

**Law Office of
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January 10, 2018

Kevin Roche, Convention Chair
San Francisco Science Fiction Convention, Inc.
Post Office Box 61363
Sunnyvale, California 94088-1363
Chair@worldcon76.org

Re: Jonathan Del Arroz

Dear Mr. Roche:

This office has been retained to represent Jonathan Del Arroz with respect to his legal rights pertaining to actions that your agents and your organization have engaged in to Mr. Del Arroz's injury and prejudice.

Briefly, your organization has recently decided to "ban" Mr. Del Arroz from "attending" the Worldcon 76, the 2018 World Science Fiction convention, which will be held in San Jose, California in August of 2018. This "ban" has been publicly announced by your organization on its various social media sites. In connection with this announcement, your agents and organizations have stated, implied or insinuated that the ban is justified on the grounds that Mr. Del Arroz is, in essence, a "racist bully." This explanation has been republished by others on social media and through other means of publication.

The statement or insinuation that Mr. Del Arroz is a racist bully is both untrue and highly injurious to Mr. Del Arroz's reputation, both as a writer and as a member of the science fiction community and his local community. The accusation of "racism" is a factual claim that in the present social climate is extremely derogatory and stigmatizing. The effect of such stigmatization necessarily injures the person so stigmatized in the pursuit of his chosen profession, thereby causing substantial foreseeable financial damage. It is also deeply offensive, particularly to Mr. Del Arroz, who is very proud of his Hispanic heritage.

When you consult with an attorney, you will be advised that these publications constitute “defamation,” in that they are untruthful statements that have a natural tendency to injure reputation. In California, a libel is a false and unprivileged publication by writing, printing, picture, effigy, or other fixed representation to the eye that exposes any person to hatred, contempt, ridicule, or obloquy or that causes him or her to be shunned or avoided or that has a tendency to injure the person in his or her occupation. (California Civil Code § 45.) Since there is absolutely no evidence to support the statement that Mr. Del Arroz is a “racist,” even if he is a “public figure” he will be entitled to state a claim for injury to his reputation, and for all emotional distress and pecuniary damages he suffers. (*Douglas v. Janis* (1974) 43 Cal.App.3d 931, 940.)

This offense is only compounded by the further false claim that Mr. Del Arroz intends to engage in “bullying.” Apparently, this was a reference to Mr. Del Arroz’s statement of his intent to wear a body camera in the event that he might be subjected to assaults, confrontation or bullying by other attendees of Worldcon 76. Obviously, Mr. Del Arroz has a civil right to record public events in a public setting, particularly since there is a practice of other attendees in the past wearing body cameras to record events at other conventions. Mr. Del Arroz is unaware of any policy restricting his civil right to record public events in a public setting. (See e.g., *Nevens v. Chino* (1965) 233 Cal. App. 2d 775, 778-779.) Any legal prohibition on recording is limited to recording “private” or “confidential” communications. (California Penal Code §632; Cr. (*Asia Econ. Inst. v. Xcentric Ventures, LLC* (C.D.Cal. July 19, 2010, No. CV 10-1360 SVW (PJWx)) 2010 U.S.Dist.LEXIS 133370, at *33, fn. 11 (Penal Code §632 does not apply if parties expect to be recorded.) If there is such a policy, then please advise and Mr. Del Arroz will comply, albeit he would naturally expect that the same policy would be enforced equally as to the other attendees.

Equally significant is the violation of California’s Unruh Act (California Civil Code §51 et seq.) Under the Unruh Act, a place of public accommodation may not discriminate against any person based on a personal characteristic representing a trait, condition, decision, or choice fundamental to a person's identity, beliefs and self-definition as that factor has been applied in previous cases. (*Semler v. General Electric Capital Corp.* (2011) 196 Cal.App.4th 1380, 1395; *Koebke v. Bernardo Heights Country Club* (2005) 36 Cal.4th 824, 842; *Curran v. Mount Diablo Council of the Boy Scouts* (1998) 17 Cal. 4th 670, 705.) The protection of the Unruh Act extends to political affiliation. (Marina Point, at p. 726 [“Whether the exclusionary policy rests on the alleged undesirable propensities of those of a particular race, nationality, occupation, political affiliation, or age, ... the Unruh Act protects individuals from ... arbitrary discrimination.”].)

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Mr. Del Arroz has substantial evidence consisting of statements by your agents and representatives demonstrating that his ban has its proximate origin in his political beliefs and commitments. In addition, he has equally substantial evidence that establishes that he is being singled out for disparate treatment in that policies are being crafted or applied to him while those who do not share his political commitments are permitted to engage in the behavior that is being falsely attributed to him. (See *Hessians Motorcycle Club v. J.C. Flanagans* (2001) 86 Cal.App.4th 833, 837 (No violation of Unruh act where "no colors" rule was applied equally to all persons, regardless of their race, color, sex, etc.).)

When you consult with a legal advisor, you will be informed that a violation of the Unruh Act makes any person who violates that act liable for damages, fines and attorney's fees.

Mr. Del Arroz does not want to pursue his legal rights unless he is forced to. His desire is to reach a mutually beneficial resolution of the issues that have arisen because of your organization's conduct. In order to resolve his claims, he has instructed me to offer to enter into a settlement on the following basis.

First, your organization and Worldcon76 will publicly apologize to Mr. Del Arroz for its treatment of him, and it will publicly state that it has no reason to assert that Mr. Del Arroz is either a racist or bully. This public apology and statement will be made through its Facebook and social media sources.

Second, your organization and Worldcon76 will comply with the Unruh Act by lifting the purported "ban" on Mr. Del Arroz's participation in Worldcon 76.

Third, your organization and Worldcon76 will commit to protecting the rights of Mr. Del Arroz from interference by third-parties, or by its members and agents, through harassment, intimidation or bullying.

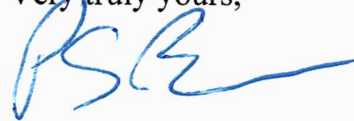
Fourth, your organization and Worldcon76 will provide its agents and employees with training on their legal obligation under California law not to discriminate or harass on the basis of political beliefs or relationships.

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You are advised to place your organization's insurance carriers on notice.

We look forward to a response within ten days of the date of this letter.

Very truly yours,



PETER SEAN BRADLEY

PSB:ca

cc: Jonathan Del Arroz