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18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA
20 SOUTHERN DIVISION

21 ANTHONY COLIN, by and through) Case No.
his mother and guardian, JESSIE)
22 COLIN; HEATHER ZETIN, by and) COMPLAINT FOR VIOLATIONS OF THE
through her mother and) CIVIL RIGHTS ACT OF 1871, 42
23 guardian, JUDY ANDERSON; and) U.S.C. § 1983; THE FEDERAL
GAY-STRAIGHT ALLIANCE CLUB OF) EQUAL ACCESS ACT, 20 U.S.C.
24 EL MODENA HIGH SCHOOL, an) §§ 4071-4074; THE DUE PROCESS
unincorporated association,) AND EQUAL PROTECTION CLAUSES OF
25) THE FOURTEENTH AMENDMENT TO THE
Plaintiffs,) UNITED STATES CONSTITUTION; AND
26) ARTICLE I, SECTIONS 2 AND 7, OF
v.) THE CALIFORNIA CONSTITUTION;
27) AND FOR DECLARATORY RELIEF
ORANGE UNIFIED SCHOOL DISTRICT;) PURSUANT TO 28 U.S.C. §§ 2201-
28 ORANGE UNIFIED SCHOOL DISTRICT) 2202
BOARD OF EDUCATION; NANCY)

1 MURRAY, in her official)
 capacity as Principal of El)
 2 Modena High School; BARBARA VAN)
 OTTERLOO, in her official)
 3 capacity as Superintendent of)
 the Orange Unified School)
 4 District; TERRI SARGEANT, in)
 her official capacity as)
 5 President of the Orange Unified)
 School District Board of)
 6 Education; MARTIN JACOBSON, in)
 his official capacity as Vice)
 7 President of the Orange Unified)
 School District Board of)
 8 Education; and MAUREEN ASCHOFF,)
 LINDA DAVIS, WILLIAM LEWIS,)
 9 ROBERT VIVIANO, and KATHY WARD,)
 in their official capacities as)
 10 Members of the Orange Unified)
 School District Board of)
 11 Education,)
)
 12 Defendants.)
)

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 14
 15 Plaintiffs Anthony Colin, by and through his mother and
 16 guardian, Jessie Colin; Heather Zetin, by and through her mother
 17 and guardian, Judy Anderson; and Gay-Straight Alliance Club of El
 18 Modena High School allege as follows:

19 JURISDICTION AND PRELIMINARY STATEMENT

20 1. This action is based on, and seeks to redress
 21 violations of, the federal Equal Access Act, 20 U.S.C. §§ 4071-
 22 4074, the Civil Rights Act of 1871, 42 U.S.C. §§ 1983, and the
 23 Fourteenth Amendment to the United States Constitution.
 24 Accordingly, this Court has jurisdiction over this action
 25 pursuant to 28 U.S.C. § 1331, in that this action arises under
 26 the Constitution and laws of the United States. In addition,
 27 declaratory relief is appropriate in this Court pursuant to 28
 28 U.S.C. §§ 2201-2202. Pursuant to 28 U.S.C. § 1367, this Court

1 has supplemental jurisdiction over related state law claims under
2 Article I, Sections 2 and 7, of the California Constitution in
3 that these claims are so related to the federal claims that they
4 form part of the same case or controversy under Article III of
5 the United States Constitution.

6 2. The plaintiffs seek a declaration that defendants'
7 discrimination against plaintiffs and denial to them of equal
8 access and a fair opportunity to meet on El Modena High School
9 premises during noninstructional time on the basis of the content
10 of the speech of the Gay-Straight Alliance Club of El Modena High
11 School and the speech of its members violate the Equal Access
12 Act, the Due Process and Equal Protection Clauses of the
13 Fourteenth Amendment to the United States Constitution, and
14 Article 1, Sections 2 and 7, of the California Constitution, and
15 that plaintiffs are entitled to have access to school facilities
16 for the purpose of conducting meetings and other purposes on a
17 basis equal to other noncurricular student clubs. The plaintiffs
18 further seek an injunction restraining and enjoining defendants
19 from directly or indirectly preventing the plaintiffs from
20 meeting on the premises of El Modena High School during
21 noninstructional time, and from directly or indirectly denying
22 plaintiffs access to or use of the facilities at the El Modena
23 High School on a basis equal to other noncurricular student
24 clubs. The plaintiffs also seek damages, in at least a nominal
25 amount, as well as attorneys' fees.

