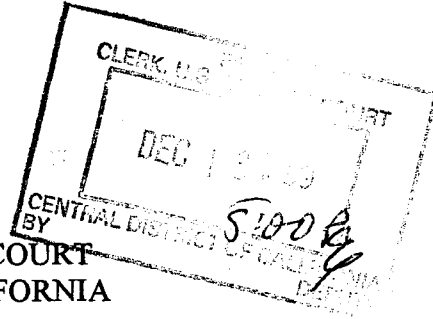


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6 Attorney for Plaintiffs
7 **ASSOCIATED STUDENTS OF SANTA MONICA**
8 **COLLEGE, KONSTANTINE THEOHARIS,**
9 **RYAN FLEGAL, SHARON LUNGO, and**
10 **KELLY TAYLOR**

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**



13 **ASSOCIATED STUDENTS OF SANTA MONICA)**
14 **COLLEGE, KONSTANTINE THEOHARIS,)**
15 **RYAN FLEGAL, SHARON LUNGO, and)**
16 **KELLY TAYLOR,)**
17 **Plaintiffs,)**

18 vs.)

19 **SANTA MONICA COMMUNITY COLLEGE)**
20 **DISTRICT BOARD OF TRUSTEES, KCRW,)**
21 **and the following persons in their individual)**
22 **and official capacities, NANCY CATTELL, HERB)**
23 **RONEY, CAROLE CURREY, DOROTHY)**
24 **EHRHART-MORRISON, ILLONA KATZ,)**
25 **PATRICK NICHELSON, ANNETTE SHAMEY,)**
26 **PIEDAD ROBERTSON, THOMAS DONNER,)**
27 **ROBERT SAMMIS, CHARLIE YEN, ROBERT)**
28 **ADAMS, PATRICIA BROWN, EDWIN HARDE,)**
CHERYL MILLER, MARK ROMANO, Officer)
ORNELLUS, GILL BROOKS, MARK KESSLER,)
CHARLES BAYS, EILEEN MILLER, RUTH)
SEYMOUR, and DOES 1-20,)

29 **Defendants.)**

Case No. CV 98-5279 RSWL (CWx)

THIRD AMENDED
COMPLAINT FOR DAMAGES,
INJUNCTIVE AND
DECLARATORY RELIEF

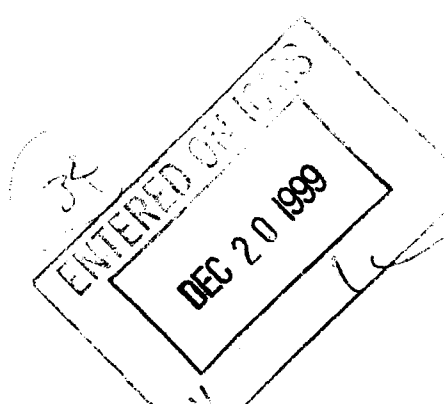
[U.S. Constitutional Article I,
Section 9, Part 3, and Amendments I,
IV, XIV; 42 U.S.C. §§ 1983, 1985,
1986, 1988; 18 U.S.C. §§ 1961, *et*
seq. (RICO); and Supplemental State
Claims]

DEMAND FOR JURY TRIAL

30 Plaintiffs allege as follows:

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32 //



JURISDICTION AND VENUE

1
2 1. This Court has subject matter jurisdiction over this action arising under 28 U.S.C Sections
3 1343(3), 1367(a), 2201, and 2202, and 42 U.S.C. Sections 1983, 1985, 1986, 1988, and 18 U.S.C.
4 Sections 1961, *et seq.* (RICO), and the Constitution of the United States of America, in particular,
5 Article I, Section 9, Part 3, as well as the First, Fourth, and Fourteenth Amendments thereto. This
6 action is also, in part, a class action, under Rules 23(a) and 23(b)(2) of the Federal Rules of Civil
7 Procedure. Plaintiffs through this action, individually and as representatives of a class, seek damages,
8 declaratory and injunctive relief, and attorney's fees.

9 2. The wrongful actions of defendants, as described in this complaint, occurred within the County
10 of Los Angeles, State of California, and constitute, unless otherwise stated, "state action" as that term
11 has been interpreted by relevant case law.

INTRODUCTION

12
13
14 3. Plaintiffs ASSOCIATED STUDENTS OF SANTA MONICA COLLEGE, KONSTANTINE
15 THEOHARIS, RYAN FLEGAL, SHARON LUNGO, and KELLY TAYLOR, bring this complaint on
16 behalf of themselves, for individual claims, and all students of Santa Monica Community College, for
17 the purposes of the class action claims, and allege that defendants have deprived plaintiffs of liberties
18 and property without due process, and denied plaintiffs the equal protection of applicable laws,
19 customs, and services,

20 4. Plaintiffs ASSOCIATED STUDENTS, KONSTANTINE THEOHARIS, RYAN FLEGAL,
21 SHARON LUNGO, and KELLY TAYLOR also bring this complaint on behalf of themselves for
22 personal causes of action and allege that defendants, *inter alia* and in addition to the aforementioned
23 injuries, have also conspired to violate plaintiffs' freedom of speech, obstructed and denied plaintiffs'
24 peaceable assembly, thwarted and halted plaintiffs' petitioning of the government for redress of
25 grievances, illegally arrested and detained defendants, committed acts solely directed at silencing
26 plaintiffs, maliciously prosecuted plaintiffs, executed what constituted bills of attainder against
27

1 plaintiffs and their property. committed acts of fraud and misrepresentation, negligence, extortion and
2 conversion of property as well as other intentional tortious acts, and, furthermore, retaliated against
3 plaintiffs for exercising their federal and state rights and entitlements, all which subsequently caused
4 considerable personal injuries to the plaintiffs.

5 5. Members of the class on behalf of which this action is brought are all students attending Santa
6 Monica Community College managed, controlled, and maintained by the SANTA MONICA
7 COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES, which students, but for the conduct
8 of defendants, described, would be free to pursue their aforementioned rights and liberties on the
9 college campus without threat or mistreatment by defendants. Their number makes joinder
10 impracticable; the questions of law are common to the class; the claims of ASSOCIATED
11 STUDENTS OF SANTA MONICA COLLEGE, KONSTANTINE THEOHARIS, RYAN FLEGAL,
12 SHARON LUNGO, and KELLY TAYLOR brought on behalf of the class are typical of the class; and
13 ASSOCIATED STUDENTS OF SANTA MONICA COLLEGE, KONSTANTINE THEOHARIS,
14 RYAN FLEGAL, SHARON LUNGO, and KELLY TAYLOR can adequately protect the interests of
15 the class.

