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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 9 **FOR THE COUNTY OF LOS ANGELES**

11	JANE DOE, an individual,)	Case No.:	21STCV04277
)		
12	Plaintiff,)		
)		
13	vs.)	COMPLAINT FOR PERSONAL	
)	INJURIES AND DAMAGES ARISING	
14	LOS ANGELES UNIFIED SCHOOL)	FROM CHILDHOOD SEXUAL	
	DISTRICT, a public school district;)	ABUSE	
15	VIVIAN ATKIN, an individual;)		
	and DOES 1 through 50,)	[DEMAND FOR JURY TRIAL]	
16)		
	Defendants.)		
17)		
18)		

19
 20 Plaintiff JANE DOE hereby complains and alleges against Defendants LOS ANGELES
 21 UNIFIED SCHOOL DISTRICT, VIVIAN ATKIN, and DOES 1 through 50, inclusive, and each of
 22 them, as follows:

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GENERAL ALLEGATIONS

The Parties:

1. Plaintiff JANE DOE is currently 37 years old. JANE DOE was the victim of unlawful childhood sexual assault, abuse, harassment, and other misconduct during the 1999-2000 and 2000-2001 school years by her teachers defendant VIVIAN ATKIN and CHRIS MILLER, and DOES 1 through 20, inclusive, and each of them, which is the subject matter of this Complaint. As a result of the sensitive nature of these facts, JANE DOE’s full identity has been concealed from public court filings in order to prevent those not directly involved in this action from learning her identity and making her identity public.

2. Jurisdiction is proper in Los Angeles County because the defendants are either residents of Los Angeles County or do business in Los Angeles County, and also because the acts which are the basis of this lawsuit occurred in Los Angeles County.

3. Defendant LOS ANGELES UNIFIED SCHOOL DISTRICT (“LAUSD”) is a public educational agency organized, existing, and conducting business under the laws of the County of Los Angeles and the State of California. LAUSD operates numerous schools within its school district, including Grover Cleveland Charter High School, which is located at 8140 Vanalden Ave, Reseda, CA 91335. LAUSD was responsible for the administration, maintenance, operation, and oversight of its schools and employees, including Defendant VIVIAN ATKIN, CHRIS MILLER, and DOES 1 through 20, inclusive, and each of them. DOES 1 through 20, inclusive, and each of them, are employees and/or agents of LAUSD, responsible for the administration, supervision, and oversight of LAUSD employees and include other teachers and assistants at LAUSD.

4. Defendant VIVIAN ATKIN (“ATKIN”) was an employee of LAUSD and upon information and belief is a resident of the County of Los Angeles, State of California. ATKIN, CHRIS MILLER, and DOES 21 through 40, inclusive, and each of them, are individuals who sexually abused Plaintiff and/or failed to intervene in the sexual abuse of Plaintiff.

5. DOES 41 through 50, inclusive, and each of them, are the persons and/or entities who run, manage, operate, supervise, oversee, fund, are joint venturers, parent organizations, are the

1 subsidiaries, are contractually related, and/or are principals and/or agents of the business, entities,
2 and/or principals who owed a duty of care to Plaintiff and breached that duty of care.

3 6. The true names and capacities of each defendant designated herein as DOES 1 through
4 50, whether an individual, business, public entity, or some other entity are presently unknown to
5 Plaintiff, who therefore sues said Defendants by such fictitious names, pursuant to Code of Civil
6 Procedure section 474. Each DOE defendant is responsible in some actionable manner for the events
7 alleged herein. Plaintiff will amend this Complaint to state the true names and capacities of said
8 defendants when the same have been ascertained.

9 7. Each of the defendants sued herein as DOES 1 through 50, inclusive, and each of them,
10 was the agent and employee of each of the remaining defendants and was at all times acting within the
11 course and scope of such agency and employment with the full knowledge, consent, authority,
12 ratification, and/or permission of each of the remaining defendants.

13 8. Wherever appearing in this complaint, each and every reference to Defendants, or any of
14 them, is intended to include, and shall be deemed to include, all fictitiously named Defendants.

15 **Exemption from Government Tort Claims Act**

16 9. Government Code section 905(m) exempts the government tort claim presentation
17 requirements of the Government Tort Claims Act for claims made pursuant to Section 340.1 of the
18 Code of Civil Procedure for the recovery of damages suffered as a result of childhood sexual assault.
19 As such, Plaintiff was not required to present a government tort claim to LAUSD.

20 **FACTS COMMON TO ALL CAUSES OF ACTION**

21 10. Plaintiff began attending Grover Cleveland Charter High School (“Grover High
22 School”) as a freshman during the 1997-1998 school year. She had ATKIN’s English class during
23 this school year. ATKIN told Plaintiff that she was “special, gifted, and her favorite student” to
24 Plaintiff’s parents during a parent-teacher conference.

25 11. During Plaintiff’s 10th grade year, i.e. the 1998-1999 school year, she had CHRIS
26 MILLER (“MILLER”) as her homeroom teacher. During this school year, MILLER attempted to
27 bond with Plaintiff, talking with her every day before or after class, and would even discuss with her
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1 who she was dating at the school. In other words, MILLER was beginning the process of grooming
2 and manipulating Plaintiff with the ultimate goal of sexually abusing her.

3 12. During Plaintiff's 11th grade year, i.e. the 1999-2000 school year, she had MILLER as
4 her "homegroup" teacher for one of the semesters. Throughout the entire school year, Plaintiff had
5 daily lunches with MILLER and ATKIN. At this point, MILLER began trying to have more personal
6 and intimate conversations with Plaintiff including, bizarrely, whether she was attracted to her own
7 sister. One student present for this conversation was so disturbed, she got up and left.

8 13. While going on the annual 11th grade field trip to downtown Los Angeles, Plaintiff and
9 MILLER sat next to each other on the bus and held hands, played with each other's fingers, and
10 touched each other's legs. There were other Grover High School teachers present on the bus during
11 this field trip. During the "ropes course" field trip to Patrick Henry Middle School, which also took
12 place during Plaintiff's 11th grade year, Plaintiff and MILLER were very open about hugging and
13 being physically close to each other in front of Grover High School students and teachers, as well as
14 the PE teacher for Patrick Henry Middle School.

15 14. Towards the end of Plaintiff's 11th grade year, MILLER and ATKIN pulled Plaintiff
16 from her class and sat her in a private room in the library with the librarian right outside. They told
17 Plaintiff that they had been sexually involved for many years despite them both being married. They
18 told Plaintiff that they wanted to share this with her because she would understand their bond and
19 wouldn't judge them. But their real intent was to draw Plaintiff into their sexual relations and have
20 her become a participant. This meeting ended with Plaintiff, MILLER, and ATKIN all hugging.

21 15. During the summer between Plaintiff's 11th and 12th grade years, she spoke with
22 MILLER on the phone frequently, and also met up with him and ATKIN for lunches at restaurants or
23 in parks. On one occasion, Plaintiff spoke with ATKIN on the phone and told her that she had
24 feelings of attraction towards MILLER. ATKIN encouraged Plaintiff to pursue a sexual relationship
25 with him because it had been so healing and liberatory for ATKIN in their relationship. Plaintiff and
26 MILLER then subsequently spoke on the phone and MILLER told her about his sexual interest in her.
27 Following this phone call, Plaintiff and MILLER met up and kissed in his car.

1 16. Throughout Plaintiff's 12th grade year, i.e. the 2000-2001 school year, she would leave
2 school after 5th period, or ditch her 4th and 5th period classes, to leave campus with one or both of
3 MILLER and ATKIN. This included going to MILLER and ATKIN's houses if their spouses were
4 not home. MILLER also regularly gave gifts to Plaintiff during her 12th grade year, including books,
5 poems, letters, cards, artwork, and a book of poems he wrote for her. MILLER also created code
6 names for them: He was "Journey," ATKIN was "Wonder," and Plaintiff was "Rapture."

7 17. During the early part of Plaintiff's 12th grade year, MILLER continued to kiss her in
8 his car. This progressed to MILLER groping Plaintiff's breasts while kissing her and making
9 Plaintiff touch his penis over his clothes. Following that, MILLER invited Plaintiff to his house when
10 his wife was not home. MILLER then proceeded to perform oral copulation on Plaintiff and vice
11 versa, which then lead to MILLER having unprotected sexual intercourse with Plaintiff.

12 18. Because MILLER's wife was suspicious of his relationship with Plaintiff, MILLER
13 forced Plaintiff to attend dinner with her, their daughter, as well as ATKIN and her husband. This
14 was done to dissipate any suspicion on MILLER's wife's part.

15 19. In the second semester of Plaintiff's 12th grade year, another student of MILLER's
16 painted a giant vagina on the ceiling of his classroom as a homage to the Color Purple.
17 Administrators were outraged and demanded that it be painted over but enough students and
18 MILLER himself fought them about it and the issue was eventually dropped and the painting
19 remained. This should have been an obvious red flag for the administrators at Grover High School.

20 20. MILLER and ATKIN's grooming and manipulation of Plaintiff finally culminated in
21 the three of them meeting at ATKIN's house while her husband was away. After all three undressed
22 in the bedroom, MILLER and ATKIN proceeded to both sexually abuse Plaintiff simultaneously.
23 They kissed, groped, and digitally penetrated Plaintiff's vagina. MILLER and ATKIN then made
24 Plaintiff watch as ATKIN performed oral copulation on MILLER.

25 21. On another occasion, MILLER and ATKIN took Plaintiff to a beach in Malibu where
26 they sexually abused her again. All of the above sexual abuse occurred prior to Plaintiff turning 18.
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1 22. During the summer following Plaintiff's 12th grade year, MILLER convinced Plaintiff
2 to meet him at a motel, where he orally copulated Plaintiff and vice versa, and then he engaged in
3 sexual intercourse with Plaintiff after digitally penetrating her vagina.

4 23. Grover High School has a long history of teachers sexually abusing students. A
5 teacher at the school while Plaintiff attended, Bill Paden, sexually abused one of his students and was
6 subsequently criminally convicted. Another teacher confided in Plaintiff that when he first started at
7 Grover High School, a fellow teacher was openly in a relationship with a 12th grade student and no
8 one, including anyone in administration, had a problem with it. This lead the teacher who confided in
9 Plaintiff to believe that Grover High School just did not seem to care about these kind of things. As a
10 result, this teacher had a 7 year relationship with a student after she had graduated. It is Plaintiff's
11 understanding that this student was the same one sexually abused by Bill Padden.

12 **FIRST CAUSE OF ACTION**

13 **SEXUAL ABUSE OF A MINOR**

14 **(Against Defendant ATKIN and Defendant DOES 21 through 40)**

15 24. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
16 through 23, inclusive, and incorporates the same by reference as though here set forth in full.

17 25. While Plaintiff was a student in the LAUSD school district, ATKIN and DOES 21
18 through 40, inclusive, and each of them, took advantage of their positions of authority and trust to
19 engage in unlawful sexual acts and other harmful misconduct with Plaintiff. These crimes and
20 misconduct took place from approximately 1999-2001.

21 26. The illegal and unlawful misconduct of ATKIN and DOES 21 through 40, inclusive, and
22 each of them, severely damaged Plaintiff, thereby causing her severe emotional distress and physical
23 and psychological injuries, and resulted in other economic and non-economic damages in amounts to
24 be determined, but which exceed the jurisdictional limit of the Superior Court.

