

21-8012

Case USAP9 No. 21-16396

In The
Supreme Court of the United States

Soraya Rigor,
a recent college graduate,
Petitioner, In Pro Per

v.

Commonwealth of California,
United States of America,
Board of Trustees of the California State University
Dale Carlsen, Robert Nelsen, et al.,
and/or successors and assigns
As individuals and in official capacity of fiduciaries at the California
State University Sacramento
Does 1-100 inclusive

FILED
FEB 23 2022
OFFICE OF THE CLERK
SUPREME COURT

ORIGINAL

WRIT OF CERTIORARI

Dated: May 5th, 2022

Soraya Rigor,
In Pro Per,
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Sacramento, CA, 95866,
(408) 212-1691
Soraya.DataAnalyst@gmail.com
Friend of the Court

QUESTIONS PRESENTED

- 1) [i]n what circumstances may punitive damages be awarded under the United States Constitution, when civil violations by California State University Sacramento trustees injured students through an intent to defraud students of their coursework intellectual property, and rights to rewards occurred?
- 2) Do University students have remedies in the special relationship clause, include the freedom to innovate on a university campus where they are officially enrolled at and in good standing, without injuries from infringement issues by state appointed university employees that misuse their position(s) of power?
- 3) [i]n what circumstances may punitive damages be awarded under the Constitution and other violations including Racketeering and 18 U.S.C 1964(c) applied with *Rotella v. Wood*, the Title VII of the 1964 Civil Rights Act, as amended for unlawful intentional discrimination and violations in duty of care to university students which led to loss of original and valuable coursework intellectual property through intentional and systematic infringement?
- 4) [i]n what circumstances may punitive damages be awarded for negligence, self-dealing, and violations in duty of care in 'special relationship'?

between university and its students when wronged and seeking remedy in intellectual property cases?

5) Stakeholders on a National level ask the Court, [i]n what circumstances are these well-established laws overlooked when considering outcomes of intellectual property cases?

6) [i]n what circumstances is it okay for trustees and fiduciaries to take ownership and rewards of students' coursework intellectual property?

7) Are university trustees and employees allowed to deprive student creator(s) of the IP and/or value propositions in that original work of value, by the enrolled student in good standing?

8) May injunction relief be appropriately applied to RICO Act cases such as this in the interest of justice? RICO (18 U.S.C. § 1961 et seq.,

9) Are university students immune to and protected from racketeering and self-dealing guardians who commit fraud for personal gain without regards to the intended student beneficiaries?

10) Are they going to get away with it?

12. Brian Dombrowski – Greenberg Trauig, LLP, 1201 K Street, Suite 1100, Sacramento, CA, 95814. Email: dombrowski@stlaw.com (916) 442-1111, Shareholder: Kappork@gtlaw.com (916) 868-0650;
13. Mark Beckford – EZ Systems, Inc., P.O.Box 3344, Palmer, PA, 18043, FAX: (610) 882-3801, and c/o Joseph Beckford esquire, 102 Faithorne Lane, Folsom, CA, 95930;
14. Mitch Gardner - Pocket Points CEO, 1811 Concord Avenue, Suite 220, Chico, CA, 95628;
15. Monique Brown – HaneyBiz and now Co-Founder of Growth Factory (after systematic infringement at CSU Sacramento from 2018-2019), Address: c/o Mark Haney Business Ventures, Inc., 4565 Granite Drive, Suite 700, Rocklin, CA, 95677;
16. Dave Mering – CEO of Mering/Carson and its successors and assigns known as The Shipping/Mering merger-acquisition with Rich Milenthal on or around December 10th, 2020.;
17. Josh Wolfson – Director of Product Development at ‘Parrable’ and INTERNSHIP Address: c/o App Orchard, Inc., 6111 Bollinger Canyon Road, Suite 570, San Ramon, CA, 94583, (Current place of employment/ Position: Technical Support Manager;
18. Edris Bemanian – Engage 3, 707 4th Street, Davis, CA, 95616, @edrisbemanian, (530) 231-5485;
19. Laura Good – Co-Founder of StartUpSac.com, Address: c/o Carlsen Center CSU Sacramento Library Room 1520 6000 J Street Sacramento CA 95817.
20. Rich Foreman – Apptology, Inc., 909 Mormon Street, Folsom, Blvd., 95688, and StartUpSac.com, Phone: (977) 999-2777,
21. Mark Friedman – Fulcrum Property, c/o The Elliot Building, 1500 J Street, Suite 200, Sacramento, CA, 95814;

22. Dave Luccetti – Greater Sacramento Economic Counsel, 400 Capitol Mall Drive, Suite 2520, Sacramento, CA, 95814;
23. Dan Mora – Co-founder of Gemini Legal, 590 Menlo Drive, Rocklin, CA, 95765,
24. Brian Bedford – (CSUS FACULTY / JD) 6000 J Street, Sacramento, CA, 95819
25. Seung B. Bach – CSU Backersfield FACULTY, 9001 Stockdale Hwy., Bakersfield, CA, 93311 and/or 2382 Everley Circle, Roseville, CA, 95747;
26. Dixie Reid – CSUS FACULTY, 6000 J Street, Sacramento, CA, 95819, Dixie.Reid@csus.edu
27. Lokesh Sikaria – Moneta Investments, 746 Stone Mill Drive, Folsom, CA, 95830, (916) 769-6121 / (916) 983-0109;
28. Venita Sivamani – 316 32nd Street, Sacramento, CA, c/o Dermveda, Inc., 1507 21st Street, Sacramento, CA, 95811, (916) 905-3376;
29. Cody McKibben – 2207 10th Street, Sacramento, CA, (916) 927-5911 / (724) 200-8160 or 5500 Verde Oak Court, Sacramento, CA, 95842;
30. Garry P. Maisel, Western Health Advantage CEO/ Greater Sacramento Board of Directors, 2349 Gateway Oaks Drive, Suite 100, Sacramento, CA, 95833, Garry@westernhealth.org, (916) 563-2250, c/o Scott Powell, spowell@greatersacramento.com (888) 227-5942
31. Cody McKibben – Former FACULTY CSU Sacramento/ HeroFoundary.org (wrote article ‘Breakfast for Champions’ (exhibits) – Two different versions exist due to cover-up(s)
32. Commonwealth of California
33. United States of America
34. Board of Trustees of the California State University

35. COPY TO: Governor Gavin Newsom, 1021 O Street, Suite 9000,
Sacramento, CA, 95814, FAX: (916) 558-3160, Phone: (916) 445-2841,

Pursuant to Business and Professions Code Section 17200 et seq and
17500 et seq. and Section 16750.2;

36. COPY TO: The Attorney General of California, Office of the Attorney
General, 1300 I Street, Sacramento, CA, 95814, (916) 445-9555.

See: Business and Professions Code Section 17209 and 17536.5.

37. Does 1-100 inclusive

38. All Successors and/or Assigns of ALL Defendants including affiliated
and unknown

I, Soraya Rigor, Plaintiff/Petitioner, do swear, under penalty of
perjury, that the above list of parties known as Defendants, is accurate and
true, as liability falls on the duty of fiduciaries at official university activities
which are supposed to be safe and free of potential harms both known and
unknown, based on policy, current laws, and the United States Constitution
with regards to personal property rights and the special relationship clause.

This declaration of truth is to protect the future student body and university
students in other states from similar injurious outcomes with regards to
intellectual property. The Court is summoned to oversee this complaint for
compliance with current laws that protect the students' freedom to innovate,
and injunctive relief. This complaint seeks to enforce and bind defendants to
this complaint. Prayers for fair and just outcomes for Plaintiff(s).

Dated: May 5, 2022

Signed: _____

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project for ENTR 187, 'Studential Kickbacks: Toss Your Campus A Bone.'

