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27 **UNITED STATES DISTRICT COURT**

28 **CENTRAL DISTRICT OF CALIFORNIA**

1 DO NO HARM; STUDENTS FOR  
2 FAIR ADMISSIONS; and KELLY MA-  
3 HONEY, individually and on behalf of  
4 others similarly situated,

*Plaintiffs,*

5 v.

6 REGENTS OF THE UNIVERSITY  
7 OF CALIFORNIA; JULIO FRENK, in  
8 his official capacity as the Chancellor of  
9 UCLA; GENE BLOCK, in his personal  
10 capacity; and JENNIFER LUCERO, in  
11 her personal capacity and in her official  
12 capacity as the Associate Dean of Ad-  
missions of David Geffen School of  
Medicine at UCLA,

*Defendants.*

Case No. 2:25-cv-4131

**SECOND AMENDED  
CLASS ACTION  
COMPLAINT AND DEMAND  
FOR JURY TRIAL**

**NATURE OF ACTION**

13  
14 1. The David Geffen School of Medicine at UCLA is illegally considering  
15 race in admissions. Plaintiffs—Do No Harm; Students for Fair Admissions; and Kelly  
16 Mahoney, individually and on behalf of all others similarly situated—bring this civil  
17 action under the Equal Protection Clause of the Fourteenth Amendment, Title VI of  
18 the Civil Rights Act of 1964, and 42 U.S.C. §1981.

19  
20 2. In 2023, the U.S. Supreme Court reminded universities what has always  
21 been true: “Racial discrimination is invidious in all contexts.” *SFFA v. Harvard*, 600  
22 U.S. 181, 214 (2023) (cleaned up). The right to “public education ‘must be made avail-  
23 able to all on equal terms’” without regard to race. *Id.* at 204 (quoting *Brown v. Bd. of*  
24 *Educ.*, 493 U.S. 483, 493 (1954)). Race-based admissions “demea[n] the dignity and  
25 worth” of citizens by judging them “by ancestry instead of by [their] own merit and  
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1 essential qualities.” *Id.* at 220 (cleaned up). The U.S. Constitution prohibits public uni-  
2 versities from using race “as a factor in affording educational opportunities” unless  
3 they satisfy “strict scrutiny.” *Id.* at 204, 213. The race-based admissions used by  
4 “[m]any universities” before 2023 fail that standard because they “lack sufficiently fo-  
5 cused and measurable objectives warranting the use of race, unavoidably employ race  
6 in a negative manner, involve racial stereotyping, and lack meaningful end points.” *Id.*  
7 at 230-31. The Supreme Court’s precedents “have *never* permitted admissions programs  
8 to work in that way.” *Id.* at 230 (emphasis added).

11 3. But UCLA didn’t need that reminder. Long before *Harvard*, the people  
12 of California passed Proposition 209, which banned the consideration of race in uni-  
13 versity admissions. The California Constitution now unambiguously states: “The State  
14 shall not discriminate against, or grant preferential treatment to, any individual or  
15 group on the basis of race ... in the operation of ... public education.” Cal. Const. art.  
16 I, §31(a). And Regents Policy 4401, which was enacted in 2001, states that the UC  
17 System “will be governed by Article 1, Section 31 of the California Constitution by  
18 treating all students equally in the admissions process without regard to their race, sex,  
19 color, ethnicity or national origin.”  
20  
21

23 4. California’s universities have never liked Prop 209, at least the part that  
24 bans them from giving admissions preferences to blacks. The University of California  
25 System has campaigned for Prop 209’s repeal. And behind the scenes, its admissions  
26 offices have reintroduced the intentional consideration of race.  
27  
28

1           5.       Indeed, the UC System’s illegal use of race is currently being challenged  
2 in another case pending before this Court. *Students Against Racial Discrimination v. Regents*  
3 *of the Univ. of Cal.*, No. 8:25-cv-192-JWH-JDE (C.D. Cal.).  
4

5           6.       UCLA’s medical school has adopted an “Anti-Racism Roadmap,” under  
6 which it racially balances its medical-student population.  
7

8           7.       Consistent with its racial goals, Geffen made Jennifer Lucero dean of ad-  
9 missions in 2020. Lucero is an outspoken advocate for using race to make admission  
10 and hiring decisions in medical schools and hospitals. As dean of admissions, Lucero  
11 wields significant influence over Geffen’s admissions policies and practices, the ap-  
12 pointment of the admissions committee members, the committee’s deliberations, and  
13 admission decisions.  
14

15           8.       Whistleblowers with first-hand knowledge of Lucero’s admissions prac-  
16 tices have now come forward. They report that, under the guise of “holistic” review,  
17 Geffen requires applicants to submit responses that are intended to allow the Com-  
18 mittee to glean the applicant’s race, which the medical school later confirms via inter-  
19 views. Lucero and her handpicked committee members routinely and openly discuss  
20 race (and racial proxies) and use race as a factor to make admission decisions. Lucero  
21 berates and belittles committee members who raise concerns about admitting minority  
22 students because of their race despite low GPAs and MCAT scores. At UCLA Medical  
23 School, race is not only a factor but often decisive—above GPA and MCAT scores—  
24 in making admission decisions.  
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1           9.     Then-Chancellor Block had the power to hire, fire, discipline, investigate  
2 and oversee Lucero. He announced no action or reform in response to the whistle-  
3 blowers' revelations.  
4

5           10.    The numbers show that UCLA is engaged in intentional racial balancing.  
6 Between 2020 and 2023, the percentage of white and Asian applicants to Geffen was  
7 consistently around 73% of the total applicant pool. Yet the percentage of matriculants  
8 to Geffen who are white and Asian plummeted: 65.7% in 2020, 57.1% in 2021, 57.8%  
9 in 2022, and 53.7% in 2023.  
10

11           11.    UCLA has withheld key admissions data from the public and its own  
12 internal oversight body. UCLA has also effectively shut down its own internal probe  
13 into its admissions practices by insisting on non-disclosure agreements from the par-  
14 ticipants in the admissions process. Geffen's apparent illegal use of race has even  
15 prompted multiple federal agencies to launch investigations into its admissions prac-  
16 tices.  
17

18           12.    This much is clear: UCLA's illegal racial discrimination has harmed and  
19 is continuing to harm applicants, including Plaintiffs and their members. In this race-  
20 based system, all applicants are deprived of their right to equal treatment and the op-  
21 portunity to pursue their lifelong dream of becoming a doctor because of utterly arbi-  
22 trary criteria. Plaintiffs are entitled to relief.  
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**PARTIES**

1  
2 13. Plaintiff Do No Harm is a voluntary membership organization of  
3 healthcare professionals, students, patients, and policymakers who want to protect  
4 healthcare from radical, divisive, and discriminatory ideologies. Do No Harm’s pur-  
5 pose is to keep these ideologies out of medical education, clinical practice, and research  
6 fields. It is recognized by the IRS as a 501(c)(3) tax-exempt nonprofit and is validly  
7 incorporated in Virginia.  
8

9  
10 14. Do No Harm is a traditional, genuine membership association. Founded  
11 in 2022, Do No Harm has grown to more than 27,000 members. Do No Harm’s mis-  
12 sion and outreach are highly public and detailed on its public-facing website. Members  
13 voluntarily join, pay dues, and receive regular communications about the association’s  
14 litigation and other activities. Members’ rights are spelled out in Do No Harm’s bylaws,  
15 including the right to elect one director to the board. Do No Harm has represented  
16 the interests of many of its members in many federal cases. *See Litigation*, Do No Harm,  
17 donoharmmedicine.org/litigation.  
18

