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4 of Trustees of The Leland Stanford
Junior University

FILED
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GEORGE E. FOWLES, Clerk
BY D. T. NAVE
DEPUTY

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF SANTA CLARA

10 PALO ALTO BRANCH

12 THE BOARD OF TRUSTEES OF THE LELAND
13 STANFORD JUNIOR UNIVERSITY, a body
having corporate powers,

14 Plaintiff,

15 vs.

16 ALAN C. ALHADEFF, JOHN WALLACE AVERY,
RONALD BERLIANT, ANNE CLAUDIA BAUER,
17 WILLIAM C. BLACK, RICHARD STEVEN BOGART,
BARRY LINCOLN CAPRON, ROBERT ARDEN DELFS,
18 ARTHUR M. EISENSON, JEANNE TOBY FRIEDMAN,
BARBARA ANN GOLDIE, WILLIAM WELSH GRAHAM,
19 HALLAM CALVIN HAMILTON, MARY ANSORGE HANSON,
STEPHEN JOHN HEISER, MARC DAVID HELLER,
20 KRISTIN DANA HIND, SUSAN LEE HUDGENS,
RICHARD A. LEVIN, MICHAEL MATTHEW MENKE,
21 JOHN C. PERRIN, NEAL OKABAYESHI, DALE
POLITZER, DAVID FRANCIS PUGH, PAUL RUPERT,
22 AMANDA GWYN RUTHERFORD, WILBUR ARROYO,
JAMES ELLIS SHOCH, JOHN FREDERICK SHOCH,
23 STEPHEN S. SMITH, GUY DOUGLAS SMYTHE,
DON PHILIP STUART, PHILIP J. TROUNSTINE,
24 MICHAEL DAVID VAWTER, DORON WEINBERG,
MICHAEL M. WEINSTEIN, MARC ALLAN WEISS
25 AND DOE ONE THROUGH DOE FIVE HUNDRED,
INCLUSIVE,

26 Defendants.

P16419

No.

28
29 COMPLAINT FOR TEMPORARY RESTRAINING ORDER,
PRELIMINARY INJUNCTION AND PERMANENT INJUNCTION
30 AGAINST REPEATED TRESPASS AND FOR ABATEMENT OF NUISANCE

1 cluding the operation of the physical plant and the administra-
2 tion of the University's business activities.

3 V.

4 Plaintiff is informed and believes and therefore
5 alleges that some of defendants are now and at all times men-
6 tioned herein have been students regularly enrolled at Stanford
7 University, and that others of the defendants are not now nor
8 at any times mentioned herein have been students regularly
9 enrolled at Stanford University, and that others of the defendants
10 are not now students regularly enrolled at Stanford University but
11 have been so enrolled at various times in the past.

12 VI.

13 Plaintiff is informed and believes and therefore
14 alleges that Defendant April 3rd Movement is and was at all times
15 mentioned herein an unincorporated association composed of a
16 great number of persons, their exact names and numbers being un-
17 known to plaintiff, and plaintiff, therefore, sues the members
18 of said association by their common name, and individually.
19 Plaintiff prays leave to amend this complaint to insert the names
20 of the members of said association when and if they become known.

21 VII.

22 Defendants Doe One through Doe Five Hundred are sued
23 herein under their fictitious names, their true names being pre-
24 sently unknown to plaintiff, and at such time as the correct
25 names of said defendants have been ascertained, plaintiff will
26 ask leave of Court to amend this complaint accordingly.

27 VIII.

28 The applicable policies and regulations of Stanford
29 University have been widely published in the Stanford University
30 Bulletin, Series 20, No. 1, dated January 2, 1969, and have been

1 brought to the attention of the University faculty and student
2 body. These policies and regulations, in relevant part, provide
3 as follows:

4 "It is a violation of University policy for a
5 member of the faculty, staff, or student body to
6 (1) prevent or disrupt the effective carrying out
7 of a University function or approved activity, such
8 as lectures, meetings, interviews, ceremonies, the
9 conduct of University business in a University of-
10 fice, and public events; (2) obstruct the legitimate
11 movement of any person about the campus or in any
12 University building or facility.

13 "Members of the faculty, staff, and student body
14 have an obligation to leave a University building or
15 facility when asked to do so in the furtherance of
16 the above regulations by a member of the University
17 community acting in an official role, and identifying
18 himself as such; members of the faculty, staff, or
19 student body also have an obligation to identify them-
20 selves, when requested to do so by such a member of
21 the University community who has reasonable grounds to
22 believe that the person(s) has violated section (1) or
23 (2) of this policy and who has so informed the person
24 (s)."

25 IX.

26 On April 9, 1969 at approximately 11:00 P.M., certain
27 of the defendants, without permission entered the Applied
28 Electronics Laboratory, which building was locked at the time,
29 and occupied all or part of the entryway, basement, hallways,
30 offices, laboratories and roof of the building for the announced
purpose, among others, of disrupting certain research activities
being carried on in the Applied Electronics Laboratory.

