA (hereinafter
4 “University of California” or “UC Regents”), is the official name of the public corporation that
5 governs and operates the University of California as a public trust through its 26-member board
6 of Regents. The University of California, Los Angeles is one of the ten campuses of the
7 University of California system and is located in the Westwood area of Los Angeles, California.
- 8 3. Petitioner uses the pseudonym of “John Doe” in his Petition to preserve privacy in a
9 matter of sensitive and highly personal nature, which outweighs the public’s interest in knowing
10 the parties’ identity. Use of the pseudonyms does not prejudice Respondents because the identity
11 of Petitioner is known to Respondents. See, *Starbucks Corp. v. Superior Court* (2008) 68
12 Cal.App.4th 1436 [“The judicial use of ‘Doe plaintiffs’ to protect legitimate privacy rights has
13 gained wide currency, particularly given the rapidity and ubiquity of disclosures over the World
14 Wide Web”]; see also *Doe v. City of Los Angeles* (2007) 42 Cal.4th 531; *Johnson v. Superior*
15 *Court* (2008) 80 Cal.App.4th 1050; *Roe v. Wade* (1973) 410 U.S. 113; *Doe v. Bolton* (1973) 410
16 U.S. 179; *Poe v. Ullman* (1961) 367 U.S. 497; *Does I thru XXIII v. Advanced Textile Corp.* (9th
17 Cir. 2000) 214 F.3d 1058.

18 **CLASS ACTION ALLEGATIONS**

19 4. Petitioner brings this action on his own behalf and on behalf of all persons similarly
20 situated. The class that Petitioner represents is composed of students disciplined under the 2015
21 Interim Policy on Sexual Harassment and Sexual Violence (6/17/2015), the University of
22 California PACAOS-Appendix-E: Sexual Violence and Sexual Harassment Student Adjudication
23 Framework (1/1/2016), the University of California Sexual Violence and Sexual Harassment
24 Policy (1/1/2016), the Interim Appendix E - Sexual Violence and Sexual Harassment (SVSH)
25 Student Adjudication Framework (3/1/2019), and all local University of California campus
26 procedures modeled after the aforementioned systemwide policies (collectively, the “Policies”),
27 with respect to complaints that, if substantiated, could result in a severe sanction for the
28 respondent, and where credibility of any party or witness was central to the finding.

1 5. The members of the class are ascertainable from University of California internal
2 records.

3 6. On information and belief, the persons in the class are so numerous that the joinder of
4 all such persons is impracticable and the disposition of their claims in a class action rather than
5 in individual actions will benefit the parties and the court.

6 7. By way of example, the University of California Los Angeles Campus Police
7 Department 2016 annual crime report states that from 2012 to 2016, there were a total of 126
8 Rape offenses and 122 other sex offenses, all of which would presumably fall under the Policies.
9 According to UC Berkley's 2016 annual crime report, there were 40 rape offenses and 102 other
10 sex offenses for the same time period. Extrapolating from these reported statistics the size of the
11 proposed class could easily exceed 500 members.

12 8. There is a well-defined community of interest in the questions of law and fact that
13 predominate over interests of individual class members. Common questions of law and fact to
14 be litigated include (a) whether the Policies comply with the law; (b) whether Respondent has
15 failed to implement procedures that provide adequate Due Process to students accused of sexual
16 misconduct at the University of California; and (c) whether findings and discipline imposed
17 under the unlawful Policies must be set aside and vacated. These questions of law and fact
18 predominate over questions that affect only individual class members. The claims of Petitioner
19 are typical of those of the class, and Petitioner will fairly and adequately represent the interests
20 of the class.

21 9. There is no plain, speedy, or adequate remedy other than by maintenance of this class
22 action. The claims arise from the failure of Respondent to implement fair policies that protect
23 the Due Process rights of students disciplined for sexual misconduct. A class action is superior
24 to individual lawsuits for resolving this controversy.

25 10. Petitioner will fairly represent and adequately protect the interests of members of the
26 class as a whole. Petitioner does not have any interests antagonistic to those of other class
27 members. By filing this action, Petitioner has displayed an interest in vindicating his rights, as
28 well as the claims of others who are similarly situated. The relief sought by Petitioner will inure

1 to the benefit of members of the class generally. Petitioner is represented by qualified,
2 experienced, and competent counsel.

