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15 *KIARA ROBLES*

16 **IN THE UNITED STATES DISTRICT COURT**  
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 KIARA ROBLES, an individual  
19 Oakland, CA

20 Plaintiff,

21 v.

22 IN THE NAME OF HUMANITY, WE REFUSE  
23 TO ACCEPT A FASCIST AMERICA (a.k.a.  
24 ANTIFA)  
25 San Francisco, CA

26 and

27 IAN DABNEY MILLER, an individual and  
28 member of ANTIFA  
Oakland, CA

and

RAHA MIRABDAL a.k.a. Shadi Banoo, an  
individual and member of ANTIFA  
Berkeley, CA

and

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA, BERKELEY  
Oakland, CA

And

Case No.: 17-4864

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

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UNIVERSITY OF CALIFORNIA POLICE  
DEPARTMENT  
Berkeley, CA

and

CITY OF BERKELEY  
Berkeley, CA

and

JOHN DOES 1-20, et al.

Defendants.

**I. INTRODUCTION**

Plaintiff Kiara Robles (“Plaintiff” and/or “Robles”) brings this complaint against Defendant In the Name of Humanity, We REFUSE to Accept a Fascist America (“ANTIFA”), Defendant Ian Dabney Miller (“Miller”), Defendant Raha Mirabdal (“Mirabdal”), Defendant The Regents of the University of California (the “Regents”), Defendant University of California Police Department (“UCPD”), Defendant City of Berkeley (“Berkeley Police Department” or “BPD”)<sup>1</sup>, and Defendant John Does 1-10. (collectively, “Defendants”, unless individually named).

ANTIFA and the University of California Berkeley (“UC Berkeley”), under the leadership of and at the direction of the Regents, have acted to unconstitutionally curtail the First Amendment rights of its students and invitees thereof. Acting in concert with ANTIFA, the Regents - along with each and every other named Defendant - have subjected UC Berkeley students and invitees who do not subscribe to the radical, left wing philosophies sanctioned by Defendants to severe violence and bodily harm for merely expressing a differing viewpoint and sexual preference, in clear contravention of their rights under the First Amendment to the U.S. Constitution. Members of ANTIFA, including Miller and Mirabdal, assaulted and battered

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<sup>1</sup> City of Berkeley is being sued for the actions of the Berkeley Police Department

1 Plaintiff Robles, putting her in fear of her life and grave bodily injury.

2 Plaintiff Robles is a resident of Oakland, California. On February 1, 2017, Plaintiff  
3 Robles planned to attend a speech by Milo Yiannopoulos, a media personality and political  
4 commentator, hosted on the UC Berkeley campus. On the day of Milo Yiannopoulos' speech,  
5 however, over 1,500 "protestors" gathered at UC Berkeley's Sproul Plaza and the "protestors"  
6 erupted into violence just fifteen minutes after Plaintiff Robles' arrival onto the UC Berkeley  
7 campus. The violence was orchestrated by ANTIFA and its members, in an effort to disrupt the  
8 Milo Yiannopoulos event. Several people, including Plaintiff Robles, were intentionally and  
9 violently attacked by both masked and unmasked defendant assailants, including Miller and  
10 Mirabdal, and the UC Berkeley campus incurred over \$100,000 worth of damage. Plaintiff  
11 Robles was attacked with extremely painful pepper spray and bear mace by masked assailants  
12 amongst the "protestors" because she chose to exercise her right to freedom of speech and show  
13 support for the planned speaker, Milo Yiannopoulos.



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24 At the time that Plaintiff Robles was attacked, despite the fact that the "protestors" had  
25 erupted into violence, there was shockingly no campus police present near Plaintiff Robles.  
26 Instead, nearly 100 campus police and SWAT members waited in the Student Union building,  
27 within eyesight of the violence happening outside, watching the protestors become more  
28 belligerent and dangerous.



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11 Thus, the attackers escaped and there was no one to immediately aid Plaintiff Robles  
12 after she was intentionally and violently sprayed in the face with bear mace. It was the  
13 intentional and conscious decision and direction of the Regents—in concert with each and every  
14 named Defendant, jointly and severally—to withhold effective police protection for politically  
15 conservative attendees of the Milo Yiannopoulos event. Furthermore, Defendants—in concert  
16 with each and every named Defendant, jointly and severally—chose to withhold police  
17 protection at the Milo Yiannopolous event because Milo Yiannopolous and a large number of his  
18 supporters, including Plaintiff Robles, are gay.

19 ANTIFA is a radical American, left wing, anti-Trump, non-profit organization that  
20 organizes demonstrations to achieve its political agenda.<sup>2</sup> ANTIFA is known for using violence  
21 and inciting violence to achieve their objectives. Recently, a petition to label ANTIFA as a  
22 terrorist organization reached 146,000 signatures.<sup>3</sup> The twitter account for San Francisco  
23 ANTIFA has made such statements as, “There’s no better feeling than an #Antifa comrade  
24 helping you sucker punch people because doing it one on one can be scary!”<sup>4</sup> and “The Nazis

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26 <sup>2</sup> Rick Moran, *Soros-Funded Group Gave 50K to Goons Who Provoked Berkeley Riot*, PJ Media, February 4,  
2017, available at: <https://pjmedia.com/trending/2017/02/04/soros-funded-group-gave-50k-to-goons-who-provoked-berkeley-riot/>.

27 <sup>3</sup> *Petition to Label Antifa Terror Group Has 146,000 Signatures So Far*, Fox News Insider, April 21, 2017,  
available at: <http://insider.foxnews.com/2017/08/21/petition-label-antifa-terror-group-has-146000-signatures>.

28 <sup>4</sup> @SFAntifa “There’s no better feeling than an #Antifa comrade helping you sucker punch people because

1 found our comrade who hit a Trump supporter in the head with a U-lock”<sup>5</sup>, referring to an  
 2 incident where an ANTIFA protestor was charged with assault with a deadly weapon at a  
 3 Berkeley free speech rally. The San Francisco ANTIFA twitter account has also retweeted videos  
 4 of ANTIFA members throwing explosives<sup>6</sup> and violently kicking public property<sup>7</sup> during a  
 5 Berkeley protest. ANTIFA organized the shut down of the Milo Yiannopoulos event, calling for  
 6 its members to use “righteous” violence against "fascist" Yiannopoulos.<sup>8</sup> After the UC Berkeley  
 7 riot, ANTIFA commented on its website that it supported the violence that occurred, stating,  
 8 “[f]or all these reasons what happened at UC Berkeley is part of the kind of broad, powerful and  
 9 meaningful protest which needs to continue on an unprecedented scale to OUST this regime  
 10 from power.”<sup>9</sup> ANTIFA is responsible for the orchestration of the riots that occurred during the  
 11 Milo Yiannopoulos event<sup>10</sup> and ANTIFA members appeared at the protest to assault peaceful  
 12 pro-President Trump/pro-Milo Yiannopolous supporters and vandalize UC Berkeley and private  
 13 property.

14 UC Berkeley regularly provides police protection for politically charged events and  
 15 protests on its campus without incident. But on this day, the Regents—in concert with each and  
 16 every named Defendant, jointly and severally—willfully withheld their police manpower from  
 17 protecting students and event attendees because the speaker and his supporters went against the  
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19 doing it one on one can be scary!” Twitter, June 16, 2017, 10:54 AM.,  
 20 <https://twitter.com/SFAntifa/status/875773489638031361>.

21 <sup>5</sup> @SFAntifa “The Nazis found our comrade who hit a Trump supporter in the head with a U-lock.  
 22 [https://myspace.com/ericclanton/photos ... plz don't share.](https://myspace.com/ericclanton/photos...plz%20don't%20share.)” Twitter, April 19, 2017, 9:03 PM.,  
 23 <https://twitter.com/SFAntifa/status/854908432922558464>.

24 <sup>6</sup> @SFAntifa “Slow Motion Version of Antifa throwing explosive at Berkeley. Don't share this or it could ruin  
 25 Antifa's good name.” Twitter, April 21, 2017, 9:14 AM.,  
 26 <https://twitter.com/BevHillsAntifa/status/855454648475410435>.

