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

JUL 06 2022

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7 Attorneys for "AMG" Plaintiffs named below

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF SAN BERNARDINO, SAN BERNARDINO DISTRICT**

11
12 JANE DOE (AMG) 1 through JANE DOE
13 (AMG) 49, individuals, et al,

14 Plaintiffs,

15 v.

16 CHAFFEY JOINT UNION HIGH SCHOOL
DISTRICT, DAVID ARTHUR RIDEN; and
17 DOES 1 through 100, inclusive,

18 Defendants.

Case No. **CIV SB 2213835**

COMPLAINT FOR DAMAGES FOR:

1. NEGLIGENCE
2. NEGLIGENT SUPERVISION
3. NEGLIGENT HIRING/RETENTION
4. NEGLIGENT FAILURE TO WARN,
TRAIN, EDUCATE, OR ENFORCE
PROTECTIVE POLICIES

DEMAND FOR JURY TRIAL

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20 Plaintiffs JANE DOE (AMG) 1 through JANE DOE (AMG) 49 along with such other
21 plaintiffs as may be added by leave of Court or stipulation, hereby allege and assert the following
22 causes of action against Defendants, CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT,
23 DAVID ARTHUR RIDEN, and DOES 1 THROUGH 100, inclusive:

24 **GENERAL ALLEGATIONS**

25 1. This suit arises from the failure of defendant CHAFFEY JOINT UNION HIGH
26 SCHOOL DISTRICT (hereinafter "the DISTRICT") to prevent its former employee, DAVID
27 ARTHUR RIDEN (hereinafter "RIDEN") from placing a hidden recording device disguised as a
28 cellular telephone charger in the women's locker room and bathroom adjacent to the swimming pool

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SUPERIOR COURT
SAN BERNARDINO COUNTY

1 at Los Osos High School, the failure of the DISTRICT to enforce policies and rules that would have
2 caused the device to be located and removed, and the failure of the DISTRICT to otherwise locate
3 and remove that device over an extended period of time. Had the DISTRICT exercised reasonable
4 care in the management of Los Osos High School and supervision of its employees, the events
5 described hereinafter would have been prevented.

6 2. RIDEN utilized this hidden recording device to capture illicit images of young
7 women, including minors, who utilized the women's locker room and bathroom adjacent to the Los
8 Osos High School swimming pool for hygienic purposes and/or to change for (1) DISTRICT
9 sponsored events, including but not limited to: women's water polo, women's swim team, women's
10 soccer, women's track, women's cross country, women's tennis, women's basketball, women's
11 softball, women's physical education, women's diving team, dance program and cheer program, (2)
12 other programs and activities that utilized those areas with DISTRICT permission and/or (3) who
13 otherwise foreseeably used those same areas.

14 **PARTIES**

15 3. Plaintiffs JANE DOE (AMG) 1 through JANE DOE (AMG) 49 along with such
16 other plaintiffs as may be added by leave of Court or stipulation, are individuals who are present or
17 former students of Los Osos High School and/or who otherwise foreseeably utilized the Los Osos
18 High School facilities described hereinafter. Each plaintiff utilized the women's bathroom and/or
19 locker room adjacent to the swimming pool at Los Osos High School (other than when the facilities
20 were unavailable due to the pandemic), where she had a reasonable expectation of privacy and
21 expected protection from hidden recording devices. When each plaintiff was in the women's
22 bathroom and/or locker room adjacent to the swimming pool at Los Osos High School, she was at
23 times fully or partially undressed in those facilities, she was exposed to recording by defendant
24 RIDEN's recording devices and/or was in fact recorded by RIDEN's devices. This complaint may
25 be amended from time to time to add additional plaintiffs.

26 4. Defendant CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT is a public entity
27 and a California corporation organized under the laws of the State of California. DISTRICT
28 manages, controls, and/or operates public schools in the County of San Bernardino, including Los

1 Osos High School.

2 5. Defendant DAVID ARTHUR RIDEN is an adult male who currently resides in San
3 Bernardino County, California. From 2015 through August 2021, RIDEN was an employee of
4 DISTRICT, in the roles of assistant football coach and locker room attendant. Plaintiffs are informed
5 and believe that RIDEN had other roles as a DISTRICT employee which are presently unknown.
6 During that time, RIDEN, and as a result of his employment and the negligence of the DISTRICT,
7 was able to enter the women's bathroom and/or locker room adjacent to the swimming pool at Los
8 Osos High School, to place recording devices disguised as cellular telephone chargers in that
9 bathroom and locker room, to surreptitiously record females in those areas, to enter those areas to
10 retrieve his devices so that he could view the images he illegally obtained for his own gratification
11 and/or for other purposes not currently known to plaintiffs, and to re-enter those areas to put the
12 devices back to obtain more images. Plaintiffs are also informed that at times, RIDEN concealed
13 himself in the women's locker room.

