

1 CUSHING, CULLINAN, HANCOCK & ROTHERT  
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2 San Francisco, California 94104  
Telephone: 415 - 981-5550

3 Attorneys for Plaintiffs  
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8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

10 LAURENCE DOWD, HAROLD L. HOLLINGSWORTH,  
ROBERT LUALHATI, GORDON M. SEELY,  
11 WILLIAM R. WARD, HARVEY E. WILLIAMS,  
ARTHUR MEJIA, JR. and GERALD B. WYNESS,  
12 on behalf of themselves and all others  
similarly situated,

13 Plaintiffs,

14 vs.

15 STUDENTS FOR A DEMOCRATIC SOCIETY,  
also known as SDS, an unincorporated  
16 association; TODD A. GILLIN, indivi-  
dually and as an officer of said SDS;  
GORDON DIMARCO, individually and as an  
17 officer of said SDS; HOWIE FORMAN,  
individually and as an officer of said  
18 SDS; ELENA DILLON, individually and as  
an officer of said SDS; BLACK STUDENTS  
19 UNION, also known as BSU, an unincor-  
porated association; BRIDGES RANDALL,  
20 individually and as an officer of said  
BSU; JACK H. ALEXIS, individually and  
21 as an officer of said BSU; LEROY GOODWIN,  
individually and as an officer of said  
22 BSU; JERRY VANARDO, individually and as an  
officer of said BSU; BENNY STEWART,  
23 individually and as an officer of said  
BSU; NATHAN HARE, individually and as  
24 an officer of said BSU; GLORY LOWERY,  
individually and as an officer of said  
25 BSU; THIRD WORLD LIBERATION FRONT,  
also known as TWLF, an unincorporated  
26 association; HARI DILLIN, individually  
and as an officer of said TWLF; ROGER  
27 ALVARADO, individually and as an officer  
of said TWLF; ORGANIZATION OF STUDENT  
28 LIBRARY EMPLOYEES, also known as OSLE,  
an unincorporated association; STEPHEN  
29 LEE, individually and as an officer of  
said OSLE; ROGER THOMPSON, individually  
30 and as an officer of said OSLE; BLACK  
PANTHER PARTY, an unincorporated  
31 association; GEORGE MASON MURRAY,  
individually and as an officer of said  
32 BLACK PANTHER PARTY; BEN STEWART,

No. 599912

COMPLAINT FOR  
TEMPORARY RESTRAINING  
ORDER, ORDER TO SHOW  
CAUSE, PRELIMINARY  
INJUNCTION, AND  
PERMANENT INJUNCTION

1 individually and as an officer of said )  
BLACK PANTHER PARTY; PEACE AND FREEDOM )  
2 PARTY, an unincorporated association; )  
BILL HANKIN, individually and as an )  
3 officer of said PEACE AND FREEDOM PARTY; )  
COMMUNITY STRIKE SUPPORT COALITION, )  
4 an unincorporated association; HELEN )  
COOK, individually and as an officer )  
5 of said COMMUNITY STRIKE SUPPORT )  
COALITION; LARRY HYINK, individually )  
6 and as an officer of said COMMUNITY )  
STRIKE SUPPORT COALITION; UNITED LATIN )  
7 FOR JUSTICE, an unincorporated association; )  
VICTOR MARTINEZ, individually and as an )  
8 officer of said UNITED LATIN FOR JUSTICE; )  
MEXICAN-AMERICAN POLITICAL ASSOCIATION, )  
9 also known as MAPA, an unincorporated )  
association; MILTON ORTEGA, individually )  
10 and as an officer of said MAPA; LA CAUSA, )  
an unincorporated association; ARMANDO )  
11 VALDEZ, individually and as an officer )  
of said LA CAUSA; CHINESE FOR SOCIAL )  
12 ACTION, an unincorporated association; )  
MASON WONG, individually and as an )  
13 officer of said CHINESE FOR SOCIAL )  
ACTION; YOUNG SOCIALIST ALLIANCE, an )  
14 unincorporated association; HELEN )  
MEYERS, individually and as an officer )  
15 of said YOUNG SOCIALIST ALLIANCE; )  
FRIENDS OF THE IRISH REPUBLICAN ARMY, )  
16 an unincorporated association; VINCENT )  
O'LEARY, individually and as an officer )  
17 of said FRIENDS OF THE IRISH REPUBLICAN )  
ARMY; STRIKE SUPPORT ORGANIZING COMMITTEE, )  
18 an unincorporated association; JIM )  
GILLETT, individually and as an officer )  
19 of said STRIKE SUPPORT ORGANIZING )  
COMMITTEE; HOWARD COHEN, individually )  
20 and as an officer of said STRIKE SUPPORT )  
ORGANIZING COMMITTEE; ASSOCIATED )  
21 STUDENTS OF SAN FRANCISCO STATE, an )  
unincorporated association; JOHN WEBB, )  
22 individually and as an officer of said )  
ASSOCIATED STUDENTS OF SAN FRANCISCO )  
23 STATE; DONALD RAY SMOTHERS; WILLIAM )  
STANTON; EUGENE MARTINEZ; RAYMOND )  
24 HAMILTON; BRUCE HARTFORD; TIM COATES; )  
DR. DICK FEIN; DALE HUGHES; JOHN )  
25 CLEVELAND; CECIL WASHINGTON; ANITA )  
PALM; ARNOLD TOWNSEND; DAVID MILLER; )  
26 RALPH ANSPACK; AL WONG; TONY MIRANDA; )  
DIANA LOPEZ; ALEX SEVIA; ROSA HIGGS; )  
27 RON VARNEY; EUGENE MARCHI; ELAINE )  
PLAISANCE; DR. CARLETON )  
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1 GOODLETT; FIRST DOE ASSOCIATION through )  
FIFTIETH DOE ASSOCIATION, unincorporated )  
2 associations; FIRST DOE COMMITTEE through )  
FIFTIETH DOE COMMITTEE, unincorporated )  
3 associations; FIRST DOE CORPORATION through )  
FIFTIETH DOE CORPORATION, corporations, and )  
4 FIRST DOE THROUGH ONE THOUSANDTH DOE, )  
individually and as members of FIRST DOE )  
5 ASSOCIATION through FIFTIETH DOE ASSOCIA- )  
TION, FIRST DOE COMMITTEE through FIFTIETH )  
6 DOE COMMITTEE, and/or FIRST DOE CORPORA- )  
TION through FIFTIETH DOE CORPORATION, )  
7 )  
Defendants. )  
8 )

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1           Plaintiffs complain on behalf of themselves and  
2 all others similarly situated who may come in, seek relief,  
3 and contribute to the expenses of this action, and for a FIRST  
4 CAUSE OF ACTION allege that:

5

I.

6           At all times mentioned herein, plaintiffs were and  
7 are members of the faculty of San Francisco State College in  
8 San Francisco, California, and desirous of teaching classes  
9 at and fulfilling their obligations to that College. The  
10 issues stated in this action are of common and general interest  
11 to all similarly situated faculty members at San Francisco State  
12 College and affect all such faculty members in the same manner  
13 as plaintiffs are affected. Such persons are so numerous,  
14 amounting to several hundred instructors and professors, that  
15 it is impracticable to bring all of these persons before the  
16 Court as individual plaintiffs. Therefore, these plaintiffs  
17 sue for and on behalf of themselves and of all other similarly  
18 situated persons at San Francisco State College.

19

II.

20           Plaintiffs are informed and believe and therefore  
21 allege that each and every defendant listed in Exhibit "A",  
22 which Exhibit is by this reference incorporated herein as  
23 though set forth in full, is and was at all times herein  
24 mentioned an unincorporated association composed of a great number  
25 of persons, their exact names and numbers being unknown to plain-  
26 tiffs, and plaintiffs, therefore, sue the members of said  
27 associations by their common name and individually. Plaintiffs  
28 pray leave to insert the names of the members of said  
29 associations herein when and if they become known.

