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10 *Plaintiff Class*

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

DEC 03 2021

BY Alma Vallejo Garcia
ALMA VALLEJO GARCIA, DEPUTY

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF SAN BERNADINO**

13 LUCY BAKER, individually, and on behalf
14 of all others similarly situated,

15 Plaintiff,

16 v.

17 CHAFFEY JOINT UNION HIGH SCHOOL
18 DISTRICT, DAVID A. RIDEN, and DOES
19 1-50, inclusive,

20 Defendants.

Case No. CIV SB 2128630

**AMENDED CLASS ACTION
COMPLAINT; ACTION BASED IN PART
ON CIVIL CODE SECTION 1708.85**

DEMAND FOR JURY TRIAL



21 Plaintiff Lucy Baker, on behalf of herself and others similarly situated, by the
22 undersigned counsel, files this class action complaint against Defendants David Arthur Riden,
23 Chaffey Joint Union High School District (the "District"), and DOEs 1-50, and allege as follows:

24 **NATURE OF THE ACTION**

25 1. On or about August 26, 2021, Riden, a 52-year-old male employee of the District
26 who worked at Los Osos High School ("Los Osos" or the "School") in Rancho Cucamonga as a
27 locker room attendant, assistant coach, and occasional substitute teacher, was arrested by San
28 Bernardino County sheriff's detectives. He was charged with placing at least one hidden
camera in a girls' bathroom at the School. The hidden camera, which was disguised to look
like a phone charger, was discovered by another School staff member. The camera was

1 believes, and therefore alleges, that each of the DOE Defendants is responsible in some manner
2 for the occurrences herein alleged and legally caused Plaintiff's damages as set forth herein.

3 10. The District and the DOE Defendants are collectively referred to herein as the
4 "District Defendants."

5 JURISDICTION AND VENUE

6 11. Subject-matter jurisdiction exists in this Court because, regardless of the value of
7 Plaintiff's class-action claim, no diversity of citizenship exists between Plaintiff and Class
8 members, and Defendants.

9 12. This Court has jurisdiction over the District under California Code of Civil
10 Procedure section 410.10 and Article VI, section 10 of the California Constitution because the
11 District is a political subdivision of California, registered to conduct business in California, and
12 headquartered in California, have sufficient minimum contacts in California, and otherwise
13 purposefully availed itself to California.

14 13. On information and belief, this Court has jurisdiction over the DOE Defendants
15 under California Code of Civil Procedure section 410.10 and Article VI, section 10 of the
16 California Constitution because they reside in California.

17 14. This Court has jurisdiction over Riden under California Code of Civil Procedure
18 section 410.10 and Article VI, section 10 of the California Constitution as he resides in the State
19 of California, County of San Bernardino.

20 15. Venue exists in this county under California Code of Civil Procedure section
21 395(a) because this county is where Defendants reside, and where the acts giving rise to
22 Plaintiff's and Class members' injuries occurred.

23 FACTS COMMON TO ALL COUNTS

24 16. Until August 24, 2021, David Riden was employed by the District and worked at
25 Los Osos High School since at least 2015, including as a boys' locker room attendant, assistant
26 coach, and substitute teacher. During the entire time that Riden was on the Los Osos campus, he
27 was an actual, implied and/or apparent agent, servant, and/or employee of the District.
28

1 All California residents who, from January 1, 2015, to August 24,
2 2021 (the "Class Period"), were at any time visible to any camera
3 or other recording device placed or operated by or in concert with
4 Riden anywhere at Los Osos.

5 26. Plaintiff used the restroom where Riden hid his camera, used the girls' locker
6 room and frequented the pool, making her frequently visible to his camera. She was also present
7 in other locations at Los Ojos where Riden might have placed that camera or another recording
8 device. As such, Plaintiff is a Class member, and her claims are typical of the Class.

9 27. The Class members are individuals who attended or visited Los Osos during the
10 Class Period and were visible at any time to any cameras that Riden concealed in any girls'
11 bathroom, locker room, or elsewhere. As such, Class members are readily identifiable and
12 ascertainable. Defendants, among others, possess the information to identify and contact Class
13 members.
14

15 28. The Class includes hundreds or thousands of persons and minor girls, making
16 individual actions impracticable.

