

LARRY SALZMAN, Cal. Bar No. 224727  
 Email: lsalzman@pacificlegal.org  
*Local Southern District of California Counsel*  
 Pacific Legal Foundation  
 555 Capitol Mall, Suite 1290  
 Sacramento, California 95814  
 Telephone: (916) 419-7111  
 Facsimile: (916) 419-7747

HALEY DUTCH, Colo. Bar No. 58181\*  
 Email: hdutch@pacificlegal.org  
 JACK E. BROWN, Va. Bar No. 94680\*  
 Email: jbrown@pacificlegal.org  
 Pacific Legal Foundation  
 3100 Clarendon Blvd., Suite 1000  
 Arlington, Virginia 22201  
 Telephone: (202) 888-6881  
 Facsimile: (916) 419-7747

*Attorneys for Plaintiffs*  
*\*pro hac vice applications forthcoming*

**UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA**

CALIFORNIANS FOR EQUAL  
 RIGHTS FOUNDATION, a 501(c)(3)  
 organization, and KAI PETERS,

Plaintiffs,

v.

UNIVERSITY OF CALIFORNIA  
 BOARD OF REGENTS;  
 UNIVERSITY OF CALIFORNIA  
 SAN DIEGO; PRADEEP K.  
 KHOSLA, in his individual and  
 official capacity as the Chancellor of  
 UC San Diego; THE SAN DIEGO  
 FOUNDATION, a 501(c)(3)  
 organization, as administrator of the  
 BLACK ALUMNI SCHOLARSHIP  
 FUND; and ED SPRIGGS, in his  
 individual and official capacity as  
 Executive Chair of the Black Alumni  
 Scholarship Fund,

Defendants.

No. '25CV1808 BEN DEB

**COMPLAINT FOR  
 DECLARATORY RELIEF  
 AND DAMAGES**

## INTRODUCTION

1           1. Kai Peters came to UC San Diego as a transfer student with  
2 high hopes for his academic future.

3           2. A junior pursuing his degree at one of California's premier  
4 public universities, Kai worked hard to earn his place at UCSD.

5           3. Like many college students, he was eager to find scholarship  
6 opportunities to help offset his educational costs.

7           4. But Kai soon discovered he was automatically excluded from  
8 one of the university's most prominent scholarship programs—not  
9 because of his grades, financial need, or career potential—solely because  
10 of his race.

11           5. UCSD created that program, the Black Alumni Scholarship  
12 Fund (BASF), in 1983. When it was created, BASF was a state-run  
13 program that awarded scholarships based on race.

14           6. UC San Diego continued to maintain this race-based  
15 scholarship program until 1998, two years after California voters  
16 overwhelmingly voted to pass Proposition 209, which prohibits  
17 discrimination in public education.

18           7. UCSD found a way around the prohibition. It transferred  
19 BASF to an off-campus nonprofit, the San Diego Foundation. Though  
20 BASF is now nominally a private program, it still operates as a UCSD  
21 scholarship.

22           8. UCSD conspires with BASF to award scholarships based on  
23 race through sleight of hand, in violation of the clear commands of the  
24 United States and California Constitutions to treat its students equally.

25           9. The Californians for Equal Rights Foundation seeks to end  
26 this practice on behalf of its members—including Kai, UCSD students,  
27  
28

1 and high school students planning to apply to UCSD and seeking  
2 scholarship assistance.

3 10. They ask this Court to vindicate a principle that has been  
4 long enshrined in American law—that the government cannot outsource  
5 racial discrimination to a private party.

### 6 **JURISDICTION AND VENUE**

7 11. This action arises under the Fourteenth Amendment to the  
8 United States Constitution; federal civil rights statutes 42 U.S.C.  
9 §§ 1981, 1985, and 2000d *et seq.*; and article I, section 31 of the  
10 California Constitution.

11 12. This Court has subject matter jurisdiction over this action  
12 pursuant to 28 U.S.C. §§ 1331 and 1343, because this action arises  
13 under the Constitution and laws of the United States.