19  
20 15. Do No Harm brings this lawsuit in a representational capacity on behalf  
21 of its members who would have standing to sue on their own. All of Do No Harm’s  
22 standing members voluntarily joined the organization, support its mission, paid dues,  
23 authorized Do No Harm to represent their rights in this litigation, receive updates and  
24 can give input and direction on this litigation, and are represented by Do No Harm in  
25 good faith.  
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1           16. Plaintiff Students for Fair Admissions is a voluntary membership organ-  
2 ization formed for the purpose of defending human rights and civil liberties, including  
3 the right of individuals to equal protection under the law, through litigation and other  
4 lawful means. SFFA and its members believe that racial preferences in school admis-  
5 sions are unfair, unnecessary, and unconstitutional. SFFA is recognized by the IRS as  
6 a 501(c)(3) tax-exempt nonprofit and is validly incorporated in Virginia.  
7

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9           17. SFFA is a traditional, genuine membership association. Founded in 2014,  
10 SFFA has grown to over 19,000 members. SFFA’s mission and outreach are highly  
11 public and detailed on its public-facing website. Members voluntarily join, pay dues,  
12 and receive regular communications about its litigation and other activities. Members’  
13 rights are spelled out in SFFA’s bylaws, including the right to have one member-elected  
14 director on the board. SFFA has represented the interests of many members in many  
15 federal cases, including its successful litigation against Harvard and UNC. *See Our Cases*,  
16 SFFA, [studentsforfairadmissions.org/our-cases](https://studentsforfairadmissions.org/our-cases).  
17

18  
19           18. SFFA brings this lawsuit in a representational capacity on behalf of its  
20 members who would have standing to sue on their own. All of SFFA’s standing mem-  
21 bers voluntarily joined the organization, support its mission, paid dues, authorized  
22 SFFA to represent their rights in this litigation, receive updates and can give input and  
23 direction on this case, and are represented by SFFA in good faith.  
24

25  
26           19. Plaintiff Kelly Mahoney is a college graduate who applied to, and was  
27 rejected from, Geffen.  
28

1           20. Defendant the Regents of the University of California is a state agency  
2 that operates the UC System. Under Article IX, §9 of the California Constitution, the  
3 regents have the “full powers of organization and government” over the UC System,  
4 including the UCLA Medical School. Cal. Const. art. IX, §9(a). Defendants have stip-  
5 ulated in this case that any injunctive or declaratory relief against the Regents “will  
6 apply to and be binding on UCLA and the David Geffen School of Medicine at  
7 UCLA.” Doc.27 at 3.  
8

9  
10           21. Defendant Julio Frenk is the current chancellor of UCLA. Under the Re-  
11 gents’ bylaws, the chancellor is “the executiv[e]” head of UCLA’s campuses, including  
12 Geffen. He sets and has the power to change UCLA’s “policies,” including Geffen’s  
13 admissions policies and practices. He is also “responsible for the organization, internal  
14 administration, operation, financial management, and discipline of [UCLA’s] cam-  
15 puses,” including monitoring how Geffen conducts admissions and overseeing its  
16 compliance with federal and state laws banning the use of race in admissions. He fur-  
17 ther “oversee[s] all faculty personnel and other staff at their locations,” including  
18 Lucero and everyone who administers admissions at Geffen. Frenk is sued in his offi-  
19 cial capacity. Defendants have stipulated in this case that any injunctive or declaratory  
20 relief against Frenk in his “official capacit[y] will apply to and be binding on UCLA  
21 and the David Geffen School of Medicine at UCLA.” Doc.27 at 3.  
22  
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26           22. Defendant Gene Block was chancellor of UCLA from August 2007 to  
27 July 2024. He was chancellor when Lucero was hired, when the plaintiffs and standing  
28

1 members here were denied admission to Geffen, and when Geffen adopted and im-  
2 plemented the main policies and practices challenged in this lawsuit. An outspoken  
3 critic of Prop 209, Block created and oversaw the implementation of UCLA’s “efforts  
4 at UCLA to increase representation of African American” students. As chancellor,  
5 Block was responsible for addressing allegations that a UCLA school was violating the  
6 law in how it conducted admissions, including the allegations in this lawsuit. In re-  
7 sponse to the “Varsity Blues” sting, for example, Block issued a statement falsely stat-  
8 ing that “UCLA is absolutely committed to ensuring that every applicant is considered  
9 purely on their merits.” And when three separate researchers at UCLA found that the  
10 school gave race-based admissions preferences to blacks, Block issued a statement  
11 falsely stating that “UCLA neither discriminates nor grants preference to prospective  
12 students based on race, ethnicity, sex or national origin.” Block is sued in his personal  
13 capacity.  
14  
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17

18 23. Defendant Jennifer Lucero has been the Associate Dean of Admissions  
19 at UCLA Medical School since 2020. Lucero has significant input on the appointment  
20 of the admissions committee, and she sits on and deliberates with the admissions com-  
21 mittee. Lucero also sits on the Admissions Policy and Oversight Committee as an ex  
22 officio member and has significant influence over Geffen’s admissions policies. Lucero  
23 is sued in her personal and official capacities. Defendants have stipulated in this case  
24 that any injunctive or declaratory relief against Lucero in her “official capacit[y] will  
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1 apply to and be binding on UCLA and the David Geffen School of Medicine at  
2 UCLA.” Doc.27 at 3.

### 3 4 **JURISDICTION AND VENUE**

5 24. This Court has subject-matter jurisdiction under 28 U.S.C. §1331, §1343,  
6 and §1367(a).

7 25. Venue is proper in the Central District of California under 28 U.S.C.  
8 §1391 because Defendants reside here and a substantial part of the events and omis-  
9 sions giving rise to the claim occurred here.

### 10 11 **FACTUAL ALLEGATIONS**

#### 12 **I. UCLA Medical School’s Admissions Process**

13 26. UCLA Medical School is highly selective. Each year, Geffen receives be-  
14 tween 11,000 and 14,000 applicants yet matriculates roughly 175 medical students.

15 27. Geffen does not have a minimum GPA or MCAT score that applicants  
16 must have before they can apply or be admitted; all completed applications are consid-  
17 ered, regardless of MCAT or GPA. According to the admissions office, applicants are  
18 even “competitive” for Geffen “as long as” their GPA is “over a 3.0.” *What Is the*  
19 *Holistic Admissions Approach for Medical School* at 0:41-0:46, David Geffen School of Med-  
20 icine, YouTube (July 20, 2023), [youtube.com/watch?v=482vInqbLVk](https://youtube.com/watch?v=482vInqbLVk). If an appli-  
21 cant’s grades improved over time, that “upward trend” is also “always looked favorably  
22 upon by the [admissions] committee.” *What GPA Do You Need to Get into Med School at*  
23 *UCLA? Is There a Cut-off?* at 0:28-0:48, David Geffen School of Medicine, YouTube  
24 (July 20, 2023), [youtube.com/watch?v=LG-fAR75pJs](https://youtube.com/watch?v=LG-fAR75pJs).