17 29. There are legal and factual questions, common to the Class and susceptible to
18 common answers, such that there is a well-defined community of interest in this litigation. These
19 common questions predominate over any questions affecting only individual Class members and
20 include:
21

- 22 a. Whether Riden was an actual, implied, and/or apparent agent, servant,
23 and/or employee of the District at times relevant to this Complaint;
- 24 b. Whether Class members attended or visited Los Osos during the Class
25 Period;
- 26 c. Whether Riden hid a recording device in the girls' bathroom or elsewhere
27 at Los Ojos;
- 28 d. Whether Class members were visible to any camera concealed by Riden at
Los Osos;

- e. Whether the District Defendants are liable for negligence;
- f. Whether the District Defendants are liable for gross negligence;
- g. Whether the District Defendants are liable for having negligently hired, retained, and/or supervised Riden;
- h. Whether Defendants are liable for invasion of privacy, whether on a common law or constitutional basis;
- i. Whether Defendants intentionally inflicted emotional distress on Plaintiff and other members of the Class;
- j. Whether Defendants committed any other intentional torts that injured Plaintiff and other members of the Class;
- k. Whether Defendants' misconduct directly and proximately resulted in injuries or damages to Class members;
- l. What damages will adequately compensate Plaintiff and other members of the Class for injury they suffered as a result of Defendants' misconduct; and
- m. Whether Class members are entitled to declaratory and/or injunctive relief from the Defendants.

30. Plaintiff's claims are typical of Class members' claims.

31. Plaintiff and her counsel will fairly and adequately protect the identical interests of Class members, and Plaintiff is mindful of her duties and responsibilities as Class representative.

32. Plaintiff's counsel are experienced in class action litigation, having been appointed by courts as plaintiffs' class counsel in dozens of cases.

33. Class certification is superior to other available methods for fairly and efficiently adjudicating class members' claims because:

- a. There are economies for the Court and the parties from litigating the common issues on a classwide basis instead of on a duplicative individual basis;
- b. Few class members would likely have an interest in individually prosecuting separate actions because each Class member's damage claim is potentially too small to make individual litigation economically viable;

- 1 c. Regardless of the size of each Class member's claim, the aggregate
2 volume of their claims—coupled with the economies of scale inherent in
3 litigating similar claims on a common basis—will enable Class counsel to
4 litigate this case on a cost-effective basis;
- 5 d. Class treatment is required for optimal deterrence and for limiting the
6 reasonable legal expenses incurred by Class members;
- 7 e. The prosecution of separate actions by individual Class members would
8 create a risk of inconsistent or varying adjudications with respect to
9 individual Class members and risk inconsistent treatment of claims arising
10 from the same set of facts and occurrences; and
- 11 f. Plaintiff knows of no difficulty likely to be encountered in the
12 maintenance of this action as a class action.

13 LEGAL CLAIMS

14 COUNT I

15 (Negligence against the District Defendants)

16 34. Plaintiff incorporates all previous paragraphs as if alleged in this Count.

17 35. The District Defendants' conduct was negligent in allowing or failing to prevent
18 Riden from videotaping and/or photographing Plaintiff and Class members without authorization
19 or consent. The District Defendants' conduct was unreasonable and occurred while Riden acted
20 at all times as the District's duly authorized agent and/or employee.

21 36. The District Defendants owed Plaintiff and Class members a duty of reasonable
22 care to protect Los Osos students from foreseeable misconduct like that committed by Riden.

23 37. The District Defendants breached their duty of reasonable care by permitting or
24 not preventing the videotaping and/or photographing of Class members by Riden.

25 38. As a proximate result of the District Defendants' breach of their reasonable duty
26 owed to Plaintiff and Class members, Plaintiff and Class members have sustained severe
27 emotional distress, emotional anguish, fear, anxiety, humiliation, embarrassment, and other
28 physical and emotional injuries, damages (economic and non-economic), and permanent
disability in the past, present, and future. These injuries are substantial, continuing, and
permanent.