26 VENUE

27 3. On information and belief, all of the parties reside in
28 Orange County, California and within the Southern Division of

1 this Judicial District. Furthermore, all or substantially all of
2 the events that give rise to the claims in this action occurred
3 in the Southern Division of this Judicial District. Venue is
4 therefore proper in this District pursuant to 28 U.S.C.
5 § 1391(b)(1) and in this Division pursuant to General Order 349.

6 PARTIES

7 4. Plaintiff Anthony Colin, a minor, is a natural person
8 residing in Orange, California. He appears by and through his
9 mother and guardian, Jessie Colin, a natural person residing in
10 Orange, California. Anthony is a tenth-grade student at El
11 Modena High School and the founding member of the Gay-Straight
12 Alliance Club of El Modena High School ("GSAC").

13 5. Plaintiff Heather Zetin, a minor, is a natural person
14 residing in Orange, California. She appears by and through her
15 mother and guardian, Judy Anderson, a natural person residing in
16 Orange, California. Heather is an eleventh-grade student at El
17 Modena High School and a member of the GSAC.

18 6. Plaintiff Gay-Straight Alliance Club of El Modena High
19 School is an unincorporated association of students enrolled at
20 El Modena High School, a public secondary school located in
21 Orange, California and within the Orange Unified School District.

22 7. Defendant Orange Unified School District ("District")
23 is a public body corporate and politic in Orange, California,
24 responsible for maintaining public schools serving grades
25 kindergarten through twelve. The District is a person within the
26 meaning of 42 U.S.C. § 1983 and was acting under color of state
27 law at all times relevant to this complaint.

1 8. Defendant Orange Unified School District Board of
2 Education ("Board") is the governing board of the Orange Unified
3 School District in Orange, California. The Board is a person
4 within the meaning of 42 U.S.C. § 1983 and was acting under color
5 of state law at all times relevant to this complaint.

6 9. Defendant Nancy Murray is a natural person who resides,
7 upon information and belief, in Orange County, California.

8 Defendant Murray is Principal of El Modena High School and was
9 acting under color of state law at all times relevant to this
10 complaint. Defendant Murray is sued in her official capacity.

11 10. Defendant Barbara Van Otterloo is a natural person who
12 resides, upon information and belief, in Orange County,
13 California. Defendant Van Otterloo is Superintendent of the
14 Orange Unified School District and was acting under color of
15 state law at all times relevant to this complaint. Defendant Van
16 Otterloo is sued in her official capacity.

17 11. Defendant Terri Sargeant is a natural person who
18 resides, upon information and belief, in Orange, California.
19 Defendant Sargeant is President of the Board and was acting under
20 color of state law at all times relevant to this complaint.
21 Defendant Sargeant is sued in her official capacity.

22 12. Defendant Martin Jacobson is a natural person who
23 resides, upon information and belief, in Anaheim Hills,
24 California. Defendant Jacobson is Vice President of the Board
25 and was acting under color of state law at all times relevant to
26 this complaint. Defendant Jacobson is sued in his official
27 capacity.

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1 13. Defendant Linda Davis is a natural person who resides,
2 upon information and belief, in Villa Park, California.
3 Defendant Davis is a Member and Clerk of the Board and was acting
4 under color of state law at all times relevant to this complaint.
5 Defendant Davis is sued in her official capacity.

6 14. Defendants Maureen Aschoff, William Lewis, Robert
7 Viviano, and Kathy Ward are natural persons who reside, upon
8 information and belief, in Orange, California. Defendants
9 Aschoff, Lewis, Viviano, and Ward are Members of the Board, were
10 acting under color of state law at all times relevant to this
11 complaint, and are sued in their official capacities.

12 GENERAL ALLEGATIONS

13 15. Plaintiff Anthony Colin ("Anthony") is fifteen years
14 old and is a tenth-grade student at El Modena High School.

15 16. Plaintiff Heather Zetin ("Heather") is fifteen years
16 old and is an eleventh-grade student at El Modena High School.

17 17. On information and belief, El Modena High School
18 receives federal financial assistance.

