

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ARMINAK LAW, APC**  
100 West Broadway Boulevard  
Suite 990  
Glendale, California 91210  
Telephone: (818) 584-2556  
Facsimile: (818) 484-2556  
TAMAR G. ARMINAK (SBN 238677)  
NELLY S. ISPIRYAN (SBN 297260)  
ZHENYA A. BAGDASARYAN (SBN 341097)  
Attorneys for Plaintiff, *JANE DOE*

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

JUL 22 2022

By Brian Summers  
Deputy  
*Brian Summers*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF SAN BERNARDINO**

**CIV SB 22 16237**  
**COMPLAINT FOR DAMAGES**

**DEMAND FOR JURY TRIAL**

*Unlimited Civil Case*

JANE DOE, an individual,  
  
Plaintiff,  
  
v.  
  
CHAFFEY JOINT UNION HIGH SCHOOL  
DISTRICT, DAVID A. RIDEN, and DOES  
1-50, inclusive,  
  
Defendants.

- 1. Negligence
- 2. Gross Negligence
- 3. Negligent Supervision
- 4. Negligent Hiring and Retention
- 5. Negligent Failure to Warn, Train, Educate, or Enforce Protective Policies
- 6. Common-Law Invasion of Privacy
- 7. Constitutional Invasion of Privacy
- 8. Common-Law Invasion of Privacy
- 9. Constitutional Invasion of Privacy
- 10. Violation of Cal. Civ Code §1708.85
- 11. Intentional Infliction of Emotional
- 12. Respondeat Superior Against the District Under Cal. Gov. Code §815.2(a)
- 13. Common Law Respondeat Superior

PLAINTIFF JANE DOE, alleges against Defendants CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT, DAVID A. RIDEN, and DOES 1 through 50, inclusive, as follows:

///

**RECEIVED**

JUL 22 2022

SUPERIOR COURT  
SAN BERNARDINO COUNTY

1000 1000 1000 1000

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13

**GENERAL ALLEGATIONS**

14  
15  
16  
17  
18  
19  
20  
21  
22

1. This suit arises from the failure of defendant CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT (hereinafter "DEFENDANT DISTRICT") to prevent its former employee, DAVID ARTHUR RIDEN (hereinafter "RIDEN") from placing a hidden recording device disguised as a cellular telephone charger in the women's locker room and bathroom adjacent to the swimming pool at Los Osos High School, the failure of the DEFENDANT DISTRICT to enforce policies and rules that would have caused the device to be located and removed, and the failure of the DEFENDANT DISTRICT to otherwise locate and remove that device over an extended period of time. Had the DEFENDANT DISTRICT exercised reasonable care in the management of Los Osos High School and supervision of its employees, the events described hereinafter would have been prevented.

23  
24  
25  
26  
27  
28

**NATURE OF THE ACTION**

2. On or about August 26, 2021, DAVID RIDEN ("DEFENDANT RIDEN"), a 52-year old male employee of DEFENDANT DISTRICT who worked at Los Osos High School ("Los Osos High School" or the "School") in Rancho Cucamonga as a locker room attendant, assistant coach, and occasional substitute teacher, was arrested by San Bernardino County Sheriff's Detectives. He was charged with placing at least one hidden camera in a girls' bathroom at the School and one in the girls locker room. The hidden camera, which was disguised to look like a phone charger, was discovered by another School staff member. The camera was positioned in such a way as to record images of persons, including minor female students, in the girls locker room and near a swimming pool bathroom.

3. Law enforcement officials executed warrants to search DEFENDANT RIDEN's vehicle and residence and seized multiple digital media devices and electronically stored information. DEFENDANT RIDEN was charged with felony possession of child pornography and two felony counts of using a minor for sex acts.

4. On or about September 2021, PLAINTIFF was contacted by law enforcement officials and informed that while she was a student at Los Osos High School and a member of the

1 swim team, a hidden camera had been placed in the girls locker room. (In the exact area  
2 PLAINTIFF used each day to change in and out of her swimsuit prior to practice and swim meets.)  
3 She was later informed to her horror that police discovered images of her in the countless images  
4 captured by a hidden camera placed in the locker room by a trusted school coach and locker room  
5 attendant. PLAINTIFF was informed that DEFENDANT RIDEN was arrested for these heinous  
6 acts.

7         5. PLAINTIFF is informed and believes that DEFENDANT RIDEN, and possibly  
8 others acting on his behalf or in concert with him, used the discovered hidden camera for years  
9 before his arrest, possibly in locations in addition to the locker room and pool bathroom. It is  
10 currently unknown whether DEFENDANT RIDEN, or others acting on his behalf or in concert with  
11 him, used any additional concealed cameras to covertly record students or other persons.

12         6. PLAINTIFF, a minor female who attended Los Osos High School for four years  
13 while the hidden camera was in place, brings this Complaint to obtain declaratory and injunctive  
14 relief and to recover damages caused by DEFENDANT RIDEN's surreptitious use of the camera  
15 while employed by the DEFENDANT DISTRICT.

16

17

### **PARTIES**

18         7. PLAINTIFF resides in San Bernardino County, California. She attended Los Osos  
19 High School as a student at all relevant times herein. During that time, PLAINTIFF regularly used  
20 the pool bathroom and locker room adjacent to the swimming pool in which the concealed cameras  
21 were placed, where she had a reasonable expectation of privacy and expected protection from  
22 hidden recording devices.

23         8. DEFENDANT DISTRICT is a public entity and a California corporation organized  
24 under the laws of the State of California. DEFENDANT DISTRICT manages, controls, and/or  
25 operates public schools in the County of San Bernardino, including Los Osos High School. Los  
26 Osos is one of the high schools owned and operated by the DEFENDANT DISTRICT. At all times  
27 material hereto, DEFENDANT RIDEN was employed by DEFENDANT DISTRICT as a coach,  
28 teacher, counselor, and advisor to minor students. In such capacity, DEFENDANT RIDEN was

1 under the direct supervision, employ, agency, and/or control of DEFENDANT DISTRICT. His  
2 employment duties and responsibilities with the named Defendants included, in part, providing for  
3 the supervision, teaching, counseling, advising, as well as helping address the educational and  
4 emotional needs, and well-being of students at Los Osos High School, including PLAINTIFF.

5 9. On information and belief, DEFENDANT RIDEN is an individual residing in San  
6 Bernardino County. At all times relevant to this action, DEFENDANT RIDEN was employed by  
7 the DEFENDANT DISTRICT. PLAINTIFF is informed that at times, DEFENDANT RIDEN  
8 concealed himself in the women's locker room.

9 10. The true names and capacities, whether individual, corporate, associate, or otherwise  
10 of the defendants named herein as DOES 1 through 50 ("DOE Defendants"), inclusive, are  
11 unknown to Plaintiff, who therefore sues DOE Defendants under such fictitious names pursuant to  
12 section 474 of the California Code of Civil Procedure. PLAINTIFF is informed and believes, and  
13 therefore alleges, that each of the DOE Defendants is responsible in some manner for the  
14 occurrences herein alleged and legally caused PLAINTIFF's damages as set forth herein.

15 11. DEFENDANT DISTRICT and the DOE Defendants are collectively referred to  
16 herein as the "DISTRICT DEFENDANTS".

17 12. DEFENDANT DISTRICT, the DOE Defendants, and DEFENDANT RIDEN are  
18 collectively referred to herein as "DEFENDANTS".

19  
20 **JURISDICTION AND VENUE**

21 13. Subject-matter jurisdiction exists in this Court because no diversity of citizenship  
22 exists between PLAINTIFF and DEFENDANTS.

