

1 DAVID M. ROSENBERG-WOHL (Cal. Bar No. 132924)
2 HERSHENSON ROSENBERG-WOHL,
3 A PROFESSIONAL CORPORATION
3080 Washington St.
San Francisco, CA 94115
4 (415) 317-7756
5 david@hrw-law.com

6
7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
9

10 JONATHAN GROVEMAN,

11 Plaintiff,

12 vs.

13 UC DAVIS, REGENTS OF THE
14 UNIVERSITY OF CALIFORNIA, MICHAEL
15 V. DRAKE, GARY S. MAY, MARY
16 CROUGHAN, RENETTA GARRISON TULL,
AND DOES 1-10,

17 Defendants.

Case No.: 2:24-at-00634

COMPLAINT

18
19 **JURISDICTION & VENUE**
20

- 21 1. Plaintiff brings this action pursuant to 42 U.S.C. § 1983, 42 U.S.C. § 2000d et. seq., and
22 42 U.S.C. § 12131 et seq.
23
24 2. Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1343(a)(3) and 1343(a)(4), which
25 provide for original jurisdiction of suits brought pursuant to 42 U.S.C. § 1983.
26 Jurisdiction is also conferred on this Court by 28 U.S.C. § 1331 because the causes of
27 action arise under the Constitution and laws of the United States.
28

1 3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because, upon information
2 and belief, Defendants reside in the Eastern District of California and may be found and
3 served in the Eastern District of California, and because a substantial part of the events,
4 acts, or omissions giving rise to these claims arose in this District, County of Yolo.
5

6 **PARTIES**
7

8 4. Plaintiff **Jonathan Groveman** is a resident of Davis, California, County of Yolo, and a
9 member of the UC Davis community.

10 5. Defendant **UC Davis** is a public school founded by the California State Assembly and
11 operated by the State of California.
12

13 6. Defendant **Regents of the University of California** is a public agency within the
14 meaning of Cal. Gov't Code § 7920.525(a) and is empowered under the California
15 Constitution, Article IX, Section 9, to administer the University of California.

16 7. Defendant **Michael V. Drake** is sued in his official capacity as President of the University
17 of California. As President, Defendant Drake oversees the University of California
18 system, including UC Davis.
19

20 8. Defendant **Gary S. May** is sued in his official capacity as the Chancellor of UC Davis.
21 As Chancellor, Defendant May is the Chief Executive Officer for the Davis campus. His
22 duties include setting the policies, goals, and strategic direction for his campus, consistent
23 with those of the University.
24

25 9. Defendant **Mary Croughan** is sued in her official capacity as Provost and Executive Vice
26 Chancellor of UC Davis. Defendant Croughan is responsible for UC Davis' day-to-day
27
28

1 operations, as well as the planning, quality, and delivery of education provided to UC
2 Davis' students, parents, alumni, and to the Davis community as a whole.

3
4 10. Defendant **Renetta Garrison Tull** is sued in her official capacity as Vice Chancellor for
5 Diversity, Equity and Inclusion and Co-Chair, Next Generation Campus Safety Task
6 Force.

7 11. Defendant **Clare Shinnerl** is sued in her official capacity as Vice Chancellor for Finance,
8 Operations & Administration.

9 12. Defendant **Pablo Reguerin** is sued in his official capacity as Vice Chancellor for Student
10 Affairs.

11
12 **FACTS**

13
14 13. By May 7, 2024, UC Davis permitted an encampment (the "Encampment") at the Quad,
15 at the very center of campus life and transit.

16 14. Any student or member of the public wishing to traverse the campus through its central
17 artery became compelled to encounter the Encampment and interact physically and
18 emotionally with it.

19
20 15. The Encampment is and has been comprised of individuals who are vehemently opposed to
21 the existence of the State of Israel, to any self-determination for Jews living in what is
22 presently the State of Israel, the West Bank or the Gaza Strip, or any part of the British
23 Palestinian Mandate historically occupied by Jews, proposed as a state for Jews, accepted
24 as a state for Jews, and fought for as a state for Jews (often phrased as "From River to
25 Sea"), and to the residence of anyone of Jewish within this land, whether by intent or effect.
26
27
28

1 16. The Encampment is and has been comprised of individuals who are vehemently supportive
2 of Hamas and its express desire to extinguish not just Israeli life within the geographic
3 boundaries of the Israeli state but wherever they may live, whether in Israel proper or the
4 West Bank or Gaza Strip, but even Israelis and Jews wherever they may live in the world.
5 This is the text of the charter of Hamas, and it is the meaning of “Globalize the Intifada.”
6

7 17. On information and belief, a significant number of the individuals who live in the
8 Encampment are not UC Davis students.

