

## **LAST REVISED 9/2/17**

This complaint states a "protection order" contains perjury, false statements or hearsay. It is contradicted by the facts concerning the termination of Dr. Brett Fleisch from the University of California, Riverside in 2011. Specifically, the facts submitted by lawyers that Fleisch **"was unhappy with his employment situation and submitted a resignation"**. This is incorrect; it is not a factual statement. Dr. Bhuyan's staff or Dr. Bhuyan downloaded the resignation. It was not a resignation. It was a photocopy. It was his choice. It is unclear why he was persuaded to do this. Resignations should be according to the principles in the survey article provided at the Synopsis. See the Synopsis for the up-to-date information.

This was for the second time an attempt was made to terminate Fleisch.(done two years earlier by the Dean claiming an email tendered the resignation). See the conclusions <http://www.brettfleisch.com/9-8-10UCRDecision.pdf> The first attempt was handled properly by a University committee as a violation of Bylaw 335.

In the second attempt, UC issued a "protection order" to reclaim the office space in Engineering. Prof Bhuyan terminated me in the midst of a quarter; they (the Department) attempted to move forward the date documents indicated I resigned. The resignation paperwork was never tendered in person, signed by me in front of others, has no first hand signature, was not witnessed, I never went to the office to hand it in, nor was it notarized. Finally, within the requisite revocation time, I had issued a statement that the resignation should be undone. More details can be found at [brettfleisch.com/Synopsis.pdf](http://www.brettfleisch.com/Synopsis.pdf)

The definition of resignation is discussed in the survey article at [www.brettfleisch.com/Resignations-PB.pdf](http://www.brettfleisch.com/Resignations-PB.pdf). A document does not always indicate a legal resignation occurred. A resignation must follow the guidelines explained in the journal article or the person purported to have resigned may have been fired. A legal definition must be used for the word "resignation" in legal documents; a "protection order" is a legal document. One may examine [www.brettfleisch.com/SOC.pdf](http://www.brettfleisch.com/SOC.pdf) to determine the UC Bylaws violated wrt the resignation really being a firing.

Tenured faculty generally cannot be fired without an internal legal process that was not adhered to in the Fleisch case. Consequently, a violation of the Bylaws occurred in the Fleisch resignation including a deprivation of faculty rights. Fleisch was tenured in 1997. Bylaw 335 was violated in the termination of Fleisch. Professor Funder had no authority over Fleisch under the Bylaws.

The next thing is the Department Staff – Jackie Li, Amy Ricks along with Dr. Bhuyan, and Dr. Payne entered a protection order. Why? The protection order has four independent anecdotes with no common complaint in the four elements. It appears, the University staff in departments use protection orders against UC faculty to reclaim office space after they have purportedly resigned. This may have occurred at all campuses in the UC system. I claim this is an orchestrated fraud scheme used to defraud faculty of their emeritus rights and secure administrative decisions without investigation. This is fraud the University thinks is legal.

The homage fraud system works on faculty that are departing. The civil nature of the fraud may be used used to prohibit investigation. General thoughts appear at [brettfleisch.com/Pelican.pdf](http://brettfleisch.com/Pelican.pdf)

### Summary

\* the facts submitted by lawyers that Fleisch "***was unhappy with his employment situation and submitted a resignation***"

\* UC lawyers stated: "***Unhappy with his employment situation, Dr. Fleisch resigned his professorship by email May 23, 2011***".

Both of the above statements are incorrect and contradictory. Email was not used as the basis of the purported resignation. These are contradictory statements. Moreover, there was no submission of a resignation by Fleisch. Moreover, any document used was never submitted in person, signed in person nor notarized. ***The protection order does not have a sample copy of the notarized resignation that otherwise should be required.***

1. There was no "legal resignation" regardless of any administrative decision concerning the resignation and its acceptance by UC; it did not meet the legal standard. ***See the survey article in the references in the Synopsis.***
2. The protection order is a legal document. Administration used the word "resignation" to describe events. UCOP use of the word does not meet the legal standard. Therefore the statements in the legal document should not be admissible in a court of law. How did they end up in the protection order if the UC legals did not witness the events? Where is the chain of custody?

It is argued the case should be vacated/dismissed per prima facie evidence in hyperlinked referenced documents. The use of a protection order to deny emeritus rights appears customary in the UC system for space reclamation.<sup>1</sup> It is inconsistent with its proper use.

3. The elements of a Brady complaint show: (1) evidence is exculpatory or impeaching (2) that evidence was suppressed by the State, either willfully or inadvertently, and (3) prejudice must have ensued. These three conditions have been met as explained above.

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<sup>1</sup> The notably missing emeritus offices suggests a correlation between missing emeritus faculty offices and faculty. Moreover, the denial of offices in my case by Administrative fiat shows these a concern.