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9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN BERNARDINO

12 J.J., a minor, by and through his Guardian Ad)
13 Litem, OSCAR ACOSTA; MELISSA)
14 JENNINGS, an individual,)
15)
16 Plaintiffs,)
17 v.)
18 CHINO VALLEY UNIFIED SCHOOL)
19 DISTRICT; COUNTY OF RIVERSIDE;)
20 COUNTY OF SAN BERNARDINO and DOES)
21 1 through 50,)
22)
23 Defendants.)

24 CASE NO. **CIVRS 2400295**
25 **COMPLAINT FOR DAMAGES**
26 1. Negligence
27 2. Negligent Hiring, Supervision, and
28 Retention
3. Negligent Infliction of Emotional
Distress
4. Negligence Per Se
DEMAND FOR JURY TRIAL

29
30 **COME NOW PLAINTIFFS AND ALLEGE ON INFORMATION AND BELIEF:**

31
32 **INTRODUCTION**

33 1. Plaintiffs Melissa Jennings and her minor child J.J., by and through his Guardian Ad Litem
34 OSCAR ACOSTA (hereinafter collectively "PLAINTIFFS"), seek damages against Defendant Chino
35 Valley Unified School District for its gross failure to protect one of its Kindergarten students at Oak Ridge
36 Elementary School when its staff handed the minor child over to a child abductor during school hours, and
37 allowed him to kidnap the child for a period of days, causing PLAINTIFFS serious physical, emotional,
38 and psychological injury.

FILED BY FAX

1 2. PLAINTIFFS also seek damages against Defendants County of Riverside and the County
2 of San Bernardino, after both sheriff's departments permitted the child abductor to continue his abduction
3 of the Minor Child J.J., despite both Defendants knowing the location of the child and knowing that the
4 child abductor was in violation of active restraining orders meant to protect the child, senselessly
5 prolonging the kidnapping and magnifying PLAINTIFFS physical, emotional, and psychological injuries.

6 **THE PARTIES**

7 3. Plaintiff MELISSA JENNINGS ("Plaintiff Jennings"), an individual, is and was at all times
8 mentioned herein, a resident of the City of Chino Hills, California in San Bernardino County.

9 4. Plaintiff J.J. ("Minor Child J.J."), a minor, by and through guardian ad litem Oscar Acosta,
10 is and was at all times mentioned herein, a resident of the City of Chino Hills, California in San
11 Bernardino County.

12 5. PLAINTIFFS are informed, believe, and thereupon allege, that at all times herein
13 mentioned, Defendant CHINO VALLEY UNIFIED SCHOOL DISTRICT (hereafter referred to as
14 "CVUSD"), and DOES 1 through 5 inclusive, is and was at all times mentioned herein, a public school
15 district located in San Bernardino County receiving state funds, organized and existing under the laws of
16 the State of California, and responsible for providing public education and a safe learning environment to
17 District students.

18 6. PLAINTIFFS are informed, believe, and thereupon allege, that at all times herein
19 mentioned, Defendant COUNTY OF SAN BERNARDINO ("SAN BERNARDINO COUNTY"), and
20 DOES 6 through 10 inclusive, is a duly constituted governmental entity in the State of California, and is
21 ultimately responsible for the management and operation of and exerted control over the San Bernardino
22 County Sheriff's Department, including its officers who responded to the events herein alleged.

23 7. PLAINTIFFS are informed, believe, and thereupon allege, that at all times herein
24 mentioned, Defendant COUNTY OF RIVERSIDE ("RIVERSIDE COUNTY"), and DOES 11 through 15
25 inclusive, is a duly constituted governmental entity in the State of California, and is ultimately responsible
26 for the management and operation of and exerted control over the Riverside County Sheriff's Department,
27 including its officers who responded to the events herein alleged.

28 8. CVUSD, SAN BERNARDINO COUNTY, RIVERSIDE COUNTY, and Defendants

1 DOES 1 through 50 are collectively referred to as DEFENDANTS herein.

2 9. The true names and/or capacities, whether individual, corporate, associate or otherwise, of
3 Defendants Does 1 through 50, inclusive, and each of them, are unknown to PLAINTIFFS, who
4 therefore sues said Defendants by such fictitious names pursuant to California Code of Civil Procedure §
5 474. PLAINTIFFS are informed and believe, and upon such information and belief allege, that each of
6 the Defendants fictitiously named herein as a Doe is legally responsible, negligently or in some other
7 actionable manner, for the events and happenings hereinafter referred to, and proximately caused the
8 damages to PLAINTIFFS hereinafter alleged. PLAINTIFFS will seek leave of court to amend this
9 Complaint to assert the true names and/or capacities of such fictitiously named Defendants when the
10 same have been ascertained.

11 10. PLAINTIFFS are informed and believe and thereon allege that at all times relevant hereto
12 each of the DEFENDANTS, including without limitation the Doe Defendants, was the agent, affiliate,
13 officer, director, manager, principal, alter-ego, joint-venturer and/or employee of the other Defendants
14 and were at all times acting within the scope of such agency, affiliation, alter-ego relationship and/or
15 employment and actively participated in, or subsequently ratified and adopted, or both, each and all of
16 the acts or conduct alleged herein, with full knowledge of all the facts and circumstances, including, but
17 not limited to, full knowledge of each and all of the violations of PLAINTIFFS rights and the damages to
18 PLAINTIFFS directly and/or proximately caused thereby.