14 6. The true names and capacities, whether individual, plural, corporate, partnership,
15 associate, or otherwise, of DOES 1 through 100, inclusive, are unknown to plaintiffs who therefore
16 sue said defendants by such fictitious names. The full extent of the facts linking such factiously sued
17 defendants is unknown to plaintiffs. Plaintiffs are informed, believe, and thereupon allege, that each
18 of the defendants designated herein as a DOE was, and is, negligent, or in some other actionable
19 manner, responsible for the events and happenings hereinafter referred to, and thereby negligently,
20 or in some other actionable manner, legally and proximately caused the hereinafter described
21 injuries and damages to plaintiffs. Plaintiffs will hereafter seek leave of the Court to amend this
22 Complaint to show the defendants' true names and capacities after the same have been ascertained.

23 7. Plaintiffs are informed and believe, and thereon allege, that at all times mentioned
24 herein, DISTRICT, RIDEN and DOES 1 through 100, inclusive, were agents, servants, employees,
25 successors in interest, and/or joint ventures of their co-defendants, and were, as such, acting within
26 the course, scope, and authority of said agency, employment, and/or venture, and that each and every
27 Defendant, as foresaid, when acting as a principal, was negligent in the selection and hiring of each
28 and every other Defendant as an agent, servant, employee, successor in interest, and/or joint venture.

1 **DUTY OF DEFENDANTS**

2 8. Article I, Section 28(c) of the California Constitution provides that all public-school
3 students "have the inalienable right to attend campuses which are safe, secure, and peaceful."

4 9. California law has long imposed on schools an affirmative duty to supervise at all
5 times the conduct of children on school grounds and to enforce the rules and regulations necessary
6 to protect students.

7 10. "The standard of care imposed upon school personnel in carrying out this duty to
8 supervise is identical to that required in the performance of their other duties. This uniform standard
9 to which they are held is that degree of care 'which a person of ordinary prudence, charged with
10 [comparable] duties, would exercise under the same circumstances.' [Citations.] Either a total lack
11 of supervision [citation] or ineffective supervision [citation] may constitute a lack of ordinary care
12 on the part of those responsible for student supervision. Under section 815.2, subdivision (a) of the
13 Government Code, a school district is vicariously liable for injuries proximately caused by such
14 negligence." *C.A. v. William S. Hart Union High School Dist.* (2012) 53 Cal.4th 861, 869.

15 11. Public employees have a duty of care and are statutorily liable for injury caused by
16 their act or omission to the same extent as a private person would be, as provided by *Government*
17 *Code* Section 820(a).

18 12. At all relevant times, there existed a special relationship between the DISTRICT and
19 plaintiffs which imposed upon the DISTRICT an affirmative duty to take all reasonable steps to
20 protect its students.

21 13. In the school setting, the special relationship arises from the comprehensive control
22 over students exercised by school personnel and is "analogous in many ways to the relationship
23 between parents and their children." *Hoff v. Vacaville Unified School Dist.* (1998) 19 Cal.4th 925,
24 935. 935.

25 14. Because of this special relationship, the duty owed by school personnel includes the
26 duty to use reasonable measures to protect students from foreseeable injury at the hands of third
27 parties. See, e.g., *J.H. v. Los Angeles Unified School Dist.* (2010) 183 Cal.App.4th 123, 141-148
28 [injury of one student by another].

1 15. Because of this special relationship, imposing obligations beyond what each person
2 generally owes others under Civil Code section 1714, the duty of care owed by school personnel
3 includes the duty to use reasonable measures to protect students from foreseeable injury at the hands
4 of third parties acting negligently or intentionally. *C.A. v. William S. Hart Union High School Dist.*
5 (2012) 53 Cal.4th 861, 870.

6 16. A further duty arises when there is a special relationship where the defendant has a
7 special relationship with the potential victim, such that it gives the victim the right to expect
8 protection. *Regents of University of California v. Superior Court* (2018) 4 Cal.5th 607, 619–620.

