

AGENDA

COMMITTEE OF THE WHOLE

Meeting: 9:30 a.m., Wednesday, March 20, 2019
Glenn S. Dumke Auditorium

Adam Day, Chairman
Lillian Kimbell, Vice Chair
Silas H. Abrego
Jane W. Carney
Rebecca D. Eisen
Douglas Faigin
Debra S. Farar
Jean Picker Firstenberg
Wenda Fong
Juan F. Garcia
Emily Hinton
Jack McGrory
Thelma Meléndez de Santa Ana
Hugo N. Morales
John Nilon
Larry Norton
Romey Sabalius
Lateefah Simon
Christopher Steinhauser
Peter Taylor
Timothy White, Chancellor

- Consent**
1. Approval of Minutes of the Meeting of May 16, 2018, *Action*
 2. Appointment of Five Members to the Committee on Committees for 2019-2020, *Action*
 3. General Counsel's Annual Litigation Report, *Information*
- Discussion**
4. Conferral of the Title of Trustee Emeritus—James Lawrence Norton, *Action*

**MINUTES OF THE MEETING OF
COMMITTEE OF THE WHOLE**

**Trustees of The California State University
Glenn S. Dumke Conference Center
401 Golden Shore
Long Beach, California**

May 16, 2018

Members Present

Rebecca D. Eisen, Chair
Adam Day, Vice Chair
Silas H. Abrego
Jane W. Carney
Douglas Faigin
Debra S. Farar
Jean Picker Firstenberg
Emily Hinton
Lillian Kimbell
Jack McGrory
John Nilon
Larry Norton
Jorge Reyes Salinas
Romey Sabalius
Lateefah Simon
Peter Taylor
Timothy P. White, Chancellor

Chair Eisen called the meeting to order.

Approval of Minutes

The minutes of March 21, 2018, were approved as submitted.

Presentation of the Association of Governing Boards John W. Nason Award for Board Leadership

Mr. Rick Legon, President of the Association of Governing Boards (AGB), presented the CSU Board of Trustees with the 2017 John W. Nason Award for Board Leadership. Mr. Legon commended the CSU system and Board's leadership in developing the Graduation Initiative 2025. He noted the Board was unanimously selected to receive this award – along with their fellow winning governing boards from Agnes Scott College, Augsburg University, Ohio University, and Unity College.

Conferral of the Title of Student Trustee Emeritus—Jorge Reyes Salinas

The Board unanimously approved the resolution recognizing Student Trustee Jorge Reyes Salinas for his dedication and service to the CSU system. (RCOW 05-18-02)

Conferral of Commendation—Sally Roush

The Board unanimously approved the resolution commending President Sally Roush for her more than three decades of service to San Diego State University and the CSU system. (RCOW 05-18-03)

Conferral of the Title of President Emeritus—Willie Hagan

The Board unanimously approved the resolution recognizing President Willie Hagan's more than five decades of service in higher education and leadership at CSU Dominguez Hills and the CSU system. (RCOW 05-18-04)

Conferral of the Title of President Emeritus—Horace Mitchell

The Board unanimously approved the resolution recognizing President Horace Mitchell for his more than five decades of service in higher education and fourteen years of leadership at CSU Bakersfield. (RCOW 05-18-05)

Chair Eisen adjourned the meeting.

COMMITTEE OF THE WHOLE

Appointment of Five Members to the Committee on Committees for 2019-2020

Presentation By

Adam Day
Chairman of the Board

Summary

At the January 22-23, 2019 meeting of the CSU Board of Trustees, five trustees were nominated to serve as members of the Committee on Committees for the 2019-2020 term.

The following resolution is recommended for approval:

RESOLVED, by the Board of Trustees of The California State University, that the following trustees are appointed to constitute the Board's Committee on Committees for the 2019-2020 term:

Jane W. Carney, Chair
Wenda Fong
Emily Hinton
Jack McGrory
Hugo Morales

COMMITTEE OF THE WHOLE

General Counsel's Annual Litigation Report

Presentation By

G. Andrew Jones
Executive Vice Chancellor and General Counsel

Summary

This is the Office of General Counsel's (OGC) annual report on the status of significant litigation confronting the California State University (CSU), and is presented for information. "Significant" for purpose of this report is defined as litigation: (1) with the potential for a systemwide impact on the CSU; (2) that raises significant public policy issues; (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.

The pending cases in this report have been selected from **116** active litigation files as well as cases that closed out during 2018.

Litigation Report

Channel Islands

Case Name	Mansour v. CSU (17-0057)		
Date Filed	12/30/2016	Matter Type	Employment (Lit)
Court/Forum	Ventura County Superior Court	Case/Docket #	56-2016-00490721-CU-OE-VTA
Case Status	Plaintiff Terri Mansour is an African-American Library Services Specialist II at CSU Channel Islands. Plaintiff alleges that beginning February 2015, she has been discriminated against on the basis of race and that she has been retaliated against because she complained of a comment by her lead. Plaintiff also claims she has been retaliated against since her return from an extended medical leave. CSU filed a motion for summary judgment on the merits, and prevailed in June 2018. Plaintiff then appealed, and the appeal in the briefing stage.		

Chico

Case Name	Board of Trustees of the California State University v. Feisel (18-0758)		
Date Filed	07/11/2018	Matter Type	Other (Lit)
Court/Forum	Butte County Superior Court	Case/Docket #	18CV02241
Case Status	Respondent Duane Feisel was a student at CSU Chico who graduated in Spring 2018. In the months following his graduation, Feisel sent emails of a threatening nature to the President of CSU Chico and a CSU Chico professor. In July 2018, the CSU filed this action seeking a restraining order against Respondent, and the Court granted a temporary restraining order. The Court has extended the temporary restraining order several times, pending the setting of a trial date. CSU is currently pursuing an order holding Feisel in contempt, for disobeying the restraining order. CSU is also seeking a permanent restraining order against Feisel.		

Case Name	CSU v. Pacific Gas & Electric Company (14-0156)		
Date Filed	02/04/2014	Matter Type	Environmental (Lit)
Court/Forum	Superior Court of State of California, Butte	Case/Docket #	161356
Case Status	The campus and its Research Foundation sued PG&E to recover money spent on costly remedial activities and disposal of waste discovered during the construction of an activity center on the Chico campus. The waste was created by an old manufactured gas plant. PG&E is responsible for the manufactured gas plant. The parties entered into a settlement agreement in which PG&E agreed to pay CSU \$1.65 million. In March 2018, a motion for good faith settlement determination was filed, and the Court granted the motion. In April 2018, the campus received the settlement payment from PG&E, and the action was dismissed.		

Case Name	Doe v. CSU, et al. (17-0211)		
Date Filed	12/30/2016	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS167261
Case Status	John Doe, a student at CSU Chico, brought a writ action challenging his expulsion following a disciplinary proceeding where Doe was found to have committed sexual misconduct. Doe alleged that CSU's disciplinary procedures did not afford him due process and that CSU's decision and findings were not supported by the evidence. At a hearing on April 12, 2018, the Court granted Doe's petition, stating "a writ will issue directing CSU to set aside its findings and Doe's expulsion, and accord him a new hearing or take such other action in its discretion that is consistent with this decision."		

	After the judgment, CSU and Doe settled the matter. CSU agreed to (1) confer Doe's degree; (2) maintain the underlying EO 1097 investigative report in Doe's records as the final outcome; (3) rescind Doe's expulsion; and (4) impose an 11-month suspension. Doe agreed to (1) dismiss the action with prejudice; (2) complete CSU Chico's online "Not Anymore" training program; and (3) stay away from CSU Chico through May 31, 2019. CSU did not pay any money in this settlement.
--	--

Case Name	Fayek v. CSU, et al. (13-0798)		
Date Filed	06/19/2013	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Butte	Case/Docket #	159799
Case Status	Plaintiff Abdel-Moaty Fayek was a faculty member in the Department of Computer Science. He contends he entered into a self-funded buy out agreement with the campus where he would gain industry experience while on an approved leave. From approximately 1997 to 2006, plaintiff received his campus salary and reimbursed it to the Research Foundation as part of the alleged agreement. The campus discovered this arrangement and immediately contacted CalPERS and the State Controller's Office to correct the employee's payroll records. Plaintiff has sued the campus, the Research Foundation, three individual defendants and CalPERS to restore his service credit. The Court granted CSU Defendants' motion challenging all claims except one, and dismissing CalPERS. Plaintiff accepted CSU's offer of \$27,000 to resolve the remaining claim, and the Court entered judgment. Plaintiff appealed the Court's decision dismissing the claims against CSU and CalPERS. The appeal is fully briefed, and oral argument is set for April 16, 2019.		

Case Name	Hutchinson v. Mendez (17-0282)		
Date Filed	02/27/2017	Matter Type	Other (Lit)
Court/Forum	Butte County Superior Court	Case/Docket #	17-0102
Case Status	Axel Flores Mendez, a student at CSU Chico, threatened University President Gayle Hutchinson while he was in a counseling session with a therapist, soon after he was interim suspended from the campus for threatening behavior. After receiving the counselor's notification, the campus brought this action seeking a restraining order against the student. A hearing was held and the Court granted a permanent restraining order against the student, which will remain in effect through March 20, 2020.		

Case Name	Wattenburg v. CSU, et al. (17-1537)		
Date Filed	12/11/2017	Matter Type	Contracts (Lit)
Court/Forum	Butte County Superior Court	Case/Docket #	17CV03546
Case Status	Plaintiff Willard Wattenburg, a former adjunct research professor at CSU Chico, brought this action against CSU and the CSU Chico Research Foundation seeking to recover money that Defendants have allegedly withheld from him. Pursuant to a 2001 memorandum of understanding, Plaintiff was performing research under a research fund managed, invested, and accounted for by Defendants. In 2015, the parties entered into a settlement agreement to liquidate the research fund, in which Plaintiff agreed to allow Defendants to retain 10% of the fund, with the balance of the fund to be paid out to Plaintiff. Plaintiff alleges that the parties made a mutual mistake regarding the value of the fund and, as a result, Defendants allegedly withheld approximately \$60,000 which Plaintiff seeks to recover in this action. The action is in the discovery phase. Dr. Wattenburg has passed away but his estate is pursuing the claim. The case is set for trial on September 30, 2019.		

**Dominguez
 Hills**

Case Name	Butts v. CSU, et al. (09-0260)		
Date Filed	12/31/2008	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Los Angeles	Case/Docket #	TC 022325
Case Status	<p>After Sheila Butts was nonretained as the Director of Alumni Relations at CSUDH, she filed a complaint alleging age, gender, and race discrimination, harassment, retaliation and violations of the Equal Pay Act. Because she had been employed as a represented employee on campus in various positions for the previous 27 years, she also sought retreat rights. In 2012, after a month-long trial, the jury returned a unanimous verdict in favor of CSU. The appellate court reversed the trial court judgment solely with regard to plaintiff's right to claim retreat rights under California Code of Regulations, Title V section 42723 as an MPP employee who had permanent status prior to January 1, 1984. The case was remanded to the trial court to determine whether plaintiff was actually entitled to retreat rights. On remand, plaintiff filed an amended complaint alleging both discrimination and denial of retreat rights. Plaintiff refused CSU's offer to permit her to retreat to her former classification. The court granted summary judgment to CSU on the FEHA claims and, after a bench trial on the retreat rights issue, granted judgment for CSU on all claims. Plaintiff appealed. The Court of Appeal held oral argument in February 2019 and the parties are awaiting the decision.</p>		

Case Name	City of Carson v. OPR, CSU, et al. (17-1353) and City of Carson v. CSUDH (18-0085)		
Date Filed	10/31/2017 and 01/24/2018	Matter Type	Environmental (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS171386 and BS172187
Case Status	<p>The City of Carson, unhappy with its failure to obtain a financial offset from the Chargers' use of the StubHub Center, asserted that the City should be the lead agency in any development project on the CSUDH campus. The City sought a court order declaring that Carson is the correct lead agency on the CSUDH Master Plan activities, including University Village. The City dismissed the lawsuit without prejudice following a settlement in which OPR agreed to re-open the determination to obtain more input from both parties, and to issue a revised determination letter by January 26, 2018. That letter was re-issued, reaffirming that CSU is the lead agency.</p> <p>The City subsequently brought a second lawsuit against OPR and CSU making substantially similar arguments about why the City should be lead agency. The City of Carson objected to the designation of CSU as the lead agency for the CSUDH Master Plan. This is the second attempt by the City to get a court order declaring it the lead agency, and to enjoin CSU from proceeding with Master Plan activities (specifically, the University Village EIR) until all appeals of this lawsuit have been exhausted. The court denied the City's attempt to get a temporary restraining order. Carson amended the complaint to include the California Office of Planning & Research.</p> <p>In June 2018, the court granted CSU's motion for judgment on the pleadings, with the exception of the writ cause of action. In July 2018, the court granted CSU's motion for a protective order. After a hearing on the merits, the court denied the City's writ of mandate. Judgment in favor of CSU and the California Office of Planning & Research was entered on January 30, 2019.</p>		

Case Name	Fregoso v. CSU, et al. (16-0491)		
Date Filed	09/25/2015	Matter Type	Personal Injury (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BC595868
Case Status	<p>This personal injury complaint arose from an incident on September 11, 2014 when a CSUDH police officer struck two pedestrians, including plaintiff Luis Fregoso, in a crosswalk adjacent to the campus. One pedestrian settled; Fregoso filed suit against the CSU for negligence. The matter settled on May</p>		

	10, 2018, with a payment of \$450,000 to the plaintiff by the State's vehicle risk management program (with no CSU payment).
--	--

Case Name	Tweedy v. CSU, et al. (17-1048)		
Date Filed	08/08/2017	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BC671497
Case Status	Yasmine Tweedy, a student basketball athlete, alleged personal injuries associated with excessive running at team practice and callous behavior by coaches. The matter was resolved at mediation on April 19, 2018, with a payment of \$60,000 to plaintiff.		

