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9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA

#135⁰⁰283910

12 JONATHAN DEL ARROZ,
13 Plaintiff,
14 v.
15 SAN FRANCISCO SCIENCE FICTION
16 CONVENTIONS, INC. ("SFSFC") aka
17 "WORLDCON76" David W. Gallaher
18 (2019), President; David W. Clark (2020),
19 Vice President; Lisa Detusch Harrigan
20 (2020), Treasurer; Kevin Standlee (2018),
21 Secretary; Sandra Childress (2019); Bruce
22 Farr (2018), Chair; 2018 SMOF Con
23 Committee; Cheryl Morgan (2020); Kevin
24 Roche (2018), Chair; 2018 Worldcon
25 (Worldcon 76) Committee; Cindy Scott
26 (2018); Randy Smith (2019), Chair; New
27 Zealand 2020 Worldcon Agent Committee;
28 Andy Trembley (2020); Jennifer "Radar"
Wylie (2019), Chair; CostumeCon 2021
Organizing Committee; Lori Buschhaum;
Susie Rodriguez and DOES 1 through 30,
inclusive,
Defendants.

CASE NO. STK-CV-UMC-2018-4397
COMPLAINT

EXCEEDS \$25,000 LIMIT

THIS CASE HAS BEEN ASSIGNED TO
JUDGE CARTER P. HOLLY IN
DEPARTMENT 10B FOR ALL PURPOSES,
INCLUDING TRIAL

I

BACKGROUND ALLEGATIONS

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3 1. Plaintiff Jonathan Del Arroz is a professional science fiction writer whose
4 principle place or residence is in California. Mr. Del Arroz has written or edited several
5 bestselling works of science fiction including For Steam and Country: Book One of the
6 Adventures of Baron Von Monocle and MAGA 2020 & Beyond.

7 2. Defendant San Francisco Science Fiction Conventions, Inc. ("SFSFC"), also
8 known as "WorldCon76", is a California business entity with its principle business location
9 in San Jose, California. SFSFC was organized as a corporation under the laws of the State
10 of California. At the times relevant to this complaint, a part of SFSFC's corporate purpose
11 was to organize the annual world science fiction convention in San Jose, California in
12 2018. Plaintiff is informed and believes and thereon alleges that following Individual
13 Defendants are directors of SFSFC or are corporate officers and agents of WorldCon who
14 participated in and/or authorized the tortious and illegal acts alleged herein: David W.
15 Gallaher (2019), President; David W. Clark (2020), Vice President; Lisa Detusch Harrigan
16 (2020); Treasurer; Kevin Standlee (2018), Secretary; Sandra Childress (2019); Bruce Farr
17 (2018); Chair, 2018 SMOFC on Committee; Cheryl Morgan (2020); Kevin Roche (2018),
18 Chair; 2018 Worldcon (Worldcon 76) Committee; Cindy Scott (2018); Randy Smith
19 (2019), Chair; New Zealand 2020 Worldcon Agent Committee; Andy Trembley (2020);
20 Jennifer "Radar" Wylie (2019), Chair; CostumeCon 2021 Organizing Committee
21 (collectively "Individual Defendants"). Plaintiff is informed and believes that Defendant
22 Susie Rodriguez is a senior staff or director of SFSFC and did participate in and authorized
23 the acts alleged herein. Plaintiff is further informed and believes that Susie Rodriguez is a
24 resident of San Joaquin County. Individual Defendant Lori Buschhaum is a senior staff or
25 director of SFSFC and did participate, aid or incite the conduct alleged herein. Plaintiff is
26 informed and believes and thereon alleges that one or more of the above-named Individual
27 Defendants are residents of the County of San Joaquin, California.

1 3. Plaintiff does not presently know the name of the defendants sued herein as
2 Does 1 through 30, inclusive. Plaintiff will amend this complaint to state said defendants'
3 true names and capacities when ascertained. Plaintiff is informed and believes and thereon
4 alleges that said fictitiously-named defendants were partners, officers, agents, joint
5 venturers or were otherwise related to the wrongful conduct alleged herein in a way that
6 makes them legally liable for the damages alleged herein. Plaintiff will amend this
7 complaint to state said fictitiously named defendants true names and capacities when the
8 same are ascertained. Until such amendment, a reference to any defendant includes by
9 incorporation a reference to these fictitiously named defendants.

10 4. As a professional science fiction writer, Mr. Del Arroz received income from
11 name recognition obtained through self-promotion. This self-promotion takes place in
12 various ways, including maintaining a website on the internet, using social media such as
13 Facebook and Twitter, communications with fellow professional writers and the science
14 fiction fan community, and attending science fiction communities. Mr. Del Arroz has
15 regularly attended science fiction conventions in the Bay Area of California and has been
16 an invited speaker at such conventions. Attending science fiction conventions is a critical
17 part of Mr. Del Arroz's marketing strategy. It is also important to many professional
18 science fiction writers because it permits professional writers to meet fans, sell their books
19 to fans, and increase their name recognition among fans. Like many professional science
20 fiction writers, Mr. Del Arroz makes it his practice to take his books to sell at the science
21 fiction conventions he attended.

