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

JUL 22 2022

BY *Me*
M. Wolf DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN BERNARDINO

JANE RNW DOE, an individual;

Plaintiff,

v.

REDLANDS UNIFIED SCHOOL DISTRICT
a business entity of form unknown;
MICHAEL A. ALLEN, an individual; and
DOES 1 through 100

Defendants.

CIV SB 22 15901

Case No.:
Judge:
Dept.:

BY FAX

COMPLAINT FOR DAMAGES FOR:

- 1) NEGLIGENCE;
- 2) NEGLIGENT SUPERVISION;
- 3) NEGLIGENT HIRING/RETENTION;
- 4) NEGLIGENT FAILURE TO WARN, TRAIN OR EDUCATE;
- 5) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
- 6) ASSAULT;
- 7) SEXUAL BATTERY (C.C. § 1708.5);
- 8) SEXUAL HARASSMENT (C.C. § 51.9);
- 9) GENDER VIOLENCE (C.C. § 52.4);
- 10) SEXUAL ABUSE AND HARASSMENT IN THE EDUCATIONAL ENVIRONMENT (EDUCATION CODE § 220);
- 11) BREACH OF FIDUCIARY DUTY;
- 12) CONSTRUCTIVE FRAUD (C.C. § 1573)

[DEMAND FOR JURY TRIAL]

[Filed pursuant to AB 218[C.C.P. §340.1]]

COMES NOW, Plaintiff JANE RNW DOE, an individual who for her Complaint, complains and alleges as follows:

INTRODUCTION

1. REDLANDS UNIFIED SCHOOL DISTRICT's pattern and practice continues to be to engage in protracted litigation and attempts to shame sexual assault victims in the hopes of dissuading victims.

2. REDLANDS UNIFIED SCHOOL DISTRICT's egregious behavior has, in fact, led to the reverse, its perpetrating of its continuing behavior towards victims has emboldened victims to stand against the District for the 30 plus years of failures towards minors within its District.

3. This case is one such instance of REDLANDS UNIFIED SCHOOL DISTRICT's decade long failures that it could and should have addressed.

4. Defendant MICHAEL A. ALLEN ("ALLEN"), upon information and belief, has operated at Redlands High School alongside alleged predators Laura Whitehurst, Kevin Kirkland and Brian Townsley.

5. In fact administrators at Redlands High School, including Christina Rivera, Michael Munoz, and Patrick Hafley are alleged to have repeatedly ignored sexual predators on their campuses, allowing repeated and continuous sexual predation of students at a single middle school.

6. **At no time** did a single one of these Administrators and staff undertake to make a mandated report, *as was their legal duty*, on ALLEN.

GENERAL ALLEGATIONS AS TO THE PARTIES

7. Plaintiff JANE RNW DOE, an individual (hereinafter "JANE RNW DOE" and/or "Plaintiff") is a resident of the County of San Bernardino, State of California and was so at the time of the abuse alleged herein. The name used by JANE RNW DOE in this Complaint is not the actual name of JANE RNW DOE, but is a fictitious name utilized to protect the privacy of JANE RNW DOE, a victim of childhood sexual harassment, molestation and abuse. Plaintiff JANE RNW DOE is a female, born in May, 1991, and was a minor during the time of the sexual misconduct alleged herein. In or about approximately Fall, 2005, at Redlands High School and

1 continuing thereafter, Plaintiff was sexually harassed, assaulted and abused by her Redlands High
2 School teacher, Defendant ALLEN, former and/or current employee and agent of Defendant
3 REDLANDS UNIFIED SCHOOL DISTRICT and Redlands High School. Plaintiff was in her
4 Freshman year when the alleged abuse occurred.

5 8. The Plaintiff claims all arise out of sexual abuse and sexual assault claims that occurred
6 during the time periods of approximately 2005 and thereafter. In 2019, the California State
7 legislature enacted Assembly Bill No. 281, which was signed by the Governor on October 13,
8 2019. This law, as enacted, went into effect on January 1, 2020. Among other things, this law
9 amended statutory code sections Code of Civil Procedure section 340.1; Code of Civil Procedure
10 section 1002 and Government Code section 905.

11 9. The amendments, among other things, extended the statute of limitations for childhood
12 sexual assault, inclusive of claims against persons or entities who owed duties of care to Plaintiff,
13 premised upon wrongful or negligent acts by those persons or entities.

