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Superior Court of California  
County of Santa Barbara  
Darrel E. Parker, Executive Officer  
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11 **SUPERIOR COURT OF CALIFORNIA**  
12 **COUNTY OF SANTA BARBARA**

13 CARLOS ALBERTO ALONSO, an  
14 individual, on behalf of himself and all  
others similarly situated,

15 Plaintiff,

16 v.

17 A.T. STILL UNIVERSITY,

18 Defendant.  
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Case No.: 24CV07177

CLASS ACTION

UNLIMITED CIVIL CASE

**COMPLAINT FOR VIOLATION  
OF UNRUH CIVIL RIGHTS ACT**

1 Plaintiff Carlos Alberto Alonso (“Plaintiff” or “Plaintiff Alonso”), individually and on  
2 behalf of all others similarly situated, makes the following allegations, based on information and  
3 belief, against Defendant A.T. Still University (“Defendant” or “ATSU”):

#### 4 **INTRODUCTION**

5 1. Defendant ATSU follows a policy of denying the opportunity for full and equal  
6 consideration to prospective students on the basis of their alienage or immigration status, including  
7 those who have Deferred Action for Childhood Arrivals (“DACA”) status.

8 2. Plaintiff Alonso and members of the Class he seeks to represent were and are unable  
9 to access Defendant’s educational programs because of their alienage or immigration status.  
10 Plaintiff brings this case against ATSU for unlawful discrimination in violation of the California  
11 Unruh Civil Rights Act (“Unruh Act”), as codified at California Civil Code §§ 51, *et seq.*

12 3. Defendant’s violations have inflicted harm on Plaintiff, and the Class he seeks to  
13 represent, including but not limited to, access to educational programs, and emotional distress.

#### 14 **JURISDICTION AND VENUE**

15 4. This Court has subject matter jurisdiction because the total amount of damages  
16 exceeds \$35,000 and the relief requested is within the jurisdiction of this Court.

17 5. Venue as to Defendant is proper in the County of Santa Barbara under California  
18 Code of Civil Procedure § 393. Defendant maintains its campus, transacts business, and has agents  
19 in Santa Barbara County, and Defendant is otherwise within this Court’s jurisdiction for purposes  
20 of service of process.

21 6. The unlawful acts alleged here have a direct effect on Plaintiff and those similarly  
22 situated within the State of California and Santa Barbara County. Defendant operates services in  
23 Santa Barbara County within the State of California.

**PARTIES**

**Plaintiff**

7. Plaintiff Carlos Alberto Alonso is a resident of San Francisco, California and has lived in the United States since 1996. He arrived in the United States from Mexico City, Mexico when he was three months old. Plaintiff Alonso has been a DACA recipient since 2013. As part of the DACA initiative, Plaintiff Alonso received authorization to work in the United States and a social security number.

8. Plaintiff Alonso earned a bachelor’s degree in sociology from University of California, Riverside in 2020. He worked as a Health Education Associate for the Public Health Department at Santa Barbara County from 2020 to 2024. Plaintiff Alonso has also received numerous public health trainings including, but not limited to: contact tracing from the Johns Hopkins University Bloomberg School of Public Health, basic life support from the Zuckerberg San Francisco General Hospital, and infection prevention from the University of San Francisco. He currently works as a Disease Control Investigator at major hospitals in San Francisco.

9. Plaintiff Alonso resided in Santa Barbara County, California on the date that he was denied the opportunity and/or deterred from applying for Defendant’s educational programs.

**Defendant**

10. Defendant A.T. Still University is a non-profit university and founding institution of osteopathic healthcare with three campuses (Mesa, Arizona; Kirksville, Missouri; Santa Maria, California) in the United States.

11. Defendant maintains a university campus in Santa Barbara County at 1075 East Betteravia Road, Suite 201, Santa Maria, California 93454.

12. Defendant offers multidisciplinary healthcare programs in the areas of osteopathic medicine, health sciences, dentistry and oral health, physical therapy, and public health.

1           13.     Defendant offers a 24-month residential Master of Science in Physician Assistant  
2 Studies, also known as the Central Coast Physician Assistant (“CCPA”) program, based in Santa  
3 Maria, California, with the goal of preparing graduates to provide primary care to underserved  
4 communities.