16 6. This proceeding seeks a judgment declaring various rules, regulations, policies, and actions of
17 the Board of Trustees, administration, and administrative and police personnel unconstitutional and
18 void as to plaintiffs, *inter alia*:

19 a. the use of the college police to threaten and illegally arrest and detain students who exercise
20 protected rights;

21 b. conversion of plaintiffs' property;

22 c. gross mismanagement of plaintiff funds and along with the improper controlling role which
23 defendants exercise over plaintiffs' property;

24 d. the prohibition of plaintiffs from hiring and contracting professional services, especially that
25 of an attorney for legal counsel and a private accountant for third party auditing;

26 e. the prohibition of plaintiffs from conducting business without administrative or district
27 personnel present;

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- f. the prohibition of plaintiffs from unsupervised access to their own offices; and
- g. the prohibition of plaintiffs from obtaining and using keys to their offices.

This proceeding also seeks all legal and equitable relief to which plaintiffs may be entitled including but not limited to compensatory and punitive damages, attorney's fees and costs, prejudgment interest and an injunction against the Board of Trustees, the college administration, and the college police enjoining them from the above mentioned policies and conduct and such other improper policies and conduct as may be proven at trial.

7. Defendants have, furthermore, conducted a pattern of illegal coercion, fraud, and extortion by these policies in previous years for the purpose of profit, specifically that of conversion of student funds and other property. This is an improper use of defendants' state authority to further their own personal agendas. The following ASSOCIATED STUDENT'S assets have been illegally converted by this conduct:

- a. SMC Bookstore, which was coerced from the students under the guise of an unconscionable and unenforceable contract, all profits of which now go directly to the administrators private auxiliary account and for which the Students were not compensated with the slightest consideration;

- b. KCRW, which was banned from student use and against standing policy that entitled students to use KCRW as a radio workshop;

- c. College debt owed to Students from past Student investments to permanent improvements to the college campus per California Education Code Section 76064, which must be repaid;

- d. Student property and funds hidden and converted; and

- e. Student funds overtly used under coercion.

8. The estimated net gain to the districts' assets and the administrators' private Auxiliary Service Accounts from these activities, as well as from multiple illegal fees charged to students every quarter, total to over 6.5 million dollars per year. It is these improper and illegal economic and financial interests that motivate the defendants' conspiracy to violate plaintiffs' aforementioned rights.

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1 **PARTIES AND RELATIONSHIP**

2 8. At all times herein mentioned ASSOCIATED STUDENTS OF SANTA MONICA COLLEGE
3 (“Students”) were a student government body of the DISTRICT OF SANTA MONICA. The Students
4 hold valid corporate status as a non-profit 501(c)(3) organization, with tax-exempt I.D. Number 95-
5 1684085. The Students also possess the authorization to associate as a student government pursuant to
6 California Education Code Section 76060.

7 9. The scope of the Students’ activities are State-wide, national, and international. From business
8 that includes political lobbying at the state and federal capitals, to educational programs which draw
9 national and international speakers and which also send hundreds of students interstate for
10 conferences, retreats, competitions, and seminars, to cultural activities that include art exhibitions,
11 musical performances, and exchange programs, the Students conduct and rely heavily upon interstate
12 commerce.

13 10. As a student government authorized pursuant to California Education Code § 76060, the
14 Students possess several entitlements such as:

- 15 a. the entitlement to act on behalf of the students of the college as an advocacy group;
- 16 b. the entitlement to order and hold elections;
- 17 c. the entitlement to create procedures for the expenditure of funds;
- 18 d. the entitlement to employ and contract;
- 19 e. the entitlement to shared governance;
- 20 f. the entitlement to raise funds;
- 21 g. the entitlement to expend funds in any manner seen fit;
- 22 h. the entitlement to deposit funds in a bank whose accounts are insured by the FDIC; and
- 23 i. the entitlement to invest funds in permanent improvements to the campus of SMC and be

24 duly recompensed in principal and interest (California Code of Education Sections 76063 and 76064).

25 11. In applying for and receiving these statuses, as a non-profit corporation and as a student
26 government, the Students have acquired a “property interest” protected by the United States
27 Constitution.

1 12. In applying for and receiving these statuses, as a non-profit corporation and as a student
2 government, the Students have acquired a "liberty interest" in pursuing their lawful avocation and
3 business.

4 13. Having acquired a liberty and property interest in these statuses, the Students as a corporation
5 and association of students of California and of the United States, are entitled to conduct their business
6 free from arbitrary and capricious intrusions and interference by the defendants.

7 14. Plaintiff KONSTANTINE THEOHARIS, ("Theoharis") was from March 20, 1998, until June
8 30, 1998, the Student Treasurer and member of the Student Board of Directors. He is currently a
9 student.

10 15. Plaintiff RYAN FLEGAL, ("Flegal") was from July 1, 1997, until June 30, 1998, the Student
11 President and member of the Student Board of Directors. He is currently a student.

12 16. Plaintiff SHARON LUNGO, ("Lungo") was from July 1, 1997, until June 30, 1998, the
13 Director of Student Services and member of the Student Board of Directors. She is currently as
14 student.

15 17. Plaintiff KELLY TAYLOR, ("Taylor") was from July 1, 1997, until June 30, 1998, the
16 Director of Instructional Support and member of the Student Board of Directors. She is currently as
17 student.

18 18. As Student Board Directors, offices attained through private election by voluntary members of
19 the ASSOCIATED STUDENTS, and as members of the ASSOCIATED STUDENTS, Theoharis,
20 Flegal, Lungo, and Taylor have acquired both property and liberty interests protected by the United
21 States Constitution that entitle them to conduct their business and pursue their lawful avocations free
22 from invidious and discriminatory acts by defendants or other such behavior for any unlawful purpose.

23 19. Defendant SANTA MONICA COMMUNITY COLLEGE DISTRICT BOARD OF
24 TRUSTEES ("Trustees") is, and at all times relevant was a governmental entity organized and existing
25 under the laws of the State of California to operate the Santa Monica Community College in the
26 County of Los Angeles and receives and expends funds.

1 20. Defendants NANCY CATTELL, HERB RONEY, CAROLE CURREY, DOROTHY
2 EHRHART-MORRISON, ILLONA KATZ, PATRICK NICHELSON, and ANNETTE SHAMEY are
3 individuals holding elected office as members of the Trustees, who at all times referred to acted under
4 color of law.

