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

13 AAREFAH MOSAVI,

14 Plaintiff,

15 vs.

16 MT. SAN ANTONIO COLLEGE,
17 et al.,

18 Defendants.
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CASE NO. 2:15-CV-04147-MWF (AFM)

**PLAINTIFF’S STATEMENT OF
GENUINE DISPUTES OF MATERIAL
FACT IN OPPOSITION TO THE MT.
SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT**

Date: May 7, 2018

Time: 10:00 a.m.

Courtroom: 5A

Judge: Hon. Michael W. Fitzgerald

22 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

23 PLEASE TAKE NOTICE that Plaintiff Aarefah Mosavi hereby submits
24 the following statement of genuine disputes of material fact in opposition to
25 the Mt. San Antonio College’s Defendants’ Motion for Summary Judgment.
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PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

DEFENDANTS’ PROFFERED MATERIAL FACTS	PLAINTIFF’S RESPONSE
A. Background	
<p>1. Plaintiff and Chester Brown met in the Fall 2013 semester and they socialized outside of work before the incident, visiting the Farm on a prior occasion. Ex. 1, Deposition of Plaintiff Aarefah Mosavi (“Plaintiff’s Dep.”), Vol. 1, 6/30/17, 102:25-103:24, 115:22-117:7, 124:22-126:11, 149:2-151:21; Ex. 2, Plaintiff’s Dep., Vol. 2, 10/19/17, 375:12-15, 377:2-14; Ex. 5, Deposition of Chester Brown (“Brown Dep.”), 32:6-35:17, 44:2-46:25, 47:5-48:6, 49:20-50:22, 55:24-58:3, 60:4-61:20, 62:7-65:25, 66:6-69:11, 71:11-73:7, 104:24-105:7.</p>	<p>Not disputed.</p>
<p>2. She became friendly with Brown to “bridge relations between [her]self and [Daniel]</p>	<p>Partially disputed. Mosavi and Brown were co-workers. They played basketball, and Brown sometimes gave Mosavi a</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 Luna,” as he was a mutual friend. 2 Ex. 2, Plaintiff’s Dep., Vol. 2, 3 10/19/17, 374:4-18; Ex. 3, 4 Plaintiff’s Dep., Vol. 3, 2/28/18, 5 17:4-18:21.</p>	<p>ride to her car after work. Ex. D, Plaintiff Dep., Vol. 1, 06/30/17, 149:3-8, 150:3-9, 121:2-4.; Plaintiff Decl. ¶2.</p>
<p>6 3. On the first occasion that 7 Plaintiff went with Brown to the 8 Farm, it was dark out, and Brown 9 did not do anything that alarmed 10 her during that visit. 11 Ex. 1, Plaintiff’s Dep., Vol. 1, 12 6/30/17, 117:8-25, 118:1-119:23.</p>	<p>Not disputed.</p>
<p>14 4. Plaintiff agreed to go to the 15 Farm with Brown because she 16 trusted him. 17 Ex. 1, Plaintiff’s Dep., Vol. 1, 18 6/30/17, 120:21-122:23, 126:3- 19 127:1; Ex. 3, Plaintiff’s Dep., 20 Vol. 3, 2/28/18, 17:4- 18:21.</p>	<p>Not disputed.</p>
<p>21 B. Alleged Incident</p>	
<p>23 5. Plaintiff agreed to go to the 24 Farm with Brown because she 25 trusted him. 26 Ex. 1, Plaintiff’s Dep., Vol. 1, 27 6/30/17, 120:21-122:23, 126:3- 28</p>	<p>Not disputed.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 127:1; Ex. 3, Plaintiff's Dep., 2 Vol. 3, 2/28/18, 17:4- 18:21.</p>	
<p>3 4 6. There were no witnesses to the 5 alleged assault or hugging, which 6 took place on December 12, 7 2013, during finals week and 8 after work, and when the Farm 9 was closed. 10 Ex. 1, Plaintiff's Dep., Vol. 1, 11 6/30/17, 53:25-54:10, 63:20-23, 12 190:3-198:13, 201:5-202:22, 13 229:17-22; Ex. 2, Plaintiff's 14 Dep., Vol. 2, 10/19/17, 286:18- 15 288:2; Ex. 3, Plaintiff's Dep., 16 Vol. 3, 2/28/18, 67:12-21; Ex. 5, 17 Brown Dep., 73:8-84:21, 128:14- 18 22; Ex. 13, Deposition of Aisha 19 Siddiqui ("Siddiqui Dep., 96:10- 20 13"); Ex. 21: Emails re: Next 21 Steps, 2/8/14 (Plaintiff, Smith); 22 Ex. 22: Email re: AAREFAH 23 MOSAVI: Human Resources 24 Follow Up, 2/8/14 (Plaintiff, 25 Smith); Declaration of Matthew 26 Pawlak ("Pawlak Decl."), ¶¶3- 4.</p>	<p>Partially disputed. Mosavi was not aware that the Farm was closed. She saw no signs or closed gates, and there were people present on the Farm that night. There were no people nearby when Brown raped Mosavi. Ex. D, Plaintiff Dep., Vol. 1, 6/30/17, 118:16-18; Plaintiff Decl. ¶¶4,6.</p>
<p>27 7. After the alleged incident, on 28</p>	<p>Misrepresents facts. Incomplete record of</p>

PLAINTIFF'S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 the same day, she sent a message 2 to Brown, discussing their 3 respective upcoming plans. 4 Ex. 3, Plaintiff’s Dep., Vol. 3, 5 2/28/18, 46:13-50:25; Ex. 5, 6 Brown Dep., 85:22- 88:3; Ex. 14: 7 Message, 12/12/13. 8 9 10 11 12 13 14</p>	<p>email exchange. Mosavi was refusing an invitation to have dinner with Brown. She said, "And no. My family had dinner already." Mosavi asked whether Brown was going hiking the next day to find out whether he was going to be with their mutual friend Daniel Luna. If so, Mosavi hoped Luna would find out information from Brown that could prove Brown had assaulted her. Mosavi did not want to see Brown again. Ex. F, Plaintiff’s Dep., Vol. 3, 2/28/18, 50:7-10; Ex. D, Jones Dep., Vol. 1, 3/2/18, 50:19; Plaintiff Decl. ¶9.</p>
<p>15 16 8. After the incident, she did not 17 have any visible physical injuries 18 and she did not seek treatment 19 for any physical injuries with any 20 medical professionals. 21 Ex. 3, Plaintiff’s Dep., Vol. 3, 22 2/28/18, 67:22-68:25; Ex. 12, 23 Deposition of Sayedah Mosavi 24 (“S. Mosavi Dep.”), 89:14-90:7. 25 26 27 28</p>	<p>False. Defendants’ actions have caused physical injuries stemming from emotional harm to Mosavi: digestive (rectal fissure and poor diet due to lack of appetite), weight loss from lack of appetite, and dermatitis caused by stress. She has sought treatment for more frequent illnesses since the rape. She has had hypnopompic hallucinations, hypnagogic hallucinations causing severe physical pain, and severe lack of sleep. She has attempted suicide. These symptoms worsened significantly after</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

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	<p>Mt. SAC’s administrative finding in favor of Brown.</p> <p>Plaintiff Decl. ¶¶51-55; Ex. EE, (Medical Records).</p>
<p>9. By late-January 2014, Plaintiff had changed her phone number.</p> <p>Ex. 1, Plaintiff’s Dep., Vol. 1, 6/30/17, 136:17-141:23.</p>	<p>Misrepresents facts. Plaintiff changed her phone number in late December 2013.</p> <p>Plaintiff Decl. ¶10.</p>
<p>C. Plaintiff’s Initial Complaint within the Tutoring Center and Interim Remedies at Work</p>	
<p>10. The first time she put the District on notice of her complaint against Brown was 1/27/14, in an email to John Cardenas, and it was intersession during that time.</p> <p>Ex. 1, Plaintiff’s Dep., Vol. 1, 6/30/17, 70:20-71:25, 133:5-136:13, 137:1-23, 151:22-153:25; Ex. 3, Plaintiff’s Dep., Vol. 3, 2/28/18, 45:15-46:11; Ex. 15: Emails re: Aarefah Mosavi: private, but urgent matter, 1/27/14-1/28/14 (Plaintiff,</p>	<p>Not disputed.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 Cardenas); Ex. 16: Emails re: 2 Aarefah Mosavi: private, but 3 urgent matter, 1/27/14-1/28/14 4 (Plaintiff, Cardenas, Smith).</p>	
<p>5 6 11. Cardenas responded to her 7 promptly, provided a reasonable 8 response to her email, and met 9 with her. 10 Ex. 1, Plaintiff’s Dep., Vol. 1, 11 6/30/17, 133:5-136:13, 137:1-23, 12 151:22-153:25; Ex. 15: Emails 13 re: Aarefah Mosavi: private, but 14 urgent matter, 1/27/14- 1/28/14 15 (Plaintiff, Cardenas); Ex. 16: 16 Emails re: Aarefah Mosavi: 17 private, but urgent matter, 18 1/27/14-1/28/14 (Plaintiff, 19 Cardenas, Smith); Declaration of 20 Bailey Smith (“Smith Decl.”), 21 ¶5.</p>	<p>Not disputed.</p>
<p>22 12. Plaintiff informed the District 23 that she did not necessarily want 24 to be removed from TMARC to 25 avoid contact with Plaintiff. 26 Ex. 1, Plaintiff’s Dep., Vol. 1, 27 6/30/17, 141:24-142:13.</p>	<p>Misrepresents facts. Mosavi said she did not want to be removed from the TMARC since that would result in lost of work hours for her, and that Brown should be removed, not her. Mosavi was upset to discover that Brown continued</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p>	<p>to work at the TMARC. Plaintiff Decl. ¶17; Ex.JJ, 3/5/14 (Mosavi to Jones, Franco).</p>
<p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>Misrepresents facts. Defendants’ first two citations do not support their claim. Mosavi had stated that she wanted Brown removed from the TMARC, not her. Mosavi ran into Brown on a regular basis while going to and from her biology class. On March 6, 2014, Mosavi requested that Brown be removed from his job or anything to prevent her from running into Brown. Defendant Jones refused and claimed that this was not possible. This was in violation of Title IX. Plaintiff Decl. ¶¶17-23; Ex. R, 3/6/14, (Jones notes, Mosavi).</p>
<p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>False. Mosavi thought the term “penetration” referred to nonconsensual penile-vaginal/penile-anal intercourse. Defendants Smith and Jones failed to clarify what this term meant. Only when Mosavi spoke to Public Safety Officer</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 been penetrated. 2 Ex. 1, Plaintiff’s Dep., Vol. 1, 3 6/30/17, 160:17-161:5; Ex. 18: 4 Emails re: Aarefah Mosavi, 5 2/2/14-2/3/14 (Plaintiff, Smith, 6 Jones); Smith Decl., ¶8. 7 8 9 10 11 12 13</p>	<p>Kelly on April 8, 2014 was she informed that the term “penetration” also applies to digital penetration, which is how she was raped. Plaintiff Decl. ¶¶14,31,36-37; Ex. F, Plaintiff’s Dep., Vol. 3, 2/28/18, 76:10-17; Ex. G, Jones Dep. Vol. 1, 03/02/18, 103:10-12; Ex. M, Siddiqui Dep., 03/27/18, 32:10-33:15, 62:14-65:1; Ex. V, (Carl notes).</p>
<p>14 15. Smith provided Plaintiff with 15 updates on Human Resources’ 16 investigation and also suggested 17 counseling to Plaintiff. 18 Ex. 1, Plaintiff’s Dep., Vol. 1, 19 6/30/17, 162:6-16-165:20; Ex. 2, 20 Plaintiff’s Dep., Vol. 2, 21 10/19/17, 310:3-13; Ex. 4, 22 Plaintiff’s Dep., Vol. 4, 3/22/18, 23 126:15-129:1, 134:24-135:9; Ex. 24 19: Emails re: Aarefah Mosavi, 25 2/3/14 (Plaintiff, Smith); Ex. 20: 26 Emails re: Next Steps, 2/8/14 27 (Plaintiff, Smith); Smith Decl., 28</p>	<p>Disputed. Smith did not provide Mosavi with notes of meetings, notice of contentious issues, or any other meaningful updates. Ex. E ,Plaintiff’s Dep. Vol. 2, 310:3-13; Ex. HH, 6/24/14, (Mosavi email, Jones); Plaintiff Decl. ¶40.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

