

# SUPREME COURT COPY

No. S230568

SUPREME COURT  
FILED

AUG 01 2016

## In the Supreme Court of the State of California

Frank A. McGuire Clerk  
Deputy

THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA, etc., et al.,  
Petitioners,

vs.

LOS ANGELES COUNTY SUPERIOR  
COURT,  
Respondent.

KATHERINE ROSEN,  
Real Party in Interest.

Court of Appeal,  
Second Appellate District, Division 7

No. B254959

Los Angeles County Superior Court

No. SC108504

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### APPLICATION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF AND *AMICUS CURIAE* BRIEF OF BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY IN SUPPORT OF DEFENDANTS AND PETITIONERS THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, ET AL.

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Attorneys for *Amicus Curiae* Board of Trustees of the California State University

**No. S230568**

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of the State of California**

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TO THE HONORABLE TANI G. CANTIL-SAKAUYE, CHIEF JUSTICE OF  
THE SUPREME COURT OF CALIFORNIA:

Pursuant to California Rule of Court 8.520 (f), Board of Trustees of the California State University ("CSU") respectfully requests leave to file the attached *amicus curiae* brief in support of Defendants and Petitioners The Regents of the University of California, et al. ("The Regents").

This application and the proposed brief have been submitted within 30 days after the filing of the last reply brief and, therefore, are timely. Other than CSU and counsel for CSU, no party or counsel for any party authored, in part or in whole, the proposed brief. No party or counsel for any party funded or financially supported the preparation of the proposed brief.

#### **STATEMENT OF INTEREST**

The CSU system was created in 1960 under the California Master Plan for Higher Education. It is the nation's largest four-year public university system. Approximately 474,571 undergraduate and graduate students currently attend 23 CSU campuses located throughout the State of California. More than 49,000 faculty and staff are employed by CSU.

CSU is a California public institution of higher learning. Consequently, the issue presented in this appeal directly affects and impacts CSU, its employees and the students who are enrolled at and attend CSU.

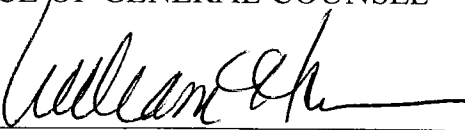
The proposed brief presents arguments that materially add to and augment the Answer Brief On the Merits submitted by The Regents, without repeating unnecessarily the arguments set forth therein. CSU believes that its brief provides focused assistance to the Court in understanding the unique and specific problems and issues that CSU will experience under the duty of care proffered by Real Party in Interest Kathleen Rosen. CSU submits that its insight and experience will assist the Court in understanding the full reach and impact on CSU, its employees and its students should the proffered duty of care be adopted.

For the foregoing reasons, CSU respectfully requests that the Court grant this application and accept the enclosed brief for filing and consideration.

Dated: July 14, 2016

Respectfully submitted,

CALIFORNIA STATE UNIVERSITY  
OFFICE OF GENERAL COUNSEL

By: 

William C. Hsu

Attorneys for *Amicus Curiae* Board of  
Trustees of the California State  
University

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## I.

### INTRODUCTION

Real Party in Interest Kathleen Rosen (“Ms. Rosen”) urges the Court to recognize and impose on public institutions of higher learning, including *Amicus Curiae* Board of Trustees of the California State University (“CSU”), an affirmative duty of care to “warn and protect” students from “foreseeable” acts of violence perpetrated by fellow students while in a classroom. Under the duty proffered by Ms. Rosen, CSU and its employees, using a set of undefined criteria and factors, would be obligated to identify a “foreseeable” future act of in classroom violence by a student. Then, based on the nature of that prediction, CSU would be obligated to “warn and protect,” in some undefined fashion, the students who constitute potential targets of that future act.

The proffered duty of care may be appealing from an emotional standpoint. However, the imposition of such an uncircumscribed and indeterminate duty of care has significant and troubling implications for CSU, its employees, and its students.

The proffered duty will result in an unworkable and inconsistent two duty track. Mental health professionals employed by CSU will be subject to one duty, while other employees will be subject to a different and broader duty. It will transform employees into armchair mental health professionals, requiring them to make determinations they are not trained or equipped to make. Placing CSU employees into such a situation is untenable, particularly given the lack of



guidance and uncertainty as to when a future act of violence might be deemed “foreseeable.”