22 5. It has been the tradition in science fiction business since approximately 1939
23 for there to be an annual "world science fiction" convention. The location of the "world
24 convention", known as the "WorldCon" in the science fiction community, changes from
25 year to year. The tradition has been to have fans in the city where the WorldCon is to be
26 held to form a business entity to organize the WorldCon, sell tickets to fans, and enter into
27 the contracts necessary for the WorldCon to provide the goods and services that fans
28 expect.

1 6. The WorldCon is the most prestigious science fiction convention of the
2 various science fiction conventions that are held in a given year for various reasons. One
3 reason for its prestige is the history of the WorldCon as the oldest such convention.
4 Another reason is that the awards for the year's "best" science fiction and fantasy writing,
5 known as the "Hugo Awards," are given at the WorldCon. The awards are selected by vote
6 of the fans who buy tickets to the WorldCon.

7 7. It is traditional for the WorldCon to organize activities for persons buying
8 tickets to attend the WorldCon. These activities include discussions, marketing
9 opportunities and retail sales. Professional writers are encouraged by the WorldCon to
10 bring books to sell; WorldCon regularly sets aside areas for writers to sell their books to
11 fans. WorldCons also have large areas in the convention centers that are rented by the
12 business entities that organize the WorldCon for dealers to sell science fiction/fantasy-
13 related merchandise to fans. WorldCons make money by renting floor space to these
14 dealers, which helps to pay for the cost of the WorldCon. WorldCon also makes money by
15 selling admission tickets. These tickets also give fans the opportunity to cast their vote in
16 various categories for the "best" writing of the year.

17 8. SFSFC was selected to organize the 76th World Science Fiction Convention
18 ("WorldCon76") which was to be held in San Jose, California in August of 2018. SFSFC
19 has established a website -<http://www.worldcon76.org/>- where it has stated its intention to
20 have a "Creators' Alley will feature writers, artists, crafters and anyone creative who wants
21 to share their talents and products for a limited time" and a "Dealer's Room" where "a
22 world of nifty for purchase wares awaits your discovery" as well as other activities open to
23 the public.

24 9. SFSFC will hold WorldCon 76 at the San Jose McEnery Convention Center.
25 This convention center covers 550,000 square feet, including 165,000 square feet of exhibit
26 space, 31 meeting rooms, and banquet facilities for some 5,000. Mr. Del Arroz is informed
27 and believes and thereon alleges that the McEnery Convention Center is owned by the City
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1 of San Jose, a governmental entity, and that the City of San Jose prohibits discrimination in
2 violation of, *inter alia*, the Unruh Act by users of the convention center.

3 10. WorldCon76 is and will be open to the public. Currently, sales of tickets are
4 being made to the public. The tickets were characterized as “memberships” by SFSFC to
5 the public. SFSFC sold various kinds of tickets/memberships. For \$230, SFSFC sold an
6 “attending membership” which it advertised as follows: “Attending Adult membership
7 entitles the member to admission and attendance at Worldcon 76, the 2018 World Science
8 Fiction Convention, including the Masquerade, 2018 Hugo Awards Ceremony, and all
9 panels and member events and exhibits. It does not include housing, meals or
10 transportation.” SFSFC also sold a “supporting membership” for \$50 which it advertised as
11 licensing the following: “A supporting membership includes electronic copies of all
12 publications (you may opt in for paper copies), nomination and voting rights for the 2018
13 Hugo Awards, and voting rights in site selection for the 2020 World Science Fiction
14 Convention and 2019 North American Science Fiction Convention. It may be upgraded to
15 a full attending membership by paying the difference in fees at the time of upgrade.”

16 11. In 2017, Mr. Del Arroz purchased an attending membership. At the time of
17 the purchase, he paid \$50 as a down payment, which was permitted by the SFSFC, with the
18 intention of paying the balance prior to the convention.

19 12. On Tuesday, January 2, 2018 at 5:01 p.m., Mr. Del Arroz received an email
20 from Lori Buschbaum, who identified herself as the “Incident Response Team area head”
21 for Worldcon 76 which stated: “Jonathan, At this time we are converting your membership
22 to Worldcon76 to a supporting membership as you will not be permitted to attend the
23 convention. On your personal blog you have made it clear that you are both expecting and
24 planning on engendering a hostile environment which we do not allow. If you are found on
25 the premises of the convention center or any of the official convention hotels you will be
26 removed. Your payment of \$50 covers the cost of your supporting membership in its
27 entirety, and you have no balance owing. As a supporting member your nomination and
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1 voting rights for the Hugo Awards and site selection are maintained. If you prefer a full
2 refund that can be arranged.”