25 27. In performing the aforementioned acts, ATKIN, and DOES 21 through 40, inclusive,
26 and each of them, acted with willfulness, malice, and oppression, justifying an award of punitive
27 damages against them.

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1 **SECOND CAUSE OF ACTION**

2 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

3 **(Against Defendants ATKIN and DOES 21 through 40)**

4 28. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
5 through 27, inclusive, and incorporates the same by reference as though here set forth in full.

6 29. Acting with knowledge of her superior position and of Plaintiff's trust, and realizing her
7 special susceptibility to emotional distress due to her young age, ATKIN and DOES 21 through 40,
8 inclusive, and each of them, engaged in unlawful sexual misconduct with Plaintiff.

9 30. The misconduct of ATKIN and DOES 21 through 40, inclusive, and each of them, was
10 outrageous, particularly because of the age difference between Plaintiff, a minor at the time, and ATKIN,
11 who was a married adult at the time.

12 31. The acts of ATKIN and DOES 21 through 40, inclusive, and each of them, were
13 intentional, willful, oppressive, and malicious, and done for the purpose of causing Plaintiff to suffer
14 emotional harm, humiliation, mental anguish, and emotional distress, or with reckless disregard for the
15 likelihood that they would cause Plaintiff such distress.

16 32. As a direct and legal result of the acts and omissions of ATKIN and DOES 21 through
17 40, inclusive, and each of them, Plaintiff suffered physical and emotional injuries and other harm,
18 including economic and non-economic damages in amounts to be determined, but which exceed the
19 minimum jurisdictional limits of this Court.

20 33. In performing the aforementioned acts, ATKIN and DOES 21 through 40, inclusive, and
21 each of them, acted with willfulness, malice, and oppression, justifying an award of punitive damages
22 against them.

23 **THIRD CAUSE OF ACTION**

24 **SEXUAL HARASSMENT**

25 **(CIVIL CODE §§ 51.9 & 52)**

26 **(Against Defendants ATKIN and DOES 21 through 40)**

27 34. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
28 through 33, inclusive, and incorporates the same by reference as though here set forth in full.

1 35. Defendant ATKIN and DOES 21 through 40, inclusive, and each of them, had a teacher-
2 student relationship with Plaintiff, and was in a position of authority over the minor Plaintiff. ATKIN
3 and DOES 21 through 40, inclusive, and each of them, made sexual advances, solicitations, sexual
4 requests, demands for sexual compliance by Plaintiff, and engaged in other verbal, visual, and physical
5 conduct of a sexual nature based on Plaintiff's gender that were unwelcome, severe, and pervasive.

6 36. Plaintiff was unable to easily terminate the relationship because she was a minor and
7 was under the care and control of Defendants ATKIN and DOES 21 through 40, inclusive, and each of
8 them, who held positions of authority relative to Plaintiff.

9 37. As a direct and legal result of the acts and omissions of Defendants ATKIN and DOES
10 21 through 40, inclusive, and each of them, Plaintiff suffered physical and emotional injuries and other
11 harm, including economic and non-economic damages in amounts to be determined, but which exceed
12 the minimum jurisdictional limits of this Court.

13 38. Pursuant to Section 52 of the California Civil Code, Plaintiff also seeks exemplary
14 damages in an amount to be determined by the jury and attorney's fees against said defendant.

15 **FOURTH CAUSE OF ACTION**

16 **NEGLIGENT HIRING, SUPERVISION & RETENTION OF AN UNFIT EMPLOYEE**

17 **(Against Defendants LAUSD and DOES 1 through 20)**

18 39. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
19 through 38, inclusive, and incorporates the same by reference as though here set forth in full.

20 40. Defendants LAUSD and DOES 1 through 20, inclusive, and each of them, had the
21 responsibility and mandatory duty to adequately and properly investigate, hire, train, and supervise their
22 staff and to protect their students from harm caused by unfit and dangerous individuals hired as staff.

23 41. LAUSD and DOES 1 through 20, inclusive, and each of them, knew or should have
24 known that ATKIN and MILLER were unfit to be teachers.

25 42. LAUSD and DOES 1 through 20, inclusive, and each of them, breached their mandatory
26 duty to properly and adequately investigate, hire, train, and supervise ATKIN, MILLER and DOES 21
27 through 40, inclusive, and each of them.

1 43. Had LAUSD and DOES 1 through 20, inclusive, and each of them, properly investigated,
2 supervised, trained, and monitored the conduct and actions of ATKIN, MILLER, and DOES 21 through
3 40, inclusive, and each of them, as teachers and staff members, they would have discovered that they
4 were unfit to be so employed. By failing to adequately supervise, monitor, or investigate, LAUSD and
5 DOES 1 through 20, inclusive, and each of them, allowed ATKIN, MILLER, and DOES 21 through 40,
6 inclusive, and each of them, to continue, unhindered, with their predatory conduct directed towards
7 underage students, including Plaintiff.

8 44. LAUSD and DOES 1 through 20, inclusive, and each of them, negligently hired,
9 supervised, retained, monitored, and otherwise employed ATKIN, MILLER and DOES 21 through 40,
10 inclusive, and each of them, and negligently failed to ensure the safety of a minor student, Plaintiff, who
11 was entrusted to Defendants' custody, care, and control.

12 45. LAUSD and DOES 1 through 20, inclusive, and each of them, also negligently failed to
13 adequately implement or enforce any districtwide procedures or policies that were aimed at preventing,
14 detecting, or deterring the sexual harassment or abuse of students by teachers, supervisors, or others.

15 46. Pursuant to Government Code §§ 815.2 and 820, LAUSD and DOES 1 through 20,
16 inclusive, and each of them, are vicariously liable for injuries to Plaintiff caused by the acts, omissions,
17 and breach of the duty of care of their employees. (*C.A. v. William S. Hart Union High School District*
18 (2012) 53 Cal.4th 861.)

19 47. Had LAUSD and DOES 1 through 20, inclusive, and each of them, performed their
20 mandatory duties and responsibilities to monitor, supervise, and/or investigate ATKIN, MILLER, and
21 DOES 21 through 40, inclusive, and each of them, Plaintiff would not have been subject to the sexual
22 abuse and other harmful conduct inflicted upon her.

23 48. As a direct and legal result of the acts and omissions of LAUSD and DOES 1 through
24 20, inclusive, and each of them, Plaintiff suffered physical and emotional injuries and other harm,
25 including economic and non-economic damages in amounts to be determined, but which exceed the
26 minimum jurisdictional limits of this Court.

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1 **FIFTH CAUSE OF ACTION**

2 **BREACH OF MANDATORY DUTY: FAILURE TO REPORT SUSPECTED CHILD ABUSE**
3 **(GOVERNMENT CODE SECTION 815.6)**

4 **(Against Defendant LAUSD and Defendant DOES 1 through 50)**

5 49. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
6 through 38, inclusive, and incorporates the same by reference as though here set forth in full.

7 50. Defendants LAUSD and DOES 1 through 50, inclusive, and each of them, were at all
8 relevant times herein subject to the provisions of the Child Abuse and Neglect Reporting Act (Penal
9 Code section 11164, et seq.).

10 51. LAUSD, acting through its employees, including ATKIN and MILLER, and agents
11 DOES 1 through 50, were at all times “mandated reporters” pursuant to the provisions of Penal Code
12 section 11164, et seq. As mandated reporters of suspected child abuse, Defendants were legally
13 obligated to personally report reasonably suspected incidents of child abuse to the police and/or child
14 protective services within a very short period of time.

15 52. LAUSD, acting through its employees and agents DOES 1 through 50, knew or
16 reasonably suspected that ATKIN, MILLER and DOES 21 through 40, inclusive, and each of them,
17 were acting inappropriately with minor children. In fact, MILLER was directly aware of Plaintiff being
18 sexually abused by ATKIN. Likewise, ATKIN was directly aware of Plaintiff being sexually abused by
19 MILLER. And yet, neither ATKIN nor MILLER reported the sexual abuse as required by their
20 employment to LAUSD and mandated by Child Abuse and Neglect Reporting Act.

21 53. LAUSD, acting through its employees, including ATKIN and MILLER, and agents
22 DOES 1 through 50, failed to report suspected child abuse to a law enforcement agency or child
23 protective services as required by the provisions of the Child Abuse and Neglect Reporting Act (Penal
24 Code section 11164, et seq.).

25 54. When LAUSD’s employees, including ATKIN and MILLER, violated the Child Abuse
26 and Neglect Reporting Act, Penal Code section 11164, et seq, they were acting within the course and
27 scope of their employment, and LAUSD is vicariously liable for their failure.

1 and treatment, past and future loss of earnings and/or earning capacity, and other economic and non-
2 economic damages in an amount not yet ascertained, but which exceed the minimum jurisdictional
3 limits of this Court.

4 **SEVENTH CAUSE OF ACTION**

5 **NEGLIGENT SUPERVISION OF A MINOR**

6 **(Against Defendant LAUSD and DOES 1 through 20)**

7 63. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
8 through 62, inclusive, and incorporates the same by reference as though here set forth in full.

9 64. Defendants LAUSD and DOES 1 through 20, inclusive, and each of them, were
10 responsible for the care, custody, control, supervision, and protection of the minor students entrusted to
11 them, including Plaintiff. Said Defendants had a duty to adequately and properly supervise, monitor,
12 and protect Plaintiff from known and knowable dangers, such as those posed by ATKIN, MILLER, and
13 DOES 21 through 40, inclusive, and each of them.

14 65. LAUSD and DOES 1 through 20, inclusive, and each of them, breached their duty to
15 properly and adequately supervise, monitor, and protect Plaintiff, in part by ignoring clear and obvious
16 signs that ATKIN, MILLER, and DOES 21 through 40, inclusive, and each of them, were engaged in
17 an inappropriate and harassing relationship with Plaintiff; allowing Plaintiff to spend unsupervised time
18 with ATKIN, MILLER, and DOES 21 through 40, inclusive, and each of them; and allowing ATKIN,
19 MILLER, and DOES 21 through 40, inclusive, and each of them, to repeatedly sexually harass and abuse
20 Plaintiff.

21 66. Had LAUSD and DOES 1 through 20, inclusive, and each of them, adequately and
22 properly supervised, monitored, and protected its students, Plaintiff would not have been harmed.

23 67. Pursuant to Government Code §§ 815.2 and 820, Defendants LAUSD and DOES 1
24 through 20, inclusive, and each of them, are vicariously liable for injuries to Plaintiff caused by the acts,
25 omissions, and breach of the duty of care of its employees. (*C.A. v. William S. Hart Union High School*
26 *District* (2012) 53 Cal.4th 861.)

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1 76. Had Defendants DOES 41 through 50, inclusive, and each of them, fulfilled their duty
2 and responsibility, Plaintiff would not have been subject to all or most of the misconduct perpetrated
3 against her.

4 77. As a direct and legal result of Defendants DOES 41 through 50, inclusive, and each of
5 them, having breached their duty to properly supervise and/or warn Plaintiff and her parents of the
6 wrongful conduct, Plaintiff has been severely damaged emotionally and physically, and otherwise, in
7 amounts to be determined, but which exceed the jurisdictional limits of the Superior Court.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff JANE DOE prays for judgment against Defendants LOS ANGELES
10 UNIFIED SCHOOL DISTRICT, VIVIAN ATKIN, and DOES 1 through 50, inclusive, and each of
11 them, as follows:

- 12 1. For an award of special (economic) and general (non-economic) damages according to
13 proof against all defendants;
- 14 2. For punitive and exemplary damages against Defendant ATKIN;
- 15 3. For reasonable attorneys' fees of said suit as specifically provided in California Civil Code
16 section 52(b)(3) against ATKIN;
- 17 4. For costs of suit incurred herein; and
- 18 5. For such other and further relief as the Court deems just and proper.

