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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **IN AND FOR THE COUNTY OF RIVERSIDE**

12 JOHN BBL DOE, a minor by his Guardian
ad litem JANE WC DOE;

13 v.

14 SOUTHEASTERN CALIFORNIA
15 CONFERENCE OF SEVENTH-DAY
16 ADVENTISTS, a California nonprofit
corporation; NORTH AMERICAN
17 DIVISION OF SEVENTH-DAY
ADVENTISTS, an entity of unknown type,
18 MATTHEW DANIEL JOHNSON, an
individual; and DOES 1 to 100.

19 Defendants.

Case No.: CVRI2101617

Judge: Honorable Chad Firetag

Dept.: 3

SECOND AMENDED COMPLAINT FOR DAMAGES FOR:

- 1) NEGLIGENCE;
- 2) NEGLIGENT SUPERVISION;
- 3) NEGLIGENT HIRING/RETENTION;
- 4) NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE;
- 5) CONSTRUCTIVE FRAUD (CIVIL CODE § 1573);
- 6) BREACH OF FIDUCIARY DUTY;
- 7) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
- 8) COMMERCIAL SEXUAL EXPLOITATION OF A MINOR (PENAL CODE § 311.2 AND CIVIL CODE § 3345.1);
- 9) CONSTRUCTIVE INVASION OF PRIVACY (CIVIL CODE § 1708.8); and
- 10) DISTRIBUTION OF SEXUALLY EXPLICIT MATERIALS (CIVIL CODE § 1708.86)

DEMAND FOR JURY TRIAL

FILED
Superior Court of California
County of Riverside
10/6/2021
A. Vargus
Electronically Filed

1 COMES NOW, Plaintiff, JOHN BBL DOE, by and through his Guardian *ad litem*, JANE
2 WC DOE (hereinafter, "Plaintiff") who complains and alleges as follows:

3 **THE PARTIES**

4 **(PLAINTIFF)**

5 1. At all times mentioned herein, Plaintiff JOHN BBL DOE was a resident of the
6 County of Riverside, State of California. The name used by JOHN BBL DOE in this Complaint is
7 not the actual name of JOHN BBL DOE, but is a fictitious name utilized to protect the privacy of
8 JOHN BBL DOE, a victim of childhood sexual molestation and exploitation. Plaintiff JOHN
9 BBL DOE is a male minor, who was born on January 29, 2010, and was a minor during the entire
10 time of the sexual misconduct alleged herein. Plaintiff JOHN BBL DOE was a minor at the time
11 of all incidents alleged herein.

12 **(DEFENDANTS)**

13 2. Defendant SOUTHEASTERN CALIFORNIA CONFERENCE OF SEVENTH-
14 DAY ADVENTIST (hereinafter "SECC"), at all times mentioned herein was and is, a business
15 entity of form unknown, having its principal place of business in the County of Riverside, State of
16 California. Plaintiff is informed and believes and on that basis allege that La Sierra Academy is a
17 non-profit private school operated by Defendant SECC. SECC purposely conducts substantial
18 educational business activities in the State of California, and was the primary entity owning,
19 operating and controlling the activities and behavior of its employee and agent MATTHEW
20 JOHNSON

21 3. Defendant NORTH AMERICAN DIVISION OF SEVENTH-DAY
22 ADVENTISTS ("NAD"), at all times mentioned herein was and is, a business entity of form
23 unknown, having its principal place of business in Howard County, Maryland. Plaintiff is
24 informed and believe and on that basis allege that Defendant NAD is the national governing body
25 of the Seventh-Day Adventist local conferences and schools. Furthermore, Adventist Education,
26 the office of education within NAD is the school system of the Seventh-Day Adventist Church.
27 Plaintiff is informed and believes that NAD controls and has decision making power over
28 SECC's La Sierra Academy, which is a member school.

1 4. Defendant MATTHEW DANIEL JOHNSON (hereinafter “JOHNSON”), is and
2 adult individual, who Plaintiff is informed and believes, was arrested on March 5, 2020, and is
3 currently out on bail after being arrested on charges of child pornography. Plaintiff is informed
4 and believes that during the investigation of JOHNSON, it was revealed that JOHNSON was
5 using a camera he placed in the boys’ bathroom at SECC to videotape young boys, including
6 Plaintiff. Plaintiff is informed and believe that JOHNSON was hired by SECC and served as its
7 employee, agent, and/or servant of SECC and NAD. JOHNSON was hired by SECC as a
8 counselor to its minor students, during which time he came into contact with Plaintiff and video
9 recorded them in the bathroom.

10 5. Upon information and belief, JOHNSON has been arrested and charged with
11 violation of various criminal statutes including downloading and distributing child pornography
12 as well as video recording SECC students in the boys’ bathroom at La Sierra Academy.

13 6. At all relevant times herein, Defendants SECC, NAD and JOHNSON, and DOES
14 1 through 100, shall be referred to as “Defendants.”

15 7. Defendants DOES 1 through 100 are sued herein under said fictitious names.
16 Plaintiff is ignorant as to the true names and capacities of these DOE Defendants, whether
17 individual, corporate, associate, or other, and therefore sue said Defendants by such fictitious
18 names. When their true names and capacities are ascertained, Plaintiff will request leave of Court
19 to amend this Complaint to state their true names and capacities herein.

20 8. At all times mentioned herein, there existed a unity of interest and ownership
21 among Defendants SECC, NAD, JOHNSON, and DOES 1 through 100, such that any
22 individuality and separateness between them ceased to exist. These particular Defendants were
23 the successors-in-interest and/or alter egos of one another, in that they purchased, controlled,
24 dominated and operated one another without any separate identity, observation of formalities, or
25 other manner of division. To continue maintaining the facade of a separate and individual
26 existence among these Defendants would serve to perpetrate a fraud and an injustice.

27
28

1 9. At all times mentioned herein, Defendants were the agents, representatives and
2 employees of each and every other Defendant. In doing the things hereinafter alleged, Defendants
3 were acting within the course and scope of said alternative personality, capacity, identity, agency,
4 representation and/or employment and were within the scope of their authority, whether actual or
5 apparent.

6 10. At all times mentioned herein, Defendants were the trustees, partners, servants,
7 joint venturers, shareholders, contractors, and/or employees of each and every other Defendant,
8 and the acts and omissions herein alleged were done by them, acting individually, through such
9 capacities and within the scope of their authority, and with the permission and consent of each
10 and every other Defendant and said conduct was thereafter ratified by each and every other
11 Defendant, and each of them is jointly and severally liable to Plaintiff.