3 13. The statement that Mr. Del Arroz had “made it clear that you are both
4 expecting and planning on engendering a hostile environment which we do not allow” was
5 false. Mr. Del Arroz had stated that he expected to be harassed at the convention site based
6 on his announced political views, namely that he is a Republican, a Trump supporter, and a
7 believer in limited government, and that he intended to wear a body cam in order to
8 document such harassment and protect himself from baseless charges that he had been the
9 aggressor in such encounters. Mr. Del Arroz was aware that other people wore body
10 cameras at science fiction conventions and that they posted excerpts from such recordings
11 on their websites, blogs and vlogs.

12 14. Mr. Del Arroz’s concerns arose in part from reports that he had read about
13 leftwing professional writers attempting to provoke outspoken conservative writers. For
14 example, on or about September 21, 2017, Mr. Del Arroz read journalist Megan Fox of PJ
15 Media report, in her article titled, “Secret Facebook Page Reveals Marvel, DC Comics
16 Writers Conspiring to Harass Comic-Con Conservatives,” regarding professional comic
17 book writers and artists who plotted against conservative YouTube reviewer, Richard C.
18 Meyer, stating “I’d love to follow him around trying to goad him into throwing a punch” in
19 an effort to have Mr. Meyer banned from the convention under false pretenses. This
20 incident targeting Conservatives at a recent large convention is what prompted Mr. Del
21 Arroz to inquire to Mr. Roche regarding safety concerns for Conservatives at WorldCon.

22 15. In addition, Mr. Del Arroz had attended the convention center where World
23 Con 76 was going to be held as part of a Trump presidential election rally and had been
24 among the thousands of Trump supporters attacked by leftwing radicals.

25 16. At no time had Mr. Del Arroz been told that wearing a body camera was not
26 permitted or would be considered an act that would “engender a hostile environment.” Mr.
27 Del Arroz is informed and believes and thereon alleges that in truth there is no policy
28 against the wearing or use of body cameras at WorldCon76 and that this purported policy

1 was selectively engineered to apply only to him in order to deny him his legal and civil
2 rights and to retaliate against him because of his political views.

3 17. In fact, the Code of Conduct of WorldCon76 states as follows: "Photographs
4 and videotape footage by attendees are generally allowed in all common areas of the
5 convention with the exception of the Art Show." At all times, Mr. Del Arroz was prepared
6 to comply with the code of conduct and would have affirmed as much to SFSFC if he had
7 been asked."

8 18. On November 2, 2017, Mr. Del Arroz had communicated to the chairman of
9 WorldCon76 the following statement about his concerns regarding his safety: "Hi Kevin.
10 Just following up here. After talking to a lot of the guys there's a lot of serious concern for
11 safety just with the way this year has gone. Most have bowed out of the idea of attending
12 and I'm on the fence myself (I've had some folk from SFWA doxx my children on the
13 internet and send unsolicited packages to my house upon finding my address). I wish it
14 were a bit different but it looks like conventions might not be a spot where conservative
15 authors can attend safely anymore."

16 19. Mr. Del Arroz received no response from the chairman of WorldCon76 or
17 from any agent or representative of WorldCon76 to discuss his concerns. It was in the
18 context of this communication and SFSFC's failure and refusal to communicate about Mr.
19 Del Arroz's safety concerns that he made his comment about wearing a body camera.

20 20. At no time prior to this email – or thereafter – was Mr. Del Arroz asked
21 about his intentions or told that his plan to wear a body camera constituted a violation of
22 any rules or policies of Worldcon 76.

23 21. Thereafter, SFSFC's official and authorized social media posted on Facebook
24 the following statement about the alleged reason that Mr. Del Arroz had been barred from
25 WorldCon76: "Worldcon 76 has chosen to reduce Jonathan Del Arroz's membership from
26 attending to supporting. He will not be allowed to attend the convention in person. Mr. Del
27 Arroz's supporting membership preserves his rights to participate in the Hugo Awards
28 nomination and voting process. He was informed of our decision via email. We have taken

1 this step because he has made it clear that he fully intends to break our code of conduct.
2 We take that seriously. Worldcon 76 strives to be an inclusive place in fandom, as difficult
3 as that can be, and racist and bullying behavior is not acceptable at our Worldcon. This
4 expulsion is one step toward eliminating such behavior and was not taken lightly. The
5 senior staff and board are in agreement about the decision and it is final.”

