

MARK S. WILLIAMS, Esq. No. 127357  
PARKER, COVERT & CHIDES  
17862 East Seventeenth Street  
Suite 204 (714) 573-0900  
Tustin, California 92680 David Kuzmich, et al.

TELEPHONE NO.

FOR COURT USE ONLY

FILED  
RIVERSIDE COUNTY

JUL 01 1996

ARTHUR A. SIMS, Clerk  
By *Anthony* CJ Hathaway Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE  
STREET ADDRESS: 4050 Main Street  
MAILING ADDRESS: Riverside, California 92501-3704  
CITY AND ZIP CODE:  
BRANCH NAME:

PLAINTIFF: DAVID KUZMICH, \*  
DEFENDANT: MEXICAN POLITICAL ASSOCIATION, \*\*

PETITION FOR INJUNCTION PROHIBITING HARASSMENT  
 Application for Temporary Restraining Order

CASE NUMBER  
283066

(This is NOT an order)

Read the Instructions for Lawsuits to Prohibit Harassment before completing this form.

- This suit is filed in this county because
  - defendant resides in this county.
  - defendant has caused physical or emotional injury to plaintiff in this county.
  - other (specify):
- This suit is not filed under the Domestic Violence Prevention Act, Family Law Act, or Uniform Parentage Act because
  - defendant and plaintiff are not married or formerly married or related by blood, marriage, or adoption, are not living together, have not lived together, have never had a dating or engagement relationship, and have no minor child in common who is the subject of an action under the Uniform Parentage Act.
  - defendant's course of conduct has not included acts of violence that resulted in physical injury to plaintiff or placed plaintiff in reasonable fear of imminent serious physical injury.
  - other (specify):
- This suit is not brought under laws against unfair debt collection practices because
  - defendant does not claim plaintiff owes a debt.
  - defendant is not a debt collector.
  - other (specify):
- Defendant (name): Mexican Political Association, et al. has committed a series of acts that seriously alarm, annoy, or harass plaintiff. (Describe in detail the most recent incidents of harassment. State what happened, the dates, and who did what to whom. Describe any injuries, including emotional distress):

Please see the attached declarations in support of this petition including the declarations of David Kuzmich, Carl Axup, K.T. Bowers and Ellen Schwartz.

\*DAVID KUZMICH, CARL AXUP, K.T. BOWERS and ELLEN SCHWARTZ, PAMELA WILSON AND CAROLE CASTLE

\*\*MEXICAN POLITICAL ASSOCIATION, RAUL WILSON, MARY PARTIDA, LOUISE PALOMAREZ, MARIA MELINDEZ, JO ANN MARTINEZ, VICTORIA BACA and DOES 1 through 15, inclusi  
DEFENDANTS

(If more space is needed, attach additional pages and check this box.)

(Continued on reverse)

Page one of three

PLAINTIFF (Name): DAVID KUZMICH, et al.	CASE NUMBER
DEFENDANT (Name): MEXICAN POLITICAL ASSOCIATION, et al.	

(This is NOT an order)

- 5. Plaintiff has actually suffered substantial emotional distress as a direct result of defendant's conduct described in item 4, and defendant's conduct would have caused a reasonable person to suffer substantial emotional distress.
- 6. Defendant's continuing course of conduct has been directed specifically against plaintiff and is knowing, willful, not constitutionally protected, and without legitimate purpose.

PLAINTIFF REQUESTS THE COURT TO MAKE THE ORDERS INDICATED BY THE CHECK MARKS IN THE BOXES BELOW.

7.  RESTRAINING ORDERS  To be ordered now and effective until the hearing

Defendant, who resides at (state address if known):

and works at (state address if known):

must not alarm, annoy, or harass plaintiff (name):

and the following family and household members (names):

and specifically must

- a.  not threaten, strike, or make physical contact with plaintiff  
 and the following family and household members (names):
- b.  not keep plaintiff under surveillance  
 and the following family and household members (names):
- c.  not follow plaintiff  
 and the following family and household members (names):
- d.  not telephone plaintiff  
 and the following family and household members (names):
- e.  not block plaintiff's movements in public places or thoroughfares  
 and the following family and household members (names):
- f.  other (specify):

Defendants shall not use voice amplification equipment within 500 feet of Vista Heights School, 23049 Old Lake Drive, Moreno Valley.