1	¶¶2-11.	
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3	16. Plaintiff was aware that she	False. Jones informed Brown on
4	would not be scheduled to work	February 21, 2014 that he “has no
5	with Brown and Brown was told	restrictions with working with Mosavi,
6	that he and Plaintiff would not	but will keep his distance.” Mosavi was
7	work together.	only informed that She and Brown would
8	Ex. 2, Plaintiff’s Dep., Vol. 2,	not be scheduled together after
9	10/19/17, 369:2-17; Ex. 5,	approaching Jones March 6, 2014 and
10	Brown Dep., 122:12- 21; Smith	demanding he be removed from his job.
11	Decl., ¶7.	She had been surprised to discover the
12		day before that Brown was still allowed
13		to work.
14		Ex. P, 2/21/14, (Jones Notes, Brown);
15		Ex. JJ, (Mosavi to Jones, Franco); Ex. R,
16		(Jones notes, Mosavi).
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19	D. District Policies and	
20	Procedures, Trainings, and	
21	Notifications to the	
22	Complainant	
23	17. The District has policies and	Partially disputed. Mosavi was not aware
24	procedures prohibiting	of the process in Spring 2014. She was
25	harassment, discrimination, and	not aware of any written policies on Mt.
26	sexual assault, and has (and had)	SAC’s procedures, an option to appeal or
27	a process in place for students to	to get a formal hearing. Plaintiff was not
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 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 make and the District to respond 2 to and investigate complaints, 3 which are available on campus 4 and online, including an appeals 5 process. 6 Ex. 1, Plaintiff’s Dep., Vol. 1, 7 6/30/17, 77:2-78:20, 108:21- 8 110:3; Ex. 6, Deposition of 9 William Scroggins (“Scroggins 10 Dep.”), 41:12-43:20, 67:2- 11 69:17, 71:19-72:21; Ex. 9, 12 Deposition of William Czaja 13 (“Czaja Dep.”), 47:22- 48:14, 14 82:3-83:17, 84:16-24; Ex. 45: 15 Student Complaint and 16 Grievance Procedures, Filing of 17 Informal Grievance Level I; Ex. 18 49, Excerpts of 2013-2014 19 Student Handbook & Calendar 20 and the Mt. San Antonio College 21 2013-2014 catalog; Declaration 22 of Lorraine Jones (“Jones 23 Decl.”), ¶3.</p>	<p>given the option to make an appeal. Czaja testified to this and the July 3, 2014 administrative findings letter indicates this. Their standard is inapplicable with the law, and they failed to follow their own procedures. Ex. J, Czaja Dep. Vol. 1, 3/19/18, 83:23- 84:8; Plaintiff Decl. ¶¶12,34,45,48; Ex. AA, 7/3/14 (Czaja Administrative Letter, Aarefah).</p>
<p>24 25 18. Tutors have training and 26 receive documentation on the 27 prohibition of sexual harassment 28 and Plaintiff received a</p>	<p>Disputed. Misrepresents plaintiff’s testimony. No training ever was provided during Mosavi’s employment. Ex. E, Plaintiff Dep. Vol. 2, 10/19/17,</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 handbook. 2 Ex. 1, Plaintiff’s Dep., Vol. 1, 3 6/30/17, 97:14-99:17; Ex. 5, 4 Brown Dep., 95:22- 97:18, 5 121:11-122:7, 123:10-18; Ex. 44: 6 Receipt and Acknowledgement, 7 8/23/12; Smith Decl., ¶12.</p>	<p>367:6-11; Ex. L, Sayedah Mosavi Dep. Vol. 1, 11/22/17, 189:3-12.</p>
<p>8 9 19. Jones performed the 10 functions of a Title IX 11 Coordinator on behalf of the 12 District and Title IX-related 13 issues were designated to Human 14 Resources. 15 Ex. 6, Scroggins Dep., 20:2-22:1; 16 Ex. 9, Czaja Dep., 24:23-26:6, 17 34:12-35:20.</p>	<p>Disputed. Her performance was not in compliance with the district’s own policies, nor was her performance in compliance with federal guidelines]. The district receives federal funding from the federal government, and is required to follow federal Title IX guidelines. The Title IX coordinator, therefore, is required to perform her functions in accordance with federal guidelines, and not just “on behalf of the District.” Jones did not perform a fair and equitable Title IX investigation. Mt. Sac definition of sexual assault violates Title IX. Ex. A, (Dear Colleague Letter); Ex. B, (Mt. SAC Selected Board Policy).</p>
<p>25 20. Jones received EEO and Title 26 IX training as a District 27 employee and trainings on 28</p>	<p>Disputed. Training was not provided to tutorial staff during plaintiff’s or her sister’s employment.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 harassment and discrimination 2 are available to students and 3 employees. 4 Ex. 6, Scroggins Dep., 73:8- 5 74:22; Ex. 7, Jones Dep., Vol. 1, 6 3/2/18, 15:9-18:1, 73:15-74:13; 7 Ex. 9, Czaja Dep., 24:23- 26:6, 8 34:12-35:20.</p>	<p>Ex. E, Plaintiff Dep. Vol. 2, 10/19/17, 367:6-11; Ex. L, Sayedah Mosavi Dep. Vol. 1, 11/22/17, 189:3-12; Plaintiff Decl. ¶1.</p>
<p>9 10 21. During the course of the 11 investigation, Jones provided 12 Plaintiff with copies of board 13 policies and procedures 14 regarding the prohibition on 15 nondiscrimination, harassment, 16 and sexual assault. 17 Ex. 1, Plaintiff’s Dep., Vol. 1, 18 6/30/17, 110:4-113:4; Ex. 46: 19 Board Policies and 20 Administrative Procedures, 21 various.</p>	<p>Disputed. Plaintiff does not recall receiving these documents. Ex. D, Plaintiff’s Dep., Vol. 1, 6/30/17, 110:4-113:4; Plaintiff Decl. ¶12.</p>
<p>22 22. The District also relied on the 23 Office of Civil Rights, 24 Department of Education’s Dear 25 Colleague Letter of April 2011 26 (“DCL”) and the subsequent 27 questions and answers document. 28</p>	<p>False. Mt. Sac used an illegal definition of sexual assault. Did not follow Title IX standards. Mosavi was forced to carry out her own rape simulation. Unfairness in investigation. Did not inform Plaintiff that Brown would be allowed to work.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

1 Ex. 9, Czaja Dep., 47:22-48:14.

2 Plaintiff was forced to encounter Brown
3 on a weekly basis since he was allowed
4 to work in the same building she
5 attended classes; HR willfully ignored
6 Plaintiff's concerns when they refused to
7 change his schedule to ensure that he
8 would not encounter Plaintiff, and even
9 stated that Brown "has no restrictions
10 with working with Aarefah." The District
11 neglected to interview Plaintiff's
12 witnesses before closing their
13 investigation. Further, they made no
14 mention of all of her witnesses specified
15 in emails to them in their administrative
16 findings letter as if to imply that she
17 never provided the District with
18 additional witnesses. HR investigation
19 was abruptly stopped, preventing
20 Plaintiff from giving full and complete
21 accounts to HR; it was handed over to
22 Public Safety before HR completed their
23 own investigation. Plaintiff was then
24 accused of providing different accounts
25 to Public Safety versus HR, when HR
26 was informed at the request of the
27 Plaintiff of the very details Plaintiff was
28 accused of not providing to HR. District

PLAINTIFF'S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

CASE NO. 2:15-CV-04147-MWF (AFM)