- 3) Copyright Receipt from Library of Congress (2018) for 'Make Your Campus Matter' – processes involved in website value proposition(s)
- 4) Carlsen Center correspondence to participants in June of 2018, 'Elevate Boot Camp' itinerary/agreement and acceptance letter; an implied contract, to California State University Sacramento student body participants.

TABLE OF AUTHORITIES

- *Societa per Azioni de Navigazioni Italia v. City of Los Angeles* (1982)
31 Cal. 3d 446, 463 [183 Cal.Rptr. 51, 645 P.2d 102], fn. omitted.
- American Investors Protection Act enacted on November 29th, 1999, (P.I. 106-113) Also known as Summary of H.R. 1907-106th Congress (1999-2000);
- *Amoco Production Co. v. Southern Ute Indian Tribe*,
526 U.S. 865, 874 (1999);
- Asset Freezing Orders Act p.50;
- See generally Melissa Astala, *Wronged by a Professor? Breach of fiduciary duty as a remedy in intellectual property cases*, 3 *Houston Bus. & Tax I.*, J. 31 (2003);
- *Austin v. United States*,
509 U.S. 602, 614 n.7 (1993);
- *Bailey v. Allstate Ins. Co.*,
844 P.2d 1336, 1339 (Colo. App. 1992);
- Barnhart, *supra* n.11, at 380, Bayne, *supra* n. 11, at 36; Oxford, *supra* 11, at 354; Ernst Vinter. *A Treatise on the History and Law of Fiduciary Relationship and Resulting Trusts* 1 (3d ed. Cambridge 1955);
- *Barker*, 2011; cited as *State v. Barker*,
129 Ohio St.3d 472, 2011-Ohio-4130;
- Bayne, *supra* n.11, at 36-37;
- Black's Law Dictionary 640 (Bryan A. Garner ed., 7th ed., West 1999) (hereinafter Black's);
- *Cede & Co. v. Technicolor Inc.*,
634 A.2d 345, 361 (Del. 1991);
- *City of Boerne v. Flores*, 521 U.S. 507, 517 (1997), section 5;
- *Chou v. University of Chicago* No. 00-1317 (Fed.Cir. July 3, 2001);

- *Cleburne v. Cleburne Living Center, Inc.*,
473 U.S.432, 440 (1985);
- *Cole v. Laws*,
76 S.W.3d 878, 883 (Ark. 2002);
- *Colston*, 1995;
- *Committee on Children's Television, Inc. v. General Foods Corp.* (1993)
35 Cal.3d 197, 216;
- Compare *Chou* 254 F.3d at 1347 with *U.of W.Va. v. VanHoorhies*, 278 F.3d
1288 (Fed.Cir. 2002); *Infra.Part III.C*; *Infra.Part III.A*; *Infra.Part III.B*;
- *Connecticut v. Doehr*,
501 U.S. 1 (1991);
- CSUS Inventor's Share Policies – defining royalties;
- *Curtello v. The University of the West Indies*, 2015;
- Delaware Code Ann. Tit.8 section 102(b)7;
- *Donnelly v. Southern Pacific Company*, 18 Cal.2d 863 118 P.2d 353 (1942);
- Education Act of 1972;
- *Engalia v. Permanente Medical Group, Inc.* (1997) 15 Cal.4th 951, 976-77,
internal citations omitted;
- *Fowler v. United States*, 563 U.S. 668, 131 S.Ct. 2045 (2011);
- *Bud v. Nixen*, 6 Cal.3d 195, 200, 98 Cal.Rptr, 849 (1971);
- RICO Act 18 U.S.C. § 1961 et seq.,
- The Supremacy Clause in the United States Constitution;
- *Mary M. v. City of Los Angeles* (1991) 54 Cal.3d 202, 208-210 [285 Cal.Rptr.
99, 814 P.2d 1341] with Government Code § 815.2, subd(a);

- *Patent Act of 1793*;
- *Patent Act § 284*;
- *Id. (citing Aro Mfg. Co. v. Convertible Top Replacement Co., 377 U.S. 476, 508 (1964))*.
- California Civil Code Section 526a

CITATIONS of OFFICIAL and
UNOFFICIAL REPORTS of OPINIONS and
ORDERS ENTERED ON THE CASE

13) APPENDIX page A: 'ORDER' – United States Court of Appeals for the Ninth Circuit. Referencing an ORDER filed on November 29th, 2021, by the Ninth Circuit Deputy Clerk, Delaney Anderson and Molly C. Dwyer. (Referencing the Case, 'Rigor v. Dale Carlsen et al.) Plaintiff seeks to file a Writ of Certiorari based on this 11/29/2021 ORDER from the Ninth Circuit Court.

14) APPENDIX page B: 'ORDER' – United States District Court for the Eastern District of California. Case No. 2:19-cv-00633 KJM-AC-PS and dated 12/3/2019. Plaintiff swears under oath that a 'RESPONSE TO MAGISTRATES FINDINGS AND RECOMMENDATIONS' was filed by the Plaintiff in a timely manner, and was presented as a method of appeal, as well as the response to the magistrate's findings and recommendations, according to header information in the Notice of Appeal for that case. Therefore, a mistake was made in identification of the document I was filing. However, Plaintiff did directly respond to provide cures of deficiencies from the recommendations and findings presented by the Court. Plaintiff seeks forgiveness for any deficiencies in filing. Plaintiff would never disrespect the Court, nay, error is that the Plaintiff is filing In Forma Pauperis, and without formal appointment of Legal Counsel.

- 15) APPENDIX page C: Notice of Electronic Filing entered on 12/04/2019 at 9:21am PST and filed on 12/04/2019 by the Eastern District Court, Docket No. 13.
- 16) APPENDIX page D: ‘NEW APPEAL’ information filed per Appealed Order/Judgement Filed: 5/12/2020, prepared by: A. Kastilahn, Deputy Clerk of the United States Court of Appeals for the Eastern District of California’s Office of the Clerk of the United States Court of Appeals. The “SUBJECT: New Appeals Docketing Information, USDC Judge John A. Mendez, USCA Number: New Appeal” and “Fee Status: IFP Granted on 3/18/2020, USDC Number 2:20-cv-00394-JAM-AC
- 17) APPENDIX page E: Letter to Plaintiff of notification that a Notice of Appeal was filed on May 28th, 2020, in the Case No. 2:20-cv-00394. Document is dated May 29th, 2020 and pursuant to FRAP 3(d), by Deputy Clerks of the United States District Court for the Eastern District of California, Keith Holland and A. Kastilahn.
- 18) APPENDIX page F: Notice of Electronic Filing – for the aforementioned case; *Rigor v. CSUS et al.*, Case No. 2:20-cv-00394. Docket Number: 8, entered on 5/29/2020 at 1:01pm PDT and filed on 5/29/2020.
- 19) APPENDIX page G: Notice of Electronic Filing, entered on 8/11/2021 at 10:31am PDT and filed on 8/11/2021. Case No: 2:21-cv-01388, Document:

3, Docket Text: ORDER and FINDINGS and RECOMMENDATIONS signed by Magistrate on 8/10/2021, Granting Plaintiff's Motion to Proceed IFP.

20) APPENDIX page H: 'Original Filed' document by plaintiff on 8/20/2021 stamped by Clerk of the U.S. District Court, Eastern District of California. Plaintiff filed a timely Notice of Motion to Appeal and 'Objection to Findings & Recommendations,' Published: August 10th 2021 regarding Case No. 2:21-cv-01388.

21) APPENDIX page I: Letter from the United States Supreme Court Clerk, Dated: March 18th, 2022. Letter notifies Plaintiff that due date to file a Writ of Certiorari with the Supreme Court is 60 days from date of letter.

STATEMENT OF THE BASIS FOR ORIGINAL AND EXCLUSIVE JURISDICTION

34) This Court has original jurisdiction over this complaint under Article III, Section 2, Clause 2, of the Constitution of the United States, and Title 28, Section 1251(a) of the United States Code. “The Supreme Court shall have original and exclusive jurisdiction of all controversies” between universities and its students.

