

AGENDA
COMMITTEE OF THE WHOLE

Meeting: 3:15 p.m. Tuesday, March 15, 2005
Glenn S. Dumke Auditorium

Murray L. Galinson, Chair
Roberta Achtenberg, Vice Chair
Larry L. Adamson
Jeffrey L. Bleich
Herbert L. Carter
Carol R. Chandler
Moctesuma Esparza
Debra S. Farar
Bob Foster
George G. Gowgani
Eric Z. Guerra
William Hauck
Raymond W. Holdsworth
Ricardo F. Icaza
Corey A. Jackson
Kathleen E. Kaiser
Shailesh J. Mehta
Melinda Guzman Moore
Charles B. Reed, Chancellor
Kyriakos Tsakopoulos
Anthony M. Vitti

Consent Item

Approval of Minutes of Meeting of November 17, 2004

Discussion Items

1. Litigation Report No. 21, *Information*

**MINUTES OF THE MEETING OF
COMMITTEE OF THE WHOLE
Office of the Chancellor
Glenn S. Dumke Conference Center
401 Golden Shore
Long Beach, California**

November 17, 2004

Members Present

Murray L. Galinson, Chair
Roberta Achtenberg, Vice Chair
Herbert L. Carter
Carol R. Chandler
Moctesuma Esparza
Debra S. Farar
Bob Foster
George G. Gowgani
Eric Z. Guerra
William Hauck
Raymond W. Holdsworth
Corey A. Jackson
Kathleen E. Kaiser
Shailesh J. Mehta
Melinda Guzman Moore
Charles B. Reed, Chancellor
Kyriakos Tsakopoulos

Approval of Minutes

The minutes of September 15, 2004 were approved.

Information Item

The California State University Quality Improvement Program

Mr. Don W. Kassing, interim president, San Jose State University, introduced the item. Mr. Kassing noted it had been three years since the last quality improvement report to the Board. Since that time, new programs and activities have been added to the program providing an ideal opportunity to update the Board and its new members on the progress of the CSU Quality Improvement Program.

Mr. Kassing noted that handouts were provided including a copy of the PowerPoint presentation and the first Biennial Report. He then introduced Ms. Lenore C. Rozner, Assistant Vice

Chancellor, Business Planning and Information Management, and Mr. Matthew J. Ceppi, Director, Quality Improvement Programs.

Ms. Rozner and Mr. Ceppi presented the PowerPoint report that displayed the history and accomplishments of the program to date.

Mr. Kassing provided highlights of the first Biennial Report on the CSU Quality Improvement Program. The report provided highlights of the systemwide program and initiatives as well as highlights of the quality improvement initiatives and activities on each of the campuses. Mr. Kassing noted the report was not all inclusive of the entire scope of activities but was simply representative of some of the important work that has been done to date.

Mr. Kassing then acknowledged the winners of the 2004 Quality Improvement Award recognizing individual and team contributions to improving operations.

Trustee Guzman Moore inquired about collaboration efforts in relation to performance statistics and models cited in the report and efforts to provide critique or guidance on improving systems among the campuses.

Mr. Kassing explained the primary focus of the program has been on the support functions, which in turn, has created linkages on a regular basis back to the academic divisions at the campuses. As a result, inroads are being made to explore WASC accreditation related issues utilizing tools developed through the program during the past few years.

With respect to the trustee's inquiry on critique/guidance methods, Mr. Kassing pointed out that one of the fundamental principles of a good quality improvement program is the willingness to share what has been learned. He explained there is a complete set of mechanisms developed by staff to trade and share ideas both formally and informally, through facilitators, and at the vice president and assistant vice president levels.

Chair Galinson concluded the meeting.

COMMITTEE OF THE WHOLE

Litigation Report No. 21

Presentation By

Christine Helwick
General Counsel

Summary

This is the biannual report on the status of significant litigation confronting the CSU, which is presented for information. “Significant” for purposes of this report is defined as litigation: (1) with the potential for a systemwide impact on the CSU; (2) which raises public policy issues of significant interest or concern; (3) brought by or against another public agency; or (4) which, for other reasons, has a high profile or is likely to generate widespread publicity. *New information since the date of the last report is printed in italics.*

The cases contained in this report have been selected from 94 currently active litigation files.