8.  STAY-AWAY ORDERS  To be ordered now and effective until the hearing

Defendant must stay at least (specify): 750 yards away from the following persons and places (the addresses of the places are optional and you do not have to reveal them):

- a. Plaintiff  
 and the following family and household members (names):
- b.  Plaintiff's residence (address optional):
- c.  Plaintiff's place of work (address optional): Vista Heights School, 23049 Old Lake Drive, Moreno Valley
- d.  Plaintiff's children's school or place of child care (address optional):
- e.  Other (specify):  
(address optional):

(Continued on next page)

02

DECLARATION OF CARL AXUP

I, Carl Axup, declare as follows:

1. I am a tenured teacher employed by the Moreno Valley Unified School District. I have taught physical education at Vista Heights Middle School for 9 years. I have personal knowledge of the matters set forth below and could competently testify thereto.

2. On April 29, 1996, I was in the school parking lot near the gymnasium, leaving work in my truck. My windows were rolled down. I heard someone yell something at me. It was Ms. Palomarez. She called me a "pervert." I was upset by this unprovoked slander. I was too shocked to say anything in response. Also, she said, "I called you a pervert; don't you want to come over here and do something about it?"

3. On April 30, 1996, the same thing happened. I was leaving for home in my truck and was in the parking lot near the gymnasium, when Ms. Palomarez yelled at me again, calling me a "pervert." Again, I was upset by Ms. Palomarez' comments and threats. I felt very annoyed and alarmed at her comments. I was very upset and suffered substantial emotional distress. My family and I were disturbed and I have had difficulty focusing on any work.

4. Her daughter, Darlene Palomarez, thereafter would call me a "pervert," often in the presence of other individuals, including a police officer and District staff. On or about June 10, 1996, I saw Darlene after lunch. I was on campus, walking back to the gymnasium and was near the lunch area. Darlene was with a friend and walking through campus. When she saw me, she called me a "pervert." This incident was witnessed by Dr. Kuzmich, the

1 Principal of the school. Her comments again left me annoyed and  
2 upset. I felt renewed and substantial emotional distress. As I am  
3 a teacher of children, calling me a "pervert" is one of the most  
4 damaging things she could say.

5 5. On May 9 and 10, 1996, I heard the demonstrators chant that  
6 I was a "pervert;" so, I walked out and found Ms. Palomarez leading  
7 and teaching the chant. I also saw the picketers carry a sign that  
8 read, "Axup is a pervert". I found their chants and signs to be  
9 extremely upsetting. These actions by the defendants alarmed and  
10 harassed me and seriously affected my ability to perform my job  
11 functions properly.

12 6. On May 13, 1996, I was in the school administration  
13 building, conferring with a student volunteer on the school's policy  
14 of readmission for those students who had participated in the  
15 demonstration. My conversation was interrupted by Ms. Martinez and  
16 Ms. Partida. Ms. Martinez screamed the following at me: "You just  
17 want to punish our children for protesting last week." They then  
18 began to videotape my actions inside our school office up as close  
19 as 2 feet.


20 7. I also saw and heard Martinez and Partida berate Jo Ann  
21 Fine, the Attendance Clerk for the office, on that same date. Ms.  
22 Martinez made the following statement to students that were waiting  
23 to be readmitted to class and were standing in the attendance line:  
24 "Don't cooperate with her, don't be polite with her." The  
25 activities of Ms. Martinez and Ms. Partida disrupted the activities  
26 of the office.

27 8. I was the specific target of slanderous statements by the  
28 defendants on May 24, 1996. The defendants again carried signs and

1 chanted words to the effect that I am a "pervert." This time their  
2 words were amplified by a bull horn. Their defamatory attacks  
3 harassed and hurt me. I am now fearful of the damage their behavior  
4 has had on my professional reputation and my relationships with  
5 students and staff at Vista Heights.

6 9. The activities and conduct of the defendants have affected  
7 my ability to perform my work without stress and fear. Students now  
8 ask me whether I am a "pervert," and some have now publicly declared  
9 to me and others, "Oh you're the pervert, right?"