23 14. This Court has jurisdiction over the District under California Code of Civil  
24 Procedure section 410.10 and Article VI, section 10 of the California Constitution because the  
25 District is a political subdivision of California, registered to conduct business in California, and  
26 headquartered in California, has sufficient minimum contacts in California, and otherwise  
27 purposefully availed itself to California.

28

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

4 16. This Court has jurisdiction over DEFENDANT RIDEN under California Code of  
5 Civil Procedure section 410.10 and Article VI, section 10 of the California Constitution as he  
6 resides in the State of California, County of San Bernardino.

7 17. Venue exists in this county under California Code of Civil Procedure section 395(a)  
8 because this county is where DEFENDANTS reside, and where the acts giving rise to  
9 PLAINTIFF's injuries occurred.

10  
11 **DUTY OF DEFENDANTS**

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

14 19. California law has long imposed on schools an affirmative duty to supervise at all  
15 times the conduct of children on school grounds and to enforce the rules and regulations necessary  
16 to protect students.

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

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

28

1           22.     At all relevant times, there existed a special relationship between the DEFENDANT  
2 DISTRICT and PLAINTIFF which imposed upon the DEFENDANT DISTRICT an affirmative  
3 duty to take all reasonable steps to protect its students.

4           23.     In the school setting, the special relationship arises from the comprehensive control  
5 over students exercised by school personnel and is “analogous in many ways to the relationship  
6 between parents and their children.” *Hoff v. Vacaville Unified School Dist.* (1998) 19 Cal.4th 925,  
7 935. 935.

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

12           25.     Because of this special relationship, imposing obligations beyond what each person  
13 generally owes others under Civil Code section 1714, the duty of care owed by school personnel  
14 includes the duty to use reasonable measures to protect students from foreseeable injury at the hands  
15 of third parties acting negligently or intentionally. *C.A. v. William S. Hart Union High School Dist.*  
16 (2012) 53 Cal.4th 861, 870.

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

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

25           28.     In addition, a duty to control, warn, or protect arose out of the DEFENDANT  
26 DISTRICT’s employment relationship with DEFENDANT RIDEN and the DEFENDANT  
27 DISTRICT’s assumption of control over the premises, rules of student conduct and personnel of  
28 Los Osos High School. (Rest.3d Torts, Liability for Physical and Emotional Harm, § 41).

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

7           30.     Responsibility for the safety of public-school students is not borne solely by  
8 instructional personnel. School principals and other supervisory employees, to the extent their  
9 duties include overseeing the educational environment and the performance of teachers and  
10 counselors, also have the responsibility of taking reasonable measures to guard pupils against  
11 harassment and abuse from foreseeable sources. *C.A. v. William S. Hart Union High School Dist.*  
12 (2012) 53 Cal.4th 861, 871.

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

16           32.     California *Government Code* Section 815.6 states that “Where a public entity is  
17 under a mandatory duty imposed by an enactment that is designed to protect against the risk of a  
18 particular kind of injury, the public entity is liable for an injury of that kind proximately caused by  
19 its failure to discharge the duty unless the public entity establishes that it exercised reasonable  
20 diligence to discharge the duty.”

21           33.     DEFENDANT DISTRICT is liable for any breach of said duties by its employees,  
22 agents, servants and/or joint ventures, as provided under California *Government Code* Sections  
23 815.2 and 820.

24           34.     At Los Osos, the school attended by PLAINTIFF, the DEFENDANT DISTRICT  
25 through its agents and employees, was and is directly in charge of pupils, staff (teachers and  
26 coaches) children and their environs. The Los Osos Parent Student Handbook (“PSH”) provides as  
27 follows:

28           a.     "We are committed to connecting all students with opportunities and



- 1 advantages within a safe and healthy learning environment." PSH at 4.
- 2 b. "A high priority for the Board of Trustees, Superintendent and staff is to ensure
- 3 all students, regardless of...gender...will be provided... resources in a caring,
- 4 safe, and supportive environment." PSH at 4.
- 5 c. "...we are committed to... providing a safe, caring, and productive learning
- 6 environment for all students." PSH at 5.

7 35. DEFENDANT DISTRICT had the sole ability to discipline and control both faculty

8 and students at Los Osos. DEFENDANT DISTRICT had the sole ability to establish and enforce

9 rules, policies, and procedures for the protection of students. Each plaintiff was therefore dependent

10 upon the DISTRICT and its agents and employees to act reasonably protect her safety, to protect her

11 privacy while in areas of the campus of Los Osos High School such as the women's locker room

12 and bathroom, and to protect her against abuse from the DISTRICT's agents and employees.

13  
14

**FACTUAL ALLEGATIONS**

15 36. At all relevant times, DEFENDANT DISTRICT, its agents and employees knew or

16 should have known:

- 17 a. students, including minor females, on the premises of Los Osos High School used
- 18 a women's locker room and bathroom adjacent to the campus swimming pool to
- 19 change clothes, and for sanitary and other purposes;
- 20 b. students, including minor females, on the premises of Los Osos High School used
- 21 a women's locker room and bathroom adjacent to the campus swimming pool to
- 22 change clothes, and for sanitary and other purposes with an expectation of privacy;
- 23 c. students, including minor females, were at times fully or partially undressed when
- 24 in the women's locker room and bathroom adjacent to the campus swimming pool
- 25 at Los Osos High School;
- 26 d. members of the Los Osos High School women's water polo, women's swim team,
- 27 women's soccer, women's track/cross-country, women's tennis, women's
- 28 basketball, women's softball, women's physical education, women's diving team,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

dance program and cheer program, along with members of the Foothill Club Water Polo program (women's), visiting teams, and a variety of other females, including minor females, were at times fully or partially undressed when in the women's locker room and bathroom adjacent to the campus swimming pool at Los Osos High School. Those areas were designated and known to the school and District as ones in which females, such as PLAINTIFF, used bathroom facilities, showered and changed clothes. Female student were required to change clothes in connection with approved activities held on the Los Osos High School campus including athletic events, physical education programs and other school activities and practices;

- e. in this digital era, students, including minors, were and are vulnerable to electronic invasions of privacy and concealed surveillance devices inserted into 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.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- a. Although surveillance cameras were on campus, there was inadequate viewing of footage. As a result, DEFENDANT 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 DEFENDANT DISTRICT would have observed DEFENDANT RIDEN entering the women’s locker room and bathroom area, would have terminated DEFENDANT 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 DEFENDANT 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, DEFENDANT DISTRICT could have prevented the illegal recording.
- c. DEFENDANT 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 DEFENDANT 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 DEFENDANT 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 DEFENDANT DISTRICT would not have issued a key

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

to RIDEN, would have kept track of keys issued, would have realized that DEFENDANT 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 thereafter revoke the privilege and prohibit a student from possessing such a device on campus.” PSH at 34. In addition, the PSH provides that outside of authorized classroom use, if electronic 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 thereafter revoke the privilege and prohibit a student from possessing such a device on campus.” p.34. The PSH also states: “By policy or practice the school district, or its individual schools, may regulate the right of pupils to possess or use electronic signaling devices, including cell phones and pagers, during the school day or at school functions.” PSH at 53.
- f. Despite the rules against electronic devices, electronic devices were plainly allowed in the locker room and bathrooms, allowing RIDEN to place recording devices disguised as chargers in those areas, and to record females in those private areas.
- g. If electronic communication devices were prohibited, there was no reason for there to be chargers for those devices in the women’s locker room or bathroom areas.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

School personnel failed to confiscate those devices and/or failed to monitor items in the women's locker room and bathroom. School personnel failed to take possession of apparent charging devices left for long periods of time in those areas and to turn them in to the school's lost and found department. Had school personnel enforced rules against prohibited devices, properly monitored items in the bathroom and locker room areas and sought to prevent improper recordings in those private areas, DEFENDANT RIDEN would not have been able to perpetrate his crimes.