14 10. As amended, Code of Civil Procedure section 340.1(q), further provides:

15 Notwithstanding any other provision of law, any claim for damages described in paragraphs
16 (1) through (3), inclusive, of subdivision (a) that has not been litigated to finality and that
17 would otherwise be barred as of January 1, 2020, because the applicable statute of
18 limitations, claim presentation deadline, or any other time limit had expired, is revived, and
these claims may be commenced within three years of January 1, 2020. A plaintiff shall
have the later of the three-year time period under this subdivision or the time period under
subdivision (a) as amended by the act that added this subdivision.

19 11. As amended, Government Code section 905(m), exempts out any requirement that a
20 Plaintiff asserting a claim for the recovery of damages suffered as a result of childhood sexual
21 assault make a government tort claim prior to filing litigation.

22 12. Upon information and belief, REDLANDS UNIFIED SCHOOL DISTRICT has used
23 loopholes in the prior law to prohibit legitimate claims, including the claims of these Plaintiff from
24 having been brought forth for resolution.

25 13. Pursuant to the Assembly Bill No. 218, and changes to Code of Civil Procedure section
26 340.1; Code of Civil Procedure section 1002 and Government Code section 905, Plaintiff may
27 now bring forward her legitimate claims.

28 14. Under the terms of RUSD Board Bylaw 3310, regarding suspension of policies, the

1 Bylaws hold: "No Board policy, bylaw, or administrative regulation, or any portion thereof,
2 shall be operative if it is found to be in conflict with applicable federal or state law or
3 regulations or court decisions. If any portion of a policy is found to be invalid, that invalidity
4 shall not affect other provisions of the policy."

5 15. Pursuant to the Board Bylaws, the law with respect to Government Code section
6 905(m) changed rendering any board policy that would bar the instant claims as not operative,
7 due to nonconformance with the law, and the failure to conduct any changes to these requirements
8 to conform with the law.

9 16. Defendant REDLANDS UNIFIED SCHOOL DISTRICT (hereinafter the "REDLANDS
10 UNIFIED SCHOOL DISTRICT" and/or "RUSD"), at all times mentioned herein was and is, a
11 business entity of form unknown, having its principal place of business in the County of San
12 Bernardino, State of California. The REDLANDS UNIFIED SCHOOL DISTRICT purposely
13 conducts substantial educational business activities in the State of California, and was the primary
14 entity owning, operating and controlling Redlands High School, employing ALLEN and
15 responsible for monitoring and controlling his activities and behavior.

16 17. Redlands High School (hereinafter "Redlands High School") is a public educational
17 institution in the REDLANDS UNIFIED SCHOOL DISTRICT, operating as a High School for
18 students approximately 14 years of age through approximately 18 years of age.

19 18. Defendant MICHAEL A. ALLEN (hereinafter "ALLEN") at all times mentioned herein
20 was and is an adult male individual, who Plaintiff is informed and believes, and on that basis
21 alleges, currently resides in the County of San Bernardino, in the State of California. During the
22 period of time in which the childhood sexual harassment and abuse of Plaintiff, alleged herein,
23 took place, ALLEN was a teacher, coach, mentor, and advisor at Redlands High School; employed
24 by both the REDLANDS UNIFIED SCHOOL DISTRICT and Redlands High School. At all times
25 herein alleged, ALLEN was an employee, agent, and/or servant of the REDLANDS UNIFIED
26 SCHOOL DISTRICT and Redlands High School, and was under their complete control and/or
27 active supervision.
28

1 19. Upon information and belief, ALLEN allegedly assaulted other individuals students from
2 REDLANDS UNIFIED SCHOOL DISTRICT.

3 20. Defendants DOES 1 through 100, inclusive, and each of them, are sued herein under said
4 fictitious names. Plaintiff is ignorant as to the true names and capacities of DOE Defendants,
5 whether individual, corporate, associate, or otherwise, and therefore sue said Defendants by such
6 fictitious names. When their true names and capacities are ascertained, Plaintiff will request leave
7 of Court to amend this Complaint to state their true names and capacities herein.

