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Attorneys for Plaintiff
KIARA ROBLES

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

KIARA ROBLES, an individual
Oakland, CA

Plaintiff,

v.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, BERKELEY
Berkeley, CA

and

JANET NAPOLITANO
Individually and in her official capacity as
President of the University of California

and

MONICA LOZANO
Individually and in her official capacity as Chair of
the Regents of the University of California

and

NICHOLAS DIRKS
Individually and in his official capacity as
Chancellor of the University of California,
Berkeley

and

Case No.:

COMPLAINT

DEMAND FOR JURY TRIAL

1 THE COALITION TO DEFEND AFFIRMATIVE
2 ACTION, INTEGRATION, & IMMIGRANT
3 RIGHTS, AND FIGHT FOR EQUALITY BY
ANY MEANS NECESSARY
Detroit, MI

4 and

5 IAN DABNEY MILLER, an individual

6 and

7 RAHA MIRABDAL a.k.a. Shadi Banoo, an
individual

8 and

9 JESSE ARREGUIN
10 Individually and in his official capacity as the
Mayor of Berkeley, California

11 and

12 UNIVERSITY OF CALIFORNIA POLICE
13 DEPARTMENT
Berkeley, CA

14 and

15 MARGO BENNETT
16 Individually and in her official capacity as the
Chief of the University California Police
17 Department, Berkeley

18 and

19 CITY OF BERKELEY POLICE DEPARTMENT
Berkeley, CA

20 and

21 ANDREW GREENWOOD
22 Individually and in his official capacity as the
Chief of the Berkeley Police Department

23 and

24 JOHN BURTON
25 Individually and in his official capacity as the
California Democratic Party Chairman

26 and

27
28 NANCY PELOSI
Individually and in her official capacity as the

1 Minority Leader of the House of Representatives

2 and

3 GEORGE SOROS, an individual

4 and

5 IN THE NAME OF HUMANITY, WE REFUSE
6 TO ACCEPT A FASCIST AMERICA
New York, NY

7 and

8 JOHN DOES 1-20, et al.

9 Defendants.

11 I. INTRODUCTION

12 Plaintiff Kiara Robles (“Plaintiff” and/or “Robles”) brings this complaint against
13 Defendants The Regents of the University of California (the “Regents”), Defendant Janet
14 Napolitano (“Napolitano”), Defendant Monica Lozano (“Lozano”), Defendant Nicholas Dirks
15 (“Dirks”), Defendant The Coalition to Defend Affirmative Action, Integration & Immigrant
16 Rights, and Fight for Equality By Any Means Necessary (“BAMN”), Defendant Ian Dabney
17 Miller (“Miller”), Defendant Raha Mirabdal (“Mirabdal”), Defendant Jesse Arreguin
18 (“Arreguin”), Defendant University of California Police Department (“UCPD”), Defendant
19 Margo Bennett (“Bennett”), Defendant City of Berkeley Police Department (“BPD”), Defendant
20 Andrew Greenwood (“Greenwood”), Defendant John Burton (“Burton”), Defendant Nancy
21 Pelosi (“Pelosi”), Defendant George Soros (“Soros”), Defendant In the Name of Humanity, We
22 REFUSE to Accept a Fascist America (“Refuse Fascism”), and Defendant John Does 1-10.
23 (collectively, “Defendants”, unless individually named).

24 The University of California Berkeley (“UC Berkeley”), under the leadership of and at
25 the direction of the Regents, Napolitano, Lozano and Dirks, has acted to unconstitutionally
26 curtail the First Amendment rights of its students and invitees thereof. Acting in concert with
27 Refuse Fascism, Arreguin, and the low level terrorism group BAMN – of which Arreguin is a
28 widely publicized member, the Regents and Napolitano, Lozano, and Dirks - along with each

1 and every other named Defendant - have subjected UC Berkeley students and invitees who do
2 not subscribe to the radical, left wing philosophies sanctioned by Defendants to severe violence
3 and bodily harm for merely expressing a differing viewpoint, in clear contravention of their
4 rights under the First Amendment to the U.S. Constitution.

5 Plaintiff Robles is a resident of Oakland, California. On February 1, 2017, Plaintiff
6 Robles planned to attend a speech by Milo Yiannopoulos, a media personality and political
7 commentator, hosted on the UC Berkeley campus. On the day of Milo Yiannopoulos' speech,
8 however, over 1,500 "protestors" gathered at UC Berkeley's Sproul Plaza and the "protestors"
9 erupted into violence just fifteen minutes after Plaintiff Robles' arrival onto the UC Berkeley
10 campus. Several people, including Plaintiff Robles, were intentionally and violently attacked by
11 both masked and unmasked assailants and the UC Berkeley campus incurred over \$100,000
12 worth of damage. Plaintiff Robles was attacked with extremely painful pepper spray and bear
13 mace by masked assailants amongst the "protestors" because she chose to exercise her right to
14 freedom of speech and show support for the planned speaker, Milo Yiannopoulos.



25 At the time that Plaintiff Robles was attacked, despite the fact that the "protestors" had
26 erupted into violence, there was shockingly no campus police present near Plaintiff Robles.
27 Instead, nearly 100 campus police and SWAT members waited in the Student Union building,
28 within eyesight of the violence happening outside, watching the protestors become more

belligerent and dangerous.



Thus, the attackers escaped and there was no one to immediately aid Plaintiff Robles after she was intentionally and violently sprayed in the face with bear mace. It was the intentional and conscious decision of the Regents, Napolitano, Lozano, Dirks, and Arreguin—in concert with each and every named Defendant—to withhold effective police protection for politically conservative attendees of the Milo Yiannopoulos event. Furthermore, Defendants chose to withhold police protection at the Milo Yiannopolous event because Milo Yiannopolous and a large number of his supporters, including Plaintiff Robles, are gay.

Tellingly, UC Berkeley regularly provides police protection for politically charged events and protests on its campus without incident. But on this day, the Regents, Napolitano, Lozano and Dirks, and Arreguin—in concert with each and every named Defendant—willfully withheld their police manpower from protecting students and event attendees because the speaker and his supporters went against the political beliefs of the majority of UC Berkeley’s students and its administration.¹ Furthermore, the Regents, Napolitano, Lozano, Dirks, and Arreguin – in concert with each and every named Defendant - also intentionally withheld proper security for the Milo

¹ Ian Hanchett, *CNN Report: Berkeley Republicans Insulted for Supporting Trump, Campus ‘Uncomfortable’ With Dissenting Opinions*, Breitbart, September 7, 2016, available at: <http://www.breitbart.com/video/2016/09/07/cnn-report-berkeley-republicans-insulted-for-supporting-trump-campus-uncomfortable-with-dissenting-opinions/>.

Yiannopoulos event because Milo Yiannopoulos himself is gay and a large number of his supporters identify as gay. The Regents, Napolitano, Lozano, Dirks, and Arreguin – in concert with each and every named Defendant—acting under color of state law, intentionally discriminated against Plaintiff Robles as a gay individual—a member of an identifiable class—in violation of Plaintiff Robles’ constitutional rights. In doing so, the Regents, Napolitano, Lozano, and Dirks—in concert with each and every named Defendant—failed to enforce UC Berkeley’s Non-Discrimination Policy, which prohibits sexual orientation discrimination of individuals while they are on University property.²

Indeed, students at UC Berkeley who, like Plaintiff Robles, happen to possess conservative viewpoints have regularly been targeted, and the Regents, Napolitano, Lozano and Dirks regularly “turn a blind eye” to such unconstitutional conduct. One individual articulated that, “[p]eople feel like Republicans don’t have a home here, and it’s a little bit intimidating to have people walk by and want to yell at you or denounce your beliefs, simply because you’re sitting out there identifying as a Republican [...] there’s a complete lack of tolerance for an idea that any member of the Berkeley community could hold the beliefs that we do”.³ Republican students receive online threats and hear from other students that “[t]hey’re going to come after us, we don’t belong on this campus, we don’t have a place on this campus.”⁴ Specifically, choosing to openly support President Trump “kind of puts a target on your head.”⁵ A majority of the Berkeley College Republicans, the school group that organized the Milo Yiannopoulos event, feel “reluctant to share their political beliefs on campus.”⁶ CNN anchor Kyung Lah noted “[t]he irony runs thick to these students, a place that forged free speech on campus, uncomfortable with political speech with which they disagree.”⁷

² UC Berkeley Nondiscrimination Policy Statement—Student related matters, available at: <http://sa.berkeley.edu/nondiscrimination>; University of California Policy Policies Applying to Campus Activities, Organizations and Students 10.00: Preamble and General Provisions, available at: <http://policy.ucop.edu/doc/2710517/PACAOS-10>.