New Cases

The Copley Press dba The San Diego Union-Tribune v. CSU - San Diego County Superior Court
The San Diego Union Tribune made a Public Records Act request for all correspondence between CSU attorneys and opposing counsel and all deposition transcripts in the Bartel and Ohton cases (described below). CSU asserted various exemptions to disclosure, including allowing a public entity to withhold documents created in pending litigation until the case is resolved. The newspaper succeeded on an application for a court order to compel CSU to surrender the documents. CSU will appeal.

Giovannetti v. Trustees-- U.S. District Court, San Francisco

Joseph Giovannetti, a tenured professor in Native American studies, alleges that Humboldt State University subjected him to discriminatory treatment based on his ethnicity as a Native American. He alleges that HSU also retaliated against him for complaining about discrimination by unlawfully removing him as Chair of the Native American Studies Department, refusing to hire additional faculty for the department as promised in an earlier settlement, and canceling some of Plaintiff's courses. Giovannetti and two other complainants had an earlier lawsuit for similar discrimination claims that was settled. This case is in the initial pleading stage.

LAUSD v. LADWP, and related cross-claims- Los Angeles County Superior Court

The Los Angeles Unified School District filed this action against the Los Angeles Department of Water and Power to recover capital facilities fees and to invalidate a new ordinance imposing those fees as a part of a June 2004 water rate increase. The University of California and CSU,

which are also subject to these new fees, joined LAUSD and cross-complained against LADWP. California law only permits LADWP to impose new capital facilities fees on educational institutions with consent and after negotiations between the parties. The case is in the pleading stage.

Milutinovich v. CSU – Fresno County Superior Court

Diane Milutinovich, formerly Associate Athletics Director and Senior Women's Administrator at California State University, Fresno, was reassigned to be Director of the University Student Union after her position was eliminated in an effort to cut administrative costs through reorganization. Milutinovich's first lawsuit for wrongful termination was dismissed because she failed to file a government tort claim. She refiled this second action, asserting statutory claims that she was fired because of her alleged efforts to achieve Title IX compliance and in retaliation for her advocacy of gender equity issues in employment and athletics. This case is in the discovery stage.

Styskal v. CSU – Fresno County Superior Court

Amanda Styskal, an equestrian student-athlete at CSU, Fresno, stopped as she walked past the equestrian center on her way to class to observe a male horse in his pen. The horse lunged and bit off a significant portion of Styskal's ear. She is claiming that the University was negligent because it had knowledge that the horse was "dangerous" and "vicious" since he was used for breeding purposes. As a result, plaintiff claims that the horse should have been double-penned so that he could not make contact with individuals. Styskal is claiming approximately \$82,000 for medical expenses that are primarily for cosmetic surgery for her ear. This case is in the discovery phase. The court assigned a trial date of October 17, 2005, and a mandatory settlement conference of September 19, 2005.

Taylor, et al. v. CSU, et al. – Los Angeles County Superior Court

Plaintiffs, Jessica Taylor, Reyna Tenorio, and Tyra Colar, were temporary student employees in the Department of Educational Leadership and Policy Studies in the Michael D. Eisner College of Education at CSU, Northridge. Plaintiffs claim they were sexually harassed, subjected to a hostile work environment, and constructively terminated as a result of the conduct of their then-supervisor, defendant, Liza Kraay. The case is in the discovery phase.

Construction Cases

CSU v. Huntcor et al. -- Los Angeles County Superior Court

CSU filed this action to redress construction defects that have appeared in Cal Poly Pomona's Classroom, Laboratory and Administration Building, completed in 1992. There is significant water infiltration throughout the building and the exterior skin is not holding up. The case has been designated as complex litigation and a specific judge has been assigned. Two defendants have filed early motions to dismiss that are scheduled for hearing on February 28,

2005, one of which is based on the statute of limitations. Five days of mediation have been held and two final mediation dates are scheduled for May 10-11, 2005.

Pacific Engineering Builders, Inc. v. CSU, and related claims - San Francisco County Superior Court

Pacific Engineering Builders, Inc. contracted with San Francisco State University to seismically retrofit Hensill Hall, which houses the Biology Department. PEBI failed to complete the first of three phases of the project and in April 2002, the University terminated PEBI. The University then entered into a Project Takeover and Completion Agreement with the bonding company, American Manufacturers Mutual Insurance Company. PEBI has sued the University alleging breach of contract, negligence, defamation and interference with economic advantage. The bonding company has also sued separately for breach of contract. Bohm Environmental and Architectural Glass Construction, Inc. subcontractors of PEBI, have filed "stop notice" actions alleging that they have not been paid by the contractor. All of these claims have been consolidated. *The case was settled for a payment of \$3.6 million to SFSU, and SFSU will, in addition, keep its retained funds of approximately \$600,000.*

Renovation and Restoration, LLC v. SDSU Foundation, SDSU, et al. -- San Diego County Superior Court

Plaintiff Renovation and Restoration, which owns property adjacent to the SDSU campus and Aztec Walk, filed an action seeking to permanently enjoin SDSU from building a fence on campus property along Aztec Walk that would prevent plaintiff's access to the campus from its residential/commercial development project. The trial court granted a preliminary injunction against building the fence. CSU has appealed that order.