30

          Each and every defendant listed in Exhibit "B", which  
31 Exhibit is by this reference incorporated herein, as though set  
32 forth in full, at all times mentioned herein is and was



1 of San Francisco State College, which is public property owned  
2 by the State of California;

3           2. Picketing and massing of large and threatening  
4 groups of persons, thereby preventing ingress and egress to and  
5 from public buildings, public classrooms, and public hallways  
6 within the campus of San Francisco State College;

7           3. Positioning moving picket lines of tightly  
8 grouped individuals in front of entrances to public buildings  
9 within the campus of San Francisco State College, thereby  
10 preventing ingress and egress to and from said buildings;

11           4. Entering classrooms when classes were in session  
12 and disrupting these class sessions by declaring that the  
13 classes were dismissed and by demanding that students, and  
14 faculty, including the plaintiffs, leave the classroom, by  
15 taking photographs of those who failed to yeild to their  
16 demands in order to intimidate them, by painting or writing  
17 slogans upon the walls of the classrooms, by damaging or  
18 disorganizing furniture in the classrooms, and by assaulting  
19 or battering members of the faculty and students who failed to  
20 yield to their demands;

21           5. Subjecting plaintiffs and faculty members  
22 similarly situated to threats of violence, physical injury,  
23 and damage to property, and other punishment for teaching  
24 classes or seeking to fulfill their obligations to the College;

25           6. Detonating explosive bombs and fire bombs on  
26 the campus of San Francisco State College in the public  
27 buildings, public hallways and public classrooms of said  
28 College which seriously endangered the health and safety of  
29 plaintiffs and of the public, which caused plaintiffs to  
30 fear to teach classes at San Francisco State College;

31           7. Detonating stink bombs with foul and offensive  
32 odors in the public buildings, public hallways, and public

1 classrooms of San Francisco State College, which seriously  
2 offended the senses of plaintiffs and of the public, which  
3 interfered with the ability of plaintiffs to teach classes  
4 at San Francisco State College, and which interfered with the  
5 ability of students in classes taught by plaintiffs to be proper-  
6 ly attentive in classes;

7           8. Marching through public buildings on the San  
8 Francisco State College campus, chanting slogans in a loud  
9 and disturbing manner, pounding on walls, opening doors of  
10 rooms, and beating upon noise-making objects, all while classes  
11 were in session, thereby preventing plaintiffs from being able  
12 to concentrate upon their normal academic pursuits;

13           9. Holding loud, threatening, raucus, noisy  
14 rallies and demonstrations on the campus of San Francisco  
15 State College, which disturbed the peace and tranquillity  
16 of the campus, disturbed classes held on the campus, and  
17 prevented both the plaintiffs and the general public from  
18 enjoying the peace and quiet from which they would otherwise  
19 have benefited;

20           10. Using sound amplification devices on the cam-  
21 pus of San Francisco State College to shout loud, boisterous,  
22 vulgar, obscene, indecent and threatening language in such a  
23 manner that plaintiffs were maliciously and extremely dis-  
24 turbed, fearful for their personal safety, and seriously  
25 inconvenienced;

26           11. Standing outside rooms in which classes were  
27 being held and chanting slogans and threats, thereby making  
28 it impossible for said classes to continue and preventing  
29 normal academic pursuits;

30           12. Threatening, assaulting, battering and generally  
31 intimidating faculty, students, and other members of the  
32 public on the campus of San Francisco State College, which







1 College, teaching uninterrupted classes, and enjoying an  
2 atmosphere of academic freedom. Plaintiffs have been especially  
3 injured in that their academic careers have been interrupted,  
4 and their health, education and welfare have been impaired.

5 VIII.

6 Defendants have threatened to and do intend to and will  
7 continue their conduct as herein described unless restrained by  
8 this Court.

9 IX.

10 Each and all of the aforementioned acts and conduct  
11 of each of the defendants have been planned and perpetrated  
12 in order to intimidate plaintiffs, in order to cause fear of  
13 physical molestation, libel, slander, and other injuries to  
14 plaintiffs and to the public, in order to prevent plaintiffs  
15 and other members of the public from entering and leaving the  
16 buildings, classrooms and campus of San Francisco State College,  
17 and in order to interfere with the peace, tranquillity, health,  
18 and safety of plaintiffs and of the public.

19 X.

20 As a direct and proximate result of the acts and  
21 conduct of each of the defendants as aforesaid plaintiffs as  
22 a class have been injured in the following manner: Classes  
23 which plaintiffs would otherwise have taught have been  
24 cancelled or postponed or rescheduled at inconvenient times  
25 or places; plaintiffs have been made unable to reach classes  
26 or have been made tardy to their classes at San Francisco  
27 State College; some plaintiffs have sustained injuries to per-  
28 son and to property; plaintiffs have been unable to make them-  
29 selves heard in classes and have been made unable properly to  
30 retain the attention of students in classes; and plaintiffs  
31 have been made unable to use many of the common, public  
32 facilities at San Francisco State College. As a further

1 direct and proximate result of the conduct of each of the  
2 defendants, the program of instruction at San Francisco State  
3 College has been delayed, necessitating the delay of vacation  
4 periods during which plaintiffs would otherwise have been able  
5 to complete other business, professional, and personal  
6 obligations. As a further direct and proximate result of the  
7 conduct of each of the defendants, the plaintiffs herein have  
8 been burdened by new administrative tasks and handicapped by  
9 administrative delays, and their professional reputations and  
10 academic careers have been damaged. If defendants accomplish  
11 their announced goal of closing San Francisco State College,  
12 the lives and academic careers of plaintiffs will be disrupted  
13 for the foreseeable future. It is impossible accurately to  
14 measure the damage caused by the acts and conduct of each of  
15 defendants in terms of dollars and cents, and therefore  
16 plaintiffs have no speedy or adequate remedy at law.

17  
18 XI.

19 Unless the conduct of defendants and each of them is  
20 immediately restrained and enjoined, defendants will continue  
21 to interrupt the educational process at San Francisco State  
22 College, will continue to deprive plaintiffs of the right to  
23 teach classes at San Francisco State College, and will  
24 continue to cause harm to plaintiffs and to the public. The  
25 damage from said acts of defendants is incalculable and  
26 irreparable, and plaintiffs have no speedy or adequate remedy  
27 at law.

28 SECOND CAUSE OF ACTION

29 As and for a SECOND CAUSE OF ACTION, plaintiffs  
30 allege that:

31 I.

32 Plaintiffs reallege and by this reference incorporate

1 herein Paragraphs I through III and VII through XI of the FIRST  
2 CAUSE OF ACTION.

3 II.

4 On or about November 6, 1968 defendants and each  
5 of them entered into an unlawful scheme and conspiracy to bar  
6 entrance and exit to plaintiffs and other faculty members to  
7 and from classrooms and buildings at San Francisco State  
8 College, prevent the teaching of classes at San Francisco  
9 State College by plaintiffs and other faculty members, disrupt  
10 the professional careers of plaintiffs and other faculty members  
11 at San Francisco State College, and endanger the lives and well  
12 being of plaintiffs and of the public.

13 III.

14 In furtherance of said scheme and conspiracy,  
15 defendants and each of them engaged in and participated in the  
16 acts and conduct alleged and set forth in Paragraphs IV, V and  
17 VI of the FIRST CAUSE OF ACTION, and, by this reference, plaintiffs  
18 incorporate said paragraphs herein.

19 WHEREFORE, plaintiffs pray that defendants, and  
20 each of them, the members of defendant unincorporated  
21 associations and each of their officers, agents and representatives,  
22 and all of the other persons acting in concert with defendants  
23 who are not named herein, but who, in any manner, shall have  
24 or receive knowledge of the existence of such order or  
25 injunction, collectively and individually be restrained and e  
26 enjoined as follows:

27 1. From obstructing in any manner any entrance to  
28 or exit from the campus of San Francisco State College or  
29 the sidewalks, pathways, or streets therein or adjacent thereto;

30 2. From picketing, except as stated in Paragraph 6  
31 herein, gathering, massing, demonstrating, marching, congregating,  
32 or rallying anywhere on the campus of San Francisco State

- 1 College or the sidewalks, pathways or streets therein or  
2 adjacent thereto other than on the football field, and then  
3 only between the hours of 12 o'clock Noon and 2 o'clock P.M.;
- 4 3. From obstructing in any manner any entrance to  
5 or exit from the buildings on the campus of San Francisco State  
6 College;
- 7 4. From obstructing in any manner any entrance to  
8 or exit from any room, office, auditorium, passageway, or area  
9 within any building on the campus of San Francisco State  
10 College;
- 11 5. From hindering the free movement of any person  
12 in any manner in any hallway within any building on the campus  
13 of San Francisco State College;
- 14 6. From stationing, placing or maintaining in  
15 excess of two (2) pickets at any one time at any entrances to  
16 the campus of San Francisco State College;
- 17 7. From entering any classroom, laboratory,  
18 auditorium, library or meeting place on the campus of San  
19 Francisco State College for the purpose of disrupting classes,  
20 examinations, studies, meetings or activities approved by the  
21 President or Acting President of San Francisco State College;
- 22 8. From threatening, harassing, molesting, obstructing,  
23 intimidating or attempting to threaten, harass, molest, obstruct,  
24 or intimidate, or using force or violence against any person  
25 who attends, attempts to attend, or desires to attend any  
26 class or meeting at San Francisco State College;
- 27 9. From threatening, harassing, intimidating, or  
28 attempting to threaten, harass or intimidate any person who  
29 enters or leaves the campus of San Francisco State College or  
30 any building, classroom, auditorium, meeting place or office  
31 on said campus;
- 32 10. From obstructing or in any manner interfering

1 with the use of public facilities or common buildings on the  
2 campus of San Francisco State College, including but not limited  
3 to the library, book store, cafeteria, health center, dormitories,  
4 rest rooms or lounges on said campus;

5           11. From detonating or possessing on the campus of  
6 San Francisco State College any explosive device, noise-making  
7 device, fire bombs, stink bombs, or any other device capable of  
8 emitting any substance or noise which produces or could produce  
9 physical discomfort or permanent injury to persons on the campus  
10 of San Francisco State College or which disrupts classes,  
11 examinations, meetings on said campus;

12           12. From making noise of any sort at any place on the  
13 campus of San Francisco State College which interferes with the  
14 normal conduct of classes, examinations, or meetings authorized  
15 by the President or Acting President of San Francisco State College;

16           13. From using any public address system, bullhorn, or  
17 other sound amplification system on the campus of San Francisco  
18 State College, except as authorized by the President or Acting  
19 President thereof;

20           14. From destroying or attempting to destroy or  
21 damage any public or private property on the campus of San  
22 Francisco State College;

23           15. From committing or attempting to commit any act  
24 which interferes with or which is intended to interfere with the  
25 normal conduct of academic pursuits at San Francisco State  
26 College.