³ Hanchett, *supra* note 1

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

Furthermore, during a meeting of the Berkeley College Republicans in 2016, a group of protestors confronted their club table and “proceeded to snatch and attempt to rip up [their] Donald Trump cut-out [...] the group of protestors then circled [them] and began yelling slurs at [them] in reference to Donald Trump. Slurs such as ‘racists,’ ‘bigots,’ and ‘pieces of shit’ were yelled out by the protestors”⁸ A Berkeley College Republican member was physically assaulted by a protestor while attempting to film the incident.⁹ Witnesses to the event complained that the campus police officers on the scene were otherwise unhelpful, saying that they merely “sat around” while the group was attacked.¹⁰ The student that destroyed the cutout of President Trump boasted “yeah I did it [...] it will happen again [...] there’s just four of you all [College Republicans] and we will come back with 1,000 of us.”¹¹ The offending student admitted this in front of campus police but no action was taken against him.¹² The sentiment among the Berkeley College Republicans is that if they had done the same to other political clubs, “there is no doubt that we would have been escorted off campus, but nothing will happen to the people who interrupted us today.”¹³ After the incident, one Berkeley College Republican member said, “I now know that UC Berkeley—the birthplace of the Free Speech Movement—is not a place I can safely exercise my constitutionally protected right to free speech.”¹⁴ UC Berkeley clearly gives preferential treatment and protection to those students and student organizations that represent political ideals that fall in line with those held by its own liberal administration, including but not limited to Defendants. The Regents’, Napolitano’s, Lozano’s, Dirks’, and Arreguin’s intentional and conscious decision to withhold effective police protection for Pro-Republican attendees of the Milo Yiannopoulos – in concert with each and every named Defendant - reflects their bias and put its students and invitees in grave danger.

⁸ Stephen Frank, *UC Administrators Allow Violence Against Republicans on UC Berkeley Campus*, California Political Review, September 9, 2016, available at: <http://www.capoliticalreview.com/capoliticalnewsandviews/uc-administrators-allow-violence-against-republicans-on-uc-berkeley-campus/>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

UC Berkeley is no stranger to incidents of violent protest and was required to provide effective police protection in anticipation of the high probability that the Milo Yiannopoulos protest would lead to dangerous physical altercations. In fact, one of the most famous violent student protests in U.S. history took place at UC Berkeley's campus. On May 15, 1969, over 3,000 students protested at UC Berkeley over city plans to turn a vacant lot near campus into a parking lot. On that day, known as Bloody Thursday, three students suffered punctured lungs, another a shattered leg, several people were hospitalized with shotgun wounds, and one police officer was stabbed.¹⁵ At least 128 Berkeley residents were admitted to local hospitals for injuries sustained during the riot.¹⁶ Alan Blanchard was permanently blinded by a gunshot wound to his face.¹⁷ James Rector, who was watching the riot from a rooftop, was shot by police gunfire; he died four days later.¹⁸ A state of emergency was declared by the governor and late President Ronald Reagan and 2,200 National Guard troops were sent in to restore order.¹⁹ Over the next several days, police and troops arrested nearly 1,000 people, including 200 for felonies, while 500 were booked at the local jail.²⁰ More recently, in 2011, violence erupted between campus police and students that gathered in UC Berkeley's Sproul Plaza to protest for the Occupy movement²¹. UC Berkeley students have a history in participating in some of the city's worst riots and violent protests—among them, the 2014 protest of the death of Eric Garner, which resulted in looting, vandalism, arson, and assault on Berkeley police officers.²²

¹⁵ Chris Enloe, *See how Ronald Reagan shut down violent UC Berkeley protesters in 1969 when he was Calif. Governor*, The Blaze, Feb. 5, 2017, available at: <http://www.theblaze.com/news/2017/02/05/see-how-ronald-reagan-shut-down-violent-uc-berkeley-protesters-in-1969-when-he-was-calif-governor/>

¹⁶ *People's Park (Berkeley)*, Wikipedia, available at [https://en.wikipedia.org/wiki/People's_Park_\(Berkeley\)#cite_note-time1970-24](https://en.wikipedia.org/wiki/People's_Park_(Berkeley)#cite_note-time1970-24)

¹⁷ *Id.*

¹⁸ Chris Enloe *supra* note 15.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Carly Schwartz, *Occupy U.C. Berkeley Protesters Face Violent Confrontation With Campus Police*, The Huffington Post, January 10, 2011, available at: http://www.huffingtonpost.com/2011/11/10/occupy-uc-berkeley-police_n_1086195.html.

²² Jessie Lau and Melissa Wen, *Police fire tear gas at hundreds of protesters, demonstration disperses at about 3 a.m.*, December 7, 2014, available at: <http://www.dailycal.org/2014/12/07/police-fire-tear-gas-protesters-berkeley-demonstration-disperses-3-m/>.

Thus, Defendants the Regents, Napolitano, Lozano, Dirks, Arreguin, UCPD, BPD, Bennett, and Greenwood should have been fully prepared for violence to break out at the Milo Yiannopoulos event. In fact, two weeks before the UC Berkeley riot, a man was shot outside a University of Washington hall prior to another planned Milo Yiannopoulos speaking engagement.²³ As was true at the UC Berkeley event, masked protestors in Washington threw bricks at police and were armed with weapons, which they used to assault members of the crowd.²⁴ Another planned speaking engagement by Milo Yiannopoulos at UC Berkeley's sister school, UC Davis, was cancelled after school groups and university police determined that it was unsafe to continue the event amidst the chaotic protests that broke out.²⁵ Defendants knew for weeks that Yiannopoulos' appearance could prompt violent protests that would threaten the school's long tradition of facilitating free speech. Defendants should have reasonably anticipated a violent response to Milo Yiannopoulos' presence on their campus and acted accordingly by providing effective police protection to those attending the event. The school's inaction was motivated by the fact that Milo Yiannopoulos and his supporters have opposing viewpoints to the majority of the school's students and administration. Nicholas Dirks, the current Chancellor of UC Berkeley, has called Milo Yiannopoulos "a troll and provocateur who uses odious behavior in part to 'entertain,' but also to deflect any serious engagement with ideas."²⁶

Furthermore, given the current political climate in the United States, Defendants the Regents, Napolitano, Lozano, Dirks, Arreguin, UCPD, BPD, Bennett, and Greenwood should have foreseen that the protest of a controversial Republican political figure such as Milo Yiannopoulos could likely turn violent. Since the 2016 presidential election, there have been several incidents where President Trump supporters have been the target of vicious protestors.

²³ Rick Anderson, *Man shot before Breitbart editor Milo Yiannopoulos' speaking event is in critical condition*, Los Angeles Times, January 21, 2017, available at: <http://www.latimes.com/nation/la-na-yiannopoulos-shooting-20170121-story.html>.

²⁴ *Id.*

²⁵ Ben Poston and Shelby Grad, *UC protests shut down Milo Yiannopoulos talk, sparking free speech debate*, Los Angeles Times, January 15, 2017, available at: <http://www.latimes.com/local/lanow/la-me-milo-yiannopoulos-uc-davis-20170115-story.html>.

²⁶ Patrick May, *UC Berkeley riot raises questions about free speech*, The Mercury News, February 2, 2017, available at: <http://www.mercurynews.com/2017/02/02/uc-berkeley-riot-raise-questions-about-free-speech/>.