14 13. The Court has supplemental jurisdiction to adjudicate  
15 Plaintiffs' claims under article I, section 31 of the California  
16 Constitution pursuant to 28 U.S.C. § 1367(a). The events, parties,  
17 witnesses, and injuries that form the basis of the U.S. constitutional and  
18 federal civil rights claims are the same or related to the events, parties,  
19 witnesses, and injuries that form the basis of the state constitutional  
20 claims and derive from a common nucleus of operative facts.

21 14. This Court has the authority to issue declaratory relief under  
22 28 U.S.C. §§ 2201 and 2202.

23 15. Venue is proper in this district under 28 U.S.C. § 1391(b)(1)–  
24 (2). The Defendants' domicile is within this district and a substantial  
25 part of the events giving rise to this claim have occurred or will occur in  
26 the Southern District of California.

27 ///

**PARTIES**

**Plaintiffs**

***CFER and Its Members***

16. Californians for Equal Rights Foundation (CFER) is a nonprofit organization founded to defend the principle of equal rights.

17. CFER has members who are college and high school students in California.

18. Except for their race, these members would be eligible for the BASF scholarship.

19. The CFER members are ready, willing, and able to apply for BASF, but the strict racial requirement renders such an application futile.

20. Further, CFER members have not and will not receive invitations to apply for BASF, because they have not checked the “correct” race on their applications.

21. CFER engages in grassroots campaigns and education to fight against racial and gender preferences in government programs throughout California.

22. CFER has successfully fought for the principle of equality via the lawsuits brought against Alameda County and the San Diego Housing Commission. Both lawsuits ended with the repeal of unconstitutional laws.

23. CFER brings this action on behalf of its members, who have been injured by Defendants’ racially discriminatory practices, and in its own right due to the frustration of its mission and diversion of resources.

***CFER Member A***

24. CFER has one member who is an Indian-American junior at UCSD and a San Diego native.

1           25. Member A applied to transfer to UCSD in the fall of 2023 and  
2 was accepted into the junior class for 2024.

3           26. Member A did not indicate a race on the UCSD application  
4 and did not receive an application for BASF.

5           27. Member A easily clears the academic requirements for a  
6 BASF scholarship.

7           28. Thus, Member A is eligible for BASF but for the strict racial  
8 requirement.

9           29. Member A is ready, willing, and able to apply for BASF and  
10 fulfill all non-racial participation requirements.

11           30. Member A also would benefit greatly from BASF's grant of  
12 \$5,000 for transfer students, which can be used for books and other  
13 school expenses.

14 ***CFER Member B***

15           31. CFER Member B is an Asian-American high school senior  
16 who lives in San Diego.

17           32. She plans to apply to UC San Diego.

18           33. But for the strict racial requirement, she would be eligible for  
19 the BASF scholarship.

20           34. She is ready, willing, and able to apply for, participate in,  
21 and receive the BASF scholarship.

22 ***CFER High School Members***

23           35. CFER also has multiple other Asian-American high school  
24 members who plan to apply to UCSD.

25           36. CFER's high school members will seek scholarships to help  
26 defray the costs of tuition to UCSD.

27           37. If not for the racial restriction, CFER's high school members  
28 would be eligible for the BASF scholarship.

1 38. CFER's high school members are ready, willing, and able to  
2 apply for, participate in, and receive the BASF scholarship.

3 ***Kai Peters***

4 39. Kai Peters is a white Junior at UCSD.

5 40. Kai listed his race on his UCSD application as  
6 White/Caucasian.

7 41. Kai transferred to UCSD, but he did not receive an  
8 application for the BASF transfer scholarship.

9 42. Given the opportunity, Kai would participate in both the  
10 financial and mentorship components of the scholarship.

11 **Defendants**

12 ***University of California Board of Regents***

13 43. The University of California Board of Regents is the  
14 governing board of the University of California system.

15 44. The Board of Regents establishes university policy, makes  
16 decisions determining student admissions and cost of attendance,  
17 engages in planning for all University of California campuses and  
18 locations, including University of California San Diego, and supervises  
19 the making of contracts between the University of California and private  
20 parties.

