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6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **COUNTY OF SANTA BARBARA**
8

9 SARAH RIVERA, CATHERINE SHORT, a
minor, by and through her guardian ad litem
10 William Short, JOAN SHORT, MAIREAD
MCCARDLE, FELICITY PASTRONE,
11 MARAGARET LANGLEY, MARY MASSELL,
GIORGIO NAVARONE, SARA SMILLIE,
12 CLARE LANGLEY, and ANNE GRIBBIN,

13 Plaintiffs,

14 v.

15 MIREILLE MILLER-YOUNG, REGENTS OF
THE UNIVERSITY OF CALIFORNIA, ERIKA
16 JUNE ITO, BRIANA CRESENE BROWN, and
DOES 1 - 20,
17

18 Defendants.

NO.:

Assigned to Hon.

Unlimited Civil Jurisdiction

**COMPLAINT FOR VIOLATION OF
CIVIL RIGHTS, CONVERSION,
AND BATTERY**

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20 Plaintiffs, by and through their undersigned counsel, allege upon information and belief:

21 **INTRODUCTION**

22 1. On March 4, 2014, Plaintiffs placed themselves in a specially designated free speech
23 area on the campus of the University of California at Santa Barbara (“UCSB”) to engage in
24 peaceful, lawful expressive activity on a matter of significant moral, political, and religious import.

25 2. While there, they were accosted by a UCSB professor, Defendant Mireille Miller-
26 Young (“Miller-Young”). Miller-Young loudly and aggressively disagreed with plaintiffs’
27 viewpoint and attempted to incite UCSB students to tear down the plaintiffs’ signs. When that
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1 effort failed, Miller-Young herself stole a sign and recruited several students to help her carry it off
2 and destroy it.

3 3. In making her get-away, Miller-Young repeatedly struck and scratched plaintiff
4 Catherine Short.

5 4. Miller-Young later informed the police that she thought she had set a “good
6 example” for her students and that she had “moral right” to steal and destroy the sign.

7 5. Defendant Regents have never contacted any of the plaintiffs about this incident.
8 They have not apologized, directly or indirectly, for Miller-Young and her students’ actions.
9 Instead, on March 21, 2014, Michael Young, Vice-Chancellor of UCSB, sent an e-mail to students
10 and faculty warning that the campus was being visited by “the most recent generation of true
11 believers, self-proclaimed prophets, and provocateurs,” including “anti-abortion crusaders.” Vice-
12 Chancellor Young said that the campus was being “tested once again” by “outsiders coming into
13 our midst to provoke us, taunt us and attempt to turn us against one another as they promote
14 personal causes and agendas.”

15 6. Plaintiffs file this action to vindicate their own rights and the rights of others to
16 engage in free speech activity on a public university campus without intimidation and fear of mob
17 violence and other criminal behavior.

18 **PARTIES**

19 7. Plaintiffs Sarah Rivera, Joan Short, Mairead McCardle, Felicity Pastrone, Margaret
20 Langley, Mary Massell, Giorgio Navarone, Sara Smillie, Clare Langley, and Anne Gribbin are all
21 individuals. Plaintiff Catherine Short is a minor, and appears by and through her guardian ad
22 litem, William Short.

23 8. Defendant Mireille Miller-Young (“Miller-Young”), at all times mentioned herein,
24 was an individual employed by Defendants Regents of the University of California as an associate
25 professor in the Department of Feminist Studies at the University of California at Santa Barbara,
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1 with areas of emphasis in black cultural studies, pornography, and sex work. At all times
2 mentioned herein, Miller-Young was acting in the course and scope of her employment.

3 9. Defendant Regents of the University of California (“Regents”) is the governing body
4 of the University of California, and is a corporation existing and operating under the Constitution
5 and laws of the State of California.

6 10. Defendant June Erika Ito (“Ito”), at all times mentioned herein, was a student at the
7 University of California at Santa Barbara and a student of Miller-Young.