27           Plaintiffs further pray that:

28           1. The Court make an order directing defendants  
29 and each of them to appear and show cause at the time and place  
30 so ordered why they and each of them should not be enjoined and  
31 restrained from doing any of the things hereinabove mentioned  
32 during the pendency of the above-entitled action;



DEFENDANT ASSOCIATIONS

1. Students for a Democratic Society, also known as SDS
2. Black Students Union, also known as BSU
3. Third World Liberation Front, also known as TWLF
4. Organized Student Library Employees, also known as OSLE
5. Black Panther Party
  
8. Peace and Freedom Party
9. Community Strike Support Coalition
10. United Latins for Justice
11. Mexican American Political Association, also known as MAPA
12. La Causa
13. Chinese for Social Action
14. Young Socialist Alliance
15. Friends of the Irish Republican Army
16. Strike Support Organizing Committee
17. Associated Students of San Francisco State



DEFENDANT OFFICERS

1. Bridges Randall
2. Jack H. Alexis
3. Leroy Goodwin
4. Jerry Vanardo
5. Benny Stewart
6. Nathan Hare
7. Glory Lowery
8. Hari Dillin
9. Roger Alvarado
10. Todd A. Gillin
11. Gordon DiMarco
12. Howie Forman
13. Elena Dillon
14. Bill Hankin
15. George Mason Murray
16. Ben Stewart
17. Mason Wong
18. Helen Meyers
19. Helen Cook
20. Larry Hyink

DEFENDANT ASSOCIATIONS

- Black Students Union
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  - Black Students Union
  - Third World Liberation Front
  - Third World Liberation Front
  - Students for a Democratic Society
  - Students for a Democratic Society
  - Students for a Democratic Society
  - Students for a Democratic Society
  - Peace and Freedom Party
  - Black Panther Party
  - Black Panther Party
  - Chinese for Social Action
  - Young Socialist Alliance
  - Community Strike Support Coalition
  - Community Strike Support Coalition
- 
24. Victor Martinez United Latins for Justice
  25. Milton Ortega Mexican-American Political Assn.
  26. Armando Valdez La Causa
  27. Jim Gillett Strike Support Committee
  28. Stephen Lee Organization of Student Library Employees
  29. Roger Thompson Organization of Student Library Employees

DEFENDANT OFFICERS

- 30. John Webb
- 31. Vincent O'Leary
- 32. Howard Cohen

DEFENDANT ASSOCIATIONS

- Associated Students of San Francisco State
- Friends of the Irish Republican Army
- Strike Support Organizing Committee



obviously getting out of control.

At 12:20 an announcement was read over the loud speaker system directing the crowd to disperse because the assembly at the speaker's stand and in the center of the campus was illegal.

Another announcement was made to the same effect at approximately 12:30 followed by another announcement immediately afterwards.

The crowd refused to disperse. Arrests started at 12:40. There was no indication that the crowd would have dispersed if arrests had not been made. In the past, when such demonstrations occurred, the demonstrators paraded through the campus breaking windows, shouting, and destroying property.

While the police were making arrests, a number of the demonstrators, who had not been caught in the encirclement of police, advanced to the library and started throwing rocks at the police. The police retreated into the library and some of the students dispersed. This incident indicated to me that more serious violence would have occurred if arrests had not been made. Also individuals advised me in advance that they had been warned not to be on campus because violence would occur.

I do swear under penalty of perjury that the foregoing is true and correct.

Dated this 27th day of January, 1969, at San Francisco, California.

  
Edwin Duerr

1 STATE OF CALIFORNIA

X  
X

ss.

2 CITY AND COUNTY OF SAN FRANCISCO

3           The undersigned, being by me first duly sworn, deposes  
4 and says:

5           That he is a member of the faculty at San Francisco  
6 State College and one of the plaintiffs in the above-entitled  
7 action; that he has read the foregoing COMPLAINT FOR TEMPORARY  
8 RESTRAINING ORDER, ORDER TO SHOW CAUSE, PRELIMINARY INJUNCTION  
9 AND PERMANENT INJUNCTION and knows the contents thereof; and  
10 that the same is true of his own knowledge, except as to the  
11 matters which are therein stated upon information or belief, and  
12 as to those matters, he believes it to be true.

13

14

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16

*Harold L. Halling Sworn*

17 Subscribed and sworn to before me

18 this 27th day of January, 1969.

19



ANN FERGUSON  
NOTARY PUBLIC - CALIFORNIA  
CITY AND COUNTY OF  
SAN FRANCISCO

20

*Ann Ferguson*

21 Ann Ferguson, Notary Public in and  
for the City and County of San  
Francisco, California.

22 My commission expires April 16, 1971.

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1 STATE OF CALIFORNIA

X  
X

ss.

2 CITY AND COUNTY OF SAN FRANCISCO

3           The undersigned, being by me first duly sworn, deposes  
4 and says:

5           That he is a member of the faculty at San Francisco  
6 State College and one of the plaintiffs in the above-entitled  
7 action; that he has read the foregoing COMPLAINT FOR TEMPORARY  
8 RESTRAINING ORDER, ORDER TO SHOW CAUSE, PRELIMINARY INJUNCTION  
9 AND PERMANENT INJUNCTION and knows the contents thereof; and  
10 that the same is true of his own knowledge, except as to the  
11 matters which are therein stated upon information or belief, and  
12 as to those matters, he believes it to be true.

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15

*Robert Lualaba*

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17 Subscribed and sworn to before me

18 this 27th day of January, 1969.

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*Ann Ferguson*

21 Ann Ferguson, Notary Public in and  
for the City and County of San  
Francisco, California.

22 My commission expires April 16, 1971.

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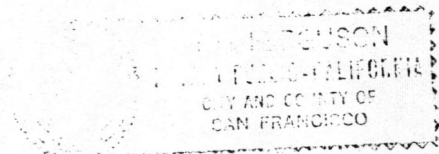
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1 STATE OF CALIFORNIA

X  
X

ss.

2 CITY AND COUNTY OF SAN FRANCISCO

3           The undersigned, being by me first duly sworn, deposes  
4 and says:

5           That he is a member of the faculty at San Francisco  
6 State College and one of the plaintiffs in the above-entitled  
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9 AND PERMANENT INJUNCTION and knows the contents thereof; and  
10 that the same is true of his own knowledge, except as to the  
11 matters which are therein stated upon information or belief, and  
12 as to those matters, he believes it to be true.

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Arthur Kujala Jr.

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17 Subscribed and sworn to before me

18 this 27th day of January, 1969.

19

20

Ann Ferguson

21 Ann Ferguson, Notary Public in and  
for the City and County of San  
Francisco, California.

22 My commission expires April 16, 1971.

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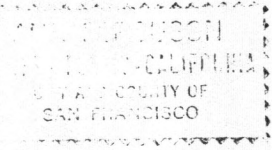
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1 STATE OF CALIFORNIA X  
2 CITY AND COUNTY OF SAN FRANCISCO X ss.

3 The undersigned, being by me first duly sworn, deposes  
4 and says:

5 That he is a member of the faculty at San Francisco  
6 State College and one of the plaintiffs in the above-entitled  
7 action; that he has read the foregoing COMPLAINT FOR TEMPORARY  
8 RESTRAINING ORDER, ORDER TO SHOW CAUSE, PRELIMINARY INJUNCTION  
9 AND PERMANENT INJUNCTION and knows the contents thereof; and  
10 that the same is true of his own knowledge, except as to the  
11 matters which are therein stated upon information or belief, and  
12 as to those matters, he believes it to be true.

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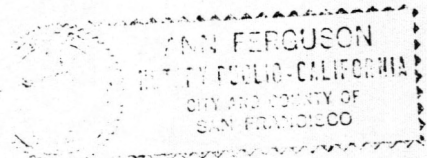
Gordon M. Seely

17 Subscribed and sworn to before me  
18 this 27th day of January, 1969.

19  
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Ann Ferguson

21 Ann Ferguson, Notary Public in and  
22 for the City and County of San  
Francisco, California.  
My commission expires April 16, 1971.



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1 STATE OF CALIFORNIA

2 CITY AND COUNTY OF SAN FRANCISCO

X  
X  
ss.

