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Eric K. Shiu, Esq., SBN: 156167
2 SHUPE AND FINKELSTEIN
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3 San Mateo, CA 94402
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4 Facsimile: (650) 341-1395
5 Attorneys for Defendant WEST VALLEY
COMMUNITY COLLEGE DISTRICT
6 (erroneously sued herein as West Valley College)

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 CHIN-LI MOU,
11 Plaintiff,
12 v.
13 WEST VALLEY COLLEGE, an individual and
a nonprofit educational corporation; JOHN
14 HENDRICKSON, an individual; PHILIP L.
HARTLEY, an individual; ERNEST SMITH, an
15 individual; DAVE FISHBAUGH, an individual;
LAURA LORMAN, an individual; CATHY
16 AIMONETTI, an individual; FRED
PROCHASKA, an individual; CHRIS ROLEN,
17 an individual; LINBERO #107, an individual,
18 Defendants.

) Case No: C09-01910 JF
)
) **DEFENDANT'S TABLE OF**
) **CONTENTS OF EXHIBITS IN**
) **OPPOSITION TO PLAINTIFF'S**
) **NOTICE OF MOTION AND MOTION**
) **FOR PRELIMINARY INJUNCTION**

19
20 Defendant WEST VALLEY COMMUNITY COLLEGE DISTRICT hereby submits this
21 Table of Contents of Exhibits in Opposition to Plaintiff's Notice of Motion and Motion for
22 Preliminary Injunction.

- 23 A) Declaration of Eric Shiu
- 24 B) Santa Clara County Superior Court Docket, Mou v. Laws, Case No. 1-06 CV 059679
- 25 C) Complaint for Violation of Civil Rights, Mou v. City of San Jose, Case No. 07 05740
- 26 D) Santa Clara County Superior Court Docket, Robles v. Mou, Case No. 1-08 CV 001839
- 27 E) Declaration of Cathy Aimonetti
- 28 F) Declaration of Fred Prochaska

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- 1 G) Declaration of Marcus Lindberg
- 2 H) Campus / Facilities Restriction
- 3 I) Incident Report
- 4 J) Declaration of Ernest Smith
- 5 K) Email from Becky Perelli, dated March 28, 2008
- 6 L) Email from Fred Prochaska, dated April 9, 2009
- 7 M) Notice of Suspension, dated April 27, 2009
- 8 N) Instructions for Appeal to Student Disciplinary Hearing Board, dated April 30, 2009
- 9 O) Request for Appeal to Student Disciplinary Hearing Board, dated May 6, 2009
- 10 P) Communications regarding Hearing by Student Disciplinary Hearing Board
- 11 Q) Notice of Decision by Student Disciplinary Hearing Board, dated June 11, 2009
- 12 R) Declaration of David Fishbaugh
- 13 S) Student Grievance Procedures
- 14 T) Administrative Handbook re: Discipline
- 15 U) Communications between Mou and David Fishbaug re: Dean Prochaska Complaint
- 16 V) Chin-Li Mou's Complaint against Dr. Prochaska
- 17 W) Notice of Dr. Fishbaugh's determination re: Complaint against Dr. Prochaska
- 18 X) Declaration of Philip Hartley
- 19 Y) Mou's Email, dated April 13, 2009 re: April 9, 2009 incident
- 20 Z) Declaration of Chris Rolan
- 21 AA) Declaration of Laura Lorman
- 22 BB) Declaration of John Hendrickson

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1 Dated: June 23, 2009

Respectfully submitted by,

2 SHUPE AND FINKELSTEIN

3 

4 By

Eric K. Shiu, Attorneys for Defendant

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EXHIBIT A

1 John A. Shupe, Esq., SBN: 87716
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COMMUNITY COLLEGE DISTRICT
6 (erroneously sued herein as West Valley College)

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 CHIN-LI MOU,

11 Plaintiff,

12 v.

13 WEST VALLEY COLLEGE, an individual and
a nonprofit educational corporation; JOHN
14 HENDRICKSON, an individual; PHILIP L.
HARTLEY, an individual; ERNEST SMITH, an
15 individual; DAVE FISHBAUGH, an individual;
LAURA LORMAN, an individual; CATHY
16 AIMONETTI, an individual; FRED
PROCHASKA, an individual; CHRIS ROLEN,
17 an individual; LINBERO #107, an individual,

18 Defendants.

) Case No: C09-01910 JF

) **DECLARATION OF COUNSEL IN**
) **SUPPORT OF COLLEGE DISTRICT'S**
) **OPPOSITION TO PLAINTIFF'S**
) **NOTICE OF MOTION AND MOTION**
) **FOR PRELIMINARY INJUNCTION**

19
20 I, ERIC SHIU, do depose and declare as follows:

21 1. I am an attorney in the law firm of Shupe and Finkelstein, which is the attorney of record
22 for the College District defendants in the above captioned lawsuit. I am admitted to practice in the
23 Courts of the State of California. I have personal knowledge of the matters set forth herein and if called
24 would be competent to testify thereto.

25 2. This is an action brought by Plaintiff Chin-Li Mou against the College District and some
26 of its employees, arising out of an incident occurring on April 9, 2009 which resulted in her arrest and
27 suspension for West Valley College.

28 ///

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1 3. Over the past few years, Plaintiff Chin-Li Mou has brought a number of other civil
2 actions against other public entities alleging violations of her civil rights.

3 4. On March 13, 2006, Plaintiff Chin-Li Mou brought a civil action in Santa Clara County
4 Superior Court, entitled *Chin-Li Mou v. San Jose State University Police Dept., et al*, Case No. 1-06-CV-
5 059679, alleging violations of her civil rights. A true and correct copy of the Santa Clara Superior
6 Court's docket is attached hereto as Exhibit "C" and made a part hereof.

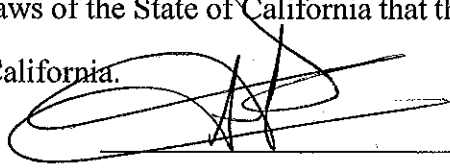
7 5. On November 13, 2007, Plaintiff Chin-Li Mou filed a civil action against the City of San
8 Jose, entitled *Chin-Li Mou v. City of San Jose, San Jose Public Library Education Park Branch*, US
9 District Court, Case No. C07-05740. In this civil action, Ms. Mou alleges violations of her First, Eighth
10 and Fourteenth Amendment rights. Based upon information and belief, a true and correct copy of
11 Plaintiff Chin-Li Mou's Complaint is attached hereto as Exhibit "B" and made a part hereof.

12 6. On September 19, 2008, Plaintiff Chin-Li Mou was the subject of a civil harassment
13 action brought in Santa Clara County Superior Court by Lola Robles, entitled *Lola Robles v. Chin-Li*
14 *Mou*, Case No. 1-08 CH 001839. A true and correct copy of the Santa Clara County Superior Court's
15 docket is attached hereto as Exhibit "D" and made a part hereof.

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1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct. Executed in Santa Clara County, California.

3 Dated: June 23, 2009



Eric K. Shiu

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EXHIBIT B

Register of Actions/Docket

Notice: The Superior Court of California, County of Santa Clara declares that information provided by and obtained from this site (www.sccaseinfo.org) is intended for use on a case by case basis and typically by parties of record and participants, and does not constitute the official record of the court. Any user of the information is hereby advised that it is being provided as is and that the information may be subject to error or omission. The user acknowledges and agrees that the Superior Court of California, County of Santa Clara is not liable for the accuracy or validity of the information provided.

Case Information

Associated Cases

Number: **1-06-CV-059679**

Title: **Mou Vs Laws**

Category: **Civil Rights, Discrimination - Unlimited**

Filed: **3/13/2006** Disposed: **3/18/2008** Status: **Post**

Calendared Events

Involved Parties

Documents

Type	Name	Disposition
Plaintiff	Chin-Li (Karen) Mou 4141 Boneso Circle, San Jose, Ca 95134	CV-BT EntryReqDism-No ADR
Defendant	John Laws None	CV-BT EntryReqDism-No ADR
	Attorney:	William H. Gavin, Iii Gavin Cunningham & Hunter , 1530 The Alameda, Suite 210, San Jose, Ca 95126
Defendant	Justin Celano None	CV-BT EntryReqDism-No ADR
	Attorney:	William H. Gavin, Iii Gavin Cunningham & Hunter , 1530 The Alameda, Suite 210, San Jose, Ca 95126
Defendant	Marianne Alvarez None	CV-BT EntryReqDism-No ADR
	Attorney:	Alan F. Hunter Gavin Cunningham & Hunter , 1530 The Alameda, Suite 210, San Jose, Ca 95126
Defendant	J. Celano None	CV-BT EntryReqDism-No ADR
Defendant	San Jose State University Police Dept.	CV-BT EntryReqDism-No ADR

	None	
	Attorney:	Alan F. Hunter Gavin Cunningham & Hunter , 1530 The Alameda, Suite 210, San Jose, Ca 95126
Defendant	California State University None	CV-BT EntryReqDism-No ADR
	Attorney:	Alan F. Hunter Gavin Cunningham & Hunter , 1530 The Alameda, Suite 210, San Jose, Ca 95126

Involved Parties

Calendared Events

Documents

Date	Time	Event Description	Result			Notice Printed	
			Description	By	Date		
5/27/2008	11:00AM	CV Trial Setting Conference	Vacated; dismissal filed	C	03/18/08	01/25/08	None
1/24/2008	10:01AM	CV OSC:Dismissal,FTA at Hrg	Set For:	C	01/24/08	12/20/07	None
12/18/2007	11:00AM	CV Trial Setting Conference	Set for OSC re: Dism	C	12/18/07	08/23/07	None
9/25/2007	09:00AM	CV Mtn: Withdraw as atty	Granted	C	09/25/07	None	None
8/21/2007	11:00AM	CV Trial Setting Conference	Continued by Court	C	08/21/07	07/25/07	None
7/24/2007	11:00AM	CV Trial Setting Conference	Continued by Court	C	07/24/07	04/09/07	None
4/5/2007	10:30AM	CV Mediation Status Review	Mediation Not Held	C	04/05/07	03/02/07	None
2/15/2007	10:30AM	CV Mediation Status Review	Heard; Reset to future month	C	03/02/07	11/01/06	04/0:
2/2/2007	08:30AM	CV Mtn: Compel Production of Docs	Granted in Part	C	02/05/07	None	None
2/2/2007	08:30AM	Mtn: Protective Order	Granted in Part	C	02/05/07	None	None
10/26/2006	10:30AM	CV Mediation Status Review	Heard; Reset to future month	C	11/01/06	08/14/06	02/1:

9/29/2006	10:00AM	CV Mtn to Compel Answers	Granted in Part	C	10/04/06	None	None
7/25/2006	01:00PM	CV CMC-Case Management Conf	Ref. to Mediation/MSR set	C	07/25/06	None	None

Involved Parties

Documents

Calendared Events

Number-Sequence	Document Description	Filed	Ruling	Date
0050-000	Cv Ntc:Entry Of Dismissal W/Pos	03/21/2008	None	03/21/2008
	For: John Laws / DEF For: Justin Celano / DEF For: Marianne Alvarez / DEF For: J. Celano / DEF For: San Jose State University Police Dept. / DEF For: California State University / DEF			
0049-000	Cv Req:Dismissal, Entire W/Prej	03/18/2008	None	03/19/2008
	For: Chin-Li (Karen) Mou / PLT Against: John Laws / DEF Against: Justin Celano / DEF Against: Marianne Alvarez / DEF Against: J. Celano / DEF Against: San Jose State University Police Dept. / DEF Against: California State University / DEF			
0048-000	Cv Change Of Atty Address/Firm	12/18/2007	None	12/18/2007
	For: John Laws / DEF For: Justin Celano / DEF For: Marianne Alvarez / DEF			
0047-000	Cv Response	09/21/2007	None	09/21/2007
	For: Chin-Li (Karen) Mou / PLT			
0046-000	Cv Opposition	09/21/2007	None	09/21/2007
	For: Chin-Li (Karen) Mou / PLT			
0045-000	Cv Proof Of Personal Svc	09/19/2007	None	09/19/2007
	For: Chin-Li (Karen) Mou / PLT			
0044-000	Cv Lodged Under Seal	09/19/2007	None	09/19/2007

	For: Chin-Li (Karen) Mou / PLT Against: John Laws / DEF Against: Justin Celano / DEF Against: Marianne Alvarez / DEF Against: J. Celano / DEF Against: San Jose State University Police Dept. / DEF Against: California State University / DEF			
0043-000	Cv Ntc:Mtn/Relieve As Counsel	09/19/2007	None	09/19/2007
	For: Chin-Li (Karen) Mou / PLT			
0043-001	Cv Proof Of Svc	09/19/2007	None	09/19/2007
	For: Chin-Li (Karen) Mou / PLT			
0042-000	Cv Ex Parte Order	09/19/2007	Granted	09/19/2007
	For: Chin-Li (Karen) Mou / PLT			
0041-000	Cv Opposition	09/19/2007	None	09/19/2007
	For: Chin-Li (Karen) Mou / PLT			
0040-000	Cv Memo:Ps & As/Suppt Of Mtn	09/18/2007	None	09/18/2007
	For: Chin-Li (Karen) Mou / PLT			
0039-000	Cv Ex Parte Other	09/18/2007	None	09/18/2007
	For: Chin-Li (Karen) Mou / PLT			
0038-000	Arb-Ntc Of Mediation Status Conf	03/02/2007	None	03/02/2007
0037-000	Cv Req:Dismissal, Partial	02/27/2007	None	02/27/2007
	For: Chin-Li (Karen) Mou / PLT Against: Justin Celano / DEF			
0036-000	Cv Order	02/02/2007	None	02/02/2007
	For: John Laws / DEF For: Justin Celano / DEF For: Marianne Alvarez / DEF For: San Jose State University Police Dept. / DEF			
0035-000	Cv Ntc:Motion/No Fee	01/23/2007	None	01/23/2007
	For: John Laws / DEF For: Justin Celano / DEF For: Marianne Alvarez / DEF For: San Jose State University Police Dept. / DEF			
0034-000	Cv Ntc:Motion W/Fee	01/03/2007	None	01/23/2007