6 22. This statement was false. As noted previously, Mr. Del Arroz never stated
7 any intent to violate any code of conduct. Worldcon 76 never explained to him that
8 anything he planned on doing would constitute a violation of any code of conduct. Mr. Del
9 Arroz is unaware of any such code of conduct. Mr. Del Arroz is informed and believes and
10 thereon alleges that there is no such code of conduct and that his conduct would not have
11 violated such a code of conduct. Further, Mr. Del Arroz is not a racist. Mr. Del Arroz has
12 often made a point of condemning racism and proudly identifying his Hispanic heritage.
13 Likewise, Mr. Del Arroz is not a bully. The statement that Mr. Del Arroz is a racist bully is
14 false and SFSFC and its representatives knew or should have known that the statement was
15 false. The statement was published by SFSFC and its representatives with knowledge of its
16 falsity in order to maliciously injure Mr. Del Arroz’s reputation and to retaliate against him
17 based on his political affiliations.

18 23. Mr. Del Arroz is informed and believes and thereon alleges that his banning
19 from WorldCon76 by SFSFC is due to his publicly outspoken status as a Republican, a
20 Trump supporter and a believer in small government. During the 2016 election season, Mr.
21 Del Arroz identified himself as a Trump supporter on his blog, on Twitter and on
22 Facebook. After this identification, Mr. Del Arroz found himself being condemned as
23 racist by opponents of President Trump, including many of such persons who are involved
24 in WorldCon76, either in its organization or on its social media sites. Prior to the 2016
25 election season, the science fiction community became embroiled in a split between
26 Progressives and Leftists and Conservative/Libertarians with Progressives and Leftists
27 generally controlling the apparatus of the WorldCon and Hugo Awards and
28 Conservative/Libertarians experiencing hostility at WorldCons. During and after 2016,

1 Mr. Del Arroz became identified with the Conservative/Libertarian faction within the
2 science fiction community. A traditional trope in that hostility has involved those identified
3 with the Conservatives/Liberterians position being baselessly slandered as "racists" and a
4 threat to "inclusiveness." Mr. Del Arroz is informed and believes and alleges thereon that
5 he was called a racist by SFSFC and discriminated against because of his political
6 affiliation and not because of his views on racial issues.

7 24. Mr. Del Arroz is informed and believes and thereon alleges that he is the first
8 person to have been banned completely from a WorldCon and that prior to his ban, the
9 only partial ban from a WorldCon was in the 1960s when Walter Breen, the notorious
10 pedophile husband of science fiction author Marion Zimmer Bradley, was banned for a
11 single day from a WorldCon.

12 25. The committee of Worldcon 76 has continued its pattern of engaging in
13 discriminatory actions in violation of Mr. Del Arroz's civil rights and conspiring to injure
14 his reputation as a professional science fiction writer. On or about February 9, 2017, Susie
15 Rodriguez, a committee member of Worldcon, stated on another committee member's
16 Facebook page: "I don't nix people for ideology. Conduct or speech based on ideology is a
17 whole other kettle of fish." Her statement responded to a post referring to Mr. Del Arroz by
18 name.

19 26. In February of 2018, SFSFC published a "Progress Report" to the public
20 stating in relevant part: "Finally, you may have heard that we chose to bar someone from
21 attending the convention based on their publicly posted plans to float our Code of Conduct
22 and anti-harassment policies. This is true. We stand up for our principles - and for the
23 right of all members to enjoy the convention - and our Code of Conduct reflects the core
24 values of WorldCon76." This statemennt was false in that Mr. Del Arroz had no such
25 plans. The statement was signed on behalf of Kevin Roche, Conference Chair.

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II

FIRST CAUSE OF ACTION

(Violation of Civil Code Section 51 (Unruh Act))

Against Named Defendants and Does 1 through 30)

27. Plaintiff incorporates the allegations contained in paragraphs 1 through 26 of this Complaint as if fully set forth herein, and incorporate those allegations verbatim herein by this reference.

28. Civil Code section 51(b) of the "Unruh Act" states: "All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever." The California Legislature has stated that "[t]he enumerated characteristics are illustrative rather than restrictive." (Cal. Civ. Code. §51, Historical Notes -- Historical and Statutory Notes.) Under the Unruh Act, a business establishment may not discriminate against any person based on a personal characteristic representing a trait, condition, decision, or choice fundamental to a person's identity, beliefs and self-definition as that factor has been applied in previous cases. (*Semler v. General Electric Capital Corp.* (2011) 196 Cal.App.4th 1380, 1395; *Koebke v. Bernardo Heights Country Club* (2005) 36 Cal.4th 824, 842; *Curran v. Mount Diablo Council of the Boy Scouts* (1998) 17 Cal. 4th 670, 705.) The protection of the Unruh Act extends to political affiliation. (*Marina Point, Ltd. v. Wolfson* (1982) 30 Cal.3d 721, 726 ["Whether the exclusionary policy rests on the alleged undesirable propensities of those of a particular race, nationality, occupation, political affiliation, or age, ... the Unruh Act protects individuals from ... arbitrary discrimination."].)