The proffered duty will change for the worse the dynamics of the relationship between CSU employees and those students suffering from mental health problems. The duty will almost certainly result in numerous false alarms to and about students. The duty will almost certainly discourage students who suffer from mental health problems from seeking help and assistance out of fear of being labelled a danger to other students.

Public policy considerations plainly warrant and support the rejection of the duty of care proffered by Ms. Rosen. Consequently, CSU concurs with the position of Defendants and Petitioners The Regents of the University of California, et al. (“The Regents”), and joins in their request that the proffered duty of care be rejected.

## II.

### **THE CALIFORNIA STATE UNIVERSITY SYSTEM**

CSU was created in 1960 under the California Master Plan for Higher Education. It is the nation’s largest four year public university system.

CSU maintains 23 campuses located throughout the State of California. It employs more than 49,000 faculty and staff.<sup>1</sup> Approximately 474,571 students

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<sup>1</sup> <https://www.calstate.edu/csufacts/2016Facts/documents/facts2016.pdf> at 3, 17.

are enrolled at CSU campuses. Student ages range from 18 to over 59 years. 73.8% of students (350,318) are between the ages of 18 and 24; 15.4% (72,846) between 25 and 29; 4.9% (23,272) between 30 and 34; and 5.3% (29,914) between 35 and 59.<sup>2</sup>

Each of the 23 CSU campuses offers hundreds of classes to students. Classes occur virtually all day, every day in a wide variety of physical settings and with great variance in class size. Classes are taught and staffed by full- and part-time faculty which include professors, lecturers, teaching associates, graduate student assistants, and instructional student assistants.<sup>3</sup>

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<sup>2</sup> <https://www.calstate.edu/csufacts/2016Facts/documents/facts2016.pdf> at 3, 11-12.

<sup>3</sup> See, e.g.,

[http://www.csub.edu/catalog/2013-2015\\_regularlyupdated/](http://www.csub.edu/catalog/2013-2015_regularlyupdated/)

<https://ciapps.csuci.edu/ScheduleOfClasses/SOC/index/Fall-2016>

<http://catalog.csuchico.edu/viewer/16/search/courses.html>

<http://www4.csudh.edu/university-catalog/2015-16/index>

<http://fresnostate.edu/catalog/>

<http://catalog.fullerton.edu/content.php?catoid=3&navoid=287>

<http://catalog.csueastbay.edu/content.php?catoid=4&navoid=252>

<http://pine.humboldt.edu/reg/catalog/>

[http://web.csulb.edu/divisions/aa/catalog/current/programs\\_courses//](http://web.csulb.edu/divisions/aa/catalog/current/programs_courses//)

<http://www.calstatela.edu/academic/english/ugcourses.php>

<http://www.csum.edu/web/registrar/catalog>

[https://csumb.edu/catalog?\\_search=catalog](https://csumb.edu/catalog?_search=catalog)

<http://catalog.csun.edu/>

<http://catalog.cpp.edu/content.php?catoid=10&navoid=1227>

The two primary sources of funding for CSU are state appropriations and student tuition and fees. For the fiscal year ending on June 30, 2015, these two sources accounted for 65.92% of CSU's total annual revenues.<sup>4</sup> Full time undergraduate students currently are charged an annual tuition of \$5,472. Three out of four students attending CSU work more than 20 hours per week. The large majority of students attending CSU receive federal or state financial aid.<sup>5</sup>

For the benefit of its students and community at large, CSU provides various services to its students, including services designed to address and assist students suffering from mental health problems.<sup>6</sup> The mental health services

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[http://www2.csus.edu/class\\_schedule/Fall2016/](http://www2.csus.edu/class_schedule/Fall2016/)

<http://bulletin.csusb.edu/programs-az/>

[https://sunspot.sdsu.edu/schedule/search?mode=browse\\_by\\_subject&category=browse\\_by\\_subject](https://sunspot.sdsu.edu/schedule/search?mode=browse_by_subject&category=browse_by_subject)

