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ALAMEDA COUNTY

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THE SUPERIOR COURT
By Shabra Iyamu, Deputy

CASE NUMBER:
RG21103437

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF ALAMEDA

11 JOHN DOE, an individual,) Case No.:
12 Petitioner,)
13 v.) **PETITION FOR WRIT OF**
14 SHERI ATKINSON, ED.D. in her official) **MANDAMUS**
15 capacity as Associate Vice Chancellor of)
16 Student Affairs; REGENTS OF THE)
17 UNIVERSITY OF CALIFORNIA, a)
18 California corporation; and DOES 1 to 20,)
Respondents.)

19 Petitioner respectfully represents:

20 Petitioner, a Black student at University of California, Davis (“UC Davis”) who should
21 have recently graduated with a Bachelor of Science degree in Aerospace Engineering, a
22 Bachelor of Science degree in Mechanical Engineering, and a Minor in French, was suspended
23 for one year following his graduation date for taking a one-second video of his own face during
24 consensual sex with his partner, Jane Roe, then deleting the video immediately after the sex.
25 Petitioner now seeks writ of mandate under Code Civ. Proc., § 1094.5, or in the alternative
26 under Code Civ. Proc., § 1085, directed to Respondents to redress their improper administrative
27 action and decision and alleges further:
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I. THE PARTIES

1. Petitioner JOHN DOE at all times relevant was an undergraduate student at UC, Davis.

2. Respondent SHERI ATKINSON, ED.D. is the associate vice chancellor for student life, campus community and retention services at UC Davis. Dr. Atkinson issued the final decision imposing a one-year suspension on Petitioner that is challenged in this mandamus proceeding.

3. Respondent REGENTS OF THE UNIVERSITY OF CALIFORNIA (“University of California” or “UC Regents”), is the official name of the public corporation that governs and operates the University of California as a public trust through its 26-member board of Regents. UC Davis is one of the 10 campuses of the University of California system and is located in Davis, California.

4. Petitioner is ignorant of the true names and capacities of the Respondents named herein as DOES 1 to 20 inclusive, and therefore names these Respondents by such fictitious names and will amend when ascertained.

5. Non-party JANE ROE, the complainant in the underlying Title IX investigation, was at all times relevant an undergraduate student or recent alumna of UC Davis.

6. Petitioner uses the pseudonyms of “John Doe” and “Jane Roe” in his Petition to preserve privacy in a matter of a sensitive and highly personal nature, which outweighs the public’s interest in knowing the parties’ identity. Use of the pseudonyms does not prejudice Respondents because the identities of Petitioner and the UC Davis student Jane Roe are known to Respondent. (See, *Starbucks Corp. v. Superior Court* (2008) 68 Cal.App.4th 1436 [“The judicial use of ‘Doe plaintiffs’ to protect legitimate privacy rights has gained wide currency, particularly given the rapidity and ubiquity of disclosures over the World Wide Web”]; see also *Doe v. City of Los Angeles* (2007) 42 Cal.4th 531; *Johnson v. Superior Court* (2008) 80 Cal.App.4th 1050; *Roe v. Wade* (1973) 410 U.S. 113; *Doe v. Bolton* (1973) 410 U.S. 179; *Poe v. Ullman* (1961) 367 U.S. 497; *In Does I thru XXIII v. Advanced Textile Corp.* (9th Cir. 2000) 214 F.3d 1058.)

II. JURISDICTION AND VENUE

7. The Supreme Court, courts of appeal, superior courts, and their judges have original

1 jurisdiction in proceedings for extraordinary relief in the nature of mandamus directed to any
2 inferior tribunal, corporation, board, or person. (Cal. Const., art. VI, § 10; see Code Civ. Proc.,
3 § 1084 [“mandamus” synonymous with “mandate”]; Code Civ. Proc., § 1085.)

4 8. Petitioner, an aggrieved university student, seeks by this Petition to exhaust judicial
5 remedies through this petition for writ of mandate and to seek redress for the university’s failure
6 to comply with its own policy and proceed in the manner required by law.

7 9. Administrative mandamus is available for review of “any final administrative order or
8 decision made as the result of a proceeding in which by law a hearing is required to be given,
9 evidence required to be taken, and discretion in the determination of facts is vested in the
10 inferior tribunal, corporation, board, or officer . . .” (Code Civ. Proc., § 1094.5, subd. (a).)