8 11. Defendant Briana Cresene Brown (“Brown”), at all times mentioned herein, was a
9 student at the University of California at Santa Barbara.

10 12. Defendant Doe No. 1, at all times mentioned here, was a female student at the
11 University of California at Santa Barbara. Plaintiffs are ignorant of the true name of Doe No. 1 but
12 will amend the complaint to state her name when such has been ascertained.

13 13. Plaintiffs are ignorant of the true names and capacities of DOES 2 through 20,
14 inclusive, sued herein, and therefore sues these defendants by fictitious names. Plaintiffs will
15 amend this complaint to allege the true names and capacities of these defendants when they are
16 ascertained.

17 14. Plaintiffs are informed and believes and thereon alleges that at all times mentioned
18 herein defendants Ito, Brown, and DOES 1 through 20, and each of them, were the agents or
19 employees of each of the remaining defendants and were acting within the purpose and scope of
20 that agency and employment. Plaintiff further alleges, on information and belief, that each of the
21 defendants identified as DOES 1 through 20 is responsible and liable under the causes of action
22 stated herein.

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25 **GENERAL ALLEGATIONS**

26 15. On March 4, 2014, Plaintiffs were engaged in expressive activity at the University of
27 California at Santa Barbara, in an area specially designated for free speech activity known as the
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1 Arbor walkway. Their activity consisted of holding three signs, distributing literature, and
2 engaging in individual conversations with students and others passing by. Plaintiffs would use the
3 signs to begin conversations with interested persons, by drawing them over to see what the signs
4 were about and to ask questions and express their own opinions. Plaintiffs Sarah Rivera, Joan
5 Short, Catherine Short, Mairead McCardle, Anne Gribbin, Clare Langley, Sara Smillie, and Mary
6 Massell stood near the south end of the Arbor walkway, while plaintiffs Felicity Pastrone,
7 Margaret Langley, and Giorgio Navarone stood toward the north end of the Arbor walkway.
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9 16. Plaintiffs had been at the campus for less than an hour when McCardle addressed
10 Defendant Miller-Young as the latter was walking near the south end of the Arbor walkway.
11 McCardle, who was standing a few feet away from one of the group's signs, offered Miller-Young
12 a brochure and attempted to begin a conversation about abortion. Miller-Young immediately
13 responded with hostility, raising her voice and accusing McCardle of using "fear tactics" to coerce
14 women. She continued to berate McCardle, accusing her and the other plaintiffs of having no right
15 to be on the campus.
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17 17. For the ensuing ten to twenty minutes, Miller-Young loudly harangued the plaintiffs
18 who were in the immediate area of that sign, attracting a crowd of students, including Defendant
19 Ito and Does 1 through 20. Miller-Young's tirade consisted primarily of profanity and obscenities;
20 mockery of the plaintiffs' intellect, age, and education; pointed and rhetorical questions that she
21 gave them no opportunity to answer; accusations about their motives; accusations that they were
22 liars; and declarations that they had no right to be on the campus. She walked back and forth
23 among the students and the plaintiffs, waving her arms and gesticulating, addressing the gathering
24 crowd of UCSB students, speaking and yelling over the plaintiffs and giving the plaintiffs no
25 opportunity to respond.
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1 18. Prior to Miller-Young's arrival, plaintiffs had engaged in quiet, rational discussions
2 with students. After Miller-Young began her tirade, some students, drawn by Miller-Young's
3 spectacle also engaged in similar mockery, insults, and yelling.

4 19. As Miller-Young's demagoguery reached a crescendo, she began asking the crowd of
5 students, "What are we going to do about this? Should we tear down the sign?" She then started a
6 chant with the students: "Tear down the sign! Tear down the sign!" After less than a minute, the
7 chant died away.

8 20. Seeing an opportunity to restore order, some of the plaintiffs again began to initiate
9 conversations with individual students. This appeared to annoy Miller-Young, who interrupted the
10 conversations, stepping between the conversants and making comments like, "They're trying to
11 separate us. We have to stick together!" along with more statements that the plaintiffs were liars
12 and idiots.