5 21. The Trustees are subject to California Education Code Section 70902. Pursuant to that statute
6 the Board has responsibility for establishing, maintaining, and operating Santa Monica Community
7 College in accordance with law. One of the powers given to the Board is the power to authorize a
8 student body association. The defendant Board Members constitute the Trustees.

9 22. Defendant KCRW is, and at all relevant times was, a federally licensed public radio station
10 operating on the campus of Santa Monica Community College.

11 23. Defendant PIEDAD ROBERTSON ("Robertson") is, and at all relevant times was, the
12 President and/ or alternatively the Superintendent of the Santa Monica Community College District,
13 and is the administrator in charge of the operations of the District.

14 24. Defendant THOMAS DONNER ("Donner") is, and at all relevant times was, the Vice
15 President of Santa Monica Community College in charge of fiscal matters and the top financial officer
16 of the college.

17 25. Defendant ROBERT SAMMIS ("Sammis") is, and at all relevant times was, the Vice President
18 of Santa Monica Community College in charge of human resources.

19 26. Defendant CHARLES YEN ("Yen") is, and at all relevant times was, the Events Manager of
20 Santa Monica Community College and is the administrator in charge of facilities and Student
21 equipment.

22 27. Defendant ROBERT ADAMS ("Adams") is, and at all relevant times was, the Vice President
23 of Student Affairs of Santa Monica Community College and is the administrator in charge of the
24 administrative personnel that advise and regulate the Students' business and other relevant policies
25 concerning the Students.

26 28. Defendant PATRICIA BROWN ("Brown") is, and at all relevant times was, the Dean of
27 Student Life of Santa Monica Community College and is the administrative advisor assigned to the

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1 Students in charge of signing requisitions for all Student monetary expenditures as well as facility
2 requests that are required to reserve college facilities and equipment.

3 29. Defendant EDWIN HARDE (“Harde”) is, and at all relevant times was, the Controller of Santa
4 Monica Community College responsible for all accounting on the campus, departmental, auxiliary or
5 private, as well as being one of only two signers on the Students bank account that purportedly holds
6 all available Student cash assets.

7 30. Defendant CHERYL MILLER (“C. Miller”) is, and at all relevant times was, the Accounting
8 Manager of Santa Monica Community College responsible for departmental accounting on the
9 campus, as well as being the second of only two signers on the Students bank account.

10 31. Defendant officer MARK ROMANO (“Romano”) is, and at all relevant times was, a state-
11 licensed police officer employed with the Santa Monica Community College District.

12 32. Defendant officer ORNELLUS (“Ornellus”) is, and at all relevant times was, a state-licensed
13 police officer employed with the Santa Monica Community College District.

14 33. Defendant officer GILL BROOKS (“Brooks”) is, and at all relevant times was, a state-licensed
15 police officer employed with the Santa Monica Community College District.

16 34. Defendant officer MARK KESSLER (“Kessler”) is, and at all relevant times was, a state-
17 licensed police officer employed with the Santa Monica Community College District.

18 35. Defendant CHARLES BAYS (“Bays”) is, and at all relevant times was, a state-licensed police
19 officer employed as a sergeant of college police with the Santa Monica Community College District.

20 36. Defendant EILEEN MILLER (“E. Miller”) is, and at all relevant times was, a state-licensed
21 police officer employed as the chief of college police with the Santa Monica Community College
22 District.

23 37. Defendant RUTH SEYMOUR (“Seymour”) is, and at all relevant times was, the executive
24 manager of KCRW in charge of station policy, procedures, content, and hiring.

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1 **FIRST CAUSE OF ACTION**

2 (42 U.S.C. § 1983 - Prospective Injunctive Relief)

3 (Violation of U.S. Constitutional Amendment I – Free Speech)

4 (On Behalf Of All Plaintiffs Against All Defendants)

5 38. The allegations set forth in paragraphs 1 through 37, inclusive, are incorporated into this cause
6 of action by reference as if set forth in full.

7 39. On multiple occasions during the plaintiffs' enrollment with Santa Monica Community
8 College, plaintiffs THEOHARIS, FLEGAL, LUNGO, and TAYLOR publicly expressed their separate
9 views about many aspects of the governance, management, and utilization of the Santa Monica
10 Community College District all of which are matters of public concern.

11 40. Plaintiffs' expressions of views on matters of public concern included, without limitation, the
12 following:

- 13 a. Plaintiffs have complained about Santa Monica College's misuse of public funds.
- 14 b. Plaintiffs have also exposed Santa Monica College's practice of interfering with the
15 liberties and property of the Students for reasons including but not limited to influence
16 peddling and converting Student property. Plaintiffs complained about one such Student
17 Asset Account which was controlled by administrative personnel and restricted to Students.
- 18 c. Plaintiffs have also publicly raised questions concerning and exposed incidents of
19 corruption, misuse of public and Student property, and theft by Santa Monica College
20 managers, administrators, and employees.

21 41. From 1997 through 1999, plaintiffs began to report to Santa Monica College's managers and
22 administrators, and thereafter to State agencies, various aforementioned acts and omissions which
23 plaintiffs in good faith believed to be in violation of significant public policy and pertain to matters of
24 public concern.

25 42. As a consequence of the foregoing, plaintiffs were labeled as "troublemakers" and were
26 subjected to defendants' acts of hostility, which were continuing and relentless, collectively
27 demonstrating a pattern of discrimination toward plaintiffs. Collectively these acts created an

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1 intolerable, oppressive, and unreasonably burdensome work environment caused by defendants'
2 actions including but not limited to:

- 3 a. administrative directives made to college police to threaten plaintiffs with arrest, which
4 occurred on several occasions including at least four separate instances to plaintiff
5 FLEGAL while working in his office in December of 1997 to April of 1998, as well as
6 individually to plaintiffs THEOHARIS, LUNGO, and TAYLOR during that same time;
- 7 b. actual arrests, detainment, and subjection to legal process which occurred to plaintiffs
8 THEOHARIS, FLEGAL, LUNGO and TAYLOR during April and May of 1998;
- 9 c. administrative threats and extortion to harm plaintiffs' business, political, and cultural
10 activities which occurred several times including in September and October of 1997 when
11 defendant ROBERTSON threatened the ASSOCIATED STUDENTS by telling plaintiffs
12 that she would halt all student business if plaintiffs would deny defendants' access to
13 ASSOCIATED STUDENT funds;
- 14 d. attempts to halt Student meetings, contracts, and other business which occurred on several
15 occasions once witnessed by all defendants in June of 1998 when defendant BROWN
16 halted an ASSOCIATED STUDENTS meeting that was convened for the purpose of
17 discussing legal action to be taken against her and the other defendants; and
- 18 e. false statements to the college community concerning plaintiffs which occurred on several
19 occasions including several statements in the student newspaper, The Corsair, during the
20 1997 and 1998 school year which depict plaintiffs as untrustworthy and as troublemakers
21 for the purpose of ruining their reputations and the effect of their efforts to inform the
22 college community of the defendants' illegal actions.