19 11. At all times herein mentioned, DEFENDANTS, and DOES 1 through 50, were the agents
20 and/or employees of each of the remaining DEFENDANTS, and in such capacity were responsible for the
21 maintenance and condition of the premises where PLAINTIFF was injured. In doing the things hereinafter
22 alleged, DEFENDANTS, and DOES 1 through 50 were acting within the course and scope of such agency
23 and employment.

24 **JURISDICTION AND VENUE**

25 12. This Court has jurisdiction over this matter because DEFENDANTS conduct business in
26 the State of California. Additionally, PLAINTIFFS are residents of the State of California.

27 13. Venue is proper in the County of San Bernardino pursuant to Section 395(a) of the *Code of*
28 *Civil Procedure*. DEFENDANTS, and each of them, are systematically doing business, under the laws of

1 California, on a regular basis in the County of San Bernardino, State of California, and the events alleged
2 herein occurred in the County of San Bernardino.

3
4 **GENERAL ALLEGATIONS**

5 14. At all times herein mentioned DEFENDANT CHINO VALLEY UNIFIED SCHOOL
6 DISTRICT (hereinafter "CVUSD") operated and/or controlled Oak Ridge Elementary School located at 5452
7 Valle Vista Drive, Chino Hills, CA 91709 (hereinafter "Oak Ridge Elementary") in the County of San
8 Bernardino.

9 15. Oak Ridge Elementary is a pre-K through 6th grade public elementary school within the
10 Chino Valley Unified School District. During the 2023-2024 school year, Kindergarten students were in
11 school from 7:48 a.m. to 11:06 a.m. There were approximately twenty-five kindergarten students taught by
12 one teacher.

13 16. At all times herein mentioned, it was Oak Ridge Elementary's and CVUSD's stated policy
14 that "[t]he school will make every attempt to reach the custodial parent when a parent or any other person not
15 listed on the emergency card attempts to pick up a child."

16 17. The CVUSD Parental Handbook states that An Emergency Contacts binder is maintained in
17 the office of each public school, to be used for day-to-day student release. The CVUSD Parental Handbook
18 indicates "Students will only be released to the person whose name appears on the Emergency Contact List."
19 The CVUSD Parental Handbook further directs parents that it is "extremely important that the contact
20 information is filled out completely through Aeries Parent Portal," and to "input ALL names, address, and
21 telephone numbers of the individuals authorized to pick up your child(ren)," and directs parents to "update
22 your student(s) emergency contacts through Aeries Parent Portal should changes occur." The CVUSD
23 Parental Handbook requires that the person picking up a child must have a valid picture I.D. with the name
24 that matches the name on the emergency contact list.

25 18. At all times herein mentioned, David Reis was the Principal of Oak Ridge Elementary.

26 19. At all times herein mentioned, Sukaina Husain was the Assistant Principal of Oak Ridge
27 Elementary.

1 20. In July 2023, prior to the start of the 2023-2024 school year, Plaintiff Ms. Jennings registered
2 Plaintiff Minor Child J.J. in the Chino Valley Unified School District to attend Kindergarten at Oak Ridge
3 Elementary.

4 21. Prior to the start of the 2023-2024 school year, Plaintiff Ms. Jennings logged into the Aeries
5 Parent Portal and entered herself as Parent/Guardian #1 of Minor Child J.J. and entered her mother, Minor
6 Child J.J.'s maternal grandmother as Parent/Guardian #2. In addition to these two contacts Plaintiff Ms.
7 Jennings added Minor Child J.J.'s maternal side-aunt as the only additional emergency contact permitted to
8 pick up Minor Child J.J.

9 22. Ms. Jennings entered herself as the only person permitted to receive information regarding the
10 Minor Child J.J.

11 23. Oak Ridge Elementary confirmed Minor Child J.J.'s enrollment in July 2023.

12 24. At no time did Plaintiff Ms. Jennings or any other authorized person add another person to the
13 emergency contact list or permit another person to pick up Minor Child J.J.

14 25. On information and belief, in violation of CVUSD and Oak Ridge Elementary policy and in
15 breach of the duty owed to PLAINTIFFS, Defendant CVUSD by and through the principal, assistant
16 principal, and administrative staff of Oak Ridge Elementary added an unauthorized individual to Plaintiff
17 Minor Child J.J.'s emergency contact list without informing the child's mother Plaintiff Ms. Jennings, or any
18 other emergency contact.

19 26. On the next school day, during school hours, Defendant CVUSD permitted and facilitated the
20 abduction of Plaintiff Minor Child J.J. from Oak Ridge Elementary, handing Plaintiff Minor Child J.J. over
21 to the Child Abductor who held Plaintiff Minor Child J.J. captive for three days, causing PLAINTIFFS
22 physical, emotional, and psychological injury, which is ongoing.

23 27. At no time did Defendant CVUSD or any staff person of Oak Ridge Elementary inform
24 Plaintiff Ms. Jennings, or anyone else, that a new person had been added to Plaintiff Minor Child J.J.'s
25 emergency contact list prior to his abduction.

26 28. August 7, 2023 was Minor Child J.J.'s first day of Kindergarten at Oak Ridge Elementary.
27
28

1 29. On August 11, 2023, because of a minor heat rash on Minor Child J.J., he was sent home from
2 Defendant CVUSD's Oak Ridge Elementary with his mother Plaintiff Ms. Jennings, informing Ms. Jennings
3 that children displaying a rash cannot attend school until the rash was cleared. .