9 17. A greater degree of care is owed to minors because of their lack of capacity to
10 appreciate risks and by virtue of the special relationships between minors and those charged with
11 caring for them. That duty extends to preventing harms caused by the intentional or criminal conduct
12 of third parties. *Juarez v. Boy Scouts of America, Inc.* (2000) 81 Cal. App. 4th 377 [97 Cal. Rptr. 2d
13 12, 36].

14 18. In addition, a duty to control, warn, or protect arose out of the DISTRICT's
15 employment relationship with RIDEN and the DISTRICT's assumption of control over the
16 premises, rules of student conduct and personnel of Los Osos High School. (Rest.3d Torts, Liability
17 for Physical and Emotional Harm, § 41).

18 19. At all relevant times, each plaintiff had a right to expect protection from the
19 DISTRICT. *Regents of University of California v. Superior Court* (2018) 4 Cal.5th 607, 619–620
20 [230 Cal.Rptr.3d 415, 424] by virtue of, among other things, (1) each plaintiff's dependency upon
21 the DISTRICT to put in place rules and procedures for their privacy and safety and (2) the
22 DISTRICT's superior control over the means of protection. *Regents v. Superior Court*, supra, 4
23 Cal.5th at 620–621 [230 Cal.Rptr.3d at 425].

24 20. Responsibility for the safety of public-school students is not borne solely by
25 instructional personnel. School principals and other supervisory employees, to the extent their duties
26 include overseeing the educational environment and the performance of teachers and counselors,
27 also have the responsibility of taking reasonable measures to guard pupils against harassment and
28 abuse from foreseeable sources. *C.A. v. William S. Hart Union High School Dist.* (2012) 53 Cal.4th

1 861, 871.

2 21. The principal is responsible for the supervision and administration of his school.
3 Cal.Code Regs., tit. 5, § 5551. The principal has the necessary power which is inherent in his office
4 to properly administer and supervise his school. *McGrath v. Burkhard* (1955) 131 Cal.App.2d 367.

5 22. California *Government Code* Section 815.6 states that "Where a public entity is
6 under a mandatory duty imposed by an enactment that is designed to protect against the risk of a
7 particular kind of injury, the public entity is liable for an injury of that kind proximately caused by
8 its failure to discharge the duty unless the public entity establishes that it exercised reasonable
9 diligence to discharge the duty."

10 23. Defendant DISTRICT is liable for any breach of said duties by its employees, agents,
11 servants and/or joint ventures, as provided under California Government Code Sections 815.2 and
12 820.

13 24. At Los Osos, the school attended by plaintiffs, the DISTRICT through its agents and
14 employees, was and is directly in charge of pupils, staff (teachers and coaches) children and their
15 environs. The Los Osos Parent Student Handbook ("PSH") provides as follows:

16 a. "We are committed to connecting all students with opportunities and
17 advantages within a safe and healthy learning environment." PSH at 4.

18 b. "A high priority for the Board of Trustees, Superintendent and staff is to
19 ensure all students, regardless of...gender...will be provided... resources in
20 a caring, safe, and supportive environment." PSH at 4.

21 c. "...we are committed to... providing a safe, caring, and productive learning
22 environment for all students." PSH at 5.

23 25. The DISTRICT had the sole ability to discipline and control both faculty and students
24 at Los Osos. The DISTRICT had the sole ability to establish and enforce rules, policies, and
25 procedures for the protection of students. Each plaintiff was therefore dependent upon the
26 DISTRICT and its agents and employees to act reasonably protect her safety, to protect her privacy
27 while in areas of the campus of Los Osos High School such as the women's locker room and
28 bathroom, and to protect her against abuse from the DISTRICT's agents and employees.