35) Plaintiff also has *parens patriae* standing – suing, in effect, on behalf of other citizens. See *Maryland v. Louisiana*, 451 U.S. 725, 737 (1981)(observing that a state may act as representation of its citizens” through *parens patriae* standing “in original actions where the injury alleged affects the general population.” Also, finding Section 526a for cause.

36) Plaintiff invokes citizens-rights to standing and that the States have standing to bring this action to prevent injury to their residents through the laws and legislation providing duty of care in special relationships between universities and their student body.

37) As such, current laws constitute the imposition of an extraterritorial regulatory authority and burden by California upon commerce occurring mostly inside the Commonwealth of California and other similarly situated universities in violation of this special relationship clause and to the United States Constitution.

38) University students have accordingly, have suffered, will suffer substantial and tangible harm from the impermissible and

unconscionable actions described, and are entitled to a judgment that both invalidates misuse of intellectual property, and loss from the fraud and public corruption that led to misuse of student intellectual property rights and rewards. The Constitutional and legal violations of this complaint permanently enjoins California from enforcing fraudulent gains. This Court has the authority to grant the Plaintiff declaratory relief pursuant to 28 U.S.C. sections 2201 and 2202.

39) Dale Carlsen et al., wrongfully benefitted from the cumulative student coursework intellectual property collected, like taking candy from babies, through the Photo Release of Ideas and Concepts, not student-beneficiaries. Student-entrepreneurs were enrolled in courses at the time of the infringement issue. University student(s) ask the Court, [i]n what circumstances is it okay for trustees and fiduciaries to take ownership and rewards of students' coursework intellectual property? Are university trustees and employees allowed to deprive student creator(s) of the value propositions in that original work of value, by the enrolled student in good standing?

40) Dale Carlsen and his hand-picked Governance Advisory Board for the newly developed Carlsen Center for Entrepreneurship and Innovation moved into the California State University Sacramento campus library room 1520, located at 6000 J Street, Sacramento County, California, in or around April of 2018. The very first project

offered to students at the CSU Sacramento was the 'Elevate Boot Camp' in June of 2018, which offered feedback from the founding Executive Director of the Carlsen Center, Kathrine Cota, on personal business models that students were currently developing and/or bootstrapping, through participation at the Carlsen Center on campus. All I wanted was a good job upon graduation. In my dreams for entrepreneurship, the successes were supposed to help us in our search for gainful employment from the accolades of original work of value to investors, Carlsen's offer to create student entrepreneurs for building new business in the region was offered in every pitch competition I signed on to participate in, according to Press release information, emails, and itinerary information in the advertising. the Elevate Boot Camp. (see the itinerary /curriculum provided by Jyoti Das and Frank Bisek by direction of Dale Carlsen et al., available for inspection in Exhibits.) Exhibits include email to all participants that President Nelsen would be present at opening day of the Elevate Boot Camp, to address participants and welcome them. President Nelsen spent the day with us, listening to the value propositions in our business models in the Q & A in the 'Global Lounge' which was in the Breezeway of the CSUS library. (see 28 U.S.C. § 1251 for original jurisdiction; Supreme Court.)

41) Students followed directions for participation, and presented world class business viability to investors at the pitch sessions called, 'Elevate Boot Camp', 'StartUpCSUS' at Deloitte Consulting, and afterwards, Cota directed us to enter the 'UC Davis Big Bang' business pitch competitions, to remain relevant and have verification that our work even existed. Plaintiff's business model, 'Make Your Campus Matter' was runner up for \$10,000 in second round competition in April 2019 after following directions of Kathrine Cota to apply. What made the 'Elevate Boot Camp' different was that it was a week-long project that required seven pitch sessions to Dale Carlsen and his hand-picked advisory board, for "feedback" which led to them owning the rights to our business models, the value propositions presented in our business models from research, hard work, and what we learned from university studies where we paid tuition to learn.

42) What made the Carlsen Center's offer different was that Carlsen et al., in official correspondence of the university, and Press Release content, Carlsen is quoted to state that he meant to help students launch new business in the Sacramento region. This is pointed out in the 931 pages of Evidence and Exhibits in support of Plaintiff's complaint for damages from participating in the experiential program.

43) The named Defendants and unknown associated DOEs who are affiliated with this complaint, created an atmosphere of fraud,

systematic infringement, and public corruption for the university students. Students are entitled to some form of relief from the betrayal and gross negligence, so, attempted to file a complaint in 2018 with the Eastern District Court at the Robert Matsui Federal Courthouse in Sacramento County, California, Case No. 2:21-cv-01388. However, students were barred from consideration due to a 'MANDATE' order issued on October 8th, 2021, in response to the new complaint filed on August 5th, 2021, which was based on surprise recent discovery of new evidence. Copies of this preponderance of evidence has been provided to the Court for further inspection, and is the 931 pages of EXHIBITS filed at the Robert Matsui Eastern District Court in Sacramento County California; filed on August 5th, 2021.

- 44) Plaintiff's complaint filed on August 5th 2021 brought a clear and compelling motion for remedy. ((see *Johnson V. Schmitz*, 119 F.Supp.2d 90, 97 (1) Conn. 2000, and where denying a motion to dismiss a breach of fiduciary claim, brought by a graduate student against his dissertation advisors and Yale University for misappropriating his dissertation ideas, on the basis that a fiduciary relationship might be established since the advisors and the university were "in a position of power and authority" over him)), similarly, CSUS students are bringing this complaint for breach of fiduciary and misappropriating student coursework intellectual property; egregious

infringement behavior, worthy of punitive sanctions. See: Supreme Court Chief Justice John Roberts in *Halo Electronics, Inc. v. Pulse Electronics, Inc. and Stryker Corp. v. Zimmer, Inc.*, as this case is consistent with the text of 35 U.S.C. § 284, noting that the Federal Circuit's two-prong text for willfulness from its 2007 Seagate decision was consistent with the text of 35 U.S.C. Section 284, and where the Supreme Court said that it was not.

45) This Court has original jurisdiction over this suit under Article III, § 2, Clause 2 of the Constitution of the United States, and Title 28, § 1251(a) of the United States Code. "The Supreme Court shall have original and exclusive jurisdiction of all controversies between two or more States" and "public officials" and those, state appointed, to universities. 28 U.S.C. § 1251(a).

46) This is an issue facing all students at universities across America, and abroad. In the world of Academia, a student's freedom to innovate includes Constitutional rights to personal property, the Poor Man's Patent, *Gadallah* 2010, the CSU Sacramento Inventor Share Policies defining royalties, Education Act of 1972, *Chou v. University of Chicago* No. 00-1317 (Fed.Cir.July 3, 2001); and *The Patents and Designs Act*, Cap 90-03 which was enacted to "amend and consolidate as to the registration of Patents and Designs." Plaintiff argues that goals and focus matched strategies sought by the CSU and its trustees,

therefore, aligned with the Alumni giving strategies presented by Official CSU correspondence, and the personal goals and desires of both Nelsen and Carlsen, because neither of them had any real value to transform the university out of financial debt until AFTER the systematic infringement and the misuse of 'Angel Alumni' aka 'Make Your Campus Matter' and incorporated as '#Student Lives Matter' in Sacramento, CA, as a 501c3 on March 11th, 2019, #4252938, EIN# 83-4046410.