31 X.

32 On April 10, 1969, between 11:00 A.M., and 12:00 noon,
33 Kenneth S. Pitzer, President of Stanford University, caused a
34 written statement to be read to those of the defendants who were
35 then present in the building requesting them to leave the Applied
36 Electronics Laboratory. On April 11, 1969, at approximately
37 11:00 A.M., a representative of President Pitzer orally requested

1 those of the defendants who were then present in the Applied
2 Electronics Laboratory to leave the Applied Electronics Labora-
3 tory. Such defendants, and each of them, failed and refused to
4 comply with the requests of President Pitzer to leave said build-
5 ing at the time such requests were given and for some days there-
6 after.

7 XI.

8 Defendants wrongfully and against the will of plaintiff
9 and without its consent, occupied the Applied Electronics Labora-
10 tory continuously from approximately 11:00 A.M. on April 9, 1969
11 to approximately 10:15 A.M. on April 18, 1969, although each of
12 the defendants was not present at all times during such period.

13 XII.

14 The presence of defendants in said Applied Electronics
15 Laboratory from approximately 11:00 P.M. on April 9, 1969, to ap-
16 proximately 10:15 A.M. on April 18, 1969, obstructed free passage
17 into the Applied Electronics Laboratory, obstructed free passage
18 through said hallways and to the basement, offices, and labora-
19 tories and other portions of the Applied Electronics Laboratory,
20 prevented the faculty and staff of Stanford University who work
21 in the Applied Electronics Laboratory from using these facilities
22 and effectively discharging their duties, and prevented the stu-
23 dents of Stanford University who use the facilities of the
24 Applied Electronics Laboratory in connection with their course
25 of study, from using such facilities, with the result that the
26 academic and scientific research activities of Stanford Univer-
27 sity were impaired and disrupted.

28 XIII.

29 On April 17, 1969, the Stanford Judicial Council, the
30 body having jurisdiction over student disciplinary proceedings

1 at Stanford University, after hearings, made the following find-
2 ing of fact:

3 "1. The members of the Council unanimously
4 find that the actions of those persons occupying
5 the Applied Electronics Laboratory constitute a
6 disruption of an 'approved activity' of the Univer-
7 sity under the Policy on Campus Disruption."

8 XIV.

9 At approximately 10:15 A.M. on April 18, 1969, defend-
10 ants withdrew from the Applied Electronics Laboratory and
11 announced that they were temporarily suspending their sit-in and
12 occupancy of said building and further announced that at noon on
13 April 25, 1969, they would decide, among other things, whether
14 to reoccupy a University building. A copy of a resolution
15 adopted by defendant April 3rd Movement on April 18, 1969, which
16 resolution was widely distributed throughout the campus of
17 Stanford University, is attached hereto as Exhibit A and is
18 hereby incorporated herein. Defendants have threatened to
19 repeat their interference with the rights of plaintiff and
20 to enter and occupy buildings owned by plaintiff for the pur-
21 pose of disrupting and interfering with certain authorized
22 activities of Stanford University regularly being conducted
23 therein. The repeated trespasses of defendants, unless forth-
24 with restrained and enjoined by this Court, will interfere
25 with the conduct of the academic and research activities of
26 Stanford University and will interfere with and obstruct the
27 use of buildings of Stanford University by plaintiff's
28 faculty, staff and students.
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2 On May 1, 1969 at approximately 12:30 a.m. certain
3 of the defendants and others acting in concert with them,
4 aggregating about 300 persons, entered Encina Hall on the
5 principal academic campus of Stanford University and occupied
6 substantial portions of said building with the intent, for
7 the purpose and with the effect of disrupting and interfering
8 with the University activities being carried on therein.
9 Said building, commonly known as the nerve center of the
10 University, includes a computer containing the major parts
11 of the University's records. In addition, it contains the
12 Controller's office, which houses many valuable office
13 machines and is responsible for the University's financial
14 affairs. It houses the office of the General Secretary and
15 the personnel office in which are located files of great
16 value, including files relating to the University's fund
17 raising efforts and personnel files. These defendants and
18 others acting in concert with them forceably entered said
19 building, forceably opened files and other cabinets and
20 ransacked files and records belonging to the University and
21 committed numerous other acts causing damage and destruction
22 to the property of the University.

23
24 Sometime after the above acts took place, a
25 representative of the President of the University orally
26 asked the defendants present in the building to leave said
27 building immediately. The defendants, and each of them,
28 failed and refused to comply with the request even after
29 having been warned that their failure and refusal would
30 result in their suspension by the University. When said

1 failure and refusal persisted, the President of the University
2 duly suspended said defendants.

3 XVII

4 Defendants, and others acting in concert with them,
5 have threatened to continue their course of conduct by re-
6 occupying the above-described buildings or occupying other
7 buildings or engaging in hit and run raids on buildings and
8 facilities of the University.

