

Cynthia Moreno  
The MYSPACE case



myspace  
.com

# Context & Background

## Who is Cynthia Moreno?

- Born in Hanford, California / Currently 28-years-old.
- Lived in Huron (small farming community for a few years)
- Kindergarten through High School in Coalinga
- Top 10% of my graduating class
- Very involved with Leadership all 4 years of high school / soccer / softball/ extracurrics.
- Parents involved with school projects / volunteer at school events
- Automatic acceptance into all the UC's
- Girls State Recipient
- Honor Roll / Enrolled in Advanced Placement Courses
- Took Summer School Courses at the Academic Talent Development Program at UC Berkeley
- First Generation Mexican-American
- Parents born in Mexico / No opportunity for an education
- First in my family to obtain a university degree
- Attended the University of California, Berkeley
- Pre-law– majored in Legal Studies
- Two sisters and a brother- Alma Moreno (Fresno State), Araceli Moreno (Community College) and Jason Moreno, 11 years old.
  - Had sacrificed a lot; worked really hard; didn't go to parties (or participate in all the regular stuff teenagers did).
  - Goal was to attend an ivy-league school– had lofty ambitions. Very driven, very motivated; wanted to make parents proud.
  - Profound love of school and learning since I was a kid.
  - First language was Spanish– didn't speak a single word in English upon entering school.

# Where is Coalinga?

- Small community off of Interstate 5
- Population approximately 10,000 people
- “Small-town community. Everyone knows everyone”
- Surrounded by prisons / known for oil fields
- At one point, Coalinga-Huron and Avenal (small schools in the Central Valley) had the highest teen pregnancy rates in the state
- One junior and high school / one stop-light
- Predominately Caucasian / few minorities
- Family successful minority business owners— revenue approximately \$2 million + a year.
- Family is product of the American Dream.
- Not too many students went off to four-year universities, especially minority students.
- Many graduating students didn't pursue a four-year education. Most opted to stay in the Central Valley— West Hills Community College or Fresno State.

# Events leading up to the ODE

- In October 2005– Visit to Coalinga, California for Homecoming Game / Araceli cheerleader
- Comments about Appearance / returned to Berkeley that same night / conversation with roommate – undergone same experiences.
- Feelings post-visit to Coalinga – opinions formulated– decision to write a blog on social networking site, MYSPACE.com.
- Didn't think much about the posting given I had posted previous blogs in the past– none had never caused a stir.

# 'ODE to Coalinga'

- What was it about?
- A personal opinion – a reflection of negative and bad experiences undergone in high school – a sense of pride having overcome the odds – excited about the future and helping my community– anger at past experiences– happy to have worked really hard to fulfill ones dreams– grateful for the teachers, mentors and family who kept me on the right track. Happy to be out of a small community.
- Experiences in high school- Nerd, bookworm, often teased, chubby, poked fun of, etc, etc.
- I was 21-years-old at the time I wrote the 'ode.'

# Publishing the 'ODE'

Posted the 'Ode' as a BLOG on Myspace.com

Had approximately 300 friends including most attending UC Berkeley and other colleges; and a handful of friends that attended Coalinga High School with me.

I did **NOT** have any Coalinga teachers, counselors, current students and especially not any administrators or the principal or any media/newspaper entities as friends.

Profile was PRIVATE (changed age to 14 to do so)

Profile did NOT have my full name; nor did the BLOG.

Had a profile picture with my former roommate, Puja Patel.

Had multiple blogs posted about various subjects at the time the 'Ode' was printed from my personal Myspace page including one about love and one about my daily on goings.

Blog was posted for 6 DAYS ONLY (OCTOBER 9, 2005) then I deleted the blog and its comments in its entirety— completely erasing it from the social networking site.

