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Attorneys for Plaintiff
KIARA ROBLES

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

KIARA ROBLES, an individual
Oakland, CA

Plaintiff,

v.

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

and

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

and

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

and

JANET NAPOLITANO, in her individual capacity
Oakland, CA

and

Case No.: 17-4864

AMENDED COMPLAINT

DEMAND FOR JURY TRIAL

1 NICHOLAS DIRKS, in his individual capacity
Berkeley, CA

2 and

3
4 UNIVERSITY OF CALIFORNIA POLICE
DEPARTMENT
5 Berkeley, CA

6 and

7 CITY OF BERKELEY
Berkeley, CA

8 and

9
10 JOHN DOES 1-20, et al.

11 Defendants.

12
13 **I. INTRODUCTION**

14 Plaintiff Kiara Robles (“Plaintiff” and/or “Robles”) brings this complaint against Defendant
15 In the Name of Humanity, We REFUSE to Accept a Fascist America (“ANTIFA”), Defendant Ian
16 Dabney Miller (“Miller”), Defendant Raha Mirabdal (“Mirabdal”), Defendant Janet Napolitano
17 (“Napolitano”), Defendants Nicholas Dirks (“Dirks”), Defendant University of California Police
18 Department (“UCPD”), Defendant City of Berkeley (“Berkeley Police Department” or “BPD”)¹,
19 and Defendant John Does 1-10. (collectively, “Defendants”, unless individually named).

20 ANTIFA, through its members Mirabdal, Miller, and Does 1-20, Defendants Napolitano
21 and Dirks (the “Individual Regents Defendants”), have acted to unconstitutionally curtail the First
22 Amendment rights of its students and invitees thereof. Acting in concert with ANTIFA, the
23 Individual Regents Defendants - along with each and every other named Defendant - have
24 subjected UC Berkeley students and invitees who do not subscribe to the radical, left wing
25 philosophies sanctioned by Defendants to severe violence and bodily harm for merely expressing a
26 differing viewpoint and sexual preference, in clear contravention of their rights under the First

27
28 ¹ City of Berkeley is being sued for the actions of the Berkeley Police Department

1 Amendment to the U.S. Constitution. Members of ANTIFA, including Miller, Mirabdal and Does
2 1-20, assaulted and battered Plaintiff Robles, putting her in fear of her life and grave bodily injury.

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



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

1 and dangerous.



12 Thus, the attackers escaped and there was no one to immediately aid Plaintiff Robles after

13 she was intentionally and violently sprayed in the face with bear mace. It was the intentional and

14 conscious decision and direction of the Regents—in concert with each and every named Defendant,

15 jointly and severally—to withhold effective police protection for politically conservative attendees

16 of the Milo Yiannopoulos event. Furthermore, Defendants—acting in concert, jointly and

17 severally—chose to withhold police protection at the Milo Yiannopolous event because Milo

18 Yiannopolous and a large number of his 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.² ANTIFA is known for using violence and

21 inciting violence to achieve their objectives. Recently, a petition to label ANTIFA as a terrorist

22 organization reached 146,000 signatures.³ The twitter account for San Francisco ANTIFA has

23 made such statements as, “There’s no better feeling than an #Antifa comrade helping you sucker

24 punch people because doing it one on one can be scary!”⁴ and “The Nazis found our comrade who

25 _____

26 ² 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 ³ *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 ⁴ @SFAntifa “There’s no better feeling than an #Antifa comrade helping you sucker punch people because doing

1 hit a Trump supporter in the head with a U-lock⁵, referring to an incident where an ANTIFA
 2 protestor was charged with assault with a deadly weapon at a Berkeley free speech rally. The San
 3 Francisco ANTIFA twitter account has also retweeted videos of ANTIFA members throwing
 4 explosives⁶ and violently kicking public property⁷ during a Berkeley protest. ANTIFA organized
 5 the shut down of the Milo Yiannopoulos event, calling for its members to use “righteous” violence
 6 against "fascist" Yiannopoulos.⁸ After the UC Berkeley riot, ANTIFA commented on its website
 7 that it supported the violence that occurred, stating, “[f]or all these reasons what happened at UC
 8 Berkeley is part of the kind of broad, powerful and meaningful protest which needs to continue on
 9 an unprecedented scale to OUST this regime from power.”⁹ ANTIFA is responsible for the
 10 orchestration of the riots that occurred during the Milo Yiannopoulos event¹⁰ and ANTIFA
 11 members appeared at the protest to assault peaceful pro-President Trump/pro-Milo Yiannopolous
 12 supporters and vandalize UC Berkeley and private property.

13 UC Berkeley regularly provides police protection for politically charged events and protests
 14 on its campus without incident. But on this day, the Individual Regents Defendants—in concert
 15 with each and every named Defendant, jointly and severally—willfully withheld their police
 16 manpower from protecting students and event attendees because the speaker and his supporters
 17
 18

19 it one on one can be scary!” Twitter, June 16, 2017, 10:54 AM.,
 20 <https://twitter.com/SFAntifa/status/875773489638031361>.

21 ⁵ @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 ⁶ @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 ⁷ @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>

⁸ *Id.*

⁹ *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/>.