FACTUAL ALLEGATIONS

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2 26. At all relevant times, DISTRICT, its agents and employees knew or should have
3 known:

- 4 a. students, including minor females, on the premises of Los Osos High School used
5 a women’s locker room and bathroom adjacent to the campus swimming pool to
6 change clothes, and for sanitary and other purposes;
- 7 b. students, including minor females, on the premises of Los Osos High School used
8 a women’s locker room and bathroom adjacent to the campus swimming pool to
9 change clothes, and for sanitary and other purposes with an expectation of
10 privacy;
- 11 c. students, including minor females, were at times fully or partially undressed
12 when in the women’s locker room and bathroom adjacent to the campus
13 swimming pool at Los Osos High School;
- 14 d. members of the Los Osos High School women’s water polo, women’s swim
15 team, women’s soccer, women’s track/cross-country, women’s tennis, women’s
16 basketball, women’s softball, women’s physical education, women’s diving
17 team, dance program and cheer program, along with members of the Foothill
18 Club Water Polo program (women’s), visiting teams, and a variety of other
19 females, including minor females, were at times fully or partially undressed when
20 in the women’s locker room and bathroom adjacent to the campus swimming
21 pool at Los Osos High School. Those areas were designated and known to the
22 school and District as ones in which females, such as plaintiffs, used bathroom
23 facilities, showered and changed clothes. Female student were required to change
24 clothes in connection with approved activities held on the Los Osos High School
25 campus including athletic events, physical education programs and other school
26 activities and practices;
- 27 e. in this digital era, students, including minors, were and are vulnerable to
28 electronic invasions of privacy and concealed surveillance devices inserted into

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- areas such as locker rooms and bathrooms, where privacy is expected;
- f. the media has published reports about concealed cameras spying on unsuspecting females, and about secretly recorded images being illegally viewed for sexual pleasure and/or circulated on the internet;
- g. school faculty members, agents and employees are allowed unique access to students, including minors, by virtue of their school positions. That access includes access to areas where students have an expectation of privacy. That access includes access to keys and other means of entry to areas where students have an expectation of privacy;
- h. because of the unique access to students, including minors, allowed to school faculty members, agents and employees by virtue of their school positions, school faculty members, agents and employees pose a risk of inappropriate conduct toward students, including conduct such as placing concealed surveillance devices in areas of the school where privacy is expected.

27. The negligence of the DISTRICT is believed to include, but not be limited the following:

- a. Although surveillance cameras were on campus, there was inadequate viewing of footage. As a result, RIDEN, a male, was able to gain access to the women's locker room and bathroom adjacent to the swimming pool at Los Osos High School. Had reasonable care been exercised, the DISTRICT would have observed RIDEN entering the women's locker room and bathroom area, would have terminated RIDEN's employment and would have located his recording devices.
- b. Even without surveillance cameras, there was inadequate supervision of employees and inadequate patrolling of school grounds. Such supervision and patrolling would have revealed that RIDEN was entering the women's locker room and bathroom adjacent to the swimming pool at Los Osos High School for no legitimate reason and at odd hours. With that information, DISTRICT could

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have prevented the illegal recording.

- c. RIDEN was an assistant football coach and men’s locker room assistant at Los Osos High School. Personnel employed at Los Osos could see or should have seen that RIDEN spent inordinate time outside of the mens' locker room, where he had duties, in order to stare at women entering and exiting the womens’ locker room and bathroom so that he could choose his moments to enter the areas designated for women.

- d. The Los Osos Employee handbook states: “SALTO electronic key cards/fobs to District property and facilities are the property of the Chaffey Joint Union High School District and are issued to employees to conduct District related business. It is the employee’s responsibility to assure their District issued key cards/fobs are cared for in a secure manner and not given to students or other unauthorized persons.” Employee Handbook p.49. There was no legitimate reason for RIDEN to have key access to the women’s locker room and bathroom adjacent to the swimming pool at Los Osos High School. Had reasonable care been exercised, the DISTRICT would not have issued a key to RIDEN, would have kept track of keys issued, would have realized that RIDEN had a key allowing him access to private areas used by females, including minors, and would have monitored key usage to show that RIDEN was using key access to enter the private areas used by females (where he placed recording devices).

- e. The Los Osos Parent Student Handbook (“PSH”) provides that “[u]nauthorized videos, audio recordings or still images of students or staff, including the posting and transferring of these recordings/images on social media during the school day, is not allowed.” PSH at 32. The PSH specifically states that except as directed in class by an instructor, use of “[e]lectronic communication devices...during all other times is strictly prohibited. If such devices are turned on or used without permission, any teacher or administrator has the right to immediately confiscate the device and the principal, or their designee may

1 thereafter revoke the privilege and prohibit a student from possessing such a
2 device on campus.” PSH at 34. In addition, the PSH provides that outside of
3 authorized classroom use, if electronic devices “are turned on or used without
4 permission, any teacher or administrator has the right to immediately confiscate
5 the device and the principal, or their designee may thereafter revoke the privilege
6 and prohibit a student from possessing such a device on campus.” p.34. The PSH
7 also states: “By policy or practice the school district, or its individual schools,
8 may regulate the right of pupils to possess or use electronic signaling devices,
9 including cell phones and pagers, during the school day or at school functions.”
10 PSH at 53.