27 <sup>7</sup> @SFAntifa “Pre peaceful #Antifa leg stretches before we peacefully protest at #Berkeley!” Twitter, May 4,  
 28 2017, 10:30 AM., <https://twitter.com/walstreetAntifa/status/860184979975700480>

<sup>8</sup> *Id.*

<sup>9</sup> *Three Points on the Righteous Shut-Down of Fascist Milo Yiannopoulos at UC Berkeley*, Refuse Fascism,  
 February 2, 2017, available at: <https://refusefascism.org/2017/02/02/three-points-on-the-righteous-shut-down-of-fascist-milo-yiannopoulos-at-uc-berkeley/>.

<sup>10</sup> Chuck Ross, *Look Who Funds The Group Behind The Call To Arms At Milo's Berkeley Event*, The Daily  
 Caller, February 3, 2017, available at: <http://dailycaller.com/2017/02/03/look-who-funds-the-group-behind-the-call-to-arms-at-milos-berkeley-event/>.

1 political beliefs of the majority of UC Berkeley’s students and its administration.<sup>11</sup> Furthermore,  
2 the Regents— in concert with each and every named Defendant, jointly and severally— also  
3 intentionally withheld proper security for the Milo Yiannopoulos event because Milo  
4 Yiannopoulos himself is gay and a large number of his supporters identify as gay. The Regents—  
5 in concert with each and every named Defendant, jointly and severally—acting under color of  
6 state law, intentionally discriminated against Plaintiff Robles as a gay individual and a female  
7 individual—a member of an identifiable class— in violation of Plaintiff Robles’ constitutional  
8 rights. In doing so, the Regents—in concert with each and every named Defendant, jointly and  
9 severally—failed to enforce UC Berkeley’s Non-Discrimination Policy, which prohibits sexual  
10 orientation discrimination of individuals and discrimination based on gender while they are on  
11 University property.<sup>12</sup>

12 Indeed, students at UC Berkeley who, like Plaintiff Robles, happen to possess  
13 conservative viewpoints have regularly been targeted, and the Regents regularly “turn a blind  
14 eye” to such unconstitutional conduct. One individual articulated that, “[p]eople feel like  
15 Republicans don’t have a home here, and it’s a little bit intimidating to have people walk by and  
16 want to yell at you or denounce your beliefs, simply because you’re sitting out there identifying  
17 as a Republican [...] there’s a complete lack of tolerance for an idea that any member of the  
18 Berkeley community could hold the beliefs that we do”.<sup>13</sup> Republican students receive online  
19 threats and hear from other students that “[t]hey’re going to come after us, we don’t belong on  
20 this campus, we don’t have a place on this campus.”<sup>14</sup> Specifically, choosing to openly support  
21 President Trump “kind of puts a target on your head.”<sup>15</sup> A majority of the Berkeley College

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22 <sup>11</sup> Ian Hanchett, *CNN Report: Berkeley Republicans Insulted for Supporting Trump, Campus ‘Uncomfortable’*  
23 *With Dissenting Opinions*, Breitbart, September 7, 2016, available at:  
24 <http://www.breitbart.com/video/2016/09/07/cnn-report-berkeley-republicans-insulted-for-supporting-trump-campus-uncomfortable-with-dissenting-opinions/>.

25 <sup>12</sup> UC Berkeley Nondiscrimination Policy Statement—Student related matters, available at:  
26 <http://sa.berkeley.edu/nondiscrimination>; University of California Policy Policies Applying to Campus Activities,  
Organizations and Students 10.00: Preamble and General Provisions, available at:  
<http://policy.ucop.edu/doc/2710517/PACAOS-10>.

27 <sup>13</sup> Hanchett, *supra* note 1

28 <sup>14</sup> *Id.*

<sup>15</sup> *Id.*



1 Republicans, the school group that organized the Milo Yiannopoulos event, feel “reluctant to  
2 share their political beliefs on campus.”<sup>16</sup> CNN anchor Kyung Lah noted “[t]he irony runs thick  
3 to these students, a place that forged free speech on campus, uncomfortable with political speech  
4 with which they disagree.”<sup>17</sup>

5 Furthermore, during a meeting of the Berkeley College Republicans in 2016, a group of  
6 protestors confronted their club table and “proceeded to snatch and attempt to rip up [their]  
7 Donald Trump cut-out [...] the group of protestors then circled [them] and began yelling slurs at  
8 [them] in reference to Donald Trump. Slurs such as ‘racists,’ ‘bigots,’ and ‘pieces of shit’ were  
9 yelled out by the protestors”<sup>18</sup> A Berkeley College Republican member was physically assaulted  
10 by a protestor while attempting to film the incident.<sup>19</sup> Witnesses to the event complained that the  
11 campus police officers on the scene were otherwise unhelpful, saying that they merely “sat  
12 around” while the group was attacked.<sup>20</sup> The student that destroyed the cutout of President  
13 Trump boasted “yeah I did it [...] it will happen again [...] there’s just four of you all [College  
14 Republicans] and we will come back with 1,000 of us.”<sup>21</sup> The offending student admitted this in  
15 front of campus police but no action was taken against him.<sup>22</sup> The sentiment among the Berkeley  
16 College Republicans is that if they had done the same to other political clubs, “there is no doubt  
17 that we would have been escorted off campus, but nothing will happen to the people who  
18 interrupted us today.”<sup>23</sup> After the incident, one Berkeley College Republican member said, “I  
19 now know that UC Berkeley—the birthplace of the Free Speech Movement—is not a place I can  
20 safely exercise my constitutionally protected right to free speech.”<sup>24</sup> UC Berkeley clearly gives  
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22 <sup>16</sup> *Id.*

23 <sup>17</sup> *Id.*

24 <sup>18</sup> Stephen Frank, *UC Administrators Allow Violence Against Republicans on UC Berkeley Campus*, California  
Political Review, September 9, 2016, available at: <http://www.capoliticalreview.com/capoliticalnewsandviews/uc-administrators-allow-violence-against-republicans-on-uc-berkeley-campus/>.

25 <sup>19</sup> *Id.*

26 <sup>20</sup> *Id.*

27 <sup>21</sup> *Id.*

28 <sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

1 preferential treatment and protection to those students and student organizations that represent  
2 political ideals that fall in line with those held by its own liberal administration, including but not  
3 limited to Defendants. The Regents' intentional and conscious decision to withhold effective  
4 police protection for Pro-Republican attendees of the Milo Yiannopoulos—in concert with each  
5 and every named Defendant, jointly and severally— reflects their bias and put its students and  
6 invitees in grave danger.

7 UC Berkeley is no stranger to incidents of violent protest and was required to provide  
8 effective police protection in anticipation of the high probability that the Milo Yiannopoulos  
9 protest would lead to dangerous physical altercations. In fact, one of the most famous violent  
10 student protests in U.S. history took place at UC Berkeley's campus. On May 15, 1969, over  
11 3,000 students protested at UC Berkeley over city plans to turn a vacant lot near campus into a  
12 parking lot. On that day, known as Bloody Thursday, three students suffered punctured lungs,  
13 another a shattered leg, several people were hospitalized with shotgun wounds, and one police  
14 officer was stabbed.<sup>25</sup> At least 128 Berkeley residents were admitted to local hospitals for injuries  
15 sustained during the riot.<sup>26</sup> Alan Blanchard was permanently blinded by a gunshot wound to his  
16 face.<sup>27</sup> James Rector, who was watching the riot from a rooftop, was shot by police gunfire; he  
17 died four days later.<sup>28</sup> A state of emergency was declared by the governor and the late President  
18 Ronald Reagan and 2,200 National Guard troops were sent in to restore order.<sup>29</sup> Over the next  
19 several days, police and troops arrested nearly 1,000 people, including 200 for felonies, while  
20 500 were booked at the local jail.<sup>30</sup> More recently, in 2011, violence erupted between campus  
21 police and students that gathered in UC Berkeley's Sproul Plaza to protest for the Occupy  
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23 <sup>25</sup> Chris Enloe, *See how Ronald Reagan shut down violent UC Berkeley protesters in 1969 when he was Calif.*  
24 *Governor*, The Blaze, Feb. 5, 2017, available at: [http://www.theblaze.com/news/2017/02/05/see-how-ronald-](http://www.theblaze.com/news/2017/02/05/see-how-ronald-reagan-shut-down-violent-uc-berkeley-protesters-in-1969-when-he-was-calif-governor/)  
25 [reagan-shut-down-violent-uc-berkeley-protesters-in-1969-when-he-was-calif-governor/](http://www.theblaze.com/news/2017/02/05/see-how-ronald-reagan-shut-down-violent-uc-berkeley-protesters-in-1969-when-he-was-calif-governor/)