19 18. It is the official policy of the Orange Unified School
20 District that noncurricular student groups are entitled to meet
21 on school premises in accordance with the federal Equal Access
22 Act, 20 U.S.C. §§ 4071-4074. Board Policy 6145.5(a) states:
23 "Since the district allows schools to sponsor student groups not
24 directly tied to the curriculum, student-initiated groups not
25 sponsored by the school or district have the right to meet on
26 school premises during times established for a limited open forum
27 in accordance with provisions of the federal Equal Access Act,
28 Board policies and administrative regulations." Board Policy

1 6145.5(a) further provides: "The [Orange Unified School District]
2 Board [of Education] shall not discriminate or deny access to any
3 student initiated group on the basis of religious, political,
4 philosophical or any other content to be addressed at such
5 meetings."

6 19. El Modena High School recognizes at least thirty-eight
7 curricular and noncurricular student groups, including, without
8 limitation, the following student groups, which, on information
9 and belief, are noncurricular: Christian Club; Juggling Club;
10 Gentlemen's Club; Girls' League; Asian Club; Black Student Union;
11 MECHA (a Latino student group); Eighties Club; Mountain Bike
12 Club; Red Cross/Key Club; and Ski Club.

13 20. El Modena High School's noncurricular student groups
14 are permitted to meet on school premises during non-instructional
15 hours and enjoy numerous privileges. For example, on information
16 and belief, these student groups take field trips, hold
17 fundraisers, appear in the school yearbook, and use school
18 facilities to inform other students of their activities.

19 21. In late August or early September 1999, shortly before
20 the first day of the 1999-2000 school year, plaintiff Anthony
21 Colin decided to start a noncurricular student group designed to
22 promote peace, unity, and respect among gay and straight (i.e.,
23 heterosexual) students at El Modena High School. Anthony spoke
24 with Mr. James Veit, the teacher in charge of student activities
25 at El Modena High School, about how to organize such a student
26 group on campus. Mr. Veit informed Anthony of various school
27 procedures that Anthony would have to follow in order to form a
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1 new student group, including finding a faculty advisor and
2 writing a club constitution.

3 22. During or about the week of August 30, 1999, Anthony
4 prepared an application for recognition of the Gay-Straight
5 Alliance Club of El Modena High School. He wrote a Club
6 Constitution, which included the name of the student group, its
7 purpose of promoting tolerance, and other information required
8 under El Modena High School's written policies regarding
9 procedures for getting a new student group authorized to meet on
10 campus.

11 23. In early September 1999, on or about the first day of
12 the school year, Anthony asked Mrs. Maryina Herde, a drama and
13 English teacher at El Modena High School, to serve as the faculty
14 advisor to the GSAC. Mrs. Herde agreed to serve as GSAC's
15 faculty advisor.

16 24. In early September 1999, on or about the first day of
17 the school year, Anthony submitted to Mr. Veit the completed
18 application for recognition of the GSAC as a student club at El
19 Modena High School. Mr. Veit looked over the application, told
20 Anthony that the form had been completed properly, and indicated
21 that he would pass the application on to the Principal, defendant
22 Nancy Murray, for approval.

23 25. Shortly thereafter, plaintiff Heather Zetin joined
24 Anthony in planning for the GSAC's future. The students' plans
25 for the GSAC include discussing issues of tolerance,
26 participating in charitable causes such as the AIDS Walk and
27 Breast Cancer Walk, and attending plays or other performances
28 promoting tolerance among gay and straight people.

1 26. On or about the first week of October 1999, El Modena
2 High School held a "Club Rush," a one-day informational fair
3 about student groups held in the school quad. Various student
4 groups, including new groups, set up tables at the "Club Rush"
5 underneath banners their members designed. The mission
6 statements of the participating student groups were available for
7 review, and students were given the opportunity to sign up to
8 join the student groups that were represented. El Modena High
9 School promoted the "Club Rush" through posters and public
10 address system announcements.

11 27. On or about the day before "Club Rush," and again on
12 the day of "Club Rush," Anthony asked Mr. Veit whether the GSAC
13 could set up a table at the event. Mr. Veit indicated that
14 Anthony should speak with defendant Murray. When Anthony spoke
15 with defendant Murray on the day of "Club Rush," she told him
16 that she had passed the GSAC application along to the Orange
17 Unified School District Board of Education and that she would
18 talk to Anthony the following week. The GSAC was denied
19 permission to set up a table at "Club Rush." Beginning at that
20 time, and through the present, the GSAC has been discriminated
21 against and has been prevented from meeting at the high school on
22 the same terms as other noncurricular student groups.