23 43. Defendants' wrongful acts caused complete alienation of plaintiffs from their co-workers and
24 isolated them from staff-members essential to their successful job performance and subjected them to
25 constant hostility, prior to and after their illegal arrests.

1 44. By creating a public community college, defendants created a semi-public forum which
2 pursuant to the First Amendment of the United States Constitution, cannot exclude speech on matters
3 of public concern.

4 45. No compelling state interest justifies the arresting or threatening of plaintiffs for publicly
5 speaking out on unlawful practices at Santa Monica College. The decisions by defendants to arrest
6 and threaten plaintiffs were totally arbitrary.

7 46. Defendants' policies and actions, as alleged in this complaint, deprive plaintiffs and the general
8 public of the right to free speech as guaranteed by the First Amendment to the U.S. Constitution.

9 47. Plaintiffs are informed and believe, and on that basis allege, that defendants' actions from 1997
10 to 1999 as described herein were to harass and humiliate them in retaliation for their public comments
11 and complaints on matters of public concern.

12 48. Plaintiffs have no plain, speedy, or adequate remedy at law, and stand to suffer irreparable
13 harm. For that reason, plaintiffs seek prospective injunctive relief.

14 49. This Court has jurisdiction over defendants for claims of prospective injunctive relief for
15 violations of federal constitutional rights. *Ex Parte Young*, 209 U.S. 123 (1908); *Will v. Michigan*
16 *Dept. of State Police*, 491 U.S. 58, 109 S.Ct. 2304, 2311-12, n.10 (1989).

17 WHEREFORE, plaintiffs request relief as set forth below.

18
19 **SECOND CAUSE OF ACTION**

20 (42 U.S.C. § 1983 – Damages)

21 (Violation of U.S. Constitutional Amendment I – Free Speech)

22 (On Behalf Of All Plaintiffs Against Individual Defendants In Their Individual Capacities)

23 50. The allegations set forth in paragraphs 1 through 49, inclusive, are incorporated into this cause
24 of action by reference as if set forth in full.

25 51. Plaintiffs are informed and believe, and on that basis allege, that defendants' actions from 1997
26 to 1999 as described above were to harass and humiliate them in retaliation for their public comments
27 and complaints on matters of public concern.

1 52. When defendants threatened, arrested, detained, and extorted conduct from plaintiffs they acted
2 under color of state law in depriving plaintiffs of their right to free speech. Specifically, defendants
3 violated plaintiffs' right to free speech under the First Amendment to the United States Constitution,
4 made applicable to the states by the Due Process clause of the Fourteenth Amendment to the United
5 States Constitution.

6 53. As a direct and proximate result of defendants' actions, plaintiffs suffered serious injury,
7 including but not limited to:

- 8 a. lost assets in the form of funds converted by defendants and other entitlements lost due to
9 the inaction of plaintiffs as a result of the chilling effect produced by defendants' actions;
- 10 b. humiliation, embarrassment, loss of right to free speech; and
- 11 c. mental anguish accompanied by various physical symptoms, including but not limited to
12 sleeplessness, nervousness, and extreme anxiety to their damage in an amount to be
13 established at trial.

14 53. The full extent of plaintiffs' injuries is not known at this time. Plaintiffs will amend this
15 complaint to set forth the full nature and extent of plaintiffs' damages once they have been ascertained
16 with particularity.

17
18 **THIRD CAUSE OF ACTION**

19 (Declaratory Relief – Free Speech)

20 (On Behalf Of All Plaintiffs Against All Defendants)

21 54. The allegations set forth in paragraphs 1 through 53, inclusive, are incorporated into this cause
22 of action by reference as if set forth in full.

23 55. An actual controversy now exists between plaintiffs and defendants as to whether defendants'
24 policies and practices, which excludes speech on the basis of content, violates the Free Speech clause
25 of the First Amendment to the U.S. Constitution.

1 56. Unless the Court issues an appropriate declaration of rights, the parties will not know whether
2 defendants' policies and actions comply with the law, and there will continue to be disputes and
3 controversy surrounding the current policies for excluding speech on the basis of content.
4

5 **FOURTH CAUSE OF ACTION**

6 (42 U.S.C. § 1983 – Damages)

7 (Violation Of U.S. Constitutional Amendment I – Petitioning The Government)

8 (On Behalf Of ASSOCIATED STUDENTS Against Individual Defendants

9 In Their Individual Capacities)

10 57. The allegations set forth in paragraphs 1 through 56, inclusive, are incorporated into this cause
11 of action by reference as if set forth in full.

12 58. During the 1997-1998 school year Student officials and plaintiffs particularly attempted to
13 obtain legal counsel for general business matters. The matters for which Students sought counsel
14 included but were not limited to:

- 15 a. Student Asset Accounts controlled by defendants;
- 16 b. Student rights to possession of and access to their offices;
- 17 c. General contracts between Students and Santa Monica College as well as other professional
18 organizations;
- 19 d. Applications of California Education Code Sections as used in school policy and
20 procedures; and
- 21 e. General communications between Students and third parties.

22 59. Students were told by defendants, after interviewing several prospective attorneys, that such a
23 contract would be illegal, and that no money would be allowed to be allocated for an attorney. Since
24 defendants control the ASSOCIATED STUDENTS banking accounts, they control the plaintiffs'
25 means by which to hire legal representation. By using this unfair influence defendants denied
26 plaintiffs access to government intervention to resolve the aforementioned issues and thus did great
27 harm to plaintiffs individually as well as their business interests. Specifically by denying plaintiffs

1 legal representation the defendants denied them of their constitutionally protected right to petition the
2 government for redress of the aforementioned grievances.

3 60. When defendants instituted unfair policies concerning Students' right of legal counsel and
4 effectively nullified that right, they were acting under color of state law in depriving Students of their
5 right to petition the government. In so doing defendants violated Students' right to petition the
6 government under the First Amendment to the United States Constitution, made applicable to the
7 states by the Due Process clause of the Fourteenth Amendment to the United States Constitution.