11 10. Ordinary mandate is a traditional remedy by which a court compels an inferior tribunal
12 to perform a legally required duty. (Code Civ. Proc., § 1085.)

13 11. The doctrine of exhaustion of judicial remedies precludes an action that challenges the
14 result of a quasi-judicial proceeding unless the plaintiff first challenges the decision through a
15 petition for writ of mandamus. (*Johnson v. City of Loma Linda* (2000) 24 Cal.4th 61, 70.)
16 Administrative mandamus is available for review of “any final administrative order or decision
17 made as the result of a proceeding in which by law a hearing is required to be given, evidence
18 required to be taken, and discretion in the determination of facts is vested in the inferior tribunal,
19 corporation, board, or officer . . .” (Code Civ. Proc., § 1094.5, subd. (a).)

20 12. The Superior Court for the County of Alameda, the county where the Respondent is
21 situated, is the proper court for the hearing of this action. (Code Civ. Proc., § 395.)

22 **III. THE REGULATORY AND LEGAL FRAMEWORK**

23 **A. CALIFORNIA LAW REGARDING ADMINISTRATIVE DISCIPLINE.**

24 13. California’s procedural and substantive standards for administrative disciplinary
25 proceedings begin with Code Civ. Proc., § 1094.5 subdivisions (b) and (c), which require that
26 (1) there be “a fair trial,” which “means that there must have been ‘a fair administrative
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1 hearing”¹; (2) the proceeding be conducted “in the manner required by law”; (3) the decision be
2 “supported by the findings”; and (4) the findings be “supported by the weight of the evidence,”
3 or where an administrative action does not affect vested fundamental rights, the findings must be
4 “supported by substantial evidence in the light of the whole record.”² In addition, a reviewing
5 court does not “blindly seize any evidence in support of the respondent in order to affirm the
6 judgment. . . . It must be reasonable, . . . credible, and of solid value.” (*Kuhn v. Department of*
7 *General Services* (1994) 22 Cal.App.4th 1627, 1633.) “The ultimate determination is whether a
8 reasonable trier of fact could have found for the respondent based on the whole record.” (*Id.*)

9 14. Moreover, the fair hearing requirements of Code Civ. Proc., § 1094.5 subdivision (b)
10 can only be satisfied in this context through adherence to principles of procedural due process,
11 which apply directly to public colleges and universities through the Fourteenth Amendment, and
12 to private colleges and universities by analogy.³ (*Doe v. USC, supra*, 246 Cal.App.4th at 240;
13 *Doe v. Claremont McKenna College* (2018) 25 Cal.App.5th 1055, 1068, n. 8 (CMC).) Of
14 course, “[s]pecific requirements for procedural due process vary depending upon the situation
15 under consideration and the interests involved.” (*Id.* at 244 [quoting *Applebaum v. Board of*
16 *Dirs. of Barton Mem. Hosp.* (1980) 104 Cal.App.3d 648, 657].)

17 15. While California law does not require any specific form of disciplinary hearing, a
18 university is bound by its own policies and procedures. (*Berman v. Regents of University of*
19 *California* (2014) 229 Cal.App.4th 1265, 1271-72.)

20 **1. Prohibition on Single Investigator As Sole Fact-Finder.**

21 16. When credibility of witnesses is at issue, the stakes in the adjudication are high, and the
22 accused individual’s interests are significant, cross-examination and a determination of
23 responsibility cannot be left to a single individual who operate as investigator, prosecutor and
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25 ¹ *Doe v. University of Southern California* (2016) 246 Cal.App.4th 221, 239 (*Doe v. USC*) (citations
26 omitted).

27 ² California has undertaken to protect vested fundamental rights “from untoward intrusions by the
massive apparatus of government.” (*Bixby v. Pierno* (1971) 4 Cal.3d 130, 142-143.)

28 ³ Courts in other jurisdictions have taken the same approach. (See, e.g., *Doe v. Brandeis Univ.* (D.
Mass. 2016) 177 F.Supp.3d 561, 601.)

1 fact-finder. (*Doe v. Allee* (2019) 30 Cal.App.5th 1036, 1069-70 (*Allee*).