1 39. The District Defendants are directly and vicariously liable for Riden’s conduct,
2 which occurred in the course and scope of his employment with the District, under Cal. Gov.
3 Code § 815.2(a): “A public entity is liable for injury proximately caused by an act or omission of
4 an employee of the public entity within the scope of his employment if the act or omission
5 would, apart from this section, have given rise to a cause of action against that employee or his
6 personal representative.”

7 40. The emotional distress and other injury sustained by Plaintiff and Class members
8 were the natural and proximate result of the District Defendants’ ongoing wrongful, unlawful,
9 and outrageous conduct.

10 41. The District Defendants’ negligence was the proximate cause of Plaintiff’s and
11 Class members’ injuries, damages, and permanent disability with Plaintiff and Class members
12 being in no way comparatively negligent. Plaintiff and Class members suffered injuries and
13 monetary damages, including but not limited to, Plaintiff and Class members suffered and
14 continue to suffer pain of mind and body, mental anguish, shock, emotional distress, physical
15 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief,
16 humiliation, and enjoyment of life. They were prevented, and will continue to be prevented, from
17 performing daily activities and obtaining the full enjoyment of life. They have sustained and
18 continue to sustain loss of earning and loss of earning capacity and have incurred and
19 will continue to incur expenses for medical and psychological treatment, therapy, and
20 counseling.

21 42. Plaintiff and Class members also seek a declaratory judgment that the District
22 Defendants are liable for negligence based on the above facts.

23 43. Plaintiff and Class members also seek a permanent injunction that the District
24 Defendants take appropriate measures to protect their students, including but not limited to,
25 monitoring of their school grounds for hidden cameras or other unauthorized recording devices,
26 monitoring of their employees for suspicious behavior, and conducting proper background
27 checks on their employees.

COUNT II

(Gross Negligence against the District Defendants)

1
2
3 44. Plaintiff incorporates all previous paragraphs as if alleged in this Count.

4 45. The District Defendants' conduct was intentional and/or reckless when Riden
5 videotaped and/or photographed Plaintiff and Class members without their knowledge,
6 authorization or consent. District Defendants' conduct was extreme, outrageous, and
7 unreasonable and occurred while Riden acted at all times as District Defendants' duly authorized
8 agent and/or employee.

9 46. The District Defendants owed Plaintiff and Class members a duty of reasonable
10 care to ensure against conduct like that committed by Riden.

11 47. The District Defendants breached their duty of reasonable care by permitting or
12 not preventing the videotaping and/or photographing of Class members by Riden.

13 48. The District Defendants' extreme conduct demonstrated a want of even scant care
14 and/or an extreme departure from the ordinary standard of conduct as the District Defendants had
15 reason to know of Riden's deviant proclivities.

16 49. As a proximate result of the District Defendants' breach of their reasonable duty
17 owed Plaintiff and Class members and want of scant care and/or extreme departure from the
18 ordinary standard of conduct owed to them, Plaintiff and Class members have sustained severe
19 emotional distress, emotional anguish, fear, anxiety, humiliation, embarrassment, and other
20 physical and emotional injuries, damages (economic and non-economic), and permanent
21 disability in the past, present, and future. These injuries are substantial, continuing, and
22 permanent.

23 50. The emotional distress sustained by Plaintiffs and Class members was the natural
24 and proximate result of the District Defendants' ongoing wrongful, unlawful, and outrageous
25 conduct.

26 51. The District Defendants' gross negligence was the proximate cause of Plaintiff's
27 and Class members' injuries, damages, and permanent disability. Plaintiff and Class members
28 are in no way contributorily negligent. Plaintiff and Class members suffered and continue to

1 suffer pain of mind and body, mental anguish shock, emotional distress, physical manifestations
2 of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, and
3 enjoyment of life. They were prevented, and will continue to be prevented, from performing
4 daily activities and obtaining the full enjoyment of life. They have sustained and continue to
5 sustain loss of earning and loss of earning capacity and have incurred and will continue to incur
6 expenses for medical and psychological treatment, therapy, and counseling.

7 52. Plaintiff and Class members also seek a declaratory judgment that the District
8 Defendants are liable for gross negligence based on the above facts.