8
9 **FIFTH CAUSE OF ACTION**

10 (42 U.S.C. § 1983 – Damages)

11 (Violation Of U.S. Constitutional Amendment I – Peaceable Assembly)

12 (On Behalf Of All Plaintiffs Against Individual Defendants In Their Individual Capacities)

13 61. The allegations set forth in paragraphs 1 through 60, inclusive, are incorporated into this cause
14 of action by reference as if set forth in full.

15 62. In addition to the above-mentioned policies and actions by defendants that kept plaintiffs out of
16 their offices, threatened them for gathering with other students in their offices, and arrested them for
17 the same, defendants also executed the following policies against plaintiffs:

- 18 a. Requiring, before approval, that Students hire Santa Monica College Police to supervise
19 Student events; and
- 20 b. Dispersing Students from gathering on campus for the purpose of signing petitions and
21 circulating information.

22 63. When defendants dispersed plaintiffs from gathering, denied plaintiffs from organizing Student
23 events on the basis of not hiring Santa Monica College Police, and denied plaintiffs access and use of
24 their offices, they acted under color of state law in depriving plaintiffs their rights to assembly.
25 Specifically, defendants violated plaintiffs right to assembly under the First Amendment to the United
26 States Constitution, made applicable to the states by the Due Process clause of the Fourteenth
27 Amendment to the United States Constitution.

1 **SIXTH CAUSE OF ACTION**

2 (42 U.S.C. § 1983 – Damages)

3 (Violation of U.S. Constitutional Amendment IV – Illegal Seizure)

4 (On Behalf of THEOHARIS, FLEGAL, LUNGO, and TAYLOR Against Individual Defendants

5 In Their Individual Capacities)

6 64. The allegations set forth in paragraphs 1 through 63, inclusive, are incorporated into this cause
7 of action by reference as if set forth in full.

8 65. On March 25, 1998 plaintiffs THEOHARIS and FLEGAL were in the Student offices for the
9 purpose of completing a report to the California State Accreditation Team. Sometime after 9:00 p.m.
10 Santa Monica College police officers entered and threatened both plaintiffs with arrest if they did not
11 immediately leave the building. After continuing threats by the defendant officers, plaintiffs were
12 arrested, handcuffed, and driven to the College Police Station. After being detained for over an hour,
13 plaintiffs were released with a notice to appear in court for obstructing an officer.

14 66. In the early evening of May 18, 1998 plaintiffs LUNGO and TAYLOR were in the Student
15 offices conducting official Student business when Santa Monica College police officers entered and
16 ordered the plaintiffs to leave. The defendant officers stated that at that time, approximately 9:00 p.m.,
17 the plaintiffs were unsupervised and, therefore, not allowed to be in the Student offices. Both
18 plaintiffs were arrested and then later released from the campus police station with a notice to appear
19 in court for trespassing.

20 67. It is the information and belief of plaintiffs that their behavior--conducting lawful Student
21 business in offices of which they are in lawful possession--does not border on illegal activity.

22 68. Plaintiffs are also informed and believe and on that basis allege that defendant officers' actions
23 to threaten and then arrest plaintiffs were directed by Santa Monica College defendant administrators
24 for the purpose of harassing and humiliating them in retaliation for their views, actions, and
25 comments.

26 69. When defendants conspired to arrest and then arrested plaintiffs they were acting under color
27 of state law in depriving plaintiffs of their right to be free from illegal seizure. Specifically,

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1 defendants violated plaintiffs' right to be free from illegal seizure under the Fourth Amendment to the
2 United States Constitution, made applicable to the states by the Due Process clause of the Fourteenth
3 Amendment to the United States Constitution.

4 70. As a direct and proximate result of defendants' actions, plaintiffs suffered serious injury,
5 included but not limited to restraint on freedom of movement, injury to reputation, and mental and
6 emotional anguish to their damage in an amount to be established at trial. The full extent of plaintiffs'
7 injuries is not known at this time. Plaintiff will amend this complaint to set forth the full nature and
8 extent of plaintiffs' damages once they have been ascertained with particularity.

9
10 **SEVENTH CAUSE OF ACTION**

11 (42 U.S.C. § 1983 -- Damages)

12 (Violation of U.S. Constitutional Amendments IV and XIV – Malicious Prosecution)

13 (On Behalf of THEOHARIS, FLEGAL, LUNGO, and TAYLOR Against Individual Defendants

14 In Their Individual Capacities)

15 71. The allegations set forth in paragraphs 1 through 70, inclusive, are incorporated into this cause
16 of action by reference as if set forth in full.

17 72. After plaintiffs' aforementioned arrests, defendants further retaliated by pressing charges
18 against plaintiffs with the intent to harass, humiliate, and intimidate them.

19 73. Defendants, furthermore, furnished false information to city prosecutors who were responsible
20 for litigating the misdemeanor charges against plaintiffs. Moreover, prosecutors were pressured by
21 defendants to act contrary to their better judgment and proceed with the charges, which were later
22 found to be insufficient.

23 74. These actions by defendants violated plaintiffs constitutionally protected rights of equal
24 protection and due process under the Fourteenth Amendment to the United States Constitution as well
25 as the right to be secure from illegal seizure under the Fourth Amendment to the United States
26 Constitution.

1 75. As a direct and proximate result of defendants' actions, plaintiffs suffered the following
2 damages, including but not limited to:

- 3 a. The continuing illegal seizure throughout the criminal proceedings while under the state's
4 control, which lasted from the moment of their arrests to January 10, 1999.
- 5 b. During this time of illegal seizure, plaintiffs appeared in court over ten times each, were not
6 allowed to travel outside of California, and were subject to the court's permission to travel
7 out of its jurisdiction.
- 8 c. During this prosecution, plaintiffs' employment prospects were severely diminished, while
9 they suffered harm to their reputation, and experienced the financial and emotional strain of
10 preparing a defense.

11 75. The full extent of plaintiffs' injuries is not known at this time. Plaintiffs will, once the full
12 nature and extent of their damages have been assessed, amend this complaint.

13
14 **EIGHTH CAUSE OF ACTION**

15 (42 U.S.C. § 1983 -- Damages)

16 (Violation of U.S. Constitutional Amendments IV and XIV – False Arrest)

17 (On Behalf of THEOHARIS, FLEGAL, LUNGO, and TAYLOR Against Individual Defendants

18 In Their Individual Capacities)

19 76. The allegations set forth in paragraphs 1 through 75, inclusive, are incorporated into this cause
20 of action by reference as if set forth in full.