23 28. During or about the second week of October 1999,
24 Anthony approached defendant Murray on campus to inquire about
25 the status of his application concerning the GSAC. Defendant
26 Murray told him that she was too busy to speak with him and that
27 she would get back in touch with him.

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1 29. Defendant Murray met with Anthony during or about the
2 third week of October 1999. During that meeting defendant Murray
3 indicated that the Board had problems with the GSAC meeting on
4 campus and with the name of the GSAC.

5 30. At a meeting on October 7, 1999, the Board decided to
6 hold a public forum on the GSAC's application. The Board held
7 the public forum on November 9, 1999. Hundreds of people
8 attended, including Anthony and Heather. Two microphones were
9 set up at the forum: one for speakers in favor of approving the
10 GSAC application, another for speakers opposed to approving the
11 GSAC application. Some speakers opposing the GSAC application
12 made negative remarks about gays and lesbians.

13 31. Rather than decide upon the application at the
14 November 9, 1999 public forum, the Board scheduled a vote on the
15 GSAC application for November 18, 1999.

16 32. On November 18, 1999, the Board held a meeting that
17 included the GSAC application on its agenda. Heather spoke at
18 the meeting and explained to the Board that the main purposes of
19 the GSAC are to promote tolerance and to provide students with a
20 forum to talk. She also explained to the Board that she believes
21 in sexual abstinence and that the GSAC's purpose was not to
22 discuss sex. She further explained to the Board that she has
23 seen other students experience harassment at El Modena High
24 School based on their sexual orientation and that the GSAC is
25 necessary at El Modena High School because of this type of
26 harassment.

27 33. Rather than act on the GSAC application at the November
28 18, 1999 meeting, the Board decided to postpone until December 7,

1 1999 a vote on the GSAC application. By letter from counsel
2 faxed to defendant Murray on November 19, 1999, GSAC again
3 specifically requested to be permitted to meet at El Modena High
4 School. Defendant Orange Unified School District, responding
5 through counsel on November 22, continued not to grant the GSAC
6 permission to meet.

7 34. December 7, 1999 is three months after Anthony
8 submitted the application for the GSAC to be recognized and
9 permitted to meet. Although Anthony submitted the application at
10 the beginning of the school year, by the time the Board holds its
11 December 7 meeting, most of the first semester of the school year
12 will have passed without a formal decision on the application.
13 In the meantime, the GSAC continues to be prevented from meeting.
14 The effect of this delay has been to deny the plaintiffs the
15 right for the GSAC to meet on campus for most of the first
16 semester of the 1999-2000 school year.

17 35. To date, Anthony has collected signatures from more
18 than fifty El Modena High School students who have expressed an
19 interest in joining the GSAC and participating in its meetings
20 and other activities.

21 36. The procedures that have been followed with respect to
22 the GSAC application and the resultant delay are highly unusual.
23 The written policy governing the "El Modena High School Procedure
24 For Forming A New Club" instructs applicants to obtain approval
25 from the El Modena High School Administration. Notwithstanding
26 this written school policy that approval should be obtained from
27 the El Modena High School Administration, defendant Murray
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1 refused to permit the GSAC to meet and instead referred the issue
2 to the Board.

3 37. By virtue of the unusual procedures followed by all
4 defendants with respect to the GSAC application and the refusal
5 of all defendants to grant the GSAC official club status and to
6 permit it to meet on campus, defendants have discriminated
7 against the plaintiffs, treating them unequally from other
8 noncurricular student groups at El Modena High School and from
9 other El Modena High School students, and defendants have denied
10 plaintiffs equal access to, and a fair opportunity to meet on,
11 the premises of El Modena High School during noninstructional
12 time.

13 38. On information and belief, the defendants are aware
14 that they have treated the GSAC application differently from the
15 manner in which other clubs' applications have been treated.
16 According to an article published on October 27, 1999 in the
17 Orange County Register ("Register"), Orange Unified School
18 District spokeswoman Judy Frutig told the Register that the Board
19 "normally doesn't hold hearings on clubs but decided to take a
20 closer look at the gay-straight club because it would be a first
21 for the district." According to a Register article dated October
22 14, 1999, defendant Murray told the Register that the GSAC "is
23 the first club in the school that has raised an emotional
24 concern. The only other club that had to be brought for board
25 approval was a skating club that raised safety concerns."
26 According to a November 18, 1999 Register article, defendant
27 Board Member Bill Lewis stated: "There are some issues that are
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1 morally wrong," and "[t]he Bible says we're all sinners, but
2 this, in my opinion, is asking us to legitimize a sin."

