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RECEIVED
JUN 05 2009
SUPERIOR COURT
WEST DISTRICT
UNFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court
JUN 10 2009
John A. Clarke, Executive Officer/Clerk

By J. Citron, Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF LOS ANGELES

10 WEST DISTRICT (SANTA MONICA)

11 THE REGENTS OF THE UNIVERSITY OF)
CALIFORNIA,)

12 Plaintiff,)

13 vs.)

14 UCLA PRIMATE FREEDOM; ANIMAL)
15 LIBERATION BRIGADE; ANIMAL)
LIBERATION FRONT; LINDA FAITH)
16 GREENE (AKA LINDY GREENE);)
HILLARY RONEY; KEVIN OLLIFF;)
17 RAMIN SABER; TIM RUSMISEL and)
DOES 1-100, inclusive,)

18 Defendants.)
19

Case No. SC097145

Assigned to Hon. Terry B. Friedman

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT**

Complaint filed February 21, 2008
Trial set for June 29, 2009

1 Plaintiff's motion for summary judgment came on for hearing on May 27, 2009, at 8:45
2 a.m., before the Hon. Terry B. Friedman in Department J of the above-entitled court. Christine
3 Garcia of The Animal Law Office appeared on behalf of Defendants Greene, Olliff, Roney, and
4 Rusmiser ("Defendants"). John Hueston and Wendy Sugg of Irell & Manella LLP appeared on
5 behalf of Plaintiff, The Regents of the University of California ("The Regents").

6 1. Defendants filed no opposition to Plaintiff's timely filed motion. After full
7 consideration of the evidence, and written and oral submissions, the Court finds there is no issue
8 of triable fact, and that Plaintiff is entitled to judgment as a matter of law. Defendants have failed
9 to oppose Plaintiff's motion for summary judgment and have neither objected to nor disputed any
10 of Plaintiff's evidence. Defendants have not filed a separate statement as required by California
11 Rule of Court 3.1350(f) and (h). Each of the assertions of fact set forth in Plaintiff's separate
12 statement is, therefore, not in dispute.

13 The Court specifically relies upon the following submitted evidence indicating that no
14 triable fact exists:

15 1. Declaration of Norman Abrams in Support of Plaintiff's *Ex Parte* Application for
16 Temporary Restraining Order and Order to Show Cause re Preliminary Injunction with attached
17 Exhibit 1.

18 2. Declaration of John Adams in Support of Plaintiff's Motion for Summary Judgment
19 with attached Exhibits 1 and 2.

20 3. Supplemental Declaration of John Adams in Support of Order to Show Cause re
21 Preliminary Injunction with attached Exhibits 1, 2, and 3.

22 4. Declaration of Peter Anton in Support of Plaintiff's *Ex Parte* Application for
23 Temporary Restraining Order and Order to Show Cause re Preliminary Injunction with attached
24 Exhibits 1, 2, and 3.

25 5. Declaration of Selby Arsena in Support of Plaintiff's Application for Order to Show
26 Cause re Contempt with attached Exhibits A, B, and C.

- 1 6. Declaration of Lynn Fairbanks in Support of Plaintiff's *Ex Parte* Application for
2 Temporary Restraining Order and Order to Show Cause re Preliminary Injunction with attached
3 Exhibits 1 and 2.
- 4 7. Declaration of Joaquin Fuster in Support of Plaintiff's *Ex Parte* Application for
5 Temporary Restraining Order and Order to Show Cause re Preliminary Injunction with attached
6 Exhibit 1.
- 7 8. Declaration of Defendant Linda Greene in Support of Opposition to Order to Show
8 Cause re: Preliminary Injunction and Defendants' Anti-SLAPP Motion with attached Exhibit A.
- 9 9. Declaration of Derrick Huckaby in Support of Plaintiff's *Ex Parte* Application for
10 Temporary Restraining Order and Order to Show Cause re Preliminary Injunction with attached
11 Exhibit 1.
- 12 10. Declaration of Brian Malone in Support of Plaintiff's *Ex Parte* Application for
13 Temporary Restraining Order and Order to Show Cause re Preliminary Injunction.
- 14 11. Declaration of Roberto Peccei in Support of Plaintiff's *Ex Parte* Application for
15 Temporary Restraining Order and Order to Show Cause re Preliminary Injunction with attached
16 Exhibit 1.
- 17 12. Declaration of Dario Ringach in Support of Plaintiff's *Ex Parte* Application for
18 Temporary Restraining Order and Order to Show Cause re Preliminary Injunction with attached
19 Exhibit 1.
- 20 13. Declaration of Arthur Rosenbaum in Support of Plaintiff's *Ex Parte* Application for
21 Temporary Restraining Order and Order to Show Cause re Preliminary Injunction with attached
22 Exhibits 1, 2, and 3.
- 23 14. Declaration of Scott Scheffler in Support of Order to Show Cause re Preliminary
24 Injunction with attached Exhibits 1, 2, and 3.
- 25 15. Declaration of Wendy Sugg in Support of Plaintiff's Motion for Summary
26 Judgment with attached Exhibits 1-19.
- 27 16. Plaintiff's First Set of Requests for Admissions to Defendant Greene. All Requests
28 were deemed admitted by the Court's February 6, 2009 Order.