26 <sup>26</sup> *People's Park (Berkeley)*, Wikipedia, available at  
27 [https://en.wikipedia.org/wiki/People's\\_Park\\_\(Berkeley\)#cite\\_note-time1970-24](https://en.wikipedia.org/wiki/People's_Park_(Berkeley)#cite_note-time1970-24)

28 <sup>27</sup> *Id.*

<sup>28</sup> Chris Enloe *supra* note 23.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*



1 movement<sup>31</sup>. UC Berkeley students have a history in participating in some of the city’s worst  
2 riots and violent protests—among them, the 2014 protest of the death of Eric Garner, which  
3 resulted in looting, vandalism, arson, and assault on Berkeley police officers.<sup>32</sup>

4 Thus, Defendants the Regents, UCPD, and BPD should have been fully prepared for  
5 violence to break out at the Milo Yiannopoulos event. In fact, two weeks before the UC Berkeley  
6 riot, a man was shot outside a University of Washington hall prior to another planned Milo  
7 Yiannopoulos speaking engagement.<sup>33</sup> As was true at the UC Berkeley event, masked protestors  
8 in Washington threw bricks at police and were armed with weapons, which they used to assault  
9 members of the crowd.<sup>34</sup> Another planned speaking engagement by Milo Yiannopoulos at UC  
10 Berkeley’s sister school, UC Davis, was cancelled after school groups and university police  
11 determined that it was unsafe to continue the event amidst the chaotic protests that broke out.<sup>35</sup>  
12 Defendants knew for weeks that Yiannopoulos’ appearance could prompt violent protests that  
13 would threaten the school’s long tradition of facilitating free speech. Defendants should have  
14 reasonably anticipated a violent response to Milo Yiannopoulos’ presence on their campus and  
15 acted accordingly by providing effective police protection to those attending the event. The  
16 school’s inaction was motivated by the fact that Milo Yiannopoulos and his supporters have  
17 opposing viewpoints to the majority of the school’s students and administration. Nicholas Dirks,  
18 the former Chancellor of UC Berkeley, has called Milo Yiannopoulos “a troll and provocateur

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21 \_\_\_\_\_  
22 <sup>31</sup> Carly Schwartz, *Occupy U.C. Berkeley Protesters Face Violent Confrontation With Campus Police*, The  
Huffington Post, January 10, 2011, available at: [http://www.huffingtonpost.com/2011/11/10/occupy-uc-berkeley-](http://www.huffingtonpost.com/2011/11/10/occupy-uc-berkeley-police_n_1086195.html)  
police\_n\_1086195.html.

23 <sup>32</sup> Jessie Lau and Melissa Wen, *Police fire tear gas at hundreds of protesters, demonstration disperses at about*  
24 *3 a.m.*, December 7, 2014, available at: [http://www.dailycal.org/2014/12/07/police-fire-tear-gas-protesters-berkeley-](http://www.dailycal.org/2014/12/07/police-fire-tear-gas-protesters-berkeley-demonstration-disperses-3-m/)  
demonstration-disperses-3-m/.

25 <sup>33</sup> Rick Anderson, *Man shot before Breitbart editor Milo Yiannopoulos' speaking event is in critical condition*,  
Los Angeles Times, January 21, 2017, available at: [http://www.latimes.com/nation/la-na-yiannopoulos-shooting-](http://www.latimes.com/nation/la-na-yiannopoulos-shooting-20170121-story.html)  
20170121-story.html.

26 <sup>34</sup> *Id.*

27 <sup>35</sup> Ben Poston and Shelby Grad, *UC protests shut down Milo Yiannopoulos talk, sparking free speech debate*,  
28 Los Angeles Times, January 15, 2017, available at: [http://www.latimes.com/local/lanow/la-me-milo-yiannopoulos-](http://www.latimes.com/local/lanow/la-me-milo-yiannopoulos-uc-davis-20170115-story.html)  
uc-davis-20170115-story.html.

1 who uses odious behavior in part to ‘entertain,’ but also to deflect any serious engagement with  
2 ideas.”<sup>36</sup>

3 Furthermore, given the current political climate in the United States, Defendants the  
4 Regents, UCPD, and BPD should have foreseen that the protest of a controversial Republican  
5 political figure such as Milo Yiannopoulos could likely turn violent. Since the 2016 presidential  
6 election, there have been several incidents where President Trump supporters have been the  
7 target of vicious protestors. Recently, in Seattle, Washington, furthered by the actions of  
8 President Obama, his surrogates, agents and co-conspirators, a Black Lives Matter activist ranted  
9 to a large crowd gathered in protest of President Trump’s Executive Order Enhancing Public  
10 Safety in the Interior of the United States, explicitly saying that “...**we need to start killing**  
11 **people.**”<sup>37</sup> She went on to expressly threaten and incite death to President Donald Trump, saying,  
12 “**First off, we need to start killing the White House. The White House must die.** The White  
13 House, your fucking White House, your fucking Presidents, they must go! Fuck the White  
14 House.”<sup>38</sup> Recently, protests have taken place at U.S. airports after President Trump issued his  
15 recent Executive Order Enhancing Public Safety in the Interior of the United States. There have  
16 been other instances where President Trump supporters were violently attacked by those  
17 protesting the president’s policies.<sup>39</sup>

18 Defendants the Regents, UCPD, and BPD could have easily foreseen that an event where  
19 Milo Yiannopoulos was scheduled to speak would draw a large vehement crowd of protestors  
20 that had strong opposing opinions to the groups present at that speech. Based on the recent  
21 frequency of violence associated with political protest in the United States, Defendants the  
22 Regents, UCPD, and BPD, were, at a minimum, grossly negligent—if not **intentionally**

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24 <sup>36</sup> Patrick May, *UC Berkeley riot raises questions about free speech*, The Mercury News, February 2, 2017,  
available at: <http://www.mercurynews.com/2017/02/02/uc-berkeley-riot-raise-questions-about-free-speech/>.

25 <sup>37</sup> Justin Caruso, *BLM Anti-Trump Protest in Seattle: ‘We Need to Start Killing People’*, Daily Caller, Jan. 30,  
2017, available at: <http://dailycaller.com/2017/01/30/blm-anti-trump-protest-in-seattle-we-need-to-start-killing-people/>.

26 <sup>38</sup> *Id.*

27 <sup>39</sup> Stephens, Chase, *Video Shows Trump Supporter Knocked Out And Taunted By Violent Portland Airport*  
28 *Protesters*, available at: <http://www.dailywire.com/news/12947/video-shows-trump-supporter-knocked-out-and-chase-stephens#>.

1 **negligent**— by hiding behind glass windows in order to further the protestors’ politically  
2 motivated agenda— in failing to provide effective police protection for the crowds present at one  
3 of their own events. Defendants the Regents, UCPD, and BPD’s actions were a callous and  
4 blatant disregard for the safety of the crowd that came to hear Milo Yiannopolous speak.  
5 Defendant the Regents have carried out a pattern and practice of denying the First Amendment  
6 rights of students and invitees who share a different viewpoint from their own radical, leftist  
7 views.

8 Thus, although Sproul Plaza was the birthplace of what came to be known as the Free  
9 Speech Movement in 1964, regrettably, in 2017 it has become “its final resting place.”<sup>40</sup>

## 11 **II. JURISDICTION AND VENUE**

12 1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §  
13 1331 (Federal Question Jurisdiction).

14 2. This Court has supplemental jurisdiction over this case pursuant to 28 U.S.C. §  
15 1367.