1 28. UCLA has no list of specific courses that applicants must take before  
2 they can apply to or attend Geffen.

3 29. UCLA chooses to let applicants apply to Geffen up to three times total.  
4 And although medical schools can allow for transfers, Geffen chooses not to accept  
5 transfers. Applicants can reuse their MCAT score from up to four years ago; an appli-  
6 cant applying in 2025, for example, can use an MCAT score from as early as January  
7 1, 2021.  
8

9 30. Geffen reviews applications and makes admission decisions through its  
10 admissions committee, which consists of approximately 20-30 faculty members. Com-  
11 mittee members can serve up to three five-year terms. About five medical students also  
12 sit on the admissions committee to provide input on admission decisions. UCLA does  
13 not make public who sits on the admissions committee.  
14

15 31. The admissions committee's application-review process for the tradi-  
16 tional M.D. track generally takes place in the following steps: primary application, sec-  
17 ondary application, interview, committee deliberation, and decision.  
18

19 32. **Primary Application.** Applicants submit a primary application through  
20 the American Medical College Application Service, which is run by the Association of  
21 American Medical Colleges. Geffen is a member of AAMC.  
22

23 33. AMCAS sends the applicant's primary application to the applicant's des-  
24 ignated medical schools. Applicants pay \$175 for the first designated school and \$46  
25 for each subsequently designated school.  
26  
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1           34. The primary application contains the applicant’s biographical infor-  
2 mation (including race), citizenship status, family income, academic background, un-  
3 dergraduate GPA, MCAT score, internship and volunteer experience, and personal  
4 statement.

5  
6           35. Geffen receives an applicant’s primary application through AMCAS and  
7 uses the primary application to initially screen applicants. It purportedly removes the  
8 checkbox information for race and ethnicity.

9  
10           36. Geffen requires applicants to take AAMC’s PREview Exam, which at-  
11 tempts to measure applicants’ professional readiness and situational judgment. The  
12 PREview Exam is a multiple-choice test that purports to measure applicants’ cultural  
13 awareness, cultural humility, empathy and compassion, and interpersonal skills, among  
14 others. The PREview Exam was created by diversity-affairs officers from various med-  
15 ical schools, whom AAMC calls its “DEI constituents,” to “level the playing field” for  
16 applicants deemed historically underrepresented in medicine. It does so by stressing  
17 factors other than academics.

18  
19  
20           37. It costs \$100 to take the PREview Exam. The PREview Exam scores  
21 initially get reported to UCLA as part of the applicant’s primary application. Geffen  
22 again asks about the PREview Exam in the secondary application.

23  
24           38. ***Secondary application.*** After primary review, select applicants receive an  
25 invitation to submit a UCLA-specific secondary application.  
26  
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1           39. The secondary application asks the applicant to submit several open-  
2 ended responses. For instance, in 2024, Geffen asked a series of questions, including  
3 the following: “Do you identify as being part of a group that has been marginalized  
4 (examples include, but are not limited to LGBTQIA, disabilities, federally recognized  
5 tribe) in terms of access to education or healthcare? If you answered “Yes” ..., describe  
6 how this inequity has impacted you or your community and how educational disparity,  
7 health disparity and/or marginalization has impacted you and your community.” On  
8 its face and by design, this question asks black applicants to reveal their race so that  
9 Geffen can know and consider it.  
10

11  
12           40. To submit the secondary application, the applicant must pay a fee to Ge-  
13 ffen. In 2025, the secondary-application fee is \$100. For previous application cycles,  
14 the secondary-application fee was \$95.  
15

16  
17           41. After the secondary review, select students get an opportunity to inter-  
18 view with faculty members. The interviews are conducted either in person or remotely  
19 by video.  
20

21           42. After the interviews, the admissions committee deliberates on the appli-  
22 cations together.

23           43. After the committee deliberates, it ranks the applicants and makes final  
24 admission decisions on who to admit.  
25

26           44. At each step of the process—primary review, secondary review, inter-  
27 view, and committee deliberation—the admissions committee purports to review each  
28

1 application holistically. Harvard, UNC, and virtually all other elite universities that  
2 openly considered race in admissions before *Harvard* likewise use holistic admissions.  
3 *Cf.* 600 U.S. at 257 (Thomas, J., concurring) (“Harvard’s ‘holistic’ admissions policy  
4 began in the 1920s when it was developed to exclude Jews.”). Notwithstanding *Har-*  
5 *vard*, AAMC has encouraged medical schools like UCLA to continue using holistic  
6 review to “boost racial diversity.”  
7

8  
9 **II. UCLA Medical School uses race as a factor in admissions.**

10 45. In defiance of state and federal law, UCLA uses race as a factor in admis-  
11 sions. Both the UC System and Geffen have publicly expressed their intent to racially  
12 balance the class. Geffen’s dean of admissions, Lucero, both publicly and privately said  
13 she uses race as a factor in making admission decisions. And whistleblowers confirm  
14 that the admissions committee, either led or intimidated by Lucero, use all available  
15 methods to glean an applicant’s race, openly discuss applicants’ race, and use race to  
16 hold students to different standards.  
17

18  
19 46. In *Harvard*, the UC System submitted an amicus brief stating that it “im-  
20 plemented numerous and wide-ranging race-neutral measures designed to increase ...  
21 racial diversity.” The UC System also said that, although “Proposition 209 barred con-  
22 sideration of race in admissions decisions at public universities in California,” its com-  
23 petitor universities outside of California “must retain the ability to engage in the ...  
24 consideration of race.” Had the Supreme Court adopted that position, it would have  
25 made it *harder* for the UC System to attract minority students. As Chancellor Block  
26  
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28

1 once put it, “the most serious competition for UCLA” in trying to enroll black students  
2 is “highly ranked private colleges and universities” openly using race in admissions.  
3 The UC System’s position at the Supreme Court thus makes no sense unless its schools  
4 were still using race, and it hoped that the Supreme Court would say the practice was  
5 lawful under federal law.  
6

7  
8 47. Similarly, in 2024, the UC System said that “system- and campus-level  
9 strategies and innovations are being piloted or have been implemented” to “achieve  
10 representational diversity in its student body.”

11  
12 48. The UC System further adopted the “UC 2030 Capacity Plan,” with the  
13 goal of having its student bodies “better reflec[t] California’s racial/ethnic ... diver-  
14 sity.” The UC System President wanted “intentional” “growth” in terms of making  
15 “graduate students ... better reflect and tap the talent of underrepresented populations  
16 who represent the majority of Californians.” To support this goal of “mov[ing] the  
17 needle on the diversity of graduate students,” the Regents “requested graduate profes-  
18 sional programs” to “present race/ethnicity data on students and faculty, along with  
19 diversity plans within the program.”  
20  
21

22 49. The UC System meticulously measures its racial outcomes in a variety of  
23 ways, including by closely tracking the racial demographics of its students. “The whole  
24 goal of public universities,” according to then-chancellor Block, is to “represent the  
25 demographics of the community that we serve.”  
26  
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1           50. UCLA commissioned a report by Robert Mare to study its admissions  
2 process for undergraduates—which, like Geffen, uses “holistic” review. Even the Mare  
3 report found that, over a two-year span, the admission of nearly one-third of all admit-  
4 ted black students could not be explained on ground other than race. In response to  
5 this shocking finding, then-Chancellor Block did not order an investigation or any  
6 changes to decrease the use of race in admissions. UCLA instead endorsed Mare’s  
7 study as proof that its holistic admissions were working as intended. Throughout his  
8 tenure, Block refused to investigate or make any changes in response to evidence that  
9 UCLA was using race in admissions, including credible evidence about Geffen.  
10  
11

