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THE REGENTS OF THE UNIVERSITY
15 OF CALIFORNIA

16
17 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
18 WESTERN DIVISION

19 NEFERTITI TAKLA and KRISTEN
20 HILLAIRE GLASGOW,

21 Plaintiffs,

22 vs.

23 THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA,

24 Defendant.
25

Case No.: 2:15-CV-4418 (CAS)

**DEFENDANT’S ANSWER TO
PLAINTIFFS’ FIRST AMENDED
COMPLAINT**

Judge: Hon. Christina A. Snyder

1 Defendant The Regents of the University of California answers Plaintiffs
2 Nefertiti Takla and Kristen Hillaire Glasgow’s First Amended Complaint as follows:

3 **PRELIMINARY STATEMENT**

4 The First Amended Complaint in this case improperly mixes factual
5 allegations with argumentative rhetoric and characterization so as to make
6 admissions or denials of such averments difficult or impossible. Accordingly, by
7 way of a general response, all allegations are denied unless specifically admitted,
8 and any factual averment admitted is admitted only as to the specific facts and not as
9 to any conclusions, characterizations, implications, or speculations which are
10 contained in the averment or in the First Amended Complaint as a whole.

11 These objections are incorporated, to the extent appropriate, into each
12 numbered paragraph in the answer.

13 Answering the preliminary, unnumbered paragraph on the first page of the
14 First Amended Complaint, Defendant denies that the University acted with
15 deliberate indifference to Plaintiffs’ alleged sexual harassment and that any conduct
16 by the University caused Plaintiffs to lose educational benefits and opportunities.
17 Defendant lacks sufficient information to admit or deny the remaining allegations in
18 this paragraph, and on that basis denies them.

19 **PARTIES**

20 1. Answering paragraph 1, Defendant admits that Plaintiff Takla is
21 female, was a graduate student at UCLA at all material times, and is currently
22 enrolled in the graduate program at UCLA. Defendant lacks sufficient information
23 to admit or deny the remaining allegations in this paragraph, and on that basis denies
24 them.

25 2. Answering paragraph 2, Defendant admits that Plaintiff Glasgow is a
26 female, was a graduate student at UCLA at all material times, and is currently
27 enrolled in the graduate program at UCLA. Defendant lacks sufficient information
28

1 to admit or deny the remaining allegations in this paragraph, and on that basis denies
2 them.

3 3. Answering paragraph 3, Defendant admits that the allegations in this
4 paragraph were true at the time of filing.

5 4. Answering paragraph 4, Defendant admits that the allegations in this
6 paragraph were true at the time of filing.

7 **JURISDICTION AND VENUE**

8 5. Answering paragraph 5, Defendant admits that this Court has
9 jurisdiction over this action pursuant to 28 U.S.C. § 1331. Defendant denies that
10 there were any violations of Title IX with respect to the allegations raised by
11 Plaintiffs.

12 6. Answering paragraph 6, Defendant admits that this Court has
13 supplemental jurisdiction under 28 U.S.C. § 1367.

14 7. Answering paragraph 7, Defendant admits that venue lies in this Court
15 under 28 U.S.C. § 1391(a)(2).

16 **INTRADISTRICT ASSIGNMENT**

17 8. Answering paragraph 8, Defendant admits that intradistrict assignment
18 in the Western Division is proper pursuant to General Order No. 14-03
19 I.B.1.a.(1)(c). Defendant denies that it engaged in any unlawful conduct.

20 **GENERAL ALLEGATIONS**

21 ***Plaintiff Nefertiti Takla***

22 9. Answering paragraph 9, Defendant admits that Plaintiff Takla is a
23 graduate student at UCLA, that Plaintiff Takla began her studies in the fall of 2006,
24 and that she is pursuing a Ph.D. in History. Defendant lacks sufficient information
25 to admit or deny the remaining allegations in this paragraph, and on that basis denies
26 them.

27 10. Answering paragraph 10, Defendant admits that Professor Piterberg
28 became Plaintiff Takla's dissertation adviser in or around 2010.

1 11. Answering paragraph 11, Defendant lacks sufficient information to
2 admit or deny the allegations in this paragraph, and on that basis denies them.

3 12. Answering paragraph 12, Defendant lacks sufficient information to
4 admit or deny the allegations in this paragraph, and on that basis denies them.

5 13. Answering paragraph 13, Defendant lacks sufficient information to
6 admit or deny the allegations in this paragraph, and on that basis denies them.

7 14. Answering paragraph 14, Defendant lacks sufficient information to
8 admit or deny the allegations in this paragraph, and on that basis denies them.

9 15. Answering paragraph 15, Defendant lacks sufficient information to
10 admit or deny the allegations in this paragraph, and on that basis denies them.

11 16. Answering paragraph 16, Defendant lacks sufficient information to
12 admit or deny the allegations in this paragraph, and on that basis denies them.

13 17. Answering paragraph 17, Defendant lacks sufficient information to
14 admit or deny the allegations in this paragraph, and on that basis denies them.

15 18. Answering paragraph 18, Defendant lacks sufficient information to
16 admit or deny the allegations in this paragraph, and on that basis denies them.

17 19. Answering paragraph 19, Defendant lacks sufficient information to
18 admit or deny the allegations in this paragraph, and on that basis denies them.

19 20. Answering paragraph 20, Defendant lacks sufficient information to
20 admit or deny the allegations in this paragraph, and on that basis denies them.

21 21. Answering paragraph 21, Defendant lacks sufficient information to
22 admit or deny the allegations in this paragraph, and on that basis denies them.

23 22. Answering paragraph 22, Defendant lacks sufficient information to
24 admit or deny the allegations in this paragraph, and on that basis denies them.

25 23. Answering paragraph 23, Defendant lacks sufficient information to
26 admit or deny the allegations in this paragraph, and on that basis denies them.

27 24. Answering paragraph 24, Defendant lacks sufficient information to
28 admit or deny the allegations in this paragraph, and on that basis denies them.

1 25. Answering paragraph 25, Defendant lacks sufficient information to
2 admit or deny the allegations in this paragraph, and on that basis denies them.

3 26. Answering paragraph 26, Defendant lacks sufficient information to
4 admit or deny the allegations in this paragraph, and on that basis denies them.

5 27. Answering paragraph 27, Defendant lacks sufficient information to
6 admit or deny the allegations in this paragraph, and on that basis denies them.

7 28. Answering paragraph 28, Defendant lacks sufficient information to
8 admit or deny the allegations in this paragraph, and on that basis denies them.

9 29. Answering paragraph 29, Defendant lacks sufficient information to
10 admit or deny the allegations in this paragraph, and on that basis denies them.

11 30. Answering paragraph 30, Defendant lacks sufficient information to
12 admit or deny the allegations in this paragraph, and on that basis denies them.

13 31. Answering paragraph 31, Defendant lacks sufficient information to
14 admit or deny the allegations in this paragraph, and on that basis denies them.

15 32. Answering paragraph 32, Defendant lacks sufficient information to
16 admit or deny the allegations in this paragraph, and on that basis denies them.

17 33. Answering paragraph 33, Defendant lacks sufficient information to
18 admit or deny the allegations in this paragraph, and on that basis denies them.

19 34. Answering paragraph 34, Defendant lacks sufficient information to
20 admit or deny the allegations in this paragraph, and on that basis denies them.

21 35. Answering paragraph 35, Defendant lacks sufficient information to
22 admit or deny the allegations in this paragraph, and on that basis denies them.

23 36. Answering paragraph 36, Defendant lacks sufficient information to
24 admit or deny the allegations in this paragraph, and on that basis denies them.

25 37. Answering paragraph 37, Defendant lacks sufficient information to
26 admit or deny the allegations in this paragraph, and on that basis denies them.