10 I declare under penalty of perjury under the laws of the state  
11 of California that the foregoing is true and correct. Executed this  
12 \_\_19th day of June 1996, at Moreno Valley, California.

13  
14   
15 Carl Axup  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

17862 EAST 9<sup>TH</sup> STREET  
SUITE 207 ST DUBLING  
TUSTIN, CALIF. 92680-2164  
TELEPHONE (714) 373-0900

DECLARATION OF JEANNE BAKER

I, Jeanne Baker, declare as follows:

1. I am a tenured teacher employed by the Moreno Valley Unified School District. I have taught social science at Vista Heights Middle School for six years. I have personal knowledge of the matters set forth below and could competently testify thereto.

2. I witnessed the demonstration by members of the Mexican Political Association on May 9, 19 and 24. On more than one occasion, I heard them encourage students to leave their classrooms and join the demonstrations. Their signs had slogans that personally attacked individual teachers. Their behavior so upset me I couldn't be myself in front of my students, who were also upset and needed reassurance badly.

3. My classroom is located in the "C" pod which was approximately 300 feet from the demonstrators. I could clearly hear their yelling and their bull horn. May 24 was especially loud. I had to close the classroom windows to help block the noise.

4. The noise from the demonstration had a clear impact on my students' ability to learn. Their reactions varied. Some were scared, while others had difficulty concentrating on the lesson plan. Both students and staff were fatigued and tense.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 19 day of June 1996 in Moreno Valley, California.

Jeanne H Baker  
Jeanne Baker

DECLARATION OF R. McNEAL BLAIR

I, R. McNeal Blair, declare as follows:

1. I am a tenured teacher employed by the Moreno Valley Unified School District. I have taught for 23 years, six of those at Vista Heights Middle School, where I teach math and science to six graders. I have personal knowledge of the matters set forth below and could competently testify thereto.

2. The Mexican Political Association ("MPA") and its supporters picketed Vista Heights on May 9, 10 and 24, 1996. On all three days the defendants gathered on the sidewalks in front of the Administration Building at the school. I was asked by the school principal, Dr. David Kuzmich, to videotape the defendants. A copy of the videotape I recorded will be lodged with the court prior to the hearing on the injunction.

3. As the videotape will show, I heard the defendants attack teacher Carl Axup by name. The defendants said Axup is a "pervert" and further said, "We know what you have done". Through a bull horn they yelled the following concerning Mr. Axup: "Daisy Duke worn by Axup."

4. On May 9 and 10 of the demonstrations, I heard the defendants, Louise Palomarez among them, asking students to join the demonstration.

5. I witnessed a number of students in fact join the defendants.

//

//

//

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

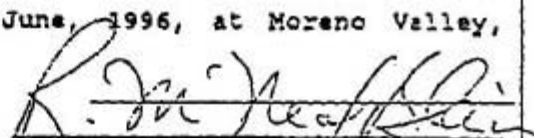
6. On May 10, 1996, I heard the following statements, "Axup is a pervert," "Why don't you take us to court," "We know what you have done," and "You are leering at girls". The defendants yelled these statements at least a couple of times. I also heard them say "Castle called my daughter a bitch."

7. The defendants also said on May 10, that a number of teachers must "go," including Ms. Schwartz, Mr. Axup, Ms. Castle, Ms. Wilson, Ms. Cindy Taylor (a seventh grade teacher) and Cheryl Fasich.

8. On May 10, 1996, I also saw them hold signs that read that Ms. Castle, Ms. Wilson and Mr. Kuzmich are "child abusers." The defendants also yelled out that Ms. Taylor (another teacher), Ms. Castle, Ms. Wilson and Mr. Kuzmich are "child abusers".

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 19th day of June, 1996, at Moreno Valley, California.

  
R. McNeal

DECLARATION OF K. T. BOWERS

I, K. T. Bowers, declare as follows:

1. I am a tenured teacher employed by the Moreno Valley Unified School District and teach Social Studies at Vista Heights Middle School, where I have taught for six years. I have personal knowledge of the matters set forth below and could competently testify thereto.