	For: John Laws / DEF For: Justin Celano / DEF For: Marianne Alvarez / DEF For: San Jose State University Police Dept. / DEF			
0033-000	Cv Declaration	01/03/2007	None	01/03/2007
	For: San Jose State University Police Dept. / DEF			
0032-000	Cv Opposition	01/03/2007	None	01/03/2007
	For: San Jose State University Police Dept. / DEF			
0030-000	Cv Proof Of Svc/Regular Mail	11/15/2006	None	11/15/2006
	For: Chin-Li (Karen) Mou / PLT Against: John Laws / DEF Against: Justin Celano / DEF Against: Marianne Alvarez / DEF			
0029-000	Cv Decl In Support	11/15/2006	None	11/15/2006
	For: Chin-Li (Karen) Mou / PLT Against: John Laws / DEF Against: Justin Celano / DEF Against: Marianne Alvarez / DEF			
0028-000	Cv Memo:Ps & As/Suppt Of Mtn	11/15/2006	None	11/15/2006
	For: Chin-Li (Karen) Mou / PLT Against: John Laws / DEF Against: Justin Celano / DEF Against: Marianne Alvarez / DEF			
0027-000	Cv Other	11/15/2006	None	03/18/2008
	For: Chin-Li (Karen) Mou / PLT Against: John Laws / DEF Against: Justin Celano / DEF Against: Marianne Alvarez / DEF			
0026-000	Cv Mtn For Order	11/15/2006	None	11/15/2006
	For: Chin-Li (Karen) Mou / PLT Against: John Laws / DEF Against: Justin Celano / DEF Against: Marianne Alvarez / DEF			
0025-000	Arb-Ntc Of Mediation Status Conf	11/01/2006	None	11/01/2006
0024-000	Cv Ord After Hearing	10/03/2006	Granted/Denied in	10/12/2006

			Part	
	For: Chin-Li (Karen) Mou / PLT			
0023-000	Cv Declaration	09/25/2006	None	09/25/2006
	For: Chin-Li (Karen) Mou / PLT			
0022-000	Cv Reply Brief	09/25/2006	None	09/25/2006
	For: Chin-Li (Karen) Mou / PLT			
0021-000	Cv Memo:Ps & As/Opposn To Mtn	09/18/2006	None	09/19/2006
0020-000	Cv Opposition	09/19/2006	None	09/19/2006
0019-000	Cv Application...	09/12/2006	None	09/12/2006
	For: John Laws / DEF For: Justin Celano / DEF For: Marianne Alvarez / DEF			
0018-000	Cv Mtn For Order	08/14/2006	None	08/14/2006
	For: Chin-Li (Karen) Mou / PLT			
0017-000	Arb-Ntc Of Mediation Status Conf	08/14/2006	None	08/14/2006
0016-000	Arb-Ntc Of Mediation Status Conf	08/11/2006	None	08/11/2006
0015-000	Cv Case Mgmt Statement	07/11/2006	None	07/11/2006
	For: John Laws / DEF For: Justin Celano / DEF For: Marianne Alvarez / DEF			
0014-000	Cv Case Mgmt Statement	07/11/2006	None	07/11/2006
	For: Chin-Li (Karen) Mou / PLT			
0013-000	Cv Default Not Entered	06/05/2006	None	06/05/2006
	For: Chin-Li (Karen) Mou / PLT Against: John Laws / DEF Against: Justin Celano / DEF Against: Marianne Alvarez / DEF			
0012-000	Cv Proof Of Svc Compl/Pet/Summons	06/02/2006	None	06/02/2006
	For: Chin-Li (Karen) Mou / PLT Against: Justin Celano / DEF			
0011-000	Cv Proof Of Svc Compl/Pet/Summons	06/02/2006	None	06/02/2006

	For: Chin-Li (Karen) Mou / PLT Against: Marianne Alvarez / DEF			
0010-000	Cv Proof Of Svc Compl/Pet/Summons	06/02/2006	None	06/02/2006
	For: Chin-Li (Karen) Mou / PLT Against: John Laws / DEF			
0009-000	Cv Proof Of Svc Compl/Pet/Summons	05/12/2006	None	05/12/2006
	For: Chin-Li (Karen) Mou / PLT Against: Justin Celano / DEF			
0008-000	Cv Proof Of Svc Compl/Pet/Summons	05/12/2006	None	05/12/2006
	For: Chin-Li (Karen) Mou / PLT Against: Marianne Alvarez / DEF			
0007-000	Cv Proof Of Svc Compl/Pet/Summons	04/28/2006	None	04/28/2006
	For: Chin-Li (Karen) Mou / PLT Against: John Laws / DEF			
0006-000	Cv Proof Of Svc Compl/Pet/Summons	04/28/2006	None	04/28/2006
	For: Chin-Li (Karen) Mou / PLT Against: John Laws / DEF			
0005-000	Cv Proof Of Svc Compl/Pet/Summons	04/28/2006	None	04/28/2006
	For: Chin-Li (Karen) Mou / PLT Against: Marianne Alvarez / DEF			
0004-000	Cv Proof Of Svc Compl/Pet/Summons	04/28/2006	None	04/28/2006
	For: Chin-Li (Karen) Mou / PLT Against: Justin Celano / DEF			
0003-000	Cv Summons Filed	03/13/2006	None	03/13/2006
	For: Chin-Li (Karen) Mou / PLT Against: John Laws / DEF Against: Marianne Alvarez / DEF Against: J. Celano / DEF			
0003-001	Cv Answer, Unltd, W/Fees	06/05/2006	None	06/05/2006
	For: John Laws / DEF For: Justin Celano / DEF			

	For: Marianne Alvarez / DEF Against: Chin-Li (Karen) Mou / PLT			
0002-000	Cv Complaint Filed/No Summs Issued	03/13/2006	None	03/13/2006
	For: Chin-Li (Karen) Mou / PLT Against: John Laws / DEF Against: Marianne Alvarez / DEF Against: J. Celano / DEF			
0001-000	Cv Case Cover Sheet	03/13/2006	None	03/13/2006
	For: Chin-Li (Karen) Mou / PLT Against: John Laws / DEF Against: Marianne Alvarez / DEF Against: J. Celano / DEF			

RETURN

EXHIBIT C

FILED

2007 NOV 13 P 2:27

RICHARD W. WIERING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA., S.J.

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SI
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1 CHIN-LI MOU
4141 Boneso Circle
2 San Jose, CA 95134

ADR

3 (408) 954-8085

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5 Pro Se

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8 UNITED STATES FEDERAL COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

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CHIN-LI MOU,

Plaintiff,

vs.

CITY OF SAN JOSE, SAN JOSE
PUBLIC LIBRARY EDUCATION PARK
BRANCH

Defendants.

CASE NO. **07 05740**

COMPLAINT FOR VIOLATION OF
CIVIL RIGHTS, FIRST, EIGHTH AND
FOURTEENTH AMENDMENTS OF THE
UNITED STATES CONSTITUTION

RS

PLAINTIFF alleges:

1. Plaintiff Chin-Li Mou, hereinafter also referred to as Plaintiff, is informed and believes and thereon alleges that the Defendant, City of San Jose and Defendant, San Jose Public Library Education Park Branch are operating under the laws of the

1 State of California, and situated in the County of Santa Clara,
2 City of San Jose, California.

3 The United States Federal Court, Northern District of
4 California, San Jose Division is the proper court for this
5 action.

6
7 2. Plaintiff Chin-li Mou is a citizen of the United States
8 and therefore entitled to all protections provided for by the
9 United States Constitution.

10
11 3. Plaintiff filed a claim for damages for an incident in
12 and around the San Jose Public Library, Education Park Branch,
13 with the Office of the City Attorney for the City of San Jose on
14 April 26, 2007.

15
16 4. On or about May 18, 2007, Plaintiff received a Notice of
17 Rejection of Claim for the damages from the Office of the City
18 Attorney for the City of San Jose for the incident complained of
19 on April 26, 2007. Said Notice of Rejection of Claim is attached
20 hereto as an exhibit.

21
22 5. Plaintiff Chin-Li Mou now brings the following complaint
23 against the Defendant, City of San Jose and Defendant, San Jose
24 Public Library Education Park Branch.

1 6. On or about November 3, 2006, Plaintiff Chin-Li Mou was
2 utilizing the San Jose Public Library Education Park Branch when
3 she was confronted by the branch supervisor, a Ms. Daisy Porter,
4 and Plaintiff Chin-Li Mou was asked to leave the premises.
5 Plaintiff Chin-Li Mou was alleged to be using her husband's
6 library card on the computer instead of her own. Plaintiff had
7 only been in the library for about 15 minutes. Immediately prior
8 to Plaintiff's being asked to leave, a student from a nearby
9 Independent high school had confronted Plaintiff in the library
10 as Plaintiff had asked other students that were acting in a
11 disruptive manner to please be a little quieter and considerate
12 so others in the library could concentrate. The students were
13 engaged in everything from arm wrestling to the playing of
14 musical instruments. The Plaintiff had witnessed this type of
15 conduct in the past at the San Jose Public Library Education Park
16 Branch. The library staff would not enforce the normal rules for
17 silence and respect for other patrons with these students.
18 Plaintiff Chin-Li Mou left the library without argument. Once
19 outside, the Plaintiff was confronted by a female student from
20 the Independent high school who then physically attacked her and
21 the attacker was eventually pulled away by other students in the
22 quickly assembled crowd. Plaintiff Chin-Li Mou who is small in
23 stature was bruised and shaken by the incident and feared for her
24 life. Plaintiff immediately called 911 and when the San Jose
25 police officers arrived, the Independent high school security
26 sent the San Jose police officers away. They told them that there

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1 was in fact no problem and that they could leave without the
2 necessity of taking any lengthy report.

3 On or about November 7, 2006 my attacker, the female student
4 from the Independent high school again entered the
5 San Jose Public Library Education Park Branch. I feared for my
6 safety and immediately called San Jose police officers. Upon
7 their arrival, Ms. Daisy Porter, the branch supervisor,
8 deliberately stated to the investigating officers that nothing
9 had happened with the students from the Independent high school.
10 When the officers concluded the questioning of Ms. Porter they
11 returned to interview me. San Jose Police Officer Kimberly
12 Hudson, Badge No. 2495 began to discuss the incident with me. Her
13 attitude was rude and disrespectful to me and it seemed that I
14 became a victim a second time. The first statement from her was
15 the students from Independent high school were born in this
16 country and since I was not fortunate enough to be born here my
17 rights were subordinated to their rights. I was further warned by
18 San Jose Police Officer Kimberly Hudson, Badge No. 2495 that if I
19 so much as talked to the Independent high school students that I
20 would then and there be arrested even though it was the students
21 that initiated the conversation and violence with me.

22 I was further admonished by Ms. Carol Frost, a person of
23 higher-level management with San Jose Martin Luther King Library
24 Branch, that I had to get permission from Ms. Porter before I
25 could summon the police for help. I was then banned by both
26 librarians from using the public library system for a period of 6
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1 months just for trying to protect myself by calling the police. I
2 hired an attorney and he was unable to have the library personnel
3 voluntarily reverse the ban.

4 I find it ironic that the freedoms and protections that I
5 came to this country to enjoy were stripped from me in a matter
6 of moments. I would have expected this treatment in China not
7 here. I have lived in this country since 1988 and have been a
8 United States citizen since 1997.

9 It is my contention that my Constitutional rights have
10 been violated specifically but not limited to my First, Eighth
11 and Fourteenth Amendment rights. These rights have been violated
12 by the Defendants and I have been damaged accordingly.

13 Defendants knew or should have known the high degree of
14 embarrassment and public humiliation that Plaintiff was enduring
15 as a result of Defendants' conduct.

16 Plaintiff suffered severe mental distress and was injured in
17 her health as a direct result of Defendants' conduct. Plaintiff
18 continues to suffer great mental, nervous, physical and emotional
19 pain.

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23 WHEREFORE, Plaintiff prays for judgment as follows;

- 24 1. For damages in the sum of \$250,000.00 representing
25 damages for her Constitutional rights violations.
26 2. For medical expenses to date and for those anticipated in
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1 the future.

2 3. For a public apology and retraction of all defamatory
3 statements made by librarians Ms. Porter and Ms. Frost

4 4. For costs of suit incurred herein;

5 5. For such other costs and further relief as the court
6 deems proper.

7
8
9 Dated: November 13, 2007


Chin-Li Mou

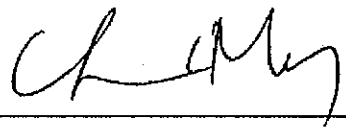
Plaintiff in pro se

VERIFICATION

I, the undersigned, declare as follows:

I am the Plaintiff in this action; I have read the foregoing Complaint and know the contents thereof; that same is true of my knowledge, except as to those matters which are therein stated on my information and belief, and as to those matters I believe it to be true.

I declare under penalty of perjury and under the laws of the State of California that the foregoing is both true and correct. Executed this 13, day of Nov 2007, at San Jose, California.





Office of the City Attorney

RICHARD DOYLE, CITY ATTORNEY

NOTICE OF REJECTION OF CLAIM

May 17, 2007

Chin-Li Mou
4141 Boneso Circle
San Jose, CA 95134

Re: Claim No.: C-11288-07
DOI: 11/3/2006
Claimant: Chin-Li Mou

NOTICE IS HEREBY GIVEN that the claim which you presented to the City Clerk of the City of San José on 4/26/2007, was rejected by the City of San José.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the United States mail to file a court action on the stated causes of action contained within this claim. See Government Code Section 945.6. This warning does not apply to federal causes of action and does not extend any statutes of limitations for federal causes of action.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Very truly yours,

RICHARD DOYLE, City Attorney

By 
Cinda McCann, Investigator

PROOF OF SERVICE BY MAIL

I am a citizen of the United States, over 18 years of age, employed in Santa Clara County, and not a party to the within action. My business address is 200 East Santa Clara Street, San Jose, California 95113-1905, and is located in the county where the service described below occurred. I caused to be served a copy of the above notice by MAIL, by depositing it into a sealed envelope, with postage fully prepaid, and causing the envelope to be deposited for collection and mailing on the date indicated below. I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. Said correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 5/18/07, at San Jose, California.

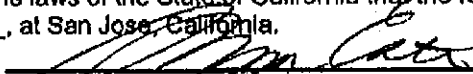

Sharon Estes

EXHIBIT D

Register of Actions/Docket

Notice: The Superior Court of California, County of Santa Clara declares that information provided by and obtained from this site (www.sccaseinfo.org) is intended for use on a case by case basis and typically by parties of record and participants, and does not constitute the official record of the court. Any user of the information is hereby advised that it is being provided as is and that the information may be subject to error or omission. The user acknowledges and agrees that the Superior Court of California, County of Santa Clara is not liable for the accuracy or validity of the information provided.

