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11 [EXEMPT FROM FEES - GOV. CODE, § 6103]

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SANTA CRUZ

14 THE REGENTS OF THE UNIVERSITY OF
15 CALIFORNIA,

16 Plaintiff,

17 v.

18 CHRISTOPHER DAVID BENTEROU,
19 JENNIFER CHARLES, RYAN JOSHUA
20 COMINI, CRUZ ADAM MOLINA,
21 NICHOLAS MICHAEL VARANELLI,
22 ROBIN MICHAEL WOOLNER and DOES
23 1-50,

24 Defendants.

No.

W 158919

DECLARATION OF STEPHEN
THORSETT IN SUPPORT OF MOTION
FOR PRELIMINARY INJUNCTION

Date: January 11, 2008
Time: 8:30 a.m.
Dept.: TBA

25 I, Stephen Thorsett, declare:

26 1. I am the Dean of the Division of Physical and Biological Sciences at UCSC. I have
27 been serving in this role since March 2005, in an Acting title for the first fifteen months. Since
28 September, I have been the Chair of the Council of Deans, and in that role I represent all of the
divisional deans on the Chancellor's Cabinet and in the Emergency Operations Committee. I am also
Professor of Astronomy & Astrophysics at UCSC. I have been on the faculty here since 1999, and
before that was on the faculty of Princeton University in New Jersey. Except as qualified, I have

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BY DEBORAH ROJAS
DEPUTY, SANTA CRUZ COUNTY

1 personal knowledge of all of the matters stated herein, and, if called as a witness in this action, I could
2 and would competently testify to those matters.

3 2. As Dean, I am responsible for the management of space, facilities, and property for the
4 division, and I am charged with working cooperatively with other campus officials to see that
5 university and campus policies are carried out. I am also responsible for various functions related to
6 safety and security of personnel and students in my division.

7 3. Parking lot 121 is a small lot located near the center of "Science Hill," a cluster of
8 buildings where the science faculty and academic programs are housed. It is immediately adjacent to
9 the Physical Sciences Building, which houses the divisional business offices as well as the
10 departments of Chemistry and Biochemistry and of Environmental Toxicology. In addition to general
11 parking, it provides the primary accessible parking for that building, and special permit spaces for
12 such things as the Observatory director and the physics department van pool.

13 4. Because the site is adjacent to buildings for which I am responsible, I was informed
14 immediately after the activities commenced, and I have monitored the situation at the site regularly
15 both directly and through staff reports. I was responsible for the initial decision to lock down several
16 buildings on Science Hill following the arrests on the first day and the repeated pulling of fire alarms,
17 and I have been responsible for monitoring and adjusting the security schedules and for making
18 decisions about relocation of classes and other activities. I have also helped coordinate meetings and
19 messages to keep the staff who work on Science Hill informed about the activities and about safety
20 procedures.

21 5. As a member of the Emergency Operations Committee, I have also had an advisory
22 role in developing campus response strategies both directly and through my representative Assistant
23 Dean Maria Kerschen, who attends operational meetings.

24 6. After platforms were placed in the trees on November 7, 2007, I was involved in
25 discussions that led to the placement of barriers to protect those on the ground from the people and
26 materials in the trees, particularly given the unknown security of the emplacements. I was present at
27 the protests around noon at that day, which led to what I considered to be violent and poorly
28 controlled behavior targeted at police who were attempting to maintain the barriers. The fire alarms in

1 the Physical Sciences building went off twice, in what appeared to be false alarms, and we heard
2 reports that other alarms had been pulled on campus.

3 7. At that point, I ordered that the Physical Sciences Building, the Sinsheimer Lab
4 Building, and the Thimann Lab building be locked and closed to public access. The first two
5 buildings are adjacent to the site, while Thimann houses the campus animal facility which has been
6 the site of a previous sit-in protesting animal research.