12 **GENERAL FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS**

13 11. At all times material hereto, Plaintiff was a student at SECC's La Sierra Academy.
14 As a result thereof, and at all material times hereto, the Plaintiff was under SECC, NAD, and
15 SECC's supervisory personnel's care, control and supervision.

16 12. SECC, among others, hired JOHNSON to work at SECC and/or failed at all facets
17 of their obligations, including in the hiring, retention, training and supervision of JOHNSON as
18 outlined herein.

19 13. By hiring JOHNSON to serve as an employee, aide, mentor, and counselor to
20 minor students, SECC and NAD held JOHNSON out to the public, Plaintiff and his family to be
21 of high ethical and moral repute, and to be in good standing with SECC, the County of Riverside,
22 the County of San Bernardino, the State of California, and the public. SECC represented to the
23 public, Plaintiff and his family that JOHNSON was a highly qualified counselor and mentor who
24 would assist Plaintiff with working through academic, spiritual, and personal issues they faced
25 and oversee their needs during school and after-school hours. Inherent in these representations
26 was the understanding that JOHNSON was selected to educate, aide, lead, guide, teach, support,
27 mentor and counsel the Plaintiff. Plaintiff and his family reasonably assumed that JOHNSON
28 was worthy of their trust. SECC represented that JOHNSON was worthy of that trust as well. As

1 a result, JOHNSON was put into a position to teach, counsel and advise minor students at SECC,
2 including Plaintiff, regarding academics, classes and spiritual issues.

3 14. At all times material hereto, JOHNSON was employed, retained, and/or allowed to
4 be on-campus to supervise, mentor, aide and/or teach children at SECC. In such capacity,
5 JOHNSON was under the direct supervision, employ, agency, and control of the SECC and NAD,
6 and DOES 1-100. His employment duties and responsibilities with the named Defendants
7 included, in part, providing for the supervision, counseling, advisory, educational, and emotional
8 needs and well-being of students at SECC and other children, including the Plaintiff.

9 15. Through his position with SECC and NAD, JOHNSON
10 was put into direct contact with Plaintiff, students at SECC JOHNSON was assigned to aide,
11 counsel, advise and mentor Plaintiff. It is under these circumstances that Plaintiff came to be
12 under the direction and control of JOHNSON, who used his position of authority and trust over
13 Plaintiff to sexually exploit him.

14 16. Plaintiff is informed and believe that JOHNSON was arrested on March 5, 2020,
15 after an investigation by the Fontana Police Department Internet Crimes Against Children task
16 force discovered he was in the possession of over 500 photographs depicting child pornography.
17 During this investigation it was uncovered that JOHNSON was using a camera positioned in the
18 boys' bathroom at SECC to videotape nude minors, including Plaintiff. Plaintiff is informed and
19 believe that JOHNSON was charged with crimes related to this investigation and the investigation
20 has continued with the Federal Bureau of Investigation.

21 17. As a student at SECC, where JOHNSON was retained and worked, Plaintiff was
22 under JOHNSON's direct supervision, care and control, thus creating a special relationship,
23 fiduciary relationship, and confidential relationship with Defendants. Additionally, as a minor
24 child under the custody, care and control of Defendants, Defendants stood in loco parentis with
25 respect to Plaintiff while he were attending school and school-related functions at SECC. As the
26 responsible parties and employers controlling JOHNSON, Defendants were also in a special
27 relationship with Plaintiff, and owed special duties to Plaintiff.

28

1 18. Before Plaintiff was sexually exploited by JOHNSON, Defendants knew or should
2 have known that JOHNSON had engaged in unlawful sexually-related conduct with minors in the
3 past, and/or was continuing to engage in such conduct. Defendants had a duty to disclose to these
4 facts to Plaintiff, his parents and others, but suppressed, concealed or failed to disclose this
5 information. The duty to disclose this information arose by the special, trusting, confidential,
6 fiduciary, and in loco parentis relationship between Defendants and Plaintiff.

7 19. Defendants failed to take reasonable steps and implement reasonable safeguards to
8 avoid acts of unlawful sexual conduct by JOHNSON, including preventing the sexual exploitation
9 of Plaintiff by JOHNSON, avoiding placement of JOHNSON in a function or environment in
10 which contact with children is an inherent part of that function or environment. Instead,
11 Defendants ignored and concealed the sexual exploitation of Plaintiff and others by JOHNSON
12 that had already occurred. Defendants failed to properly supervise JOHNSON at SECC, which
13 led to many students, including Plaintiff, being repeatedly sexually exploited by JOHNSON.

14 20. Prior to and during the sexual harassment, molestation and exploitation of the
15 Plaintiff, Defendants knew or should have known that JOHNSON had violated his role as a
16 mentor, counselor, advisor and faculty member, and used this position of authority and trust
17 acting on behalf of Defendants to gain access to children, including Plaintiff, on and off the
18 school facilities and grounds, in which he video recorded Plaintiff while unclothed in the
19 bathroom for his own sexual gratification as well as for distribution.

20 21. With knowledge that JOHNSON had previously engaged in dangerous and
21 inappropriate conduct with children, Defendants conspired to and did knowingly fail to take
22 reasonable steps, and failed to implement reasonable safeguards to avoid acts of unlawful sexual
23 conduct in the future by JOHNSON, including preventing or avoiding placement of JOHNSON in
24 a function or environment in which contact with children is an inherent aspect of that function or
25 environment.

26 22. Plaintiff further alleges that Defendants failed to report and did hide and conceal
27 from Plaintiff's parents, students, parents, teachers, law enforcement authorities, civil authorities
28

1 and others, the true facts and relevant information necessary to bring JOHNSON to justice for the
2 sexual misconduct he committed, as well as protect minors under their care, including Plaintiff.

3 23. Defendants also implemented various measures designed to, or which effectively,
4 made JOHNSON's conduct harder to detect including:

- 5 a. Permitting JOHNSON to remain in a position of authority and trust after
6 Defendants knew or should have known that he was a molester and
7 exploiter of children;
- 8 b. Placing JOHNSON in a separate and secluded environment, including
9 placing him in charge of young children, advising programs, and youth
10 programs where they purported to supervise the children, which allowed
11 him to sexually exploit the children, including Plaintiff;
- 12 c. Allowing JOHNSON to come into contact with minors, including Plaintiff,
13 without adequate supervision;
- 14 d. Failing to inform, or concealing from Plaintiff's parents and law
15 enforcement officials the fact that Plaintiff and others were or may have
16 been sexually exploited after Defendants knew or should have known that
17 JOHNSON may have sexually exploited Plaintiff or others, thereby
18 enabling Plaintiff to continue to be endangered and sexually exploited, and
19 creating the circumstance where Plaintiff and others were less likely to
20 receive medical/mental health care and treatment, thus exacerbating the
21 harm to Plaintiff;
- 22 e. Holding out JOHNSON to Plaintiff and Plaintiff's parents, students, and to
23 the school community as being in good standing and trustworthy;
- 24 f. Failing to take reasonable steps, and to implement reasonable safeguards to
25 avoid acts of unlawful sexual exploitation by JOHNSON with students,
26 who were minor children; and
- 27 g. Failing to put in place a system or procedure to supervise or monitor
28 employees, volunteers, representatives or agents to insure that they did not
exploit or molest minors in Defendants' care, including Plaintiff.
- h. Failing to put in place a system or procedure to supervise or monitor
employees, volunteers, representatives or agents to insure that they did not
place hidden recording devices in the restrooms.
- i. Failing to put in place a system or procedure to determine whether or not
hidden recording devices were being used in the restrooms.