Case Information

Associated Cases

Number: **1-08-CH-001839**

Title: **Lola Robles Vs Chin-Li Mou**

Category: **Civil Harassment**

Filed: **9/15/2008** Disposed: **10/7/2008** Status: **Post**

Calendared Events

Involved Parties

Documents

Type	Name	Disposition
Plaintiff	Lola Robles None	CV-ACT EntryJgmt-Court Finding
Defendant	Chin-Li Mou None	CV-ACT EntryJgmt-Court Finding

Involved Parties

Calendared Events

Documents

Date	Time	Event Description	Result			Notice Printed	Reset	
			Description	By	Date		To	From
10/7/2008	01:30PM	CV OSC/TRO Civil Harass	Off Calendar; no appearance	C	10/07/08	None	None	None

Involved Parties

Documents

Calendared Events

Number-Sequence	Document Description	Filed	Ruling	Date
0005-000	Cv Declaration	10/09/2008	None	10/09/2008
	For: Lola Robles / PLT			
0004-000	Cv Req:Orders Stop Harass	09/15/2008	None	09/15/2008
	For: Lola Robles / PLT			
0003-000	Cv Case Cover Sheet	09/15/2008	None	09/15/2008

	For: Lola Robles / PLT			
0002-000	Cv Decl:Ntc Upon Ex Parte Appl For	09/15/2008	None	09/15/2008
	For: Lola Robles / PLT			
0001-000	Cv Ntc Of Hrg & Tro/Hr	09/15/2008	Granted	10/17/2008
	For: Lola Robles / PLT Against: Chin-li Mou / DEF			

RETURN

EXHIBIT E

1 John A. Shupe, Esq., SBN: 87716
Eric K. Shiu, Esq., SBN: 156167
2 SHUPE AND FINKELSTEIN
177 Bovet Road, Suite 600
3 San Mateo, CA 94402
Telephone: (650) 341-3693
4 Facsimile: (650) 341-1395

5 Attorneys for Defendant WEST VALLEY
COMMUNITY COLLEGE DISTRICT
6 (erroneously sued herein as West Valley College)

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 CHIN-LI MOU,

11 Plaintiff,

12 v.

13 WEST VALLEY COLLEGE, an individual and
a nonprofit educational corporation; JOHN
14 HENDRICKSON, an individual; PHILIP L.
HARTLEY, an individual; ERNEST SMITH, an
15 individual; DAVE FISHBAUGH, an individual;
LAURA LORMAN, an individual; CATHY
16 AIMONETTI, an individual; FRED
PROCHASKA, an individual; CHRIS ROLEN,
17 an individual; LINBERO #107, an individual,

18 Defendants.

) Case No: C09-01910 JF

) **DECLARATION OF CATHY
AIMONETTI IN SUPPORT OF
COLLEGE DISTRICT'S OPPOSITION
TO PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY INJUNCTION**

19
20 I, CATHY AIMONETTI, do depose and declare as follows:

21 1. I am the Senior Administrative Assistant to Dr. Fred Prochaska, Dean of Career
22 Education and Workforce Development at West Valley College. I have worked for West Valley College
23 for over seven years. I have been Dr. Prochaska's administrative assistant since January 2007. The
24 Department manages the Career Programs Center and its services, including CalWORKS, Job
25 Placement, Work Experience Program, Child Care, Community Education, Workforce Development,
26 and Career Programs certificates. My responsibilities are as follows: (a) Perform secretarial and
27 administrative support duties for the dean and relieve the dean of a variety of clerical, technical and
28 administrative details; (b) Issue certificates for Career Programs; (c) Keep calendar of Dean; (d) Provide

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1 staff support to standing and ad hoc committees and other groups as assigned; attend meetings, take
2 notes; (e) Format, type, proofread, duplicate and distribute correspondence, lists, forms, memoranda and
3 other materials according to established procedures, policies and standards; (f) Facilitate
4 communications between assigned dean, other administrators, students, academic staff and other offices,
5 educational institutions or public agencies; interact and relay information, questions and decisions
6 regarding dean's assignments. I have personal knowledge of the matters stated herein and if called would
7 be competent to testify thereto.

8 2. The department is located in Room 35 of the Applied Arts and Sciences building at West
9 Valley College. My office is in the back of the building. Students should check-in with the receptionist
10 first. My office is directly in front of Dr. Prochaska's office. We can hear and see one another from our
11 desks. The AAS restrooms are across the hall from our office.

12 3. On several occasions, beginning on or about March 2009, the custodian came to the AAS
13 office and asked for our help in checking to see if any students were still in the women's restroom as he
14 was having trouble with one student (Chin-Li Mou) not leaving. Dr. Prochaska asked me to look and
15 help the custodian. On April 8, 2009, I noticed the custodian (Adolino) standing outside the door of one
16 of the restrooms, waiting for everyone inside to come out so that he could clean it. I asked Adolino if
17 he needed me to check and make sure the restroom was empty. I did so at his request. There were three
18 students in the restroom. I told them that the custodian was outside waiting to clean the restroom. Two
19 students left quickly, but one person remained in the handicap stall. This person was standing up at the
20 time, as I could see her legs underneath the door to the stall. From the sound of it, this person used a
21 large amount of toilet paper to flush the toilet. This person turned out to be Chin-Li Mou. When she
22 came out, I explained again that the custodian was waiting to clean the restroom. She did not seem to
23 care, saying, "So?" Again, I explained that the custodian needed only a few minutes to clean the restroom
24 and that Chin-Li Mou could come back when he was done. Again, Chin-Li Mou yelled "So," and refused
25 to leave. I told the custodian what happened and left to go back to my office to ask Dr. Prochaska what
26 I should do. When I got back to Dr. Prochaska's office, I could hear Chin-Li Mou yelling at the
27 custodian in the corridor. I went to see and asked Chin-Li Mou if she would like to speak with the Dean.
28 She yelled obscenities and walked off.

1 4. The next morning, on April 9, 2009, I tried to meet with the Ernest Smith, the Vice
2 President of Student Services for West Valley College, about the previous day's incident with Chin-Li
3 Mou. Dr. Smith asked me to call his administrative assistant, Donna Brosamer, for an appointment. Ms.
4 Brosamer advised me to prepare a detailed email describing what happened.

5 5. Later that day, at approximately 2:00 p.m., Chin-Li Mou came to my office and acted very
6 rude, saying things such as, "What are you, the bathroom police?", "I'm an Asian American, you have
7 a problem with that?", "I can take as long as I want, I went to the custodian's boss, he said okay." "I need
8 to take my medication and drink water slowly." Chin-Li Mou became belligerent and started yelling at
9 me. Dr. Prochaska was in the office next door and could hear everything taking place. I asked Chin-Li
10 Mou if she wanted to speak with the Dean. Chin-Li Mou refused to speak with the Dean, but also would
11 not leave. She kept repeating the same things loudly, and became very disruptive to students and office
12 personnel. Eventually, I turned the conversation over to Dr. Prochaska as he could see and hear Chin-Li
13 Mou. Chin-Li Mou was standing in the doorway between Dr. Prochaska's office and mine. In an effort
14 to appease her, Dr. Prochaska explained that there were other restrooms in the Applied Arts and Sciences
15 Building and that Chin-Li Mou could use those other restrooms when one of them was being cleaned.
16 He also stated that she could drink her water outside of the restroom and that there were benches in the
17 immediate area. Chin-Li Mou continued with her rant but eventually she just left and walked away. It
18 was difficult to provide a response to Ms. Mou since her loud and belligerent ranting went on almost
19 continuously. We both calmly and patiently listened to her during this entire time, but found it difficult
20 to communicate or provide constructive feedback.

21 6. A short while later, at around 2:20 p.m., Chin-Li Mou returned to my office and ranted
22 all over again about the same things with me and Dr. Prochaska. One of the employees in my office,
23 Rebecca McConnell, called the police to respond because Chin-Li Mou was loud and causing a
24 disturbance. However, Chin-Li Mou had left my office before the Police arrived. The Police went
25 looking for Chin-Li Mou in the restroom but could not find her there. We explained to the Police that
26 Chin-Li Mou usually could be found in the restroom between 4:15 p.m. and 4:30 p.m. when the
27 custodian needed to clean it. The Police advised that they were going to return at that time to observe
28 how Chin-Li Mou reacted to the custodian.

1 7. At about 2:45 p.m., I went across the corridor to collect my mail from the AAS Division
2 Office. Chin-Li Mou approached me and threatened me, saying "You better watch out, I'm watching you
3 and I'll get you." I reported this encounter to Cass Owen, Dr. Prochaska and Rebecca McConnell.

4 8. At about 4:15 p.m., I opened the side door of the Career Programs office to keep an eye
5 out for the custodian and to let him know that Chin-Li Mou was particularly upset today. Almost
6 immediately after I opened the door, Chin-Li Mou yelled from the doorway "You stalking me, *you crazy*
7 *bitch?*" Rebecca McConnell overheard Chin-Li Mou and called the police because Chin-Li Mou was
8 being disruptive again. The Police came and went to the bathroom. I did not see the Police with Chin-Li
9 Mou and do not know what happened to her except that Ernest Smith came to Dr. Prochaska's office
10 and said that Chin-Li Mou was suspended for two weeks. Later that day when I was leaving for the day,
11 I saw Chin-Li Mou in a police car.

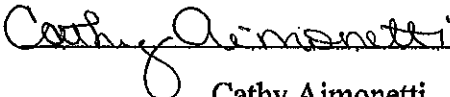
12 9. My actions in this matter were solely motivated by my desire to assist the custodian who
13 needs to clean the restroom each day. I have not taken any action against Chin-Li Mou on the basis of
14 her age, race or ethnicity, or for the purpose of preventing her from filing a grievance or any other illegal
15 purpose.

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Shupe and Finkelstein
177 Bover Road, Suite 600
San Mateo, CA 94402
(650) 341-3693

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct. Executed in Santa Clara County, California.

3 Dated: June 16, 2009


Cathy Aimonetti

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(650) 341-3693

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EXHIBIT F

1 John A. Shupe, Esq., SBN: 87716
Eric K. Shiu, Esq., SBN: 156167
2 SHUPE AND FINKELSTEIN
177 Bovet Road, Suite 600
3 San Mateo, CA 94402
Telephone: (650) 341-3693
4 Facsimile: (650) 341-1395

5 Attorneys for Defendant WEST VALLEY
COMMUNITY COLLEGE DISTRICT
6 (erroneously sued herein as West Valley College)

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 CHIN-LI MOU,

11 Plaintiff,

12 v.

13 WEST VALLEY COLLEGE, an individual and
a nonprofit educational corporation; JOHN
14 HENDRICKSON, an individual; PHILIP L.
HARTLEY, an individual; ERNEST SMITH, an
15 individual; DAVE FISHBAUGH, an individual;
LAURA LORMAN, an individual; CATHY
16 AIMONETTI, an individual; FRED
PROCHASKA, an individual; CHRIS ROLEN,
17 an individual; LINBERO #107, an individual,

18 Defendants.

) Case No: C09-01910 JF

) **DECLARATION OF FRED
PROCHASKA IN SUPPORT OF
COLLEGE DISTRICT'S OPPOSITION
TO PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY INJUNCTION**

19
20 I, FRED PROCHASKA, do depose and declare as follows:

21 1. I am the Dean of Career Education and Workforce Development at West Valley College.
22 I have been the Dean since September 1, 2005, and an administrator with the West Valley-Mission
23 Community College District since July 1986. My Department manages the Career Programs Center and
24 its services, including CalWORKS, Job Placement, Work Experience Program, Child Care Centers,
25 Community Education, Economic/Workforce Development, and Career Programs Support Services. My
26 responsibilities are to administer and supervise a wide variety of programs that address career education
27 and workforce development at the College. I have personal knowledge of the matters stated herein and
28 if called would be competent to testify thereto.

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San Mateo, CA 94402
(650) 341-3693

1 2. My office is located in Room 35 of the Applied Arts and Sciences building at West
2 Valley College. My assistant Cathy Aimonetti has an office next to mine. Our two offices are connected
3 by an open door and we can hear and see one another from our desks. The AAS restrooms are across the
4 hall from our office.

5 3. On several occasions, the custodian came to the AAS office and asked for our help in
6 checking to see if any students were still in the women's restroom as he was having trouble with one
7 student (Chin-Li Mou) not leaving. I asked Ms. Aimonetti to help the custodian.

8 4. On April 9, 2009, at about 2:00 p.m., Chin-Li Mou came into Ms. Aimonetti's office,
9 talking loudly and acting very rude. I was inside my office and could see and hear Chin-Li Mou from
10 my desk. She said things such as, "What are you, the bathroom police?", "I'm an Asian American, you
11 have a problem with that?", "I can take as long as I want, I went to the custodian's boss, he said okay."
12 "I need to take my medication and drink water slowly." Chin-Li Mou stood in the doorway between Ms.
13 Aimonetti's office and mine. In an effort to appease her, I explained that there was an additional set of
14 restrooms just down the hall in the Applied Arts and Sciences Building and in other nearby buildings,
15 and that Chin-Li Mou could use those other restrooms when one of them was being cleaned. I also
16 explained that Chin-Li Mou could drink her water outside of the restroom and that there were benches
17 in the immediate area. Chin-Li Mou continued with her rant but eventually she just left and walked
18 away. At all times, Ms. Aimonetti and I behaved calmly and patiently, listening to Chin-Li Mou's
19 concerns, but we both found it difficult to communicate or provide constructive feedback to her.

20 5. A short while later, at around 2:20 p.m., Chin-Li Mou returned to Ms. Aimonetti's office
21 and ranted all over again about the same things. There were a number of other students and staff in the
22 immediate area who appeared to be increasingly concerned about Ms. Mou's continued verbal outbursts.
23 Ms. Mou asked for my business card, which was immediately given to her, and also for the name of my
24 supervisor, which was also freely provided. She again abruptly departed.

25 6. At about 2:45 p.m., Ms. Aimonetti came into my office and stated that she had just been
26 threatened by Chin-Li Mou. Ms. Aimonetti explained that she was going to collect her mail when Ms.
27 Mou approached her and said, "You better watch out, I'm watching you and I'll get you."

28 7. I left a voice message soon thereafter with Ernie Smith, the college's Vice President of

1 Student Services, and also sent him an e-mail at 3:41 PM, describing that day's encounters with Chin-Li
2 Mou, as well as earlier reported problems by female staff members in this particular women's restroom.

