

**FOR IMMEDIATE RELEASE**

## **LITIGATION NOTE: University of California Prevails in Federal Lawsuit Asserting Civil Rights Violations**

**San Francisco – August 14, 2018:** Crowell & Moring LLP is pleased to announce that its clients, 10 officials of the University of California, have prevailed on appeal in a federal lawsuit asserting civil rights violations concerning an “Occupy” protest at the Berkeley campus in 2011.

Crowell & Moring represented five UC administrators and three UC police officers in a federal lawsuit brought by 22 plaintiffs claiming false arrest, excessive force, and First Amendment violations arising out of a November 2011 rally at which student and community protesters attempted to establish a tent encampment on Sproul Plaza in the midst of one of the University’s flagship campuses. Charges against two of the original 10 officials were dismissed before a summary judgment motion, and the district court granted summary judgment in favor of UC on the plaintiffs’ First Amendment and false arrest claims. However, the judge ordered a trial against all eight clients on the plaintiffs’ claims of “direct” and “supervisory” liability for allegedly excessive force used by police officers in removing that tent.

On an interlocutory appeal on May 31, the U.S. Court of Appeals for the Ninth Circuit reversed the district court’s denial of summary judgment on the excessive force claims, finding that the officers’ “direct” use of force was reasonable under the circumstances, and that the UC administrator defendants were immune from suit, as the plaintiffs were unable to show that the administrators caused or participated in any deprivation of constitutional rights, or violated any clearly established legal principles.

The Crowell & Moring team was led by partner [J. Daniel Sharp](#) and counsel [Rebecca Suarez](#).

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