4 30. On information and belief, later that day on August 11, 2023 a man (hereinafter "Child
5 Abductor") entered Oak Ridge Elementary in an attempt to abduct Minor Child J.J.

6 31. On information and belief, Defendant CVUSD employee and office manager and secretary for
7 the Principal of Oak Ridge Elementary Kimm Sanchez informed the Child Abductor that the Minor Child J.J.
8 was no longer present at school that day. Defendant CVUSD's employee then added the Child Abductor to
9 the Emergency Contact List for Minor Child J.J. without informing anyone.

10 32. Neither the office manager nor any other staff member at Oak Ridge Elementary or employee
11 of Defendant CVUSD or attempted to contact Plaintiff Ms. Jennings, Minor Child J.J.'s registered parent, or
12 anyone else already on the Emergency Contact List, to inform her that a person who not on the Emergency
13 Contact List had attempted to take the Minor Child J.J. in the middle of class or that they added this person to
14 Minor Child J.J.'s Emergency Contact List.

15 33. At no time did Plaintiff Minor Child J.J.'s mother Ms. Jennings or anyone else registered with
16 Defendant CVUSD's parent portal authorize the addition of the Child Abductor to the Emergency Contact
17 List.

18 34. The next school day, Monday August 14, 2023 at 7:45 a.m., Plaintiff Ms. Jennings
19 accompanied Plaintiff Minor Child J.J., whose heat rash had cleared, to the Oak Ridge Elementary nurse to
20 be cleared to attend school. Plaintiffs Ms. Jennings and Minor Child J.J. waited approximately 45 minutes in
21 the administrative office until the nurse arrived on the campus at 8:30 a.m. Minor Child J.J.'s had placement
22 testing scheduled between 11:00 a.m. to 12:30 p.m. after the morning class that day.

23 35. On information and belief, at this time Defendant CVUSD employee and Oak Ridge
24 Elementary Principal David Reis, Defendant CVUSD employee and Oak Ridge Elementary Assistant
25 Principal Sukaina Husain, Defendant CVUSD employee and Oak Ridge Elementary office manager and
26 secretary for the Principal Kimm Sanchez, and Defendant CVUSD employee and Oak Ridge Elementary
27 Attendance Clerk Lizette Quevedo were all present either in the office or elsewhere on campus, as were other
28 Defendant CVUSD employees and Oak Ridge Elementary staff.

1 36. While PLAINTIFFS waited in the administrative office, not a single Oak Ridge Elementary
2 staff member or CVUSD employee attempted to inform Plaintiff Ms. Jennings that a man previously
3 unknown to Oak Ridge Elementary teachers and staff and not on the Emergency Contact List had attempted
4 take the Minor Child J.J. from campus the prior school day, or that the man had been added to the Emergency
5 Contact List.

6 37. The school nurse released Minor Child J.J. back to class at approximately 8:35 a.m.

7 38. On information and belief, approximately ten minutes after Minor Child J.J. was dropped off
8 by his mother and escorted to his class, the Child Abductor entered the Oak Ridge Elementary administrative
9 office and Defendant CVUSD willingly and without question or attempt to contact Plaintiff Ms. Jennings,
10 pulled the Minor Child J.J. out of class, handed the child over to the Child Abductor, and allowed the Child
11 Abductor to take the Plaintiff Minor Child J.J. away.

12 39. No Oak Ridge Elementary staff or CVUSD employee attempted to inform Ms. Jennings, or
13 any other person registered with CVUSD and/or entered in the Aeries Parent Portal as Minor Child J.J.'s
14 registered parent or guardian, that an individual not previously on the Emergency Contact List had attempted
15 to take the Minor Child J.J. or that they had allowed the Child Abductor to take Plaintiff Minor Child J.J.
16 from campus.

17 40. CVUSD employees / Oak Ridge Elementary staff were grossly negligent in ignoring the
18 obvious impropriety of Minor Child J.J. being picked up by a man not registered on the Aeries Parent Portal
19 only ten minutes after his drop-off, particularly when the Minor Child J.J. had placement testing appointment
20 at the school later that day.

21 41. No CVUSD employee and/or Oak Ridge Elementary staff attempted to contact Plaintiff Ms.
22 Jennings or any other person entered in the Aeries Parent Portal as Minor Child J.J.'s registered parent and
23 guardian to inform them that Minor Child J.J. had missed his placement testing appointment.

24 42. At approximately 12:30 p.m., Plaintiff Ms. Jennings arrived on campus to pick up her son
25 Minor Child J.J. following the scheduled completion of his placement testing. Defendant CVUSD employee
26 and Oak Ridge Elementary staff member informed Plaintiff Ms. Jennings that her child, Plaintiff Minor Child
27 J.J., had been handed over to the Child Abductor approximately ten minutes after being dropped off.
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1 43. Defendant SAN BERNARDINO COUNTY's Chino Hills Sheriff's Department officers were
2 called and Plaintiff Ms. Jennings filed a missing person report and informed officers that a current criminal
3 restraining order against Child Abductor prevented him from coming within 100 yards of the Minor Child J.J.
4 and that Minor Child J.J. was at risk of serious injury or death.

5 44. Defendant SAN BERNARDINO COUNTY's Chino Hills Sheriff's Department officers
6 thereafter informed Plaintiff Ms. Jennings that they contacted the Child Abductor who confirmed that he had
7 the Minor Child J.J. in his custody.

