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**Electronically Filed
by Superior Court of CA,
County of Santa Clara,
on 2/19/2021 10:26 AM
Reviewed By: M. Sorum
Case #18CV334547
Envelope: 5873052**

6 Attorneys for Defendant
SAN FRANCISCO SCIENCE FICTION
7 CONVENTIONS, INC.

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SANTA CLARA

11 JONATHAN DEL ARROZ,
12
 Plaintiff,

Case No. 18-CV-334547

**DECLARATION OF KEVIN ROCHE IN
SUPPORT OF DEFENDANT SFSFC'S
MOTION FOR SUMMARY JUDGMENT**

13 v.

*[Filed Concurrently with Notice of Motion,
Memorandum of Points and Authorities,
Separate Statement of Undisputed Material
Facts, Request for Judicial Notice and
Declaration of Lindsey Pho, along with
accompanying exhibits]*

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

Assigned to: Honorable Socrates P.
Manoukian, Dept 20

Date: TBD
Time: TBD
Dept.: 20
Judge: Honorable Socrates P. Manoukian

22
23 Defendants.

Action Filed: April 16, 2018
Trial Date: June 14, 2021

24 I, Kevin Roche, declare and state as follows:

25 1. I am over 18 years of age and a resident of Santa Clara County, California. I have
26 been a member of the Board of Directors for Defendant San Francisco Science Fiction
27 Conventions, Inc. ("SFSFC") for many years. I was the Chair of the 2018 Worldcon Committee
28 in charge of hosting the 76th annual World Science Fiction Convention ("WorldCon 76").

1 Currently, I am the President of SFSFC.

2 2. I make this declaration in support of SFSFC’s Motion for Summary Judgment. I
3 have personal knowledge of the facts set forth herein, except as to those stated on information and
4 belief and, as to those, I am informed and believe them to be true. If called as a witness, I could
5 and would competently testify to the matters stated herein.

6 3. SFSFC is a California 501(c)(3) non-profit corporation which organizes science
7 fiction conventions and other functions to promote and develop science fiction and fantasy art and
8 literature.

9 4. Worldcon, i.e., the World Science Fiction Convention, is the annual conference of
10 the World Science Fiction Society. It is the foremost gathering of the world’s science fiction fans,
11 is held at a different location each year, with the local fan community bidding on and then
12 organizing the event. Worldcon is in some ways much like the World’s Fair, a weekend-long
13 international gathering of fans, artists, authors, and other creators who share an interest in science
14 fiction and fantasy (in any medium) and meet to socialize, discuss, exhibit and share their works
15 and interests. There are panels, lectures, demonstrations, dramatic productions, dances, an art
16 show and vendors area, a media program and some unique events like the on-stage costume
17 competition called the Masquerade. The first one was held in 1939 in New York City. The one
18 held in San Jose in 2018 was the 76th convention, thereby named WorldCon 76.

19 5. Worldcon is built on a participatory “membership” model rather than a passive
20 audience “ticket” model. “Membership” refers to activities related to the convention, not in
21 whatever legal entity is organizing the event. Worldcon has two classes of memberships:

22 a. Supporting members are entitled to participate (remotely, via mail or
23 online) in the selection of the recipients of the Hugo awards, and the site selection processes for
24 future Worldcon locations.

25 b. Attending members are entitled to come to the conference and participate in
26 the in-person activities.

27 6. As Chair of WorldCon 76, I was in charge of all aspects related to the hosting of
28 that convention in San Jose. My duties included, but were not limited to, overseeing the selection

1 of a venue, the maintenance of a website, selling memberships, scheduling programming, and
2 recruiting guests and volunteers.

3 7. I also supervised the creation and enforcement of the WorldCon 76 Code of
4 Conduct, which was posted publicly on the WorldCon 76 website on April 13, 2017.