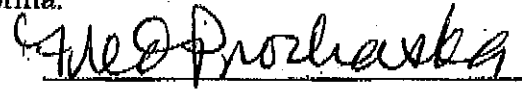
3 8. In May 2009, I received a telephone call from Dave Fishbaugh, Vice President of
4 Instruction at West Valley College. Vice President Fishbaugh explained that Chin-Li Mou had submitted
5 a complaint against me, and accused my staff of taking things out of her locker. I explained to Dean
6 Fishbaugh my interaction with Chin-Li Mou on April 9, 2009 and denied that any of my staff had entered
7 her locker to take anything from her. I advised him that I have never been in the women's restroom, do
8 not know the location of her locker or lockers there, and never asked staff to approach her locker.

9 9. My actions in this matter were solely motivated by my desire to assist the custodian who
10 needs to clean the restroom each day, to protect the safety of students and staff, and to maintain a sense
11 of order in the office. I have not taken any action against Chin-Li Mou on the basis of her age, race or
12 ethnicity or in an effort to deny her any rights under the First Amendment or for any other illegal
13 purpose.

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Shupe and Finkelstein
177 Bover Road, Suite 600
San Mateo, CA 94402
(650) 341-3693

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct. Executed in Santa Clara County, California.

3 Dated: June 19, 2009



4 Fred Prochaska

Shupe and Finkelstein
177 Boyet Road, Suite 603
San Mateo, CA 94402
(650) 341-3695

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EXHIBIT G

1 John A. Shupe, Esq., SBN: 87716
Eric K. Shiu, Esq., SBN: 156167
2 SHUPE AND FINKELSTEIN
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Telephone: (650) 341-3693
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5 Attorneys for Defendant WEST VALLEY
COMMUNITY COLLEGE DISTRICT
6 (erroneously sued herein as West Valley College)

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 CHIN-LI MOU,

11 Plaintiff,

12 v.

13 WEST VALLEY COLLEGE, an individual and
a nonprofit educational corporation; JOHN
14 HENDRICKSON, an individual; PHILIP L.
HARTLEY, an individual; ERNEST SMITH, an
15 individual; DAVE FISHBAUGH, an individual;
LAURA LORMAN, an individual; CATHY
16 AIMONETTI, an individual; FRED
PROCHASKA, an individual; CHRIS ROLEN,
17 an individual; LINBERO #107, an individual,

18 Defendants.

) Case No: C09-01910 JF

) **DECLARATION OF MARCUS
LINDBERG IN SUPPORT OF
COLLEGE DISTRICT'S OPPOSITION
TO PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY INJUNCTION**

19
20 I, MARCUS LINDBERG, do depose and declare as follows:

21 1. I am a police officer with the West Valley Mission Community College District. I have
22 served in this capacity since June 2003. As a police officer, my responsibilities are to (a) patrol the two
23 campuses of the College District and provide safety for its students, faculty and staff, (b) respond to
24 criminal complaints to determine in any criminal activity occurred; (c) conduct criminal investigations;
25 (d) enforce the law on campus; (d) issue citations as needed; and (e) make custodial arrests. I have
26 personal knowledge of the matters stated herein and if called would be competent to testify thereto.

27 2. Prior to the start of my work shift on April 9, 2009, I was advised by Officer Rodrigues
28 that he had received a disturbance call that day involving a Karen Chin-Li Mou, a student at West Valley

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(650) 341-3693

1 College, and that he had a Notice of Withdrawal of Consent on file which had to be served on this
2 student.

3 3. At about 4:25 p.m., I responded to Room 35 of the Applied Arts and Science Building
4 at West Valley College on account of a report of a disruptive student – Chin-Li Mou. When I arrived at
5 Room 35, I met with Dean Fred Prochaska, Cathy Aimonetti and Adelino Fernandes in Dean
6 Prochaska’s office. Andelino Fernandes advised me that he had several prior encounters with Chin-Li
7 Mou over the past few weeks. Mr. Fernandes explained that he saw Chin-Li Mou today in the restroom
8 and would not leave when asked to do so in order for him to perform his custodial duties. Mr. Fernandes
9 explained that it was quite common for Ms. Mou to refuse to leave the restroom and that he has had to
10 ask Cathy Aimonetti for help to ask Ms. Mou to leave.

11 4. I asked Mr. Fernandes to show me where Chin-Li Mou was located. He escorted me to
12 the women’s restroom next to the Career Center. Mr. Fernandes explained that Ms. Mou was inside.
13 While standing in the doorway, I announced my presence and asked if Chin-Li Mou was inside. I heard
14 a female voice say, “Ya, I’m pooping.” I told Ms. Mou to finish her business because it was time to
15 leave. I waited about 3 or 4 minutes by the door for Ms. Mou to finish using the restroom. I heard
16 someone open a locker inside the restroom. I asked Ms. Mou to come out several more times, but she
17 remained inside. Accordingly, I walked in and found Chin-Li Mou standing next to Locker #50, which
18 was open and full of her personal items, papers, clothing and toiletries. Ms. Mou appeared emotionally
19 distressed, had a disheveled appearance, and seemed incoherent. She waived her arms in the air and
20 repeatedly told me, “I don’t have to go, you stupid.” Over the course of about 3 or 4 minutes, I told Chin-
21 Li Mou several more times that she had to leave campus because of her behavior during the earlier part
22 of the day. Ms. Mou became more animated and angry each time I explained why she had to leave. At
23 one point, Chin-Li Mou walked up to me, stood about 12 to 16 inches away, pointed her right index
24 finger at my face and said, “No, I don’t have to leave, you stupid!” Again I told Chin-Li Mou that she
25 had to leave. Ms. Mou refused repeated requests to leave and remained in the restroom.

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177 Boyet Road, Suite 600
San Mateo, CA 94402
(650) 341-3693

1 5. Because Chin-Li Mou willfully refused my repeated verbal requests to leave, I placed my
2 right hand on her left shoulder in attempt to escort her out of the restroom. Without warning, Chin-Li
3 Mou quickly struck me in the right forearm. I then turned Ms. Mou around and tried to control her arms
4 and told her she was under arrest for resisting arrest and hitting a Police Officer and to stop resisting.
5 Ms. Mou kept yelling and swinging her arms around making it difficult for me to control her. I grabbed
6 Chin-Li Mou's arm and tried to pull her out of the restroom.

7 6. Meanwhile, Officer Kamfirouzi had responded to the Applied Arts and Science Building.
8 I had asked Mr. Fernandez to get Officer Kamfirouzi and bring him to the restroom area outside of the
9 Career Center. When he arrived on the scene, I explained to him that Chin-Li Mou had just hit me and
10 that she was under arrest. Officer Kamfirouzi helped me handcuff Ms. Mou Thereafter, I escorted her
11 to my patrol car where I searched her, checked the handcuffs for tightness and double locked the
12 handcuffs before placing her in my patrol car.

13 7. Vice President of Student Services Ernest Smith was present at the scene at the time. He
14 observed Chin-Li Mou resisting while I was escorting her from the restroom to my patrol car. I
15 completed a Notice of Withdrawal of Consent to suspend Chin-Li Mou for 14 days due to her conduct.
16 Attached hereto as Exhibit H and made a part hereof is a true and correct copy of the Notice of
17 Withdrawal of Consent/Campus Facilities Restriction issued to Chin-Li Mou. At the scene, Dr. Smith
18 signed the Notice and took his copy of the form.

19 8. En route to the Santa Clara County Main Jail, Chin-Li Mou kept asking me why she was
20 under arrest. I explained to her that she was being arrested for trespassing, resisting arrest and hitting a
21 police officer. Ms. Mou spontaneously stated, "You made me hit you, I was defending myself!" I asked
22 Ms. Mou if she had taken any psychiatric medication. She explained that she had to take her
23 "medication" but somehow forgot to that day.

24 9. At the Main Jail, I advised Chin-Li Mou that she was suspended for fourteen (14) days
25 and could not come on the West Valley or Mission College campus without an appointment. I explained
26 that, if Ms. Mou did come onto campus without an appointment, she would be arrested for trespassing.
27 I showed Chin-Li Mou the Notice of Withdrawal of Consent and asked if she would sign it. Ms Mou
28 shook her head and said, "No." I placed a copy of the Notice of Withdraw of Consent form in her

1 property bag. Ms. Mou was booked into the Santa Clara County Main Jail without further incident.

2 10. Attached hereto as Exhibit "I" and made a part hereof is a true and correct copy of the
3 Incident Report arising out of the April 9, 2009 incident.

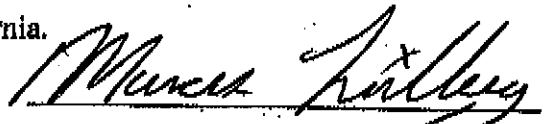
4 11. I have not taken any action against Chin-Li Mou because of her age, race or ethnicity,
5 because of a desire to restrain her from filing a grievance with the College District or because of any
6 other illegal motive. The motivations for my actions were to maintain a safe and orderly educational
7 environment at West Valley College and to enforce all laws and student Codes of Conduct applicable
8 to the College.

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Shupe and Finkelstein
177 Bover Road, Suite 600
San Mateo, CA 94402
(650) 341-5693

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct. Executed in Santa Clara County, California.

3 Dated: June 24, 2009


4 Marcus Lindberg

Shupe and Finkelstein
177 Bovee Road, Suite 600
San Mateo, CA 94402
(650) 341-3693

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EXHIBIT H



West Valley-Mission College District



Campus / Facilities Restriction

This is to inform you pursuant to the State of California Penal Code your consent to be present or remain on any part of the West Valley or Mission College properties, including but not limited to the buildings and all facilities owned, operated, rented, leased, or under the control of the West Valley-Mission College District is withdrawn. Violation of this notice may subject you to arrest and criminal prosecution.

Effective (Date/Time) 4-9-09 5pm Expires (Date/Time) 4-23-09 5pm

MOU Last Name CHIN-LI First Name 12/02/62 M.I. 213 DOB 21 SSN or Student I.D. No. 0603

4141 BONESO Residence Address SAN JOSE Apt. # CA City 95134 State 95134 Zip Code

(408) 957-9816 Home Phone No. () Work Phone No. () Cell Phone No.

4 DAYS State of California Penal Code Section 626.4(a) - Notice of withdrawal of consent to remain on campus; ...reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility. (Confirmation and review of action is required by the Chief Administrator or his/her Designee within 24-hour of issuance of this notice.)

7 DAYS State of California Penal Code Section 626.6 - Interfering with peaceful conduct on campus; ...failure to leave or reentering campus by person not a student, employee, or officer.

- Non-Student (626.6 P.C.)
- Employee/Student (626.2 P.C.)
- Student/Other (626.4 P.C.)

West Valley College, 14000 Fruitvale Avenue, Saratoga CA 95070

Mission College, 3000 Mission College Boulevard, Santa Clara, CA 95054

Other Restricted Facilities or Locations: _____

REFUSED

Signature of Recipient

Reasonable cause/statement of facts: ON 4-9-09 AT APPROX 1635 HOURS I CONTACTED
DISRUPTIVE STUDENT IN THE WOMENS RESTROOM IN AAS 35 AT
WEST VALLEY COLLEGE. THE STUDENT WAS ASKED TO LEAVE BY A DISTRICT
CUSTODIAN, PRIOR TO MY CONTACT THIS STUDENT SHE CAUSED A INCIDENT
SEE CAD # 09-04-09-000685. WHEN I CONTACTED THE STUDENT I
ASKED HER TO COME OUT OF THE RESTROOM AND SHE DID NOT.
I ASKED HER MULTIPLE TIMES TO LEAVE. THE STUDENT
REFUSED AND REMAINED IN THE RESTROOM, I HAD TO PLACE MY
HAND ON HER SHOULDER TO MAKE HER LEAVE, SHE RESISTED AND
WAS PLACED UNDER ARREST.

LINDBERG Police Officer 116 Badge No. 4/9/09 Date 1700 Time 09-099-0404 Event/Case Number
[Signature] Chief Administrator/Designee Vice President Student Serv Title 4/9/09 Date 5109 Time

Per California Penal Code Section 626.4(b), Confirmation of Actions is Approved: Yes No Not Applicable

WHITE: Police/Case File YELLOW: Chief Administrator/Vice President Student Services PINK: Subject of Notification

See Reverse for Additional Information

EXHIBIT I

District Police
West Valley-Mission Community College
CRIME REPORT

ORIGINAL

LOCATION OF OCCURRENCE / ADDRESS WV-APPLIED ARTS & SCIENCES/AAS-35 & ASS WOMEN'S RESTROOM/14000 FRUITVALE AVENUE, S.		DATE / TIME REPORTED 04/09/2009 16:23	CASE NO. 0904-00076
CODE SECTION	CRIME	CLASSIFICATION	LOSS
243(B) PC	Battery on a peace officer	PUBLIC SAFETY CRIME	0.00
148 PC	Resisting arrest or delaying an officer	PUBLIC SAFETY CRIME	0.00
802 PC	Trespassing	TRESPASS	0.00
626.2-9 PC	Disrupt, interfere, return to campus, etc.	DISTURBANCES	0.00
FROM: DATE/TIME 04/09/2009 16:23	TO: DATE/TIME 04/09/2009 16:23	APPROVED YES	CASE STATUS Cleared
ADDITIONAL CATEGORIES		ITEMS IN REPORT	
<input type="checkbox"/> ALCOHOL RELATED	<input type="checkbox"/> DRUGS INVOLVED	<input type="checkbox"/> SENIOR CITIZEN	<input checked="" type="checkbox"/> ARREST OCCURED
<input type="checkbox"/> TRAFFIC RELATED	<input type="checkbox"/> GROUP/GANG INVOLVED	<input type="checkbox"/> WEAPONS INVOLVED	<input type="checkbox"/> DOMESTIC VIOLENCE
		<input checked="" type="checkbox"/> SUPPLEMENT	<input type="checkbox"/> PICTURE/IMAGES
		<input checked="" type="checkbox"/> FOLLOW UP	<input checked="" type="checkbox"/> PROPERTY/EVIDENCE
COPIES TO			
<input type="checkbox"/> INVESTIGATIONS	<input type="checkbox"/> SANTA CLARA PD	<input type="checkbox"/> SAN JOSE HOJ	<input type="checkbox"/> PALO ALTO COURT
<input checked="" type="checkbox"/> DA'S OFFICE	<input type="checkbox"/> SANTA CLARA S/O SUB.	<input type="checkbox"/> INSURANCE	<input type="checkbox"/> OTHER
<input type="checkbox"/> SANTA CLARA S/O RECORDS		<input checked="" type="checkbox"/> DEAN OF STUDENTS - WVC	<input type="checkbox"/> DEAN OF STUDENTS - MC