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	<p>accused Plaintiff of changing accounts while willfully ignoring Brown’s drastically different accounts. Decried Plaintiff’s credibility for deleting a single text message, but willfully neglected the fact that Brown deleted ALL messages and did not question his credibility.</p> <p>Ex. JJ, (Mosavi to Jones, Franco); Ex. T, 3/28/14 (Mosavi to Jones); Ex. AA, (Czaja Administrative Letter, Aarefah); Ex. U, 4/8/14, (Jones to Mosavi); Ex. G, Jones Dep. Vol. 1, 03/02/18, 87:14-21; Ex. D, Plaintiff’s Dep., Vol. 1, 06/30/17, 57:2-58:14; Ex. P, 2/21/14 (Jones Notes, Brown); Ex. V, (Carl Notes); Ex. K, Brown Dep., 1/5/18, 87:2-7; Ex. G, Jones Dep., Vol. 1, 03/02/18, 51:19-24.</p>
<p>23. Plaintiff was advised of her right to seek resolution of her complaint through external organization and that she could appeal any determination by the District.</p> <p>Ex. 2, Plaintiff’s Dep., Vol. 2, 10/19/17, 367:6-20, 372:6-23;</p>	<p>Disputed. Inaccurate and Misleading. Plaintiff does remember asking for information, but does not remember receiving the information. Plaintiff was not advised of her right to appeal any determination by the District. Plaintiff was denied her right to appeal by the District. Plaintiff was informed of her</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 Email re: Aarefah Mosavi, 2 4/18/14 (Plaintiff, Carl); Ex. 29: 3 Emails re: Aarefah: Assault 4 Investigation Update, 4/22/14- 5 5/2/14 (Plaintiff, Jones); Ex. 31: 6 Emails re: Aarefah: Further 7 Legal measures, 5/7/14-5/8/14 8 (Plaintiff, Carl); Ex. 34: Emails 9 re:Aarefah:Investigation [sic] 10 Update, 5/22/14 (Plaintiff, Carl); 11 Ex. 35: Emails re: Aarefah: 12 Investigation, 5/26/14-5/27/14 13 (Plaintiff, Carl, Jones); 14 Declaration of Joe Carl (“Carl 15 Decl.”), ¶¶7-10, 13.</p>	<p>ability to file a police report when the investigation was given to public safety. Ex. E,Plaintiff Dep. Vol. 2, 10/19/17, 367:12-20; Plaintiff Decl. ¶12.</p>
<p>16 24. Specifically, Jones shared 17 with Plaintiff that she could file a 18 formal complaint with the 19 Chancellor’s office, which would 20 have been sent to the District for 21 response, file a complaint with 22 the Office of Civil Rights, or file 23 a complaint with the DFEH or 24 EEOC for religious 25 discrimination, as she reported 26 receiving comments on the job. 27 Ex. 7, Jones Dep., Vol. 1, 3/2/18, 28</p>	<p>Disputed. Plaintiff does not recall receiving these documents. Ex. D, Plaintiff’s Dep., Vol. 1, 06/30/17, 110:4-113:4; Plaintiff Decl. ¶12.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

1	38:25- 39:20.	
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3	E. Plaintiff’s Complaints and	
4	Administrative Investigation	
5	25. In total, at the District, she	Partially disputed. Mosavi recalls an additional woman in her meetings with Jones whose name she does not recall. Ex. G, Jones Dep., Vol. 1, 03/02/18, 22:10-26:25, 30:19-21; Plaintiff Decl. ¶16.
6	met with Jones, Carl, Officer	
7	Kelly, Scroggins, Cardenas,	
8	Smith, Czaja, and note takers,	
9	meeting with Jones	
10	approximately five times.	
11	Ex. 1, Plaintiff’s Dep., Vol. 1,	
12	6/30/17, 51:7-53:24, 54:11-55:9,	
13	57:2-58:14, 67:4-19., 154:1-	
14	158:3; Ex. 2, Plaintiff’s Dep.,	
15	Vol. 2, 10/19/17, 380:35-382:14;	
16	Ex. 4, Plaintiff’s Dep., Vol. 4,	
17	3/22/18, 135:19-136:23; Ex. 6,	
18	Scroggins Dep., 12:9-13:22,	
19	15:7-20, 23:8-19, 24:4-21, 25:4-	
20	12, 26:8-21, 27:10-28:1, 33:2-	
21	35:8, 35:5-17, 36:16-39:1, 50:17-	
22	51:10; Ex. 7, Jones Dep., Vol. 1,	
23	3/2/18, 54:16-55:7; Ex. 9, Czaja	
24	Dep., 21:3-13, 35:21-37:19,	
25	42:17-43:21, 87:13-23; Ex. 11,	
26	Deposition of Joanne Franco	
27	(“Franco Dep.”), 9:24-15:24,	
28		

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 2 3 4 5 6 7 8 9</p>	<p>16:9-17:5, 22:21- 23:15, 24:12-25:24, 28:2-30:6, 46:3-23; Ex. 18: Emails re: Aarefah Mosavi, 2/2/14-2/3/14 (Plaintiff, Smith, Jones); Ex. 40: Complaint of Unlawful Discrimination Investigation Interview, 2/11/14; Ex. 43: Handwritten notes, various dates; Smith Decl., ¶18.</p>	
<p>10 11 12 13 14 15 16 17</p>	<p>26. In the initial meetings with District employees, Plaintiff believed that a stronger message needed to be sent to Brown that she was not interested. Ex. 2, Plaintiff’s Dep., Vol. 2, 10/19/17, 379:14-380:24.</p>	<p>Misrepresents Plaintiff’s testimony. This was not the only outcome she wanted. Plaintiff Decl. ¶13.</p>
<p>18 19 20 21 22 23 24 25 26 27 28</p>	<p>27. Jones was the primary investigator into Plaintiff’s complaint against Mr. Brown, and Franco and Hoover sat in during meetings with Plaintiff, and it was Jones’s role to be a neutral investigator. Ex. 2, Plaintiff’s Dep., Vol. 2, 10/19/17, 307:8-309:10, 385:6-23; Ex. 7, Jones Dep., Vol. 1,</p>	<p>Disputed. Jones did not conduct herself in a neutral way. Jones willfully neglected changes in Brown’s testimony, but focused on the alleged changes in Mosavi’s. Refer to #22 Above</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 3/2/18, 21:10-23:20, 30:10-21, 2 40:9-23, 107:11-108:5; Ex. 11, 3 Franco Dep., 9:24-15:24, 16:9- 4 17:5, 22:21-23:15, 24:12-25:24, 5 28:2-30:6, 46:3-23; Ex. 40: 6 Complaint of Unlawful 7 Discrimination Investigation 8 Interview, 2/11/14; Ex. 43: 9 Handwritten notes, various dates.</p>	
<p>10 11 28. Jones first met with Plaintiff 12 on February 11, 2014, with 13 Franco, who took notes, which 14 was essentially an intake to get 15 clarification about Plaintiff's 16 allegations and explain and 17 provide Plaintiff with copies of 18 the District's policies and 19 procedures prohibiting unlawful 20 discrimination, harassment, and 21 retaliation, as well as interim 22 remedies and an individual's 23 right to file complaints within 24 and outside of the District, if any 25 were needed. 26 Ex. 2, Plaintiff's Dep., Vol. 2, 27 10/19/17, 301:2-303:21; Ex. 7, 28 Jones Dep., Vol. 1, 3/2/18,</p>	<p>Not disputed.</p>

PLAINTIFF'S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS' MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

1	30:22-32:10, 34:25-41:23.	
2	29. Jones treated Plaintiff's	Not disputed.
3	complaint like a formal	
4	complaint.	
5	Ex. 6, Scroggins Dep., 61:7-14;	
6	Ex. 7, Jones Dep., Vol. 1, 3/2/18,	
7	39:24-40:8.	
8		
9	30. Jones informed Plaintiff of	
10	her intention to investigate her	
11	complaint and provided her with	
12	a participant's advisement's	
13	document, which provided	
14	information regarding the limits	
15	of confidentiality and raising	
16	concerns about the investigation	
17	and recourse.	
18	Ex. 7, Jones Dep., Vol. 1, 3/2/18,	
19	40:24- 41:23; 101:20-105:20.	
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26	31. Jones explained to Plaintiff	Not disputed.
27	that Brown had due process	
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PLAINTIFF'S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 rights and Jones had the 2 responsibility to allow Brown to 3 respond to any allegations 4 against him. 5 Ex. 4, Plaintiff's Dep., Vol. 4, 6 3/22/18, 211:3-22; Ex. 7, Jones 7 Dep., Vol. 1, 3/2/18, 63:13-69:2, 8 67:9-69:2.</p>	
<p>9 10 32. Jones also explained to 11 Plaintiff that the District's 12 investigation by Jones was 13 governed by a preponderance of 14 evidence standard of proof, 15 explaining the meaning to 16 Plaintiff, as well the scope and 17 limits of Jones's authority, which 18 did not include prosecuting 19 Brown. 20 Ex. 2, Plaintiff's Dep., Vol. 2, 21 10/19/17, 307:8-309:10, 385:6- 22 23; Ex. 7, Jones Dep., Vol. 1, 23 3/2/18, 67:9-69:24.</p>	<p>Not disputed. However, Mt. SAC did not implement this standard as presented elsewhere.</p>
<p>24 33. The investigation was 25 handled under the District's 26 discrimination procedures. 27 Ex. 7, Jones Dep., Vol. 1, 3/2/18, 28</p>	<p>Refer to #22 above.</p>

PLAINTIFF'S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS' MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

1	116:14-119:24; Ex. 9, Czaja	
2	Dep., 71:19-72:3.	
3		
4	34. Plaintiff had a number of	False. Mosavi only had one unscheduled meeting with Jones in March 2014 to complain about Brown not being removed from work. She did not discuss details of the assault at this meeting. She does not recall other unscheduled visits to Jones’ office. Plaintiff Decl. ¶¶21,35.
5	unscheduled exchanges with	
6	Jones as well, including two or	
7	three interactions between the	
8	meeting scheduled on February	
9	11 and March 28, 2014, wherein	
10	she provided new information	
11	and that required Jones to speak	
12	with Brown.	
13	Ex. 7, Jones Dep., Vol. 1, 3/2/18,	
14	63:13- 66:24.	
15	35. Jones’s second scheduled	
16	meeting with Plaintiff was on or	
17	about March 28, 2014, and they	
18	discussed Brown’s recollection	
19	of events and additional details	
20	of his friendship with Plaintiff	
21	and their conversations.	
22	Ex. 7, Jones Dep., Vol. 1, 3/2/18,	
23	63:13- 66:24, 67:9-69:2.	
24		
25	36. District staff members	False. Mosavi did not refuse counseling; she just did not do so in Spring 2014 because her focus then was to hold Brown accountable, and counseling
26	advised Plaintiff to seek	
27	counseling, which she refused to	
28	do prior to the Fall 2014	