- h. Los Osos High School assigned a female attendant to the women's locker room adjacent to the swimming pool at Los Osos High School. The attendant's duties included maintaining an orderly locker room and enforcing school rules in the women's locker room. The attendant, whose name may have been Sanchez, should have spotted DEFENDANT RIDEN's recording devices, determined their nature herself, confiscated those devices and turned them over to school personnel. If she had done so, the recording by DEFENDANT RIDEN would have stopped and his nefarious activities would have been discovered.
- i. There was a hallway that connected an equipment room to both the men's and women's locker rooms, which provided DEFENDANT RIDEN with easy access to the women's locker room. It was not monitored.
- j. PLAINTIFF is informed and believes that the DEFEDNANT DISTRICT received complaints or reports about RIDEN which alerted, or should have alerted the DEFEDANT DISTRICT, that DEFENDANT RIDEN posed a risk of sexually improper conduct toward females, including minors. Plaintiff believes that DEFENDANT RIDEN was known by Los Osos faculty to have invited females for snacks behind closed doors in his office area, to stare conspicuously at young females in swim or athletic attire, and to stand outside of the boys' locker room at times when it was clear that his intent was to determine if young women would be changing in the women's locker room or using the bathroom. Plaintiff does not

1                    have access to DEFENDANT RIDEN's personnel records, but the DEFENDANT  
2                    DISTRICT has such access.

3            38.     At all times relevant, it was foreseeable that concealed surveillance devices could be  
4 placed in areas of the school where privacy is expected, particularly when such placement is by  
5 faculty, staff or employees of Los Osos High School. The DEFENDANT DISTRICT was at all  
6 times aware that the women's locker room and bathroom adjacent to the swimming pool at Los  
7 Osos High School were in regular use by students, particularly by participants in the school's  
8 athletic, physical education and other programs. The DEFENDANT DISTRICT also knew that  
9 students who were not affiliated with teams used the bathroom facilities adjacent to that swimming  
10 pool. The DEFENDANT DISTRICT also knew that parents who attended competitions or practices  
11 regularly used the bathroom facilities adjacent to that swimming pool.

12            39.     While employed by DEFENDANT DISTRICT, and a result of the DEFENDANT  
13 DISTRICT's negligence, DEFENDANT RIDEN was allowed to enter the women's bathroom and  
14 locker room adjacent to the swimming pool at Los Osos High School and place recording devices  
15 disguised as a cellular telephone charger.

16            40.     As a result of the DEFENDANT DISTRICT's negligence, DEFENDANT RIDEN  
17 was able to repeatedly enter the bathroom and locker room to retrieve his devices and to replace  
18 them for further illicit recording.

19            41.     DEFENDANT DISTRICT failed to act reasonably to protect PLAINTIFF from the  
20 foreseeable risk of concealed recording devices in the bathroom and locker room adjacent to the  
21 swimming pool at Los Osos High School.

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

27            43.     If DEFENDANT DISTRICT had exercised reasonable care in the management of  
28 Los Osos High School and in the supervision of employees, DEFENDANT RIDEN would not have

1 had the opportunity to place recording devices in those private areas, to retrieve those devices  
2 and/or to replace those devices to obtain more recordings.

3 44. If DEFENDANT DISTRICT had exercised reasonable care in the management of  
4 Los Osos High School and in the supervision of employees, those devices would have been  
5 discovered and removed, and DEFENDANT RIDEN would have been terminated from  
6 employment, long before August of 2021.

7 45. By hiring DEFENDANT RIDEN to serve as a teacher, counselor, and mentor to  
8 minor students, DISTRICT DEFENDANTS held DEFENDANT RIDEN out to the public,  
9 PLAINTIFF, and her family to be of high ethical and moral repute, and to be in good standing  
10 within DEFENDANT DISTRICT, the County of San Bernardino, the State of California, the school  
11 community, and the public at-large. DISTRICT DEFENDANTS represented to the public,  
12 PLAINTIFF, and her family that DEFENDANT RIDEN was a highly qualified teacher, counselor,  
13 and mentor who would assist PLAINTIFF with working through personal, scholastic, and athletic  
14 issues that she may be facing. Inherent in these representations was the understanding that  
15 DEFENDANT RIDEN was selected to educate, coach, lead, guide, mentor and counsel  
16 PLAINTIFF and other minor students. PLAINTIFF and her family reasonably believed that  
17 DEFENDANT RIDEN was worthy of their trust. As a result, DEFENDANT RIDEN was put into a  
18 position to teach, counsel, and advise minor students at DISTRICT DEFENDANTS, and Does 1  
19 through 50, including PLAINTIFF, regarding academics, and general issues that may affect high  
20 school students or athletes.

21 46. Through his position with DISTRICT DEFENDANTS, DEFENDANT RIDEN was  
22 put into direct contact with PLAINTIFF and other students at Los Osos High School.  
23 DEFENDANT RIDEN was assigned to teach, coach, counsel, advise and mentor PLAINTIFF. It is  
24 under these circumstances that DEFENDANT RIDEN was able to use his position of authority,  
25 trust, and control over PLAINTIFF and other minor students to access the girls locker room and  
26 bathrooms and place hidden cameras to surreptitiously record minors in spaces where a reasonable  
27 expectation of privacy existed.

28

1           47.     Until August 24, 2021, DEFENDANT RIDEN was employed by the DISTRICT  
2 DEFENDANTS and worked at Los Osos High School since at least 2015, including as a boys'  
3 locker room attendant, assistant coach, and substitute teacher. During the entire time that  
4 DEFENDANT RIDEN was on the Los Osos campus, he was an actual, implied, and/or apparent  
5 agent, servant, and/or employee of the DISTRICT DEFENDANT.

6           48.     At all relevant times, DEFENDANT RIDEN was acting in the course and scope of  
7 his authority, agency, service of, and/or employment by, the DISTRICT DEFENDANTS.

8           49.     In or about August 2021, an employee at the School discovered a camera hidden in  
9 the girls restroom.

10          50.     Detectives from the San Bernardino County Sheriff's Department were called to  
11 investigate. Surveillance video from the School showing that the camera was used by  
12 DEFENDANT RIDEN led to his arrest.

13          51.     In order to avoid detection of the camera, DEFENDANT RIDEN disguised it as a  
14 cell phone charger plugged into a wall in the restroom. DEFENDANT RIDEN used the concealed  
15 camera to secretly record images of female students, most of whom were minors, in the restroom,  
16 an adjoining locker room, and near the pool.

17          52.     Upon information and belief, DEFENDANT RIDEN secretly recorded hundreds of  
18 female students while the camera was in place as a result of the neglect of the DISTRICT  
19 DEFENDANTS.

20          53.     PLAINTIFF was a swimmer throughout her entire time at high school. PLAINTIFF  
21 used the girls locker room multiple times a day, almost every single day. In the mornings, prior to  
22 school, PLAINTIFF would have swim practice. PLAINTIFF would go into the girls locker room to  
23 change into or out of her swimsuit. After school, PLAINTIFF had swim meets and would have to  
24 use the girls locker room again. When PLAINTIFF was not using the girls locker room,  
25 PLAINTIFF would use the bathroom by the pool to change into or out of her bathing suit, the same  
26 bathroom where additional cameras were found.

27  
28



1           54.     Throughout the years, when PLAINTIFF used the girls locker room, PLAINTIFF  
2 specifically went to a more secluded and private area to change as her privacy is paramount to her  
3 and always has been.

4           55.     DEFENDANT RIDEN was served with a search warrant. When law enforcement  
5 officials searched his home and vehicle, they discovered and seized additional electronic devices  
6 that contained inappropriate images of underage females.