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

13 Indeed, students at UC Berkeley who, like Plaintiff Robles, happen to possess conservative
14 viewpoints have regularly been targeted, and the Regents regularly “turn a blind eye” to such
15 unconstitutional conduct. One individual articulated that, “[p]eople feel like Republicans don’t
16 have a home here, and it’s a little bit intimidating to have people walk by and want to yell at you or
17 denounce your beliefs, simply because you’re sitting out there identifying as a Republican [...]”
18 there’s a complete lack of tolerance for an idea that any member of the Berkeley community could
19 hold the beliefs that we do”.¹³ Republican students receive online threats and hear from other
20 students that “[t]hey’re going to come after us, we don’t belong on this campus, we don’t have a
21 place on this campus.”¹⁴ Specifically, choosing to openly support President Trump “kind of puts a
22

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

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

¹³ Hanchett, *supra* note 1

¹⁴ *Id.*

1 target on your head.”¹⁵ A majority of the Berkeley College Republicans, the school group that
 2 organized the Milo Yiannopoulos event, feel “reluctant to share their political beliefs on campus.”¹⁶
 3 CNN anchor Kyung Lah noted “[t]he irony runs thick to these students, a place that forged free
 4 speech on campus, uncomfortable with political speech with which they disagree.”¹⁷

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

21 ¹⁵ *Id.*

22 ¹⁶ *Id.*

23 ¹⁷ *Id.*

24 ¹⁸ 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 ¹⁹ *Id.*

26 ²⁰ *Id.*

27 ²¹ *Id.*

28 ²² *Id.*

²³ *Id.*

²⁴ *Id.*

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

6 UC Berkeley is no stranger to incidents of violent protest and was required to provide
7 effective police protection in anticipation of the high probability that the Milo Yiannopoulos protest
8 would lead to dangerous physical altercations. In fact, one of the most famous violent student
9 protests in U.S. history took place at UC Berkeley's campus. On May 15, 1969, over 3,000
10 students protested at UC Berkeley over city plans to turn a vacant lot near campus into a parking
11 lot. On that day, known as Bloody Thursday, three students suffered punctured lungs, another a
12 shattered leg, several people were hospitalized with shotgun wounds, and one police officer was
13 stabbed.²⁵ At least 128 Berkeley residents were admitted to local hospitals for injuries sustained
14 during the riot.²⁶ Alan Blanchard was permanently blinded by a gunshot wound to his face.²⁷ James
15 Rector, who was watching the riot from a rooftop, was shot by police gunfire; he died four days
16 later.²⁸ A state of emergency was declared by the governor and the late President Ronald Reagan
17 and 2,200 National Guard troops were sent in to restore order.²⁹ Over the next several days, police
18 and troops arrested nearly 1,000 people, including 200 for felonies, while 500 were booked at the
19 local jail.³⁰ More recently, in 2011, violence erupted between campus police and students that
20 gathered in UC Berkeley's Sproul Plaza to protest for the Occupy movement³¹. UC Berkeley

21 _____
22 ²⁵ Chris Enloe, *See how Ronald Reagan shut down violent UC Berkeley protesters in 1969 when he was Calif.*
23 *Governor*, The Blaze, Feb. 5, 2017, available at: <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/>

24 ²⁶ *People's Park (Berkeley)*, Wikipedia, available at
[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)

25 ²⁷ *Id.*

26 ²⁸ Chris Enloe *supra* note 23.

27 ²⁹ *Id.*

28 ³⁰ *Id.*

29 ³¹ 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-police_n_1086195.html.

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

4 Thus, the Individual Regents Defendants, UCPD, and BPD should have been fully
5 prepared for violence to break out at the Milo Yiannopoulos event. In fact, two weeks before the
6 UC Berkeley riot, a man was shot outside a University of Washington hall prior to another planned
7 Milo Yiannopoulos speaking engagement.³³ As was true at the UC Berkeley event, masked
8 protestors in Washington threw bricks at police and were armed with weapons, which they used to
9 assault members of the crowd.³⁴ Another planned speaking engagement by Milo Yiannopoulos at
10 UC 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.³⁵
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 who
19 uses odious behavior in part to 'entertain,' but also to deflect any serious engagement with ideas."³⁶
20
21

22 ³² Jessie Lau and Melissa Wen, *Police fire tear gas at hundreds of protesters, demonstration disperses at about*
23 *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/.

24 ³³ Rick Anderson, *Man shot before Breitbart editor Milo Yiannopoulos' speaking event is in critical condition*,
25 *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 ³⁴ *Id.*

27 ³⁵ 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.

³⁶ 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/>.

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

15 The Individual Regents Defendants, UCPD, and BPD could have easily foreseen that an
16 event where Milo Yiannopoulos was scheduled to speak would draw a large vehement crowd of
17 protestors that had strong opposing opinions to the groups present at that speech. Based on the
18 recent frequency of violence associated with political protest in the United States, Defendants the
19 Regents, UCPD, and BPD, were, at a minimum, grossly negligent—if not **intentionally**
20 **negligent**— by hiding behind glass windows in order to further the protestors’ politically
21 motivated agenda— in failing to provide effective police protection for the crowds present at one of
22 their own events. The Individual Regents Defendants, UCPD, and BPD’s actions were a callous
23 and blatant disregard for the safety of the crowd that came to hear Milo Yiannopolous speak.

