

Electronically FILED by Superior Court of California, County of Los Angeles on 08/22/2019 12:36 PM Sherri R. Carter, Executive Officer/Clerk of Court, by K. Vargas, Deputy Clerk

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7
8 David Abrams, IN PRO PER

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 David Abrams,	)	Case No.: 19STCP03648
)	
12 Plaintiff(s),	)	COMPLAINT FOR DECLARATORY AND
	)	INJUNCTIVE RELIEF AND VERIFIED
13 vs.	)	PETITION FOR WRIT OF MANDATE
)	
14 Regents of the University of California	)	DATE:
	)	TIME:
15 Defendant(s).	)	DEPT:
)	
16	)	Judge:
17	)	Dept:
	)	Action Filed:
18	)	Trial Date:
19)	

20 This is a lawsuit to enforce the right to inspect public records pursuant to Article I, Section 3
21 of the California Constitution and the California Public Records Act ("CPRA"), Cal. Gov't Code
22 Section 6250 et seq.

23 Plaintiff, David Abrams, requested records from Defendant Regents of the University of
24 California (the "University") regarding a controversial conference which was held at UCLA in
25 November 2018 by a group known as "Students for Justice in Palestine" ("SJP") which has hosted,
26 supported, and otherwise associated with persons who are known terrorists.

27 At the time of the conference, Chancellor Block announced that he would permit the
28 conference to go forward as part of his commitment to "open debate." Now, after nine months of

1 obstruction and delay, the University has decided that it will not release the names of the speakers
2 and presenters at this conference which took place on University property. Not only does this
3 completely violate the "open debate" principle which was used to justify having the conference in
4 the first place, it denies the public the opportunity to investigate whether SJP continues to host
5 terrorists and whether the University is complicit in such misbehavior.

6 The University's stated justification for withholding the records is a fear of "blacklisting"
7 and "harassment" of the speakers and presenters by organizations such as Canarymission.org.
8 Although Plaintiff does not work for Canary Mission, it is worth noting that to Plaintiff's
9 knowledge, there is one and only one incident involving a person who suffered adverse employment
10 consequences of such a publication:

11 A physician named Dr. Lara Kollab was found to have announced on Twitter that she
12 intended to give the wrong medication to Jewish patients. As a result of Canary Mission's
13 publication of this tweet, Dr. Kollab lost her job. Thus, it is individuals like Dr. Kollab which the
14 University apparently wishes to protect.

15 Accordingly, and as set forth in more detail below, the University should be directed to turn
16 over the records at issue.

17 **Jurisdiction & Venue**

18 1. This Court has jurisdiction under Cal. Gov't Code Section 6258 and Cal. Civ. Proc. Code
19 Sections 1060 and 1085.

20 2. Venue is proper in this Court pursuant to Cal. Gov't Code Section 6259.

21 **Parties**

22 3. Plaintiff David Abrams ("Abrams") is a political activist and an attorney in New York, New
23 York. (Abrams is NOT admitted to the practice of law in California and therefore this proceeding
24 is being filed pro se.) Part of Abrams' work is to investigate organizations which receive USAID
25 funding to determine whether they are in compliance with the anti-terrorism certifications such
26 organizations must execute as a condition to receiving such funding. For example, Abrams initiated
27 a whistleblower complaint in 2015 against a Scandinavian NGO which resulted in USAID reaching
28 a \$2 million counter-terrorism settlement against the organization in question.

1 4. The University is a public university located in California which, upon information and
2 belief, receives or received funding from the USAID program.

3 Factual Allegations

4 **I. Background: The SJP Conference and Support of Terrorism**

5 1. In 2018, news came out that the University would be hosting a conference for Students for
6 Justice in Palestine ("SJP").

7 2. SJP is known to have supported, hosted, or otherwise associated with terrorists in the last
8 few years. For example, in 2012, SJP hosted an individual named Khader Adnan by video feed.
9 Mr. Adnan is a leader of Palestinian Islamic Jihad, a U.S.-designated terrorist organization.