7           56.     On August 30, 2021, the San Bernardino County District Attorney's Office charged  
8 DEFENDANT RIDEN with one felony count of possession of child pornography and two felony  
9 counts of using a minor for sex acts.

10          57.     Upon learning from the District Attorney's office that there was footage of her  
11 captured by a school employee's cameras, PLAINTIFF became incredibly emotionally distressed,  
12 embarrassed, concerned, fearful and worried that these surreptitiously recorded images would end  
13 up online and that others would see them, unsure of how many images there were of her considering  
14 the amount of time she spent in the locker room.

15          58.     The thought that she was being monitored even in the very secluded spot has been  
16 traumatic and terrifying for PLAINTIFF. PLAINTIFF was unable, and is still unable, to feel safe  
17 and comfortable using public spaces, restrooms, and fitting rooms for fear that cameras may be  
18 hidden in these places. She is frightened and embarrassed at the idea that images of her have been  
19 viewed by others and exist.

20          59.     PLAINTIFF has had a traumatizing time moving to university and living in the  
21 student dorm housing. The distress this situation caused PLAINTIFF was so extreme that it  
22 destroyed the first year of her university education and traumatized her even further as she had to  
23 leave home for school weeks after finding out that she had been recorded for years unbeknownst to  
24 her in the most private of locations while she was a minor.

25          60.     The concept that this occurred over many years without SCHOOL officials knowing  
26 or intervening has essentially destroyed PLAINTIFF's faith in humanity. PLAINTIFF should have  
27 felt safe at school in the girls' locker room.

28

1           61.     As a direct result of the DEFENDANTS' conduct, PLAINTIFF has difficulty in  
2 reasonably or meaningfully interacting with others, including those in positions of authority over  
3 PLAINTIFF, and in intimate, confidential and familial relationships due to the trauma inflicted  
4 upon her by DEFENDANTS. This inability to interact creates conflict with PLAINTIFF's values of  
5 trust and confidence in others, and has caused PLAINTIFF substantial emotional distress, anxiety,  
6 nervousness and fear.

7           62.     As a direct and proximate result of the DISTRICT DEFENDANTS' tortuous acts,  
8 omissions, wrongful conduct and/or breaches of their duties, whether willful or negligent,  
9 PLAINTIFF's future employment and personal development has been adversely affected.  
10 PLAINTIFF will lose wages as a result of DEFENDANTS conduct in an amount to be determined  
11 at trial. PLAINTIFF has suffered economic injury, all to PLAINTIFF's general, special and  
12 consequential damage in an amount to be proven at trial, but in no event less than the minimum  
13 jurisdictional amount of this Court.

14           63.     As a student within DISTRICT DEFENDANTS, where DEFENDANT RIDEN was  
15 employed, PLAINTIFF was under DEFENDANT RIDEN's direct supervision, care, and control,  
16 thereby creating a special relationship, fiduciary relationship, and confidential relationship between  
17 PLAINTIFF and DEFENDANTS. Additionally, as a minor child under the custody, care, and  
18 control of DEFENDANTS, DEFENDANTS stood in loco parentis with respect to the PLAINTIFF  
19 while attending school and school-related functions at DISTRICT DEFENDANTS. As the  
20 responsibly parties and employers controlling DEFENDANT RIDEN, DEFENDANTS were also in  
21 a special relationship with PLAINTIFF and owed special duties to PLAINTIFF.

22           64.     PLAINTIFF is informed and believes, and on that basis alleges, that DEFENDANTS  
23 knew or should have known that DEFENDANT RIDEN had previously accessed the girls locker  
24 room and/or bathroom to place hidden cameras in the past, and/or was continuing to access the girls  
25 locker room and/or bathroom to place hidden cameras. DISTRICT DEFENDANTS had a  
26 surveillance camera above the entrance to the bathroom that recorded DEFENDANT RIDEN  
27 entering the private spaces with the hidden cameras. DISTRICT DEFENDANTS had a duty to  
28 disclose these facts to PLAINTIFF, her parents, and others, but DISTRICT DEFENDANTS

1 negligently and/or intentionally suppressed, concealed, and/or failed to disclose this information.  
2 The duty to disclose this information arose by the special, trusting, confidential, fiduciary, and in  
3 loco parentis relationship between DEFENDANTS and PLAINTIFF.

4 65. DISTRICT DEFENDANTS failed to take reasonable steps and implement  
5 reasonable safeguards to avoid acts of unlawful sexual conduct by DEFENDANT RIDEN,  
6 including preventing the unlawful recording of PLAINTIFF by DEFENDANT RIDEN, and  
7 avoiding placement of DEFENDANT RIDEN in a function or environment in which contact with  
8 children is an inherent component of that function or environment. Instead, DISTRICT  
9 DEFENDANTS ignored and/or concealed the actions of DEFENDANT RIDEN that had already  
10 occurred.

11 66. On September 22, 2021, PLAINTIFF mailed notice of her claims to the governing  
12 body of the District pursuant to the California Tort Claims Act, Gov. Code §§ 910, et seq.  
13 PLAINTIFF has received no response within 45 days, and thus that application is deemed denied  
14 pursuant to Gov. Code §912.4. Not only has PLAINTIFF not received a response, but  
15 DEFENDANT DISTRICT'S counsel has been in direct contact with PLAINTIFF'S counsel in an  
16 effort to coordinate this and other like lawsuits. "If written notice is not given in accordance with  
17 section 913, the lawsuit must be commenced 'within two years from the accrual of the cause of  
18 action.' (§ 945.6, subd. (a)(2).)" *Andrews v. Metropolitan Transit System* (2022) 74 Cal.App.5th  
19 597, 605 [289 Cal.Rptr.3d 728, 733].

20  
21 **FIRST CAUSE OF ACTION**

22 **NEGLIGENCE**

23 (Against DISTRICT DEFENDANTS and DOES 1 through 50, inclusive)

24 67. PLAINTIFF incorporates all previous paragraphs as if alleged in this paragraph.

25 68. The DISTRICT DEFENDANTS' conduct was negligent in allowing or failing to  
26 prevent DEFENDANT RIDEN from videotaping and/or photographing PLAINTIFF without  
27 authorization or consent. The DISTRICT DEFENDANTS' conduct was unreasonable and occurred  
28

1 while DEFENDANT RIDEN acted at all times as the DISTRICT DEFENDANT's duly authorized  
2 agent and/or employee.

3 69. The DISTRICT DEFENDANTS owed PLAINTIFF a duty of reasonable care to  
4 protect Los Osos High School students from foreseeable misconduct like that committed by  
5 DEFENDANT RIDEN.

6 70. The DISTRICT DEFENDANTS breached their duty of reasonable care by  
7 permitting or not preventing the videotaping and/or photographing of PLAINTIFF by  
8 DEFENDANT RIDEN.

9 71. As a proximate result of the DISTRICT DEFENDANTS' breach of their reasonable  
10 duty owed to PLAINTIFF, PLAINTIFF has sustained severe emotional distress, emotional anguish,  
11 fear, anxiety, humiliation, embarrassment, and other physical and emotional injuries, damages  
12 (economic and non-economic), and permanent disability in the past, present, and future. These  
13 injuries are substantial, continuing, and permanent.

14 72. The DISTRICT DEFENDANTS are directly and vicariously liable for Riden's  
15 conduct, which occurred in the course and scope of his employment with the DEFENDANT  
16 DISTRICT, under Cal. Gov. Code §815.2(a): "A public entity is liable for injury proximately  
17 caused by an act or omission of an employee of the public entity within the scope of his  
18 employment if the act or omission would, apart from this section, have given rise to a cause of  
19 action against that employee or his personal representative."