12  
13           51. When he was chancellor, Block oversaw UCLA’s efforts to achieve “di-  
14 versity” in admissions, including by “adopt[ing] admissions policies that are designed  
15 to draw together a student body that looks like” the country. He often touted each year  
16 that the incoming class was “the most diverse” in UCLA’s “103-history.” Yet Block  
17 elsewhere maintained that “it is nearly impossible to achieve true diversity on our cam-  
18 puses without taking some account of race or ethnicity in admissions.”  
19  
20

21           52. Block created the new position of “vice chancellor for equity, diversity,  
22 and inclusion”—as well as new “diversity officers” who reported to the vice chancel-  
23 lor—with the specific mandate to “strengthen campus diversity and equity.”  
24

25           53. In 2020, Geffen adopted the “Anti-Racism Roadmap” with the purpose  
26 of creating a “path toward racial justice, equity, diversity and inclusion.”  
27  
28

1           54. Under the roadmap, Geffen instituted sweeping policies concerning race  
2 in its operations.

- 3           a. Geffen re-defined “merit” to include “diversity and inclusion initiatives.”  
4  
5           b. Geffen committed itself to increasing BIPOC employees and chairs  
6 among its faculty and created a special pathway for BIPOC postdoctoral  
7 trainees, fellows, and residents to become faculty.  
8  
9           c. Geffen committed itself to creating special opportunities for BIPOC re-  
10 searchers to present seminars, present research, and otherwise participate  
11 in research opportunities, including by providing “minority supplements”  
12 to NIH grants.  
13  
14           d. Geffen vowed that the medical-student body “should reflect the popula-  
15 tion of State of California” and adopted a strategic plan to “increase the  
16 number of URiM students.” The term “URiM” stands for underrepre-  
17 sented in medicine. Its proponents consider all blacks to be underrepre-  
18 sented and all whites and Asians to be overrepresented.  
19  
20           e. Geffen vowed collaboration among the admissions committee, the Ad-  
21 missions Policy Oversight Committee, and the Faculty Executive Com-  
22 mittee to “review and improve diversity to reflect the population of the  
23 State of California.”  
24  
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1 f. Geffen sought the participation of “diverse” medical students and the Eq-  
2 uity, Diversity, and Inclusion Office in the admissions process to further  
3 its racial goals.

4  
5 g. Geffen also explained how it would monitor the racial numbers in the  
6 admissions process. It explained that it would engage in “strategic plan-  
7 ning to improve diversity for all UCLA Health professional students using  
8 data-driven, evidence-based approaches.” In addition, it would “collect  
9 and publicly report data on diversity in all school programs.”

10  
11 55. Geffen’s Anti-Racism Roadmap has separately been incorporated into  
12 the school’s diversity statements, which the admissions committee applies in reviewing  
13 each application.

14  
15 56. In 2020, Geffen named Lucero its Dean of Admissions. Lucero is also  
16 the Vice Chair of DEI efforts at UCLA Health, the hospital system affiliated with  
17 Geffen.

18  
19 57. Lucero is an outspoken advocate for using race as a factor in admissions  
20 and hiring in medical school and healthcare. Lucero has stated her view that every part  
21 of society—including academic medicine—is structurally racist. Lucero has stated her  
22 view that racism affects admission decisions and impedes DEI efforts. Lucero has also  
23 stated her view that comments like “We want diversity, but we also want qualified  
24 people” are biased and racist.  
25  
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1           58. Lucero has stated in articles and public interviews that it's important to  
2 racially diversify medical-school admissions, residencies, and leadership positions in  
3 medicine. As Dean of Admissions, Lucero has significant influence over the appoint-  
4 ment of admissions committee members. Lucero has remade the admissions commit-  
5 tee to be, what she calls, a "brave space" that both looks racially diverse and is where  
6 the committee members feel free to further DEI efforts.  
7

8  
9           59. Consistent with Lucero's beliefs, Geffen's current "Guiding Principles  
10 for Student Representation" state that the chair of the Admission Committee will en-  
11 sure that medical students who identify as BIPOC are placed on the committee to  
12 provide their input on admissions.  
13

14           60. Given the UC System's and Geffen's explicit desire to racially balance the  
15 student body, and with Lucero at the helm, the admissions committee makes admission  
16 decisions by using race as a factor.  
17

18           61. Lucero and her handpicked admissions committee take advantage of  
19 UCLA's holistic-review procedure to uncover and then use applicants' race.  
20

21           62. Lucero and the admissions committee routinely admit black applicants  
22 with below-average GPA and MCAT scores—even significantly below-average  
23 scores—while requiring whites and Asians to have near-perfect scores to even be seri-  
24 ously considered.  
25

26           63. Lucero and the admissions committee explicitly discuss and use appli-  
27 cants' race. On one occasion when the Committee was deliberating on a black  
28

1 applicant with a significantly below-average GPA and MCAT score, Lucero stated:  
2 “Did you not know African-American women are dying at a higher rate than everyone  
3 else?” “We need people like this in the medical school.”  
4

5 64. Committee members report that the bar for underrepresented minorities  
6 is “as low as you could possibly imagine” and that the Committee “completely disre-  
7 gards grades and achievements” for those applicants.  
8

9 65. Lucero regularly bullies and berates members of the admissions commit-  
10 tee who voice concerns about admitting below-average black applicants by labeling  
11 them as “privileged” and implying that they are racist.  
12

13 66. Lucero and the admissions committee regularly glean the applicants’ race  
14 through direct and indirect means. The secondary application even asks questions de-  
15 signed to uncover applicants’ race. The interviews further enable the committee to  
16 know applicants’ race and ethnicity.  
17

18 67. Statistical evidence obtained through public-records requests confirm  
19 that Lucero and the admissions committee are using race.  
20

21 68. Despite consistently making up a large percentage of the total applicant  
22 pool, the percentage of white and Asian students who matriculate at UCLA Medical  
23 School has dropped precipitously since Lucero took over as dean.  
24

25 69. In 2020, white applicants constituted 36.71% of the total applicant pool.  
26 Yet only 30.29% of the matriculants were white.  
27  
28

1           70.    In 2021, white applicants constituted 35.02% of the total applicant pool.  
2 Yet only 27.43% of the matriculants were white.

3           71.    In 2022 white applicants constituted 34.64% of the total applicant pool.  
4 Yet only 26.59% of the matriculants were white.

5           72.    In 2023, white applicants constituted 32.83% of the total applicant pool.  
6 Yet only 24% of the matriculants were white.

7           73.    In 2020, Asian applicants constituted 37.83% of the total applicant pool.  
8 Yet only 35.43% of the matriculants were Asian.

9           74.    In 2021, Asian applicants constituted 37.13% of the total applicant pool.  
10 Yet only 29.71% of the matriculants were Asian.

11           75.    In 2022, Asian applicants constituted 39.34% of the total applicant pool.  
12 Yet only 31.21% of the matriculants were Asian.

13           76.    In 2023, Asian applicants constituted 40.79% of the total applicant pool.  
14 Yet only 29.71% of the matriculants were Asian.