- 11 f. Despite the rules against electronic devices, electronic devices were plainly
12 allowed in the locker room and bathrooms, allowing RIDEN to place recording
13 devices disguised as chargers in those areas, and to record females in those
14 private areas.
- 15 g. If electronic communication devices were prohibited, there was no reason for
16 there to be chargers for those devices in the women’s locker room or bathroom
17 areas. School personnel failed to confiscate those devices and/or failed to monitor
18 items in the women’s locker room and bathroom. School personnel failed to take
19 possession of apparent charging devices left for long periods of time in those
20 areas and to turn them in to the school’s lost and found department. Had school
21 personnel enforced rules against prohibited devices, properly monitored items in
22 the bathroom and locker room areas and sought to prevent improper recordings
23 in those private areas, RIDEN would not have been able to perpetrate his crimes.
- 24 h. Los Osos High School assigned a female attendant to the women’s locker room
25 adjacent to the swimming pool at Los Osos High School. The attendant’s duties
26 included maintaining an orderly locker room and enforcing school rules in the
27 women’s locker room. The attendant, whose name may have been Sanchez,
28 should have spotted RIDEN's recording devices, determined their nature herself,

1 confiscated those devices and turned them over to school personnel. If she had
2 done so, the recording by RIDEN would have stopped and his nefarious activities
3 would have been discovered.

4 i. There was a hallway that connected an equipment room to both the men's and
5 women's locker rooms, which provided RIDEN with easy access to the women's
6 locker room. It was not monitored.

7 j. Plaintiffs are informed and believes that the DISTRICT received complaints or
8 reports about RIDEN which alerted, or should have alerted the DISTRICT, that
9 RIDEN posed a risk of sexually improper conduct toward females, including
10 minors. Plaintiffs believe that RIDEN was known by Los Osos faculty to have
11 invited females for snacks behind closed doors in his office area, to stare
12 conspicuously at young females in swim or athletic attire, and to stand outside of
13 the boys' locker room at times when it was clear that his intent was to determine
14 if young women would be changing in the women's locker room or using the
15 bathroom. Plaintiffs do not have access to RIDEN's personnel records, but the
16 DISTRICT has such access.

17 28. At all times relevant, it was foreseeable that concealed surveillance devices could be
18 placed in areas of the school where privacy is expected, particularly when such placement is by
19 faculty, staff or employees of Los Osos High School. The DISTRICT was at all times aware that
20 the women's locker room and bathroom adjacent to the swimming pool at Los Osos High School
21 were in regular use by students, particularly by participants in the school's athletic, physical
22 education and other programs. The DISTRICT also knew that students who were not affiliated with
23 teams used the bathroom facilities adjacent to that swimming pool. The DISTRICT also knew that
24 parents who attended competitions or practices regularly used the bathroom facilities adjacent to
25 that swimming pool.

26 29. While employed by DISTRICT, and a result of the DISTRICT's negligence, RIDEN
27 was allowed to enter the women's bathroom and locker room adjacent to the swimming pool at Los
28 Osos High School and place recording devices disguised as a cellular telephone charger.

1 30. RIDEN used these devices to secretly record females in the women's bathroom and
2 locker room for the purpose of his own sexual gratification.

3 31. As a result of the DISTRICT's negligence, RIDEN was able to repeatedly enter the
4 bathroom and locker room to retrieve his devices and to replace them for further illicit recording.

5 32. Plaintiffs used the bathroom and locker room adjacent to the swimming pool at Los
6 Osos High School while RIDEN's hidden recording devices were placed in the bathroom and locker
7 room.

8 33. Each plaintiff reasonably believes she was secretly recorded, by RIDEN's recording
9 devices, while fully or partially undressed.

10 34. The apprehension of being potentially recorded by a DISTRICT employee has
11 caused each plaintiff great emotional distress.

12 35. DISTRICT failed to act reasonably to protect plaintiffs from the foreseeable risk of
13 concealed recording devices in the bathroom and locker room adjacent to the swimming pool at Los
14 Osos High School.