1 24. By his position within the Defendants' institutions, Defendants and JOHNSON
2 demanded and required that the Plaintiff and Plaintiff's parents respect JOHNSON in his position
3 of aide, advisor, youth counselor, teacher and mentor at SECC.

4 **FACTUAL ALLEGATIONS APPLICABLE TO PLAINTIFF**

5 25. The incidents of sexual exploitation outlined herein took place while Plaintiff was
6 under the control of JOHNSON in his capacity and position as counselor and mentor at SECC
7 and while acting specifically on behalf of Defendants

8 26. Defendant JOHNSON was at all times relevant to this Complaint a counselor,
9 advisor, and youth mentor at La Sierra Academy an institution wholly operated by the SECC and
10 NAD.

11 27. Plaintiff is informed and believe that while JOHNSON sexually exploited Plaintiff,
12 Defendants were well aware that JOHNSON took an unusual interest, and spent an inordinate
13 amount of time with minor children and had unfettered access to the boys' restroom despite its
14 reservation for minors.

15 28. Facts Regarding the Sexual Exploitation of Plaintiff:

16 a. Subsequent to JOHNSON's arrest, Plaintiff's parents were notified by
17 victim services and the Federal Bureau of Investigation that Plaintiff
18 had been identified as a child filmed by JOHNSON while in the
19 bathroom at SECC's La Sierra Academy.

20 b. Subsequent to Plaintiff's sexual exploitation at the hands of JOHNSON, he
21 began to experience multiple mental, emotional and psychological
22 problems, due to the sexual exploitation.

23 29. As set forth more fully herein above, JOHNSON did sexually exploit Plaintiff,
24 who was a minors at the time. Such conduct by JOHNSON was based upon Plaintiff's gender,
25 and was done for JOHNSON 's sexual gratification. These actions upon Plaintiff was performed
26 by JOHNSON without the free consent of Plaintiff, who were minors at all times of the
27 exploitation. These actions upon Plaintiff constitute conduct in violation of California Penal Code
28 § 311.2 and others.

1 30. As a direct result of the sexual exploitation of Plaintiff by JOHNSON , Plaintiff
2 has difficulty in reasonably or meaningfully interacting with others, including those in positions
3 of authority over Plaintiff, and in intimate, confidential and familial relationships, due to the
4 trauma of childhood sexual exploitation inflicted upon them by Defendant. This inability to
5 interact creates conflict with Plaintiff’s values of trust and confidence in others, and has caused
6 Plaintiff substantial emotional distress, anxiety, nervousness and fear.

7 31. As a direct result of Plaintiff’s exploitation by JOHNSON, Plaintiff experienced
8 severe issues with their personal life, including issues with trust and difficulties in maintaining
9 meaningful familial relationships and friendships. These feelings have caused Plaintiff substantial
10 emotional distress, anxiety, nervousness and fear.

11 32. As a direct and proximate result of the Defendants’ tortious acts, omissions,
12 wrongful conduct and/or breaches of their duties, whether willful or negligent, Plaintiff’s future
13 employment and personal development has been adversely affected. Plaintiff’s will lose wages as
14 a result of the exploitation at the hands of Defendants in an amount to be determined at trial.
15 Plaintiff’s have suffered economic injury, all to Plaintiff’s general, special and consequential
16 damage in an amount to be proven at trial, but in no event less than the minimum jurisdictional
17 amount of this Court.

18 33. Defendants should have been aware of JOHNSON’s wrongful conduct at or about
19 the time it was occurring, and thereafter, but took no action to obstruct, inhibit or stop such
20 continuing conduct, or to help prevent Plaintiff (as well as his parents) from enduring the trauma
21 from such conduct. Despite the authority and ability to do so, Defendants refused to, and did not
22 act effectively to stop the sexual exploitation of Plaintiff, to inhibit or obstruct such abuse, or to
23 protect Plaintiff from the results of that trauma.

24 34. During the period of exploitation of Plaintiff at the hands of JOHNSON ,
25 Defendants had the authority and ability to obstruct or stop JOHNSON’s sexual exploitation on
26 Plaintiff, but failed to do so, thereby allowing the exploitation to occur and to continue unabated.
27 This failure was a part of Defendants’ plan and arrangement to conceal wrongful acts, to avoid
28 and inhibit detection, to block public disclosure, to avoid scandal, to avoid the disclosure of their

1 tolerance of child sexual exploitation, to preserve a false appearance of propriety, and to avoid
2 investigation and action by public authority including law enforcement. Such actions were
3 motivated by a desire to protect the reputation of Defendants, and to protect the monetary support
4 of Defendants while fostering an environment where such exploitation could continue to occur.

5 35. As is set forth herein, Defendants and each of them have failed to uphold
6 numerous mandatory duties imposed upon them by state and federal law, and by written policies
7 and procedures applicable to Defendants, including but not limited to the following:

- 8 * Duty to use reasonable care to protect students from known or foreseeable
9 dangers (Government Code §§ 820, 815.2);
- 10 * Duty to refrain from taking official action that contradicts the provisions of
11 Article 1, § 28© of the California Constitution;
- 12 * Duty to enact policies and procedures that are not in contravention of the
13 Federal Civil Rights Act, § 1983, and the 14th Amendment of the United
14 States Constitution;
- 15 * Duty to protect students and staff, and provide adequate supervision;
- 16 * Duty to ensure that any direction given to faculty and students is lawful,
17 and that adults act fairly, responsibly and respectfully towards faculty and
18 students;
- 19 * Duty to properly train teachers, athletic directors, athletic coaches, youth
20 counselors, mentors, administrators, and staff so that they are aware of
21 their individual responsibility for creating and maintaining a safe
22 environment;
- 23 * Duty to supervise faculty and students and enforce rules and regulations
24 prescribed for schools, exercise reasonable control over students as is
25 reasonably necessary to maintain order, protect property, or protect the
26 health and safety of faculty and students or to maintain proper and
27 appropriate conditions conducive to learning;
- 28 * Duty to exercise careful supervision of the moral conditions in the school;
- * Duty to hold pupils to a strict account for their conduct on the way to and
from school, on the playgrounds or during recess;
- * Duty to properly monitor students, prevent or correct harmful situations or
call for help when a situation is beyond their control;