9 53. Plaintiff and Class members also seek a permanent injunction that the District
10 Defendants take appropriate measures to protect their students, including but not limited to,
11 monitoring of their school grounds for hidden cameras or other unauthorized recording devices,
12 monitoring of their employees for suspicious behavior, and conducting proper background
13 checks on their employees.

14 **COUNT III**

15 **(Negligent Hiring, Retention, and Supervision against**
16 **the District Defendants)**

17 54. Plaintiff incorporates all previous paragraphs as if alleged in this Count.

18 55. California law has long imposed on school authorities, including the District
19 Defendants, a duty to supervise at all times the conduct of the children on the school grounds and
20 to enforce those rules and regulations necessary to their protection.

21 56. The standard of care imposed upon the District Defendants and their school
22 personnel in carrying out this duty to supervise is identical to that required in the performance of
23 their other duties. This uniform standard to which they are held is that degree of care that a
24 person of ordinary prudence, charged with comparable duties, would exercise under the same
25 circumstances.

26 57. A lack of supervision or ineffective supervision constitutes a lack of ordinary care
27 on the part of those responsible for student supervision, and under Cal. Gov. Code § 815.2(a) a
28 school district is vicariously liable for injuries proximately caused by such negligence.

1 58. The District Defendants' duty of care included the duty to use reasonable
2 measures to protect Plaintiff and Class members from foreseeable injury at the hands of third
3 parties acting negligently or intentionally.

4 59. The District Defendants, to the extent their duties include overseeing the
5 educational environment and the performance of teachers, coaches, and counselors, had the
6 responsibility of taking reasonable measures to guard Plaintiff and Class members against
7 voyeurism, harassment, and abuse from foreseeable sources, including any teachers, coaches, or
8 counselors they knew or had reason to know were prone to such abuse.

9 60. The District Defendants owed Plaintiff and Class members a duty to hire, retain,
10 and supervise only responsible, appropriate, suitable, and non-dangerous employees.

11 61. On information and belief, the District Defendants knew or should have known of
12 Riden's deviant propensities, failed to provide reasonable supervision over him, and failed to use
13 reasonable care in investigating him.

14 62. On information and belief, the District Defendants neither had in place nor
15 implemented a system or procedure for investigating and supervising personnel to prevent
16 voyeurism, pre-sexual grooming and/or sexual harassment, molestation, or abuse of children.

17 63. On information and belief, the District Defendants knew or had reason to know of
18 Riden's dangerous propensities and breached their duty to Plaintiff and Class members by
19 negligently hiring, inadequately supervising, and retaining him.

20 64. The District Defendants failed to properly hire, retain, and supervise Riden and
21 failed to prevent him from harming Plaintiff and Class members.

22 65. The District Defendants breached their duty owed to Plaintiff and Class members
23 by negligently exposing them to a foreseeable danger by Riden resulting in their injuries, and
24 because no immunity provision applies, liability falls upon District Defendants under Cal. Gov.
25 Code § 815.2(a).

26 66. The emotional distress sustained by Plaintiffs and Class members was the natural
27 and proximate result of the District Defendants' negligent hiring, retention, and supervision.
28

1 67. The District Defendants' negligent hiring, retention, and supervision was the
2 proximate cause of their injuries, damages, and permanent disability with Plaintiff and Class
3 members being in no way contributorily negligent. Plaintiff and Class members suffered injuries
4 and monetary damages, including but not limited to, Plaintiff and Class members suffered and
5 continue to suffer pain of mind and body, mental anguish, shock, emotional distress, physical
6 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief,
7 humiliation, and enjoyment of life. They were prevented, and will continue to be prevented, from
8 performing daily activities and obtaining the full enjoyment of life. They have sustained and
9 continue to sustain loss of earning and loss of earning capacity and have incurred and
10 will continue to incur expenses for medical and psychological treatment, therapy, and
11 counseling.

12 68. Plaintiff and Class members also seek a declaratory judgment that the District
13 Defendants are liable for negligent hiring, retention, and supervision based on the above facts.