5 8. Having been a long time member of the community, I was aware of the strife
6 within the science fiction community, specifically relating to the issue of diversity among authors,
7 artists, actors, and other creators as well as diversity among the characters in their works. There
8 has also been an increased demand by convention attendees that conventions protect them from
9 harassment and that they create inclusive spaces free from hate. These demands have affected all
10 aspects of hosting conventions, from the selection of guests, the drafting and enforcement of codes
11 of conduct, and even the presentation of the Hugo Awards. Preparing to host WorldCon 76
12 required that I stay informed of these issues. SFSFC wrote its Code of Conduct in 2016 with
13 certain goals in mind, focusing on the safety of its members, with zero tolerance for the sort of
14 trolling, harassment, and bullying it had witnessed online and at past conventions.

15 9. In 2017, Jonathan Del Arroz (“Plaintiff”) came to my attention when he responded
16 poorly to a request by another Bay Area science fiction convention, Baycon, that he take the year
17 off from participating as a panelist at that convention. This was a standard request sent to many
18 professionals and part of Baycon’s policy of promoting new authors and professionals in the
19 industry. Plaintiff responded to the request by harassing the volunteer that sent him the email.
20 This was all made public on social media, which is how I learned of the situation. Because of this
21 harassment, the 2018 Worldcon Committee began monitoring Plaintiff’s online behavior and
22 archiving his social media posts.

23 10. In monitoring Plaintiff’s online behavior, I became aware of numerous online
24 activities and postings by Plaintiff which came across as racist and bullying. A few examples of
25 such postings included the following:

26 a. Plaintiff encouraged his followers to commence an operation and, in his
27 words, “Troll The Shit Out of SJW Sci-Fi Authors On Twitter.” [Plaintiff’s Response No. 34,
28 admitting he authored the post in Exh. R to Defendant’s Request for Admissions, Set 2, No. 34]

1 To troll someone online, as defined by Merriam-Webster, is to harass or antagonize online by
2 deliberately posting inflammatory, irrelevant or offensive comments or other disruptive content.

3 b. Plaintiff calling another member of the science fiction community a
4 “Sperg,” which is a derogatory term to refer to someone with Asperger’s Syndrome. [Plaintiff’s
5 Response No. 36, admitting he authored the post in Exh. T to Defendant’s Request for
6 Admissions, Set 2, No. 36]

7 c. In a blog posting he authored, titled “How To Lose A Guy In Any One Of
8 10 Questions,” Plaintiff made statements deeming Black Lives Matter to be “a terrorist group,”
9 implying that people who have different gender and sexual orientation are “unhealthy,” supporting
10 the deportation of undocumented individuals, and calling for the “forceable conversion to
11 Christianity” of Muslim Americans and non-Muslim people from Islamic countries. [Plaintiff’s
12 Response No. 38, admitting he authored the blog in Exh. V to Defendant’s Request for
13 Admissions, Set 2, No. 38]

14 d. In another post, Plaintiff made derogatory comments about people he
15 considered to be on the “left” and stated that they “just slurp up their Half-Black Gay Transgender
16 Spider-Jizz from Disney and take it.” [Plaintiff’s Response No. 41, admitting he authored the post
17 in Exh. Y to Defendant’s Request for Admissions, Set 2, No. 41]

18 11. In addition to reviewing Plaintiff’s postings, I received many complaints from
19 people in the science fiction community, including many members who planned to attend
20 WorldCon 76, who had observed Plaintiff’s behavior and were afraid of confronting such
21 harassing and disruptive conduct at the convention.

