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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JEWS FOR JESUS, INC., a California  
non-profit corporation, MR. ROBERT  
WERTHEIM, as an individual and as an  
employee of JEWS FOR JESUS, INC.,

Plaintiffs,

vs.

CITY COLLEGE OF SAN FRANCISCO,  
AND CHARLTON FOTCH, as an  
individual,

Defendants.

**Case No.: CV-08-3876 MHP**

~~[PROPOSED]~~ **JUDGMENT**

1 On August 18, 2008, Plaintiffs Jews for Jesus, Inc. and Robert Wertheim filed a  
2 Complaint in the above captioned matter against Defendants San Francisco Community  
3 College District (sued erroneously herein as "City College of San Francisco") and  
4 Charlton Fotch. Plaintiffs brought claims against the Defendants arising out of the  
5 alleged violation of Plaintiffs' free speech, free exercise and due process rights under  
6 the United States and California Constitutions based on Defendants' free speech  
7 policies and the arrest of Plaintiff Robert Wertheim on April 3, 2008.

8 Defendants denied, and continue to deny, all Plaintiffs' allegations and filed their  
9 Answer on September 3, 2008.

10 On March 27, 2009, Defendant made an Offer of Judgment to Plaintiffs pursuant  
11 to Federal Rule of Civil Procedure ("FRCP") 68. Plaintiffs accepted the Offer of  
12 Judgment and the parties filed a Notice of Acceptance on April 1, 2009.

13 Therefore, pursuant to FRCP 68, an offer of judgment having been made and  
14 accepted, judgment is now hereby entered in the above captioned case according to the  
15 terms of the Offer of Judgment as set forth below:  
16

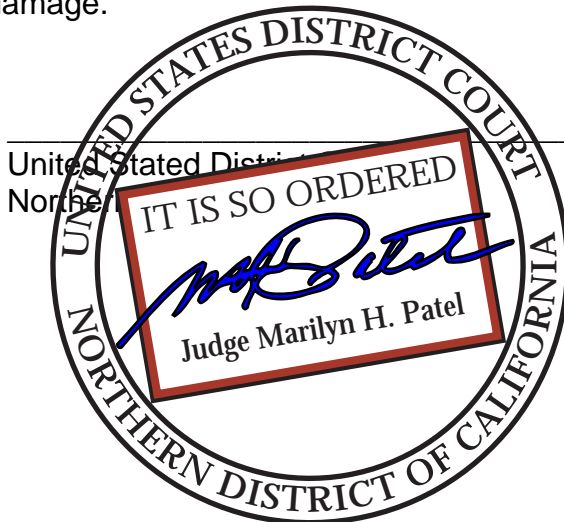
- 17 (1) In the amount of \$5,000.00 against Defendant SAN FRANCISCO  
18 COMMUNITY COLLEGE DISTRICT in favor of Plaintiff ROBERT  
19 WERTHEIM;
- 20 (2) In the amount of \$40,000.00 against Defendant CHARLTON FOTCH, in his  
21 individual capacity, in favor of Plaintiff ROBERT WERTHEIM;
- 22 (3) In the amount of \$5,000.00 against Defendant SAN FRANCISCO  
23 COMMUNITY COLLEGE DISTRICT in favor of Plaintiff JEWS FOR JESUS,  
24 INC.;
- 25 (4) In the amount of \$10,000.00 against Defendant CHARLTON FOTCH, in his  
26 individual capacity, in favor of Plaintiff JEWS FOR JESUS, INC.;
- 27 (5) Plus reasonable attorneys' fees and costs incurred by Plaintiffs ROBERT  
28 WERTHEIM and JEWS FOR JESUS, INC. prior to March 27, 2009 in an  
amount to be set by the Court pursuant to Federal Rule of Civil Procedure,  
Rule 54.
- (6) In addition, Defendant SAN FRANCISCO COMMUNITY COLLEGE  
DISTRICT shall enact the modified Regulations regarding Solicitation and  
the Posting and Distribution Guidelines, attached hereto as Exhibit A, and  
are enjoined from re-enacting the preexisting Regulations regarding

Solicitation and the Posting and Distribution Guidelines, attached hereto as Exhibit B.