27 38. Answering paragraph 38, Defendant lacks sufficient information to
28 admit or deny the allegations in this paragraph, and on that basis denies them.

1 39. Answering paragraph 39, Defendant lacks sufficient information to
2 admit or deny the allegations in this paragraph, and on that basis denies them.

3 40. Answering paragraph 40, Defendant denies that the letter of
4 recommendation Professor Piterberg submitted on Plaintiff Takla’s behalf “did not
5 include any of the necessary information.” Defendant admits that the technical
6 review sheet included a statement from one reviewer that the letter was “lukewarm.”
7 Defendant lacks sufficient information to admit or deny the remaining allegations in
8 this paragraph, and on that basis denies them.

9 41. Answering paragraph 41, Defendant lacks sufficient information to
10 admit or deny the allegations in this paragraph, and on that basis denies them.

11 42. Answering paragraph 42, Defendant lacks sufficient information to
12 admit or deny the allegations in this paragraph, and on that basis denies them.

13 43. Answering paragraph 43, Defendant lacks sufficient information to
14 admit or deny the allegations in this paragraph, and on that basis denies them.

15 44. Answering paragraph 44, Defendant lacks sufficient information to
16 admit or deny the allegations in this paragraph, and on that basis denies them.

17 45. Answering paragraph 45, Defendant lacks sufficient information to
18 admit or deny the allegations in this paragraph, and on that basis denies them.

19 46. Answering paragraph 46, Defendant lacks sufficient information to
20 admit or deny the allegations in this paragraph, and on that basis denies them.

21 47. Answering paragraph 47, Defendant lacks sufficient information to
22 admit or deny the allegations in this paragraph, and on that basis denies them.

23 48. Answering paragraph 48, Defendant states that the statement that
24 Professor Piterberg had created a sexually hostile environment for Plaintiff Takla is
25 an assertion of law, not an allegation of fact, and on that basis denies this allegation.
26 Defendant lacks sufficient information to admit or deny the remaining allegations in
27 this paragraph, and on that basis denies them.

28

1 49. Answering paragraph 49, Defendant lacks sufficient information to
2 admit or deny the allegations in this paragraph, and on that basis denies them.

3 50. Answering paragraph 50, Defendant lacks sufficient information to
4 admit or deny the allegations in this paragraph, and on that basis denies them.

5 51. Answering paragraph 51, Defendant lacks sufficient information to
6 admit or deny the allegations in this paragraph, and on that basis denies them.

7 52. Answering paragraph 52, Defendant lacks sufficient information to
8 admit or deny the allegations in this paragraph, and on that basis denies them.

9 53. Answering paragraph 53, Defendant lacks sufficient information to
10 admit or deny the allegations in this paragraph, and on that basis denies them.

11 54. Answering paragraph 54, Defendant lacks sufficient information to
12 admit or deny the allegations in this paragraph, and on that basis denies them.

13 55. Answering paragraph 55, Defendant lacks sufficient information to
14 admit or deny the allegations in this paragraph, and on that basis denies them.

15 56. Answering paragraph 56, Defendant lacks sufficient information to
16 admit or deny the allegations in this paragraph, and on that basis denies them.

17 57. Answering paragraph 57, Defendant admits that Plaintiff Takla reached
18 out to Professor Goldman and explained to Professor Goldman her concerns about
19 continuing to work with Professor Piterberg based on her experiences with him.
20 Defendant lacks sufficient information to admit or deny the remaining allegations in
21 this paragraph, and on that basis denies them.

22 58. Answering paragraph 58, Defendant admits that Professor Goldman
23 said that she believed Professor Piterberg’s actions, as Plaintiff Takla described
24 them to her, were inappropriate and encouraged Plaintiff Takla to contact UCLA’s
25 Title IX Office, which handles allegations of sexual harassment. Defendant denies
26 that Professor Goldman “refused to be Plaintiff Takla’s new adviser and insisted that
27 no one would hire her later for an academic job in her field unless her supervisor
28 was a Middle East historian,” but admits that Professor Goldman explained to

1 Plaintiff Takla that she believed Plaintiff Takla’s academic prospects would be
2 better served by having a Middle East historian as her adviser and that it would not
3 be in Plaintiff Takla’s best interest to have Professor Goldman as her sole adviser
4 because Professor Goldman is not in the Middle East field. Defendant admits that
5 Professor Goldman offered to co-chair Plaintiff Takla’s committee with Professor
6 Piterberg in order to protect Plaintiff Takla from having to interact alone with
7 Professor Piterberg, but denies that Professor Goldman “encouraged Plaintiff Takla
8 to keep Professor Piterberg on the committee.” Defendant lacks sufficient
9 information to admit or deny the remaining allegations in this paragraph, and on that
10 basis denies them.

11 59. Answering paragraph 59, Defendant admits that Plaintiff Takla spoke
12 with Ms. Thomason over the telephone on June 24, 2013 and that Plaintiff Takla did
13 not provide Ms. Thomason with her name during that telephone call. Defendant
14 admits that, “[w]ithout giving her name, Plaintiff Takla told Ms. Thomason that she
15 had been sexually harassed by her adviser at UCLA, and that she had written a letter
16 to her harasser which described his inappropriate conduct and how it affected her,
17 but had not sent it to him.” Defendant admits that Ms. Thomason encouraged
18 Plaintiff Takla to reveal her harasser’s name. Defendant admits that Ms. Thomason
19 asked Plaintiff Takla to send her the unsent letter, but denies the allegations in this
20 paragraph to the extent they suggest that the only reason Ms. Thomason asked
21 Plaintiff Takla to send her the letter was so that she could show it to Professor
22 Piterberg. Defendant also denies the allegations in this paragraph to the extent they
23 seek to improperly characterize Ms. Thomason’s conduct. Specifically, Defendant
24 denies the allegations in this paragraph to the extent that the phrase “was finally able
25 to speak with Ms. Thomason” suggests that Plaintiff Takla had difficulty reaching
26 Ms. Thomason or that a long period of time passed during which Plaintiff Takla was
27 attempting to reach Ms. Thomason. Defendant also denies that Ms. Thomason only
28

1 “seemed” supportive “[a]t first,” as Ms. Thomason was supportive of Plaintiff Takla
2 throughout this telephone call and at all other relevant times.

3 60. Answering paragraph 60, Defendant admits that Plaintiff Takla emailed
4 the letter to Ms. Thomason on June 25, 2013 and that in doing so she disclosed her
5 name and Professor Piterberg’s name. Defendant admits that Plaintiff Takla and
6 Ms. Thomason spoke briefly and scheduled a time to meet the following day.
7 Defendant admits that Ms. Thomason said that she would confront Professor
8 Piterberg with the contents of the letter, but denies the allegations in this paragraph
9 to the extent they suggest that Ms. Thomason told Plaintiff Takla that she needed to
10 “put matters on a more formal footing” in order for Ms. Thomason to confront
11 Professor Piterberg about the harassment or that “Plaintiff Takla formalized her
12 complaint.” Plaintiff Takla did not need to “put matters on a more formal footing,”
13 formalize her complaint, or take any further action in order for Ms. Thomason to
14 proceed with investigating her complaint. Defendant admits that Ms. Thomason
15 said that she had spoken to UCLA’s History Department Chair at the time, Professor
16 David Myers, and that he wanted to speak with Plaintiff Takla as soon as possible.
17 Defendant denies that Ms. Thomason did not explain to Plaintiff Takla the
18 procedures and resources available to her based on her having made a complaint.