- 1 * Duty to ensure that personnel are actually on hand and supervising
- 2 students;
- 3 * Duty to provide enough supervision to students;
- 4 * Duty to supervise diligently;
- 5 * Duty to act promptly and diligently and not ignore or minimize problems;
- 6 * Duty to refrain from violating Plaintiff's right to protection from bodily
- 7 restraint or harm, from personal insult, from defamation, and from injury to
- 8 his personal relations (Civil Code § 43);
- 9 * Duty to abstain from injuring the person or property of Plaintiff, or
- 10 infringing upon any of his rights (Civil Code § 1708);
- 11 * Duty to report suspected incidents of child abuse and more specifically
- 12 childhood sexual abuse (Penal Code §§ 11166, 11167); and
- 13 * Duty to establish various school safety and violence prevention programs
- 14 (Education Code §§ 32228, 32228.5, 35294.10-35294.15).

15 36. Compulsory education laws create a special relationship between students and

16 Defendants, and students have a constitutional guarantee to a safe, secure and peaceful school

17 environment. Defendants and each of them failed to acknowledge unsafe conditions, and

18 therefore failed to guarantee safe surroundings in an environment in which Plaintiff was not free

19 to leave, specifically including but not limited to allowing JOHNSON to operate isolated

20 environments, incapable of monitoring from the outside, wherein JOHNSON sexually exploited

21 Plaintiff and others.

22 37. Defendants had and have a duty to protect students, including Plaintiff. Defendants

23 were required to, and failed to provide adequate campus and site school event supervision, and

24 failed to be properly vigilant in seeing that supervision was sufficient to ensure the safety of

25 Plaintiff and others.

26 38. Defendants lodged with JOHNSON the color of authority, by which he was able to

27 influence, direct and exploit Plaintiff and others, and to act illegally, unreasonably and without

28 respect for the person and safety of Plaintiff.

1 45. Defendants had special duties to protect the Plaintiff and the other students within
2 SECC, when such students were entrusted to their care by their parents. Plaintiff's care, welfare
3 and physical custody were entrusted to Defendants. Defendants voluntarily accepted the entrusted
4 care of Plaintiff. As such, Defendants owed Plaintiff, minor children, a special duty of care, in
5 addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing
6 with children owe to protect them from harm. The duty to protect and warn arose from the
7 special, trusting, confidential, and fiduciary relationship between Defendants and Plaintiff.
8 Plaintiff instilled great trust, faith and confidence in Defendants, and in JOHNSON as their
9 teachers, counselors, advisers and mentors.

10 46. Defendants breached their duties of care to the minor Plaintiff by allowing
11 JOHNSON to come into contact with the minor Plaintiff and other students, without supervision;
12 by failing to adequately hire, supervise and retain JOHNSON who they permitted and enabled to
13 have access to Plaintiff; by failing to investigate or otherwise confirm or deny such facts about
14 JOHNSON; by failing to tell or concealing from Plaintiff, his parents, guardians and law
15 enforcement officials that JOHNSON was or may have been sexually exploiting minors; by
16 failing to tell or concealing from Plaintiff's parents, guardians or law enforcement officials that
17 Plaintiff was or may have been sexually harassed, molested and exploited after Defendants knew
18 or should have known that JOHNSON may have sexually exploited Plaintiff or others, thereby
19 enabling Plaintiff to continue to be endangered and sexually exploited, and creating the
20 circumstance where Plaintiff was less likely to receive medical/mental health care or treatment,
21 thus exacerbating the harm done to Plaintiff; and by holding out JOHNSON to Plaintiff and to his
22 parents as being in good standing and trustworthy. Defendants cloaked within the facade of
23 normalcy Defendants' conduct, contact and actions with Plaintiff and disguised the nature of the
24 sexual harassment, molestation and exploitation and contact.

25 47. Defendants breached their duty to Plaintiff by, inter alia, failing to investigate or
26 otherwise confirm or deny such facts, failing to reveal such facts to Plaintiff, the community of
27 the school, students, minors, and law enforcement agencies, placing and continuing to place
28 JOHNSON in positions of trust and authority within SECC and holding out, and continuing to

1 hold out JOHNSON to Plaintiff, the public, the community of the school, students, minors, and
2 law enforcement agencies as being in good standing and trustworthy.

3 48. Defendants breached their duty to Plaintiff by, *inter alia*, failing to adequately
4 monitor and supervise JOHNSON and stopping JOHNSON from committing wrongful sexual
5 exploitation of minors including Plaintiff. This belief is founded on the fact that Plaintiff was
6 informed and believed that the employees and staff of SECC had suspected the exploitation was
7 occurring at the time, and failed to investigate into the matter further. Based on these facts,
8 Defendants knew and or should have known of JOHNSON's incapacity to supervise and stop
9 employees of Defendants from committing wrongful sexual exploitation of minors.

10 **NEGLIGENCE PER SE-PENAL CODE MANDATORY CHILD ABUSE REPORTING**

11 49. Plaintiff re-alleges and incorporate by reference herein each and every allegation
12 contained herein above as though fully set forth and brought in this cause of action.

13 50. Under CANRA, Defendants were child care custodians and were under a statutory
14 duty to report known or suspected incidents of sexual molestation or abuse of minors to a child
15 protective agency, pursuant to California Penal Code § 11166, and/or not to impede the filing of
16 any such report.

17 51. Defendants knew or should have known that their agent, employee, counselor,
18 advisor and mentor, JOHNSON, and other teachers and staff of Defendants had sexually
19 molested,
20 abused or exploited minors, including Plaintiff, giving rise to a duty to report such conduct under
21 California Penal Code § 11166.

22 52. Defendants knew, or should have known, in the exercise of reasonable diligence,
23 that an undue risk to minors, including Plaintiff, existed because Defendants did not comply with
24 California's mandatory reporting requirements.

25 53. By failing to report the continuing exploitation, which Defendants knew of or
26 should have known of, and by ignoring the fulfillment of the mandated compliance with the
27 reporting requirements provided under California Penal Code §11166, Defendants created the risk
28

1 and danger contemplated by the CANRA, and as a result, unreasonably and wrongfully exposed
2 Plaintiff and other minors to sexual exploitation.

3 54. Plaintiff was a member of the class of persons for whose protection California
4 Penal Code § 11166 was specifically adopted to protect.