1 Recently, in Seattle, Washington, furthered by the actions of President Obama, his surrogates,
 2 agents and co-conspirators, a Black Lives Matter activist ranted to a large crowd gathered in
 3 protest of President Trump's Executive Order Enhancing Public Safety in the Interior of the
 4 United States, explicitly saying that "...we need to start killing people."²⁷ She went on to
 5 expressly threaten and incite death to President Donald Trump, saying, "**First off, we need to**
 6 **start killing the White House. The White House must die.** The White House, your fucking
 7 White House, your fucking Presidents, they must go! Fuck the White House."²⁸ Recently,
 8 protests have taken place at U.S. airports after President Trump issued his recent Executive
 9 Order Enhancing Public Safety in the Interior of the United States. There have been other
 10 instances where President Trump supporters were violently attacked by those protesting the
 11 president's policies.²⁹

12 To this day, anti-Trump sentiment is supported and furthered by key figures within the
 13 Democratic party. On May 20, 2017, Burton, the former Chairman of California Democratic
 14 party encouraged violent anti-Trump behavior during the Democratic California State convention
 15 held in Sacramento, California.³⁰ Burton made obscene gestures, holding up his middle fingers
 16 while encouraging the crowd to yell "Fuck Donald Trump!".³¹ Congresswoman Pelosi, as House
 17 minority leader, showed her approval of this vehement sentiment and violent attitude toward
 18 Trump supporters by smiling and laughing as a reaction to Burton's behavior.³² The actions of
 19 these high ranking officials within the Democratic party endorse violence against Trump
 20 supporters, and encourages members of the Democratic party and others to attack those that
 21

22 ²⁷ Justin Caruso, *BLM Anti-Trump Protest in Seattle: 'We Need to Start Killing People'*, Daily Caller, Jan. 30,
 23 2017, available at: <http://dailycaller.com/2017/01/30/blm-anti-trump-protest-in-seattle-we-need-to-start-killing-people/>.

24 ²⁸ *Id.*

25 ²⁹ Stephens, Chase, *Video Shows Trump Supporter Knocked Out And Taunted By Violent Portland Airport Protesters*, available at: <http://www.dailywire.com/news/12947/video-shows-trump-supporter-knocked-out-and-chase-stephens#>.

26 ³⁰ Cristina Laila, *NANCY PELOSI PICTURED LAUGHING as California Democrats Chant "F*ck Donald Trump!"*, available at: <http://www.thegatewaypundit.com/2017/05/photo-nancy-pelosi-pictured-laughing-california-democrats-chant-fck-donald-trump/>.

27 ³¹ *Id.*

28 ³² *Id.*

1 choose to support the President. This places citizens, like Plaintiff Robles, in present and
 2 continuing danger and in fear of her life, as she is more likely to be attacked when this hostile
 3 incitement to violence is fostered by high ranking Democrats such as Burton and Pelosi.

4 Defendants could have easily foreseen that an event where Milo Yiannopoulos was
 5 scheduled to speak would draw a large vehement crowd of protestors that had strong opposing
 6 opinions to the groups present at that speech. Based on the recent frequency of violence
 7 associated with political protest in the United States, Defendants were, at a minimum, grossly
 8 negligent—if not **intentionally negligent**— by hiding behind glass windows in order to further
 9 the protestors’ politically motivated agenda— in failing to provide effective police protection for
 10 the crowds present at one of their own events. Defendants’ actions were a callous and blatant
 11 disregard for the safety of the crowd that came to hear Milo Yiannopolous speak.

12 Defendants the Regents, Napolitano, Lozano, and Dirks’ pattern and practice of denying
 13 the First Amendment rights of students and invitees who share a different viewpoint from their
 14 own radical, leftist views was carried out in concert with and under the direction of the city of
 15 Berkeley’s Mayor, Arreguin. Arreguin is a public member of BAMN, a radical left wing
 16 communist group that organizes demonstrations and litigation to achieve its political agenda.
 17 Arreguin openly broadcasts his membership to the violent organization.³³ Arreguin implemented
 18 a stand down order to UCPD and the BPD, in concert with each and every Defendant, during the
 19 Milo Yiannopoulos riots, instructing law enforcement not to intervene while pro-President
 20 Trump/pro-Milo Yiannopolous supporters were being violently attacked.³⁴ Arreguin has made
 21 his disdain for Milo Yiannopolous clear in the past, dishonestly labeling Yiannopolous as a
 22 ”white nationalist” before he was set to speak at UC Berkeley.³⁵ In fact, these comments directly
 23 incited the violence that broke out at the Milo Yiannopolous “protest.”

24 As stated above, Arreguin’s organization, BAMN, is a radical left wing communist group

25 ³³ Justin Caruso, *Berkeley Mayor Publicly Belongs To Violent Leftist Group*, The Daily Caller, April 21, 2017,
 26 available at: <http://dailycaller.com/2017/04/21/berkeley-mayor-publicly-belongs-to-violent-leftist-group/#ixzz4f7Kp99ul>.

27 ³⁴ *Id.*

28 ³⁵ Tom Ciccotta, *Mayor of Berkeley Jesse Arreguin Smears MILO as ‘White Nationalist’*, Breitbart, February 2, 2017, available at: <http://www.breitbart.com/milo/2017/02/02/mayor-berkeley-calls-milo-white-nationalist/>

that organizes demonstrations and litigation to achieve its political agenda.³⁶ BAMN has a history of arranging violent protests, which have been classified as “low-level terrorism” by the Department of Defense.³⁷ For example, in 2016, BAMN led a protest in Sacramento that resulted in ten people being hospitalized with stab wounds.³⁸ Police and video taken at the event confirmed that BAMN members initiated the violence.³⁹ Refuse Fascism is a radical American, left wing, anti-Trump, non-profit organization that organizes demonstrations to achieve its political agenda.⁴⁰ Refuse Fascism helped organize the shut down of the Milo Yiannopoulos event, calling for its members to use “righteous” violence against “fascist” Yiannopoulos.⁴¹ After the UC Berkeley riot, Refuse Fascism commented on its website that it supported the violence that occurred, stating, “[f]or all these reasons what happened at UC Berkeley is part of the kind of broad, powerful and meaningful protest which needs to continue on an unprecedented scale to OUST this regime from power.”⁴²

Both BAMN⁴³ and Refuse Fascism⁴⁴ are responsible for the orchestration of the riots that occurred during the Milo Yiannopoulos event. BAMN and Refuse Fascism members appeared at the protest to assault peaceful pro-President Trump/pro-Milo Yiannopolous supporters and

³⁶ *BAMN*, Wikipedia, available at: https://en.wikipedia.org/wiki/BAMN#cite_note-20

³⁷ James Osborne, *Pentagon Exam Calls Protests 'Low-Level Terrorism,' Angering Activists*, Fox News, June 17, 2009, available at: <http://www.foxnews.com/story/2009/06/17/pentagon-exam-calls-protests-low-level-terrorism-angering-activists.html>.

³⁸ Joseph Serna, *Neo-Nazis didn't start the violence at state Capitol, police say*, Los Angeles Times, June 27 2016, available at: <http://www.latimes.com/local/lanow/la-me-ln-neo-nazi-event-stabbings-capitol-20160627-snap-story.html>.

³⁹ *Id.*

⁴⁰ Rick Moran, *Soros-Funded Group Gave 50K to Goons Who Provoked Berkeley Riot*, PJ Media, February 4, 2017, available at: <https://pjmedia.com/trending/2017/02/04/soros-funded-group-gave-50k-to-goons-who-provoked-berkeley-riot/>.

⁴¹ *Id.*

⁴² *Three Points on the Righteous Shut-Down of Fascist Milo Yiannopoulos at UC Berkeley*, Refuse Fascism, February 2, 2017, available at: <https://refusefascism.org/2017/02/02/three-points-on-the-righteous-shut-down-of-fascist-milo-yiannopoulos-at-uc-berkeley/>.