16 3. Venue is proper pursuant to 18 U.S.C. § 1965 and 28 U.S.C. § 1391(b)(2), (3) in  
17 that Defendants reside here and are subject to personal jurisdiction in this District.

## 18 **III. PARTIES**

19 4. Plaintiff Kiara Robles (“Plaintiff Robles”) is an individual, a natural person, who  
20 at all material times was a citizen and resident of California.

21 5. Defendant the Regents of the University of California (the “Regents”) is  
22 organized under the laws of the State of California, and entrusted with the responsibility of  
23 providing public education to students. The Regents of the University of California, Berkeley is  
24 an organization acting under state authority, as the term is utilized in 42 U.S.C. § 1983, which  
25 classifies Civil Actions for Deprivation of Rights.  
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28 <sup>40</sup> Martin Longman, *UC Berkeley and the Frayed Free Speech Movement*, Washington Monthly, February 2,  
2017, available at: <http://washingtonmonthly.com/2017/02/02/uc-berkeley-and-the-frayed-free-speech-movement/>.

1           6.       At all relevant times, Defendant the Regents has been and are now officers of the  
2 State of California. Their actions described below constitute “state action” as that term has been  
3 defined by relevant case law, and they acted under the color of state law, in doing the things  
4 alleged herein.

5           7.       At all relevant times, Defendant the Regents has been and is now an agency of the  
6 state government vested with authority to control, manage and administer the public facilities  
7 within the University of California, Berkeley, located within Alameda County.

8           8.       At all relevant times, Defendants the University of California Police Department  
9 and Berkeley Police Department have been and are now empowered by the Defendant the  
10 Regents to implement the policies that govern the conduct of persons affected and utilizing the  
11 University of California, Berkeley, Irvine, San Diego, Los Angeles, and other campuses.

12           9.       At all relevant times, Defendants the University of California Police Department  
13 and Berkeley Police Department have been and are now the agent or employee of Defendant the  
14 Regents and each was acting within the course and scope of such agency or employment.

15           10.      Defendant University of California Police Department (“UCPD”) is organized  
16 under the laws of the State of California, and entrusted with the responsibility of providing safety  
17 to students and invitees. UCPD is an organization acting under state authority, as the term is  
18 utilized in 42 U.S.C. § 1983, which classifies Civil Actions for Deprivation of Rights.

19           11.      Defendant City of Berkeley (“Berkeley Police Department” or “BPD”) is  
20 organized under the laws of the State of California, and entrusted with the responsibility of  
21 providing public safety. BPD is an organization acting under state authority, as the term is  
22 utilized in 42 U.S.C. § 1983, which classifies Civil Actions for Deprivation of Rights.

23           12.      Defendant In the Name of Humanity, We REFUSE to Accept a Fascist America  
24 (“ANTIFA”) is a radical American, left wing, anti-Trump, non-profit organization funded by  
25 George Soros that organizes demonstrations and litigation to achieve its political agenda.

26           13.      Defendant Ian Dabney Miller (“Miller”) is a former (and possibly current) UC  
27 Berkeley employee that protested the UC Berkeley Milo Yiannopolous event. On information  
28

1 and belief, Defendant Miller is a member of the non-profit organization ANTIFA. He is being  
2 sued in his personal capacity and in his official capacity, where applicable.

3 14. Defendant Raha Mirabdal (“Mirabdal”) is a former UC Davis employee that  
4 protested the UC Berkeley Milo Yiannopolous event. On information and belief, Defendant  
5 Mirabdal is a member of the non-profit organization ANTIFA. She is being sued in her personal  
6 capacity.

7  
8 **IV. STANDING**

9 15. Plaintiff Robles has standing to bring this action because she has been directly  
10 affected and victimized by the unlawful conduct complained herein. Her injuries are proximately  
11 related to the conduct of Defendants, jointly and severally.

12  
13 **V. FACTS**

14 **Defendants Worked in Concert to Deprive Plaintiff of Her First Amendment Rights**

15 16. Defendants—in concert with each and every named Defendant, jointly and  
16 severally—have worked in concert to deny numerous individuals who attended the Milo  
17 Yiannopolous event, including Plaintiff Robles, their constitutional right to freedom of speech  
18 and freedom of assembly, as guaranteed by the First Amendment to the U.S. Constitution.

19 17. The Regents intentionally withheld police protection of the UCPD and BPD for  
20 Plaintiff Robles, despite the fact that it was, at a minimum, reasonably foreseeable that the Milo  
21 Yiannopolous event would erupt in violence from “protestors.”

22 18. ANTIFA is known for using violence and inciting violence to achieve their  
23 objectives.

24 19. ANTIFA has threatened, encouraged violence, and committed violent acts against  
25 Plaintiff Robles and other peaceful protestors like her that share political views that ANTIFA  
26 does not agree with.

27 20. The twitter account for San Francisco ANTIFA has made such statements as,  
28 “There’s no better feeling than an #Antifa comrade helping you sucker punch people because

1 doing it one on one can be scary!”<sup>41</sup> and “The Nazis found our comrade who hit a Trump  
2 supporter in the head with a U-lock”<sup>42</sup>, referring to an incident where an ANTIFA protestor was  
3 charged with assault with a deadly weapon at a Berkeley free speech rally .

4 21. The San Francisco ANTIFA twitter account has also retweeted videos of  
5 ANTIFA members throwing explosives<sup>43</sup> and violently kicking public property<sup>44</sup> during a  
6 Berkeley protest.

7 22. On information and belief, ANTIFA organized the violent shutdown of the Milo  
8 Yiannopoulos event. On information and belief, members of ANTIFA, including Defendants  
9 Miller and Arabdal, rioted at the Milo Yiannopolous event and viciously attacked attendees,  
10 including Plaintiff Robles, because of their political beliefs, sex, and sexual preference, such as  
11 Plaintiff Kiara Robles’. On information and belief, ANTIFA acted under the direction of, and in  
12 concert with, each and every named Defendant jointly and severally.

13 23. On information and belief, ANTIFA receives funds from umbrella companies and  
14 subsidiaries of Soros’ Open Society Foundation, a network of foundations, partners, and projects  
15 that funds Soros’ political interests.

16 24. The group ANTIFA is sponsored by Alliance for Global Justice (“AGJ”).<sup>45</sup> Soros  
17 is a major backer of AGJ, as AGJ receives grants from Soros' foundation, the Open Society  
18 Institute.<sup>46</sup> In addition, the Tides Foundation, a non-profit funded by Soros, contributes money to  
19 AGJ.<sup>47</sup>

20 25. UCPD and BPD, at the direction of the Regents, chose to withhold their aid to  
21 attendees of the Milo Yiannopolous event—in concert with each and every named Defendant,  
22 jointly and severally—including Plaintiff Robles, despite the fact that they could see attendees  
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24 <sup>41</sup> @SFAntifa, *supra* note 2.

25 <sup>42</sup> @SFAntifa, *supra* note 3.

26 <sup>43</sup> @SFAntifa, *supra* note 4.

27 <sup>44</sup> @SFAntifa, *supra* note 5.

28 <sup>45</sup> <https://refusefascism.org/donate/>

<sup>46</sup> *The Alliance for Global Justice*, Group Snoop, available at:  
<http://www.groupsnoop.org/The+Alliance+for+Global+Justice>.

<sup>47</sup> Chuck Ross, *supra* note 8.



1 being viciously attacked by “protestors.” During the Milo Yiannopoulos riots, UC Berkeley  
2 police and the Berkeley Police Department did not to intervene while pro-President Trump/pro-  
3 Milo Yiannopolous supporters were being violently attacked.<sup>48</sup>

4 26. As a result of each and every Defendants’ conduct, Plaintiff Robles was deprived  
5 of her constitutional right to freedom of speech and freedom of assembly in support of Milo  
6 Yiannopolous and discriminated against based on sex and sexual preference.

7 **Defendants Reasonably Foresaw That Violence Would Erupt at the**

8 **Milo Yiannopolous Event**

9 27. The Regents, at a minimum, reasonably foresaw that violence would erupt at the  
10 Milo Yiannopolous event, as UC Berkeley is no stranger to violent protest.