3 11. At all relevant times, Respondent was bound to abide by the procedures set forth in the
4 2015 Interim Policy on Sexual Harassment and Sexual Violence (6/17/2015), the University of
5 California PACAOS-Appendix-E: Sexual Violence and Sexual Harassment Student Adjudication
6 Framework (1/1/2016), the University of California Sexual Violence and Sexual Harassment
7 Policy (1/1/2016), the Interim Appendix E - Sexual Violence and Sexual Harassment (SVSH)
8 Student Adjudication Framework (3/1/2019), and all local University of California campus
9 procedures modeled after the aforementioned systemwide policies (collectively, the “Policies”).

10 12. Under the Policies, Respondent placed the entire responsibility for the investigation,
11 prosecution, fact-finding, and adjudication of sexual misconduct claims in the hands of a single
12 individual who acted as police, prosecutor, jury, and judge without a live, in-person hearing
13 before impartial adjudicators where the accused could question or cross-examine the
14 complainant and witnesses, an administrative procedure determined to be unlawful by
15 California’s Second District Court of Appeal in *Doe v. Allee* (2019) 30 Cal.App.5th 1036. See
16 also, *Doe v. Westmont College* (2019) 34 Cal.App.5th 622; *Doe v. University of Southern*
17 *California* (2018) 29 Cal.App.5th 1212; *Doe v. Regents of University of California* (2018) 28
18 Cal.App.5th 44; *Doe v. Claremont McKenna College* (2018) 25 Cal.App.5th 1055; *Doe v.*
19 *Regents of University of California* (2016) 5 Cal.App.5th 1055; *Doe v. University of Southern*
20 *California* (2016) 246 Cal.App.4th 221.

21 13. On information and belief, Respondents have been aware of the class of individuals
22 improperly disciplined as alleged herein since at least in or about September 2018, and have
23 taken no action to correct the deprivation of rights imposed on the class by Respondents nor to
24 alleviate the damages suffered by class members as a result of Respondents’ improper actions.

25
26 **ALLEGATIONS SPECIFIC TO PETITIONER JOHN DOE**

27 14. As of January 1, 2017, Petitioner John Doe was a graduate Ph.D. student in good
28 standing at a campus of University of California.

1 15. On February 28, 2017, the campus Office of Equal Opportunity and Diversity
2 (“OEOD”) was notified by the Academic Personnel Director that Petitioner had allegedly
3 engaged in sexual harassment and stalked another student on multiple occasions between
4 September 2016 and February 2017.

5 16. On or about March 20, 2017, OEOD notified Petitioner that the University had assigned
6 a Title IX/OEOD investigator to investigate allegations that after Petitioner and the complaining
7 student went on two dates, Petitioner continued to contact the complainant and began to harass
8 the complainant on her WeChat page.

9 17. Petitioner cooperated in the investigation, meeting with the Title IX investigator several
10 times and providing documents to support his defense that the allegations against him were
11 entirely false. The Title IX investigator interviewed eleven witnesses, including seven
12 unidentified witnesses.

13 18. Petitioner requested access to the evidence collected by the Title IX investigator during
14 the investigation but was refused by the Title IX investigator and the University.

15 19. The investigation disclosed no direct evidence of stalking.

16 20. The investigation disclosed no direct evidence of sexual harassment.

17 21. On June 14, 2017, despite the lack of any direct evidence, the sole Title IX investigator
18 concluded their report with their opinion that “The preponderance of the evidence supports a
19 finding that Respondent engaged in stalking and sexual harassment . . .”

20 22. On June 29, 2019 the campus Student Conduct Officer confirmed the Title IX
21 investigator’s factual findings and ordered Petitioner suspended for two years.

22 23. On July 14, 2017, Petitioner filed a timely campus appeal and cited the following
23 required grounds in his appeal: (1) procedural error in the University’s process had materially
24 affected the outcome; (2) the decision was unreasonable, as it was not supported by substantial
25 evidence; and (3) the disciplinary sanctions were disproportionate to the findings.