East Bay

Case Name	City of Hayward v. CSU, et al.(CSUEB II) (18-0226)		
Date Filed	03/02/2018	Matter Type	Environmental (Lit)
Court/Forum	Superior Court of California, County of Alameda	Case/Docket #	RG18895213
Case Status	<p>This matter filed by the City of Hayward is the latest iteration of litigation by the City against the CSU dating back almost a decade. After the City challenged the environmental review that accompanied the Board of Trustees' 2009 approval of the CSU East Bay Master Plan, CSU was directed by the Court of Appeal in the earlier matter to reconsider two substantive issues: the feasibility of obtaining funding to pay for offsite traffic improvements, and the impact of the proposed campus build-out on two nearby regional parks.</p> <p>As directed by the Court of Appeal, the CSU conducted a thorough analysis of the impacts of an increased student population on the adjacent regional parks, reconsidered the feasibility of funding its fair share traffic mitigation, and completed a revised Environmental Impact Report (EIR). On January 31, 2018, the Trustees decertified the 2009 Master Plan and Final EIR, and certified the 2017 Master Plan and Revised EIR, Findings of Fact and Statement of Overriding Considerations.</p> <p>The City has now filed this new lawsuit alleging that CSU's reconsideration of these issues was insufficient. The Administrative Record was certified and the matter was fully briefed. The hearing on the merits will be held on April 23, 2019.</p>		

Fresno

Case Name	Doe v. CSU, et al. (17-0591)		
Date Filed	01/10/2017	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS167329
Case Status	<p>Former student "John Doe" was charged with sexual misconduct against two female students at Fresno State. He was expelled after an investigation and sanctions hearing. He then filed a petition for writ of mandate to challenge his expulsion, alleging due process violations. After receiving the petition, CSU conceded that a minor procedural error was made, and agreed to reopen Doe's underlying appeal. The lawsuit was placed on hold while the underlying disciplinary matter was reopened. Subsequently CSU issued a new investigation report, and held another sanctions hearing. The final decision was again expulsion, and the lawsuit was reactivated.</p> <p>At the hearing in February 2019, the court, in reliance on a new appellate decision that changed California law, found another process error had occurred, and ruled that the underlying findings and sanctions must be overturned. But, the court ruled that CSU can go back and fix the procedural error by restarting the investigatory and campus hearing process in conformance with the change in law.</p>		

Whole
 Agenda Item 3
 March 18-20, 2019
 Page 6 of 35

Case Name	Doe v. White, et al. (19-0106)		
Date Filed	01/22/2019	Matter Type	Employment (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	19STCP00104
Case Status	On January 22, 2019, a former CSU professor, "Jane Doe," filed claims alleging violations of her rights as a respondent in a Title IX investigation, asserting she was subjected to unreasonable delays in the investigation and denied procedural due process protections such as the right to cross-examination and an impartial adjudication. Petitioner seeks a court order to set aside the investigation. The matter is in the initial pleading stage.		

Case Name	N.M., a minor, by and through her Guardian Ad Litem, D.M. v. Fresno Unified School District, et al. (17-1348)		
Date Filed	09/05/2017	Matter Type	Personal Injury (Lit)
Court/Forum	Fresno County Superior Court	Case/Docket #	17CECG03023
Case Status	Plaintiff, a minor child, filed a complaint for damages against CSU as well as several other public entities. Complainant was a student participating in a Migrant Education program at the local elementary school. She alleges that student teacher from the Mini Corps program sexually abused her while in the program. CSU tendered its defense with Butte County Office of Education, the entity that is responsible for Mini Corps, the Migrant Education program. Butte County accepted this tender. CSU had no direct role with the training or supervision of the Fresno State student alleged to have harassed the minor while she was participating in the Mini Corps program. CSU filed a motion for summary judgment on the basis of its lack of any duty to plaintiff and lack of supervisory responsibility for the student teacher. On January 24, 2019, the court granted CSU's summary judgment motion and dismissed CSU from the case.		

Case Name	Quoc Duong v. CSU Fresno, et al. (18-1078)		
Date Filed	09/25/2018	Matter Type	Employment (Lit)
Court/Forum	Fresno County Superior Court	Case/Docket #	18CECG03478
Case Status	Lecturer Hung Quoc Duong has filed suit claiming that he received bad peer evaluations; was not assigned all of the weighted teaching units that he was entitled to receive; and the University failed to grant his salary range elevation on the basis of discrimination (age and race) and retaliation for having complained (Numerous internal DHR complaints; EEOC/FEHA complaints). The matter is in the pleading stage.		

Case Name	Vang v. CSU, et al. (18-0034)		
Date Filed	12/21/2017	Matter Type	Student (Lit)
Court/Forum	Fresno County Superior Court	Case/Docket #	17CECG04085
Case Status	Plaintiff Jim Vang is a graduate student who filed a complaint and a writ of mandate as a pro per. He alleges that the University denied his educational rights under state law, discrimination laws, and various tort laws by denying him the right to pursue the subject that he had selected for his master thesis. In August 2018, CSU filed a motion to dismiss the case on the basis that there was no private right of action; his claims are time barred; and failure to allege facts establishing discrimination under any protected category. On November 1, 2019, the court granted CSU's motion to dismiss the case. Plaintiff filed a writ claiming the judge was biased. The court denied his writ and the Court of Appeal denied his appeal of the writ. In February 2019, plaintiff filed an appeal of the trial court's dismissal of his case. The appeal is pending before the Court of Appeal.		

Fullerton

Case Name	Cheng v. CSU, et al. (17-1334)		
Date Filed	08/01/2017	Matter Type	Employment (Lit)
Court/Forum	Orange County Superior Court	Case/Docket #	30-2017-00934494-CU-OE-CJC
Case Status	Plaintiff David Cheng is a Full Professor in the Department of Electrical Engineering at CSU Fullerton. He is suing CSU and Dr. Hassan Hashemi, another Full Professor in the Electrical Engineering Department. Cheng claims he has been discriminated against, harassed and suffered retaliation on account of race and national origin and his language ability by Dr. Hashemi and that CSU did not intervene to stop the harassment and discrimination. Cheng dismissed his claims against Dr. Hashemi in December 2018. The case remains in the discovery phase, and is set for trial on April 22, 2019.		

Case Name	Coe v. CSU, et al. (15-1366)		
Date Filed	08/14/2015	Matter Type	Student (Lit)
Court/Forum	Orange County Superior Court	Case/Docket #	30-2015-00825820
Case Status	John Paul Coe, a former graduate student in Electrical Engineering, alleged breach of contract, breach of implied covenant of good faith and fair dealing, violation of Consumer Legal Remedies Act, violation of unfair competition, misleading and deceptive advertising, unjust enrichment, intentional and negligent misrepresentation, on the grounds that certain courses were not offered to him in his time as a student studying for a Masters degree in Electrical Engineering. The former Dean of the College of Engineering and Computer Science was also named as a defendant. Trial took place from late February 2018 to early April 2018 and resulted in an award by the jury to Mr. Coe of only \$1.00, far less than the settlement sum CSU offered a year earlier. CSU obtained an award of \$26,386 in fees and costs against Mr. Coe, which CSU agreed to accept in 24 monthly installments in exchange for Coe dismissing his appeal from the judgment and cost award.		

Case Name	Garcia v. ASC (17-1222)		
Date Filed	03/29/2017	Matter Type	Other (Lit)
Court/Forum	Orange County Superior Court	Case/Docket #	30-2017-00912195-CU-OE-CXC
Case Status	Plaintiff Jennifer Garcia is a former employee of the Auxiliary Services Corporation (ASC); Plaintiff worked as an adjunct instructor in the American Language Program, a program of University Extended Education. The Complaint is being brought as a class action on behalf of all the adjunct instructors who allegedly ASC failed to compensate for work related activities performed outside of scheduled instructional sessions (such as office hours and preparation time) and failed to authorize and pay for rest periods employees were entitled to be given under state law. The parties reached a settlement by which the class will receive \$330,000, and the court is expected to approve the settlement some time in 2019.		

Case Name	Hamzat v. CSU (18-0365)		
Date Filed	04/04/2018	Matter Type	Student (Lit)
Court/Forum	Orange County Superior Court - Central Justice Center	Case/Docket #	30-2018-00983764
Case Status	Plaintiff Sikiru Hamzat, a CSUF graduate student in Engineering, is suing CSU and two CSUF employees, Sylvia Davalos and Sandra Rhoten, alleging violation of civil rights and a variety of contract and tort claimss. Many of his claims are duplicative of claims he asserted in a 2016 case that was resolved by summary judgment and that is still pending on appeal (Matter 16-1368). CSU filed a motion to dismiss, but the court has postponed ruling until after the appeal in the other case is resolved.		

Whole
 Agenda Item 3
 March 18-20, 2019
 Page 8 of 35

Case Name	Hamzat v. CSUF (16-1368)		
Date Filed	09/28/2016	Matter Type	Student (Lit)
Court/Forum	Orange County Superior Court - Central Justice Center	Case/Docket #	30-2016-00877738
Case Status	<p>Plaintiff Sikiru Hamzat, a CSU Fullerton graduate student in Engineering, is suing Chancellor Timothy White, President Mildred Garcia, and two CSU Fullerton employees, Kathy Spofford and Sandra Rhoten, alleging violation of civil rights and breach of contract. He is acting as his own counsel. He complains that a hold was placed on his record by the Student Judicial Conduct office, thereby impeding his educational goals. CSU successfully filed a motion to dismiss for failure to state a claim on behalf of all of the individual defendants; Plaintiff was given 30 days leave to amend his complaint and he did so. On a further demurrer White was dismissed without leave to amend, and on a further motion Garcia was also dismissed without leave to amend. Only Spofford and Rhoten remained as defendants, and motions for summary judgments dismissing the case against both were granted, ending the case. Plaintiff filed an appeal, which is still pending as of February 2019.</p>		

Case Name	Hashemi v. CSU, et al. (14-1029)		
Date Filed	07/28/2014	Matter Type	Employment (Lit)
Court/Forum	United States District Court, Central District of California	Case/Docket #	8:14-CV-01184
Case Status	<p>Hassan Hashemi, a faculty member in the Department of Electrical Engineering, complains of a violation of his right to free speech, a due process violation and intentional infliction of emotional distress, all arising out of a reprimand he received. He is suing five individuals: the former Dean of the College of Engineering and Computer Science, the campus President, the former Provost, the former Vice President for Human Resources, Diversity and Inclusion, as well as the former Director of Labor Relations. After prevailing on two motions to dismiss, and each time plaintiff was given leave to amend, Defendant's Motion to Dismiss Plaintiff's Fourth Amended Complaint was granted with prejudice on May 25, 2016. Plaintiff filed an appeal, which was denied by the Ninth Circuit Court of Appeals on February 16, 2018. Plaintiff decided not to seek review in the US Supreme Court, and the case was finally dismissed in May 2018 after he paid our costs of nearly \$5,000.</p>		

Case Name	Hashemi v. CSU et al. (15-1647)		
Date Filed	12/04/2015	Matter Type	Employment (Lit)
Court/Forum	Orange County Superior Court - Central Justice Center	Case/Docket #	30-2015-00823595-CU-OE-CJC
Case Status	<p>Plaintiff Hassan Hashemi, a CSUF Electrical Engineering faculty member, is suing CSU and as individual defendants the campus President, the Provost and the Dean of the College of Engineering and Computer Science, claiming race and disability discrimination, harassment and retaliation. The complaint alleges that the plaintiff was 'overloaded' with a large number of courses to teach, required to teach a 3 day schedule rather than the 2 day schedule he had previously taught, and that he was assigned a new course he had not previously taught. The complaint also alleges the classroom for one of his classes was changed, which harmed him, and that he was given an inaccurate performance review and investigated for frivolous reasons. After filing motions to strike and writing to Plaintiff, the President was dismissed as an individual defendant and punitive damages are no longer sought from the Provost. CSU made a statutory offer to compromise on behalf of CSU and defendant Unnikrishnan, which Plaintiff accepted, thereby dismissing the case against these two defendants in exchange for \$50,000. A separate offer to compromise for Cruz was not accepted but the case against him was dismissed following a summary judgment motion. Plaintiff appealed the dismissal of the case, and the Court of Appeal affirmed the dismissal in January 2019 and awarded costs on appeal to CSU.</p>		

Case Name	Liu v. CSU et al. (18-0601)		
Date Filed	04/27/2018	Matter Type	Employment (Lit)
Court/Forum	Orange County Superior Court - Central Justice Center	Case/Docket #	30-2018-00989053-CU-OE-CJC

Case Status	Plaintiff Joanna Liu, a long-time ASC I in the Career Services center, alleges age, race and national origin discrimination and retaliation, relating to her not having been promoted and her position not having been reclassified since 1999. Most of plaintiff's allegations concern statements and representations by her prior supervisor, who retired in 2015. Discovery is ongoing, and trial is scheduled to begin June 10, 2019.
--------------------	---

Case Name	Porter v. CSU, et al. (18-0765)		
Date Filed	06/11/2018	Matter Type	Personal Injury (Lit)
Court/Forum	Orange County Superior Court - Central Justice Center	Case/Docket #	30-2018-00998453-CU-PO-CJC
Case Status	Plaintiff, Lauren Porter, is a student who sustained a head injury in December 2017 while rehearsing a scene for an acting class. She has asserted a claim for negligence against the University. The case is in the discovery phase, and is set for trial in October 2019.		

Case Name	Ross, et al. v. White, et al. (17-0792)		
Date Filed	06/02/2017	Matter Type	Employment (Lit)
Court/Forum	United States District Court, Central District of California	Case/Docket #	2:17-cv-04149-ODW-JC
Case Status	Natalie Operstein, a former CSU Fullerton tenure track faculty member, and her husband, Craig Ross, are proceeding without counsel and suing 51 individual defendants alleging that CSU Fullerton adopted "an official ethnic change policy and strategic goal to make Hispanics the majority among faculty, administrators and staff at the CSUF campus ("the Hispanization policy")" and pursuant to that policy discriminated against and harassed Operstein because of her race, ethnicity, national origin, age and gender and constructively discharged her from what was a "lifetime" contract. The court dismissed all of Mr. Ross's claims in April 2018, and his appeal to the 9th Circuit was denied as premature because there is no final order in the case. The case is in the discovery phase and is set for trial July 8, 2019. CSU filed a motion for summary judgment on behalf of all defendants, which the Court will hear on May 20, 2019 after discovery has closed.		

Case Name	Ross & Operstein v. CSU, et al. (16-0715)		
Date Filed	03/15/2016	Matter Type	Employment (Lit)
Court/Forum	Los Angeles Superior Court	Case/Docket #	SC125558
Case Status	Plaintiff Natalie Operstein was a tenure track, probationary faculty member who was denied early tenure and denied reappointment; she served a terminal year and was separated from the University. Plaintiff Craig Ross is her husband. They are proceeding without counsel. Following CSU's partially-successful motions to dismiss, plaintiffs filed a Third Amended Complaint in January 2019 and the case remains in the pleading stage.		

Case Name	Wildstar v. City of Fullerton, et al. (18-1161)		
Date Filed	08/21/2018	Matter Type	Other (Lit)
Court/Forum	United States District Court, Central District of California	Case/Docket #	8:18-CV-01486-JVS-KES
Case Status	Plaintiff, Nickolas Wildstar, has sued the City of Fullerton, one of its police officers and a CSUF police officer, alleging civil rights violations in connection with his January 2017 arrest on suspicion of burglary and for resisting arrest. The burglary charge was dropped and Wildstar later was acquitted on the resisting arrest charge. CSU has engaged the Attorney General's office to defend the CSUF officer. The case is in the discovery phase, and set for trial in September 2019.		

Whole
 Agenda Item 3
 March 18-20, 2019
 Page 10 of 35

Case Name	Wright v. CSU (18-0061)		
Date Filed	01/05/2018	Matter Type	Personal Injury (Lit)
Court/Forum	Orange County Superior Court - Central Justice Center	Case/Docket #	30-2018-01002965
Case Status	Plaintiff, Margaret Wright, is a 67 year old woman who attended a baseball game at CSU Fullerton in May 2017. At the game, after dark, she left her seat and fell on the stairs, landing on her knees and face and incurring injuries. She alleges the stairs had no handrail, the steps were uneven and insufficiently lit so that they were dangerous. The case is in the discovery stage, and set for trial in August 2019.		