In April of 2019, 'UNICONNECT' a mobile app idea for CSUS, was presented through another campus pitch session called, 'StartUpCSUS' at Deloitte Consulting. This 5 day crunch involved 'think-tank' style development of innovation that benefits CSUS, according to the flyers presented in Exhibits. 'Uniconnect' provided engagement opportunities on one platform, as opposed to multiple platforms as it was at that time. Christine Miller, IrT Manager of the Academic Information Resource Center at CSUS exclaimed, "I don't know why we didn't think of it first!" at the competition. We won, yet the promise of public acknowledgement of our achievements was NOT provided as the flyers promised. Because TWO of our attempts for licensing agreements with the CSUS became misused intellectual property complaint(s), university policies and procedures are flawed. (see *Donnelly v. Southern Pacific Company*, 18 Cal.2d 863 118 P.2d 353

(1942); *Bud v. Nixen*, 6 Cal.3d 195, 200 98 Cal.Rptr. 849 (1971); Government Code § 810 et seq.; Government Code § 995.2; Tort Claims Public Record – *Poway Unified School District v. Superior Court*, 62 Cal.App. 4th 1496, 49 Cal.Rptr. 3d 519 (1998); 42 Cal.4th 730, 68 Cal.Rptr.3d 295 (2007); Government Code § 954.4; Government Code § 911.6 as claim for damages is based on gross negligence and poor level of care and services in 2018-2019. (Id. At 746-47; *United States v. Johnson*, 327 U.S. 106 (1946); *Holland v. Jackson*, 5421 U.S. 649 (2004).

- 47) Remedy is sought for the value of the original coursework intellectual property, the misuse of its development, and the rights of ownership of those valuable business proposition(s) and/or business models needed to get to the next level of professional credibility in career growth and employment potential(s). See *Holland v. Jackson*, 5421 U.S. 649 (2004); Education Act of 1972; *Streber v. Brenlar Investments, Inc.* (2006) 135 Cal.App. 4th 740, 752 is used to show cause for action since substantial reliance on Carlsen et al., resulted in injury. (see *Twombly*, 550 U.S. at 570 that claim has plausibility on its face; *Uniform Asset Freezing Orders Act*; Rest.3d Law Governing Lawyers, section 49, com. E, pp.350, italics added, is for the Lawyers of the Governance Advisory Board who are bound by law; Title IX; World Trade Organization *TRIPS Agreement*; 29 U.S. Section 1105 (Lexis

2005)(ERISA provision that enunciates prohibited transactions by a fiduciary, particularly forbidding a fiduciary deal with “assets of the plan in his own interest or for his own account.”; 425 U.S. at 199 nn. 20, 21 (“device,” “contrivance,” and “manipulative”; see also, *In re Parmalat Securities Litigation*, 376 F.Supp.2d 472, 502 (S.D.N.Y. 2005)(“deceptive”); *Supremacy Clause* U.S. Constitution 18 U.S.C. 1961.

48) Consequently, Petitioner/plaintiff was also granted permission to file a NOTICE OF APPEAL with the Ninth Circuit Court Clerk where a ‘Time Scheduled Order’ was offered to Plaintiff, with a deadline of October 25th 2021, to file a timely appeal, around the same time the ‘MANDATE’ was ordered!

49) Petitioner proceeded to file a ‘Bill of Complaint’ with the United States Supreme Court where documents were received on December 14th, 2021, however, an error in ‘TITLE’ required that Petitioner rename the document filed, ‘WRIT OF CERTIORARI’. Further delay due to postal errors required a Supreme Court Clerk to call Plaintiff to verify mailing address because correspondence had been returned to the Court by mistake, rather than received by Petitioner for compliance to file.

50) Students, the rightful beneficiaries, deserve the freedom to innovate without fear that our California State led Institutions can allow fraud into its system, without reproach and accountability. (see *American Inventors Protection Act* enacted on November 29th, 1999, (P.L. 106-113) Also known as Summary of H.R. 1907-106th Congress (1999-2000); *Chou v. University of Chicago* No. 00-1317 (Fed.Cir.July 3, 2001); *Education Act* of 1972; *Patent Act* § 284 which provided for “punitive or increased damages” in a case of “willful or bad-faith infringement.” *Id.* (citing *Aro Mfg. Co. v. Convertible Top Replacement Co.*, 377 U.S. 476, 508 (1964)).

See: *Supremacy Clause* in the U.S. Constitution; 3 *Houston Bus. & Tax I.*, J. 31 (2003); Compare *Chou* 254F.3d at 1347 with *U. of W.Va. v. VanHoorhies*, 278 F.3d 1288 (Fed.Cir. 2007); *Infra.PartIII.C*; *Infra.PartIII.A*; *Infra.PartIII.B*; *Poor Man’s Patent*; and the student’s right to innovate on a university campus they are academically enrolled at. (*Uniform Asset-Freezing Orders Act*; *Curtelo v. University of the West Indies* (2015); 18 U.S.C. § 1512(a)(1)(C); *McAdams v. Mass. Mut. Life Ins. Co.*, 391 F.3d 287, 303 (1st Cir. 2004) for the high degree of dedication to produce value propositions that provided investor funding; *Engalla v. Permanente Medical Group, Inc.* (1997) 15 Cal. 4th 951, 976-77; actual reliance existed (see: *L Grey v. Don Miller & Associates, Inc.* (1984) 35.3d 498, 503.

**CONSTITUTIONAL PROVISIONS, TREATIES, and
REASONS FOR GRANTING PETITION FROM THE
INJURIES THAT CONFER STANDING**

51) a. Constitution of the United States of America 1789 (rev. 1992)
Amendment XIV Section 1 (1868);

Be it enacted by the People, and by their authority, as follows:

Section 1.

Amendment - right to personal property and all rewards and privileges from the personal property; intellectual property rights of personal coursework-developed intellectual property from senior year coursework with Professor Stanley Han, MKTG 187 Entrepreneurship. See Exhibit C – Successive Coursework development began in Professor Han’s class for letter grade; a Business model called, “Studential Kickbacks: Toss Your Campus A Bone” as in donating a meal to a student who has to choose between textbooks or good meals.

52) On March 22nd, 2018, the California Supreme Court Justice, Carol Ann Corrigan explained on behalf of the court, “Students are comparatively vulnerable for a safe environment. Colleges have a superior ability to provide that safety, and have a “duty to protect students from harm by providing safe activities on campus.”

53) In June 2018, Dale Carlsen and Robert Nelsen offered student entrepreneurs an opportunity to take their personal business models, and

develop pitch-decks with it, to interest investors at the final pitch session called, 'Global Entrepreneurship Week.' We understood that Carlsen wanted to build new business in the region, and was providing feedback from his hand-picked Governance Advisory Board members. However, instead of assisting us with launching our businesses, Nelsen and Carlsen authorized a new photo release to the student body so that participating in a campus event would REQUIRE that students "agree to take and provide the audio/visual content to the CSU without compensation or remuneration in any form whatsoever, waive any claims to the audio/visual" and "release CSU from liability to publish, broadcast..." using our audio/visual content, and since we are over 18 years old, we are competent enough to understand that signing that contract would give away the farm. Nobody understood that, but me. I refused to sign. It took this complaint to be heard. My fear is that students in future generations would suffer if new laws are not enacted to better protect the university students' freedom to innovate.

4) An advertisement by Tiger Swan Attorneys of Los Angeles, California, provided statement that the Supreme Court Magistrate Carol Ann Corrigan's instructions to the court regarding the university's special relationship with students depending on fiduciaries. We trusted the university as enrolled students in 'good-standing', therefore, duty of care is a moral and/or legal responsibility. Any and all benefits to student beneficiaries should not exclude anybody; TITLE IX of the Education Act of 1972 as discrimination in

all forms creates a "hostile environment" as decided by Supreme Court of the United States in Davis v. Monroe County Board of Education (1999). This experience undermined and detracted from a good faith educational experience by being denied equal access to the resources and opportunities given to my team mates; gainful employment.