26 24. On September 7, 2017, Petitioner’s appeal proceeded to a hearing before an outside
27 attorney hired by the University to serve as the Appeal Body. The University presented two
28 witnesses, the TitleIX/OEOD investigator and the campus Student Conduct Officer. The

1 complainant failed to appear at the hearing and presented no evidence. Petitioner was present
2 and responded to questions and presented evidence.

3 25. On September 19, 2017, the University’s attorney issued the Appeal Body Hearing
4 Decision and concluded that Petitioner not responsible for stalking but confirmed the Title IX
5 investigator’s finding that Petitioner was responsible for sexual harassment and reduced the
6 sanction from a two-year suspension to a one-year suspension.

7 26. On September 25, 2017, Petitioner appealed the Appeal Body decision to the campus
8 Vice Chancellor on the grounds that the finding was made in the absence of evidence supporting
9 the elements of sexual harassment in the Policy and the application of a minimum one-year
10 suspension for “other sexual contact” in the absence of any contact whatsoever was improper.

11 27. On October 20, 2017, the Vice Chancellor denied Petitioner’s appeal regarding lack of
12 evidence and procedural errors, but reduced the one-year suspension to three months. Although
13 the suspension period was reduced, the Vice Chancellor required Petitioner to be re-admitted to
14 the University, submit documentation of his ability to be a student “without engaging in any
15 behavior that would violate university policy,” and to be placed on Disciplinary Probation for the
16 duration of his academic enrollment at the University.

17 28. Respondent’s administrative decision against Petitioner is now final.

18 29. On information and belief, the following allegations concern additional proposed class
19 member(s):
20

21 **ALLEGATIONS REGARDING PROPOSED CLASS MEMBER JOHN DOE2**

22 30. As of January 1, 2016, John Doe2 was a graduate Ph.D. student at a campus of
23 University of California with a 3.95 cumulative GPA.

24 31. On February 16, 2016, the campus Office of Equal Opportunity and Diversity
25 (“OEOD”) was notified of allegations that John Doe2 supposedly had a romantic interest in
26 another graduate student and had been stalking the other graduate student for the previous four
27 years, including hacking her computer, compromising her online accounts, and more recently
28 had sabotaged her research work. There were no allegations of an intimate relationship nor of

1 any physical touching between Doe2 and the other student.

2 32. On March 22, 2016, Doe2 received a letter from the campus Director of Student
3 Conduct, stating that:

4 . . .we have received allegations that you may have violated the
5 following University policy specified in the University of California
6 Policies Applying to Campus Activities, Organizations, and
7 Students and UC Sexual Harassment and Sexual Violence Policy, as
8 implemented in the [campus] Guidelines for Reporting and
9 Responding to Reports of Sex Offenses.

10 33. The Director of Student Conduct listed in her letter eight (8) Student Conduct Policies
11 section and the preamble to the Student Conduct Policies/University of California Sexual
12 Violence and Sexual Harassment Policy, but did not provide any notice regarding the allege
13 misconduct other than stating:

14 Summary of Allegations: Allegations of research misconduct and
15 stalking.

16 34. The Director of Student Conduct also issued a Stay Away order for John Doe2 to stay
17 100 yards from the other graduate student and also suspended and restricted Doe2 from any
18 access to his graduate research.

19 35. The Director of Student Conduct also notified Doe2 that the University had assigned a
20 Title IX investigator to investigate the allegations and determine whether misconduct violations
21 had occurred.

22 36. John Doe2 cooperated in the investigation, meeting with the Title IX investigator
23 several times and providing documents to support his defense that the allegations against him
24 were entirely false.

25 37. Doe2 requested access to the evidence collected by the Title IX investigator during the
26 investigation but was refused by the Title IX investigators and the University.

27 38. The investigation disclosed no direct evidence of stalking.

28 39. The investigation disclosed no direct evidence of any computer hacking.

40. The investigation disclosed no direct evidence that any online accounts were
compromised or hacked.

41. The investigation produced no direct evidence that any research was sabotaged or

1 intentionally damaged, as opposed to inadvertent contamination or through poor research
2 techniques by the other graduate student.

3 42. On June 23, 2016, despite the lack of any direct evidence, the sole Title IX investigator
4 concluded her report with her opinion that “In regards to the allegation of Stalking, the
5 preponderance of the evidence supports a finding that [Doe2] violated the University of
6 California Policy on Sexual Violence and Sexual Harassment as implemented in the [campus]
7 Guidelines for Reporting and Responding to Reports of Sex Offenses.”