20 73. The emotional distress and other injury sustained by PLAINTIFF was the natural and  
21 proximate result of the DISTRICT DEFENDANTS' ongoing wrongful, unlawful, and outrageous  
22 conduct.

23 74. The DISTRICT DEFENDANTS' negligence was the proximate cause of  
24 PLAINTIFF's injuries, damages, and permanent disability with PLAINTIFF being in no way  
25 comparatively negligent. PLAINTIFF has suffered injuries and monetary damages, including but  
26 not limited to, PLAINTIFF suffered and continues to suffer pain of mind and body, mental anguish,  
27 shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of  
28 self-esteem, disgrace, fright, grief, humiliation, and enjoyment of life. PLAINTIFF is prevented,

1 and will continue to be prevented, from performing daily activities and obtaining the full enjoyment  
2 of life. PLAINTIFF has sustained and continues to sustain loss of earning and loss of earning  
3 capacity and has incurred and will continue to incur expenses for medical and psychological  
4 treatment, therapy, and counseling.

5 75. PLAINTIFF also seeks a declaratory judgement that the DISTRICT DEFENDANTS  
6 are liable for negligence based on the above facts.

7 76. PLAINTIFF also seeks a permanent injunction that the DISTRICT DEFENDANTS  
8 take appropriate measures to protect their students, including but not limited to, monitoring of their  
9 school grounds for hidden cameras or other unauthorized recording devices, monitoring of their  
10 employees for suspicious behavior, and conducting proper background checks on their employees.

11  
12 **SECOND CAUSE OF ACTION**

13 **GROSS NEGLIGENCE**

14 (Against DISTRICT DEFENDANTS and DOES 1 through 50, inclusive)

15 77. PLAINTIFF incorporates all previous paragraphs as if alleged in this paragraph.

16 78. The DISTRICT DEFENDANTS' conduct was intentional and/or reckless when  
17 DEFENDANT RIDEN videotaped and/or photographed PLAINTIFF without PLAINTIFF'S  
18 knowledge, authorization or consent. DISTRICT DEFENDANTS' conduct was extreme,  
19 outrageous, and unreasonable and occurred while Riden acted at all times as DISTRICT  
20 DEFENDANTS' duly authorized agent and/or employee.

21 79. The DISTRICT DEFENDANTS owed Plaintiff a duty of reasonable care to ensure  
22 against conduct like that committed by DEFENDANT RIDEN.

23 80. The DISTRICT DEFENDANTS breached their duty of reasonable care by  
24 permitting or not preventing the videotaping and/or photographing of PLAINTIFF by  
25 DEFENDANT RIDEN.

26 81. The DISTRICT DEFENDANTS' extreme conduct demonstrated a want of even  
27 scant care and/or an extreme departure from the ordinary standard of conduct as the DISTRICT  
28 DEFENDANTS had reason to know of DEFENDANT RIDEN's deviant proclivities.

1 82. As a proximate result of the DISTRICT DEFENDANTS' breach of their reasonable  
2 duty owed PLAINTIFF and want of scant care and/or extreme departure from the ordinary standard  
3 of conduct owed to PLAINTIFF, PLAINTIFF has sustained severe emotional distress, emotional  
4 anguish, fear, anxiety, humiliation, embarrassment, and other physical and emotional injuries,  
5 damages (economic and non-economic), and permanent disability in the past, present, and future.  
6 These injuries are substantial, continuing, and permanent.

7 83. The emotional distress sustained by PLAINTIFF was the natural and proximate  
8 result of the DISTRICT DEFENDANTS' ongoing wrongful, unlawful, and outrageous conduct.

9 84. The DISTRICT DEFENDANTS' gross negligence was the proximate cause of  
10 PLAINTIFF'S injuries, damages, and permanent disability. PLAINTIFF was in no way  
11 contributorily negligent. PLAINTIFF has suffered and continues to suffer pain of mind and body,  
12 mental anguish, shock, emotional distress, physical manifestations of emotional distress,  
13 embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, and enjoyment of life.  
14 PLAINTIFF was prevented, and will continue to be prevented, from performing daily activities and  
15 obtaining the full enjoyment of life. PLAINTIFF has sustained and continues to sustain loss of  
16 earning and loss of earning capacity and has incurred and will continue to incur expenses for  
17 medical and psychological treatment, therapy, and counseling.

18 85. PLAINTIFF also seeks a declaratory judgement that the DISTRICT DEFENDANTS  
19 are liable for gross negligence based on the above facts.

20 86. PLAINTIFF also seeks a permanent injunction that the DISTRICT DEFENDANTS  
21 take appropriate measures to protect their students, including but not limited to, monitoring of their  
22 school grounds for hidden cameras or other unauthorized recording devices, monitoring of their  
23 employees for suspicious behavior, and conducting proper background checks on their employees.

24  
25 **THIRD CAUSE OF ACTION**

26 **NEGLIGENT SUPERVISION**

27 (Against DISTRICT DEFENDANTS and DOES 1 through 50, inclusive)  
28

1           87.     PLAINTIFF re-alleges and incorporates by reference herein each and every  
2 allegation contained herein above though fully set forth and brought in this cause of action.

3           88.     By virtue of PLAINTIFF'S special relationships with DEFENDANT DISTRICT,  
4 and DEFENDANT DISTRICT relation to DEFENDANT RIDEN, DEFENDANT DISTRICT owed  
5 PLAINTIFF a duty to provide reasonable supervision of DEFENDANT RIDEN, to use reasonable  
6 care in investigating DEFENDANT RIDEN's background, and to provide adequate warning to  
7 PLAINTIFF and other students of DEFENDANT RIDEN's dangerous propensities and unfitness.  
8 As organizations and individuals responsible for, and entrusted with, the welfare of students,  
9 DEFENDANT DISTRICT had a duty to protect, supervise, and monitor PLAINTIFF from being  
10 preyed upon by sexual predators and to supervise and monitor DEFENDANT RIDEN such that he  
11 would not be placed in a position where he could hide recording devices in the women's bathroom  
12 and locker room.

13           89.     DEFENDANT DISTRICT, by and through their respective agents, servants and  
14 employees, knew or should have known of RIDEN's dangerous and exploitive propensities and that  
15 DEFENDANT RIDEN was an unfit agent. Despite such knowledge, DEFENDANT DISTRICT  
16 negligently failed to supervise DEFENDANT RIDEN in his position of trust and authority as an  
17 assistant football coach and locker room attendant, where he used the instrumentalities of his  
18 position as a means to illicitly record women in the bathroom and locker room adjacent to the  
19 swimming pool at Los Osos High School.

20           90.     DEFENDANT DISTRICT at no time had in place a sufficient or reasonable system  
21 or procedure to investigate, supervise, or monitor its locker room attendants, including  
22 DEFENDANT RIDEN.

23           91.     DEFENDANT DISTRICT failed to provide adequate warning to PLAINTIFF of  
24 DEFENDANT RIDEN's dangerous propensities and unfitness. DEFENDANT DISTRICT further  
25 failed to take reasonable steps to ensure the safety of students, including PLAINTIFF, from sexual  
26 harassment in the form of illicit recording.

1 92. DEFENDANT DISTRICT were aware or should have been aware of how vulnerable  
2 high school students were to sexual harassment by persons with authority within DEFENDANT  
3 DISTRICT's entities, such as RIDEN.