21 77. Because defendants arrested plaintiffs without warrants and without probable cause, but acted
22 maliciously to harass, intimidate, and cause other injury, the arrests violate plaintiffs rights of equal
23 protection and due process under the Fourteenth Amendment to the United States Constitution, as well
24 as their right to be secure from illegal seizure under the Fourth Amendment to the United States
25 Constitution.

26 78. As a direct and proximate result of defendants' actions, plaintiffs were injured in the practice of
27 their profession, were intimidated, interfered with, and hampered in said lawful practice of their

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1 profession in that their business was conducted under circumstances which violated the
2 aforementioned provisions of the United States Constitution and which conditions were wholly and
3 irrationally discriminatory, unreasonable, invidious, and outrageous, and were such as would shock the
4 conscience of the civilized world. The full extent of plaintiffs' injuries is not yet known. Plaintiffs
5 will amend this complaint when those damages are surmised.

6
7 **NINTH CAUSE OF ACTION**

8 (42 U.S.C. § 1983 -- Damages)

9 (Violation of U.S. Constitutional Amendments IV and XIV – False Imprisonment)

10 (On Behalf of THEOHARIS, FLEGAL, LUNGO, and TAYLOR Against Individual Defendants

11 In Their Individual Capacities)

12 79. The allegations set forth in paragraphs 1 through 78, inclusive, are incorporated into this cause
13 of action by reference as if set forth in full.

14 80. The arresting, handcuffing, and subsequent confinement of plaintiffs on their respective days
15 of arrest violated, due to the intent of defendants, plaintiffs' rights to equal protection and due process
16 under the Fourteenth Amendment to the United States Constitution, as well their right to be secure
17 from illegal seizure under the Fourth Amendment to the United States Constitution.

18 81. Plaintiffs' damages are yet to be estimated as mentioned above. Plaintiffs will amend this
19 complaint when those damages have been ascertained with particularity.

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21 **TENTH CAUSE OF ACTION**

22 (42 U.S.C. § 1983 -- Damages)

23 (Violation of U.S. Constitutional Amendments I and XIV – Access to Courts)

24 (On Behalf of THEOHARIS, FLEGAL, LUNGO, and TAYLOR Against Individual Defendants

25 In Their Individual Capacities)

26 82. The allegations set forth in paragraphs 1 through 81, inclusive, are incorporated into this cause
27 of action by reference as if set forth in full.

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1 83. Defendants, throughout the time that plaintiffs have been involved with student government,
2 have conducted and orchestrated the concealment of documents and facts that prevented plaintiffs
3 from knowing that they had a cause of action and then later formulating their causes of action. These
4 documents and facts concern violations of entitlements and rights to which plaintiffs now allege but
5 for which circumstances existed well before the filing of this lawsuit.

6 84. Defendants' aforementioned illegal policies, lies, and acts of intimidation all seriously
7 compromised plaintiffs' claims and right to judicial access.

8
9 **ELEVENTH CAUSE OF ACTION**

10 (42 U.S.C. § 1983 – Prospective Injunctive Relief)

11 (Violation of U.S. Constitutional Amendment XIV -- Due Process)

12 (Class Action Against All Defendants)

13 85. The allegations set forth in paragraphs 1 through 84, inclusive, are incorporated into this cause
14 of action by reference as if set forth in full.

15 86. Santa Monica College collects illegal fees from students adding up to hundreds of thousands of
16 dollars every year. Two specific fees are the I.D. card fee and materials fee when no materials are
17 used.

18 87. Santa Monica College charges a mandatory \$10.00 in addition to the enrollment fee for a
19 student identification card. The card costs the college no more than \$3.00 to make. Then the college
20 continues to charge this fee every semester without issuing a new I.D. card. Instead the college issues
21 a sticker, about half the size of a postage stamp that costs a fraction of a dollar. That is what students
22 get for their \$10.00 mandatory fee. Additionally, if a student should lose their I.D. card and need
23 another, the college charges another \$10.00 even if the student already paid the fee that semester and
24 only got a sticker and not a new I.D. card. With over 24,000 students at Santa Monica College in each
25 the fall and spring semesters and over 8,000 students in the winter and summer quarters, that fee adds
26 up to hundreds of thousands each year.

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1 88. The materials fees charged by Santa Monica College are charged at the time of enrollment and
2 are not refunded if no materials are used and the classes is dropped. Furthermore, the materials fees
3 collected are not distributed to the proper department that uses the materials nor is it refunded to
4 students who drop the class. In this way the college improperly collects tens of thousands of dollars
5 from students each year.

6 89. Santa Monica College also conducts illegal policy changes that affect student interest. One
7 such deprivation occurred seven years ago and continues presently; specifically, KCRW college radio
8 station has been taken from students and continues to be used against policy. KCRW is the largest
9 public radio station in the nation. KCRW is housed in the basement of the Cayton Student Center in
10 the middle of the crowded college campus. KCRW's call letters stand for College Radio Workshop.
11 Defendants' written policy on KCRW states that the radio station is to be used as a laboratory for
12 broadcasting students at Santa Monica College. There is, however, no student participation at KCRW.
13 KCRW was taken from students and turned over to defendant Seymour about eight years ago.

14 90. Plaintiffs are informed and believe and on that basis allege that the aforementioned fees
15 charged by defendants at Santa Monica College to students there are illegal and are collected for
16 illegitimate costs. Plaintiffs are informed and believe and on that basis allege that the present use of
17 KCRW by defendants violates policy and thus the rights of all students at Santa Monica College who
18 are not allowed the use of the station.

19 91. This Court has jurisdiction over defendants for claims of prospective injunctive relief for
20 violations of federal constitutional rights. *Ex Parte Young*, 209 U.S. 123 (1908); *Will v. Michigan*
21 *Dept. of State Police*, 491 U.S. 58, 109 S.Ct. 2304, 2311-12, n.10 (1989).

22 WHEREFORE, plaintiffs request relief as set forth below.

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1 **TWELFTH CAUSE OF ACTION**

2 (42 U.S.C. § 1983 – Prospective Injunctive Relief)

3 (Violation of U.S. Constitutional Amendment XIV –Due Process)

4 (On Behalf of ASSOCIATED STUDENTS Against All Defendants)

5 92. The allegations set forth in paragraphs 1 through 91, inclusive, are incorporated into this cause
6 of action by reference as if set forth in full.

7 93. Plaintiff, ASSOCIATED STUDENTS ("Students"), has property and liberty interests in the
8 above-mentioned entitlements and in pursuing organizational and financial activities and functions as
9 stated in the Introduction and subsequently. Such interests are subject to the protections afforded by
10 the Fourteenth Amendment to the United States Constitution.