29. WorldCon76 is a business establishment in that it holds itself out as open to the public without restriction and is using public facilities and engaging in public commerce.

1 30. Mr. Del Arroz was discriminated against in violation of the Unruh Act in that
2 he has been banned from attending WorldCon76 based upon his political affiliation and
3 political beliefs. Plaintiff is informed and believes and thereon alleges that this
4 discriminational conduct was engaged in by SFSFC. The remaining named Defendants
5 aided or incited the alleged discrimination.

6 31. Plaintiff is informed and believes and thereon alleges that the Individual
7 Defendants and Does 1 through 30 aided, incited, authorized, ratified or conspired in the
8 denial of Mr. Arroz's right to free and equal entry into WorldCon76.

9 32. Civil Code section 52 provides: "[w]hoever denies, aids or incites a denial, or
10 makes any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable for
11 each and every offense for the actual damages, and any amount that may be determined by
12 a jury, or a court sitting without a jury, up to a maximum of three times the amount of
13 actual damage but in no case less than four thousand dollars (\$4,000), and any attorney's
14 fees that may be determined by the court in addition thereto, suffered by any person denied
15 the rights provided in section 51, 51.5, or 51.6."

16 33. As a proximate result of Defendants, and each of their, conduct, Mr. Del
17 Arroz has been financially damaged with respect to lost sales he would have made at
18 WorldCon76 and as to lost book sales arising from the injury to his reputation as an author
19 as a result of the banning in an amount to be proven at trial. In addition, as a proximate
20 result of Defendants', and each of their, conduct, Mr. Del Arroz has suffered emotional
21 distress, including embarrassment, humiliation, anguish, stress and depression as a result of
22 defendants' unlawful and unfair treatment.

23 34. Defendants and each of their conduct was fraudulent, oppressive, and
24 malicious in that said Defendants were aware that they were threatening Mr. Del Arroz
25 with physical violence in order to prevent him from exercising his important civil rights
26 including the right of association and the right to use public property and the right to free
27 and equal treatment by business establishments. Mr. Del Arroz is therefore entitled to an
28 award of punitive damages according to proof.

1 35. Plaintiff is entitled to a treble the actual damages he proves at court but is
2 entitled to no less than \$4,000 pursuant to Civil Code section 52.

3 36. Plaintiff is entitled to attorney’s fees pursuant to Civil Code section 52.

4 **III**
5 **SECOND CAUSE OF ACTION**
6 **(Violation of Civil Code Section 51.5**

7 **Against Named Defendants and Does 1 through 30)**

8 37. Plaintiff incorporates the allegations contained in paragraphs 1 through 36 of
9 this Complaint as if fully set forth herein, and incorporate those allegations verbatim herein
10 by this reference.

11 38. Civil Code section 51.5(a) provides: “No business establishment of any kind
12 whatsoever shall discriminate against, boycott or blacklist, or refuse to buy from, contract
13 with, sell to, or trade with any person in this state on account of any characteristic listed or
14 defined in subdivision (b) or (e) of section 51, or of the person’s partners, members,
15 stockholders, directors, officers, managers, superintendents, agents, employees, business
16 associates, suppliers, or customers, because the person is perceived to have one or more of
17 those characteristics, or because the person is associated with a person who has, or is
18 perceived to have, any of those characteristics.” The characteristics listed or defined by
19 Civil Code section 51.5 include “political affiliation.” (*Marina Point, Ltd. v. Wolfson*
20 (1982) 30 Cal.3d 721, 726 [“Whether the exclusionary policy rests on the alleged
21 undesirable propensities of those of a particular race, nationality, occupation, political
22 affiliation, or age, ... the Unruh Act protects individuals from ... arbitrary
23 discrimination.”].)

24 39. WorldCon76 is a business establishment in that it holds itself out as open to
25 the public without restriction and is using public facilities and engaging in public
26 commerce.

27 40. SFSFC discriminated against, boycotted or blacklisted, or refused to contract
28 with or sell to Mr. Del Arroz by refusing to sell him an attending membership because of

1 his political affiliation and political beliefs. Plaintiff is informed and believes that the other
2 named Defendants aided or incited this unlawful conduct.

3 41. Plaintiff is informed and believes and thereon alleges that the Individual
4 Defendants and Does 1 through 30 aided, incited, authorized, ratified or conspired in the
5 said discrimination, blacklisting, boycotting, and refusal to sell or contract with Mr. Arroz
6 with respect to his purchase of an attending membership.

7 42. Civil Code section 52 provides: “[w]hoever denies, aids or incites a denial, or
8 makes any discrimination or distinction contrary to section 51, 51.5, or 51.6, is liable for
9 each and every offense for the actual damages, and any amount that may be determined by
10 a jury, or a court sitting without a jury, up to a maximum of three times the amount of
11 actual damage but in no case less than four thousand dollars (\$4,000), and any attorney’s
12 fees that may be determined by the court in addition thereto, suffered by any person denied
13 the rights provided in section 51, 51.5, or 51.6.”