4 93. If DEFENDANT DISTRICT had exercised reasonable care in the management of  
5 Los Osos High School and in the supervision of employees, DEFENDANT RIDEN would not have  
6 had the opportunity to place recording devices in those private areas, to retrieve those devices  
7 and/or to replace those devices to obtain more recordings. If DEFENDANT DISTRICT had  
8 exercised reasonable care in the management of Los Osos High School and in the supervision of  
9 employees, those devices would have been discovered and removed, and DEFENDANT RIDEN  
10 would have been terminated from employment, long before August of 2021.

11 94. PLAINTIFF reasonably believes she was secretly recorded, by DEFENDANT  
12 RIDEN's recording devices, while fully or partially undressed.

13 95. The apprehension of being potentially recorded by a DEFENDANT DISTRICT  
14 employee has caused PLAINTIFF great emotional distress.

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

22  
23 **FOURTH CAUSE OF ACTION**

24 **NEGLIGENT HIRING AND RETENTION**

25 (Against DISTRICT DEFENDANTS and DOES 1 through 50, inclusive)

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

28



1           98. By virtue of PLAINTIFF'S special relationship with DISTRICT DEFENDANT, and  
2 DISTRICT DEFENDANT'S relation to DEFENDANT RIDEN, DISTRICT DEFENDANT owed  
3 PLAINTIFF a duty to not hire or retain, given his dangerous and exploitive propensities, which  
4 DISTRICT DEFENANT knew or should have known about had they engaged in a reasonable,  
5 meaningful and adequate investigation of his background prior to his hiring or retaining him in  
6 subsequent positions of employment.

7           99. DISTRICT DEFENDANT expressly and implicitly represented that the faculty and  
8 staff of Los Osos High School, including DEFENDANT RIDEN, were not a sexual threat to  
9 students and others who would use the bathroom and locker room at Los Osos High School.

10          100. At no time during the time periods alleged did DISTRICT DEFENDANT's have in  
11 place a reasonable system or procedure to investigate, supervise, and monitor its locker room  
12 attendants, including RIDEN, to prevent illicit recording of students.

13          101. DISTRICT DEFENDANTS were aware or should have been aware and understand  
14 how vulnerable female students were to sexual harassment and illicit recording by faculty, staff, and  
15 other persons of authority within the control of DISTRICT DEFENDANT prior to PLAINTIFF'S  
16 sexual abuse by DEFENDANT RIDEN.

17          102. DISTRICT DEFENDANTS were put on notice, and should have known that  
18 DEFENDANT RIDEN had previously engaged and continued to engage in unlawful sexual conduct  
19 with students, and was committing other felonies, for his own personal gratification, and that it was,  
20 or should have known it would have been foreseeable that he was engaging, or would engage in  
21 illicit recording of PLAINTIFF, and others, under the cloak of his authority, confidence, and trust,  
22 bestowed upon him through Defendants.

23          103. Even though DISTRICT DEFENDANTS knew or should have known of the illicit  
24 recording by DEFENDANT RIDEN, DISTRICT DEFENDANTS failed to use reasonable care in  
25 investigating DEFENDANT RIDEN and did nothing to reasonably investigate, supervise, or  
26 monitor DEFENDANT RIDEN to ensure the safety of students.

27          104. If DISTRICT DEFENDANT had exercised reasonable care in the management of  
28 Los Osos High School and in the supervision of employees, DEFENDANT RIDEN would not have

1 had the opportunity to place recording devices in those private areas, to retrieve those devices  
2 and/or to replace those devices to obtain more recordings.

3 105. If DISTRICT DEFENDANT had exercised reasonable care in the management of  
4 Los Osos High School and in the supervision of employees, those devices would have been  
5 discovered and removed, and RIDEN would have been terminated from employment, long before  
6 August of 2021.

7 106. DISTRICT DEFENDANT'S conduct was a breach of their duties to PLAINTIFF.

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

10 108. The apprehension of being potentially recorded by a DISTRICT employee has  
11 caused PLAINTIFF great emotional distress.

12 109. As a result of the above-described conduct, Plaintiff has suffered and continues 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; has suffered and continues to suffer and was prevented and will continue to be prevented  
16 from performing daily activities and obtaining the full enjoyment of life; will sustain loss of  
17 earnings and earning capacity, and has incurred and will continue to incur expenses for medical and  
18 psychological treatment, therapy, and counseling.

19

20

21

22

23

24

25

26

27

28

**FIFTH CAUSE OF ACTION**

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

(Against DISTRICT DEFENDANTS and DOES 1 through 50, inclusive)

23

24

25

26

27

28

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

111. DISTRICT DEFENDANTS owed PLAINTIFF a duty to take reasonable protective  
measures to protect PLAINTIFF and other students from the risk of sexual harassment in the form  
of illicit recording while on school property.

1 112. DISTRICT DEFENDANTS breached its duty by failing to implement reasonable or  
2 sufficient policies and procedures and/or failing to enforce existing policies to prevent the illicit  
3 recording of female students in the bathroom and locker room.

4 113. DISTRICT DEFENDANT breached its duty by failing to reasonably or sufficiently  
5 train their employees to recognize and report the hidden camera placed in the bathroom and locker  
6 room by DEFENDANT RIDEN.

7 114. DISTRICT DEFENDANT breached its duty by failing to reasonably or sufficiently  
8 train its employees to enforce its own policies and procedures banning cellular phones from the  
9 bathroom and locker room.

10 115. Due to DISTRICT DEFENDANT'S breach of duty, its employee DEFENDANT  
11 RIDEN was able to hide a recording device in the bathroom and locker room adjacent to the  
12 swimming pool at Los Osos High School.

13 116. PLAINTIFF reasonably believes she was secretly recorded by DEFEDANT  
14 RIDEN's recording devices, while fully or partially undressed.

15 117. The apprehension of being potentially recorded by a DISTRICT employee has  
16 caused PLAINTIFF great emotional distress.

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

24  
25 **SIXTH CAUSE OF ACTION**

26 **COMMON-LAW INVASION OF PRIVACY**

27 (Against the District Defendants and DOES 1 through 50, inclusive)

28 119. PLAINTIFF incorporates all previous paragraphs as if alleged in this paragraph.

1           120. PLAINTIFF had the right to be free of unwarranted invasion to privacy.

2           121. PLAINTIFF suffered the DISTRICT DEFENDANTS physical intrusion into a place  
3 of privacy – namely, visual and/or photographic spying in a bathroom and/or locker room.

4           122. The DISTRICT DEFENDANTS' intrusion via DEFENDANT RIDEN caused  
5 PLAINTIFF mental distress, even if there is no publication of PLAINTIFF's images.

6           123. The DISTRICT DEFENDANTS, via DEFENDANT RIDEN, intruded into a place,  
7 conversation, or matter where PLAINTIFF had an objectively reasonable expectation of privacy.

8           124. The DISTRICT DEFENDANTS intrusion was conducted in a manner that was  
9 highly offensive to a reasonable person.

10          125. PLAINTIFF had a reasonable expectation of privacy based on such factors as the  
11 extent to which others might have been able to observe or overhear them, DEFENDANT RIDEN's  
12 identity, and the nature of his intrusion.

13          126. Considering all the circumstances of the DISTRICT DEFENDANTS' intrusion via  
14 DEFENDANT RIDEN, including its degree and setting, and DEFENDANT RIDEN's motives and  
15 objectives, the DISTRICT DEFENDANTS invasion of privacy was highly offensive.

16          127. Society recognizes a right of privacy in the area intruded upon.

17          128. The particular nature of the DISTRICT DEFENDANTS' intrusion, the DISTRICT  
18 DEFENDANTS' conduct, and all the surrounding circumstances support the fact that the  
19 DISTRICT DEFENDANTS intruded into a place, conversation, or matter where PLAINTIFF had  
20 an objectively reasonable expectation of privacy and the DISTRICT DEFENDANTS' intrusion was  
21 conducted in a manner highly offensive to a reasonable person.