5 55. Had Defendants adequately reported the exploitation of Plaintiff and other minors
6 as required by California Penal Code § 11166, further harm to Plaintiff and other minors would
7 have been avoided.

8 56. As a proximate result of Defendants' failure to follow the mandatory reporting
9 requirements of California Penal Code § 11166, Defendants wrongfully denied Plaintiff and other
10 minors the intervention of child protection services. Such public agencies would have changed
11 the then-existing arrangements and conditions that provided the access and opportunities for the
12 exploitation of Plaintiff by JOHNSON.

13 57. The physical, mental, and emotional damages and injuries resulting from the
14 sexual exploitation of Plaintiff by JOHNSON, were the type of occurrence and injuries that the
15 CANRA were designed to prevent.

16 58. As a result, Defendants' failure to comply with the mandatory reporting
17 requirements of California Penal Code § 11166 also constituted a per se breach of Defendants'
18 duties to Plaintiff.

19 **NEGLIGENCE PER SE-EDUCATION CODE SAFETY AND VIOLENCE PROGRAMS**

20 59. Under the Education Code (Education Code §§32228, 32228.5, 35294.10-
21 35294.15), Defendants had a duty to establish various school safety and violence prevention
22 programs designed to protect minor students such as Plaintiff from the sexually exploitive acts of
23 serial predators such as JOHNSON.

24 60. Defendants knew or should have known that their agents, employees, counselors,
25 advisors and mentors, JOHNSON, and other teachers and staff of Defendants were engaging in
26 sexually exploitive acts with Plaintiff.

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1 61. Defendants knew, or should have known in the exercise of reasonable diligence,
2 that an undue risk to minors, including Plaintiff, existed because Defendants did not comply with
3 California's Education Code school safety and protection requirements.

4 62. By failing to adhere to the Education Code's school safety and protection
5 requirements, Defendants created the risk and danger contemplated by the Education Code and as
6 a result, unreasonably and wrongfully exposed Plaintiff and other minors to sexual exploitation.

7 63. Plaintiff was a member of the class of persons for whose protection the Education
8 Code's school safety and violence protection programs were specifically adopted to protect.

9 64. Had Defendants established various school safety and violence prevention
10 programs designed to protect minor students such as Plaintiff from the sexually exploitive acts of
11 serial predators such as JOHNSON, further harm to Plaintiff and other minors would have been
12 avoided.

13 65. As a proximate result of Defendants' failure to establish various school safety and
14 violence prevention programs designed to protect minor students such as Plaintiff from the
15 sexually exploitive acts of serial predators such as JOHNSON, Defendants wrongfully denied
16 Plaintiff and other minors the benefit of the protection of such programs.

17 66. The physical, mental, and emotional damages and injuries resulting from the
18 sexual molestation of Plaintiff by JOHNSON, were the type of occurrence and injuries that the
19 Education Code's school safety and violence prevention programs were designed to prevent.

20 67. As a result, Defendants' failure to comply with the Education Code's school safety
21 and violence prevention programs also constituted a per se breach of Defendants' duties to
22 Plaintiff.

23 68. As a result of the above-described conduct, Plaintiff suffered and continues to
24 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
25 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
26 enjoyment of life; have suffered and continue to suffer and were prevented and will continue to
27 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
28

1 loss of earnings and earning capacity, and have incurred and will continue to incur expenses for
2 medical and psychological treatment, therapy, and counseling.

3 **SECOND CAUSE OF ACTION**
4 **NEGLIGENT SUPERVISION**
5 **(Against All Defendants, Except JOHNSON)**

6 69. Plaintiff re-alleges and incorporate by reference herein each and every allegation
7 contained herein above as though fully set forth and brought in this cause of action.

8 70. As an educational institution for minors, where all of the students are entrusted to
9 the teachers, counselors, advisors, mentors, coaches, faculty members and administrators, SECC
10 expressly and implicitly represented that these individuals, including JOHNSON, were not a
11 sexual threat to children and others who would fall under JOHNSON's influence, control,
12 direction, and guidance.

13 71. Defendants negligently failed to supervise JOHNSON in his positions of trust and
14 authority as teachers, teacher's assistants, counselors and mentors, and/or other authority figure,
15 where they were able to commit wrongful acts against the Plaintiff. Defendants failed to provide
16 reasonable supervision of JOHNSON. Defendants further failed to take reasonable measures to
17 prevent sexual harassment, molestation and exploitation of minors, including Plaintiff.

18 72. At no time during the periods of time alleged did Defendants have in place a
19 system or procedure to reasonably investigate, supervise and monitor counselors and child
20 supervisors, including JOHNSON to prevent pre-sexual grooming and sexual harassment and
21 exploitation of children, nor did they implement a system or procedure to oversee or monitor
22 conduct toward minors, students and others in Defendants' care.

23 73. Defendants were or should have known to be aware and understand how
24 vulnerable children were to sexual exploitation by counselors, advisors, mentors, coaches,
25 teachers and other persons of authority within Defendants.

26 74. Defendants' conduct was a breach of their duties to Plaintiff.

27 75. Defendants breached their duty to Plaintiff by, *inter alia*, failing to adequately
28 monitor and supervise JOHNSON and stopping JOHNSON from committing wrongful sexual

1 acts with minors including Plaintiff. This belief is founded on the fact that employees and staff of
2 SECC had suspected the exploitation was occurring at the time, and failed to investigate into the
3 matter further. Based on these facts, Defendants knew or should have known of JOHNSON's
4 incapacity to supervise and stop employees of Defendants from committing wrongful sexual acts
5 with minors.

6 **THIRD CAUSE OF ACTION**
7 **NEGLIGENT HIRING/RETENTION**
8 **(Against All Defendants, except JOHNSON)**

9 76. Plaintiff re-alleges and incorporate by reference herein each and every allegation
10 contained herein above as though fully set forth and brought in this cause of action.

11 77. By virtue of Plaintiff's special relationship with Defendants and Defendants' relation to
12 JOHNSON, Defendants owed Plaintiff a duty to not hire and retain JOHNSON given his
13 dangerous and exploitive propensities, which Defendants knew or should have known of had they
14 engaged in a meaningful and adequate investigation of their background prior to their hiring.

15 78. As an educational institution and operator of a school, where all of the students are
16 minors entrusted to the schools and its employees and agents, Defendants expressly and implicitly
17 represented that the counselors, advisors, mentors, coaches, teachers and others, including
18 JOHNSON, was not a sexual threat to children and others who would fall under JOHNSON's
19 influence, control, direction, and guidance.