10 3. Similarly, in 2015 SJP hosted Rasmia Odeh who is associated with the Popular Front for the
11 Liberation of Palestine, another U.S.-designated terrorist organization.

12 4. Upon information and belief, the University has received grants from the USAID program
13 and thus regularly must certify to the Department of State that it does not provide material support
14 (broadly defined) to anyone associated with terrorism.

15 5. Accordingly, on or about November 5, 2018, Abrams sent a letter to the University advising
16 the University that its hosting of the SJP conference may be jeopardizing its eligibility for USAID
17 grants.

18 6. In response, the University advised Abrams that it was in compliance with such
19 requirements because it had checked all 65 conference presenters to make sure they were not on the
20 Treasury Department blocked person list and a couple other sources. A copy of the letter is
21 attached hereto as Exhibit 1.

22 7. Although the University deserves credit for making a minimal effort to comply with its
23 obligation, the certifications at issue make clear that in addition to those checks, the University must
24 consider "all public information that is reasonably available."

25 8. This additional requirement is important. For example, Mr. Khader Adnan -- who is
26 apparently a leader of Palestinian Islamic Jihad -- is not on the Treasury Department list but his
27 affiliation can be discovered through a simple internet search. If the University hosted Mr. Khader
28 Adnan as a speaker in 2018, then it would potentially be a violation of its legal obligations.

1 9. Thus, there is a strong public interest in the public learning the names of the presenters of
2 the SJP event. Based on history, there is a decent likelihood that SJP hosted actual terrorists on
3 University property and the University would have allowed it to happen because it failed to check
4 reasonably available public information.

5 **II. The Freedom of Information Request**

6 10. Accordingly, Abrams served a freedom of information request on the University seeking,
7 inter alia, documents sufficient to disclose the names of the individuals who spoke at the SJP
8 conference. A copy of the request is attached hereto as Exhibit 2.

9 11. It should be noted that in its official statement, made on November 13, 2018, regarding the
10 SJP Conference, the University cited "commitment to open debate" in deciding to host the
11 conference. A copy of the statement is attached hereto as Exhibit 3.

12 12. Thus, Abrams fully expected the University to supply the names of the individuals who had
13 made public presentations as part of this so-called "open debate."

14 13. Unfortunately, after lengthy delay, the University refused to supply this information citing a
15 fear of "harassment" and "endangerment" and "internet blacklists" on web sites such as
16 canarymission.org. A copy of the letter in which the University refused to supply this information
17 is attached hereto as Exhibit 4.

18 14. In reality, it would appear that not a single person has lost their job or otherwise been
19 endangered as a result of being listed on the Canary Mission web site, with one exception as
20 follows:

21 15. The exception to this is a medical doctor named Dr. Lara Kollab. Dr. Kollab had announced
22 on Twitter that she intended to purposefully give the wrong medicines to her Jewish patients.
23 Canary Mission discovered the Tweet and publicized it; shortly thereafter Dr. Kollab was dismissed
24 from employment. (See Exhibit 5). Thus, this is the type of person that the University is attempting
25 to protect from so-called "harassment." While conveniently preventing the public from investigating
26 connections between the University and terrorism.

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1 16. In any event, the University's argument is foreclosed by the case of CBS Inc. v. Block, 42
2 Cal.3d 646 (1986). In CBS, the California Supreme Court held that "[a] mere assertion of possible
3 endangerment does not 'clearly outweigh' the public interest in access to the[] records." Id. at 652.

4 17. It should be noted that the records in the CBS case showed who was in possession of
5 firearms licenses. A far stronger argument can be made that such records should be kept
6 confidential than the records at issue here: Records which show the identities of presenters at a
7 conference which the University touted as "open."

8 **Claims for Relief**

9 **Count I: Violation of the California Constitution and the California Public Records Act**

10 18. The preceding allegations are incorporated as if restated herein.