8 45. Despite knowledge of the Child Abductor's location and that the Child Abductor held Minor
9 Child J.J., and despite having knowledge of and access to the Criminal Protective Order requiring the Child
10 Abductor stay 100 yards away from the Minor Child J.J., Defendant SAN BERNARDINO COUNTY's
11 Sheriff's Department officers refused to pursue the Child Abductor at his residence or attempt to rescue
12 Plaintiff Minor Child J.J., thereby prolonging Minor Child J.J.'s abduction and directly and proximately
13 causing PLAINTIFFS additional and avoidable physical, emotional, and psychological harm.

14 46. Defendant SAN BERNARDINO COUNTY's Chino Hills Sheriff's Department officers
15 provided Plaintiff Ms. Jennings with the Child Abductor's address but refused to go to rescue the child,
16 instead instructing Plaintiff Ms. Jennings to wait until the District Attorney Child Abduction Unit contacted
17 her. Defendant SAN BERNARDINO COUNTY's Chino Hills Sheriff's Department officers refused to
18 provide Plaintiff Ms. Jennings the phone number for the District Attorney Child Abduction Unit, insisting she
19 wait to be called.

20 47. As a legal, direct, and proximate result of Defendant SAN BERNARDINO COUNTY's
21 Sheriff's Department negligence and active refusal to rescue Plaintiff Minor Child J.J., and their refusal to
22 further assist Plaintiff Ms. Jennings to rescue her son, PLAINTIFFS suffered additional and avoidable
23 physical, emotional, and psychological harm.

24 48. While waiting for the District Attorney Child Abduction Unit to contact her, Plaintiff Ms.
25 Jennings contacted Oak Ridge Elementary, the Superintendent for Defendant CVUSD, Defendant CVUSD,
26 the district attorney's office, National Center for Missing and Exploited Children, and Riverside County law
27 enforcement to beg for help to rescue her son.

28

1 49. Defendant CVUSD's employee and Oak Ridge Elementary Attendance Clerk Lizette
2 Quevedo informed Plaintiff Ms. Jennings that Oak Ridge Elementary had added the Child Abductor to Minor
3 Child J.J.'s Emergency Contact List on August 11, 2024 and failed to inform her of the change.

4 50. Ms. Jennings demanded the Child Abductor to be removed from the Emergency Contact List.

5 51. Plaintiff Ms. Jennings contacted Defendant RIVERSIDE COUNTY's Sheriff's Department to
6 perform a welfare check at the Child Abductor's address; however, Defendant RIVERSIDE COUNTY's
7 Sheriff's Department refused to do so, insisting that Defendant SAN BERNARDINO COUNTY's Sheriff's
8 Department first confirm the abduction. Defendant SAN BERNARDINO COUNTY's Sheriff's Department
9 refused to confirm the abduction.

10 52. As a legal, direct, and proximate result of Defendant SAN BERNARDINO COUNTY's
11 Sheriff's Department's negligence and active refusal to confirm an abduction had occurred, PLAINTIFFS
12 suffered additional and avoidable physical, emotional, and psychological harm.

13 53. As a legal, direct, and proximate result of Defendant RIVERSIDE COUNTY's Sheriff's
14 Department's negligence and active refusal to rescue Plaintiff Minor Child J.J. and refusal to further assist
15 Plaintiff Ms. Jennings to rescue her son, PLAINTIFFS suffered additional and avoidable physical, emotional,
16 and psychological harm.

17 54. On August 15, 2024, while the Minor Child J.J. was still abducted, Defendant CVUSD
18 employee and Oak Ridge Elementary Attendance Clerk Lizette Quevedo called Plaintiff Ms. Jennings to
19 inform her that the Minor Child J.J. was not present in school and it would be counted as an unexcused
20 absence.

21 55. As a legal, direct, and proximate result of Defendant CVUSD's negligence and cruel and
22 oppressive conduct, finally contacting Plaintiff Ms. Jennings, but only to penalize PLAINTIFFS for Minor
23 Child J.J.'s absence from school despite being aware that the child had been abducted as a result of CVUSD's
24 own negligence, PLAINTIFFS suffered additional and avoidable physical, emotional, and psychological
25 harm.

26 56. On August 15, 2024, Plaintiff Ms. Jennings filed for and obtained an additional restraining
27 order from the San Bernardino Superior Court protecting Minor Child J.J. from the Child Abductor praying a
28

1 second restraining order would inspire Defendants RIVERSIDE COUNTY's Sheriff's Department and SAN
2 BERNARDINO COUNTY's Sheriff's Department to action to protect the Minor Child J.J.

3 57. Plaintiff Ms. Jennings communicated the second restraining order to law enforcement,
4 including but not limited to Defendants RIVERSIDE COUNTY's Sheriff's Department and SAN
5 BERNARDINO COUNTY's Sheriff's Department.

6 58. Plaintiff Ms. Jennings also directed a friend and paralegal Katherine Schwenke to the Child
7 Abductor's address which had been provided by Defendant SAN BERNARDINO COUNTY's County
8 Sheriff's Department officers.

9 59. Katherine Schwenke identified the Child Abductor with the Minor Child J.J. in a car by the
10 address. Defendant RIVERSIDE COUNTY's Sheriff's Department was called and the location of the Child
11 Abductor and Minor Child J.J. was reported.