8 43. On June 24, 2016, the Director of Student Conduct notified Doe2 of the Title IX
9 investigation findings.

10 44. The Title IX investigator’s report listed 113 exhibits that were not provided with her
11 investigation report, nor provided to Doe2.

12 45. The Title IX investigation report listed 40 unidentified witness that had been
13 interviewed or provided information in the investigation. The University and the Title IX
14 investigator refused to identify the witnesses to Doe2.

15 46. The Title IX investigator’s opinion in her investigation report, that Doe2 violated
16 University policy, is based on evidence that was never disclosed to Doe2.

17 47. On June 28, 2016, Doe2 requested copies of the 113 exhibits cited in the Title IX
18 investigation report, the witness statements, and the identity of the witnesses identified only as
19 Witnesses 2 through 40 in the report, and other evidence gathered during the investigation. In
20 his request to the Director of Student Conduct, Doe2 wrote:

21
22 [Doe2] cannot possibly respond to the Title IX/OEOD
23 investigator(s)’ opinions in the summary report without the evidence
24 summarized in the report, and certainly not within the five days you
25 have demanded in your letter. Your failure to provide the student
26 with any of the evidence and requiring the student “to request access
27 to the evidence against him does not comply with the requirements
28 of a fair hearing.” See, *Doe v. University of Southern California*
(Cal. App. 2d Dist. 2016) 246 Cal. App. 4th 221. Common sense
dictates that the use of secret, unidentified witnesses in a state
university disciplinary matter does not comport with Due Process.

48. Doe2 continued to make requests for access to the Title IX investigation file and also

1 through the California Public Records Act. For the next six months, however, the University
2 refused to produce any documents.

3 49. The campus Associate Chancellor responsible for compliance with the California
4 Public Records Act was also the Director of the Office of Equal Opportunity and Diversity and
5 the campus Title IX/Sexual Harassment Officer and the campus's designated Whistleblower
6 officer in charge of receiving and reviewing complaints of suspected unlawful and improper acts
7 at the University.

8 50. On August 25, 2016, the Director of Student Conduct issued a decision letter, adopting
9 the single Title IX investigator's determination that Doe2 had violated University policies: (1)
10 Policy 102.10. Stalking; (2) Sexual Violence Policy; and (3) Conduct Policy 102.08. Physical
11 Abuse. The Director of Student Conduct ordered John Doe2 suspended for two years from
12 September 8, 2016 to September 8, 2018.

13 51. On September 8, 2016, Doe2 filed a timely campus appeal and cited the following
14 required grounds in his appeal: (1) procedural error in the University's process had materially
15 affected the outcome; (2) the decision was unreasonable, as it was not supported by substantial
16 evidence; (3) new evidence, material to the decision, was not known or available during the time
17 of the decision had come to light; and (4) the disciplinary sanctions were disproportionate to the
18 findings.

19 52. On November 10, 2016, the appeal proceeded to a hearing before a three-member
20 Appeal Body comprised of University staff.

21 53. Doe2 was not permitted to cross-examine any witnesses but was allowed to submit
22 proposed witness questions to the Appeal Body. The Appeal Body, however, asked only a few
23 of the questions that Doe2 submitted.

24 54. Neither Doe2 nor the Appeal Body had access to the Title IX investigation file, the 113
25 exhibits, nor the identity of witnesses listed in the Title IX report.

26 55. On November 18, 2016, the Appeal Body issued their decision, reversing the Title IX
27 investigator's determination as to two of the three violations, Policy 102.10. Stalking and the
28 University's Sexual Violence Policy but sustaining the Title IX investigator's determination that

1 Doe2 was responsible for violation of Conduct Policy 102.08. Physical Abuse. The Appeal
2 Body also reduced the suspension period from two years to a one-year suspension.

3 56. In reversing responsibility for stalking, the Decision states that “The [Appeal] Body
4 was not provided with any evidence of Respondent making a credible threat against
5 Complainant.” (emphasis in the original.)