20 79. At no time during the periods of time alleged did Defendants have in place a
21 system or procedure to reasonably investigate, supervise and monitor teachers, including
22 JOHNSON, to prevent pre-sexual grooming and sexual harassment, molestation and exploitation
23 of children, nor did they implement a system or procedure to oversee or monitor conduct toward
24 minors, students and others in Defendants' care.

25 80. Defendants were or should have known to be aware of and understand how
26 vulnerable children were to sexual harassment, molestation and exploitation by teachers and other
27 persons of authority within the control of Defendants.

28 81. Defendants were put on notice, and should have known that JOHNSON had
previously engaged in dangerous and inappropriate conduct, and that it was, or should have been

1 foreseeable that they were engaging, or would engage in illicit sexual exploitation of Plaintiff,
2 and others, under the cloak of their authority, confidence, and trust, bestowed upon them through
3 Defendants.

4 82. Defendants were placed on notice that JOHNSON had engaged in dangerous and
5 inappropriate conduct, both before their employment within Defendants, and during that
6 employment. Plaintiff is informed, and thereon allege, that other third parties, minors, students,
7 law enforcement officials and parents informed Defendants of inappropriate conduct committed
8 by JOHNSON.

9 83. Even though Defendants knew or should have known of these activities by
10 JOHNSON, Defendants failed to use reasonable care in investigating JOHNSON and did nothing
11 to reasonably investigate, supervise or monitor JOHNSON to ensure the safety of the minor
12 students.

13 84. Defendants' conduct was a breach of their duties to Plaintiff.

14 **FOURTH CAUSE OF ACTION**
15 **NEGLIGENT FAILURE TO WARN, TRAIN, or EDUCATE**
16 **(Against All Defendants, except JOHNSON)**

17 85. Plaintiff re-alleges and incorporates by reference herein each and every allegation
18 contained herein above as though fully set forth and brought in this cause of action.

19 86. Defendants owed Plaintiff a duty to take reasonable protective measures to protect
20 Plaintiff and other minor students from the risk of childhood sexual harassment, molestation and
21 exploitation by JOHNSON by properly warning, training or educating Plaintiff and other students
22 about how to avoid such a risk.

23 87. Defendants breached their duty to take reasonable protective measures to protect
24 Plaintiff and other minor students from the risk of childhood sexual harassment, molestation and
25 exploitation by JOHNSON, such as the failure to properly warn, train or educate Plaintiff and
26 other students about how to avoid such a risk.

27 88. Defendants breached their duty to take reasonable protective measures to protect
28 Plaintiff and other minor students from the risk of childhood sexual harassment, molestation and

1 exploitation by JOHNSON, by failing to supervising and stop employees of Defendants,
2 including JOHNSON, from committing wrongful sexual exploitation of minors, including
3 Plaintiff.

4 **FIFTH CAUSE OF ACTION**
5 **CONSTRUCTIVE FRAUD: CIVIL CODE § 1573**
6 **(Against all Defendants, except JOHNSON)**

7 89. Plaintiff re-alleges and incorporate by reference herein each and every allegation
8 contained herein above as though fully set forth and brought in this cause of action.

9 90. By holding themselves out as qualified institutions of learning for children, by
10 holding JOHNSON out as an agent of Defendants, and by allowing undertaking the academic,
11 psychological and emotional instruction and guidance of the Plaintiff through the actions of
12 JOHNSON, Defendants entered into a fiduciary, special and confidential relationship with
13 Plaintiff.

14 91. Defendants breached their fiduciary, special and confidential duties to Plaintiff by
15 the wrongful and negligent conduct described herein above, and by so doing gained an advantage
16 over Plaintiff in matters relating to their safety, security and health. In breaching such duties,
17 Defendants were able to sustain their status as institutions of high moral repute, preserve their
18 reputation in the community, including their administrators and staff, all at the expense of
19 Plaintiff's further injury and in violation of Defendants' mandatory duties.

20 92. By virtue of their fiduciary relationship and special relationship with Plaintiff,
21 Defendants owed Plaintiff a duty to:

- 22 a. Investigate or otherwise confirm or deny such claims of sexual
23 exploitation;
- 24 b. Reveal such facts to Plaintiff, Plaintiff's parents, and caretakers, the school
25 community, and law enforcement agencies;
- 26 c. Refuse to place JOHNSON and other persons who sexually exploit
27 children in positions of trust and authority within Defendants' institutions;
- 28 d. Refuse to hold out JOHNSON and other persons who sexually exploit
children to the public, the school community, students, minors, parents and
law enforcement agencies as being in good standing and, trustworthy in

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keeping with his and their position as a teacher, counselor, advisor, mentor and authority figure;

- e. Refuse to assign JOHNSON and other persons who sexually exploit children to positions of power within the school and over minor students; and
- f. Disclose to Plaintiff's parents and Plaintiff, the public, the community, the school, students, minors, and law enforcement agencies the wrongful, tortious, and criminal acts of JOHNSON and others.

93. Defendants' breached their respective duties by:

- a. Allowing for JOHNSON to serve in a position for which he was not qualified;
- b. Issuing no warnings about JOHNSON;
- c. Permitting JOHNSON to routinely be alone and in control of minors, unsupervised;
- d. Not having adopted a policy to prevent JOHNSON from placing a video recording device in the boys' bathroom;
- e. Making no reports of any allegations of JOHNSON's dangerous and inappropriate conduct prior to and during their employment at Defendants; and
- f. Assigning and continuing to assign JOHNSON to duties which placed him in positions of authority and trust over minors, positions in which JOHNSON could easily isolate and sexually exploit minors.

94. At the time that Defendants engaged in such suppression and concealment of acts, such acts were done for the purpose of causing Plaintiff to forbear on his rights.

95. Defendants' misconduct did reasonably cause Plaintiff to forbear on his rights.

96. The misrepresentation, suppression and concealment of facts were likely to mislead Plaintiff and others to believe that Defendants had no knowledge of any charges, or that there were no other charges of unlawful and sexual misconduct or exploitation against JOHNSON or others and that there was no need for them to take further action or precaution.

1 97. The misrepresentation, suppression and concealment of facts by Defendants was
2 likely to mislead Plaintiff and others to believe that Defendants had no knowledge of the fact that
3 JOHNSON was a danger to students.

4 98. Defendants knew or should have known at the time they suppressed and concealed
5 the true facts regarding JOHNSON and others' dangerous and inappropriate conduct that the
6 resulting impressions were misleading.