11 94. The Students cannot be deprived of these property and liberty interests without Due Process of
12 law. And, furthermore, defendants cannot possess improper economic motivations, bias, arbitrariness,
13 or maliciousness in depriving the Students of their protected interests.

14 95. Defendants have deprived the Students of both procedural and substantive due process in the
15 following particulars, including but not limited to:

- 16 a. Access to offices, that include both denying office keys to the Associated Students Board
17 of Directors as well as the continuing practice of locking plaintiff's agents out of their
18 offices.
- 19 b. Supervision of plaintiff's agents is enforced against plaintiff by threat and coercion so that
20 the Students cannot act without the presence of defendants.
- 21 c. Student meetings have been stopped and altered by defendants.
- 22 d. Student property-- such as computers, sound systems, and funds--is controlled improperly
23 by defendants.
- 24 e. Defendants require all action taken by the Students to be approved by an "advisor," who is
25 presently defendant Brown, and if not adhered to defendants nullify any such action.
- 26 f. Students' office phones are controlled by defendants.
- 27 g. Students are allowed to contract only subject to the approval of the defendants.

- 1 h. Students are not allowed to hire a lawyer.
- 2 i. Defendants create Student office policies that regulate student property use as well control
- 3 of property, such as who is allowed to be in the offices, when the offices are open, use of
- 4 phones, copy machines, computers, desks, and other property bought and owned by the
- 5 Students.
- 6 j. Elections are also improperly controlled by the defendants.
- 7 k. All financial allocations are subject to the approval of the defendants who deny funds for
- 8 purposes that are not in their interests.
- 9 l. Almost half of the Student accounts are restricted from student use. These restricted
- 10 accounts are used by defendants, sometimes even without Student knowledge, for their
- 11 own purposes.
- 12 m. All banking and financing of Student funds is conducted by defendants without any
- 13 approval by the Students. Furthermore, defendants conceal the financial statements from
- 14 the Students concerning their cash and other assets.
- 15 n. Defendants also restrict Student travel when it suits their interests.

16 96. Plaintiff has no plain, speedy, or adequate remedy at law and stands to suffer irreparable harm.
17 For that reason Students seek prospective injunctive relief.

18 97. This Court has jurisdiction over defendants for claims of prospective injunctive relief for
19 violations of federal constitutional rights. *Ex Parte Young*, 209 U.S. 123 (1908); *Will v. Michigan*
20 *Dept. of State Police*, 491 U.S. 58, 109 S.Ct. 2304, 2311-12, n.10 (1989).

21 WHEREFORE, plaintiffs request relief as set forth below.

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1 **THIRTEENTH CAUSE OF ACTION**

2 (42 U.S.C. § 1983 – Damages)

3 (Violation of U.S. Constitutional Amendment XIV –Due Process)

4 (On Behalf of ASSOCIATED STUDENTS Against Individual Defendants

5 In Their Individual Capacities)

6 98. The allegations set forth in paragraphs 1 through 97, inclusive, are incorporated into this cause
7 of action by reference as if set forth in full.

8 99. Plaintiffs are informed and believe and on that basis allege that defendants' actions described
9 above were to manipulate and gain illegitimate control of the Students' assets, organizational and
10 financial functions.

11 100. Defendants' aforementioned conduct was under the color of state law in depriving plaintiff of
12 its rights to Due Process under the Fourteenth Amendment to the United States Constitution.

13 101. As a direct and proximate result of defendants' actions, plaintiff suffered the following,
14 including but not limited to:

- 15 a. Loss of organizational control as a substantial injury in the practice of business.
- 16 b. Loss of financial control with intentional interference by defendants, who were motivated
17 by improper economic interests.
- 18 c. Loss of funds through intimidation, extortion, and coercion.
- 19 d. Loss of the aforementioned entitlements.

20 101. The full extent of plaintiff's injuries is not known at this time. The Students will amend this
21 complaint to set forth the full nature of plaintiff's damages once they have been ascertained with
22 particularity.

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1 **FOURTEENTH CAUSE OF ACTION**

2 (Declaratory Relief – Due Process)

3 (On Behalf of ASSOCIATED STUDENTS Against All Defendants)

4 102. The allegations set forth in paragraphs 1 through 101, inclusive, are incorporated into this
5 cause of action by reference as if set forth in full.

6 103. An actual controversy now exists between the Students and defendants as to whether
7 defendants' policies and practices, which deny entitlements and other property and liberty interests to
8 plaintiff, violate the Due Process clause of the Fourteenth Amendment to the United States
9 Constitution.

10 104. Unless the Court issues an appropriate declaration of rights, the parties will not know whether
11 defendants' policies and actions comply with the law, and there will continue to be disputes and
12 controversy surrounding the current policies.

13
14 **FIFTEENTH CAUSE OF ACTION**

15 (42 U.S.C. § 1983 – Damages)

16 (Violation of U.S. Constitutional Amendment XIV – Due Process)

17 (On Behalf of THEOHARIS, FLEGAL, LUNGO, and TAYLOR Against Individual Defendants

18 In Their Individual Capacities)

19 105. The allegations set forth in paragraphs 1 through 104, inclusive, are incorporated into this
20 cause of action by reference as if set forth in full.

21 106. Plaintiffs have property and liberty interests to pursue their lawful avocations to which they
22 were legitimately elected by students of Santa Monica College. Plaintiffs cannot be deprived of these
23 interests or entitlements without Due Process of law.

24 107. Defendants' conduct has deprived plaintiffs of both procedural and substantive Due Process in
25 the following particulars, including but not limited to:

- 26 a. Plaintiffs were injured in the lawful practice of their profession by intimidation and
27 interference in that (i.) several meetings were disrupted and even halted by defendants, (ii.)

1 contractual relationships were hampered or stopped altogether, (iii.) financial matters were
2 controlled so as to deny direct financial transactions.

3 b. Defendants' improper actions disrupted plaintiffs' physical and mental well-being, causing
4 emotional distress, sleeplessness, and nervousness which in turn disrupted other areas of
5 plaintiffs lives such as schoolwork and personal and family relationships.

6 The full extent of plaintiffs' injuries is not known at this time. Plaintiffs will amend this complaint to
7 set forth the full nature and extent of their damages once they are known.

8
9 **SIXTEENTH CAUSE OF ACTION**

10 (42 U.S.C. § 1983 – Damages)

11 (Violation of U.S. Constitutional Amendment XIV – Equal Protection)

12 (On Behalf of All Plaintiffs Against Individual Defendants In Their Individual Capacities)

13 108. The allegations set forth in paragraphs 1 through 109, inclusive, are incorporated into this
14 cause of action by reference as if set forth in full.