15 36. As a result of DISTRICT's failure to act reasonably, RIDEN was able, for an
16 extended period of time, to surreptitiously record females, including minors, while in the women's
17 bathroom and locker room areas and to enter the women's bathroom and locker room as well as
18 being able to retrieve his devices so that he could view the images he surreptitiously obtained for
19 his personal sexual pleasure or for other illegal purposes.

20 37. If DISTRICT had exercised reasonable care in the management of Los Osos High
21 School and in the supervision of employees, RIDEN would not have had the opportunity to place
22 recording devices in those private areas, to retrieve those devices and/or to replace those devices to
23 obtain more recordings.

24 38. If DISTRICT had exercised reasonable care in the management of Los Osos High
25 School and in the supervision of employees, those devices would have been discovered and
26 removed, and RIDEN would have been terminated from employment, long before August of 2021.

27 39. Plaintiffs could not discover that they were taped or exposed to taping at Los Osos
28 High School until approximately August 27, 2021, when the Rancho Cucamonga Police Department

1 first notified the public of RIDEN's actions. Plaintiffs were unable to discover those circumstances
2 prior to that date because of acts of concealment by RIDEN and because information concerning
3 RIDEN's actions and/or the negligence of CJUHSD was not available and/or concealed from
4 plaintiffs.

5 40. Each plaintiff has timely filed a Government Code Claim with the DISTRICT, and
6 each such claim has been denied by operation of law.

7 **FIRST CAUSE OF ACTION**

8 **NEGLIGENCE**

9 (Against Defendants DISTRICT and DOES 1 through 100, inclusive)

10 41. Plaintiffs re-allege and incorporate by reference herein each and every allegation
11 contained herein above though fully set forth and brought in this cause of action.

12 42. Prior to the discovery of the hidden camera, it was foreseeable that concealed
13 surveillance devices could be placed in areas of the school where privacy is expected, particularly
14 when such placement is by faculty, staff or employees of Los Osos High School.

15 43. By virtue of plaintiffs' special relationships with Defendants, and Defendants relation
16 to RIDEN, Defendants owed plaintiffs a duty to provide reasonable supervision of RIDEN, to use
17 reasonable care in investigating RIDEN's background, to maintain the privacy of areas such a
18 bathrooms and locker rooms, to enforce school rules and policies for the protection of privacy and
19 safety, to ascertain RIDEN's offensive and harmful propensities, and to provide adequate warning
20 to plaintiffs and other students of RIDEN's dangerous propensities and unfitness. As organizations
21 and individuals responsible for, and entrusted with, the welfare of students, Defendants had a duty
22 to protect, supervise, and monitor plaintiffs from being preyed upon by sexual predators and to
23 supervise and monitor RIDEN such that he would not be placed in a position where he could hide
24 recording devices in the women's bathroom and locker room.

25 44. Defendants, by and through their respective agents, servants and employees, knew
26 or should have known of RIDEN's dangerous and exploitive propensities and that RIDEN was an
27 unfit agent. Despite such knowledge, Defendants negligently failed to supervise RIDEN in his
28 position of trust and authority as an assistant football coach and locker room attendant, where he

1 used the instrumentalities of his position as a means to illicitly record women in the bathroom and
2 locker room adjacent to the swimming pool at Los Osos High School.

3 45. Defendants at no time had in place a sufficient or reasonable system or procedure to
4 investigate, supervise, or monitor its locker room attendants, including RIDEN.

5 46. Defendants failed to provide adequate warning to plaintiffs of RIDEN's dangerous
6 propensities and unfitness. Defendants further failed to take reasonable steps to ensure the safety of
7 students, including plaintiffs, from sexual harassment in the form of illicit recording.

8 47. Each plaintiff reasonably believes she was secretly recorded, by RIDEN's recording
9 devices, while fully or partially undressed.

10 48. The apprehension of being potentially recorded by a DISTRICT employee has
11 caused each plaintiff great emotional distress.

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

19 **SECOND CAUSE OF ACTION**

20 **NEGLIGENT SUPERVISION**

21 (Against Defendants DISTRICT and DOES 1 through 100, inclusive)

22 50. Plaintiffs re-allege and incorporate by reference herein each and every allegation
23 contained herein above though fully set forth and brought in this cause of action.