7 8. I was, and remain, particularly concerned about Sinsheimer Labs and Thimann Labs
8 because of the focus of the literature and signs at the tree-sitting site that were opposing animal
9 research specifically, and biomedical research generally. We have received instructions from the
10 University of California Office of the President to be particularly aware of anti-animal-research
11 activity after the widely publicized recent violent activities in southern California.

12 9. Because the Physical Sciences Building opens directly onto the tree-sitting site,
13 security guards were hired to provide additional security and as a deterrence to vandalism. Classes
14 that used two large classrooms with emergency egress routes that empty to the interior of Physical
15 Sciences were relocated to other sites on campus, causing considerable confusion. New alarm
16 systems have been ordered and installed to allow use of those classrooms in future terms.

17 10. A few days after the initial actions on November 7, 2007, we re-opened Sinsheimer
18 Labs during business hours, and after Thanksgiving we opened one entrance of the Physical Sciences
19 Building, with a guard checking ID of staff and students entering the building. I have been told by
20 faculty and staff, including the Chair of Chemistry, that they are not comfortable eliminating the
21 security as long as activities continue in the parking lot. Because of its large windows, workers in the
22 lab spaces feel particularly exposed, and they have reported troubling behavior including public
23 urination against the building.

24 11. Staff have reported, to me and to my staff, feeling threatened by the presence of
25 masked people on Science Hill, including in the early days some dressed entirely in black "ninja"
26 costumes. I do not know whether these concerns have led to a decrease in evening and nighttime use
27 of the laboratories. There have also been several reports from staff about hostile encounters between
28 the group in the parking lot and individuals who do not share their political views.

1
2 12. The cost of additional security is significant. The animal facility in Thimann remains
3 locked down.

4 13. The building closures have interfered with easy access between students and their
5 faculty and teaching assistants, and have caused confusion and disruption as class meetings and office
6 hours have been moved to other locations. The "coffee cart" that normally sells food and beverages in
7 the Physical Sciences Building has been closed since the activities began, presumably at the cost of
8 considerable lost business.

9 14. The activities in the parking lot have also blocked all access to the handicapped parking
10 spots as well as other parking spots used by faculty and staff. Because other parking is some distance
11 away, this is a particular concern at night. Our surveys of the climate for women faculty have clearly
12 shown security to be a major concern, and proximity of close-in parking is important for helping
13 increase the sense of night-time security.

14 15. By reducing accessibility of the science buildings, the activities on the parking lot and
15 in the trees have interfered with classes and with informal interactions between faculty and students.
16 Particularly affected were undergraduate students working in laboratories in the Physical Sciences
17 Building until we were able to establish entry based on ID cards.

18 16. Just as troubling, the targeting of particular kinds of research (e.g., animal research,
19 research funded by corporations, and biomedical research) has caused special concern and fear
20 amongst our faculty and students, given memories of threats and harassment involved in past UC
21 animal protests, and of such violent protests as those surrounding the WTO a few years ago (which
22 also involved "ninja" costumes).

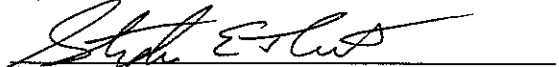
23 17. I have spent many hours, and my staff and faculty have also spent many hours,
24 developing strategies for response to these activities. We have been forced to assess and re-assess the
25 level of threat to both our personnel and our facilities, to respond to reports of public urination and
26 defecation at the tree-sitting site, and to communicate frequently with faculty, staff, and students who
27 are concerned about the situation. We have spent time in contingency planning, trying to anticipate
28 the reaction needed if someone gets hurt on the site (e.g., in a fall from a tree, or if a hostile encounter

1 escalates to assault). All of this time has a very significant direct cost to the University, and represents
2 time that we are not able to pursue the kinds of curricular and resource planning activities that are the
3 responsibility of the Dean.

4 18. Finally, the blocking of the parking lot is preventing us from providing the
5 handicapped and medical access to our buildings that is required by policy and law.

6
7 I declare under penalty of perjury under the laws of the State of California that the forgoing is
8 true and correct.

9 Executed on December 13, 2007 in Santa Cruz, California

10 
11 _____
12 Stephen Thorsett