21 ***University of California, San Diego***

22 45. The University of California, San Diego (UCSD) is a public  
23 research university in San Diego, California, and part of the University  
24 of California system.

25 46. UCSD created the Black Alumni Scholarship Fund (BASF), a  
26 race-based scholarship program, in 1983.

27 47. UCSD transferred BASF to an off-campus nonprofit, the San  
28 Diego Foundation, in an effort to avoid the prohibition on racial

1 preferences in public education enumerated in article I, section 31 of the  
2 California Constitution.

3 48. UCSD conspires with the San Diego Foundation to award  
4 scholarships on the basis of race.

5 ***Pradeep K. Khosla***

6 49. Pradeep K. Khosla is the chancellor of the University of  
7 California, San Diego.

8 50. Chancellor Khosla is the chief executive officer of UCSD, in  
9 which role he administers and manages UCSD.

10 51. In his role as chancellor, Chancellor Khosla announced the  
11 Black Academic Excellence Initiative (BAEI). UCSD supports the BASF  
12 in part through the BAEI.

13 52. In his role as chancellor, Chancellor Khosla conspires to  
14 award scholarships on the basis of race with the San Diego Foundation.

15 53. Chancellor Khosla is sued in his individual and official  
16 capacities.

17 ***The San Diego Foundation d/b/a Black Alumni***  
18 ***Scholarship Fund***

19 54. The San Diego Foundation is a 501(c)(3) organization that  
20 administers the Black Alumni Scholarship Fund.

21 55. The Foundation manages charitable assets, including  
22 scholarship funds. It is the legal and financial administrator of the  
23 Black Alumni Scholarship Fund (BASF), the subject of this lawsuit.

24 56. Although BASF is presented as a distinct scholarship  
25 program, it is not separately incorporated and operates as a designated  
26 fund within The San Diego Foundation. The Foundation thus exercises  
27 control over BASF's assets, application procedures, and eligibility  
28 requirements, including the race-based criteria challenged in this action.



1           57. UCSD transferred its race-based scholarship program, the  
 2 Black Alumni Scholarship Fund, to the San Diego Foundation in an  
 3 effort to avoid the prohibition on racial preferences in public education  
 4 enumerated in article I, section 31 of the California Constitution.

5           58. Although nominally private, the Black Alumni Scholarship  
 6 Fund operates as a UCSD scholarship and receives support through  
 7 UCSD's Black Academic Excellence Initiative (BAEI), announced by  
 8 Chancellor Khosla.

9           59. The San Diego Foundation conspires with UCSD to award  
 10 scholarships on the basis of race.

11           ***Ed Spriggs***

12           60. Ed Spriggs is the Executive Chair of the Black Alumni  
 13 Scholarship Fund.

14           61. In his role as executive chair, Mr. Spriggs administers BASF,  
 15 collaborates with the UCSD campus, and raises money for the BASF  
 16 endowment at the San Diego Foundation.

17           62. In his role as executive chair, Mr. Spriggs conspires with  
 18 UCSD to award scholarships on the basis of race.

19           63. Mr. Spriggs is sued in his individual and official capacities.

20           **FACTUAL ALLEGATIONS**

21           **The Black Alumni Scholarship Fund (BASF)**

22           64. The Black Alumni Scholarship Fund (BASF) is a privately  
 23 funded scholarship for black students admitted to the University of  
 24 California San Diego.

25           65. BASF is racially exclusive, awarding scholarships only to  
 26 black students.

27           66. It requires that students maintain a 2.7 GPA.



1           67. It also requires that students participate in BASF activities  
2 like mentoring.

3           68. BASF sends application materials to every admitted black  
4 student, whether a freshman or transfer applicant.

5           69. The scholarship, according to its website, has a goal of  
6 increasing the proportion of black graduates from UCSD.

7           70. It claims that it is not subject to California Proposition 209,  
8 which restricts public universities' use of racial preferences, so its  
9 recipients are "100% . . . Black/African American."

