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1 6. Petitioner does not know the true names of respondents DOES 1-20, inclusive, and
2 therefore sues them by those fictitious names. Petitioner is informed and believes, and on the basis
3 of such information and belief alleges, that each of those respondents was in some manner legally
4 responsible for the events and happenings alleged in this petition. Petitioner is further informed
5 and believes, and on the basis of such information and belief alleges, that at all times mentioned in
6 this petition, respondents were the agents and employees of their co-respondents, and in doing the
7 things herein alleged were acting within the course and scope of such agency and employment.
8

9 **SUMMARY OF PETITION**

10 7. Succinctly summarized, this action results from the CSC's unlawful refusal to
11 disclose certain public documents requested under a public documents request filed by Discovery
12 Institute on October 9, 2009. Discovery Institute filed the public documents request with the CSC
13 requesting public documents pertaining to the CSC's October 6, 2009 cancellation of its contract
14 with the American Freedom Alliance ("AFA") that had authorized the screening of a pro-
15 intelligent design video at the CSC's IMAX Theatre on October 25, 2009. On November 2, 2009,
16 CSC disclosed 44 pages of documents in response to the public documents request, averring that
17 those documents "*constitute all documents in the California Science Center's possession*
18 *responsive to your request*" and that "*no documents have been withheld on the basis of privilege*
19 *or an exception to the Public Records Act,*" except for some e-mail addresses and other personal
20 information that were redacted. CSC's claims are not true, and in fact CSC withheld e-mails
21 specifically covered by the public documents request that pertained to decision makers at the CSC
22 who cancelled the contract with the AFA, as well as CSC's communications regarding the
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1 Smithsonian Institution, a Designated Affiliate of CSC, and this matter.² Discovery Institute is
2 now filing this action because there is evidence that the CSC wrongfully refused to disclose
3 certain known public documents, as well as other likely yet-to-be uncovered public documents in
4 response to the public records request, thereby violating the California Public Records Act and
5 offending the statutory guarantee that "*access to information concerning the conduct of the*
6 *people's business is a fundamental and necessary right.*" (Government Code § 6250.)
7

8 **FACTUAL BACKGROUND**

9 8. Petitioner incorporates by reference paragraphs 1 through 7 of this petition, as
10 though fully set forth herein.

11 9. By way of background, the American Freedom Alliance ("AFA"), a non-profit
12 organization, contracted with the CSC for an event titled "*We Are Born of Stars IMAX Screening*"
13 ("*Born of the Stars*") scheduled for Sunday, October 25, 2009, from 6-9 p.m. at the CSC's IMAX
14 Theatre in Los Angeles (hereinafter referred to as the "*AFA Event*"). The contract between AFA
15 and Respondent CSC ("*AFA Contract*") is one of the documents requested by Discovery Institute
16 (see Exh. 1) that CSC has failed to produce. However, a copy of the AFA Contract has been
17 separately obtained from documents filed in a pending action between AFA and the CSC for
18 breach of contract, a true and correct copy of which is attached hereto as Exhibit 7.
19

20 10. The organizers of the AFA Event planned to screen the IMAX film *Born of the*
21 *Stars*, and also to show the documentary "*Darwin's Dilemma: The Mystery of the Cambrian*"
22
23

24
25 ² Indeed, not a single e-mail, letter, or other document that has been disclosed by the CSC mentioning the
26 Smithsonian Institution, even though the public documents request specifically requested documents referencing the
27 Smithsonian.
28

1 Fossil Record" ("Darwin's Dilemma"). A digital video disk containing the film *Darwin's*
2 *Dilemma* is attached hereto as Exhibit 3.

3 11. As to its scientific viewpoint and scientific content, *Darwin's Dilemma* explores
4 the abrupt appearance of animal life in the fossil record and the challenge this scientific evidence
5 poses to Darwin's theory of evolution. Some of these scientists, including Dr. Stephen Meyer, Dr.
6 Jonathan Wells, and Dr. Richard Sternberg, propose the scientific theory of intelligent design as an
7 alternative and, in their viewpoints, the superior scientific explanation for the "explosive"
8 appearance of major groups of animal life in the Cambrian period.

10 12. The AFA planned to sponsor a post-screening discussion of *Darwin's Dilemma*
11 with Lad Allen (of Illustra Media) who directed the film, mathematician Dr. David Berlinski, and
12 molecular biologist Dr. Jonathan Wells. Unfortunately, this did not occur because on October 6,
13 2009, the CSC cancelled the AFA Event. As will be stated more fully below, the CSC's written
14 cancellation of the AFA Event is one of the documents requested by Discovery Institute (see Exh.
15 1) that CSC has failed to produce. However, Discovery Institute has obtained a copy of the
16 October 6, 2009, written cancellation e-mail from Chris Sion of CSC to AFA, a true and correct
17 copy of which is attached hereto as Exhibit 5.

19 13. In its Mission Statement CSC purports to be a venue for *academic freedom*:

21 "***The Science Center's Mission:*** We aspire to stimulate curiosity and inspire
22 science learning in everyone by creating fun, memorable experiences, because we
23 value science as an indispensable tool for understanding our world, accessibility
and inclusiveness, and enriching people's lives."³

24 However, contrary to this professed public commitment to openness and academic
25 "inclusiveness," the documents that CSC did produce clearly evince a **viewpoint** based animus

27 ³ See: <http://www.californiasciencecenter.org/GenInfo/AboutUs/AboutUs.php>.

1 toward intelligent design in general and *Darwin's Dilemma* in particular, including a not-so-
2 hidden intolerance for viewpoints that support intelligent design, which are dismissed by labeling
3 them "*religious*." For example, in an e-mail sent by University of Southern California ("USC")
4 professor Hilary Schor on October 6, 2009 at 8:08 a.m. she writes:

5 "*I'm less troubled by the freedom of speech issues [i.e., the suppression of freedom of*
6 *speech] than why my tax dollars which support the California Science Center are being*
7 *spent on hosting religious propaganda!*"

9 (Exh. 4, p. 41; emphasis added.) In response to Ms. Schor's e-mail, Huntington Library curator
10 Dan Lewis then affirmatively forwarded Schor's comment to a curator at the CSC, Ken Phillips
11 stating:

12 "*Hey, is it true that the CSC is screening the creationist film 'Darwin's Dilemma' on*
13 *October 25? I'm curious how this came to pass as science. Some of my USC colleagues*
14 *are up in arms about it, as you can see below...*"⁴

16 (Exh. 4, p. 41; emphasis added.) After a fellow curator at a Los Angeles area museum showed
17 dismay that the CSC would rent its facilities to show a pro-intelligent design video, Mr. Phillips
18 expressed concern to various colleagues at the CSC that the CSC was renting its facilities to show
19 *Darwin's Dilemma*. Phillips stated:

21 "*I personally have a real problem with anything that elevates the concept of intelligent*
22 *design to a level that makes it appear as though it should be considered equally alongside*

24 ⁴ The film *Darwin's Dilemma* does not advocate creationism, although it does offer scientific critiques of
25 Darwinian evolution and suggests a possible alternative explanation is intelligent design, which is different from
26 creationism, to wit: much like Darwinian evolution, intelligent design is a scientific theory; contrariwise, creationism
27 is religious in origin (see, e.g., Bible, Genesis 1).

1 *Darwinian theory as a possible alternative to natural selection. In other words, I see us*
2 *getting royally played by the Center for Science and Culture resulting in long term damage*
3 *to our credibility and judgment for a very long time. ... No institute supporting an*
4 *essentially religious philosophy of creation is required to assure that appropriate critique*
5 *comes to bear on the Darwinian theory."*

6
7 (Exh. 4, p. 40.)

8 **14.** Petitioner is further informed and believes and based on such information and
9 belief alleges that the e-mails produced by CSC (Exh. 4) clearly demonstrate that persons working
10 in or associated with CSC participated in the communications that led to the cancellation of the
11 AFA Event. However, CSC failed to disclose a single document reflecting the communications
12 from decision makers at CSC pertaining to the AFA event (i.e., while the CSC disclosed a few
13 communications to various decision makers, no responses from the decision makers were
14 included).

15
16 **15.** Petitioner is informed and believes and based on such information and belief
17 alleges that due to the foregoing persons' positions (whether CSC employees, board members,
18 financial contributors, or influential scientists and academics in the Los Angeles area), they clearly
19 have the power to affect decisions made by the CSC, and that in this situation the result was the
20 cancellation of the AFA Event.

21
22 **16.** Petitioner is further informed and believes and based on such information and
23 belief alleges that CSC acted on this hidden agenda when on October 6, 2009, it cancelled the
24 AFA Event, which was due to intolerance for the scientific viewpoint expressed and scientific
25 content contained in *Darwin's Dilemma*.
26
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1 17. Petitioner is further informed and believes, and based on such information and
2 belief alleges that in addition to the e-mails disclosed in Exhibit 4, that decisive pressure may have
3 been brought upon CSC by the Smithsonian Institution, which has expressed concerns regarding
4 the scientific viewpoint expressed and content contained in *Darwin's Dilemma* and by the
5 scientific viewpoint expressed by those scientists who agree with intelligent design as a valid
6 scientific theory. However, at present it is impossible to definitively assess this question given the
7 CSC's refusal and failure to disclose all public documents pertaining to this matter.
8

9 18. Discovery Institute is further informed and believes that it is a fundamental
10 principle of First Amendment jurisprudence that when a governmental entity or sub-unit (such as
11 CSC) opens its facilities as a public forum, it is not constitutionally permissible to censor speech
12 based on viewpoint or content. *See, e.g., Lamb's Chapel v. Center Moriches Union Free School*
13 *District*, 508 U.S. 384 (1993); *Rosenberger v. Rector and Visitors of the University of Virginia*,
14 515 U.S. 819 (1995); *Arkansas Educational Television Commission v. Forbes*, 523 U.S. 666
15 (1998); and *Thomas v. Chicago Park District*, 534 U.S. 316 (2002).
16

17 19. The CSC now seeks to prevent the public from discovering its censorship of free
18 speech supporting intelligent design, and its discrimination against the pro-intelligent design
19 viewpoint by suppressing public documents requested by Discovery Institute, which would expose
20 the CSC's viewpoint discrimination-based reasons for cancelling the AFA event. This is evinced
21 by the fact that CSC neither disclosed any documents in response to the public documents request
22 that cover communications from CSC decision makers about the AFA event,⁵ nor did CSC
23 disclose any communications with the Smithsonian Institution regarding the AFA event.
24