2 2. *Access to Evidence*

3 17. A fair process requires the university to present the evidence to the accused individual
4 so that he has a reasonable opportunity to prepare a defense and to respond to the accusation: “. .
5 . requiring John to request access to the evidence against him does not comply with the
6 requirements of a fair hearing. (See, e.g., *Goss, supra*, 419 U.S. at p. 582.)” (*Doe v. USC,*
7 *supra*, 246 Cal.App.4th at 245-246.) Moreover, limited, incomplete, and untimely access to the
8 evidence impedes the accused’s ability to respond to the evidence and present relevant evidence
9 in his defense. (*Doe v. Regents of University of California* (2019) 28 Cal.App.5th 44, 57-60
10 (“The accused must be permitted to see the evidence against him. Need we say more?”).) A fair
11 and thorough investigation requires the investigator to request consent to release all available
12 evidence, including physical evidence and medical records. (*Doe v. University of Southern*
13 *California* (2018) 29 Cal.App.5th 1212, 1238-1240.)

14 3. *“In A Lawsuit The First To Speak Seems Right, Until Someone Comes*
15 *Forward And Cross-Examines.” Proverbs 18:17 (NIV)*

16 18. Where an accused individual faces severe consequences and the determination of facts
17 turns on credibility, the opportunity to be heard must include questioning of the complainant and
18 adverse witnesses by the accused or their agent in a live, adversarial, back-and-forth setting
19 before neutral fact-finder(s), so that the accused can expose weaknesses in the witnesses’
20 testimony. (*Allee, supra*, 30 Cal.App.5th at 1069-70; *CMC, supra*, 25 Cal.App.5th at 1070
21 (“[T]he accused student is entitled to ‘a process by which the respondent may question, if even
22 indirectly, the complainant’”); *Doe v. Baum* (6th Cir. 2018) 903 F.3d 575, 578 (“[T]he
23 university must give the accused student or his agent an opportunity to cross-examine the
24 accuser and adverse witnesses in the presence of a neutral fact-finder.”).)

25 19. Expulsions, suspensions, and forced withdrawals are sufficiently severe consequences
26 to warrant cross-examination before a neutral, independent adjudicator. (*CMC, supra*, 25
27 Cal.App.5th at 1070 (one-year suspension); *Baum, supra*, 903 F.3d at 580 (forced withdrawal).)

28 20. In addition, the accused is to have “ample opportunity to hear and observe the witnesses

1 against them.” (*Doe v. USC, supra*, 246 Cal.App.4th at 246, citing *Goldberg v. Regents of*
2 *University of California* (1967) 248 Cal.App.2d 867, 882.)

3 21. In failing to provide Petitioner this requirement of a fair process, Respondents
4 improperly deprived Petitioner of “a full opportunity to present his defense.” (*Andersen v.*
5 *Regents of Univ. of Cal.* (1972) 22 Cal.App.3d 763, 771.)

6 **4. Right to Impartial Adjudicators**

7 22. “The right to a fair procedure includes the right to impartial adjudicators. (*Applebaum v.*
8 *Board of Directors, supra*, 104 Cal.App.3d 648, 658.) Moreover, “[f]airness requires a practical
9 method of testing impartiality.” (*Hackethal v. California Medical Assn., supra*, 138 Cal.App.3d
10 435, 444.)” (*Rosenblit v. Superior Court* (1991) 231 Cal.App.3d 1434, 1448.)

11 **5. Black Respondents Sanctioned More Often and More Harshly Than Non-**
12 **Black Respondents**

13 23. Studies show that in university Title IX proceedings, more severe disciplinary outcomes
14 for black students are due in part to discriminatory practice, intended or not.⁴

15 24. During a Senate hearing on campus sexual assault, Harvard Law Professor Janet Halley
16 made the observation that in her experience, “male students of color are accused and punished at
17 ‘unreasonably high rates’ in campus sexual misconduct investigations.”

18 25. Two years later, journalist Emily Yoffe posed this question in *The Atlantic*: “Is the
19 system biased against men of color?” explaining, “[B]lack men make up only about 6 percent of
20 college undergraduates, yet are vastly overrepresented in the cases I’ve tracked.”

21 26. Black faculty members also have been targeted in the campus Title IX proceedings. The
22 nation’s first elected black governor, former Virginia Governor L. Douglas Wilder, penned a
23 scathing letter regarding his “unimaginable nightmare at Virginia Commonwealth University”
24 after he was erroneously accused of sexual misconduct.