6 57. Regarding allegations of computer hacking, the Appeal Body noted:

7 “[I]t is clear from the investigation report that the investigator’s
8 conclusion about a violation of the Sexual Violence Policy turns on
9 the question of whether Respondent hacked into various social
10 media and other cyber-accounts of Complainant. According to the
11 report, this had been reported to authorities as far back as 2014. Yet,
12 the [Appeal] Body hasn’t been provided with any direct evidence
13 linking Respondent to a hack. Given the length of time that has
14 elapsed since the incidents were reported, the Body doesn’t
15 understand why there isn’t any direct evidence of this. When this
16 lack of direct evidence is coupled with the uncertainty and potential
17 prejudice created by Respondent not receiving access to the entire
18 investigation file, the Body does not believe sufficient evidence
19 exists to find, by a preponderance of the evidence, that there was a
20 violation of the Sexual Violence Policy. Therefore, the Body
21 overturns that finding by the Student Conduct Office.” (Appeal
22 Body Decision, page 7.)

23 58. Regarding section 102.08 Physical Abuse, although the Appeal Body was presented
24 with no evidence of any physical contact whatsoever, let alone abuse, the Appeal Body denied
25 Doe2’s appeal based on “the sheer volume of the contacts temporally related to seemingly
26 private electronic communications has made [the other graduate student] fearful and concerned”
27 and that, “[t]hese coincidences didn’t stop until the Stay Away Order went into effect. The
28 correlation between the effect of the Stay Away Order and cessation of incidents can’t be
ignored.”

59. On November 29, 2016, Doe2 appealed the Appeal Body’s decision regarding section
102.08 for “physical abuse” to the Vice Chancellor because there was no physical touching
whatsoever and because there was no correlation or “coincidences” related to the March 22,
2016 Stay Away order because the most recent alleged contact related to private communications
had occurred more than two years before in February 2014.

1 60. On December 22, 2016, after the Title IX investigation was complete and after the
2 appeal hearing was concluded, the University produced 1,869 pages of documents to John Doe2,
3 however, many pages heavily were redacted and the response was incomplete. The University
4 still did not provide the 113 exhibits and the identity of all the witnesses.

5 61. On January 10, 2017, the Vice Chancellor denied Doe2's appeal, leaving intact the
6 finding and one-year suspension sanction against Doe2 for violation of Conduct Policy 102.08.

7 62. On March 10, 2017, Doe2 filed a writ to set aside the improper administrative finding
8 that Doe2 is responsible for a violation of Conduct Policy 102.08 and the one-year suspension.

9 63. In October 2017, Respondent Regents of the University of California agreed with Doe2
10 and proposed to confess judgment in the Writ of Mandamus matter in favor of Doe2 and against
11 the University.

12 64. On January 4, 2018, the court entered judgment in favor of John Doe2 and against the
13 University. The judgment provided in part:

14 2. The Petition for Writ of Administrative Mandate is granted:

15 3. Judgment is hereby entered in favor of Petitioner and against
16 Respondent The Regents of the University of California, setting
17 aside and vacating the decision and sanctions issued against
18 Petitioner for violation of section 102.08 of the University of
19 California Policies Applying to Campus Activities, Organizations
20 and Students;

21 4. The matter is remanded to Respondent The Regents of the
22 University of California for any further appropriate proceedings;

23 65. By the time Regents conceded that John Doe2 was entitled to judgment, John Doe2 had
24 been restricted from his graduate research and academic career for almost two-years.

25 66. On or about March 27, 2018, however, the University notified Doe2 that the Title
26 IX/OEOD administrative action concerning the alleged misconduct from February 2016 "will be
27 reinitiated at the investigation stage and pursued until a final decision is reached."

28 67. On or about April 25, 2018, the University notified Doe2 again that the University was
going to proceed with the new Title IX investigation and explained that, "Now, we are seeking to
ensure that you have an adequate opportunity to fully review and respond to that information and

1 provide any additional information that you believe would be relevant.” The University still
2 did not provide the 113 exhibits and the identity of all the witnesses.

3 68. On or about December 20, 2018, Doe2 received notification from Chris Carrubba-Katz,
4 Title IX Principal Investigator from the University Of California Office Of The President,
5 Systemwide Title IX Office, that the University was proceeding with the second Title IX
6 adjudication process against Doe2.

7 69. The second Title IX/OEOD administrative action has remained pending for over a year
8 and with no further action from the University since December 2018.