INV RP2	NAME - LAST, FIRST, MIDDLE AIMONETTI CATHY	SUFFIX	RACE W	ETHNICITY NH	SEX F	AGE	DOB	HT	WT	HAIR	EYE
SSN	DRIVER'S LIC. NO.			STUDENT ID			TYPE				
ADDRESS TYPE WORK	STREET NUMBER 14000	STREET NAME Fruitvale Avenue	SUITE NUMBER AAS-35	CITY Saratoga,	STATE CA	ZIP 95070					
PHONES Work: 408-741-2655;											

INV W1	NAME - LAST, FIRST, MIDDLE FERNANDES ADELINO	SUFFIX	RACE W	ETHNICITY H	SEX F	AGE 61	DOB 11/13/1947	HT 5.9	WT 130	HAIR BRO	EYE BRO
SSN	DRIVER'S LIC. NO. N5243623 CA			STUDENT ID			TYPE				
ADDRESS TYPE HOME	STREET NUMBER 732	STREET NAME Los Padres,	SUITE NUMBER	CITY Santa Clara,	STATE CA	ZIP 95050					
WORK	14000	Fruitvale Ave.,		Saratoga,	CA	95070					
PHONES Cell: 408-210-7185; Work: 408-741-2625;											

INV O1	NAME - LAST, FIRST, MIDDLE MCCONNELL REBECCA	SUFFIX	RACE W	ETHNICITY NH	SEX F	AGE	DOB	HT	WT	HAIR	EYE
SSN	DRIVER'S LIC. NO.			STUDENT ID			TYPE				
ADDRESS TYPE WORK	STREET NUMBER 14000	STREET NAME Fruitvale Ave.,	SUITE NUMBER AAS-35	CITY Saratoga,	STATE CA	ZIP 95070					
PHONES Work: 408-741-2661;											

INV S1	NAME - LAST, FIRST, MIDDLE MOU CHIN-LI	SUFFIX	RACE A	ETHNICITY NH	SEX F	AGE 46	DOB 12/02/1962	HT 5.1	WT 105	HAIR BLK	EYE BRO
SSN 231-21-0603	DRIVER'S LIC. NO. A8895646 CA			STUDENT ID 1126901			TYPE				
ADDRESS TYPE HOME	STREET NUMBER 4141	STREET NAME Bonoso Circle	SUITE NUMBER	CITY San Jose	STATE CA	ZIP 95134					
PHONES Home: 408-957-9816;											

INV RP	NAME - LAST, FIRST, MIDDLE PROCHASKA FRED	SUFFIX	RACE W	ETHNICITY NH	SEX M	AGE	DOB	HT	WT	HAIR	EYE
SSN	DRIVER'S LIC. NO.			STUDENT ID			TYPE				
ADDRESS TYPE WORK	STREET NUMBER 14000	STREET NAME Fruitvale Ave.,	SUITE NUMBER AAS-35	CITY Saratoga	STATE	ZIP					
PHONES Work: 408-741-2167;											

NARRATIVE

SYNOPSIS:

On 04-09-09 at approximately 1623 hours, I was dispatched to West Valley College for a student that had returned to campus after causing a verbal disturbance in the Career Center earlier that day. Dispatch advised the student was "Karen MOU." I contacted MOU who has a history of on campus disturbances, and she refused my several

REPORTING OFFICER LINDBERG, MARCUS	REVIEWED BY ROLEN, DALTON	APPROVAL DATE AND TIME 04/20/2009 00:00
SIGNATURES	PRINT DATE AND TIME 06/08/2009 09:42	PRINTED BY ROLEN, DALTON
		PAGE NO. 1 of 4

District Police
West Valley-Mission Community College
CRIME REPORT

LOCATION OF OCCURRENCE / ADDRESS WV-APPLIED ARTS & SCIENCES/AAS-35 & ASS WOMEN'S RESTROOM/14000 FRUITVALE AVENUE, S	DATE / TIME REPORTED 04/09/2009 18:23	CASE NO. 0904-00076
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requests to leave campus. When I attempted to escort MOU off campus she became aggressive, assaulted me, and resisted arrest. MOU was taken into custody without further incident and was later booked into Santa Clara Main Jail for the listed charges.

NARRATIVE:

On 04-09-09, prior to starting my shift, Officer E. RODRIGUES #107, advised me he had received a disturbance call involving "Karen MOU" and he had a Notice of Withdraw of Consent, PC 626.4 notice on file for MOU that needed to be served. According to RODRIGUES, MOU caused a verbal disturbance disrupting orderly operations of campus activities in AAS 35 earlier that day. On 04-09-09 at approximately 1625 hours, I arrived at AAS 35 for a disruptive student report. I walked into AAS 35 (Career Center) and contacted reporting party's Fred PROCHASKA, Cathy AIMONETTI, and witness Adelino FERNANDES in PROCHASKA'S office. They advised me that MOU was inside the women's restroom next to PROCHASKA'S office. FERNANDES, the District custodian, advised me that he had several previous encounters with MOU over the past weeks. FERNANDES told me he saw MOU today and she would not leave the restroom when he asked her to leave so he could perform his custodial duties. FERNANDES told me that it is a common occurrence for MOU to refuse to leave the restroom. FERNANDES told me he usually has to solicit help from AIMONETTI to assist with asking MOU to leave. I asked FERNANDES to show me where MOU was located. We walked over to the women's restroom next to PROCHASKA'S office. FERNANDES told me MOU was inside. While standing in the doorway I announced my presence and asked if Karen was in here. I heard a female's voice say, "Ya, I'm pooping." I told MOU to finish because it was time for her to leave. I waited approximately 3-4 minutes by the doorway for MOU to finish using the restroom. I heard someone opening a locker inside the restroom, it was MOU. At approximately 1630 hours, via radio, I heard Officer K. KAMFIROUZI #115 arrive on scene. I asked FERNANDES to bring Officer KAMFIROUZI to my location. While standing in the doorway, I asked MOU to come out of the restroom several more times but she remained inside. I walked in and contacted MOU next to locker #50 which was open and full of her personal items, papers, clothing, and toiletries. MOU appeared to be emotionally distressed, had a disheveled appearance, and seemed incoherent. MOU was waving her arms in the air and repeatedly told me "I don't have to go, you stupid!" Over the course of approximately 3-4 minutes, I told MOU several more times she had to leave campus due to her behavior earlier that day. MOU became more animated and angry each time I explained to her why she had to leave. I told MOU she had to go with me and leave the restroom. MOU walked up to me (approximately 12-16 inches away) pointed her right index finger at my face and said, "No, I don't have to

REPORTING OFFICER LINDBERG, MARCUS	REVIEWED BY ROLEN, DALTON	APPROVAL DATE AND TIME 04/20/2009 00:00
SIGNATURES	PRINT DATE AND TIME 08/08/2009 09:42	PRINTED BY ROLEN, DALTON
		PAGE NO. 2 of 4

West Valley-Mission Community College
CRIME REPORT

LOCATION OF OCCURRENCE / ADDRESS WV-APPLIED ARTS & SCIENCES/AAS-35 & ASS WOMEN'S RESTROOM/14000 FRUITVALE AVENUE, S	DATE / TIME REPORTED 04/09/2009 18:23	CASE NO. 0904-00076
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leave, you stupid!" Again, I told MOU she had to leave. MOU refused repeated requests to leave and remained in the restroom. Due to MOU willfully refusing repeated verbal requests to leave, I placed my right hand on MOU'S left side shoulder in an attempt to escort her out of the restroom. Without any warning, MOU quickly and with enough force to remove my hand from her shoulder struck my right forearm with her right hand/palm. I then turned MOU around (MOU facing her locker) and tried to control her arms while telling her she was under arrest and to stop resisting. MOU was yelling and swinging her arms around making it difficult for me to control her. I was unable to get on the radio because when I was struggling with MOU she knocked off my handset from my shirt. I told MOU to stop moving around and quit resisting. I grabbed MOU'S left arm with both of my hands and started walking MOU out of the restroom. Officer KAMFIROUZI came into the restroom and I told him that MOU hit me and she was under arrest. I turned MOU away from KAMFIROUZI so he could control MOU'S left arm while I controlled her right. I placed handcuffs on MOU and told her she was under arrest for hitting a police officer, resisting arrest and trespassing. I escorted MOU to my patrol vehicle where I searched MOU, checked the handcuffs for tightness, and then double locked the handcuffs before placing her in the backseat of my vehicle. Officer Kevin BORGES #114 at the time was the acting police supervisor, was on scene and advised of the situation.

nie SMITH, Vice President of Student Services for West Valley College at the time was also on scene. I completed a Notice of Withdraw of Consent (PC 626.4 form) to suspend MOU for 14 days due to her actions. Mr. SMITH signed the notice and took his copy of the form.

while en route to the main jail MOU kept asking me why she was arrested. I told her again for trespassing, resisting arrest and hitting a police officer. MOU spontaneously said, "You made me hit you, I was defending myself!" I asked MOU if she had to take any psychiatric medication. MOU told me she had to take her medication but somehow forgot to take her medication today.

SPECT INJURIES:

During my contact with MOU she did not complain of pain and did not request any medical attention.

OFFICER INJURIES:

Redness to the skin on my right forearm and was sore for a few hours. I had a minor cut on my left index

REPORTING OFFICER BORGES, MARCUS	REVIEWED BY ROLEN, DALTON	APPROVAL DATE AND TIME 04/20/2009 00:00
	PRINT DATE AND TIME 06/08/2009 09:42	PRINTED BY ROLEN, DALTON
		PAGE NO. 3 of 4

District Police
West Valley-Mission Community College
CRIME REPORT

LOCATION OF OCCURRENCE / ADDRESS WV-APPLIED ARTS & SCIENCES/AAS-35 & ASS WOMEN'S RESTROOM/14000 FRUITVALE AVENUE, S	DATE / TIME REPORTED 04/09/2009 16:23	CASE NO. 0904-00076
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finger. Neither injury required emergency medical assistance.

At the main jail in lower booking, I advised MOU that she was suspended for 14 days and could not come on the West Valley or Mission College campus without an appointment. If MOU came on campus without an appointment she who be arrested for trespassing. I showed MOU the Notice of Withdraw of Consent and asked her if she would sign. MOU shook her head right to left and said, "No." I placed her copy of the Notice of Withdraw of Consent form in her property bag. MOU was booked into the Santa Clara County Mail Jail for 602(q)PC and 148PC with out further incident.

RECOMMENDATIONS:

Forward to the D.A.O. for review and prosecution of the listed charges.

ADDITIONAL INFORMATION:

Since 2002 MOU has continued to cause disturbances at West Valley and Mission College. See attached contact history print out records system.

- On 09-19-08 MOU was a suspect in a theft/burglary that occurred in AAS 35, see West Valley Police case number 0809-00267.
- On 03-27-08 MOU caused a verbal disturbance in the Library, see West Valley Police CAD entry number 08-03-27-000637.
- On 09-15-03 MOU was a suspect in an annoying harassing phone calls incident, see West Valley Police CAD entry number 03-09-15-01460.
- 09-18-02 the counselors at Mission College called for police assistance while trying to help MOU as she caused a disturbance, see West Valley Police CAD entry number 02-09-18-01251.
- 04-16-02 MOU caused another verbal disturbance at AAS 35, see West Valley Police CAD entry number 02-04-16-00728.

REPORTING OFFICER LINDBERG, MARCUS	REVIEWED BY ROLEN, DALTON	APPROVAL DATE AND TIME 04/20/2009 00:00
SIGNATURES	PRINT DATE AND TIME 06/08/2009 09:42	PRINTED BY ROLEN, DALTON
		PAGE NO. 4 of 4

West Valley College Community College
District Police

Supplement Case Report

LOCATION OF OCCURRENCE / ADDRESS		CAD NO.	CASE NO.
WV-APPLIED ARTS & SCIENCES/AAS-35 & ASS WOMEN'S RESTROOM/14000 FRUITVALE AVENUE		09-04-09-000669	0904-00076
DATE AND TIME REPORTED	REPORTING OFFICER		
04/09/2009 18:23	LINDBERG, MARCUS		
CODE SECTION	CRIME DESCRIPTION	CLASSIFICATION	
243(B) PC	Battery on a peace officer	PUBLIC SAFETY CRIME	
148 PC	Resisting arrest or delaying an officer	PUBLIC SAFETY CRIME	
602 PC	Trespassing	TRESPASS	
626.2-9 PC	Disrupt, interfere, return to campus, etc.	DISTURBANCES	

SUPPLEMENT NARRATIVE

NARRATIVE:

On Thursday, April 09, 2009, at approximately 1623 hours, Santa Clara County Communications advised that there was a disturbance at the West Valley College Applied Arts and Science Department room AAS-35. At approximately 1630 hours, I arrived at the scene to assist officer Lindberg, Badge #116.

Upon arrival, West Valley College employees Cathy Aimonetti and Adelino Fernandes were standing in the AAS lobby near the women's restroom. Aimonetti and Fernandes told me that Officer Lindberg was inside the women's restroom talking to suspect Mou. Upon opening the women's restroom's door, I heard Officer Lindberg telling suspect Mou to stop resisting and that she was under arrest for hitting him. Once I entered the restroom area, Officer Lindberg told me suspect Mou had hit him and that she was under arrest. I observed Officer Lindberg holding the suspect's right hand and continuously telling Mou to stop resisting. Mou was moving around and throwing her left arm up and down and in a circular motion in an effort to break free and walk away from Officer Lindberg. I assisted Officer Lindberg by holding Mou's left hand while Officer Lindberg placed handcuffs on Mou without any further incident.

STATEMENT OF FERNANDES:

Adelino Fernandes is a full-time West Valley College custodian. Fernandes told me that during his regular work shift between 1630-1700 hours, he goes to the AAS building to clean the bathrooms and to reload paper at the toilets. Fernandes told me he has seen Mou at least 5 to 6 times within the last 2 months coming out of the AAS women's restroom between 1630-1700 hours. Fernandes told me that he has never talked or asked her to leave any area. Fernandes told me before he enters any women's restroom he always knocks on the door and announces himself before entering the facility. Fernandes told me if someone is in the restroom he waits until everyone comes out and then enters the facility. Fernandes told me today he knocked on the door, but no one answered, however, he heard something inside the restroom. Fernandes told me since he wasn't sure if someone was inside the restroom he went to room AAS-35 and asked one of the female secretaries (Didn't know who he talked to) to check the restroom for him. Fernandes told me when the female secretary came out of the women's restroom she told him that she was going to call the police. Fernandes told me he did not witness any activities and did not have any other information to provide.