⁴³ Top Ciccotta, *Berkeley Mayor Is Member of Antifa Facebook Group that Organized Riots*, Breitbart, April 21, 2017, available at: <http://www.breitbart.com/tech/2017/04/21/berkeley-mayor-is-member-of-antifa-facebook-group-that-organized-riots/>;

⁴⁴ Chuck Ross, *Look Who Funds The Group Behind The Call To Arms At Milo's Berkeley Event*, The Daily Caller, February 3, 2017, available at: <http://dailycaller.com/2017/02/03/look-who-funds-the-group-behind-the-call-to-arms-at-milos-berkeley-event/>.

vandalize UC Berkeley and private property. In fact, in March 2017, one month after Plaintiff Robles was attacked, pro-Trump supporters organized in Civic Center Park in Berkeley to support peaceful free speech—particularly after the violent Milo Yiannopoulos protest. BAMN members arrived at the protest and instigated violent and hostile altercations, leading to several injuries and arrests.⁴⁵ Indeed, on information and belief, Defendant Ian Dabney Miller (“Miller”), Defendant Raha Mirabdal (“Mirabdal”), and one or more of the unknown assailants who assaulted Plaintiff Robles are members of BAMN. This will be confirmed in discovery.

Thus, although Sproul Plaza was the birthplace of what came to be known as the Free Speech Movement in 1964, regrettably, in 2017 it has become “its final resting place.”⁴⁶

II. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331 (Federal Question Jurisdiction).

2. This Court has supplemental jurisdiction over this case pursuant to 28 U.S.C. § 1367.

3. Venue is proper pursuant to 18 U.S.C. § 1965 and 28 U.S.C. § 1391(b)(2), (3) in that Defendants reside here and are subject to personal jurisdiction in this District.

III. PARTIES

4. Plaintiff Kiara Robles (“Plaintiff Robles”) is an individual, a natural person, who at all material times was a citizen and resident of California.

5. Defendant the Regents of the University of California (the “Regents”) is organized under the laws of the State of California, and entrusted with the responsibility of providing public education to students. The Regents of the University of California, Berkeley is

⁴⁵ Tracey Taylor, *Photos: Pro- and anti-Trump campaigners face off in Berkeley*, Berkeleyside, March 4, 2017, available at: <http://www.berkeleyside.com/2017/03/04/photos-pro-anti-trump-campaigners-face-off-berkeley/>.

⁴⁶ Martin Longman, *UC Berkeley and the Frayed Free Speech Movement*, Washington Monthly, February 2, 2017, available at: <http://washingtonmonthly.com/2017/02/02/uc-berkeley-and-the-frayed-free-speech-movement/>.

1 an organization acting under state authority, as the term is utilized in 42 U.S.C. § 1983, which
2 classifies Civil Actions for Deprivation of Rights.

3 6. Defendant Janet Napolitano (“Napolitano”) was, at all material times, the
4 President of the University of California. She is being sued in her personal capacity and in her
5 official capacity, where applicable.

6 7. Defendant Monica Lozano (“Lozano”), at all times material to this action, has
7 served as the Chair of the Board of Regents of the University of California, from March 2014 to
8 the present. She is being sued in her personal capacity and in her official capacity, where
9 applicable.

10 8. Defendant Nicholas Dirks (“Dirks”), at all times material to this action, has served
11 as Chancellor of the University of California, Berkeley, from June 2013 to the present. He is
12 being sued in his personal capacity and in his official capacity, where applicable.

13 9. Defendants the Regents, Napolitano, Lozano and Dirks are set forth hereafter as
14 the “Berkeley Defendants.”

15 10. Defendant Jesse Arreguin (“Arreguin”), at all times material to this action, has
16 served as the Mayor of the city of Berkeley, California from December 2016 to the present. He is
17 being sued in his personal capacity and in his official capacity, where applicable.

18 11. At all relevant times, Defendants the Regents, Lorenz, Dirks, Napolitano, and
19 Arreguin have been and are now officers of the State of California. Their actions described
20 below constitute “state action” as that term has been defined by relevant case law, and they acted
21 under the color of state law, in doing the things alleged herein.

22 12. At all relevant times, Defendant the Regents has been and is now an agency of the
23 state government vested with authority to control, manage and administer the public facilities
24 within the University of California, Berkeley, located within Alameda County.

25 13. At all relevant times, Defendants have been and are now empowered by the other
26 Defendants to implement the policies that govern the conduct of persons affected and utilizing
27 the University of California, Berkeley, Irvine, San Diego, Los Angeles, and other campuses.
28

1 14. At all relevant times, each of the Defendants have been and are now the agent or
2 employee of the remaining Defendants and each was acting within the course and scope of such
3 agency or employment.

4 15. Defendant the Coalition to Defend Affirmative Action, Integration & Immigrant
5 Rights, and Fight for Equality By Any Means Necessary (“BAMN”) is a radical, American
6 militant, left wing, political group that organizes demonstrations and litigation to achieve its
7 political agenda.

8 16. Defendant University of California Police Department (“UCPD”) is organized
9 under the laws of the State of California, and entrusted with the responsibility of providing safety
10 to students and invitees. UCPD is an organization acting under state authority, as the term is
11 utilized in 42 U.S.C. § 1983, which classifies Civil Actions for Deprivation of Rights.

12 17. Defendant Margo Bennett (“Bennett”), at all times material to this action, has
13 served as the Chief of Police of the University of California Police Department, Berkeley. She is
14 being sued in her personal capacity and in her official capacity, where applicable.

15 18. Defendant City of Berkeley Police Department (“BPD”) is organized under the
16 laws of the State of California, and entrusted with the responsibility of providing public safety.
17 BPD is an organization acting under state authority, as the term is utilized in 42 U.S.C. § 1983,
18 which classifies Civil Actions for Deprivation of Rights.

19 19. Defendant Andrew Greenwood (“Greenwood”), at all times material to this
20 action, has served as the Chief of Police of the City of Berkeley Police Department. He is being
21 sued in his personal capacity and in his official capacity, where applicable.

22 20. Defendant Ian Dabney Miller (“Miller”) is a former (and possibly current) UC
23 Berkeley employee that protested the UC Berkeley Milo Yiannopolous event. On information
24 and belief, Defendant Miller is a member of the radical, American militant, left wing, political
25 group BAMN. He is being sued in his personal capacity and in his official capacity, where
26 applicable.

27 21. Defendant Raha Mirabdal (“Mirabdal”) is a former UC Davis employee that
28 protested the UC Berkeley Milo Yiannopolous event. On information and belief, Defendant

1 Miller is a member of the radical, American militant, left wing, political group BAMN. She is
2 being sued in her personal capacity.

3 22. Defendant John Burton (“Burton”) is the former Chairman of the California
4 Democratic Party, serving as Chairman from April 2009 until May 2017.

5 23. Defendant Nancy Pelosi (“Pelosi”), at all times material to this action, has served
6 as Minority Leader of the United States House of Representatives, representing California's 12th
7 congressional district.

8 24. Defendant In the Name of Humanity, We REFUSE to Accept a Fascist America
9 (“Refuse Fascism”) is a radical American, left wing, anti-Trump, non-profit organization that
10 organizes demonstrations and litigation to achieve its political agenda.

11 25. Defendant George Soros (“Soros”) is the billionaire financier who has funded
12 numerous radical, left wing groups, including Defendant Refuse Fascism and Black Lives Matter
13 (“BLM”).

14 15 **IV. STANDING**

16 26. Plaintiff Robles has standing to bring this action because she has been directly
17 affected and victimized by the unlawful conduct complained herein. Her injuries are
18 proximately related to the conduct of Defendants, jointly and severally.

19 20 **V. FACTS**

21 **Defendants Worked in Concert to Deprive Plaintiff of Her First Amendment Rights**

22 27. Defendants, each and every one of them, have worked in concert to deny
23 numerous individuals who attended the Milo Yiannopolous event, including Plaintiff Robles,
24 their constitutional right to freedom of speech and freedom of assembly, as guaranteed by the
25 First Amendment to the U.S. Constitution.

26 28. The Berkeley Defendants, in concert with Arreguin, intentionally withheld police
27 protection of the UCPD and BPD for Plaintiff Robles, despite the fact that it was, at a minimum,
28

1 reasonably foreseeable that the Milo Yiannopolous event would erupt in violence from
2 “protestors.”