8 21. Plaintiff is informed and believes, and on that basis alleges, that at all times mentioned
9 herein, each Defendant was responsible in some manner or capacity for the occurrences herein
10 alleged, and that Plaintiff's damages, as herein alleged, were proximately caused by all said
11 Defendants. Defendants REDLANDS UNIFIED SCHOOL DISTRICT, ALLEN and DOES 1-100
12 are sometimes collectively referred to herein as "Defendants" and/or as "All Defendants"; such
13 collective reference refers to all specifically named Defendants.

14 22. Plaintiff is informed and believes, and on that basis alleges, that at all times mentioned
15 herein, there existed a unity of interest and ownership among Defendants and each of them, such
16 that any individuality and separateness between Defendants, and each of them, ceased to exist.
17 Defendants and each of them, were the successors-in-interest and/or alter egos of the other
18 Defendants, and each of them, in that they purchased, controlled, dominated and operated each
19 other without any separate identity, observation of formalities, or other manner of division. To
20 continue maintaining the facade of a separate and individual existence between and among
21 Defendants, and each of them, would serve to perpetrate a fraud and an injustice.

22 23. At all times mentioned herein, ALLEN was an adult teacher, coach, mentor, and advisor
23 employee of both the REDLANDS UNIFIED SCHOOL DISTRICT and Redlands High School,
24 acting as an employee, agent, and/or servant of such and/or was under their complete control
25 and/or supervision, as well as the complete control of the Board, Superintendent and Assistant
26 Superintendents of REDLANDS UNIFIED SCHOOL DISTRICT. ALLEN was employed as a
27 teacher at the REDLANDS UNIFIED SCHOOL DISTRICT and/or Redlands High School.
28 ALLEN was hired by the REDLANDS UNIFIED SCHOOL DISTRICT and Redlands High

1 School to serve as a teacher, mentor, and advisor to minor school students at Redlands High
2 School. In so doing, the REDLANDS UNIFIED SCHOOL DISTRICT and Redlands High School
3 held ALLEN out to the public, Plaintiff and Plaintiff's family to be of high ethical and moral
4 repute, and to be in good standing with the REDLANDS UNIFIED SCHOOL DISTRICT,
5 Redlands High School, the State of California, and the public in general. In this capacity, ALLEN
6 taught, coached, mentored, and advised students regarding personal issues, academics, future
7 employment prospects, and general emotional and psychological issues. Both the REDLANDS
8 UNIFIED SCHOOL DISTRICT, and Redlands High School held ALLEN out to the public,
9 Plaintiff and Plaintiff's parents to be a highly-qualified teacher, mentor, and advisor who could
10 and would assist Plaintiff with working through personal and academic issues she faced. Inherent
11 in this representation was the understanding that ALLEN was a person of high ethical and moral
12 standing, selected to provide leadership, guidance, mentoring, and advising to students, including
13 Plaintiff. Plaintiff and her family reasonably assumed that ALLEN was a person worthy of their
14 trust.

15 24. Upon information and belief, ALLEN was at some time investigated by Redlands High
16 School, during the course of the abuse for sexual misconduct, however, REDLANDS UNIFIED
17 SCHOOL DISTRICT undertook no controls or methods to prevent ALLEN from accessing
18 Plaintiff on campus during and following this investigation, and he continued to use his position
19 within REDLANDS UNIFIED SCHOOL DISTRICT to abuse others. Upon information and
20 belief, REDLANDS UNIFIED SCHOOL DISTRICT undertook no actions to prevent ALLEN
21 from teaching, being around students, abusing and assaulting Plaintiff.

22 25. Plaintiff is informed and believes, and on that basis alleges, that at all times mentioned
23 herein, Defendants and each of them, and ALLEN were the agents, representatives and/or
24 employees of each and every other Defendant. In doing the things hereinafter alleged, Defendants
25 and each of them, and ALLEN, were acting within the course and scope of said alternative
26 personality, capacity, identity, agency, representation and/or employment and were within the
27 scope of their authority, whether actual or apparent.
28

26. Plaintiff is informed and believes, and on that basis alleges, that at all times mentioned herein, Defendants and each of them, and ALLEN were the trustees, partners, servants, joint venturers, shareholders, contractors, and/or employees of each and every other Defendant, and the acts and omissions herein alleged were done by them, acting individually, through such capacity and within the scope of their authority, and with the permission and consent of each and every other Defendant and that said conduct was thereafter ratified by each and every other Defendant, and that each of them is jointly and severally liable to Plaintiff.

FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

I. PRIOR NOTICE THAT ALLEN AND OTHER STAFF PRESENTED A RISK OF SEXUAL PROPENSITIES BY REDLANDS UNIFIED SCHOOL DISTRICT AT CLEMENT MIDDLE SCHOOL

27. Plaintiff, upon information and belief, allege that prior to the date of reporting of her abuse, REDLANDS UNIFIED SCHOOL DISTRICT knew or had reason to know of ALLEN' sexual misconduct with minors at Redlands High School.

28. Upon information and belief, ALLEN has been questioned regarding conduct and behavior with students and warned about inappropriate behavior with students, but was permitted to continue in his position at Redlands High School.

29. Upon information and belief, despite the clear knowledge that ALLEN was a risk and acting sexually inappropriate with minor females, REDLANDS UNIFIED SCHOOL DISTRICT, Redlands High School and the Administration of same, failed to:

- a. Mandatorily report ALLEN to law enforcement and/or child protective services despite the existence of "reasonable suspicion";
- b. Remove ALLEN from the school environment;
- c. Recognize the existence of grooming behavior by ALLEN that was a predicate to his ultimate sexual assault and sexual abuse of minor Plaintiff.

30. Despite the recognition that ALLEN' behavior discussing sexual acts and sexual touching and other behavior with minor students, REDLANDS UNIFIED SCHOOL DISTRICT and Redlands High School undertook no corrective measures and allowed ALLEN to remain in the school classroom and school environment.

1 31. Upon information and belief, Redlands High School was permitted, to proliferate as
2 a sexual abuse breeding ground for teachers and staff of REDLANDS UNIFIED SCHOOL
3 DISTRICT.

4 32. Redlands High School was known to harbor and allow the sexual abuse of its students, as
5 evidenced by the conduct supported in cases involving Kevin Kirkland and Laura Whitehurst.

6 33. The Administration of RUSD and Redlands High School allegedly knew of sexual abuse
7 of minors and actively undertook to cover those allegations up to preserve the public image of
8 RUSD, including, going so far as to destroy evidence of abuse in the District against minor
9 students.

10 34. Upon information and belief, the allowance of abuse raised RUSD's image amongst
11 abusers and created a safe haven for sexual abusers, resulting in amongst the highest proliferation
12 of sexual abusers in school district in California.

13 35. Upon information and belief, the ongoing and current administration of RUSD, inclusive
14 of its Superintendent, has failed to correct this image, resulting in an ongoing continuation of
15 allowance of sexual abusers within the school district, with those that are hired possessing the
16 knowledge that if they abuse within the District, they will be not be punished and will be protected
17 by a lax, permissive Administration that seeks to cover up for abusers, to protect their public
18 image.

19 36. Among other things, Plaintiff requests that RUSD be investigated and taken over by a
20 governmental agency, such as the California Department of Education.

21 37. Upon information and belief, Plaintiff asserts that RUSD cannot protect children under its
22 care from sexual predation by its employees, and thus, cannot be trusted to act as *in loco parentis*
23 to minor children.

24 **II. FACTUAL ALLEGATIONS RELATIVE TO REDLANDS UNIFIED SCHOOL**
25 **DISTRICT RELATIVE TO SEXUAL ASSAULTS AND FAILURES TO REPORT AND**
26 **ATTEMPTS TO BLOCK THE INVESTIGATION OF SEXUAL ABUSE**

27 38. Upon information and belief, REDLANDS UNIFIED SCHOOL DISTRICT, has a
28 history of failing to protect students from sexual misconduct of its staff members, teachers and
employees.

39. Upon information and belief, it is believed that REDLANDS UNIFIED SCHOOL DISTRICT has had a higher percentage of sexual abusing employees than comparable districts of the same size, reflecting upon the failures in the Administration and the allowances of abusers to proliferate within the District.

40. Publicly, REDLANDS UNIFIED SCHOOL DISTRICT professes that it seeks to rid its schools from any threats to students. In public proclamations, the REDLANDS UNIFIED SCHOOL DISTRICT asserts statements such as:

- a. "If there is one thing every teacher and every administrator understands, it is our responsibility to report any reasonable suspicion of abuse."

Redlands Unified School District, School Board President, Donna West, July 9, 2013 (Statement in response to the Whitehurst sexual abuse case).

- b. "We must do everything we can in the future to try and prevent any improper treatment of students by adults employed by the school district."