11 28. For instance, on May 15, 1969, known as “Bloody Thursday”, UC Berkeley was  
12 home to one of the most violent student protests in U.S. History.<sup>49</sup> At least 128 Berkeley  
13 residents were hospitalized for injuries sustained during the riot. Among the injuries were a  
14 police officer suffering a stab wound, an individual being permanently blinded, and another  
15 individual being killed.

16 29. In 2011, violence erupted in UC Berkeley between campus police and students  
17 that gathered in UC Berkeley’s Sproul Plaza to protest for the Occupy movement.<sup>50</sup>

18 30. UC Berkeley students further have a history of participating in some of the city’s  
19 worst riots and violent protests—among them, the 2014 protest of the death of Eric Garner,  
20 which resulted in looting, vandalism, arson, and assault on Berkeley police officers.<sup>51</sup>

21 31. Yet, UC Berkeley has hosted countless politically-charged rallies and protests in  
22 the past, and the Regents have provided effective police presence without incident.

23 32. UC Berkeley’s Republicans have reported harassment and assaults by other UC  
24 Berkeley students with differing political opinions.<sup>52</sup>

25 \_\_\_\_\_  
<sup>48</sup> *Id.*

26 <sup>49</sup> Chris Enloe, *supra* note 15.

27 <sup>50</sup> Carly Schwartz, *supra* note 29.

28 <sup>51</sup> Jessie Lau and Melissa Wen, *supra* note 30.

<sup>52</sup> Stephen Frank, *supra* note 16.

1           33. For example, the UC Berkeley registered student organization, Berkeley College  
2 Republicans, have reported prior incidents where campus police officers merely “sat around”  
3 while the group was verbally and physically attacked.<sup>53</sup>

4           34. Given the current political climate in the United States, the Regents should have  
5 foreseen that the protest of a controversial conservative political figure such as Milo  
6 Yiannopoulos would likely turn violent.

7           35. Since the 2016 presidential election, there have been several incidents where  
8 President Trump supporters have been the target of vicious protestors.

9           36. Recently, in Seattle, a Black Lives Matter activist ranted to a large crowd  
10 gathered in protest of the Executive Order Enhancing Public Safety in the Interior of the United  
11 States, explicitly saying that “...**we need to start killing people.**”<sup>54</sup> She went on to expressly  
12 threaten and incite death to President Donald Trump, saying, “**First off, we need to start killing**  
13 **the White House. The White House must die.** The White House, your fucking White House,  
14 your fucking Presidents, they must go! Fuck the White House.”<sup>55</sup>

15           37. Recently, there have been protests at U.S. airports where President Trump  
16 supporters were violently attacked by those protesting the President’s immigration policies.<sup>56</sup>

17           38. Furthermore, the Regents, UCPD and BPD should have been fully prepared for  
18 violence to break out at the Milo Yiannopoulos event based on assaults that have occurred at  
19 recent Milo Yiannopoulos speaking engagements.

20           39. On January 13, 2017, chaotic protests preceding a Milo Yiannopoulos speaking  
21 event at UC Davis led to the cancellation of the speech after school groups and university police  
22 determined that it was unsafe to continue the event.<sup>57</sup>

23           40. On January 20, 2017, a man was shot outside a University of Washington hall  
24 prior to another planned Milo Yiannopoulos speaking engagement.<sup>58</sup>

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25 <sup>53</sup> *Id.*

26 <sup>54</sup> Justin Caruso, *supra* note 35.

27 <sup>55</sup> *Id.*

28 <sup>56</sup> Chase Stephens, *supra* note 37.

<sup>57</sup> Ben Poston and Shelby Grad, *supra* note 33.

1           41.     During the University of Washington event, masked protestors assaulted both  
2 police and civilians with weapons.<sup>59</sup>

3           42.     Despite all of this, the Regents intentionally withheld police support—in concert  
4 with each and every named Defendant—at the Milo Yiannopoulos event that Plaintiff Robles  
5 attended, as Milo Yiannopoulos’s conservative viewpoint conflicts with the radical, leftist  
6 viewpoint shared by the Regents and the majority of the UC Berkeley student body and  
7 administration.

8                           **Facts Pertaining Directly to Plaintiff Robles’ Injuries**

9           43.     On February 1, 2017, Plaintiff Robles planned to attend a speech by Milo  
10 Yiannopoulos, a media personality and political commentator, hosted on UC Berkeley campus.

11           44.     Mr. Yiannopoulos was invited to speak by the Berkeley College Republicans,  
12 which is a UC Berkeley Registered Student Organization (“RSO”).

13           45.     Plaintiff Robles purchased a ticket to the event and the proceeds of the ticket sale  
14 went to the Berkeley College Republicans.

15           46.     By purchasing a ticket to an event organized by a UC Berkeley RSO and  
16 approved by UC Berkeley, Plaintiff Robles became an invitee of UC Berkeley. Indeed, UC  
17 Berkeley, as the inviter, owed a duty to Plaintiff Robles to provide a safe premise for their event.

18           47.     Over 1,500 “protestors” gathered at Sproul Plaza to picket the event. Several  
19 people were intentionally and violently attacked by both masked and unmasked assailants, and  
20 the UC Berkeley campus incurred over \$100,000 worth of damage.

21           48.     The violence was orchestrated by Defendant ANTIFA and its members, in an  
22 effort to disrupt the Milo Yiannopoulos event.

23           49.     Plaintiff Robles was being interviewed by news station KGO-TV about her  
24 thoughts on freedom of speech versus “hate speech” when she was approached by several  
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27 \_\_\_\_\_  
28 <sup>58</sup> Rick Anderson, *supra* note 31.

<sup>59</sup> *Id.*

1 protestors that began to yell that she was a “fascist.” The “protestors” surrounded Plaintiff  
2 Robles combatively.

3 50. Soon thereafter, an unknown assailant sprayed Plaintiff Robles in the face with  
4 painful pepper spray. Shortly after Plaintiff Robles was sprayed with pepper spray, Plaintiff  
5 Robles was again sprayed in the face by an unknown assailant with bear mace, which contains a  
6 much higher concentration of harmful substances than standard pepper spray.

7 51. On information and belief, the unknown assailants who sprayed Plaintiff Robles  
8 in the face with pepper spray and bear mace were members of Defendant ANTIFA, and carried  
9 out the battery on Plaintiff Robles at the direction of ANTIFA and in concert with each and  
10 every Defendant.

11 52. At the time of this attack, there were no police officers close enough to Plaintiff  
12 Robles to protect her from her assaulter. As a result, the attackers escaped and there was no one  
13 to immediately aid Plaintiff Robles.

14 53. Instead, witnesses saw nearly 100 police officers and SWAT officers waiting  
15 inside the Student Union Building while the attacks occurred, watching the protestors turn  
16 violent through a glass window.

17 54. UCPD and BPD could see the attacks occurring outside while they waited in the  
18 Student Union building, yet did not act to protect any of the victims, including Plaintiff Robles.

19 55. Soon after the first incident, Plaintiff Robles and others were again physically  
20 attacked by protestors. Miller, among others, struck Plaintiff Robles in the face and body with  
21 flagpoles until Plaintiff Robles was forced to escape by jumping over a metal barrier.