This Judgment resolves and satisfies any and all of Plaintiff ROBERT WERTHEIM's and Plaintiff JEWS FOR JESUS, INC.'s claims arising out of the alleged denial of Plaintiff ROBERT WERTHEIM's and Plaintiff JEWS FOR JESUS, INC.'s constitutional rights and Plaintiff ROBERT WERTHEIM's alleged false arrest. This Judgment satisfies all damages, nominal, compensatory or otherwise, arising out of the alleged denial of Plaintiff ROBERT WERTHEIM's and Plaintiff JEWS FOR JESUS, INC.'s constitutional rights and Plaintiff ROBERT WERTHEIM's alleged false arrest.

This Judgment is entered pursuant to FRCP Rule 68, and is not to be construed either as an admission that Defendant SAN FRANCISCO COMMUNITY COLLEGE DISTRICT and/or any of its Trustees, officers, employees and agents, including CHARLTON FOTCH, are liable for the alleged denial of Plaintiff ROBERT WERTHEIM's and Plaintiff JEWS FOR JESUS, INC.'s constitutional rights and Plaintiff ROBERT WERTHEIM's alleged false arrest or that Plaintiff ROBERT WERTHEIM or Plaintiff JEWS FOR JESUS, INC. suffered any damage.

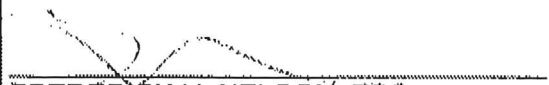
Dated: April 15, 2009



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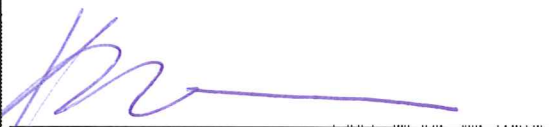
**AMERICAN LIBERTIES INSTITUTE**



FREDERICK H. NELSON, ESQ.  
Attorneys for Plaintiffs  
JEWS FOR JESUS, INC. and  
ROBERT WERTHEIM

APPROVED AS TO FORM:

**STUBBS & LEONE**



LOUIS A. LEONE, ESQ.  
KATHLEEN DARMAGNAC, ESQ.  
Attorneys for Defendants  
SAN FRANCISCO COMMUNITY COLLEGE  
DISTRICT and CHARLTON FOTCH

# **EXHIBIT A**

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## Regulations Governing Solicitation at City College of San Francisco-Ocean Campus

Members of the public are welcome to speak and/or distribute written materials within the designated areas of each campus subject to the time, place, and manner regulations and posting/distribution guidelines.

The following regulations are established to govern solicitation by off-campus organizations and individuals to table, display materials, petition, engage in public address, distribute literature and/or post flyers on CCSF's Ocean Avenue campus.

1. Before setting up a table or display, engaging in public address, distributing literature, seeking signatures on a petition and/or posting flyers, all solicitors shall report to the Office of Student Activities to sign in to notify the Associate Dean of Student Activities of the solicitor's presence on campus, and to acknowledge receipt of these regulations. This notice does not involve any application or approval process, and therefore, the ability to use the designated area cannot be denied. This notice is only intended to provide CCSF with knowledge of the solicitor's presence on campus so that CCSF can notify the appropriate members of its staff whose services might be needed or impacted by the use of the designated area.
2. The designated areas for solicitors to table, set up displays, seek signatures on a petition and/or engage in public address at Ocean Campus are RAM PLAZA located between Smith Hall and the Student Union, the CLOUD SCIENCE MALL located between Cloud Hall and Science Hall, and the WELLNESS CENTER AMPHITHEATRE located outside of the Community Health and Wellness Center and the Student Union. The solicitor must REMAIN in these specified areas only.
3. Tables and display materials may be set up only in the above designated areas on Ocean Campus. Solicitors must provide their own signage, tables, chairs, and materials. Free gifts (other than food and drink) may be distributed. Literature/newspapers and/or other items cannot be sold, nor can donations be solicited from any student, faculty, or classified staff in the designated areas or anywhere on the Ocean Campus.
4. The use of sound amplification is only allowed in RAM PLAZA and the WELLNESS CENTER AMPHITHEATRE. Solicitors shall not use any means of amplification that creates a noise or diversion that disturbs the orderly conduct of the College, campus, or classes taking place at that time. No sound amplification of any kind is allowed in the CLOUD SCIENCE MALL.
5. Solicitors who wish to distribute literature only (i.e. who do not also want to set up a table or display, petition and/or engage in public address) may do so in the above designated areas as well as on the sidewalks and pathways along Cloud Circle, leading to Cloud Hall, Science Hall, and Batmale Hall from Cloud Circle,

leading to Science Hall from Phelan Avenue, leading from Parking Lot H between Smith Hall and Conlan Hall to Cloud Circle and leading from Judson Avenue in front of the Diego Rivera Theatre, between the Visual Arts and Creative Arts Buildings to Cloud Circle. Solicitors may not distribute literature in any other areas, including parking lots, the sports facilities, any construction zones and the areas surrounding the Student Health Center, the Arts Extension Building and/or the Orfalea Family Center.