3 39. On information and belief, defendants are aware that
4 the law requires them to grant the GSAC access to school
5 facilities on an equal basis with other noncurricular clubs.
6 According to the above-mentioned November 18, 1999 Register
7 article, Board Member Linda Davis said to the Register: "We know
8 the law is on their side, but our community members don't want
9 it."

10 CLAIMS FOR RELIEF

11 FIRST CLAIM FOR RELIEF AGAINST ALL DEFENDANTS

12 Violation Of 42 U.S.C. § 1983

13 Through Violation Of Equal Access Act, 20 U.S.C. §§ 4071-4074

14 40. Plaintiffs repeat and reallege the allegations of
15 paragraphs 1 through 39 above, and incorporate those allegations
16 herein by this reference.

17 41. Defendants, acting under color of state law and in
18 violation of 42 U.S.C. § 1983, have deprived plaintiffs of the
19 rights, privileges, or immunities secured by the Equal Access
20 Act, 20 U.S.C. §§ 4071-4074, in that:

21 a. El Modena High School is a public secondary school
22 that receives federal financial assistance;

23 b. El Modena High School has a limited open forum in
24 that it grants an offering to or opportunity for one or more
25 noncurriculum related student groups to meet on school
26 premises during noninstructional time;

27 c. Defendants have discriminated against plaintiffs,
28 denied equal access to plaintiffs, and refused to offer

1 plaintiffs a fair opportunity to conduct meetings within El
2 Modena High School's limited open forum on the basis of the
3 religious, political, philosophical, or other content of the
4 speech at such meetings.

5 42. As an actual and proximate result of defendants'
6 conduct, plaintiffs have been injured and suffered damages, in at
7 least a nominal amount, in an amount to be determined according
8 to proof.

9 SECOND CLAIM FOR RELIEF AGAINST ALL DEFENDANTS

10 Violation Of 42 U.S.C. § 1983 Through Violation Of The Rights Of
11 Expression And Association Protected By The Due Process Clause of
12 The Fourteenth Amendment

13 43. Plaintiffs repeat and reallege the allegations of
14 paragraphs 1 through 42 above, and incorporate those allegations
15 herein by this reference.

16 44. Defendants, acting under color of state law and in
17 violation of 42 U.S.C. § 1983, have deprived plaintiffs of the
18 rights, privileges, or immunities secured by the First Amendment
19 of the United States Constitution, made applicable to the States
20 through the Due Process Clause of the Fourteenth Amendment, in
21 that:

22 a. Plaintiffs' expression and association activities
23 are constitutionally protected under the First Amendment,
24 made applicable to the States through the Due Process Clause
25 of the Fourteenth Amendment; and

26 b. El Modena High School has a limited public forum
27 for student groups to meet on school premises during
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1 noninstructional time and to use school facilities for
2 communicating about those groups' activities;

3 c. Defendants have deprived plaintiffs of their right
4 to engage in constitutionally protected expression and
5 association activities by preventing the GSAC from meeting
6 in the existing limited public forum and from using school
7 facilities.

8 45. As an actual and proximate result of defendants'
9 conduct, plaintiffs have been injured and suffered damages, in at
10 least a nominal amount, in an amount to be determined according
11 to proof.

12 THIRD CLAIM FOR RELIEF AGAINST ALL DEFENDANTS

13 Violation Of 42 U.S.C. § 1983 Through Violation Of The Equal
14 Protection Clause Of The Fourteenth Amendment

15 46. Plaintiffs repeat and reallege the allegations of
16 paragraphs 1 through 45 above, and incorporate those allegations
17 herein by this reference.

18 47. Defendants, acting under color of state law and in
19 violation of 42 U.S.C. § 1983, have deprived plaintiffs of the
20 rights, privileges, or immunities secured by the Equal Protection
21 Clause of the Fourteenth Amendment of the United States
22 Constitution, in that defendants, without justification, have
23 treated plaintiffs differently than defendants have treated other
24 similarly situated student groups and students at El Modena High
25 School on the basis of the actual or perceived sexual orientation
26 of plaintiffs and those with whom they associate, as well as
27 plaintiffs' political views and expression, by subjecting
28 plaintiffs to a different and more onerous process for student

1 group permission to meet and by preventing the GSAC from meeting
2 on campus.