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25 ³⁷ Justin Caruso, *BLM Anti-Trump Protest in Seattle: ‘We Need to Start Killing People’*, Daily Caller, Jan. 30,
26 2017, available at: <http://dailycaller.com/2017/01/30/blm-anti-trump-protest-in-seattle-we-need-to-start-killing-people/>.

27 ³⁸ *Id.*

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

1 Defendant the Regents have carried out a pattern and practice of denying the First Amendment
2 rights of students and invitees who share a different viewpoint from their own radical, leftist views.

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

5
6 **II. JURISDICTION AND VENUE**

7 1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §
8 1331 (Federal Question Jurisdiction).

9 2. This Court has supplemental jurisdiction over this case pursuant to 28 U.S.C. §
10 1367.

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

13 **III. PARTIES**

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

16 5. Defendant Napolitano was, at all relevant times, the President of the University of
17 California, and is being sued in her individual capacity.

18 6. Defendant Dirks was, at all relevant times, the Chancellor of UC Berkeley, and is
19 being sued in his individual capacity

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

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

27
28 ⁴⁰ 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 9. Defendant University of California Police Department (“UCPD”) is organized
2 under the laws of the State of California, and entrusted with the responsibility of providing safety to
3 students and invitees. UCPD is an organization acting under state authority, as the term is utilized
4 in 42 U.S.C. § 1983, which classifies Civil Actions for Deprivation of Rights.

5 10. Defendant City of Berkeley (“Berkeley Police Department” or “BPD”) is organized
6 under the laws of the State of California, and entrusted with the responsibility of providing public
7 safety. BPD is an organization acting under state authority, as the term is utilized in 42 U.S.C. §
8 1983, which classifies Civil Actions for Deprivation of Rights.

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

12 12. Defendant Ian Dabney Miller (“Miller”) is a former (and possibly current) UC
13 Berkeley employee that protested the UC Berkeley Milo Yiannopolous event. On information and
14 belief, Defendant Miller is a member of the non-profit organization ANTIFA. He is being sued in
15 his personal capacity and in his official capacity, where applicable.

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

20 **IV. STANDING**

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

24 **V. FACTS**

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

26 15. Defendants—in concert with each and every named Defendant, jointly and
27 severally—have worked in concert to deny numerous individuals who attended the Milo
28

1 Yiannopolous event, including Plaintiff Robles, their constitutional right to freedom of speech and
2 freedom of assembly, as guaranteed by the First Amendment to the U.S. Constitution.

3 16. The Individual Regents Defendants, in their individual capacity, in furtherance of
4 their own political and other beliefs, abused their authority under state law to intentionally withhold
5 police protection of the UCPD and BPD for Plaintiff Robles, despite the fact that it was, at a
6 minimum, reasonably foreseeable that the Milo Yiannopolous event would erupt in violence from
7 “protestors.”

8 17. ANTIFA is known for using violence and inciting violence to achieve their
9 objectives.

10 18. ANTIFA has threatened, encouraged violence, and committed violent acts against
11 Plaintiff Robles and other peaceful protestors like her that share political views that ANTIFA does
12 not agree with.

13 19. The twitter account for San Francisco ANTIFA has made such statements as,
14 “There’s no better feeling than an #Antifa comrade helping you sucker punch people because
15 doing it one on one can be scary!”⁴¹ and “The Nazis found our comrade who hit a Trump supporter
16 in the head with a U-lock”⁴², referring to an incident where an ANTIFA protestor was charged with
17 assault with a deadly weapon at a Berkeley free speech rally .

18 20. The San Francisco ANTIFA twitter account has also retweeted videos of ANTIFA
19 members throwing explosives⁴³ and violently kicking public property⁴⁴ during a Berkeley protest.

20 21. Defendants ANTIFA, Mirabdal, Miller, and Does 1-20 (“ANTIFA Defendants”) organized, plotted, planned, and executed the violent shutdown of the Milo Yiannopoulos event.
21 Members of ANTIFA, including Defendants Miller and Mirabdal rioted at the Milo Yiannopolous
22 event and viciously attacked attendees, including Plaintiff Robles, because of their political beliefs,
23 sex, and sexual preference, such as Plaintiff Kiara Robles’. On information and belief, ANTIFA
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26 ⁴¹ @SFAntifa, *supra* note 2.

27 ⁴² @SFAntifa, *supra* note 3.

28 ⁴³ @SFAntifa, *supra* note 4.

⁴⁴ @SFAntifa, *supra* note 5.

1 acted under the direction of, and in concert with, each and every named Defendant jointly and
2 severally.

3 22. Thus, each of the ANTIFA Defendants are equally, jointly, and severally liable for
4 each others' actions, as they were all performed in concert, and as part of their conspiracy to
5 violently shut down the Yiannopolous event using, among other dangerous objects, pepper spray
6 and bear mace, flag poles, signs, and flashlights.

7 23. Therefore, the acts of Does 1-20, the Defendants who used pepper spray and bear
8 mace on Plaintiff Robles must be imputed to each and every one of the other ANTIFA Defendants
9 who planned and carried out the violent protest in concert, and as part of one concerted attack, with
10 each of the ANTIFA Defendants having an agreed role in the attack.