11 19. The California Constitution, Art. I, § 3(b)(1), declares that "[t]he people have the right of
12 access to information concerning the conduct of the people's business, and, therefore, the meetings
13 of public bodies and the writings of public officials and agencies shall be open to public scrutiny."

14 20. The CPRA, Cal. Gov't Code § 6250, declares that "access to information concerning the
15 conduct of the people's business is a fundamental and necessary right of every person in this state."

16 21. The CPRA provides, Cal. Gov't Code § 6253(a), that "[p]ublic records are open to
17 inspection at all times during the office hours of the state or local agency and every person has a
18 right to inspect any public record, except as hereafter provided."

19 22. The University's asserted public interest in nondisclosure is outweighed by the
20 constitutional right to the information. California Constitution, Art. I, § 3(b)(1). Furthermore, the
21 public has an interest in disclosing these specific documents because the public has a right to
22 investigate whether the University is adequately meeting its legal and contractual obligations to
23 refrain from supporting terrorists. Further, the public has a right to the "open" debate promised by
24 the University by learning the identities of the persons presenting at conferences on University
25 grounds.

26 23. Moreover, these public interests are not "clearly outweighed" by the University's speculation
27 about harassment and blacklisting.

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Prayer for Relief

Wherefore, Plaintiff respectfully prays that this Court

Issue a writ of mandate directing the University to comply fully and without further delay with the California Public Records Act and to furnish Plaintiff all public documents meeting the description in his requests;

In the alternative, issue an order to Defendant to show cause why the court should not issue such a writ and thereafter issue a peremptory writ compelling Defendant to perform its public duty as set forth above;

Declare that Defendant has violated Plaintiff's rights under the California Constitution, Art. I, § 3, and under Cal. Gov't Code § 6250 et seq., by failing to produce the requested documents;

Enter judgment in Plaintiff's favor for nominal damages;

Award Plaintiff reasonable attorneys' fees and costs as authorized and to the extent permissible by Cal. Gov't Code § 6259, and;

Order such additional relief as the Court may deem just and proper.

Respectfully submitted,



DATED: August 22, 2019

David Abrams
In Pro Per


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Verification

I, David Abrams, have read the foregoing Complaint for Declaratory and Injunctive Relief and Verified Petition for a Writ of Mandate under the California Public Records Act. The same is true of my own knowledge, except as to matters stated therein on information and belief and as to them I believe them to be true.

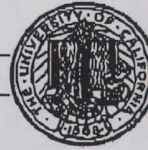
I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York on August 22, 2019.



David Abrams

Exhibit 1



OFFICE OF THE CHANCELLOR
BOX 951403
LOS ANGELES, CALIFORNIA 90095-1405

November 14, 2018

Direct Phone: (310) 825-2284
Facsimile: (310) 206-2390
Email: ablum@conct.ucla.edu

Via Facsimile (212-897-5811)

David Abrams
Executive Director
Zionist Advocacy Center
305 Broadway Suite
New York, NY 10007

Dear Mr. Abrams,

On November 6, 2018, we received your letter regarding the National Students for Justice in Palestine ("NSJP") conference to be held at UCLA.¹ In that letter, you assert that UCLA's federal funding may be in jeopardy for permitting the NSJP annual conference to proceed at UCLA. You base this assertion on the argument that UCLA may be in violation of an anti-terrorism certification issued in connection with the receipt of federal funding. You argue that NSJP is associated with terrorism and allowing it to hold a conference at our campus violates the certification against providing material support to individuals or entities that participate in terrorist acts.

The USAID certification from June 7, 2018, provides that to comply with the certification requirements, the Recipient may verify that the individual or entity does not appear on the matter list of Specially Designated Nationals and Blocked Persons which is maintained by OFAC, or is not included in any supplementary information concerning prohibited individuals or entities that may be provided by USAID to the Recipient. See, Part 1 (4)(2)(a) <https://www.usaid.gov/sites/default/files/documents/1868/303mav.pdf>. It further states that the Recipient will verify that the individual or entity is not listed on the United Nations Security sanctions committee list available online at the Committee's website. *Id.* Part 1 (4)(2)(b).