2. One of my students during the Spring Semester was Darlene Palomarez. Darlene was a discipline problem throughout the semester, defying my instructions to remain in her seat, to cease talking, to do her work, and bring her assigned textbook to class. In response to a number of discipline problems by Darlene, the District held a parent/advocate meeting on March 27, 1996. Attending this meeting were Principal Kuzmich, myself, Ms. Palomarez, Mary Avila, the sister of Ms. Palomarez, Sue Fithian, Glenn Martin, Jim Lyle, an advocate for Ms. Palomarez, Mr. Raul Wilson, and Victoria Baca. At this meeting Darlene's mother, Louise Palomarez began harassing me.

3. At this meeting Ms. Palomarez said, in the presence of several witnesses that she was going to "get" me. She said this in a threatening manner and moved towards me as she said it. Later in that same meeting, Ms. Palomarez' sister, Mary Avila, also threatened to "get" me. This was also said in a serious, threatening manner, and leaves me very concerned for my personal safety. I filed a police report with the Moreno Valley Police Department.

4. On May 9, 1996, the defendants had gathered in front of

1 the school and began to yell my name. They had a sign that accused  
2 me of being a child abuser. They called me "child abuser," and  
3 that I verbally abused my students and they further said, "Bowers  
4 must go."

5 5. On May 10, 1996, the defendants gathered again on the  
6 sidewalk in front of the administration building. I saw the  
7 following individuals in a group with a sign that accused me of  
8 being a child abuser: Ms. Partida, Ms. Martinez, Ms. Palomarez and  
9 Ms. Holmes.

10 6. As a teacher, those slanderous remarks deeply hurt me. I  
11 felt scared, annoyed, harassed and targeted. I often had to  
12 struggle to contain my emotions in front of my students.

13 7. On May 24, 1996, the defendants returned to Vista Heights  
14 School and began to harass me again. When Ms. Palomarez saw me in  
15 front of my classroom, she began to harass me by yelling at me  
16 through a bull horn. She was on school property on the grass, and  
17 she chanted "Bowers, Bowers" and said "all of you kids" (referring  
18 to my students) "are getting a crybaby and she can't teach." I let  
19 my students in the classroom and tried to teach. This was  
20 impossible, even with the door and windows closed, because Ms.  
21 Palomarez repeatedly continued to yell at me by name. My classroom  
22 is the closest to the parking lot and the protest. Ms. Palomarez  
23 further harassed me by standing outside of my classroom and taking  
24 notes of my activities on May 9, 10 and 24. When she sees me on  
25 campus she has called me on numerous occasions, "White bitch,"  
26 "Little white bitch," and "crybaby." She has called me a "bitch" at  
27 a school board meeting.

28 8. I called the administration office to complain. Dr.

1 Kuzmich came to investigate and then became the object of Ms.  
2 Palomarez' attention who screamed through the bull horn, "Kuzmich  
3 has to hold Bower's hand."

4 9. I also had difficulty conducting my third period class  
5 because of the noise. I was attempting to teach a lesson plan  
6 called the African Puzzle Project, but could not, because of the  
7 noise of the defendants. I heard my name used by the defendants  
8 over and over again. They used such phrases as "Bowers must go;  
9 Down with Bowers." Again, I had to seek the intervention of the  
10 school principal.

11 I declare under penalty of perjury under the laws of the state  
12 of California that the foregoing is true and correct. Executed this  
13 27 day of June 1996, in Moreno Valley, California.

14  
15   
16 K.T. Bowers  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DECLARATION OF CAROLE CASTLE

I Carole Castle, declare as follows:

1. I am an employee of the Moreno Valley Unified School District. I have been an educator for 28 years. I have worked for the District for nine years, and have served as the assistant principal at Vista Heights Middle School for three years. I have personal knowledge of the matters set forth below and could competently testify thereto.

2. As part of my responsibilities as an assistant principal, I am involved in the disciplining of students who have violated school rules. I also coordinate school programs for students who are also having academic difficulties.

3. The daughter of respondent Louise Palomarez, Darlene, was having serious academic and behavioral difficulties. During the 1994-1995 school year we convened an SST (Student Study Team) <sup>to team</sup> Revan possible interventions, special programming for Darlene. Because of this conference and because of my continuing involvement in Darlene's discipline problems, I had frequent contacts with Louise Palomarez. Our interaction began to deteriorate as the months went by.