14 43. As a proximate result of Defendants, and each of their, conduct, Mr. Del
15 Arroz has been financially damaged with respect to lost sales he would have made at
16 WorldCon76 and as to lost book sales arising from the injury to his reputation as an author
17 as a result of the banning in an amount to be proven at trial. In addition, as a proximate
18 result of Defendants', and each of their, conduct, Mr. Del Arroz has suffered emotional
19 distress, including embarrassment, humiliation, anguish, stress and depression as a result of
20 defendants' unlawful and unfair treatment.

21 44. Defendants and each of their conduct was fraudulent, oppressive, and
22 malicious in that said Defendants were aware that they were threatening Mr. Del Arroz
23 with physical violence in order to prevent him from exercising his important civil rights
24 including the right of association and the right to use public property and the right to free
25 and equal treatment by business establishments. Mr. Del Arroz is therefore entitled to an
26 award of punitive damages according to proof.

27 45. Plaintiff is entitled to a treble the actual damages he proves at court but is
28 entitled to no less than \$4,000 pursuant to Civil Code section 52.

1 46. Plaintiff is entitled to attorney's fees pursuant to Civil Code section 52.

2 IV

3 **THIRD CAUSE OF ACTION**

4 **Violation of Civil Code Section 51.7**

5 **Against Named Defendants and Does 1 through 30)**

6 47. Plaintiff incorporates the allegations contained in paragraphs 1 through 46 of
7 this Complaint as if fully set forth herein, and incorporate those allegations verbatim herein
8 by this reference.

9 48. Civil Code section 51.7(a) provides: "All persons within the jurisdiction of
10 this state have the right to be free from any violence, or intimidation by threat of violence,
11 committed against their persons or property because of political affiliation, or on account
12 of any characteristic listed or defined in subdivision (b) or (e) of section 51, or position in a
13 labor dispute, or because another person perceives them to have one or more of those
14 characteristics. The identification in this subdivision of particular bases of discrimination is
15 illustrative rather than restrictive." The characteristics listed or defined by Civil Code
16 section 51.5(b) include "political affiliation." (*Marina Point, Ltd. v. Wolfson* (1982) 30
17 Cal.3d 721, 726 ["Whether the exclusionary policy rests on the alleged undesirable
18 propensities of those of a particular race, nationality, occupation, political affiliation, or
19 age, ... the Unruh Act protects individuals from ... arbitrary discrimination."].)

20 49. On Tuesday, January 2, 2018 at 5:01 p.m., Mr. Del Arroz received an email
21 from Lori Buschbaum, who identified herself as the "Incident Response Team area head"
22 for Worldcon 76 which stated in relevant part: "If you are found on the premises of the
23 convention center or any of the official convention hotels you will be removed." This
24 statement constituted intimidation by threat of violence against Mr. Del Arroz because of
25 his political affiliation in that Defendants and each of them threatened to have Mr. Del
26 Arroz forced physically removed against his consent and acquiescence from locations he
27 had a right to be in such as the lobby of a hotel. This threat was understood by Mr. Del
28 Arroz to include violence in that Mr. Del Arroz had advised SFSFC of his concern about

1 physical violence at WorldCon76 and Mr. Arroz had been threatened with violence by
2 members of SFSFC and individuals who had said that they would be attending
3 WorldCon76 on social media maintained by SFSFC. At no time had SFSFC advised Mr.
4 Del Arroz that he would be safe at WorldCon76 and at no time did SFSFC make any effort
5 to stop anyone from expressing a violent animus against Mr. Del Arroz on its social media
6 sites.

7 50. Mr. Del Arroz was threatened by SFSFC and Lori Buschbaum. Plaintiff is
8 informed and believes that the remaining named Defendants aided or incited this conduct.
9 Plaintiff is informed and believes and thereon alleges that the Individual Defendants and
10 Does 1 through 30 aided, incited, authorized, ratified or conspired in the said
11 discrimination, blacklisting, boycotting, and refusal to sell or contract with Mr. Arroz with
12 respect to his purchase of an attending membership.

13 51. Civil Code section 52(b) provides: "Whoever denies the right provided by
14 section 51.7 or 51.9, or aids, incites, or conspires in that denial, is liable for each and every
15 offense for the actual damages suffered by any person denied that right and, in addition, the
16 following: (1) An amount to be determined by a jury, or a court sitting without a jury, for
17 exemplary damages. (2) A civil penalty of twenty-five thousand dollars (\$25,000) to be
18 awarded to the person denied the right provided by section 51.7 in any action brought by
19 the person denied the right, or by the attorney general, a district attorney, or a city attorney.
20 An action for that penalty brought pursuant to section 51.7 shall be commenced within
21 three years of the alleged practice. (3) Attorney's fees as may be determined by the
22 court."