55) Upon graduation, I applied for a State Department position as a Web Analyst for Health and Human Services. I didn't get the position. I later discovered that Pinion got that job, using a fake resume to cover the required 3 years related work and without the required four-year degree since he was enrolled at Sacramento City College at the time of acceptance of the job that Carlsen got him. Gordon got a great job from Carlsen placing her, too. Nguyen got a job. Everyone got a job except me? Yet my business model was the one that Professor Seung Bach described to our group as "a new gold standard" after Cota instructed me to tell Professor Bach about 'Angel Alumni' aka 'Make Your Campus Matter' which Cota is quoted to have said to CSU reporter Jonathan Morales, Rigor "was able to fill the gaps." (See EXHIBITS – 931 pages filed at the Robert Matsui EDC) (also see EXHIBITS for copy of the resume Pinion posted on social media)

56) *Public* universities are prohibited from establishing rules that infringe on students' rights to make certain individual choices. Fraud may NOT be committed when attracting students, nor may contractual obligation and duty to students be dismissed for self-dealing and personal gain. University

fiduciaries govern student activities. Students are reliant upon university guardians that safe activities are being provided on campus where students agree to be governed by those university regulations in matriculating. See: *Oyama v University of Hawaii* where plaintiff discussed unfairness in distribution of resources, the outcomes involving the CSU Sacramento campus implementing their own versions of our work, and taking full credit for getting the campus out of financial debt from infringement of value propositions related to strategic engagement, branding and perception to the public, and based on a position of caring for the student body's personal needs, as well as professional accolades achieved through research and coursework studies.

57) The purpose of Constitutional Amendments are to ensure fairness, equity, and liberties and where no state shall make or enforce an law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any rights of citizens. Phrase in the amendment is "equal protection of the laws." This figures prominently in a wide variety of landmark cases. Plaintiff's loss of credibility has further limited ability to secure gainful employment, based on these discriminations mentioned in this complaint for damages. Plaintiff seeks injunctive relief to prevent further violations of this magnitude.

CONSTITUTION OF THE UNITED STATES of AMERICA (1789)
Amendment IX

58) The full text of the Ninth Amendment is: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people" Questionable ethics and dubious planning led by Carlsen et al., led to misuse of power in positions of influence and trust, so that misrepresentation and fraud resulted. Continued fraud and public corruption became a threat to integrity and branding of the university itself who continues to boast about becoming a better institution of higher educational pursuits, however, that is untrue and is a blatant bias that everyone who made it through to the final pitch session after completing the Elevate Boot Camp criteria, except me, was GIVEN a position of great pay by Carlsen's direction, causing a public corruption and racketeering which meet elements of the RICO Act. The fact that Carlsen got Pinion a position with the Department of Health Care Services as a Web Analyst without a four year degree (since he was still enrolled as a Sacramento City College student, and was definitely NOT the Digital Marketing Manager for Sacramento City College while enrolled as an undergraduate student there. Therefore, without the Racketeering and collusion by Robert Nelsen and Dale Carlsen et al., students would have been given the accolades and royalties due for use of that business model and all value propositions and strategic development outlines.

Constitution of the United States of America 1789 (rev. 1992) Amendment 1

Plaintiff is petitioning the government to step in and provide guidance for the alarming number of university students who face issues involving intellectual property rights for work created as students attending universities, moreover, coursework should not be an issue of discussion.

Plaintiff is petitioning the government for a redress of grievances.
Article 1, Section 8.

The 'necessary and proper' clause is the source of the implied power by Congress, and where Congress draws its authority in passing many laws from the Commercial Clause Powers, granting Congress the power to regulate business activities "among other states."

Clause 8

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

Clause 18

To make all laws which shall be necessary and proper' for carrying into Execution for foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Civil Code Section 338 provides a three-year statute for deceit as student entrepreneurs relied on the representation as a substantial factor in causing harm to the Plaintiff and other university students. Fraud is also alleged and where misrepresentation occurred (see *Committee on Children's Television Inc., v. General Foods Corp.* (1983) 35 Cal.3d 197, 216); *Guido v. Koopman* (1991) 1 CalApp.4th 837, 843);

Students would not have entered into an agreement with Carlsen et al., had we realized the outcome would be self-dealing and fraudulent in nature; a deceptive scheme to mislead students; Plaintiff relies on *Engalia v. Permanente Medical Group, Inc.* (1997) 15 Cal.4th 951, 976-77, internal citations omitted. Also See 18 U.S.C. 1961 et seq., applying 18 U.S.C. 1961 (c) and justified by *Rotella v. Wood* through 'Supremacy Clause' of the U.S. Constitution.

(B) Congress shall have the Power to enforce this article by appropriate legislation;

Plaintiff is aware of the CSUS Inventor Share Policies of the University which defines royalties to be "35% of net income as defined under

current policy” and where “generally pooling of IP is 50% of net income, and research sharing is 15% for each.”

Plaintiff is aware of the *American Inventors Protection Act* enacted on November 29th, 1999, (P.L. 106-113); also known as ‘Summary of H.R. 1907-106th Congress (1999-2000); *American Inventors Protection Act* of 1999; *Pitz*, 2012; *Fowler*, 2011; *Colston* 1999; *The Patents and Designs Act*. Cap. 90:03 § 21, asserts a term of 16 years ownership rightfully belongs to original authors like myself and including rights to my research and personal property.

Plaintiff is aware that the *Mareva Injunction* orders are interlocutory orders and are granted to restrain all Defendants in this Bill of Complaint from dissipating their assets. The viability of its subject to the opinion by the Supreme Court of the *United States in Grupo Mexicano de Desarrollo v. Alliance Bond Fund, Inc.*, 527 U.S. 308 (1999).

This case challenges the moral and ethical standards of the special relationship clauses as well as the protections invoked for special protection in a student’s freedom to innovate at the university. The students’ are paying tuition fees for coursework and studies that lead to original and innovative development of value to the university which we sought licensing agreements with. Why should university students lose that right to public recognition for our work and lose out on accolades of publicity, to corruption, fraud, self-dealing, and misrepresentation?

STATEMENT OF THE CASE

1) The integrity of the university students' freedom to innovate on campus is at risk here. The Regents of the University for CSU Sacramento have an oath of integrity that the CSU system has a high obligation to provide safe activities to the student body and especially when those activities take place on the campus itself. The university has a "special relationship," quoting Supreme Court Justice Carol Ann Corrigan, as well as a fiduciary duty that activities benefit the students, not the "largest cash donor," Dale Carlsen, and Robert Nelsen, et al., who benefitted by issuing a photo release of ideas and concepts to the entire student body for over a year. The very structure of the California university system is at risk here, because the systematic infringement from misrepresentation and fraud by Dale Carlsen, only benefitted him and the associated Governance Board for the Carlsen Center of Entrepreneurship and Innovation at the California State University in Sacramento, County. CSUS Tech Manager, Christine Miller, and Kathrine Cota are witnesses to the stated facts..

See EXHIBIT 1 – Appendix B

2) In 2018, the CSU Sacramento had been pushing budget cuts on to the students in the form of tuition hikes. The CSU Sacramento campus was considering, at the time, cutting an entire discourse community due to the financial debt it was in at that time. Exhibits include the strategic plan from the Office of the University President and the ASI Associated Students

forum. There were no plans to add value to the campus, nor added plans for value proposition, no strategic business developments, EXCEPT what was presented in the planning from the University President's Official correspondence to the public. The 931 pages of Evidence provided to the Robert Matsui Eastern District Court in Sacramento, County, provided a preponderance of evidence in support of Plaintiff's complaint for damages. The many articles provide statements, quotes, and event information, for a clear understanding of the seriousness of this unconscionable act of defrauding university students by a university trustee and while attending a university event on campus.

3) The CSUS resources for students were limited to a small food pantry the size of a closet. I ate at soup kitchens in between classes) and was provided a stay at the campus dorms as part of the brand new emergency housing policy for homeless students. I lost my mom to cancer in my senior year of studies. I went from home owner with a tenant, living rent free like mom intended, to facing Probate (Case no. 34-2020-00259339) and Civil proceedings for Quiet Title Action (Case no. 34-2021-00285047) to get my mom's house back legally and in the interest of justice. See '*Soraya Rigor v. Estate of Leo Charles Curry, Jr.*', where permission was given to file an amended complaint in compliance with Quiet Title Action on April 13th, 2022, in a hearing by Department 53 Magistrate of the Hall of Justice, 613 6th Street, Sacramento, CA, 95866, 95814.