11 24. Therefore, the acts of Miller, the Defendant who flag poles on Plaintiff Robles must
12 be imputed to each and every one of the other ANTIFA Defendants who planned and carried out
13 the violent protest in concert, and as part of one concerted attack, with each of the ANTIFA
14 Defendants having an agreed role in the attack.

15 25. Therefore, the acts of Mirabdal, the Defendant who used a flashlight on Plaintiff
16 Robles must be imputed to each and every one of the other ANTIFA Defendants who planned and
17 carried out the violent protest in concert, and as part of one concerted attack, with each of the
18 ANTIFA Defendants having an agreed role in the attack.

19 26. ANTIFA receives funds from umbrella companies and subsidiaries of Soros' Open
20 Society Foundation, a network of foundations, partners, and projects that funds Soros' political
21 interests.

22 27. The group ANTIFA is sponsored by Alliance for Global Justice ("AGJ").⁴⁵ Soros is
23 a major backer of AGJ, as AGJ receives grants from Soros' foundation, the Open Society
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28 ⁴⁵ <https://refusefascism.org/donate/>

1 Institute.⁴⁶ In addition, the Tides Foundation, a non-profit funded by Soros, contributes money to
2 AGJ.⁴⁷

3 28. UCPD and BPD chose to withhold their aid to attendees of the Milo Yiannopolous
4 event—in concert with each and every named Defendant, jointly and severally—including Plaintiff
5 Robles, despite the fact that they could see attendees being viciously attacked by “protestors.”
6 During the Milo Yiannopoulos riots, UC Berkeley police and the Berkeley Police Department did
7 not to intervene while pro-President Trump/pro-Milo Yiannopolous supporters were being
8 violently attacked.⁴⁸

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

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

13 **Milo Yiannopolous Event**

14 30. The Individual Regents Defendants, at a minimum, reasonably foresaw that
15 violence would erupt at the Milo Yiannopolous event, as UC Berkeley is no stranger to violent
16 protest.

17 31. For instance, on May 15, 1969, known as “Bloody Thursday”, UC Berkeley was
18 home to one of the most violent student protests in U.S. History.⁴⁹ At least 128 Berkeley residents
19 were hospitalized for injuries sustained during the riot. Among the injuries were a police officer
20 suffering a stab wound, an individual being permanently blinded, and another individual being
21 killed.

22 32. In 2011, violence erupted in UC Berkeley between campus police and students that
23 gathered in UC Berkeley’s Sproul Plaza to protest for the Occupy movement.⁵⁰

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

26 ⁴⁷ Chuck Ross, *supra* note 8.

27 ⁴⁸ *Id.*

28 ⁴⁹ Chris Enloe, *supra* note 15.

⁵⁰ Carly Schwartz, *supra* note 29.

1 33. UC Berkeley students further have a history of participating in some of the city’s
2 worst 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.⁵¹

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

6 35. UC Berkeley’s Republicans have reported harassment and assaults by other UC
7 Berkeley students with differing political opinions.⁵²

8 36. For example, the UC Berkeley registered student organization, Berkeley College
9 Republicans, have reported prior incidents where campus police officers merely “sat around” while
10 the group was verbally and physically attacked.⁵³

11 37. Given the current political climate in the United States, the Regents should have
12 foreseen that the protest of a controversial conservative political figure such as Milo Yiannopoulos
13 would likely turn violent.

14 38. Since the 2016 presidential election, there have been several incidents where
15 President Trump supporters have been the target of vicious protestors.

16 39. Recently, in Seattle, a Black Lives Matter activist ranted to a large crowd gathered
17 in protest of the Executive Order Enhancing Public Safety in the Interior of the United States,
18 explicitly saying that “...**we need to start killing people.**”⁵⁴ She went on to expressly threaten and
19 incite death to President Donald Trump, saying, “**First off, we need to start killing the White**
20 **House. The White House must die.** The White House, your fucking White House, your fucking
21 Presidents, they must go! Fuck the White House.”⁵⁵

22 40. Recently, there have been protests at U.S. airports where President Trump
23 supporters were violently attacked by those protesting the President’s immigration policies.⁵⁶

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25 ⁵¹ Jessie Lau and Melissa Wen, *supra* note 30.

26 ⁵² Stephen Frank, *supra* note 16.

27 ⁵³ *Id.*

28 ⁵⁴ Justin Caruso, *supra* note 35.

⁵⁵ *Id.*

⁵⁶ Chase Stephens, *supra* note 37.

1 41. Furthermore, the Individual Regents Defendants, UCPD and BPD should have
2 been fully prepared for violence to break out at the Milo Yiannopoulos event based on assaults that
3 have occurred at recent Milo Yiannopoulos speaking engagements.