Case Name	Yow v. CSU, et al. (16-1511)		
Date Filed	08/08/2016	Matter Type	Personal Injury (Lit)
Court/Forum	Orange County Superior Court	Case/Docket #	30-2016-00868083
Case Status	Plaintiff, Lauren Yow, a CSU Fullerton student, alleged that she visited the Student Health Center for a women's health exam and was told that her test results were normal. She alleged that approximately twenty months later she returned to the Student Health Center and at that time was diagnosed with cervical cancer. She claimed the care she received on her first visit was negligent in not detecting the cancer, and she asserted negligence claims against the University, the medical personnel who cared for her at the Student Health Center, and Quest, the laboratory to which the University sent her test results. After conducting discovery CSU requested that Plaintiff dismiss the two individual defendants (the medical personnel employed by CSU), which she did voluntarily. CSU filed a motion for summary judgment, arguing it was not negligent, and plaintiff did not oppose the motion. Plaintiff's case will proceed against Quest, the laboratory that allegedly misread the test results.		

Humboldt

Case Name	Doe v. Brumfield, et al. (18-0550)		
Date Filed	05/07/2018	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS173534
Case Status	"John Doe," a former student at Humboldt State, brought this writ action challenging his three-year suspension following a disciplinary proceeding where Doe was found to have committed sexual misconduct. On January 21, 2019, the parties executed a settlement agreement in which Humboldt State agreed to vacate the discipline.		

Case Name	Doe v. CSU, et al. (17-0268)		
Date Filed	02/10/2017	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS167545
Case Status	"John Doe," a former student at Humboldt State, brought this action challenging his year-long suspension for sexual misconduct. On September 13, 2018, the court granted John Doe's petition finding that he was denied a fair hearing. The court directed CSU to set aside the discipline, while allowing CSU to exercise its discretion to decide whether to have a new hearing. Because Doe already graduated and served his year long suspension, CSU elected to vacate the findings and sanctions without reopening the investigation.		

Long Beach

Case Name	Doe v. White, et al. (17-0551)		
Date Filed	04/20/2017	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS169451
Case Status	"John Doe," a graduate student and research assistant at CSULB, brought a Petition for a Writ of Mandate challenging his suspension based on findings of sexual misconduct. Doe claims he was denied		

	due process and a fair hearing and the findings of sexual misconduct are unsupported by the evidence. At trial the Court granted Doe's Petition on the basis of an insufficient fair hearing. The Court vacated the underlying finding and sanction, and remanded the matter to the campus for further administrative action, if any, consistent with the Court's fair hearing discussion. Judgment was entered and a Writ was issued reflecting the Court's ruling.
--	--

Case Name	Lane, et al. v. CSU (15-0600)		
Date Filed	04/07/2015	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Los Angeles	Case/Docket #	LC102821
Case Status	Plaintiffs Brian Lane, Micheal Pounds, Maria Beatty, and Hamid Hefaz are former CSULB faculty claiming CSU incorrectly calculated and reported to CalPERS their salary, resulting in CalPERS under-calculating their respective retirement benefits. Plaintiffs claim CSU should have recorded monthly pay as what they earned each academic year (annual salary ÷ 9 months), which would have resulted in a larger monthly figure for purposes of determining Plaintiffs' retirement benefits with CalPERS. The court dismissed Plaintiff's lawsuit against CSU, but Plaintiffs appealed. The Court of Appeal sustained CSU's summary judgment against Plaintiffs. Plaintiffs did not appeal to the Supreme Court, and the time to do so has passed. The Court of Appeal remanded the matter to the Superior Court to determine the amounts of costs CSU will recover against Plaintiffs.		

Case Name	Ness, et al. v. City of Long Beach, CSU, et al. (18-0710)		
Date Filed	05/31/2018	Matter Type	Personal Injury (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BC708409
Case Status	Plaintiff Karla Ness, 75 years old at the time of the alleged incident, alleges she was injured in a slip-and-fall incident while attending a CSULB baseball game at Blair Field with her husband. Plaintiff Karla Ness has asserted personal injury claims for negligence and dangerous premises, and her husband Plaintiff Doug Ness has asserted a claim for loss of consortium. This matter is in the discovery phase.		

Case Name	O'Brien v. CSU Long Beach (16-0931)		
Date Filed	06/28/2016	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court	Case/Docket #	NC060699
Case Status	Plaintiff Christopher O'Brien, a non matriculated student, sued to be admitted to CSU Long Beach. O'Brien applied to the campus on at least three occasion and was conditionally admitted at least once. However, his conditional admittance was withdrawn when he failed to provide official transcripts from another institution. O'Brien alleges age discrimination and seeks \$3,000,000 in damages. This case is identical to another case O'Brien filed in 2015, which was dismissed. The court dismissed this matter (the second case). O'Brien appealed and the Court of Appeal affirmed the trial court's judgment in favor of CSU.		

Case Name	Philipson v. CSU, et al. (18-0357)		
Date Filed	02/22/2018	Matter Type	Employment (Lit)
Court/Forum	Los Angeles Superior Court - South District	Case/Docket #	NC061649
Case Status	Plaintiff Joseph Philipson, a former CSULB employee, alleges he was discriminated against and harassed because of his religion, and claims hostile work environment, wrongful termination, and failure to pay overtime. This matter is in the discovery phase.		

Case Name	Szlak v. CSU (18-0532)		
Date Filed	05/04/2018	Matter Type	Employment (Lit)
Court/Forum	United States District Court, Central District of California	Case/Docket #	2:18-cv-05071-VAP-KSx
Case Status	Former CSULB employee Plaintiff Nicole Szlak alleges CSULB dismissed her from employment as a Human Resources Administrator I, Recruiter, because she took protected medical leave, complained of harassment, discrimination, and retaliation following her leave, and because of her disability. This matter is in the discovery phase.		

Case Name	Taylor v. CSU, et al. (18-1129)		
Date Filed	10/12/2018	Matter Type	Employment (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	18STCV00955
Case Status	Plaintiff Carmen Taylor, former CSULB VP of Student Affairs, has sued alleging employment discrimination and invasion of privacy regarding her dismissal from employment as Vice President. This matter is in the discovery phase.		

Case Name	Udom v. CSU (16-1262)		
Date Filed	08/30/2016	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BC632220
Case Status	Plaintiff Anthony Udom, a former CSULB student, alleges CSULB cashed student loan checks in his name in 2006, that he did not receive the loan proceeds, and that he is obligated to repay the loan. Plaintiff failed to specifically assert any causes of action, and did not allege any statutes to form the basis for any liability against CSU. The trial court dismissed Plaintiff's suit. He appealed, but the Court of Appeal affirmed the judgment in CSU's favor.		

Los Angeles

Case Name	Hudson v. CSU, et al. (16-1227) and Board of Trustees of the CSU, et, al. v. Sheila Hudson (17-1125)		
Date Filed	08/29/2016 and 05/26/2017	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Los Angeles, Stanley Mosk Courthouse	Case/Docket #	BC631894 and BC663058
Case Status	<p>Plaintiff Sheila Hudson, the former Senior Associate Athletics Director, sued for violation of the Fair Employment and Housing Act, intentional infliction of emotional distress, violation of the California Equal Pay Act, violation of the California Family Leave Rights Act, and violation of Labor Code section 1102.5 (whistleblower statute). She sought monetary damages and appointment by the court to the position of Athletic Director.</p> <p>During the course of her lawsuit, CSU learned that Hudson had tape recorded confidential employee meetings on campus, and filed a separate action against her for violating Penal Code section 632. The court ruled in our favor on that point.</p> <p>Hudson then filed a cross-complaint against the University and a campus Vice President, alleging wrongful termination, intentional infliction of emotional distress, whistleblowing, violation of equal protection, defamation, and failure to pay all her wages at separation. The court struck her defamation claim and awarded CSU and the Vice President attorney's fees.</p> <p>The cases settled at mediation, as part of a global settlement, for \$2.75 million.</p>		

Case Name	Espinosa v. California State University, Los Angeles, et al. (18-1222)		
Date Filed	10/24/2018	Matter Type	Student (Lit)
Court/Forum	United States District Court, Central District of California	Case/Docket #	2:18-cv-9123-R-MAA
Case Status	Former student Aaron Espinosa sued the Board of Trustees, Trustee Adam Day, Office of Students with Disabilities Director Centano, and four professors, for failing to admit him to graduate school and to accommodate his disability when he was an undergraduate. (He demanded accommodations usually only given to the hearing-impaired, even though he is not.) The Court granted the Board of Trustees' and Mr. Day's motion to dismiss when the plaintiff missed the deadline to oppose it. The Court then dismissed the entire lawsuit because the Complaint had not been properly served.		

Case Name	Hicks v. CSU (16-1234)		
Date Filed	08/30/2016	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BC631669
Case Status	Student Angela Hicks sued following a student conduct hearing decision suspending her from CSU for one year after she perpetrated an attack on her roommates involving pepper spray. She claimed gender discrimination and emotional distress. After the Court granted CSU's motion to dismiss, Ms. Hicks filed an appeal. The appeal is in the briefing stage.		

Case Name	Lopez v. CSU, et al. (17-1478)		
Date Filed	10/03/2017	Matter Type	Personal Injury (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BC678299
Case Status	Student Matthew Lopez's motorcycle skidded on campus roadway, resulting in a crash that broke his leg. He alleges that a campus street-sweeping truck, driven by a now-retired employee, had leaked fluid, causing an oily slick that caused the accident. The case is in the discovery phase. Trial is set for July 29, 2019.		

Case Name	Ouzounian v. CSU, et al. (17-1432)		
Date Filed	09/14/2017	Matter Type	Personal Injury (Lit)
Court/Forum	Superior Court of State of California, Los Angeles, Central District of California, Stanley Mosk Courthouse	Case/Docket #	BC675796
Case Status	Student Miray Ouzounian was injured by a piece of metal that slipped off a grinding wheel she was operating during class. She alleges a dangerous condition, and inadequate training and supervision by the University and the professor overseeing the campus Eco Car project. The case is in the discovery phase. Trial is set to begin on July 16, 2019.		

Case Name	Park v. Board of Trustees (14-0855)		
Date Filed	05/27/2014	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Los Angeles	Case/Docket #	BC546792
Case Status	Dr. Sungho Park, an assistant professor of education, was denied tenure due to unsatisfactory professional achievement. He sued the University for national origin discrimination and failure to prevent discrimination. The University's special motion to strike the complaint was denied by the trial court, but then granted by the Court of Appeal. The California Supreme Court then accepted review of the case. The University argued that tenure hiring decisions should be treated as an important activity with free speech protection. The California Supreme Court declined to impose a requirement that Dr. Park show a probability of prevailing after he received the University's special motion to strike,		

concluding that tenure decisions, even though communicated orally or in writing, do not trigger free speech protection to warrant such a requirement. The case was remanded to the trial court. The parties settled shortly afterwards for \$75,000.

Case Name	Pena v. CSU, et al. (17-1074)		
Date Filed	08/02/2017	Matter Type	Employment (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS170437
Case Status	<p>Corporal Ricardo Pena was demoted to police officer, based on his mishandling of a case at the L.A. campus child care center. Pena did not adequately investigate a mentally ill man loitering nearby who had expressed having homicidal thoughts, detained him in a holding cell for an extensive period, and did not immediately release the suspect when ordered to do so. He also did not complete a timely report as required.</p> <p>On November 6, 2018, the Court denied Pena's writ of administrative mandate seeking an order to set aside the State Personnel Board's decision sustaining Pena's demotion. The Court rejected Pena's due process arguments based on alleged Skelly and POBRA violations and rejected petitioner's contention that the Board's findings and legal conclusions are not supported by the evidence.</p> <p>On January 24, 2019, Pena timely appealed the court's judgment to the California Court of Appeals. The appeal is in the initial stages.</p>		

Case Name	Pena v. CSU, et al (17-1241)		
Date Filed	09/27/2017	Matter Type	Employment (Lit)
Court/Forum	Los Angeles, Central District of California, Stanley Mosk Courthouse	Case/Docket #	BC677458
Case Status	<p>Plaintiff Ricardo Pena is a Latino Police Officer at CSULA. He filed this action against CSU and Chief of Police, Rick Wall, asserting race discrimination, harassment and retaliation in violation of FEHA, and alleging he was wrongfully demoted in June 2016 and wrongfully suspended in February 2018.</p> <p>The State Personnel Board upheld both the demotion and suspension, but Pena seeks to overturn the demotion in the Court of Appeals and the suspension in the Los Angeles Superior Court.</p> <p>As a result of the pending appeal, the parties stipulated to a stay of the proceedings, and a stay was entered by the Court on March 1, 2019.</p>		

Case Name	Richardson v. CSU, et al. (19-0198)		
Date Filed	02/25/2019	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	19STCV06354
Case Status	CSULA student Connor Richardson filed a personal injury claim, asserting that he contracted eColi in the dining hall. The case is in the pleading stage.		

Maritime Academy

Case Name	Brindle v. CSU, et al. (19-0036)		
Date Filed	12/27/2018	Matter Type	Personal Injury (Lit)
Court/Forum	Superior Court of State of California, Solano	Case/Docket #	FCS052075
Case Status	Plaintiff Elizabeth Brindle is employed as a United States Merchant Marine; she enrolled in a Basic Training Revalidation course being taught by the Department of Extended Learning at the California State University Maritime Academy (CSUM). The course is offered to marine professionals seeking to		

	remain certified as set forth in the national Standards of Training, Certification and Watchkeeping for Seafarers (STCW). While engaged in the recurrent immersion-personal survival techniques portion of the course, which was taught in a swimming pool located on the CSUM campus, Plaintiff claims that the instructor lifted her out of the pool in a manner that injured her back. The case is in the pleading stage.
--	--

Case Name	Golden Gate Bridge Highway & Transportation District v. CSU (17-0986)		
Date Filed	06/07/2017	Matter Type	Personal Injury (Lit)
Court/Forum	San Francisco Superior Court	Case/Docket #	CGC-17-559403
Case Status	Plaintiff, the Golden Gate Bridge, Highway & Transportation District sued the California State University seeking indemnification from the CSU arising out of an emergency preparedness exercise that occurred in June 2013 and was facilitated in part by the California State University Maritime Academy through its Maritime Safety and Security Center pursuant to a written agreement. During the exercise, a participant (an employee of the Blue & Gold Fleet ferry company) alleges that he sustained hearing injury due to an explosive device detonation. The case against the CSU was consolidated with the underlying personal injury action and settled at a global mediation held in March 2018. The plaintiff in the underlying tort case received a total of \$300,000 in settlement of all claims. CSU contributed \$50,000 towards the District's \$120,000 share of the total payment.		

Case Name	Lynch v. CSU, et al. (14-0342)		
Date Filed	02/20/2014	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Solano	Case/Docket #	FCS043059
Case Status	Plaintiff, Dr. Sharon Lynch, a part-time lecturer, filed this action against CSU and the now-retired department chair alleging employment discrimination based on gender, race and marital status, based on allegations that she was improperly denied an appointment to a tenure-track faculty position. Trial took place in September 2017. After plaintiff presented her case and rested, CSU made a motion for judgment, which the judge took under submission. In October 2017, the court granted CSU's motion for judgment. Plaintiff agreed not to appeal the judgment, in exchange for CSU's waiver of costs and fees. The final judgment was entered in January 2018, and the case is resolved.		