19
20 Dated: February 3, 2021

TAYLOR & RING

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22 By: 

John C. Taylor
Brendan P. Gilbert
Attorneys for Plaintiff

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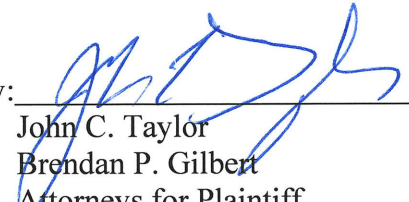
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands that her action be determined by trial by jury.

Dated: February 3, 2021

TAYLOR & RING

By: 

John C. Taylor
Brendan P. Gilbert
Attorneys for Plaintiff

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Edward Moreton

1 John C. Taylor, State Bar No. 78389
2 Brendan P. Gilbert, State Bar No. 274631
3 **TAYLOR & RING, LLP**
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4 Telephone: (310) 209-4100
5 Facsimile: (310) 208-5052

6 Attorneys for Plaintiff, JANE DOE

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF LOS ANGELES**

9
10 **21STCV05398**

11 JANE DOE, an individual,)
12)
13 Plaintiff,)
14 vs.)
15 LOS ANGELES UNIFIED SCHOOL)
16 DISTRICT, a public school district;)
17 BRETT SHUFELT, an individual;)
18 and DOES 1 through 50,)
19 Defendants.)

Case No.:

**COMPLAINT FOR PERSONAL
INJURIES AND DAMAGES ARISING
FROM CHILDHOOD SEXUAL
ABUSE**

[DEMAND FOR JURY TRIAL]

20 Plaintiff JANE DOE hereby complains and alleges against Defendants LOS ANGELES
21 UNIFIED SCHOOL DISTRICT, BRETT SHUFELT, and DOES 1 through 50, inclusive, and each of
22 them, as follows:

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1 **GENERAL ALLEGATIONS**

2 **The Parties:**

3 1. Plaintiff JANE DOE is currently 29 years old. JANE DOE was the victim of unlawful
4 childhood sexual assault, abuse, harassment, and other misconduct during the 2008-2009 school year
5 and beyond by defendant BRETT SHUFELT, and DOES 1 through 20, inclusive, and each of them,
6 which is the subject matter of this Complaint. As a result of the sensitive nature of these facts, JANE
7 DOE's full identity has been concealed from public court filings in order to prevent those not directly
8 involved in this action from learning her identity and making her identity public.

9 2. Jurisdiction is proper in Los Angeles County because the defendants are either residents
10 of Los Angeles County or do business in Los Angeles County, and also because the acts which are the
11 basis of this lawsuit occurred in Los Angeles County.

12 3. Defendant LOS ANGELES UNIFIED SCHOOL DISTRICT ("LAUSD") is a public
13 educational agency organized, existing, and conducting business under the laws of the County of Los
14 Angeles and the State of California. LAUSD operates numerous schools within its school district,
15 including Grover Cleveland Charter High School, which is located at 8140 Vanalden Ave, Reseda, CA
16 91335. LAUSD was responsible for the administration, maintenance, operation, and oversight of its
17 schools and employees, including Defendant BRETT SHUFELT, and DOES 1 through 20, inclusive,
18 and each of them. DOES 1 through 20, inclusive, and each of them, are employees and/or agents of
19 LAUSD, responsible for the administration, supervision, and oversight of LAUSD employees and
20 include other teachers and assistants at LAUSD.

21 4. Defendant BRETT SHUFELT ("SHUFELT") was an employee of LAUSD and upon
22 information and belief is a resident of the County of Los Angeles, State of California. SHUFELT and
23 DOES 21 through 40, inclusive, and each of them, are individuals who sexually abused Plaintiff and/or
24 failed to intervene in the sexual abuse of Plaintiff.

25 5. DOES 41 through 50, inclusive, and each of them, are the persons and/or entities who
26 run, manage, operate, supervise, oversee, fund, are joint venturers, parent organizations, are the
27 subsidiaries, are contractually related, and/or are principals and/or agents of the business, entities,
28 and/or principals who owed a duty of care to Plaintiff and breached that duty of care.

1 6. The true names and capacities of each defendant designated herein as DOES 1 through
2 50, whether an individual, business, public entity, or some other entity are presently unknown to
3 Plaintiff, who therefore sues said Defendants by such fictitious names, pursuant to Code of Civil
4 Procedure section 474. Each DOE defendant is responsible in some actionable manner for the events
5 alleged herein. Plaintiff will amend this Complaint to state the true names and capacities of said
6 defendants when the same have been ascertained.

7 7. Each of the defendants sued herein as DOES 1 through 50, inclusive, and each of them,
8 was the agent and employee of each of the remaining defendants and was at all times acting within the
9 course and scope of such agency and employment with the full knowledge, consent, authority,
10 ratification, and/or permission of each of the remaining defendants.

11 8. Wherever appearing in this complaint, each and every reference to Defendants, or any of
12 them, is intended to include, and shall be deemed to include, all fictitiously named Defendants.

13 **Exemption from Government Tort Claims Act**

14 9. Government Code section 905(m) exempts the government tort claim presentation
15 requirements of the Government Tort Claims Act for claims made pursuant to Section 340.1 of the
16 Code of Civil Procedure for the recovery of damages suffered as a result of childhood sexual assault.
17 As such, Plaintiff was not required to present a government tort claim to LAUSD.

18 **FACTS COMMON TO ALL CAUSES OF ACTION**

19 10. Plaintiff began attending Grover Cleveland Charter High School (“Cleveland”) as a
20 freshman during the 2005-2006 school year.

21 11. Plaintiff joined the Magnate program at Cleveland because she was interested in
22 becoming a writer. After joining the program, she immediately heard about how some teachers in the
23 program were creepy and heard rumors about students going to teachers houses during the school
24 year and over the summer. She also quickly realized that **the Magnate program focused on intense
25 and heavy subject matters which lead to very emotional conversations, students and teachers crying,
26 etc. As a result, professional boundaries and lines between students and teachers became blurred,
27 creating a toxic and unprofessional culture.** This directly resulted in past teachers of Cleveland acting
28

1 extremely inappropriately with students, as well as past teachers having sexual relations with
2 students.

3 12. During the spring semester of Plaintiff's junior year, i.e. the 2007-2008 school year,
4 teacher Bill Paden, who was a part of the Magnate program, sexually abused one of his students and
5 was subsequently convicted for his criminal behavior. **Cleveland engaged in a cover up of Paden's**
6 **misconduct to protect itself from legal exposure and negative media attention by allowing Paden to**
7 **leave the school but not addressing why with students or their parents.** Following Paden's departure,
8 SHUFELT was subsequently interviewed and hired to be a part of the Magnate program starting
9 **during the 2008-2009 school year.** Notably, SHUFELT was a prior graduate of Cleveland and was
10 **taught in the toxic and unprofessional culture mentioned above that surrounded the Magnate program.**

11 13. At the beginning of Plaintiff's senior year, i.e. the 2008-2009 school year, she would
12 be bussed into school very early in the morning. SHUFELT told Plaintiff that since she was getting to
13 school early and well before the school day officially started, she could hang out in his classroom
14 with him. SHUFELT used this time to start grooming and manipulating Plaintiff with the ultimate
15 intent of sexually abusing her. SHUFELT would have personal conversations with Plaintiff in an
16 attempt to draw her in and make her see him as a friend and a confidant. SHUFELT then began
17 having conversations with Plaintiff that were sexual in nature in furtherance of his efforts to groom
18 and manipulate her.

19 14. During a football game at Cleveland, SHUFELT brought Plaintiff a cup of hot
20 chocolate and sat next to her. He then told her about a shocking and disturbing picture that a fellow
21 Cleveland teacher, Rebecca Williams, showed him: A picture of her performing oral copulation on
22 another male. As mentioned, the purpose of sharing this story was to continue the grooming process
23 of Plaintiff by discussing sexual activity.

24 15. By October 2008, Plaintiff was now spending time with SHUFELT after school in his
25 classroom, where they would eat food and have more personal conversations. On one occasion, a
26 former student and friend visited SHUFELT at Cleveland to congratulate him on his new job and see
27 his classroom while Plaintiff was present. This friend immediately picked up on a weird vibe between
28 Plaintiff and SHUFELT, and told SHUFELT that he needed to be careful with whatever was going on

1 between him and Plaintiff. Additionally, fellow classmates continually asked Plaintiff what was going
2 on between her and SHUFELT. In other words, SHUFELT and Plaintiff's inappropriate relationship
3 was obvious for anyone to see.

4 16. In November 2008, SHUFELT and Plaintiff attended Spring Awakening at the Music
5 Center. A fellow teacher, Tara Siegel, at Cleveland became aware of Plaintiff and SHUFELT going to
6 the Music Center and set up a meeting with herself, Plaintiff and SHUFELT. During that meeting
7 SHUFELT, in an unconvincing way, told Plaintiff that he did not have feelings for her. Ms. Siegel
8 naively and irresponsibly felt like this meeting was the end of the issue. In other words, no further
9 action was taken by anyone at Cleveland despite the shocking revelation that Plaintiff and SHUFELT
10 saw a play involving adolescent sexuality outside of school. Later that day, SHUFELT passed a note
11 to Plaintiff and told her the obvious: He did not mean what he said in the meeting and still had
12 feelings for her.

13 17. Following this meeting, Plaintiff and SHUFELT continued to spend time together at
14 school and outside of school. These meetings finally culminated in SHUFELT telling Plaintiff that he
15 loved her and then kissing her. Shortly thereafter, SHUFELT invited Plaintiff to his home where they
16 had dinner and watched *The Devil Wears Prada*. It was at this point that SHUFELT's grooming and
17 manipulation achieved his ultimate goal: He sexually abused Plaintiff that night, including orally
18 copulating her and vice versa. A short time later, SHUFELT had Plaintiff over at his house again and
19 engaged in sexual intercourse with her. SHUFELT's sexual abuse of Plaintiff continued throughout
20 December 2008.

21 18. Because of the growing suspicions between everyone about Plaintiff and SHUFELT's
22 relationship, SHUFELT resigned from Cleveland during the second semester of the 2008-2009 school
23 year, telling administration that he was dating a student and wanted to be with her. Unbelievably, a
24 fellow teacher at Cleveland, Jennifer Macon, told a student that SHUFELT resigned from Cleveland
25 because of Plaintiff. Because SHUFELT was extremely popular with students and staff at Cleveland,
26 Plaintiff was immediately harassed and retaliated against. Students ostracized and shunned her. One
27 student on social media went as far as saying that he wanted to "bash her brains in." Worse yet,
28

1 Cleveland teachers began retaliating against Plaintiff as well. As a result, Plaintiff's second semester
2 of her senior year was a complete nightmare and very emotionally distressing for her.