1 17. Plaintiff's First Set of Requests for Admissions to Defendant Roney. All Requests
2 were deemed admitted by the Court's February 6, 2009 Order.

3 18. Plaintiff's First Set of Requests for Admissions to Defendant Olliff. All Requests
4 were deemed admitted by the Court's February 6, 2009 Order.

5 19. Plaintiff's First Set of Requests for Admissions to Defendant Rusmisl. All
6 Requests were deemed admitted by the Court's February 6, 2009 Order.

7
8 Based on the above undisputed evidence, the Court finds as follows:

9 1. Defendants made credible threats of violence and engaged in a knowing and willful
10 course of conduct directed at multiple specific persons that seriously alarmed, annoyed, and
11 harassed those people and served no legitimate purpose. Defendants' threats of violence and
12 unlawful course of conduct would cause a reasonable person substantial emotional distress, and
13 actually caused substantial emotional distress to Plaintiff's employees, who were individually
14 targeted by Defendants. Plaintiff has shown that Defendants' conduct was unlawful harassment
15 under Code of Civil Procedure § 527.6(b).

16 2. Defendants engaged in (1) extreme and outrageous conduct; (2) with intention to
17 cause or reckless disregard of the probability of causing emotional distress; (3) Plaintiff's
18 employees suffered severe emotional distress; and (4) Defendants were the actual and proximate
19 cause of that severe emotional distress. Plaintiff has shown that Defendants intentionally inflicted
20 emotional distress on Plaintiff's employees.

21 3. An economic relationship existed between Plaintiff and its employees and
22 researchers, and also between Plaintiff and governmental entities and other third parties that
23 provided research grants to Plaintiff. These relationships provided future economic benefit to
24 Plaintiff. Defendants knew of these relationships. Defendants engaged in unlawful intentional
25 acts designed to disrupt that relationship, and Defendants' actions proximately caused economic
26 harm to Plaintiff. Plaintiff has shown that Defendants intentionally interfered with Plaintiff's
27 business relations.

28

1 **PROOF OF SERVICE**

2 I am employed in the County of Orange, State of California. I am over the age of 18 and
3 not a party to the within action. My business address is 840 Newport Center Drive, Suite 400,
Newport Beach, California 92660-6324.

4 On June 5, 2009, I served the foregoing document described as **[PROPOSED] ORDER**
5 **GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT** on each interested
party, as follows:

6 Christine L. Garcia, Esq.
7 The Animal Law Office
8 3824 18th Street, #201
9 San Francisco, CA 94114
christine@animalattorney.com

10 Telephone No.: 415-297-3109
Facsimile No.: 415-358-9937

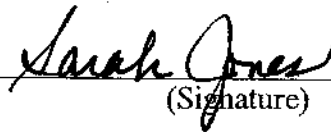
11 (BY MAIL) I placed a true copy of the foregoing document in a sealed
12 envelope addressed to each interested party, as set forth above. I placed each
13 such envelope, with postage thereon fully prepaid, for collection and mailing at
14 Irell & Manella LLP, Newport Beach, California. I am readily familiar with
15 Irell & Manella LLP's practice for collection and processing of correspondence
for mailing with the United States Postal Service. Under that practice, the
correspondence would be deposited in the United States Postal Service on that
same day in the ordinary course of business.

16 Executed on June 5, 2009, at Newport Beach, California.

17 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

18
19 Sarah Jones (s-jones@irell.com)

20 (Type or print name)

21 
22 (Signature)