Monterey Bay

Case Name	Pirrone v. CSU (18-1118)		
Date Filed	08/17/2018	Matter Type	Student (Lit)
Court/Forum	Superior Court of State of California, Monterey	Case/Docket #	18CV003133
Case Status	Former student Yvette Pirrone filed this breach of contract action after she was dismissed from CSU's CalState Teach online teaching credential program. The matter is in the discovery stage. A trial setting conference is scheduled for February 26, 2019.		

Northridge

Case Name	Alcala, et al. v. CSU; Jupiter Realty Corporation, Real Parties in Interest (Writ) (18-0949)		
Date Filed	08/23/2018	Matter Type	Environmental (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS174924
Case Status	Petitioners Mark Anthony Alcala, Walter Rivers, and Northridge for the Environment and Equitable Development (NEED) filed a Petition for Writ of Mandate, challenging the CSU Board of Trustees' July 2018 approvals for construction of a hotel on the CSUN campus. Petitioners chiefly allege that a fair argument exists that the hotel project would result in potentially significant environmental impacts, and thus an Environmental Impact Report (EIR) should have been prepared by CSU. On December 18,		

Whole
 Agenda Item 3
 March 18-20, 2019
 Page 16 of 35

2018, CSU certified the administrative record for this matter. The Court set a hearing on the merits of Petitioners' allegations for July 11, 2019.

Case Name	Brinkley v. CSU, et al. (14-1375)		
Date Filed	10/02/2014	Matter Type	Student (Lit)
Court/Forum	Superior Court of State of California, Los Angeles	Case/Docket #	SC123205
Case Status	In this lawsuit, CSUN student Natalie Brinkley claimed that CSUN failed to fully accommodate her disabilities. CSU filed a Motion for Summary Judgment, which was granted in its entirety. The Court entered a judgment of dismissal in favor of CSU on February 6, 2019.		

Case Name	Castro v. CSU, et al. (16-1318)		
Date Filed	09/14/2016	Matter Type	Employment (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BC633064
Case Status	CSUN plumber Reginald Castro alleged that he was sexually harassed by colleague Issur Manikad and then retaliated against when he was suspended for having shoved Mr. Manikad. A subsequent internal investigation found the harassment claims to be substantiated, and Mr. Manikad was suspended for the misconduct. Shortly thereafter, CSUN plumber Romero Lomeli also complained that he had been sexually harassed by Mr. Manikad; when that complaint was also found to be substantiated, Mr. Manikad was terminated. CSU settled the case for \$80,000, and plaintiff also agreed to resign from employment with CSUN.		

Case Name	Dickmeyer v. CSU, et al. (17-0440)		
Date Filed	03/16/2017	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BC654264
Case Status	Plaintiff is a former CSUN student who was enrolled in the school's Masters in Social Work ("MSW") Program from Fall 2014 through July 2015. Plaintiff alleges that CSUN violated the ADA and other anti-discrimination laws by failing to provide her with reasonable accommodations that would allow her to complete her coursework, including the MSW Program's required internship placement. Trial in this matter is currently set for September 17, 2019.		

Case Name	Doe v. White, et al. (17-1516)		
Date Filed	11/30/2017	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS171704
Case Status	Petitioner "John Doe" is a current student at CSU Northridge who was found to have engaged in sexual misconduct that violated Executive Order 1097. A sanction of expulsion was imposed. Petitioner filed this writ action seeking to have the findings and sanction reversed and vacated. On February 7, 2019, the Court granted the Petition, finding procedural error based on a very recent change in California law. The Court issued a writ directing CSU to set aside the campus decision and the expulsion sanction. The Court remanded the matter for further, if any, administrative actions CSU elects to take.		

Case Name	Kern v. CSU, et al. (18-0734)		
Date Filed	07/07/2017	Matter Type	Personal Injury (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BC667489

Case Status	Plaintiff Jody Kern alleges that on February 22, 2016, she was inside the Valley Performing Arts Center on the CSUN Campus. Apparently she was inside the building on the main stairs below the food court when she slipped, fell and sustained injuries. This case remains in the discovery stage. Trial in this matter is currently set for May 7, 2019.
--------------------	--

Case Name	Lomeli v. CSU, et al. (16-1490)		
Date Filed	10/26/2016	Matter Type	Employment (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BC638716
Case Status	CSUN plumber Romero Lomeli allege that he was sexually harassed by colleague Issur Manikad. A previous internal investigation found the harassment claim to be substantiated, and Mr. Manikad was terminated due to the fact that he had also recently been found to have sexually harassed CSUN plumber Reginald Castro. CSU settled the case for \$40,000.		

Case Name	Manikad v. CSU (18-1219)		
Date Filed	11/06/2018	Matter Type	Employment (Lit)
Court/Forum	Los Angeles Superior Court	Case/Docket #	18STCV03865
Case Status	Issur Manikad is a former CSUN plumber. CSUN terminated Manikad for sexual harassment, and refused to defend or indemnify him in subsequent lawsuits brought by the individuals he harassed. Those matters settled, and Manikad brought this lawsuit for reimbursement of his legal fees and expenses. The case is in the discovery phase.		

Case Name	Martin v. CSU (18-0909)		
Date Filed	08/15/2018	Matter Type	Employment (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BC718199
Case Status	Plaintiff Jorge Martin, a former CSUN Director of Communication, filed this action in August 2018, alleging he was terminated because he is a middle-aged, light-skinned, American-born, heterosexual, cisgender male. The case is in the discovery phase. Trial has been set for November 12, 2019.		

Case Name	Morgan-Durisseau v. CSU Northridge (17-0820)		
Date Filed	06/13/2017	Matter Type	Employment (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BC664863
Case Status	Plaintiff, a former Managing Editor in the Marketing and Communications Department, alleges that she was discriminated against and harassed on the basis of race throughout her employment at CSU. She also alleges that she was retaliated against for complaining about discrimination and harassment and for requesting an accommodation. The case remains in the discovery phase. Trial has been set for May 13, 2019.		

Case Name	SUPA, et al. v. CSU (16-0609)		
Date Filed	04/21/2016	Matter Type	Employment (Lit)
Court/Forum	Los Angeles Superior Court	Case/Docket #	BC617813
Case Status	SUPA and CSUN police officers Anthony Vargas, Matthew Dunwoody & Thomas Finnerty allege that they suffered unspecified adverse employment actions (whistleblower retaliation) for having complained about purported illegal parking ticket quotas. Plaintiffs also seek declaratory relief from the court that the alleged parking citation quota system is illegal. In December 2016, CSU filed a motion to strike Plaintiff's First Amended Complaint due to Plaintiffs' improper attempt to add CSUN police officer Yolanda Abundiz to the complaint, as well as their failure		

	<p>to exhaust administrative remedies and failure to plead elements of a whistleblower retaliation cause of action. That motion was granted on February 7, 2017 without leave to amend as to Plaintiff Abundiz and with leave to amend as to Plaintiffs Finnerty, Vargas and Dunwoody. Due to Plaintiffs' failure to properly plead a cause of action as to Finnerty and Vargas, these individuals were subsequently dismissed from the case.</p> <p>On March 26, 2018, the Court denied SUPA's petition for writ of mandate and request for declaratory relief. Shortly thereafter, plaintiff Dunwoody (the last remaining individual plaintiff) dismissed his individual claims. However, on May 23, 2018, SUPA filed a Notice of Appeal in connection with the denial of the writ petition. The case remains on appeal.</p>
--	--

**Office of the
 Chancellor**

Case Name	Dimitre v. CSU (17-1456)		
Date Filed	11/16/2017	Matter Type	Employment (Lit)
Court/Forum	United States District Court, Eastern District of California	Case/Docket #	2:17-CV-02416-JAM-GGH
Case Status	Former CSUEU Labor Relations Representative Tom Dimitre claimed that employees of the CSU Chancellor's Office made numerous complaints about his work, causing CSUEU to terminate his employment. Mr. Dimitre also claims CSU failed to respond to his request for records under the Public Records Act. CSU filed a motion to dismiss the case asserting 11th Amendment immunity. Before the hearing on the motion, Dimitre and CSU agreed that Dimitre would dismiss the case for a waiver of CSU's fees and costs. Dimitre filed a request for dismissal, and the judge dismissed the case.		

Case Name	Shepler v. CSU (18-0619)		
Date Filed	05/04/2018	Matter Type	Employment (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BC705095
Case Status	Plaintiff Joseph Shepler was the Manager of Environmental Health and Safety at the Chancellor's Office. He was nonretained after less than one year of employment. Shepler contends he was retaliated against for alerting the CSU to hazards on CSU campuses and for informing his supervisor he would not lie to the California State Auditors to protect CSU. The case is in the discovery phase and is set for trial on August 26, 2019.		

Sacramento

Case Name	CSU v. Mondo (17-0388)		
Date Filed	03/14/2017	Matter Type	Contracts (Lit)
Court/Forum	Sacramento County Superior Court	Case/Docket #	34-2017-00209335
Case Status	California State University, Sacramento sued Mondo, the manufacturer of the University's track, for breach of warranty claim. The track is considered one of the best and most expensive tracks available, and yet it had not held up to warranty standards. Soon after its installation, the track's colors began to fade. Efforts to correct the fading have not been successful and Mondo was not replacing the track as requested by the University. After extensive discussions, the parties settled, with Mondo agreeing to purchase for Sacramento State a special machine that cleans the track. Mondo further committed to maintain annual inspections and corrections to the track, and to offer a replacement track at the end of the warranty term, at a significant discount.		

Case Name	Doe v. White, et al. (18-0955)		
Date Filed	08/29/2018	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS174934

Case Status	Former student "John Doe" was charged with sexual misconduct against a female student at Sacramento State. He was expelled after an investigation and sanctions hearing. He then filed a petition for writ of mandate to challenge his expulsion, alleging structural error due to relying on the opinion of a sole investigator. Doe also seeks declaratory relief to declare that CSU policy violates the requirements of a fair process set forth in several new appellate decisions issued by the Court of Appeal.		
	Trial has been set for December 17, 2019. In the meantime, given the change in California law as adopted by the recent appellate decisions, the campus remanded the matter, which will be set for a live hearing.		

Case Name	Martinez, et al. v. CSU, et al. (18-0559)		
Date Filed	05/16/2018	Matter Type	Employment (Lit)
Court/Forum	Sacramento County Superior Court	Case/Docket #	34-2018-00233222-CU-OE-GDS
Case Status	Plaintiffs Barbara Coulumbe, Kathleen Le, Christian Martinez, and Michelle Waterson are three current employees, and one former employee, at California State University, Sacramento. Plaintiffs claim that intentional conduct by the CSU Trustees and individual Defendants led to exposure to toxic vapors, chemicals and ingestion of contaminated water, which has caused physical injuries to their reproductive systems. Plaintiffs claim CSU ignored complaints and warnings, misrepresented information, and retaliated against Plaintiffs for complaining. Ms. Waterson also claims constructive discharge from her employment. The case is in the pleading stage.		

Case Name	Veasey v. CSU, et al. (18-1263)		
Date Filed	11/01/2018	Matter Type	Employment (Lit)
Court/Forum	United States District Court, Eastern District of California	Case/Docket #	2:18-CV-02601-TLN-AC
Case Status	Plaintiff Lamar Veasey, a current instructional support technician in the music department at Sacramento State, filed a lawsuit alleging disparate treatment, based on his race. Mr. Veasey alleges he was denied overtime; challenged on the accuracy of his time sheets; forced to use a more onerous way of reporting when he would be off campus, as compared to white employees; and forced to move his office with insufficient notice and not enough help for the physical burden of moving. Mr. Veasey also named Ernie Hills, the chair of the music department. The case is in the pleading stage.		

San Bernardino

Case Name	Freeman v. CSU, et al. (19-0085)		
Date Filed	01/25/2019	Matter Type	Student (Lit)
Court/Forum	San Bernardino Superior Court - Civil	Case/Docket #	CIVDS1902640
Case Status	Plaintiff Marissa Freeman is a 19-year-old student at CSUSB. She was participating in a Kinesiology class on September 26, 2018. The class assignment that day was a run through the campus. Ms. Freeman alleges she suffered heat stroke during the run and collapsed. She has named the CSU and the Kinesiology professor, Angel Castro, as defendants. She claims the CSU and Professor Castro failed to protect and warn her of the dangers of exercising in the heat and did not timely provide medical care. She also claims the CSU negligently hired and trained its employees. She alleges that she sustained brain and organ damage. The case is in the pleading stage.		

Whole
 Agenda Item 3
 March 18-20, 2019
 Page 20 of 35

Case Name	Nunez v. Board of Trustees of the CSU, et al. (16-1281)		
Date Filed	08/22/2016	Matter Type	Employment (Lit)
Court/Forum	San Bernardino Superior Court	Case/Docket #	CIVDS1613843
Case Status	Plaintiff is Ruben Nunez, a former Grounds and Automotive Manager for CSUSB. Plaintiff was employed by CSUSB from February 2004 until February 2016 when he was non-retained for performance reasons. Plaintiff sues the CSU for various alleged employment violations. He claims discrimination based on age, race, and medical conditions; and retaliation based on protected reporting of employment violations. The case went to trial on June 13, 2018. The jury rendered a verdict on July 3, 2018 in favor of plaintiff for \$682,000. The CSU appealed. The appeal is in the early stages and has not been briefed. Plaintiff made a motion for attorneys' fees in the amount of \$1,074,686.76 and costs in the amount of \$74,861.80, which was heard on January 8, 2019. The decision is pending.		

Case Name	Yanez-Macias v. CSU, et al. (17-1375)		
Date Filed	08/17/2017	Matter Type	Student (Lit)
Court/Forum	San Bernardino Superior Court	Case/Docket #	CIVDS1715931
Case Status	Plaintiff Carolina Yanez-Macias was a student at CSUSB. She claims she was sexually assaulted by student Caleb Asbra after she drank heavily at a party. Mr. Asbra was a Community Service Officer, though he was not on duty at the time of the alleged assault. Plaintiff sued Mr. Asbra for battery, sexual battery, physical invasion, and negligence. She sued the CSU for negligence and negligent supervision, claiming that the CSU should have prevented the assault by Mr. Asbra since he was a student-employee. The case settled on August 31, 2018 in the early stage of discovery for \$50,000.		

San Diego

Case Name	Albert v. CSU (17-1543)		
Date Filed	12/13/2017	Matter Type	Employment (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	37-2017-00047870-CU-OE-CTL
Case Status	Angela Albert, an employee in the School of Social Work, alleges failure to accommodate unspecified disabilities in the workplace, and unhealthy work environment. The CSU answered and discovery is underway. The CSU filed a motion for summary judgment that was granted as to the race discrimination and retaliation claims. The disability discrimination claim will continue to trial, which is set for July 12, 2019.		

Case Name	Austin v. CSU (16-0778)		
Date Filed	05/27/2016	Matter Type	Employment (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	37-2016-00017981-CU-WT-CTL
Case Status	Plaintiff Bobby Austin, a former employee of San Diego State, applied for a management position, but was denied the promotion, and later his employment was terminated. He alleges that he was discriminated against and harassed based on his race. The court granted summary judgment to CSU on all causes of action on May 18, 2018, along with costs and fees (amount to be determined by separate motion). Judgment has been entered for CSU.		

