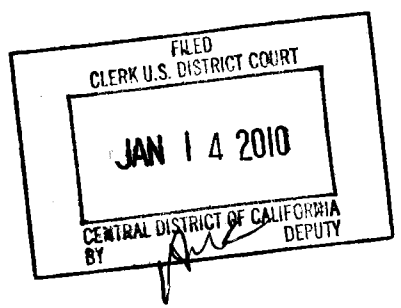


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Attorneys for R.C., guardian ad litem
for plaintiff J.C., a minor



**United States District Court
Central District of California**

J.C., a minor, by and through her
guardian ad litem R.C.,

Plaintiff,

v.

BEVERLY HILLS UNIFIED
SCHOOL DISTRICT;
ERIK WARREN, in his official and
individual capacities;
CHERRYNE LUE-SANG, in her
official and individual capacities;
and
JANICE HART, in her official and
individual capacities,

Defendants.

Case No. CV 08-03824 SVW (CWx)

~~PROPOSED~~ JUDGMENT

- Priority _____
- Send _____
- Enter _____
- Closed _____
- ~~JS-5/JS-6~~ _____
- JS-2/JS-3 _____
- Scan Only _____

1 **JUDGMENT**

2
3 Plaintiff's motion for summary adjudication and defendants' motion for
4 summary adjudication having been submitted on January 9, 2009, and ruled upon
5 in orders dated November 16, 2009 and December 8, 2009,

6 1. IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that
7 defendants violated plaintiff's right to free speech and free expression by
8 suspending her from school for her posting to the Internet website YouTube.com
9 a video recording she made not related to a school activity or to school attendance,
10 made off-campus, after school hours, without school resources, not at a school-
11 sponsored event, and further requiring her to take down her posting to that site;

12 2. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
13 defendants violated plaintiff's right to due process by taking the disciplinary action
14 described above without putting her on notice of the school's authority to regulate
15 off-campus speech within constitutional bounds, so that plaintiff could modify her
16 conduct in conformity with the school rules, and instead promulgating
17 unconstitutionally vague disciplinary policies which appear, on their face, to limit
18 the school's authority to discipline students for activities occurring at school, while
19 the students are on the way to or from school, or at a school-sponsored event,
20 pursuant to subdivision (r) of California Education Code § 49800;

21 ~~3. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that~~
22 ~~defendants, and defendants' agents, employees, administrators, and anyone acting~~
23 ~~in concert with them, are permanently enjoined from violating plaintiff's right to~~
24 ~~free speech and free expression with regard to off campus, non-student speech,~~
25 ~~including postings to such Internet websites as YouTube.com and so-called "social~~
26 ~~networking" sites, which do not cause a disruption at school;~~

27 4. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
28 defendants, and defendants' agents, employees, administrators, and anyone acting

1 in concert with them, are permanently enjoined from maintaining a record of their
2 wrongful suspension of plaintiff from school, or from communicating in any way
3 to any person or entity that plaintiff was suspended from school with respect to the
4 incident which gave rise to this action;

5 5. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
6 for her first claim for relief pursuant to 42 U.S.C. § 1983, plaintiff J.C. shall
7 recover nominal damages in the amount of \$1 each from defendants Erik Warren,
8 Cherryne Lue-Sang, and Janice Hart, in their official capacities, for their violation
9 of plaintiff's right to freedom of speech and freedom of expression guaranteed
10 under the First Amendment as applied to the States under the Fourteenth
11 Amendment;

12 6. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
13 for her second claim for relief pursuant to 42 U.S.C. § 1983, plaintiff J.C. shall
14 recover nominal damages in the amount of \$1 from defendant Beverly Hills Unified
15 School District, for its violation of plaintiff's right to freedom of speech and
16 freedom of expression guaranteed by the First Amendment as applied to the States
17 under the Fourteenth Amendment;

18 7. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
19 for her third claim for relief pursuant to 42 U.S.C. § 1983, plaintiff J.C. shall
20 recover nominal damages in the amount of \$1 each from defendants Erik Warren,
21 Cherryne Lue-Sang, and Janice Hart, in their official capacities, as well as
22 defendant Beverly Hills Unified School District, for their violation of plaintiff's
23 right to due process guaranteed by the Fourteenth Amendment;

24 8. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
25 plaintiff shall recover from defendants her costs other than attorney fees in the
26 amount of \$ _____, pursuant to Fed. R. Civ. P. 54(d), and her attorney fees
27 of \$ _____ as additional costs, pursuant to 42 U.S.C. §§ 1983 & 1988; and

28 9. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that

1 the court declines to exercise supplemental jurisdiction over plaintiff's fourth claim
2 for relief pursuant to California Civil Code § 52.1, and dismisses that claim without
3 prejudice to plaintiff pursuing that claim in state court.

4 IT IS SO ORDERED.

5
6 Dated:

1/11/10


HON. STEPHEN V. WILSON
United States District Court Judge

7
8 Submitted by:

9 Dated:

December 21, 2009

COHEN AND COHEN

10
11 By: /s/

S. MARTIN KELETI

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