23 52. As a proximate result of defendants, and each of their, conduct, Mr. Del
24 Arroz has been financially damaged with respect to lost sales he would have made at
25 WorldCon76 and as to lost book sales arising from the injury to his reputation as an author
26 as a result of the banning in an amount to be proven at trial. In addition, as a proximate
27 result of Defendants, and each of their, conduct, Mr. Del Arroz has suffered emotional
28

1 distress, including embarrassment, humiliation, anguish, stress and depression as a result of
2 Defendants' unlawful and unfair treatment.

3 53. Defendants and each of their conduct was fraudulent, oppressive, and
4 malicious in that said Defendants were aware that they were threatening Mr. Del Arroz
5 with physical violence in order to prevent him from exercising his important civil rights
6 including the right of association and the right to use public property and the right to free
7 and equal treatment by business establishments. Mr. Del Arroz is therefore entitled to an
8 award of punitive damages according to proof.

9 54. Plaintiff is entitled to a civil penalty of \$25,000.

10 55. Plaintiff is entitled to attorney's fees pursuant to Civil Code section 52.

11 **V**

12 **FOURTH CAUSE OF ACTION**

13 **(Violation of Civil Code Section 52.1**

14 **Against Named Defendants and Does 1 through 30)**

15 56. Plaintiff incorporates the allegations contained in paragraphs 1 through 55 of
16 this Complaint as if fully set forth herein, and incorporate those allegations verbatim herein
17 by this reference.

18 57. Civil Code section 52.1(a) provides: "(a) If a person or persons, whether or
19 not acting under color of law, interferes by threat, intimidation, or coercion, or attempts to
20 interfere by threat, intimidation, or coercion, with the exercise or enjoyment by any
21 individual or individuals of rights secured by the Constitution or laws of the United States,
22 or of the rights secured by the Constitution or laws of this state, the attorney general, or any
23 district attorney or city attorney may bring a civil action for injunctive and other
24 appropriate equitable relief in the name of the people of the State of California, in order to
25 protect the peaceable exercise or enjoyment of the right or rights secured. An action
26 brought by the attorney general, any district attorney, or any city attorney may also seek a
27 civil penalty of twenty-five thousand dollars (\$25,000). If this civil penalty is requested, it
28 shall be assessed individually against each person who is determined to have violated this

1 section and the penalty shall be awarded to each individual whose rights under this section
2 are determined to have been violated.”

3 58. On Tuesday, January 2, 2018 at 5:01 p.m., Mr. Del Arroz received an email
4 from Lori Buschbaum, who identified herself as the “Incident Response Team Area Head”
5 for Worldcon 76 which stated in relevant part: “If you are found on the premises of the
6 convention center or any of the official convention hotels you will be removed.” This
7 statement constituted a threat, intimidation or coercion designed to interfere with the
8 exercise and enjoyment by Mr. Del Arroz of his legal and constitutional rights, including
9 the right of association and the right to use public property and the right to free and equal
10 treatment by business establishments. This statement was understood by Mr. Del Arroz to
11 include a threat of violence in that Mr. Del Arroz had advised SFSFC of his concern about
12 physical violence at WorldCon76 and Mr. Arroz had been threatened with violence by
13 members of SFSFC and individuals who had said that they would be attending
14 WorldCon76 on social media maintained by SFSFC. At no time had SFSFC advised Mr.
15 Del Arroz that he would be safe at WorldCon76 and at no time did SFSFC make any effort
16 to stop anyone from expressing a violent animus against Mr. Del Arroz on its social media
17 sites.

18 59. Mr. Del Arroz was threatened by SFSFC and Lori Buschbaum. Plaintiff is
19 informed and believes that the remaining named Defendants aided or incited this conduct.
20 Plaintiff is informed and believes and thereon alleges that the Individual Defendants and
21 Does 1 through 30 aided, incited, authorized, ratified or conspired in the said
22 discrimination, blacklisting, boycotting, and refusal to sell or contract with Mr. Arroz with
23 respect to his purchase of an attending membership.

24 60. Civil Code section 52.1(b) provides: “Any individual whose exercise or
25 enjoyment of rights secured by the Constitution or laws of the United States, or of rights
26 secured by the Constitution or laws of this state, has been interfered with, or attempted to
27 be interfered with, as described in subdivision (a), may institute and prosecute in his or her
28 own name and on his or her own behalf a civil action for damages, including, but not

1 limited to, damages under section 52, injunctive relief, and other appropriate equitable
2 relief to protect the peaceable exercise or enjoyment of the right or rights secured,
3 including appropriate equitable and declaratory relief to eliminate a pattern or practice of
4 conduct as described in subdivision (a).”