15           77.    A disproportionately higher number of black applicants matriculated to  
16 Geffen in 2020, 2021, 2022, and 2023.

17           78.    In 2020, black applicants made up 7.06% of the applicant pool. Yet 8%  
18 of the matriculants were black.

19           79.    In 2021, black applicants made up 8.93% of the applicant pool. Yet  
20 11.43% of the matriculants were black.

1 80. In 2022, black applicants made up 7.64% of the applicant pool. Yet  
2 9.83% of the matriculants were black.

3 81. In 2023, black applicants made up 7.86% of the applicant pool. Yet  
4 14.29% of the matriculants were black.

5 82. Geffen's matriculants have an average GPA of 3.8 and average MCAT  
6 of 514. Nationally, the average GPA for white matriculants was a 3.8 and the average  
7 MCAT was 512.4, while Asian matriculants had an average GPA of 3.83 and an average  
8 MCAT of 514.3. Yet black matriculants had an average GPA of 3.59 and an average  
9 MCAT of 505.7.

10 83. Geffen closely guards the GPA and MCAT scores for its matriculants.  
11 And it does not make the GPAs or MCAT scores of matriculants available to the pub-  
12 lic. Geffen has stubbornly refused to produce full MCAT scores, even in response to  
13 a public-records request. For years, Geffen's administration even refused to provide  
14 admissions data to the faculty oversight board. UCLA's refusal to turn over this infor-  
15 mation confirms that the data would show large racial preferences.

16 84. Lucero's and the admissions committee's illegal use of race in admissions  
17 was known, and caused grave concern, among Geffen's faculty members.

18 85. After receiving multiple complaints for years, UCLA's internal Discrimi-  
19 nation Prevention Office, charged with ensuring compliance with Title VI and other  
20 laws, sought to investigate Lucero and Geffen's admissions practices.

1 86. Four members of the admissions committee initially agreed to participate  
2 in that investigation. But the admissions committee had required its members to sign  
3 a nondisclosure agreement barring any discussion of the committee’s deliberations.  
4 When these four members wrote to Geffen’s administration seeking written assurance  
5 that they would not be retaliated against for cooperating with the internal probe, the  
6 administration refused to give them that assurance. Geffen’s administration thus ef-  
7 fectively shut down UCLA’s internal probe.  
8

9  
10 87. Geffen’s use of race in admissions has prompted the federal government  
11 to open several investigations. In July 2025, the government suspended hundreds of  
12 millions of dollars of federal funding to Geffen. The first cited reason for the suspen-  
13 sion is Geffen’s “surreptitious—and unlawful—prioritization of race over merit” in  
14 “admissions.”  
15

16  
17 **III. UCLA’s racial discrimination has harmed and continues to harm**  
18 **Plaintiffs.**

19 88. Do No Harm has at least one member who is ready and able to apply to  
20 Geffen and at least one member who is applying to Geffen in the current admissions  
21 cycle.

22 89. DNH-Member A is white, a U.S. citizen, and a recent college graduate.

23 90. DNH-Member A applied to Geffen in 2024.

24  
25 91. DNH-Member A had a 3.88 cumulative college GPA and scored 526 on  
26 the MCAT, which was in the 100th percentile. He completed all necessary courses.  
27  
28

1 92. DNH-Member A submitted both the primary and secondary applications  
2 to Geffen. DNH-Member A paid the primary-application fee and the secondary-ap-  
3 plication fee. DNH-Member A also incurred the cost of taking the PREview Exam.  
4

5 93. Despite his stellar academic achievements, DNH-Member A was rejected  
6 by Geffen.  
7

8 94. DNH-Member A is attending another medical school, one lower than  
9 Geffen on his list of preferred schools.

10 95. DNH-Member A is able and ready to reapply to Geffen, including by  
11 applying to transfer, as soon as a court orders Geffen to stop discriminating and un-  
12 does the effects of Geffen's prior discrimination.  
13

14 96. SFFA has at least one member who will apply to Geffen in the next ad-  
15 missions cycle, which will open when primary applications become available in May  
16 2026, and at least one member who is applying to Geffen in the current admissions  
17 cycle.  
18

19 97. SFFA-Member 1 is female, half-Asian and half-white, a U.S. citizen who  
20 graduated from a high school in California, and a current college student. She will  
21 graduate college in May 2026 with a bachelor of science.  
22

23 98. SFFA-Member 1 has already taken the courses needed to demonstrate  
24 competency in science, the humanities, and the other subjects and skills that Geffen  
25 evaluates. She will satisfy all other requirements to attend medical school.  
26  
27  
28

1 99. SFFA-Member 1 has worked as a health aide at a resident-care home and  
2 has managed multiple businesses even at a young age. Because she wants to use her  
3 medical degree to work in pediatrics, she has picked up an extra minor in family studies.  
4

5 100. SFFA-Member 1 has a GPA of 3.4. Her science grades are near the 90th  
6 percentile of her class this semester. Her grades also show an upward trajectory. Her  
7 lower grades occurred earlier and were the product of her simultaneously working 40-  
8 50 hours a week to put herself through college. In her last three semesters, she earned  
9 all As and Bs.  
10

11 101. SFFA-Member 1 wants to attend Geffen, will apply, and will take all nec-  
12 essary steps to apply. Getting into Geffen is a personal dream of hers. She has toured  
13 Geffen in person, which she enjoyed so much that it solidified her desire to attend  
14 medical school.  
15

16 102. SFFA-Member 1 will take the MCAT in June 2026. She is registered to  
17 take the test on June 27, 2026; she received the confirmation of her registration on  
18 October 30, 2025. She will take the MCAT again if she is unsatisfied with her first  
19 score. But no matter what her best score is, she will apply to Geffen in the next admis-  
20 sions cycle.  
21

22 103. Because of Geffen's racially discriminatory admissions policies and prac-  
23 tices, without a court order fully preventing Defendants from discriminating, SFFA-  
24 Member 1 will not be able to compete for admission on an equal footing.  
25  
26  
27  
28

1           104. Plaintiff Mahoney was and is harmed by Defendants’ illegal use of race  
2 in admissions.

3           105. Mahoney is female and a U.S. citizen.

4           106. Mahoney started at a community college and later transferred to UC Da-  
5 vis, graduating with a GPA around 3.8.  
6

7           107. Mahoney scored 519 on the MCAT (96th percentile), well above Geffen’s  
8 average, in 2022.  
9

10           108. To follow in the footsteps of her father, who is a doctor and who taught  
11 her about the responsibility of doctors to guide patients through the most vulnerable  
12 periods in their lives, Mahoney decided to apply to medical school. She spent her col-  
13 lege years taking difficult science classes and preparing for the MCAT. After graduat-  
14 ing, she gained research, clinical, and volunteer experiences. With her stellar creden-  
15 tials, Mahoney applied to various medical schools multiple times, including Geffen.  
16  
17

18           109. In 2023, for example, Mahoney applied to Geffen and was invited to sub-  
19 mit a secondary application. When she applied, Mahoney paid the primary-application  
20 fee and the secondary-application fee. Mahoney also incurred the cost of taking the  
21 PREview Exam.  
22

23           110. But Mahoney was rejected without an interview. Geffen sent a rejection  
24 letter to Mahoney on February 6, 2024.  
25