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 2 3 4 5 6 7 8 9 10</p>	<p>semester. Ex. 1, Plaintiff’s Dep., Vol. 1, 6/30/17, 33:6-11, 33:14-38:1, 46:12-48:8; Ex. 2, Plaintiff’s Dep., Vol. 2, 10/19/17, 338:15-22; Ex. 4, Plaintiff’s Dep., 3/22/18, 188:19-25; Ex. 24, Correspondence re: Student Health Center Services, 3/5/14 (Jones, Plaintiff).</p>	<p>would not have done that. Plaintiff is currently seeking counseling for PTSD resulting from the rape and also from the administration’s failure to protect her. Ex. E, Plaintiff Dep. Vol 2., 02/28/18, 337:19-338:2; Plaintiff Decl. ¶25; Ex. EE, (Medical Records).</p>
<p>11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26</p>	<p>37. Jones instructed Plaintiff to let her know if Plaintiff remembered anything further, and Plaintiff provided additional information to her. Ex. 1, Plaintiff’s Dep., Vol. 1, 6/30/17, 20:22-25, 54:19-23, 54:24-55:11; Ex. 2, Plaintiff’s Dep., Vol. 2, 10/19/17, 302:7-13, 312:17-313:13; Ex. 3, Plaintiff’s Dep., Vol. 3, 2/28/18, 58:5- 20; Ex. 23: Email re: Aarefah Mosavi: sexual assault investigation, 2/16/14 (Plaintiff, Jones).</p>	<p>Not disputed.</p>
<p>27 28</p>	<p>38. Jones reassured Plaintiff that</p>	<p>Not disputed.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 before the incident Plaintiff made 2 it clear to Brown that she was not 3 interested. 4 Ex. 2, Plaintiff’s Dep., Vol. 2, 5 10/19/17, 379:14-380:16.</p>	
<p>6 7 39. Plaintiff did not share that 8 she was a victim of “penetration” 9 or that she 10 was touched in the vaginal area 11 to that level of detail to Jones. 12 Ex. 3, Plaintiff’s Dep., Vol. 3, 13 2/28/18, 75:6-76:8, 78:12-23.</p>	<p>False. Jones failed to make clear to Mosavi what Jones meant by “penetration.” During Mosavi’s meetings with Jones, Mosavi thought the words “penetration” and “rape” were synonyms for nonconsensual penile-vaginal/penal- anal intercourse. Mosavi realized that “penetration” included penetration by a finger only when speaking to Public Safety Officer Kelly. Mosavi asked Public Safety Officer Joseph Carl to relay this information to Jones. Ex. F, Plaintiff’s Dep., Vol. 3, 2/28/18, 76:9-17, 79:14; Ex. M, Siddiqui Dep., 03/27/18, 32:10-33:15, 62:14-65:1; Plaintiff Decl. ¶13.</p>
<p>14 15 16 17 18 19 20 21 22 23 40. Jones interviewed the 24 respondent, Brown, who denied 25 engaging in physical contact with 26 Plaintiff at the Farm beyond 27 hugging her or making sexually</p>	<p>Mischaracterizes the facts. Brown admitted to giving Mosavi a “bear hug” despite her lack of consent and being upset and wanting to leave. Brown admitted to sexual assault under Title IX.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 suggestive comments regarding 2 Plaintiff’s neck or hijab. 3 Ex. 1, Plaintiff’s Dep., Vol. 1, 4 6/30/17, 58:19-21; Ex. 5, Brown 5 Dep., 12:18- 13:19, 19:23-20:16, 6 37:9-38:21, 39:13- 40:22, 73:8- 7 84:21, 84:22-85:21, 88:8- 91:13, 8 94:18-95:21, 97:19-98:8, 99:1-5, 9 108:3-25, 122:22-123:1; Ex. 7, 10 Jones Dep., Vol. 1, 3/2/18, 42:3- 11 43:15, 43:19- 55:23, 58:4-60:3, 12 148:3-150:12.</p>	<p>Ex.G, Jones Dep., Vol. 1, 3/2/18, 49:1- 12; Ex. D, Plaintiff’s Dep. Vol. 1, 6/30/17 231:20 - 231:15.</p>
<p>13 14 41. Brown denied making any 15 sexual comments to Plaintiff’s 16 sister when they worked 17 together. 18 Ex. 5, Brown Dep., 40:1-44:1, 19 55:24- 60:6, 105:15-106:7, 20 106:24-107:1.</p>	<p>Not disputed. However, he did make sexual comments against Plaintiff’s sister. Mt. SAC is violating Title IX by relying on Brown’s account and refusing to consider Sayedah Mosavi’s account. Ex. L, Sayedah Mosavi Dep. Vol. 1, 11/22/17, 34:24-36:9.</p>
<p>21 22 23 42. Brown’s report to Jones 24 remained consistent through the 25 investigation. 26 Ex. 7, Jones Dep., Vol. 1, 3/2/18, 27 43:19- 55:23, 73:8-84:21, 84:22- 28 85:21.</p>	<p>False. On Feb. 11, Brown suggested that Mosavi had never hugged him before. In April, he told Carl that he hugged Mosavi many times. To Carl, Brown said that he hugged Mosavi after reaching their car, and also said they hugged in the</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

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	<p>hallway of the building before reaching their car. Brown’s description of the hug changed from a “bear hug” to [arms around her shoulders going down to her waist] to a “wiggle”. Further, Mt. SAC has not provided notes from subsequent meetings with Brown which precludes summary judgment under F.R.C.P. 37. Ex. V, (Carl Notes); Ex. O, 02/11/14, (Jones Investigatory, Mosavi).</p>
<p>43. As of the April 4, 2014, meeting with Jones and Hoover, Plaintiff was not calling the incident “rape.” Ex. 2, Plaintiff’s Dep., Vol. 2, 10/19/17, 357:17-360:16.</p>	<p>Not disputed. However, Jones and Hoover in violation of Title IX failed to inform Mosavi of the definition of rape under Title IX and California law which includes penetration of a vagina by a finger. In Spring 2014, Mosavi understood the word “rape” to be synonymous with non consensual penile-vaginal/penal-anal intercourse. Ex.A, 4/4/11 “Dear Colleague” Letter, 72 Fed. Reg. 3432; Cal. Educ. Code Section 76033; Plaintiff Decl. ¶¶14,31,37.</p>
<p>44. Plaintiff does not deny that during the April 4, 2014, meeting, she was asked if she</p>	<p>False. Jones only asked Mosavi whether there was “penetration” without clarifying that this included penetration</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 was penetrated orally, anally, or 2 vaginally with a digit, penis, or 3 foreign object, and responding 4 that no penetration occurred and 5 she was not raped. 6 Ex. 2, Plaintiff’s Dep., Vol. 2, 7 10/19/17, 390:21-392:6; Ex. 7, 8 Jones Dep., Vol. 1, 3/2/18, 22:8- 9 23:20, 77:4-85:23; Hoover Decl., 10 ¶¶4-6. 11 12 13 14 15 16 17 18 19 20 21 22</p>	<p>by a finger, penis, or foreign object. Mosavi’s answer was no. Mt. SAC is violating Federal Rule of Civil Procedure 37 by not disclosing the notes from the April 4, 2014 meeting which would corroborate Mosavi’s recollection. Jones failed to make clear to Mosavi what Jones meant by “penetration.” During Mosavi’s meetings with Jones, Mosavi thought the words “penetration” and “rape” were synonyms for non consensual penile-vaginal/penal-anal intercourse. Mosavi realized that “penetration” included penetration by a finger only when speaking to Public Safety Officer Kelly. Mosavi asked Public Safety Officer Joseph Carl to relay this information to Jones. Ex.F, Plaintiff’s Dep., Vol. 3, 2/28/18, 76:10-17; Ex. M, Siddiqui Dep., 03/27/18, 32:10-33:15, 62:14-65:1; Plaintiff Decl. ¶¶14,31,37.</p>
<p>23 24 45. Hoover, the Director of 25 Human Resources, attended two 26 meetings with Jones and Plaintiff 27 as part of the investigation into 28 Plaintiff’s complaint, wherein</p>	<p>Misrepresents the facts. Plaintiff recalls Hoover at the April 4, 2014 meeting, where Plaintiff not only was asked about where she and Brown were standing but also was asked to reenact the rape on Ms.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 Plaintiff was asked about 2 placement of where she and Mr. 3 Brown were standing. 4 Ex. 7, Jones Dep., Vol. 1, 3/2/18, 5 22:8- 24:17; Ex. 10, Deposition 6 of Cynthia Hoover (“Hoover 7 Dep.”), 3/23/18, 7:7- 17, 9:15- 8 16, 9:23-11:7, 18:10-20:14. 9 10 11 12</p>	<p>Hoover. The Mt. SAC administrative findings letter of July 3, 2014 states that Plaintiff was asked to “demonstrate how you were pinned against the wall by Mr. Brown, using Ms. Hoover to illustrate.” Mt. SAC has not provided notes from April 4, 2014 meeting which precludes summary judgment under F.R.C.P. 37 and F.R.C.P. 56. Plaintiff Decl. ¶28.; Ex. AA, (Czaja Administrative Letter, Aarefah).</p>
<p>13 46. During the April 4, 2014, 14 meeting, Plaintiff was asked how 15 she was pinned against the wall, 16 and stated that that she was not 17 pinned against the wall. 18 Ex. 2, Plaintiff’s Dep., Vol. 2, 19 10/19/17, 359:9-21, 361:6- 20 362:19, 389:1-24, 389:25-390:8. 21 22 23 24 25 26 27 28</p>	<p>Misrepresents the facts. Mosavi recalls: “At one point during the assault, Brown pinned me against the wall and was grinding against me in a rough manner, such that I could feel him coarsely rubbing his genital area against my buttocks. As Brown was grinding against me, my body would not remain in one fixed position against the wall. At another point during the assault, Brown did not pin me against the wall, such as when he first grabbed my arm against my will and began to molest me. Thus, at some points during Brown’s assault of me, I remained pinned against the wall.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

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	<p>At other points during Brown’s assault of me, I was not pinned against a wall. I described all this to Jones [in the April 4, 2014 meeting].” Two senior administrators were doubling up on Mosavi and asking her numerous, pointed detailed questions while asking her to reenact the rape. Mt. SAC has not provided notes from April 4, 2014 meeting which precludes summary judgment under F.R.C.P. 37 and F.R.C.P. 56. Plaintiff Decl. ¶¶28-30; Ex. D, Plaintiff Dep., Vol. 1, 06/30/17, 55:12-56:5.</p>
<p>47. Plaintiff was not asked to touch anyone during any of the meetings. Ex. 7, Jones Dep., Vol. 1, 3/2/18, 79:4- 83:10; Ex. 10, Hoover Dep., 3/23/18, 25:4-10.</p>	<p>False. Plaintiff touched Ms. Hoover to position her like a mannequin to illustrate how Plaintiff was standing against the wall during the incident. But Plaintiff could not bring herself to do to Ms. Hoover what Brown had done to Mosavi. Furthermore, Jones told Mosavi on March 28, 2014 that Mosavi had to undergo the reenactment or else her credibility would be questioned. The Mt. SAC administrative findings letter of July 3, 2014 states that Plaintiff was</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