# About Myspace

- Search engine— type in ‘Cynthia Moreno’ and thousands of names would pop up.
- Enormously popular social networking site at the time— before Twitter, Facebook, Tumblr, Linked, etc, etc.
- Cannot ‘search’ for a blog
- Cannot ‘google’ a blog
- Myspace had privacy settings. (Discuss later in regards to Newspaper)
- Coalinga-Huron-Unified School District had strict guidelines about internet use and using certain items for school use (such as the blog, given the language and relevancy)

# Events after Publishing of the 'Ode'

- 'Ode' was published on Monday, October 3, 2005 on MYSPACE.
- Only 3 responses were received after the 'Ode' was published. Best friend, Leticia Lopez (from Avenal); Alma Velasquez (from Riverdale) and another from Coalinga High— a former student named Felipe Calzada (Class of 2004).
- Araceli, 14 came home that week to inform parents of the circulation of the blog at school. It was apparently being discussed in various classrooms; there were printouts made of the blog; it was the topic of classroom discussions.
- Former English Teacher, Debra Bonilla had allowed a former student enter her classroom during school hours to print out the blog directly from my MYSPACE page (on a school computer) and she went ahead and made copies of it, distributed it to teachers, students and held classroom discussions (phone call). She had conversations about it with the staff and felt very "offended" by what was written.
- It had been three years since I graduated from High School.
- Araceli began getting harassed by students, teachers and staff. They would bully her about my decision to publish the ode; was told she wouldn't make next years cheerleading team; had heated altercations with teachers and staff culminating in the decision to be removed from the school in DECEMBER 2005 (after a series of events occurred).
- Araceli was unable to handle the school environment and felt she had no one to support her and no one to turn to. Couldn't turn to her friends, teachers, staff, counselors and much less the principal or school board because they were all "offended."
- Blog had little significance on MYSPACE UNTIL...

# Events after publishing the 'Ode' continued...

- Rumors had circulated that the blog was going to be published in the Coalinga Record (the only community newspaper). It has already been the topic of the week at COALINGA HIGH SCHOOL.
- Father (David Moreno) contacted Pamela Pond on MONDAY, OCTOBER 10, 2005 then-editor of the Coalinga Record and told her something I had written had been submitted for publication and (both parents) did not want it published.
- Pamela Pond said, "Don't worry Mr. Moreno, it won't be in the newspaper." Then, my father called back and asked who had submitted the blog for publication and she said it had been submitted from Coalinga High School.

## MOTHER ON A QUEST-

On WEDNESDAY, OCTOBER 12, 2005, the ODE was published in the Coalinga Record in the 'Letters to the Editor' section of the paper in its entirety with my full name. (SHOW NEWSPAPER)

Maria Moreno goes to Coalinga High School to find out who had sent the BLOG to the newspaper.

- Principal Roger Campbell said "somebody" had placed a copy of the 'ode' on his desk and after he read it, he thought it was "VERY OFFENSIVE" and decided to send it to the newspaper so that the "whole community would know about it." (Intentional)
- Campbell faxed a copy of the blog (during school hours) to the local newspaper, The Coalinga Record for republication.

# Events after publishing the 'Ode' continued...

- What Roger Campbell said in his declaration (excerpt):
- **“I personally believed that the contents of the Ode were a matter of concern to us at the school and of general interest to the community, since a student who I thought had received a quality education and good experience at Coalinga High, which had propelled her to attending a prestigious public university, appeared to have such negative and hostile feelings towards the school and the community at large. As a result of these feelings, I faxed a copy of the Ode to the Coalinga Record for their review.” – Declaration Aug. 12, 2010**

# Events after publishing the 'Ode' continued...

- Deposition of Roger Campbell, April 26, 2010
- My lawyer:
- Q: And now, did you actually push the button to fax the [blog] to the record?
- Roger Campbell:
- A: No
- My lawyer:
- Q: That was Ms. Serna? (School Secretary)
- A: Yes

# Events after publishing the 'Ode' continued...

- When 'Ode' was published— immediate outrage poured from the community.
- I began to receive a series of MYSPACE messages from then-president of the High School and other students where they harassed and threatened me. All of them told me which teachers were holding classroom discussions, who had printed out the blog posting, what they had discussed about me and then delivered their own personal opinions. “Ignorant” “Throw a milk-shake in your face.” etc. etc.
- ALL of the responses claimed they had heard about the blog posting from the High School before it HIT the newspaper.
- The following week, the newspaper's 'Opinion' Section of the newspaper was filled with responses from the community addressed to me because they were under the impression that I had been the one that sent the blog to the newspaper for publication when in fact, I DID NOT give the Coalinga Record permission to republish my blog.
- I called several editors at various newspapers to ensure that items that are placed in the Opinion section of the newspaper or Letters to the Editor must have a signature and permission from the author in order to republish). Newspaper had neither.
- I was told at one point— all of the newspapers in the region had SOLD OUT— none were available.