3 19. Cleveland's administration, including its principal Bob Marks, was made explicitly
4 aware that an inappropriate relationship occurred between Plaintiff and SHUFELT but in their mind,
5 because SHUFELT had already resigned, they did not have to do anything despite the fact that they
6 were mandated reporters who had a legal obligation to report suspected child abuse to law
7 enforcement. This is also despite the fact that, as mentioned above, SHUFELT admitted to
8 administration that he was dating a student and wanted to continue being with her.

9 20. As a result of Cleveland's administration taking no action after SHUFELT resigned,
10 he continued to prey and sexually abuse Plaintiff throughout the second semester of her senior year
11 and beyond.

12 21. Plaintiff was so traumatized by her experience at Cleveland that years later while at the
13 mall, she happened to run into a fellow student of hers. Plaintiff had an emotional breakdown
14 following seeing this student, as it brought back memories of her senior year.

15 **FIRST CAUSE OF ACTION**

16 **SEXUAL ABUSE OF A MINOR**

17 **(Against Defendant SHUFELT and Defendant DOES 21 through 40)**

18 22. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
19 through 21, inclusive, and incorporates the same by reference as though here set forth in full.

20 23. While Plaintiff was a student in the LAUSD school district, SHUFELT and DOES 21
21 through 40, inclusive, and each of them, took advantage of their positions of authority and trust to
22 engage in unlawful sexual acts and other harmful misconduct with Plaintiff. These crimes and
23 misconduct took place during the 2008-2009 school year and beyond.

24 24. The illegal and unlawful misconduct of SHUFELT and DOES 21 through 40, inclusive,
25 and each of them, severely damaged Plaintiff, thereby causing her severe emotional distress and
26 physical and psychological injuries, and resulted in other economic and non-economic damages in
27 amounts to be determined, but which exceed the jurisdictional limit of the Superior Court.

1 25. In performing the aforementioned acts, SHUFELT, and DOES 21 through 40, inclusive,
2 and each of them, acted with willfulness, malice, and oppression, justifying an award of punitive
3 damages against them.

4 **SECOND CAUSE OF ACTION**

5 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

6 **(Against Defendants SHUFELT and DOES 21 through 40)**

7 26. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
8 through 25, inclusive, and incorporates the same by reference as though here set forth in full.

9 27. Acting with knowledge of her superior position and of Plaintiff’s trust, and realizing her
10 special susceptibility to emotional distress due to her young age, SHUFELT and DOES 21 through 40,
11 inclusive, and each of them, engaged in unlawful sexual misconduct with Plaintiff.

12 28. The misconduct of SHUFELT and DOES 21 through 40, inclusive, and each of them,
13 was outrageous, particularly because of the age difference between Plaintiff, a minor at the time, and
14 SHUFELT, who was an adult at the time.

15 29. The acts of SHUFELT and DOES 21 through 40, inclusive, and each of them, were
16 intentional, willful, oppressive, and malicious, and done for the purpose of causing Plaintiff to suffer
17 emotional harm, humiliation, mental anguish, and emotional distress, or with reckless disregard for the
18 likelihood that they would cause Plaintiff such distress.

19 30. As a direct and legal result of the acts and omissions of SHUFELT and DOES 21 through
20 40, inclusive, and each of them, Plaintiff suffered physical and emotional injuries and other harm,
21 including economic and non-economic damages in amounts to be determined, but which exceed the
22 minimum jurisdictional limits of this Court.

23 31. In performing the aforementioned acts, SHUFELT and DOES 21 through 40, inclusive,
24 and each of them, acted with willfulness, malice, and oppression, justifying an award of punitive
25 damages against them.

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1 38. Defendants LAUSD and DOES 1 through 20, inclusive, and each of them, had the
2 responsibility and mandatory duty to adequately and properly investigate, hire, train, and supervise their
3 staff and to protect their students from harm caused by unfit and dangerous individuals hired as staff.

4 39. LAUSD and DOES 1 through 20, inclusive, and each of them, knew or should have
5 known that SHUFELT was unfit to be teacher.

6 40. LAUSD and DOES 1 through 20, inclusive, and each of them, breached their mandatory
7 duty to properly and adequately investigate, hire, train, and supervise SHUFELT and DOES 21 through
8 40, inclusive, and each of them.

9 41. Had LAUSD and DOES 1 through 20, inclusive, and each of them, properly investigated,
10 supervised, trained, and monitored the conduct and actions of SHUFELT, and DOES 21 through 40,
11 inclusive, and each of them, as teachers and staff members, they would have discovered that he was
12 unfit to be so employed. By failing to adequately supervise, monitor, or investigate, LAUSD and DOES
13 1 through 20, inclusive, and each of them, allowed SHUFELT, and DOES 21 through 40, inclusive, and
14 each of them, to continue, unhindered, with their predatory conduct directed towards underage students,
15 including Plaintiff.

16 42. LAUSD and DOES 1 through 20, inclusive, and each of them, negligently hired,
17 supervised, retained, monitored, and otherwise employed SHUFELT and DOES 21 through 40,
18 inclusive, and each of them, and negligently failed to ensure the safety of a minor student, Plaintiff, who
19 was entrusted to Defendants' custody, care, and control.

20 43. LAUSD and DOES 1 through 20, inclusive, and each of them, also negligently failed to
21 adequately implement or enforce any districtwide procedures or policies that were aimed at preventing,
22 detecting, or deterring the sexual harassment or abuse of students by teachers, supervisors, or others.

23 44. Pursuant to Government Code §§ 815.2 and 820, LAUSD and DOES 1 through 20,
24 inclusive, and each of them, are vicariously liable for injuries to Plaintiff caused by the acts, omissions,
25 and breach of the duty of care of their employees. (*C.A. v. William S. Hart Union High School District*
26 (2012) 53 Cal.4th 861.)

27 45. Had LAUSD and DOES 1 through 20, inclusive, and each of them, performed their
28 mandatory duties and responsibilities to monitor, supervise, and/or investigate SHUFELT and DOES

1 21 through 40, inclusive, and each of them, Plaintiff would not have been subject to the sexual abuse
2 and other harmful conduct inflicted upon her.

3 46. As a direct and legal result of the acts and omissions of LAUSD and DOES 1 through
4 20, inclusive, and each of them, Plaintiff suffered physical and emotional injuries and other harm,
5 including economic and non-economic damages in amounts to be determined, but which exceed the
6 minimum jurisdictional limits of this Court.

7 **FIFTH CAUSE OF ACTION**

8 **BREACH OF MANDATORY DUTY: FAILURE TO REPORT SUSPECTED CHILD ABUSE**
9 **(GOVERNMENT CODE SECTION 815.6)**

10 **(Against Defendant LAUSD and Defendant DOES 1 through 50)**

11 47. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
12 through 46, inclusive, and incorporates the same by reference as though here set forth in full.

13 48. Defendants LAUSD and DOES 1 through 50, inclusive, and each of them, were at all
14 relevant times herein subject to the provisions of the Child Abuse and Neglect Reporting Act (Penal
15 Code section 11164, et seq.).

16 49. LAUSD, acting through its employees and agents DOES 1 through 50, were at all times
17 “mandated reporters” pursuant to the provisions of Penal Code section 11164, et seq. As mandated
18 reporters of suspected child abuse, Defendants were legally obligated to personally report reasonably
19 suspected incidents of child abuse to the police and/or child protective services within a very short
20 period of time.

21 50. LAUSD, acting through its employees and agents DOES 1 through 50, knew or
22 reasonably suspected that SHUFELT and DOES 21 through 40, inclusive, and each of them, were acting
23 inappropriately with minor children. In fact, multiple staff members at Cleveland, including
24 administration, were directly aware that Plaintiff and SHUFELT were engaged in an inappropriate
25 relationship. And yet, no one reported the suspected sexual abuse as required by their employment to
26 LAUSD and mandated by Child Abuse and Neglect Reporting Act.

1 51. LAUSD, acting through its employees and agents DOES 1 through 50, failed to report
2 suspected child abuse to a law enforcement agency or child protective services as required by the
3 provisions of the Child Abuse and Neglect Reporting Act (Penal Code section 11164, et seq.).

4 52. When LAUSD's employees violated the Child Abuse and Neglect Reporting Act, Penal
5 Code section 11164, et seq, they were acting within the course and scope of their employment, and
6 LAUSD is vicariously liable for their failure.

7 53. By failing to report suspected child abuse, Defendants allowed SHUFELT and DOES
8 21 through 40, inclusive, and each of them, to continue, unhindered, in their abuse of adolescent
9 children, including Plaintiff.

10 54. As a direct and legal result of the acts and omissions of Defendants LAUSD and DOES
11 1 through 50, inclusive, and each of them, Plaintiff suffered physical and emotional injuries and other
12 harm, including economic and non-economic damages in amounts to be determined, but which exceed
13 the minimum jurisdictional limits of this Court.

14 **SIXTH CAUSE OF ACTION**

15 **NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE**

16 **(Against Defendant LAUSD and DOES 1 through 20)**

17 55. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
18 through 54, inclusive, and incorporates the same by reference as though here set forth in full.

19 56. Defendants LAUSD and DOES 1 through 20 had a duty to warn, train and educate the
20 students in its custody, care and control, like Plaintiff, on known and knowable dangers posed by its
21 faculty and staff. LAUSD and DOES 1 through 20 also had a duty to warn, train and educate its faculty
22 and staff on its sexual harassment policy and inappropriate boundary crossing with students. This is
23 especially true given Cleveland's history of teachers acting inappropriately and sexually abusing
24 students, as well as given the toxic and unprofessional culture of the Magnate program which create
25 the environment in which teachers could groom and ultimately sexually abuse students.

26 57. LAUSD and DOES 1 through 20 breached their duty to Plaintiff by failing to warn her
27 of known and knowable dangers posed by its faculty and staff, including SHUFELT; by failing to
28 inform and educate her on its sexual harassment policies and the methods to identify, report and respond

1 to inappropriate sexual harassment by teachers; and by failing to train its faculty, including SHUFELT,
2 on LAUSD's sexual harassment policies.

3 58. As a direct and legal result of the negligence of LAUSD and DOES 1 through 20,
4 Plaintiff was groomed, manipulated and ultimately sexually assaulted and abused by SHUFELT.

5 59. Had LAUSD and DOES 1 through 20 fulfilled their duties and responsibilities, Plaintiff
6 would not have been injured and damaged.

7 60. As a direct and legal result of this, Plaintiff suffered injuries including, but not limited
8 to, physical injuries, mental pain and suffering, emotional distress, past and future costs of medical care
9 and treatment, past and future loss of earnings and/or earning capacity, and other economic and non-
10 economic damages in an amount not yet ascertained, but which exceed the minimum jurisdictional
11 limits of this Court.

12 **SEVENTH CAUSE OF ACTION**

13 **NEGLIGENT SUPERVISION OF A MINOR**

14 **(Against Defendant LAUSD and DOES 1 through 20)**

15 61. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
16 through 62, inclusive, and incorporates the same by reference as though here set forth in full.

17 62. Defendants LAUSD and DOES 1 through 20, inclusive, and each of them, were
18 responsible for the care, custody, control, supervision, and protection of the minor students entrusted to
19 them, including Plaintiff. Said Defendants had a duty to adequately and properly supervise, monitor,
20 and protect Plaintiff from known and knowable dangers, such as those posed by SHUFELT and DOES
21 21 through 40, inclusive, and each of them.