22 56. Miller is a former, and possibly current, UC Berkeley employee.<sup>60</sup>

23 57. Miller is a member of a radical American, left wing, anti-Trump, non-profit  
24 organization funded by George Soros, ANTIFA, and carried out the battery on Plaintiff Robles at  
25 the direction of ANTIFA and in concert with each and every Defendant  
26

27 \_\_\_\_\_  
28 <sup>60</sup> University of California Data Analysis - Browse UC Salary Data, available at:  
[http://ucpay.globl.org/index.php?campus=BERKELEY&name=MILLER+\\_+IAN+DABNEY](http://ucpay.globl.org/index.php?campus=BERKELEY&name=MILLER+_+IAN+DABNEY)

1 58. Miller admitted that he was present at the Milo Yiannopoulos event in an  
2 interview with the New York Daily News.<sup>61</sup>

3 59. Miller wore a mask to hide his identity and wielded a wooden weapon during the  
4 Milo Yiannopoulos event.<sup>62</sup> He was identified later by the particular tattoos on his neck.<sup>63</sup>

5 60. On the day of the UC Berkeley riot, Miller boasted on his social media account  
6 that he physically beat Trump supporters at the Milo Yiannopoulos event.<sup>64</sup>

7 61. Miller posted a photo of one his incapacitated victims on his social media  
8 account.<sup>65</sup>

9 62. Mirabdal was also present at the Milo Yiannopoulos event.<sup>66</sup>

10 63. Mirabdal is a member of the radical American, left wing, anti-Trump, non-profit  
11 organization funded by George Soros, ANTIFA, and carried out the assault on Plaintiff Robles at  
12 the direction of ANTIFA and in concert with each and every Defendant.

13 64. After Mirabdal and several unknown assailants surrounded Plaintiff Robles  
14 combatively, Mirabdal shined a flashlight aggressively in Plaintiff Robles' face, blinding  
15 Plaintiff Robles and placing her in fear and apprehension of harm.

16 65. Mirabdal further beat peaceful Milo Yiannopoulos supporters with a wooden sign  
17 post during the UC Berkeley riot.<sup>67</sup>

18 66. Once again, no police officers from either UCPD or BPD came to assist Plaintiff  
19 Robles, nor to apprehend Miller, Mirabdal, or any of her attackers.

20  
21  
22 <sup>61</sup> Chris Sommerfeldt, *Violent protests at Berkeley college prompt cancellation of speech by right-wing writer*  
23 *Milo Yiannopoulos*, New York Daily News, February 2, 2017, available at:  
<http://www.nydailynews.com/news/national/protests-prompt-cancellation-calif-college-wing-event-article-1.2962069>.

24 <sup>62</sup> <https://twitter.com/chiIIum/status/827655032665473024>

25 <sup>63</sup> *Id.*

26 <sup>64</sup> Ethan Ralph, *FIRST ON TRR: A UC Berkeley Rioter Has Been Exposed, & He's a University Staff Member!*,  
The Ralph Retort, February 3, 2017, available at: <http://theralphretort.com/uc-berkeley-rioter-exposed-works-university-203017/>.

27 <sup>65</sup> *Id.*

28 <sup>66</sup> <https://pbs.twimg.com/media/C3vodrJWIAAYQ0h.jpg>

<sup>67</sup> <https://www.instagram.com/p/BQAFESPj1aM/>

**Defendants Acted in Concert Because They Harbor Viewpoints Different from Milo  
Yiannopoulos and His Supporters**

67. The Regents intentionally withheld the police support of UCPD and BPD—in concert with each and every named Defendant, jointly and severally—from pro-President Trump/pro-Milo Yiannopoulos attendees at an event which it knew could likely become hostile and violent, because these pro-President Trump/pro-Milo Yiannopoulos attendees represented political beliefs that went against their own radical, leftist beliefs.

68. Nicholas Dirks, the former Chancellor of UC Berkeley, has called Milo Yiannopoulos “a troll and provocateur who uses odious behavior in part to ‘entertain,’ but also to deflect any serious engagement with ideas.”<sup>68</sup>

69. Even now, after Plaintiff Robles was violently assaulted at the Milo Yiannopoulos event, the Regents again have refused to provide a “proper time and venue” for conservative pundit Ann Coulter to speak at UC Berkeley.<sup>69</sup>

70. Ann Coulter stated on The Sean Hannity Show, “You cannot impose arbitrary and harassing restrictions on the exercise of a constitutional right....None of this has to do with security.”<sup>70</sup>

71. Indeed, the Regents, on information and belief, cancelled Ann Coulter’s scheduled speech because they disagree with her politically conservative viewpoints, in furtherance of their pattern and practice of squashing free speech that they disagree with.

72. The Regents disingenuously offered Ann Coulter a speaking time on May 2, during Dead Week, where there are no classes and students are studying for final exams.<sup>71</sup>

73. Here, the Regents’ refused to provide police support—in concert with each and every named Defendant—to the pro-Milo Yiannopoulos students and invitees who were violently assaulted.

<sup>68</sup> Patrick May, *UC Berkeley riot raises questions about free speech*, The Mercury News, February 2, 2017, available at: <http://www.mercurynews.com/2017/02/02/uc-berkeley-riot-raise-questions-about-free-speech/>.

<sup>69</sup> *UC Berkeley Students Threatened to Sue Over Ann Coulter Visit*, Fox News, Apr. 23, 2017, available at: <http://www.foxnews.com/us/2017/04/23/uc-berkeley-students-threaten-to-sue-over-ann-coulter-visit.html>

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*



1 74. Thus, each and every Defendant worked in concert, jointly and severally, to  
2 organize and cultivate the riots and violent assaults that led to Plaintiff Robles injuries. The  
3 Regents worked in concert with the BPD and UCPD to withhold police support to the attendees  
4 of the Milo Yiannopoulos who were brutally attacked by ANTIFA members and violent  
5 protestors, including, but not limited to, Miller and Mirabdal.

6 **FIRST CAUSE OF ACTION**  
7 **VIOLATION OF FEDERALLY PROTECTED RIGHT UNDER 42 U.S.C. §1983 –**  
8 **VIOLATION OF THE FIRST AMENDMENT TO THE U.S. CONSTITUTION:**  
9 **FREEDOM OF SPEECH AND FREEDOM OF ASSEMBLY**  
*Against Defendants The Regents of the University of California, Berkeley, University of*  
*California Police Department, Berkeley Police Department, and John Does 1-10*

10 75. Plaintiff Robles repeats and re-alleges all of the previous allegations of the  
11 entirety of this Complaint, including, but not limited to, the Introduction, with the same force and  
12 effect, as if fully set forth herein again at length.

13 76. Defendants, in concert with each and every named Defendant, jointly and  
14 severally, while acting under the color of state law, deprived Plaintiff Robles of her right to  
15 freely exercise her freedom of speech and freedom of assembly, rights protected by federal law  
16 and the First Amendment to the U.S. Constitution.

17 77. Defendants' actions and inactions were intentional and were designed to prevent  
18 individuals, including Plaintiff Robles, from freely expressing their political views and their  
19 freedom of assembly, based on their pro-President Trump political beliefs and their support of  
20 Milo Yiannopoulos.

21 78. Defendants had the resources and manpower available to provide a safe venue for  
22 pro-President Trump/pro-Milo Yiannopoulos attendees during the Milo Yiannopoulos speech.  
23 UC Berkeley, under the leadership of The Regents, has hosted countless politically-charged  
24 rallies and protests in the past, and provided effective police presence at said rallies and protests  
25 without incident.

26 79. Defendants—in concert with each and every named Defendant, jointly and  
27 severally—willfully withheld police officers to protect pro-President Trump/pro-Milo  
28 Yiannopoulos attendees at an event which it knew was to most likely become hostile and violent,

1 because these pro-President Trump/pro-Milo Yiannopoulos attendees represented political  
2 beliefs that went against the popular sentiment of Defendants and most UC Berkeley's  
3 administration and students.

4 80. Members of ANTIFA rioted and violently assaulted attendees of the Milo  
5 Yiannopoulos event, including Plaintiff Robles, to prevent Plaintiff Robles and others present  
6 from peacefully assembling and supporting Milo Yiannopoulos.

7 81. Defendants' actions, as described above, have interfered with Plaintiff Robles'  
8 free exercise of speech, in violation of the United States Constitution, in that Defendants' refusal  
9 to adequately secure and monitor a known hostile campus environment for pro-President  
10 Trump/pro-Milo Yiannopoulos attendees prohibits Plaintiff Robles from the free exercise of her  
11 speech and political beliefs.

12 82. As a direct and proximate cause of Defendants' actions— each and every one of  
13 them, jointly and severally acting in concert, caused Plaintiff Robles to suffer physical injuries  
14 and emotional distress, accompanied by various physical symptoms, including, but not limited  
15 to, sleeplessness, nervousness, and extreme anxiety.