4 42. On January 13, 2017, chaotic protests preceding a Milo Yiannopoulos speaking
5 event at UC Davis led to the cancellation of the speech after school groups and university police
6 determined that it was unsafe to continue the event.⁵⁷

7 43. On January 20, 2017, a man was shot outside a University of Washington hall prior
8 to another planned Milo Yiannopoulos speaking engagement.⁵⁸

9 44. During the University of Washington event, masked protestors assaulted both
10 police and civilians with weapons.⁵⁹

11 45. Despite all of this, the Individual Regents Defendants, acting in their individual
12 capacities, and in furtherance of their own personal political and other beliefs, abused their
13 authority under state law to intentionally withhold police support—in concert with each and every
14 named Defendant—at the Milo Yiannopoulos event that Plaintiff Robles attended, as Milo
15 Yiannopoulos’s conservative viewpoint conflicts with the radical, leftist viewpoint shared by the
16 Regents and the majority of the UC Berkeley student body and administration.

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

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

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

22 48. Plaintiff Robles purchased a ticket to the event and the proceeds of the ticket sale
23 went to the Berkeley College Republicans.

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⁵⁷ Ben Poston and Shelby Grad, *supra* note 33.

⁵⁸ Rick Anderson, *supra* note 31.

⁵⁹ *Id.*

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

4 50. Over 1,500 “protestors, ” including Defendants Mirabdal, Miller, and Does 1-20
5 (the “ANTIFA Defendants”), gathered at Sproul Plaza to picket the event. Several people were
6 intentionally and violently attacked by both masked and unmasked assailants, and the UC Berkeley
7 campus incurred over \$100,000 worth of damage.

8 51. The violence was orchestrated by Defendant ANTIFA and its members, in an effort
9 to disrupt the Milo Yiannopolous event.

10 52. Plaintiff Robles was being interviewed by news station KGO-TV about her
11 thoughts on freedom of speech versus “hate speech” when she was approached by several
12 protestors that began to yell that she was a “fascist.” The “protestors” surrounded Plaintiff Robles
13 combatively.

14 53. Soon thereafter, an unknown assailant, Doe 1, sprayed Plaintiff Robles in the face
15 with painful pepper spray. Shortly after Plaintiff Robles was sprayed with pepper spray, Plaintiff
16 Robles was again sprayed in the face by an unknown assailant, Doe 2, with bear mace, which
17 contains a much higher concentration of harmful substances than standard pepper spray.

18 54. Doe 1 and Doe 2 were undoubtedly members of ANTIFA, and were acting in
19 concert, jointly and severally, with Defendants Mirabdal and Miller.

20 55. Defendants Mirabdal and Miller knew that Does 1-2 were going to intentionally
21 pepper spray and bear mace the Yiannopoulos supporters, including Plaintiff Robles, and they
22 knowingly and willingly participated in the acted in concert, jointly and severally, with each and
23 every Defendant, to execute carefully calculated a plan of attack to inflict maximum physical pain
24 to Plaintiff Robles and the other Yiannopoulos supporters.

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

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1 57. Instead, witnesses saw nearly 100 police officers and SWAT officers waiting inside
2 the Student Union Building while the attacks occurred, watching the protestors turn violent through
3 a glass window.

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

6 59. Soon after the first incident, Plaintiff Robles and others were again physically
7 attacked by protestors. Miller and Does 1-20, struck Plaintiff Robles in the face and body with
8 flagpoles until Plaintiff Robles was forced to escape by jumping over a metal barrier.

9 60. Defendants Mirabdal and Does 1-20 knew that Defendant Miller and others were
10 going to intentionally beat Yiannopoulos supporters with flagpoles, including Plaintiff Robles, and
11 they knowingly and willingly participated, in concert, jointly and severally, with each and every
12 ANTIFA Defendant, to execute carefully calculated a plan of attack to inflict maximum physical
13 pain to Plaintiff Robles and the other Yiannopoulos supporters.

14 61. Miller is a former, and possibly current, UC Berkeley employee.⁶⁰

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

18 63. Miller admitted that he was present at the Milo Yiannopoulos event in an interview
19 with the New York Daily News.⁶¹

20 64. Miller wore a mask to hide his identity and wielded a wooden weapon during the
21 Milo Yiannopoulos event.⁶² He was identified later by the particular tattoos on his neck.⁶³

22 65. On the day of the UC Berkeley riot, Miller boasted on his social media account that
23 he physically beat Trump supporters at the Milo Yiannopoulos event.⁶⁴

24 _____
25 ⁶⁰ University of California Data Analysis - Browse UC Salary Data, available at:
http://ucpay.globl.org/index.php?campus=BERKELEY&name=MILLER+_+IAN+DABNEY

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

28 ⁶² <https://twitter.com/chiIum/status/827655032665473024>

⁶³ *Id.*

1 66. Miller posted a photo of one his incapacitated victims on his social media account.⁶⁵

2 67. Mirabdal was also present at the Milo Yiannopoulos event.⁶⁶

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

6 69. After Mirabdal and several unknown assailants, Does 1-20, surrounded Plaintiff
7 Robles combatively, Mirabdal shined a flashlight aggressively in Plaintiff Robles' face, blinding
8 Plaintiff Robles and placing her in fear and apprehension of harm.

9 70. Mirabdal was shining flashlights in Yiannopoulos supporters' eyes in order to
10 incapacitate them, so that her fellow ANTIFA members, including Defendants Miller and Does 1-
11 20, could physically assault Yiannopoulos supporters, including Plaintiff Robles, with pepper
12 spray, bear mace, and flag poles.