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	<p>asked to “demonstrate on how you were pinned against the wall by Mr. Brown, using Ms. Hoover to illustrate.” Further, Mt. SAC has not provided notes from April 4, 2014 meeting which precludes summary judgment under F.R.C.P. 37 and F.R.C.P. 56.</p> <p>Plaintiff Decl. ¶28; Ex. D, Plaintiff Dep., Vol. 1, 06/30/17, 55:12-56:5; Ex. AA, (Czaja Administrative Letter, Aarefah).</p>
<p>48. On April 5, 2014, Plaintiff emailed Jones and informed her that she wanted to seek “further legal measures” against Brown in light of the differing accounts and “[a]lthough you lack of direct evidence about what happened that night on the farm.” Ex. 2, Plaintiff’s Dep., Vol. 2, 10/19/17, 355:22-357:16, 385:24-386:3; Ex. 7, Jones Dep., Vol. 1, 3/2/18, 87:1-90:12; Ex. 9, Czaja Dep., 34:12-20; Ex. 25, Email re: Aarefah: Investigation Concern, 4/5/14 (Plaintiff, Jones) (emphasis in original); Jones Decl., ¶5.</p>	<p>False. This misquotes Mosavi. Mosavi asked what “<i>further measures</i>” (<u>not</u> further “legal measures”) she could take in light of the fact that Brown was lying to investigators. Mosavi had not yet decided to pursue criminal charges. Also, Jones did not inform Mosavi of her right to file a police report to initiate criminal charges; Public Safety Officer Joseph Carl did. When Jones notified Mosavi on April 8, 2014 that the investigation would now be handled by Public Safety, Jones did not explain and Mosavi did not understand why.</p> <p>Jones testified that she was scheduled to meet with Mosavi to go to the Farm and visit the location where the incident</p>

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	<p>occurred, but Czaja removed her from the investigation and directed that the investigation be handed over to Public Safety. Jones testified that she notified Mosavi that the investigation would be handed over to Public Safety, on the same day that her meeting with Mosavi to go to the Farm was scheduled. Plaintiff Decl. ¶¶33,34; Ex. G, Jones Vol. 1, 3/2/18, 87:9-21; Ex.II, (Mosavi email, Jones).</p>
<p>49. In response to Plaintiff's April 5, 2014, email, Jones worked to forward Plaintiff's complaint to Public Safety. Ex. 2, Plaintiff's Dep., Vol. 2, 10/19/17, 355:22-357:16, 385:24-386:3; Ex. 25, Email re: Aarefah: Investigation Concern, 4/5/14 (Plaintiff, Jones).</p>	<p>False. Refer to #48 above.</p>

<p>1 50. Jones postponed one meeting 2 with Plaintiff when the matter 3 was handed over to Public Safety 4 and Jones met with Plaintiff once 5 or twice after the matter had been 6 forwarded to Public Safety. 7 Ex. 2, Plaintiff’s Dep., Vol. 2, 8 10/19/17, 382:15-383:5; Ex. 7, 9 Jones Dep., Vol. 1, 3/2/18, 10 101:20-105:20; Ex. 11, Franco 11 Dep., 9:24-15:24, 16:9-17:5, 12 22:21- 23:15, 24:12-25:24, 28:2- 13 30:6, 46:3-23.</p>	<p>False. The meeting was not “postponed.” Mosavi’s planned meeting with Jones to go to the Farm never took place. See response to #48. Ex. G, Jones Vol. 1, 3/2/18, 87:9-21.</p>
<p>16 51. Jones was responsive to her 17 requests for a meeting in June 18 2014. 19 Ex. 4, Plaintiff’s Dep., Vol. 4, 20 3/22/18, 204:14-207:11; Ex. 38: 21 Emails re: Aarefah: appointment 22 for meeting, 6/24/14-6/30/14 23 (Plaintiff, Jones).</p>	<p>Disputed. Misrepresents the facts. Jones did not indicate that she agreed to Mosavi’s requests. Ex. HH, 6/24/14, (Mossavi email to Jones).</p>
<p>25 52. Plaintiff asked Brown to stop 26 referencing her head scarf, and 27 there is no evidence that he</p>	<p>Mischaracterizes the facts. Mosavi told Brown in person to stop making sexually suggestive comments about her at work</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

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<p>continued to do so at work. Ex. 2, Plaintiff’s Dep., Vol. 2, 10/19/17, 403:10-24; Ex. 3, Plaintiff’s Dep., Vol. 3, 2/28/18, 54:2-56:9; Ex. 17: Emails re: Aarefah Mosavi: private, but urgent matter, 1/27/14-2/5/14 (Plaintiff, Cardenas, Smith, Jones); Smith Decl., ¶6.</p>	<p>including with regard to her headscarf. Brown continued to sexually harass Mosavi about her headscarf even after that conversation at work. Once, as he was dropping her off to her car, Brown locked his car door and said that he would not let her out of his car unless she showed him pictures of her without her headscarf on. Brown also has a history of sexually harassing female Muslim women in the TMARC. Her sister, who was also a co-worker of Brown’s in the TMARC, also experienced sexual harassment by Brown as she testified in her deposition. Despite the fact that Brown sexually harassed Mosavi’s sister in front of other staff, including his supervisor Rene Pyle, Brown was left unpunished. Ex. L, Sayedah Mosavi Dep. V. 1 55:8-57:23; Plaintiff Decl. ¶27.</p>
<p>53. Plaintiff does not deny that Scroggins told her that if she had any further information to provide it to Jones. Ex. 2, Plaintiff’s Dep., Vol. 2,</p>	<p>Disputed. Mischaracterizes the facts. In Mosavi’s meeting with Scroggins on June 6, 2014, Scroggins said that he would have the investigation extended until Mosavi’s witnesses were</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 10/19/17, 452:13-18. 2 3 4 5 6 7 8</p>	<p>interviewed. He also claimed that no college campus had security cameras, and said that he would not consider installing security cameras because it would be too expensive, and that students’ “education” was the college’s priority rather than their safety. Plaintiff Decl. ¶¶42-43.</p>
<p>9 10 54. Jones also interviewed 11 Cardenas and Smith relating to 12 the directives that they gave to 13 Mr. Brown, the scheduling of 14 Plaintiff and Mr. Brown, if they 15 heard of any complaints about 16 Mr. Brown, and whether Plaintiff 17 or others had complaints about 18 the working environment or bias- 19 related complaints. 20 Ex. 7, Jones Dep., Vol. 1, 3/2/18, 21 55:24- 60:10, 60:25-62:13. 22 23 24 25</p>	<p>Disputed. Mischaracterizes the facts. Mosavi had expressed that she wanted Brown removed from work. Jones informed Brown on February 21, 2014 that he “has no restrictions with working with Mosavi, but will keep his distance.” Mosavi was only informed that she and Brown would not be scheduled together after approaching Jones March 6, 2014 and demanding that he be removed from his job. She had been surprised to discover the day before that Brown was still allowed to work. Ex. R, 03/06/14, (Jones notes, Mosavi); Ex. Q, 3/5/14(Jones Correspondence, Mosavi); Plaintiff Decl. ¶¶17-21.</p>
<p>26 55. Jones also interviewed Rene 27 Pyle, a classified employee, in 28</p>	<p>False. Czaja’s July 3, 2014 administrative findings letter relied on</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 the course of the investigation to 2 assess if there was knowledge of 3 any complaints of objectionable 4 workplace incidents regarding 5 Brown or others and to confirm 6 that Plaintiff and Brown were not 7 working together, and Pyle 8 reported no information relevant 9 to the complaint or reported any 10 bias complaints. 11 Ex. 7, Jones Dep., Vol. 1, 3/2/18, 12 126:6- 127:24; Ex. 12, S. Mosavi 13 Dep., 113:5- 114:16, 117:25- 14 118:25, 178:3-179:11.</p>	<p>Pyle’s information that Brown is “a hugger” to help exonerate Brown, making her information completely relevant to the investigation. Mischaracterizes the facts about work schedule: see response to #54. Ex. AA, 07/03/14, (Czaja Administrative Letter, Aarefah).</p>
<p>15 16 56. Throughout the investigation, 17 Jones provided status updates of 18 Plaintiff’s complaints to Czaja 19 with Hoover often in attendance. 20 Ex. 7, Jones Dep., Vol. 1, 3/2/18, 21 24:11- 26:2, 54:16-24, 62:14- 22 63:12, 87:1-13; Ex. 9, Czaja 23 Dep., 25:15-27:14, 28:1-22, 24 30:18-31:3, 31:21-32:7, 34:12- 25 35:20, 37:20-38:24, 60:3-24, 26 62:7-63:11, 64:1- 8, 83:18-84:14; 27 Declaration of Cynthia Hoover 28 (“Hoover Decl.”), ¶6.</p>	<p>Not disputed.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 57. Jones was still responsible 2 for the Title IX investigation 3 after Public Safety began its 4 investigation, and she worked 5 with Joe Carl from Public Safety 6 to coordinate efforts and Jones 7 relied on Carl’s information and 8 photographs to close out the 9 administrative investigation. 10 Ex. 7, Jones Dep., Vol. 1, 3/2/18, 11 87:14- 90:24, 92:7-93:9; Ex. 8, 12 Jones Dep., Vol. 2, 3/23/18, 6:2- 13 7:18, 12:23-13:4, 16:16-17:19, 14 22:6-24:2, 34:8-17, 35:2- 36:22; 15 Ex. 9, Czaja Dep., 40:2-13, 16 88:22-89:3, 91:6-24; Jones Decl., 17 ¶6.</p>	<p>False. When the matter was referred to Public Safety, Jones’ role in the investigation ended per Mr. Czaja. The trip to the farm with Aarefah which Jones had planned was not carried out by her. There are no reports from Carl to Jones or Czaja on Carl’s investigation. In Jones Deposition, Jones testified that the District Administration finished its investigation at the point that <i>Public Safety Officer Carl</i> referred Plaintiff to the Sheriff’s Department. Ex. G, Jones Dep., Vol. 1, 3/2/18, 87:14- 17, 88:14-16, 89:5-9,89:10-13, 89:20-25, 90:1-24, 91:14-18.</p>
<p>18 58. By the time Public Safety 19 began investigating, there was 20 nothing left to investigate on the 21 administrative side, aside from 22 reviewing photos. 23 Ex. 8, Jones Dep., Vol. 2, 24 3/23/18, 12:23-13:4, 22:6-24:2, 25 35:2-36:22. 26 27 28</p>	<p>False. Jones canceled a meeting she was about to have with Mosavi to go to the Farm when the investigation was handed over to Public Safety. Plaintiff still offered witnesses including Sayedah Mosavi about previous harassment by Brown, and to find co-workers of Brown who actually interact with Brown at work instead of supervisors who tended to favor him. See response to #48.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