9 18. By May 7, 2024, the Encampment was an exclusive zone, welcoming and tolerant only of
10 like-minded extremists. Any student or member of the public wanting to engage with the
11 Encampment was rebuffed by furious personal attack, including by halting with hands on
12 arms or bodies, by shoving, by weaponized umbrellas jabbed towards the face, and by
13 screaming racially and ethnically charged invectives.
14

15 19. By May 8, 2024, the Encampment was walled off on its southern side, creating a physical
16 barrier to enhance the social barrier and eliminating the possibility for anyone to cross
17 campus through the Quad.
18

19 **PLAINTIFF**

20 20. Plaintiff is on the UC Davis campus regularly. There are a number of activities that bring
21 him there throughout each month. These include, but are not limited to, activities related
22 to his full-time job (meetings and events), events related to his family (his daughter plays
23 in the Davis high school orchestra and they are regularly on campus), exercise, and other
24 non-work related campus events that he is eager to participate in.
25

26 21. Plaintiff was on campus on May 7 to provide support to the counter dialogue against the
27 Encampment and to support Jewish faculty and staff. He attempted to get from the North
28

1 side of the Quad path to the South side. There were "guard stations" set up on both sides
2 and blocked. He said he needed to walk to the other side and was told to "go around". He
3 explained that he is a disabled veteran and that he needed to stay on the concrete, stable
4 footpath. Once again, he was told to "go around". He asked to speak to the student in
5 charge of the Encampment, at which point he was accused of being a "Zionist," was told
6 "Zionists are not welcome," and to "go away." He was struck twice in the face with the
7 sharp end of an umbrella.
8

9 22. Having been near the Quad and its path multiple times, he is regularly labeled a "Zionist"
10 and not allowed to get within 20' of the guard post. I sent an email to UCDPD Chief
11 Farrow and the UCD Chancellor May about the incident.
12

13 23. As everyone within the encampment had their faces completely concealed by head cloths,
14 there is no way for Plaintiff to identify anyone involved in thwarting his access or hitting
15 him. Only two people within the Encampment are identifiable - Hannah Zeltzer and
16 Stanford McConnehey - but neither were the two he encountered at the "guard post".
17

18 24. Due to Plaintiff's Veterans Administration service-connected disability, Plaintiff needs to
19 refrain from activity on uneven surfaces. Navigating on the grass, and even on
20 decomposed granite paths, puts him at risk. He is VA-rated for both knees, his lower and
21 upper back areas, and he has Meniere's Disease, which gives him spells of vertigo.
22

23 25. On May 10th, and again on May 14, Plaintiff wrote to UC Davis Chief Counsel Mike
24 Sweeney. Mr. Sweeney did not respond. On May 17, Plaintiff received a response from
25 Wendi Delmendo, UC Davis' Chief Compliance Officer in her role as ADA Coordinator. In
26 this response, UC Davis accepted that the path through the Quad was inaccessible and told
27 Plaintiff he was required to use a different path.
28

COUNT I

**Violation of 42 U.S.C. § 1983 (Equal Protection Clause)
(on Behalf of Plaintiff Against Individual Defendants)**

- 1
2
3 26. Plaintiff incorporates by reference the allegations set forth in the preceding paragraphs 1-
4 25.
- 5
6 27. Under the Fourteenth Amendment to the United States Constitution, a State shall not
7 “deny to any person within its jurisdiction the equal protection of the laws.” Defendants,
8 in their official capacities, work for the State. In their official capacities, Defendants have
9 deprived Plaintiff of equal protection of the laws, as secured by the Fourteenth
10 Amendment, through a policy and practice that treats Plaintiff differently because
11 Plaintiff is Jewish, has family that is Jewish, and identifies with Zionism. Plaintiff is
12 denied access to the public space he calls home and its community, and that is because
13 Defendants have reserved it for a small set of extremists.
- 14
15 28. Specifically, Defendants have selectively chosen not to enforce the official policies of UC
16 Davis and the University of California generally, including antidiscrimination policies,
17 codes of conduct, requirements for founding, maintaining and enforcing rules on campus
18 organizations, and requirements permitting, and other time, place and manner restrictions,
19 all designed to make the UC Davis campus a place for the robust and respectful free
20 expression of ideas instead of holding it hostage to, and effectively adopting, only one
21 extremist view. Defendants have knowingly permitted individuals in the Encampment to
22 be and remain masked, interfering with the enforcement of UC Davis policies and
23 threatening to those who approach them or who are compelled to keep their distance.
24
25 Defendants are aware that enforcement of existing policies would permit an encampment,
26
27
28