3 29. On information and belief, members of BAMN, of which Arreguin is a widely
4 publicized member, rioted at the Milo Yiannopolous event and viciously attacked attendees,
5 including Plaintiff Robles. On information and belief, BAMN acted under the direction of, and in
6 concert with, each and every named Defendant, including Arreguin.

7 30. On information and belief, Refuse Fascism organized the violent shutdown of the
8 Milo Yiannopoulos event.

9 31. On information and belief, Refuse Fascism receives funds from umbrella
10 companies and subsidiaries of Soros’ Open Society Foundation, a network of foundations,
11 partners, and projects that funds Soros’ political interests.

12 32. The group Refuse Facism is sponsored by Alliance for Global Justice (“AGJ”).⁴⁷
13 Soros is a major backer of AGJ, as AGJ receives grants from Soros' foundation, the Open
14 Society Institute.⁴⁸ In addition, the Tides Foundation, a non-profit funded by Soros, contributes
15 money to AGJ.⁴⁹

16 33. UCPD and BPD, under the leadership and at the direction of Bennett and
17 Greenwood, chose to withhold their aid to attendees of the Milo Yiannopolous event – in concert
18 with each and every named Defendant - including Plaintiff Robles, despite the fact that they
19 could see attendees being viciously attacked by “protestors.” Arreguin has been credibly accused
20 of implementing a stand down order to UC Berkeley police and the City of Berkeley Police
21 Department during the Milo Yiannopoulos riots, instructing law enforcement not to intervene
22 while pro-President Trump/pro-Milo Yiannopolous supporters were being violently attacked.⁵⁰
23
24

25 ⁴⁷ <https://refusefascism.org/donate/>

26 ⁴⁸ *The Alliance for Global Justice*, Group Snoop, available at:
27 <http://www.groupsnoop.org/The+Alliance+for+Global+Justice>.

28 ⁴⁹ Chuck Ross, *supra* note 44.

⁵⁰ *Id.*

34. As a result of each and every Defendants' conduct, Plaintiff Robles was deprived of her constitutional right to freedom of speech and freedom of assembly in support of Milo Yiannopolous.

**Defendants Reasonably Foresaw That Violence Would Erupt at the
Milo Yiannopolous Event**

35. The Berkeley Defendants and Arreguin, at a minimum, reasonably foresaw that violence would erupt at the Milo Yiannopolous event, as UC Berkley is no stranger to violent protest.

36. For instance, on May 15, 1969, known as "Bloody Thursday", UC Berkeley was home to one of the most violent student protests in U.S. History.⁵¹ At least 128 Berkeley residents were hospitalized for injuries sustained during the riot. Among the injuries were a police officer suffering a stab wound, an individual being permanently blinded, and another individual being killed.

37. In 2011, violence erupted in UC Berkeley between campus police and students that gathered in UC Berkeley's Sproul Plaza to protest for the Occupy movement.⁵²

38. UC Berkeley students further have a history of participating in some of the city's worst riots and violent protests—among them, the 2014 protest of the death of Eric Garner, which resulted in looting, vandalism, arson, and assault on Berkeley police officers.⁵³

39. Yet, UC Berkeley has hosted countless politically-charged rallies and protests in the past, and the Berkeley Defendants and Arreguin have provided effective police presence without incident.

40. UC Berkeley's Republicans have reported harassment and assaults by other UC Berkeley students with differing political opinions.⁵⁴

⁵¹ Chris Enloe, *supra* note 15.

⁵² Carly Schwartz, *supra* note 21.

⁵³ Jessie Lau and Melissa Wen, *supra* note 22.

⁵⁴ Stephen Frank, *supra* note 8.

41. For example, the UC Berkeley registered student organization, Berkeley College Republicans, have reported prior incidents where campus police officers merely “sat around” while the group was verbally and physically attacked.⁵⁵

42. Given the current political climate in the United States, the Berkeley Defendants and Arreguin should have foreseen that the protest of a controversial conservative political figure such as Milo Yiannopoulos would likely turn violent.

43. Since the 2016 presidential election, there have been several incidents where President Trump supporters have been the target of vicious protestors.

44. Recently, in Seattle, a Black Lives Matter activist ranted to a large crowd gathered in protest of the Executive Order Enhancing Public Safety in the Interior of the United States, explicitly saying that “...**we need to start killing people.**”⁵⁶ She went on to expressly threaten and incite death to President Donald Trump, saying, “**First off, we need to start killing the White House. The White House must die.** The White House, your fucking White House, your fucking Presidents, they must go! Fuck the White House.”⁵⁷

45. Recently, there have been protests at U.S. airports where President Trump supporters were violently attacked by those protesting the President’s immigration policies.⁵⁸

46. Furthermore, the Berkley Defendants and Arreguin should have been fully prepared for violence to break out at the Milo Yiannopoulos event based on assaults that have occurred at recent Milo Yiannopoulos speaking engagements.

47. On January 13, 2017, chaotic protests preceding a Milo Yiannopoulos speaking event at UC Davis led to the cancellation of the speech after school groups and university police determined that it was unsafe to continue the event.⁵⁹

48. On January 20, 2017, a man was shot outside a University of Washington hall prior to another planned Milo Yiannopoulos speaking engagement.⁶⁰

⁵⁵ *Id.*

⁵⁶ Justin Caruso, *supra* note 27.

⁵⁷ *Id.*

⁵⁸ Chase Stephens, *supra* note 29.

⁵⁹ Ben Poston and Shelby Grad, *supra* note 25.

49. During the University of Washington event, masked protestors assaulted both police and civilians with weapons.⁶¹

50. Despite all of this, the Berkeley Defendants and Arreguin intentionally withheld police support—in concert with each and every named Defendant—at the Milo Yiannopoulos event that Plaintiff Robles attended, as Milo Yiannopoulos’s conservative viewpoint conflicts with the radical, leftist viewpoint shared by the Berkeley Defendants and Arreguin and the majority of the UC Berkeley student body and administration.

51. Anti-Trump sentiment is commonly supported and furthered by key figures within the Democratic party, such as each and every Defendant named herein.

52. On May 20, 2017, Burton, the former Chairman of California Democratic party encouraged and furthered violent anti-Trump behavior during the Democratic California State convention held in Sacramento, California.

53. Indeed, Burton made obscene gestures, holding up his middle fingers while encouraging the crowd to yell “Fuck Donald Trump!”

54. Pelosi, as House minority leader, showed and broadcast her approval of this vehement sentiment and violent attitude toward Trump supporters by smiling and laughing as a reaction to Burton’s behavior.

55. The actions of these high-ranking officials within the Democratic party endorses, incites, and furthers violence against Trump supporters, and encourages members of the Democratic party to attack those that choose to support the President.

56. This places citizens, like Plaintiff Robles, in danger and fear of her life, as she is more likely to be attacked when this incitement to violence is fostered by high-ranking Democrats such as Burton and Pelosi.

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⁶⁰ Rick Anderson, *supra* note 23.

⁶¹ *Id.*

Facts Pertaining Directly to Plaintiff Robles' Injuries

57. On February 1, 2017, Plaintiff Robles planned to attend a speech by Milo Yiannopoulos, a media personality and political commentator, hosted on UC Berkeley campus.

58. Mr. Yiannopoulos was invited to speak by the Berkeley College Republicans, which is a UC Berkeley Registered Student Organization ("RSO").

59. Plaintiff Robles purchased a ticket to the event and the proceeds of the ticket sale went to the Berkeley College Republicans.

60. By purchasing a ticket to an event organized by a UC Berkeley RSO and approved by UC Berkeley, Plaintiff Robles became an invitee by UC Berkeley. Indeed, UC Berkeley, as the inviter, owed a duty to Plaintiff Robles to provide a safe premise for their event.

61. Over 1,500 "protestors" gathered at Sproul Plaza to picket the event. Several people were intentionally and violently attacked by both masked and unmasked assailants, and the UC Berkeley campus incurred over \$100,000 worth of damage.

62. Plaintiff Robles was being interviewed by news station KGO-TV about her thoughts on freedom of speech versus "hate speech" when she was approached by several protestors that began to yell that she was a "fascist." The "protestors" surrounded Plaintiff Robles combatively.