1		Ex. H, Jones Dep. Vol.2, 03/23/18,
2		12:23-25, 13:1-4.
3		
4	59. Plaintiff never raised any	Misrepresents the facts. Jones was the
5	reservations or concerns about	“Title IX Officer,” and Jones never
6	Jones’s conducting her	informed Mosavi that she had the right to
7	investigation to Jones.	get a different investigator. Furthermore,
8	Ex. 7, Jones Dep., Vol. 1, 3/2/18,	the notes from several of Jones’ meetings
9	105:21-107:10.	have not been disclosed which precludes
10		summary judgment under F.R.C.P. 37
11		and F.R.C.P. 56. Mosavi’s emails in June
12		2014 objected to how the investigation
13		was handled and there are no records of
14		Mt. SAC informing Mosavi that she had
15		a right to appeal.
16		Ex. HH, 6/24/14, (Mosavi email to
17		Jones).
18		
19		
20	60. As the investigator, Jones	Plaintiff’s presentation of facts never
21	had to make credibility	“shifted.” Mt. SAC placed an importance
22	assessments, and she found	on being fully pressed against the wall
23	Plaintiff to be credible at times	versus being “several inches” from the
24	and not credible at other times,	wall because of Mt. SAC’s illegal
25	and there was a concern	standard of what constitutes “sexual
26	regarding her shifting	assault” which requires physical coercion
27	presentation of facts.	and is the standard of the California
28	Ex. 2, Plaintiff’s Dep., Vol. 2,	criminal code. Jones failed to make clear

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT

1	10/19/17, 312:17-313:13,	to Mosavi what Jones meant by
2	407:15-409:17, 410:22- 411:5;	“penetration.” During Mosavi’s meetings
3	Ex. 7, Jones Dep., Vol. 1, 3/2/18,	with Jones, Mosavi thought the words
4	105:21-108:5, 134:17-139:10.	“penetration” and “rape” were synonyms
5		for nonconsensual penile-vaginal/penile-
6		anal intercourse. Mosavi realized that
7		“penetration” included penetration by a
8		finger only when speaking to Public
9		Safety Officer Kelly. Mosavi asked
10		Public Safety Officer Joseph Carl to
11		relay this information to Jones. Jones
12		understood the effect of traumatic events
13		on memory and asked Plaintiff to add
14		details as she recalled them. Jones was
15		deliberately indifferent toward
16		implausibility and inconsistency of
17		Brown’s account.
18		Ex. E, Plaintiff’s Dep., Vol. 3, 2/28/18,
19		76:9-17, 79:14; Ex. M, Siddiqui Dep.,
20		03/27/18, 32:10-33:15, 62:14-65:1;
21		Plaintiff Decl. ¶14.
22		
23	61. There were insufficient facts	False. The standard is preponderance of
24	to substantiate Plaintiff’s	the evidence. Both Brown’s account and
25	allegations against Mr. Brown of	Mosavi’s account demonstrated sexual
26	unwanted touching of a sexual	assault as recognized under Title IX and
27	nature.	California Law.
28	Ex. 7, Jones Dep., Vol. 1, 3/2/18,	Furthermore, with two opposing

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 87:1- 90:12, 107:11-108:5. 2 3 4 5 6 7 8</p>	<p>accounts from direct witnesses, other evidence could have been used. But Defendants ignored Plaintiff’s witnesses, while interviewing witnesses who spoke positively about Brown’s character. Ex. A, “Dear Colleague” Letter, 72 Fed. Reg. 3432; Cal. Educ. Code Section 76033.</p>
<p>9 10 62. Jones and Czaja met with 11 Plaintiff on June 6, 2014, to 12 inform her that they would be 13 sending her a final letter, that the 14 investigation was closed, the 15 conclusions of the investigation, 16 whether she needed 17 accommodations for finals, and 18 that supportive services could be 19 offered to her in terms of her 20 plan to transfer elsewhere. 21 Ex. 7, Jones Dep., Vol. 1, 3/2/18, 22 101:20-105:20; Jones Decl., ¶6. 23</p>	<p>False. Mischaracterizes the facts and contains falsehoods. Scroggins had told Mosavi that he would keep the investigation open so that her witnesses could be interviewed. As of June 6, 2014, final examinations had ended. Mosavi informed Jones that Scroggins had extended the investigation. Mosavi continued to communicate to Jones that Jones needed to interview Mosavi’s witnesses, and Jones never clarified that the investigation was closed. Ex. Y, (Mt. SAC academic calendar for 2013-14); Plaintiff Decl. ¶¶44-48.</p>
<p>24 63. Plaintiff was issued an 25 administrative determination 26 letter on July 3, 2014, and by that 27 time, the investigation was 28</p>	<p>Mischaracterizes the facts. See response to #62.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 closed or had been closed. 2 Ex. 7, Jones Dep., Vol. 1, 3/2/18, 3 108:6- 112:5, 134:17-139:10; Ex. 4 8, Jones Dep., Vol. 2, 3/23/18, , 5 17:20-20:14, 25:14-15, 28:14-15, 6 29:2-32:19; Ex. 9, Czaja Dep., 7 38:9-24, 45:25-46:23, 48:15- 8 49:25, 51:7-11, 60:3-24; 60:25- 9 63:11, 78:5-81:15, 83:18-84:14; 10 Ex. 39: Correspondence re: 11 Administrative Review into 12 Complaint against Chester 13 Brown, 7/3/14 (Czaja, Plaintiff); 14 Ex. 13, Siddiqui Dep., 96:25- 15 98:13; Ex. 47: Drafts of 16 Correspondence re: 17 Administrative Review into 18 Complaint against Chester 19 Brown, various dates; Jones 20 Decl., ¶6.</p>	
<p>21 F. Other Interim Measures by 22 Human Resources</p>	
<p>24 64. Before March 5, 2014, 25 Plaintiff was aware that Brown 26 was still working at the District. 27 Ex. 2, Plaintiff’s Dep., Vol. 2, 28</p>	<p>False. Plaintiff was completely unaware that Brown was still working in the TMARC and had to find out only after repeatedly running into him which</p>

<p>1 10/19/17, 315:2-317:21; 2 Ex. 42, Emails re: Appointment, 3 2/11/14-3/6/14 (Plaintiff, 4 Franco). 5 6 7</p>	<p>caused her severe distress, and anxiety. Ex. JJ, 3/5/14 (Mosavi email to Franco, Jones); Ex. D, Plaintiff Dep. Vol. 1, 06/30/17, 173:21-175, 182:15 -184:22, 187:18-23.</p>
<p>8 9 65. Before March 5, 2014, Jones 10 informed Plaintiff of the 11 availability of escorts if she had 12 safety concerns. 13 Ex. 2, Plaintiff’s Dep., Vol. 2, 14 10/19/17, 352:13-353:12; Ex. 7, 15 Jones Dep., Vol. 1, 3/2/18, 16 131:3-133:10; Ex. 11, Franco 17 Dep., 41:16-43:1; Ex. 42: Emails 18 re: Appointment, 2/11/14-3/6/14 19 (Plaintiff, Franco).</p>	<p>False. Plaintiff was not offered an escort. Plaintiff Decl. ¶21.</p>
<p>20 66. In response to Plaintiff’s 21 March 5, email, Franco contacted 22 Plaintiff, who reiterated that she 23 did not have safety concerns. 24 Ex. 11, Franco Dep., 43:9-44:12, 25 48:15- 50:18, 52:2-11; Ex. 42: 26 Emails re: Appointment, 27 2/11/14-3/6/14 (Plaintiff, 28</p>	<p>Not disputed.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 Franco); Ex. 41: Emails re: 2 Appointment, 2/11/14-3/6/14 3 (Plaintiff, Franco, Jones); Ex. 43: 4 Handwritten notes, various dates.</p>	
<p>5 6 67. Brown was told to stay away 7 from Plaintiff, and not retaliate 8 against her, but he did not see her 9 after the last time they met at the 10 Farm and until the protests (in 11 2015). 12 Ex. 5, Brown Dep., 88:4-7, 13 120:12- 121:10, 123:19-124:22, 14 128:9-13; Ex. 7, Jones Dep., Vol. 15 1, 3/2/18, 43:19-55:23; Ex. 8, 16 Jones Dep., Vol. 2, 3/23/18, 17 26:19-28:12.</p>	<p>False. Mosavi saw Brown multiple times around campus, particularly around the building where she had to go to work since he worked there as well. Recalls once in the spring semester as of Feb. 8th when she was coming from Biology class and he was loitering on stairs leading to her class and he was looking at her. She reported this to Jones. She saw him again at the foot of the steps outside of building 60. He was looking at her again. She interpreted his loitering as a threat to her safety. She saw him once more during Spring 2014 during the investigation. Jones recalls Mosavi saying that she had seen Brown. Ex. D, Plaintiff Dep. Vol. 1, 06/30/17, 173:21-175:11, 182:15-184:22, 187:18-2; Ex. G, Jones Dep.,03/02/18, Vol. 1, 131:3-6.</p>
<p>26 G. Investigation by Public 27 Safety</p>	

<p>1 68. April 18, 2014, Plaintiff 2 reported that Brown had not 3 contacted her since changing her 4 number. 5 Ex. 4, Plaintiff's Dep., Vol. 4, 6 3/22/18, 138:4-139:11; 143:15- 7 144:20; Ex. 26: Email re: 8 Aarefah Mosavi, 4/18/14 9 (Plaintiff, Carl).</p>	<p>False. See response to #67</p>
<p>10 69. Plaintiff's first mention or 11 complaint of penetration was 12 during Public Safety's 13 investigation into her complaint. 14 Ex. 2, Plaintiff's Dep., Vol. 2, 15 10/19/17, 401:13-402:1; Ex. 7, 16 Jones Dep., Vol. 1, 3/2/18, 17 91:14-92:6; Ex. 9, Czaja Dep., 18 90:21-91:2; Ex. 30, Incident 19 Report; Carl Decl, ¶3. 20</p>	<p>Not disputed.</p>
<p>21 70. Carl called the Sheriff to 22 interview Plaintiff, after she 23 expressed an interest for local 24 law enforcement to review the 25 matter, and indicated that she 26 understood she had a right to 27 appeal a determination by the 28</p>	<p>Misrepresents the facts. On June 6, 2014, Jones and Czaja represented to Mosavi that they would not find in Mosavi's favor. Mosavi had not received any written policies about Mt. SAC's appeal procedures. Jones and Czaja did not tell her about her right to appeal at this</p>