5  
6   **STATEMENT OF FACTS**

7           14.     Plaintiff Alonso brings this action on behalf of himself and members of the  
8 proposed Plaintiff Class. The class seeks damages, declaratory judgment, and injunctive relief.

9           15.     Plaintiff Alonso is a recipient of DACA and has been since 2013. Since that time,  
10 he has continuously possessed an employment authorization card and a social security number.  
11 As a DACA recipient, Plaintiff Alonso can renew his work authorization.

12           16.     On the CCPA program frequently-asked-question page, in response to the question  
13 “Can international students apply?” Defendant states, “No, to apply you must be a US Citizen or  
14 permanent resident. DACA and other visas are not considered.”

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16           17.     On November 28, 2023, Plaintiff Alonso emailed Sara Wilson, Principal Faculty of  
17 the Physician Assistant Program at ATSU, to inquire whether DACA recipients are excluded from  
18 the CCPA program because the application for the CCPA program states that only U.S. citizens  
19 and permanent residents may apply.

20           18.     On November 29, 2023, Ms. Wilson emailed Plaintiff Alonso the following: “our  
21 policy states: ‘Will those who have DACA (Deferred Action for Childhood Arrivals) status be  
22 considered for admissions?’ and the answer is ‘No.’”

23  
24           19.     In December 2023, during a virtual presentation about the CCPA program, an  
25 ATSU staff member informed Plaintiff Alonso that he would be ineligible for the CCPA program  
26 because of his DACA status and uncertainty about how he would pay for tuition.

1           20.     On January 3, 2024, Plaintiff Alonso emailed Ms. Wilson to inquire why ATSU  
2 does not accept DACA applicants. Plaintiff Alonso also sent an email to John Gardner, Director  
3 of Policy and Employee Education and Title IX and Civil Rights Coordinator at ATSU, to inquire  
4 why ATSU does not accept DACA recipients for the CCPA program.

5           21.     On January 4, 2024, Mr. Gardner sent an email to Plaintiff Alonso explaining, in  
6 relevant part, “ATSU PA Program in California does not accept DACA students because of the  
7 non-permanent status of DACA. ATSU takes the responsibility of students taking on debt and the  
8 ability to complete our program very seriously. Given that DACA is a non-permanent status which  
9 may change at any time for a student, we do not admit students under that status.”

11          22.     On January 4, 2024, in response, Plaintiff Alonso sent an email to Mr. Gardner that  
12 his concerns of discrimination be forwarded to the university vice-president for further  
13 consideration. On that same day, Mr. Gardner informed Plaintiff Alonso that he could file a written  
14 complaint for discrimination with him. Plaintiff Alonso did not file a written complaint with Mr.  
15 Gardner because, based on what he heard from other ATSU staff and faculty about the exclusion  
16 of DACA recipients, it would be a futile effort.

18          23.     On January 8, 2024, in response to his January 3 email, Ms. Wilson emailed  
19 Plaintiff Alonso with the following message: “I am only aware of the policy and not entirely sure  
20 of the rationale because it comes from the university and is not necessarily program specific. I  
21 have reached out to our program leadership to see if I can obtain more information.”

22          24.     Since January 2024, Plaintiff Alonso has not received any notification or  
23 communication from ATSU or its staff. Plaintiff Alonso has not applied to any graduate program  
24 after he was denied the opportunity and/or deterred from applying for the CCPA program because  
25 of ATSU’s written policy that it does not accept DACA recipients.  
26

1 25. Plaintiff Alonso was enrolled in Medical Terminology—the only remaining course  
 2 he needed to apply for admission to the CCPA program. However, after learning about ATSU’s  
 3 policy, Plaintiff Alonso withdrew from the course.

4 26. Plaintiff Alonso suffered harm from ATSU’s unlawful discrimination when he was  
 5 denied the opportunity and/or deterred from applying for the CCPA program on the basis of his  
 6 alienage and/or immigration status. This denial caused Plaintiff Alonso to feel the deleterious  
 7 effects of discrimination and to suffer harm, including actual damages, emotional distress, and  
 8 other negative effects.  
 9

10 27. ATSU’s denial of the opportunity for Plaintiff Alonso to apply because of his  
 11 alienage and/or immigration status violates the California Unruh Civil Rights Act.