UCLA has engaged in appropriate due diligence on NSJP and all of the keynote speakers, panelists, and workshop presenters (65 individuals) anticipated for the NSJP conference and none is on the United Nations Sanctions list or the Treasury Department's Blocked Persons list. Additionally, we have confirmed that there are no open federal investigations. Nor are any listed as Foreign Terrorist Organizations.

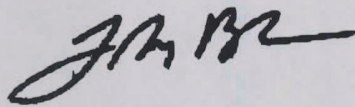
¹ Your letter was erroneously dated January 22, 2018 (attaching an article from April 2018 so clearly an error in the date).

Mr. Abrams
November 14, 2018
Page 2 of 2

Therefore, we have concluded that any certification of compliance remains fully intact and federal funding is not at risk by permitting the NSJP conference to proceed on our campus.

We appreciate your reaching out to our campus to express your concerns. The University values input from the community as we support our students' efforts to engage in free and open dialogue on controversial and challenging topics.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Amy Blum', written in a cursive style.

L. Amy Blum, Esq.
Managing Campus Counsel

Exhibit 2

From: **David Abrams** <dnabrams@wjlf.org>
Date: Thu, Nov 15, 2018 at 2:15 PM
Subject: Freedom of Information Request
To: <uclarecordsmanagement@finance.ucla.edu>
Cc: <ablum@conct.ucla.edu>

I respectfully request the opportunity to inspect and photocopy the following documents:

- (1) Documents sufficient to identify the 65 keynote speakers, panelists, and workshop presenters referred to in the attached letter;
- (2) All contracts concerning the Students for Justice in Palestine conference being held at UCLA in 2018; and
- (3) All e-mails and other correspondence to and from any Students for Justice in Palestine organization concerning the same conference.

Thank you for your attention to this matter.

Dave Abrams

David Abrams, Executive Director
Zionist Advocacy Center
305 Broadway Suite 601
New York, NY 10007

212-897-5821 dnabrams@wjlf.org

Exhibit 3

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Chancellor Block: Why the controversial Students for Justice in Palestine conference will go on at UCLA

Affording a group its constitutional rights should not be perceived as an institutional endorsement of the group's message

Gene Block | November 13, 2018



UCLA
Gene Block

This [op-ed](#) appeared in the Los Angeles Times.

Our polarized era tests the resolve of those, like me, who lead a university. We urge our students to engage in reasoned debate, but the rancor of the times may turn dialogue on contested topics into a minefield. The Israeli-Palestinian conflict has been among the most volatile issues at UCLA, but that volatility cannot prevent us from addressing it.

This weekend, Students for Justice in Palestine, one of 1,200 UCLA student organizations, plans to host a national conference on our campus. Some students, community members and even the Los Angeles City Council, concerned by anti-Semitic statements made by some SJP members around the country, have demanded that UCLA cancel the event. In the weeks since the mass shooting at Tree of Life Synagogue in Pittsburgh, those calls to cancel only increased. The conference, however, will go on, and it is important to explain why.

On both routine academic matters and controversial issues, the overwhelming majority of university leaders — and that includes me — strive to preserve the rights of all sides to speak and be heard. At the same time, we recognize the often existential impact of emotionally charged debates about issues like the Mideast conflict, immigration, affirmative action and abortion. Preserving the right to speak about such issues does not validate the content of that speech. All too often affording a group their constitutional rights is falsely perceived as an institutional endorsement of their message.

In this case, I have fundamental disagreements with SJP, which has called for boycott against and divestment in Israel, actions that stigmatize that nation and label it a pariah state. The

attempt to ostracize Israeli thinkers, and to declare off-limits even discussion with Israeli academics runs contrary to the values of inclusion, debate and discussion that are crucial to any university.

