

TUESDAY, Aug. 9, 2016

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Daily Post

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Clinton sued by parents of men killed in Benghazi

The parents of two of the four Americans who died in the Benghazi consulate attack in 2012 filed a lawsuit yesterday against Hillary Clinton, alleging her "reckless handling" of classified information while she was secretary of state contributed to their deaths.

The lawsuit — filed by Patricia Smith, mother of Sean Smith, and Charles Woods, father of Tyrone Woods — said Clinton's use of a private email server contributed to the deaths. The

[See CLINTON, page 22]

Local DNA dispute interests court

BY JEN NOWELL
Daily Post Staff Writer

The 9th Circuit U.S. Court of Appeals has said it is interested in hearing oral arguments in a case involving the Palo Alto school district that raises questions about whether people can be

discriminated against based on their DNA — issues that haven't been considered by the courts before.

James and Jennifer Chadam sued the Palo Alto Unified School District, saying their son Coleman was discriminated against under the Americans with

Disabilities Act and that his medical privacy was violated by school employees who improperly disclosed his genetic condition to others.

The case was thrown out, and the family has since appealed that decision. On July 28, the 9th Circuit U.S.

Court of Appeals announced that it was considering hearing oral arguments, which isn't common, with most decisions being made based on court briefs.

A "great many" cases are decided without oral arguments, said Stephen [See DNA, page 22]

THE UPDATE

Dow -14.24 18,529.29	Nasdaq -7.98 5,213.14	Oil +1.22 43.02
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Gold 1,333.40 -3.00 NY COMEX close
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CORRECTION: A story on Friday about Castilleja's plans for its campus incorrectly quoted resident Nelson Ng and the amount of cars that would be exiting onto Emerson Street from the school's proposed underground parking garage. Ng said 440 cars would be exiting and passing in front of his home during peak hours in the morning and afternoon when school is starting and ending.

MORE BILLIONAIRES: The research firm Wealth X says the number of billionaires in the world increased 6.4% in the past year to 2,473. Their combined wealth is a record \$7.7 trillion. By comparison, the gross domestic product of the U.S. is around \$17 trillion.

FORTUNES OF PAGE, BRIN: As the stock market hits new records, the combined net worth of Google co-founders Larry Page of Palo Alto and Sergey Brin of Los Altos has reached \$80.9 billion, according to Bloomberg News. That's a \$43 billion gain since April 2012.

LAWYERS KILLED: Pakistani militants struck at the heart of the country's legal profession yesterday, killing a prominent attorney and then bombing the hospital where dozens of [See THE UPDATE, page 4]

Peninsula ferry service starting



COMMUTER SERVICE — This is one of the boats PropSF is using to get commuters to the Peninsula. Ferries for Facebook workers are using the Port of Redwood City, and soon Genentech will use the Oyster Point Marina in South San Francisco. PropSF photo.

Facebook, Genentech using boats to get employees to work

BY EMILY MIBACH
Daily Post Staff Writer

Ferries have long brought people to and from work in San Francisco, but now they're coming to the Peninsula.

Facebook has a ferry that docks at the Port of Redwood City, and beginning Oct. 1, Genentech will bring its workers from the East Bay to the Oyster Point Marina in South San Francisco, which is within walking distance of the company's offices.

The ferries potentially could reduce traffic on the Peninsula's crowded highways.

Genentech is contracting with PropSF to provide ferry service from Richmond to Oyster Point. Each ferry will carry about 40 people. The boats have Wi-Fi [See FERRY, page 22]

Manager takes ride on car hood

BY JEN NOWELL
Daily Post Staff Writer

A manager at the Palo Alto Hills Golf and Country Club was carried about 100 feet on the hood of a car driven by a woman who was helping a car burglar flee, police said yesterday.

An employee at the country club located at 3000 Alexis Drive notified the

After confronting car burglar at country club

manager at about 10 a.m. Sunday that he saw a man trying to open car doors, Sgt. Wayne Benitez said.

The club had been told the day before that burglars were targeting cars at

the Los Altos Golf and Country Club, so employees were keeping an eye out, Benitez said.