19 61. Answering paragraph 61, Defendant admits that Plaintiff Takla met
20 with Professor Myers on June 26, 2013 and requested a new adviser to replace
21 Professor Piterberg because of the sexual harassment Plaintiff Takla said she had
22 experienced. Defendant admits that Professor Myers agreed that Plaintiff Takla
23 should have a new adviser. However, Defendant denies that Professor Myers asked
24 Plaintiff Takla “to remain silent and let Professor Piterberg get away with sexually
25 harassing her.” Defendant admits that Professor Myers encouraged Plaintiff Takla
26 to continue working with the Title IX Office and recommended that Plaintiff Takla
27 not speak publicly about the matter while the investigation was ongoing, in order to
28 protect herself and ensure the integrity of the investigation. Defendant lacks

1 sufficient information to admit or deny the remaining allegations in this paragraph,
2 and on that basis denies them.

3 62. Answering paragraph 62, Defendant admits that Plaintiff Takla met
4 with Ms. Thomason on June 26, 2013, but denies that the meeting was “brief” and
5 lasted only 30 minutes. Defendant further denies that Plaintiff Takla was not
6 advised of her rights. During this meeting, Ms. Thomason again explained to
7 Plaintiff Takla about the University of California’s policy for addressing reports of
8 sexual harassment and advised Plaintiff Takla of the procedures and remedies
9 available to her. Defendant lacks sufficient information to admit or deny the
10 remaining allegations in this paragraph, and on that basis denies them.

11 63. Answering paragraph 63, Defendant admits that Plaintiff Takla
12 received an email from Ms. Thomason on July 2, 2013, in which Ms. Thomason
13 informed her that she had interviewed Professor Piterberg, but denies the
14 characterization of Ms. Thomason’s email. Defendant admits that, in this email,
15 Ms. Thomason stated that Professor Piterberg “acknowledged much of the conduct
16 (while denying any attempt to manipulate or coerce).” Defendant admits that Ms.
17 Thomason stated that, because Professor Piterberg was “not disputing the basic facts
18 and is cooperative,” she believed “the department would probably reach a resolution
19 with respect to possible disciplinary action.” Defendant lacks sufficient information
20 to admit or deny the remaining allegations in this paragraph, and on that basis denies
21 them.

22 64. Answering paragraph 64, Defendant denies the allegations in this
23 paragraph to the extent that they suggest that Ms. Thomason was in any way
24 untruthful in her conversation with Plaintiff Takla. Defendant admits the remaining
25 allegations in this paragraph.

26 65. Answering paragraph 65, Defendant admits that Ms. Thomason and
27 Plaintiff Takla communicated by email on July 9, 2013 and July 18, 2013, but
28 denies the allegations in this paragraph regarding the contents of those

1 communications. Defendant denies that Ms. Thomason informed Plaintiff Takla
2 that “a graduate student and a junior faculty member had come forward to say they
3 had also experienced sexual harassment by Professor Piterberg,” but admits that Ms.
4 Thomason informed Plaintiff Takla that, in the course of her investigation, she had
5 communicated with other women in the History Department to determine whether
6 others had experienced sexual harassment similar to what Plaintiff Takla had
7 reported. Defendant admits that Thomason wrote to Plaintiff Takla on July 9, 2013
8 saying she had “spoken with a junior faculty member in the department who
9 described experiencing conduct similar to what [Plaintiff Takla] experienced,” but
10 denies that Ms. Thomason referred to having spoken to another graduate student
11 who had experienced sexual harassment. In a series of emails to Plaintiff Takla
12 between July 9 and July 19, 2013, Ms. Thomason wrote that she had also spoken to
13 other graduate students, but that none reported having experienced sexual
14 harassment by Professor Piterberg. Defendant admits that on July 18, 2013,
15 Plaintiff Takla responded to Ms. Thomason asking how the information collected
16 from these other women affected how the University would respond and that Ms.
17 Thomason replied saying that she “was planning to interview at least one more
18 woman and will then brief the Vice Chancellor and decide on next steps.”
19 Defendant admits that Ms. Thomason referred in her July 18, 2013 email to not
20 having “an account from anyone else who he supervised,” but denies that Ms.
21 Thomason was concerned only with people who had Professor Piterberg as their
22 adviser. Whether a student was supervised by Professor Piterberg affected whether
23 Professor Piterberg had violated certain University and campus policies, but Ms.
24 Thomason was concerned about all students and faculty members who may have
25 experienced harassment by Professor Piterberg and during her investigation
26 interviewed several students who were not supervised by Professor Piterberg.
27 Defendant admits that Plaintiff Takla expressed to Ms. Thomason that her concern
28 was that Professor Piterberg be deterred from harassing other women. Defendant

1 lacks sufficient information to admit or deny the remaining allegations in this
2 paragraph, and on that basis denies them.

3 66. Answering paragraph 66, Defendant admits that Plaintiff Takla asked
4 Ms. Thomason by email for a hearing before the Academic Senate. Defendant
5 denies that Ms. Thomason dissuaded Plaintiff Takla from going before the
6 Academic Senate, but admits that Ms. Thomason expressed to Plaintiff Takla the
7 opinion that resolution by the Academic Senate would not result in a positive
8 outcome for Plaintiff Takla because, in Ms. Thomason’s experience, a hearing by
9 the Academic Senate required a lengthy process that would not necessarily result in
10 a positive solution for Plaintiff Takla. Defendant admits that Ms. Thomason
11 explained to Plaintiff Takla that the Academic Senate was comprised of tenured
12 faculty members, but denies that Ms. Thomason said there was “no point” in going
13 to the Academic Senate “because they would all side with him.” Ms. Thomason
14 advised Plaintiff Takla to speak with Student Legal Services to obtain independent
15 legal advice on whether Plaintiff Takla should request a hearing with the Academic
16 Senate, and Ms. Thomason then set up an appointment for Plaintiff Takla to consult
17 with Student Legal Services. Defendant admits that Ms. Thomason told Plaintiff
18 Takla that she would still learn of the punishment and sanctions against Professor
19 Piterberg, but would not have to testify before the Academic Senate. Defendant
20 denies that UCLA “was offering [Plaintiff Takla] no other option.” To the contrary,
21 Ms. Thomason made clear that the Academic Senate was an available option and
22 facilitated Plaintiff Takla receiving independent legal advice regarding the
23 Academic Senate option by setting up a consultation for Plaintiff Takla with Student
24 Legal Services. Defendant lacks sufficient information to admit or deny the
25 remaining allegations in this paragraph, and on that basis denies them.

26 67. Answering paragraph 67, Defendant denies that Ms. Thomason told
27 Plaintiff Takla that before UCLA could handle Plaintiff Takla’s complaint through
28 Early Resolution, Carole Goldberg, UCLA’s Vice Chancellor of Academic

1 Personnel and a professor of law, had to make sure that Professor Piterberg had not
2 sexually harassed any other women on campus. Defendant admits that whether
3 Professor Piterberg had harassed any other women on campus was relevant to the
4 decision regarding the appropriate sanction against Professor Piterberg. Defendant
5 admits that Ms. Thomason said she would conduct an investigation into whether
6 Professor Piterberg had harassed any other women and that she would get back to
7 Plaintiff Takla. Ms. Thomason did, in fact, conduct an investigation and get back to
8 Plaintiff Takla, regularly communicating with Plaintiff Takla about the investigation
9 via email, Skype, and telephone throughout the summer and fall of 2013.

10 68. Answering paragraph 68, Defendant denies the allegations in this
11 paragraph.

12 69. Answering paragraph 69, Defendant denies that “UCLA ignored all
13 other complaints individuals filed or tried to file against Professor Piterberg.”
14 Defendant states that to the extent the statements in this paragraph regarding UCLA
15 Procedure 630.1 purport to characterize and summarize selected portions of the
16 Procedure, the Procedure speaks for itself. Defendant states that the statements in
17 this paragraph regarding UCLA’s policy on sexual harassment are assertions of law,
18 not allegations of fact, and on that basis denies them. Defendant admits that UCLA
19 handled Plaintiff Takla’s allegations against Professor Piterberg through Early
20 Resolution, which included providing Plaintiff Takla with numerous measures to
21 protect and compensate her.