22 63. LAUSD and DOES 1 through 20, inclusive, and each of them, breached their duty to
23 properly and adequately supervise, monitor, and protect Plaintiff, in part by ignoring clear and obvious
24 signs that SHUFELT and DOES 21 through 40, inclusive, and each of them, were engaged in an
25 inappropriate and harassing relationship with Plaintiff; allowing Plaintiff to spend unsupervised time
26 with SHUFELT and DOES 21 through 40, inclusive, and each of them; and allowing SHUFELT and
27 DOES 21 through 40, inclusive, and each of them, to repeatedly sexually harass and abuse Plaintiff.
28

1 64. Had LAUSD and DOES 1 through 20, inclusive, and each of them, adequately and
2 properly supervised, monitored, and protected its students, Plaintiff would not have been harmed.

3 65. Pursuant to Government Code §§ 815.2 and 820, Defendants LAUSD and DOES 1
4 through 20, inclusive, and each of them, are vicariously liable for injuries to Plaintiff caused by the acts,
5 omissions, and breach of the duty of care of its employees. (*C.A. v. William S. Hart Union High School*
6 *District* (2012) 53 Cal.4th 861.)

7 66. LAUSD and DOES 1 through 20, inclusive, and each of them, also recklessly and
8 negligently failed to implement and/or enforce policies and procedures that were aimed at preventing or
9 detecting sexual abuse of its students.

10 67. Had LAUSD and DOES 1 through 20, inclusive, and each of them, adequately performed
11 their duties and responsibilities, then Plaintiff would not have been subject to the sexual abuse and
12 harassment perpetrated by SHUFELT and DOES 21 through 40, inclusive, and each of them.

13 68. As a direct and legal result of the acts and omissions of Defendants LAUSD and DOES
14 1 through 20, inclusive, and each of them, Plaintiff has been severely damaged emotionally and
15 physically, and otherwise, in amounts to be proven at the time of trial, but which exceed the jurisdictional
16 limits of the Superior Court.

17 **EIGHTH CAUSE OF ACTION**

18 **NEGLIGENCE**

19 **(Against Defendants DOES 41 through 50)**

20 69. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
21 through 68, inclusive, and incorporates the same by reference as though here set forth in full.

22 70. Defendants DOES 41 through 50, inclusive, and each of them, are persons or entities
23 who owed a duty of care to the minor Plaintiff, or had a duty to control the conduct of the perpetrator
24 by way of the special relationship existing between those individuals.

25 71. Defendants DOES 41 through 50, inclusive, and each of them, knew or should have
26 known of the misconduct and sexually predatory behavior of SHUFELT and DOES 21 through 40,
27 inclusive, and each of them, directed at young children at the school.

1 72. Despite having knowledge of the misconduct of SHUFELT and DOES 21 through 40,
2 inclusive, and each of them, Defendants DOES 41 through 50, inclusive, and each of them, failed to
3 take any preventative action to control, curb, and/or prevent that conduct, and failed to warn Plaintiff or
4 her parents of that wrongful conduct, despite having a legal duty to do so.

5 73. As a direct and legal result of the negligence of Defendants DOES 41 through 50,
6 inclusive, and each of them, Plaintiff was sexually assaulted and abused by SHUFELT and DOES 21
7 through 40, inclusive, and each of them.

8 74. Had Defendants DOES 41 through 50, inclusive, and each of them, fulfilled their duty
9 and responsibility, Plaintiff would not have been subject to all or most of the misconduct perpetrated
10 against her.

11 75. As a direct and legal result of Defendants DOES 41 through 50, inclusive, and each of
12 them, having breached their duty to properly supervise and/or warn Plaintiff and her parents of the
13 wrongful conduct, Plaintiff has been severely damaged emotionally and physically, and otherwise, in
14 amounts to be determined, but which exceed the jurisdictional limits of the Superior Court.

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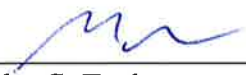
1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff JANE DOE prays for judgment against Defendants LOS ANGELES
3 UNIFIED SCHOOL DISTRICT, BRETT SHUFELT, and DOES 1 through 50, inclusive, and each of
4 them, as follows:

- 5 1. For an award of special (economic) and general (non-economic) damages according to
6 proof against all defendants;
- 7 2. For punitive and exemplary damages against Defendant SHUFELT;
- 8 3. For reasonable attorneys' fees of said suit as specifically provided in California Civil Code
9 section 52(b)(3) against SHUFELT;
- 10 4. For an award of up to treble damages based on Code of Civil Procedure section 340.1(b)
11 against LAUSD;
- 12 5. For costs of suit incurred herein; and
- 13 6. For such other and further relief as the Court deems just and proper.
- 14

15 Dated: February 10, 2021

TAYLOR & RING

17 By: 
18 John C. Taylor
19 Brendan P. Gilbert
20 Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby demands that her action be determined by trial by jury.

Dated: February 10, 2021

TAYLOR & RING

By:  _____

John C. Taylor
Brendan P. Gilbert
Attorneys for Plaintiff

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Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Daniel Crowley

1 John C. Taylor, State Bar No. 78389
Brendan P. Gilbert, State Bar No. 274631
2 **TAYLOR & RING, LLP**
1230 Rosecrans Avenue, Suite 360
3 Manhattan Beach, California 90266
4 Telephone: (310) 209-4100
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6 Attorneys for Plaintiff, JANE DOE

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF LOS ANGELES**
9

10
11 JANE DOE, an individual,) Case No.: **21STCV09823**
12)
13 Plaintiff,)
14 vs.) **COMPLAINT FOR PERSONAL**
15) **INJURIES AND DAMAGES ARISING**
16 ROE 1, a public school district;) **FROM CHILDHOOD SEXUAL**
17 and DOES 1 through 50,) **ABUSE**
18) **[DEMAND FOR JURY TRIAL]**
19 Defendants.)
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20 Plaintiff JANE DOE hereby complains and alleges against Defendants ROE 1 and DOES 1
21 through 50, inclusive, and each of them, as follows:

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1 **GENERAL ALLEGATIONS**

2 **The Parties:**

3 1. Plaintiff JANE DOE is currently 42 years old. JANE DOE was the victim of unlawful
4 childhood sexual assault, abuse, harassment, and other misconduct during the 1994-1995 and 1995-
5 1996 school years by CHRIS MILLER, and DOES 1 through 20, inclusive, and each of them, which is
6 the subject matter of this Complaint. As a result of the sensitive nature of these facts, JANE DOE's full
7 identity has been concealed from public court filings in order to prevent those not directly involved in
8 this action from learning her identity and making her identity public.

9 2. Jurisdiction is proper in Los Angeles County because the defendants are either residents
10 of Los Angeles County or do business in Los Angeles County, and also because the acts which are the
11 basis of this lawsuit occurred in Los Angeles County.

12 3. Defendant ROE 1 is a public educational agency organized, existing, and conducting
13 business under the laws of the County of Los Angeles and the State of California. ROE 1 operates
14 numerous schools within its school district, including Grover Cleveland Charter High School, which is
15 located at 8140 Vanalden Ave, Reseda, CA 91335. ROE 1 was responsible for the administration,
16 maintenance, operation, and oversight of its schools and employees, including CHRIS MILLER, and
17 DOES 1 through 20, inclusive, and each of them. DOES 1 through 20, inclusive, and each of them, are
18 employees and/or agents of ROE 1, responsible for the administration, supervision, and oversight of
19 ROE 1 employees and include other teachers and assistants at ROE 1.

20 4. CHRIS MILLER ("MILLER") was an employee of ROE 1. MILLER and DOES 21
21 through 40, inclusive, and each of them, are individuals who sexually abused Plaintiff and/or failed to
22 intervene in the sexual abuse of Plaintiff.

23 5. DOES 41 through 50, inclusive, and each of them, are the persons and/or entities who
24 run, manage, operate, supervise, oversee, fund, are joint venturers, parent organizations, are the
25 subsidiaries, are contractually related, and/or are principals and/or agents of the business, entities,
26 and/or principals who owed a duty of care to Plaintiff and breached that duty of care.

27 6. The true names and capacities of each defendant designated herein as DOES 1 through
28 50, whether an individual, business, public entity, or some other entity are presently unknown to

1 Plaintiff, who therefore sues said Defendants by such fictitious names, pursuant to Code of Civil
2 Procedure section 474. Each DOE defendant is responsible in some actionable manner for the events
3 alleged herein. Plaintiff will amend this Complaint to state the true names and capacities of said
4 defendants when the same have been ascertained.

5 7. Each of the defendants sued herein as DOES 1 through 50, inclusive, and each of them,
6 was the agent and employee of each of the remaining defendants and was at all times acting within the
7 course and scope of such agency and employment with the full knowledge, consent, authority,
8 ratification, and/or permission of each of the remaining defendants.

9 8. Wherever appearing in this complaint, each and every reference to Defendants, or any of
10 them, is intended to include, and shall be deemed to include, all fictitiously named Defendants.

11 **Exemption from Government Tort Claims Act**

12 9. Government Code section 905(m) exempts the government tort claim presentation
13 requirements of the Government Tort Claims Act for claims made pursuant to Section 340.1 of the
14 Code of Civil Procedure for the recovery of damages suffered as a result of childhood sexual assault.
15 As such, Plaintiff was not required to present a government tort claim to ROE 1.

16 **FACTS COMMON TO ALL CAUSES OF ACTION**

17 10. Plaintiff was a part of the Grover Cleveland Charter High School's ("Cleveland")
18 Humanities Magnet program. Plaintiff had MILLER as a teacher for her junior year, i.e. the 1994-
19 1995 school year. During this junior year, MILLER groomed and manipulated Plaintiff with the
20 ultimate intent of sexually abusing her.

21 11. Throughout Plaintiff's junior year, Plaintiff and MILLER exchanged notes and love
22 letters as if they were boyfriend and girlfriend. Plaintiff and MILLER also spent an inordinate amount
23 of time together at Cleveland, as well as outside of school.

24 12. MILLER's grooming and manipulation of Plaintiff culminated in him sexually
25 abusing her during her junior year at Cleveland.

26 13. Due the open and obvious nature of Plaintiff and MILLER's relationship, complaints
27 were made to administration about it and yet, no action was taken.

1 14. After the complaints were made to administration, MILLER became worried that
2 Plaintiff would disclose their illegal sexual relations. To prevent this, MILLER had Plaintiff meet
3 once a week with a fellow Cleveland teacher, VIVIAN ATKIN (“ATKIN”), so that she could discuss
4 her feelings about him to ATKIN. ATKIN told Plaintiff that she knew about Plaintiff and MILLER’s
5 inappropriate relationship and that it was “safe” for Plaintiff to share any information about it with
6 her. The purpose of this was for ATKIN to use coercion and deception to dissuade Plaintiff from
7 disclosing her and MILLER’s illegal sexual relations to anyone.

8 15. Following the complaints made about Plaintiff and MILLER’s inappropriate
9 relationship, guardians of another Cleveland student made complaints directly to administration and
10 the superintendent of ROE 1 about MILLER’s inappropriate conduct towards this student. Similar to
11 the above, MILLER used ATKIN to attempt to dissuade this student from speaking out about
12 MILLER’s inappropriate conduct towards her. This occurred during Plaintiff’s senior year, i.e. the
13 1995-1996 school year.