25 27. In 2017, the Office for Civil Rights investigated Colgate University for potential race
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27 ⁴ Gordon, Nora. *Disproportionality in student discipline: Connecting policy to research*. Brookings
28 (January 18, 2018) [https://www.brookings.edu/research/disproportionality-in-student-discipline-
connecting-policy-to-research/](https://www.brookings.edu/research/disproportionality-in-student-discipline-connecting-policy-to-research/)

1 discrimination in its sexual assault adjudication processes. During the course of the
2 investigation, the institution had to reveal the fact that “black male students were accused of
3 50% of the sexual violations reported to the university,” even though black students represent
4 only 5.2% of all undergraduate students.

5 28. More recently, Title IX For All analyzed demographic data from the approximately 650
6 lawsuits filed against institutions of higher education since 2011. Among the 30% of cases in
7 which the race of the accused student was known, black students are four times as likely as
8 white students to file lawsuits alleging their rights were violated in Title IX disciplinary
9 proceedings.

10 **IV. FACTUAL AND PROCEDURAL BACKGROUND**

11 29. Petitioner met Jane Roe at UC Davis in October 2019 when Jane Roe was a Senior and
12 Petitioner was a Junior.

13 30. In November 2019, Petitioner and Jane Roe were engaged in a consensual sexual
14 relationship, which meant that they had a “sexual intercourse and no strings attached kind of
15 relationship or friendship.”

16 31. On November 15, 2019, Jane Roe Ubered to Petitioner’s dorm after she returned home
17 from “the bars” around 1:00 a.m.

18 32. Jane Roe and Petitioner engaged in consensual sex with Petitioner sitting in a chair at a
19 desk, and Jane Roe on top of him with her back facing towards him.

20 33. While Jane Roe and Petitioner were engaged in sexual intercourse, Petitioner received
21 several notifications on his phone. Petitioner checked his phone, believing there may be some
22 urgency in responding to the notifications, but there was nothing urgent. While holding his
23 phone in his hand, Petitioner wondered what his face looked like while he was having sex. So,
24 he spontaneously recorded a one-second video of his own face during sex.

25 34. When Petitioner hit the “record” button, the front-facing light turned on due to the
26 darkness in the room. Jane Roe, who was not facing Petitioner and could not see what he was
27 doing, claimed that she believed that flash of light was directed toward the wall in front of her.

28 35. After Petitioner and Jane Roe finished having sex, Jane Roe advised Petitioner that she

1 believed he had recorded her during sex. Petitioner immediately denied the allegation and
2 showed Jane Roe the one-second-long video recording of his face. Jane Roe wanted it to be
3 deleted, so Petitioner deleted the video with Jane Roe watching.

4 36. Two days later, on November 17, 2019, Jane Roe sent Petitioner a series of text
5 messages, threatening Petitioner to take legal action unless he deleted the videos. Petitioner
6 responded, “I don’t have any videos of you [Jane]” and asked her to stop making “unwarranted
7 threats” of legal action. Nevertheless, she continued to push her unfounded theory that
8 Petitioner had recorded her. In response, Petitioner again stated, “I did not record YOU.”
9 Petitioner reminded Jane Roe, “I [showed] you the video you or any part of you were not in it.
10 Upon [your] request I compliantly deleted the footage of MY FACE.” Jane Roe did not object
11 to these statements but continued to threaten Petitioner.

12 37. In the following days, Jane Roe resumed a sexual relationship with Petitioner.

13 38. Jane Roe graduated from UC Berkeley in June 2020.

14 39. In June 2020, Jane Roe offered to let Petitioner live in her apartment rent-free, while
15 she lived elsewhere. Petitioner took her up on this offer and lived in her apartment until July
16 2020.

17 40. In July 2020, Jane Roe asked Petitioner to be in a relationship, but he told her that he
18 was not interested and was also not interested in continuing their sexual relationship.

19 41. Shortly thereafter, in August 2020, Jane Roe filed a Title IX complaint against
20 Petitioner, alleging that on two separate occasions, one in November 2019 and one in June 2020,
21 Petitioner made a recording of himself and Jane Roe engaged in a consensual sexual act without
22 Jane Roe’s consent to the recording.

23 42. During the investigation, Jane Roe claimed that she had not watched any of the video(s)
24 taken by Petitioner during sex.

25 43. Following a five-month-long investigation, on January 8, 2021, a single Title IX
26 investigator, Kristen King, issued factual findings, credibility analyses, and a decision that the
27 preponderance of evidence supported a finding “that in November 2019, [Petitioner] recorded
28 some part of a sexual encounter with [Jane Roe] without her consent.” Petitioner was found in

1 violation of the University’s Sexual Violence and Sexual Harassment Policy for Invasion of
2 Sexual Privacy) and PACAOS Section 102.25 for Unauthorized Recording.