6. Solicitors MAY NOT walk up to pedestrians and force them to take literature, follow pedestrians to classes or elsewhere on campus, or obstruct the flow of traffic of pedestrians walking to and from buildings. No solicitor shall touch, strike, or impede the progress of pedestrians, except for incidental or accidental contact, or contact initiated by a pedestrian.
7. Any solicitor who is distributing literature must retrieve and remove or properly discard any literature that is discarded or dropped in or around the area in which the solicitor is distributing literature prior to leaving that area.
8. Solicitors should refer to the Posting Guidelines before hanging materials. Such Posting Guidelines are available at the Student Activities Office.
9. Solicitors are expected to conduct themselves in a respectful manner toward all students and college personnel and to follow a code of conduct which prohibits the following:
  - a. Abuse or any threat of force or violence directed toward any member of the College or to an authorized College visitor while on College property
  - b. Willful misconduct that results in the injury or death to a student or College personnel or injury to property belonging to a member of the College or to an authorized College visitor while on the property.
  - c. Unauthorized entry to or use of College facilities, supplies, or equipment
  - d. Obstruction or disruption of classes, administration, or authorized College activities
  - e. Violation of College rules and regulations including those concerning the use of college facilities, or the time, place, and manner of public expression or distribution of materials
  - f. Disorderly conduct that interferes with the College's primary educational responsibility
  - g. Failure to comply with these regulations and the directions of College officials, staff, or campus police to enforce these regulations.

These regulations are specific to Ocean Campus, but apply to all campuses of CCSF. For campuses other than Ocean, solicitors must contact the applicable dean at the respective campus.

Consequences of failure to comply with the above regulations include:

1. Written warning; if after a warning, failure to follow regulations continues, the solicitor will not be allowed access to CCSF for a period of four (4) school months or the rest of the semester, whichever is longer.
2. If failure to follow any of the above continues after the four month or semester suspension, access to CCSF will be denied.

## **Posting and Distribution Guidelines**

City College of San Francisco, pursuant to applicable law, provides for the posting and distribution of literature on campus by off-campus organizations and/or individuals. The following guidelines have been established to facilitate effective and organized dissemination of information on the Ocean Campus.

### **Posting:**

1. Items for posting may be no larger than 11"x17", and the use of recyclable materials is recommended.
2. Each item must clearly state on its face the name of the individual or organization posting the item, the date of the event being advertised, if any, and the date the item was posted.
3. Posted items will be removed from the bulletin boards two weeks after the date the item was posted or after the date for the event advertised on the item has passed, whichever is earlier. If a bulletin board has no space available after such removal of expired items, any items that do not show a date of posting on their face or an event date will be removed.
4. Flyers that are in a language other than English must include English description, summary, or translation in the flyer, or have a separate flyer that provides the information in English and they must be posted side by side.
5. Tacks or pushpins should be used to post items – tape, glue, nails and industrial staples are prohibited.
6. No more than one item per event or organization, if the item posted is a general announcement, may be posted on each board.
7. Posting is allowed only on boards established for that purpose as listed below.
8. Items posted on buildings, poles, garbage containers, trees, campus directional signs or anywhere other than the approved bulletin boards listed below will be removed.
9. Bulletin boards are located at the following sites:
  - Arts Extension: 2 boards directly opposite the main entrance on the main floor
  - Batmale Hall: 2nd floor, 4th floor, 5th floor, 6th floor, 7th floor
  - Cloud Hall: 1st floor, 2nd floor, 3rd floor
  - Conlan Hall: 1 board opposite room 104
  - Creative Arts: 1 board near west side entrance on the 1<sup>st</sup> floor
  - Smith Hall: 2 wooden boards on wheels
  - Student Union: 1 board across from room 209, 2 in upper level and 1 in lower level