14 69. Plaintiff and Class members also seek a permanent injunction that the District
15 Defendants take appropriate measures to protect their students, including but not limited to,
16 monitoring of their school grounds for hidden cameras or other unauthorized recording devices,
17 monitoring of their employees for suspicious behavior, and conducting proper background
18 checks on their employees.

19 **COUNT IV**

20 **(Common-Law Invasion of Privacy against the District Defendants)**

21 70. Plaintiff incorporates all previous paragraphs as if alleged in this Count.

22 71. Plaintiff and Class members had the right to be free of unwarranted invasion to
23 their privacy.

24 72. Plaintiff and Class members suffered the District Defendants' physical intrusion
25 into a place of privacy—namely, visual and/or photographic spying in a bathroom and/or locker
26 room.

27 73. The District Defendants' intrusion via Riden caused Plaintiff and Class members
28 mental distress, even if there is no publication of Plaintiff's and Class members' images.

1 74. The District Defendants, via Riden, intruded into a place, conversation, or matter
2 where Plaintiff and Class members had an objectively reasonable expectation of privacy.

3 75. The District Defendants' intrusion was conducted in a manner that was highly
4 offensive to a reasonable person.

5 76. Plaintiff and Class members had a reasonable expectation of privacy based on
6 such factors as the extent to which others might have been able to observe or overhear them,
7 Riden's identity, and the nature of his intrusion.

8 77. Considering all the circumstances of the District Defendants' intrusion via Riden,
9 including its degree and setting, and Riden's motives and objectives, the District Defendants'
10 invasion of privacy was highly offensive.

11 78. Society recognizes a right of privacy in the area intruded upon.

12 79. The particular nature of the District Defendants' intrusion, the District
13 Defendants' conduct, and all the surrounding circumstances support the fact that the District
14 Defendants intruded into a place, conversation, or matter where Plaintiff and Class members had
15 an objectively reasonable expectation of privacy and the District Defendants' intrusion was
16 conducted in a manner highly offensive to a reasonable person.

17 80. The District Defendants' invasion of Plaintiff's and Class members' common-law
18 right to privacy proximately caused them injury and monetary damages, including but not limited
19 to, Plaintiff and class members suffered and continue to suffer pain of mind and body, mental
20 anguish, shock, emotional distress, physical manifestations of emotional distress, embarrassment,
21 loss of self-esteem, disgrace, fright, grief, humiliation, and enjoyment of life. They were
22 prevented, and will continue to be prevented, from performing daily activities and obtaining the
23 full enjoyment of life. They have sustained and continue to sustain loss of earning and loss of
24 earning capacity and have incurred and will continue to incur expenses for medical and
25 psychological treatment, therapy, and counseling.

26 81. Plaintiff and Class members also seek a declaratory judgment that the District
27 Defendants are liable for common-law invasion of privacy based on the above facts.

1 82. Plaintiff and Class members also seek a permanent injunction that the District
2 Defendants take appropriate measures to protect their students from such invasion of privacy,
3 including but not limited to, monitoring of their school grounds for hidden cameras or other
4 unauthorized recording devices, monitoring of their employees for suspicious behavior, and
5 conducting proper background checks on their employees.

6 **COUNT V**

7 **(Constitutional Invasion of Privacy against the District Defendants)**

8 83. Plaintiff incorporates all previous paragraphs as if alleged in this Count.

9 84. In addition to the common-law tort of intrusion, the California Constitution
10 recognizes a right to privacy applicable to governments and private entities. This constitutional
11 right to privacy was added to article I, section 1 of the California Constitution by a 1972 voter
12 initiative.

13 85. Plaintiff and Class members had a legally protected privacy interest not to be
14 surreptitiously videotaped.

15 86. Plaintiff and Class members had a reasonable expectation of privacy in the
16 circumstances described herein.

17 87. The District Defendants' conduct via Riden constituted a serious invasion of
18 privacy.

19 88. Taken together, Defendants' behavior constituted a significant and severe
20 intrusion of Plaintiff's and Class members' privacy that invaded an interest fundamental to their
21 personal autonomy and was a genuine, nontrivial invasion of their protected privacy interest that
22 defies a reasonable or sensible explanation or justification.