4) The very structure of the university system was built on high moral values, integrity, and safe activities to university participants. These are some of the university students whose intellectual property, and rights and rewards from that original coursework IP, were affected by fraud, public corruption, and gross violations of the constitution from negligence in duty of care by a university and/or trustee and its students from 2018-2019; Soraya Rigor – Rigor@csus.edu; Roger A. Fleenor – rogerfleenor@csus.edu; Candace Michaela Collins – cmcollins@csus.edu; Kamall Alex Hibbler – kamalhibbler@csus.edu ; Brittany Yve St. Lauren LeBlue – by1128@csus.edu; Lorenz Mendoza Soriano – judelorenzsoriano@csus.edu; Nishay Gordon – Shay_smiles@hotmail.com ; Doe student 1 – ruiz2991@gmail.com ; Jason C. Doan – jasonc.doan@gmail.com; Megan Z – meganz95@gmail.com; Doe Student 2 – writepike@gmail.com; Thoa Nguyen – thoanguyen@csus.edu; Samantha Ilene Boyce ileneboyce@csus.edu; Amy Olivia Quinones – amyquinones@csus.edu ; Noor Moein Mashal – noormashal@csus.edu. All listed students are identified as the original participants of the Carlsen Center's premier grand-opening event to student entrepreneurs called, 'Elevate Boot Camp.'

5) This week long program required students to upload their business models for evaluation, and requiring seven pitch sessions to talk about each of our business models to Dale Carlsen et al., whom students believed would be helping launch their new business in the region, by pitching to different

potential investors, according to Dale Carlsen et al.. See EXHIBITS for a copy of that itinerary for the 'Elevate Boot Camp,' a contract of implication and implied contractual agreement after application process involving evaluation and acceptance into the Carlsen Center's first offer to university students in June of 2018.

6) Confirming this contractual agreement to participate was an email to ALL participants of the Elevate Boot Camp (see itinerary in Exhibits), and provides exemplary proof that students were told that participating would provide the way to launch their new businesses because Dale Carlsen donated money and resources for that. (see Press Release to the public by university communications official channel(s)). Email is dated June 25th, 2018 at 7:43pm with subject line, "to the 'Elevate Boot Camp' Participants" where the topic was "for verification purposes" said CSUS employees, Jyoti Das and Frank Bisek. Documentation and exhibits prove the outcome of this workshop was to produce valuable business models for qualified investment opportunities. Students should be the benefactors of that effort, not Dale Carlsen et al.. (see *Guido v. Koopman* (1991) 1 Cal.App. 4th 837, 843); deceptive device or contrivance within Section 10(b), and finding cause for relief within Section 526a of the Code of Civil Procedure in California, and, as a tax paying citizen. 17 C.F.R § 240.10b-1; and 15 U.S. Code § 78j for manipulative and deceptive devices and where rules promulgated under subsection (b) absolutely prohibits fraud, manipulation, by use of electronic

device such as computer and internet technology, and is instrumentally, interstate commerce, directly or indirectly.

7) Blatant abuse of positions of power by university guardians, employees, and/or trustees, resulted in civil and constitutional violations at California State University Sacramento occurred under the watch of University President Robert Nelsen, who authorized and recommended Dale Carlsen et al onto the university campus planning strategies according to the official correspondence of the Trustee Secretariat at the Office of the Chancellor for the California State University system. (see 931 pages of Exhibits provided to the Eastern District Court). This mass-email to all participants of the 'Elevate Boot Camp' by Dale Carlsen et al., provides a preponderance of proof of the contractual agreement to participate and a commitment by students to perform. (see APPENDIX B – Exhibits).

In 2018, official CSUS website content showed that the previous attempt at donor stability received from stakeholders netted about \$15,000, After misuse of the stolen IP, donations increased significantly and incrementally ever since, and that first year after infringement, was around \$164,000, from misuse of student intellectual property because students were deceived by Dale Carlsen and Robert Nelsen et al.. however, beneficiaries lost out on benefitting from the truth about how the CSU Sacramento got itself out of grave financial debt where consideration to drop an entire discourse

community was published in the Sacramento Bee and other periodicals. (see *J.P. v. Carlsbad Unified School District.*)

Gross negligence and fraud had a brutal impact on professional advancement and employment options, damage to reputation and defamation, purposeful misleading the public in truth of the matter at hand, breach of legal duty and obligation in 'special relationship' for university students under their guidance, all of which resulted in damages and injury. (*Peretti v. Montana*, 464 F. Supp. 784, 786 (D. Mont. 1979)(analyzing duties between colleges and students under rubric contract law, and noting that "the general nature and terms of the agreement are usually implied, with specific terms to be found in University bulletin and other publications; custom and usages can also become specific terms by implication."));

After the seven required pitch sessions of the participant agreement contract, Carlsen directed Mark Haney to provide a similar mouse-trap to collect intellectual property by offering funding that came with an invitation to the 'Entrepreneurs Unleashed' event. In truth, nobody there was being funded. The event created perceptions that everyone was there because Haney had offered funding applications and an agreement had been made, yet after speaking with most of the participants, nobody was being funded, and only one person, a Chiropractor at Active Life Team Chiropractic, a Sacramento business, had no funding offer for her 'Leggit Whiskey' label, she said she got shelf space from Haney's help.

Soon after serving Defendants with successions of this complaint, Defendants rebranded to make a perception of strength and stability, but Haney had not funded anybody at that time. Carlsen got state funding and social security checks of Foster kids who paid for their own care under his guidance. Real help for Foster kids would have been to walk them through paperwork to obtain their entitlement to a full ride scholarship simply for being in the Foster Care system. Also, a savings so a nest-egg upon turning 18 would exist, since they do have a monthly SSI stipend.

Mean and unscrupulous people suck. Therefore, Plaintiff's witness to the fact that Haney had offered funding, was verified when Monique Brown of HaneyBiz, did admit the offer for funding and said to the both Kathrine Bardis, President of Bardis Homes, and I, that "HaneyBiz would be contacting me in two weeks" about that application we all filled out which required uploading powerpoint and/or digital versions of our business models to the HaneyBiz website. (See *American Inventors Protection Act* enacted November 29, 1999, (P.L. 106-113); AKA: Summary of H.R. 1907-106th Congress (1999-2000); *American Inventors Protection Act* of 1999; *Colston*, 1999; *The Patents and Designs Act*. Cap. 90-03 § 21, asserts a term of 16 years ownership rightfully belongs to original authors like myself and other CSU students and unsuspecting members of the public, rights to research, IP and designs thereof, from college and university studies involving use of intellectual property in its uses and provides royalty stipends for, in the

claim advanced abilities through use of 'puffery' which is a borderline lie in the discourse community of advertising.

An asset freeze is intended to facilitate enforcement of any eventual money judgement by assuring that the funds in the amount necessary to carry out the purpose of the act – will be available to satisfy the judgement and outcome in this complaint for damages, and by assuring that any funds that may become due can be collected, and it does not place any defendant at risk of contempt for subsequent violations of the law. (*Matthews v. Eldridge*, 424 U.S. 319, 334 (1976)(quoting *Cafeteria & Restaurant Workers v. McElroy*, 367 U.S. 886, 895 (1961); and *Connecticut v. Doehr*, 501 U.S. 1(1991); the U.S. Constitution in terms of personal property rights of the 14th Amendment; and the special relationship clause; seeking injunction through *Asset Freezing Orders Act*; and the *Uniform Foreign Country Money Judgement Recognition Act* (UFCMJRA); *Uniform Voidable Transactions Act*, California Civil Code §§ 3439-3439.14; Section 493.010 of the Code of Civil Procedure, because this case Plaintiff is making a claim as a creditor and Dale Carlsen et al., are the debtors, owing Plaintiff and other university students, retroactive royalties, remedy, and injunctive, declarative, and punitive relief for damages, for use of deceptive schemes, fraud and/or contrivance to deceive (see 25 U.S. at 199 n. 20 (quoting Webster's International Dictionary 580. 713 (2d.ed 1934); 425 U.S. at 199 nn. 20, 21 ("device," "contrivance," and "manipulative"); also see *In re Parmalat Securities Litigation*, 376 F.Supp.2d 472, 502 (S.D.N.Y.