5 61. As a proximate result of Defendants', and each of their, conduct, Mr. Del
6 Arroz has been financially damaged with respect to lost sales he would have made at
7 WorldCon76 and as to lost book sales arising from the injury to his reputation as an author
8 as a result of the banning in an amount to be proven at trial. In addition, as a proximate
9 result of Defendants', and each of their, conduct, Mr. Del Arroz has suffered emotional
10 distress, including embarrassment, humiliation, anguish, stress and depression as a result of
11 Defendants' unlawful and unfair treatment.

12 62. Defendants' and each of their conduct was fraudulent, oppressive, and
13 malicious in that said Defendants were aware that they were threatening Mr. Del Arroz
14 with physical violence in order to prevent him from exercising his important civil rights
15 including the right of association and the right to use public property and the right to free
16 and equal treatment by business establishments. Mr. Del Arroz is therefore entitled to an
17 award of punitive damages according to proof.

18 63. Plaintiff is entitled to attorney's fees pursuant to Civil Code section 52.1(h).

19 **VI**

20 **FIFTH CAUSE OF ACTION**

21 **(Defamation against SFSFC and**

22 **Does 1 through 30)**

23 64. Plaintiff incorporates the allegations contained in paragraphs 1 through 63 of
24 this Complaint as if fully set forth herein, and incorporate those allegations verbatim herein
25 by this reference.

26 65. On or about January 2, 2018, SFSFC posted on its official social media the
27 following statement: “Worldcon 76 has chosen to reduce Jonathan Del Arroz's
28 membership from attending to supporting. He will not be allowed to attend the convention

1 in person. Mr. Del Arroz's supporting membership preserves his rights to participate in the
2 Hugo Awards nomination and voting process. He was informed of our decision via email.
3 We have taken this step because he has made it clear that he fully intends to break our code
4 of conduct. We take that seriously. Worldcon 76 strives to be an inclusive place in fandom,
5 as difficult as that can be, and racist and bullying behavior is not acceptable at our
6 Worldcon. This expulsion is one step toward eliminating such behavior and was not taken
7 lightly. The senior staff and board are in agreement about the decision and it is final."

8 66. This statement was also false in several ways. As noted previously, Mr. Del
9 Arroz never stated any intent to violate any code of conduct. Worldcon 76 never explained
10 to him that anything he planned on doing would constitute a violation of any code of
11 conduct. Mr. Del Arroz is unaware of any such code of conduct. Mr. Del Arroz is informed
12 and believes and thereon alleges that there is no such code of conduct and that his conduct
13 would not have violated such a code of conduct. Further, Mr. Del Arroz is not a racist. Mr.
14 Del Arroz has often made a point of condemning racism and proudly identifying his
15 Hispanic heritage. Likewise, Mr. Del Arroz is not a bully. The statement that Mr. Del
16 Arroz is a racist bully is false and SFSFC and its representatives knew it was false or made
17 the statement with a reckless disregard for the truth or falsity of the charge and with a
18 malicious intent to injure Mr. Del Arroz or his reputation. The statement was published by
19 SFSFC and its representatives in order to maliciously injure Mr. Del Arroz's reputation and
20 to retaliate against him based on his political affiliations.

21 67. After this statement was posted, SFSFC prevented anyone from posting any
22 more comments on the subject of the ban.

23 68. As a proximate result of Defendants', and each of their, conduct, Mr. Del
24 Arroz has been financially damaged with respect to lost sales he would have made at
25 WorldCon76 and as to lost book sales arising from the injury to his reputation as an author
26 as a result of the banning in an amount to be proven at trial. In addition, as a proximate
27 result of Defendants', and each of their, conduct, Mr. Del Arroz has suffered emotional
28

1 distress, including embarrassment, humiliation, anguish, stress and depression as a result of
2 Defendants' unlawful and unfair treatment.

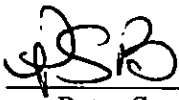
3 69. Defendants' and each of their conduct was fraudulent, oppressive, and
4 malicious in that said Defendants were aware that they were threatening Mr. Del Arroz
5 with physical violence in order to prevent him from exercising his important civil rights
6 including the right of association and the right to use public property and the right to free
7 and equal treatment by business establishments. Mr. Del Arroz is therefore entitled to an
8 award of punitive damages according to proof.

9 WHEREFORE, Plaintiff prays judgment as follows:

- 10 1. For compensatory damages according to proof;
- 11 2. For penalties pursuant to Civil Code sections 52 and 52.1 as pled;
- 12 3. For attorney's fees pursuant to Civil Code sections 52 and 52.1 as pled;
- 13 4. For presumed damages for defamation;
- 14 5. For punitive damages according to proof;
- 15 6. For costs of suit herein incurred; and
- 16 7. For such other and further relief as the Court deems proper.

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18
19 Dated: April 10, 2018

Law Office of Peter Sean Bradley

20
21 By 
22 Peter Sean Bradley

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