Employment Cases

Brown v. California State University - Fresno County Superior Court

Horsford, et al. v. California State University - Fresno County Superior Court

Snow v. California State University – Fresno County Superior Court

Auwana Brown, a former employee in the CSU Fresno Police Department, filed a lawsuit claiming to have been sexually harassed by the former chief of police, Willie Shell. As a part of the settlement of this lawsuit, Brown agreed to resign her university employment. After Brown's resignation became effective, however, she petitioned the State Personnel Board to reinstate her. The State Personnel Board refused, and Brown then asked the Court of Appeal to order the State Personnel Board to set aside her resignation. The court instead sent the case back to the State Personnel Board for further findings. The State Personnel Board has not scheduled a new hearing. Brown subsequently filed yet another action, which seeks monetary damages and to rescind her resignation under the settlement agreement. The court has stayed all further proceedings in this action until the State Personnel Board case has been completed. Brown is represented in the current actions by the same attorneys who represented her in the earlier

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sexual harassment case, and who also represent the plaintiffs in the Horsford and Snow cases, as well as the Zamora case (described separately below).

Daniel Horsford and five other employees or former employees in the CSU Fresno Police Department filed a separate lawsuit claiming that a variety of actions in the CSU Fresno Police Department while Shell was chief constituted reverse discrimination. The plaintiffs in this action are white, Hispanic and Asian; Shell is black. Shell resigned his employment at CSU Fresno before any of the lawsuits were filed, and later pled no contest to felony charges of misconduct while he was chief of police at CSU Bakersfield before coming to Fresno. CSU filed motions for summary judgment against all six plaintiffs. Three were granted. The other three were granted in part, leaving significant but narrowed issues for trial. The trial of this case began in May and continued through August 2000. The jury rendered a verdict for plaintiffs in the total amount of \$4.25 million. In December 2000, the court reduced this verdict to \$1.17 million. The court awarded plaintiffs' attorneys \$1.2 million in fees. Both the verdict and the attorneys' fee award are on appeal. In May 2004, the parties tried to mediate a settlement of this case and the new Snow case (immediately below), but did not reach agreement.

Richard Snow, one of the Horsford plaintiffs, suffered a work-related hip fracture in November 2000 and was deemed disabled as a police sergeant in subsequent workers' compensation proceedings. His disability retirement became effective in February 2003. Snow filed a new lawsuit shortly thereafter, alleging that the university discriminated against him because of his disability, failed to accommodate him, and retaliated against him because of the Horsford verdict and other protected activities. *A motion to amend the complaint to add additional claims and defendants was heard on February 17, 2005, but no ruling has yet issued.*

Green v. SFSU -- San Francisco County Superior Court

Marcia Green, a 15 year Lecturer at San Francisco State University, was not hired into a tenure track position and subsequently was not rehired as a Lecturer. She alleged that she was the victim of discrimination on the basis of her Polish ancestry, marital status and age. The case was tried for three weeks in August and September 2000. The jury returned a verdict in favor of CSU on the discrimination claim, but awarded Green \$1.56 million for retaliation. CSU appealed. Judgment was affirmed on October 1, 2002 and has been paid. A settlement agreement for attorneys' fees and costs in the amount of \$375,000 was reached in April 2003 and has been paid.