2005)("deceptive"). Plaintiff was instructed by Cota by direction of Carlsen to explain my business model to Brian Bedford and Seung Bach who immediately declared to us all that, "Make Your Campus Matter is a new gold standard!" Therefore, holding firm that (see Id.at 746-47; *United States v. Johnson*, 327, U.S. 106 (1946; and the 'Poor Man's Patent' and damages to reputation, slander, liable, and misleading the public in truth of the matter at hand is another serious violation of university standards with regards to special relationships with the student body in good standing.

Denial of the preliminary screening by the EDC, in the antifraud provisions of the university trustee secretariat and Department of Justice enacted safety and care for students because to deny that right, would mean that buyers, sellers, donors, and those seeking higher education would be guaranteed the rewards of developing their own patentable designs and other intellectual property of investment value, with the outcome of enrichment for both the original creator and the university from which that level of creativity was conferred; a win-win public relations moment for all. The *Education Act of 1972* provides safety provisions which apply to trickery and fraud.

Mrs. Bardis-Miry was a guest speaker at the Entrepreneurs Unleashed event, whom Plaintiff met at a BizWomen event at the CSUS campus. Mrs. Bardis-Miry spoke with Plaintiff at multiple events, and is "excited for student entrepreneurs like you" referring to Plaintiff/Petitioner in

this complaint for fairness and justice. Mrs. Bardis is a witness, not a Defendant. Article 300A requires the State of California follow due procedure and authority of law regarding depriving a person of his or her private property. University students are protected under the special relationship clause and protections for freedom of innovation so that our work helps us find gainful employment opportunities and future career growth. Instead, Carlsen and Mark Haney, used our intellectual property to legally incorporate as 'The Growth Factory.' This similar approach to personal gain involving the systematic infringement of budding entrepreneurs and students under the direction and care of a CSU trustee and fiduciary, Dale Carlsen, makes this an entirely different situation; culpability.

The greed and fraud led to public corruption. Bestowing intellectual property protection is intended, inter alia, to prevent free-riders from benefitting from the expensive process of research and development at little or no cost themselves, thus, reducing incentives for investment in R&D. Moreover, intellectual property rights represent a trade-off, is useful to universities and research institutes to assure first insistence, as a source of information from which further knowledge can be created and can be used to plan for additional research in the area of concern. Thus, Plaintiff declares under oath that the CSUS' areas of concern BECAME student-related issues of hunger, homelessness, and the importance of the reduction of reducing gun violence and suicide through acceptance, inclusion, and love of diversity with

its student body AFTER the systematic infringement of the entire student body from 2018-2019. Petitioner's pitch for investment in the nonprofit, 'Angel Alumni' aka 'Make Your Campus Matter' was based on my homeless experience as a student living in the study hall to survive, therefore, presented concern that focused on providing an inclusive environment that inspired hope to recipients and gives support to all members of the university community by leaving them with the feeling that the campus really cares about them, thus, encouraging stakeholder and donor support. See Poor Man's Patent; *Williams v. Wraxall* (1995) 33 Cal.App.4th 120, 132; Title V of the *Higher Education Act* (HEA) of 1988 see McKinney-Vento Homeless Assistance Act, Public Law 101-645 (42 U.S.C. 11411); Title VII Civil Rights Act of 1964; *Lord Oliver in Asahi Kasei Kogyo KK's Application* [199 RPC 485 (HL) where the underlying purpose of the patent system is the encouragement of improvement and innovation.

Plaintiff seeks declaratory and injunctive relief under 28 U.S.C. § 2201 and Code of Civil Procedure § 526a.

Plaintiff has no sufficient remedy except by invoking the Court's original jurisdiction in this proceeding, and requesting permission to file In Forma Pauperis status with the Court for due process of justice. Relief to CSU Sacramento students is legally justified and in the implied covenant of Uniform Commercial Code §§ 1-304 (2003), 1-201, 2-103, and Duty of Good

Faith and Fair Dealing; Uniform Voidable Transactions Act, California Civil Code § 3439 et seq., in every mode, Cal. Civ. Code § 3439.01(i).

WHEREFORE, the Plaintiff respectfully requests that the Court issue the following relief:

- 1) Accept the jurisdiction of this case;
- 2) Declare the misuse of, and similitude, to the student created and original intellectual property misused by anybody but the rightful owner and creator is unconstitutional and in violation according to rights to personal property and the Poor Man's Patent rights, because an application for copyright/patent to the Library of Congress was also provided as evidence in support of this Complaint.
- 3) Award all other necessary and proper relief.

PLAINTIFF'S AFFIDAVIT OF DECLARATION
Reasons for Granting Petition

22) This case challenges the United States Constitution and the university student's rights to ownership of intellectual property created from coursework while enrolled to confer an undergraduate degree at CSU Sacramento. This case is an issue where the student creates a valuable business model, presents it to the administration of the university, and then the university ends up owning it by completely cutting out the student's rights to their own property. Inferences of intent to defraud students are proven by sheer fact that Dale Carlsen and his administration were allowed to issue a Photo Release of Ideas and Concepts which was required to be signed prior to participation at campus events.

23) On March 22nd, 2018, California's Supreme Court asserted unanimously that a 'Special Relationship' exists between a college and its students. Duty of Care to protect students from unforeseeable acts of violence, includes responsibility for safe activities and safe learning environments for the pupils enrolled in coursework to get ahead in life. In quantifying the magnitude of duty owed, it has been pre-determined by the Supreme Court that a special relationship exists with prima facie evidence that PROVES that a fiduciary relationship exists between a university and its students. Prima facie evidence that a fiduciary exists will be based upon determination that there has been an element of entrustment by one person

(the beneficiary) to another (the fiduciary), an element of power and control by the fiduciary over the interests and well-being of the beneficiary, and an element of proactivity and protection under which the fiduciary subordinates her own interests in order to pursue and protect the interests of the beneficiary. Therefore, substantial, and significant relevance of reliance upon university fiduciaries, i.e., Dale Carlsen et al., who pursued their own self-dealing interests through fraud which quantifies a significant violation and breach of fiduciary duty.

24) Student-petitioner filed for damages IN FORMA PAUPERIS and also played a significant role, along with fellow student entrepreneurs, in developing coursework intellectual property, developed on our own personal time, that was consequently misused by Dale Carlsen and Robert Nelsen et al., for self-gain, and where Dale Carlsen and Robert Nelsen, et al, wrongfully took professional credit for leading the campus out of financial debt in 2018, rather than admitting that students created the value propositions which the university began using immediately following the Elevate pitch sessions which, according to the itinerary of participating in the Elevate Boot Camp, required no less than a dozen dress-rehearsals, to “potential investors” who were really strategic partners of Carlsen’s, who also gained in the systematic infringement of student intellectual property from 2018-2019. As a direct result, instead of honoring the licensing agreements that student-entrepreneurs sought from the CSUS President Robert Nelsen at each pitch

session, the campus developed their own version of our work, and rebranded as 'The Anchor University.' Dale Carlsen et al., benefitted from our intellectual property, even though Petitioner has provided a receipt from the Library of Congress; Copyright and Patent application for 'Make You Campus Matter' aka 'Angel Alumni' (sought in 2018.).