EVIDENCE:

I took 10 digital photographs of the women's restroom and Officer Lindberg's injury with my department issued digital camera. I transferred all the digital images to CD-Rom and booked it into evidence.

REPORTING OFFICER KAMFIROUZI, KAMBIZ	SUPPLEMENT DATE AND TIME REPORTED 04/09/2009 18:45	REVIEWED BY ROLEN, DALTON	APPROVAL DATE AND TIME 04/20/2009 10:38
SIGNATURES	PRINT DATE AND TIME	PRINTED BY ROLEN DALTON	PAGE NO. 1 of 1

West Valley Mission Community College

District Police

Supplement Case Report

LOCATION OF OCCURRENCE / ADDRESS			CASE NO.
WV-APPLIED ARTS & SCIENCES/AAS-35 & A&S WOMEN'S RESTROOM/14000 FRUITVALE AVENI			0904-00076
CODE SECTION	CRIME DESCRIPTION	CLASSIFICATION	DATE AND TIME REPORTED
243(B) PC	Battery on a peace officer	PUBLIC SAFETY CRIME	04/09/2009 18:23
148 PC	Resisting arrest or delaying an officer	PUBLIC SAFETY CRIME	REPORTING OFFICER
802 PC	Trespassing	TRESPASS	LINDBERG, MARCUS
626.2-9 PC	Disrupt, interfere, return to campus, etc.	DISTURBANCES	

SUPPLEMENT NARRATIVE

On 04-10-09 I obtained a printed copy of RP PROCHASKA'S email that he sent to Ernie SMITH regarding his encounters and experience dealing with suspect MOU. I attached the print out to this report.

REPORTING OFFICER	SUPPLEMENT DATE AND TIME REPORTED	REVIEWED BY	APPROVAL, DATE AND TIME
LINDBERG, MARCUS	04/11/2009 00:22	ROLEN, DALTON	04/20/2009 10:38
SIGNATURES	PRINT DATE AND TIME	PRINTED BY	PAGE NO.

West Valley-Mission Community College
 District Police
 Supplement Case Report

LOCATION OF OCCURRENCE / ADDRESS			CASE NO.
WV-APPLIED ARTS & SCIENCES/AAS-35 & ASS WOMEN'S RESTROOM/14000 FRUITVALE AVENUE			0904-00076
CODE SECTION		CAD NO.	DATE AND TIME REPORTED
243(B) PC	CRIME DESCRIPTION	09-04-09-000669	04/09/2009 16:23
148 PC	Battery on a peace officer		REPORTING OFFICER
602 PC	Resisting arrest or delaying an officer		LINDBERG, MARCUS
626.2-9 PC	Trespassing	CLASSIFICATION	
	Disrupt, interfere, return to campus, etc.	PUBLIC SAFETY CRIME	
		PUBLIC SAFETY CRIME	
		TRESPASS	
		DISTURBANCES	

SUPPLEMENT NARRATIVE

On Monday, April 20, 2009, at approximately 1330 hours, I obtained a copy of an email that was sent to Prochaska from Aimonetti on Tuesday, April 14, 2009, at approximately 1346 hours. The email contained a word document attachment outlining the incidents between Wednesday, April 8, 2009 through Thursday, April 9, 2009 regarding MOU. The copies are attached to this report.

REPORTING OFFICER	SUPPLEMENT DATE AND TIME REPORTED	REVIEWED BY	APPROVAL DATE AND TIME
AMFIROUZI, KAMBIZ	04/20/2009 13:50	ROLEN, DALTON	04/21/2009 14:07
SIGNATURES	PRINT DATE AND TIME	PRINTED BY	PAGE NO.
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West Valley-Mission Community College
District Police
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LOCATION OF OCCURRENCE / ADDRESS		CAD NO.	CASE NO.
WV-APPLIED ARTS & SCIENCES/AAS-35 & ASS WOMEN'S RESTROOM/14000 FRUITVALE AVENUE		09-04-09-000669	0904-00076
CODE SECTION	CRIME DESCRIPTION	CLASSIFICATION	DATE AND TIME REPORTED
243(B) PC	Battery on a peace officer	PUBLIC SAFETY CRIME	04/09/2009 16:23
148 PC	Resisting arrest or delaying an officer	PUBLIC SAFETY CRIME	REPORTING OFFICER
602 PC	Trespassing	TRESPASS	LINDBERG, MARCUS
626.2-9 PC	Disrupt,interfere,return to campus,etc.	DISTURBANCES	

SUPPLEMENT NARRATIVE

On Monday, April 20, 2009, at approximately 1400 hours, I called and left a voice message for Rebecca McConnell to call me back regarding the incident on Thursday, April 9, 2009.

STATEMENT OF McCONNELL:

At approximately 1407 hours, McConnell returned my phone call. McConnell told me that on Thursday, April 9, 2009, at approximately 1615 hours, Mou was in the hallway between AAS-35 and the AAS Division Offices yelling. McConnell told me that Mou opened the AAS-35 door and yelled at Aimonetti and said, "You better watch out, I am going to get you." At that time, McConnell called the police for help. McConnell told me she never left her office, never went to the ladies restroom, and never saw any janitor around.

REPORTING OFFICER	SUPPLEMENT DATE AND TIME REPORTED	REVIEWED BY	APPROVAL DATE AND TIME
AMFIROUZI, KAMBIZ	04/20/2009 14:30	ROLEN, DALTON	04/21/2009 14:07
SIGNATURES	PRINT DATE AND TIME	PRINTED BY	PAGE NO.
	04/20/2009 14:30	ROLEN DALTON	1 of 1

Supplement Case Report

LOCATION OF OCCURRENCE / ADDRESS		CAD NO.	CASE NO.
WV-APPLIED ARTS & SCIENCES/AAS-35 & ASS WOMEN'S RESTROOM/14000 FRUITVALE AVENUE		09-04-09-000669	0904-00076
CODE SECTION	CRIME DESCRIPTION	CLASSIFICATION	DATE AND TIME REPORTED
243(B) PC	Battery on a peace officer	PUBLIC SAFETY CRIME	04/09/2009 16:23
148 PC	Resisting arrest or delaying an officer	PUBLIC SAFETY CRIME	REPORTING OFFICER
302 PC	Trespassing	TRESPASS	LINDBERG, MARCUS
328.2-9 PC	Disrupt, interfere, return to campus, etc.	DISTURBANCES	

SUPPLEMENT NARRATIVE

On Monday, April 20, 2009, at approximately 1200 hours, I contacted Cathy Aimonetti to obtain her statement. She was not in her office and I left her a voice message to call me back. At approximately 1355 hours, Aimonetti returned my phone call and she provided the following statement.

STATEMENT OF AIMONETTI:

Aimonetti is a full-time West Valley College Career Program Office Assistant. Aimonetti told me that several times prior to the April 9, 2009 incident, Fernandez had asked her to check the women's restroom to ensure no one was in there. Aimonetti told me Prochaska had also asked her to help Fernandes with checking the women's restroom. Aimonetti told me Fernandes has always had trouble asking Mou to leave the restroom; however by the time Aimonetti would get to the restroom Mou was no longer in the restroom or she was gone.

Aimonetti told me that on Thursday, April 9, 2009, at approximately 1615 hours, she opened the side door to room AAS-35 that opens to the hallway across from the women's restroom and waited for Fernandes to arrive.

Aimonetti told me that Fernandes usually arrives to ask her for help between 1615 through 1630 hours to check the restroom. Aimonetti told me that she was still inside room AAS-35 standing by the counter when Mou approached her and told her, "You stalking me, you crazy bitch". That's when McConnell called the police for help.

Aimonetti said that she never went to the restroom before or after Mou. She was just waiting for Fernandes to arrive so she could tell him Mou was "agitated" and the police were called earlier that day to deal with her. Aimonetti told me she wanted to have nothing to do with Mou. Aimonetti said she just waited for the police to arrive and one officer went to the women's restroom to contact Mou.

REPORTING OFFICER KAMFIROUZI, KAMBIZ	SUPPLEMENT DATE AND TIME REPORTED 04/21/2009 13:55	REVIEWED BY ROLEN, DALTON	APPROVAL DATE AND TIME 04/21/2009 16:31
SIGNATURES	PRINT DATE AND TIME	PRINTED BY ROLEN, DALTON	PAGE NO. 1 of 1

West Valley Mission Community College
District Police
Supplement Case Report

LOCATION OF OCCURRENCE / ADDRESS		CAD NO.	CASE NO.
WV-APPLIED ARTS & SCIENCES/AAS-35 & ASS WOMEN'S RESTROOM/14000 FRUITVALE AVENUE		09-04-09-000869	0904-00076
DATE AND TIME REPORTED	REPORTING OFFICER		
04/09/2009 16:23	LINDBERG, MARCUS		
CODE SECTION	CRIME DESCRIPTION	CLASSIFICATION	
243(B) PC	Battery on a peace officer	PUBLIC SAFETY CRIME	
148 PC	Resisting arrest or delaying an officer	PUBLIC SAFETY CRIME	
602 PC	Trespassing	TRESPASS	
626.2-9 PC	Disrupt,interfere,return to campus,etc.	DISTURBANCES	

SUPPLEMENT NARRATIVE

On Tuesday, April 21, 2009, at approximately 2150 hours, I re-interviewed Fernandes. Fernandes told me on the day of the incident he knocked on the women's restroom and he thought he heard something so he did not enter the facility. Fernandes told me he went to AAS-35 to talk to "Fred's" secretary (Cathy) to help him check the bathroom. Fernandes told me Cathy was "talking too fast" and since his English is not too good he did not understand what she was telling him. Fernandes told me at that time he saw Officer Lindberg walking into the women's restroom. Fernandes told me his head was down and he did not see or hear anything.

REPORTING OFFICER KAMFIROUZI, KAMBIZ	SUPPLEMENT DATE AND TIME REPORTED 04/21/2009 21:50	REVIEWED BY	APPROVAL DATE AND TIME
SIGNATURES	PRINT DATE AND TIME 06/15/2009 12:04	PRINTED BY DALE DALTON	PAGE NO. 4 of 4

West Valley-Mason Community College
District Police
CAD Full Report

Date: 04/09/2009 14:10 Event Nbr: 09-04-09-000665 Report Nbr: 0904-00077 Rec'd Via: Radio

Initial Incident: 415 - DISTURBANCES - Disturbing the peace

Final Incident: 415 - DISTURBANCES - Disturbing the peace

Location: WV-APPLIED ARTS & SCIENCES

Detail: ROOM 35 - CAREERS PROGRAM OFFICE

Street Nbr: 14000 Name: Fruitvale Avenue Apt Nbr:

Reporting Person: CATHY AMONETTI Phone: 408-741-2655

Address: 14000 FRUITVALE AVE. SARATOGA, CA. 95070

Police Information:

The student is Karen Mou. According to Cathy Aimonetti Mou was complaining that they (the office staff) was not very helpful. Aimonetti said Mou is a problem every day because she hangs out inside the womens restroom in AAS. The custodian ask Aimonetti to make sure the restroom is clear, but Mou is always inside and takes her time in leaving. During today's incident, Mou said to Aimonetti, "You watch it. I'm going to get you." Fred Prochaska, who also witnessed the disturbance in the office, wanted this incident documented in case something did happen. Aimonetti is going to email Dean Ernie Smith about today's incident along with some other incidents that have occurred with Mou.

Swing shift advised, and 626 notice in building 19.

Public Information:

Office staff reporting a student is upset with them for not being very helpful. The student began yelling at the staff. She was loud enough to disturb a meeting in the next room. The student was gone upon arrival.

Disposition: No Report

- Issue Report
- Arrest
- Media Log
- Alarm Response
- False Alarm
- Service Call

Officers Involved:

Call #	Officer Name	Activity	Dispatch	Enroute	Arrived	Cleared
L7	RODRIGUES	CC	14:10	14:10	14:15	14:45
L15	KAMFIROUZI	CC	14:10	14:10	14:25	14:45
L14	BORGES	CC	14:10	14:10	14:35	14:45

Master Names

INV: S1 Name Last, First, Middle: MOU CHIN-LI Suffix:

Race: A Sex: F Age: 46.00 DOB: 12/02/1962

Height: 5.1 Weight: 105 Hair: BLK Eye: BRO

SSN: 231-21-0603 Driver's Lic No: A8895646 Student ID: 1126901 Type:

Phones:

ADDRESS TYPE	STREET NUMBER	STREET NAME	SUITE NUMBER	CITY	STATE	ZIP
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West Valley-Mission Community College
CRIME REPORT

LOCATION OF OCCURRENCE / ADDRESS WV-APPLIED ARTS & SCIENCES/ROOM 35 - CAREERS PROGRAM OFFICE/14000 FRUITVALE AVENUE		DATE / TIME REPORTED 04/09/2009 14:10	CASE NO. 0904-00077
CODE SECTION 626.2-9 PC	CRIME Disrupt,Interfere,return to campus,etc.	CLASSIFICATION DISTURBANCES	LOSS 0.00 RECOVERY 0.00
FROM: DATE/TIME 04/09/2009 14:00	TO: DATE/TIME 04/09/2009 14:10	APPROVED NO	CASE STATUS Open
ADDITIONAL CATEGORIES <input type="checkbox"/> ALCOHOL RELATED <input type="checkbox"/> TRAFFIC RELATED		<input type="checkbox"/> DRUGS INVOLVED <input type="checkbox"/> GROUP/GANG INVOLVED	<input type="checkbox"/> SENIOR CITIZEN <input type="checkbox"/> WEAPONS INVOLVED
<input type="checkbox"/> INVESTIGATIONS <input type="checkbox"/> DA'S OFFICE <input type="checkbox"/> SANTA CLARA S/O RECORDS		<input type="checkbox"/> ARREST OCCURED <input type="checkbox"/> DOMESTIC VIOLENCE	ITEMS IN REPORT <input type="checkbox"/> SUPPLEMENT <input type="checkbox"/> FOLLOW UP <input type="checkbox"/> PICTURE/IMAGES <input type="checkbox"/> PROPERTY/EVIDENCE
COPIES TO <input type="checkbox"/> SANTA CLARA PD <input type="checkbox"/> SANTA CLARA S/O SUB.		<input type="checkbox"/> SAN JOSE HOJ <input type="checkbox"/> INSURANCE	<input type="checkbox"/> PALO ALTO COURT <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> DEAN OF STUDENTS - WVC <input type="checkbox"/> DEAN OF STUDENTS - MC

INV RP	NAME - LAST, FIRST, MIDDLE AIMONETTI CATHY	SUFFIX	RACE W	ETHNICITY NH	SEX F	AGE	DOB	HT	WT	HAIR	EYE
SSN	DRIVER'S LIC. NO.		STUDENT ID		TYPE						
ADDRESS TYPE WORK	STREET NUMBER 14000	STREET NAME Fruitvale Avenue	SUITE NUMBER AAS-35	CITY Saratoga,	STATE CA	ZIP 95070					
PHONES Work: 408-741-2655;											

INV S1	NAME - LAST, FIRST, MIDDLE MOU CHIN-LI	SUFFIX	RACE A	ETHNICITY NH	SEX F	AGE 46	DOB 12/02/1962	HT 5.1	WT 105	HAIR BLK	EYE BRO
SSN	DRIVER'S LIC. NO. A8895648 CA		STUDENT ID 1128901		TYPE						
ADDRESS TYPE HOME	STREET NUMBER 4141	STREET NAME Boreas Circle	SUITE NUMBER	CITY San Jose	STATE CA	ZIP 95134					
PHONES Cell: 408-644-1121; Home: 408-957-9818;											

NARRATIVE

SUMMARY: A disruptive presence on campus occurred on 4/9/09 at 1400 hours. A student caused a disturbance in an office disrupting a meeting. The student had left the scene prior to arrival but is known.