12 60. Defendant RIVERSIDE COUNTY's Sheriff's Department officers located and confirmed the
13 Minor Child J.J. was in the Child Abductor's vehicle.

14 61. Katherine Schwenke described to Defendant RIVERSIDE COUNTY's Sheriff's Department
15 officers the abduction, the two current restraining orders protecting the Minor Child J.J. from the Child
16 Abductor, and the Court orders that the Child Abductor not come within 100 yards of the Minor Child J.J.

17 62. Defendant RIVERSIDE COUNTY's Sheriff's Department officers ignored the two
18 restraining orders and permitted the Child Abductor to leave with Minor Child J.J.

19 63. As a legal, direct, and proximate result of Defendant RIVERSIDE COUNTY's Sheriff's
20 Department gross negligence and refusal to rescue the Minor Child J.J. from the Child Abductor or fulfill
21 their duties as law enforcement officers, the Minor Child J.J.'s abduction was needlessly and senselessly
22 prolonged and PLAINTIFFS suffered additional and avoidable physical, emotional, and psychological harm.

23 64. On August 16, 2024, while the Minor Child J.J. was still abducted, Defendant CVUSD
24 employee and Oak Ridge Elementary Attendance Clerk Lizette Quevedo contacted Plaintiff Ms. Jennings to
25 inform her that the Minor Child J.J. was not present in school and it would be counted as an unexcused
26 absence.

1 65. As a legal, direct, and proximate result of Defendant CVUSD's negligence and cruel and
2 oppressive conduct penalizing PLAINTIFFS for Minor Child J.J.'s absence from school, PLAINTIFFS
3 suffered additional and avoidable physical, emotional, and psychological harm.

4 66. On August 16, 2024, District Attorney Child Abduction Unit contacted Plaintiff Ms. Jennings
5 and after confirming the two active restraining orders, contacted Defendant RIVERSIDE COUNTY's
6 Sheriff's Department to demand assistance in recovering Plaintiff Minor Child J.J.

7 67. On information and belief, Defendant RIVERSIDE COUNTY's Sheriff's Department found
8 Plaintiff Minor Child J.J. at Child Abductor's residential address which they at all times relevant had known
9 of, and at last returned Plaintiff Minor Child J.J. to his mother Plaintiff Ms. Jennings.

10 68. Upon being reunited, Plaintiff Ms. Jennings observed that Plaintiff Minor Child J.J. was
11 severely traumatized and in shock, dirty, and wearing the same clothes as earlier that week.

12 69. Plaintiff Minor Child J.J. reported being kept in a dark closet with scary noises outside while
13 he was abducted.

14 70. As a legal, direct, and proximate result of Defendant CVUSD's gross negligence, Defendant
15 SAN BERNARDINO COUNTY's gross negligence, and Defendant RIVERSIDE COUNTY'S gross
16 negligence, Plaintiff Minor Child J.J. was malnourished, and suffered and continues to suffer from frequent
17 nightmares, Post Traumatic Stress Disorder, and severe physical, emotional, and psychological injury.

18 71. As a legal, direct, and proximate result of Defendant CVUSD's gross negligence, Defendant
19 SAN BERNARDINO COUNTY's gross negligence, and Defendant RIVERSIDE COUNTY'S gross
20 negligence, Plaintiff Ms. Jennings suffered and continues to suffer severe emotional, and psychological
21 injury.

22 72. On August 17, 2024, hours after the Minor Plaintiff Child J.J. was reunited with his mother,
23 Defendant CVUSD employee and Oak Ridge Elementary Attendance Clerk Lizette Quevedo contacted
24 Plaintiff Ms. Jennings to inform her that Minor Child J.J. was not present in school and it would be counted
25 as an unexcused absence.

26 73. As a legal, direct, and proximate result of Defendant CVUSD's gross negligence and cruel
27 and oppressive conduct penalizing PLAINTIFFS for Minor Child J.J.'s absence, PLAINTIFFS suffered
28 additional and avoidable physical, emotional, and psychological harm.

1 74. On November 28, 2023 Plaintiff Ms. Jennings contacted Defendant CVUSD employee and
2 Oak Ridge Elementary office manager and secretary for the Principal Kimm Sanchez who denied that the
3 Child Abductor had been added to the Emergency Contact List.

4 75. On May 15, 2024 Defendant CVUSD employee and Oak Ridge Elementary office manager
5 and secretary for the Principal Kimm Sanchez refused Plaintiff Ms. Jennings's formal request for a copy of
6 Minor Child J.J.'s school file, in violation of the United States Family Education Rights and Privacy Act.

7
8 **FIRST CAUSE OF ACTION**

9 **NEGLIGENCE**

10 **(By PLAINTIFFS against all DEFENDANTS)**

11 76. PLAINTIFFS allege and incorporate by reference as though fully set forth at length each
12 and every allegation contained in the preceding paragraphs of this complaint.

13 77. PLAINTIFFS are informed, believe, and thereupon allege, that at all times herein
14 mentioned, Defendant CVUSD and DOES 1 through 5 was the entity that was ultimately responsible for the
15 management and operation of and exerted control over Oak Ridge Elementary and was ultimately responsible
16 for the health and wellbeing of the students of Oak Ridge Elementary, including Plaintiff Minor Child J.J.