### **Distribution**

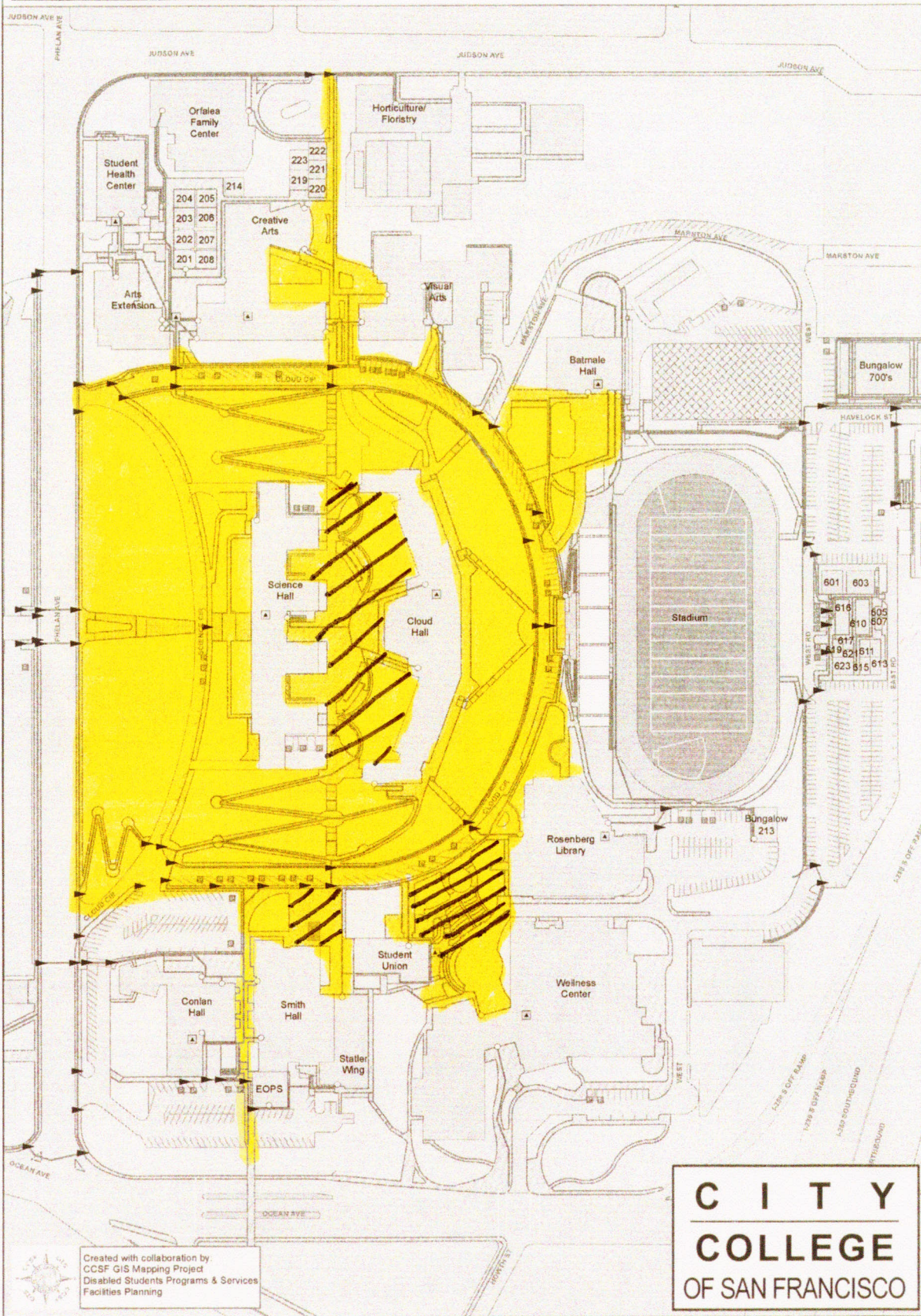
1. All off campus organizations and/or individuals wishing to distribute literature must report to the Office of Student Activities to sign in to notify the Associate Dean of Student Activities of the solicitor's presence on campus, and to acknowledge receipt of the Solicitation Regulations for off-campus organizations and/or individuals.
2. Distributors are required to provide the following information: name of organization, contact name, and dates and times of distribution.
3. Any persons who have not signed in before distributing literature on campus are subject to disciplinary action by the Associate Dean of Student Activities.
4. Solicitors who wish to distribute literature only (i.e. who do not also want to set up a table or display and/or engage in public address) may do so Ram Plaza, the Wellness Center Amphitheatre and the Cloud Science Mall as well as on the sidewalks and pathways along Cloud Circle, leading to Cloud Hall, Science Hall, and Batmale Hall from Cloud Circle, leading to Science Hall from Phelan Avenue, leading from Parking Lot H between Smith Hall and Conlan Hall to Cloud Circle, and leading from Judson Avenue in front of the Diego Rivera Theatre to Cloud Circle. Solicitors may not distribute literature in any other areas, including parking lots, the sports facilities, any construction zones and the areas surrounding the Student Health Center, the Arts Extension Building and/or the Orfalea Family Center.