22          129. The DISTRICT DEFENDANTS' invasion of PLAINTIFF'S common-law right to  
23 privacy proximately caused PLAINTIFF injury and monetary damages, including but not limited to,  
24 PLAINTIFF suffered and continues to suffer pain of mind and body, mental anguish, shock,  
25 emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-  
26 esteem, disgrace, fright, grief, humiliation, and enjoyment of life. PLAINTIFF was prevented, and  
27 will continue to be prevented, from performing daily activities and obtaining the full enjoyment of  
28 life. PLAINTIFF has sustained and continues to sustain loss of earning and loss of earning capacity

1 and has incurred and will continue to incur expenses for medical and psychological treatment,  
2 therapy, and counseling.

3 130. PLAINTIFF also seeks a declaratory judgement that the DISTRICT DEFENDANTS  
4 are liable for common-law invasion of privacy based on the above facts.

5 131. PLAINTIFF also seeks a permanent injunction that the DISTRICT DEFENDANTS  
6 take appropriate measures to protect their students from such invasion of privacy, including but not  
7 limited to, monitoring of their school grounds for hidden cameras or other unauthorized recording  
8 devices, monitoring of their employees for suspicious behavior, and conducting proper background  
9 checks on their employees.

10  
11 **SEVENTH CAUSE OF ACTION**

12 **CONSTITUTIONAL INVASION OF PRIVACY**

13 (Against the District Defendants and Does 1 through 50, inclusive)

14 132. PLAINTIFF incorporates all previous paragraphs as if alleged in this paragraph.

15 133. In addition to the common-law tort of intrusion, the California Constitution  
16 recognizes a right to privacy applicable to governments and private entities. This constitutional right  
17 to privacy was added to article 1, section 1 of the California Constitution by a 1972 voter initiative.

18 134. PLAINTIFF had a legally protected privacy interest not to be surreptitiously  
19 videotaped.

20 135. PLAINTIFF had a reasonable expectation of privacy in the circumstances described  
21 herein.

22 136. The DISTRICT DEFENDANTS conduct via DEFENDANT RIDEN constituted a  
23 serious invasion of privacy.

24 137. Taken together, DEFENDANTS behavior constituted a significant and severe  
25 intrusion of PLAINTIFF's privacy that invaded an interest fundamental to PLAINTIFF's personal  
26 autonomy and was a genuine, nontrivial invasion of PLAINTIFF's protected privacy interest that  
27 defies a reasonable or sensible explanation or justification.

28

1 138. The DISTRICT DEFENDANTS' invasion of PLAINTIFF'S Constitutional right to  
2 privacy proximately caused PLAINTIFF injury and monetary damages, including but not limited to,  
3 PLAINTIFF suffered and continues to suffer pain of mind and body, mental anguish, shock,  
4 emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-  
5 esteem, disgrace, fright, grief, humiliation, and enjoyment of life. PLAINTIFF was prevented, and  
6 will continue to be prevented, from performing daily activities and obtaining the full enjoyment of  
7 life. PLAINTIFF has sustained and continues to sustain loss of earning and loss of earning capacity  
8 and has incurred and will continue to incur expenses for medical and psychological treatment,  
9 therapy, and counseling.

10 139. PLAINTIFF also seeks a declaratory judgement that the DISTRICT DEFENDANTS  
11 are liable for constitutional invasion of privacy based on the above facts.

12 140. PLAINTIFF also seeks a permanent injunction that the DISTRICT DEFENDANTS  
13 take appropriate measures to protect their students from such invasion of privacy, including but not  
14 limited to, monitoring of their school grounds for hidden cameras or other unauthorized recording  
15 devices, monitoring of their employees for suspicious behavior, and conducting proper background  
16 checks on their employees.

17  
18 **EIGHTH CAUSE OF ACTION**  
19 **COMMON-LAW INVASION OF PRIVACY**  
20 **(Against DEFENDANT RIDEN)**

21 141. PLAINTIFF incorporates all previous paragraphs as if alleged in this paragraph.

22 142. PLAINTIFF had a right to be free of unwarranted invasion of PLAINTIFF's privacy.

23 143. PLAINTIFF suffered DEFENDANT RIDEN's unconsented-to physical intrusion  
24 into a place of privacy- namely, visual and/or photographic spying, and, upon information and  
25 belief, distribution of those images or videos.

26 144. DEFENDANT RIDEN's intrusion caused PLAINTIFF mental distress, whether or  
27 not there was publication of PLAINTIFF's images.

28

1           145.   DEFENDANT RIDEN intruded into a place, conversation, or matter where  
2 PLAINTIFF had an objectively reasonable expectation of privacy.

3           146.   DEFENDANT RIDEN's intrusion was conducted in a manner that was highly  
4 offensive to a reasonable person.

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

8           148.   Considering all the circumstances of DEFENDANT RIDEN's intrusion, including its  
9 degree and setting, and DEFENDANT RIDEN's motives and objectives, DEFENDANT RIDEN's  
10 invasion of privacy was highly offensive.

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

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

17          151.   DEFENDANT RIDEN's invasion of PLAINTIFF's common-law right to privacy  
18 proximately cause them injury and monetary damages. PLAINTIFF suffered injuries and monetary  
19 damages, including but not limited to, PLAINTIFF suffered and continues to suffer pain of mind  
20 and body, mental anguish, shock, emotional distress, physical manifestations of emotional distress,  
21 embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, and enjoyment of life.  
22 PLAINTIFF was prevented, and will continue to be prevented, from performing daily activities and  
23 obtaining the full enjoyment of life. PLAINTIFF has sustained and continues to sustain loss of  
24 earning and loss of earning capacity and has incurred and will continue to incur expenses for  
25 medical and psychological treatment, therapy, and counseling.

26          152.   PLAINTIFF also seeks declaratory relief that the DEFENDANT RIDEN is liable for  
27 common-law invasion of privacy based on the above facts.

28

1 153. PLAINTIFF also seeks a permanent injunction that the DEFENDANT RIDEN be  
2 prevented from employment at any school or other facility that regularly is the custodian of minors.

3  
4 **NINTH CAUSE OF ACTION**

5 **CONSTITUTIONAL INVASION OF PRIVACY**

6 (Against DEFENDANT RIDEN)

7 154. PLAINTIFF incorporates all previous paragraphs as if alleged in this paragraph.

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

11 156. PLAINTIFF had a legally protected privacy interest not to be surreptitiously  
12 recorded, or to have their images disseminated or published.

13 157. PLAINTIFF had a reasonable expectation of privacy in the circumstances described  
14 herein.

15 158. DEFENDANT RIDEN's conduct constituted a serious invasion of privacy.

16 159. DEFENDANT RIDEN's behavior constituted a significant and severe intrusion of  
17 PLAINTIFF's privacy that invaded an interest fundamental to PLAINTIFF's personal autonomy  
18 and was a genuine, nontrivial invasion of PLAINTIFF's protected privacy interest that defies a  
19 reasonable or sensible explanation or justification.

20 160. DEFENDANT RIDEN's violation of PLAINTIFF's constitutional right to privacy  
21 proximately caused PLAINTIFF injury and monetary damages. PLAINTIFF suffered injuries and  
22 monetary damages, including but not limited to, PLAINTIFF suffered and continues to suffer pain  
23 of mind and body, mental anguish, shock, emotional distress, physical manifestations of emotional  
24 distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation and enjoyment of  
25 life. PLAINTIFF was prevented, and will continue to be prevented, from performing daily activities  
26 and obtaining the full enjoyment of life. PLAINTIFF has sustained and continues to sustain loss of  
27 earning and loss of earning capacity and has incurred and will continue to incur expenses for  
28 medical and psychological treatment, therapy, and counseling.