17 78. PLAINTIFFS are informed, believe, and thereupon allege, that at all times herein
18 mentioned, Defendant SAN BERNARDINO COUNTY and DOES 6 through 10 was the entity that was
19 ultimately responsible for the management and operation of and exerted control over the San Bernardino
20 County Sheriff's Department and was ultimately responsible for the health and wellbeing of people within its
21 jurisdiction, including PLAINTIFFS.

22 79. PLAINTIFFS are informed, believe, and thereupon allege, that at all times herein
23 mentioned, Defendant RIVERSIDE COUNTY and DOES 11 through 15 was the entity that was ultimately
24 responsible for the management and operation of and exerted control over the Riverside County Sheriff's
25 Department and was ultimately responsible for the health and wellbeing of people within its jurisdiction,
26 including PLAINTIFFS.

27 80. On or about August 14, 2023, DEFENDANT CVUSD and DOES 1 through 5, and each of
28 them, so negligently controlled, managed, and/or maintained their operations, including but not limited to

1 Oak Ridge Elementary, including but not limited to its staff, so as to directly and proximately cause
2 PLAINTIFFS' permanent injuries and damages.

3 81. On or about August 14, 2023, DEFENDANT SAN BERNARDINO COUNTY and DOES 6
4 through 10, and each of them, so negligently controlled, managed, and/or maintained their operations,
5 including but not limited to the San Bernardino County Sheriff's Department, including but not limited to its
6 officers and staff, so as to directly and proximately cause PLAINTIFFS permanent injuries and damages.

7 82. On or about August 14, 2023, DEFENDANT RIVERSIDE COUNTY and DOES 11 through
8 15, and each of them, so negligently controlled, managed, and/or maintained their operations, including but
9 not limited to the Riverside County Sheriff's Department, including but not limited to its officers and staff, so
10 as to proximately cause PLAINTIFFS permanent injuries and damages.

11 83. DEFENDANTS, and each of them, are liable to PLAINTIFFS for the acts of its public
12 employees for conduct and/or omissions herein alleged, pursuant to the doctrine of Respondeat Superior,
13 codified at California Government Code § 815.2

14 84. DEFENDANTS, and each of them, owed PLAINTIFFS a duty to protect them from harm
15 when reasonably able to do so, and to cause no physical, psychological, or emotional harm to innocent people
16 within their jurisdictional boundaries and/or facilities. Further, DEFENDANTS, and each of them, owed
17 PLAINTIFFS a duty to adequately train and/or supervise their employees to conduct themselves in a
18 reasonable and reasonably safe manner so as not to cause needless harm to others.

19 85. DEFENDANT CVUSD and DOES 1 through 5, and each of them, had a duty to create,
20 disseminate, and uphold policies and procedures for the safety of Oak Ridge Elementary students and
21 make necessary revisions as required and to keep and maintain the Oak Ridge Elementary grounds secure
22 for the use of students and their families, including PLAINTIFFS.

23 86. DEFENDANTS SAN BERNARDINO COUNTY and DOES 6 through 10 and
24 DEFENDANT RIVERSIDE COUNTY and DOES 11 through 15, and each of them, had a duty to create,
25 disseminate, and uphold policies and procedures to enable their respective sheriff's departments to act,
26 without delay, upon receiving information that a child residing in the county and/or within the county was
27 abducted and/or that one or more active restraining orders protecting a child residing in the county and/or
28

1 within the county was being violated and to protect such vulnerable people, including PLAINTIFFS, from
2 danger.

3 87. DEFENDANTS, and each of them, breached the aforementioned duties when they so
4 grossly negligently and carelessly permitted, authorized, sanctioned, allowed, facilitated, and/or failed to
5 act to prevent the abduction and extended kidnapping of Plaintiff Minor Child J.J. in violation of
6 DEFENDANTS' respective duties owed to PLAINTIFFS.

7 88. DEFENDANTS' breach of the aforementioned duties and their failure to use reasonable
8 care were substantial factors in causing PLAINTIFF to sustain the injuries herein alleged.

9 89. DEFENDANTS' actions were despicable and were undertaken with conscious disregard of
10 PLAINTIFFS's rights within the meaning of Civil Code section 3294, including DEFENDANT CVUSD
11 and DOES 1 through 5, and each of them, permitting a stranger to add himself to Plaintiff Minor Child J.J.'s
12 Emergency Contact list without informing any previously registered guardian or emergency contact of the
13 change, pulling Plaintiff Minor Child J.J. from class mere minutes after being dropped off, permitting the
14 Minor Child J.J.'s abduction without attempting to notify the child's mother, and thereafter harassing Plaintiff
15 Ms. Jennings and disadvantaging Minor Child J.J. by categorizing the absence as truancy; and including
16 DEENDANTS SAN BERNARDINO COUNTY and DOES 6 through 10 and DEFENDANT RIVERSIDE
17 COUNTY and DOES 11 through 15, and each of them, permitting the Child Abductor, a known violator of
18 two separate restraining orders which existed to keep the Child Abductor away from Plaintiff Minor Child
19 J.J., to continue violating those orders with impunity, willfully magnifying the danger and harm to
20 PLAINTIFFS.

21 90. DEFENDANTS, and each of them, were at all times alleged herein, aware of each of their
22 actions, condoned and permitted those actions to occur, and thereafter ratified those actions, including by
23 refusing to assist Plaintiff Ms. Jennings in retrieving her son from the Child Abductor, forcing Plaintiff
24 Ms. Jennings to take unnecessary steps and to obtain assistance, and preventing PLAINTIFFS from
25 obtaining the information necessary to keep PLAINTIFFS safe in the future.