When the manager entered the parking lot in Palo Alto, he saw the man still sitting in the car — it was later discovered nothing was taken, Benitez said. The manager asked the man for identification [See RIDE, page 22]

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CLINTON

terrorists were able to hack Clinton's server to "obtain the whereabouts of Ambassador Christopher Stevens and thus the U.S. State Department and covert and other government operations in Benghazi, Libya and subsequently orchestrate, plan, and execute the now infamous Sept. 11, 2012 attack," said the suit filed in U.S. District Court for the District of Columbia.

Defamation claimed

The parents, in addition to their claims of wrongful death and negligence, say that Clinton defamed them in statements to the media.

"During her campaign for president, defendant Clinton has negligently, recklessly and/or maliciously defamed plaintiffs by either directly calling them liars, or by strongly implying that they are liars, in order to protect and enhance her public image and intimidate and emotionally harm and silence them to not speak up about the Benghazi attack on at least four separate occasions," the lawsuit said.

Patricia Smith has previously spoken out against Clinton, most recently at the Republican National Convention.

The Clinton campaign has not responded to requests for comment about the lawsuit.

Clinton said she was misunderstood

On July 31, Clinton told "Fox News Sunday" that she never told the families that the Benghazi attack was sparked by an anti-Islamic video. She suggested that the family members misunderstood her because they were overwhelmed with grief.

"I understand the grief and the incredible sense of loss that can motivate that," Clinton said. "As other members of families who've lost loved ones have said, that's not what they heard. I don't hold any ill feeling for someone who, in that moment, may not fully recall everything that was or wasn't said."

The parents are being represented in the suit by attorney Larry Klaymann of Freedom Watch USA, a politically conservative public interest group. Klaymann filed numerous lawsuits against President Bill Clinton in the 1990s.

DNA

Jaffe, the attorney representing the Chadams. There are two possible reasons why oral arguments could be heard, Jaffe said. Either it's a close call on the issue and the court wants to hear what the lawyers have to say, or it's a "first impression" case, which means it is the first time a case like it has been heard, he said.

Jaffe said he didn't want to comment on the Chadams' case specifically, but in his court briefs he has mentioned that this is the first case of its kind.

"I think the issues at stake go far beyond how they will effect any one person or family," Jaffe said.

He said that this case could have national significance, particularly how it applies to Americans with Disabilities Act.

The appeals court has not yet set a date for oral arguments, and at this point is still considering it, but if it does move forward, arguments could be heard in November.

Lower court threw out case

A federal judge threw out the case after the school district argued that its employees reasonably believed that Coleman posed a cross-contamination threat to two brothers at Jordan who had cystic fibrosis, or CF.

Now the Chadams are appealing the dismissal of the suit, saying they want it to go to trial, and the U.S.

Department of Justice has filed a friend of the court brief taking the Palo Alto family's side.

The school district has also filed a brief asking the 9th Circuit U.S. Court of Appeals not to re-open the case, saying that the trial judge's decision to dismiss it was proper.

When district employees learned in 2012 that Coleman had a gene for cystic fibrosis, they got different opinions about whether he posed a threat to two other boys at Terman who had CF. Coleman doesn't have CF, just a gene for the disease.

The district had two doctors, one who wasn't identified beyond being a "top doctor at Stanford," who said Coleman posed a threat, while Coleman's own doctor said the boy wasn't a threat.

Acting on that, the district decided to transfer him to Terman Middle School.

Coleman returned to Jordan a month later after his parents sued in Santa Clara County Superior Court and that case was settled out of court.

Discrimination alleged

In the federal case, the family is arguing that Coleman was a victim of discrimination under the Americans with Disabilities Act and other laws protecting the disabled.

In its brief, the district says, "there is a long and well-reasoned history of allowing school officials great deference with regard to their decisions surrounding school safety."

The district states repeatedly that it didn't discriminate against Coleman but was only looking out for the health of other students.

"The law explicitly recognizes that when school officials make difficult decisions based upon available information and reasoned judgment, such decisions should not be second-guessed," the district's brief states.

The Chadams also argued that the case should be re-opened because it raises broader issues of who should have access to someone's genetic information and how it should be used.