23 89. The District Defendants' invasion of Plaintiff's and Class members'
24 Constitutional right to privacy proximately caused them injury and monetary damages, including
25 but not limited to, Plaintiff and class members suffered and continue to suffer pain of mind and
26 body, mental anguish, shock, emotional distress, physical manifestations of emotional distress,
27 embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, and enjoyment of life.
28 They were prevented, and will continue to be prevented, from performing daily activities and

1 obtaining the full enjoyment of life. They have sustained and continue to sustain loss of earning
2 and loss of earning capacity and have incurred and will continue to incur expenses for medical
3 and psychological treatment, therapy, and counseling.

4 90. Plaintiff and Class members also seek a declaratory judgment that the District
5 Defendants are liable for constitutional invasion of privacy based on the above facts.

6 91. Plaintiff and Class members also seek a permanent injunction that the District
7 Defendants take appropriate measures to protect their students from such invasion of privacy,
8 including but not limited to, monitoring of their school grounds for hidden cameras or other
9 unauthorized recording devices, monitoring of their employees for suspicious behavior, and
10 conducting proper background checks on their employees.

11 COUNT VI

12 **(Common-Law Invasion of Privacy against Riden)**

13 92. Plaintiff incorporates all previous paragraphs as if alleged in this Count.

14 93. Plaintiff and Class members had a right to be free of unwarranted invasion to their
15 privacy.

16 94. Plaintiff and Class members suffered Riden's unconsented-to physical intrusion
17 into a place of privacy—namely, visual and/or photographic spying and, upon information and
18 belief, distribution of those images or videos.

19 95. Riden's intrusion caused Plaintiff and Class members mental distress, whether or
20 not there was publication of Plaintiffs' and Class members' images.

21 96. Riden intruded into a place, conversation, or matter where Plaintiff and Class
22 members had an objectively reasonable expectation of privacy.

23 97. Riden's intrusion was conducted in a manner that was highly offensive to a
24 reasonable person.

25 98. Plaintiff and Class members had a reasonable expectation of privacy based on
26 such factors as the extent to which others might have been able to observe or overhear them,
27 Riden's identity, and the nature of his intrusion.

1 99. Considering all the circumstances of Riden’s intrusion, including its degree and
2 setting, and Riden’s motives and objectives, Riden’s invasion of privacy was highly offensive.

3 100. Society recognizes a right of privacy in the area intruded upon.

4 101. The particular nature of Riden’s intrusion, Riden’s conduct, and all the
5 surrounding circumstances support the fact that Riden intruded into a place, conversation, or
6 matter where Plaintiff and Class members had an objectively reasonable expectation of privacy
7 and Riden’s intrusion was conducted in a manner highly offensive to a reasonable person.

8 102. Riden’s invasion of Plaintiff’s and Class members’ common-law right to privacy
9 proximately cause them injury and monetary damages. Plaintiff and class members suffered
10 injuries and monetary damages, including but not limited to, Plaintiff and class members
11 suffered and continue to suffer pain of mind and body, mental anguish, shock, emotional distress,
12 physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
13 fright, grief, humiliation, and enjoyment of life. They were prevented, and will continue to
14 be prevented, from performing daily activities and obtaining the full enjoyment of life. They
15 have sustained and continue to sustain loss of earning and loss of earning capacity and have
16 incurred and will continue to incur expenses for medical and psychological treatment, therapy,
17 and counseling.

18 103. Plaintiff and Class members also seek declaratory relief that Riden is liable for
19 common law invasion of privacy based on the above facts.

20 104. Plaintiff and Class members also seek a permanent injunction that Riden be
21 prevented from employment at any school or other facility that regularly is the custodian of
22 minors.

23 **COUNT VII**

24 **(Constitutional Invasion of Privacy against Riden)**

25 105. Plaintiff incorporates all previous paragraphs as if alleged in this Count.

26 106. In addition to the common-law tort of intrusion, the California Constitution
27 recognizes a right to privacy applicable to governments and private entities. This constitutional
28

1 right to privacy was added to article I, section 1 of the California Constitution by a 1972 voter
2 initiative.