26 91. As a legal, direct, and proximate result of the negligence and gross negligence of
27 DEFENDANTS, and each of them, PLAINTIFFS sustained severe and serious injuries to their persons,
28 suffered general damages according to proof, and were hurt and injured in their psychological, physical, and

1 emotional health, all of which injuries have caused and continue to cause PLAINTIFFS great mental,
2 emotional, and physical pain, discomfort, and detriment.

3 92. As a further legal, direct, and proximate result of the negligence of DEFENDANTS, and each
4 of them, PLAINTIFFS have incurred and will continue to incur medical and other related expenses in an
5 amount to be shown according to proof.

6 93. As a further legal, direct, and proximate result of the negligence of DEFENDANTS, and each
7 of them, PLAINTIFFS have incurred and will continue to incur loss of earning capacity.

8
9 **SECOND CAUSE OF ACTION**

10 **NEGLIGENT SUPERVISION/RETENTION**

11 **(By PLAINTIFFS against all DEFENDANTS)**

12 94. PLAINTIFFS allege and incorporate by reference as though fully set forth at length each
13 and every allegation contained in the preceding paragraphs of this complaint.

14 95. DEFENDANTS, and each of them, had a duty to PLAINTIFFS to hire and train staff
15 members, officers, and agents that are otherwise competent and specifically trained to prevent injuries to
16 those in their charge and to whom they owe a duty, including PLAINTIFFS.

17 96. DEFENDANTS, and each of them, failed and refused to properly hire, screen, train, and/or
18 supervise staff members, officers, and agents to carry out duties in a manner that was competent.

19 97. As a direct, legal, and proximate result of DEFENDANTS', and each of them, failure,
20 PLAINTIFFS were injured and suffered damages and will suffer damages in the future as explained more
21 fully herein.

22 98. DEFENDANTS, and each of them, are liable to PLAINTIFFS for the acts of its public
23 employees for conduct and/or omissions herein alleged, pursuant to the doctrine of Respondeat Superior,
24 codified at California Government Code § 815.2.

25 99. DEFENDANTS' actions and/or omissions were despicable and were undertaken with
26 conscious disregard of PLAINTIFFS's rights and safety within the meaning of Civil Code section 3294 as
27 more fully described above.

1 100. Therefore, PLAINTIFFS demand judgment of DEFENDANTS for compensatory and
2 punitive damages in an amount to be determined at trial.

3
4 **THIRD CAUSE OF ACTION**
5 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

6 **(By PLAINTIFFS against all DEFENDANTS)**

7 101. PLAINTIFFS allege and incorporate by reference as though fully set forth at length each
8 and every allegation contained in the preceding paragraphs of this complaint.

9 102. DEFENDANTS, and each of them, owed PLAINTIFFS a duty to exercise reasonable care
10 in their management of the schools and/or law enforcement agencies in their charge, including but not
11 limited to creating policies and procedures that ensured students could not be abducted from school
12 grounds, following policies and procedures to keep the registered parent or guardian informed of any
13 changes to school emergency contact lists, taking all efforts to assist law enforcement and parents in
14 aiding and protecting any student harmed or in danger, enforcing protective orders for the benefit of the
15 protected party, acting without delay to recover kidnapped children safely, and/or exercising reasonable
16 care in hiring and/or supervising those acting on their behalf and at their direction.

17 103. DEFENDANTS, and each of them, negligently breached their duty of care to PLAINTIFFS
18 so as to fall below the applicable standard of care and directly, proximately, and legally cause the harm to
19 PLAINTIFFS as described herein, specifically by 1) failing to create, disseminate, train, and follow
20 policies and procedures sufficient to adequately protect individuals in DEFENDANTS', and each of
21 them, charge, 2) failing to adequately hire, supervise, and/or discipline those acting on their behalf, 3)
22 failing to prevent the abduction of Plaintiff Minor Child J.J., and/or 4) permitting and facilitating the
23 abduction and continued kidnapping of Plaintiff Minor Child J.J.

24 104. DEFENDANTS, and each of them, knew, or should have known, that their failure to
25 exercise due care during the times alleged herein, and their failure to hire and/or supervise those acting
26 on their behalf and at their direction would cause persons such as PLAINTIFFS severe emotional and
27 physical distress.

28 105. As a direct, legal, and proximate result of DEFENDANTS', and each of them's acts and/or

1 omissions, as alleged herein, PLAINTIFFS sustained severe and serious emotional distress and injury to
2 their persons, including but not limited to severe emotional distress, all to PLAINTIFFS' damage in a
3 sum within the jurisdiction of this court and to be shown according to proof and DEFENDANTS' acts
4 and/or omissions were substantial factors in causing PLAINTIFFS' severe and serious emotional
5 distress.

6 106. DEFENDANTS' conduct was either intended to cause PLAINTIFFS severe and serious
7 emotional distress or was done with such reckless disregard of the probability that PLAINTIFFS would
8 suffer psychological and/or emotional injury, knowing that PLAINTIFFS were present when the conduct
9 occurred.

10 107. DEFENDANTS, and each of them, are liable to PLAINTIFFS for the acts of its public
11 employees for conduct and/or omissions herein alleged, pursuant to the doctrine of Respondeat Superior,
12 codified at California Government Code § 815.2.