<http://bulletin.sfsu.edu/courses/>

<http://info.sjsu.edu/web-dbggen/catalog/degrees/all-degrees.html>

<http://catalog.calpoly.edu/coursesaz/>

<http://www.csusm.edu/admissions/majors-and-programs/index.html>

[http://www.sonoma.edu/catalog/16-17/11.courses\\_all.pdf](http://www.sonoma.edu/catalog/16-17/11.courses_all.pdf)

[http://cslocator.csustan.edu/docs/ClassSchedule\\_2164\\_COMPLETE.pdf](http://cslocator.csustan.edu/docs/ClassSchedule_2164_COMPLETE.pdf)

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[https://www.calstate.edu/SFSR/GAAP/Audited\\_Financial\\_Statements/15AudFS.pdf](https://www.calstate.edu/SFSR/GAAP/Audited_Financial_Statements/15AudFS.pdf) at 16-17

<sup>5</sup> <https://www.calstate.edu/csufacts/2016Facts/documents/facts2016.pdf> at 15, 27.

<sup>6</sup> <https://www.calstate.edu/eo/EO-1053.html> (CSU Executive Order 1053 -- "Policy on Student Mental Health")

provided by the 23 CSU campuses to students include counseling and psychotherapy, suicide and personal violence services, emergency and crisis services, and mental health consultations.

### III.

#### ARGUMENT

Ms. Rosen urges the Court to answer “yes” to the following question:

Do California public institutions of higher learning – the University of California, the California State University and the California Community Colleges - and their employees have a duty of care to their students while in the classroom to warn of and protect from foreseeable acts of violence by fellow students?

(Opening Brief on the Merits at 10.) Public policy concerns, however, dictate that the answer be “no.” Imposition of this amorphous and undefined duty of care will severely and adversely impact CSU, its employees, and students.

A. **The Proffered Duty of Care Creates an Inconsistent and Unworkable Two Duty Track**

In *Tarasoff v. The Regents of the University of California*, 17 Cal. 3d 425 (1976), the Court held that when a psychotherapist determines, or should determine, that a patient presents a serious danger of violence to a third-party, the therapist owes a duty of care to protect the intended victim against that danger. *Id.* at 431. The duty recognized by the Court rests on what is regarded as being a special relationship between a therapist and patient. *Id.* at 435-36.

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The Court, however, struck two cautionary notes. Understanding that hindsight is always 20/20, the Court held that liability would not attach solely because the reasoned judgment of the therapist ultimately turned out to be incorrect.

We recognize the difficulty that a therapist encounters in attempting to forecast whether a patient presents a serious danger of violence. Obviously, we do not require that the therapist, in making that determination, render a perfect performance; the therapist need only exercise “that reasonable degree of skill, knowledge, and care ordinarily possessed and exercised by members of [that professional specialty] under similar circumstances.” [Citations omitted.] Within the broad range of reasonable practice and treatment in which professional opinion and judgment may differ, the therapist is free to exercise his or her own best judgment without liability; proof, aided by hindsight, that he or she judged wrongly is insufficient to establish negligence.

*Id.* at 438. The Court noted that the case before it did not involve any after-the-fact, second guessing. “In the instant case ...the pleadings do not raise any question as to failure of defendant therapists to predict that [the patient] presented a serious danger of violence. . On the contrary, the present complaints allege that defendant therapists did in fact predict that [the patient] would kill ...” *Id.*

The Court also confirmed the need to balance the duty of care with the confidential nature of the patient’s treatment.

We realize that the open and confidential character of psychotherapeutic dialogue encourages patients to express threats of violence, few of which are ever executed. Certainly a therapist should not be encouraged routinely to reveal such threats; such disclosures could seriously disrupt the patient's relationship with his therapist and with the persons threatened. To the contrary, the therapist's

obligations to his patient require that he not disclose a confidence unless such disclosure is necessary to avert danger to others, and even then that he do so discreetly, and in a fashion that would preserve the privacy of his patient to the fullest extent compatible with the prevention of the threatened danger. [Citation omitted.][Footnote omitted.]

*Id.* at 441. This concern, in part, resulted in the enactment in 1985 of California Civil Code section 43.92 (“Section 43.92”).