14 16. For much of Plaintiff’s adult life, she did not understand that what MILLER had done
15 to her was wrong. But after she saw a news article in February 2021 about a former student of
16 Cleveland filing a lawsuit involving MILLER, ATKIN and ROE 1 as a result of sexual abuse that
17 occurred from 1999-2001, she realized that what she and MILLER had was not “special” and that she
18 was simply a victim of a serial predator.

19 **FIRST CAUSE OF ACTION**

20 **NEGLIGENT HIRING, SUPERVISION & RETENTION OF AN UNFIT EMPLOYEE**

21 **(Against Defendants ROE 1 and DOES 1 through 20)**

22 17. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
23 through 16, inclusive, and incorporates the same by reference as though here set forth in full.

24 18. Defendants ROE 1 and DOES 1 through 20, inclusive, and each of them, had the
25 responsibility and mandatory duty to adequately and properly investigate, hire, train, and supervise their
26 staff and to protect their students from harm caused by unfit and dangerous individuals hired as staff.

27 19. ROE 1 and DOES 1 through 20, inclusive, and each of them, knew or should have known
28 that MILLER was unfit to be teacher.

1 20. ROE 1 and DOES 1 through 20, inclusive, and each of them, breached their mandatory
2 duty to properly and adequately investigate, hire, train, and supervise MILLER and DOES 21 through
3 40, inclusive, and each of them.

4 21. Had ROE 1 and DOES 1 through 20, inclusive, and each of them, properly investigated,
5 supervised, trained, and monitored the conduct and actions of MILLER, and DOES 21 through 40,
6 inclusive, and each of them, as teachers and staff members, they would have discovered that he was
7 unfit to be so employed. By failing to adequately supervise, monitor, or investigate, ROE 1 and DOES
8 1 through 20, inclusive, and each of them, allowed MILLER, and DOES 21 through 40, inclusive, and
9 each of them, to continue, unhindered, with their predatory conduct directed towards underage students,
10 including Plaintiff.

11 22. ROE 1 and DOES 1 through 20, inclusive, and each of them, negligently hired,
12 supervised, retained, monitored, and otherwise employed MILLER and DOES 21 through 40, inclusive,
13 and each of them, and negligently failed to ensure the safety of a minor student, Plaintiff, who was
14 entrusted to Defendants' custody, care, and control.

15 23. ROE 1 and DOES 1 through 20, inclusive, and each of them, also negligently failed to
16 adequately implement or enforce any districtwide procedures or policies that were aimed at preventing,
17 detecting, or deterring the sexual harassment or abuse of students by teachers, supervisors, or others.

18 24. Pursuant to Government Code §§ 815.2 and 820, ROE 1 and DOES 1 through 20,
19 inclusive, and each of them, are vicariously liable for injuries to Plaintiff caused by the acts, omissions,
20 and breach of the duty of care of their employees. (*C.A. v. William S. Hart Union High School District*
21 (2012) 53 Cal.4th 861.)

22 25. Had ROE 1 and DOES 1 through 20, inclusive, and each of them, performed their
23 mandatory duties and responsibilities to monitor, supervise, and/or investigate MILLER and DOES 21
24 through 40, inclusive, and each of them, Plaintiff would not have been subject to the sexual abuse and
25 other harmful conduct inflicted upon her.

26 26. As a direct and legal result of the acts and omissions of ROE 1 and DOES 1 through 20,
27 inclusive, and each of them, Plaintiff suffered physical and emotional injuries and other harm, including
28

1 economic and non-economic damages in amounts to be determined, but which exceed the minimum
2 jurisdictional limits of this Court.

3 **SECOND CAUSE OF ACTION**

4 **BREACH OF MANDATORY DUTY: FAILURE TO REPORT SUSPECTED CHILD ABUSE**
5 **(GOVERNMENT CODE SECTION 815.6)**

6 **(Against Defendant ROE 1 and Defendant DOES 1 through 50)**

7 27. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
8 through 26, inclusive, and incorporates the same by reference as though here set forth in full.

9 28. Defendants ROE 1 and DOES 1 through 50, inclusive, and each of them, were at all
10 relevant times herein subject to the provisions of the Child Abuse and Neglect Reporting Act (Penal
11 Code section 11164, et seq.).

12 29. ROE 1, acting through its employees and agents DOES 1 through 50, were at all times
13 “mandated reporters” pursuant to the provisions of Penal Code section 11164, et seq. As mandated
14 reporters of suspected child abuse, Defendants were legally obligated to personally report reasonably
15 suspected incidents of child abuse to the police and/or child protective services within a very short
16 period of time.

17 30. ROE 1, acting through its employees and agents DOES 1 through 50, knew or reasonably
18 suspected that MILLER and DOES 21 through 40, inclusive, and each of them, were acting
19 inappropriately with minor children. In fact, multiple staff members at Cleveland, including
20 administration and ATKIN, were directly aware that Plaintiff and MILLER were engaged in an
21 inappropriate relationship. And yet, no one reported the suspected sexual abuse as required by their
22 employment to ROE 1 and mandated by Child Abuse and Neglect Reporting Act.

23 31. ROE 1, acting through its employees and agents DOES 1 through 50, failed to report
24 suspected child abuse to a law enforcement agency or child protective services as required by the
25 provisions of the Child Abuse and Neglect Reporting Act (Penal Code section 11164, et seq.).

26 32. When ROE 1’s employees violated the Child Abuse and Neglect Reporting Act, Penal
27 Code section 11164, et seq, they were acting within the course and scope of their employment, and
28 ROE 1 is vicariously liable for their failure.

1 33. By failing to report suspected child abuse, Defendants allowed MILLER and DOES 21
2 through 40, inclusive, and each of them, to continue, unhindered, in their abuse of adolescent children,
3 including Plaintiff.

4 34. As a direct and legal result of the acts and omissions of Defendants ROE 1 and DOES
5 1 through 50, inclusive, and each of them, Plaintiff suffered physical and emotional injuries and other
6 harm, including economic and non-economic damages in amounts to be determined, but which exceed
7 the minimum jurisdictional limits of this Court.

8 THIRD CAUSE OF ACTION

9 **NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE**

10 **(Against Defendant ROE 1 and DOES 1 through 20)**

11 35. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
12 through 34, inclusive, and incorporates the same by reference as though here set forth in full.

13 36. Defendants ROE 1 and DOES 1 through 20 had a duty to warn, train and educate the
14 students in its custody, care and control, like Plaintiff, on known and knowable dangers posed by its
15 faculty and staff. ROE 1 and DOES 1 through 20 also had a duty to warn, train and educate its faculty
16 and staff on its sexual harassment policy and inappropriate boundary crossing with students. This is
17 especially true given Cleveland's history of teachers acting inappropriately and sexually abusing
18 students, as well as given the toxic and unprofessional culture of the Magnet program which created
19 the environment in which teachers could groom and ultimately sexually abuse students.

20 37. ROE 1 and DOES 1 through 20 breached their duty to Plaintiff by failing to warn her of
21 known and knowable dangers posed by its faculty and staff, including MILLER; by failing to inform
22 and educate her on its sexual harassment policies and the methods to identify, report and respond to
23 inappropriate sexual harassment by teachers; and by failing to train its faculty, including MILLER, on
24 ROE 1's sexual harassment policies.

25 38. As a direct and legal result of the negligence of ROE 1 and DOES 1 through 20, Plaintiff
26 was groomed, manipulated and ultimately sexually assaulted and abused by MILLER.

27 39. Had ROE 1 and DOES 1 through 20 fulfilled their duties and responsibilities, Plaintiff
28 would not have been injured and damaged.

1 40. As a direct and legal result of this, Plaintiff suffered injuries including, but not limited
2 to, physical injuries, mental pain and suffering, emotional distress, past and future costs of medical care
3 and treatment, past and future loss of earnings and/or earning capacity, and other economic and non-
4 economic damages in an amount not yet ascertained, but which exceed the minimum jurisdictional
5 limits of this Court.

6 **FOURTH CAUSE OF ACTION**
7 **NEGLIGENT SUPERVISION OF A MINOR**

8 **(Against Defendant ROE 1 and DOES 1 through 20)**

9 41. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
10 through 40, inclusive, and incorporates the same by reference as though here set forth in full.

11 42. Defendants ROE 1 and DOES 1 through 20, inclusive, and each of them, were
12 responsible for the care, custody, control, supervision, and protection of the minor students entrusted to
13 them, including Plaintiff. Said Defendants had a duty to adequately and properly supervise, monitor,
14 and protect Plaintiff from known and knowable dangers, such as those posed by MILLER and DOES
15 21 through 40, inclusive, and each of them.

16 43. ROE 1 and DOES 1 through 20, inclusive, and each of them, breached their duty to
17 properly and adequately supervise, monitor, and protect Plaintiff, in part by ignoring clear and obvious
18 signs that MILLER and DOES 21 through 40, inclusive, and each of them, were engaged in an
19 inappropriate and harassing relationship with Plaintiff; allowing Plaintiff to spend unsupervised time
20 with MILLER and DOES 21 through 40, inclusive, and each of them; and allowing MILLER and DOES
21 21 through 40, inclusive, and each of them, to repeatedly sexually harass and abuse Plaintiff.

22 44. Had ROE 1 and DOES 1 through 20, inclusive, and each of them, adequately and
23 properly supervised, monitored, and protected its students, Plaintiff would not have been harmed.

24 45. Pursuant to Government Code §§ 815.2 and 820, Defendants ROE 1 and DOES 1 through
25 20, inclusive, and each of them, are vicariously liable for injuries to Plaintiff caused by the acts,
26 omissions, and breach of the duty of care of its employees. (*C.A. v. William S. Hart Union High School*
27 *District* (2012) 53 Cal.4th 861.)

1 46. ROE 1 and DOES 1 through 20, inclusive, and each of them, also recklessly and
2 negligently failed to implement and/or enforce policies and procedures that were aimed at preventing or
3 detecting sexual abuse of its students.

4 47. Had ROE 1 and DOES 1 through 20, inclusive, and each of them, adequately performed
5 their duties and responsibilities, then Plaintiff would not have been subject to the sexual abuse and
6 harassment perpetrated by MILLER and DOES 21 through 40, inclusive, and each of them.

7 48. As a direct and legal result of the acts and omissions of Defendants ROE 1 and DOES 1
8 through 20, inclusive, and each of them, Plaintiff has been severely damaged emotionally and physically,
9 and otherwise, in amounts to be proven at the time of trial, but which exceed the jurisdictional limits of
10 the Superior Court.

11 **FIFTH CAUSE OF ACTION**

12 **NEGLIGENCE**

13 **(Against Defendants DOES 41 through 50)**

14 49. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
15 through 48, inclusive, and incorporates the same by reference as though here set forth in full.

16 50. Defendants DOES 41 through 50, inclusive, and each of them, are persons or entities
17 who owed a duty of care to the minor Plaintiff, or had a duty to control the conduct of the perpetrator
18 by way of the special relationship existing between those individuals.

19 51. Defendants DOES 41 through 50, inclusive, and each of them, knew or should have
20 known of the misconduct and sexually predatory behavior of MILLER and DOES 21 through 40,
21 inclusive, and each of them, directed at young children at the school.

22 52. Despite having knowledge of the misconduct of MILLER and DOES 21 through 40,
23 inclusive, and each of them, Defendants DOES 41 through 50, inclusive, and each of them, failed to
24 take any preventative action to control, curb, and/or prevent that conduct, and failed to warn Plaintiff or
25 her parents of that wrongful conduct, despite having a legal duty to do so.