I received a call from County Communications of a disturbance occurring in the Job Placement Center in AAS room 35 at 1410 hours. The suspect was described as an Asian female adult wearing a light blue sweat shirt, carrying a backpack. The student was yelling and arguing with staff. As I responded I was updated that the suspect had left and was last seen headed toward the restrooms. I arrived at 1415 hours and met with the reporting party Cathy AIMONETTI.

RP STATEMENT: Cathy AIMONETTI said she has had continuous problems with the student whom she identifies as Chinli MOU. AIMONETTI said she is usually asked daily by the custodians to make sure the women's restroom across from the Job Placement Office is empty so they can clean. MOU is usually inside and takes her time in getting out. Today AIMONETTI had asked MOU to leave the restroom so the custodian could clean it. MOU took her time; and when asked to hurry, MOU said she was taking her pills. About 5 minutes later MOU came out of the restroom wiping her hands with big wads of toilet paper. AIMONETTI returned to the Job Placement Office. MOU came in later to complain about why she had to leave the restroom. AIMONETTI explained why and MOU left; however, MOU kept coming back to complain. During one of these times, MOU said to AIMONETTI, "I'm going to get you." AIMONETTI was not sure about the validity of the threat because she does not know what MOU is capable of doing. AIMONETTI is concerned because during the morning AIMONETTI is usually in the office alone. The last time MOU came in she began yelling, saying the staff was not being helpful and were violating her rights. MOU was so loud that she disrupted a meeting being held in one of the rooms in the office area. Fred PROCHASKA, the Dean Of Career Programs, told AIMONETTI to call the police. When the police were called, MOU left.

Officer KAMFIROUZI and I checked the women's restroom and area for MOU, but she was gone. Because of MOU's disturbance and other prior disturbances, I wrote a 626 P.C. notice and left it for swing shift officers with

REPORTING OFFICER RODRIGUES, ERNIE	REVIEWED BY	APPROVAL DATE AND TIME
SIGNATURES	PRINT DATE AND TIME 06/15/2009 14:07	PRINTED BY ROLEN, DALTON
		PAGE NO. 1 of 2

District Police
West Valley-Mission Community College
CRIME REPORT

LOCATION OF OCCURRENCE / ADDRESS WV-APPLIED ARTS & SCIENCES/ROOM 35 - CAREERS PROGRAM OFFICE/14000 FRUITVALE AVENUE	DATE / TIME REPORTED 04/09/2009 14:10	CASE NO. 0904-00077
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instructions to issue it to her if she came back again tonight.

NO FURTHER INFORMATION/END OF REPORT

REPORTING OFFICER RODRIGUES, ERNIE	REVIEWED BY	APPROVAL DATE AND TIME		
SIGNATURES		PRINT DATE AND TIME 06/15/2009 14:07	PRINTED BY ROLEN, DALTON	PAGE NO. 2 of 2

EXHIBIT J

1 John A. Shupe, Esq., SBN: 87716
Eric K. Shiu, Esq., SBN: 156167
2 SHUPE AND FINKELSTEIN
177 Bovet Road, Suite 600
3 San Mateo, CA 94402
Telephone: (650) 341-3693
4 Facsimile: (650) 341-1395

5 Attorneys for Defendant WEST VALLEY
COMMUNITY COLLEGE DISTRICT
6 (erroneously sued herein as West Valley College)

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 Chin-Li MOU,

11 Plaintiff,

12 v.

13 WEST VALLEY COLLEGE, an individual and
a nonprofit educational corporation; JOHN
14 HENDRICKSON, an individual; PHILIP L.
HARTLEY, an individual; ERNEST SMITH, an
15 individual; DAVE FISHBAUGH, an individual;
LAURA LORMAN, an individual; CATHY
16 AIMONETTI, an individual; FRED
PROCHASKA, an individual; CHRIS ROLEN,
17 an individual; LINBERO #107, an individual,

18 Defendants.

) Case No: C09-01910 JF

) **DECLARATION OF ERNEST SMITH
IN SUPPORT OF COLLEGE
DISTRICT'S OPPOSITION TO
PLAINTIFF'S NOTICE OF MOTION
AND MOTION FOR PRELIMINARY
INJUNCTION**

19
20 I, ERNEST SMITH, do depose and declare as follows:

21 1. I am the Vice President of Student Services at West Valley College. I have served in this
22 capacity since July 1, 2006. As the Vice President of Student Services, my responsibilities are as follows:
23 under the direction of the President of West Valley College, I plan, organize, coordinate, develop, direct
24 administer and evaluate supportive programs, services, resources and activities for students at West
25 Valley College. I provide leadership and direction to academic and classified staff in all areas of student
26 services, including admissions and records, counseling, student activities and government, Campus
27 Center, financial aid, tutorial services, health, GAIN, Extended Opportunities and Programs and
28 Services, Disabled Student Programs and Services, athletics, career opportunities and job placement,

1 college transfer services and marketing. I have personal knowledge of the matters stated herein and if
2 called would be competent to testify thereto.

3 2. Chin-Li Mou is a student at West Valley College, who is currently on suspension until
4 January 2010. Since 2008, I have received a number of complaints by West Valley College staff
5 regarding Ms. Mou's rude, uncooperative and disruptive behavior on campus.

6 3. On March 28, 2008, I received an email from Becky Perelli describing an incident she
7 had with Chin-Li Mou earlier in the day. A true and correct copy of this email is attached hereto as
8 Exhibit K and made a part hereof. In this email, Ms. Perelli indicated that she had spent several hours
9 trying to accommodate Ms. Mou's desire to study and that Ms. Mou had been involved in a dispute with
10 another student over whether one's feet can be placed on library furniture and over Ms. Mou trying to
11 "shush" another student for being too loud in the library. Library staff had to call District Police over this
12 incident.

13 4. In the morning of April 9, 2009, I received a telephone call from Cathy Aimonetti
14 regarding an encounter she had the previous day with Chin-Li Mou. I asked Ms. Aimonetti to contact
15 my assistant, Donna Brosamer, to make an appointment to discuss this matter with me. Later, that day,
16 I received an email from Dean Fred Prochaska complaining about Chin-Li Mou's rude and belligerent
17 behavior as well as her threat against his assistant, Cathy Aimonetti. A true and correct copy of Fred
18 Prochaska's email is attached hereto as Exhibit L and made a part hereof.

19 5. Later that afternoon, my office received a call, saying that District Police had responded
20 to the Applied Arts and Science (AAS) Building because Chin-Li Mou was continuing her disruptive
21 and threatening behavior. I decided my presence was needed to calm the situation. I proceeded to the
22 AAS Building and saw District Police officers place Ms. Mou into a patrol car. She was cited under
23 Penal Code section 626.4(a) (Notice of withdrawal of consent to remain on campus based upon a
24 reasonable cause to believe that the person has willfully disrupted the orderly operation of such campus),
25 and denied permission to return to campus for fourteen (14) days. One of the police officers gave me the
26 Notice for signature. I signed it.

27 6. On April 13, 2009, I received an email from Chin-Li Mou, complaining about being
28 mistreated over the April 9, 2009 incident. A true and correct copy of Chin-Li Mou's April 13, 2009

1 email is attached to the Declaration of Philip Hartley as Exhibit "Y" and made a part hereof. This email
2 was sent to President Philip Hartley, Dean David Fishbaugh, Michael Renzi and myself. During a
3 regularly scheduled meeting with President Hartley, he asked me about the incident and I explained
4 what we were doing to handle it. At President Hartley's request, I investigated Ms. Mou's complaint..

5 7. As part of my investigation, I received several emails from College staff and faculty
6 regarding their observations of the April 9 incident. I spoke with these faculty, staff and the police and
7 to find out what happened. As was standard practice in disciplinary matters, I also planned to meet with
8 Chin-Li Mou to find out from her perspective what had occurred.

9 8. An appointment was made to meet with Chin-Li Mou on April 14, 2009, to discuss the
10 April 9, 2009 incident and her classroom attendance while the Notice of Withdrawal of Consent was in
11 effect. In this meeting, Ms. Mou recounted what happened from her perspective. I explained to Ms.
12 Mou that if College staff requests her to leave the restroom, she should try to come out as quickly as
13 possible. After our discussion, I decided that Ms. Mou could remain on campus only to attend class and
14 for no other purpose. I explained to Ms. Mou that I needed time to review what she had explained to me,
15 the numerous complaints I had received regarding the April 9, 2009 incident and others leading up to
16 the situation. We planned to meet again about a week later on April 22, 2009, at which time I would be
17 ready to make a decision on this matter.

18 9. Meanwhile, I had received a number of complaints from West Valley College staff about
19 Chin-Li Mou trying to speak to them about the April 9, 2009 incident. I explained to these staff
20 members that they were under no obligation to speak with Ms. Mou about this matter and that they could
21 refer her to me if they did not feel comfortable speaking with Ms. Mou. I understand Ms. Mou alleges
22 that she and college staff have been prohibited from speaking to college staff about this incident. At no
23 time did I advise Ms. Mou or any college staff not to discuss the April 9, 2009 incident.

24 10. As agreed, I met with Chin-Li Mou a second time on April 22, 2009, to discuss the series
25 of complaints I had received about her disruptive, verbally abusive and intimidating behavior towards
26 College staff. I explained to her that I had received a large number of complaints from people at the
27 Career Programs Office, the Dean of Career Education and Workforce Development, the custodial staff,
28 the library, the Educational Transition Program and Health Services. Because I believed her conduct on

1 April 9, 2009, constituted a violation of Student Code of Conduct, Section 5.19.2, A, B, C and P, and
2 of California Education Code section 87708(A) and (B), I explained to Ms. Mou that, effectively
3 immediately, she was being placed on disciplinary suspension. Ms. Mou asked to complete the semester
4 because she hoped to transfer to another college. However, because her behavior had become threatening
5 to others, I denied this request.

6 11. On April 27, 2009, I sent Chin-Li Mou a letter setting forth the substance of our two
7 meetings. I explained to Ms. Mou that she has been suspended from the West Valley Mission College
8 District and that her suspension would continue until January 2010. I further explained that Ms. Mou
9 would be dropped from her Spring 2009 classes and that before she could resume her classes at West
10 Valley College she would need to meet with me. A true and correct copy of my April 27, 2009 letter is
11 attached hereto as Exhibit M and made a part hereof. Later, I advised Ms. Mou that the Norma Crawford
12 Scholarship that she had been awarded earlier in the year would be rescinded because of her suspension.

13 12. The process for a student to appeal a disciplinary decision made by a Vice President of
14 West Valley College is to submit a written appeal to the Student Disciplinary Hearing Board. West
15 Valley College students have a number of Grievance Procedures available to them to challenge an
16 administrative decision. For disciplinary matters, the Student Discipline Hearing Board is the first of
17 these procedures. In my April 27, 2009 letter, I explained to Chin-Li Mou that she had the right to appeal
18 my decision to the Student Disciplinary Hearing Board and provided copies of those procedures. Later,
19 on April 30, 2009, my office staff advised Ms. Mou that if she chose to appeal my decision, she would
20 need to submit a written appeal to my assistant, Donna Brosamer, setting forth specifically what matter
21 she wished to appeal. A true and correct copy of these instructions are attached hereto as Exhibit N.

22 13. On May 6, 2009, Chin-Li Mou advised that she wished to appeal my decision to the
23 Student Disciplinary Hearing Board. A true and correct copy of Ms. Mou's May 6, 2009 letter is attached
24 hereto as Exhibit O and made a part hereof.

25 14. Because of the time line to be followed and being the end of the semester, the hearing
26 before the Student Disciplinary Board had to be set up quickly. My office advised Chin-Li Mou on May
27 13, 2009, that her appeal was scheduled to be held between 11:00 a.m. and 12:00 p.m. on May 14, 2009
28 in the office of the West Valley College President. However, because Ms. Mou had a conflicting medical

1 appointment, she advised that she could not attend the Board Hearing on such short notice. A true and
2 correct copy of my administrator's communication with Chin-Li Mou is attached hereto as Exhibit P.

3 15. My office explained to Chin-Li Mou that we did not receive her appeal until Monday,
4 May 11, 2009, and that it did its best to gather five busy committee members to consider the matter.
5 Nonetheless, my office advised that it would try to gather the committee members some time the
6 following week, and asked Ms. Mou to keep her schedule fairly open to accommodate this hearing.
7 Chin-Li Mou promised to try to keep her schedule open but that she wanted to bring a witness to the
8 hearing and needed to be mindful of this witness's availability as well. Ms. Mou also indicated that it
9 was her belief that it was too late for any hearing because she had been dropped from all her classes.
10 See Exhibit P.

11 16. On May 21, 2009, my office advised Chin-Li Mou that her appeal to the Student
12 Discipline Hearing Board would be heard on June 2, 2009 at 1:30 p.m. in Room 7 in the Counseling
13 Building. In response, Chin-Li Mou stated "Let court decided if WVC's appeal process is proper or not."
14 My office tried to have Ms. Mou clarify what she meant by this last email, but Ms. Mou did not do so.
15 See Exhibit P.