13
14 **FOURTH CAUSE OF ACTION**
15 **NEGLIGENCE PER SE**
16 **(Against All Defendants)**

17 108. PLAINTIFFS allege and incorporate by reference as though fully set forth at length each
18 and every allegation contained in the preceding paragraphs of this complaint.

19 109. PLAINTIFFS allege that DEFENDANTS owed a duty under the following statutory
20 provisions, which are safety statutes; that these safety statutes and other safety statutes were grossly and
21 negligently violated by DEFENDANTS; that PLAINTIFFS are within the class of persons that these
22 safety statutes are designed to protect and that the abduction at issue and the injuries and harm that
23 resulted are the type of occurrences and harm that the safety statutes were designed to prevent; that
24 DEFENDANTS' violation of the safety statutes actually and legally, directly, and proximately caused
25 PLAINTIFFS' injuries; that DEFENDANTS', and each of them, violation of the safety statutes detailed
26 below was a substantial factor in bringing about PLAINTIFFS' harm; that DEFENDANTS, and each of
27 them, ratified, condoned, authorized, and permitted the violations to occur and/or acted in conscious
28 disregard for the probability that the violations would occur; and that the violations of the safety statutes
allow PLAINTIFFS to invoke the doctrine of negligence per se.

1 110. On information and belief, PLAINTIFFS allege that at all times mentioned herein,
2 Defendant CVUSD and DOES 1 through 5, and each of them, violated California Education Code
3 §§32280, *et seq.* (safety plan), which requires development of a “comprehensive school safety plan,”
4 “Identifying appropriate strategies and programs that will provide or maintain a high level of school
5 safety and address the school's procedures for complying with existing laws related to school safety.”

6 111. On information and belief, PLAINTIFFS allege that at all times mentioned herein
7 DEFENDANTS SAN BERNARDINO COUNTY and DOES 6 through 10 and DEFENDANT
8 RIVERSIDE COUNTY and DOES 11 through 15, and each of them, violated California Government
9 Code §1222, which states: “willful omission to perform any duty enjoined by law upon any public
10 officer, or person holding any public trust or employment, where no special provision is made for the
11 punishment of such delinquency, is punishable as a misdemeanor.”

12 112. DEFENDANTS’ conduct was despicable and was undertaken in conscious disregard of
13 PLAINTIFFS’ rights or likelihood of injury, such as to constitute malice, oppression or fraud within the
14 meaning of California Civil Code section 3294, *et seq.*, thereby entitling PLAINTIFFS to punitive
15 damages in an amount appropriate to punish or set an example of DEFENDANTS. DEFENDANTS, and
16 each of them, were at all times aware of each of their actions, condoned and permitted those actions to
17 occur, and thereafter ratified those actions, including but not limited to allowing the Child Abductor to
18 leave with the Plaintiff Minor Child J.J. from Oak Ridge Elementary, refusing to pursue the Child
19 Abductor at his residence or attempt to rescue Plaintiff Minor Child J.J., refusing to enforce restraining
20 orders intended to protect Plaintiff Minor Child J.J., and/or permitting the prolonging of the abduction of
21 Plaintiff Minor Child J.J. despite knowing the location where Plaintiff Minor Child J.J. was being held
22 and/or the existence of one or more protective orders protecting Plaintiff Minor Child J.J. from the Child
23 Abductor.

24 113. DEFENDANTS, and each of them, are liable to PLAINTIFFS for the acts of its public
25 employees for conduct and/or omissions herein alleged, pursuant to the doctrine of Respondeat Superior,
26 codified at California Government Code § 815.2.

27 114. As an actual, direct, proximate, legal, and foreseeable result of DEFENDANTS’ acts,
28 omissions, and/or negligence, DEFENDANTS are liable for, and PLAINTIFFS are entitled to recover,

1 their general, special, actual, and compensatory damages, including but not limited to their necessary
2 medical and related expenses, past, present, and future, loss of future earning capacity, mental, emotional
3 and physical pain and suffering, and punitive damages in an amount presently unknown but which exceeds
4 the minimal jurisdictional requirements of this Court, according to proof at the time of trial.

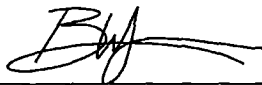
5
6 **PRAYER FOR RELIEF**

7 WHEREFORE, PLAINTIFFS pray for judgment against DEFENDANTS, and DOES 1 through 50,
8 as follows:

- 9 1. For general damages in a sum according to proof;
10 2. For special damages for medical and related expenses according to proof;
11 4. For exemplary and punitive damages in accordance with the provisions of the California
12 Civil Code Section 3294 et seq. according to proof at trial;
13 5. For loss of earning capacity in a sum according to proof;
14 6. For costs of suit herein incurred; and
15 7. For such other and further relief as the court may deem proper.

16
17 DATED: July 9, 2024

18 **WYMAN LAW GROUP**

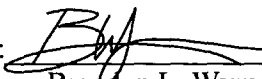
19 BY: 
20 Brandon L. Wyman, Esq.
21 Attorneys for Plaintiffs J.J. and
22 Melissa Jennings

23 **DEMAND FOR JURY TRIAL**

24 PLAINTIFFS hereby demand a jury trial of each and every cause of action and issue in this case.

25 DATED: July 9, 2024

26 **WYMAN LAW GROUP**

27 BY: 
28 Brandon L. Wyman, Esq.
Attorneys for Plaintiffs J.J. and
Melissa Jennings