15 109. Plaintiffs are informed and believe and on that basis allege that defendants' aforementioned
16 conduct that damaged plaintiffs was an orchestrated campaign of official harassment and selective
17 enforcement of policy. Defendants' actions as described herein were maliciously intended to punish
18 and intimidate plaintiffs for the exercise of their constitutional rights mentioned above as well as for
19 defendants' improper economic motivations.

20 110. Plaintiffs are entitled to Equal Protection of the laws, a right protected by the Fourteenth
21 Amendment to the United States Constitution.

22 111. As a direct and proximate result of defendants' actions, plaintiffs suffered serious injury,
23 including but not limited to lost business opportunities, humiliation, embarrassment, loss of civil
24 rights, and mental anguish. The full extent of such injuries not being known at this time, plaintiffs will
25 amend this complaint to set forth all damages when ascertained with specificity.

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1 **SEVENTEENTH CAUSE OF ACTION**

2 (42 U.S.C. § 1985 (2) and (3) – Damages)

3 (On Behalf of All Plaintiffs Against Individual Defendants In Their Individual Capacities)

4 112. The allegations set forth in paragraphs 1 through 111, inclusive, are incorporated into this
5 cause of action by reference as if set forth in full.

6 113. Defendants' actions as described above were orchestrated and carried out for the purpose of
7 impeding the due course of justice with the intent to deny plaintiffs equal protection. Specifically and
8 for example, defendants conduct (i.) that denied plaintiffs from hiring an attorney, (ii.) that concealed
9 financial records and access to banking records, (iii.) that obstructed meetings and other student
10 business centered around initiating legal proceedings, (iv.) that altered Santa Monica College Board of
11 Trustee Policy regarding radio station KCRW without state-mandated Shared Governance procedure
12 concerning, (v.) that led to the arrest and malicious prosecution of plaintiffs, and (vi.) that created
13 divisions within the Student organization for the purpose of disrupting operations and activities was all
14 intended to injure plaintiffs and their property for lawfully attempting to enforce their rights and the
15 rights of all Santa Monica College students.

16 114. As a direct and proximate result of defendants' actions, plaintiffs suffered serious injury that
17 disrupted organizational and financial functions and activities, impeded justice, denied them their
18 rights, and caused physical and mental infirmities. The complaint will be amended to include all
19 specific damages when they have been ascertained with particularity.

20
21 **EIGHTEENTH CAUSE OF ACTION**

22 (42 U.S.C. § 1986 – Damages)

23 (On Behalf of All Plaintiffs Against Individual Defendants In Their Individual Capacities)

24 115. The allegations set forth in paragraphs 1 through 116, inclusive, are incorporated into this
25 cause of action by reference as if set forth in full.

26 116. Throughout defendants' campaign to rest control of plaintiffs' property and other interests,
27 defendant BOARD OF TRUSTEES could have prevented much of plaintiffs' suffering and loss.

1 During the 1997-1998 school year, plaintiffs repeatedly informed defendants of (i.) the intimidation of
2 the Santa Monica College police department, (ii.) many of the improper policies that were initiated and
3 enforced against plaintiffs, and (iii.) the need for plaintiffs to hire private legal counsel.

4 117. Defendant BOARD OF TRUSTEE members have authority to control all school employees
5 which includes all administrative and police personnel. Having such authority, they were upon
6 information of wrongdoing, responsible to act and prevent damage as a consequence of defendants'
7 actions.

8 118. Defendants' negligence to act and prevent such damage that occurred when they had that
9 ability makes them liable for damages in their individual capacities pursuant to 42 U.S.C. § 1986.

10
11 **NINETEENTH CAUSE OF ACTION**

12 (18 U.S.C. § 1961, *et seq.* [RICO] – Damages)

13 (On Behalf of All Plaintiffs Against Individual Defendants In Their Individual Capacities)

14 119. The allegations set forth in paragraphs 1 through 118, inclusive, are incorporated into this
15 cause of action by reference as if set forth in full.

16 120. Defendants, as mentioned above, have orchestrated the conversion of plaintiffs' property as
17 well as the complete control of plaintiffs' business, organizational, and financial functions.

18 121. Defendants have attained this control through racketeering activities, including but not limited
19 to:

- 20 a. The extortion of property, such as restricted accounts for the defendants' personal use.
- 21 b. Robbery or the conversion of Student funds.
- 22 c. Bribery of student officials.
- 23 d. As well as multiple violations of the Hobbs Act (18 U.S.C. § 1951) that include (i.)
24 exerting outside pressure through undue influence and coercion so as to control business
25 decisions, and (ii.) the taking of the Student bookstore and other commerce.

1 122. Defendants' acts of racketeering activity have been unceasing for over fifteen (15) years,
2 during which time the injuries to plaintiffs and their property include but are not limited to the
3 following:

- 4 a. Forty Five per cent (45%) of all plaintiffs' accounts have been restricted from plaintiffs'
5 use, which totals to approximately \$200,000 per year.
- 6 b. Investments which total over one million dollars in principal and interest that are being
7 withheld from plaintiffs.
- 8 c. Student Bookstore which has been completely taken from plaintiffs and which total to a
9 lost earnings of approximately one million dollars per year for the past fifteen years.

10 The full extent of plaintiffs' injuries is still unknown at this time. Plaintiffs will amend this complaint
11 when they ascertain these damages with specificity.

12
13 WHEREFORE, plaintiffs request the following relief:

- 14 1. Issuance of a preliminary injunction and ultimately a permanent injunction
15 commanding defendants to terminate all access to Student assets and accounts and restraining them
16 from retaliating against plaintiffs or their interests for any legally sanctioned activity or entitlement
17 which they may perform in their legal and official capacities;
- 18 2. A declaration of rights declaring that defendants have violated plaintiffs' constitutional
19 rights to free speech, peaceable assembly, petitioning the government for redress, illegal arrest and
20 seizure, due process and equal protection of the laws as guaranteed by the United States Constitution;
- 21 3. General and compensatory damages according to proof against individually named
22 defendants;
- 23 4. Punitive damages as to all defendants in their individual capacities;
- 24 5. An award of costs, including attorney fees according to law; and
- 25 6. Such other and further relief as the Court considers proper.

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DEMAND FOR JURY TRIAL

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NOTICE IS HEREBY GIVEN that plaintiffs demand a trial by jury on all issues so properly triable.

Dated: December 15, 1999,

By W-H Dailey
William H. Dailey
Attorney for Plaintiffs

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