PLAINTIFF'S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS' MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 District. 2 Ex. 4, Plaintiff’s Dep., Vol. 4, 3 3/22/18, 138:4-139:11; 143:15- 4 144:20, 166:11- 169:8; Ex. 7, 5 Jones Dep., Vol. 1, 3/2/18, 6 90:16-91:8; Ex. 26: Email re: 7 Aarefah Mosavi, 4/18/14 8 (Plaintiff, Carl); Ex. 29: Emails 9 re: Aarefah: Assault 10 Investigation Update, 4/22/14- 11 5/2/14 (Plaintiff, Jones); Ex. 31: 12 Emails re: Aarefah: Further 13 Legal measures, 5/7/14-5/8/14 14 (Plaintiff, Carl); Ex. 34: Emails 15 re:Aarefah:Investigation [sic] 16 Update, 5/22/14 (Plaintiff, Carl); 17 Ex. 35: Emails re: Aarefah: 18 Investigation, 5/26/14-5/27/14 19 (Plaintiff, Carl, Jones); Carl 20 Decl., ¶¶7-10, 13.</p>	<p>meeting. Earlier that day, Scroggins had represented to Mosavi that the investigation remained open. Mosavi’s emails in June 2014 objected to how the investigation was handled and there are no records of Mt. SAC informing Mosavi that she had a right to appeal. Mt. SAC’s administrative findings letter of July 3, 2014 declared the matter “closed.” Ex. HH, 6/24/14, (Mosavi email to Jones); Ex. AA, 7/3/14 (Czaja Administrative Letter, Aarefah).</p>
<p>21 71. Plaintiff thanked Carl for his 22 diligence and Carl responded to 23 her emails promptly. 24 Ex. 2, Plaintiff’s Dep., Vol. 2, 25 10/19/17, 448:8-25; Ex. 4, 26 Plaintiff’s Dep., Vol. 4, 3/22/18, 27 170:13-172:25, 177:19-178:9, 28</p>	<p>Not disputed.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 178:10-179:6; Ex. 33: Emails 2 re:Aarefah:Investigation [sic] 3 Update, 5/22/14 (Plaintiff, Carl); 4 Ex. 34: Emails 5 re:Aarefah:Investigation [sic] 6 Update, 5/22/14 (Plaintiff, Carl); 7 Ex. 36: Emails re: Aarefah: 8 Follow Up, 5/28/14 (Plaintiff, 9 Carl); Carl Decl., ¶12.</p>	
<p>10 72. The District continued the 11 administrative investigation 12 while the Sheriff’s department 13 conducted its investigation. 14 Ex. 4, Plaintiff’s Dep., Vol. 4, 15 3/22/18, 169:9-170:12; Ex. 31: 16 Emails re: Aarefah: Further 17 Legal measures, 5/7/14-5/8/14 18 (Plaintiff, Carl); Ex. 32: Emails 19 re:Aarefah [sic], 5/12/14 20 (Plaintiff, Carl); Carl Decl., ¶¶7- 21 10. 22</p>	<p>Disputed. The trip to the farm with Mosavi which Jones had planned in order for Mosavi to provide more information for Jones was not carried out. Also, the District Administration had finished it’s investigation at the point that Public Safety Officer Carl referred Plaintiff to the Sheriff’s Department. Ex. G, Jones Dep., Vol. 1, 3/2/18, 89:5-9, 89:20-90:24.</p>
<p>23 73. Brown was interviewed by 24 both Public Safety and the 25 Sheriff’s department. 26 Ex. 5, Brown Dep., 99:13-18, 27 109:1-3. 28</p>	<p>Disputed. The Sheriff’s department did not interview Brown.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

1	H. Plaintiff’s Requests for	
2	Additional Interviews	
3		
4	74. Plaintiff wanted Jones and	Misleading. Mosavi wanted her sister
5	the District to interview	interviewed on her experience of dealing
6	individuals she identified, her	with Brown’s sexual harassment in the
7	sister, Sayedah, and Luna,	workplace, particularly his fixation with
8	believing that they could provide	her head scarf. Mosavi describes
9	details about Brown’s character.	Brown’s harassment of Sayedah in her
10	Ex. 1, Plaintiff’s Dep., Vol. 1,	first deposition that happened in front of
11	6/30/17, 61:24-65:20; Ex. 2,	Rene Pyle. Sayedah says Brown asked
12	Plaintiff’s Dep., Vol. 2,	her if she was trying to seduce her twice,
13	10/19/17, 322:2-324:11, 325:19-	the first time after she started working at
14	326:19, 327:23-328:17, 347:5-	TMARC, hen after she graduated in
15	17, 349:15-350:1, 457:25-459:9;	Spring 2013. She came in wearing a
16	Ex. 3, Plaintiff’s Dep., Vol. 3,	flower-printed Hijab. Sayedah tried to
17	2/28/18, 96:14- 97:2.; Ex. 13,	make herself seem unattractive and said
18	Siddiqui Dep., 95:21- 96:9,	“Maybe next time I’ll come in wearing a
19	96:14-19; Ex. 7, Jones Dep., Vol.	trash bag.” and Brown responded “That
20	1, 3/2/18, 76:4-77:3, 128:12-	would seduce me even more.” The
21	130:20, 131:3-133:10; Ex.. 35:	second time Brown asked Sayedah if she
22	Emails re: Aarefah:	was trying to seduce him was late
23	Investigation, 5/26/14-5/27/14	April/early May 2013 and there were
24	(Plaintiff, Carl, Jones); Jones	witnesses. One was Martin Cantu, who
25	Decl., ¶4; Carl Decl., ¶13.	asked Brown if he was serious with his
26		question to which Brown responded “I
27		like to make things weird.” Rene Pyle
28		was standing there within earshot and

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

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	<p>made eye contact with Sayedah so she could have observed everything and did nothing. Also in Sayedah’s deposition she cites a staff meeting where Brown said “My name rhymes with the word molester. That’s who I am. Chester the molester.”</p> <p>Ex. D, Plaintiff Dep., Vol. 1, 06/30/17, 64:17-67:3; Ex. L, Sayedah Mosavi Dep., 11/22/17, 34:22-38:10, 55:8 - 57:23, 98:3-99:10.</p>
<p>75. Plaintiff hypothesized that Brown confided in Luna regarding the incident but she has no evidence to support the theory.</p> <p>Ex. 1, Plaintiff’s Dep., Vol. 1, 6/30/17, 144:20-148:8.</p>	<p>False. Brown’s own admissions and emails show that Brown and Luna discussed the incident. Brown and Luna physically met after Valentine’s Day just prior to Brown’s Feb. 21 meeting with Jones. Luna forwarded Mosavi’s emails to on to Brown.</p> <p>Ex. P, 2/21/14, (Jones Notes, Brown).</p>
<p>76. Luna was out of the country at the time of investigation and Plaintiff had no information that Luna witnessed the alleged incident.</p> <p>Ex. 4, Plaintiff’s Dep., Vol. 4,</p>	<p>Not disputed.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

1	3/22/18, 120:24-124:21, 201:1-		
2	12.		
3	77. Plaintiff did not provide	False. Plaintiff provided her sister's name to the District, who was a former coworker of Brown and could testify to her sexual harassment at the hands of Brown on more than one occasion. Ex. Z, 6/9/14, (Mosavi, email to Jones).	
4	names of Brown's coworkers		
5	that the District should interview		
6	about Brown's character.		
7	Ex. 2, Plaintiff's Dep., Vol. 2,		
8	10/19/17, 456:1-4, 460:16-20;		
9	Ex. 3, Plaintiff's Dep., Vol. 3,		
10	2/28/18, 60:7-61:17, 93:25-		
11	95:24.		
12			
13	78. Plaintiff believes that the		Disputed. Plaintiff explicitly states that this is not her belief, but that she believes that co-workers who were not supervisors, and who are not numerous, should have been interviewed. Aarefah references Dear Colleague letter and her desire to have "equal opportunity to present relevant witnesses and other evidence". Ex. E, Plaintiff's Dep., Vol. 2, 10/19/17, 457:5-458:24.
14	DCL requires them to interview		
15	whomever she identifies.		
16	Ex. 2, Plaintiff's Dep., Vol. 2,		
17	10/19/17, 453:9-454:13, 455:6-		
18	11; Ex. 4, Plaintiff's Dep., Vol.		
19	4, 3/22/18, 111:25-115:24.		
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23			
24	79. Plaintiff wanted the District	Not disputed.	
25	to keep contacting Luna until he		
26	responded and that they should		
27	keep the investigation open until		
28			