9 Defendants' wrongful conduct, unless and until the
10 same is forthwith enjoined and restrained by order of this
11 Court, will cause great and irreparable harm to plaintiff and
12 to the faculty and students of Stanford University in that
13 such conduct has been and, if allowed to continue, will be
14 disrupting and an interference with the conduct of academic
15 and scientific research activities at Stanford University.

16 XVIII

17 Plaintiff has no adequate remedy at law in that it
18 will be impossible for plaintiff to ascertain the exact amount
19 of damage which plaintiff has sustained by reason of defendants'
20 occupancy of University buildings and would sustain by reason
21 of defendants' threatened occupancy of other University buildings
22 and the disruption and interruption of University affairs as
23 a result thereof, and legal redress would involve a multiplicity
24 of suits and would be wholly inadequate.

25 PLAINTIFF COMPLAINS OF DEFENDANTS AND FOR A SECOND
26 CAUSE OF ACTION ALLEGES:

27 I

28 Plaintiff refers to, and by this reference incorporates
29 herein as fully as if set out at length, the allegations of its
30 First Cause of Action.

1 II

2 The conduct of the defendants, and each of them, as
3 hereinbefore alleged, has been and is an obstruction to plain-
4 tiff's free use and peaceful and quiet possession and enjoyment
5 of plaintiff's property, and therefore constitutes a nuisance.

6 WHEREFORE, Plaintiff prays judgment as follows:

7 1. For a temporary restraining order, a preliminary
8 injunction, and a permanent injunction enjoining and restraining
9 the defendants, the members of defendant unincorporated associa-
10 tion, and all persons acting in concert and participation with
11 them, and all other persons having notice of such order, and
12 each of them, from doing or causing to be done, directly or in-
13 directly, any of the following acts or things:

14 (a) Entering any academic administrative or service
15 building on the principal academic campus of Stanford
16 University or any classroom, laboratory, auditorium,
17 library or office therein for the purpose and with the
18 effect of disrupting classes, meetings, research activi-
19 ties or the conduct of the business of Stanford University.

20 (b) Obstructing the free use of any academic,
21 administrative or service building on the principal
22 academic campus of Stanford University, or the free
23 use of any classroom, laboratory, auditorium, library
24 or office therein or the doorways, halls, covered
25 walks or porticoes, basements or roofs thereof.

26 (c) Obstructing the legitimate movement of any
27 person about the Stanford University campus or in any
28 Stanford University building or facility.

29 (d) Occupying the Applied Electronics Laboratory,
30 Encina Hall or any other academic, administrative or

1 service building on the principal academic campus
2 of Stanford University.

3 (e) In the case of those defendants who have been
4 suspended as students of Stanford University from enter-
5 ing the principal campus of Stanford University during
6 the period of their suspension other than to attend
7 meetings of the Judicial Council of the University.

8 2. For an order of this Court directing that defend-
9 ants, and each of them, show cause, if any they have, at a time
10 and place to be fixed by the Court, why a preliminary injunction
11 should not issue as prayed for hereinabove.

12 3. For an order of this Court abating the aforesaid
13 nuisance.

14 4. For its costs of suit herein.

15 5. For such other and further relief as may be deemed
16 just and proper.

17 Dated: May 1, 1969.

18 McCUTCHEEN, DOYLE, BROWN & ENERSEN

19 By William W. Schwager
20 Attorneys for Plaintiff, The
21 Board of Trustees of The Leland
22 Stanford Junior University
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1 RESOLUTION ADOPTED BY APRIL 3RD MOVEMENT
2 ON APRIL 18, 1969

3
4 The April 3rd Movement resolves to temporarily suspend
5 its tactic of holding a University building in anticipation of
6 positive steps by other sectors of the University toward satis-
7 fying our demands. We resolve to press our demands at the
8 Academic Council meeting this morning and at the mass meeting
9 of the student body this afternoon.

10 We further resolve to hold a mass meeting of the April
11 3rd Movement at noon, Friday, April 25, to coincide with the re-
12 opening of the Applied Electronics Laboratory. At this mass
13 meeting, we will assess progress on our demands by the Univer-
14 sity community and will decide on any necessary tactical moves--
15 which may include the reoccupation of a University building--in
16 our fight against the participation of the University and Stanford
17 Research Institute in the war in Vietnam and the imperialistic
18 oppression of the peoples of the Third World.
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VERIFICATION

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I, ALF E. BRANDIN, say:

I am the Vice President for Business Affairs of The Leland Stanford Junior University; I am authorized by The Board of Trustees of The Leland Stanford Junior University, the plaintiff in the foregoing matter, to verify pleadings on its behalf; I have read the foregoing Complaint and know its contents; I am informed and believe that the matters stated therein are true, and on that ground I allege that they are true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 1969 at Stanford, California.

ALF E. BRANDIN