Redlands Unified School District, School Board President, Donna West, July 9, 2013 (Statement in response to the Whitehurst sexual abuse case).

- c. "Student safety is a priority in our school district and for the members of the Board of Education."

Redlands Unified School District, School Board President, Patty Holohan, May 24, 2016 (Statement in response to the Kirkland sexual abuse case).

- d. "Our leadership team has been working closely with the Redlands Police Department to get to the bottom of this unfortunate situation."

Redlands Unified School District, School Board President, Patty Holohan, May 24, 2016 (Statement in response to the Kirkland sexual abuse case).

- e. "Our job now is to help the police do their job moving forward. The Redlands PD is still conducting an ongoing investigation into this incident and the school district is cooperating fully in that investigation."

Redlands Unified School District, School Board President, Patty Holohan, May 24, 2016 (Statement in response to the Kirkland sexual abuse case).

- d. "In the Redlands Unified School District, the safety and well-being of our students and staff continue to be a high priority."

Redlands Unified School District, Superintendent, Mauricio Arellano, January 16, 2020 (Statement in response to the Lopez sexual abuse case).

41. The truth is that these statements are empty platitudes to present a cooperative face to the

1 general public. Upon information and belief, REDLANDS UNIFIED SCHOOL DISTRICT, as
2 illustrated further, hides information, destroys evidence, blocks investigation and mis-represents
3 information to law enforcement to shield the liability of the district and its employees.

4 42. REDLANDS UNIFIED SCHOOL DISTRICT ranks amongst the worst school districts
5 with significant serial pedophiles, yet REDLANDS UNIFIED SCHOOL DISTRICT has yet to
6 meaningfully address the administrators that allowed such abuse to happen, continuing to employ
7 several. REDLANDS UNIFIED SCHOOL DISTRICT therefore ratifies the behavior of those
8 administrators that failed in the ALLEN case.

9 43. Rather than support, recognize and acknowledge victims, REDLANDS UNIFIED
10 SCHOOL DISTRICT has a history of threatening victims (Lopez case), destroying evidence of
11 sexual assault (Whitehurst case), refusing to cooperate with law enforcement investigations
12 (Whitehurst case) and repeatedly giving warnings without ever taking action against pedophiles
13 (Kirkland case).

14 44. The failures to address pedophiles within the school district, upon information and belief,
15 fall upon the human resources department of REDLANDS UNIFIED SCHOOL DISTRICT.

16 45. Upon information and belief, the Administrators of REDLANDS UNIFIED SCHOOL
17 DISTRICT refuse to undertake remedial measures within the human resources department,
18 including, but not limited to, the termination of individuals within that department for fear of being
19 sued by those individuals. Such affirmations of conduct, place the monetary needs of the District,
20 over that of the safety of the students and show reckless indifference to the suffering of both
21 known and unknown victims.

22 46. Upon information and belief, this failure to act, REDLANDS UNIFIED SCHOOL
23 DISTRICT or its employees have been repeatedly investigated on whether they should be
24 criminally charged in failing to protect its students, and/or for obstruction of justice.

25 47. As a result of these failures, REDLANDS UNIFIED SCHOOL DISTRICT has paid in
26 excess of 40 million dollars, yet refuses and fails to address the Administrative failures within the
27 school district.

28 48. Publicly, despite the destruction of evidence, blocking the investigation and refusing to

1 cooperate, the REDLANDS SCHOOL DISTRICT professed publicly that they were cooperating
2 with all investigations.

3 49. Former school Board President, Donna West has publicly professed that REDLANDS
4 UNIFIED SCHOOL DISTRICT would do everything to protect students and that the employees
5 and staff knew that they had an obligation to report suspicions of child abuse.

6 50. Rather, the correlations between the Lopez, Whitehurst, Nardella, Roberts, and Kirkland's
7 allegations are stark and alarming, and show that the REDLANDS UNIFIED SCHOOL
8 DISTRICT continues its pattern and practice of protection of predators over students. ALLEN
9 evidences that the REDLANDS UNIFIED SCHOOL DISTRICT has historically failed to protect
10 the lives of its students going back more than twenty years, and yet has on an ongoing basis
11 continually failed in the protection of those minors with whom they are entrusted.