4. During the Spring Semester of 1996, Louise Palomarez came into the administration building. I was inviting a parent into my office for a conference when Ms. Palomarez loudly interrupted our conversation. She said the following to the parent: "Don't talk to her, don't sign anything. What are they doing to you?" Also, Raul Wilson would approach Hispanic parents with the same statements.

5. Ms. Palomarez' unwelcome interruption completely disrupted the conversation we were having. It made the parent suspicious and

1 uncommunicative. Ms. Palomarez also interrupted my conversations  
2 with other parents this semester.

3 6. In early May of 1996, Ms. Maria Melindez came in the lobby  
4 of the administration building. She was waiting to see Dr. Kuzmich  
5 about a fight her daughter had been involved in. Ms. Melindez  
6 approached a female student who was involved in a fight with her  
7 daughter. She said the following to the student: "You niggers need  
8 to go back to Africa."

9 7. Ms. Melindez then saw me and called out, in front of staff  
10 and students, the following: "All of this is that nigger Castle's  
11 fault."

12 8. After she called me a "nigger," Ms. Melindez went into Dr.  
13 Kuzmich's office. Present in the office were Mr. Wilson, Ms. Baca,  
14 Ms. Baca's daughter, Mr. Lopez, our school counselor, Dr. Kuzmich,  
15 Ms. Pam Wilson, myself and Ms. Melindez. When she saw that I was  
16 going to attend, she became agitated. She began screaming, "Get her  
17 out of here." She further demanded that I be removed from the  
18 office. She appeared hysterical, and had to be physically  
19 restrained by someone in the room. Dr. Kuzmich placed himself  
20 between me and Ms. Melindez.

21 9. The statements and conduct of Ms. Melindez has harassed  
22 and alarmed me. I am afraid that she will continue to verbally  
23 assault me and may even physically attack me.

24 10. On May 9, the Mexican Political Association and its  
25 supporters ("MPA") were gathered in front of the administration  
26 building where I worked. There appeared to be approximately 100  
27 individuals, most of them students. Approximately 10 were adults,  
28 and included at various times, all of the defendants.

1 11. On both May 9 and May 10, I heard them yell, again and  
2 again, the following phrases: "Blondie must go," ("Blondie" is a  
3 derisive nickname given to me by some of the defendants), "Castle is  
4 a hassle" and "Castle must go." I witnessed Ms. Palomarez leading  
5 the protestors into a repetitious chant of these statements.

6 12. On May 10, 1996, the defendants held up an enormous  
7 banner. It was approximately 25 feet in length. Emblazoned on the  
8 banner was the following: "Castle called me a bitch." This  
9 statement is a falsehood.

10 13. The conduct of the defendants has annoyed, harassed and  
11 alarmed me. I have had to work under emotional duress as a result  
12 of their actions. I have recurring headaches when I come to school.  
13 I am humiliated and angered to be called "blondie" and "nigger" in  
14 front of my colleagues and students. I have difficulty in focusing  
15 on my work tasks. In my 28 years of being an educator, this is the  
16 worst stress I have ever felt.

17 I declare under penalty of perjury under the laws of the State  
18 of California that the foregoing is true and correct. Executed this  
19 6/27<sup>th</sup> day of June 1996, in Moreno Valley, California.

20  
21   
22 Carole Castle

DECLARATION OF JO ANN M. FINE

1  
2  
3 I, Jo Ann M. Fine, declare as follows:

4 1. I am an employee of the Moreno Valley Unified School  
5 District. I work at the Vista Heights Middle School, where I serve  
6 as an attendance clerk. I have personal knowledge of the matters  
7 set forth below and could competently testify thereto.

8 2. As part of my job responsibilities as attendance clerk, I  
9 review the notes of absent students and then issue an admit note for  
10 their readmission to class. For each readmission, I make a notation  
11 as to whether the absence is excused or not excused.