3           The undersigned, being by me first duly sworn, deposes  
4 and says:

5           That he is a member of the faculty at San Francisco  
6 State College and one of the plaintiffs in the above-entitled  
7 action; that he has read the foregoing COMPLAINT FOR TEMPORARY  
8 RESTRAINING ORDER, ORDER TO SHOW CAUSE, PRELIMINARY INJUNCTION  
9 AND PERMANENT INJUNCTION and knows the contents thereof; and  
10 that the same is true of his own knowledge, except as to the  
11 matters which are therein stated upon information or belief, and  
12 as to those matters, he believes it to be true.

13

14

15

*William R. Ward*

16

17 Subscribed and sworn to before me

18 this 27th day of January, 1969.

19

20

*Ann Ferguson*  
Ann Ferguson, Notary Public in and  
for the City and County of San  
Francisco, California.

22

My commission expires April 16, 1971.

23

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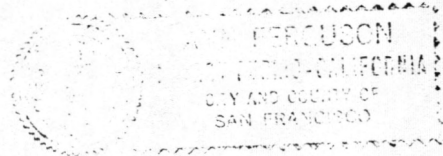
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1 STATE OF CALIFORNIA

X  
X

ss.

2 CITY AND COUNTY OF SAN FRANCISCO

3 The undersigned, being by me first duly sworn, deposes  
4 and says:

5 That he is a member of the faculty at San Francisco  
6 State College and one of the plaintiffs in the above-entitled  
7 action; that he has read the foregoing COMPLAINT FOR TEMPORARY  
8 RESTRAINING ORDER, ORDER TO SHOW CAUSE, PRELIMINARY INJUNCTION  
9 AND PERMANENT INJUNCTION and knows the contents thereof; and  
10 that the same is true of his own knowledge, except as to the  
11 matters which are therein stated upon information or belief, and  
12 as to those matters, he believes it to be true.

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*Gerald B. Wyness*

16

17 Subscribed and sworn to before me

18 this 27th day of January, 1969.

19

*Ann Ferguson*

20

21 Ann Ferguson, Notary Public in and  
for the City and County of San  
Francisco, California.

22

My commission expires April 16, 1971.

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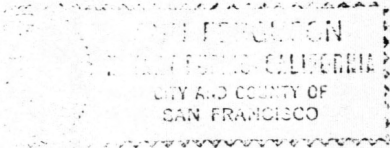
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1 STATE OF CALIFORNIA X  
2 CITY AND COUNTY OF SAN FRANCISCO X ss.

3 The undersigned, being by me first duly sworn, deposes  
4 and says:

5 That he is a member of the faculty at San Francisco  
6 State College and one of the plaintiffs in the above-entitled  
7 action; that he has read the foregoing COMPLAINT FOR TEMPORARY  
8 RESTRAINING ORDER, ORDER TO SHOW CAUSE, PRELIMINARY INJUNCTION  
9 AND PERMANENT INJUNCTION and knows the contents thereof; and  
10 that the same is true of his own knowledge, except as to the  
11 matters which are therein stated upon information or belief, and  
12 as to those matters, he believes it to be true.

13

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*Walter E. Williams*

17 Subscribed and sworn to before me

18 this 27th day of January, 1969.

19

20

*Ann Ferguson*  
Ann Ferguson, Notary Public in and  
for the City and County of San  
Francisco, California.

22 My commission expires April 16, 1971.

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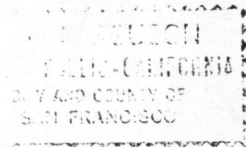
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1 CUSHING, CULLINAN, HANCOCK & ROTHERT  
100 Bush Street, Suite 1600  
2 San Francisco, California 94104  
Telephone: 415 - 931-5550  
3 Attorneys for Plaintiffs  
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1/27  
POA  
MEMO

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8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

10 LAURENCE DOWD, HAROLD L. HOLLINGSWORTH, )  
ROBERT LUALHATI, GORDON M. SEELY, )  
11 WILLIAM R. WARD, HARVEY E. WILLIAMS, )  
ARTHUR MEJIA, JR. and GERALD B. WYNESS, )  
12 on behalf of themselves and all others )  
similarly situated, )  
13 Plaintiffs, )  
vs. )  
14 STUDENTS FOR A DEMOCRATIC SOCIETY, )  
15 also known as SDS, an unincorporated )  
association; TODD A. GILLIN, indivi- )  
16 dually and as an officer of said SDS; )  
GORDON DIMARCO, individually and as an )  
17 officer of said SDS; HOWIE FORMAN, )  
individually and as an officer of said )  
18 SDS; ELENA DILLON, individually and as )  
an officer of said SDS; BLACK STUDENTS )  
19 UNION, also known as BSU, an unincor- )  
porated association; BRIDGES RANDALL, )  
20 individually and as an officer of said )  
BSU; JACK H. ALEXIS, individually and )  
21 as an officer of said BSU; LEROY GOODWIN, )  
individually and as an officer of said )  
22 BSU; JERRY VANARDO, individually and as an )  
officer of said BSU; BENNY STEWART, )  
23 individually and as an officer of said )  
BSU; NATHAN HARE, individually and as )  
24 an officer of said BSU; GLORY LOWERY, )  
individually and as an officer of said )  
25 BSU; THIRD WORLD LIBERATION FRONT, )  
also known as TWLF, an unincorporated )  
26 association; HARI DILLIN, individually )  
and as an officer of said TWLF; ROGER )  
27 ALVARADO, individually and as an officer )  
of said TWLF; ORGANIZATION OF STUDENT )  
28 LIBRARY EMPLOYEES, also known as OSLE, )  
an unincorporated association; STEPHEN )  
29 LEE, individually and as an officer of )  
said OSLE; ROGER THOMPSON, individually )  
30 and as an officer of said OSLE; BLACK )  
PANTHER PARTY, an unincorporated )  
31 association; GEORGE MASON MURRAY, )  
individually and as an officer of said )  
32 BLACK PANTHER PARTY; BEN STEWART, )

No. 599912

MEMORANDUM OF  
POINTS AND  
AUTHORITIES

1 individually and as an officer of said )  
BLACK PANTHER PARTY; PEACE AND FREEDOM )  
2 PARTY, an unincorporated association; )  
BILL HANKIN, individually and as an )  
3 officer of said PEACE AND FREEDOM PARTY; )  
COMMUNITY STRIKE SUPPORT COALITION, )  
4 an unincorporated association; HELEN )  
COOK, individually and as an officer )  
5 of said COMMUNITY STRIKE SUPPORT )  
COALITION; LARRY HYINK, individually )  
6 and as an officer of said COMMUNITY )  
STRIKE SUPPORT COALITION; UNITED LATINS )  
7 FOR JUSTICE, an unincorporated association; )  
VICTOR MARTINEZ, individually and as an )  
8 officer of said UNITED LATINS FOR JUSTICE; )  
MEXICAN-AMERICAN POLITICAL ASSOCIATION, )  
9 also known as MAPA, an unincorporated )  
association; MILTON ORTEGA, individually )  
10 and as an officer of said MAPA; LA CAUSA, )  
an unincorporated association; ARMANDO )  
11 VALDEZ, individually and as an officer )  
of said LA CAUSA; CHINESE FOR SOCIAL )  
12 ACTION, an unincorporated association; )  
MASON WONG, individually and as an )  
13 officer of said CHINESE FOR SOCIAL )  
ACTION; YOUNG SOCIALIST ALLIANCE, an )  
14 unincorporated association; HELEN )  
MEYERS, individually and as an officer )  
15 of said YOUNG SOCIALIST ALLIANCE; )  
FRIENDS OF THE IRISH REPUBLICAN ARMY, )  
16 an unincorporated association; VINCENT )  
O'LEARY, individually and as an officer )  
17 of said FRIENDS OF THE IRISH REPUBLICAN )  
ARMY; STRIKE SUPPORT ORGANIZING COMMITTEE, )  
18 an unincorporated association; JIM )  
GILLETT, individually and as an officer )  
19 of said STRIKE SUPPORT ORGANIZING )  
COMMITTEE; HOWARD COHEN, individually )  
20 and as an officer of said STRIKE SUPPORT )  
ORGANIZING COMMITTEE; ASSOCIATED )  
21 STUDENTS OF SAN FRANCISCO STATE, an )  
unincorporated association; JOHN WEBB, )  
22 individually and as an officer of said )  
ASSOCIATED STUDENTS OF SAN FRANCISCO )  
23 STATE; DONALD RAY SMOTHERS; WILLIAM )  
STANTON; EUGENE MARTINEZ; RAYMOND )  
24 HAMILTON; BRUCE HARTFORD; TIM COATES; )  
DR. DICK FEIN; DALE HUGHES; JOHN )  
25 CLEVELAND; CECIL WASHINGTON; ANITA )  
PALM; ARNOLD TOWNSEND; DAVID MILLER; )  
26 RALPH ANSPACK; AL WONG; TONY MIRANDA; )  
DIANA LOPEZ; ALEX SEVIA; ROSA HIGGS; )  
27 RON VARNEY; EUGENE MARCHI; ELAINE )  
28 PLAISANCE; DR. CARLETON )  
  
29 /// )  
30 /// )  
31 /// )  
32 /// )

1 GOODLETT; FIRST DOE ASSOCIATION through )  
FIFTIETH DOE ASSOCIATION, unincorporated )  
2 associations; FIRST DOE COMMITTEE through )  
FIFTIETH DOE COMMITTEE, unincorporated )  
3 associations; FIRST DOE CORPORATION through )  
FIFTIETH DOE CORPORATION, corporations, and )  
4 FIRST DOE THROUGH ONE THOUSANDTH DOE, )  
individually and as members of FIRST DOE )  
5 ASSOCIATION through FIFTIETH DOE ASSOCIA- )  
TION, FIRST DOE COMMITTEE through FIFTIETH )  
6 DOE COMMITTEE, and/or FIRST DOE CORPORA- )  
TION through FIFTIETH DOE CORPORATION, )  
7 )  
Defendants. )  
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1 immediate termination of the atmosphere of violence, terror,  
2 tension, and intimidation which has been brought about as an  
3 intended result of the conduct of defendants and those acting  
4 in concert with defendants.