25
26 ⁵ CSC did disclose a few e-mails sent to Jeff Rudolph or Chris Sion, but no e-mails from those CSC decision
27 makers.
28

1 20. On October 9, 2009, Discovery Institute submitted a CPRA Request (Exh. 1) to
2 CSC requesting several categories of documents as follows:

3 *"1. Copies of any records, communications, or documents, involving any*
4 *employees, staff members, and board members of the California Science Center, within the*
5 *past 30 days, which reference the following:*

- 6 • *Intelligent Design*
- 7 • *Discovery Institute*
- 8 • *American Freedom Alliance*
- 9 • *Darwin's Dilemma*
- 10 • *Cambrian explosion*
- 11 • *Illustra Media*
- 12 • *Stephen Meyer*
- 13 • *David Berlinski*
- 14 • *Lad Allen*
- 15 • *Jonathan Wells*
- 16 • *The Smithsonian Institution and any of its concerns about intelligent*
17 *design or the screening of the "Darwin's Dilemma" video.*
- 18 • *The contract between the California Science Center and the American*
19 *Freedom Alliance for rental of the California Science Center's IMAX*
20 *Theatre on Sunday, October 25th, 2009.*

21 2. *Copies of any records, communications, or documents involving Christina*
22 *M. Sion, within the past 30 days, which reference the following:*

- 23 • *Intelligent Design*
- 24 • *Discovery Institute*
- 25 • *American Freedom Alliance*
- 26 • *Darwin's Dilemma*
- 27 • *Cambrian explosion*
- 28 • *Illustra Media*
- *Stephen Meyer*
- *David Berlinski*
- *Lad Allen*
- *Jonathan Wells*
- *The Smithsonian Institution and any of its concerns about intelligent*
 design or the screening of the "Darwin's Dilemma" video.
- *The contract between the California Science Center and the American*
 Freedom Alliance for rental of the California Science Center's IMAX
 Theatre on Sunday, October 25th, 2009."

(See Exhibit 1: Discovery Institute's October 9, 2009 CPRA Request to CSC.)

1 **21.** On November 2, 2009, CSC responded by providing Discovery Institute with:
2 a. 1-page written response dated November 2, 2009, ("CSC Response"); and
3 b. documents produced: 2 copies of the Discovery CPRA Request and 40
4 pages of e-mails between the persons set forth above in Paragraph 14 ("CSC e-mails")

5 (See Exhibit 2: CSC Response; Exhibit 4: CSC e-mails.)
6

7 **22.** In its part relevant to these proceedings, the CSC Response (Exh. 2) provides:

8 *"...Except as described below, no documents have been withheld on the basis of*
9 *privilege or an exception to the Public Records Act...You will see that we have*
10 *redacted certain information from these documents. Information that was redacted*
11 *was either not responsive to your request, or was personal information (such as*
12 *telephone numbers and email addresses) which was redacted consistent with*
13 *Government Code section 6254(c) and the Information Privacy Act of 1977, Civil*
14 *Code section 1798. Because information in nearly every document required*
15 *redaction, we cannot provide an electronic copy of the responsive documents."*

16 (See Exhibit 2: CSC Response.)
17

18 **23.** CSC has failed to provide a single document reflecting communications from
19 decision makers at CSC who oversaw cancellation of the AFA Event, nor did CSC disclose any
20 documents reflecting its communication with the Smithsonian Institution regarding this matter.
21 To be more specific, the documents provided to Discovery Institute, CSC failed to provide, for
22 example, the following:

- 23 a. the written contract between AFA and CSC regarding the AFA Event at the
24 CSC facility;
25 b. all documents provided by AFA in support of its application to secure the
26 CSC facility for the AFA Event, including, but not limited to, the completed application(s)
27 submitted by AFA and attachments thereto, communications between AFA and CSC, CSC's
28 internal documents relating to approval of the AFA application;

1 c. CSC's October 6, 2009, communication from Chris Sion to the AFA
2 notifying the AFA of CSC's cancellation of the AFA Event (*see, e.g.*, Exh. 5, which was not
3 produced by CSC);

4 d. communications between the CSC and anyone at the Smithsonian
5 Institution regarding intelligent design (*see, e.g.*, Exh. 6, which was not produced by CSC);

6 e. communications between the CSC and anyone at the Smithsonian Institute
7 regarding *Darwin's Dilemma* (*see, e.g.*, Exh. 6, which was not produced by CSC);

8 f. communications involving CSC president and CEO Jeff Rudolph, which
9 satisfy Discovery Institute's October 9, 2009 CPRA Request, such as his October 5, 2009
10 communication with Shell Amega pertaining to the AFA event and the Smithsonian Institution
11 (*see, e.g.*, Exh. 6, which was not produced by CSC);

12 g. all of the CSC e-mails in non-redacted form; and

13 h. Any other documents satisfying Discovery Institute's October 9, 2009
14 CPRA, which were not previously disclosed by the CSC in response to that request.

15
16 24. The documents, including electronic files, that Discovery Institute seeks from CSC
17 are "*public records*" within the meaning of Government Code § 6252(e) and "*writings*" within the
18 meaning of Government Code § 6252(g). Pursuant to Government Code § 6250, review of the
19 public records sought by Discovery Institute is a right which the Legislature has deemed
20 "*fundamental and necessary.*"

21
22 25. In addition to the documents that were not produced by CSC, as described above in
23 Paragraph 23, the non-redacted version of the CSC e-mails and the non-redacted documents
24 responsive to Discovery Institute's CPRA Request (Exh. 1) must be provided in a manner that
25 includes all of the information set forth in such documents, rather than portions that the CSC
26
27
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1 deems "*not responsive*." Accordingly, the Court should conduct an *in camera* review pursuant to
2 Government Code § 6259(a).

3
4 **FIRST CAUSE OF ACTION**
5 **WRIT OF MANDAMUS TO REQUIRE THE**
6 **PRODUCTION FOR INSPECTION AND COPYING OF DOCUMENTS UNDER CPRA**
7 **(Government Code §§ 6258 and 6259)**

8 **26.** Discovery Institute incorporates by reference Paragraphs 1 through 25 of this
9 petition, as though fully set forth herein.

10 **27.** The documents described in the foregoing paragraphs are public records. As such,
11 it is required that they be made available to members of the public for review upon request.
12 Discovery Institute has made a lawful request for said public records (Exh. 1). CSC has a
13 statutory duty to provide the non-redacted public records in question to members of the public
14 who make a lawful request for inspection and copying and to do so without delay or obstruction.

15 **28.** As described in greater detail in the foregoing paragraphs, CSC has unlawfully
16 withheld public records from Discovery Institute.

17 **29.** Pursuant to Government Code §§ 6258 and 6259, Discovery Institute petitions this
18 Court to issue a writ of mandamus requiring CSC to provide, for inspection and copying, the
19 documents described above in Paragraph 23 and in Discovery Institute's CPRA Request (Exh. 1).

20 **30.** The issuance of the writ is indispensable to the enforcement of Discovery
21 Institute's rights in that Discovery Institute has no plain, speedy, or adequate remedy in the
22 ordinary course of law whereby its rights can be upheld or whereby CSC can be compelled to
23 comply with the CPRA. If the relief sought by this petition is not granted, great and irreparable
24 injury will be caused to Discovery Institute.
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1 3. That where the Court deems appropriate pursuant to Government Code § 6259(a),
2 to make its determination, conduct an *in camera* review of any redacted and/or documents
3 withheld by Respondent;

4 4. For declaratory and/or injunctive relief, pursuant to Government Code §§ 6258 and
5 6259, as to whether the reasons specified by Respondent, in denying inspection and copying of
6 public records, is lawful;

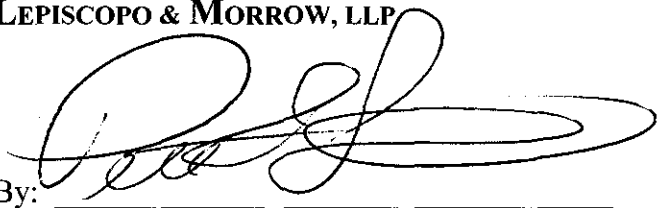
7 5. For reasonable attorney fees pursuant to Government Code § 6259(d);

8 6. For taxable costs of suit incurred herein;

9 7. For such other and further relief as the Court deems just and proper.

10
11 Dated: **November 30, 2009.**

LEPISCOPO & MORROW, LLP

12
13
14 By: 

Peter D. Lepiscopo, Esq.,

15
16 Attorneys for Petitioner, **DISCOVERY**
17 **INSTITUTE**
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LEPISCOPO & MORROW, LLP
SAN DIEGO—SACRAMENTO

Exhibit 1

DISCOVERY INSTITUTE

208 Columbia Street, SEATTLE, WA 98104
(206) 292-0401 ♦ FAX (206) 682-5320
www.discovery.org ♦ members@discovery.org

October 9, 2009

From: Casey Luskin
Attorney at Law, California Bar # 238124
Discovery Institute
208 Columbia Street
Seattle, Washington 98104

E-mail: cluskin@discovery.org
Phone: (206) 292-0401, ext. 119
Fax: (206) 682-5320

To: Office of the President- Attn: Public Records Request
California Science Center
700 State Drive
Los Angeles, CA 90037

E-mail: publicrecordsrequest@cscmail.org
Phone: 213-744-7483
Fax: 213-744-2034

Re: Request for Public Records

Dear Office of the President of the California Science Center:

I am writing pursuant to the California Public Records Act, and all other rights that I possess, to request certain public documents from the California Science Center. In this regard, I request:

1. Copies of any records, communications, or documents, involving any employees, staff members, and board members of the California Science Center, within the past 30 days, which reference the following:
 - Intelligent Design
 - Discovery Institute
 - American Freedom Alliance
 - Darwin's Dilemma
 - Cambrian explosion
 - Illustra Media
 - Stephen Meyer
 - David Berlinski
 - Lad Allen
 - Jonathan Wells

- The Smithsonian Institution and any of its concerns about intelligent design or the screening of the "Darwin's Dilemma" video.
 - The contract between the California Science Center and the American Freedom Alliance for rental of the California Science Center's IMAX Theatre on Sunday, October 25th, 2009.
2. Copies of any records, communications, or documents involving Christina M. Sion, within the past 30 days, which reference the following:
- Intelligent Design
 - Discovery Institute
 - American Freedom Alliance
 - Darwin's Dilemma
 - Cambrian explosion
 - Illustra Media
 - Stephen Meyer
 - David Berlinski
 - Lad Allen
 - Jonathan Wells
 - The Smithsonian Institution and any of its concerns about intelligent design or the screening of the "Darwin's Dilemma" video.
 - The contract between the California Science Center and the American Freedom Alliance for rental of the California Science Center's IMAX Theatre on Sunday, October 25th, 2009.