### 10           **Conspiracy with UC San Diego**

11           71. Chancellor Khosla, on behalf of UCSD, created the Black  
12 Academic Excellence Initiative (BAEI), a program closely entangled with  
13 BASF.

14           72. In a press release, BASF stated that BAEI would raise funds  
15 "to grow the existing, privately administered Black Alumni Scholarship  
16 Fund." *UC San Diego Launches Black Academic Excellence Initiative*,  
17 BASF (Mar. 8, 2016), [https://basf-sandiego.com/uc-san-diego-launches-](https://basf-sandiego.com/uc-san-diego-launches-black-academic-excellence-initiative/)  
18 [black-academic-excellence-initiative/](https://basf-sandiego.com/uc-san-diego-launches-black-academic-excellence-initiative/).

19           73. It included a statement from UCSD's Vice Chancellor of DEI,  
20 Becky Petitt, who said that the "expanded scholarship support" would  
21 "encourage more collegebound black students to consider, apply and  
22 enroll at UC San Diego." *Id.*

23           74. UCSD and Chancellor Khosla have full knowledge that BASF  
24 discriminates based on race.

25           75. Despite that knowledge, UCSD and Chancellor Khosla  
26 continue to encourage, support, facilitate, and fund the program.

27           76. There are high levels of staff crossover between UCSD and  
28 BASF. At least eight members of the 17-member BASF Board are

1 current or former UCSD employees or trustees. *About Us*, BASF (visited  
2 July 10, 2025), <https://basf-sandiego.com/about-us/>.

3 77. Two additional members are on the UCSD Alumni Board,  
4 and another member is on the UCSD Board of Trustees.

5 78. The UCSD official website for its Black Academic Excellence  
6 Initiative (BAEI) indicates financial entanglement with BASF.

7 79. The website states that the University is “partnering” with  
8 BASF to “help grow” BASF’s scholarship fund.

9 80. It also says “gifts [to the Initiative] will support privately  
10 administered scholarships [from BASF].”

11 81. UCSD is giving BASF the names of admitted students who  
12 check the Black/African American ethnicity box on their applications.  
13 *Freshman Applicants*, BASF (visited July 10, 2025), [https://basf-](https://basf-sandiego.com/freshman-applicants/)  
14 [sandiego.com/freshman-applicants/](https://basf-sandiego.com/freshman-applicants/) (“Students who have been admitted  
15 to UC San Diego and have identified themselves on the UC application  
16 as Black or African American will receive a BASF invitation to apply  
17 and a link to the application form.”).

18 82. UCSD has the power to reject an applicant or expel a current  
19 student for dishonesty, which would include checking an inaccurate race  
20 category on their application.

21 83. By turning over students’ information to a racially  
22 discriminatory scholarship program, UCSD participates in racial  
23 discrimination.

24 84. Notably, the CFER members did not receive applications for  
25 BASF, because they did not check the “Black/African American” box on  
26 their applications.

27 85. BASF students may also have guaranteed or preferred access  
28 to UCSD’s Summer Bridge Program. Summer Bridge, UC San Diego

1 (last visited Mar. 28, 2025), <https://summerbridge.ucsd.edu/>.

2 86. This program allows students to get 6 credits before the start  
3 of college and is completely free, including room and board.

4 87. The BASF website states that the “BASF Scholarship  
5 Program includes invaluable academic enrichments preferred by high-  
6 achieving students like you, such as: Access to summer transition  
7 programs.” *Freshman Applicants*, BASF (visited July 10, 2025),  
8 <https://basf-sandiego.com/freshman-applicants/>.

9 88. It further states, “For admitted students . . . , the 5-week on  
10 campus or virtual Summer Bridge program is available. However, you  
11 must submit a timely Summer Bridge application.” *Freshman*  
12 *Applicants*, BASF (visited July 10, 2025), [https://basf-](https://basf-sandiego.com/freshman-applicants/)  
13 [sandiego.com/freshman-applicants/](https://basf-sandiego.com/freshman-applicants/).

14 89. The Summer Bridge program is competitive, and not all  
15 applicants are admitted.