13 21. Miller-Young then walked over to a sign, grasped it, yanked it out of Sarah Rivera's
14 hands, and turned to walk off with it. Joan Short took hold of the sign as Miller-Young passed, but
15 Miller-Young yanked it out of her grasp.

16 22. Within seconds, Miller-Young gave the sign to Ito and Doe No. 1 to carry for her,
17 which they did. Miller-Young, Ito, Brown, Doe No. 1, and other of the Doe Defendants walked
18 north through the length of the Arbor walkway towards Miller-Young's office.

19 23. As Miller-Young and the other defendants walked north through the Arbor, they
20 threatened other plaintiffs that they would come back to take the other signs Plaintiffs had.

21 24. Seeing Miller-Young and the UCSB students carry the sign off, Catherine Short ran
22 north through the Arbor walkway, ahead of Miller-Young and the other defendants, in order to get
23 her camera, which was stored in a bag near where Pastrone, Navarone, and Margaret Langley were
24 standing with the other signs. Catherine Short retrieved the camera and started recording just as
25 Miller-Young and the other defendants were passing. As the defendants passed Catherine Short
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1 and the other plaintiffs, Defendant Brown approached them and told them they'd better guard their
2 sign, because the defendants would take that one, too. Meanwhile, Miller-Young told people she
3 passed that "we took the sign" and "we're taking care of this."

4 25. Joan Short followed Miller-Young into a building while calling the police. Catherine
5 Short also followed while continuing to record. They followed Miller-Young and other defendants
6 through two buildings. Along the way, Miller-Young, knowing she was being followed, asked
7 other individuals to "try and stop them," referring to Joan and Catherine Short. Meanwhile, Joan
8 Short had reached the police by phone and was describing what happened and their location.

9 26. Doe No. 1 and Ito entered an elevator with the sign, and Miller-Young blocked
10 Catherine Short from getting on the elevator with them. Believing that the police would be there
11 momentarily, Catherine Short put her foot on the elevator door track to prevent the door from
12 closing. Miller-Young then struck Catherine Short repeatedly, both kicking her foot and pushing
13 her body to get her away from the elevator so the door could close and she and the other
14 defendants could get away with the sign. Meanwhile Brown and Doe No. 2 entered the elevator.
15 Miller-Young asked them to help her move Catherine Short away from the elevator door. Finally,
16 Miller-Young got off the elevator and began pulling on Catherine Short's arms and dragging her
17 away from the elevator, leaving scratches on her arms. At this point, the elevator doors closed and
18 the elevator left with the other defendants and the sign. Miller-Young then let go of Catherine
19 Short and left on the adjacent elevator.
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21 27. Miller-Young, Ito, Brown, and the Doe defendants took the sign to Miller-Young's
22 office, where they destroyed it.
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24 28. Joan and Catherine Short waited outside the elevators, and a few minutes later a
25 police officer arrived. Just after they began speaking to him, Catherine Short saw Brown back on
26 the ground floor, walking down the hallway and leaving the building. Joan Short pointed Brown
27 out to the police, who then detained and questioned Brown. Brown initially refused to identify
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1 herself and then provided a false identity to the police. She received a citation for giving false
2 information to a police officer.

3 29. Plaintiffs did not consent to the Defendants' acts and found them to be harmful and
4 offensive to their persons and dignity. As a result of Defendants' action, Plaintiffs have suffered
5 actual damages, including but not limited to emotional distress, fear, shock, anxiety,
6 embarrassment, physical pain, damage to property, and loss of reputation.

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8 30. Defendants' actions were performed with malice and oppression and a conscious
9 disregard of Plaintiffs' rights so as to justify an award of punitive damages.

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11 **FIRST CAUSE OF ACTION**

12 **(Violation of California Civil Code §52.1, as to All Defendants)**

13 31. Plaintiffs refer to and incorporate as if fully set forth herein all of the allegations in
14 paragraphs 1 - 30.