If most or some of the records referenced above exist electronically they should be duplicated in response to this request in that form. Please notify us of the estimated fee prior to copying and sending the requested materials.

If there are any documents that would normally fall under this request but are exempt from this request, please notify us that they are exempt and tell us why they are exempt. Exempt material should not delay the non-exempt materials from being sent.

We expect a response to this request within 10 days. Should you need any clarification, please do not hesitate to contact me. I thank you for your cooperation in this matter.

Sincerely,



Casey Luskin



LEPISCOPO & MORROW, LLP
SAN DIEGO—SACRAMENTO

Exhibit 2

California Science Center

700 Exposition Park Drive, Los Angeles, CA 90037

Telephone: 213-744-7483

Fax: 213.744.2635

www.californiasciencecenter.ca.gov

November 2, 2009

Casey Luskin
Attorney at law, California Bar #238124
Discovery Institute
208 Columbia Street
Seattle, Washington 98104

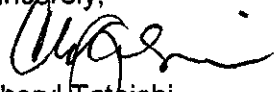
Dear Mr. Luskin,

This letter responds to your October 9, 2009 public records act request sent to the California Science Center. We have conducted a diligent search of documents maintained by California Science Center employees, and are producing 44 pages of documents which we believe constitute all documents in the California Science Center's possession responsive to your request. Except as described below, no documents have been withheld on the basis of privilege or an exception to the Public Records Act. By producing these documents, the California Science Center is not, however, waiving any exceptions contained in the Public Records Act or any applicable privilege, and reserves the right to later assert any applicable exceptions or privileges as appropriate.

You will see that we have redacted certain information from these documents. Information that was redacted was either not responsive to your request, or was personal information (such as telephone numbers and email addresses) which was redacted consistent with Government Code section 6254(c) and the Information Privacy Act of 1977, Civil Code section 1798. Because information in nearly every document required redaction, we cannot produce an electronic copy of the responsive documents.

The California Science Center normally charges 10 cents per page as reproduction costs, but will waive those charges for purposes of this response.

Sincerely,


Cheryl Tateishi
Deputy Director, Administration
California Science Center
213/744-2328

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60485706.doc

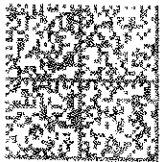
attachments: 44 pages

Re 2



CALIFORNIA SCIENCE CENTER
700 EXPOSITION PARK DRIVE
LOS ANGELES, CALIFORNIA 90037

FIRST CLASS



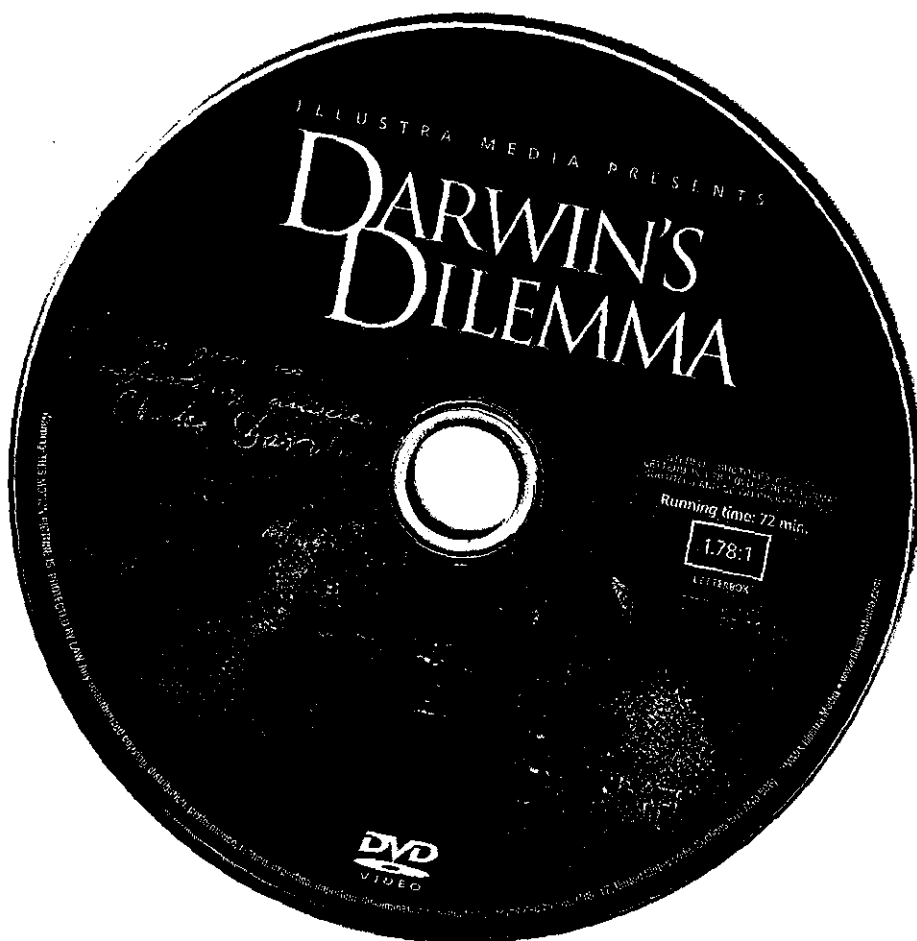
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Casey Luskin
Attorney at Law, California Bar #238124
Discovery Institute
208 Columbia Street
Seattle, Washington, 98104



LEPISCOPO & MORROW, LLP
SAN DIEGO—SACRAMENTO

Exhibit 3



623



LEPISCOPO & MORROW, LLP
SAN DIEGO—SACRAMENTO

Exhibit 4

Cheryl Tateishi

From: William Harris
Sent: Friday, October 09, 2009 9:14 AM
To: Tony Budrovich; Diane Perlov; Cheryl Tateishi; Ron Rohovit
Cc: Cynthia Pygin; Jeff Rudolph
Subject: FW: Cancellation of Darwin film creates uproar - LA Daily News

<http://www.dailynews.com/news/ci-13520040>

Jeff is out of the office today. Please see Cynthia or me for more information.

Best,

William

EX

From: Casey Luskin [REDACTED]
Sent: Friday, October 09, 2009 11:24 AM
To: Public Records Request
Subject: Public Documents Request

Dear California Science Center, Office of the President:

Greetings. I am writing pursuant to the California Public Records Act, and all other rights that I possess, to request certain public documents from the California Science Center. In this regard, please accept the attached public documents request.

Should you need any clarification, please do not hesitate to contact me. I thank you for your cooperation in this matter.

Sincerely,

Casey Luskin

Contact:
Discovery Institute
208 Columbia St.
Seattle, WA 98104

E-mail: [REDACTED]
Voice: [REDACTED]
Fax: [REDACTED]

Subject: Public Documents Request

Contact:
Discovery Institute
208 Columbia St.
Seattle, WA 98104

[REDACTED]

[REDACTED]

[REDACTED]

From: Diane Perlov
Sent: Wednesday, October 07, 2009 8:41 AM
To: Ken Phillips; Chuck Kopczak; Joe DeAmicis
Cc: Chris Sion; William Harris; Jeff Rudolph
Subject: RE: Upcoming Creationist Movie at California Science Center

It is my understanding that this event is not happening. Chris can give us the latest.

Diane

Diane C. Perlov, Ph.D.
Senior Vice President for Exhibits
California Science Center
700 State Drive, L.A. CA. 90037
Tel: [REDACTED]
www.californiasciencecenter.org

From: Ken Phillips
Sent: Tuesday, October 06, 2009 10:23 AM
To: Diane Perlov; Chuck Kopczak; Joe DeAmicis
Subject: FW: Upcoming Creationist Movie at California Science Center

Please see below from a colleague at the Huntington. Are we screening Darwin's Dilemma as noted?

Ken

----- Forwarded Message

From: Dan Lewis [REDACTED]
Date: Tue, 6 Oct 2009 09:18:58 -0700
To: Ken Phillips [REDACTED]
Subject: FW: Upcoming Creationist Movie at California Science Center

Hi Ken,

I hope this note finds you well, Hey, is it true that the CSC is screening the creationist film "Darwin's Dilemma" on Oct. 25? I'm curious how this came to pass as science. Some of my USC colleagues are up in arms about it, as you can see below!

All best,

Dan

From: Hilary Schor [REDACTED]
Sent: Tuesday, October 06, 2009 8:08 AM
To: Brighde Mullins; Nancy Lutkehaus; Michael Quick; Dan Lewis [REDACTED]; dapper [REDACTED]; dbottje [REDACTED]; Steve Finkel; Craig Stanford
Subject: Fwd: Upcoming Creationist Movie at California Science Center

Dear 1859ers,

This is what Dave sent me yesterday & I continue to be perturbed by it -- we should think about how we want to respond -- and I have to say, I'm less troubled by the freedom of speech issues than why my tax dollars which support the California "Science" Center are being spent on hosting religious propaganda? How do we think our group should respond? (For anyone who is interested, Robert Post, new Dean of the law school at Yale and a brilliant political scientist, is doing fascinating work on the relationship between free speech/academic freedom and "bad science" and the equivalent -- it's a real question... He tends to trust the marketplace of ideas more than I do...!)

see you tomorrow! love to all,

h

>>> "David J. Bottjer" <dbottje [REDACTED]> 10/5/2009 1:03 PM >>>
>

Hi Hilary,

It turns out that lots of organizations are celebrating 1859:

<http://www.discovery.org/a/12701>

As described in the message I received below, this is a creationist movie on the Cambrian explosion.

>
>The Discovery Institute promotes intelligent design. To learn more
>about them, check out this Wikipedia site:
>
>http://en.wikipedia.org/wiki/Discovery_Institute
>
>I don't know if there is anything we want to do in an organized way,
>but presumably this is a screening which will be open to our
>students. So, our 1859 committee should be aware of this
>"alternative programming" and maybe its something we should discuss
>at our meeting on Wednesday!