5 I

6 PLAINTIFFS CONSTITUTE A PROPER CLASS  
7 OF PERSONS TO BRING A CLASS ACTION

8 Proper parties plaintiff to a class action are  
9 determined by Cal. Code of Civ. Proc. §382:

10 of the parties to the action, those who  
11 are united in interest must be joined  
12 as plaintiffs . . . ; and when the question  
13 is one of a common or general interest, of  
14 many persons, or when the parties are numerous,  
15 and it is impracticable to bring them all  
16 before the Court, one or more may sue . . .  
17 for the benefit of all.

18 In Darr v. Yellow Cab Company, 67 A.C. 708, 718, 63  
19 Cal. Rptr. 724, 731, 433 P.2d 732, 739 (1967), the Supreme  
20 Court of the State of California held that two requirements  
21 must be satisfied for a class action to be a valid one:  
22 (1) there must be an ascertainable class; (2) there must be a  
23 well-defined community of interest in the question of law and  
24 fact involved affecting the parties to be represented.

25 In the instant case, there is an ascertainable class,  
26 composed of the students and faculty members of San Francisco  
27 State College who desire to continue their normal academic  
28 pursuits. All of these individuals have a common interest in  
29 the termination or reduction of demonstrations and other  
30 activities which have disrupted, continued to disrupt, and  
31 for the foreseeable future will continue to disrupt the campus.  
32 However, the size of this class of plaintiffs is so large, amount-  
ing to several thousand different individuals, that it is im-  
practicable, if not impossible, to bring separate actions on behalf  
of all such individuals or to bring them all before the Court.





1 as a nuisance "which affects at the same time . . . any  
2 considerable number of persons, although the extent of the  
3 annoyance or damage inflicted upon individuals may be unequal."  
4 Therefore, acts complained of constitute a public nuisance if  
5 a "considerable number of persons" are affected by them and if  
6 acts themselves fall within the broad definition of nuisance  
7 contained in §3479.

8 An actionable public nuisance must affect rights common  
9 to all those complaining, yet it need not affect or harm every  
10 member of the public. Reinhard v. Lawrence Warehouse Co.,  
11 41 Cal. App. 2d 741, 107 P.2d 501 (1940); Prosser, Torts,  
12 607 (3d Ed. 1964). It is sufficient that the private  
13 individual who maintains an action for a public nuisance has  
14 suffered some special injury. Cal. Civ. Code §3493.

15 Once it has been established that a public right has  
16 been invaded, injury even to a relatively small number of  
17 persons will give rise to a valid claim for relief. Wade v.  
18 Campbell, 200 Cal. App. 2d 54, 19 Cal. Rptr. 173 (1962).

19 Since the class of parties plaintiff involved in this  
20 action amounts to several thousand individuals, the acts of  
21 which plaintiffs complain clearly affect a "considerable number  
22 of persons." If, therefore, the acts of defendant constitute a  
23 nuisance, those acts will be a public nuisance.

24 Cal. Civ. Code §3479 expressly makes the obstruction  
25 of a public park or square a nuisance. No cases have yet  
26 extended this definition to deal with the case of an obstruction  
27 of a campus or school, but the rationale of this aspect of the  
28 Code section is based upon the infringement of easy access to  
29 public places and facilities, and the obstruction of a right to  
30 access to such public places and facilities should be found  
31 to be within the principle of the Code section.

32 Defendants are interfering with the free and unobstructed

1 use of and travel upon public streets and pathways. Historically,  
2 such actions have been deemed to be actionable nuisances.

3 Flavio v. McKenzie, 177 Cal. App. 2d 274, 2 Cal. Rptr. 79 (1960).

4 Kitzman v. Newman, 230 Cal. App. 2d 715, 41 Cal. Rptr. 182 (1964).

5 By virtue of their contract with San Francisco State  
6 College, the plaintiffs who are faculty members possess a right  
7 and a duty to teach the courses for which they have been hired.  
8 Similarly, by virtue of their contract with San Francisco State  
9 College, the plaintiffs who are students possess a right to  
10 attend classes and receive instruction at San Francisco State.  
11 These rights and duties are possessed and used by the plaintiffs  
12 to the exclusion of members of the general public, and they  
13 therefore have ownership of those rights and duties. Cal. Civ.  
14 Code §654. These rights and duties also amount to property.  
15 Ibid. Cal. Civ. Code §3479 clearly states that an interference  
16 with or obstruction of the use of property is a nuisance.

17 The use of loud, offensive, threatening and profane  
18 speech, plus the uncontrolled use of amplifying equipment  
19 by the defendants is offensive to the senses. It creates fear,  
20 annoyance, mental distress, and physical discomfort. Each of  
21 the actions of defendants of which plaintiffs complain herein  
22 increases and intensifies the effect of the noise and words  
23 created by defendants and by those acting in concert with de-  
24 fendants upon the ordinary sensibilities of plaintiffs and of  
25 the general public. Even if the actions of defendants had no  
26 other effect, this offending of the senses would, by itself,  
27 give rise to an actionable nuisance. Prosser, Torts §89  
28 (3d Ed. 1964).

29 Therefore, the acts of defendants and of those acting  
30 in concert with defendants constitute not only a nuisance,  
31 but also a public nuisance.

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III

PLAINTIFFS STANDING TO COMPLAIN  
OF THIS PUBLIC NUISANCE.

Plaintiffs may complain, for they have been injured and the law will provide a remedy. Tucker v. Watkins, 251 Cal. App. 2d 327, 59 Cal. Rptr. 453 (1967). Plaintiff professors have contractually obtained rights and duties with respect to their continued ability to teach classes. Similarly, plaintiff students have obtained contractual rights to attend and to continue to receive classes, instruction, and education at San Francisco State College. Out of these relationships have arisen valuable property rights which are now being infringed by defendants. Unless this court protects the right of plaintiff students freely to attend classes and protects the right of plaintiff faculty members to teach their classes without intimidation and without tortious or illegal interference, both students and members of the faculty will continue to sustain special and irreparable injury. The Courts of this State have granted injunctions to prevent or restrain unjustified interference with contractual relations for many years. Patterson Glass Company v. Thomas, 41 Cal. App. 599, 183 Pac. 190 (1919).

Plaintiffs also have standing to complain of continued interference with their abilities to participate in the academic affairs of San Francisco State College because, without the injunctive relief sought herein, plaintiffs will suffer irreparable injury. Irreparable injury is not a narrow, restrictive term, but it is liberally construed in a manner consistent with the historic function by a court of equity of fashioning a remedy to right the wrongs which have been presented to it. Thus, it was stated in Wind v. Herbert, 186 Cal. App. 2d 276, 285 (1960):

--  
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1 "The concept of "irreparable injury"  
2 which authorizes the interpossession  
3 of a court of equity by way of an  
4 injunction does not concern itself  
5 entirely with injury beyond the possi-  
6 bility of repair or beyond possible  
7 compensation in damages . . . .  
8 Rather, by definition, an injunction proper-  
9 ly issues in any case where "it would be  
10 extremely difficult to ascertain the  
11 amount of compensation which would afford  
12 adequate relief."

13 Furthermore, as the equitable rule was stated by the  
14 California Supreme Court in Anderson v. Sousa, 38 Cal. 2d  
15 825, 834, 243 P.2d 497 (1952), "the term 'irreparable  
16 injury' . . . means that species of damages, whether great  
17 or small, that ought not to be submitted to on the one hand  
18 or inflicted on the other." [Emphasis added] An injunction  
19 properly may be issued to prevent wrongs of a repeated or  
20 continuing nature, for, under these circumstances, the injury  
21 is also deemed to be "irreparable." Christopher v. Jones,  
22 231 Cal. App. 2d 408, 41 Cal. Rptr. 828 (1964).