26           111. Mahoney is white. Though she has some Hispanic background, UCLA  
27 did not know that fact when she applied in 2023.  
28

1 112. If she were black, Mahoney would have had a far better chance of getting  
2 admitted to UCLA. Mahoney finds it hurtful and offensive that UCLA would judge  
3 her based on irrelevant racial factors that she cannot control.  
4

5 113. Mahoney recently decided to apply to medical school again, including to  
6 Geffen, this year. She submitted a complete and timely application to Geffen for the  
7 current admissions cycle. She has not yet heard whether Geffen has made a decision  
8 on her application.  
9

10 114. Should Geffen reject her again, Mahoney is able and ready to apply to  
11 Geffen as soon as a court orders Geffen to stop discriminating and undoes the effects  
12 of its prior discrimination.  
13

14 115. Mahoney is also a member of Do No Harm and Students for Fair Ad-  
15 missions. In addition to her role in this case as an individual plaintiff and class repre-  
16 sentative, Mahoney has authorized both associations to represent her as a standing  
17 member with respect to all claims and relief for which associational standing is proper.  
18

### 19 **CLASS ACTION ALLEGATIONS**

20 116. Per Federal Rule of Civil Procedure 23, Mahoney brings this action indi-  
21 vidually and on behalf of all other persons similarly situated.  
22

23 117. Mahoney proposes the following class definition and seeks class certifi-  
24 cation, subject to amendment based on information obtained through discovery:  
25

26 **Class:** All individuals who applied to Geffen within the statute of limita-  
27 tions, do not identify as black, paid an application-related fee, and were  
28 denied admission.

1           **Injunctive Subclass:** All individuals who are able and ready to ap-  
2           ply or reapply to Geffen if the Court orders relief that fully stops  
3           the school from considering race in admissions and undoes the ef-  
4           fect of the school’s prior discrimination, including by enjoining the  
5           school’s limitations on transfers and multiple applications.

6           118. Mahoney reserves the right to amend the definition of the class or to add  
7           a class or subclass if further information and discovery indicate that the definition of  
8           the class should be narrowed, expanded, or otherwise modified.

9           119. Specifically excluded from this class are Defendants’ officers, directors,  
10          employees, and agents; any entity in which a Defendant has a controlling interest; and  
11          affiliates, legal representatives, attorneys, successors, heirs, or assigns of Defendant.  
12          Also excluded from this class are any judicial officers to whom this case is assigned,  
13          their families, and members of their staff.

14          120. Class certification is appropriate under Federal Rule of Civil Procedure  
15          23(a).

16          121. **Numerosity:** The class is “so numerous that joinder of all members is  
17          impracticable.” Fed. R. Civ. P. 23(a)(1); *see Powers v. McDonough*, 732 F. Supp. 3d 1184,  
18          1192 (C.D. Cal. 2024) (“courts generally find that numerosity obtains when a class has  
19          forty or more members.”). The members of the class and the subclasses are so numer-  
20          ous that joinder of them all is impracticable. Each year, UCLA Medical School receives  
21          between 11,000 and 14,000 applications; and the nonblack applicants make up the vast  
22          majority. Class members can be notified of the pendency of this action by recognized,  
23          24  
25  
26  
27  
28

1 court-approved notice dissemination methods, which may include U.S. mail, email,  
2 internet postings, or other published notice.

3  
4 122. **Commonality:** There are “questions of law or fact common to the  
5 class.” Fed. R. Civ. P. 23(a)(2). “A common question ‘must be of such nature that it is  
6 capable of class wide resolution—which means that determination of its truth or falsity  
7 will resolve an issue that is central to the validity of each one of the claims in one  
8 stroke.’” *Olean Wholesale Grocery Coop., Inc. v. Bumble Bee Foods LLC*, 31 F.4th 651, 663  
9 (9th Cir. 2022). Claims challenging a “government policy” that “results in the system-  
10 atic discrimination against class members” subjects class members to a “common in-  
11 jury” of “systematic discrimination.” *Powers*, 732 F. Supp. 3d at 1193; *see also Little v.*  
12 *Wash. Metro. Area Transit Auth.*, 249 F. Supp. 3d 394, 419 (D.D.C. 2017) (challenging a  
13 “single” discriminatory policy “that was applied to all members of the class” satisfied  
14 commonality). Here, the members of the class and subclass raise the “core claim” that  
15 applicants “were subjected to different standards and criteria for admission” because  
16 of “their race or ethnicity.” *Smith v. Univ. of Wash. Law Sch.*, 2 F. Supp. 2d 1324, 1342  
17 (W.D. Wash. 1998). Whether Defendants “intentionally discriminated ... on the basis  
18 of race”—and thus denied the class members “equal treatment under the law”—is  
19 “common to the putative classes.” *Id.* Specifically, this case presents questions of law  
20 and fact that are common to the class and subclass, including but not limited to the  
21 following: (1) whether Defendants use race as a factor in making admission decisions;  
22 (2) whether Defendants’ use of race in making admission decisions violates Title VI  
23  
24  
25  
26  
27  
28

1 and other antidiscrimination laws; and (3) whether Plaintiff Mahoney and members of  
2 the class and subclass are entitled to relief.

3  
4 123. **Typicality:** The “claims or defenses of the representative parties are typ-  
5 ical of the claims or defenses of the class.” Fed. R. Civ. P. 23(a)(3). This element asks  
6 ““whether other members have the same or similar injury, whether the action is based  
7 on conduct which is not unique to the named plaintiffs, and whether other class mem-  
8 bers have been injured by the same course of conduct.”” *Powers*, 732 F. Supp. 3d at  
9 1195. Mahoney’s claims are typical of the claims of the proposed class and subclass  
10 because her claims are based on the same legal theories and violations of the law. Ma-  
11 honey and the class members all suffered the same injury because of Defendants’ in-  
12 tentional discrimination in Geffen’s admissions process. *See Smith*, 2 F. Supp. 2d at  
13 1342-43.

14  
15  
16  
17 124. **Adequacy:** The representative parties “will fairly and adequately protect  
18 the interests of the class.” Fed. R. Civ. P. 23(a)(4). Mahoney will fairly and adequately  
19 represent and protect the interests of the members the class and subclass. Mahoney’s  
20 interests are coincident with, and not antagonistic to, those of the members of the class  
21 and subclass. She opposes all preferences based on race or ethnicity, of any kind and  
22 to any degree. Mahoney’s lawyers are competent and experienced in litigating civil-  
23 rights cases and mass actions.  
24  
25  
26  
27  
28

1           125. Class certification is appropriate also because this case fits into all three  
2 categories listed in Federal Rule of Civil Procedure 23(b). Class certification requires  
3 satisfying only one. *Olean*, 31 F.4th at 663.  
4

5           126. **Superiority:** Under Rule 23(b)(1), a class action is a superior method for  
6 the fair and efficient adjudication of this case because class proceedings are superior  
7 to all other available methods, and joinder of the class (and subclass) members is oth-  
8 erwise impracticable. Class treatment presents a superior mechanism for fairly resolv-  
9 ing similar issues and claims without repetitious and wasteful litigation. *Gratz*, 539 U.S.  
10 at 267 n.17. It would impose a substantial hardship for most individual members of  
11 the class or subclass to prosecute individual actions, many of whom are not able to  
12 incur the expense of retaining their own counsel to prosecute individual actions. The  
13 litigation of individual cases would also create inconsistent results, with some members  
14 of the class recovering but not others, and some courts declaring Defendants liable for  
15 discrimination but potentially not others, establishing incompatible standards of con-  
16 duct for Defendants. By contrast, if this Court adjudicates Defendants' liability for all  
17 class members, it can resolve their claims all at once, without inconsistent results, thus  
18 obtaining global relief and judicial efficiency.  
19  
20  
21  
22

23           127. **Injunctive or Declaratory Relief:** Injunctive and declaratory relief  
24 “with respect to the class as a whole” is appropriate. Fed. R. Civ. P. 23(b)(2). Because  
25 Defendants discriminated against white and Asian applicants “by applying different  
26  
27  
28

1 standards and criteria for admission,” this is a “paradigm case for certification under  
2 Rule 23(b)(2).” *Smith*, 2 F. Supp. 2d at 1343; *accord Gratz*, 539 U.S. at 267-68.