63. Soon thereafter, an unknown assailant sprayed Plaintiff Robles in the face with painful pepper spray. Shortly after Plaintiff Robles was sprayed with pepper spray, Plaintiff Robles was again sprayed in the face by an unknown assailant with bear mace, which contains a much higher concentration of harmful substances than standard pepper spray.

64. On information and belief, the unknown assailants who sprayed Plaintiff Robles in the face with pepper spray and bear mace were members of BAMN, and carried out the battery on Plaintiff Robles at the direction of BAMN and in concert with each and every Defendant.

65. At the time of this attack, there was no police officers close enough to Plaintiff Robles to protect her from her assaulter. As a result, the attackers escaped and there was no one to immediately aid Plaintiff Robles.

66. Instead, witnesses saw nearly 100 police officers and SWAT officers waiting inside the Student Union Building while the attacks occurred, watching the protestors turn violent through a glass window.

67. UCPD and BPD could see the attacks occurring outside while they waited in the Student Union building, yet did not act to protect any of the victims, including Plaintiff Robles.

68. Soon after the first incident, Plaintiff Robles and others were again physically attacked by protestors. Miller, among others, struck Plaintiff Robles in the face and body with flagpoles until Plaintiff Robles was forced to escape by jumping over a metal barrier.

69. Miller is a former, and possibly current, UC Berkeley employee.⁶²

70. On information and belief, Miller is a member of the radical, American militant, left wing, political group BAMN, and carried out the battery on Plaintiff Robles at the direction of BAMN and in concert with each and every Defendant.

71. Miller admitted that he was present at the Milo Yiannopoulos event in an interview with the New York Daily News.⁶³

72. Miller wore a mask to hide his identity and wielded a wooden weapon during the Milo Yiannopoulos event.⁶⁴ He was identified later by the particular tattoos on his neck.⁶⁵

73. On the day of the UC Berkeley riot, Miller boasted on his social media account that he physically beat Trump supporters at the Milo Yiannopoulos event.⁶⁶

74. Miller posted a photo of one his incapacitated victims on his social media account.⁶⁷

⁶² University of California Data Analysis - Browse UC Salary Data, available at: http://ucpay.globl.org/index.php?campus=BERKELEY&name=MILLER+_+IAN+DABNEY

⁶³ Chris Sommerfeldt, *Violent protests at Berkeley college prompt cancellation of speech by right-wing writer Milo Yiannopoulos*, New York Daily News, February 2, 2017, available at: <http://www.nydailynews.com/news/national/protests-prompt-cancellation-calif-college-wing-event-article-1.2962069>.

⁶⁴ <https://twitter.com/chilllum/status/827655032665473024>

⁶⁵ *Id.*

⁶⁶ Ethan Ralph, *FIRST ON TRR: A UC Berkeley Rioter Has Been Exposed, & He's a University Staff Member!*, The Ralph Retort, February 3, 2017, available at: <http://theralphretort.com/uc-berkeley-rioter-exposed-works-university-203017/>.

⁶⁷ *Id.*

1 75. Mirabdal was also present at the Milo Yiannopoulos event.⁶⁸

2 76. On information and belief, Mirabdal is a member of the radical, American
3 militant, left wing, political group BAMN, and carried out the assault on Plaintiff Robles at the
4 direction of BAMN and in concert with each and every Defendant.

5 77. After Mirabdal and several unknown assailants surrounded Plaintiff Robles
6 combatively, Mirabdal shined a flashlight aggressively in Plaintiff Robles' face, blinding
7 Plaintiff Robles and placing her in fear and apprehension of harm.

8 78. Mirabdal further beat peaceful Milo Yiannopoulos supporters with a wooden sign
9 post during the UC Berkeley riot.⁶⁹

10 79. Once again, no police officers from either UCPD or BPD came to assist Plaintiff
11 Robles, nor to apprehend Miller, Mirabdal, or any of her attackers.

12
13 **Defendants Acted in Concert Because They Harbor Viewpoints Different from Milo**

14 **Yiannopoulos and His Supporters**

15 80. The Berkley Defendants and Arreguin intentionally withheld the police support of
16 UCPD and BPD—in concert with each and every named Defendant—from pro-President
17 Trump/pro-Milo Yiannopoulos attendees at an event which it knew could likely become hostile
18 and violent, because these pro-President Trump/pro-Milo Yiannopoulos attendees represented
19 political beliefs that went against their own radical, leftist beliefs.

20 81. Dirks, the current Chancellor of UC Berkeley, has called Milo Yiannopoulos “a
21 troll and provocateur who uses odious behavior in part to ‘entertain,’ but also to deflect any
22 serious engagement with ideas.”⁷⁰

23 82. Even now, after Plaintiff Robles was violently assaulted at the Milo Yiannopolous
24 event, the Berkeley Defendants again have refused to provide a “proper time and venue” for
25 conservative pundit Ann Coulter to speak at UC Berkeley.⁷¹

26 ⁶⁸ <https://pbs.twimg.com/media/C3vodrJWIAAYQ0h.jpg>

27 ⁶⁹ <https://www.instagram.com/p/BQAFESPj1aM/>

28 ⁷⁰ Patrick May, *UC Berkeley riot raises questions about free speech*, The Mercury News, February 2, 2017, available at: <http://www.mercurynews.com/2017/02/02/uc-berkeley-riot-raise-questions-about-free-speech/>.

83. Ann Coulter stated on The Sean Hannity Show, “You cannot impose arbitrary and harassing restrictions on the exercise of a constitutional right....None of this has to do with security.”⁷²

84. Indeed, the Berkeley Defendants, on information and belief, cancelled Ann Coulter’s scheduled speech because they disagree with her politically conservative viewpoints, in furtherance of their pattern and practice of squashing free speech that they disagree with.

85. The Berkeley Defendants disingenuously offered Ann Coulter a speaking time on May 2, during Dead Week, where there are no classes and students are studying for final exams.⁷³

86. Here, the Berkley Defendants’ and Arreguin’s refusal to provide police support—in concert with each and every named Defendant—to the pro-Milo Yiannopoulos students and invitees who were violently assaulted was effected in concert with Berkeley Mayor Jesse Arreguin.

87. Arreguin has made his disdain for Milo Yiannopolous clear, and he went so far as to incite violence by labeling Yiannopolous as a “white nationalist” before he was set to speak at UC Berkeley.⁷⁴

88. Arreguin is a public member of BAMN, a radical, American militant, left wing, political group that organizes demonstrations and litigation to achieve its political agenda.⁷⁵ Arreguin openly broadcasts his membership to the violent organization.⁷⁶

89. Arreguin implemented a stand-down order to UCPD and BPD during the Milo Yiannopoulos riots, instructing law enforcement not to intervene while pro-President Trump/pro-Milo Yiannopolous supporters, including Plaintiff Robles, were being violently attacked.⁷⁷

⁷¹ *UC Berkeley Students Threatened to Sue Over Ann Coulter Visit*, Fox News, Apr. 23, 2017, available at: <http://www.foxnews.com/us/2017/04/23/uc-berkeley-students-threaten-to-sue-over-ann-coulter-visit.html>

⁷² *Id.*

⁷³ *Id.*

⁷⁴ Tom Ciccotta, *supra* note 32.

⁷⁵ *supra* note 33.

⁷⁶ Justin Caruso, *supra* note 30.

90. BAMN has a history of arranging violent “protests,” which have been classified as “low-level terrorism” by the Department of Defense.⁷⁸

91. For instance, in 2016, BAMN led a protest in Sacramento that resulted in ten people being hospitalized with stab wounds.⁷⁹

92. On information and belief, BAMN, acting under the direction of, and in concert with, each and every named Defendant herein, including Arreguin, carried out the physical acts of violence that occurred during the Milo Yiannopoulos event that led to Plaintiff Robles’ injuries.⁸⁰ On information and belief, one or more of the unknown assailants of Plaintiff Robles are members of BAMN, fulfilling BAMN’s violent, terrorist agenda.