# How to remedy OUTRAGE in Coalinga?

- Mother spoke to Principal Roger Campbell
- Parents spoke to Dr. William McDermott, then Superintendent of Coalinga-Huron Unified School District. (Said he didn't know the legal aspects of what had occurred and refused to have a meeting with Araceli and Roger Campbell to fix the situation)
- Parents expressed concern over Araceli because she was a minor, 14 years old and was receiving harassment from the faculty, staff and students. NO WHERE TO TURN.
- I submitted a letter to the editor of the Coalinga Record (Pam Pond) in an attempt to calm the community and they refused to publish it and did not give me reasons for NOT publishing it. It was my attempt to let the community know what had happened.
- School Board President had responded negatively to the article.

# How to remedy OUTRAGE in Coalinga? Continued...

- Filed a series of complaints (verbal and written) including several meetings.
- Meeting with Principal Roger Campbell
- Meeting with Dr. William McDermott (Superintendent)
- Verbal complaint with Fresno County Department of Education – following a formal written complaint (no response)
- State Department of Education (Sacramento) complaint filed (no response)
- Office of Civil Rights in San Francisco (complaint) – were unable to handle the complaint because they needed proof that Principal Roger Campbell's actions were discriminatory/racist against me.
- Spoke with Attorney for Fresno County Office of Education and was told to file a Uniform Complaint Procedure Form and by law– the Superintendent needed to respond. (I filed it and no response)
- Sacramento Office of Education suggested I filed a lawsuit.
- Made a verbal complaint with then editor-and-chief of the Coalinga Record– said he would conduct an investigation. A meeting followed in December and confirmed the blog was sent to the paper by Coalinga High School. Said he would follow up. Never heard from him again.
- Finally filed a lawsuit in late 2006 against Coalinga-Huron Unified School District and Lee Enterprises dba Coalinga Record.
- Called tons of lawyers from around the state to take the case– none did or could (lack of knowledge, expertise, conflict of interest, etc)

# Unexpected Consequences as a result of the Publication of the 'Ode'

- Shooting at our countryside home
- Boycott of the 20 year business family owned and operated out of Coalinga. Parents had threats.
- Araceli continued to be harassed. Finally removed from Coalinga High School in December 2005.
- I was dismissed from the University of California, Berkeley in December 2005 (could not focus on midterms, finals)
- Fell into a deep depression / family sought therapy, counseling and other means of coping with the outrage of an entire community.
- Parents had to make a sudden move to Clovis, California– about an hour away from Coalinga for safety, especially after the shooting. David was really concerned.
- Did I have a reasonable expectation of privacy? ABSOLUTELY.
- WHY? I am not a public figure. Had already graduated from high school three years prior to the 'ode'. Many people from the community didn't know me– learned about me through the newspaper article. Some didn't know where I ended up going to college including the Principal Roger Campbell (Declaration: “didn't know what she was doing with her life after high school.”)

# The RESULT

- Five years of litigation
- Set precedent for PRIVACY ISSUE– nothing on Myspace is private.
- At TRIAL--
- Reasons for lack of evidence in court– MOTIONS IN LIMINE were not addressed.
- **“An original author has ownership of his or her creative work and another cannot republish that work without permission of the author, even if the work is in the public domain.” – Instructions given to jury.**
- Roger Campbell’s conduct was found to be “OUTRAGEOUS” but not enough to have caused intentional infliction of emotional distress.
- FRESNO BEE ARTICLES (before Jury deliberations, my employer, the FRESNO BEE published an article on a SUNDAY (when circulation is at its peak) – biased article about my case having first amendment implications. HAD NOTHING TO DO WITH CASE. Reporter did not try to interview me.
- FRESNO CITY COLLEGE ARTICLE–
- Attempts to file for mistrial because of FRESNO BEE article– Judge did not agree.
- **RESULT pending: OFFICIAL complaint made to the Department of Education in Sacramento last year with all evidence of the case including misconduct by teachers and specifically Roger Campbell who has been promoted to Superintendent of Coalinga-Huron Unified School District (despite his outrageous conduct). It has been over a year and the complaint is sitting at the “executive office” pending a response.**
- COALINGA RECORD went out of business– no longer in Coalinga. However, there was a settlement agreement where we paid \$20,000 in attorneys fees but they wanted over \$100,000 in the beginning.