7 99. Defendants suppressed and concealed the true facts with the purpose of:
8 preventing Plaintiff, Plaintiff's parents, and others, from learning that JOHNSON and others had
9 been engaging in dangerous and inappropriate conduct and were continuing to sexually harass,
10 molest and exploit minors and others under JOHNSON and Defendants' control, direction, and
11 guidance, with complete impunity; inducing people, including Plaintiff and other benefactors and
12 donors to participate and financially support Defendants' school and other enterprises of
13 Defendants; preventing further reports and outside investigations into JOHNSON's and
14 Defendants' conduct; preventing discovery of Defendants' own conduct; avoiding damage to the
15 reputations of Defendants; protecting Defendants' power and status in the community and the
16 academic community; avoiding damage to the reputation of Defendants and Defendants'
17 institutions; and avoiding the civil and criminal liability of Defendants, of JOHNSON, and of
18 others.

19 100. Defendants, with knowledge of the tortious nature of their own, and each other's
20 conduct, gave each other substantial assistance to perpetrate the misrepresentations, fraud and
21 deceit alleged herein.

22 101. Defendants' suppression and concealment of facts, and in reliance thereon, were
23 induced to act or induced not to act, exactly as intended by Defendants. Specifically, Plaintiff was
24 induced to believe that there were no allegations of dangerous or inappropriate behavior of
25 JOHNSON. Had Plaintiff or others known the true facts, they would have not participated further
26 nor continued to financially support the Defendants' activities alleged herein; they would have
27 reported the matters to the proper authorities, to other students and their parents so as to prevent
28 future recurrences; they would not have allowed children, including Plaintiff, to be alone with, or

1 have any relationship with JOHNSON; they would not have allowed children, including Plaintiff,
2 to attend or be under the control of Defendants; they would have undertaken their own
3 investigations which would have led to discovery of the true facts; and they would have sought
4 psychological counseling for Plaintiff, and for other children molested and exploited by
5 JOHNSON.

6 102. By giving JOHNSON the position of teacher, aide, counselor, advisor and mentor,
7 Defendants impliedly represented that JOHNSON was safe and morally fit to give children
8 instruction, direction and guidance.

9 103. When Defendants made these representations or non-disclosure of material facts,
10 Defendants knew or should have known that the facts were otherwise. Defendants knowingly and
11 intentionally suppressed the material facts that JOHNSON had engaged in dangerous and
12 inappropriate conduct, and knew of or learned of conduct, or should have learned of conduct by
13 JOHNSON which placed Defendants on notice that JOHNSON had previously been suspected,
14 charged, arrested and convicted of felonies, including drug use, and was likely abusing children.
15 In fact, Defendants had in place a policy and procedure for concealing child abusers as well as
16 failing to document or report such exploitation in direct violation of their mandatory legal duties
17 and obligations.

18 104. Because of Plaintiff's young age, and because of the status of JOHNSON as an
19 authority figure to Plaintiff, Plaintiff was vulnerable to JOHNSON. Specifically, JOHNSON
20 sought Plaintiff out, and was empowered by and accepted Plaintiff's vulnerability. Plaintiff's
21 vulnerability also prevented Plaintiff from effectively protecting themselves from the sexual
22 advances of JOHNSON. Plaintiff's parents vulnerability also prevented Plaintiff's parents from
23 effectively protecting their children from the sexual advances of JOHNSON.

24 105. Defendants had the duty to obtain and disclose information relating to misconduct
25 of JOHNSON.

26 106. Defendants misrepresented, concealed or failed to disclose information relating to
27 misconduct of JOHNSON.
28

1 107. Defendants knew that they had misrepresented, concealed or failed to disclose
2 information related to misconduct of JOHNSON.

3 108. Plaintiff justifiably relied upon Defendants for information relating to misconduct
4 of JOHNSON.

5 109. Defendants, in concert with each other and with the intent to conceal and defraud,
6 conspired and came to a meeting of the minds whereby they would misrepresent, conceal or fail
7 to disclose information relating to the misconduct of JOHNSON, the inability of Defendants to
8 supervise or stop JOHNSON from sexually harassing, molesting and abusing Plaintiff, and their
9 own failure to properly investigate, supervise and monitor his conduct with minors and students.

10 110. By so concealing, Defendants committed at least one act in furtherance of the
11 conspiracy.

12 111. As a result of the above-described conduct, Plaintiff has suffered and continue to
13 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
14 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
15 enjoyment of life; have suffered and continue to suffer and were prevented and will continue to
16 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
17 loss of earnings and earning capacity, and have incurred and will continue to incur expenses for
18 medical and psychological treatment, therapy, and counseling.

19 112. In addition, when Plaintiff finally discovered the fraud of Defendants, and
20 continuing thereafter, Plaintiff experienced recurrences of the above-described injuries. In
21 addition, when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter,
22 Plaintiff experienced extreme and severe mental anguish and emotional distress that Plaintiff had
23 been the victim of Defendants' fraud; that Plaintiff had not been able to help other minors being
24 abused because of the fraud, and that Plaintiff had not been able because of the fraud to receive
25 timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to
26 suffer as a result of the sexual exploitation

27 113. As a result of the above-described conduct, Plaintiff suffered and continues to
28 suffer great pain of mind and body, shock, emotional distress, physical manifestations of

1 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
2 enjoyment of life; have suffered and continue to suffer and were prevented and will continue to
3 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
4 loss of earnings and earning capacity, and have incurred and will continue to incur expenses for
5 medical and psychological treatment, therapy, and counseling.

6 114. In addition, Plaintiff reserves his rights, pursuant to California Code of Civil
7 Procedure § 425.14, to seek leave of court to pursue an award of damages against Defendant
8 SECC and NAD in a sum to be shown according to proof.

9 **SIXTH CAUSE OF ACTION**
10 **BREACH OF FIDUCIARY DUTY**
11 **(Against all Defendants)**

12 115. Plaintiff re-alleges and incorporate by reference herein each and every allegation
13 contained herein above as though fully set forth and brought in this cause of action.

14 116. Defendants, as school teachers, staff, faculty, administrators and/or SECC officials
15 were in a fiduciary relationship with Plaintiff, owing them a special duty of due care. All
16 Defendants are mandated reporters with respect to claims of child abuse and child safety.

17 117. Defendants breached their fiduciary duty by failing to properly supervise
18 JOHNSON and take appropriate steps to prevent the lewd and lascivious conduct perpetrated by
19 JOHNSON against Plaintiff. Defendants SECC and NAD also failed to implement or follow
20 appropriate policies and procedures to protect Plaintiff. In addition, Defendants failed to report
21 JOHNSON's exploitation or promptly notify Plaintiff or his parents.

22 118. The principals, supervisory personnel, and administrators of SECC and NAD
23 willfully and intentionally ignored behavior in JOHNSON and complaints against JOHNSON
24 that they should have reported due to their responsibility as mandated reporters.