Under Section 43.92, a psychotherapist has a duty to protect an intended victim from criminal violence by a patient if the “patient has communicated ... a serious threat of physical violence” and the intended victim is “reasonably identifiable.” Cal. Civ.

Code § 43.92(a). A psychotherapist meets the duty to protect by “making reasonable efforts to communicate the threat to the victim or victims and to a law enforcement agency.” Cal. Civ. Code § 43.92(b).

For the past three decades, CSU has looked to and relied upon Section 43.92 and *Tarasoff* in attempting to strike an appropriate balance between assisting students with mental health problems and maintaining student safety. The proffered duty will significantly compromise CSU’s continued ability to maintain that balance.

Ms. Rosen seeks to impose on CSU employees, who are not mental health professionals, a broader and more expansive obligation than that imposed on CSU employees who are mental health professionals. Ms. Rosen would have this Court create what, in essence, is a two duty track -- one for trained mental health

professionals; another and broader one for all other CSU employees. The practical problems that would be created by this two duty track cannot be overstated.

Pursuant to Section 43.92 and *Tarasoff*, mental health professionals employed by CSU have a duty to protect an individual when a serious danger or threat of violence has been communicated and the intended victim is readily identifiable. They are able to discharge this duty by making a reasonable effort to communicate the threat to the intended victim(s) and law enforcement. In sharp contrast, under the proffered duty, CSU employees, who are not mental health professionals, are obligated to predict whether, in some undefined sense, it was “foreseeable” that a student would commit a future act of violence while in the classroom. Assuming such a prediction, CSU would then be required to undertake some undefined course of action to somehow warn and protect all of the intended victim(s), even if they were not readily identifiable.

The result of this two duty track is that under the same factual situation, trained mental health professionals could fully meet their duty of care, while other CSU employees with no special relationship to the patient could be found in violation of theirs. The instant case illustrates the paradox created by the proffered duty.

Ms. Rosen has named as individual defendants a UCLA employee who is a psychologist (defendant Nicole Green) and three UCLA employees (defendants Cary Porter, Robert Naples, and Professor Alfred Bacher) who are not. The factual bases for liability against each appear to be virtually the same. If it is

ultimately determined that no serious threat of physical violence or danger was communicated or that there was no reasonably identifiable victim, liability will not attach to the psychologist (defendant Green). However, this would not automatically exonerate the three non-psychologists (defendants Porter, Naples, and Bacher) because a broader and more generalized duty based on foreseeability will apply. Bizarrely, the trained psychologist will, as a matter of law, not be liable for the judgment she made, but the three non-psychologists who relied on that judgment will remain potentially liable.

In most, if not all, situations involving students exhibiting mental health problems, CSU and its employees rely heavily on the advice and assessment of its mental health professionals. As recognized by the Court in *Tarasoff*, a mental health professional faces certain inherent constraints in disclosing information during that process. Specific information about a student in treatment is ordinarily shared with other employees only if consent has been obtained or it is believed the student or others are facing imminent harm. When a mental health professional does not take steps to protect an intended victim, that fact implicitly informs CSU and its employees that no serious threat of physical violence or imminent danger has been communicated and/or there are no potential victims who are readily identifiable.

The proffered duty would strip away from CSU and its employees the ability to rely on the decisions of its mental health professionals as to whether the duty to protect requires any action. Notwithstanding the trained professional's



assessment of the student's threat level and a decision that no action was needed, CSU and its employees will still be obligated to determine whether it was somehow "foreseeable" that the student might engage in a future act of violence in the classroom.

CSU employees, who are not mental health professionals, would effectively be put into the position of second guessing and overruling the judgment of trained professionals. Threat assessments would ultimately be left, not in the hands of the professionals trained to undertake that task, but in the hands of untrained employees. Public policy requires that this counterintuitive result be rejected.

**B. The Proffered Duty of Care Creates An Undefined and Indeterminate Obligation Exposing CSU to Potentially Unlimited Liability**

The impracticable obligation placed on CSU employees by the proffered duty is amplified and exacerbated by its indeterminable and uncircumscribed scope.