3 107. Plaintiff and Class members had a legally protected privacy interest not to be
4 surreptitiously recorded or to have their images disseminated or published.

5 108. Plaintiff and Class members had a reasonable expectation of privacy in the
6 circumstances described herein.

7 109. Riden's conduct constituted a serious invasion of privacy.

8 110. Riden's behavior constituted a significant and severe intrusion of Plaintiff's and
9 Class members' privacy that invaded an interest fundamental to their personal autonomy and was
10 a genuine, nontrivial invasion of their protected privacy interest that defies a reasonable or
11 sensible explanation or justification.

12 111. Riden's violation of Plaintiff's and Class members' constitutional right to privacy
13 proximately cause them injury and monetary damages. Plaintiff and Class members suffered
14 injuries and monetary damages, including but not limited to, Plaintiff and Class members
15 suffered and continue to suffer pain of mind and body, mental anguish, shock, emotional distress,
16 physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
17 fright, grief, humiliation, and enjoyment of life. They were prevented, and will continue to
18 be prevented, from performing daily activities and obtaining the full enjoyment of life. They
19 have sustained and continue to sustain loss of earning and loss of earning capacity and have
20 incurred and will continue to incur expenses for medical and psychological treatment, therapy,
21 and counseling.

22 112. Plaintiff and Class members also seek declaratory relief that Riden is liable for
23 constitutional invasion of privacy based on the above facts.

24 113. Plaintiff and Class members also seek a permanent injunction that Riden be
25 prevented from employment at any school or other facility that regularly is the custodian of
26 minors.

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

4 123. Plaintiff and Class members seek declaratory relief that all Defendants are liable
5 for intentional infliction of emotional distress based on the above facts.

6 124. Plaintiff and Class members seek a permanent injunction that the District
7 Defendants take appropriate measures to protect their students from such invasion of privacy,
8 including but not limited to, monitoring of their school grounds for hidden cameras or other
9 unauthorized recording devices, monitoring of their employees for suspicious behavior, and
10 conducting proper background checks on their employees.

11 125. Plaintiff and Class members seek a permanent injunction that Riden be prevented
12 from employment at any school or other facility that regularly is the custodian of minors.

13 COUNT X

14 **(Respondeat Superior Against the District Under Cal. Gov. Code § 815.2(a))**

15 126. Plaintiff incorporates all previous paragraphs as if alleged in this Count.

16 127. Cal. Gov. Code § 815.2(a) provides “A public entity is liable for injury
17 proximately caused by an act or omission of an employee of the public entity within the scope of
18 his employment if the act or omission would, apart from this section, have given rise to a cause
19 of action against that employee or his personal representative.”

20 128. In committing the misconduct alleged above, Riden acted at all relevant times
21 within the scope of his employment by the District. Under Cal. Gov. Code § 815.2(a), the
22 District is therefore liable for all damages suffered by Plaintiffs and Class members as a result of
23 Riden’s misconduct.

24 129. Plaintiff and Class members also seek declaratory relief that the District, as
25 Riden’s employer at all relevant times, is liable under Cal. Gov. Code § 815.2(a) for Riden acts
26 and omissions as a employee of the District and for all damages suffered by Plaintiffs and Class
27 members as a result of his misconduct.

1 cameras or other unauthorized recording devices, monitoring their employees for
2 suspicious behavior, and conducting proper background checks on their
3 employees, and a permanent injunction preventing Riden from employment at any
4 school or other facility that regularly is the custodian of minors;

- 5 3. That Plaintiff and the Class be awarded prejudgment interest at the maximum rate
6 allowed by law and postjudgment interest from and after the date of judgment at
7 the maximum rate allowed by law;
- 8 4. That Plaintiff recover the costs of this action, including reasonable attorneys' fees;
- 9 5. That the Court issue an order certifying the class as pleaded and appointing
10 Plaintiff as class representative and her counsel as class counsel; and
- 11 6. Such other and further relief as this Court may deem just and proper.

12
13 Dated: December 2, 2021

Respectfully submitted,

14 s/ Jason S. Hartley

15 Jason S. Hartley

16 Jason M. Lindner

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19
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