22 70. Answering paragraph 70, Defendant admits that Thomason told
23 Plaintiff Takla that Professor Piterberg was not disputing the “basic facts” of her
24 allegations, but denies that UCLA had knowledge that there were “a number of
25 other facts in dispute in circumstances where the harassment was serious and
26 pervasive.” Defendant denies that UCLA had knowledge that “Professor Piterberg
27 exhibited a clear pattern of harassing behavior in respect of more than one woman.”
28 Defendant admits that the University of California’s Sexual Harassment and Sexual

1 Violence Policy (“UC Sexual Harassment Policy”), effective February 25, 2014,
2 defines sexual assault as “physical sexual activity . . . engaged without the consent
3 of the other person or when the other person is unable to consent to the activity.”
4 Defendant also states that the assertion in this paragraph that “Professor Piterberg’s
5 conduct escalated to such a level that it constituted sexual assault,” as defined in the
6 UC Sexual Harassment Policy, is an assertion of law, not an allegation of fact, and
7 on that basis denies this allegation. Defendant further states that the statement in
8 this paragraph that the definition in the Policy “clearly covers the behavior displayed
9 by Professor Piterberg on a number of occasions” is an assertion of law, not an
10 allegation of fact, and on that basis denies this allegation. Defendant lacks sufficient
11 information to admit or deny the remaining allegations in this paragraph, and on that
12 basis denies them.

13 71. Answering paragraph 71, Defendant denies that Ms. Thomason was
14 obliged to encourage Plaintiff Takla to file a written request for a Formal
15 Investigation. Defendant further denies that Ms. Thomason “actively discouraged
16 Plaintiff Takla from pursuing a Formal Investigation.” Defendant denies that Ms.
17 Thomason said that “Professor Piterberg’s peers may well side with him instead of
18 finding for Plaintiff Takla,” but admits that Ms. Thomason expressed to Plaintiff
19 Takla her opinion that they could achieve a good resolution more quickly through
20 Early Resolution. Defendant further denies the allegations in this paragraph to the
21 extent they suggest the University did not pursue an investigation into Plaintiff
22 Takla’s report of sexual harassment. Ms. Thomason actively investigated Plaintiff
23 Takla’s allegations of sexual harassment, and the investigation resulted in numerous
24 remedial measures to Plaintiff Takla and a resolution with Professor Piterberg.

25 72. Answering paragraph 72, Defendant admits that the UC Sexual
26 Harassment Policy, effective February 25, 2014, states that “[s]teps taken to
27 encourage Early Resolution and agreements reached through early resolution should
28 be documented.” Defendant states that to the extent the statements in this paragraph

1 regarding UCLA Procedure 630.1 purport to characterize and summarize selected
2 portions of the Procedure, the Procedure speaks for itself. Defendant admits that
3 UCLA Procedure 630.1 incorporates the portion of the UC Sexual Harassment
4 Policy which states that “[s]teps taken through Early Resolution and agreements
5 reached through early resolution efforts should be documented,” but denies that
6 UCLA Procedure 630.1 requires an “investigative report.” Defendant admits that
7 Plaintiff Takla requested a copy of the investigative report, approximately one
8 month after she was notified that the case had been closed. Defendant admits that
9 Ms. Thomason told Plaintiff Takla that there was no formal report because the
10 “investigation was terminated before any report was prepared.”

11 73. Answering paragraph 73, Defendant admits that Plaintiff Takla made
12 an anonymous call to the Title IX Office on June 24, 2013 during which she
13 described to Ms. Thomason that she had been sexually harassed by her adviser,
14 though she did not reveal her identity or her alleged harasser’s identity during the
15 June 24 call. Defendant admits that Plaintiff Takla reported sexual harassment by
16 Professor Piterberg to Ms. Thomason in a second call on June 25, 2013, though
17 Defendant lacks sufficient information to admit or deny any of the allegations
18 regarding Professor Piterberg’s conduct, and on that basis denies these allegations.
19 Defendant denies that it took UCLA over nine months to complete its investigation.
20 Defendant admits that the case was closed in March 2014 when the University
21 reached a resolution with Professor Piterberg, but denies that March 2014 is when
22 UCLA completed its investigation. The investigation was completed within weeks
23 after Plaintiff Takla made her report to Ms. Thomason, and remedial measures were
24 provided to Plaintiff Takla immediately after her complaint to Ms. Thomason.
25 Defendant states that the statement in this paragraph that Title IX requires factual
26 findings in response to a report of sexual harassment is an assertion of law, not an
27 allegation of fact, and on that basis denies this allegation. Defendant denies the
28 remaining allegations in this paragraph.

1 74. Answering paragraph 74, Defendant denies that Plaintiff Takla was
2 deprived of learning of the outcome of the Early Resolution, but admits that
3 Defendant did not tell Plaintiff Takla whether Professor Piterberg was sanctioned
4 for his conduct. Defendant admits that Ms. Thomason sent Plaintiff Takla an email
5 on October 28, 2013 stating that UCLA would tell her the terms of the resolution
6 once that resolution was reached, but denies that “Ms. Thomason told her on June
7 10, 2014 that she could not provide any information at all.” On April 5, 2014, Ms.
8 Thomason emailed Plaintiff Takla to tell her that the “campus entered into an early
9 resolution with Professor Piterberg” and provided her some information regarding
10 the resolution. Specifically, Ms. Thomason wrote that “the resolution provides that
11 Professor Piterberg shall not initiate or engage in any contact (in person, via email,
12 telephone, text messaging, internet, or other means of electronic communication)
13 with you.” Ms. Thomason further wrote: “Also pursuant to the resolution, he has
14 provided a letter of recommendation to the department for future use by you on
15 request. He has agreed that he will not write any other references or make any other
16 comments about you or the nature of your report.” Ms. Thomason then explained:
17 “No other provision of the resolution applies directly to you, therefore, pursuant to
18 University policy governing privacy and access to personal information, UC
19 Business and Finance Bulletin RMP-8, Legal Requirements on Privacy of and
20 Access to Information, I cannot provide any further information with respect to the
21 terms of the resolution with Professor Piterberg.” On June 11, 2014, Ms. Thomason
22 sent Plaintiff Takla another email, in which she stated: “I am unable to provide any
23 additional information concerning the campus’s resolution with Prof. Piterberg.”
24 Defendant denies the remaining allegations in this paragraph.

25 75. Answering paragraph 75, Defendant denies that Ms. Thomason did not
26 treat Plaintiff Takla’s situation with any seriousness. Ms. Thomason treated
27 Plaintiff Takla’s report with the utmost seriousness, as demonstrated by, among
28 other things, the many email, telephone, and in-person conversations Ms. Thomason

1 had with Takla as well as with other students, professors, and members of the
2 UCLA administration throughout the months Ms. Thomason spent actively pursuing
3 measures to protect and compensate Plaintiff Takla, to ensure her continued access
4 to academic and other resources at UCLA, and to negotiate disciplinary action
5 against Professor Piterberg. Among the remedial measures the University provided,
6 the University reimbursed Plaintiff Takla for counseling she received following the
7 sexual harassment, totaling thousands of dollars in reimbursements, offered her fee
8 waivers for additional classes she took, and a stipend for extra quarters she spent at
9 UCLA to complete the additional classes. The University also provided academic
10 accommodations to mitigate the harm from the loss of her adviser, such as
11 appointing a new, highly respected adviser, reconstituting her dissertation
12 committee, and granting her a concentration in gender studies at no cost to her.
13 Defendant further denies that Ms. Thomason “told Plaintiff Takla a story about a
14 friend of hers from law school who was continually pursued and harassed by a
15 classmate and, even though she was not initially interested in him, they were now
16 happily married.” Defendant lacks sufficient information to admit or deny the
17 remaining allegations in this paragraph, and on that basis denies them.