3 44. Investigator Kristen King found that Jane Roe’s allegation regarding an unauthorized
4 video recording in June 2020 was unsupported by evidence. Jane Roe did not contest the
5 finding.

6 45. On May 7, 2021, Donald Dudley, Director, Office of Student Support and Judicial
7 Affairs, accepted all of investigator Kristen King’s findings and determinations and imposed on
8 Petitioner the sanction of suspension beginning in the spring quarter 2021 and continuing
9 through the end of the winter quarter 2022. However, if Petitioner completed the coursework
10 required to graduate, his eligibility to graduate would be suspended until the end of winter
11 quarter 2022.

12 46. Petitioner contested investigator Kristen King’s findings and determinations as to the
13 November 2019 incident.

14 47. A hearing took place on April 16, 2021.

15 48. Lindsay Ingham, an attorney at Van Dermyden Maddux (SBN #283307), served as the
16 Hearing Officer.

17 49. All questions from the parties had to be posed through the hearing officer, so there is no
18 opportunity for cross-examination in UC Davis’ proceedings.

19 50. Despite Jane Roe stating that she had not seen any video(s) taken by Petitioner, the
20 hearing officer found Jane Roe credible in her belief that the videos depicted sexual acts.

21 51. Additionally, the hearing officer found that even if Petitioner had only recorded his own
22 face, Petitioner “still would have captured an audio recording of the moaning” and “Sexual
23 moaning is a facet of a sexual act.”

24 52. However, neither party reported hearing any moaning on the one-second video
25 recording of Petitioner’s face.

26 53. The hearing officer’s decision is based on her own rank speculation rather than
27 credible, reliable evidence of any ponderable legal significance.

28 54. Nevertheless, purporting to use a preponderance of the evidence standard, the hearing

1 officer found that Petitioner made a video recording depicting Jane Roe's sexual acts, without
2 her affirmative consent, and in a location where she had a reasonable expectation of privacy.

3 55. On June 11, 2021, Petitioner appealed the hearing decision and sanctions.

4 56. On June 22, 2021, Petitioner met with Respondent Dr. Sheri Atkinson regarding his
5 appeal. Petitioner pleaded with Dr. Atkinson to reconsider the decision and sanction, which
6 would make him ineligible to accept a job offer from a well-known technology company and
7 would place him at a severe disadvantage among his peers.

8 57. On June 25, 2021, Respondent Dr. Sheri Atkinson upheld all findings against Petitioner
9 and imposed a more severe sanction than Donald Dudley, extending the suspension sanction
10 from the end of the winter quarter 2022 to the end of the spring quarter 2022.

11 58. A one-year suspension in this instance where both of the parties are no longer at UC
12 Berkeley is arbitrary, capricious, and abusive.

13 59. Respondent's administrative decision against Petitioner is final. Petitioner has
14 exhausted all administrative remedies.

15 **V. RESPONDENTS' ACTIONS AND DECISION ARE INVALID**

16 60. Petitioner re-alleges and incorporates by reference each and every allegation contained
17 above.

18 61. On information and belief, Respondent's actions are invalid under Code Civ. Proc., §
19 1094.5, and alternatively under Code Civ. Proc., § 1085, for the following reasons:

- 20 a. Respondent proceeded without, or in excess of, jurisdiction;
- 21 b. Respondent failed to grant Petitioner a fair hearing;
- 22 c. Respondent committed a prejudicial abuse of discretion, in that Respondent
23 failed to proceed in the manner required by law;
- 24 d. Respondent's decisions are not supported by the findings; and
- 25 e. Respondent's findings are not supported by the evidence.
- 26

27 62. Petitioner is entitled to an independent, fair hearing with cross-examination before
28 neutral factfinders where the University shall bear the burden of proof and must establish each

1 of the elements required to show a violation of the charged policies by a preponderance of the
2 evidence.

3 63. Issuing findings and decisions made by a single investigator prior to a hearing and
4 without affording Petitioner an opportunity to cross-examine the complainant and witnesses in
5 front of a neutral factfinder is unfair and unlawful.

6 **A. Doctrine of Judicial Non-Intervention Does Not Apply.**

7 64. The doctrine of judicial non-intervention into the academic affairs of schools does not
8 apply in instances of non-academic affairs, such as this investigation process for alleged
9 violation of UC Davis' misconduct policies. (See *Banks v. Dominican College* (1995) 35
10 Cal.App.4th 1545; *Paulsen v. Golden Gate University* (1979) 25 Cal.3d 803.)