16  
17 **SECOND CAUSE OF ACTION**  
18 **VIOLATION OF FEDERALLY PROTECTED RIGHT UNDER 42 U.S.C. §1983 –**  
19 **EQUAL PROTECTION**

20 ***Against Defendants The Regents of the University of California, Berkeley, University of***  
21 ***California Police Department, Berkeley Police Department, and John Does 1-10***

22 83. Plaintiff Robles repeats and re-alleges all of the previous allegations of the  
23 entirety of this Complaint, including, but not limited to, the Introduction, with the same force and  
24 effect, as if fully set forth herein again at length.

25 84. Plaintiff Robles is a gay woman, a member of an identifiable class for equal  
26 protection purposes.

27 85. Defendants, each and every one of them, acting in concert, jointly and severally,  
28 while acting under the color of state law, intentionally discriminated against Plaintiff Robles on  
the basis of her sexual orientation and gender by withholding police protection at the Milo  
Yiannopolous event, that they, at a minimum, reasonably foresaw would erupt in violence.

1 86. Defendants chose to withhold police protection at the Milo Yiannopolous event  
2 because Milo Yiannopolous and a large number of his supporters, including Plaintiff Robles, are  
3 gay and female.

4 87. Defendants failed to enforce UC Berkeley’s anti-discrimination policies to  
5 prevent physical and emotional harm to Plaintiff Robles. Defendants' actions and inactions were  
6 intentional and placed Plaintiff Robles in physical danger.

7 88. Defendants had the resources and manpower available to provide a safe venue for  
8 pro-President Trump/pro-Milo Yiannopoulos attendees during the Milo Yiannopoulos speech.

9 89. UC Berkeley, under the leadership of The Regents, has hosted countless  
10 politically-charged rallies and protests in the past, and provided effective police presence at said  
11 rallies and protests without incident.

12 90. Defendants chose not to utilize their police officers to protect Plaintiff Robles at  
13 an event which they knew was to most likely become hostile and violent, because Milo  
14 Yiannopoulos and many of his supporters, including Plaintiff, are gay.

15 91. As a direct and proximate cause of Defendants' actions, each and every one of  
16 them, acting in concert, jointly and severally, Plaintiff Robles suffered physical injuries and  
17 emotional distress, accompanied by various physical symptoms, including, but not limited to,  
18 sleeplessness, nervousness, and extreme anxiety.

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**THIRD CAUSE OF ACTION**  
**NEGLIGENCE**

*Against Defendants The Regents of the University of California, Berkeley and John Does 1-10*

92. Plaintiff Robles repeats and re-alleges all of the previous allegations of the  
entirety of this Complaint, including, but not limited to, the Introduction, with the same force and  
effect, as if fully set forth herein again at length.

93. The Regents owed a duty of care to Plaintiff Robles – a UC Berkeley invitee – to  
provide a safe place to assemble and exercise her First Amendment rights.

1           94.     The Regents reasonably foresaw that violence was likely to erupt at the Milo  
2 Yiannopoulos event based on the current political climate, UC Berkeley’s history of violent  
3 protests, and other violent protests at similar events.

4           95.     The Regents breached their duty of care to Plaintiff Robles by withholding  
5 effective police protection for Plaintiff Robles and other attendees of UC Berkeley’s event.

6           96.     The Regents breached their duty of care to Plaintiff Robles by ordering campus  
7 police in the vicinity of the attacks not to intervene and defend Plaintiff and other attendees that  
8 were being attacked.

9           97.     The Regents’ negligence in ordering campus police not to intervene and defend  
10 Plaintiff Robles was a substantial factor and proximate cause of Plaintiff Robles’ mental and  
11 physical injuries incurred from violent protestors beating her with flag poles and flashlights and  
12 spraying pepper spray and bear mace in her face.

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**FOURTH CAUSE OF ACTION**  
**GROSS NEGLIGENCE**

*Against Defendants The Regents of the University of California, Berkeley and John Does 1-10*

98.     Plaintiff Robles repeats and re-alleges all of the previous allegations of the  
entirety of this Complaint, including, but not limited to, the Introduction, with the same force and  
effect, as if fully set forth herein again at length.

99.     The Regents owed a duty of care to Plaintiff Robles – a UC Berkeley invitee – to  
provide a safe place to assemble and exercise her First Amendment rights.

100.    The Regents reasonably foresaw that violence was likely to erupt at the Milo  
Yiannopoulos event based on the current political climate, UC Berkeley’s history of violent  
protests, and other violent protests at similar events.

101.    The Regents breached their duty of care to Plaintiff Robles by consciously and  
maliciously withholding effective police protection for Plaintiff Robles and other attendees of  
UC Berkeley’s event.

1            102. The Regents breached their duty of care to Plaintiff Robles by consciously and  
 2 maliciously ordering campus police in the vicinity of the attacks not to intervene and defend  
 3 Plaintiff Robles and other attendees that were being attacked.

4            103. The Regents’ gross negligence in consciously and maliciously ordering campus  
 5 police not to intervene and defend Plaintiff Robles was a substantial factor and proximate cause  
 6 of Plaintiff Robles’s mental and physical injuries incurred from violent protestors beating her  
 7 with flag poles and flashlights and spraying pepper spray and bear mace in her face.

8  
 9    **FIFTH CAUSE OF ACTION**  
     **PREMISES LIABILITY**

10 *Against Defendants The Regents of the University of California, Berkeley and John Does 1-10*

11            104. Plaintiff Robles repeats and re-alleges all of the previous allegations of the  
 12 entirety of this Complaint, including, but not limited to, the Introduction, with the same force and  
 13 effect, as if fully set forth herein again at length.

14            105. The Regents controlled the UC Berkeley property and were negligent in the use or  
 15 maintenance of the property by failing to adequately secure and monitor a known hostile campus  
 16 environment for pro-President Trump/pro-Milo Yiannopoulos attendees.

17            106. Plaintiff Robles was harmed as a result. Plaintiff Robles’ injuries were directly  
 18 and proximately caused by the Regents’ negligent conduct.

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 20  
 21    **SIXTH CAUSE OF ACTION**  
     **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

22 *Against Defendants the Regents, University of California Police Department, Berkeley Police*  
     *Department*

23  
 24            107. Plaintiff Robles repeats and re-alleges all of the previous allegations of the  
 25 entirety of this Complaint, including, but not limited to, the Introduction, with the same force and  
 26 effect, as if fully set forth herein again at length.

27            108. Defendants were negligent in their failure to properly maintain a safe venue for  
 28 attendees of the Milo Yiannopoulos event hosted on UC Berkeley campus, when they should

1 have reasonably anticipated attacks from protestors based on the foregoing numerous factors  
2 detailed in this Complaint, including, but not limited to, the violent outcome of previous Milo  
3 Yiannopoulos speaking engagements.

4 109. Plaintiff Robles suffered severe emotional distress, and Defendants' negligence in  
5 failing to properly maintain a safe venue for attendees of the Milo Yiannopoulos event was a  
6 substantial factor in and directly and proximately caused Plaintiff's serious emotional distress  
7 that resulted from attacks from violent protestors at the Milo Yiannopoulos event.

8  
9 **SEVENTH CAUSE OF ACTION**  
10 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
11 ***Against Defendants the Regents, University of California Police Department, Berkeley Police***  
12 ***Department***

13 110. Plaintiff Robles repeats and re-alleges all of the previous allegations of the  
14 entirety of this Complaint, including, but not limited to, the Introduction, with the same force and  
15 effect, as if fully set forth herein again at length.

16 111. Defendants' intentional decision to withhold proper protection for pro-President  
17 Trump/pro-Milo Yiannopoulos supporters during the Milo Yiannopoulos event, based on the  
18 pro-President Trump/pro-Milo Yiannopoulos supporters' political beliefs, was the result of  
19 intentional, extreme, and outrageous conduct that exceeded all reasonable bounds of decency.

20 112. Defendants intended to inflict severe emotional distress and mental anguish on  
21 Plaintiff Robles with their decision to withhold proper protection for pro-President Trump/pro-  
22 Milo Yiannopoulos supporters during the Milo Yiannopoulos event, even though UCPD and  
23 BPD witnessed firsthand rioters attacking Milo Yiannopoulos supporters.