1 if at all, in a way that did not condone one small group's taking over the campus itself to
2 the exclusion of those with which it disagrees.

3 29. As a result of Defendants' conduct, Plaintiff has suffered significant injuries. This includes
4 emotional distress for assault and battery, not to mention harassment, as well as for the
5 imposition upon Plaintiff of second-class inferior status by the State institution he calls
6 home.
7

8 **COUNT II**

9 **Violation of 28 U.S.C. § 1983 (Free Exercise Clause)**
10 **(On Behalf of Plaintiff Against Individual Defendants)**

11 30. Plaintiff incorporates by reference the allegations set forth in the preceding paragraphs 1-
12 29.

13 31. Under the Fourteenth Amendment to the United States Constitution, the state may not
14 thwart the right to express one's religious identity freely. The Free Exercise Clause of the
15 First Amendment guarantees "the right to ... profess whatever religious doctrine one
16 desires." *Employment Div., Dept. of Hum. Res. of Or. v. Smith* 494 U.S. 872, 877 (1990).
17

18 32. In their official capacities, Defendants have deprived Plaintiff of the right to express his
19 Jewish identity freely, and in particular his view of Zionism, through allowing the
20 Encampment to thwart religious dialog and rebuff any discussion that would recognize
21 either a Jewish identity or a Zionist viewpoint.

22 33. As a result of Defendants' establishment and toleration of the Encampment, as situated
23 and allowed, Plaintiff has been unable to access campus political life due to his religious
24 identity and his Zionist viewpoint, infused by his religion, where he would like to engage
25 so as to express both.
26
27
28

1 34. Defendants recognize that they have established, encouraged, and refused to constrain the
2 Encampment so that it interferes with the Free Exercise Clause.

3 35. As a result of Defendants' conduct, Plaintiff has suffered significant injuries. This includes
4 emotional distress for assault and battery, not to mention harassment, as well as for the
5 imposition upon Plaintiff of second-class inferior status by the State institution he calls
6 home.
7

8 **COUNT III**

9 **Violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.**
10 **(On Behalf of All Plaintiff Against All Defendants)**

11 36. Plaintiff incorporates by reference the allegations set forth in the preceding paragraphs 1-
12 35.

13 37. UC Davis receives financial assistance from the U.S. Department of Education and is
14 therefore subject to suit under Title VI of the Civil Rights Act of 1964.

15 38. That Act states: "No person in the United States shall, on the ground of race, color, or
16 national origin, be excluded from participation in, be denied the benefits of, or be
17 subjected to discrimination under any program or activity receiving Federal financial
18 assistance." 42 U.S.C. § 2000d.

19
20 39. The establishment and toleration of the Encampment, as situated and allowed, violates
21 Title VI because the individuals of the Encampment believe that Jews and Israelis are a
22 race, that Jews and Israelis are inherently "white" of color, especially to the extent they
23 identify with Zionism, and that Jews and Israelis have a "national origin" from anywhere
24 that is not presently the State of Israel, most often identified as originating in Eastern
25 Europe.
26
27
28

1 40. Discrimination against Jews themselves is likewise prohibited under Title VI of the Civil
2 Rights Act of 1964, as reflected in numerous written policies of the Department of
3 Education’s Office for Civil Rights. On November 7, 2023, OCR issued a new Dear
4 Colleague Letter, reminding schools that receive federal financial assistance that they
5 have a responsibility to address discrimination against Jewish, Muslim, Sikh, Hindu,
6 Christian, and Buddhist students, or those of another religious group, when the
7 discrimination involves racial, ethnic, or ancestral slurs or stereotypes; when the
8 discrimination is based on a student’s skin color, physical features, or style of dress that
9 reflects both ethnic and religious traditions; and when the discrimination is based on
10 where a student came from or is perceived to have come from, including discrimination
11 based on a student’s foreign accent; a student’s foreign name, including names commonly
12 associated with particular shared ancestry or ethnic characteristics; or a student speaking
13 a foreign language. . . Harassing conduct, the letter made clear, could be verbal or physical
14 and need not be directed at a particular individual.
15
16
17