3 48. As an actual and proximate result of defendants'
4 conduct, plaintiffs have been injured and suffered damages, in at
5 least a nominal amount, in an amount to be determined according
6 to proof.

7 FOURTH CLAIM FOR RELIEF AGAINST ALL DEFENDANTS

8 Violation Of California Constitution,

9 Article I, Section 2

10 49. Plaintiffs repeat and reallege the allegations of
11 paragraphs 1 through 48 above, and incorporate those allegations
12 herein by this reference.

13 50. Defendants, acting under color of state law, have
14 deprived plaintiffs of the rights, privileges, or immunities
15 secured by Article I, Section 2, of the California Constitution,
16 in that:

17 a. Plaintiffs' expression and association activities
18 are protected under Article I, Section 2, of the California
19 Constitution; and

20 b. Defendants have deprived plaintiffs of their right
21 to engage in constitutionally protected expression and
22 association activities.

23 51. As an actual and proximate result of defendants'
24 conduct, plaintiffs have been injured and suffered damages, in at
25 least a nominal amount, in an amount to be determined according
26 to proof.

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1 FIFTH CLAIM FOR RELIEF AGAINST ALL DEFENDANTS

2 Violation Of California Constitution,

3 Article I, Section 7

4 52. Plaintiffs repeat and reallege the allegations of
5 paragraphs 1 through 51 above, and incorporate those allegations
6 herein by this reference.

7 53. Defendants, acting under color of state law, have
8 deprived plaintiffs of the rights, privileges, or immunities
9 secured by Article I, Section 7, of the California Constitution,
10 in that defendants, without justification, have treated
11 plaintiffs differently than defendants have treated other
12 similarly situated student groups and students at El Modena High
13 School on the basis of the actual or perceived sexual orientation
14 of plaintiffs and those with whom they associate, as well as
15 plaintiffs' political views and expression, by subjecting
16 plaintiffs to a different and more onerous process for student
17 group permission to meet and by preventing the GSAC from meeting
18 on campus.

19 54. As an actual and proximate result of defendants'
20 conduct, plaintiffs have been injured and suffered damages, in at
21 least a nominal amount, in an amount to be determined according
22 to proof.

1 SIXTH CLAIM FOR RELIEF AGAINST ALL DEFENDANTS

2 For A Declaration Pursuant to 28 U.S.C. §§ 2201-2202 That
3 Defendants' Conduct Is In Violation Of The Equal Access Act, The
4 Civil Rights Act of 1871, The Fourteenth Amendment To The United
5 States Constitution, And Article 1, Sections 2 And 7, Of The
6 California Constitution, And That Plaintiffs Are Entitled To Have
7 Access To School Facilities On The Same Basis As Other
8 Noncurricular Student Groups

9 55. Plaintiffs repeat and reallege the allegations of
10 paragraphs 1 through 54 above, and incorporate those allegations
11 herein by this reference.

12 56. An actual controversy within this Court's jurisdiction
13 exists between plaintiffs and defendants, in that:

14 a. Plaintiffs contend that the GSAC is entitled to
15 meet on school premises during noninstructional time under
16 the Equal Access Act, the Due Process and Equal Protection
17 Clauses of the Fourteenth Amendment to the United States
18 Constitution, and Article 1, Sections 2 and 7, of the
19 California Constitution;

20 b. Defendants have discriminated against plaintiffs
21 and denied them equal access and a fair opportunity to meet
22 on El Modena High School premises during noninstructional
23 time on the basis of the content of the GSAC's speech and
24 the speech of its members.

25 57. A judicial declaration among the parties is necessary
26 and appropriate at this time in order that they promptly may
27 ascertain and enforce their respective rights and obligations.
28

1 affiliates, subsidiaries, servants, employees, and all other
2 persons or entities in active concert or privity or participation
3 with them, from directly or indirectly preventing the plaintiffs
4 from meeting on the premises of El Modena High School during
5 noninstructional time, and from directly or indirectly denying
6 plaintiffs access to or use of school facilities on a basis equal
7 to other noncurricular student groups.

8 3. For damages, in at least a nominal amount, according to
9 proof.

10 4. For interest, where appropriate, on damages awarded.

11 5. For costs and attorneys' fees incurred in the
12 prosecution of this action, pursuant to, without limitation, 28
13 U.S.C. § 1988 and California Code of Civil Procedure § 1021.5.

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