1 161. PLAINTIFF also seeks declaratory relief that DEFENDANT RIDEN is liable for  
2 constitutional invasion of privacy based on the above facts.

3 162. PLAINTIFF seeks a permanent injunction that DEFENDANT RIDEN be prevented  
4 from employment at any school or other facility that regularly is the custodian of minors.  
5

6 **TENTH CAUSE OF ACTION**

7 **VIOLATION OF CAL. CIV CODE §1708.85**

8 (Against DEFENDANT RIDEN)

9 163. PLAINTIFF incorporates all previous paragraphs as if alleged in this paragraph.

10 164. Upon information and belief, DEFENDANT RIDEN has intentionally distributed  
11 photographs and/or videos of PLAINTIFF without PLAINTIFF's knowledge or consent.

12 165. DEFENDANT RIDEN knew that PLAINTIFF had a reasonable expectation of  
13 privacy in the locations where he placed hidden cameras and took the above mentioned photographs  
14 and/or videos.

15 166. Upon information and belief, the distributed materials exposed intimate body parts,  
16 as defined in Cal. Civ. Code §1708.85, of PLAINTIFF.

17 167. PLAINTIFF has suffered general or special damages, as described in Cal. Civ. Code  
18 §48a(d), including but not limited to loss of reputation, shame, mortification, and hurt feelings.  
19

20 **ELEVENTH CAUSE OF ACTION**

21 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

22 (Against All DEFENDANTS, and DOES 1 through 50)

23 168. PLAINTIFF incorporates all previous paragraphs as if alleged in this paragraph.

24 169. As described herein, DEFENDANTS have engaged in extreme and outrageous  
25 conduct with reckless disregard for the probability of causing emotional distress to PLAINTIFF.

26 170. As a proximate result of DEFENDANTS actions, PLAINTIFF has suffered severe or  
27 extreme emotional distress.  
28

1           171. DEFENDANTS' intentional infliction of emotional distress on PLAINTIFF  
2 proximately caused PLAINTIFF injury and monetary damages. PLAINTIFF suffered injuries and  
3 monetary damages, including but not limited to, PLAINTIFF suffered and continues to suffer pain  
4 of mind and body, mental anguish, shock, emotional distress, physical manifestations of emotional  
5 distress, embarrassment, loss of self-esteem, disgrace, fright, grief, and humiliation. PLAINTIFF  
6 was prevented, and will continue to be prevented, from performing daily activities and obtaining the  
7 full enjoyment of life. PLAINTIFF has sustained and continues to sustain loss of earning and loss of  
8 earning capacity and has incurred and will continue to incur expenses for medical and psychological  
9 treatment, therapy, and counseling.

10           172. The acts of DEFENDANTS alleged above were willful, wanton, malicious, and  
11 oppressive, and justify the awarding of exemplary and punitive damages.

12           173. PLAINTIFF seeks declaratory relief that all DEFENDANTS are liable for  
13 intentional infliction of emotional distress based on the above facts.

14           174. PLAINTIFF seeks a permanent injunction that the DISTRICT DEFENDANTS take  
15 appropriate measures to protect their students from such invasion of privacy, including but not  
16 limited to, monitoring of their school grounds for hidden cameras or other unauthorized recording  
17 devices, monitoring of their employees for suspicious behavior, and conducting proper backgrounds  
18 checks on their employees.

19           175. PLAINTIFF seeks a permanent injunction that DEFENDANT RIDEN be prevented  
20 from employment at any school or other facility that regularly is the custodian of minors.

21  
22  
23 ///  
24  
25 ///  
26  
27 ///  
28

1 **TWELFTH CAUSE OF ACTION**

2 **RESPONDEAT SUPERIOR**

3 (Against the DISTRICT DEFENDANTS Under Cal. Gov. Code §815.2(a))

4 176. PLAINTIFF incorporates all previous paragraphs as if alleged in this paragraph.

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

9 178. In committing the misconduct alleged above, DEFENDANT RIDEN acted at all  
10 relevant times within the scope of his employment by the District. Under Cal. Gov. Code §  
11 815.2(a), the District is therefore liable for all damages suffered by PLAINTIFF as a result of  
12 DEFENDANT RIDEN’s misconduct.

13 179. PLAINTIFF also seeks declaratory relief that the District, as DEFENDANT  
14 RIDEN’s employer at all relevant times, is liable under Cal. Gov. Code § 815.2(a) for  
15 DEFENDANT RIDEN’S acts and omissions as an employee of DEFENDANT DISTRICT and for  
16 all damages suffered by PLAINTIFF as a result of his misconduct.

17 180. PLAINTIFF also seeks a permanent injunction that DEFENDANT DISTRICT take  
18 appropriate measures to protect their students from misconduct by its employees, including but not  
19 limited to monitoring of its school grounds for hidden cameras or other unauthorized recording  
20 devices, monitoring of its employees for suspicious behavior, and conducting roper background  
21 checks on its employees.

22  
23  
24 ///

25  
26 ///

27  
28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**THIRTEENTH CAUSE OF ACTION**

**COMMON LAW RESPONDEAT SUPERIOR**

(Against the DISTRICT DEFENDANTS and DOES 1 through 50)

181. PLAINTIFF incorporates all previous paragraphs as if alleged in this paragraph.

182. In committing the misconduct alleged above, DEFENDANT RIDEN acted at all times within the scope of his employment by DEFENDANT DISTRICT. Under the common law doctrine of respondeat superior, DEFENDANT DISTRICT is therefore liable for all damages suffered by PLAINTIFF as a result of DEFENDANT RIDEN's misconduct.

183. PLAINTIFF also seeks declaratory relief that DEFENDANT DISTRICT, as DEFENDANT RIDEN's employer at all relevant times, is liable for all of his misconduct as alleged above, and for all damages suffered by PLAINTIFF as a result of his misconduct.

184. PLAINTIFF seeks a permanent injunction that the DEFENDANT DISTRICT take appropriate measures to protect their students from such invasion of privacy, including but not limited to, monitoring of their school grounds for hidden cameras or other unauthorized recording devices, monitoring of their employees for suspicious behavior, and conducting proper background checks on their employees.

**PRAYER FOR RELIEF**

**WHEREFORE**, PLAINTIFF prays for a jury trial and for judgement against Defendants as follows:

**FOR ALL CAUSES OF ACTION**

1. For past, present and future non-economic damages in an amount to be determined at trial;
2. For past, present and future special damages, including but not limited to past, present and future lost earnings, economic damages and others, in an amount to be determined at trial;
3. Punitive damages, according to proof, though not as to the Negligence Causes of Action;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- 4. For interest based on damages, as well as pre-judgment and post-judgment interest as allowed by law;
- 5. For attorney's fees pursuant to California Code of Civil Procedure sections 1021.5, et seq., 52, et seq., 51, et seq., or as otherwise allowable by law;
- 6. For declaratory and injunctive relief;
- 7. For such other and further relief as the Court may deem proper.

Dated: July 21, 2022

**ARMINAK LAW, APC**

By: *Tamar G. Arminak*

---

TAMAR G. ARMINAK  
NELLY S. ISPIRYAN  
ZHENYA A. BAGDASARYAN  
Attorneys for Plaintiff,  
JANE DOE

**DEMAND FOR JURY TRIAL**

PLAINTIFF hereby demands a jury trial in this matter.

Dated: July 21, 2022

**ARMINAK LAW, APC**

By: *Tamar G. Arminak*

TAMAR G. ARMINAK  
NELLY S. ISPIRYAN  
ZHENYA A. BAGDASARYAN  
Attorneys for Plaintiff,  
JANE DOE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28