I will have to leave our Weds meeting early, because it turns out that we have opera tickets for Siegfried that night, and it starts at 5:30 PM!

>

>
>Dave
>
>
>>Date: Thu, 01 Oct 2009 17:13:38 -0700
>>From: Steve Newton [REDACTED]
>>Subject: upcoming creationist movie
>>To: newton@ [REDACTED], arbib@ [REDACTED], dbottjer@ [REDACTED],
>> sfinkel@ [REDACTED], rolson@ [REDACTED], jplatt@ [REDACTED], jpowell@ [REDACTED],
>> prothero@ [REDACTED], schopf@ [REDACTED], stanford@ [REDACTED]
>>Cc: rosenau@ [REDACTED], scott@ [REDACTED]
>>Authentication-Results: msg-ironport0.usc.edu; dkim=neutral (message not
>> signed) header.i=none
>>X-IronPort-Anti-Spam-Filtered: true
>>X-IronPort-Anti-Spam-Result:
>> AmUBAPLhxErRVd6tkGdsb2JhbACaMT8BAQEBCQkMBxMDrHwJjwMCGXdCEIFeBIOACg
>>X-IronPort-AV: E=Sophos;i="4.44,490,1249282800"; d="scan'208";a="210089660"
>>
>>Dear Drs. Arbib, Bottjer, Finkel, Olson, Platt, Powell, Prothero,
>>Schopf, and Stanford,
>>
>>I am contacting you because today the Discovery Institute, a group
>>promoting intelligent design, has announced that the California
>>Science Center in Los Angeles will screen a creationist film titled
>>Darwin's Dilemma on October 25th.
>>
>>Darwin's Dilemma purports that "problems" with the Cambrian fossil
>>record can be explained by the actions of an "intelligent
>>designer." In other words, this film argues that evolution cannot
>>explain the Cambrian Explosion and the Burgess Shale. Following the
>>screening of this film, Discovery Institute fellows Jonathan Wells
>>and David Berlinski, as well as the film's director Lad Allen, will
>>be on hand to answer questions.
>>
>>We think the local pro-science community should ask those
>>questions. While no one advocates censorship, the bad science of
>>Darwin's Dilemma should be countered with real science. We hope you
>>will wish to be part of that effort.
>>
>>NCSE has just finished assisting science supporters at the
>>University of Oklahoma in their response to a recent screening of
>>Darwin's Dilemma. I have numerous materials about the film which I
>>can send to those interested.
>>
>>I encourage you to share information about this event with your
>>colleagues and students and to organize a response that educates
>>and informs the public. Perhaps the California Science Center would
>>be open to hosting a talk about evolution and the science of the
>>Cambrian Explosion prior to the screening.
>>
>>Sincerely,
>>Steve
>>
>>The Discovery Institute's announcement of this event:
>>http://www.evolutionnews.org/2009/10/los_angeles_premiere_of_darwin.html
>>
>>--
>>Steven Newton

[REDACTED]

>>Public Information Project Director
>>National Center for Science Education, Inc.
>>420 40th Street, Suite 2
>>Oakland, CA 94609-2509
>>Phone: [REDACTED]
>>Fax: [REDACTED]
>>Toll-free: 1-800-290-6006
>>
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>
>
>--
>Department of Earth Sciences
>University of Southern California
>Los Angeles, CA 90089-0740
>(213) 740 - 6100
>fax: (213) 740 - 8801
>[REDACTED]

--
Department of Earth Sciences
University of Southern California
Los Angeles, CA 90089-0740
(213) 740 - 6100
fax: (213) 740 - 8801
[REDACTED]

----- End of Forwarded Message

From: Joel Strom
Sent: Wednesday, October 07, 2009 9:49 PM
To: Jeff Rudolph
Subject: Re: California Science Center

Thanks much. I must have said I would help, huh?

Joel

On 10/7/09 1:48 PM, "Jeff Rudolph" [REDACTED] wrote:

Joel,

FYI

Sent from my iPhone

Begin forwarded message:

From: Nadine Watt [REDACTED]
Date: October 7, 2009 11:49:18 AM PDT
To: "jrudolph@[REDACTED]" <jrudolph@[REDACTED]>, William Harris
<wharris@[REDACTED]>
Subject: FW: California Science Center

Hi Jeffrey and William-
Do you know anything about the attached below? I am enquiring on behalf of a friend of my father's and I don't know anything about the situation I just said I would drop you a note.
Thanks,
Nadine

Nadine Watt
Vice President
Watt Companies
PH [REDACTED] FX

www.wattcompanies.com <<http://www.wattcompanies.com>> <<http://www.wattcompanies.com>>



Save a tree: Consider the environment before printing this email

From: Scott Watt
Sent: Wednesday, October 07, 2009 11:44 AM
To: Nadine Watt
Cc: Joe Peterson
Subject: FW: California Science Center

Nadine, can you help out at all?

J. Scott Watt
Chairman
Watt Companies
PH \ [REDACTED] X \ [REDACTED]

www.wattcompanies.com <www.wattcompanies.com>



Save a tree: Consider the environment before printing this email

From: Joe Peterson [REDACTED]
Sent: Wednesday, October 07, 2009 7:17 AM
To: Scott Watt
Subject: California Science Center

Scott,

Is your daughter on the public board that Joel Strom is chair of or the private foundation board at the California Science Center? We are having some difficulty there with our soon upcoming event on October 25th. Hopefully it will be resolved today. But if not, we might want to see if she could help. Joel Strom is going to try and help us today.

Our problem is that a group that is supplying some of our speakers put out a press release that was poorly worded which our group knew nothing of, but the woman at the CSC said was grounds for canceling our event. This despite the fact that we had no control over what the other group did.

Thanks.

Joe Peterson

exceleration
project management

voice
fax
efax

<http://www.exceleration-pm.com> <<http://www.exceleration-pm.com>>

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-----Original Message-----

From: Rosemary Gutierrez

Sent: Thursday, October 08, 2009 12:27 PM

To: Joel Strom

Subject: FW: IMAX theaters

Dear Dr. Strom,

Jeff mentioned that the link I sent you did not take you directly to the list of theaters in Los Angeles; so I just sent you the link directly from the IMAX website.

<http://www.imax.com/theaters> But if it does not take you directly there; please go to <http://www.imax.com> and go to the box that says: Find Your IMAX Theater and type Los Angeles and press "go".

If that does not work, please let me know and I can type the list for you.

Thank you,

Rosemary

-----Original Message-----

From: Rosemary Gutierrez

Sent: Thursday, October 08, 2009 10:03 AM

To: 'Joel Strom'

Cc: Jeff Rudolph

Subject: IMAX

<http://www.imax.com/theaters>

Good morning Dr. Strom,

Jeff asked me to forward this link to you. It contains a listing of IMAX theaters in Los Angeles.

Best regards,

Rosemary

[REDACTED]

From: Ken Phillips

Sent: Thursday, October 08, 2009 2:53 PM

To: Diane Perlov; Joe DeAmicis; Chris Sion; Jeff Rudolph

Cc: Chuck Kopczak; David Bibas; Krisztina Eleki

Subject: FW: CSC ID film

Please see below regarding the CSC Darwin film. I think Dr. Scott makes an important observation and thought this might help inform whatever position we take on screening the film. I recommend taking a look at her rationale and the model used by other organizations faced with the same decision.

Ken

----- Forwarded Message

From: Dan Lewis [REDACTED]

Date: Thu, 8 Oct 2009 14:50:18 -0700

To: Ken Phillips [REDACTED]

Subject: FW: Re: CSC ID film

Ken, here's an important letter from Eugenie Scott about the film and the CSC. She's one of the world's leading Darwin experts, and this has gotten onto her radar.

Dan

From: David J. Bottjer [REDACTED]

Sent: Thursday, October 08, 2009 2:06 PM

To: Lewis, Dan

Cc: [dbottjer](#) [REDACTED]

Subject: Fwd: Re: CSC ID film

Hi Dan,

Maybe you could pass the messages from Eugenie Scott and others (below) along to Ken.

Thanks!

Dave

Hi, all,

I have to underscore Steve's point below about NOT asking the museum to cancel the showing of the movie.

Really -- the story that "big science is trying to squelch controversy/prevent the public from hearing the truth/etc" is going to be a bigger story and draw more attention to the movie's showing than the showing itself. It changes the story we want to take to the public (that the science being presented here is bad) to the story that the little guy (the IDers) are yet again being mistreated by the Establishment. The press far prefers the conflict narrative, and if you give them that opportunity, that's the way they will go.

A letter putting all of you on record as decrying the science in the movie --while still defending the freedom of speech of those who promote ideas we don't agree with -- is the best approach. No sense adding to the audience!

Maybe having some folks standing outside the talk with signs saying something like, "You can have your own opinions, but not your own facts" while handing out copies of the letter would also help educate the public. Remember -- creationism/ID thrive on negative publicity.

The OK museum did a good job, I think, of balancing the free speech right of the renters with the position of the museum not to countenance "unscientific views masquerading as science, such as those espoused by the Discovery Institute". That lays it right on the line. And making a positive message of "come and see the REAL science of the Cambrian" is always better than a negative one.

Genie

On Thu, Oct 8, 2009 at 11:20 AM, Steve Newton <newton@ncseweb.org> wrote:
Hi all,

The draft letter is very well-written and researched, bringing up some devastating points that the CSC will find hard to ignore. One item I might suggest is changing on page 2:

"...(Paul Chien, Stephen Meyer, Paul Nelson, Jonathan Wells) has any training as a paleontologist, and none has published any research on the Cambrian radiation or on any other topic in the field of paleontology."

to

"...(Paul Chien, Stephen Meyer, Paul Nelson, Jonathan Wells) has any training as a paleontologist, and none has published any peer-reviewed scientific research on the Cambrian radiation or on any other topic in the field of paleontology."

Some of them have "published" on the Cambrian--just not in scientific, peer-reviewed journals. The one exception is Stephen Meyer, who had a paper--subsequently withdrawn--in Proc. Biol. Soc. Wash, but the paper bypassed normal peer-review and was a review paper, rather than original research.

On the issue of the letter's call to cancel this event, I would like to offer a few thoughts.

The ID crowd is well-poised to take advantage of cancellations and perceived sleights. In fact, Ben Stein's entire movie "Expelled" involved alleged cases of academics losing their jobs because of their support for ID. No one likes a censor--and by canceling the event now, there is the real jeopardy that the CSC could be cast in this light. Having the CSC revoke the booking might have the paradoxical effect of giving the ID crowd a victory; they will certainly spin it in the media as evil "Darwinists" censoring the "other side."