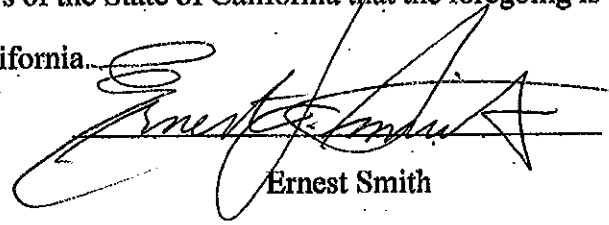
16 17. On June 2, 2009, the Student Disciplinary Board convened to consider the appeal of
17 Chin-Li Mou. Ms. Mou did not appear at this hearing. The Board considered all the information
18 provided by Chin-Li Mou and others, and determined that she had been properly suspended for the
19 remainder of Spring Semester 2009 and Fall Semester 2009. A notice of this decision was issued on June
20 11, 2009. A true and correct copy of the Notice is attached hereto as Exhibit Q and made a part hereof.

21 18. I have not taken any action against Chin-Li Mou because of her age, race or ethnicity,
22 because of a desire to restrain her from filing a grievance with the College District or because of any
23 other illegal motive. The motivations for my actions were to maintain a safe educational environment
24 at West Valley College, to investigate alleged violations of the Student Code of Conduct and to take
25 appropriate disciplinary action, if necessary.

Shupe and Finkelstein
177 Bover Road, Suite 600
San Mateo, CA 94402
(650) 341-3693

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct. Executed in Santa Clara County, California.

3 Dated: June 23, 2009


Ernest Smith

Shupe and Finkelstein
177 Boyet Road, Suite 600
San Mateo, CA 94402
(650) 341-3693

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EXHIBIT K

To: Donna Brosamer <donna_brosamer@westvalley.edu>
Subject: Fwd: Student of Concern - 3/27/08

Hi Donna - this message I sent to Ernie last week should give him a pretty good idea re: Karen Mou (I pronounce it "Moo.")

Becky

Date: Fri, 28 Mar 2008 16:58:58 -0700
To: Ernie Smith <ernie_smith@westvalley.edu>
From: Becky Perelli <becky_perelli@westvalley.edu>
Subject: Student of Concern - 3/27/08
Cc: Celine Pinet <celine_pinet@wvm.edu>, Martin Jue <martin_jue@wvm.edu>

Hi Ernie,

I am writing to you with a concern about our student Karen Mou (aka Chin-Li Mou #1126901.) I was called by Celine Pinet to respond to an incident of disruption in the library yesterday, Thursday 3/27/08, at about 11:30am that involved Karen. I understand that Karen has been to several offices on campus today (3/28/08) to talk with administrators regarding her experience. Likely she will be meeting with you (or planning a meeting with you) for Tuesday, April 1st. I want you to know I can be available to meet with you (and with you and the student) if you wish.

I will be brief here, though spent several hours attempting to support the student in getting her needs met and to resolve the situation. Most of the afternoon I felt that the student was unwilling to work toward a positive resolution.

Incident began with two or three miscommunications between Karen and another student in the video area of the library re: 1) Karen's feet on the chair in the library bothered the other student; 2) Karen attempted to "shush" another student because she was disturbed as she studied; Voices were raised, staff called the police to come stand by, and Karen was ushered to Celine's office.

Celine discussed with the student alternatives to accommodate her need to use media (video or cd) to concentrate while studying. (This is when I joined them.) We discussed DESP and Tutorial as areas to go to get her needs met. We all (3) agreed that Tutorial was the best immediate place for the student to go so that she could continue to study for the afternoon as she had planned.

I accompanied her to Tutorial where Jeff and Martin were able to set aside the classroom for Karen's sole use for the two hours that she said she wanted to study. I also accompanied her back to the library to assist in:

- 1) speaking with library staff, to ascertain if in fact she would be "allowed" back into the video area and that they wouldn't "always call the police on me." Katy confirmed that "everyone is welcome" and reminded her that this is not a quiet area of the library.
- 2) signing out a reference book for her to use for studying in Tutorial.
- 3) signing out a video for her use - I noted and told the student that I was uncomfortable with the way she stared at the library staff when signing out the video to her. She adamantly denied that she was negative in any way.

Throughout this logistical planning the student kept saying over and over that she was being "banned" from the library. I reminded her that Celine and I were accommodating her immediate need to study where she would not be interrupted and could use video as background for studying her paralegal homework - that this effort was a positive alternative to meet her unique needs.

She stated that she felt "discrimination," she had "rights" to shush someone in the library, staff in the library were "against" her, "they think I'm stupid," really want her "out of the library."

This morning when I saw her at 9am as I walked into campus she approached me with the same seeming irritation that somehow she had been wronged. When I attempted to speak with her she abruptly interrupted me several times, at which point I told her that I felt I was being disrespected by her and that I did not feel comfortable speaking with her at this time.

Feel free to contact me regarding this incident.
Becky

Becky Perelli, RN, MS
Director, Student Health Services
West Valley College
Phone 408-741-2159
Fax 408-741-2632
www.westvalley.edu/services/health

EXHIBIT L

>>Delivered-To: dave_fishbaugh@wvmccd.cc.ca.us
>>Delivered-To: CLUSTERHOST wvidap.wvmccd.cc.ca.us
>>dave_fishbaugh@wvmccd.cc.ca.us
>>X-AuditID: 0a02695d-a43ccb00000ad3-4b-49e535cb2ed7
>>Date: Tue, 14 Apr 2009 18:17:17 -0700
>>To: Dave Fishbaugh <dave_fishbaugh@wvmccd.cc.ca.us>,
>> Ernie Smith <ernie_smith@wvmccd.cc.ca.us>
>>From: fred_prochaska <fred_prochaska@westvalley.edu>
>>Subject: More Info about Student Incident in AAS
>>Cc: Michael Renzi <michael_renzi@wvmccd.cc.ca.us>,
>> philip_hartley <philip_hartley@wvmccd.cc.ca.us>,
>> Cathy Aimonetti <cathy_aimonetti@wvmccd.cc.ca.us>
>>X-Brightmail-Tracker: AAAAAA==
>>
>>Dave and Ernie,
>>
>>Cathy Aimonetti, my assistant wrote up the following report which
>>provides more details about our interactions with Karen Mou last
>>Thursday.
>>
>>My only direct contact with Ms. Mou was upon hearing her being loud
>>and belligerent with Cathy whose office is right outside my door. I
>>advised Ms. Mou that she was welcome to use the other restroom in
>>AAS or to use other restrooms while the one in question (which
>>apparently she frequents) was being cleaned. She was treated with
>>respect and politeness, but I also advised her that she was coming
>>across as rude (since she was raising her voice to us).
>>
>>Fred
>>
>>>Date: Mon, 13 Apr 2009 13:49:12 -0700
>>>To: Michael Renzi <michael_renzi@wvmccd.cc.ca.us>, philip_hartley
>>><philip_hartley@wvmccd.cc.ca.us>, Dave Fishbaugh
>>><dave_fishbaugh@wvmccd.cc.ca.us>
>>>From: fred_prochaska <fred_prochaska@westvalley.edu>
>>>Subject: Fwd: Issue with Student in AAS
>>>Cc: Ernie Smith <ernie_smith@wvmccd.cc.ca.us>
>>>Bcc: Cathy Aimonetti <cathy_aimonetti@wvmccd.cc.ca.us>
>>>X-Attachments:
>>>
>>>Since I heard that Ms. Mou wrote a letter to you all about issues
>>>she is having over here in AAS, below is a description of the
>>>problems we have been having. I only met her for the first time
>>>on Thursday upon overhearing her be very rude and belligerent with
>>>my assistant, Cathy, next door. We were very polite with Ms. Mou,
>>>but Ms. Mou was often rude, loud, and threatening to others.
>>>
>>>I think that the police had a altercation with her later that same

>>>>afternoon.

>>>>

>>>>Date: Thu, 9 Apr 2009 15:41:38 -0700

>>>>To: Ernie Smith <ernie_smith@wvmccd.cc.ca.us>

>>>>From: fred prochaska <fred_prochaska@westvalley.edu>

>>>>Subject: Issue with Student in AAS

>>>>Cc: Donna Brosamer <donna_brosamer@wvmccd.cc.ca.us>, Laura Lorman

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>>>>Ernie,

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>>>>We have been having some difficulties with a female student using

>>>>the women's restroom in the upper area of the AAS building.

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>>>>We believe that the student's name is Chin-Li Mou, but she goes by

>>>>the name Karen. I think that her ID number is: 1126901.

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>>>>Several female staff members in AAS has expressed concern about

>>>>this student for a variety of reasons:

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>>>>--she spends long periods of time in this particular restroom and

>>>>has frequently been observed there as early as prior to 7:30 AM

>>>>and especially in the late afternoon and early afternoon times.

>>>>She seems to be using the lockers excessively.

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>>>>--she is seen being quite messy in terms of washing dishes in the

>>>>sinks and leaving papers and other litter around the bathroom.

>>>>The sinks are often stopped up as a result.

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>>>>--we have had repeated instances of someone clogging up the

>>>>toilets in the AAS women's bathrooms and this particular student

>>>>is one of the prime suspects. Yesterday she was heard pulling

>>>>off very large quantities of paper while she was in the stall.

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>>>>--the evening custodian (Adelino) has had numerous problems in

>>>>getting this student to leave the restroom when it is scheduled

>>>>for cleaning. She is also rude, belligerent, and sometimes

>>>>threatening to staff in AAS. She told my assistant today, for

>>>>example, that "she was going to get her" in the hallway. After

>>>>this particular incident we called the police.

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>>>>She came to my office for the first time today and was rude and

>>>>insistent that she was being "picked on" by the custodian and my

>>>>staff. I advised her that there was another women's restroom in

>>>>AAS and that when the rooms were being cleaned that she has other

>>>>alternatives. Her reply was that Student Health wants her to

>>>>stay in the bathrooms and that we have no right to tell her to

>>>>leave.

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>>>>After she confronted my assistant this afternoon we notified the

>>>>police and officer Rodriquez and another officer came and took a

>>>>report. She also came in three times over the course of an hour

>>>>into the Career Programs Center and was belligerent with various

>>>>staff members. From my observations she was consistently treated

>>>>with respect and fairness, but her comments to us were often rude

>>>>and somewhat incoherent.

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>>>>I have heard that this student has had issues elsewhere on campus,

>>>>including in the Library and perhaps the Campus Center. We also

>>>>hear that she sometimes get services at the Student Health

>>>>Services Center and at Educational Transition.

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>>>>What we are seeking is that she be asked to not be rude or

>>>>threatening to staff members, and that she allow the custodian to
>>>>clean the restrooms when they are scheduled. We also feel that
>>>>her spending very long periods in the restroom all day long and
>>>>making repeated messes there -- and especially clogging the sinks
>>>>and toilets -- should cease.

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>>>>Cathy Aimonetti, my assistant, can provide more information if
>>>>needed at ext. 2655.

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>>>>Thank you.

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>>>>Fred

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Incident with Student - Chin-Li (Karen) Mou

Several times, about 3 or 4 times, before the incident on 4/9/09, Adolino (the janitor) asked me to ask a certain student (Karen) to leave the restroom as he was having trouble getting her to leave. He wanted me to check and make sure she had left. Fred Prochaska asked for me to help Adolino. By the time I would get there, no one was in the restroom but on

4/8/09 - around 4:30 PM

I went to use the restroom and Adolino was waiting to clean the restroom. I asked him he wanted me to see if any other women were in the restroom. I informed him that there were a couple of students but I told the students that the janitor was waiting to clean. Two of the students left but the person in the last stall (the handicap stall) was standing up as her legs were against the door and I could see she wasn't sitting. The person kept taking toilet paper (extremely excessive amounts) and then the toilet flushed and the student came out. I informed the student that the janitor was waiting and she yelled "so". I repeated calmly again that the janitor needed to clean the restroom and it would only take a minute and then she could come back. Again, she yelled "so" and refused to leave. I told the janitor and he had words with her. I left to go back to CP and ask the Dean what I should do. By the time I got back to the CP office, she left the restroom. She was yelling at the janitor in the corridor and I went to see and I asked her if she would like to talk to the Dean. She yelled obscenities and walked off.

4/9/09 - around 9:00 AM

I went to Ernie Smith's office and asked Ernie if I could make an appointment with him, as I wanted to tell him about the incident with the student the previous night. Ernie said to call Donna Brosamer to make an appointment with him. I called Donna and she wasn't in so I left her a message. Donna returned my call about 10:00 AM and said that she doesn't schedule appointments with Ernie right off the start and that I should write an email to him telling him the situation and that then he might call me. I explained to her that I didn't want to call the police and I was trying to get someone to talk to the student first. Donna said "Don't call the police, write a detailed email". I didn't get a chance to write the email before the student appeared.

4/9/09 - around 2:00 PM

Student came into my office and was very rude, belligerent and saying things -

- What are you, the bathroom police?
- I'm an Asian/American, you have a problem with that?
- I can take as long as I want, I went to janitor's boss, he said ok
- I need to take my medication and drink water slowly

I replied nicely that she could take her medication but that the janitor waited for over five minutes and she still didn't come out.

She got belligerent and started yelling the same things over again. I asked her if she wanted to talk to the Dean as Fred Prochaska was sitting next door and could hear everything. She replied "no" but wouldn't leave. Again, she started saying the same things very loudly, disrupting the students and office personnel. The Dean spoke up and she continued with her ranting. She finally left.

4/9/09 – around 2:20 PM

Student came into my office again started the ranting all over again. This time Rebecca McConnell called the police. By the time the police came, the student had left. The police went and looked for her in the bathroom but she wasn't there. I told the police that she usually is in the bathroom around 4:15-4:30 PM when the janitor has problems with her. The police were going to try to be there around then to witness how she reacts to the janitor.

4/9/09 – around 2:45 PM

I went to the AAS Division Office to put some inter-office mail out. Before I reached the AAS door the student approached me and said ""You better watch out, I'm watching you and I'll get you". I mentioned this to Cass Owen as she was inside the door of the AAS building. Then I went back and reported it to my boss, Fred Prochaska, and I told him I didn't like being threatened.

4/9/09 – around 4:15 PM

I opened the side door to the Career Programs office to keep an eye out for Adolino, to give him a heads up about the student being upset. Almost immediately after I open the door, the student yelled from outside the door "You stalking me, you crazy bitch". Again, Rebecca McConnell called the police. The police came and went into the bathroom and confronted the student. I don't know what happened after that except that Ernie Smith came to Fred Prochaska's office and said she was expelled for two weeks.