16 **The Impact of UCSD and BASF’s Racial Discrimination**

17 90. Plaintiffs—including CFER members and Kai Peters—have  
18 suffered and continue to suffer injuries as a direct and proximate result  
19 of Defendants’ racially discriminatory conduct.

20 91. Plaintiff Kai Peters and Member A were denied the  
21 opportunity to compete for the Black Alumni Scholarship Fund (BASF)  
22 solely because of their race. Despite meeting the academic and eligibility  
23 criteria, they were excluded from receiving information about the  
24 scholarship and from applying for its financial and mentorship benefits,  
25 which are made available only to Black applicants.

26 92. The denial of access to educational resources on the basis of  
27 race has caused them tangible harm, including lost opportunities for  
28

1 financial support, mentoring relationships, and professional  
2 development.

3 93. Plaintiff Peters continues to attend UC San Diego, where the  
4 challenged discrimination remains in effect. BASF and UCSD persist in  
5 administering and promoting a scholarship that explicitly excludes  
6 students based on race.

7 94. Members of CFER who are currently enrolled or plan to  
8 apply to UCSD face the same exclusion. Their injuries are ongoing and  
9 imminent. These students are deterred from fully participating in  
10 university life, disheartened by discriminatory treatment, and denied  
11 equal access to scholarships and programming sponsored or endorsed by  
12 UCSD.

13 95. CFER's high school members and other prospective  
14 applicants are reasonably concerned that they will be excluded or  
15 disadvantaged on the basis of race, undermining the fairness of UCSD's  
16 admissions and financial aid environment.

17 96. The harms experienced by Plaintiffs are not limited to  
18 economic losses. Defendants' actions have caused dignitary harm,  
19 emotional distress, stigmatization, and the denial of equal treatment  
20 under the law. Plaintiffs experience being officially classified as  
21 ineligible for a UCSD scholarship because of their race.

22 97. Unless enjoined by this Court, Defendants will continue to  
23 enforce or collaborate in a racially discriminatory scholarship program  
24 in violation of federal and state law. Plaintiffs have no adequate remedy  
25 at law and are entitled to declaratory and injunctive relief to prevent the  
26 continuation of this unlawful conduct.

27 ///

**CLAIMS FOR RELIEF**

**First Cause of Action**

**(42 U.S.C. § 1985 – Conspiracy to Interfere with Civil Rights)**

98. Plaintiffs incorporate and reallege each and every allegation contained in the preceding paragraphs of this Complaint.

99. The Fourteenth Amendment to the United States Constitution provides: “No State shall make or enforce any law which shall . . . deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1.

100. 42 U.S.C. § 1985(3) provides that: “If two or more persons in any State or Territory conspire . . . for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; . . . whereby another is . . . deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.”

101. Defendants Pradeep K. Khosla, in his individual capacity as the Chancellor of UC San Diego; The San Diego Foundation as administrator of the Black Alumni Scholarship Fund; and Ed Spriggs, in his individual and official capacity as Executive Chair of the Black Alumni Scholarship Fund are each a “person” liable under 42 U.S.C. § 1985.

102. Ed Spriggs oversaw the application of BASF’s discriminatory selection criteria on students, including Plaintiffs, even though he knew or should have reasonably known that the criteria violated their right to equal protection of the law. Pradeep Khosla, as Chancellor of UCSD, knew or reasonably should have known of BASF’s unlawful

1 discriminatory racial preferences and knowingly contributed to the  
2 carrying out of those preferences.

3 103. Defendants have “conspired” within the meaning of 42 U.S.C.  
4 § 1985.

5 104. BASF discriminates on the basis of race, which, in conspiracy  
6 with state actors, violates the Equal Protection Clause.

7 105. This joint discrimination is subject to strict scrutiny because  
8 it categorizes individuals on the basis of race, and it cannot survive  
9 strict scrutiny.

10 106. Defendants have not attempted to implement any race-  
11 neutral alternatives and BASF does not provide any end date for its  
12 race-based measures.

13 107. The BASF scholarship’s racial classifications use race as a  
14 negative.