Another option might be to think of the response of the Sam Noble MNH in Norman, Oklahoma, which had a Darwin's Dilemma screening earlier this month. Their director issued a statement that I think can be a model for how to respond to Darwin's Dilemma:

An Open Letter from the Museum Director
Posted on Sep 16th 2009 by ldcoldwell.

/On Sept. 29, OU's [Oklahoma University] IDEA Club, a student organization that supports the notion of "Intelligent Design," has rented the museum's Kerr Auditorium to screen a film produced by the Discovery Institute titled "Darwin's Dilemma." /

/National press releases sent out by the Discovery Institute were worded in a way to give the impression that this screening was somehow sponsored or endorsed by the museum. In fact, the museum is in no way associated with this event, except as a rented venue, but the release raised questions which the museum's director, Michael Mares, has addressed in an open letter currently posted on our website. I transcribe the full content of the letter below: /

*An Open Letter from Dr. Michael A. Mares, Museum Director (**)
Regarding the screening of the film "Darwin's Dilemma" by the OU IDEA Club in the museum's Kerr Auditorium*

The Sam Noble Oklahoma Museum of Natural History is dedicated to science and to elucidating the remarkable evolutionary history of life on Earth. The museum actively engages in public programs, undergraduate and graduate education, outreach education, and other efforts to increase the scientific literacy of visitors to the museum and the people of Oklahoma.

Although the museum does not support unscientific views masquerading as science, such as those espoused by the Discovery Institute, the museum does respect the religious beliefs of all people. Moreover, the museum is obligated to rent its public space to any organization that is engaged in lawful activities, free speech and open discourse. The museum does not discriminate against recognized campus organizations based on their religious beliefs, political philosophy, scientific literacy, or any other factors.

We invite everyone interested in an accurate description of how life developed over the last four billion years to visit our galleries. The well-organized and scientifically accurate exhibits illustrate - through real specimens and scientific methods - the fact of evolution by natural selection as first described by Charles Darwin and continually supported by all branches of science ever since that time. The museum also recommends that people interested in evolutionary science review the more than 1,000 publications by our curators and professional staff that are based in evolutionary biology.

The museum's many galleries will be open for free before and after the showing of the Discovery Institute's film "Darwin's Dilemma" on Sept. 29 so the public can see that there is no scientific controversy in evolutionary science's explanation of the development and history of Earth's biodiversity.

This calendar year - the 150th anniversary of the publication of Darwin's *On the Origin of Species* - the museum, in partnership with OU departments of Zoology, the Department of Botany and Microbiology, the Department of Anthropology, and the History of Science and History of Science Collections of the OU Library, has presented more than 15 public education programs related to evolution, with many more on the calendar ahead. We encourage the public to take part in these programs, many of which are free, to educate themselves about the true nature of the science of evolutionary biology.

<http://www.snomnh.ou.edu/blog/?p=77>

Numerous scientist from OU attended the screening and used the Q & A session afterwards to challenge the creationists on the content of the film. A lecture on the Cambrian just prior to the screening explained how the Cambrian poses no dilemma for evolution. A lot of people examined exhibits showing the real science of the Cambrian, and in this sense the goal of bringing science to the public was achieved. No one could claim OU was censoring the film--yet at the same time, it was clear that real science did not support the conclusions of Darwin's Dilemma.

Sincerely,
Steve

--
Steven Newton
Public Information Project Director
National Center for Science Education, Inc.
420 40th Street, Suite 2
Oakland, CA 94609-2509
Phone: [REDACTED]
Fax: [REDACTED]
Toll-free: 1-800-290-6006

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--
Eugenie Q. Scott, Ph.D.
Executive Director, National Center for Science Education, Inc

420 40th St. #2
Oakland, CA 94709-2509

fax: [REDACTED]
www.ncseweb.org <<http://www.ncseweb.org>>

Evolution vs Creationism: An Introduction, expanded, second edition, is now available. See
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--
Department of Earth Sciences
University of Southern California
Los Angeles, CA 90089-0740
(213) 740 - 6100
fax: (213) 740 - 8801
dbottje@usc.edu [REDACTED]

----- End of Forwarded Message

DISCOVERY INSTITUTE

208 Columbia Street, SEATTLE, WA 98104
(206) 292-0401 • FAX (206) 682-5320
www.discovery.org • members@discovery.org

October 9, 2009

From: Casey Luskin

Attorney at Law, California Bar # 238124
Discovery Institute
208 Columbia Street
Seattle, Washington 98104

E-mail: [REDACTED]

Phone: [REDACTED]

Fax: [REDACTED]

To: Office of the President- Attn: Public Records Request
California Science Center
700 State Drive
Los Angeles, CA 90037

E-mail: publicrecordsrequest@cscmail.org
Phone: 213-744-7483
Fax: 213-744-2034

Re: Request for Public Records

Dear Office of the President of the California Science Center:

I am writing pursuant to the California Public Records Act, and all other rights that I possess, to request certain public documents from the California Science Center. In this regard, I request:

1. Copies of any records, communications, or documents, involving any employees, staff members, and board members of the California Science Center, within the past 30 days, which reference the following:
 - Intelligent Design
 - Discovery Institute
 - American Freedom Alliance
 - Darwin's Dilemma
 - Cambrian explosion
 - Illustra Media
 - Stephen Meyer
 - David Berlinski
 - Lad Allen
 - Jonathan Wells

- The Smithsonian Institution and any of its concerns about intelligent design or the screening of the "Darwin's Dilemma" video.
 - The contract between the California Science Center and the American Freedom Alliance for rental of the California Science Center's IMAX Theatre on Sunday, October 25th, 2009.
2. Copies of any records, communications, or documents involving Christina M. Sion, within the past 30 days, which reference the following:
- Intelligent Design
 - Discovery Institute
 - American Freedom Alliance
 - Darwin's Dilemma
 - Cambrian explosion
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 - Stephen Meyer
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If most or some of the records referenced above exist electronically they should be duplicated in response to this request in that form. Please notify us of the estimated fee prior to copying and sending the requested materials.

If there are any documents that would normally fall under this request but are exempt from this request, please notify us that they are exempt and tell us why they are exempt. Exempt material should not delay the non-exempt materials from being sent.

We expect a response to this request within 10 days. Should you need any clarification, please do not hesitate to contact me. I thank you for your cooperation in this matter.

Sincerely,



Casey Luskin

DISCOVERY INSTITUTE

208 Columbia Street, SEATTLE, WA 98104
(206) 292-0401 • FAX (206) 682-5320
www.discovery.org • members@discovery.org

October 9, 2009

From: Casey Luskin

Attorney at Law, California Bar # 238124
Discovery Institute
208 Columbia Street
Seattle, Washington 98104

E-mail: [REDACTED]

Phone: [REDACTED]

Fax: [REDACTED]

To: Office of the President- Attn: Public Records Request
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Los Angeles, CA 90037

E-mail: publicrecordsrequest@cscmail.org
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Sincerely,



Casey Luskin

----- Forwarded Message

From: Ken Phillips [REDACTED]

Date: Tue, 06 Oct 2009 19:04:15 -0700

To: Dan Lewis [REDACTED]

Conversation: Upcoming Creationist Movie at California Science Center

Subject: Re: Upcoming Creationist Movie at California Science Center

Hi Dan,

Quick update. I've looked into this a bit. Apparently the Center for Science and Culture (a group which I knew nothing of until you brought this matter to my attention) booked our theater directly through the Event Services Department. These are the go-to people if you want to have a prom, wedding, business meeting, etc. I'll bet my bottom dollar that they had (and still have) no idea of the connection, the issues or the problems of making it appear as though intelligent design should even be elevated to a level where it deserves to be placed alongside Darwin's theory of natural selection. I've expressed my personal views on the matter in a note to our VP for Marketing and all of the curatorial staff here at the Science Center. I'll let you know what happens. Thanks.

Ken

On 10/6/09 9:18 AM, "Dan Lewis" [REDACTED] wrote:

Hi Ken,

I hope this note finds you well, Hey, is it true that the CSC is screening the creationist film "Darwin's Dilemma" on Oct. 25? I'm curious how this came to pass as science. Some of my USC colleagues are up in arms about it, as you can see below!

All best,

Dan

From: Hilary Schor [REDACTED]

Sent: Tuesday, October 06, 2009 8:08 AM

To: Brighde Mullins; Nancy Lutkehaus; Michael Quick; Dan Lewis [REDACTED], [dappen@\[REDACTED\]](mailto:dappen@[REDACTED]), [dbottjer@\[REDACTED\]](mailto:dbottjer@[REDACTED]); Steve Finkel; Craig Stanford

Subject: Fwd: Upcoming Creationist Movie at California Science Center

Dear 1859ers,

This is what Dave sent me yesterday & I continue to be perturbed by it -- we should think about how we want to respond -- and I have to say, I'm less troubled by the freedom of speech issues than why my tax dollars which support

the California "Science" Center are being spent on hosting religious propaganda? How do we think our group should respond? (For anyone who is interested, Robert Post, new Dean of the law school at Yale and a brilliant political scientist, is doing fascinating work on the relationship between free speech/academic freedom and "bad science" and the equivalent -- it's a real question... He tends to trust the marketplace of ideas more than I do...!)

see you tomorrow! love to all,

h

>>> "David J. Bottjer" [REDACTED] > 10/5/2009 1:03 PM >>>
>

Hi Hilary,

It turns out that lots of organizations are celebrating 1859:

<http://www.discovery.org/a/12701>

As described in the message I received below, this is a creationist movie on the Cambrian explosion.

>
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>"alternative programming" and maybe its something we should discuss
>at our meeting on Wednesday!

I will have to leave our Weds meeting early, because it turns out that we have opera tickets for Siegfried that night, and it starts at 5:30 PM!

>
>
>Dave
>
>
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>>Subject: upcoming creationist movie
>>To: newton [REDACTED], arbib@ [REDACTED], dbottjer@ [REDACTED]
>> sfinkel@ [REDACTED], rolson@ [REDACTED], jplatt@ [REDACTED], jpowell@ [REDACTED]
>> prothero@ [REDACTED], schopf@ [REDACTED], stanford@ [REDACTED]
>>Cc: rosenau@ [REDACTED], scott@ [REDACTED]
>>Authentication-Results: msg-ironport0.usc.edu; dkim=neutral (message not
>> signed) header.i=None
>>X-IronPort-Anti-Spam-Filtered: true
>>X-IronPort-Anti-Spam-Result: .

