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FILED

SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

01/08/2018

Darrel E. Parker, Executive Officer
BY Chavez, Terri Deputy Clerk

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SANTA BARBARA

11 JOHN DOE, an individual,
12
13 Petitioner,

14 v.

15 REGENTS OF THE UNIVERSITY OF
CALIFORNIA, a California Corporation; and
16 DOES 1 to 10 inclusive,

17 Respondents.

Case No.: 17CV03053

[Hon. Donna D. Geck]

[Proposed]

JUDGMENT GRANTING PETITION FOR
WRIT OF ADMINISTRATIVE MANDATE;
ORDER FOR RECONSIDERATION

Action Filed: July 11, 2017

19 This matter came regularly before the Court on December 22, 2017 in Department 4 of the
20 Superior Court for the County of Los Angeles, the Honorable Donna D. Geck, judge presiding.
21 Mark Hathaway, Werksman Jackson Hathaway & Quinn LLP, appeared for Petitioner and Sara N.
22 Taylor, Munger Tolles & Olson LLP, appeared for Respondent Regents of the University of
23 California.

24 Petitioner having sought issuance of a writ of mandate under Code Civ. Proc. § 1094.5, or
25 in the alternative under Code Civ. Proc. § 1085, directed to Respondent to set aside the findings
26 and sanctions issued against Petitioner, and the record of the administrative proceedings having
27 been received into evidence and examined by the Court, and arguments having been presented and
28


1 considered by the Court;

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that:

- 3 1. The Petition for Writ of Administrative Mandate is granted;
- 4 2. Judgment is hereby entered in favor of Petitioner and against Respondent;
- 5 3. Respondent shall set aside and vacate the findings and sanctions that Respondent
6 issued against Petitioner;
- 7 4. Respondents shall take any further action specially enjoined on Respondent by law;
8 nothing in the judgment or writ shall limit or control the discretion legally vested in
9 Respondents;
- 10 5. Respondent is ordered to reconsider the case in light of the Court's opinion and
11 judgment entered herein on December 22, 2017;
- 12 6. A Peremptory Writ of Mandate shall issue Court in the form attached hereto as
13 Exhibit A;
- 14 7. In accordance with Code Civ. Proc. § 1033, and California Rules of Court, Rule
15 3.1700, Petitioner may claim its trial court costs, and Respondent may contest such
16 costs.
- 17 8. Petitioner may seek, pursuant to an appropriate noticed motion, an award of its
18 attorneys' fees under Code Civ. Proc. § 1021.5 and this Court reserves and retains
19 jurisdiction to determine the amount of such fees, if any.
- 20 9. This Court shall further reserve and retain jurisdiction over this action until such
21 time as Respondent files a return evidencing that Respondent has complied with the
22 attached Peremptory Writ of Administrative Mandate.

23 IT IS SO ORDERED

24
25 DATED: 01/03/2018



Honorable Donna D. Geck
Donna D. Geck

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EXHIBIT A

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA

JOHN DOE, an individual,
Petitioner,
v.
REGENTS OF THE UNIVERISTY OF CALIFORNIA, a California Corporation; and DOES 1 to 20 inclusive,
Respondent.

Case No.: 17CV03053
[Hon. Donna D. Geck]
[Proposed]
PEREMPTORY WRIT OF ADMINISTRATIVE MANDATE
Action Filed: July 11, 2017

TO REGENTS OF THE UNIVERISTY OF CALIFORNIA:

WHEREAS ON _____, judgment having been entered in this action, ordering that a peremptory writ of administrative mandate be issued from this Court.

IT IS HEREBY ORDERED that, immediately upon service of this writ, Respondent Regents of the University of California shall:

1. Set aside and vacate the findings and sanctions that Respondent Regents of the University of California issued against Petitioner;
2. Respondents shall take any further action specially enjoined on you by law; nothing in this writ shall limit or control the discretion legally vested in you;

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3. Respondent shall reconsider the case against Petitioner in light of the Court's opinion and judgment;

YOU ARE FURTHER COMMANDED to file a return to this writ no later than 30 days after the date the writ is served on you, setting forth what you have done to comply.

[Seal]

Clerk

By _____,

Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) MARK M. HATHAWAY, ESQ. (SBN: CA 151332; DC 437335; NY 2431682); JENNA E. EYRICH, ESQ. (SBN: CA 303560) WERKSMAN JACKSON HATHAWAY & QUINN LLP 888 West 6 th Street, 4 th Floor Los Angeles, CA 90017 Tel. No.: (213) 688-0460 Fax No.: (213) 624-1942 Attorney(s) for: REFERENCE No.: MARWER-0110938 GE				FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA				
PLAINTIFF/PETITIONER: JOHN DOE, an individual DEFENDANT/RESPONDENT: REGENTS OF THE UNIVERSITY OF CALIFORNIA, etc., et al.				
PROOF OF SERVICE	HEARING DATE:	TIME:	DEPT. No.:	CASE NUMBER: 17CV03053

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the:

- JUDGMENT GRANTING PETITION FOR WRIT OF ADMINISTRATIVE MANDATE; ORDER FOR RECONSIDERATION

2. a. Name of Party served: HAILYN J. CHEN
MUNGER TOLLES & OLSON, LLP

b. Person whom left with: SEAN BITTING, FRONT DESK RECEPTIONIST

c. Address: 350 S. GRAND AVENUE, 50TH FLOOR
LOS ANGELES, CA 90071

3. I served the party named in item 2a. by personally delivering the copies to the person served as follows:

(1) On: 01/09/2018 (2) At: 12:23 PM

4. I received this document(s) for service on (date): 01/09/2018

5. Person serving:
 EDUARDO ORDORICA
 EXPRESS NETWORK
 1533 Wilshire Blvd.
 Los Angeles, California 90017
 (213) 975-9850

- a. Fee for service \$
- b. Not a Registered California Process Server
- c. Registered California Process Server
- d. Employee or Independent Contractor
 (1) Registration No.: 2015012487
 (2) County: LOS ANGELES

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 12, 2018

Rule 982(a)(23) Judicial Council of California

PROOF OF DELIVERY