15 108. The BASF scholarship’s racial classifications use race as a  
16 stereotype.

17 109. BASF applicants, including Plaintiffs, have been and will  
18 continue to be harmed by Defendants’ racial discrimination.

19 **Second Cause of Action**

20 **(42 U.S.C. § 1981 – Deprivation of Civil Rights Based on Race)**

21 110. Plaintiffs incorporate and reallege each and every allegation  
22 contained in the preceding paragraphs of this Complaint.

23 111. Section 1981 prohibits discrimination on the basis of race and  
24 protects the right of all persons in every State to make and enforce  
25 contracts and to the full and equal benefit of all laws and proceedings for  
26 the security of persons and property.

27 ///

112. Defendants violated § 1981 by purposefully and willfully denying the equal opportunity to be considered for the BASF scholarship, and to make and enforce a contract because of race.

113. That racial discrimination interfered with Plaintiffs' rights to contract for educational benefits on an equal basis.

114. Defendants' actions were in accordance with an official policy and custom of UCSD.

115. Defendants' actions caused the deprivation of Plaintiffs' rights.

1. The United States Supreme Court has held that § 1981 protects all persons—regardless of their race—from “discrimination in the making or enforcement of contracts.” *McDonald v. Santa Fe Trail Transp. Co.*, 427 U.S. 273, 295 (1976).

116. Plaintiffs are members of the racial groups that Defendants disfavor for BASF scholarships.

117. Defendants' deprivation of Plaintiffs' right to equal consideration occurred due to Plaintiffs' race. Defendants intended to discriminate and purposefully discriminated against them on the basis of race.

118. Persons who suffer discrimination in violation of § 1981 are entitled to both equitable and legal relief, including damages.

119. Plaintiffs have suffered damages as a result of Defendants' discriminatory actions.

### **Third Cause of Action**

#### **(42 U.S.C. § 2000d – Intentional Discrimination in Violation of Title VI of the 1964 Civil Rights Act)**

120. Plaintiffs incorporate and reallege each and every allegation contained in the preceding paragraphs of this Complaint.



1 121. Title VI of the 1964 Civil Rights Act (42 U.S.C. §2000d)  
2 provides, in relevant part: “No person in the United States shall, on the  
3 ground of race, color, or national origin, be excluded from participation  
4 in, be denied the benefits of, or be subjected to discrimination under any  
5 program or activity receiving Federal financial assistance.”

6 122. UCSD, recipient of federal funds, violated Title VI, 42 U.S.C.  
7 § 2000(d) *et seq.*, by conspiring with BASF to racially discriminate  
8 against students who seek scholarships.

9 123. UCSD’s actions were made under color of law.

10 124. Title VI is privately enforceable.

11 125. Discrimination that violates the Equal Protection Clause of  
12 the Fourteenth Amendment of the United States Constitution  
13 constitutes a violation of Title VI when committed by an institution that  
14 accepts federal funds.

15 126. An institution’s use of race or ethnicity that is in any way  
16 motivated by prejudice or a stereotype against a particular group  
17 violates Title VI.

18 127. UCSD has conspired with BASF to exclude Plaintiffs on the  
19 basis of race or ethnicity based on prejudicial and stereotypical  
20 assumptions about their qualifications and circumstances.

21 128. Plaintiffs have been and will continue to be injured because  
22 Defendants have denied and will continue to deny the opportunity to  
23 compete for a BASF scholarship on equal footing with other applicants.

24 129. Plaintiffs are entitled to attorneys’ fees and costs pursuant to  
25 42 U.S.C. § 1988.

26 ///

**Fourth Cause of Action**  
**(Article I, Section 31 of the California Constitution –**  
**Discriminatory and Preferential Treatment on the**  
**Basis of Race)**

130. Plaintiffs incorporate and reallege each and every allegation contained in the preceding paragraphs of this Complaint.

131. Article I, section 31 of the California Constitution provides that the State of California and its counties and other subdivisions “shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.” Cal. Const. art. I, § 31(a), (f).

132. The BASF scholarship discriminates against and grants preferential treatment to individuals on the basis of race in public education.