Green and her husband, Geoffrey, who is also a professor at SFSU, filed a second lawsuit in which they claim to have been retaliated against following the verdict in Ms. Green's first lawsuit. After a two week trial in April 2004, the jury returned a verdict in favor of the University. *Plaintiffs' motion for a new trial was denied and they have filed an appeal.*

Jouganatos v. CSU, Sacramento -- Sacramento County Superior Court

George Jouganatos, a part-time Lecturer at CSU, Sacramento, alleged that he was the victim of discrimination based on his Greek ancestry and subjected to offensive comments of a sexual

nature by two faculty members. He further alleged that he was not hired as a tenure-track faculty member in the Economics department in retaliation for his complaining about the discrimination and harassment. *This matter was settled in November 2004 for \$165,000.*

May v. Trustees – Monterey County Superior Court

James May is a former faculty member at CSU, Monterey Bay who retired in 2000. He alleged that he was forced to take an early retirement due to continuing mistreatment, race, disability and age discrimination, harassment, retaliation, failure to prevent discrimination, and wrongful termination. On February 28, 2002 the jury returned a \$375,000 verdict in favor of May for harassment and retaliation on the basis of race and national origin. On May 9, the court granted CSU's motion for a new trial. May has appealed both the trial court's grant of a new trial and the defense verdict on his discrimination claims. *The case was argued on December 7, 2004 and is awaiting decision.*

Mokhtari-Shargri v. CSUCI - Ventura County Superior Court

Shariar Mokhtari-Shargri was a temporary lecturer in the Mathematics Department at CSU, Channel Islands. He applied, but was not selected for, a tenure-track position in the same department. Plaintiff alleges that his non-selection was discriminatory and based on his religion (Muslim) and national origin (Middle-Eastern). This case is in the discovery phase. *Trial is set for June 20, 2005.*

Ohton v. CSU, et al. – San Diego Superior Court

David Ohton, SDSU Athletics Department strength and fitness coach, has sued the CSU and various individuals for alleged retaliation under the state "whistleblower" statute, claiming he was retaliated against for statements he made in the context of the CSU's investigative audit of alleged improprieties in the SDSU Athletics Department and its equipment room. This case is in the discovery stage. *Trial is set for April 1, 2005.*

Quan v. California State University -- Los Angeles County Superior Court

Randal Quan, the former Cal Poly Pomona campus police chief who was non-retained, filed this action complaining that he was terminated because he objected to hiring an African American female. The case is in the discovery stage. *Trial has been set for July 18, 2005.*

Villanueva v. California State University Monterey Bay, et al. - Monterey County Superior Court

Henry Villanueva is a former Associate Vice President at CSU, Monterey Bay who was not retained in summer 2003. He alleges that he was let go for recommending the discipline of other employees and for reporting waste of public funds. He also claims that his former subordinates attempted to undermine efforts to obtain new employment by distributing false and personal information about him. He states claims of wrongful termination in violation of public policy, defamation, violation of the Information Practices Act, and invasion of privacy. The case is in the *discovery stage.*

Washington v. CSU, et al. – San Diego County Superior Court

Pat Washington, an African-American woman and former SDSU tenure-track faculty member in the Women's Studies Department, sued the University and the Women's Studies Department Chair alleging she was improperly denied tenure because of racial discrimination and retaliation. This case is in the discovery stage. *The court vacated the October 1, 2004 trial date, and no new trial date has been set. CSU has filed a motion for summary judgment, which is set for hearing on March 30, 2005.*

Zamora v. Trustees, et al. - Fresno County Superior Court

Mark Zamora, formerly an officer in the CSU, Fresno Police Department claims that Sergeant Lupe Shrum sexually harassed him and then retaliated against him from January 1995 through December 1999, and that Chief Lynn Button and Lieutenant Sergio Silva did nothing to stop it. Zamora also complains that the university discriminated against him because of his disability (diabetes), and refused his requests for reasonable accommodation. Zamora resigned from his university employment, but claims that he was constructively discharged. *The case settled in October 2004 for \$50,000.*

Environmental Cases

City of Huntington Beach v. Huntington Beach Police Officers Association, and related cross-complaint -- United State District Court, Los Angeles

The Huntington Beach Police Officers Association formerly operated a shooting range in the City of Huntington Beach. The City sued the POA for cleanup costs associated with removing contaminated and polluted structures, soils and water at the former range site. The POA in turn has sued a long list of its clients who used the range, including many federal and state agencies, as well as CSU. CSU Long Beach police department has used this range for training. *In October 2004, the court dismissed the cross-complaint against CSU on 11th Amendment immunity grounds.*

City of Marina v. CSU, et al. – Monterey County Superior Court

Fort Ord Reuse Authority v. CSU, et al. – Monterey County Superior Court

Plaintiffs in these two lawsuits are challenging the adequacy of the final environmental impact report prepared for CSU, Monterey Bay's Physical Master Plan. They allege that the city and FORA will suffer unmitigated adverse impacts if the plan is implemented and that the CSU improperly fails to recognize the jurisdiction of FORA over campus development that does not involve education or research. The trial court issued a decision in favor of the City of Marina and FORA. CSU filed an appeal. On June 17, 2003, the Court of Appeal reversed the trial court and ruled that CSU is not required to contribute to the cost of local infrastructure improvements, notwithstanding the mitigation requirements of environmental law. This opinion could have far-reaching implications for all CSU campuses. A Petition for Rehearing was denied. FORA filed a Petition for Review with the California Supreme Court, which was granted. *The case has not yet been scheduled for oral argument.*