Case Name	Bennett v. CSU (18-0316)		
Date Filed	03/15/2018	Matter Type	Other (Lit)
Court/Forum	United States District Court, San Diego, Southern District of California	Case/Docket #	18-cv-0779-WQH-NLS
Case Status	Monique Bennett, a resident of Orange County, visited Viejas Arena on March 5, 2017 for the Bon Jovi concert. She alleges that her visit was marred by barriers to ADA accessibility in parking, venue access, and seat access. The auxiliary is the main defendant and has undertaken representation on its behalf and on behalf of the Board of Trustees. The case is in the pleading stage. As part of the Early Neutral Evaluation process, the parties were ordered by the court to engage in certain joint reporting regarding alleged ADA violations. That process is currently underway. No trial date has been set.		

Case Name	Burns v. CSU, et al. (14-0194)		
Date Filed	02/19/2014	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, San Diego	Case/Docket #	37-2014-00003408-CU-CO-CTL
Case Status	<p>Former women's basketball coach Beth Burns has sued the University for breach of contract, breach of the covenant of good faith and fair dealing, and retaliation. She contends that she was forced to resign for having demanded that women's basketball be given all of the same facilities, equipment, marketing, and staffing as the men's basketball program. She further contends that the reasons given by the University were a pretext. Following a four-week trial, the jury awarded \$3,356,250 in economic and non-economic damages. On December 5, 2016, the Court denied our motions for new trial and judgment notwithstanding the verdict. The court awarded plaintiff a portion of the attorneys' fees (\$1,918,597.50) and costs (\$104,673.97) she requested, and ordered that CSU be able to undertake periodic payments of the judgment.</p> <p>CSU appealed the judgment on the verdict and plaintiff appealed the costs award and the order granting periodic payment of the judgment. While in the briefing stage, the parties agreed to settle the matter for \$4 million (including all fees and costs). The settlement is complete and the case has been dismissed.</p>		

Case Name	Byrd v. CSU, et al. (17-0626)		
Date Filed	05/12/2017	Matter Type	Employment (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	37-2017-00007971-CU-WM-CTL
Case Status	<p>Clare Byrd, an administrative analyst/specialist at SDSU, challenged the termination of her employment to the State Personnel Board. CSU settled the matter; however, CalPERS refused to honor some terms of the settlement regarding Byrd's retirement. Byrd then sought enforcement of the settlement at the SPB, but the SPB voided the settlement based on the CalPERS ruling. Byrd then sued CSU for breach of contract, but dismissed that case. Byrd then sued SPB and CalPERS to reverse the decision voiding the settlement, and later added CSU as a defendant to that case. The Superior Court denied the writ relief sought by Byrd. Byrd has appealed the Superior Court's decision, and the appellate case is in the briefing stage.</p>		

Case Name	CSU v. Thermacor Process, Inc. et al. (18-0788)		
Date Filed	07/03/2018	Matter Type	Construction (Lit)
Court/Forum	Superior Court of State of California, San Diego, Central Branch	Case/Docket #	37-2018-00033147-CU-BC-CTL
Case Status	<p>This action arises from the failure of the steam pipe (heating) system at various locations on the San Diego State University campus, resulting in sewage discharge, heating system shutdown, and multiple pipe replacements which also subsequently failed. Forensic investigation indicated a manufacturing defect in the pipe provided by Thermacor, as well as possible installation issues. This lawsuit seeks damages of \$12-\$35M associated with repair or replacement of the defective portions of the system, under theories of negligence, breach of contract, breach of express and implied warranties, and product liability. The case is in the discovery stage.</p>		

Case Name	Doan v. CSU, et al. (17-0370)		
Date Filed	03/07/2017	Matter Type	Personal Injury (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	37-2017-00008176-CU-PO-CTL
Case Status	<p>Plaintiff Thuan Doan filed a wrongful death lawsuit against SDSU, the City of San Diego, and CalTrans alleging that his mother was murdered on June 12, 2016 in her home above Adobe Falls (which is on land owned or managed by the three entities) by an itinerant who came up to her property from the Adobe Falls area. As to CSU, plaintiff alleges that Adobe Falls is a dangerous area, known for criminal</p>		

Whole
 Agenda Item 3
 March 18-20, 2019
 Page 22 of 35

	activity, and that CSU did not sufficiently control or warn of the criminals.
	The City was dismissed on stipulation because it does not own the relevant parcel. The plaintiff voluntarily agreed to dismiss CSU from the lawsuit in December 2017.

Case Name	Kyle v. CSU, et al. (17-1485)		
Date Filed	11/29/2017	Matter Type	Student (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	37-2017-00045406-CU-MC-CTL
Case Status	Petitioner Taryn Kyle is a current student at San Diego State. Ms. Kyle was previously classified as a nonresident for tuition purposes. She subsequently filed an application to be reclassified as a resident for tuition purposes. The campus denied her application. Ms. Kyle appealed the decision. The decision was confirmed on appeal. Ms. Kyle brought this Writ action seeking to reverse that decision and be classified as a resident. The matter was subsequently dismissed by the Petitioner in July 2018.		

Case Name	Ozatarlar v. CSU (17-1528)		
Date Filed	12/01/2017	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS171706
Case Status	Petitioner Cameron Ozatarlar is a current student at San Diego State. Mr. Ozatarlar was previously classified as a nonresident for tuition purposes. He subsequently filed an application to be reclassified as a resident for tuition purposes. The campus denied his application. Mr. Ozatarlar appealed the decision. The decision was confirmed on appeal. Mr. Ozatarlar brought this Writ action asking that the decision be reversed and that he be classified as a resident. The matter proceeded to trial on February 5, 2019. The Court denied Petitioner's Writ Petition. Entry of a formal judgment is pending.		

Case Name	Ritblatt v. CSU, et al. (17-1148)		
Date Filed	08/25/2017	Matter Type	Employment (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	37-2017-00031755-CU-OE-CTL
Case Status	Dr. Shulamit Ritblatt, a professor and former Chair of the Department of Child and Family Development at San Diego State University, brought suit alleging causes of action for violation of the California Whistleblower Protection Act, retaliation, and age discrimination. Specifically Dr. Ritblatt alleges that she was discriminated against on the basis of age when the University removed her from her Department Chairmanship and attempted to replace her with a younger, non-tenured professor. Additionally, Dr. Ritblatt claims that she was retaliated against when she made whistleblower complaints about policy and procedure violations that led to her removal and was retaliated against by the University in response for doing so. The case settled for \$90,000.		

Case Name	San Diegans For Open Government v. SDSU, et al. (15-0615)		
Date Filed	04/09/2015	Matter Type	Other (Lit)
Court/Forum	Superior Court of State of California, San Diego	Case/Docket #	37-2015-00011951-CU-MC-CTL
Case Status	Plaintiff filed this action seeking to set aside lease agreements between CSU and Investigative Newsource, a company that provides investigative reporting for KPBS, a station operated at San Diego State by the San Diego State University Research Foundation. Investigative Newsource provides news reports to KPBS, which KPBS pays for with providing leased space. The complaint alleges that the lease agreements constitute gifts of public funds and misappropriate the campus' intellectual property. CSU filed a motion to strike the complaint on the grounds that it is a strategic lawsuit against public participation (SLAPP) in that it challenges agreements entered to provide services protected by the First Amendment and plaintiff cannot show it has a reasonable likelihood of prevailing. On September 8, 2015, the Court granted CSU's motion to strike the complaint. SanDOG appealed.		

	On May 3, 2017, the Court of Appeal affirmed the dismissal of the case; on June 1, 2017 the Court denied SanDOG's petition for rehearing and issued a modified opinion. SanDOG petitioned for review in the California Supreme Court. The Supreme Court granted the petition but held it pending the outcome in another pending anti-SLAPP case (Wilson v. Cable News), which is currently fully briefed and awaiting argument.
--	---

Case Name	Summer v. CSU, et al. (18-1200)		
Date Filed	11/02/2018	Matter Type	Personal Injury (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	37-2018-00056022-CU-NP-CTL
Case Status	Gordon Summer, the father of an Aztec Shops executive, was on the football field at halftime of the SDSU homecoming game against CSU Fresno in October 2017 to participate in the Royals parade. After that event, he lingered on the field after the teams returned and was struck by a football being used for halftime warmups. He suffered head injuries and now seeks \$25M in damages. Summer sued CSU and the City of San Diego (owner of the stadium). CSU accepted the City's tender and filed answers to the complaint on behalf of both parties. The case is in the discovery stage. No trial date has been set.		

Case Name	Taitano v. CSU (17-1542)		
Date Filed	12/13/2017	Matter Type	Employment (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	37-2017-00048059-CU-OE-CTL
Case Status	Gerald Taitano, now retired but formerly a plumber in Facilities, alleges constructive discharge due to disability discrimination and retaliation for identifying plumbing-related issues on campus. The case is in the discovery phase.		

Case Name	Voice of San Diego v. SDSU (19-0167)		
Date Filed	02/15/2019	Matter Type	Other (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	37-2019-00008880-CU-MC-CTL
Case Status	The Voice of San Diego, an online newspaper, sought information regarding the SDSU Mission Valley project through Public Records Act requests. The campus provided responsive documents to most requests, and withheld others on deliberative process, privilege, and other grounds. The VOSD now seeks injunctive and declaratory relief and attorneys' fees for alleged violations of the PRA. This matter is in the pleading stage.		

San Francisco

Case Name	Abdulhadi v. CSU (18-0885)		
Date Filed	08/02/2018	Matter Type	Employment (Lit)
Court/Forum	United States District Court, San Francisco, Northern District of California	Case/Docket #	3:18-cv-04662-JCS
Case Status	Plaintiff Rabab Abdulhadi, a San Francisco State faculty member, filed a complaint in federal court alleging breach of contract, discrimination, retaliation and failure to accommodate her disabilities. Dr. Abdulhadi is an Arab woman of Palestinian ancestry. She claims the University told her she could lead an Arab/Islamic studies program within the College of Ethnic Studies and hire faculty to support her in the new program, and then reneged on the offer. She alleges further the University refused to support her professionally and retaliated against her due to her race, national origin and religion, and failed to accommodate her disabilities. The CSU filed a motion to dismiss Plaintiff's complaint, asserting that the complaint fails to state a viable cause of action and, in any event, CSU is immune from the claims. The court has not yet acted on CSU's motion.		

Whole
 Agenda Item 3
 March 18-20, 2019
 Page 24 of 35

Case Name	Chili, Enrica by and Through Her Guardian Ad Litem v. CSU (16-0276)		
Date Filed	08/25/2015	Matter Type	Personal Injury (Lit)
Court/Forum	Superior Court of State of California, San Francisco, Civil	Case/Docket #	CGC 15 547632
Case Status	Plaintiff Enrica Chili is an Italian citizen and former SFSU student who was severely injured in a vehicle accident while participating in a research program in Tanzania. She asserts claims of negligence and negligent supervision against the CSU, alleging that the vehicle that transported the students was inadequate and the individual who operated the vehicle was reckless. Plaintiff was paralyzed as a result of the accident. The case settled at mediation for \$3 million.		

Case Name	City and County of San Francisco v. Regents of the University of California, et al. (14-0065)		
Date Filed	01/14/2014	Matter Type	Other (Lit)
Court/Forum	Superior Court of State of California, San Francisco	Case/Docket #	CPF-14-513434
Case Status	The City and County of San Francisco filed a lawsuit against the CSU, the University of California, and U.C. Hastings College of Law attempting to compel the Defendants to collect and remit to the City a 25% parking tax on all university parking spaces. Defendants asserted a sovereign immunity defense. The court ruled in favor of the Defendants and denied Plaintiff's petition. The City appealed the ruling. The Court of Appeal affirmed the judgment in favor of the UC, Hastings, and the CSU. Plaintiff sought review by the California Supreme Court, which accepted the case for review. The matter is pending in the Supreme Court.		

Case Name	Gama v. CSU, et al. (18-0363)		
Date Filed	04/30/2018	Matter Type	Employment (Lit)
Court/Forum	United States District Court, San Francisco, Northern District of California	Case/Docket #	18-cv-02552-EMC
Case Status	Marcos Gama, a former employee of Associated Students, Inc. (ASI), filed a state court complaint against the CSU, San Francisco State Vice President of Student Affairs Luoluo Hong, and former San Francisco State employee MaryAnn Begley. While an ASI employee, Gama was the subject of sexual harassment complaints by SF State students and employees. He alleges that the University's investigation of those complaints violated his due process rights and its conclusion that he violated CSU policy was unfounded and inappropriate. The CSU removed the state court complaint to federal court and then filed a motion to dismiss the case, which the District Court granted with leave to amend. Gama filed an amended complaint, and the CSU filed another motion to dismiss, which the court again granted with leave to amend. Gama then filed a Second Amended Complaint, and the CSU filed another motion to dismiss, asking the court to dismiss the case with prejudice. The CSU is awaiting the outcome of the latest motion.		

Case Name	Gupta v. SFSU (15-0327)		
Date Filed	02/10/2015	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, San Francisco	Case/Docket #	CGC-15-544050
Case Status	Dr. Rashmi Gupta was a probationary faculty member in the Department of Social Work. SFSU denied her request for tenure and promotion in 2011. Following a hearing held under the faculty grievance procedure, an arbitrator awarded her an additional year of employment and permitted her to apply for tenure again. In 2012, SFSU again denied her tenure request and her employment at the university ended. In this case, Dr. Gupta claimed the university's decision was discriminatory, retaliatory, and based on age, gender, national origin and ancestry rather than legitimate academic reasons. The case went to trial in August 2016, and the jury returned a verdict for plaintiff in the amount of \$378,461. Plaintiff filed a motion for reinstatement into a tenured faculty position and the court denied the motion with certain conditions that would subject the university to court monitoring and reporting for five years. The CSU opposed the court's conditions. On July 31, 2017, the court issued an award of attorney's fees and costs in favor of Plaintiff in the amount of \$587,160.75.		

	<p>The CSU appealed both the judgment and attorney's fees award. The appeal is in the briefing stage.</p> <p>Following entry of judgment and filing of the appeal, the trial court issued a number of orders attempting to enforce its non-reinstatement conditions and reporting requirements and threatening to sanction the CSU for non-compliance. In October 2017, the CSU filed a Petition of Writ of Supersedeas requesting an immediate stay of all lower court proceedings, but the petition was ultimately denied. The parties continued to report to the trial court on a regular basis regarding the reinstatement conditions.</p> <p>On February 26, 2018, SF State sent Dr. Gupta a formal offer of re-employment at the rank of professor with tenure with a return to work date of March 12, 2018. Dr. Gupta accepted. She was given leave time to prepare for her return. Appeal of the judgment and attorney's fee order are still pending.</p>
--	---

Case Name	Jensen v. CSU, et al. (18-0454)		
Date Filed	04/19/2018	Matter Type	Employment (Lit)
Court/Forum	San Francisco Superior Court	Case/Docket #	CGC-18-565899
Case Status	Plaintiff Lars Jensen is the former wrestling coach at San Francisco State. The University opted not to rehire him after his coaching appointment expired. He filed a complaint in state court alleging that his non-reappointment was based on his age, race, and hostile work environment. The case is in the discovery phase.		