12 51. Upon information and belief, REDLANDS UNIFIED SCHOOL DISTRICT failed to,
13 among other things:

- 14 a. Recognize the abuse that ALLEN was undertaking against students;
- 15 b. Report the abuse that ALLEN was undertaking against students in their roles as
16 mandatory reporters;
- 17 c. Failed to monitor ALLEN;
- 18 d. Disrupted an investigation of ALLEN;
- 19 e. Actively dissuaded victims from airing their abuse;
- 20 f. Destroyed evidence relative to abuse.

21 52. REDLANDS UNIFIED SCHOOL DISTRICT did nothing to change the environment in
22 which it operated from 1999 to 2022, rather, the Administration has simply reinforced the
23 practices that existed then and continue to exist today, creating a present and ongoing risk to those
24 who attend schools within REDLANDS UNIFIED SCHOOL DISTRICT.

25 53. In or about 2021, the San Bernardino Superior Court's Civil Grand Jury conducted an
26 investigation of Redlands Unified School District, finding uniform failures in the handling,
27 training and prevention of childhood sexual abuse within the District.
28

1 54. Upon information and belief, RUSD was investigated by the California Attorney
2 General's office subsequent to the Grand Jury's findings.

3 55. Upon information and belief, RUSD has done nothing to change the environment cited by
4 the Grand Jury in its findings and continues to put up appearances only of correcting the
5 environment in which they operate.

6 **III.**

7 **FACTUAL ALLEGATIONS RELATIVE TO ALLEN AND PLAINTIFF**

8 56. At all times material hereto, Plaintiff was a student at Redlands High School and the
9 REDLANDS UNIFIED SCHOOL DISTRICT, and was under its complete control and
10 supervision.

11 57. At all times material hereto, ALLEN was employed by Redlands High School and the
12 REDLANDS UNIFIED SCHOOL DISTRICT as a teacher, coach, mentor, and advisor and/or
13 retained the power and control entrusted to him by Redlands High School and the REDLANDS
14 UNIFIED SCHOOL DISTRICT. In such capacities, ALLEN was under the direct supervision,
15 employ, agency, and control of the REDLANDS UNIFIED SCHOOL DISTRICT, Redlands High
16 School and DOES 1-100. His employment duties and responsibilities with the named Defendants
17 included, in part, providing for the mentoring, advisory, educational, and emotional needs and
18 well-being of students of Redlands High School and other children, including Plaintiff.

19 58. Within Redlands High School, ALLEN was known to broach subjects with students that
20 were sexual and inappropriate. Redlands High School operated as a nothing more than a grooming
21 opportunity for his sexual desires with young girls, like Plaintiff and other individuals.

22 59. Through his positions with Redlands High School and the REDLANDS UNIFIED
23 SCHOOL DISTRICT, ALLEN was put into direct contact with Plaintiff, a student at Redlands
24 High School. ALLEN was assigned to teach, mentor, and advise Plaintiff. It is under these
25 circumstances that Plaintiff came to be under the direction and control of ALLEN, who used his
26 position of authority and trust over Plaintiff to sexually abuse her.

27 60. ALLEN, with the express approval of REDLANDS UNIFIED SCHOOL DISTRICT
28 ingratiated himself with the young girls, including Plaintiff.

61. ALLEN did sexually harass, molest, and abuse Plaintiff, who was a minor at the

1 time. Such conduct was done for ALLEN' sexual gratification, and which was performed on
2 Plaintiff without her free consent, as Plaintiff was a mere minor and thus unable to give valid,
3 legal consent to such sexual acts. These actions upon Plaintiff constituted conduct that is believed
4 to be in violation of California Penal Code §§ 261.5(c), 288a(b)(1), 288.2(a)(2), 647.6(a)(1), and
5 potentially other provisions.

6 62. As student at Redlands High School and the REDLANDS UNIFIED SCHOOL
7 DISTRICT, where ALLEN was employed and worked, Plaintiff was under ALLEN' direct
8 supervision, care and control, thus creating a special relationship, fiduciary relationship, and/or
9 special care relationship with Defendants, and each of them.

10 63. Additionally, as a minor child under the custody, care and control of Defendants,
11 Defendants stood *in loco parentis* with respect to Plaintiff while she was attending school and
12 school-related functions at Redlands High School and the REDLANDS UNIFIED SCHOOL
13 DISTRICT. As the responsible parties and/or employers controlling ALLEN, Defendants were
14 also in a special relationship with Plaintiff, and owed special duties to Plaintiff.