Those values underpin the University of California's "Principles Against Intolerance," adopted in 2016. Even though our nation's laws protect speech tainted by bias, stereotypes, prejudice and intolerance, the principles stress the need for mutual respect during debate in order to advance UC's mission. The principles also warn about the dangers of anti-Semitic forms of anti-Zionism, in which criticism of Israel morphs into hostility against Jewish people.

When SJP announced its intention to hold its national conference at UCLA, the university recognized its legal right to do so. Much of what will be said at that conference may be deeply objectionable — even personally hurtful — to those who believe that a complex conflict is being reduced to a one-sided caricature, or see a double standard that demonizes the world's only Jewish state while other countries receive less condemnation for dreadful behavior. Indeed, there is fear among some that the conference will be infused with anti-Semitic rhetoric.

There is no easy way to resolve that discomfort. It remains an awkward reality that our constitutional system, and democracy's **commitment to open debate**, demand that Americans allow speech we may oppose and even defend the rights of those who might not defend ours. That proud, yet difficult, tradition goes back to John Adams serving as lawyer for the British soldiers accused of the Boston Massacre. It also extends to our colleges and universities today.

I am disturbed by the rising tide of anti-Semitism in the United States and the world. I believe every American must condemn the religious bigotry and racial animus that too often infects our politics. Ultimately, we must combat speech that is distasteful with more and better speech. If universities can find ways to rise above the current rancor and if our students in particular can model our values, then that may well provide the very best hope for our future.

Tags: [opinion](#) | [Chancellor Gene Block](#) | [university news](#)

Exhibit 4



INFORMATION PRACTICES
10920 WILSHIRE BOULEVARD, SUITE 107
LOS ANGELES, CA 90024-6543

VIA EMAIL

August 9, 2019

David Abrams
Zionist Advocacy Center
Email: dnabrams@wjlf.org

Re: Public Records Request - PRR # 18-6264

Dear Mr. Abrams:

Thank you for your recent communications, in which you ask that our office only produce documents responsive to item one of your California Public Records Act (CPRA) request. Item one seeks:

“Documents sufficient to identify the 65 keynote speakers, panelists, and workshop presenters” at the November 2018 National Students for Justice in Palestine (“NSJP”) Conference (“Conference”).

Cal. Gov’t Code § 6255 provides that the University may withhold any record if, on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. We have been advised, and have confirmed, that speakers and organizers of previous NSJP conferences have been targeted on internet blacklists such as canarymission.org, and have become the objects of threats and harassment. This information is not disclosed by the Conference due to these concerns and any disclosure by UCLA of the names of the keynote speakers, panelists, and workshop presenters at the Conference would create a similar heightened risk of harassment and potential endangerment for these individuals. Under the balancing of public interests, we have concluded that the public interest in protecting against harassment and threats to individual safety outweighs the public interest in disclosure. Therefore, any records that may be responsive to item one are exempt and will not be disclosed.

The University does not intend to imply that you or your organization would use the information for inappropriate purposes, however, pursuant to Cal. Gov’t Code § 6254.5, once the University has released a record to one member of the public, it may be deemed to have waived its rights to withhold the record from other requesters.

If you would still like to receive documents responsive to items two and three of your request, we will continue to produce them on a rolling basis. Please let us know your wishes in this regard. If we have not received your instructions regarding items two and three by August 23, 2019, we will consider this matter closed.

Should you have any questions, please contact me at (310) 794-8741 or via email at rbaldrige@ucla.edu and reference the PRR number found above in the subject line.

Sincerely,

A handwritten signature in black ink that reads "Robert Baldrige". The signature is written in a cursive style with a large, prominent "R" at the beginning.

Robert Baldrige
Manager, Records Management & Information Practices
(310) 794-8741 | (310) 794-8961 (fax) | records@ucla.edu

Exhibit 5