11 **B. Respondent's Administrative Action Affects Vested Fundamental Rights.**

12 65. Petitioner has a vested fundamental right under Title IX that Petitioner, as well as any
13 similarly situated individuals, may not be deprived of access to education and activities through
14 an administrative process that does not afford due process, is not fair, impartial, reliable, and
15 equitable or is overly punitive and not remedial.

16 66. The Court must exercise its independent judgment and find an abuse of discretion if the
17 findings are not supported by the weight of the evidence; in effect, a trial de novo. (Code Civ.
18 Proc., § 1094.5, subd. (c); *Shuffer v. Board of Trustees* (1977) 67 Cal.App.3d 208, 219, citing
19 *Greenhill v. Bailey* (8th Cir. 1975) 519 F.2d 5, 7.)

20 67. A court must determine on a case-by-case basis whether an administrative decision
21 affects a vested fundamental right. (*Bixby v. Pierno, supra*, 4 Cal.3d at p. 144.) "A right is
22 deemed fundamental on either or both of two bases: (1) the character and quality of its economic
23 aspect; or (2) the character and quality of its human aspect." (*JKH Enters., Inc. v. Dep't of*
24 *Indus. Rels.* (2006) 142 Cal.App.4th 1046, 1059.) Here, Petitioner possesses a vested
25 contractual right to continue his education uninterrupted, free from the reputational harm and
26 stigmatization that inherently accompanies sexual misconduct allegations and a determination of
27 responsibility.

28 68. Respondent's actions and decision deprive Petitioner of his fundamental vested right to

1 education; therefore, the reviewing court must exercise its independent judgment to reweigh the
2 evidence pursuant to Code Civ. Proc., § 1094.5, subd. (c).

3 69. Petitioner has exhausted all administrative remedies available to him as of the date of
4 filing this Petition.

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

6 71. Petitioner intends that this Petitioner serve as a request for Respondents to produce the
7 complete Administrative Record of its Title IX investigative process against Petitioner.
8 Petitioner reserves the right to augment, supplement, and modify this Petition when he is able to
9 review the Administrative Record.

10 72. Petitioner brings this action not only for his own interest, but to protect the rights of
11 other individuals, faculty members, and members of the public who have been subjected to
12 wrongful and unfair disciplinary proceedings at the University of California and other
13 universities and colleges in California and elsewhere. Success in this action will result in a
14 substantial benefit of a nonpecuniary nature to college students and others subject to Title IX
15 disciplinary processes at universities throughout the State of California, including some two
16 million students in California, 280,000 students at the University of California, and more than
17 35,000 students at UC Davis who could stand wrongfully accused of sexual misconduct and
18 denied due process under UC Title IX sexual misconduct policies.

19 73. Petitioner is obligated to pay an attorney for legal services to prosecute this action.
20 Petitioner may be entitled to recover attorney's fees as provided in Code Civ. Proc., § 1021.5, or
21 alternatively Govt. Code § 800, if Petitioner prevails in the within action.

22 23 24 **PRAYER FOR RELIEF**

25 WHEREFORE, Petitioner prays the court for judgment as follows:

- 26 1. For an order commanding Respondents to set aside the administrative findings and
27 decision imposed against Petitioner;
28 2. For an alternative writ of mandate directing Respondents to set aside the order or

1 decision, or to show cause why a peremptory writ of mandate to the same effect should not be
2 issued;

3 3. For a peremptory writ of mandate directing Respondents to set aside their order or
4 decisions and all findings and sanctions against Petitioner;

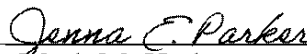
5 4. For reasonable attorney's fees and litigation expenses as permitted by statute, in
6 addition to any other relief granted or costs awarded;

7 5. For all costs of suit incurred in this proceeding; and

8 6. For such other and further relief as the court deems proper.

9
10 HATHAWAY PARKER

11
12 DATED: June 25, 2021 By:



Mark M. Hathaway

Jenna E. Parker

Attorneys for Petitioner

VERIFICATION (CODE CIV. PROC., § 446)

I am the attorney for Petitioner in this action. Such party is absent from the county where this action is pending. I make this verification for and on behalf of that party for the reason pursuant to Code Civ. Proc., § 446. 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 Los Angeles, California.

Date: June 25, 2021



 Jenna E. Parker