15 64. Plaintiff is informed and believes, and on that basis alleges, that Defendants, knew or
16 should have known that ALLEN had engaged in unlawful sexually-related conduct with minors in
17 the past, and/or was continuing to engage in such conduct with Plaintiff. Defendants had a duty to
18 disclose to these facts to Plaintiff, her parents and others, but negligently and/or intentionally
19 suppressed, concealed or failed to disclose this information. The duty to disclose this information
20 arose by the special, trusting, confidential, fiduciary, and/or *in loco parentis* relationship between
21 Defendants and Plaintiff.

22 65. Redlands High School, and the REDLANDS UNIFIED SCHOOL DISTRICT,
23 knew or should have known, of the sexual abuse of minors within its care, including individuals
24 such as Plaintiff. Further, upon information and belief, staff within the REDLANDS UNIFIED
25 SCHOOL DISTRICT, knew or should have known that ALLEN had expressed such propensities
26 of sexual abuse, sexual misconduct and sexual harassment and directed them towards minor
27 students and therefore had an obligation of notice, and choose to act negligently and/or wrongfully
28 in their duties towards the Plaintiff.

1 66. Redlands High School and the REDLANDS UNIFIED SCHOOL DISTRICT,
2 knew or should have known, of the sexual abuse of minors within its care, including individuals
3 such as Plaintiff. Plaintiff is informed, believes and thereon alleges that during the period of time
4 in which ALLEN worked at Redlands High School for REDLANDS UNIFIED SCHOOL
5 DISTRICT, the administration, staff and district received notice as detailed herein and above,
6 regarding ALLEN. Upon information and belief, despite such notice and knowledge, REDLANDS
7 UNIFIED SCHOOL DISTRICT hid the process of the investigation from parents and the public,
8 amounting to a cover up for which treble damages are warranted.

9 67. Plaintiff, upon information and belief, and thereon allege that Defendant REDLANDS
10 UNIFIED SCHOOL DISTRICT knew or should have known of the sexual abuse of Plaintiff by
11 ALLEN.

12 68. Defendants failed to take reasonable steps and/or implement reasonable safeguards to
13 avoid acts of unlawful sexual conduct by ALLEN, including, but not limited to preventing abuse
14 of Plaintiff by ALLEN avoiding placement of ALLEN in a function or environment in which
15 contact with children is an inherent part of that function or environment. Instead, Defendants
16 ignored and/or concealed the sexual harassment and abuse of Plaintiff and others by ALLEN that
17 had already occurred. Plaintiff is informed and believes, and on that basis alleges, that Defendants
18 and each of them were given notice of incidents of inappropriate conduct by ALLEN, including
19 such facts as those set forth in this Complaint.

20 69. Plaintiff is informed and believes, on that basis alleges, that prior to and during the sexual
21 harassment, assault and abuse of Plaintiff, Defendants knew or should have known that ALLEN
22 had violated his role as a teacher, mentor, advisor and faculty member, and used this position of
23 authority and trust acting on behalf of Defendants to gain access to children, including Plaintiff, on
24 and off the school facilities and grounds, in which he engaged in sexual misconduct, harassment
25 and abuse, with such children including Plaintiff.

26 70. With actual or constructive knowledge that Defendant ALLEN had previously engaged in
27 dangerous and inappropriate conduct, including sexually harassing and abusing other minors at
28 Redlands High School and other minors, Defendants conspired to and did knowingly fail to take
reasonable steps, and failed to implement reasonable safeguards to avoid acts of unlawful sexual

1 conduct in the future by ALLEN, including, but not limited to, preventing or avoiding placement
2 of ALLEN in a function or environment in which contact with children is an inherent aspect of that
3 function or environment.

4 71. The Defendants' Administrators and each of them, and in particular, upon information and
5 belief, Kemple, Rivera, Slick, Massie, Clarey, Cullen, Sabine and REDLANDS UNIFIED
6 SCHOOL DISTRICT upon information and belief, have a history of the covering up of sexual
7 abuse claims, including, in particular the alleged destruction of evidence that has arisen in past
8 instances of sexual abuse cases involving employees of REDLANDS UNIFIED SCHOOL
9 DISTRICT. Upon information and belief, this is a basis for the application of treble damages
10 against REDLANDS UNIFIED SCHOOL DISTRICT.