Personal Injury Cases

Batchelor, et al. v. CSU Fresno – Fresno County Superior Court

Valley v. CSU Fresno – Fresno County Superior Court

Thirteen members of the CSU, Fresno women's swim team filed complaints alleging they were injured by excessive chlorine levels in the North Gym pool during October of 2002. Four of the women thereafter withdrew from the lawsuit. *At the mediation in September 2004, the cases settled for a total of \$231,000, plus fee waivers for one of the plaintiffs.*

Eriksson v. California State University, Fresno, et al. – Fresno County Superior Court

Stan and Karan Eriksson are the parents of an equestrian student-athlete at CSU, Fresno, who died as a result of massive head injuries suffered when her own horse fell on her, after being startled by a herd of cows in a pen. At the time of the accident, the student-athlete was on a recreational ride in an agricultural area of the campus. The parents allege that the university negligently failed to supervise and train their daughter, failed to warn her about the presence of the animals, maintained a dangerous condition of property in that the cows were "violent and aggressive," and failed to provide appropriate emergency medical assistance. *The case is in the discovery stage.*

Sy, et al. v. Union Pacific Railroad Company, et al., San Luis Obispo County Superior Court

Plaintiffs, Enrique Sy (father), Amelia Finocchio (mother) and Erika Sy (sister and personal representative), filed this action for the wrongful death of Cal Poly San Luis Obispo student Jason Sy, who, while riding his bike to attend classes at Cal Poly, was struck by a freight train at a grade crossing located adjacent to the campus and killed. The defendants are the landowner Union Pacific Railroad Company, and adjacent landowners, CSU, The Church of Jesus Christ of Latter Day Saints, First Worthing Company, and City of San Luis Obispo. Causes of action against CSU include dangerous condition of public property and nuisance.

The court granted CSU's motion for dismissal. Plaintiffs appealed this ruling. *The appeal hearing was held on February 9, 2005, but no ruling has issued yet.*

Student Cases

Garcia, et al. v. California Polytechnic State University, San Luis Obispo, et al. -- San Luis Obispo County Superior Court

Plaintiffs, Rita Garcia, Erika Medina, Miguel Puente are three unsuccessful applicants for admission to Cal Poly San Luis Obispo. Along with one taxpayer and the League of United Latin American Citizens, they seek injunctive and declaratory relief from Cal Poly's admissions process. They claim that it adversely affects minority applicants because it gives (1) unlawful preference to students residing in the campus' service area; and (2) unlawful weight to SAT or ACT scores, which are inherently discriminatory.

The court granted CSU's motion to dismiss the case on the ground that no viable claim existed against the university. *Plaintiffs' have appealed.*

Other Cases

Academic Professionals v. Board of Trustees - Los Angeles Superior Court

APC filed a petition to confirm an arbitration award, without challenging, or otherwise seeking clarification of, the arbitrator's order, that CSU must "immediately distribute to Unit 4 employees the amount of \$100,771." This award resolved a dispute over whether CSU should have been required to augment the compensation pool for those employees after learning it would not be required to make PERS contributions on their behalves. CSU has complied with the court's order by distributing pro rata shares of the \$100,171 to Unit 4 employees. *While a related grievance is being processed through the Human Resources department, the litigation has concluded with the confirmation of satisfaction of judgment.*

Bartel v. CSU, et al. – San Diego County Superior Court

Stephen Bartel, the former SDSU Athletics Department equipment room manager, has sued the CSU and various individuals on a variety of legal theories, including defamation, invasion of privacy, gender and age discrimination and harassment, for statements made in connection with the audit investigation of alleged improprieties in the equipment room. CSU prevailed on portions of an anti-slapp motion, arguing that statements made to the university auditor are privileged. *CSU's summary judgment motions will be heard in May, and trial is set for July 15, 2005.*

Board of Trustees v. Bello's Sporting Goods – San Luis Obispo County Superior Court

This lawsuit sought a permanent injunction to prevent Bello's Sporting Goods, a store in San Luis Obispo, from engaging in further sales of clothing and other merchandise bearing the "Cal Poly" name. Bello's contends that it has a right to do so because: (1) it sold clothing with the "Cal Poly" name before CSU began doing so; and (2) CSU waived its rights by not filing suit earlier. Bello's filed a cross complaint for damages against CSU and Cal Poly Foundation.