**For further information and assistance, contact the CCSF Student Activities Office  
Student Union Room 205, 239-3212.**

# Accessibility Map Ocean Campus

This map provides information related to ADA accessibility on campus. In addition, area's impacted by construction will be noted. Students with disabilities who have questions about access can contact: 415.452.5481

	Accessible path		Accessible entry
	Curb cut		Elevator
	Disabled parking		



= Area for Literature Distribution

= Area for Public Address, Labeling & Display of Materials & Distribution of Literature

**CITY**  
**COLLEGE**  
OF SAN FRANCISCO

Created with collaboration by:  
CCSF GIS Mapping Project  
Disabled Students Programs & Services  
Facilities Planning



**SIGN IN FORM FOR NON-CAMPUS ACTIVITIES at OCEAN CAMPUS**

Date(s) and Time(s) requested: \_\_\_\_\_

Area for Activity: \_\_\_\_\_

Activity requested  Tabling  Display  Public Address  Literature Distribution  
(check all that apply)

Organization Making Request: \_\_\_\_\_

Representative: \_\_\_\_\_  
Please Print Name

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Today's Date: \_\_\_\_\_

**I have read the regulations governing solicitation at CCSF and agree to abide by them.**

\_\_\_\_\_  
Signature of Representative

White: Requestor

Yellow: Student Activities Office

Rev. 1/20/09



**SIGN IN FORM FOR NON-CAMPUS ACTIVITIES at OCEAN CAMPUS**

Date(s) and Time(s) requested: \_\_\_\_\_

Area for Activity: \_\_\_\_\_

Activity requested  Tabling  Display  Public Address  Literature Distribution  
(check all that apply)

Organization Making Request: \_\_\_\_\_

Representative: \_\_\_\_\_  
Please Print Name

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Today's Date: \_\_\_\_\_

**I have read the regulations governing solicitation at CCSF and agree to abide by them.**

\_\_\_\_\_  
Signature of Representative

White: Requestor

Yellow: Student Activities Office

Rev. 1/20/09

# **EXHIBIT B**



## STUDENT ACTIVITIES OFFICE

50 PHELAN AVENUE • SU 205 • SAN FRANCISCO, CA 94112 • 415. 239.3212 • FAX 415. 239.3755

### Regulations Governing Solicitation at CCSF-Ocean Campus

The following regulations are established to grant permission to off-campus organizations and individuals to table, distribute literature, and/or post flyers.

1. The solicitor must report to the office of the Associate Dean of Student Activities to fill out an Area request Form for tabling and/or distribution of literature. This form must be filled out at least five (5) working days in advance and not more than twenty (20) working days in advance of the requested activity. Requests that vary from this scheduling pattern will be approved by the Student Activities Office on a case-by-case basis depending on the needs of the organization/individual and/or the needs of the College. Permission will be granted on a space available basis. During the activity, a copy of this form must be in the possession of the solicitor at all times.
2. The designated area for solicitors at Ocean Campus is RAM PLAZA located between Smith Hall and the Student Union. Assignment of the area is at the discretion of the Student Activities Office. The solicitor must REMAIN in this specified area only.
3. Tables may be set up only in Ram Plaza, the designated free-speech zone on Ocean Campus. Solicitors must provide their own signage, tables, chairs, and materials. Free gifts (other than food and drink) may be distributed. Literature/newspapers and/or other items cannot be sold, nor can donations be solicited from any student, faculty, or classified staff in Ram Plaza or anywhere on the Ocean Campus.
4. Solicitors MAY NOT walk up to students and force them to take literature, follow students to classes or elsewhere on campus, or obstruct the flow of traffic of students walking to and from buildings.
5. Solicitors may provide no more than fifteen (15) posters or copies of flyers no larger than 11" x 17" for approval for posting by the Student Activities Office. A listing of bulletin board locations on the Ocean Campus will be provided. You must provide your own tacks for posting. Please refer to posting guidelines before hanging materials.
6. Solicitors are expected to conduct themselves in a respectful manner toward all students and college personnel and to follow a code of conduct which prohibits the following:
  - a. Abuse or any threat of force or violence directed toward any member of the College or to an authorized College visitor while on College property