3  
4 128. **Predominance:** Under Rule 23(b)(3), Defendants engaged in a common  
5 course of discriminatory conduct toward Mahoney and class members. Mahoney and  
6 class members were denied equal treatment in the admissions process because of their  
7 race. The common issues arising from Defendants’ discriminatory conduct toward the  
8 class members predominate over any individualized issues, especially given the nature  
9 of the requested damages. The class would be entitled to recover, for example, any  
10 application-related fees that they paid based on Geffen’s denial of the opportunity to  
11 compete on a racially equal playing field. *Fisher v. Univ. of Tex. at Austin*, 758 F.3d 633,  
12 663 (5th Cir. 2014) (Garza, J., dissenting). The class members all suffered that inability  
13 to equally compete, regardless of whether they would have been admitted to Geffen  
14 under a lawful process. *Gratz*, 539 U.S. at 262. And their application-related fees can  
15 be easily calculated classwide, since they are fixed, historical, and documented in dis-  
16 coverable records.  
17  
18  
19  
20

21 **CLAIMS FOR RELIEF**  
22 **COUNT I**

23 **Violation of the Fourteenth Amendment**  
24 **(Against the Individual Defendants)**

25 129. Plaintiffs repeat and reallege the preceding allegations.

26 130. Section 1983 provides that “[e]very person who, under color of any stat-  
27 ute, ordinance, regulation, custom, or usage, of any State or Territory or the District  
28

1 of Columbia, subjects, or causes to be subjected, any citizen of the United States or  
2 other person within the jurisdiction thereof to the deprivation of any rights, privileges,  
3 or immunities secured by the Constitution and laws, shall be liable to the party injured  
4 in an action at law, suit in equity, or other proper proceeding for redress.” 42 U.S.C.  
5 §1983.  
6

7  
8 131. At all relevant times, all individual defendants are “person[s]” acting un-  
9 der the color of state law. §1983.

10 132. The Fourteenth Amendment provides, among other things, that no per-  
11 son shall be denied “the equal protection of the laws.” U.S. Const. amend. XIV, §1.  
12

13 133. The “central mandate” of equal protection is “racial neutrality” by the  
14 government. *Miller v. Johnson*, 515 U.S. 900, 904 (1995). And the “‘core purpose’ of the  
15 Equal Protection Clause” is to “‘d[o] away with *all* governmentally imposed discrimi-  
16 nation based on race.” *Harvard*, 600 U.S. at 206 (emphasis added). “[W]henver the  
17 government treats any person unequally because of his or her race, that person has  
18 suffered an injury that falls squarely within the language and spirit of the Constitution’s  
19 guarantee of equal protection.” *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 229-30  
20 (2000).  
21

22  
23 134. Defendants through Geffen intentionally engage in “‘outright racial bal-  
24 ancing,” which is “‘patently unconstitutional.” *Harvard*, 600 U.S. at 223. The Supreme  
25 Court has repeated that “‘[r]acial balance is not to be achieved for its own sake.” *Parents*  
26 *Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 729-30 (2007) (plurality).  
27  
28

1 Despite this admonition, Geffen adopted and employs admissions policies and prac-  
2 tices that ensure its medical-student population reflect the racial composition of the  
3 State. Geffen’s racial-balancing project is confirmed by statistical evidence. Between  
4 2020 and 2023, the percentage of white and Asian matriculants plummeted precipi-  
5 tously despite constituting a much larger share of the total applicant pool. At the same  
6 time, the percentage of black matriculants jumped significantly, despite constituting a  
7 much smaller portion of the total applicant pool.  
8  
9

10 135. Geffen also uses a sophisticated “holistic” application-review method  
11 that’s designed to glean and use applicants’ race. The secondary applications ask ques-  
12 tions designed to facilitate the Committee’s use of race. And the in-person or virtual  
13 interview process facilitates the Committee’s use of race. Geffen also explicitly dis-  
14 cusses race and uses it as a factor in making admission decisions.  
15  
16

17 136. Especially for black students, race results in a significant boost in the ad-  
18 missions process, sufficient to overcome a significant below-average GPA or MCAT  
19 score. No other racial group, not even Hispanics or Native Americans, receives a race-  
20 based boost as large as the boost for black applicants.  
21

22 137. This use of race is patently illegal. “[N]o State has any authority under  
23 the equal-protection clause of the Fourteenth Amendment to use race as a factor in  
24 affording educational opportunities.” *Harvard*, 600 U.S. at 204.  
25

26 138. At the very least, the admissions committee uses proxies for race in mak-  
27 ing admission decisions. This is also illegal. “What cannot be done directly cannot be  
28

1 done indirectly.” *Id.* at 230. And “universities may not simply stablish through applica-  
2 tion essays or other means the regime” that is “unlawful.” *Id.* Discrimination based on  
3 perceived race, even if mistaken, is equally actionable. *See, e.g., Estate of Amos ex rel.*  
4 *Amos v. City of Page*, 257 F.3d 1086, 1094 (9th Cir. 2001); *Santos v. Peralta Cmty. Coll.*  
5 *Dist.*, 2009 WL 38098797, at \*3 (N.D. Cal. Nov. 13).

6  
7  
8 139. When the government “distributes ... benefits on the basis of individual  
9 racial classifications, that action is reviewed under strict scrutiny.” *Parents Involved*, 551  
10 U.S. at 720 (majority).

11  
12 140. Strict scrutiny is a “searching examination, and it is the government that  
13 bears the burden to prove ‘that the reasons for any racial classification are clearly iden-  
14 tified and unquestionably legitimate.’” *Fisher v. Univ. of Tex.*, 570 U.S. 297, 310 (2013)  
15 (cleaned up) (*Fisher I*). The racial classification “must survive a daunting two-step ex-  
16 amination.” *Harvard*, 600 U.S. at 206. First, the racial classification must “‘further com-  
17 pelling governmental interests.’” *Id.* at 207. Second, the government’s use of race must  
18 be “‘narrowly tailored’—meaning ‘necessary’—to achieve that interest.” *Id.*

19  
20  
21 141. Defendants cannot satisfy strict scrutiny.