18 76. Answering paragraph 76, Defendant denies that UCLA acted with
19 deliberate indifference. Defendant lacks sufficient information to admit or deny the
20 remaining allegations in this paragraph, and on that basis denies them.

21 77. Answering paragraph 77, Defendant denies that Plaintiff Takla has
22 been unable to go to the UCLA campus since she reported the harassment to Ms.
23 Thomason in June 2013 and that she has been unable to benefit from the resources
24 on campus since that time. UCLA took immediate and effective steps to permit
25 Plaintiff Takla to safely visit campus and use campus resources, including resources
26 in the History Department and in the library, and continues to provide those
27 protective measures to Plaintiff Takla currently. Defendant lacks sufficient
28

1 information to admit or deny the remaining allegations in this paragraph, and on that
2 basis denies them.

3 78. Answering paragraph 78, Defendant denies the allegations in this
4 paragraph to the extent that they suggest that the University did not take concrete,
5 effective steps to mitigate the negative effects on Plaintiff Takla's career that could
6 result from the loss of an adviser in her field, including assigning her a new, highly-
7 regarded advisor and placing a letter of recommendation from Professor Piterberg in
8 her file for future use. Defendant lacks sufficient information to admit or deny the
9 remaining allegations in this paragraph, and on that basis denies them.

10 *Plaintiff Kristen Hillaire Glasgow*

11 79. Answering paragraph 79, Defendant admits that Plaintiff Glasgow
12 started at UCLA as an undergraduate in 2004, graduated with a degree in history in
13 2006, and started in the graduate program pursuing a Ph.D. in History in the fall of
14 2006. Defendant lacks sufficient information to admit or deny the remaining
15 allegations in this paragraph, and on that basis denies them.

16 80. Answering paragraph 80, Defendant lacks sufficient information to
17 admit or deny the allegations in this paragraph, and on that basis denies them.

18 81. Answering paragraph 82, Defendant lacks sufficient information to
19 admit or deny the allegations in this paragraph, and on that basis denies them.

20 82. Answering paragraph 83, Defendant lacks sufficient information to
21 admit or deny the allegations in this paragraph, and on that basis denies them.

22 83. Answering paragraph 83, Defendant lacks sufficient information to
23 admit or deny the allegations in this paragraph, and on that basis denies them.

24 84. Answering paragraph 84, Defendant lacks sufficient information to
25 admit or deny the allegations in this paragraph, and on that basis denies them.

26 85. Answering paragraph 85, Defendant lacks sufficient information to
27 admit or deny the allegations in this paragraph, and on that basis denies them.

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1 86. Answering paragraph 86, Defendant lacks sufficient information to
2 admit or deny the allegations in this paragraph, and on that basis denies them.

3 87. Answering paragraph 87, Defendant lacks sufficient information to
4 admit or deny the allegations in this paragraph, and on that basis denies them.

5 88. Answering paragraph 88, Defendant lacks sufficient information to
6 admit or deny the allegations in this paragraph, and on that basis denies them.

7 89. Answering paragraph 89, Defendant lacks sufficient information to
8 admit or deny the allegations in this paragraph, and on that basis denies them.

9 90. Answering paragraph 90, Defendant lacks sufficient information to
10 admit or deny the allegations in this paragraph, and on that basis denies them.

11 91. Answering paragraph 91, Defendant lacks sufficient information to
12 admit or deny the allegations in this paragraph, and on that basis denies them.

13 92. Answering paragraph 92, Defendant denies that Professor Piterberg sits
14 on the Graduate Awards Committee or has sat on the Graduate Awards Committee
15 at any time since Plaintiff Glasgow alleges that she first met Professor Piterberg in
16 2008. Defendant states that the statement that Professor Piterberg cultivated a
17 sexually hostile environment is an assertion of law, not an allegation of fact, and on
18 this basis denies this allegation. Defendant lacks sufficient information to admit or
19 deny the remaining allegations in this paragraph, and on that basis denies them.

20 93. Answering paragraph 93, Defendant lacks sufficient information to
21 admit or deny the allegations in this paragraph, and on that basis denies them.

22 94. Answering paragraph 94, Defendant admits that Plaintiff Glasgow and
23 Ms. Thomason spoke by telephone on July 9, 2013, but denies that that Plaintiff
24 Glasgow telephoned Ms. Thomason. Defendant denies that Ms. Thomason told
25 Plaintiff Glasgow that she could give her report over the telephone and that this
26 would be an “‘official, on the record’ statement.” Defendant lacks sufficient
27 information to admit or deny the remaining allegations in this paragraph, and on that
28 basis denies them.

1 95. Answering paragraph 95, Defendant denies the allegations in this
2 paragraph.

3 96. Answering paragraph 96, Defendant denies the allegations in this
4 paragraph.

5 97. Answering paragraph 97, Defendant denies the allegations in this
6 paragraph.

7 98. Answering paragraph 98, Defendant denies that Plaintiff Glasgow
8 “telephoned the History Department Chair, Professor Myers, and told him that she
9 had been sexually harassed by Professor Piterberg.” Defendant denies that
10 “Professor Myers’ response was to ask her not to share her story with anyone.”
11 Defendant admits that Plaintiff Glasgow and Professor Myers spoke in or around
12 July 2013, but denies that Plaintiff Glasgow reported during that conversation that
13 she had experienced sexual harassment by Professor Piterberg. Defendant admits
14 that the UC Sexual Harassment Policy, effective February 25, 2014, states that “any
15 manager, supervisor, or designated employee responsible for reporting or
16 responding to sexual harassment or sexual violence who knew about the incident
17 and took no action to stop or failed to report the prohibited act may be subject to
18 disciplinary action.” Defendant states that the statement in this paragraph that
19 Professor Myers violated the UC Sexual Harassment Policy is an assertion of law,
20 not an allegation of fact, and on that basis denies this allegation.

21 99. Answering paragraph 99, Defendant admits that Plaintiff Glasgow
22 telephoned Ms. Thomason about four weeks after the first conversation, on August
23 13, 2013. Defendant denies that Ms. Thomason “said that she did not remember
24 speaking to Plaintiff Glasgow, became very defensive, and said that she had not
25 agreed to follow up with Plaintiff Glasgow.” Defendant lacks sufficient information
26 to admit or deny the remaining allegations in this paragraph, and on that basis denies
27 them.

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1 100. Answering paragraph 100, Defendant admits that the UC Sexual
2 Harassment Policy, effective February 25, 2014, states that the Title IX Officer is to
3 “provide prompt and effective responses to reports of sexual harassment.”
4 Defendant states that the remaining allegations in this paragraph are assertions of
5 law, not allegations of fact, and on that basis denies them.

6 101. Answering paragraph 101, Defendant denies the allegations in this
7 paragraph.

8 102. Answering paragraph 102, Defendant denies that “Ms. Thomason
9 became hostile, and told Plaintiff Glasgow that if this matter went before the
10 Academic Senate, everyone would side with Professor Piterberg because they were
11 his peers.” Defendant denies that Ms. Thomason was trying to dissuade or prevent
12 Plaintiff Glasgow from filing a complaint against Professor Piterberg. Defendant
13 lacks sufficient information to admit or deny the remaining allegations in this
14 paragraph, and on that basis denies them.