>> AmUBAPLhxErRVd6tkGdsb2JhbACaMT8BAQEBCQkMBxMDrHwJjwMCgXdCEIFeBIOACg
>>X-IronPort-AV: E=Sophos;i="4.44,490,1249282800"; d="scan'208";a="210089660"

>>

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>>

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>>be open to hosting a talk about evolution and the science of the
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>>

>>Sincerely,
>>Steve

>>

>>The Discovery Institute's announcement of this event:
>>http://www.evolutionnews.org/2009/10/los_angeles_premiere_of_darwin.html

>>

>>---

>>Steven Newton
>>Public Information Project Director
>>National Center for Science Education, Inc.
>>420 40th Street, Suite 2
>>Oakland, CA 94609-2509

>>Phone: [REDACTED]

>>Fax: [REDACTED]

>>Toll-free: 1-800-290-6006

>>

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>

>--

>Department of Earth Sciences

>University of Southern California

>Los Angeles, CA 90089-0740

>(213) 740 - 6100

>fax: (213) 740 - 8801

>[dbottjer](#)

----- End of Forwarded Message

----- Forwarded Message

From: Ken Phillips [REDACTED]

Date: Tue, 06 Oct 2009 10:22:13 -0700

To: Dan Lewis [REDACTED]

Conversation: Upcoming Creationist Movie at California Science Center

Subject: Re: Upcoming Creationist Movie at California Science Center

Hi Dan,

First I've heard of it but let me look into it and get back to you.

Best,

Ken

On 10/6/09 9:18 AM, "Dan Lewis" [REDACTED] wrote:

Hi Ken,

I hope this note finds you well, Hey, is it true that the CSC is screening the creationist film "Darwin's Dilemma" on Oct. 25? I'm curious how this came to pass as science. Some of my USC colleagues are up in arms about it, as you can see below!

All best,

Dan

From: Hilary Schor [REDACTED]

Sent: Tuesday, October 06, 2009 8:08 AM

To: Brighde Mullins; Nancy Lutkehaus; Michael Quick; Dan Lewis [REDACTED] dappen@ [REDACTED];

dbottjer@ [REDACTED]; Steve Finkel; Craig Stanford

Subject: Fwd: Upcoming Creationist Movie at California Science Center

Dear 1859ers,

This is what Dave sent me yesterday & I continue to be perturbed by it -- we should think about how we want to respond -- and I have to say, I'm less troubled by the freedom of speech issues than why my tax dollars which support the California "Science" Center are being spent on hosting religious propaganda? How do we think our group should respond? (For anyone who is interested, Robert Post, new Dean of the law school at Yale and a brilliant political scientist, is doing fascinating work on the relationship between free speech/academic freedom and "bad science" and the equivalent -- it's a real question... He tends to trust the marketplace of ideas more than I do...!)

see you tomorrow! love to all,

h

>>> "David J. Bottjer" [REDACTED] 10/5/2009 1:03 PM >>>
>

Hi Hilary,

It turns out that lots of organizations are celebrating 1859:

<http://www.discovery.org/a/12701>

As described in the message I received below, this is a creationist movie on the Cambrian explosion.

>
>The Discovery Institute promotes intelligent design. To learn more
>about them, check out this Wikipedia site:
>
>http://en.wikipedia.org/wiki/Discovery_Institute
>
>I don't know if there is anything we want to do in an organized way,
>but presumably this is a screening which will be open to our
>students. So, our 1859 committee should be aware of this
>"alternative programming" and maybe its something we should discuss
>at our meeting on Wednesday!

I will have to leave our Weds meeting early, because it turns out that we have opera tickets for Siegfried that night, and it starts at 5:30 PM!

>
>
>Dave
>
>
>>Date: Thu, 01 Oct 2009 17:13:38 -0700
>>From: Steve Newton [REDACTED]
>>Subject: upcoming creationist movie
>>To: newton@ [REDACTED], arbib@ [REDACTED], dbottjer@ [REDACTED],
>> sfinkel@ [REDACTED], rolson@ [REDACTED], jplatt@ [REDACTED], jpowell@ [REDACTED],
>> prothero@ [REDACTED], schopf@ [REDACTED], stanford@ [REDACTED]
>>Cc: rosenau@ [REDACTED], scott@ [REDACTED]
>>Authentication-Results: msg-ironport0.usc.edu; dkim=neutral (message not
>> signed) header.i=none
>>X-IronPort-Anti-Spam-Filtered: true
>>X-IronPort-Anti-Spam-Result:
>> AmUBAPLhxErRVd6tkGdsb2JhbACaMT8BAQEBCQkMBxMDrHwJjwMCGXdCEIFeBIOACg
>>X-IronPort-AV: E=Sophos;i="4.44,490,1249282800"; d="scan'208";a="210089660"
>>
>>Dear Drs. Arbib, Bottjer, Finkel, Olson, Platt, Powell, Prothero,

>>Schopf, and Stanford,
>>
>>I am contacting you because today the Discovery Institute, a group
>>promoting intelligent design, has announced that the California
>>Science Center in Los Angeles will screen a creationist film titled
>>Darwin's Dilemma on October 25th.
>>
>>Darwin's Dilemma purports that "problems" with the Cambrian fossil
>>record can be explained by the actions of an "intelligent
>>designer." In other words, this film argues that evolution cannot
>>explain the Cambrian Explosion and the Burgess Shale. Following the
>>screening of this film, Discovery Institute fellows Jonathan Wells
>>and David Berlinski, as well as the film's director-Lad Allen, will
>>be on hand to answer questions.
>>
>>We think the local pro-science community should ask those
>>questions. While no one advocates censorship, the bad science of
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>Los Angeles, CA 90089-0740
>(213) 740 - 6100
>fax: (213) 740 - 8801
>[REDACTED]

----- End of Forwarded Message

[Handwritten signature]

----- Forwarded Message

From: Ken Phillips [REDACTED]

Date: Thu, 08 Oct 2009 14:54:31 -0700

To: Dan Lewis [REDACTED]

Conversation: CSC ID film

Subject: Re: CSC ID film

Dan,

Thanks for the follow-up and additional information. Rest assured that we're taking this one quite seriously and any guidance and counsel from others is welcome.

Best,

Ken

On 10/8/09 2:50 PM, "Dan Lewis" [REDACTED] wrote:

Ken, here's an important letter from Eugenie Scott about the film and the CSC. She's one of the world's leading Darwin experts, and this has gotten onto her radar.

Dan

From: David J. Bottjer [REDACTED]

Sent: Thursday, October 08, 2009 2:06 PM

To: Lewis, Dan

Cc: dbottje [REDACTED]

Subject: Fwd: Re: CSC ID film

Hi Dan,

Maybe you could pass the messages from Eugenie Scott and others (below) along to Ken.

Thanks!

Dave

Hi, all,

I have to underscore Steve's point below about NOT asking the museum to cancel the showing of the movie.

Really -- the story that "big science is trying to squelch controversy/prevent the public from hearing the truth/etc" is going to be a bigger story and draw more attention to the movie's showing than the showing itself. It changes the story we want to take to the public (that the science being presented here is bad) to the story that the little guy (the IDers) are yet again being mistreated by the Establishment. The press far prefers the conflict narrative, and if you give them that opportunity, that's the way they will go.

A letter putting all of you on record as decrying the science in the movie --while still defending the freedom of speech of those who promote ideas we don't agree with -- is the best approach. No sense adding to the audience!

Maybe having some folks standing outside the talk with signs saying something like, "You can have your own opinions, but not your own facts" while handing out copies of the letter would also help educate the public. Remember -- creationism/ID thrive on negative publicity.

The OK museum did a good job, I think, of balancing the free speech right of the renters with the position of the museum not to countenance "unscientific views masquerading as science, such as those espoused by the Discovery Institute". That lays it right on the line. And making a positive message of "come and see the REAL science of the Cambrian" is always better than a negative one.

Genie

On Thu, Oct 8, 2009 at 11:20 AM, Steve Newton <newton@ncseweb.org> wrote:

Hi all,

The draft letter is very well-written and researched, bringing up some devastating points that the CSC will find hard to ignore. One item I might suggest is changing on page 2:

"...(Paul Chien, Stephen Meyer, Paul Nelson, Jonathan Wells) has any training as a paleontologist, and none has published any research on the Cambrian radiation or on any other topic in the field of paleontology."

to

"...(Paul Chien, Stephen Meyer, Paul Nelson, Jonathan Wells) has any training as a paleontologist, and none has published any peer-reviewed scientific research on the Cambrian radiation or on any other topic in the field of paleontology."

Some of them have "published" on the Cambrian--just not in scientific, peer-reviewed journals. The one exception is Stephen Meyer, who had a paper--subsequently withdrawn--in Proc. Biol. Soc. Wash, but the paper bypassed normal peer-review and was a review paper, rather than original research.

On the issue of the letter's call to cancel this event, I would like to offer a few thoughts.

The ID crowd is well-poised to take advantage of cancellations and perceived sleights. In fact, Ben Stein's entire movie "Expelled" involved alleged cases of academics losing their jobs because of their support for ID. No one likes a censor--and by canceling the event now, there is the real jeopardy that the CSC could be cast in this light. Having the CSC revoke the booking might have the paradoxical effect of giving the ID crowd a victory; they will certainly spin it in the media as evil "Darwinists" censoring the "other side."

Another option might be to think of the response of the Sam Noble MNH in Norman, Oklahoma, which had a Darwin's Dilemma screening earlier this month. Their director issued a statement that I think can be a model for how to respond to Darwin's Dilemma:

An Open Letter from the Museum Director
Posted on Sep 16th 2009 by Idcoldwell.

/On Sept. 29, OU's [Oklahoma University] IDEA Club, a student organization that supports the notion of "Intelligent Design," has rented the museum's Kerr Auditorium to screen a film produced by the Discovery Institute titled "Darwin's Dilemma." /

/National press releases sent out by the Discovery Institute were worded in a way to give the impression that this screening was somehow sponsored or endorsed by the museum. In fact, the museum is in no way associated with this event, except as a rented venue, but the release raised questions which the museum's director, Michael Mares, has addressed in an open letter currently posted on our website. I transcribe the full content of the letter below: /

*An Open Letter from Dr. Michael A. Mares, Museum Director (**)
Regarding the screening of the film "Darwin's Dilemma" by the OU IDEA Club in the museum's Kerr Auditorium*

The Sam Noble Oklahoma Museum of Natural History is dedicated to science and to elucidating the remarkable evolutionary history of life on Earth. The museum actively engages in public programs, undergraduate and graduate education, outreach education, and other efforts to increase the scientific literacy of visitors to the museum and the people of Oklahoma.