12 28. There is an actual and substantial controversy between Plaintiff and ATSU.

13 **CLASS ACTION ALLEGATIONS**

14 29. Plaintiff incorporates by reference the allegations raised in preceding paragraphs.

15 30. Plaintiff brings this lawsuit as a class action under California Code of Civil  
 16 Procedure § 382 on behalf of himself and all similarly situated persons denied admission by ATSU  
 17 or deterred from applying on the basis of their alienage or immigration status.  
 18

19 31. Plaintiff seeks to represent the following Denial Class, composed of, and defined  
 20 as the following:

21 All persons who resided in the State of California at the relevant time they  
 22 applied for or attempted to apply for an educational program from A.T. Still  
 23 University but were deterred or denied full and equal consideration by A.T.  
 24 Still University on the basis of alienage or immigration status.

25 32. Plaintiff may amend the above class definition as permitted by this Court.

26 33. The claims here have been brought and may properly be maintained as a class  
 27 action under California Code of Civil Procedure § 382 because there is a well-defined community  
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1 of interest among Class Members with respect to the claims asserted here and the proposed Class  
2 is ascertainable:

3 a. Ascertainability and Numerosity: The potential members of the Denial  
4 Class as defined are so numerous that joinder would be impracticable. The Denial Class is an  
5 ascertainable group that, on information and belief, consists of at least several individuals. With  
6 discovery, the size of the class will be ascertainable. The potential members of the Denial Class  
7 may be made aware of this action through public notices, and their claims may be assessed by a  
8 neutral decision maker.  
9

10 b. Commonality: There are questions of law and fact common to Plaintiff and  
11 the Denial Class that predominate over any questions affecting only Plaintiff or any other  
12 individual Class Members. These common questions of law and fact include, without limitation:  
13 (1) whether it is ATSU's policy to reject applicants for educational programs because they are not  
14 U.S. citizens or Lawful Permanent Residents; (2) whether ATSU violated the California Unruh  
15 Civil Rights Act by denying full and equal access to its educational programs to Plaintiff and  
16 members of the Denial Class based on alienage or immigration status; (3) whether Plaintiff and  
17 the Denial Class are entitled to declaratory, injunctive, and other equitable relief; and (4) whether  
18 Plaintiff and the Denial Class are entitled to damages and any other available relief.  
19

20 c. Typicality: The claims of the named Plaintiff are typical of the claims of the  
21 Denial Class. Plaintiff and all Class Members sustained the same or similar injuries and damages  
22 arising out of and caused by the same practices and common policies of Defendant in violation of  
23 state law. The named Plaintiff's claims are representative of and co-existent with the claims of  
24 the Denial Class.  
25

26 d. Adequacy of Representative: The named Plaintiff is member of the Denial  
27 Class, does not have any conflicts of interest with other Class Members, and will prosecute the  
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1 case vigorously on behalf of the Denial Class. The named Plaintiff will fairly and adequately  
2 represent and protect the interests of the Class Members. Counsel for the named Plaintiff are  
3 competent and experienced in litigating complex class actions, including actions challenging  
4 discrimination on the basis of alienage or immigration status.

5 e. Superiority of Class Action: A class action is superior to other available  
6 means for the fair and efficient adjudication of this controversy. Individual joinder of all Class  
7 Members is not practicable, and questions of law and fact common to the Class predominate over  
8 any questions affecting only individual Class Members. Each Class Member has been injured and  
9 is entitled to recovery by reason of Defendant's unlawful policies and practices of discrimination  
10 on the basis of alienage or immigration status and denying full and equal access to Defendant's  
11 educational programs. No other litigation concerning this controversy has been commenced by  
12 Class Members. Class action treatment will allow those similarly-situated persons to litigate their  
13 claims in the manner that is most efficient and economical for the parties and the judicial system.  
14 It is unlikely that Class Members have any interest in individually controlling separate actions in  
15 this case and damages are capable of measurement on a class-wide basis. Plaintiff and Class  
16 Members will rely on common evidence to resolve their legal and factual questions, including the  
17 applicable admissions policies and practices in the relevant period. Further, Plaintiff is unaware  
18 of any difficulties that are likely to be encountered in the management of this action that would  
19 preclude its maintenance as a class action. The benefits of maintaining this action on a class basis  
20 far outweigh any administrative burden in managing the class action and would be far less  
21 burdensome than prosecuting numerous individual actions.