PLAINTIFF'S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS' MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 they spoke to him, even if the 2 investigation stays open another 3 year. 4 Ex. 4, Plaintiff’s Dep., Vol. 4, 5 3/22/18, 124:8-21.</p>	
<p>6 7 80. The administrative process 8 was a separate process from any 9 criminal investigation and 10 character was not an element of 11 Jones’s investigation. 12 Ex. 7, Jones Dep., Vol. 1, 3/2/18, 13 93:10- 20; Ex. 8, Jones Dep., 14 Vol. 2, 3/23/18, 22:6-24:24, 15 33:2-17; Jones Decl., ¶4.</p>	<p>False. Mt. SAC relied on character information from other witnesses predisposed to favor Brown, including from supervisor Rene Pyle who testified that Brown is “a hugger.” They rely on the investigation by Public Safety who are doing a criminal investigation and that’s all they are doing, following their own wrong policy. Continue to subject Aarefah to interviews on question of rape by Brown. Ex. BB, 4/27/15, (Czaja Administrative letter, Brown); Ex. S, 3/20/14, (Complaint of Unlawful Discrimination Interview, Rene Pyle).</p>
<p>16 17 18 19 20 21 22 81. Jones met with Luna in 2015 23 and his interview yielded no 24 information that would have 25 changed the results of the 26 investigation into Plaintiff’s 27 complaint against Mr. Brown.</p>	<p>Not disputed.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
 IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
 SUMMARY JUDGMENT
 CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 Ex. 8, Jones Dep., Vol. 2, 2 3/23/18, 37:2- 8, 37:13-39:16.</p>	
<p>3 4 82. By the time that the 5 administrative complaint was 6 closed, Jones was satisfied that 7 the District exhausted all relevant 8 the avenues to explore the 9 complaint. 10 Ex. 7, Jones Dep., Vol. 1, 3/2/18, 11 93:21- 94:2.</p>	<p>Not disputed.</p>
<p>12 I. Safety at the Farm and 13 Reports of Crime, and 14 Complaints of Sexual 15 Harassment in General</p>	
<p>16 17 83. Plaintiff has no recollection 18 of complaining that the Farm 19 was unsafe or had inadequate 20 lighting prior to the incident. 21 Ex. 1, Plaintiff’s Dep., Vol. 1, 22 6/30/17, 117:8-25.</p>	<p>Not disputed. However, Mosavi made it clear to Scroggins that security cameras should be installed in the farm. Plaintiff Decl., ¶43.</p>
<p>23 84. There are no other reports of 24 violent crime or threats of violent 25 crime on the Farm, and the other 26 reported crime occurring near or 27 on the Farm is non-violent.</p>	<p>Not disputed.</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 Ex. 6, Scroggins Dep., 46:19- 2 48:13; Pawlak Decl., ¶¶4, 7-8; 3 Declaration of W. David Wilson 4 (“Wilson Decl.”), ¶¶5-9.</p>	
<p>5 6 85. The District maintains 7 approximately 100 closed-circuit 8 cameras on campus. 9 Ex. 6, Scroggins Dep., 39:7-41:5.</p>	<p>Not disputed except as to the fact that there were no cameras on the farm during the academic calendar the rape took place. Ex. G, Jones Dep., Vol. 1, 03/02/18, 106:6-7.</p>
<p>12 86. At least two students live on 13 the Farm, there were classes on 14 the Farm, and the Farm, 15 including the building where the 16 incident was reported, is lit at 17 night. 18 Ex. 5, Brown Dep., 128:18-22; 19 Pawlak Decl., ¶¶3, 5-6.</p>	<p>Disputed. The area where the rape occurred was not lit and was pitch black. Plaintiff Decl. ¶¶5-7; Ex. GG2, (First Farm video); Ex. GG3, (Second Farm video).</p>
<p>21 87. Jones investigated only four 22 complaints of sexual harassment 23 during her entire tenure (2008- 24 2016) at the District (2011-2016 25 in Human Resources), including 26 Plaintiff’s complaint. 27 Ex. 7, Jones Dep., Vol. 1, 3/2/18, 28 12:10- 13, 16:5-17, 70:9-73:14,</p>	<p>Not disputed</p>

PLAINTIFF’S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT
IN OPPOSITION TO THE MT. SAC DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

1	98:6-19.	
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3	J. Academic Performance	
4	88. Academically, she remained	<p>False. Mosavi’s grades suffered and she had to struggle to get them up, she couldn’t maintain her grades so she went to being a part time student. She had to get Disabled Student Program status, which allows her to take reduced course loads each semester and has had to take fewer classes than ever before. Before the assault she was able to take on 4-7 classes without difficulty. After the assault, she has only been able to handle 2-3 classes per semester. Mosavi had PTSD and was going through trauma. Mosavi’s overall well being deteriorated after the rape. The rape affected Mosavi’s ability to cope with daily life, because she re-lived it, especially when Mt. SAC administrators would ask her to describe it.</p> <p>Plaintiff Decl. ¶¶22,55; Ex. M, Siddiqui Dep., 03/27/18, 54:8-17, 63:15-24, 99:8-12.</p>
5	as composed as possible and her	
6	grades did not appear to suffer.	
7	Ex. 1, Plaintiff’s Dep., Vol. 1,	
8	6/30/17, 76:11-18.	
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27	89. Any comments regarding	Brown’s assault of her included demands
28	Plaintiff’s hijab did not prevent	to remove her hijab. He repeatedly

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 CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18</p>	<p>her being able to benefit from the education programs offered by the District. Ex. 9, Czaja Dep., 65:2-67:10.</p>	<p>demanded that Mosavi remove her hijab before assaulting her, and after assaulting her. The entire ordeal and Mt. SAC’s decision not to discipline him have caused Plaintiff severe emotional harm and leaves her more vulnerable to religious and sexual harassment. Sayedah Mosavi describes why asking a woman to remove her hijab is sexual harassment and that is what Brown was doing to Aarefah. Also in Sayedah’s deposition she cites how Brown harassed Aarefah by saying she is “not a real Muslim” because he can “see her neck” and that he’s “going to stare at it.” Plaintiff’s Decl., ¶5; Ex. L, Sayedah Mosavi Dep., 11/22/17, 90:22 -92:10, 95:23-96:6.</p>
<p>19 20 21 22 23</p>	<p>90. Plaintiff graduated from the District with a GPA of 3.8 or 3.9. Ex. 12, S. Mosavi Dep., 122:18-23.</p>	<p>Not disputed.</p>
<p>24 25</p>	<p>K. Submission of Government Claim</p>	
<p>26 27 28</p>	<p>91. Plaintiff submitted a government claim to the District</p>	<p>Not disputed. Mt. SAC had notice that Mosavi took issue with Mt. SAC’s</p>

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SUMMARY JUDGMENT
CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 on or about March 7, 2016. 2 Declaration of Duetta Langevin, 3 ¶4; Second Amended Complaint, 4 ¶149; Ex. 48: Government 5 Claim. 6 7 8</p>	<p>handling of her complaint. Mosavi complained to Jones about investigation. Jones treated it as a formal complaint. There were notetakers at every meeting. Ex. G, Jones Dep., Vol. 1, 03/02/18, 39:24-40:8. Exhibit Z (Mosavi email to Jones); Exhibit SS (6/24 Mosavi email to Jones).</p>
<p>9 10 11 12 L. Submission of Government 13 Claim</p>	
<p>14 92. Plaintiff does not recall if she 15 told her sister anything about the 16 incident by the time she emailed 17 Cardenas. 18 Ex. 1, Plaintiff’s Dep., Vol. 1, 19 6/30/17, 72:1-11.</p>	<p>Mosavi recalls having told her sister that Brown had violated her. Plaintiff Decl. ¶11.</p>
<p>20 93. As of June 5, 2014, Plaintiff 21 specifically informed Scroggins 22 that she was not raped by Brown. 23 Ex. 4, Plaintiff’s Dep., Vol. 4, 24 3/22/18, 180:1-185:23, 186:8-12, 25 190:6-24; Ex. 37: Email re: MT 26 SAC STUDENT: URGENT, 27 6/5/14 (Plaintiff, Scroggins). 28</p>	<p>False. Jones failed to make clear to Mosavi what Jones meant by “penetration.” During Mosavi’s meetings with Jones, Mosavi thought the words “penetration” and “rape” were synonyms for non consensual penile-vaginal/penal- anal intercourse. Mosavi realized that “penetration” included penetration by a</p>

<p>1 2 3 4 5 6 7 8 9</p>		<p>finger only when speaking to Public Safety Officer Kelly. Mosavi asked Public Safety Officer Joseph Carl to relay this information to Jones.</p> <p>Ex. F, Plaintiff’s Dep., Vol. 3, 2/28/18, 76:9-17, 79:14; Ex. M, Siddiqui Dep., 03/27/18, 32:10-33:15, 62:14-65:1; Plaintiff Decl. ¶13.</p>
<p>10 11 12 13 14</p>	<p>94. Luna talked to Brown about his interactions with Plaintiff.</p> <p>Ex. 5, Brown Dep., 45:18-46:25, 48:7- 49:14, 50:23-51:18, 52:4-24, 63:15- 64:1, 66:1-5.</p>	<p>Not disputed.</p>
<p>15 16 17 18 19 20 21 22 23 24 25 26 27 28</p>	<p>95. The District has no practice of eliminating files in Human Resources.</p> <p>Ex. 9, Czaja Dep., 55:7-16; Ex. 11, Franco Dep., 30:16-38:19, 39:24-40:13, 44:13-45:19.</p>	<p>False. Notes were taken at all meetings. The District has not produced those notes, while producing notes from other meetings. Czaja was equivocal about whether HR has a practice of destroying records: “There is a... records disposition schedule. That may not be the name of the policy, but there is a policy about which records to keep for what period of time. I don’t recall that we had a practice of destroying the EEO records. I frankly don’t know what we would do if we ran out of space, became very old. I</p>

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CASE NO. 2:15-CV-04147-MWF (AFM)

<p>1 2 3 4 5</p>	<p>don't think we had a practice of eliminating them.” Ex. J, Czaja Dep., p. 55:9-16; Ex. G, Jones Dep., Vol. 1, 03/02/18, 28:19-34:24, 98:20-25.</p>
<p>6 7 8 9 10 11 12 13 14 15 16 17 18 19</p> <p>96. Plaintiff's friend, Siddiqui, from Biology class walked the long way to avoid contact with Brown and Plaintiff never told Siddiqui that she saw Brown, nor did Siddiqui observe Brown in Plaintiff's presence during the Spring 2014 semester. Ex. 1, Plaintiff's Dep., Vol. 1, 6/30/17, 172:7-173:3; Ex. 13, Siddiqui Dep., 12:21-15:11, 17:19-18:18, 23:8-15, 37:19-24, 45:12-46:15, 56:12-60:6.</p>	<p>False. Siddiqui recalls seeing Brown at the bottom of stairs outside their biology class and Plaintiff looking terrified. In one instance, Plaintiff told Siddiqui to tell a friend that Mosavi was going to UCLA and not UC-Berkeley, to protect against Brown because he was within earshot in the same building where Brown would be. Plaintiff Decl. ¶18,23; Siddiqui Dep., 03/27/18, 57:4-59:18.</p>
<p>20 21 22 23 24 25 26 27 28</p> <p>97. Before Plaintiff went to Public Safety, she called her matter against Brown a “rape” case. Ex. 13, Siddiqui Dep., 17:19-21:2, 38:5- 39:14, 40:11-42:8, 53:6-54:3, 55:7-10, 91:15-92:14.</p>	<p>Mischaracterizes facts. Plaintiff did not use that term with the administration in Spring 2014. Plaintiff Decl. ¶14.</p>

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By Plaintiff's Attorneys,
UNITED FOR EQUALITY AND
AFFIRMATIVE ACTION LEGAL DEFENSE
FUND (UEAALDF)

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Dated: April 20, 2018