13 71. Mirabdal further beat peaceful Milo Yiannopoulos supporters with a wooden sign
14 post during the UC Berkeley riot.⁶⁷

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

17 73. As a direct and proximate result of the pepper spray, bear mace, and bright light all
18 being directed at her eyes by the ANTIFA Defendants, Plaintiff Robles has suffered significant
19 trauma and injury to her eyes.

20 74. As a direct and proximate result of being beaten with flagpoles by the ANTIFA
21 Defendants, Plaintiff Robles suffered significant injuries to her body.

22 **Defendants Acted in Concert Because They Harbor Viewpoints Different from Milo**

23 **Yiannopoulos and His Supporters**

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

27 ⁶⁵ *Id.*

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

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

1 75. The Individual Regents Defendants, acting in their individual capacity in
2 furtherance of their own political and other beliefs , abused their authority under state law and
3 intentionally withheld the police support of UCPD and BPD—in concert with each and every
4 named Defendant, jointly and severally—from pro-President Trump/pro-Milo Yiannopoulos
5 attendees at an event which it knew could likely become hostile and violent, because these pro-
6 President Trump/pro-Milo Yiannopoulos attendees represented political beliefs that went against
7 their own radical, leftist beliefs.

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

11 77. Even after Plaintiff Robles was violently assaulted at the Milo Yiannopolous event,
12 the Individual Regents Defendants refused to provide a “proper time and venue” for conservative
13 pundit Ann Coulter to speak at UC Berkeley.⁶⁹

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

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

21 80. The Individual Regents Defendants disingenuously offered Ann Coulter a speaking
22 time on May 2, during Dead Week, where there are no classes and students are studying for final
23 exams.⁷¹

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25 ⁶⁸ 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/>.

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

28 ⁷⁰ *Id.*

⁷¹ *Id.*

1 81. Here, the Individual Regents Defendants, acting in their individual capacities in
 2 furtherance of their own political and other beliefs, abused their authority under the color of state
 3 law and refused to provide police support—in concert with each and every named Defendant—to
 4 the pro-Milo Yiannopoulos students and invitees who were violently assaulted.

5 82. Furthermore, Defendant Berkeley was acting pursuant to its policy and custom of
 6 selectively providing police support and withholding police support to conservative events, rallies,
 7 and protests.

8 83. As evidence of this, Berkeley provided “500 officers” for a protest against President
 9 Trump in August of 2017.⁷²

10 84. Thus, each and every Defendant worked in concert, jointly and severally, to
 11 organize and cultivate the riots and violent assaults that led to Plaintiff Robles injuries. The
 12 Individual Regents Defendants worked in concert with the BPD and UCPD to withhold police
 13 support to the attendees of the Milo Yiannopoulos who were brutally attacked by ANTIFA
 14 members and violent protestors, including, but not limited to, Miller and Mirabdal, and Does 1-20.

15 **FIRST CAUSE OF ACTION**
 16 **VIOLATION OF FEDERALLY PROTECTED RIGHT UNDER 42 U.S.C. §1983 –**
 17 **VIOLATION OF THE FIRST AMENDMENT TO THE U.S. CONSTITUTION:**
 18 **FREEDOM OF SPEECH AND FREEDOM OF ASSEMBLY**
 19 ***Against Defendants Individual Regents Defendants, Berkeley, University of California Police***
 20 ***Department, Berkeley Police Department, and John Does 1-10***

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

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

28 ⁷² James Queally, et al, *Violence by far-left protesters in Berkeley sparks alarm*, LA Times, Aug. 28, 2017,
 available at <http://www.latimes.com/local/lanow/la-me-ln-berkeley-protests-20170827-story.html>

1 87. Defendants' actions and inactions were intentional and were designed to prevent
2 individuals, including Plaintiff Robles, from freely expressing their political views and their
3 freedom of assembly, based on their pro-President Trump political beliefs and their support of
4 Milo Yiannopoulos.

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

10 89. Defendants—in concert with each and every named Defendant, jointly and
11 severally—willfully withheld police officers to protect pro-President Trump/pro-Milo
12 Yiannopoulos attendees at an event which it knew was to most likely become hostile and violent,
13 because these pro-President Trump/pro-Milo Yiannopoulos attendees represented political beliefs
14 that went against the popular sentiment of Defendants and most UC Berkeley's administration and
15 students.

16 90. Members of ANTIFA rioted and violently assaulted attendees of the Milo
17 Yiannopoulos event, including Plaintiff Robles, to prevent Plaintiff Robles and others present from
18 peacefully assembling and supporting Milo Yiannopoulos.

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

24 92. As a direct and proximate cause of Defendants' actions— each and every one of
25 them, jointly and severally acting in concert, caused Plaintiff Robles to suffer physical injuries and
26 emotional distress, accompanied by various physical symptoms, including, but not limited to,
27 sleeplessness, nervousness, and extreme anxiety.
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SECOND CAUSE OF ACTION
VIOLATION OF FEDERALLY PROTECTED RIGHT UNDER 42 U.S.C. §1983 –
EQUAL PROTECTION
Against Defendants the Individual Regents Defendants,, Berkeley, University of California
Police Department, Berkeley Police Department, and John Does 1-10

93. 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.

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

95. Defendants, each and every one of them, acting in concert, jointly and severally, 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.