22 f. Declaratory, Equitable, and Injunctive Relief: Class certification is  
23 appropriate because ATSU has acted or refused to act on grounds generally applicable to the  
24 Denial Class. ATSU's actions make declaratory, equitable, and injunctive relief appropriate with  
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1 respect to Plaintiff Alonso and the Denial Class. ATSU excludes Class Members in the Denial  
2 Class outright from educational program on the basis of alienage or immigration status. The Class  
3 Members of the Denial Class are entitled to declaratory, equitable, and injunctive relief to end  
4 ATSU's common, unfair, and discriminatory policies.

5  
6 **CLAIM FOR RELIEF**  
7 **Violation of the Unruh Civil Rights Act**  
8 **(California Civil Code §§ 51, *et seq.*)**

9 34. Plaintiff incorporates by reference the allegations raised in preceding paragraphs.

10 35. Plaintiff brings this claim on his own behalf and on behalf of the Denial Class.

11 36. Plaintiff Alonso and Class Members are persons within the jurisdiction of the State  
12 of California and resided in California at the time of Defendant's discriminatory acts.

13 37. Defendant conducts business within the jurisdiction of the State of California and,  
14 therefore, is obligated to comply with the provisions of the Unruh Act, California Civil Code §§  
15 51, *et seq.*

16 38. Plaintiff Alonso and Class Members are entitled to full and equal accommodations,  
17 advantages, facilities, privileges, or services in all business establishments of every kind  
18 whatsoever no matter their alienage or immigration status, and no business establishment of any  
19 kind whatsoever may refuse to contract with Plaintiff Alonso and Class Members because of or  
20 due in part to their alienage or immigration status.

21 39. Defendant violated the Unruh Act by denying Plaintiff Alonso and members of the  
22 Denial Class access to full review of their applications for educational programs free of  
23 discriminatory conditions imposed on the basis of their alienage or immigration status.

24 40. Under Section 52(a) of the Unruh Act, Plaintiff and members of the Denial Class  
25 are entitled to actual damages suffered, statutory damages of up to three times the amount of actual  
26 damages suffered per violation, but no less than \$4,000, and attorneys' fees.  
27

1 41. Under Section 52(c), Plaintiff requests that this Court issue a permanent injunction  
2 ordering Defendant to alter its policies and practices to prevent future discrimination on the basis  
3 of an applicant's alienage or immigration status and to prevent further violations of the Unruh Act.

4 **PRAYER FOR RELIEF**

5 **WHEREFORE**, Plaintiff Alonso and the Class he seeks to represent respectfully request  
6 the following relief:

- 7 i. Certification of the case as a class action on behalf of the proposed Denial Class.
- 8 ii. Designation of Plaintiff as the class representative on behalf of the Denial Class;
- 9 iii. Designation of Plaintiff's counsel of record as Class Counsel;
- 10 iv. Declaratory judgment that Defendant's policies and practices set forth here are  
11 unlawful and violate the California Unruh Civil Rights Act;
- 12 v. Preliminary and permanent injunction against Defendant and its officers, agents,  
13 successors, employees, representatives, and any and all persons acting in concert  
14 with them, from engaging in each of the unlawful policies and practices set forth  
15 here and described in all preceding paragraphs;
- 16 vi. Award of statutory and compensatory damages to Plaintiff and Class Members in  
17 an amount to be determined at trial;
- 18 vii. Costs incurred, including reasonable attorneys' fees and costs to the extent  
19 allowable by law;
- 20 viii. Pre-judgment and post-judgment interest, as provided by law; and  
21
- 22 ix. For such other and further relief as this Court deems just and proper.  
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1 Dated: December 19, 2024

Respectfully submitted,

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*/s/ Luis L. Lozada*

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Luis L. Lozada

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Thomas A. Saenz

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Fernando Nuñez

6

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