15 103. Answering paragraph 103, Defendant asserts that the statement that
16 Title IX requires that individuals reporting sexual harassment to be informed about
17 their options for resolving claims of sexual harassment is an assertion of law, not an
18 allegation of fact, and on that basis denies this allegation. Defendant admits that the
19 UC Sexual Harassment Policy, effective February 25, 2014, states that
20 “[i]ndividuals reporting sexual harassment or sexual violence shall be informed
21 about options for resolving potential violations of the policy.” UCLA’s Title IX
22 Office publishes on its website students’ options for resolving claims of sexual
23 harassment, and Ms. Thomason’s routine practice was to inform individuals
24 complaining of sexual harassment of the available remedies and procedures,
25 including the remedies available under Title IX. Defendant lacks sufficient
26 information to admit or deny the remaining allegations in this paragraph, and on that
27 basis denies them.

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1 104. Answering paragraph 104, Defendant denies the allegations in this
2 paragraph.

3 105. Answering paragraph 105, Defendant admits that on or around April
4 25, 2014, Plaintiff Glasgow received an email from Bibi Dhillonn, Chief
5 Administrative Officer for the History Department. Defendant admits that Ms.
6 Dhillonn asked Plaintiff Glasgow why she no longer came to the History
7 Department. Defendant admits that Plaintiff Glasgow responded to this email, but
8 Defendant lacks sufficient information to admit or deny the allegations regarding the
9 specific contents of the email Plaintiff Glasgow sent to Ms. Dhillonn, and on that
10 basis denies all allegations regarding the contents of the email. Defendant denies
11 the allegations in this paragraph to the extent they suggest that Ms. Dhillonn was
12 aware of sexual harassment by Professor Piterberg against Plaintiff Glasgow.
13 Defendant denies that Ms. Dhillonn was aware of any sexual harassment Plaintiff
14 Glasgow experienced and accordingly denies that Ms. Dhillonn “chose to ignore”
15 the harassment. Defendant lacks sufficient information to admit or deny the
16 remaining allegations in this paragraph, and on that basis denies them.

17 106. Answering paragraph 106, Defendant admits that Professor Myers sent
18 a letter to the History Department on behalf of the UCLA Sexual Harassment Task
19 Force (“Task Force”) on May 29, 2014. Defendant admits that Plaintiff Glasgow
20 replied to this letter by email on May 29, 2014, but denies that Plaintiff Glasgow
21 referred to having filed a complaint alleging sexual harassment. Defendant admits
22 that Plaintiff Glasgow stated in the May 29 email that she felt that there was a “lack
23 of support from the department” for students who had suffered as a result of
24 harassment. Defendant admits that Professor Myers responded to Plaintiff
25 Glasgow’s email, saying, “I am very sad to hear that the letter – and more
26 importantly, my own lack of responsiveness – were so disappointing,” referring to
27 the letter sent on behalf of the Task Force and Plaintiff Glasgow’s suggestion that
28 Professor Myers had not responded adequately to her earlier concerns about the

1 environment in the History Department. Professor Myers further stated: “I am very
2 anxious to do what I can to hear your concerns again and see if we can get things
3 right moving forward. . . . I deeply value you and your perspective and would like
4 to meet at your earliest convenience.” Defendant admits that Plaintiff Glasgow and
5 Professor Myers met for lunch, on or around July 10, 2014. Defendant admits that
6 Professor Myers asked Plaintiff Glasgow why she had not come forward earlier.
7 Defendant lacks sufficient information to admit or deny the remaining allegations in
8 this paragraph, and on that basis denies them.

9 107. Answering paragraph 107, Defendant denies that “Plaintiff Glasgow
10 told Professor Myers that she had come forward and reported the sexual
11 harassment,” but admits that Plaintiff Glasgow told Professor Myers that she had
12 spoken with Ms. Thomason about her experience with Professor Piterberg.
13 Defendant lacks sufficient information to admit or deny the remaining allegations in
14 this paragraph, and on that basis denies them.

15 108. Answering paragraph 108, Defendant lacks sufficient information to
16 admit or deny the allegations in this paragraph, and on that basis denies them.

17 109. Answering paragraph 109, Defendant admits that on or around August
18 13, 2014, Plaintiff Glasgow asked Professor McClendon whether she had been
19 contacted by Professor Myers regarding an informal meeting to discuss her
20 experiences with Professor Piterberg. Defendant admits that “Professor McClendon
21 replied that she had no idea what Plaintiff Glasgow was referring to” and told
22 Plaintiff Glasgow that she had not spoken to Professor Myers about Plaintiff
23 Glasgow’s allegations of sexual harassment.

24 110. Answering paragraph 110, Defendant admits that Plaintiff Glasgow
25 contacted Janice Reiff, who is a UCLA Professor and was then Chair of the
26 Academic Senate. Defendant denies that “Professor Reiff was clear to Plaintiff
27 Glasgow that the lack of responsiveness and/or information and support provided to
28 Plaintiff Glasgow was a clear violation of Title IX.” Following the meeting with

1 Plaintiff Glasgow, Professor Reiff contacted Ms. Thomason to tell Ms. Thomason
2 about Plaintiff Glasgow's allegations in order to ensure that Plaintiffs Glasgow's
3 allegations were addressed by the Title IX Office. Defendant denies the remaining
4 allegations in this paragraph.

5 111. Answering paragraph 111, Defendant denies that Plaintiff Glasgow
6 "received a rude voicemail from Ms. Thomason saying that someone in the History
7 Department had told her to contact Plaintiff Glasgow." Defendant also denies that
8 Ms. Thomason had treated Plaintiff Glasgow "derisively." Defendant lacks
9 sufficient information to admit or deny the remaining allegations in this paragraph,
10 and on that basis denies them.

11 112. Answering paragraph 112, Defendant admits that Ms. Thomason is
12 now the System-wide Title IX Compliance Officer for The California State
13 University. Defendant admits that Plaintiff Glasgow received a telephone call from
14 a staff member in UCLA's Title IX Office around November 2014 when the office
15 was attempting to respond to statements Plaintiff Glasgow made in her conversation
16 with Professor Reiff and to determine what action might be needed to help Plaintiff
17 Glasgow. Defendant lacks sufficient information to admit or deny the remaining
18 allegations in this paragraph, and on that basis denies them.

19 113. Answering paragraph 113, Defendant denies the allegations in this
20 paragraph to the extent they suggest that the Title IX Office was using "constant
21 avoidance tactics." Defendant lacks sufficient information to admit or deny the
22 remaining allegations in this paragraph, and on that basis denies them.

23 114. Answering paragraph 114, Defendant denies that the Title IX Office
24 acted with deliberate indifference to complaints raised about Professor Piterberg by
25 Plaintiffs. Defendant denies the allegations in this paragraph to the extent they
26 suggest that the Title IX Office had "no intention of helping" Plaintiff Glasgow or
27 addressing her concerns. Defendant lacks sufficient information to admit or deny
28 the remaining allegations in this paragraph, and on that basis denies them.

1 115. Answering paragraph 115, Defendant denies the allegations in this
2 paragraph to the extent they suggest that UCLA’s Title IX Coordinator “had never
3 done anything with Plaintiff Glasgow’s report.” Defendant lacks sufficient
4 information to admit or deny the remaining allegations in this paragraph, and on that
5 basis denies them.

6 116. Answering paragraph 116, Defendant admits that on or around October
7 5, 2013, Professor James Gelvin hosted a party for graduate students in the History
8 Department. Defendant admits that Professor Gelvin hosts a party for graduate
9 students near the start of the fall quarter each year and that it is customary for some,
10 but not all, graduate students and professors in the Department to attend. Defendant
11 lacks sufficient information to admit or deny the remaining allegations in this
12 paragraph, and on that basis denies them.

13 117. Answering paragraph 117, Defendant lacks sufficient information to
14 admit or deny the remaining allegations in this paragraph, and on that basis denies
15 them.