18 41. OCR makes clear that the illegal “harassment” that “creates a hostile environment” is that
19 which “limits or denies a person’s ability to participate in or benefit from the recipient’s
20 education program or activity.”
21

22 42. Plaintiff is unable to either participate in or benefit from political debate that is an
23 essential part of the academic environment assured by UC Davis’ receipt of federal funds.
24 Separately, Plaintiff cannot access any part of the campus as all students and members of
25 the community should, now that the Quad and main artery of campus access is cut off by
26 the Encampment.
27
28

1 43. As a result of Defendants’ establishment and toleration of the Encampment, as situated
2 and allowed, Plaintiff has been unable to access, participate in and benefit from campus
3 political life due to his religious identity and his Zionist viewpoint, infused by his
4 religion, where he would like to engage so as to express both.
5

6 44. Defendants recognize that they have established, encouraged and refused to constrain the
7 Encampment so that it interferes with Title VI.

8 45. As a result of Defendants’ conduct, Plaintiff has suffered significant injuries. This includes
9 emotional distress for assault and battery, not to mention harassment, as well as for the
10 imposition upon Plaintiff of second-class inferior status by the State institution he calls
11 home.
12

13 **COUNT IV**

14 **Violation of Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131 et seq.
15 (On Behalf Plaintiff Against All Defendants)**

16 46. Plaintiff incorporates by reference the allegations set forth in the preceding paragraphs 1-
17 45.

18 47. Plaintiff is a disabled person as defined in 42 U.S.C § 12102, as he has “a physical
19 impairment that substantially limits one or more major life activities.” Specifically,
20 Plaintiff has an impairment that requires him to walk on even and stable ground, such as
21 pavement. He cannot walk safely on grass, so he cannot circumvent the Encampment. He
22 cannot walk safely on the decomposed granite surface that constitutes many of the paths
23 surrounding and accessing UC Davis. He needs the smooth and stable path of asphalt or
24 concrete, which is precisely what the main artery through the Quad provides and is now
25 blocked.
26
27
28

1 48. Because of the blockade at the center of campus, Plaintiff has been “excluded from
2 participation in” and “be[en] denied the benefits of the services, programs, or activities of
3 a public entity.”

4
5 49. As a result of Defendants’ conduct, Plaintiff has suffered significant injuries. This includes
6 emotional distress for assault and battery, not to mention harassment, as well as for the
7 imposition upon Plaintiff of second-class inferior status by the State institution he calls
8 home.

9
10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff respectfully requests that this Court order the following relief:
12

- 13 A. Declaratory judgment that the Encampment as allowed violates the Equal Protection
14 Clause, that the Encampment as allowed violates the Free Exercise Clause, that the
15 Encampment as allowed violates Title VI and that the Encampment as allowed violates
16 the ADA.
17
- 18 B. Because without this Court’s intervention, the Encampment is likely to persist, and if not
19 through the summer, resume in the Fall, an injunction is required enjoining Defendants
20 from permitting the Encampment to obstruct the central artery of UC Davis and the Quad so
21 as to violate the Equal Protection Clause, from permitting the Encampment to obstruct the
22 central artery of UC Davis and the Quad so as to violate the Free Exercise Clause, from
23 permitting the Encampment to obstruct the central artery of UC Davis and the Quad so as to
24 violate Title VI and from permitting the Encampment to obstruct the central artery of UC
25 Davis and the Quad so as to violate the ADA.
26
- 27 C. Compensatory financial relief.
28

- 1 D. Punitive and/or exemplary damages.
- 2 E. Plaintiff's reasonable attorneys' fees pursuant to statute.
- 3 F. Any other relief which this Court may deem just and proper.
- 4

5 **JURY DEMAND**

6 Plaintiffs respectfully request a jury trial on all issues triable thereby.

7 Dated this 17th of May, 2024.

8
9 /s/ David M. Rosenberg-Wohl

10 _____
11 David M. Rosenberg-Wohl

12 HERSHENSON ROSENBERG-WOHL
13 A PROFESSIONAL CORPORATION
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28