23 The 9th Circuit stated, in Beacon Theaters v. Westover,  
24 252 F.2d 864 (9 Cir. 1958), rev'd on other grounds 359 U.S.  
25 500 (1959):

26 "[I]t is well settled that where a  
27 defendant engages in conduct calculated  
28 to violate or interfere with a plaintiff's  
29 right of property or of contract, equity will en-  
30 join that conduct in any case in which it appears  
31 that the plaintiff is without an adequate remedy  
32 at law. [Cf. Pomeroy's Equity Jurisprudence  
33 5th Ed. §1338]. And this is true although the  
34 property or contract or other similar rights  
35 which plaintiff seeks to protect may be said to  
36 be legal rights. Furthermore, it is also clear  
37 that the rights which are entitled to protection  
38 of this kind, fall within a vary broad defi-  
39 nition of property or contract rights."

40 The court continued by noting that:

41 "[I]t has long been recognized that a person  
42 having an existing contract for the acquisition  
43 of property or services or other things of  
44 value may have equitable relief by way of in-  
45 junction against a third person who with  
46 knowledge of the contract performs acts designed

1 to induce the breach of the plaintiff's  
2 contract. All that need be proven in  
3 such cases is that the attempted inter-  
4 ference by the third person with plaintiff's  
5 contract and his attempts to induce the  
6 other party to the contract to breach it is  
7 done intentionally."

8 Similarly, courts have issued injunctions to prevent  
9 actions which tend to interfere with admission to various  
10 other establishments. For example, in Nyman v. The Desert  
11 Club, 109 Cal. App. 2d 63, 240 P.2d 37 (1952), the plaintiff  
12 sought an injunction to prevent defendant from interfering  
13 with plaintiff's use of the Desert Club, for which use plaintiff  
14 had previously paid. In Berrien v. Pollitzer, 165 F.2d 21  
15 (D.C. Cir. 1947), the rights of plaintiff not to be excluded  
16 from the headquarters of a political party were protected by  
17 means of an injunction. In both cases, the courts pointed out  
18 that injunctions or other equitable remedies are available  
19 for the protection of rights which, even though they may not  
20 be property in the strict sense of the word, are sufficiently  
21 close to property rights as to be protected by an injunction.

22 Therefore, plaintiffs have an interest which must be  
23 protected by an injunction or temporary restraining order in  
24 order to prevent immediate and irreparable injury. Clearly,  
25 there is no adequate remedy at law for the damages which are  
26 being inflicted upon the plaintiffs by the defendants and by  
27 those acting in concert with the defendants, for no amount of  
28 money can compensate plaintiffs for the losses which they are  
29 sustaining.

30 Historically, equity will not enjoin a crime.  
31 Perrin v. Mountain View Mausoleum Association, 206 Cal. 669,  
32 275 P. 787 47 Cal. 2d 11, 300 P.2d 831 (1956). The rule is now  
33 codified in Cal. Civ. Code §3369. However, there is a common  
34 law exception, also embodied in §3369, which deals with nuisance.

35 ---

1 While §3369 does not expressly provide for an injunctive remedy,  
2 the California Courts recognize the common law exception and  
3 continue to enjoin public nuisance. Ex Parte Wood. 194 Cal. 49,  
4 227 Pac. 908 (1924); Smith v. Collison, 119 Cal. App. 180,  
5 6 P.2d 425 (1934); Tucker v. Watkins, 251 Cal. App. 2d 327, 59  
6 Cal. Rptr. 453 (1967). Civ. Code §3493 states that a private  
7 individual may maintain an action for a public nuisance, provid-  
8 ing it is injurious to him, and this code section contemplates  
9 actions for injunctive relief. Tucker v. Watkins, 251 Cal. App.  
10 2d 327, 59 Cal. Rptr. 453 (1967). The Court states that  
11 an injunction was proper to end a public nuisance but it was  
12 not granted because there was no showing of special injury.

13 V

14 WHAT IS COMPLAINED OF IN THE  
15 SECOND CAUSE OF ACTION  
16 CONSTITUTES A CONSPIRACY

17 The common law defined a criminal conspiracy as an  
18 agreement between two or more persons to achieve an unlawful  
19 end or to achieve a lawful end by unlawful means and evidenced  
20 by an overt act in furtherance of the agreement. Pettibone v.  
21 U.S., 148 U. S. 197 (1893). People v. Cockrall, 63 Cal. 2d  
22 659, 408 P.2d 116, 47 Cal. Rptr. 188 (1965). This has been  
23 codified in California Penal Code Sections 182 and 184.

24 Technically, there is no separate tort known as  
25 "civil conspiracy." However, there is civil liability for  
26 a conspiracy to commit a recognized tort if a wrongful act  
27 in furtherance of the conspiracy is committed and if damage  
28 results therefrom. See, e.g., Neblett v. Elliott, 46 Cal.  
29 App. 2d 294, 115 P.2d 872 (1942). Those who participate in  
30 a conspiracy to commit a tort are liable for the damage caused  
31 in furtherance of the conspiracy as joint tortfeasors. See,  
32 e.g., Greenwood v. Mooradian, 137 Cal. App. 2d 532, 290 P.2d  
955 (1955). See also Globe Dairy Lunch v. Joint Culinary Workers,

1 117 Cal. App. 2d 190, 233 P.2d 94 (1953), where demonstrators  
2 gathering to commit a misdemeanor were found to have committed  
3 a civil conspiracy.

4 In the instant case, plaintiffs are informed and believe  
5 that defendants have formed an agreement among each other to  
6 commit various torts. Not only have defendants committed acts  
7 in furtherance of this conspiracy, but damage has in fact been  
8 sustained by plaintiffs and by others, so that an actionable  
9 conspiracy is in existence at this time.

10 VI

11 PLAINTIFFS HAVE STANDING TO  
12 COMPLAIN OF THIS CONSPIRACY

13 An individual may bring an action based upon a civil  
14 conspiracy if he shows that some right of his has been violated  
15 by wrongful acts committed by the defendants as a result of  
16 the formation of the conspiracy and as a result of the operations  
17 connected with and in furtherance of the conspiracy. Dickenson  
18 v. Samples, 104 Cal. App. 2d 311, 231 P.2d 531 (1951). Jones  
19 v. American President Lines, 149 Cal. App. 2d 319, 308 P.2d  
20 393 (1957).

21 Each conspirator in a civil conspiracy is jointly and  
22 severally liable for damages arising out of actions in furtherance  
23 of the conspiracy. Prince v. Harting, 177 Cal. App. 2d 720,  
24 2 Cal. Rptr. 545 (1960).

25 VII

26 THE COURTS OF CALIFORNIA  
27 WILL ENJOIN A CONSPIRACY.

28 Under case law of this State and under the principles  
29 hereinabove discussed for the issuance of an injunction,  
30 plaintiffs who have been injured and will immediately, seriously  
31 and irreparably be injured may secure an injunction for a  
32 conspiracy. One recent California case issuing an injunction



1 against a conspiracy noted:

2 [T]here is ample authority to support  
3 the validity of a suit to enjoin persons  
4 who are aiding and abetting the commission of  
5 unlawful acts. If the facts presented in  
6 the affidavits of the prevailing party indicate  
7 that a conspiracy can be inferred from the  
8 nature of the acts done, the relations of the  
9 parties, the interest of alleged conspirators  
and other circumstances, a preliminary in-  
junction may issue. (Globe Dairy Lunch v. Joint  
Cullinary Workers (1953), 117 Cal. App. 2d  
190, 193, 194, 255 P.2d 94; and see, also,  
Securities and Exchange Commission v. Time  
Trust, Inc. (1939 D.C., 28 F. Supp. 34.)

10 People v. Arthur Murray, Inc., 238 Cal. App. 2d 333, 341 (1965).

11 The mere fact that the conduct against which the injunction  
12 is sought is a criminal act, will not prevent the intervention  
13 of equity, where there is presented a clear case justifying  
14 equitable relief. People v. Lim, 18 Cal. 2d 872, 118 P.2d  
15 472 (1941).

16 In City of Los Angeles v. Los Angeles Building &  
17 Construction Trades Council, 94 Cal. App. 2d 36, 210 P.2d  
18 305 (1949), the Court was concerned with an action to enjoin  
19 the defendants from striking, picketing, or engaging in other  
20 concerted actions. Here, the Court said:

21 [I]llegality of purpose provides a  
22 complete basis for injunctive relief  
23 against conduct which would otherwise be  
24 deemed a permissible exercise of fundamental  
25 rights. Where such illegality consists of  
26 violations of settled public policy, as well  
as in the cases of other illegal conduct,  
the injured party has a right to be protected  
from the imminent harmful consequences of such  
action. 94 Cal. App. 2d at 42, 43.

27 Therefore, this Court, sitting as a court of equity,  
28 has the right and the power to issue an injunction to protect  
29 the rights of plaintiffs herein and to prevent the violation  
30 of fundamental public policies.