16 118. Answering paragraph 118, Defendant lacks sufficient information to
17 admit or deny the remaining allegations in this paragraph, and on that basis denies
18 them.

19 119. Answering paragraph 119, Defendant lacks sufficient information to
20 admit or deny the remaining allegations in this paragraph, and on that basis denies
21 them.

22 120. Answering paragraph 120, Defendant denies the allegations in this
23 paragraph to the extent they suggest that Plaintiff Glasgow has “no support within
24 the History Department.” Faculty and staff in the History Department, including
25 Professor Myers, have offered support to Plaintiff Glasgow in response to her
26 complaints of feeling uncomfortable in the History Department and being
27 disappointed in the History Department’s Task Force. Defendant also denies the
28 allegations in this paragraph to the extent they suggest that Plaintiff Glasgow lost

1 her position as History Graduate Student Association co-president due to reporting
2 sexual harassment by Professor Piterberg or because of the harassment she allegedly
3 experienced. Plaintiff Glasgow ceased to be co-president of the History Graduate
4 Student Association when her second term as co-president ended at the end of the
5 2012-2013 academic year and she did not seek a third term. Defendant lacks
6 sufficient information to admit or deny the remaining allegations in this paragraph,
7 and on that basis denies them.

8 121. Answering paragraph 121, Defendant denies that the University acted
9 with deliberate indifference. Defendant lacks sufficient information to admit or
10 deny the remaining allegations in this paragraph, and on that basis denies them.

11 122. Answering paragraph 122, Defendant denies that Plaintiff Glasgow has
12 had to seek funding from outside the History Department because of Professor
13 Piterberg's position on the Graduate Awards Committee. Professor Piterberg has
14 not served on the Graduate Awards Committee at any time since Plaintiff allegedly
15 met Professor Piterberg in 2008. Defendant lacks sufficient information to admit or
16 deny the remaining allegations in this paragraph, and on that basis denies them.

17 123. Answering paragraph 123, Defendant admits that Ms. Thomason was
18 an employee of UCLA from May 2000 until November 2014.

19 124. Answering paragraph 124, Defendant denies the allegations in this
20 paragraph

21 125. Defendant states that to the extent the statements in this paragraph
22 regarding the University of California Policy on Sexual Harassment and Sexual
23 Violence, effective February 25, 2014, purport to characterize and summarize
24 selected portions of the policy, the Policy speaks for itself. Defendant further states
25 that the statements in this paragraph regarding the requirements of the policy are
26 assertions of law, not allegations of fact, and on that basis denies them.

27 126. Answering paragraph 126, Defendant denies that Ms. Thomason had
28 the authority to refer Professor Piterberg to disciplinary proceedings. Defendant

1 denies the allegations in this paragraph to the extent they suggest that Professor
2 Piterberg “should” have been removed from campus, but admits that if disciplinary
3 proceedings had been initiated against Professor Piterberg they could, but might not
4 have, resulted in his removal from campus.

5 127. Answering paragraph 127, Defendant admits that “Ms. Thomason
6 knew of numerous instances of sexual harassment towards a student at UCLA by
7 Professor Piterberg.” Specifically, Defendant admits that Ms. Thomason knew of
8 multiple instances of sexual harassment against Plaintiff Takla, with whom she had
9 spoken on June 24, 2013, and with whom she had communicated extensively
10 throughout the summer of 2013 as she negotiated various remedies for Plaintiff
11 Takla, but denies that “this knowledge was compounded by other students and
12 faculty reporting similar behavior in the two weeks following.” Defendant further
13 denies the allegations in this paragraph to the extent they suggest that Ms.
14 Thomason spoke to any student or faculty member, other than Takla, who attempted
15 to make a “report” of sexual harassment. Defendant also denies that Ms. Thomason
16 “failed to do anything to prevent further harassment.” Ms. Thomason took
17 numerous steps to prevent further harassment, including confronting Professor
18 Piterberg about Plaintiff Takla’s allegations, instructing Professor Piterberg to have
19 no contact with Plaintiff Takla, investigating Plaintiff Takla’s allegations, and, in
20 cooperation with other faculty and administrators, conducting sexual harassment
21 training and negotiating a resolution with Professor Piterberg with respect to
22 disciplinary action.

23 128. Answering paragraph 128, Defendant denies that “[f]rom at least June
24 26, 2013, Professor Myers knew of Professor Piterberg sexually harassing a student
25 at UCLA.” Professor Myers knew only that one student, Plaintiff Takla, had alleged
26 sexual harassment. Defendant admits that Professor Myers served as History
27 Department Chair during this time and admits that, in this capacity, Professor Myers
28 served as the History Department’s liaison with the rest of the UCLA community

1 and was the point person for recruiting and retention of faculty in the History
2 Department. Defendant denies these allegations, however, to the extent they suggest
3 that Professor Myers had direct responsibility for hiring, firing, or disciplining
4 faculty members in the History Department. Defendant denies that Professor
5 Piterberg's alleged conduct "fell within the remit of [Professor Myers's]
6 responsibility." As Department Chair, Professor Myers did not have responsibility
7 or authority to discipline faculty members. Defendant denies that Professor Myers
8 "failed to recommend Professor Piterberg for disciplinary action." When Professor
9 Myers learned of Plaintiff Takla's allegations of harassment, the matter was already
10 in the hands of the appropriate official, namely Ms. Thomason, the Title IX
11 Coordinator, who was responsible for addressing complaints of sexual harassment.
12 Defendant further denies that Professor Myers "failed . . . to do anything to prevent
13 further harassment." Professor Myers took numerous actions in the summer and fall
14 of 2013 to protect Plaintiff Takla from harassment and to prevent other students
15 from experiencing harassment. For example, Professor Myers was actively involved
16 in the University's efforts to reconstitute Plaintiff Takla's doctoral committee so that
17 Professor Piterberg would no longer serve on the committee and to assist Plaintiff
18 Takla in adding a gender studies concentration. Professor Myers also introduced
19 several programs in the 2013-2014 academic year aimed at preventing harassment
20 against all students in the History Department. In particular, Professor Myers invited
21 Ms. Thomason to speak about sexual harassment at the first faculty meeting of the
22 2013-2014 academic year, and Professor Myers himself spoke at this meeting,
23 conveying to faculty members that sexual harassment was unacceptable. In
24 addition, Professor Myers organized a sexual harassment workshop for graduate
25 students and established a Department-wide Sexual Harassment Task Force. The
26 Task Force met several times throughout the 2013-2014 year, conducted a climate
27 survey, and issued a statement to students explaining resources available to students
28 who were concerned or had experienced sexual harassment.

1 133. Answering paragraph 133, Defendant states that the statements in this
2 paragraph are assertions of law, not allegations of fact, and on that basis denies
3 them.

4 134. Answering paragraph 134, Defendant states that the statements in this
5 paragraph are assertions of law, not allegations of fact, and on that basis denies
6 them.

7 135. Answering paragraph 135, Defendant states that the statements in this
8 paragraph are assertions of law, not allegations of fact, and on that basis denies
9 them.

10 136. Answering paragraph 136, Defendant states that the statements in this
11 paragraph are assertions of law, not allegations of fact, and on that basis denies
12 them.

13 137. Answering paragraph 137, Defendant admits that Plaintiff Takla
14 demands that the issues raised in the First Amended Complaint be tried by a jury.

15 **SECOND CLAIM FOR RELIEF:**

16 **HOSTILE ENVIRONMENT IN VIOLATION OF TITLE IX, AS TO**
17 **NEFERTITI TAKLA**

18 138. Answering paragraph 138, Defendant admits that Plaintiffs purport to
19 re-allege the allegations contained in all prior paragraphs of the First Amended
20 Complaint. Defendant incorporates its responses to paragraphs 1 through 137 by
21 reference.