26 53. As a direct and legal result of the negligence of Defendants DOES 41 through 50,
27 inclusive, and each of them, Plaintiff was sexually assaulted and abused by MILLER and DOES 21
28 through 40, inclusive, and each of them.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands that her action be determined by trial by jury.

Dated: March 12, 2021

TAYLOR & RING

By: 

John C. Taylor
Brendan P. Gilbert
Attorneys for Plaintiff

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FILED
Superior Court of California
County of Los Angeles
04/01/2021

Sherri R. Carter, Executive Officer / Clerk of Court
By: L. Marquez Deputy

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF LOS ANGELES**
9

10
11 JANE DOE, an individual,)
12)
13 Plaintiff,)
14 vs.)
15 LOS ANGELES UNIFIED SCHOOL)
16 DISTRICT, a public school district;)
17 RICHARD COLEMAN an individual;)
18 and DOES 1 through 50,)
19 Defendants.)
20)
21)
22)
23)
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26)
27)
28)

Case No.: 21STCV09460

**FIRST AMENDED COMPLAINT FOR
PERSONAL INJURIES AND
DAMAGES ARISING
FROM CHILDHOOD SEXUAL
ABUSE**
[DEMAND FOR JURY TRIAL]

20 Plaintiff JANE DOE hereby complains and alleges against Defendants LOS ANGELES
21 UNIFIED SCHOOL DISTRICT, RICHARD COLEMAN, and DOES 1 through 50, inclusive, and each
22 of them, as follows:

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2 **GENERAL ALLEGATIONS**

3 **The Parties:**

4 1. Plaintiff JANE DOE is currently 42 years old. JANE DOE was the victim of unlawful
5 childhood sexual assault, abuse, harassment, and other misconduct during the 1994-1995 and 1995-
6 1996 school years and beyond by defendant COLEMAN, and DOES 1 through 20, inclusive, and each
7 of them, which is the subject matter of this Complaint. As a result of the sensitive nature of these facts,
8 JANE DOE’s full identity has been concealed from public court filings in order to prevent those not
9 directly involved in this action from learning her identity and making her identity public.

10 2. Jurisdiction is proper in Los Angeles County because the defendants are either residents
11 of Los Angeles County or do business in Los Angeles County, and also because the acts which are the
12 basis of this lawsuit occurred in Los Angeles County.

13 3. Defendant LOS ANGELES UNIFIED SCHOOL DISTRICT (“LAUSD”) is a public
14 educational agency organized, existing, and conducting business under the laws of the County of Los
15 Angeles and the State of California. LAUSD operates numerous schools within its school district,
16 including Grover Cleveland Charter High School, which is located at 8140 Vanalden Ave, Reseda, CA
17 91335. LAUSD was responsible for the administration, maintenance, operation, and oversight of its
18 schools and employees, including Defendant COLEMAN, and DOES 1 through 20, inclusive, and each
19 of them. DOES 1 through 20, inclusive, and each of them, are employees and/or agents of LAUSD,
20 responsible for the administration, supervision, and oversight of LAUSD employees and include other
21 teachers and assistants at LAUSD.

22 4. Defendant RICHARD COLEMAN (“COLEMAN”) was an employee of LAUSD and
23 upon information and belief is a resident of the County of Los Angeles, State of California.
24 COLEMAN and DOES 21 through 40, inclusive, and each of them, are individuals who sexually
25 abused Plaintiff and/or failed to intervene in the sexual abuse of Plaintiff.

26 5. DOES 41 through 50, inclusive, and each of them, are the persons and/or entities who
27 run, manage, operate, supervise, oversee, fund, are joint venturers, parent organizations, are the
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1 subsidiaries, are contractually related, and/or are principals and/or agents of the business, entities,
2 and/or principals who owed a duty of care to Plaintiff and breached that duty of care.

3 6. The true names and capacities of each defendant designated herein as DOES 1 through
4 50, whether an individual, business, public entity, or some other entity are presently unknown to
5 Plaintiff, who therefore sues said Defendants by such fictitious names, pursuant to Code of Civil
6 Procedure section 474. Each DOE defendant is responsible in some actionable manner for the events
7 alleged herein. Plaintiff will amend this Complaint to state the true names and capacities of said
8 defendants when the same have been ascertained.

9 7. Each of the defendants sued herein as DOES 1 through 50, inclusive, and each of them,
10 was the agent and employee of each of the remaining defendants and was at all times acting within the
11 course and scope of such agency and employment with the full knowledge, consent, authority,
12 ratification, and/or permission of each of the remaining defendants.

13 8. Wherever appearing in this complaint, each and every reference to Defendants, or any of
14 them, is intended to include, and shall be deemed to include, all fictitiously named Defendants.

15 **Exemption from Government Tort Claims Act**

16 9. Government Code section 905(m) exempts the government tort claim presentation
17 requirements of the Government Tort Claims Act for claims made pursuant to Section 340.1 of the
18 Code of Civil Procedure for the recovery of damages suffered as a result of childhood sexual assault.
19 As such, Plaintiff was not required to present a government tort claim to LAUSD.

20 **FACTS COMMON TO ALL CAUSES OF ACTION**

21 10. Plaintiff attended the Grover Cleveland Charter High School's Humanities Magnet
22 program during her 10th through 12th grade years, which occurred during the 1993-1994, 1994-1995,
23 and 1995-1996 school years respectively.

24 11. In November of Plaintiff's 11th grade year, COLEMAN invited her to join him on a
25 camping/backpacking trip to Quartsite, Arizona with a friend of his, as well as some other students
26 from Cleveland. It was during this trip that COLEMAN began grooming and conditioning Plaintiff
27 with the ultimate intent of sexually abusing her.

1 12. During the second semester of Plaintiff’s 11th grade year, COLEMAN began having
2 Plaintiff regularly eat her lunch in his classroom during Cleveland’s lunch break. COLEMAN would
3 ask Plaintiff about spending time outside of school together, including going to the movies. On one
4 occasions COLEMAN asked Plaintiff how old she would be when she graduated and she replied
5 “18.” COLEMAN responded: “Oh really? Well when you graduate we should go on a date. It’ll be
6 legal then.”

7 13. COLEMAN then invited Plaintiff to attend Othello at the Music Center with his 10th
8 grade students. COLEMAN sat next to Plaintiff during the play and drove her home afterwards. On
9 another occasion, COLEMAN and Plaintiff ditched school so that they could go to Disneyland for the
10 day. COLEMAN told Plaintiff during this trip that he wished they could stay at the Disneyland Hotel
11 together.

12 14. Towards the end of Plaintiff’s 11th grade year, COLEMAN invited her over to his
13 house and while there, he caressed Plaintiff all over her body and tried to kiss her. On another
14 occasion, COLEMAN invited Plaintiff over to his house so that they could make a Greek dinner for
15 another teacher and his wife. COLEMAN openly flirted with Plaintiff during this dinner.

16 15. At the beginning of Plaintiff’s 12th grade year, she attended Cleveland’s orientation
17 and met COLEMAN in this classroom. COLEMAN then took Plaintiff out to lunch at a restaurant.
18 After, they went to a park and then back to his house to hang out. At this point, COLEMAN is
19 engaging in physical affection towards Plaintiff, including holding her hands, laying on top of her,
20 and kissing her.

21 16. By the end of Plaintiff’s first semester of her 12th grade year, teachers and staff are
22 beginning to become suspicious of Plaintiff and COLEMAN’s relationship. One teacher, Marty
23 Kravchak, even asked Plaintiff directly if she was with COLEMAN. Additionally, teacher Lori
24 Wenska went directly to Neil Anstead, the founder of the Magnet program, and told him that a senior
25 was dating a Core teacher.

26 17. COLEMAN’s grooming and conditioning of Plaintiff culminated in him sexually
27 abusing her during her 12th grade year. COLEMAN’s abuse included orally copulating Plaintiff and
28 digitally penetrating her vagina, among other things.

1 18. By this point, more and more teachers were beginning to suspect that there is an
2 inappropriate relationship between Plaintiff and COLEMAN. For example, former teacher Chris
3 Miller asked Plaintiff if she was keeping COLEMAN “happy and smiling.” Another teacher, Ray
4 Linn, directly confronted COLEMAN about his relationship with Plaintiff. He also told COLEMAN
5 that him having an inappropriate relationship with a student could harm the Magnet program going
6 forward. Additionally, former teacher Nina Gifford told COLEMAN that she had heard rumors about
7 him and Plaintiff having an inappropriate relationship.

8 19. These Cleveland teachers were becoming suspicious because of how open and obvious
9 COLEMAN’s inappropriate relationship with Plaintiff was. For example, during school hours,
10 COLEMAN would have Plaintiff come to his classroom where he would kiss her and touch her all
11 over her body.

12 20. Towards the end of Plaintiff’s 12th grade year, COLEMAN became more distant from
13 her and began focusing his attention on another student whom he wanted to groom and condition so
14 that he could sexually abuse her just like he did to Plaintiff. This was crushing to Plaintiff, as
15 COLEMAN had lead her to believe that they had a “real” relationship and that once she graduated,
16 they would be together. It is Plaintiff’s understanding that this other student was ultimately sexually
17 abused by COLEMAN as well.

18 21. For much of Plaintiff’s adult life, she did not understand that what COLEMAN had
19 done to her was wrong. But the #MeToo movement made her realize and accept that COLEMAN’s
20 sexual abuse harmed her immensely and will continue to harm her going forward in life.

21 **FIRST CAUSE OF ACTION**

22 **SEXUAL ABUSE OF A MINOR**

23 **(Against Defendant COLEMAN and Defendant DOES 21 through 40)**

24 22. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
25 through 21, inclusive, and incorporates the same by reference as though here set forth in full.

26 23. While Plaintiff was a student in the LAUSD school district, COLEMAN and DOES 21
27 through 40, inclusive, and each of them, took advantage of their positions of authority and trust to
28

1 engage in unlawful sexual acts and other harmful misconduct with Plaintiff. These crimes and
2 misconduct took place during the 1994-1995 and 1995-1996 schools years.

3 24. The illegal and unlawful misconduct of COLEMAN and DOES 21 through 40,
4 inclusive, and each of them, severely damaged Plaintiff, thereby causing her severe emotional distress
5 and physical and psychological injuries, and resulted in other economic and non-economic damages in
6 amounts to be determined, but which exceed the jurisdictional limit of the Superior Court.

7 25. In performing the aforementioned acts, COLEMAN, and DOES 21 through 40,
8 inclusive, and each of them, acted with willfulness, malice, and oppression, justifying an award of
9 punitive damages against them.

10 **SECOND CAUSE OF ACTION**

11 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

12 **(Against Defendants COLEMAN and DOES 21 through 40)**

13 26. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
14 through 25, inclusive, and incorporates the same by reference as though here set forth in full.

15 27. Acting with knowledge of her superior position and of Plaintiff's trust, and realizing her
16 special susceptibility to emotional distress due to her young age, COLEMAN and DOES 21 through 40,
17 inclusive, and each of them, engaged in unlawful sexual misconduct with Plaintiff.

18 28. The misconduct of COLEMAN and DOES 21 through 40, inclusive, and each of them,
19 was outrageous, particularly because of the age difference between Plaintiff, a minor at the time, and
20 COLEMAN, who was an adult at the time.