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VIII

THE DAMAGE TO THE PLAINTIFF IS  
IMMEDIATE AND IRREPARABLE AND  
THEREFORE DESERVING OF A TEMPORARY  
RESTRAINING ORDER.

The Code of Civ. Proc. §527, as amended, allows a Court to grant a temporary restraining order, without notice to the other party, if it appears from the facts in the affidavits that great or irreparable injury will result to the applicant before the matter can be heard on notice.

Since the purpose of a temporary restraining order and a preliminary injunction is to preserve the status quo in the face of immediate and irreparable injury, Wind v. Herbert, 186 Cal. App. 2d 276, 8 Cal. Rptr. 817 (1960), it would seem that upon such a showing, relief would be given.

In Wilms v. Hand, 101 Cal. App. 2d 811, 226 P.2d 728 (1951), the Court discussed the policy of "balancing of the equities." In discussing this principle, the Court noted that a temporary injunction should issue if the plaintiffs can show immediate, certain and great injury if the injunction is denied, while defendants correspondingly will suffer only a slight loss if the injunction is granted. That there is great injury to both classes of plaintiffs in the instant case as a direct and proximate result of the continued conduct of defendants is undeniable, particularly since examinations are now in process at San Francisco State College. The burden placed upon defendants by the issuance of the order and injunction appears comparatively minimal.

When considering the great injury to the plaintiffs and the probability of continuance of disruptions at San Francisco State College, the need for a temporary restraining order becomes more evident. In Fretz v. Burke, 1947 Cal. App. 2d 741, 55 Cal. Rptr. 879 (1967), the Court stated that an

1 injunction is preventive, and that it may therefore be granted  
2 as to past acts if there is evidence that will probably reoccur.

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IX

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THE TEMPORARY RESTRAINING ORDER  
REQUESTED HEREIN MAY VALIDLY BE  
ISSUED IN THIS PROCEEDING AND IS  
NOT AN INFRINGEMENT UPON THE  
RIGHTS OF DEFENDANTS UNDER THE  
FIRST AMENDMENT.

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Individuals may picket and demonstrate in a peaceful  
9 manner in order to publicize their disputes or grievances  
10 effectively, but they have no right physically to obstruct  
11 entrances or driveways. San Diego Gas & Electric Co. v.  
12 San Diego Congress of Racial Equalify, 241 Cal. App. 2d 405,  
13 50 Cal. Rptr. 688 (1966). Chrisman v. Culinary Workers' Local,  
14 46 Cal. App. 2d 129, 115 P.2d 558 (1941).

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Moreover, an injunction may be issued to restrain  
picketing or demonstrating when accompanied by violence, force, or  
intimidation. Milk Wagon Drivers Union v. Meadowmoor Dairies,  
312 U.S. 287 (1940).

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The right of free speech on behalf of  
unpopular causes does not carry with it a li-  
cense to make the streets ideological battle-  
grounds, to indulge in demonstrations based  
on strong-arm techniques or to deny others  
the use of the streets for normal movement  
or passage. Free speech is not an absolute  
right but one subject to specified limitations.  
Konigsberg v. State Bar of California, 366 U.S.  
(1961).

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The time, manner and place for the expression of ideas  
in the street whether by speaking, demonstrating, or picketing  
are subject to regulation and control by the police in the  
process of maintaining public order. People v. Huss, 241  
Cal. App. 2d 361, 51 Cal. Rptr. 56 (1966).

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In Goldberg v. Regents of the Univ. of California,

1 248 A.C.A. 1015, 57 Cal. Rptr. 463 (1967), the Court said:

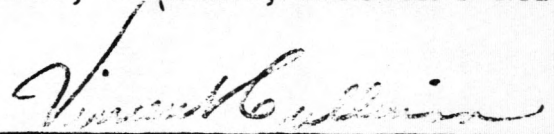
2 Their argument has a major unarticulated  
3 premise that since their purpose was to  
4 protest they had a constitutional right to  
5 do so whenever, however, and whatever they  
6 pleased. That concept of constitutional  
7 law was vigorously and forthrightly rejected  
8 by the United States Supreme Court . . . .  
9 On the other hand, general regulatory statutes  
10 not intended to control the content of speech  
11 but incidentally limiting its unfettered  
12 exercise, have not been regarded as the type  
13 of law the First and Fourteenth Amendment forbade  
14 Congress or the States to pass, when they have  
15 been found justified by subordinating valid  
16 governmental interests, a prerequisite to con-  
17 stitutionality which has necessarily involved  
18 a weighing of the governmental interests in-  
19 volved. [Emphasis added]

20 Thus, reasonable restrictions on the freedoms  
21 of speech and assembly are recognized in  
22 relation to public agencies that have a valid  
23 interest in maintaining good order and proper  
24 decorum (American Civil Liberties Union, etc.  
25 v. Board of Education 59 Cal. 2d 203, 212,  
26 28 Cal. Rptr. 700, 379 P.2d 4). Conduct,  
27 even though intertwined with expression  
28 and association are subject to regulation  
29 (Adderley, et al. v. Florida; Cox v. State  
30 of Louisiana, Supra.)

31 Complainants, by this cause of action, seek to  
32 restrict only the time, place, and manner in which defendants  
33 picket, demonstrate or otherwise seek to express their views.  
34 Plaintiffs in no way seek to restrict the free expression of  
35 ideas in consonance with the rights of defendants under the  
36 Constitution. The temporary restraining order and injunction  
37 sought herein are consistent with the First Amendment to the  
38 Constitution.

39 CUSHING, CULLINAN, HANCOCK & ROTHERT

40 BY



Vincent Cullinan

41 Attorneys for Plaintiffs

1/29

T.R.O.

1 CUSHING, CULLINAN, HANCOCK & ROTHERT  
 100 Bush Street, Suite 1600  
 2 San Francisco, California 94104  
 Telephone: 415 - 931-5550  
 3 Attorneys for Plaintiffs

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

LAURENCE DOWD, HAROLD L. HOLLINGSWORTH,  
 ROBERT LUALHATI, GORDON M. SEELY,  
 WILLIAM R. WARD, HARVEY E. WILLIAMS,  
 ARTHUR MEJIA, JR. and GERALD B. WYNESS,  
 on behalf of themselves and all others  
 similarly situated,  
 Plaintiffs,  
 vs.  
 STUDENTS FOR A DEMOCRATIC SOCIETY,  
 also known as SDS, an unincorporated  
 association; TODD A. GILLIN, indivi-  
 dually and as an officer of said SDS;  
 GORDON DIMARCO, individually and as an  
 officer of said SDS; HOWIE FORMAN,  
 individually and as an officer of said  
 SDS; ELENA DILLON, individually and as  
 an officer of said SDS; BLACK STUDENTS  
 UNION, also known as BSU, an unincor-  
 porated association; BRIDGES RANDALL,  
 individually and as an officer of said  
 BSU; JACK H. ALEXIS, individually and  
 as an officer of said BSU; LEROY GOODWIN,  
 individually and as an officer of said  
 BSU; JERRY VANARDO, individually and as an  
 officer of said BSU; BENNY STEWART,  
 individually and as an officer of said  
 BSU; NATHAN HARE, individually and as  
 an officer of said BSU; GLORY LOWERY,  
 individually and as an officer of said  
 BSU; THIRD WORLD LIBERATION FRONT,  
 also known as TWLF, an unincorporated  
 association; HARI DILLIN, individually  
 and as an officer of said TWLF; ROGER  
 ALVARADO, individually and as an officer  
 of said TWLF; ORGANIZATION OF STUDENT  
 LIBRARY EMPLOYEES, also known as OSLE,  
 an unincorporated association; STEPHEN  
 LEE, individually and as an officer of  
 said OSLE; ROGER THOMPSON, individually  
 and as an officer of said OSLE; BLACK  
 PANTHER PARTY, an unincorporated  
 association; GEORGE MASON MURRAY,  
 individually and as an officer of said  
 BLACK PANTHER PARTY; BEN STEWART,