Case Name	Mandel, et al. v. CSU, et al. (17-0814)		
Date Filed	06/19/2017	Matter Type	Student (Lit)
Court/Forum	United States District Court - North District of California (Oakland)	Case/Docket #	3:17-cv-03511-WHO
Case Status	Plaintiffs, including SFSU students, former students, and Jewish community members, claim that their First and Fourteenth Amendment rights were violated by SFSU. The Complaint focuses on two events: (1) the April 2016 appearance by Jerusalem Mayor Nir Barkat at SFSU that drew loud protests and ended prematurely due to the opposition, and (2) the February 2017 "Know Your Rights" fair that the student group SF Hillel was allegedly excluded from due to their religious beliefs and the content of their speech. The complaint names the CSU and SFSU as defendants, along with eleven current or former employees. On November 8, 2017, the court granted the CSU's motion to dismiss with leave to amend. Plaintiffs filed an amended complaint, but following another motion to dismiss, the court dismissed that complaint as well. After Plaintiffs filed a second amended complaint, and the CSU filed another motion to dismiss, on October 29, 2018, the court issued an order dismissing the case with prejudice and entered judgment for the CSU. In November 2018, Plaintiffs filed an appeal with the Ninth Circuit Court of Appeals. The appeal is in the briefing phase.		

Case Name	Monteiro v. CSU, et al. (17-1102)		
Date Filed	08/23/2017	Matter Type	Employment (Lit)
Court/Forum	San Francisco Superior Court	Case/Docket #	CGC-17-560897
Case Status	Plaintiff Ken Monteiro, the former Dean of the College of Ethnic Studies (CES) at San Francisco State, filed this lawsuit against the CSU, President Leslie Wong, former Provost Sue Rosser, and current Provost Jennifer Summit. The Complaint alleges causes of action for discrimination, harassment, retaliation, and defamation. Plaintiff alleges that budget cuts at SFSU disproportionately impacted the CES and the defendants falsely accused him of overspending. He also alleges that defendants' refusal to properly fund CES was motivated by discrimination against the Dean due to his race, age, and sexual orientation. The parties engaged in discovery and in October 2018, the CSU filed a motion for summary judgment. While that motion was pending, Plaintiff filed a voluntary dismissal of the case without prejudice, which would permit him to refile the complaint at a later time. To date, Plaintiff has not filed another complaint and the case is currently dismissed.		

Whole
 Agenda Item 3
 March 18-20, 2019
 Page 26 of 35

Case Name	Sherwin v. SFSU, et al. (18-0376)		
Date Filed	04/04/2018	Matter Type	Contracts (Lit)
Court/Forum	Superior Court of State of California, San Francisco	Case/Docket #	CGC-18-565520
Case Status	Paul Sherwin, a former Dean of the College of Liberal & Creative Arts at San Francisco State, sued the CSU for breach of contract and wrongful termination. Plaintiff claims that SF State failed to fulfill an employment agreement with him and forced him to resign. CSU filed a motion to challenge the case, asserting that Sherwin did not have viable contract claims and he failed to exhaust administrative remedies when he did not comply with the Government Claims Act. The court agreed with CSU's legal arguments but gave plaintiff several chances to amend his complaint. In response to CSU's challenge to the third version of the complaint, the court dismissed the case.		

Case Name	Sposito-Bernath v. CSU, et al. (17-0628)		
Date Filed	05/11/2017	Matter Type	Employment (Lit)
Court/Forum	San Francisco Superior Court	Case/Docket #	CGC-17-558830
Case Status	Plaintiff is a SFSU employee who worked in the Academic Senate office as an administrative analyst since 2001. In 2014 she was diagnosed with cancer and received treatment. She claims that she was treated differently when she returned following her cancer treatment and was wrongly compelled to attend three fitness for duty medical exams. Her complaint asserts claims of disability discrimination, hostile work environment, and retaliation. The case settled at mediation in March 2018. Plaintiff agreed to release all claims against the CSU and resign from SF State employment, and the CSU agreed to pay her \$575,000.		

Case Name	Steshenko v. Albee, et al. (14-0272)		
Date Filed	10/14/2014	Matter Type	Student (Lit)
Court/Forum	United States District Court, San Francisco	Case/Docket #	13-CV-04948 PSG
Case Status	Plaintiff Gregory Steshenko claims he was denied admission to two separate graduate laboratory programs because of his age. The judge granted CSU's motion to dismiss the case on the basis of misrepresentations by Steshenko in his application for "in forma pauperis" status to have various fees waived. Steshenko filed a motion for reconsideration, which the court denied. The case was dismissed and Steshenko filed an appeal. The Ninth Circuit dismissed the appeal on May 31, 2017. On January 3, 2018, the court denied Steshenko's request for rehearing and closed the case.		

Case Name	Tran v. SFSU, et al. (15-0426)		
Date Filed	01/27/2015	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, San Francisco	Case/Docket #	CGC-15-543853
Case Status	Plaintiff Truong Tran is a part-time lecturer in the Creative Writing Department. Plaintiff unsuccessfully applied for tenure-track positions in 2002, 2006, and again in 2014. He claims he was discriminated against on the basis of race when he was not hired for these tenure-track positions. The parties settled for payment of \$30,000 and a paid leave of absence.		

Case Name	Volk, et al. v. CSU (18-0123)		
Date Filed	01/09/2018	Matter Type	Student (Lit)
Court/Forum	San Francisco Superior Court	Case/Docket #	CGC-18-563970
Case Status	This state-court lawsuit was filed on January 30, 2018, by two of the six plaintiffs from the Mandel case, both current San Francisco State students, against the CSU. Plaintiffs allege that SF State discriminated against them based on their "race, religion, ancestry, and perceived skin color" in violation of California's Unruh Civil Rights Act. In particular, Plaintiffs allege that they were wrongly excluded from a student fair because they are Jewish. CSU filed a motion for summary judgment, and in response, plaintiffs filed a motion to amend their complaint. Both motions were denied, and the case is set for trial on March 18, 2019.		

San Jose

Case Name	Acco Engineered v. Sundt Construction (17-0033)		
Date Filed	02/03/2016	Matter Type	Construction (Lit)
Court/Forum	Santa Clara Superior Court	Case/Docket #	16CV291139
Case Status	<p>A subcontractor on the SJSU Spartan Complex renovation, ACCO Engineered Systems, filed a lawsuit against contractor Sundt Construction, asserting claims for enforcement of a stop notice and equitable payment for services performed. The only claim against the CSU was for the stop notice, which was later dismissed at CSU's request. Now Sundt has filed a cross-complaint against the CSU for breach of contract, alleging that SJSU directed Sundt to perform additional services but has failed to pay Sundt for those services.</p> <p>The case has settled. The CSU agreed to pay ACCO \$550,000, and general contractor Sundt agreed to pay ACCO \$450,000. The lawsuit has been dismissed.</p>		

Case Name	Chen v. CSU, et al. (17-0596)		
Date Filed	04/27/2017	Matter Type	Personal Injury (Lit)
Court/Forum	United States District Court, North District of California (San Jose)	Case/Docket #	5:17-cv-02046 NC
Case Status	<p>Plaintiff Alan Chen, an undergraduate student at SJSU, got into an altercation with security and campus police in April 2015 while standing outside the campus Event Center, which was hosting a rave concert. Chen alleges he was subjected to excessive force and inadequate medical care by campus police officers.</p> <p>The case has settled. The CSU agreed to pay Chen \$59,900 (\$34,900 of which is paid to his attorney). The lawsuit has been dismissed.</p>		

Case Name	J.A.L. v. Santos, et al. (15-0219)		
Date Filed	01/26/2015	Matter Type	Personal Injury (Lit)
Court/Forum	United States District Court, San Jose	Case/Docket #	CV 15-00355 LHK
Case Status	<p>SJSU police officers Mike Santos and Frits Van Der Hoek confronted Antonio Guzman Lopez, a homeless man holding a sharp object, on the edge of campus. After Lopez ignored their instructions and moved quickly toward Van Der Hoek, Officer Santos fired, killing Lopez. Plaintiff J.A.L. is Lopez' minor son; through his guardian ad litem, J.A.L. brought claims against Santos and Van Der Hoek, for unreasonable search and seizure, violation of due process, wrongful death and negligence. The court granted the CSU's motion for summary judgment on qualified immunity and dismissed the case, and the Court of Appeals issued its decision, agreeing that the case should be dismissed. Plaintiff has not sought review from the U.S. Supreme Court, so the matter is now concluded.</p>		

Case Name	Jones v. CSU, et al. (18-0977)		
Date Filed	08/22/2018	Matter Type	Other (Lit)
Court/Forum	United States District Court, San Jose	Case/Docket #	5:18-CV-03759-NC
Case Status	<p>Plaintiff Yonex Jones brings suit against CSU and two SJSU police officers, alleging the officers violated his constitutional rights in the summer of 2016 when they pulled over his vehicle near the SJSU campus and arrested him, for possessing a liquid that field-tested positive for methamphetamine. Jones claims he remained in jail for almost seven weeks until the liquid conclusively tested negative. He brings claims for unlawful detention and malicious prosecution.</p>		

Whole
 Agenda Item 3
 March 18-20, 2019
 Page 28 of 35

Case Name	Kil v. CSU, et al. (17-1062)		
Date Filed	08/11/2017	Matter Type	Employment (Lit)
Court/Forum	San Francisco Superior Court	Case/Docket #	CGC-17-560665
Case Status	<p>Plaintiff Sang Hea Kil is a tenured associate professor of Justice Studies at SJSU. Plaintiff initially claimed that SJSU had failed to engage in the interactive process to accommodate her abdominal condition, and sought a temporary restraining order and preliminary injunction for an all-online course schedule, but both requests were denied. She then amended her complaint to allege that SJSU failed to reasonably accommodate her medical condition, engaged in disability discrimination and retaliation, as well as whistleblower retaliation.</p> <p>The case is settled. In exchange for Kil dismissing the lawsuit and all the related actions, CSU agreed to assign her all online courses for the Spring and Fall of 2019, and no more than one fully in-person or hybrid course (along with online courses) for the Spring and Fall semesters from 2020 through 2023, and to pay her attorney \$35,000.</p>		

Case Name	Laker v. CSU, et al. (17-0424)		
Date Filed	03/15/2017	Matter Type	Employment (Lit)
Court/Forum	Santa Clara Superior Court	Case/Docket #	17CV307336
Case Status	<p>Plaintiff Jason Laker, a faculty member in the College of Education (and former Vice President of Student Affairs) served as the advisor for a graduate student who was found to have been sexually harassed by her instructor, Lewis Aptekar. In this lawsuit, Laker brings claims for defamation and retaliation against SJSU and three administrators, Provost Andrew Feinstein, then-Associate Dean Mary McVey, and head of Human Resources Beth Pugliese. Laker alleges he was defamed when administrators suggested he knew of prior complaints against Aptekar that Laker failed to report, and Laker alleges Feinstein caused meritless and time-barred complaints and grievances to be brought against him. CSU filed an anti-SLAPP motion as to the entire case, the trial court denied the motion, and CSU appealed the denial, staying the case.</p> <p>On February 28, 2019, the Court of Appeal issued its decision on the CSU's anti-SLAPP motion, granting the motion as to Laker's defamation claim, and dismissing that claim, and denying the motion as to the retaliation claim, allowing that claim to proceed. The Court also ordered the trial court to award CSU appropriate attorneys' fees. Laker and the CSU have until March 15 to file a petition for rehearing with the Court of Appeal and until April 9 to file a petition for review with the California Supreme Court.</p>		

Case Name	Mohammadi v. CSU, et al. (19-0035)		
Date Filed	12/21/2018	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Santa Clara	Case/Docket #	18CV340118
Case Status	<p>Oldooz Mohammadi was hired in late 2017 as a Lead Instructional Developer, to assist SJSU faculty with technology and teaching strategies. In May 2018, after being rated unsatisfactory for her attendance and her interactions with faculty, she was released during probation. She alleges her separation was unlawful because SJSU failed to accommodate industrial injuries she suffered on the job, discriminated against her on the basis of disability (torn labrum, partially-torn rotator cuff, and carpal tunnel syndrome), failed to engage in the interactive process with her, and failed to pay her an appropriate final paycheck. The case is in the discovery phase.</p>		

Case Name	Onkvisit v. Trejo, et al. (15-0725)		
Date Filed	04/06/2015	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Santa Clara	Case/Docket #	115CV279005
Case Status	<p>Plaintiff Sak Onkvisit, a professor at SJSU (and a serial litigant against CSU), is representing himself in this lawsuit, which he filed against six SJSU faculty and staff members. He alleges they defamed him</p>		

	<p>by falsely accusing him of seeking excessive reimbursement for a travel claim. CSU filed a motion to dismiss and an anti-SLAPP motion, both of which were granted, and the court dismissed the case. Plaintiff appealed.</p> <p>On October 5, 2018, the Court of Appeal issued its decision, affirming the dismissal. Onkvisit has petitioned the California Supreme Court for review.</p>
--	---

Case Name	Ortega v. CSU, et al. (17-0611)		
Date Filed	05/04/2017	Matter Type	Employment (Lit)
Court/Forum	Santa Clara Superior Court	Case/Docket #	17CV309628
Case Status	<p>Plaintiff Lydia Ortega was the longstanding Chair of SJSU's Department of Economics until she was removed in 2016. She is suing CSU, Dean Walter Jacobs, and the new department chair, Colleen Haight. Ortega alleges that Jacobs created a hostile environment based on stereotypical views about gender roles and otherwise discriminated against her based on gender, and that Haight made defamatory statements that Ortega had misused department funds. Ortega asserts causes of action for wrongful demotion in breach of an implied contract, hostile environment based on gender, gender discrimination, and defamation.</p> <p>Ortega has dismissed Jacobs from the lawsuit, and it is now in the discovery phase.</p>		

Case Name	Tappe v. CSU, et al. (18-0008)		
Date Filed	12/08/2017	Matter Type	Employment (Lit)
Court/Forum	Santa Clara Superior Court	Case/Docket #	17CV320217
Case Status	<p>Elinor Tappe has sued the CSU and Paul Lanning, SJSU's Vice President of Advancement and her former supervisor, alleging retaliation and wrongful termination in violation of public policy. She claims that her December 2016 termination constituted retaliation for her attempts to disclose instances of misappropriation of donor funding.</p> <p>The case is in the discovery phase. A mediation is scheduled for April 4.</p>		

Case Name	Tiggs v. CSU, et al. (15-0929)		
Date Filed	05/07/2015	Matter Type	Personal Injury (Lit)
Court/Forum	Superior Court of State of California, Santa Clara	Case/Docket #	115CV280317
Case Status	<p>Brenden Tiggs was an SJSU freshman who, in February 2014, committed suicide in his SJSU dorm room. Plaintiffs, his parents, contend SJSU was negligent in failing to monitor their son's mental and emotional health and breached its obligation to provide him a safe and secure environment. CSU's motion to dismiss the lawsuit on timeliness grounds was granted and the case was dismissed. Plaintiff appealed.</p> <p>On September 10, 2018, the Court of Appeal issued its decision, affirming the dismissal. The matter is now concluded.</p>		

San Luis Obispo

Case Name	Banks v. CSU et al. (18-0776)		
Date Filed	07/05/2018	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, San Luis Obispo	Case/Docket #	18CV-0407

Whole
 Agenda Item 3
 March 18-20, 2019
 Page 30 of 35

Case Status	Plaintiff, Christi Banks, received a 1 year appointment for the 2016-17 Academic Year to be a Lecturer in the Construction Management Department at Cal Poly. Plaintiff's lawsuit alleges she was subjected to unlawful discrimination based on sex and disability, retaliation, and that Cal Poly failed to take all reasonable steps to prevent discrimination and retaliation. Plaintiff's appointment as a lecturer was not renewed after the 2016-17 Academic Year because evaluations of her teaching and performance found that she did not satisfactorily meet the requirements of the position. The case is at the discovery phase.
--------------------	--

Case Name	Doe v. CSU, et al. (18-0073)		
Date Filed	01/16/2018	Matter Type	Student (Lit)
Court/Forum	Superior Court of State of California, Los Angeles	Case/Docket #	BS171866
Case Status	Former student "John Doe" was charged with sexual misconduct. He was expelled after an investigation and sanctions hearing. He then filed a petition for writ of mandate to challenge his expulsion, alleging due process violations. Following a new appellate decision that changed California law, the campus has vacated the underlying findings and sanctions, and it is going back and redoing the investigatory and campus hearing process in conformance with the change in law.		