25 119. Defendants failed to call the Commission and to report JOHNSON to law
26 enforcement and/or proper civil authorities. The failure to report JOHNSON on each occasion
27 was willful and in conscious disregard of the children's safety and robbed the Commission of the
28 opportunity to conduct its own independent investigation and consequently concluding that

1 JOHNSON was unfit to teach. This all led to the children being further exposed to JOHNSON's
2 ongoing abuse.

3 120. As a result of the above-described conduct, Plaintiff suffered and continues to
4 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
5 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
6 enjoyment of life; have suffered and continue to suffer and were prevented and will continue to
7 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
8 loss of earnings and earning capacity, and have incurred and will continue to incur expenses for
9 medical and psychological treatment, therapy, and counseling.

10 121. In addition, Plaintiff reserves his right, pursuant to California Code of Civil
11 Procedure § 425.14, to seek leave of court to pursue an award of punitive damages against
12 Defendant SECC and NAD in a sum to be shown according to proof.

13 **SEVENTH CAUSE OF ACTION**
14 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
15 **(Against All Defendants)**

16 122. Plaintiff re-alleges and incorporate by reference herein each and every allegation
17 contained herein above as though fully set forth and brought in this cause of action.

18 123. Defendants' conduct toward Plaintiff's, as described herein, was outrageous and
19 extreme.

20 124. A reasonable person would not expect or tolerate Defendants putting JOHNSON
21 in positions of authority at SECC and NAD which enabled JOHNSON to have access to minor
22 students, including Plaintiff, so that he could commit wrongful sexual acts with them, including
23 the conduct described herein above. Plaintiff held great trust, faith and confidence in Defendants,
24 which, by virtue of Defendants' wrongful conduct, turned to fear.

25 125. A reasonable person would not expect or tolerate Defendants to be incapable of
26 supervising and preventing employees of Defendants, including JOHNSON, from committing
27 wrongful sexual exploitation of minor students, including Plaintiff, or to properly supervise
28

1 JOHNSON to prevent such sexual exploitation from occurring, or to promptly notify parents or
2 authorities.

3 126. Defendants' conduct described herein was intentional and malicious and done for
4 the purpose of causing, or with the substantial certainty that it would cause Plaintiff to suffer
5 humiliation, mental anguish and emotional and physical distress.

6 127. As a result of the above-described conduct, Plaintiff suffered and continue to
7 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
8 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
9 enjoyment of life; have suffered and continue to suffer and were prevented and will continue to
10 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
11 loss of earnings and earning capacity, and have incurred and will continue to incur expenses for
12 medical and psychological treatment, therapy, and counseling.

13 128. In addition, Plaintiff reserves his right, pursuant to California Code of Civil
14 Procedure § 425.14, to seek leave of court to pursue an award of punitive damages against
15 Defendant SECC and NAD in a sum to be shown according to proof.

16 **EIGHTH CAUSE OF ACTION**
17 **COMMERCIAL SEXUAL EXPLOITATION OF A MINOR: PENAL CODE § 311.2 and**
18 **CIVIL CODE § 3345.1**
(Against Defendant JOHNSON)

19 129. Plaintiff re-alleges and incorporate by reference herein each and every allegation
20 contained herein above as though fully set forth and brought in this cause of action.

21 130. Plaintiff is informed and believe and on that basis allege that JOHNSON sexually
22 exploited the Plaintiff by knowingly developing or exchanging photographs, videotapes and/or
23 video recordings of Plaintiff.

24 131. Such photographs, videotapes and/or video recordings necessarily depicted
25 Plaintiff in obscene sexual conduct as the video recordings were procured by recording Plaintiff
26 while using the bathroom.

27 132. As a result of this commercial exploitation, Plaintiff suffered and continues to
28 suffer great pain of mind and body, shock, emotional distress, physical manifestations of

1 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
2 enjoyment of life; have suffered and continue to suffer and were prevented and will continue to
3 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
4 loss of earnings and earning capacity, and have incurred and will continue to incur expenses for
5 medical and psychological treatment, therapy, and counseling.

6 **NINTH CAUSE OF ACTION**
7 **CONSTRUCTIVE INVASION OF PRIVACY: CIVIL CODE § 1708.8**
8 **(Against Defendant JOHNSON)**

9 133. Plaintiff re-alleges and incorporate by reference herein each and every allegation
10 contained herein above as though fully set forth and brought in this cause of action.

11 134. Plaintiff has a reasonable expectation of privacy while in the bathroom at SECC.

12 140. By placing a video recording device in the bathroom at SECC, JOHNSON
13 intentionally intruded on Plaintiff's privacy in the bathroom at SECC.

14 135. JOHNSON's intrusion by videotaping these young Plaintiff while unclothed in the
15 bathroom of SECC is highly offensive to a reasonable person.

16 136. As a result of this intrusion, Plaintiff suffered and continue to suffer great pain of
17 mind and body, shock, emotional distress, physical manifestations of emotional distress,
18 embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have
19 suffered and continue to suffer and were prevented and will continue to be prevented from
20 performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings
21 and earning capacity, and have incurred and will continue to incur expenses for medical and
22 psychological treatment, therapy, and counseling.

23 **TENTH CAUSE OF ACTION**
24 **DISTRIBUTION OF SEXUALLY EXPLICIT MATERIALS: CIVIL CODE § 1708.85**
25 **(Against Defendant JOHNSON)**

26 137. Plaintiff re-alleges and incorporate by reference herein each and every allegation
27 contained herein above as though fully set forth and brought in this cause of action.

28 138. Plaintiff has a reasonable expectation of privacy while in the bathroom at SECC.

139. Plaintiff, a minor, did not and could not consent to any video recording.

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an award of punitive damages against Defendant SECC and NAD in a sum to be shown according to proof.

8. For appropriate damages pursuant to Civil Code of Procedure §3345.1 against Defendant JOHNSON; and

9. For such other and further relief as the court may deem proper.

Dated: October 6, 2021

MANLY, STEWART & FINALDI

By: *Courtney M. Thom*

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SAUL E. WOLF
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PROOF OF SERVICE

**John BBL Doe v. Southeastern California Conference of Seventh-Day Adventists, et al.
Case No. CVRI2101617**

STATE OF CALIFORNIA, COUNTY OF ORANGE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 19100 Von Karman Avenue, Suite 800, Irvine, CA 92612.

On October 6, 2021, I served true copies of the following document(s) described as **SECOND AMENDED COMPLAINT** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from e-mail address bmendoza@manlystewart.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 6, 2021, at Irvine, California.

Barbara M. Mendoza

Barbara M. Mendoza

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SERVICE LIST
John BBL Doe v. Southeastern California Conference of Seventh-Day Adventists, et al.
RCSC Case No. CVRI2101617

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