Although the museum does not support unscientific views masquerading as science, such as those espoused by the Discovery Institute, the museum does respect the religious beliefs of all people. Moreover, the museum is obligated to rent its public space to any organization that is engaged in lawful activities, free speech and open discourse. The museum does not discriminate against recognized campus organizations based on their religious beliefs, political philosophy, scientific literacy, or any other factors.

We invite everyone interested in an accurate description of how life developed over the last four billion years to visit our galleries. The well-organized and scientifically accurate exhibits illustrate - through real specimens and scientific methods - the fact of evolution by natural selection as first described by Charles Darwin and continually supported by all branches of science ever since that time. The museum also recommends that people interested in evolutionary science review the more than 1,000 publications by our curators and professional staff that are based in evolutionary biology.

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<http://www.snomnh.ou.edu/blog/?p=77>

Numerous scientist from OU attended the screening and used the Q & A session afterwards to challenge the creationists on the content of the film. A lecture on the Cambrian just prior to the screening explained how the Cambrian poses no dilemma for evolution. A lot of people examined exhibits showing the real science of the Cambrian, and in this sense the goal of bringing science to the public was achieved. No one could claim OU was censoring the film--yet at the same time, it was clear that real science did not support the conclusions of Darwin's Dilemma.

Sincerely,
Steve

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Steven Newton
Public Information Project Director
National Center for Science Education, Inc.
420 40th Street, Suite 2
Oakland, CA 94609-2509
Phone: [REDACTED]
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--
Eugenie C. Scott, Ph.D.
Executive Director, National Center for Science Education, Inc

420 40th St. #2
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From: Ken Phillips [REDACTED]
Date: Thu, 08 Oct 2009 14:52:55 -0700
To: Diane Perlov [REDACTED], Joe DeAmicis [REDACTED], Chris Sion [REDACTED], Jeff Rudolph [REDACTED]
Cc: Chuck Kopczak [REDACTED], David Bibas [REDACTED], Krisztina Eleki [REDACTED]
Conversation: CSC ID film
Subject: FW: CSC ID film

Please see below regarding the CSC Darwin film. I think Dr. Scott makes an important observation and thought this might help inform whatever position we take on screening the film. I recommend taking a look at her rationale and the model used by other organizations faced with the same decision.

Ken

----- Forwarded Message

From: Dan Lewis [REDACTED]
Date: Thu, 8 Oct 2009 14:50:18 -0700
To: Ken Phillips [REDACTED]
Subject: FW: Re: CSC ID film

Ken, here's an important letter from Eugenie Scott about the film and the CSC. She's one of the world's leading Darwin experts, and this has gotten onto her radar.

Dan

From: David J. Bottjer [REDACTED]
Sent: Thursday, October 08, 2009 2:06 PM
To: Lewis, Dan
Cc: dbottje [REDACTED]
Subject: Fwd: Re: CSC ID film

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Sincerely,
Steve

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fax: (213) 740 - 8801
dbottjer@usc.edu

----- End of Forwarded Message

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From: Ken Phillips [REDACTED]

Date: Tue, 06 Oct 2009 18:56:13 -0700

To: Joe DeAmicis [REDACTED], Diane Perlov [REDACTED], Chuck Kopczak [REDACTED]

[REDACTED], David Bibas [REDACTED], Krisztina Eleki [REDACTED]

Conversation: Upcoming Creationist Movie at California Science Center

Subject: Re: Upcoming Creationist Movie at California Science Center

Joe,

We should look carefully at this. The CSC (Center for Science and Culture) is sponsoring this screening and their acronym can easily be confused with the CSC that almost everyone chooses as a shortcut for the California Science Center.

Aside from the issue of confusing the institutions I personally have a real problem with anything that elevates the concept of intelligent design to a level that makes it appear as though it should be considered equally alongside Darwinian theory as a possible alternative to natural selection. In other words, I see us getting royally played by the Center for Science and Culture resulting in long term damage to our credibility and judgment for a very long time.

Taken from the CSC web page is the following about that organization:

Started in 1996, the Center for Science and Culture is a Discovery Institute program which:

- supports research by scientists and other scholars challenging various aspects of neo-Darwinian theory;
- supports research by scientists and other scholars developing the scientific theory known as intelligent design;
- supports research by scientists and scholars in the social sciences and humanities exploring the impact of scientific materialism on culture.
- encourages schools to improve science education by teaching students more fully about the theory of evolution, including the theory's scientific weaknesses as well as its strengths.

The Darwinian theory of evolution and natural selection is continually put to the test, and apparently not refuted, by the work of serious scientists and scholars engaged in the various fields of the life sciences. No institute supporting an essentially religious philosophy of creation is required to assure that appropriate critique comes to bear on the Darwinian theory. Rigorous scientific study assures that will happen. So much for my two cents worth on the issue but we need to think about this one carefully.

I'm copying David and Krisztina on this discussion.

Best,

Ken

On 10/6/09 11:19 AM, "Joe DeAmicis" [REDACTED] wrote:

Hi All,

This screening/event was booked through the Events Dept., and they were unaware of the nature of the groups involved. It has come to Jeff's attention and he is "working on it". That's about all I know.

Joe

From: Ken Phillips
Sent: Tuesday, October 06, 2009 10:23 AM
To: Diane Perlov; Chuck Kopczak; Joe DeAmicis
Subject: FW: Upcoming Creationist Movie at California Science Center

Please see below from a colleague at the Huntington. Are we screening Darwin's Dilemma as noted?

Ken

----- Forwarded Message

From: Dan Lewis [REDACTED]
Date: Tue, 6 Oct 2009 09:18:58 -0700
To: Ken Phillips [REDACTED]
Subject: FW: Upcoming Creationist Movie at California Science Center

Hi Ken,

I hope this note finds you well, Hey, is it true that the CSC is screening the creationist film "Darwin's Dilemma" on Oct. 25? I'm curious how this came to pass as science. Some of my USC colleagues are up in arms about it, as you can see below!

All best,

Dan

From: Hilary Schor [REDACTED]
Sent: Tuesday, October 06, 2009 8:08 AM
To: Brighde Mullins; Nancy Lutkehaus; Michael Quick; Dan Lewis [REDACTED] dappen@usc.edu; dbottjer@usc.edu; Steve Finkel; Craig Stanford
Subject: Fwd: Upcoming Creationist Movie at California Science Center

Dear 1859ers,

This is what Dave sent me yesterday & I continue to be perturbed by it -- we should think about how we want to respond -- and I have to say, I'm less troubled by the freedom of speech issues than why my tax dollars which support the California "Science" Center are being spent on hosting religious propaganda? How do we think our group should respond? (For anyone who is interested, Robert Post, new Dean of the law school at Yale and a brilliant political scientist, is doing fascinating work on the relationship between free speech/academic freedom and "bad science" and the equivalent -- it's a real question... He tends to trust the marketplace of ideas more than I do...!)

see you tomorrow! love to all,

h

>>> "David J. Bottjer" [REDACTED] 10/5/2009 1:03 PM >>>
>

Hi Hilary,

It turns out that lots of organizations are celebrating 1859:

<http://www.discovery.org/a/12701>

As described in the message I received below, this is a creationist movie on the Cambrian explosion.

>
>The Discovery Institute promotes intelligent design. To learn more
>about them, check out this Wikipedia site:
>
>http://en.wikipedia.org/wiki/Discovery_Institute
>
>I don't know if there is anything we want to do in an organized way,
>but presumably this is a screening which will be open to our
>students. So, our 1859 committee should be aware of this
>"alternative programming" and maybe its something we should discuss
>at our meeting on Wednesday!

I will have to leave our Weds meeting early, because it turns out that we have opera tickets for Siegfried that night, and it starts at 5:30 PM!

>
>
>Dave
>
>
>>Date: Thu, 01 Oct 2009 17:13:38 -0700
>>From: Steve Newton [REDACTED]
>>Subject: upcoming creationist movie
>>To: newton@ [REDACTED], arbib@ [REDACTED], dbottjer@ [REDACTED],
>> sfinkel@ [REDACTED], rolson@ [REDACTED], jplatt@ [REDACTED], ipowell@ [REDACTED],
>> prothero@ [REDACTED], schopf@ [REDACTED], stanford@ [REDACTED]
>>Cc: rosenau@ [REDACTED], scott@ [REDACTED]
>>Authentication-Results: msg-ironport0.usc.edu; dkim=neutral (message not
>> signed) header.i=none
>>X-IronPort-Anti-Spam-Filtered: true
>>X-IronPort-Anti-Spam-Result:
>> AmUBAPLhxErRVd6tkGdsb2JhbACaMT8BAQEBCQkMBxMDrHwJjwMCgXdCEIFeBIOACg
>>X-IronPort-AV: E=Sophos;i="4.44,490,1249282800"; d="scan'208";a="210089660"
>>
>>Dear Drs. Arbib, Bottjer, Finkel, Olson, Platt, Powell, Prothero,
>>Schopf, and Stanford,

>>

>>I am contacting you because today the Discovery Institute, a group
>>promoting intelligent design, has announced that the California
>>Science Center in Los Angeles will screen a creationist film titled
>>Darwin's Dilemma on October 25th.

>>

>>Darwin's Dilemma purports that "problems" with the Cambrian fossil
>>record can be explained by the actions of an "intelligent
>>designer." In other words, this film argues that evolution cannot
>>explain the Cambrian Explosion and the Burgess Shale. Following the
>>screening of this film, Discovery Institute fellows Jonathan Wells
>>and David Berlinski, as well as the film's director Lad Allen, will
>>be on hand to answer questions.

>>

>>We think the local pro-science community should ask those
>>questions. While no one advocates censorship, the bad science of
>>Darwin's Dilemma should be countered with real science. We hope you
>>will wish to be part of that effort.

>>

>>NCSE has just finished assisting science supporters at the
>>University of Oklahoma in their response to a recent screening of
>>Darwin's Dilemma. I have numerous materials about the film which I
>>can send to those interested.