22  
23 142. Defendants cannot show a compelling governmental interest. The Su-  
24 preme Court has recognized compelling interests in the use of race in only the narrow-  
25 est of circumstances, where those preferences are explicitly designed to remedy recent  
26 acts of discrimination and to make the *individual subjects* of that discrimination whole.  
27 *Id.* There is no evidence that Defendants adopted their admissions policies and  
28

1 practices to remedy some past discrimination that Geffen took part in. Instead, De-  
2 fendants are engaged in simple racial balancing, which is plainly illegitimate. Worse,  
3 Defendants want to accept more underrepresented applicants simply because they be-  
4 long to underrepresented minority groups. Such an outright race-based distribution of  
5 governmental benefits and resources—especially in the educational context—is illegal.  
6

7 *See Brown*, 347 U.S. at 493-94; *Harvard*, 600 U.S. at 216-18.

8  
9 143. Defendants’ admissions policies and practices are also not narrowly tai-  
10 lored.

11 144. Race operates as a “negative” by disadvantaging nonblack applicants in  
12 the admissions process. Admission to Geffen is a highly selective, zero-sum process.  
13 Any benefit given to “some applicants but not to others necessarily advantages the  
14 former group at the expense of the latter.” *Harvard*, 600 U.S. at 219.  
15

16 145. Defendants use race as a stereotype—for example, by proceeding from  
17 the unfounded assumption that “there is an inherent benefit in race *qua* race.” *Id.* at  
18 220.  
19

20 146. Defendants’ use of race has no end date.

21 147. Since at least 2013, it was clear that Geffen’s use of race in admissions  
22 was illegal under federal law.  
23

24 148. Geffen has not given “a reasoned, principled explanation for [its] aca-  
25 demic decision” to use race in admissions to achieve the educational benefits of diver-  
26 sity, given “[c]onsideration” to whether it could achieve those benefits without  
27  
28

1 considering race, or adopted race-based admissions in “good faith.” *Fisher I*, 570 U.S.  
2 at 310; *Fisher II*, 579 U.S. at 383. To the outside world, it falsely denies considering race  
3 in admissions at all.

4  
5 149. Geffen does not use—and is not constrained by law to use—a percentage  
6 plan that requires it to fill most of the class a certain way. *Cf. Fisher v. Univ. of Texas at*  
7 *Austin*, 579 U.S. 365, 378-80 (2016) (*Fisher II*). And its use of race occurred after “*Fisher*  
8 *I* clarified the stringency of the strict-scrutiny burden.” *Id.* at 379.

9  
10 150. Geffen uses race to “assure within its student body some specific per-  
11 centage” of a racial group. *Grutter v. Bollinger*, 539 U.S. 306, 330 (2003). That kind of  
12 “racial balancing” has been “patently unconstitutional” for decades. *Id.*

13  
14 151. Section 1983 authorizes damages and injunctive relief. It also authorizes  
15 punitive damages “when the defendant’s conduct is shown to be motivated by evil  
16 motive or intent, or when it involves reckless or callous indifference to the federally  
17 protected rights of others.” *Bacon v. Woodward*, 104 F.4th 744, 750 (9th Cir. 2024).

18  
19 152. Defendants’ direct and indirect use of race in making admission decisions  
20 was motivated by evil intent and shows callous disregard of applicants’ right to equal  
21 treatment. All racial discrimination is invidious, and Defendants intentionally discrim-  
22 inated against thousands of young adults based on the immutable color of their skin.  
23 Defendants’ discrimination was especially detrimental to Asian Americans, a racial mi-  
24 nority that has faced a long history of discrimination in this country perpetuated by the  
25 State of California and others. And it resulted in the federal government cutting off  
26  
27  
28

1 the school’s federal funding. Before and certainly after *Harvard*, Defendants knew for  
2 certain that Geffen could not consider race in admissions. Yet they perpetuated the  
3 practice anyway behind closed doors, while falsely denying it in their statements to the  
4 public and even to the Supreme Court. When whistleblowers, investigators, and others  
5 tried to reveal this discrimination, Defendants acted to conceal it by shutting down  
6 internal investigations and baselessly denying public-records requests. Lucero in par-  
7 ticular used intimidation and shaming tactics to pressure the admissions committee to  
8 unlawfully consider race in their decisions—including forcing them to sit through a  
9 two-hour lecture by her sister.

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12  
13 **COUNT II**  
14 **Violation of Title VI of the Civil Rights Act of 1964**  
15 **(Against the Regents)**

16 153. Plaintiffs repeat and reallege the preceding allegations.

17 154. Title VI provides that no person “shall, on the ground of race, color, or  
18 national origin, be excluded from participation in, be denied the benefits of, or be  
19 subjected to discrimination under any program or activity receiving Federal financial  
20 assistance.” 42 U.S.C. §2000d.

21 155. The Regents are covered by Title VI. Title VI defines “program or activ-  
22 ity” to mean “all of the operations of” a “university” or “public system of higher edu-  
23 cation” “any part of which is extended Federal financial assistance.” 42 U.S.C. §2000d-  
24 4a(2)(A). The UC System, UCLA, and UCLA Medical School receive federal funds in  
25 federal student aid and research grants.  
26  
27  
28



1 authorizes equitable and legal relief, including compensatory and punitive damages.  
2 *Johnson v. Ry. Express Agency, Inc.*, 421 U.S. 454, 459-60 (1975).

3  
4 163. White and Asian applicants are protected by §1981, whose “broad terms”  
5 bar discrimination “against, or in favor of, any race.” *McDonald v. Santa Fe Trail Transp.*  
6 *Co.*, 427 U.S. 273, 295 (1976). Titled “Equal rights under the law,” §1981 “guarantee[s]  
7 continuous equality between white and nonwhite citizens,” *Jam v. Int’l Fin. Corp.*, 586  
8 U.S. 199, 208 (2019), by protecting the “equal right of all persons ... to make and en-  
9 force contracts without respect to race,” *Domino’s Pizza, Inc. v. McDonald*, 546 U.S. 470,  
10 474 (2006) (cleaned up). Section 1981 “forbids racial discrimination ... whether the  
11 aggrieved party is black or white.” *Bobo v. ITT, Cont’l Baking Co.*, 662 F.2d 340, 342 (5th  
12 Cir. 1981).

13  
14  
15 164. “[A] contract for educational services is a ‘contract’ for purposes of  
16 §1981.” *Gratz v. Bollinger*, 539 U.S. 244, 276 n.23 (2003).

17  
18 165. The admissions process at Geffen implicates the right to “make ... con-  
19 tracts.” §1981(a). Section 1981 “protects ‘would-be contractor[s]’ ... to the same extent  
20 that it protects contracting parties.” *AAER v. Fearless Fund Mgmt.*, 103 F.4th 765, 776  
21 (11th Cir. 2024). The statute broadly “offers relief when racial discrimination blocks the  
22 creation of a contractual relationship.” *Domino’s*, 546 U.S. at 476.

23  
24  
25 166. Geffen violates §1981 by intentionally limiting the formation of contrac-  
26 tual relationships based on race.



- H. Punitive damages in an amount to be proven at trial to Mahoney and the class from the individual defendants in their personal capacities.
- I. Nominal damages.
- J. Reasonable costs and expenses of this action, including attorneys' fees, under 42 U.S.C. §1988 and any other applicable laws.
- K. Pre- and post-judgment interest on any amounts awarded.
- L. All other relief that the plaintiffs and the class are entitled to.

**JURY DEMAND**

Plaintiffs demand a trial by jury.

Dated: May 8, 2025  
Amended: December 23, 2025

Respectfully submitted,

/s/ Cameron T. Norris

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