- b. Willful misconduct that results in the injury or death to a student or College personnel or injury to property belonging to a member of the College or to an authorized College visitor while on the property.
- c. Unauthorized entry to or use of College facilities, supplies, or equipment
- d. Obstruction or disruption of classes, administration, or authorized College activities
- e. Violation of College rules and regulations including those concerning the use of college facilities, or the time, place, and manner of public expression or distribution of materials
- f. Disorderly or offensive conduct or expression that interferes with the College's primary educational responsibility
- g. Failure to comply with the directions of College officials, staff, or campus police.

These regulations are specific to Ocean Campus, but apply to all campuses of CCSF. For campuses other than Ocean, solicitors must contact the applicable dean at the respective campus.

The College reserves the right to make modifications to this agreement with regard to when, where, and how solicitors may table, distribute literature, and/or post flyers in order to address any unanticipated needs of the College. The College reserves the right to change its policy on solicitation.

Consequences of failure to comply with the above regulations include:

1. Written warning; if after a warning, failure to follow regulations continues, the solicitor will not be allowed access to CCSF for a period of four (4) school months or the rest of the semester, whichever is longer.
2. Solicitors that display offensive behavior or language toward ANYONE (including, but not limited to: homosexuals, students of color, women, persons with disabilities, etc.) will be asked to leave the campus immediately and will not have access to Ocean campus or any CCSF campus for four (4) months or the rest of the semester, whichever is longer.
3. If failure to follow any of the above continues after the four month or semester suspension, access to CCSF will be denied.



## STUDENT ACTIVITIES OFFICE

50 PHELAN AVENUE • SU 205 • SAN FRANCISCO, CA 94112 • 415. 239.3212 • FAX 415. 239.3755

### Posting and Distribution Guidelines

City College of San Francisco, in observance of the First Amendment of the United States Constitution, provides for the posting and distribution of literature on campus. The following guidelines have been established to facilitate effective and organized dissemination of information on the Ocean Campus.

#### Posting:

1. Items for posting may be no larger than 11"x17", and the use of recyclable materials is recommended.
2. All items must be approved by the office of the Associate Dean of Student Activities, and be stamped "CCSF Approved for Posting". Master copies of fliers should be stamped before duplicating, out of consideration to the office staff. (This stamp of approval is not necessary for regular/routine announcements from CCSF Departments/Schools.)
3. Flyers that are in a language other than English must include English description, summary, or translation in the flyer, or have a separate flyer that provides the information in English and they must be posted side by side.
4. Not more than 20 flyers will be approved and stamped for non-campus activities.
5. Posting is allowed only on boards established for that purpose.
6. No more than one item per event may be posted on each board.
7. Items posted on buildings, poles, garbage containers, trees or campus directional signs will be removed.
8. Tacks or pushpins should be used to post items -- tape, glue, nails and industrial staples are prohibited.
9. Bulletin boards are located at the following sites:
  - Arts Extension: 2 boards directly opposite the main entrance on the main floor
  - Batmale Hall: 2nd floor, 4th floor, 5th floor, 6th floor, 7th floor
  - Cloud Hall: 1st floor, 2nd floor, 3rd floor
  - Conlan Hall: 1 board opposite room 104
  - Creative Arts: 1 board near west side entrance on the 1<sup>st</sup> floor
  - Smith Hall: 2 wooden boards on wheels
  - Student Union: 1 board across from room 209, 2 in upper level and 1 in lower level
10. Other areas that may be reserved through the Student Activities Office for publicity for large events/activities:
  - Electronic marquee on Smith Hall
  - Electronic marquee on the corner of Ocean and Phelan
  - Stationary marquees on either side of the hill [thru the office of VP of Communications]
  - Large board located at the top of the hill between Science and Cloud
  - Windows in Batmale Hall

#### Distribution

1. All persons wishing to distribute literature must register with the Associate Dean of Student Activities.
2. Distributors are required to provide the following information: name of organization, contact name, materials to be distributed, dates and times of distribution.
3. Any persons who have not been approved to distribute on campus are subject to disciplinary action by the Associate Dean of Student Activities.

For further information and assistance, contact the CCSF Student Activities Office  
Student Union Room 205, 239-3212.