In July 2001, the trial court denied most of the relief sought by CSU in a decision that ruled the phrase "CAL POLY" is not protected under trademark law because it is not understood by the public as a name for a particular educational institution but instead is a generic term that identifies and refers to all polytechnic or technical schools located in California. Thus, Bello's Sporting Goods can continue using the phrase because it is generic. However, the court did enter a limited injunctive order directing that Bello's Sporting Goods place labels on all goods indicating that the CSU did not approve, sponsor or authorize the clothing goods sold by Bello's that are marked with the words CAL POLY. Both CSU and Bello's appealed this ruling.

Effective January 2, 2002, the Legislature amended the Education Code to clarify that the name "Cal Poly" and other abbreviated campus names are state property and may not be used without CSU's express permission.

In July 2003, the Court of Appeal issued a decision that reverses the trial court's ruling and remands the matter for further hearing on the newly enacted Education Code provision. Bello's Sporting Goods petitioned for review to the California Supreme Court, which denied this request. The case is back in the trial court, *with no dates yet scheduled for further hearing*.

CSU v. CSEA – Los Angeles Superior Court

CSU has filed a petition to vacate an arbitrator's award that requires CSU to honor certain terms of the collective bargaining agreement between the university and CSEA that waive or reduce several systemwide fees for employees and their spouses, domestic partners, and dependents, who wish to enroll in CSU courses. At issue is the fact that CSU is not authorized to waive or reduce the Student Body Fee for anyone other than employees. *On November 22, 2004, CSU's petition to vacate the arbitration award was denied. CSEA's cross petition to confirm the arbitration award was granted. Efforts will now be made to address this issue through future legislation and/or renegotiation of the collective bargaining agreement.*

Construction Industry Force Account Council, et al. v. CSU, et al. - Butte County Superior Court
Plaintiffs Construction Industry Force Account Council and Foundation for Fair Contracting represent various construction trade groups, labor unions and contractors throughout California. Plaintiffs alleged that the Chico Research Foundation is the alter ego of CSU and is therefore obligated to follow all statutory competitive bidding and prevailing wage requirements imposed on CSU as a public agency. Plaintiffs claimed that the Foundation did not follow all such requirements in awarding a contract for the renovation of administrative offices, and sought injunctive and declaratory relief, as well as attorneys' fees under California's Unfair Business Practices Act. Plaintiff Delbert Baker is an individual, who failed to receive the contract award, claiming to be aggrieved as a taxpayer. The successful bidder, BCM Construction Company, Inc., was also named as a defendant. *The case was settled at a mediation in August 2004 for \$69,329.11, of which \$49,000 was contributed by CSU. In addition, the Foundation committed to follow competitive bidding and prevailing wage requirements for a period of five years on all Foundation construction projects where (a) the cost of the proposed project is reasonably expected to exceed \$10,000 and (b) not less than 30% of the funds to be used for the project come from Foundation issued tax exempt bonds and/or public funds.*

Padilla v. Trustees of the California State University - San Diego County Superior Court
Joseph Padilla dba Discount Campus Books operates a used bookstore near CSU San Marcos. Padilla alleges that he made numerous requests under the Public Records Act for book request forms and other documents indicating the books used by instructors in teaching their courses, but that CSU San Marcos failed to provide all such documents. The faculty submit those forms directly to the campus bookstore, which is operated by the Foundation, and do not generally keep copies. Padilla also claims that his request for the faculty forms should not have to be

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issued every year, but rather treated as an ongoing request. Padilla alleges claims for declaratory relief and a permanent injunction. *The matter has been settled. The Foundation has agreed to share the book lists on an ongoing basis with Padilla.*

Villanueva v. CSU – Sacramento County Superior Court

Ricardo Villanueva completed his doctorate degree in Theater in 1994 and was a participant in the CSU Forgivable Loan/Doctoral Incentive Program. He claims that CSU breached its contract and defrauded him because no campus has hired him for a tenure-track faculty position, and as a result his loans have not been forgiven. *In January 2005, CSU achieved a summary judgment on the fraud claims. In February 2005, a defense verdict was entered on the remaining claims after a five and a half day trial.*