24 113. Plaintiff Robles suffered severe emotional distress directly and proximately  
25 caused by Defendants' intentional decision to withhold proper protection for pro-President  
26 Trump/pro-Milo Yiannopoulos supporters during the Milo Yiannopoulos event, and Defendants'  
27 intentional decision to withhold proper protection for pro-President Trump/pro-Milo  
28 Yiannopoulos supporters during the Milo Yiannopoulos event was a substantial factor in causing  
Plaintiff Robles' emotional distress.



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**EIGHTH CAUSE OF ACTION**  
**ASSAULT**

***Against Defendants Ian Dabney Miller, Raha Mirabdal ANTIFA, and John Does 1-10***

114. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

115. Miller, Mirabdal, ANTIFA, and other assailants (to be named in discovery) placed Plaintiff Robles in apprehension of an imminent harmful or offensive contact by, among other things, aggressively shining a flashlight directly into her eyes so as to blind her after surrounding her in a combative manner.

116. Plaintiff Robles did not consent to Miller’s, Mirabdal’s, ANTIFA’s, and other assailants’ (to be named in discovery) conduct described in the foregoing paragraphs.

117. As a direct and proximate result of Miller, Mirabdal, ANTIFA, and other assailants’ (to be named in discovery) wrongful conduct, Plaintiff Robles suffered conscious pain, suffering, severe emotional distress and the fear of imminent serious bodily injury or death, and other mental and physical injuries.

**NINTH CAUSE OF ACTION**  
**BATTERY**

***Against Defendants Ian Dabney Miller, Raha Mirabdal, ANTIFA, and John Does 1-10***

118. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

119. Plaintiff Robles suffered harmful, offensive bodily contact from Miller, Mirabdal, ANTIFA, and other assailants’ (to be named in discovery) actions of beating Plaintiff’s face and body with flag poles and flashlights and spraying her with pepper spray and bear mace, from which Plaintiff sustained injuries.

1 120. ANTIFA receives funds from umbrella companies and subsidiaries of Soros’  
2 Open Society Foundation, a network of foundations, partners, and projects that funds Soros’  
3 political interests.

4 121. Miller, Mirabdal, ANTIFA, and other assailants to be named in discovery beat  
5 Plaintiff Robles’ face and body with flag poles and flashlights and sprayed her with pepper spray  
6 and bear mace with the intent to harm and injure her.

7 122. Plaintiff Robles did not consent to Miller’s, Mirabdal’s, ANTIFA’s, and other  
8 assailants’ (to be named in discovery) attacks with pepper spray, bear mace, flag poles, and  
9 flashlight on her face and body, and she was harmed and injured by Defendant’s attacks.

10 123. As a direct and proximate result of the wrongful attacks on Plaintiff Robles, by  
11 Miller, Mirabdal, ANTIFA, and other assailants (to be named in discovery), Plaintiff suffered  
12 conscious pain, suffering, severe emotional distress and the fear of imminent, serious bodily  
13 injury or death, and other mental and physical injuries.

14

15 **TENTH CAUSE OF ACTION**  
16 ***Violation of State Protected Right Under Cal. Civ. Code § 52.1 – Bane Act***  
17 ***Against All Defendants***

18 124. Plaintiff Robles repeats and re-alleges all of the previous allegations of the  
19 entirety of this Complaint, including, but not limited to, the Introduction, with the same force and  
20 effect, as if fully set forth herein again at length.

21 125. Defendants, each and every one of them, acting in concert, jointly and severally,  
22 intentionally interfered with Plaintiff Robles’ constitutionally protected right to freedom of  
23 speech and freedom of assembly by threatening and committing violent acts.

24 126. Plaintiff Robles reasonably believed that if she exercised her rights to freedom of  
25 speech and freedom of assembly, Defendants, each and every one of them, acting in concert,  
26 jointly and severally, would commit violence against her.

27 127. Defendants, each and every one of them, acting in concert, jointly and severally,  
28 injured Plaintiff Robles to prevent her from exercising her rights to freedom of speech and

1 freedom of assembly and/or retaliate against Plaintiff Robles for having exercised her rights to  
2 freedom of speech and freedom of assembly.

3 128. Defendants, each and every one of them, acting in concert, jointly and severally,  
4 threatened and committed violent acts against Plaintiff Robles because of Plaintiff Robles'  
5 political affiliation, sexual orientation, and gender.

6 129. Plaintiff Robles was harmed, and Defendants, each and every one of them, acting  
7 in concert, jointly and severally, were a substantial factor in causing Plaintiff Robles' harm.

8  
9 **ELEVENTH CAUSE OF ACTION**  
10 ***Violation of State Protected Right Under Cal. Civ. Code § 51.7 – Ralph Act***  
11 ***Against Defendant ANTIFA***

12 130. Plaintiff Robles repeats and re-alleges all of the previous allegations of the  
13 entirety of this Complaint, including, but not limited to, the Introduction, with the same force and  
14 effect, as if fully set forth herein again at length.

15 131. ANTIFA threatened, encouraged violence, and committed violent acts against  
16 Plaintiff Robles.

17 132. ANTIFA subjected Plaintiff Robles to bodily harm, namely beating her face and  
18 body with flag poles and flashlights and spraying her with pepper spray and bear mace, and  
19 threats of violence based on her political affiliation.

20 133. Plaintiff Robles was harmed and ANTIFA's conduct was a substantial factor in  
21 causing Plaintiff Robles' harm.

22 **TWELFTH CAUSE OF ACTION**  
23 **INJUNCTIVE RELIEF**  
24 ***Against Defendants UCPD, and BPD, and John Does 1-10***

25 134. Plaintiff Robles repeats and re-alleges all of the previous allegations of the  
26 entirety of this Complaint, including, but not limited to, the Introduction, with the same force and  
27 effect, as if fully set forth herein again at length.

1 135. As set forth previously in this Complaint, UCPD and BPD police officers sat by  
2 idly, watching as Plaintiff Robles and others were viciously attacked by “protestors” during the  
3 Milo Yiannopolous event.

4 136. Instead of rendering assistance, nearly 100 UCPD and BPD police officers waited  
5 in the Student Union building, within eyesight of the violence happening outside, watching the  
6 “protestors” become more belligerent.

7 137. As a result of the inaction of UCPD and BPD officers, the assailants who attacked  
8 Plaintiff Robles and others were not apprehended and Plaintiff Robles and others did not receive  
9 immediate assistance for their injuries.

10 138. At a minimum, BPD and UCPD officers demonstrated a lack of training in how to  
11 handle “riots” like the one at the Milo Yiannopoulos event.

12 139. Plaintiff Robles and others will suffer irreparable harm if UCPD and BPD officers  
13 do not receive adequate training on how to handle “riot” situations, like the one at the Milo  
14 Yiannopolous event, including, but not limited to, possible loss of life.

15 140. Plaintiff Robles has no adequate remedy at law.

16 141. UCPD and BPD would not be harmed by requiring its officers to undergo training  
17 on how to handle “riot” situations.

18 142. Plaintiff Robles respectfully requests that this Court order preliminary and  
19 permanent injunctive relief requiring UCPD and BPD officers to undergo proper training on how  
20 to handle “riot” situations, and requiring UCPD and BPD officers to uphold their oath to serve  
21 and protect all victims, regardless of their political beliefs, sexual orientation, or gender.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff Robles prays for relief and judgment against Defendants,  
24 jointly and severally, as follows:

- 25 (a) For general (non-economic), special (economic), actual and compensatory
- 26 damages in excess of \$3,000,000;
- 27 (b) For punitive damages in excess of \$20,000,000;
- 28 (c) For equitable, declaratory, and injunctive relief as the Court deems proper; and

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(d) For such other relief as the court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all counts, as to all issues so triable.

DATED: August 22, 2017

Respectfully submitted,

Larry Klayman, Esq.  
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Tel: (561) 558-5336  
*Pro Hac Vice to be Filed*

*/s/ Michael D. Kolodzi*  
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