21 29. The acts of COLEMAN and DOES 21 through 40, inclusive, and each of them, were
22 intentional, willful, oppressive, and malicious, and done for the purpose of causing Plaintiff to suffer
23 emotional harm, humiliation, mental anguish, and emotional distress, or with reckless disregard for the
24 likelihood that they would cause Plaintiff such distress.

25 30. As a direct and legal result of the acts and omissions of COLEMAN and DOES 21
26 through 40, inclusive, and each of them, Plaintiff suffered physical and emotional injuries and other
27 harm, including economic and non-economic damages in amounts to be determined, but which exceed
28 the minimum jurisdictional limits of this Court.

1 **FOURTH CAUSE OF ACTION**

2 **NEGLIGENT HIRING, SUPERVISION & RETENTION OF AN UNFIT EMPLOYEE**

3 **(Against Defendants LAUSD and DOES 1 through 20)**

4 37. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
5 through 36, inclusive, and incorporates the same by reference as though here set forth in full.

6 38. Defendants LAUSD and DOES 1 through 20, inclusive, and each of them, had the
7 responsibility and mandatory duty to adequately and properly investigate, hire, train, and supervise their
8 staff and to protect their students from harm caused by unfit and dangerous individuals hired as staff.

9 39. LAUSD and DOES 1 through 20, inclusive, and each of them, knew or should have
10 known that COLEMAN was unfit to be teacher.

11 40. LAUSD and DOES 1 through 20, inclusive, and each of them, breached their mandatory
12 duty to properly and adequately investigate, hire, train, and supervise COLEMAN and DOES 21 through
13 40, inclusive, and each of them.

14 41. Had LAUSD and DOES 1 through 20, inclusive, and each of them, properly investigated,
15 supervised, trained, and monitored the conduct and actions of COLEMAN, and DOES 21 through 40,
16 inclusive, and each of them, as teachers and staff members, they would have discovered that he was
17 unfit to be so employed. By failing to adequately supervise, monitor, or investigate, LAUSD and DOES
18 1 through 20, inclusive, and each of them, allowed COLEMAN, and DOES 21 through 40, inclusive,
19 and each of them, to continue, unhindered, with their predatory conduct directed towards underage
20 students, including Plaintiff.

21 42. LAUSD and DOES 1 through 20, inclusive, and each of them, negligently hired,
22 supervised, retained, monitored, and otherwise employed COLEMAN and DOES 21 through 40,
23 inclusive, and each of them, and negligently failed to ensure the safety of a minor student, Plaintiff, who
24 was entrusted to Defendants' custody, care, and control.

25 43. LAUSD and DOES 1 through 20, inclusive, and each of them, also negligently failed to
26 adequately implement or enforce any districtwide procedures or policies that were aimed at preventing,
27 detecting, or deterring the sexual harassment or abuse of students by teachers, supervisors, or others.

1 acting inappropriately with minor children. In fact, multiple staff members at Cleveland, including
2 administration, were directly aware that Plaintiff and COLEMAN were engaged in an inappropriate
3 relationship. And yet, no one reported the suspected sexual abuse as required by their employment to
4 LAUSD and mandated by Child Abuse and Neglect Reporting Act.

5 51. LAUSD, acting through its employees and agents DOES 1 through 50, failed to report
6 suspected child abuse to a law enforcement agency or child protective services as required by the
7 provisions of the Child Abuse and Neglect Reporting Act (Penal Code section 11164, et seq.).

8 52. When LAUSD's employees violated the Child Abuse and Neglect Reporting Act, Penal
9 Code section 11164, et seq, they were acting within the course and scope of their employment, and
10 LAUSD is vicariously liable for their failure.

11 53. By failing to report suspected child abuse, Defendants allowed COLEMAN and DOES
12 21 through 40, inclusive, and each of them, to continue, unhindered, in their abuse of adolescent
13 children, including Plaintiff.

14 54. As a direct and legal result of the acts and omissions of Defendants LAUSD and DOES
15 1 through 50, inclusive, and each of them, Plaintiff suffered physical and emotional injuries and other
16 harm, including economic and non-economic damages in amounts to be determined, but which exceed
17 the minimum jurisdictional limits of this Court.

18 **SIXTH CAUSE OF ACTION**

19 **NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE**

20 **(Against Defendant LAUSD and DOES 1 through 20)**

21 55. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
22 through 54, inclusive, and incorporates the same by reference as though here set forth in full.

23 56. Defendants LAUSD and DOES 1 through 20 had a duty to warn, train and educate the
24 students in its custody, care and control, like Plaintiff, on known and knowable dangers posed by its
25 faculty and staff. LAUSD and DOES 1 through 20 also had a duty to warn, train and educate its faculty
26 and staff on its sexual harassment policy and inappropriate boundary crossing with students. This is
27 especially true given Cleveland's history of teachers acting inappropriately and sexually abusing
28

1 students, as well as given the toxic and unprofessional culture of the Magnet program which created
2 the environment in which teachers could groom and ultimately sexually abuse students.

3 57. LAUSD and DOES 1 through 20 breached their duty to Plaintiff by failing to warn her
4 of known and knowable dangers posed by its faculty and staff, including COLEMAN; by failing to
5 inform and educate her on its sexual harassment policies and the methods to identify, report and respond
6 to inappropriate sexual harassment by teachers; and by failing to train its faculty, including
7 COLEMAN, on LAUSD's sexual harassment policies.

8 58. As a direct and legal result of the negligence of LAUSD and DOES 1 through 20,
9 Plaintiff was groomed, manipulated and ultimately sexually assaulted and abused by COLEMAN.

10 59. Had LAUSD and DOES 1 through 20 fulfilled their duties and responsibilities, Plaintiff
11 would not have been injured and damaged.

12 60. As a direct and legal result of this, Plaintiff suffered injuries including, but not limited
13 to, physical injuries, mental pain and suffering, emotional distress, past and future costs of medical care
14 and treatment, past and future loss of earnings and/or earning capacity, and other economic and non-
15 economic damages in an amount not yet ascertained, but which exceed the minimum jurisdictional
16 limits of this Court.

17 **SEVENTH CAUSE OF ACTION**

18 **NEGLIGENT SUPERVISION OF A MINOR**

19 **(Against Defendant LAUSD and DOES 1 through 20)**

20 61. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
21 through 60, inclusive, and incorporates the same by reference as though here set forth in full.

22 62. Defendants LAUSD and DOES 1 through 20, inclusive, and each of them, were
23 responsible for the care, custody, control, supervision, and protection of the minor students entrusted to
24 them, including Plaintiff. Said Defendants had a duty to adequately and properly supervise, monitor,
25 and protect Plaintiff from known and knowable dangers, such as those posed by COLEMAN and DOES
26 21 through 40, inclusive, and each of them.

27 63. LAUSD and DOES 1 through 20, inclusive, and each of them, breached their duty to
28 properly and adequately supervise, monitor, and protect Plaintiff, in part by ignoring clear and obvious

1 signs that COLEMAN and DOES 21 through 40, inclusive, and each of them, were engaged in an
2 inappropriate and harassing relationship with Plaintiff; allowing Plaintiff to spend unsupervised time
3 with COLEMAN and DOES 21 through 40, inclusive, and each of them; and allowing COLEMAN and
4 DOES 21 through 40, inclusive, and each of them, to repeatedly sexually harass and abuse Plaintiff.

5 64. Had LAUSD and DOES 1 through 20, inclusive, and each of them, adequately and
6 properly supervised, monitored, and protected its students, Plaintiff would not have been harmed.

7 65. Pursuant to Government Code §§ 815.2 and 820, Defendants LAUSD and DOES 1
8 through 20, inclusive, and each of them, are vicariously liable for injuries to Plaintiff caused by the acts,
9 omissions, and breach of the duty of care of its employees. (*C.A. v. William S. Hart Union High School*
10 *District* (2012) 53 Cal.4th 861.)

11 66. LAUSD and DOES 1 through 20, inclusive, and each of them, also recklessly and
12 negligently failed to implement and/or enforce policies and procedures that were aimed at preventing or
13 detecting sexual abuse of its students.

14 67. Had LAUSD and DOES 1 through 20, inclusive, and each of them, adequately performed
15 their duties and responsibilities, then Plaintiff would not have been subject to the sexual abuse and
16 harassment perpetrated by COLEMAN and DOES 21 through 40, inclusive, and each of them.

17 68. As a direct and legal result of the acts and omissions of Defendants LAUSD and DOES
18 1 through 20, inclusive, and each of them, Plaintiff has been severely damaged emotionally and
19 physically, and otherwise, in amounts to be proven at the time of trial, but which exceed the jurisdictional
20 limits of the Superior Court.

21 **EIGHTH CAUSE OF ACTION**

22 **NEGLIGENCE**

23 **(Against Defendants DOES 41 through 50)**

24 69. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1
25 through 68, inclusive, and incorporates the same by reference as though here set forth in full.

26 70. Defendants DOES 41 through 50, inclusive, and each of them, are persons or entities
27 who owed a duty of care to the minor Plaintiff, or had a duty to control the conduct of the perpetrator
28 by way of the special relationship existing between those individuals.

1 71. Defendants DOES 41 through 50, inclusive, and each of them, knew or should have
2 known of the misconduct and sexually predatory behavior of COLEMAN and DOES 21 through 40,
3 inclusive, and each of them, directed at young children at the school.

4 72. Despite having knowledge of the misconduct of COLEMAN and DOES 21 through 40,
5 inclusive, and each of them, Defendants DOES 41 through 50, inclusive, and each of them, failed to
6 take any preventative action to control, curb, and/or prevent that conduct, and failed to warn Plaintiff or
7 her parents of that wrongful conduct, despite having a legal duty to do so.

8 73. As a direct and legal result of the negligence of Defendants DOES 41 through 50,
9 inclusive, and each of them, Plaintiff was sexually assaulted and abused by COLEMAN and DOES 21
10 through 40, inclusive, and each of them.

11 74. Had Defendants DOES 41 through 50, inclusive, and each of them, fulfilled their duty
12 and responsibility, Plaintiff would not have been subject to all or most of the misconduct perpetrated
13 against her.

14 75. As a direct and legal result of Defendants DOES 41 through 50, inclusive, and each of
15 them, having breached their duty to properly supervise and/or warn Plaintiff and her parents of the
16 wrongful conduct, Plaintiff has been severely damaged emotionally and physically, and otherwise, in
17 amounts to be determined, but which exceed the jurisdictional limits of the Superior Court.

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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff JANE DOE prays for judgment against Defendants LOS ANGELES
3 UNIFIED SCHOOL DISTRICT, RICHARD COLEMAN, and DOES 1 through 50, inclusive, and
4 each of them, as follows:

- 5 1. For an award of special (economic) and general (non-economic) damages according to
6 proof against all defendants;
- 7 2. For punitive and exemplary damages against Defendant COLEMAN;
- 8 3. For reasonable attorneys' fees of said suit as specifically provided in California Civil Code
9 section 52(b)(3) against COLEMAN;
- 10 4. For costs of suit incurred herein; and
- 11 5. For such other and further relief as the Court deems just and proper.

12 Dated: March 15, 2021

TAYLOR & RING

13
14 By:  _____

15 John C. Taylor
16 Brendan P. Gilbert
17 Attorneys for Plaintiff
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands that her action be determined by trial by jury.

Dated: March 15, 2021

TAYLOR & RING

By:  _____

John C. Taylor
Brendan P. Gilbert
Attorneys for Plaintiff

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