No. 599912

ORDER FOR  
 TEMPORARY RESTRAININ  
 ORDER AND ORDER TO  
 SHOW CAUSE

1 individually and as an officer of said )  
BLACK PANTHER PARTY; PEACE AND FREEDOM )  
2 PARTY, an unincorporated association; )  
BILL HANKIN, individually and as an )  
3 officer of said PEACE AND FREEDOM PARTY; )  
COMMUNITY STRIKE SUPPORT COALITION, )  
4 an unincorporated association; HELEN )  
COOK, individually and as an officer )  
5 of said COMMUNITY STRIKE SUPPORT )  
COALITION; LARRY HYINK, individually )  
6 and as an officer of said COMMUNITY )  
STRIKE SUPPORT COALITION; UNITED LATIN )  
7 FOR JUSTICE, an unincorporated association; )  
VICTOR MARTINEZ, individually and as an )  
8 officer of said UNITED LATIN )  
FOR JUSTICE; )  
9 MEXICAN-AMERICAN POLITICAL ASSOCIATION, )  
also known as MAPA, an unincorporated )  
association; MILTON ORTEGA, individually )  
10 and as an officer of said MAPA; LA CAUSA, )  
an unincorporated association; ARMANDO )  
11 VALDEZ, individually and as an officer )  
of said LA CAUSA; CHINESE FOR SOCIAL )  
12 ACTION, an unincorporated association; )  
MASON WONG, individually and as an )  
13 officer of said CHINESE FOR SOCIAL )  
ACTION; YOUNG SOCIALIST ALLIANCE, an )  
14 unincorporated association; HELEN )  
MEYERS, individually and as an officer )  
15 of said YOUNG SOCIALIST ALLIANCE; )  
FRIENDS OF THE IRISH REPUBLICAN ARMY, )  
16 an unincorporated association; VINCENT )  
O'LEARY, individually and as an officer )  
17 of said FRIENDS OF THE IRISH REPUBLICAN )  
ARMY; STRIKE SUPPORT ORGANIZING COMMITTEE, )  
18 an unincorporated association; JIM )  
GILLETT, individually and as an officer )  
19 of said STRIKE SUPPORT ORGANIZING )  
COMMITTEE; HOWARD COHEN, individually )  
20 and as an officer of said STRIKE SUPPORT )  
ORGANIZING COMMITTEE; ASSOCIATED )  
21 STUDENTS OF SAN FRANCISCO STATE, an )  
unincorporated association; JOHN WEBB, )  
22 individually and as an officer of said )  
ASSOCIATED STUDENTS OF SAN FRANCISCO )  
23 STATE; DONALD RAY SMOTHERS; WILLIAM )  
STANTON; EUGENE MARTINEZ; RAYMOND )  
24 HAMILTON; BRUCE HARTFORD; TIM COATES; )  
DR. DICK FEIN; DALE HUGHES; JOHN )  
25 CLEVELAND; CECIL WASHINGTON; ANITA )  
PALM; ARNOLD TOWNSEND; DAVID MILLER; )  
26 RALPH ANSPACK; AL WONG; TONY MIRANDA; )  
DIANA LOPEZ; ALEX SEVIA; ROSA HIGGS; )  
27 RON VARNEY; EUGENE MARCHI; ELAINE )  
PLAISANCE; DR. CARLETON )  
28 )  
29 /// )  
30 /// )  
31 /// )  
32 /// )

1 GOODLETT; FIRST DOE ASSOCIATION through )  
FIFTIETH DOE ASSOCIATION, unincorporated )  
2 associations; FIRST DOE COMMITTEE through )  
FIFTIETH DOE COMMITTEE, unincorporated )  
3 associations; FIRST DOE CORPORATION through )  
FIFTIETH DOE CORPORATION, corporations, and )  
4 FIRST DOE THROUGH ONE THOUSANDTH DOE, )  
individually and as members of FIRST DOE )  
5 ASSOCIATION through FIFTIETH DOE ASSOCIA- )  
TION, FIRST DOE COMMITTEE through FIFTIETH )  
6 DOE COMMITTEE, and/or FIRST DOE CORPORA- )  
TION through FIFTIETH DOE CORPORATION, )  
7 )  
Defendants. )  
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1           Upon reading the verified complaint of plaintiffs  
2 and the supporting declarations in this action, it appears to  
3 the satisfaction of the Court from said complaint that this is  
4 a proper case for the issuance of a temporary restraining order  
5 and that, unless the temporary restraining order prayed for in  
6 said complaint be granted, great and irreparable injuries will  
7 result to plaintiffs before this matter can be heard on notice.

8           NOW, THEREFORE, IT IS HEREBY ORDERED that, pending  
9 the hearing on the hereinafter mentioned order to show cause,  
10 the defendants, and each of them, and their officers, agents,  
11 representatives, members, employees, deputies, servants, and  
12 pickets, and each and all of the members of defendant unincorpor-  
13 ated associations, and all persons having or in any manner re-  
14 ceiving knowledge of this order, and all persons acting in aid  
15 or in conjunction with defendants, and each of them, are  
16 enjoined and restrained from directly or indirectly engaging in  
17 or conducting any of the following acts:

18           1. Obstructing in an unlawful manner any entrance to  
19 or exit from the campus of San Francisco State College or the  
20 sidewalks, pathways, or streets thereon;

21           2. Unlawfully massing, demonstrating or marching  
22 anywhere on the campus of San Francisco State College or the  
23 sidewalks, pathways, or streets thereon.

24           3. Unlawfully obstructing any entrance to or exit  
25 from the buildings on the campus of San Francisco State College;

26           4. Unlawfully obstructing any entrance to or exit  
27 from any room, office, auditorium, passageway, or area within  
28 any building on the campus of San Francisco State College;

29           5. Stationing, placing or maintaining in excess of  
30 five (5) pickets at any one time at any entrance to the campus  
31 of San Francisco State College; provided, however, that such  
32 pickets must maintain not less than five (5) foot intervals





SUMMONS  
1/30

Name, Address and Telephone No. of Attorney (s)

Space Below for Use of Court Clerk Only

CUSHING, CULLINAN, HANCOCK & ROTHERY  
100 Bush Street  
San Francisco, California 94104  
Telephone: 981-5550

Attorney (s) for Plaintiff (s)

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE CITY AND COUNTY OF SAN FRANCISCO

10 LAURENCE DOWD, HAROLD L. HOLLINGSWORTH,  
ROBERT LUALHATI, GORDON M. SEELY,  
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ARTHUR MEJIA, JR. and GERALD B. WYNESS,  
12 on behalf of themselves and all others  
similarly situated,

No. 599912

13 Plaintiffs,

vs.

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 TION through FIFTIETH DOE CORPORATION, )  
 7 )  
 Defendants. )  
 8 \_\_\_\_\_ )

PEOPLE OF THE STATE OF CALIFORNIA to the above named

Defendant(s):

You are directed to file with the Clerk of this Court a written pleading in response to the Complaint in an action brought against you by the above named plaintiff(s) in the Superior Court of the State of California for the City and County of San Francisco, within ten days after the service on you of this Summons, if served within the City and County of San Francisco, or within thirty days if served elsewhere, except that if the action is against the state pursuant to Section 783.5 of the Code of Civil Procedure, within 180 days, and you are notified that unless you file a written responsive pleading to the Complaint as above required, the plaintiff(s) will take judgment for any money or damages demanded in the Complaint, as arising upon contract, or will apply to the Court for any other relief demanded in the Complaint.

You may seek the advice of an attorney on any matter connected with the complaint or this summons. Such attorney should be consulted within the time limit stated in this summons for filing a written pleading to the complaint.

Dated \_\_\_\_\_



(SEAL)

MARTIN MORGAN, Clerk

By R. J. HARE, Deputy Clerk

Answers, demurrers and all other pleadings, must be in writing, in form pursuant to rule of court, ACCOMPANIED WITH THE NECESSARY FEE, and filed with the Clerk of this Court, and should be accompanied by proof of service of a copy thereof on plaintiff or his attorney.

A pleading is a formal allegation of a claim or defense (Section 420 Code of Civil Procedure). It must be typewritten or printed on legal size opaque white paper with numbered lines, bound at the top, numbered consecutively at the bottom. (Rule 201, Rules for the Superior Courts).

(See reverse side for Proof of Service)

**DECLARATION OF SERVICE**

I, the undersigned, hereby state: That I was, at the time of the service of the papers herein referred to over the age of eighteen years and not a party to the within entitled action; I served the within summons by delivering to and leaving with the person or persons personally, hereinafter named, a copy thereof, together with a copy of the complaint therein mentioned, at the address and on the date set forth opposite each name of said person or persons, in the County of \_\_\_\_\_ State of California, to-wit:

Name of Defendants Served	City and Street Address	Date of Service
---------------------------	-------------------------	-----------------



I further state that there appeared on the copy of the summons that was served the notice or notices checked below:

- (CORPORATION) A notice that the person upon whom service was made was served on behalf of said corporation under the provisions of Section 411 of the Code of Civil Procedure, as required by Section 410 of said Code.
- (PARTNERSHIP OR OTHER UNINCORPORATED ASSOCIATION.) A notice that the person upon whom service was made was served on behalf of a partnership or other unincorporated association under the provisions of Section 411 of the Code of Civil Procedure, as required by Section 410 of said Code.
- (DUAL CAPACITY) The notice also indicated that the person upon whom service was made was served as an individual as well as on behalf of the corporation or associates conducting a business under a common name, as required by Section 410 of said Code.
- (FICTITIOUS NAME) A notice of identity endorsed on the face of the copy of such summons as required by Section 474 of the Code of Civil Procedure.

My fees for service are: \$ \_\_\_\_\_ for \_\_\_\_\_ miles actually traveled at \_\_\_\_\_ cents per mile,

\$ \_\_\_\_\_, Total, \$ \_\_\_\_\_,

Executed on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, California.

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

\_\_\_\_\_  
(Signature of Declarant)

*\*If service is upon a corporation, partnership, or association, state its name and the name of official title of person to whom copy of within is delivered.*