Under the proffered duty, CSU and its employees will be obligated to determine whether it is "foreseeable" that a student will, in the future and while in a classroom, commit an act of violence. It is evident that, at a bare minimum, any such duty should be subject to a heightened test for foreseeability or a higher burden of proof (*i.e.*, clear and convincing evidence). One would, therefore, expect Ms. Rosen to identify the criteria or factors CSU and other public institutions of higher education would utilize in determining whether a future act

of violence was or was not “foreseeable.” No such criteria or factors are identified or proposed.

The concept of foreseeability, as used in the context of the proffered duty, is undefined and unlimited. It is wholly untethered and unanchored to any concrete criteria, standard, or measure. The question of what facts or circumstances will cause a future act of violence to be deemed “unforeseeable” as opposed to “foreseeable” is left completely up in the air.

The indefiniteness attaching to the concept of foreseeability is particularly problematic because the proffered duty would be imposed on CSU employees who are not mental health professionals. CSU is not a mental health institution. It is not in the mental health business. Unsurprisingly, the overwhelming majority of CSU’s employees are not mental health professionals. They are not trained or equipped to assess a student’s propensity, or lack of propensity, to engage in a future act of violence or the likelihood of such an act actually occurring.

Attempting to determine whether a future act is “foreseeable” is, under the best of circumstances, a difficult exercise. Attempting to predict the foreseeability of a future act of violence in the classroom is even more difficult and murkier. Yet, this is precisely what CSU employees will be required to do, with only an undefined and amorphous notion of foreseeability to guide them.

Thousands of administrators, managers, professors, lecturers, graduate student assistants, and other instructors will be placed into an untenable position. They will have to define what, for each of them, “foreseeable” means under the

proffered duty and then, depending on that definition, determine whether a future act of violence falls within its scope. Placing CSU employees under this sort of obligation is unfair, unreasonable and unrealistic.

The instant case illustrates the uncertainty and confusion the proffered duty creates. In the instant case, the operative facts occurred over a one year period. The facts begin with e-mails sent in the fall of 2008 by Mr. Thompson to his history professor and end with the tragic incident of October 9, 2009. The facts include a letter sent in January 2009, by Mr. Thompson to defendant Naples concerning harassment by dormitory residents; defendant Porter's being informed in February 2009, about an incident involving Mr. Thompson and an ensuing mental evaluation; defendant Dr. Green's sessions with Mr. Thompson during March/April 2009; a complaint Mr. Thompson sent on September 29, 2009, to defendant Professor Bacher about derogatory comments made against him; and, reports to Professor Bacher on October 6 and 7, 2009, that Mr. Thompson had accused students of harassing him in class.

The proffered duty provides no means by which to determine the individuals who were obligated to predict that Mr. Thompson's October 9 attack was "foreseeable," what standard or criteria the individuals should have used to make that prediction, or at what point in time the prediction should have been made. Under the proffered duty, should Dean Naples have predicted in January 2009 that the attack on October 9 was foreseeable? Should Associate Dean Porter have made that prediction in February 2009? Dr. Green in March/April 2009?

Professor Bacher on September 29, 2009? A UCLA employee, not named as a defendant, with whom Mr. Thompson had contact during the relevant time period? The duty of care proffered by Ms. Rosen raises and results in all of these difficult questions, without providing any answers to them.

The uncertainty created by the foreseeability element of the proffered duty is compounded by the intertwined obligation to “warn and protect.” As with foreseeability, Ms. Rosen provides no criteria or factors to guide CSU and its employees in determining which students they would owe an obligation to and what steps they would need to undertake to satisfy the duty to warn and protect. CSU and its employees are again left in the dark as to how to comply with that obligation in the multiple and myriad classes settings existent at CSU campuses.

This indeterminate duty of care will expose CSU and its employees to potentially unlimited tort liability. Because the proffered duty is completely open ended, their decisions will be subject to rampant after-the-fact, second guessing. Without any defined or concrete set of criteria, CSU and its employees will be virtually unprotected from suit.

