

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 07/10/2015

TIME: 01:30:00 PM

DEPT: C-66

JUDICIAL OFFICER PRESIDING: Joel M. Pressman

CLERK: Lori Urie

REPORTER/ERM: Gerri Haupt CSR# 3020

BAILIFF/COURT ATTENDANT: A. Quidilla

CASE NO: **37-2015-00010549-CU-WM-CTL** CASE INIT.DATE: 03/25/2015

CASE TITLE: **DOE vs. REGENTS OF THE UNIVERSITY OF CALIFORNIA SAN DIEGO [IMAGED]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Writ of Mandate

EVENT TYPE: Motion Hearing (Civil)

MOVING PARTY: JOHN DOE

CAUSAL DOCUMENT/DATE FILED: Motion to Strike, 06/18/2015

APPEARANCES

MARK HATHAWAY, counsel, present for Petitioner(s).

Laura E. Mathe, counsel, present for Respondent(s).

Grant A. Davis-Denny, counsel, present for Respondent(s).

Matthew Haberkorn is also appearing for petitioner.

The Court hears oral argument and rules as follows:

Preliminary Matters

The Court DENIES Petitioner's request to supplement the Administrative Record and insert a new index

Review under California Code of Civil Procedure Section 1094.5

Pursuant to Cal. Civ. Proc. Code § 1094.5(b), the inquiry for the Court is whether the respondent has proceeded without, or in excess of jurisdiction; whether there was a fair trial; and whether there was any prejudicial abuse of discretion. Abuse of discretion is established if the respondent has not proceeded in a manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence.

Whether there was a Fair Trial

While the Court respects the university's determination to address sexual abuse and violence on its campus, after reviewing the Administrative Record, the Court finds that in this particularly case, the hearing against petitioner was unfair.

In this particular case, the Court is concerned about petitioner's due process right to confront and cross-examine

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decision.' 'Substantial evidence has been defined as 'relevant evidence that a reasonable mind might accept as adequate to support a conclusion.'" Apte v. Regents of Univ. of Cal. (1988) 198 Cal.App.3d 1084, 1091.

The reviewing court must uphold the decision and may not reweigh evidence where the inferences drawn

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cause Petitioner to reapply to the University to be readmitted, placed Petitioner on non-academic probation, required Petitioner to attend ethics workshops, all in addition to the original sanctions given. (Exhibit 19.) Nowhere in Dean Mallory's email to Petitioner does she indicate the reasoning behind the increased sanctions. Petitioner then appealed to the Council of Provosts, who affirmed the