Case Name	Doe v. White, et al. (17-0385)		
Date Filed	03/21/2017	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS168476
Case Status	<p>Student "John Doe" filed this petition for a writ of mandate challenging his expulsion from Cal Poly San Luis Obispo after he was found responsible for sexual misconduct.</p> <p>On July 12, 2018, the court granted Doe's petition finding that Doe was denied a fair hearing and that CSU's finding of sexual misconduct was not supported by substantial evidence. The court directed CSU to set aside the decision and order of expulsion against Doe. As a result of the court's finding that substantial evidence did not support the decision, CSU was precluded from redoing the hearing.</p> <p>As the prevailing party, Doe was awarded costs in the sum of \$857.42 and attorneys' fees in the sum of \$7,500 under Government Code §800. In awarding attorneys' fees to Doe, the Court found that CSU's finding of sexual misconduct was the result of "arbitrary or capricious" conduct by a public entity or officer and awarded Doe the statutory maximum recovery of attorneys' fees under §800. Doe's request for attorneys' fees in excess of \$40,000 under the private attorney general statute was denied.</p>		

Case Name	Doe v. White, et al. (17-1003)		
Date Filed	07/17/2017	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS170221
Case Status	<p>Former student "John Doe" was charged with sexual misconduct against a female student at CSU, Monterey Bay. He was expelled after an investigation and sanctions hearing. He then filed a petition for writ of mandate to challenge his expulsion, alleging due process violations.</p> <p>At the hearing on September 21, 2018, the Court, in reliance on a line of new appellate decisions that changed California law, found that a process errors had occurred, and ruled that the underlying findings and sanctions must be overturned. But, the Court ruled that CSU can go back and fix the procedural errors by restarting the investigatory and campus hearing process in conformance with the change in law.</p>		

Case Name	Doe v. White, et al (18-0999)		
Date Filed	09/07/2018	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BC721158
Case Status	<p>Plaintiff "John Doe" was a student at San Luis Obispo (SLO) who has since graduated. While still a student, Plaintiff was alleged to have engaged in non-consensual sexual activity in violation of Executive Order 1097 Revised (EO 1097R). Plaintiff was subsequently found by SLO to have violated EO 1097R.</p> <p>Plaintiff has brought an action for declaratory and injunctive relief. The Complaint alleges that the allegations against him were investigated and decided pursuant to provisions of EO 1097R that were invalid. The Complaint asks that SLO's decision be vacated and reversed, and that CSU be permanently enjoined from utilizing the provisions of EO 1097R which he is challenging.</p> <p>CSU has filed a demurrer to the entirety of the Complaint. The demurrer has been set for hearing on March 29, 2019.</p>		

Case Name	Doe v. White, et al. (18-1225)		
Date Filed	10/30/2018	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	18STCV03167
Case Status	<p>"John Doe" is a student from Cal Poly San Luis Obispo who has now completed requirements for graduation. Prior to completing the graduation requirements, Doe was alleged to have engaged in non-consensual sexual activity with three female students. Cal Poly separately investigated these complaints and found that Doe committed sexual misconduct against two of the complainants. Doe filed a complaint for declaratory and injunctive relief, asserting that CSU's policies lack due process. After receiving the petition, CSU reopened Doe's appeal of findings, but the Chancellor's Office has not yet issued a ruling on that appeal. The litigation is in the pleadings stage, and CSU has filed a challenge to the complaint that will be heard by the court in March 2019.</p>		

Case Name	Espinoza v. Cal Poly SLO (19-0013)		
Date Filed	01/08/2019	Matter Type	Personal Injury (Lit)
Court/Forum	Superior Court of State of California, San Luis Obispo	Case/Docket #	18-CV-0605
Case Status	<p>Plaintiff, Angela Espinoza, a student at Cal Poly San Luis Obispo, was with a friend on a campus field. After the two lifted a soccer goal upright in high winds (35 to 40 MPH), Plaintiff sat down on the ground in front of the goal to put her soccer cleats on when the high winds caused the soccer goal to fall onto her and Plaintiff sustained injuries as a result. The case is at the pleading stage.</p>		

Case Name	Marshall v. CSU (16-0654)		
Date Filed	04/20/2016	Matter Type	Employment (Lit)
Court/Forum	San Luis Obispo Superior Court	Case/Docket #	16CV-0179
Case Status	<p>Former Business Economics faculty member Kathryn Marshall filed this discrimination lawsuit claiming she was denied tenure and promotion because of her gender, age and marital status. The University denied her application for tenure and promotion because she did not meet the necessary standards in teaching effectiveness and professional scholarship. The case is set for trial on April 22, 2019.</p>		

Whole
 Agenda Item 3
 March 18-20, 2019
 Page 32 of 35

Case Name	Pederson v. Ausmus, et al. (18-0477)		
Date Filed	04/27/2018	Matter Type	Student (Lit)
Court/Forum	Superior Court of State of California, San Luis Obispo	Case/Docket #	18CV-0251
Case Status	Student, Jacqueline Pederson, was sexually harassed on two occasions by former long-time lecturer William Ausmus. Ausmus was temporarily suspended during the investigation and his appointment was not renewed after the Executive Order 1097 investigation found he violated University policy by sexually harassing Pederson. Pederson filed this lawsuit against CSU and Ausmus alleging assault, battery, sexual harassment, discrimination and negligent supervision. The case settled for \$85,000 (\$70,000 from CSU and \$15,000 from the former Professor).		

Case Name	Vanasupa v. CSU et al. (18-0358)		
Date Filed	03/27/2018	Matter Type	Employment (Lit)
Court/Forum	San Luis Obispo Superior Court	Case/Docket #	18CV-0174
Case Status	Current tenured Engineering faculty member Linda Vanasupa alleges discrimination against CSU based on her age, gender (transgender) and sexual orientation, and alleged failure to prevent discrimination, harassment and retaliation, because of lack of support, attempt to change her tenure home department, letter of reprimand, and issues regarding her department chair and former dean. The matter is in the discovery phase.		

San Marcos

Case Name	Apodaca v. Silas Abrego, et al (17-0640)		
Date Filed	05/17/2017	Matter Type	Student (Lit)
Court/Forum	United States District Court, Southern District of California	Case/Docket #	17CV1014L
Case Status	<p>Plaintiff Nathan Apodaca, president of Students for Life ("SFL") at California State University San Marcos, filed a lawsuit arising from the denial of SFL's application for ASI Leadership Funding, which is funded by mandatory student fees, to pay a speaker to attend a SFL event. The denial was based upon ASI Leadership Funding guidelines that specifically prohibit payment of speaker fees. Plaintiff also challenges ASI's allocation of mandatory student fees to fund the Gender Equity Center and LGBTQA Pride Center, which plaintiff alleges both engage in speech he opposes. Plaintiff alleges violations of his First Amendment free speech rights and Fourteenth Amendment right to equal protection of the law, and seeks declaratory and injunctive relief, compensatory damages, and attorneys' fees.</p> <p>After the close of discovery, the parties filed cross-motions for summary judgment. The motions were taken under submission by the Court. No oral argument on the motions has been scheduled to date. All trial related dates were vacated by the Court pending its decision on the cross-motions for summary judgment.</p>		

Case Name	Mackey, et al. v. CSU, et al. (15-0596)		
Date Filed	04/06/2015	Matter Type	Student (Lit)
Court/Forum	Superior Court of State of California, San Diego	Case/Docket #	37-2015-00011529-CU-
Case Status	<p>Students Lynette Mackey, Kianna Williams, Danielle Cooper, Sierra Smith, and Crystal Hicks, all current or former African American basketball players on the CSU San Marcos women's basketball team, filed a lawsuit alleging claims against CSU for race discrimination, harassment, retaliation, and negligence. On March 3, 2017, the court granted CSU's motion for summary judgment.</p> <p>Plaintiffs appealed and on January 23, 2019, the Court of Appeal affirmed summary adjudication on plaintiffs' U.S.C.1981 and 1983 claims and on one of the plaintiff's retaliation claims. The Court reversed summary adjudication of the race discrimination claims and the remaining retaliation claims.</p>		

	The superior court will set a status conference in the next few months to discuss further proceedings including a new trial date.
--	---

Case Name	Patruno v. CSU, et al. (18-0842)		
Date Filed	07/23/2018	Matter Type	Employment (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	37-2018-00036679-CU-WT-CTL
Case Status	Plaintiff Ryan Patruno, a former Extended Learning employee hired on a temporary full-time basis as a Web Specialist at California State University San Marcos, sued CSU for wrongful termination and whistleblower retaliation. Plaintiff claims he was terminated because he reported to his direct supervisor that his coworker was doing personal, freelance work using CSUSM resources, which was interfering with CSUSM projects. Plaintiff also filed a whistleblower retaliation complaint under EO 1058. The case is in the pleading stage.		

Case Name	Wellborn v. CSU, et al. (19-0088)		
Date Filed	01/31/2019	Matter Type	Employment (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	37-2019-00006111-CU-OE-CTL
Case Status	Plaintiff Lynn Wellborn, a former Gift Processing and Reporting Coordinator in University Advancement at California State University San Marcos, sued CSU for alleged unpaid overtime wages under Labor Code sections 510, 1194 and 1198 and meal period premiums under Labor Code sections 226.7, 512 and 558. Plaintiff seeks damages in excess of \$34,000 for the amount of alleged unpaid overtime wages, one hour of wages for each uninterrupted meal period that was not provided, attorneys' fees, and costs. The case is in the pleading stage.		

Sonoma

Case Name	Benjamin v. CSU, et al. (16-0340)		
Date Filed	02/16/2016	Matter Type	Employment (Lit)
Court/Forum	Sonoma Superior Court	Case/Docket #	SCV-258408
Case Status	Steven Benjamin, a former electrician at SSU, alleges that he was fired shortly before the end of his probationary period after he complained of alleged unsafe working conditions and alleged violations of the Labor Code. He alleges claims for whistleblower retaliation, as well as PAGA claims regarding asbestos on campus (identical to what was alleged in the Sargent matter, but for a different time period), and regarding alleged electrical safety issues. This matter settled for \$2 million dollars. \$50,000 of the settlement amount is allocated to Benjamin's PAGA claims. The remainder is allocated to his whistleblower claims. Settlement of the PAGA claims was reviewed and approved by the Court. All claims have been dismissed with prejudice. Dismissals were entered by the Clerk on January 30, 2019.		

Case Name	Sargent v. CSU (14-0715)		
Date Filed	06/06/2014	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Sonoma	Case/Docket #	SCV-255399
Case Status	Plaintiff Thomas Sargent, a former facilities department employee, claimed he was retaliated against when he complained about alleged health and safety issues relating to the presence of asbestos in various buildings on campus. He also alleged various PAGA claims regarding asbestos and other health-related conditions on campus.		

	<p>After an 8-week trial, the Sonoma County jury found in his favor on the retaliation claims and awarded him \$387,895 in damages. On the PAGA claims, the jury found in favor of CSU on 9 claims and against CSU on 7 claims.</p> <p>Post-trial, the judge assessed \$2,905,200 in penalties against CSU relating to the PAGA claims. The judge also granted Sargent's request for equitable relief (reinstatement to his prior position as of July 2015, including backpay and benefits), in exchange for Sargent's agreement to forego \$271,895 of the economic damages the jury awarded, which reduces the jury's damage award to \$116,000. CSU also is required to work with CALPERS to reinstate Sargent's retirement account. In addition, the trial court awarded plaintiffs approximately \$96,000 in court costs and approximately \$7.8 million in attorney's fees.</p> <p>CSU has appealed the verdict and fee and cost awards. The appeals are in the briefing stage.</p>
--	---

Stanislaus

Case Name	Aldape v. State of California, et al. (18-0616)		
Date Filed	04/16/2018	Matter Type	Student (Lit)
Court/Forum	Superior Court of State of California, Stanislaus, Civil	Case/Docket #	2130795
Case Status	Plaintiff, Haley Aldape, a former student at CSU Stanislaus, alleges negligence, failure to warn, and dangerous condition of public property against the University and three housing employees. She was assaulted by a former roommate and suffered non life-threatening injuries. CSU has filed several successful challenges to the complaints, so the case is still in the pleadings stage.		

Case Name	Saephanh v. CSU, et al. (18-1043)		
Date Filed	08/16/2018	Matter Type	Employment (Lit)
Court/Forum	Los Angeles Superior Court - George Deukmejian Courthouse	Case/Docket #	NC061966
Case Status	Sen Saephanh, a groundworker at CSU Stanislaus, alleges discrimination, failure to prevent discrimination, negligence, negligent supervision, and intentional infliction of emotional distress against the University and his supervisor. Plaintiff also alleges punitive damages against his supervisor. The case is in the pleading stage.		