It cannot, and should not, be the case that CSU and thousands of employees are placed in the position of determining, under some undefined and unidentified criteria, whether a future act of violence in a classroom is “foreseeable” and, if so, what undefined steps it must take in order to “warn and protect.” It cannot, and should not, be the case that CSU and thousands of employees should be subject to a duty of care which provides no meaningful

criteria or factors to guide or direct them. Public policy requires that this amorphous and uncircumscribed duty and its resultant impact on CSU and its employees be rejected.

C. **The Proffered Duty Will Not Prevent or Deter Future Harm, But Will Adversely Impact Students**

Under Section 43.92 and *Tarasoff*, CSU and its mental health professionals are under an existing duty to protect identifiable victims facing a serious threat of physical injury or imminent harm. Imposing on everyday CSU employees the more opaque duty proffered by Ms. Rosen will not increase the degree of protection already afforded to students. Imposing a new duty that is based on an undefined and indeterminate notion of foreseeability will have little, if any, positive impact in preventing or reducing future acts of violence perpetrated by students in a classroom.

What is clear are the negative effects imposing the proffered duty will have on students. Among other effects, imposition of the proffered will cause an increase in false alarms concerning possible acts of violence in the classroom. CSU employees, operating under this amorphous foreseeability standard and aware of the potential liability they face for a wrong decision, will be influenced to attach the “foreseeable” label to acts which they otherwise would not judge to be as such. That decision will, in turn, bring into play the obligation to warn and protect. These false alarms will result in students being unnecessarily frightened or worried; students becoming desensitized to future warnings concerning

realistic threats of violence or danger; stigmatization of the alleged student perpetrators; and, the wasteful and needless expenditure of limited public and student funds.

The proffered duty is also likely to cause students with mental health, social or behavioral problems to refrain from seeking help and assistance. These students may choose to keep secret their problems or condition out of fear of being identified or labeled as a person capable of engaging in a foreseeable act of violence. Keeping that sort of problem or condition a secret is precisely what CSU should not be promoting. Rather, CSU's goal is to encourage at risk students to seek help and assistance at the earliest opportunity before their problems possibly manifest themselves in the form of a violent or aggressive act. Unfortunately, the duty of care proffered by Ms. Rosen will have exactly the opposite effect and create a chilling effect which discourages students from coming forward.

Lastly, as a practical matter, CSU employees confronted with this amorphous duty and resultant liability, may choose to reduce or altogether eliminate their involvement with students. CSU employees will be incentivized to be less engaged with students out of fear that they may come into possession of information or knowledge that could eventually subject them to liability. Rather than being encouraged to engage actively with students, CSU employees will be encouraged to shut them out. The less employees know, the less likely they will

face a lawsuit accusing them of failing to predict and prevent a “foreseeable” act of violence in the classroom.

IV.

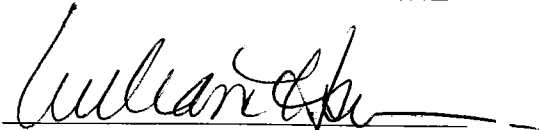
**CONCLUSION**

The duty of care proffered by Ms. Rosen is appealing on an emotional level. Its emotional appeal, however, is plainly and substantially outweighed by its practical consequences and implications. The proffered duty would not in any meaningful way increase or facilitate the protection of students from acts of in classroom violence committed by another student. At the same time, the proffered duty would unquestionably and adversely impact CSU, its employees, and its students. For the foregoing reasons, CSU joins in the position of The Regents that the proffered duty be rejected and that the decision of the Court of Appeals to that effect be affirmed.

Dated: July 14, 2016

Respectfully submitted,

CALIFORNIA STATE UNIVERSITY  
OFFICE OF GENERAL COUNSEL

By: 

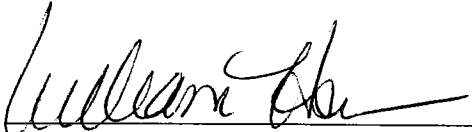
William C. Hsu

Attorneys for *Amicus Curiae* Board of  
Trustees of the California State  
University

**CERTIFICATE OF WORD COUNT**

Pursuant to California Rules of Court, Rules 8.520(c)(1) & (3), I certify that this **Application for Leave to File Amicus Curiae Brief and Amicus Curiae Brief** contains 4214 words, not including the cover, the tables of contents and authorities, the caption page, the signature blocks, or this Certification page.