# The RESULT continued...

- If the school district would have taken measures to remedy the situation, there would have never been a lawsuit and the consequences thereof.
- As a family, we had no intentions up until that point to move away from Coalinga.
- As a family, all we wanted was ACCOUNTABILITY for the newspaper, the district and the teachers and principal who were involved. Ideally, we would have wanted the principal removed from his position— given he was in a position of power.
- We feel Mr. Roger Cambpell abused his power and used it to cause harm including Pamela Pond who was a friend of Roger Campbell and was well aware of the family business.

# What the Superintendent said...

- Superintendent Dr. William McDermott:
- **“Many of the teachers you mentioned actually used the student’s emotional reaction as a “teaching moment” about free speech and respecting other people’s opinions.** You would certainly expect that from Mr. Delano and Mr. Nielsen, who teach social studies, and Mrs. Bonilla who is the A.S.B. advisor. Under the circumstances **I was pleased with the openness and frankness of the discussions in class that were held.**” (Response to Complaint filed against Mr. Campbell)

# What Mr. Roger Campbell Said...

- “In this week’s issue of the Coalinga Record, an opinion piece was reprinted that originally was posted on the internet in the form of a blog. The content of the article was written by a young lady who once attended Coalinga schools and lived in Coalinga and was very negative towards many of the people and aspects of the Coalinga community. Copies of the blog have circulated around the school and have been the topic of many conversations amongst staff as well as students. Even though the content of the article has been very controversial and even distasteful, it is important that neither the article nor the blog nor the contents thereof be discussed with students or within students hearing. We may maintain our own personal opinions regarding the article that they need to stay our own personal opinions. If your students approach you in order to discuss this article or the blog, please tell them that this is not something that is appropriate for the school setting. The young lady is entitled to her own opinion and communicating her own opinion in whatever form she deems appropriate. We may disagree with what she has to say and how she has publicly posted this information on the Internet, but it should not become fodder for conversations, debate, or further escalation of emotions.” – Roger Campbell, Principal – MEMO to staff October 13, 2005

# Life after 'Ode'

- Went to a community college for two years (back to the beginning)— had to get good grades to return to Berkeley.
- Reapplied and was readmitted to Berkeley in December 2008. Graduated from Berkeley in December of 2009 with a degree in Legal Studies.
- Parents lost business and assets and health.
- In June 2010, I was hired as a general assignment reporter for Vida en el Valle— bilingual newspaper of the Fresno Bee.
- A little over a year, I was promoted to the Sacramento Office. I am the Political Correspondent for Vida en el Valle and I work out of the Sacramento Bee Capitol Bureau office.
- I've done commercials, have hosted my own television show in Spanish, have been the Mistress of Ceremonies for many events, am a frequent public speaker at universities and schools across the state, have been in programs in Mexico arising out of my job and finally, am currently in the process of obtaining a job at Univision, have received numerous awards for my writing, Rotary Fellowship to South Korea; tourism opportunities in Mexico (reporting)— featured in local magazines.
- Araceli has not pursued an education and refuses to get counseling. We do feel the impact of the 'ode' had a significant emotional impact on her being. (had run away from home while living in Clovis)
- Parents continue to live in Fresno in one of their investment homes— father is now disabled / health problems.
- However, we are fortunate there was not a death in the family, and this experience has helped me become a better person overall.
- And finally, we refuse to go to Coalinga (even though we have family living there).

# Life now...

- Passionate about my career
- Absolutely love journalism, my job– the media in general.
- Helping my community in a way that is not through law (though attending law school in the future is not completely out of the question)
- QUESTIONS?