15 32. By the foregoing acts, the defendants interfered or attempted to interfere, by means
16 of threats, intimidation, or coercion, with the plaintiffs' exercise of constitutional and statutory
17 rights, including but not limited to the rights to free expression and assembly under the First
18 Amendment of the United States and Article I, §2 and §3, of the California Constitution; the right
19 to be free of unlawful seizure under the Fourth Amendment of the United States Constitution and
20 Article I, §13 of the California Constitution; and the right to equal protection of the laws under the
21 Fourteenth Amendment of the United States Constitution and the Art. I, §7 of the California
22 Constitution.

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24 33. As a proximate result of the wrongful acts of defendants, Plaintiffs were damaged in
25 an amount to be proved at trial.

26 34. The acts of defendants were willful, wanton, malicious, and oppressive and were
27 done in reckless disregard of plaintiffs' rights and justify the award of punitive damages.
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1 **SECOND CAUSE OF ACTION**

2 **(Violation of California Civil Code §51.7 (Count 1), as to Miller-Young and the Regents)**

3 35. Plaintiffs refer to and incorporate as if fully set forth herein all of the allegations in
4 paragraphs 1 – 30.

5 36. By the actions alleged herein, Defendants violated Plaintiffs’ right under California
6 Civil Code §51.7 to be free from violence and intimidation by threat of violence against their
7 property because of their religious and political beliefs and the peaceful lawful expression of those
8 beliefs.
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10 37. As a proximate result of the wrongful acts of defendants, Plaintiffs were damaged in
11 an amount to be proved at trial.

12 38. The acts of defendants were willful, wanton, malicious, and oppressive and were
13 done in reckless disregard of plaintiffs’ rights and justify the award of punitive damages.
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15 **THIRD CAUSE OF ACTION**

16 **(Violation of California Civil Code §51.7 (Count 2), as to Miller-Young and the Regents)**

17 39. Plaintiffs refer to and incorporate as if fully set forth herein all of the allegations in
18 paragraphs 1 – 30.

19 40. By the actions alleged herein, Defendants violated Plaintiffs Sarah Rivera and
20 Catherine Short’s right under California Civil Code §51.7 to be free from violence and
21 intimidation by threat of violence against their persons because of their religious and political
22 beliefs and the peaceful lawful expression of those beliefs.

23 41. As a proximate result of the wrongful acts of defendants, Plaintiffs were damaged in
24 an amount to be proved at trial. The acts of defendants were willful, wanton, malicious, and
25 oppressive and were done in reckless disregard of plaintiffs’ rights and justify the award of
26 punitive damages.
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1 **FOURTH CAUSE OF ACTION**

2 **(Battery, as to Miller-Young and the Regents)**

3 42. Plaintiffs refer to and incorporate as if fully set forth herein all of the allegations in
4 paragraphs 1 - 30.

5 43. By the acts alleged herein, Defendant Miller-Young committed an intentional,
6 harmful, and offensive touching of Catherine Short. Such touching was done without her consent
7 and was unreasonable to any person in Catherine Short's situation.

8 44. As a direct and proximate result of Defendant Miller-Young's acts, Catherine Short
9 sustained injuries to her person, to her damage, in an amount to be proved at trial.

10 45. The acts of defendant Miller-Young were willful, wanton, malicious, and oppressive,
11 and were done in reckless disregard of Catherine Short's rights, and justify the award of punitive
12 damages.
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15 WHEREFORE, Plaintiffs pray for judgment as follows:

- 16 1. For compensatory damages;
- 17 2. For punitive, exemplary, and statutory damages pursuant to Civil Code §§ 51.7, 52,
18 and 52.1;
- 19 3. For civil penalties under state law pursuant to Civil Code § 52;
- 20 4. For costs and attorney fees under state law; and
- 21 5. For such further relief as the Court may deem just and proper.
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23
24 Dated: November ____, 2014

25 _____
26 CATHERINE W. SHORT, ESQ.
27 ATTORNEY FOR PLAINTIFFS