22 139. Answering paragraph 139, Defendant states that the statements in this
23 paragraph are assertions of law, not allegations of fact, and on that basis denies
24 them.

25 140. Answering paragraph 140, Defendant states that the statement in this
26 paragraph that UCLA became a sexual hostile environment is an assertion of law,
27 not an allegation of fact, and on that basis denies this allegation. Defendant admits
28 that Professor Piterberg was on campus and teaching for part of the period between

1 June 24, 2013, when Plaintiff Takla first spoke to Ms. Thomason, and June 11,
2 2015, when Plaintiffs filed their original Complaint, but asserts that Professor
3 Piterberg was not on campus and teaching for the Spring Quarter of 2015.
4 Defendant lacks sufficient information to admit or deny the remaining allegations in
5 this paragraph, and on that basis denies them.

6 141. Answering paragraph 141, Defendant states that the statements in this
7 paragraph are assertions of law, not allegations of fact, and on that basis denies
8 them.

9 142. Answering paragraph 142, to the extent statements in this paragraph are
10 assertions of fact, Defendant lacks sufficient information to admit or deny, and on
11 that basis denies them. To the extent statements in this paragraph are assertions of
12 law, not allegations of fact, Defendant on that basis denies them.

13 143. Answering paragraph 143, Defendant admits that Plaintiff Takla
14 demands that the issues raised in the First Amended Complaint be tried by a jury.

15 **THIRD CLAIM FOR RELIEF:**

16 **SEXUAL HARASSMENT IN VIOLATION OF TITLE IX, AS TO KRISTEN**
17 **HILLAIRE GLASGOW**

18 144. Answering paragraph 144, Defendant admits that Plaintiffs purport to
19 re-allege the allegations contained in all prior paragraphs of the First Amended
20 Complaint. Defendant incorporates its responses to paragraphs 1 through 143 by
21 reference.

22 145. Answering paragraph 145, Defendant admits the allegations in this
23 paragraph.

24 146. Answering paragraph 146, Defendant states that the statements in this
25 paragraph are assertions of law, not allegations of fact, and on that basis denies
26 them.

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1 147. Answering paragraph 147, Defendant states that the statements in this
2 paragraph are assertions of law, not allegations of fact, and on that basis denies
3 them.

4 148. Answering paragraph 148, Defendant states that the statements in this
5 paragraph are assertions of law, not allegations of fact, and on that basis denies
6 them.

7 149. Answering paragraph 149, Defendant states that the statements in this
8 paragraph are assertions of law, not allegations of fact, and on that basis denies
9 them.

10 150. Answering paragraph 150, Defendant admits that Plaintiff Glasgow
11 demands that the issues raised in the First Amended Complaint be tried by a jury.

12 **FOURTH CLAIM FOR RELIEF:**

13 **HOSTILE ENVIRONMENT IN VIOLATION OF TITLE IX, AS TO**

14 **KRISTEN HILLAIRE GLASGOW**

15 151. Answering paragraph 151, Defendant admits that Plaintiffs purport to
16 re-allege the allegations contained in all prior paragraphs of the First Amended
17 Complaint. Defendant incorporates its responses to paragraphs 1 through 150 by
18 reference.

19 152. Answering paragraph 152, Defendant states that the statements in this
20 paragraph are assertions of law, not allegations of fact, and on that basis denies
21 them.

22 153. Answering paragraph 153, Defendant states that the statement in this
23 paragraph that UCLA became a hostile environment for Plaintiff Glasgow is an
24 assertion of law, not an allegation of fact, and on that basis denies this allegation.
25 Defendant denies Plaintiff Glasgow's allegation that "nothing had ever been done to
26 protect her." Defendant admits that Professor Piterberg was on campus and
27 teaching for part of the period between when Plaintiff Glasgow spoke to Ms.
28 Thomason in the summer of 2013, and June 11, 2015, when Plaintiffs filed their

1 Complaint, but asserts that Professor Piterberg was not on campus and teaching for
2 the Spring Quarter of 2015. Defendant lacks sufficient information to admit or deny
3 the remaining allegations in this paragraph, and on that basis denies them.

4 154. Answering paragraph 154, Defendant states that the statements in this
5 paragraph are assertions of law, not allegations of fact, and on that basis denies
6 them.

7 155. Answering paragraph 155, to the extent statements in this paragraph are
8 assertions of fact, Defendant lacks sufficient information to admit or deny, and on
9 that basis denies them. To the extent statements in this paragraph are assertions of
10 law, not allegations of fact, Defendant on that basis denies them.

11 156. Answering paragraph 156, Defendant admits that Plaintiff Glasgow
12 demands that the issues raised in the First Amended Complaint be tried by a jury.

13 **FIFTH CLAIM FOR RELIEF:**

14 **VICARIOUS LIABILITY IN RESPECT OF THE NEGLIGENT**
15 **SUPERVISION, TRAINING AND/OR RETENTION OF GABRIEL**
16 **PITERBERG AS TO KRISTEN HILLAIRE GLASGOW**

17 157. Answering paragraph 157, Defendant admits that Plaintiffs purport to
18 re-allege the allegations contained in all prior paragraphs of the First Amended
19 Complaint. Defendant incorporates its responses to paragraphs 1 through 156 by
20 reference.

21 158. Answering paragraph 158, to the extent statements in this paragraph are
22 assertions of fact, Defendant lacks sufficient information to admit or deny, and on
23 that basis denies them. To the extent statements in this paragraph are assertions of
24 law, not allegations of fact, Defendant on that basis denies them.

25 159. Answering paragraph 159, Defendant states that the statements in this
26 paragraph are assertions of law, not allegations of fact, and on that basis denies
27 them.

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SECOND AFFIRMATIVE DEFENSE

(Damages)

2. Each cause of action in the First Amended Complaint is barred, in whole or in part, because Plaintiffs have not sustained any injury or damage by reason of any act or omission of Defendant, or if Plaintiffs were damaged, the damage or injury was due wholly to Plaintiffs’ own conduct.

THIRD AFFIRMATIVE DEFENSE

(Unclean Hands)

3. Each cause of action in the First Amended Complaint is barred, in whole or in part, by the doctrine of unclean hands.

FOURTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

4. The causes of action in the First Amended Complaint are barred, in whole or in part, by the relevant statutes of limitations.

FIFTH AFFIRMATIVE DEFENSE

(Laches)

5. Each cause of action in Plaintiff’s First Amended Complaint is barred, in whole or in part, by the doctrine of laches.

SIXTH AFFIRMATIVE DEFENSE

(Estoppel)

6. Plaintiffs are estopped from enforcing the claims and obligations sought to be enforced in the First Amended Complaint, and each cause of action therein, because Plaintiffs failed to honor their duties to Defendants, failed to take proper steps to assert in a timely fashion the claims alleged in the First Amended Complaint, and otherwise acted in a manner inconsistent with an intent to assert or preserve their rights to assert any of the causes of action, all to the detriment of Defendant.

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SEVENTH AFFIRMATIVE DEFENSE

(No Deliberate Indifference)

7. Plaintiffs’ claims under Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681, *et seq.*, fail because Defendant did not act with deliberate indifference in responding to Plaintiffs’ allegations of sexual harassment.

EIGHTH AFFIRMATIVE DEFENSE

(No causation)

8. Plaintiff’s claims under Title IX of IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681, *et seq.* fail because no acts or omissions by Defendant caused Plaintiffs to be subjected to or vulnerable to discrimination on account of their sex.

DATED: September 28, 2015

MUNGER, TOLLES & OLSON LLP
HAILYN J. CHEN
SARA N. TAYLOR

By: /s/ Hailyn J. Chen
HAILYN J. CHEN
Attorneys for Defendant
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CALIFORNIA