24 51. By virtue of Plaintiffs' special relationships with Defendants, and Defendants relation
25 to RIDEN, Defendants owed plaintiffs a duty to provide reasonable supervision of RIDEN, to use
26 reasonable care in investigating RIDEN's background, and to provide adequate warning to plaintiffs
27 and other students of RIDEN's dangerous propensities and unfitness. As organizations and
28 individuals responsible for, and entrusted with, the welfare of students, Defendants had a duty to

1 protect, supervise, and monitor plaintiffs from being preyed upon by sexual predators and to
2 supervise and monitor RIDEN such that he would not be placed in a position where he could hide
3 recording devices in the women's bathroom and locker room.

4 52. Defendants, by and through their respective agents, servants and employees, knew
5 or should have known of RIDEN's dangerous and exploitive propensities and that RIDEN was an
6 unfit agent. Despite such knowledge, Defendants negligently failed to supervise RIDEN in his
7 position of trust and authority as an assistant football coach and locker room attendant, where he
8 used the instrumentalities of his position as a means to illicitly record women in the bathroom and
9 locker room adjacent to the swimming pool at Los Osos High School.

10 53. Defendants at no time had in place a sufficient or reasonable system or procedure to
11 investigate, supervise, or monitor its locker room attendants, including RIDEN.

12 54. Defendants failed to provide adequate warning to Plaintiffs of RIDEN's dangerous
13 propensities and unfitness. Defendants further failed to take reasonable steps to ensure the safety of
14 students, including plaintiffs, from sexual harassment in the form of illicit recording.

15 55. Defendants were aware or should have been aware of how vulnerable high school
16 students were to sexual harassment by persons with authority within Defendant's entities, such as
17 RIDEN.

18 56. If DISTRICT had exercised reasonable care in the management of Los Osos High
19 School and in the supervision of employees, RIDEN would not have had the opportunity to place
20 recording devices in those private areas, to retrieve those devices and/or to replace those devices to
21 obtain more recordings. If DISTRICT had exercised reasonable care in the management of Los Osos
22 High School and in the supervision of employees, those devices would have been discovered and
23 removed, and RIDEN would have been terminated from employment, long before August of 2021.

24 57. Each plaintiff reasonably believes she was secretly recorded, by RIDEN's recording
25 devices, while fully or partially undressed.

26 58. The apprehension of being potentially recorded by a DISTRICT employee has
27 caused each plaintiff great emotional distress.

28 59. As a result of the above-described conduct, Plaintiffs have suffered and continue to

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

7 **THIRD CAUSE OF ACTION**

8 **NEGLIGENT HIRING/RETENTION**

9 (Against Defendants DISTRICT and DOES 1 through 100, inclusive)

10 60. Plaintiffs re-allege and incorporate by reference herein each and every allegation
11 contained herein above though fully set forth and brought in this cause of action.

12 61. By virtue of plaintiffs' special relationship with Defendants, and Defendants' relation
13 to RIDEN, Defendants owed plaintiffs a duty to not hire or retain, given his dangerous and exploitive
14 propensities, which Defendants knew or should have known about had they engaged in a reasonable,
15 meaningful and adequate investigation of his background prior to his hiring or retaining him in
16 subsequent positions of employment.

17 62. Defendants expressly and implicitly represented that the faculty and staff of Los Osos
18 High School, including RIDEN, were not a sexual threat to students and others who would use the
19 bathroom and locker room at Los Osos High School.

20 63. At no time during the time periods alleged did Defendants have in place a reasonable
21 system or procedure to investigate, supervise, and monitor its locker room attendants, including
22 RIDEN, to prevent illicit recording of students.

23 64. Defendants were aware or should have been aware and understand how vulnerable
24 female students were to sexual harassment and illicit recording by faculty, staff, and other persons
25 of authority within the control of Defendants prior to plaintiffs' sexual abuse by RIDEN.

26 65. Defendants were put on notice, and should have known that RIDEN had previously
27 engaged and continued to engage in unlawful sexual conduct with patients, and was committing
28 other felonies, for his own personal gratification, and that it was, or should have known it would

1 have been foreseeable that he was engaging, or would engage in illicit recording of plaintiffs, and
2 others, under the cloak of his authority, confidence, and trust, bestowed upon him through
3 Defendants.

4 66. Even though Defendants knew or should have known of the illicit recording by
5 RIDEN, Defendants failed to use reasonable care in investigating RIDEN and did nothing to
6 reasonably investigate, supervise, or monitor RIDEN to ensure the safety of students.