Bigger issues involved

"While this case involves the alleged wrongful disclosure and use of genetic information by a public school district, it raises broader issues of who gets to know private genetic information and what uses can be made with that knowledge," the Chadams' attorney said in court papers. "Should employers, insurance companies or prospective spouses know genetic information regarding employees, insureds or proposed marital partners?"

The school district scoffed at that idea in its brief. "It is not a case involving the sinister use of genetics. It is not a case about whether a person can be 'perceived or regarded as disabled' by possessing 'certain genetic markers,'" the district responded, "... What this case is about is whether, on the facts alleged, the PAUSD's actions were appropriate to protect the health, safety and welfare of its students, or whether they were inappropriate and motivated by discriminatory intent."

In the Chadam case, the thrust of the Justice Department's brief is that the school district should have regarded Coleman as disabled, and as a disabled person he had certain rights under the ADA, such as the right to attend his neighborhood school.

Is there a right to attend a certain school?

The district disagreed with the argument by the Justice Department that Coleman shouldn't have been transferred to Terman, saying nobody has the right to attend a school in their neighborhood.

"While it may be true that there is a general right

to an education, there is no right to be educated at a particular school within a district, as asserted by (the Justice Department)," the district's brief states.

FERRY

and charging stations for smartphones.

"I'm glad that we are moving forward with alternative forms of transportation," said San Mateo County Harbor District Commissioner Virginia Chang Kiraly, whose district operates the Oyster Point Marina.

A Genentech employee who answered the phone when The Post called for a comment said that she lived in Concord and can't wait for the ferrying system to begin. Genentech did not return The Post's phone call.

The Harbor Commission's board voted June 15 to lower the fees that PropSF would have to pay to use Oyster Point from roughly \$60,000 a year to \$11,000 to give the company a break while the service gets started. The board voted 3-0 for the reduction with commissioners Sabrina Brennan and Tom Mattusch absent.

Ferries stopping at Port of Redwood City

For the past six months, Facebook has also been ferrying its employees across the Bay to the Port of Redwood City on Seaport Boulevard. From there, buses whisk them to the company's offices in Menlo Park.

Port of Redwood City Executive Director Michael Giari said PropSF offers two trips to and from Emeryville and San Francisco daily.

PropSF operates out of 12 ports on the Bay including San Rafael and Oakland. Initially, the Oyster Point ferry will only be for Genentech employees, but Kiraly said she hopes other employers use the marina and thinks it might even become a tourist spot one day.

RIDE

tification, but the man walked away without saying anything, he said.

The 50-year-old manager followed him and the car burglar became belligerent, Benitez said. He told the manager that he couldn't ask him questions, he said.

But the manager kept following him, police said.

A woman drove up and the man got into the car, Benitez said. And the manager, standing in front of the car with his hands out, told him police had been called and they were on their way, he said.

But the woman gunned it, hitting the manager and tossing him onto the hood of the car, police said.

She drove about 100 feet before she turned and the manager fell off, causing abrasions to his hands, knees and feet, Benitez said.

The man and the woman continued driving and were gone when police arrived.

The man was described as Hispanic, aged 28 to 30, about 5-foot-10, weighing about 200 pounds, with black hair. He was wearing a striped shirt, shorts and a red hat.

The woman was described as Hispanic, aged 28 to 30, with red hair, wearing a dark polo shirt and a white hat.

The getaway car was a black SUV with a Utah license plate, police said.

Former Bay Meadows jockey wins \$750,000

Eloy Sanchez, one of the top jockeys at the Bay Meadows Race Track in San Mateo before it closed back in 2008, has won \$750,000 in a California Lottery scratchers game.

He bought a \$10 Mystery Crossword Scratchers ticket at a Safeway in Pleasanton.

"I went to the store and got two tickets. I kept on finding words and when I found 10 words to win the top prize, I could not talk!" Sanchez told the California Lottery.

Sanchez, who is now a horse trainer, said he plans on investing in race horses with his big Scratchers win.

This was not his first big lottery win. Back in 1998, Sanchez was picked to be on the California Lottery's Big Spin television show and won \$30,000.

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