93. Thus, each and every Defendant worked in concert to organize and cultivate the riots that led to Plaintiff Robles injuries. Arreguin and BAMN organized the violent riots, couched as “protests,” and they worked in concert with the Berkeley Defendants, BPD, and UCPD to withhold police support to the attendees of the Milo Yiannopoulos who were brutally attacked by BAMN members, including, but not limited to, Miller and Mirabdal.

FIRST CAUSE OF ACTION

VIOLATION OF FEDERALLY PROTECTED RIGHT UNDER 42 U.S.C. §1983 – VIOLATION OF THE FIRST AMENDMENT TO THE U.S. CONSTITUTION: FREEDOM OF SPEECH AND FREEDOM OF ASSEMBLY

Against Defendants The Regents of the University of California, Berkeley, Monica Lozano, Nicholas Dirks, Janet Napolitano, Jesse Arreguin, University of California Police Department, City of Berkeley Police Department, Nancy Pelosi, John Burton, and John Does
1-10

94. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

⁷⁷ Justin Caruso, *supra* note 30.

⁷⁸ James Osborne, *supra* note 34.

⁷⁹ Joseph Serna, *supra* note 35.

⁸⁰ Tom Ciccotta, *supra* note 37.

1 95. Defendants, while acting under the color of state law, deprived Plaintiff Robles of
2 her right to freely exercise her freedom of speech and freedom of assembly, rights protected by
3 federal law and the First Amendment to the U.S. Constitution.

4 96. Defendants' actions and inactions were intentional and were designed to prevent
5 individuals, including Plaintiff Robles, from freely expressing their political views and their
6 freedom of assembly, based on their pro-President Trump political beliefs and their support of
7 Milo Yiannopoulos.

8 97. Defendants had the resources and manpower available to provide a safe venue for
9 pro-President Trump/pro-Milo Yiannopoulos attendees during the Milo Yiannopoulos speech.
10 UC Berkeley, under the leadership of The Regents, Lozano, Dirks, and Napolitano, has hosted
11 countless politically-charged rallies and protests in the past, and provided effective police
12 presence at said rallies and protests without incident.

13 98. Defendants willfully withheld police officers to protect pro-President Trump/pro-
14 Milo Yiannopoulos attendees at an event which it knew was to most likely become hostile and
15 violent, because these pro-President Trump/pro-Milo Yiannopoulos attendees represented
16 political beliefs that went against the popular sentiment of Defendants and most UC Berkeley's
17 administration and students.

18 99. On information and belief, BAMN, acting under the direction of the other named
19 Defendants, including but not limited to Arreguin – a widely publicized member of BAMN –
20 rioted and violently assaulted attendees of the Milo Yiannopoulos event, including Plaintiff
21 Robles, to prevent Plaintiff Robles and others present from peacefully assembling and supporting
22 Milo Yiannopoulos.

23 100. Defendants' actions, as described above, have interfered with Plaintiff Robles'
24 free exercise of speech, in violation of the United States Constitution, in that Defendants' refusal
25 to adequately secure and monitor a known hostile campus environment for pro-President
26 Trump/pro-Milo Yiannopoulos attendees prohibits Plaintiff Robles from the free exercise of her
27 speech and political beliefs.
28

101. As a direct and proximate cause of Defendants' actions, Plaintiff Robles suffered physical injuries and emotional distress, accompanied by various physical symptoms, including, but not limited to, sleeplessness, nervousness, and extreme anxiety.

SECOND CAUSE OF ACTION

VIOLATION OF FEDERALLY PROTECTED RIGHT UNDER 42 U.S.C. §1983 – EQUAL PROTECTION

Against Defendants The Regents of the University of California, Berkeley, Monica Lozano, Nicholas Dirks, Janet Napolitano, Jesse Arreguin, University of California Police Department, City of Berkeley Police Department, Nancy Pelosi, John Burton, and John Does
1-10

102. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

103. Plaintiff Robles is a gay woman, a member of an identifiable class for equal protection purposes.

104. Defendants, while acting under the color of state law, intentionally discriminated against Plaintiff Robles on the basis of her sexual orientation by withholding police protection at the Milo Yiannopolous event, that they, at a minimum, reasonably foresaw would erupt in violence.

105. Defendants chose to withhold police protection at the Milo Yiannopolous event because Milo Yiannopolous and a large number of his supporters, including Plaintiff Robles, are gay.

106. Defendants failed to enforce UC Berkeley's anti-discrimination policies to prevent physical and emotional harm to Plaintiff Robles. Defendants' actions and inactions were intentional and placed Plaintiff Robles in physical danger.

107. Defendants had the resources and manpower available to provide a safe venue for pro-President Trump/pro-Milo Yiannopoulos attendees during the Milo Yiannopoulos speech.

108. UC Berkeley, under the leadership of The Regents, Lozano, Dirks, and Napolitano, has hosted countless politically-charged rallies and protests in the past, and provided effective police presence at said rallies and protests without incident.

109. Defendants chose not to utilize their police officers to protect Plaintiff Robles at an event which they knew was to most likely become hostile and violent, because Milo Yiannopoulos and many of his supporters, including Plaintiff, are gay.

110. As a direct and proximate cause of Defendants' actions, Plaintiff Robles suffered physical injuries and emotional distress, accompanied by various physical symptoms, including, but not limited to, sleeplessness, nervousness, and extreme anxiety.

THIRD CAUSE OF ACTION

NEGLIGENCE

Against Defendants The Regents of the University of California, Berkeley, Monica Lozano, Nicholas Dirks, Janet Napolitano, Jesse Arreguin, and John Does 1-10

111. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

112. The Regents, Lozano, Dirks, Napolitano, and Arreguin owed a duty of care to Plaintiff Robles – a UC Berkeley invitee – to provide a safe place to assemble and exercise her First Amendment rights.

113. The Regents, Lozano, Dirks, Napolitano, and Arreguin reasonably foresaw that violence was likely to erupt at the Milo Yiannopoulos event based on the current political climate, UC Berkeley's history of violent protests, and other violent protests at similar events.

114. The Regents, Lozano, Dirks, Napolitano, and Arreguin breached their duty of care to Plaintiff Robles by withholding effective police protection for Plaintiff Robles and other attendees of UC Berkeley's event.

115. The Regents, Lozano, Dirks, Napolitano, and Arreguin breached their duty of care to Plaintiff Robles by ordering campus police in the vicinity of the attacks not to intervene and defend Plaintiff and other attendees that were being attacked.

116. The Regents', Lozano's, Dirks', Napolitano's, and Arreguin's negligence in ordering campus police not to intervene and defend Plaintiff Robles was a substantial factor and proximate cause of Plaintiff Robles' mental and physical injuries incurred from violent protestors beating her with flag poles and flashlights and spraying pepper spray and bear mace in her face.

FOURTH CAUSE OF ACTION

GROSS NEGLIGENCE

Against Defendants The Regents of the University of California, Berkeley, Monica Lozano, Nicholas Dirks, Janet Napolitano, Jesse Arreguin, and John Does 1-10

117. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

118. The Regents, Lozano, Dirks, Napolitano, and Arreguin owed a duty of care to Plaintiff Robles – a UC Berkeley invitee – to provide a safe place to assemble and exercise her First Amendment rights.

119. The Regents, Lozano, Dirks, Napolitano, and Arreguin reasonably foresaw that violence was likely to erupt at the Milo Yiannopoulos event based on the current political climate, UC Berkeley's history of violent protests, and other violent protests at similar events.

120. The Regents, Lozano, Dirks, Napolitano, and Arreguin breached their duty of care to Plaintiff Robles by consciously and maliciously withholding effective police protection for Plaintiff Robles and other attendees of UC Berkeley's event.

121. The Regents, Lozano, Dirks, Napolitano, and Arreguin breached their duty of care to Plaintiff Robles by consciously and maliciously ordering campus police in the vicinity of the attacks not to intervene and defend Plaintiff Robles and other attendees that were being attacked.

122. The Regents,' Lozano's, Dirks', Napolitano's, and Arreguin's gross negligence in consciously and maliciously ordering campus police not to intervene and defend Plaintiff Robles was a substantial factor and proximate cause of Plaintiff Robles's mental and physical injuries incurred from violent protestors beating her with flag poles and flashlights and spraying pepper spray and bear mace in her face.