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

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

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

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

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

101. As a direct and proximate cause of Defendants' actions, each and every one of them, acting in concert, jointly and severally, Plaintiff Robles suffered physical injuries and

1 emotional distress, accompanied by various physical symptoms, including, but not limited to,
2 sleeplessness, nervousness, and extreme anxiety.

3
4 **THIRD CAUSE OF ACTION**
5 **NEGLIGENCE**
6 *Against the Individual Regents Defendants*

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

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

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

15 105. The Individual Regents Defendants, acting in their individual capacities, breached
16 their duty of care to Plaintiff Robles by withholding effective police protection for Plaintiff Robles
17 and other attendees of UC Berkeley’s event.

18 106. The Individual Regents Defendants breached their duty of care to Plaintiff Robles
19 by ordering, in their individual capacities, campus police in the vicinity of the attacks not to
20 intervene and defend Plaintiff and other attendees that were being attacked.

21 107. The Individual Regents Defendants’ negligence in ordering campus police not to
22 intervene and defend Plaintiff Robles was a substantial factor and proximate cause of Plaintiff
23 Robles’ mental and physical injuries incurred from violent protestors beating her with flag poles
24 and flashlights and spraying pepper spray and bear mace in her face.

25 **FOURTH CAUSE OF ACTION**
26 **GROSS NEGLIGENCE**
27 *Against The Individual Regents Defendants*

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

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

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

9 111. The Individual Regents Defendants breached their duty of care to Plaintiff Robles
10 by consciously and maliciously withholding, in their individual capacities, effective police
11 protection for Plaintiff Robles and other attendees of UC Berkeley’s event.

12 112. The Individual Regents Defendants breached their duty of care to Plaintiff Robles
13 by consciously and maliciously ordering, in their individual capacities, campus police in the vicinity
14 of the attacks not to intervene and defend Plaintiff Robles and other attendees that were being
15 attacked.

16 113. The Individual Regents Defendants’ gross negligence in consciously and
17 maliciously ordering campus police not to intervene and defend Plaintiff Robles was a substantial
18 factor and proximate cause of Plaintiff Robles’s mental and physical injuries incurred from violent
19 protestors beating her with flag poles and flashlights and spraying pepper spray and bear mace in
20 her face.

21
22 **FIFTH CAUSE OF ACTION**
23 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
24 ***Against the Individual Regents Defendants, University of California Police Department,***
Berkeley Police Department

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

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1 115. Defendants' intentional decision to withhold proper protection for pro-President
2 Trump/pro-Milo Yiannopoulos supporters during the Milo Yiannopoulos event, based on the pro-
3 President Trump/pro-Milo Yiannopoulos supporters' political beliefs, was the result of intentional,
4 extreme, and outrageous conduct that exceeded all reasonable bounds of decency.

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

9 117. Plaintiff Robles suffered severe emotional distress directly and proximately caused
10 by Defendants' intentional decision to withhold proper protection for pro-President Trump/pro-
11 Milo Yiannopoulos supporters during the Milo Yiannopoulos event, and Defendants' intentional
12 decision to withhold proper protection for pro-President Trump/pro-Milo Yiannopoulos supporters
13 during the Milo Yiannopoulos event was a substantial factor in causing Plaintiff Robles' emotional
14 distress.

15
16 **SIXTH CAUSE OF ACTION**
17 **ASSAULT**

18 ***Against Defendants Ian Dabney Miller, Raha Mirabdal, ANTIFA, and John Does 1-20***

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

22 119. The ANTIFA Defendants, acting in concert, jointly and severally, placed Plaintiff
23 Robles in apprehension of an imminent harmful or offensive contact by, among other things,
24 aggressively shining a flashlight directly into her eyes so as to blind her after surrounding her in a
25 combative manner.

26 120. The ANTIFA Defendants, acting in concert, jointly and severally, placed Plaintiff
27 Robles in apprehension of an imminent harmful or offensive contact by, among other things,
28 threatening to beat her with flagpoles.

1 21. The ANTIFA Defendants organized, plotted, planned, and executed the violent
2 shutdown of the Milo Yiannopoulos event. Members of ANTIFA, including Defendants Miller and
3 Mirabdal rioted at the Milo Yiannopolous event and viciously attacked attendees, including
4 Plaintiff Robles, because of their political beliefs, sex, and sexual preference, such as Plaintiff
5 Kiara Robles'. On information and belief, ANTIFA acted under the direction of, and in concert
6 with, each and every named Defendant jointly and severally.

7 22. Thus, each of the ANTIFA Defendants are equally, jointly, and severally liable for
8 each others' actions, as they were all performed in concert, and as part of their conspiracy to
9 violently shut down the Yiannopolous event using, among other dangerous objects, pepper spray
10 and bear mace, flag poles, signs, and flashlights.

11 23. Plaintiff Robles was indeed beaten with flagpoles and sprayed with pepper spray
12 and bear mace

13 24. Plaintiff Robles did not consent to the ANTIFA Defendants' conduct described in
14 the foregoing paragraphs.

15 25. As a direct and proximate result of the ANTIFA Defendants' wrongful conduct,
16 Plaintiff Robles suffered conscious pain, suffering, severe emotional distress and the fear of
17 imminent serious bodily injury or death, and other mental and physical injuries.