31) The initial attempt at filing a complaint for damages in 2018 resulted in errors, but regardless of the potential of the case's ability in strength of merits, and BECAUSE university students' reliance on studies are for the purposes of gaining accolades and professional credibility through our originally authored coursework intellectual property which is NEEDED to get ahead in life. (see Patents and Designs Act Cap. 90-03 section 21 supporting true and first inventor; *Jernberg v. Mann*, 358 F.3d 131, 135 (1st Cir. 2004)), added to show cause for action for use of influence; *Iqbal*, 556 U.S. at 678 where Appellate asserts claims where misconduct is; *In re Mushroom Transp. Co.*, 382 F.3d, 325, 342 (3d Cir. 2004); Poor Man's Patent; *Peretti v. Montana*, 464 F.Supp. 784, (D. Mont. 1979)(analyzing duties between colleges and students); *Stanford v. Stanford*, 137 S.W.3d 391, 398 (Ark. 2003)(in discussion with fiduciary duties of a trustee, and citing the rule that "[i]n administering the trust, the trustee must act for the beneficiaries; he is prohibited from using the advantage of his position to gain any benefits for himself at the expense of the beneficiaries and from placing himself in a position where his self-interest will, or may, conflict with his

duties”) Quoting *Reigler v. Reigler*, 553 S.W. 2d 37, 40 (Ark. 1997);

Stakeholders on a National level ask the Court, [i]n what circumstances are these well-established laws overlooked when considering outcomes of intellectual property cases?

32) Supreme Court Justice Carol Ann Corrigan explained on behalf of the court, “Students are comparatively vulnerable and dependent on their colleges for a safe environment. Colleges have a superior ability to provide that safety with respect to activities they sponsor or facilities they control.” Similar dependencies exist in other ‘special relationships’ whereby the group with more control over the maintenance of a safe environment is thus morally (and often legally) responsible for guaranteeing that safety.

33) Therefore, Petitioner filed a timely Notice of Appeal and was granted permission to file at the Ninth Circuit Court of Appeal for review.

PETITIONER followed directions of the Time Order Schedule due October 25th, 2021, Case No. USCA-21-16396, at the Ninth Circuit.

Plaintiff is filing in forma pauperis due to loss of credibility of the intellectual property and work we did with Kathrine Cota, even though our work was featured at the UC Davis Big Bang in 2017 and even though Deloitte Consulting CONFIRMED the CSUS’s use of our intellectual property developed over a three day, all day, entrepreneurship think-tank to develop

the mobile app known as, 'UNICONNECT.' See exhibits for emailed confirmation from Deloitte to listed participants for 'StartUpCSUS.'

Plaintiff, lost mom during senior year of studies to cancer. Uncle stole the house. I persevered without a home, without a fridge, and with nothing but a good calculator and the clothes on my back. I slept in the university study hall, studying 8-15 hours per day because I intended to learn what I was paying tuition for, and I wanted to make my mom proud. My choices were to pay rent or tuition. I chose to pay tuition, because my uncle evicted me and my tenant when he stole the house.

As Cota's Protégé for about a year, I was able to research to fulfill the gaps in the business model I developed in 2016 called, 'Secret Santa.' With that basic model, it developed into what was lacking on the CSUS campus since I lacked resources, I had to eat at soup kitchens in between classes to survive. At least the Academic Information Resource Center was safe and with computer and software full access passes, students could utilize Statgraphics or IBM SPSS to develop data models to make strong inferences in support of advertising and investing.

Since I began eating at local soup kitchens in my senior year to survive when mom died of cancer and uncle stole the house, I felt inclined to 'give back' when Public Relations Professor Nancy Kramer insisted we find a firm to work with. We chose the nonprofit, 'Loaves & Fishes' where my

classmates and I met with Sister Libby Fernandez, then Director, and discussed public relation strategies. Our team developed a comprehensive plan for the firm, but Sister Libby decided to use our work as the 'epiphany' for launching the nonprofit, 'Mercy Pedlars' after telling her that outreach is needed to FIND those needing help due to inability to afford transportation. We told her that Loaves perpetuated homelessness because it didn't address 'issues', it merely gave free stuff to those "needing" items, for some, to sell to supplement their addictions.

CSUS Executive Administrator, Yvonne Harris took it so seriously, she appointed the Carlsen Center to walk me through a ProSe Packet because no one had ever misused a senior class project. I was advised to seek counsel by former Executive Director of the Carlsen Center, Kathrine Cota, who quit because of the language in the photo release of image, ideas, and concepts that systematically infringed on the entire student body, and relieved them of their intellectual property rights, thinking that the campus activity was safe. (*Societa per Azioni de Navigazioni Italia v. City of Los Angeles* (1982) 31 Cal.3d 446, 463 [183 Cal.Rptr. 51, 645 P.2d 102]. fn. omitted.

Carlsen directed his advisory board to collude and develop their own versions of outstanding technological and engagement improvements, which are; similitude, and based on the stolen intellectual property. Carlsen directed Mark Haney to collect more intellectual property in a similar fashion, for the 'Entrepreneurs Unleashed' event in October 2018. The event

boasted it was helping to fund entrepreneurs upon replying to the funding offer in an email with an application and instructions on how to upload our business models to the Haney website. See 44th Amendment of the Constitution, is a human right under Article 19(1)(f), Article 31, Article 300A as a Constitutional right; *Hahn v. Mirda* (2007) 147 Cal.App.4th 740, 748 fraud is suppression of fact; and “It is well established that a party to an agreement induced by fraudulent misrepresentations or nondisclosures is entitled to rescind, notwithstanding, the existence of purported exculpatory provisions contained in the agreement. [Citation.]” (*Danzig v. Jack Grynberg & Associates* (1984) 161 Cal. App.3d 1128, 1138 [208 Cal.Rptr. 336]; Civ. Code, § 1689 subd. (b)(1).); *In re Cheryl E.* (1984) 161 Cal. App.3d 587, 599 [207 Cal.Rptr. 728]; Civ. Code, § 1572 subd. 2) is added because intent was to induce students to alter our positions by thinking the Photo Release we were told was “standard” was safe, yet it caused severe injury and loss of Intellectual property rights. Justifiable reliance on university representatives, employees, trustees, and/or professors is an essential element of a claim for fraudulent misrepresentation. (Civ. Code. § 1574; *Blankenheim v. E.F. Hutton & Co.* (1990) 217 Cal.App.3d 1463, 1475 [266 Cal. Rptr. 593].)[5]; *Seeger v. Odell* (1941) 18 Cal. 2d 409, 414-415 [115 P.2d 977, 136 A.L.R. 1291]; *Danzig v. Jack Grynberg & Associates*, supra, 161 Cal. App. 3d at p. 1138.); Section 815.2 subdivision (a), *Hoff v. Vacaville Unified School Dist.* (1998) 19 Cal.4th 925, 80 Cal.Rptr.2d 811; 968 P.2d 522;

statutory duties pursuant to California Education[] Code Section 44807 for supervision safety for students and “negligent in the performance of [its] statutory duties and in the duties [it] assumed by [its] statutory duties and in the duties [it] assumed by [its] conduct, pursuant to California Education Code § 44807 and 44808 so as to cause the injuries to” Hoff.

Soon after the required seven pitch sessions to “potential investors,” the university President and Dale Carlsen began appointing people to fill those gaps identified in the business models that students pitched. ‘Angel Alumni’, aka ‘Make Your Campus Matter’ is based on a homeless experience in my senior year, and what it took to graduate when facing adversities such as loss of a parent, and mean people. Mean people suck, so the obstacle course I had to endure to graduate in spite of the situation I was in, became the reason for studying 8-15 hours per day while living in the study hall. The betrayal is unconscionable. Culpability becomes a question of a need to better protect university students from further injurious harm.

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