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July 18, 2014

VIA FACSIMILE TO (215) 717-3440
WITH CONFIRMATION VIA U.S. MAIL

Will Creely
Robert Shibley
FIRE / Foundation for Individual Rights in Education
170 S. Independence Mall W., Suite 510
Philadelphia, PA 19106

Re: *John Doe v. Occidental College*

Dear Messrs. Creely and Shibley;

I am writing to confirm that the investigative report, which includes witness statements, cell phone text messages, and the administrative decisions made by Occidental College were all filed with the Los Angeles Superior Court as exhibits to the Petition for Writ of Mandate over five months ago. (See attached cover sheet.) All of these documents are public court records and can be downloaded for a fee directly from the court's public website, <https://www.lasuperiorcourt.org/onlineservices/civilImages/>, or obtained from the Office of the Court Clerk. These are the same documents that FIRE has provided in its website as a public service.

California law permits the sealing of public court documents only in very limited circumstances. On May 16, 2014, at the request of Jane Doe, I applied for the court to redact certain additional information that was requested by Jane Doe and her attorney. Judge Lavin granted my request. On June 18, 2014, Judge Louis Lavin denied Occidental College's motion to seal and redact the court record any further. Occidental College's motion was opposed by the *Los Angeles Times* newspaper. All of this information is also available to the public the court's website and clerk's office.

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The Petition for Writ of Mandate, and the exhibits, were necessary in order to appeal Occidental College's administrative decision to expel the student. The court action was filed only after we exhausted all appeals through the college's disciplinary process. As part of the court appeal, Judge Lavin must be provided with all the evidence, witness statements, investigative reports, records, and transcripts from Occidental College's administrative action against the student in order to decide whether Occidental College's actions were proper or improper.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Mark M. Hathaway', written in a cursive style.

MARK M. HATHAWAY

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11 Attorneys for Petitioner John Doe

FILED
Superior Court Of California
County Of Los Angeles

FEB 13 2014

Sherril L. Carver, Executive Officer/Clerk
By Kristina Vargas, Deputy
Kristina Vargas

AC151
90017

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

14 JOHN DOE, an individual,
15 Petitioner,
16 v.
17 OCCIDENTAL COLLEGE
18 Respondent.

Case No. **BS147275**

**PETITION FOR WRIT OF
ADMINISTRATIVE MANDATE;
VERIFICATION; EXHIBITS**

D-82 Luis A. Lavin

19 Petitioner petitions this court for a writ of mandate under Code of Civ. Proc. §
20 1094.5 or alternatively, writ of mandate under Code Civ. Proc. § 1085 directed to
21 Respondent Occidental College and by this verified Petition alleges as follows:

22 **THE PARTIES**

- 23 1. Petitioner JOHN DOE is a first-year student at Occidental College;
- 24 2. Respondent OCCIDENTAL COLLEGE is a California corporation
formed April 20, 1887 and operates as a private, co-educational liberal arts
located in the Eagle Rock neighborhood of Los Angeles County,
- 25 3. Non-party Complainant JANE DOE is a first-year female student
Occidental College and the complainant in the underlying Occidental College
administrative disciplinary proceeding at issue in this writ proceeding;

- 26 4. Petitioner uses the pseudonyms of "John Doe" and "Jane Doe" in this

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PETITION FOR WRIT OF ADMINISTRATIVE MANDATE

RECEIVED: 02/13/14 08:12 AM
DATED: 02/13/14 08:12 AM
PAYMENT: \$455.00
CHECK #: 310
CREDIT: \$0.00
CHANGES: \$0.00
CASH: \$0.00
TOTAL: \$455.00

CIT/CASE: BS147275
LER/DEF#:

02-13-2014
05:19:2014