7 67. If DISTRICT had exercised reasonable care in the management of Los Osos High
8 School and in the supervision of employees, RIDEN would not have had the opportunity to place
9 recording devices in those private areas, to retrieve those devices and/or to replace those devices to
10 obtain more recordings.

11 68. If DISTRICT had exercised reasonable care in the management of Los Osos High
12 School and in the supervision of employees, those devices would have been discovered and
13 removed, and RIDEN would have been terminated from employment, long before August of 2021.

14 69. Defendants' conduct was a breach of their duties to plaintiffs.

15 70. Each plaintiff reasonably believes she was secretly recorded, by RIDEN's recording
16 devices, while fully or partially undressed.

17 71. The apprehension of being potentially recorded by a DISTRICT employee has
18 caused each plaintiff great emotional distress.

19 72. As a result of the above-described conduct, Plaintiffs have suffered and continue to
20 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
21 distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of enjoyment
22 of life; have suffered and continues to suffer and were prevented and will continue to be prevented
23 from performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings
24 and earning capacity, and have incurred and will continue to incur expenses for medical and
25 psychological treatment, therapy, and counseling.

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28

1 **FOURTH CAUSE OF ACTION**

2 **NEGLIGENT FAILURE TO WARN, TRAIN, EDUCATE OR ENFORCE PROTECTIVE**
3 **POLICIES**

4 (Against Defendants DISTRICT and DOES 1 through 100, inclusive)

5 73. Plaintiffs re-allege and incorporate by reference herein each and every allegation
6 contained herein above though fully set forth and brought in this cause of action.

7 74. Defendants owed plaintiffs a duty to take reasonable protective measures to protect
8 plaintiffs and other students from the risk of sexual harassment in the form of illicit recording while
9 on school property.

10 75. Defendants breached their duty by failing to implement reasonable or sufficient
11 policies and procedures and/or failing to enforce existing policies to prevent the illicit recording of
12 female students in the bathroom and locker room.

13 76. Defendants breached their duty by failing to reasonably or sufficiently train their
14 employees to recognize and report the hidden camera placed in the bathroom and locker room by
15 RIDEN.

16 77. Defendants breached their duty by failing to reasonably or sufficiently train its
17 employees to enforce its own policies and procedures banning cellular phones from the bathroom
18 and locker room.

19 78. Due to Defendant's breach of duty, its employee RIDEN was able to hide a recording
20 device in the bathroom and locker room adjacent to the swimming pool at Los Osos High School.

21 79. Each plaintiff reasonably believes she was secretly recorded by RIDEN's recording
22 devices, while fully or partially undressed.

23 80. The apprehension of being potentially recorded by a DISTRICT employee has
24 caused each plaintiff great emotional distress.

25 81. As a result of the above-described conduct, plaintiffs have suffered and continue to
26 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
27 distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of enjoyment
28 of life; have suffered and continues to suffer and were prevented and will continue to be prevented

1 from performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings
2 and earning capacity, and have incurred and will continue to incur expenses for medical and
3 psychological treatment, therapy, and counseling.

4 **PRAYER FOR RELIEF**

5 **WHEREFORE**, plaintiffs pray for a jury trial and for judgement against Defendants
6 as follows: **FOR ALL CAUSES OF ACTION**

7 1. For past, present and future non-economic damages in an amount to be determined
8 at trial;

9 2. For past, present and future special damages, including but not limited to past,
10 present and future lost earnings, economic damages and others, in an amount to be determined at
11 trial;

12 3. Any appropriate statutory damages;

13 4. For costs of suit;

14 5. Punitive damages, according to proof, though not as to the Negligence Causes of
15 Action;

16 6. For interest based on damages, as well as pre-judgment and post-judgment interest
17 as allowed by law;

18 7. For attorney's fees pursuant to California Code of Civil Procedure sections 1021.5,
19 et seq., 52, et seq., 51, et seq., or as otherwise allowable by law;

20 8. For declaratory and injunctive relief;

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

22 DATED: July 6, 2022

ALLRED, MAROKO & GOLDBERG
GLORIA ALLRED
NATHAN GOLDBERG
JOHN S. WEST

23
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25 By: 

GLORIA ALLRED
Attorney for AMG Doe Plaintiffs
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