12 3. On Monday May 13 and Tuesday, May 14, 1996, Mary Partida  
13 and Jo Ann Martinez came into my work area in the administration  
14 building and disrupted my work. At the time that they came in,  
15 there was a line of students seeking readmission into class. Some  
16 of these students had been absent because they had joined the  
17 protestors in front of the campus. Ms. Partida and Ms. Martinez  
18 said they were there to ensure that none of the students present  
19 were marked truant for participating in the protest demonstration on  
20 May 9 and 10. They spoke to me in a loud and challenging voice and  
21 their comments had a marked impact on the students present, many of  
22 whom became challenging and confrontational.

23 4. At no time during their confrontation with me on May 13,  
24 did either Ms. Martinez or Ms. Partida mention they were present in  
25 the office because their children were involved. I believe they  
26 were present solely to disrupt my work and the operations of the  
27 school. I also believed they recorded my conversation without my  
28 permission.



DECLARATION OF DAVID KUZMICH

1  
2  
3 I, David Kuzmich, declare as follows:

4 1. I am an employee of the Moreno Valley Unified School  
5 District. I have been an educator for 28 years and have worked with  
6 the District for seven years. I have been Principal of Vista  
7 Heights Middle School for two years. I have personal knowledge of  
8 the matters set forth below and could competently testify thereto.

9 2. On May 8, 1996, protest flyers were distributed at Vista  
10 Heights Middle School, informing students that there would be a  
11 protest the next day by the Mexican Political Association ("MPA").

12 3. On May 9, 1996, the MPA arrived at approximately 7:00 a.m.  
13 They pulled up in three to four cars directly in front of the school  
14 administration building and began unloading placards from their  
15 cars. Mr. Wilson and Ms. Baca coordinated the demonstrators. The  
16 school bells rang and most of the students proceeded to class.  
17 Approximately 100 students teenagers remained to walk in the picket  
18 line. Some of the students were from Vista Heights Middle School,  
19 but others were not.

20 4. The MPA carried signs that attacked individual staff  
21 members. I remember some of the signs read: "Ms. Fasich verbally  
22 abuses students" and "Axup look at the dude with the Daisy Duke  
23 Shorts." Another sign read "Axup is a pervert." Other signs rea  
24 "Andersen physically manhandles students." I heard Maria Melinde  
25 say, "Castle, get out and stay out." These charges against Mr. Ax  
26 are completely baseless. No written or oral complaint has ever be  
27 previously entered against Mr. Axup on this subject.

28 5. I witnessed Darlene Palomarez call Mr. Axup a "perver

FAHREN, LARRY S.  
17862 EAST F. FIFTEENTH STREET  
SUITE 204 .ST DULING  
TUSTIN, CALIFORNIA 92680-2184  
TELEPHONE (714) 573-0900

1 This occurred on or about June 10, 1996. Darlene made the comment  
2 after lunch while she was walking back to class. I had a meeting  
3 with Darlene and her mother the next day. Darlene freely admitted  
4 to making the "pervert" statement about Mr. Axup. I had previously  
5 prohibited Ms. Palomarez from coming onto campus for a period of 30  
6 days on April 3, 1996 for threatening K. T. Bowers. A copy of this  
7 letter is attached hereto as Exhibit "A"

8 6. I also remember the MPA calling individual teachers and  
9 staff members "child abusers." These remarks were directed at  
10 Carole Castle, Pamela Wilson, Gene Zook, Carl Axup, K.T. Bowers and  
11 me. The protestors yelled these slanders at these people when they  
12 were seen by the protestors. Every time I walked past them they  
13 called me a "child abuser." This behavior annoyed and harassed me.  
14 Their abuse caused me substantial emotional distress. It was  
15 difficult for me to focus on my work.

16 7. Ms. Carole Castle is an Assistant Principal at Vista  
17 Heights Middle School. Every time she publicly appeared in the  
18 performance of her duties on May 9 and 10, the MPA began chanting  
19 and taunting her. They said such things as: "Castle called me a  
20 bitch," and "Castle must go". In order to maintain order I finally  
21 directed Ms. Castle to stay inside.

22 8. It is part of my job responsibility to supervise the  
23 office staff. On May 9, the staff was anxious and upset from the  
24 disruptions of the picketers. It was difficult for them to focus on  
25 their tasks.

26 9. Student attendance was down on May 9 and on the following  
27 days when there were demonstrations. It is my understanding that  
28 many parents kept their children home to avoid the disruptions