133. The BASF scholarship is not required by “any court order or consent decree” in force as of November 6, 1996. Cal. Const. art. I, § 31(d).

134. The BASF scholarship is not necessary to “establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the State.” Cal. Const. art. I, § 31(e).

135. UCSD, a California state entity, has conspired with BASF to enact its discriminatory scholarship program.

**Fifth Cause of Action**  
**(42 U.S.C. § 1983 and U.S. Const. amend. XIV, § 1 – Violation of**  
**the Equal Protection Clause)**

136. Plaintiffs incorporate and reallege each and every allegation

1 contained in the preceding paragraphs of this Complaint.

2 137. The Fourteenth Amendment to the United States Constitution  
3 provides: “No State shall make or enforce any law which shall . . . deny to  
4 any person within its jurisdiction the equal protection of the laws.” U.S.  
5 Const. amend. XIV, § 1.

6 138. 42 U.S.C. § 1983 provides that: “Every person who, under color  
7 of any statute, ordinance, regulation, custom, or usage, of any State or  
8 Territory or the District of Columbia, subjects, or causes to be subjected,  
9 any citizen of the United States or other person within the jurisdiction  
10 thereof to the deprivation of any rights, privileges, or immunities secured  
11 by the Constitution and laws, shall be liable to the party injured in an  
12 action at law, suit in equity, or other proper proceeding for redress . . . .”

13 139. Defendant Pradeep K. Khosla, in his individual and official  
14 capacity as the Chancellor of UC San Diego, is a “person” acting under  
15 color of state law within the meaning of 42 U.S.C. § 1983.

16 140. By adopting policies and practices that coordinate with or  
17 endorse the racially exclusive criteria of the Black Alumni Scholarship  
18 Fund (BASF), UCSD and its officials have subjected Plaintiffs to unequal  
19 treatment based on race.

20 141. Specifically, UCSD and its officials actively assist in the  
21 administration of the BASF by:

- 22 a. Sharing race-identified admissions data with BASF;
- 23 b. Publicly endorsing BASF’s racially exclusive scholarship;
- 24 c. Referring students to BASF through university-affiliated  
25 programming;
- 26 d. Including BASF in the University’s Black Academic  
27 Excellence Initiative fundraising; and
- 28 e. Failing to ensure that scholarships supported by or affiliated

1 with the university are administered without regard to race.

2 142. These actions have resulted in Plaintiffs' exclusion from the  
3 BASF scholarship based on their race.

4 143. Plaintiffs have suffered harm, including but not limited to lost  
5 financial and mentorship opportunities, emotional distress, and the  
6 denial of equal treatment in a public education context.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiffs respectfully request the following relief:

- 9 1. A declaratory judgment declaring that the racial preferences in  
10 Defendants' BASF program violate the Fourteenth Amendment  
11 to the United States Constitution; Title VI of the Civil Rights Act  
12 of 1964, 42 U.S.C. § 2000d *et seq*; federal civil rights statutes 42  
13 U.S.C. §§ 1981, 1983, and 1985; and article I, section 31 of the  
14 California Constitution;
- 15 2. An injunction preventing UCSD from releasing students'  
16 demographic information to BASF and otherwise conspiring to  
17 award race-based scholarships;
- 18 3. An injunction preventing BASF from conspiring with UCSD to  
19 award race-based scholarships;
- 20 4. An award of attorney's fees and costs in this action pursuant to  
21 42 U.S.C. § 1988;
- 22 5. An award of nominal damages in the amount of \$1.00; and
- 23 6. An award of any further legal or equitable relief this Court may  
24 deem just and proper.
- 25  
26  
27  
28

1 DATED: July 16, 2025.

2 Respectfully submitted,

3 LARRY SALZMAN

4 JACK BROWN\*

5 HALEY DUTCH\*

6 s/ Larry Salzman

7 LARRY SALZMAN

8 *Attorneys for Plaintiffs*

9 Email: lsalzman@pacificallegal.org

10 *\*pro hac vice applications*  
11 *forthcoming*