>>

>>I encourage you to share information about this event with your
>>colleagues and students and to organize a response that educates
>>and informs the public. Perhaps the California Science Center would
>>be open to hosting a talk about evolution and the science of the
>>Cambrian Explosion prior to the screening.

>>

>>Sincerely,
>>Steve

>>

>>The Discovery Institute's announcement of this event:

>>http://www.evolutionnews.org/2009/10/los_angeles_premiere_of_darwin.html

>>

>>--

>>Steven Newton
>>Public Information Project Director
>>National Center for Science Education, Inc.
>>420 40th Street, Suite 2
>>Oakland, CA 94609-2509
>>Phone: [REDACTED]
>>Fax: [REDACTED]
>>Toll-free: 1-800-290-6006

>>

>>Subscribe to NCSE's free weekly e-newsletter:

>><http://groups.google.com/group/ncse-news>

>>

>>NCSE is on Facebook, YouTube, and Twitter:

>><http://www.facebook.com/evolution.ncse>

>><http://www.youtube.com/NatCen4ScienceEd>

>><http://twitter.com/ncse>

>>

>>NCSE's work is supported by its members. Join today!

>><http://ncseweb.org/membership>

>

>

>--
>Department of Earth Sciences
>University of Southern California
>Los Angeles, CA 90089-0740
>(213) 740 - 6100
>fax: (213) 740 - 8801
[REDACTED]

----- End of Forwarded Message



LEPISCOPO & MORROW, LLP
SAN DIEGO—SACRAMENTO

Exhibit 5



----- Forwarded message -----

From: **Chris Sion** <csion@cscmail.org>

Date: Tue, Oct 6, 2009 at 1:16 PM

Subject: Notice of Cancellation of Event 10/25/09

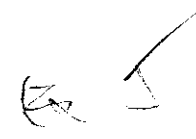
To: isdev@ix.netcom.com

Cc: Joe Peterson <joepeterson@exceleration-pm.com>, Peter Bylsma <pbbylsma@gmail.com>

Dear Avi,

It has come to our attention that in a press release issued October 5, 2009 by the American Freedom Alliance, it is inferred that the California Science Center as a Smithsonian Institute affiliate is co-sponsoring the Darwin Debates. Your event is a private event held on the California Science Center property but is not affiliated in any way with the California Science Center or the Smithsonian. This press release has damaged our relationship with the Smithsonian and the reputation of the California Science Center. According to the Event Policies and Procedures that you signed to reserve the date for the event, you agreed to submit all promotional materials to the California Science Center for review and approval prior to printing or broadcast. Because you did not obtain this approval and the press release has had significant negative ramifications, we are canceling your event at the California Science Center.

Regards,
Chris





LEPISCOPO & MORROW, LLP
SAN DIEGO—SACRAMENTO

Exhibit 6

From: Shell Amega
Sent: Monday, October 05, 2009 2:38 PM
To: Jeff Rudolph; William Harris
Subject: FW: Film Showing at CSC
Importance: High

FYI - Shell

From: Closter, Harold [mailto:closterh@sl.edu]
Sent: Monday, October 05, 2009 2:28 PM
To: Shell Amega
Subject: Film Showing at CSC

Shell,

Thanks for lending an ear.

We earnestly hope that the California Science Center will provide an accurate statement to the media informing of your role (or non-role) in presenting or serving as the host site

fab

of the film on October 25. The press release we talked about distorts the relationship between the Smithsonian Institution and the California Science Center by prominently featuring the Smithsonian in the title line and playing up the Affiliate relationship in a way that implies that the CSC is a west coast branch of the Smithsonian, and that the film showing is a Smithsonian event. Although we are most proud of our relationship with CSC, the Smithsonian, as you know, has no role in any of the decision making processes of your organization, and certainly has no say in films, public programs, and exhibitions.

When you issue a statement, you might also note that CSC is one of 20 Smithsonian Affiliates in California out of 165 nationally. A list is attached.

Please keep me informed of your next steps. We are concerned that this not be represented as a Smithsonian event or program or anything with which we have any involvement.

We appreciate very much any steps that you take to clarify the situation. I will be in travel the next four days, but can be reached on my cell phone, 202-425-9010, if you wish to discuss further. Thanks.

Harold A. Closter
Director, Smithsonian Affiliations
MRC 942, PO Box 37012
Washington, DC 20013-7012

Shipping:
470 L'Enfant Plaza SW
Suite 7400
Washington, DC 20024

phone: 202-633-5321,
cell: 202-425-9010
fax: 202-633-5313
email: closterh@si.edu

Is there a Smithsonian in your neighborhood? Visit our website at: www.affiliations.si.edu

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PETER D. LEPISCOPO, ESQ. C.S.B. 139583 Lepisco & Morrow, LLP 2635 Camino del Rio South, Suite 109, San Diego, CA 92108 TELEPHONE NO.: 619-299-5343 FAX NO.: 619-299-4767		FOR COURT USE ONLY FILED Los Angeles Superior Court DEC 01 2009 John A. Clarke, Executive Officer/Clerk By <u>SHAUNYA WESLEY</u> , Deputy	
ATTORNEY FOR (Name): Plaintiff, DISCOVERY INSTITUTE		CASE NUMBER: BS123905 JUDGE: DEPT:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES, CENTRAL DISTRICT STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: Central District--Stanley Mosk Courthouse			
CASE NAME: Discovery Institute v. California Science Center			
CIVIL CASE COVER SHEET ☒ Unlimited (Amount demanded exceeds \$25,000) ☐ Limited (Amount demanded is \$25,000 or less)		Complex Case Designation ☐ Counter ☐ Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort ☐ Auto (22) ☐ Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort ☐ Asbestos (04) ☐ Product liability (24) ☐ Medical malpractice (45) ☐ Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort ☐ Business tort/unfair business practice (07) ☐ Civil rights (08) ☐ Defamation (13) ☐ Fraud (16) ☐ Intellectual property (19) ☐ Professional negligence (25) ☐ Other non-PI/PD/WD tort (35) Employment ☐ Wrongful termination (36) ☐ Other employment (15)	Contract ☐ Breach of contract/warranty (06) ☐ Rule 3.740 collections (09) ☐ Other collections (09) ☐ Insurance coverage (18) ☐ Other contract (37) Real Property ☐ Eminent domain/Inverse condemnation (14) ☐ Wrongful eviction (33) ☐ Other real property (26) Unlawful Detainer ☐ Commercial (31) ☐ Residential (32) ☐ Drugs (38) Judicial Review ☐ Asset forfeiture (05) ☐ Petition re: arbitration award (11) ☒ Writ of mandate (02) ☐ Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) ☐ Antitrust/Trade regulation (03) ☐ Construction defect (10) ☐ Mass tort (40) ☐ Securities litigation (28) ☐ Environmental/Toxic tort (30) ☐ Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment ☐ Enforcement of judgment (20) Miscellaneous Civil Complaint ☐ RICO (27) ☐ Other complaint (not specified above) (42) Miscellaneous Civil Petition ☐ Partnership and corporate governance (21) ☐ Other petition (not specified above) (43)
--	---	--

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. ☐ Large number of separately represented parties b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. ☐ Substantial amount of documentary evidence	d. ☐ Large number of witnesses e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. ☐ Substantial postjudgment judicial supervision
--	--

3. Remedies sought (check all that apply): a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): **2**

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 11/16/09

PETER D. LEPISCOPO, ESQ. C.S.B. 139583

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SHORT TITLE:
DISCOVERY INSTITUTE v. CALIFORNIA SCIENCE CENTER

CASE NUMBER

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL ¹ ☐ HOURS/ ☒ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	☐ A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	☐ A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	☐ A6070 Asbestos Property Damage ☐ A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	☐ A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	☐ A7210 Medical Malpractice - Physicians & Surgeons ☐ A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	☐ A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		☐ A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
☐ A7270 Intentional Infliction of Emotional Distress		1., 2., 3.	
☐ A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	☐ A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	☐ A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	☐ A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	☐ A6013 Fraud (no contract)	1., 2., 3.

SHORT TITLE: DISCOVERY INSTITUTE v. CALIFORNIA SCIENCE CENTER	CASE NUMBER
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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	☐ A6017 Legal Malpractice ☐ A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	☐ A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	☐ A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	☐ A6024 Other Employment Complaint Case ☐ A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	☐ A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) ☐ A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) ☐ A6019 Negligent Breach of Contract/Warranty (no fraud) ☐ A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	☐ A6002 Collections Case-Seller Plaintiff ☐ A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	☐ A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	☐ A6009 Contractual Fraud ☐ A6031 Tortious Interference ☐ A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	☐ A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	☐ A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	☐ A6018 Mortgage Foreclosure ☐ A6032 Quiet Title ☐ A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer- Commercial (31)	☐ A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Residential (32)	☐ A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Drugs (38)	☐ A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	☐ A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	☐ A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: DISCOVERY INSTITUTE v. CALIFORNIA SCIENCE CENTER	CASE NUMBER
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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	☒ A6151 Writ - Administrative Mandamus ☐ A6152 Writ - Mandamus on Limited Court Case Matter ☐ A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	☐ A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	☐ A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	☐ A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	☐ A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	☐ A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	☐ A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	☐ A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	☐ A6141 Sister State Judgment ☐ A6160 Abstract of Judgment ☐ A6107 Confession of Judgment (non-domestic relations) ☐ A6140 Administrative Agency Award (not unpaid taxes) ☐ A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax ☐ A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	☐ A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	☐ A6030 Declaratory Relief Only ☐ A6040 Injunctive Relief Only (not domestic/harassment) ☐ A6011 Other Commercial Complaint Case (non-tort/non-complex) ☐ A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance(21)	☐ A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	☐ A6121 Civil Harassment ☐ A6123 Workplace Harassment ☐ A6124 Elder/Dependent Adult Abuse Case ☐ A6190 Election Contest ☐ A6110 Petition for Change of Name ☐ A6170 Petition for Relief from Late Claim Law ☐ A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: DISCOVERY INSTITUTE v. CALIFORNIA SCIENCE CENTER	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE		ADDRESS: CALIFORNIA SCIENCE CENTER 700 Exposition Park Drive	
☐ 1. ☒ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☒ 8. ☐ 9. ☐ 10.			
CITY: Los Angeles	STATE: CA	ZIP CODE: 90037	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: 11/16/09



(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.