FIFTH CAUSE OF ACTION

PREMISES LIABILITY

Against Defendants The Regents of the University of California, Berkeley, Monica Lozano, Nicholas Dirks, Janet Napolitano, and John Does 1-10

123. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

124. The Regents, Lozano, Dirks, and Napolitano controlled the UC Berkeley property and were negligent in the use or maintenance of the property by failing to adequately secure and monitor a known hostile campus environment for pro-President Trump/pro-Milo Yiannopoulos attendees.

125. Plaintiff Robles' injuries were directly and proximately caused by the Regents', Lozano's, Dirks', and Napolitano's negligent conduct.

SIXTH CAUSE OF ACTION

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

Against All Defendants

126. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

127. Defendants were negligent in their failure to properly maintain a safe venue for attendees of the Milo Yiannopoulos event hosted on UC Berkeley campus, when they should have reasonably anticipated attacks from protestors based on the foregoing numerous factors detailed in this Complaint, including, but not limited to, the violent outcome of previous Milo Yiannopoulos speaking engagements.

128. Plaintiff Robles suffered severe emotional distress, and Defendants' negligence in failing to properly maintain a safe venue for attendees of the Milo Yiannopoulos event was a substantial factor in and directly and proximately caused Plaintiff's serious emotional distress that resulted from attacks from violent protestors at the Milo Yiannopoulos event.

SEVENTH CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Against All Defendants

129. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

///

130. Defendants' intentional decision to withhold proper protection for pro-President Trump/pro-Milo Yiannopoulos supporters during the Milo Yiannopoulos event, based on the pro-President Trump/pro-Milo Yiannopoulos supporters' political beliefs, were the result of intentional, extreme, and outrageous conduct that exceeded all reasonable bounds of decency.

131. Defendants intended to inflict severe emotional distress and mental anguish on Plaintiff Robles with their decision to withhold proper protection for pro-President Trump/pro-Milo Yiannopoulos supporters during the Milo Yiannopoulos event, even through UCPD and BPD witnessed firsthand rioters attacking Milo Yiannopoulos supporters.

132. Plaintiff Robles suffered severe emotional distress directly and proximately caused by Defendants' intentional decision to withhold proper protection for pro-President

Trump/pro-Milo Yiannopoulos supporters during the Milo Yiannopoulos event, and Defendants' intentional decision to withhold proper protection for pro-President Trump/pro-Milo Yiannopoulos supporters during the Milo Yiannopoulos event was a substantial factor in causing Plaintiff Robles' emotional distress.

EIGHTH CAUSE OF ACTION

ASSAULT

Against Defendants Ian Dabney Miller, Raha Mirabdal, BAMN, Refuse Fascism, Soros, and John Does 1-10

133. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

134. Miller, Mirabdal, BAMN, and other assailants (to be named in discovery) placed Plaintiff Robles in apprehension of an imminent harmful or offensive contact by, among other things, aggressively shining a flashlight directly into her eyes so as to blind her after surrounding her in a combative manner.

135. Plaintiff Robles did not consent to Miller's, Mirabdal's, BAMN's, and other assailants' (to be named in discovery) conduct described in the foregoing paragraphs.

136. As a direct and proximate result of Miller, Mirabdal, BAMN, and other assailants' (to be named in discovery) wrongful conduct, Plaintiff Robles suffered conscious pain, suffering, severe emotional distress and the fear of imminent serious bodily injury or death, and other mental and physical injuries.

NINTH CAUSE OF ACTION

BATTERY

Against Defendants Ian Dabney Miller, Raha Mirabdal, BAMN, Refuse Fascism, Soros, and John Does 1-10

137. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

138. Plaintiff Robles suffered harmful, offensive bodily contact from Miller, Mirabdal, BAMN, and other assailants' (to be named in discovery) actions of beating Plaintiff's face and body with flag poles and flashlights and spraying her with pepper spray and bear mace, from which Plaintiff sustained injuries.

139. Refuse Fascism receives funds from umbrella companies and subsidiaries of Soros' Open Society Foundation, a network of foundations, partners, and projects that funds Soros' political interests.

140. Miller, Mirabdal, BAMN, and other assailants to be named in discovery beat Plaintiff Robles' face and body with flag poles and flashlights and sprayed her with pepper spray and bear mace with the intent to harm and injure her.

141. Plaintiff Robles did not consent to Miller's, Mirabdal's, BAMN's, and other assailants' (to be named in discovery) attacks with pepper spray, bear mace, flag poles, and flashlight on her face and body, and she was harmed and injured by Defendant's attacks.

142. As a direct and proximate result of the wrongful attacks on Plaintiff Robles, by Miller, Mirabdal, BAMN, and other assailants (to be named in discovery), Plaintiff suffered conscious pain, suffering, severe emotional distress and the fear of imminent, serious bodily injury or death, and other mental and physical injuries.

TENTH CAUSE OF ACTION

Violation of State Protected Right Under Cal. Civ. Code § 52.1 – Bane Act

Against All Defendants

143. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

144. Miller, Mirabdal, BAMN, and unknown assailants, acting in concert with each and every Defendant, intentionally interfered with Plaintiff Robles' constitutionally protected right to freedom of speech and freedom of assembly by threatening and committing violent acts.

145. Plaintiff Robles reasonably believed that if she exercised her rights to freedom of speech and freedom of assembly, Miller, Mirabdal, BAMN, and unknown assailants, acting in concert with each and every Defendant, would commit violence against her.

146. Miller, Mirabdal, BAMN, and unknown assailants, acting in concert with each and every Defendant, injured Plaintiff Robles to prevent her from exercising her rights to freedom of speech and freedom of assembly and/or retaliate against Plaintiff Robles for having exercised her rights to freedom of speech and freedom of assembly.

147. Miller, Mirabdal, BAMN, and unknown assailants, acting in concert with each and every Defendant, threatened and committed violent acts against Plaintiff Robles because of Plaintiff Robles' political affiliation and her sexual orientation.

148. Plaintiff Robles was harmed, and Miller, Mirabdal, BAMN, and unknown assailants' conduct, in concert with each and every Defendant, was a substantial factor in causing Plaintiff Robles' harm.

ELEVENTH CAUSE OF ACTION

INJUNCTIVE RELIEF

Against Defendants Bennett, Greenwood, UCPD, and BPD, and John Does 1-10

149. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

150. As set forth previously in this Complaint, UCPD and BPD police officers sat by idly, watching as Plaintiff Robles and others were viciously attacked by "protestors" during the Milo Yiannopolous event.

151. Instead of rendering assistance, nearly 100 UCPD and BPD police officers waited in the Student Union building, within eyesight of the violence happening outside, watching the protestors become more belligerent.

152. As a result of the inaction of UCPD and BPD officers, the assailants who attacked Plaintiff Robles and others were not apprehended and Plaintiff Robles and others did not receive immediate assistance for their injuries.

153. At a minimum, BPD and UCPD officers demonstrated a lack of training in how to handle “riots” like the one at the Milo Yiannopoulos event.

154. Plaintiff Robles and others will suffer irreparable harm if UCPD and BPD officers do not receive adequate training on how to handle “riot” situations, like the one at the Milo Yiannopolous event, including, but not limited to, possible loss of life.

155. Plaintiff Robles has no adequate remedy at law.

156. UCPD and BPD would not be harmed by requiring its officers to undergo training on how to handle “riot” situations.

157. Plaintiff Robles respectfully requests that this Court order preliminary and permanent injunctive relief requiring UCPD and BPD officers to undergo proper training on how to handle “riot” situations, and requiring UCPD and BPD officers to uphold their oath to serve and protect all victims, regardless of their political beliefs or sexual orientation.

TWELFTH CAUSE OF ACTION

ASSAULT

Against Defendants John Burton and Nancy Pelosi, and John Does 1-10

158. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

159. Burton and Pelosi, as leaders of the Democratic party, placed Plaintiff Robles in apprehension of an imminent harmful or offensive contact by, among other things, advocating violence toward President Trump supporters.

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Pro Hac Vice to be Filed

/s/ Michael D. Kolodzi

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