Systemwide

Case Name	Aliser, et al v. SEIU California, et al (18-1055)		
Date Filed	09/17/2018	Matter Type	Employment (Lit)
Court/Forum	United States District Court, Eastern District of California	Case/Docket #	2:18-CV-02574-MCE-CKD
Case Status	<p>Plaintiffs in this purported class action are current or former State employees who claim they were forced to pay union dues or fair share fees to their respective unions in violation of their constitutional rights. The lawsuit was filed in response to the United States Supreme Court's decision in Janus v. AFSCME Council, which held that it is unconstitutional for public sector unions to require employees they represent but who are not union members to pay a "fair share" fee.</p> <p>Among the plaintiffs are an employee of CSU San Marcos and an employee of CSU Bakersfield. The two CSU employee-plaintiffs were represented by CSUEU, but who allege they were opposed to joining the union based on disagreement with the union's political advocacy and high salaries of union officials. They contend that they were forced to join the union because fair share fees were nearly the same as union dues. They allege that following the Janus decision, their requests to resign from union membership were denied. They contend that, because Janus held that fair share fees are unconstitutional and because their membership in the union was coerced, they are entitled to recover all dues deducted from their pay warrants both before and after the Supreme Court decided Janus. The case is in the pleading stage.</p>		

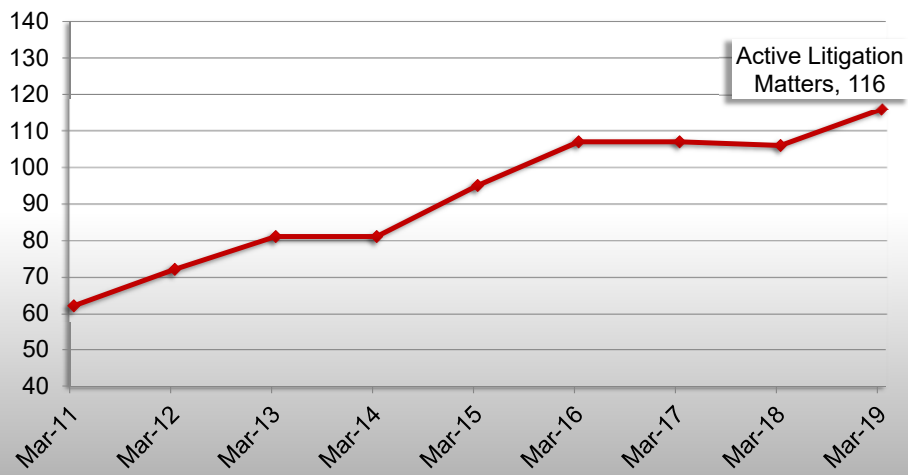
Case Name	Donselman, et al. v. CSU (09-0874)		
Date Filed	07/31/2009	Matter Type	Student (Lit)
Court/Forum	Superior Court of State of California, San Francisco	Case/Docket #	CGC-09-490977
Case Status	<p>Five students brought a class action to challenge the state university fee and non-resident tuition increases, and newly implemented Graduate Business Professional fee, from Fall 2009. The court granted plaintiffs' motion to certify two subclasses that exclude four campuses where fees were posted late and/or students received financial aid to cover their increased fees. The two subclasses comprise approximately 175,000 students. CSU filed writs in the Court of Appeal and the California Supreme Court to challenge the class certification decision. Both were denied. After plaintiffs changed their legal theories to add alternative contract formation arguments, CSU filed a motion to decertify the class, but that was denied. CSU prevailed on pre-trial motions dismissing the breach of implied contract claims. CSU then successfully sought bifurcation of all claims regarding the Graduate Business Professional Fee, and they were separated from the rest of the case. The remaining claim for breach of the implied covenant of good faith and fair dealing was tried to a jury in April 2015, and CSU won a defense verdict. Plaintiffs appealed that portion of the case, but in the meantime, both sides reached an amicable settlement of \$1.4 million for all claims involving the Graduate Business Professional Fee, so the claims of that subclass were resolved.</p> <p>Plaintiffs' appeal challenged our partial summary judgment ruling and our defense verdict at trial. We appealed the granting of class certification and the partial denial of our summary judgment motion. The Court of Appeal affirmed the judgment in CSU's favor. Plaintiffs unsuccessfully sought a rehearing. Plaintiffs agreed not to seek review by the California Supreme Court after CSU agreed not to recover costs against the individual plaintiffs. The case is finished.</p>		

Case Name	OnTheGo Wireless v. Celco Partnership, et al. (15-1667)		
Date Filed	07/05/2012	Matter Type	Contracts (Lit)
Court/Forum	Sacramento County Superior Court	Case/Docket #	34-2012-00127517
Case Status	<p>This is a multi-party action to challenge how a number of wireless cell providers charged various public agencies for mobile phone services. Originally, a qui tam (whistleblower) plaintiff sued the major wireless carriers asserting various false claims violations, alleging that the carriers overbilled public agencies in violation of contractual terms that required "optimization" (i.e., shifting to lower cost plans when usage goes down). A number of public agencies, including the State of California, the Regents of the University of California, and the CSU, joined the case as intervenors. Collectively, the parties contend that the cell carriers overcharged the agencies by over \$100 million. The case is in the discovery phase. A modest settlement was reached with T-Mobile, with a small recovery to CSU. The claims against the larger carriers are still ongoing.</p>		

General Counsel's Report

CSU Board of Trustees
March 19-20, 2019
G. Andrew Jones, Executive Vice Chancellor
and General Counsel

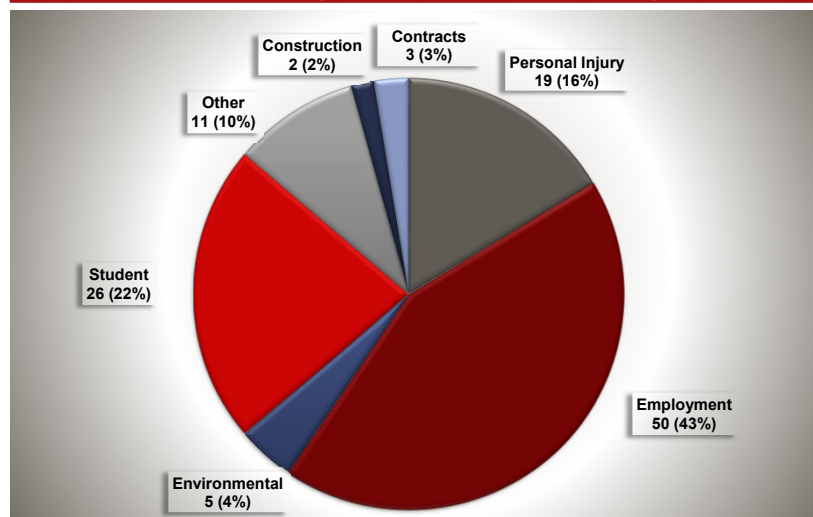
Historical Case Volume

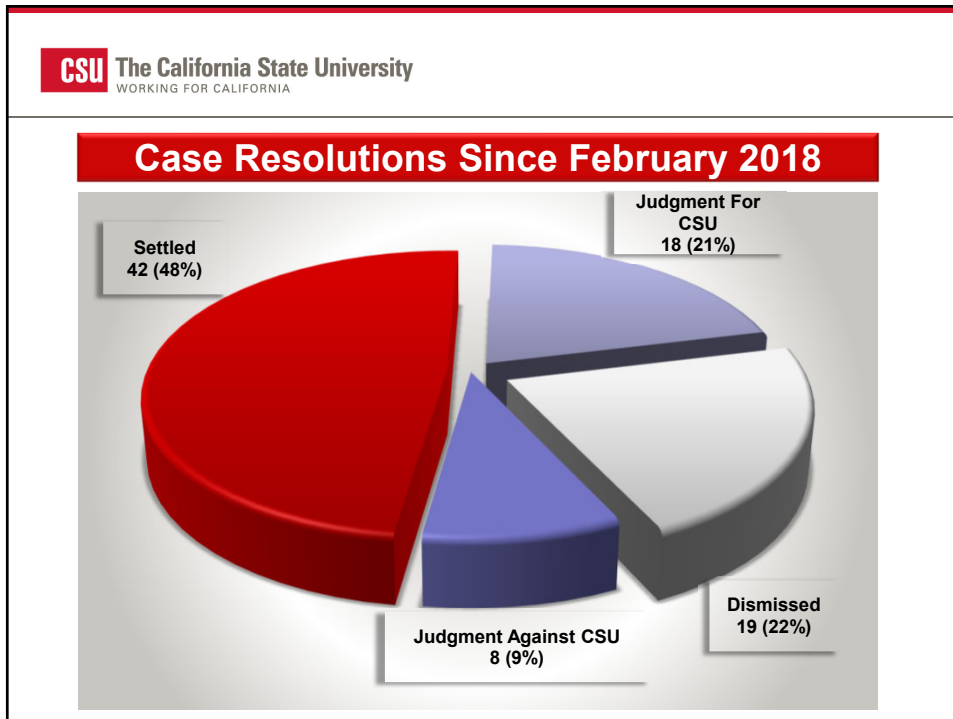
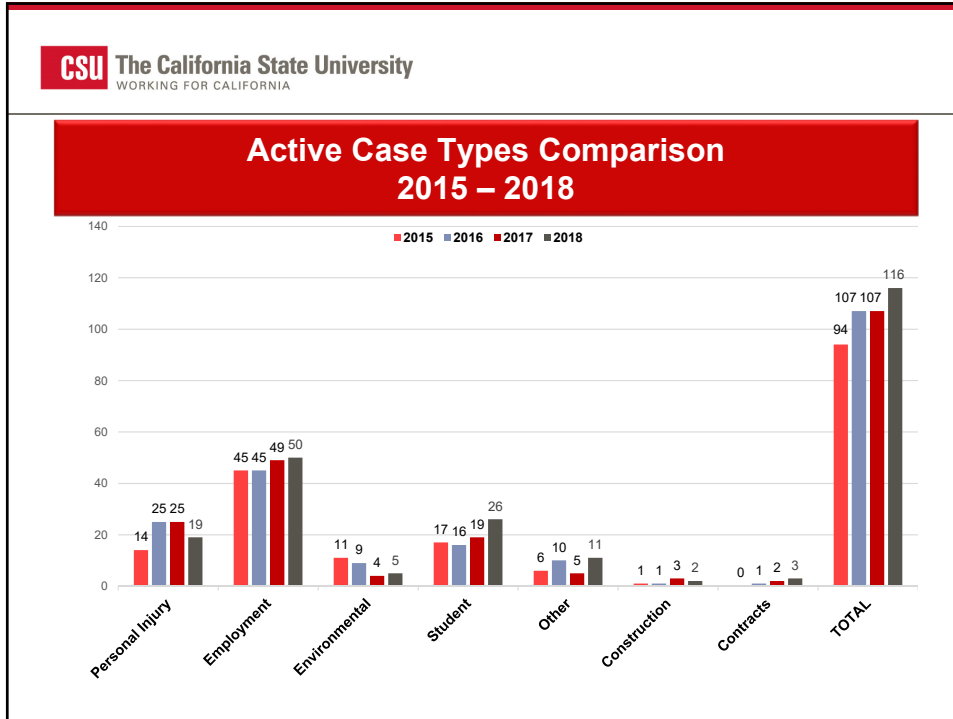


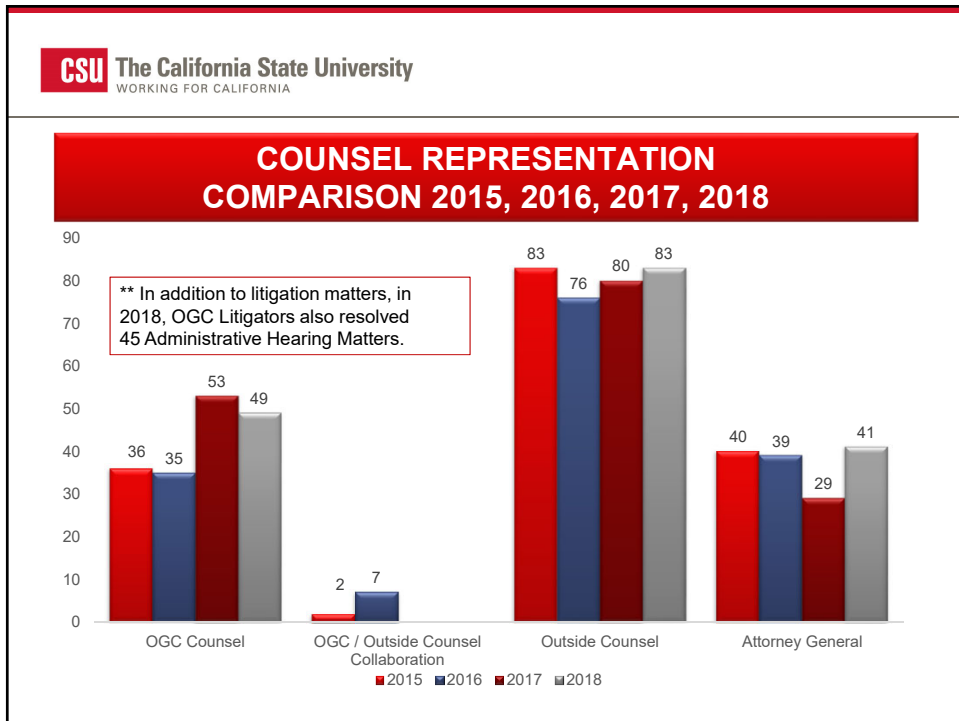
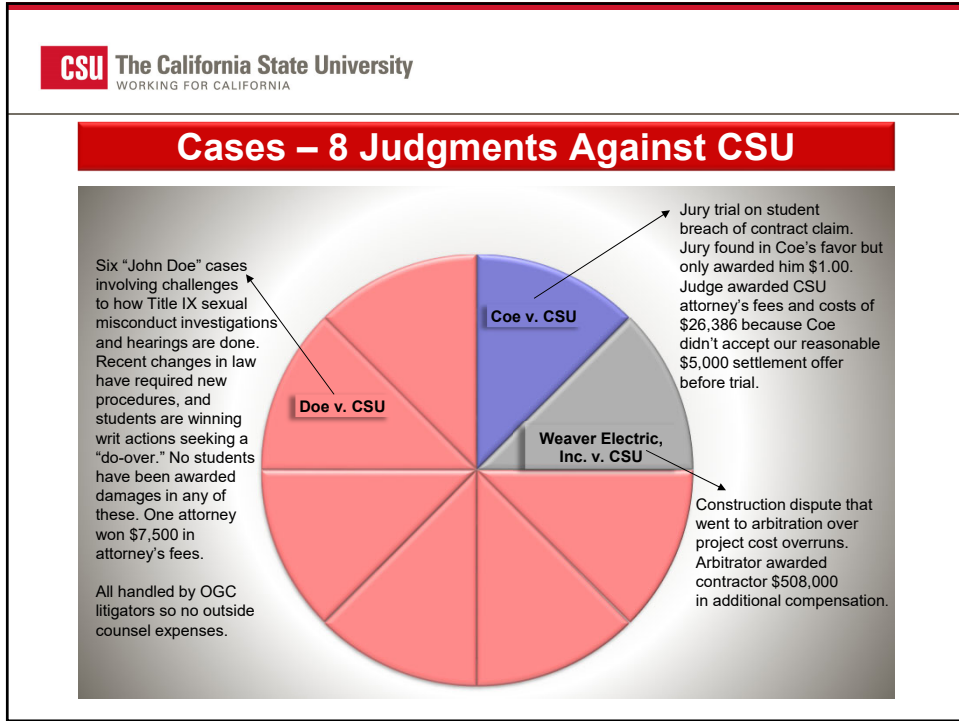
Factors Affecting Litigation Counts

- 👉 Congested court calendars lead to delays – cases remain active longer
- 👉 Litigation rises as economy improves
- 👉 Employment litigation on the rise nationally
- 👉 Student litigation regarding sexual misconduct discipline has gone up considerably
 - 👉 Prior to 2015, zero “John Doe” Title IX cases filed
 - 👉 In 2015, one case filed
 - 👉 In 2016, two cases filed
 - 👉 In 2017, nine cases filed
 - 👉 In 2018, six cases filed

Active Case Types as of February 2019







COMMITTEE OF THE WHOLE

Conferral of the Title of Trustee Emeritus—James Lawrence Norton

Presentation By

Adam Day
Chairman of the Board

Summary

It is recommended that Trustee James Lawrence Norton, whose term expires on April 29, 2019, be conferred the title of Trustee Emeritus for his service, commitment and leadership to the California State University. The granting of emeritus status carries the title, but no compensation.

The following resolution is recommended for approval:

RESOLVED, by the Board of Trustees of the California State University, that this board confers the title of Trustee Emeritus on James Lawrence Norton, with all the rights and privileges thereto.