18 **SEVENTH CAUSE OF ACTION**
19 **BATTERY**

20 *Against Defendants Ian Dabney Miller, Raha Mirabdal, ANTIFA, and John Does 1-20*

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

24 27. Plaintiff Robles suffered harmful, offensive bodily contact from the ANTIFA
25 Defendants' actions of beating Plaintiff's face and body with flag poles and flashlights and
26 spraying her with pepper spray and bear mace, from which Plaintiff sustained significant injuries

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

4 129. The ANTIFA Defendants beat Plaintiff Robles' face and body with flag poles and
5 flashlights and sprayed her with pepper spray and bear mace with the intent to harm and injure her.

6 130. Plaintiff Robles did not consent to the ANTIFA Defendants' attacks with pepper
7 spray, bear mace, flag poles, and flashlight on her face and body, and she was harmed and injured
8 by Defendant's attacks.

9 131. The ANTIFA Defendants organized, plotted, planned, and executed the violent
10 shutdown of the Milo Yiannopoulos event. Members of ANTIFA, including Defendants Miller and
11 Mirabdal rioted at the Milo Yiannopolous event and viciously attacked attendees, including
12 Plaintiff Robles, because of their political beliefs, sex, and sexual preference, such as Plaintiff
13 Kiara Robles'. On information and belief, ANTIFA acted under the direction of, and in concert
14 with, each and every named Defendant jointly and severally.

15 132. Thus, each of the ANTIFA Defendants are equally, jointly, and severally liable for
16 each others' actions, as they were all performed in concert, and as part of their conspiracy to
17 violently shut down the Yiannopolous event using, among other dangerous objects, pepper spray
18 and bear mace, flag poles, signs, and flashlights.

19 133. As a direct and proximate result of the wrongful attacks on Plaintiff Robles, by the
20 ANTIFA Defendants, Plaintiff suffered conscious pain, suffering, severe emotional distress and the
21 fear of imminent, serious bodily injury or death, and other mental and physical injuries.

22
23 **EIGHTH CAUSE OF ACTION**

24 ***Violation of State Protected Right Under Cal. Civ. Code § 52.1 – Bane Act***
25 ***Against All Defendants***

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

1 135. Defendants, each and every one of them, acting in concert, jointly and severally,
2 intentionally interfered with Plaintiff Robles' constitutionally protected right to freedom of speech
3 and freedom of assembly by threatening and committing violent acts.

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

7 137. Defendants, each and every one of them, acting in concert, jointly and severally,
8 injured Plaintiff Robles to prevent her from exercising her rights to freedom of speech and freedom
9 of assembly and/or retaliate against Plaintiff Robles for having exercised her rights to freedom of
10 speech and freedom of assembly.

11 138. The ANTIFA Defendants organized, plotted, planned, and executed the violent
12 shutdown of the Milo Yiannopoulos event. Members of ANTIFA, including Defendants Miller and
13 Mirabdal rioted at the Milo Yiannopolous event and viciously attacked attendees, including
14 Plaintiff Robles, because of their political beliefs, sex, and sexual preference, such as Plaintiff
15 Kiara Robles'. On information and belief, ANTIFA acted under the direction of, and in concert
16 with, each and every named Defendant jointly and severally.

17 139. Thus, each of the ANTIFA Defendants are equally, jointly, and severally liable for
18 each others' actions, as they were all performed in concert, and as part of their conspiracy to
19 violently shut down the Yiannopolous event using, among other dangerous objects, pepper spray
20 and bear mace, flag poles, signs, and flashlights.

21 140. Defendants, each and every one of them, acting in concert, jointly and severally,
22 threatened and committed violent acts against Plaintiff Robles because of Plaintiff Robles' political
23 affiliation, sexual orientation, and gender.

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

26
27 **NINTH CAUSE OF ACTION**
28 ***Violation of State Protected Right Under Cal. Civ. Code § 51.7 – Ralph Act***
Against Defendant ANTIFA

1
2 142. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety
3 of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as
4 if fully set forth herein again at length.

5 143. ANTIFA threatened, encouraged violence, and committed violent acts against
6 Plaintiff Robles.

7 144. ANTIFA subjected Plaintiff Robles to bodily harm, namely beating her face and
8 body with flag poles and flashlights and spraying her with pepper spray and bear mace, and threats
9 of violence based on her political affiliation.

10 145. Plaintiff Robles was harmed and ANTIFA's conduct was a substantial factor in
11 causing Plaintiff Robles' harm.

12 **PRAYER FOR RELIEF**

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

- 15 (a) For general (non-economic), special (economic), actual and compensatory
16 damages in excess of \$3,000,000;
- 17 (b) For punitive damages in excess of \$20,000,000;
- 18 (c) For equitable, declaratory, and injunctive relief as the Court deems proper; and
- 19 (d) For such other relief as the court may deem just and proper.

20 **DEMAND FOR JURY TRIAL**

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

22
23
24 DATED: June 25, 2018

Respectfully submitted,

25
26 Larry Klayman, Esq.
27 Freedom Watch, Inc.
28 2020 Pennsylvania Ave N.W. #345
Washington, D.C. 20006
Tel: (561) 558-5336
Pro Hac Vice to be Filed

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