9 70. Respondent’s delay excuses any further exhaustion requirement to bring this Petition
10 for Writ of Administrative Mandate and Doe2 has no other plain, speedy and adequate remedy in
11 the ordinary course of law.

12
13
14 71. Petitioner seeks by this Petition to exhaust judicial remedies through this Petition for
15 Writ of Administrative Mandate.

16 72. On information and belief, Respondent’s actions, sanctions, and decision are invalid
17 under Code Civ. Proc. § 1094.5. and alternatively, Code Civ. Proc. § 1085, for the following
18 reasons:

- 19 a. Respondent failed to grant Petitioner and all members of the class a fair
20 hearing;
- 21 b. Respondent failed to implement policies that provide adequate Due Process to
22 Petitioner and all members of the class who were accused of sexual
23 misconduct and subject to discipline;
- 24 c. Respondent committed a prejudicial abuse of discretion, in that Respondent
25 failed to proceed in the manner required by law;
- 26 d. Respondent’s decisions, made based on information gleaned from improper
27 administrative proceedings, are not supported by the findings; and
- 28 e. Respondent’s findings are not supported by the evidence.

73. Petitioner and all members of the class are entitled to an independent, fair hearing

1 before neutral factfinders where the University shall bear the burden of proof and must establish
2 each of the elements required to show a violation of the charged policies by a preponderance of
3 the evidence.

4 74. Issuing findings and decisions prior to a hearing and without affording Petitioner an
5 opportunity to cross-examine the complainant and witnesses in front of a neutral factfinder is
6 unfair and unlawful.

7 75. A reviewing panel's reliance on findings and determinations made by another
8 individual interferes with the reviewing panel's ability to make independent determinations
9 based on the evidence. At the University of California, providing the Appeal Panel with the
10 conclusions of the Title IX investigator and other administrators prior to an Appeal Hearing
11 unjustly compromises the independence and impartiality of the Appeal Panel members.

12 76. Respondent's actions and decision deprive Petitioner of fundamental vested rights;
13 therefore, the reviewing court must exercise its independent judgment to reweigh the evidence
14 pursuant to Code Civ. Proc. § 1094.5, subd. (c).

15 77. All administrative remedies have been exhausted or excused.

16 78. Petitioner has no plain, speedy and adequate remedy in the ordinary course of law.

17 79. Petitioner brings this action not only to enforce his own rights, but also to enforce the
18 rights of the class and important rights affecting the public interest, and the Due Process rights of
19 college and university students who are subject to the Policies.

20 80. Petitioner is obligated to pay an attorney for legal services to prosecute this action and
21 may be entitled to recover attorney's fees as provided in Code Civ. Proc., § 1021.5 and/or Gov.
22 Code, § 800.

23 81. Petitioner has requested that Respondent produces the complete Administrative Record
24 of its Student Conduct process against Petitioner. Petitioner reserves the right to augment,
25 supplement, and modify this Petition when he is able to review the Administrative Record.

26 ///

27 ///

28 ///

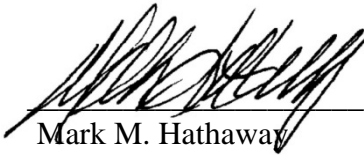
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEREFORE, Petitioner and the proposed class pray for the Court to order the following relief and remedies:

- 1. Certify this action as a class action.
- 2. Issue a writ of mandate directing Respondent to set aside and vacate the findings and sanctions issued against Petitioner and all members of the class, or to show cause why a peremptory writ of mandate to the same effect should not be issued;
- 3. Award Petitioner the costs of this action and reasonable attorney’s fees and litigation expenses as permitted by statute, in addition to any other relief granted; and
- 4. For such other and further relief as the court deems just and proper.

HATHAWAY PARKER

DATED: August 2, 2019

By: 
 Mark M. Hathaway
 Jenna E. Parker
 Attorneys for Petitioner

By: _____ /S/
 Andrew T, Miltenberg
 Stuart Bernstein
 Attorneys for Petitioner

By: _____ /S/
 Kevin J. Stoops
 ATTORNEYS FOR PETITIONER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

I am the named Petitioner in this action. I have read the foregoing petition and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed on the date below at Davis, California.

Redacted

Date: August 2, 2019

Petitioner