Dated: July 14, 2016

  
\_\_\_\_\_  
William C. Hsu



**PROOF OF SERVICE**

**The Regents of the University of California, et al. v. Los Angeles County  
Superior Court, (Katherine Rosen, Real Party in Interest)**

Second Appellate District, Division Seven No. B259424

Los Angeles County Superior Court No. SC108504

I, Lynn R. Rivera, declare as follows:

I am employed in the County of Los Angeles, State of California. I am at least 18 years old, and not a party to this action. I am an employee of or agent for California State University, Office of General Counsel, whose business address is 401 Golden Shore, 4th Floor, Long Beach, CA 90802-4210.

On **July 14, 2016**, I served the document described as **APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF AND AMICUS CURIAE BRIEF OF BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY IN SUPPORT OF DEFENDANTS AND PETITIONERS THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, ET AL.** on the interested parties in this action as follows:

***SEE ATTACHED SERVICE LIST***

- BY OVERNIGHT DELIVERY:*** I placed each document in a sealed envelope with delivery fees fully prepaid, to be deposited in a box regularly maintained by Golden State Overnight. I am readily familiar with this office's practice for collection and processing of documents for overnight delivery and know that in the ordinary course of California State University Office of General Counsel's business practice the envelope will be deposited in a box or other facility regularly maintained by Golden State Overnight or delivered to a courier authorized by Golden State Overnight to receive documents on the same date it is placed for collection.
- BY E-MAIL:*** I served each document on the parties by emailing each document in PDF format to each email address listed below. Each e-mail was successfully sent via CSU's email server.

Signed July 14, 2016, at Long Beach, California. I declare under penalty of perjury under the laws of the State of California that this declaration is true and correct.

  
\_\_\_\_\_  
Lynn R. Rivera

**PROOF OF SERVICE**

**The Regents of the University of California, et al. v. Los Angeles County  
Superior Court, (Katherine Rosen, Real Party in Interest)**

Second Appellate District, Division Seven No. B259424

Los Angeles County Superior Court No. SC108504

OGC No. 14-1165

***SERVICE LIST***

Party	Attorney
<p>The Regents of the University of California; Alfred Bacher; Cary Porter; Robert Naples; Nicole Green</p> <p>Defendants and Petitioners</p>	<p>Feris M. Greenberger Greines, Martin, Stein &amp; Richaldrn LLP 5900 Wilshire Blvd., 12<sup>th</sup> Floor Los Angeles, CA 90036</p> <p>Kenneth A. Maranga Maranga &amp; Morgenstern 5850 Canoga Avenue, Suite 600 Woodland Hills, CA 91367 Email: ken.maranga@marmorloaw.com</p> <p>Charles Furlonge Robinson The Regents of the University of California 1111 Franklin St., 8<sup>th</sup> Floor Oakland, CA 94607 Email: Charles.Robinson@ucop.edu</p> <p>Kevin S. Reed Office of the General Counsel 2135 Murphy Hall 405 Hilgard Avenue Los Angeles, CA 90095 Email: kreed@conet.ucla.edu</p>

<p>Superior Court of Los Angeles County</p> <p>Respondent</p>	<p>Frederick Bennett          Superior Court of Los Angeles County          111 North Hill Street, Room 546          Los Angeles, CA 90012          Email: FBennet@LASuperiorCourt.org</p> <p>Hon. Gerald Rosenberg          Los Angeles Superior Court          1725 Main Street, Dept. F          Santa Monica, CA 90401</p>
<p>Katherine Rosen</p> <p>Plaintiff and Real Party In Interest</p>	<p>A. Charles Dell'Ario          Alan Charles Dell'Ario P.C.          Attorney at Law          1561 Third Street, Suite B          Napa, CA 94559</p> <p>Brian J. Panish          Panish, Shea &amp; Boyle LLP          11111 Santa Monica Blvd. Suite 700          Los Angeles, CA 90025          Email: Panish@psblaw.com</p>
	<p>Supreme Court of California          350 McAllister Street          San Francisco, CA 94102</p> <p><i>(Served electronically through the court's online e-submission process - Original + 8 copies)</i></p>