22 12. Plaintiff’s modus operandi, as he himself admitted in a posting on Twitter, was to
23 post tweets of “exciting rhetoric that triggers” the other side. He believes and uses social media
24 for “attacking,” “defending” and “promotion” [sic]. To him, in his own words, “shitposting works
25 as marketing.” [Plaintiff’s Responses Nos. 16,17,18, admitting he authored the posts in Exh. D, E
26 and F to Defendant’s Request for Admissions, Set 2, No. 16, 17 and 18]

27 13. In my observation of Plaintiff’s online activities and communication, he frequently
28 and actively engages in inflammatory and offensive postings to provoke a response and create

1 controversy in order to increase his visibility and drive more traffic to his various online accounts.
2 When he is called out for such postings, he attempts to turn the table and to make himself out to be
3 the victim. Plaintiff markets himself as a “#1 Amazon Bestselling author,” “the leading Hispanic
4 voice in science fiction,” “winner of the 2018 CLFA Book Of The Year Award,” a “contributor to
5 The Federalist,” and “a popular journalist and cultural commentator.” The more controversial he
6 is, the more publicity he acquires and the more traffic he generates for his various online sites and
7 accounts, all of which translate into more money for his books and online businesses.

8 14. On December 20, 2017, Plaintiff posted publicly on Twitter of his intention to wear
9 a bodycam into our convention and into a con suite that was an area into which Plaintiff would not
10 be welcomed or allowed. [Plaintiff’s Response No. 39, admitting he authored the posts in Exh. W
11 to Defendant’s Request for Admissions, Set 2, No. 39] A bodycam is not the same as using one’s
12 iPhone to record one’s surrounding at the convention. Instead, based on my observations of
13 Plaintiff’s online activities, I interpreted Plaintiff’s expressed intention to mean that he was going
14 to go into the convention, as well as into a private suite, wearing a small hidden video recording
15 device to record people without their knowledge or consent. That is against California law and
16 against WorldCon 76’s Code of Conduct.

17 15. Four days later, on December 24, 2017, Plaintiff purchased an attending
18 membership and registered to attend WorldCon 76. [Plaintiff’s Deposition Transcript, 73:4-19]

19 16. After much deliberation, I made the decision to convert Plaintiff’s membership
20 from attending to supporting, so that he would not be allowed to attend the convention. In light of
21 Plaintiff’s expressed intentions and his past behavior, we feared that he would come to the
22 convention and would deliberately violate our Code of Conduct, which in turn would require us to
23 ask him to leave, thereby giving him what he wanted--an opportunity and platform to create more
24 controversy, to disrupt the convention and to generate more publicity for himself.

25 17. On January 2, 2018, the 2018 Worldcon Committee published a statement on its
26 social media websites explaining the decision to convert Plaintiff’s membership from an attending
27 membership into a supporting membership. That is the statement over which Plaintiff is now
28 suing SFSFC. Due to the ongoing controversy surrounding harassment in the science fiction

1 community and the significant concerns raised by Plaintiff's activities, the Committee deemed it
2 necessary to make a statement regarding its decision.


3 18. From August 16–20, 2018, WorldCon 76 took place at the San Jose Convention
4 Center. At final count, WorldCon 76 had a total of 7,812 members, including both attending and
5 supporting members.

6 19. Despite having been banned, Plaintiff came to the San Jose Convention Center on
7 August 16, 2018 (the first day of the Convention) and attempted to gain admittance. He was
8 unable to do so and was asked to leave the Convention Center. In line with his behavior, Plaintiff
9 recorded his entire encounter with WorldCon 76 volunteers and posted it on the Internet with
10 commentary, all with the purpose to create more controversy and generate more publicity for
11 himself.

12 20. In the lead-up to WorldCon 76, Plaintiff used our decision to ban him from
13 attending the convention to organize a protest to take place outside the Convention Center. I
14 learned of this protest via Plaintiff's social media and blog. Concerned about violence from the
15 protestors, the San Jose Police Department reached out to me and opted to have most convention
16 center entrances locked and guards posted during the protest, with additional officers staged to
17 respond quickly in the event of any such escalation. On August 18, 2018, the protest organized by
18 Plaintiff took place, but Plaintiff did not attend.

19 21. Contrary to Plaintiff's accusations, we did not ban him because of his political or
20 religious beliefs. There were other convention attendees who shared Plaintiff's political and
21 religious beliefs and who were not banned.

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct. Executed this 17th day of February, 2021, at San Jose, California.

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25
26 
27 KEVIN ROCHE
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