11 72. Plaintiff further alleges that Defendants failed to report and did hide and conceal from
12 students, parents, teachers, law enforcement authorities, civil authorities and others, the true facts
13 and relevant information necessary to bring ALLEN to justice for the sexual misconduct he
14 committed with minors, as well as protect their fiduciaries, including Plaintiff. Defendants also
15 implemented various measures designed to, or which effectively, made ALLEN' conduct harder to
16 detect including, but not limited to:

- 17 a. Permitting ALLEN to remain in a position of authority and trust after Defendants
18 knew or should have known that ALLEN was sexually abusing, assaulting and/or
19 harassing students;
- 20 b. Placing ALLEN in a separate and secluded environment, including placing him in
21 charge of children, mentoring programs, advising programs, and youth programs
22 where they purported to supervise the children, which allowed him to sexually
23 interact with and sexually assault and abuse children, including Plaintiff;
- 24 c. Allowing ALLEN to come into contact with minors, including Plaintiff, without
25 adequate supervision;
- 26 d. Failing to inform, or concealing from Plaintiff's parents and law enforcement
27 officials the fact that Plaintiff and others were or may have been sexually abused,
28 after Defendants knew or should have known that ALLEN may have been sexually
abusive and harassing towards Plaintiff or others, thereby enabling Plaintiff to
continue to be endangered and sexually harassed, abused, and/or creating the
circumstance where Plaintiff and others were less likely to receive medical/mental
health care and treatment, thus exacerbating the harm to Plaintiff;
- e. Holding out ALLEN to Plaintiff and their parents, students, and to the school
community as being in good standing and trustworthy;

- f. Failing to take reasonable steps, and to implement reasonable safeguards to avoid acts of unlawful sexual conduct by ALLEN with students, who were minor children;
- g. Removing complaining students from ALLEN's presence, but failing to address ALLEN behavior;
- h. Reprimanding, without reporting or removing ALLEN for his sexual misconduct with female students; and
- i. Failing to put in place a system or procedure to supervise or monitor employees, volunteers, representatives or agents to insure that they did not harass or abuse minors in Defendants' care, including Plaintiff.

73. By his position within the Defendants' institutions, Defendants and ALLEN demanded and required that Plaintiff respect ALLEN in his position of teacher, mentor, and advisor at Redlands High School and the REDLANDS UNIFIED SCHOOL DISTRICT.

74. ALLEN engaged in open and obvious grooming behavior with Plaintiff, that should have and would have placed REDLANDS UNIFIED SCHOOL DISTRICT on notice of sexual misconduct by ALLEN.

75. The Administration, upon information and belief, silenced those that reported ALLEN by refusing to address their legitimate concerns about ALLEN.

76. Upon information and belief, the Administration refused to take action against ALLEN despite alleged reports regarding him.

77. It is alleged, upon information and belief, that ALLEN had other victims of abuse at Redlands High School.

78. It is alleged, upon information and belief, that ALLEN conspired with other perpetrators, and Administrators to cover for abuse of minors.

79. Upon information and belief, REDLANDS UNIFIED SCHOOL DISTRICT hid the abuses by ALLEN.

80. ALLEN abused Plaintiff inside his classroom.

81. The incidents of abuse outlined herein took place while Plaintiff was under the control of ALLEN, in his capacity and position as a teacher, mentor, and advisor at Redlands High School and the REDLANDS UNIFIED SCHOOL DISTRICT, and while acting specifically on behalf of Defendants, including, but not limited to, the following:

1 a. ALLEN was at all times relevant to this Complaint a teacher, coach, mentor, and
2 advisor at Redlands High School, an institution wholly operated by REDLANDS
UNIFIED SCHOOL DISTRICT.

3 b. In or around Fall of 2005, the perpetrator ALLEN sexually abused the Plaintiff
4 within a Redlands High School classroom by forcibly raping her.

5 82. As set forth more fully herein above, ALLEN did sexually harass and abuse
6 Plaintiff, who was a minor at the time. Plaintiff is informed and believes, and on that basis
7 alleges, that such conduct by Defendant ALLEN was based upon Plaintiff's gender, and was done
8 for his sexual gratification. These actions upon Plaintiff was performed by Defendant ALLEN
9 without the free consent of Plaintiff, who was a minor during most of the abuse period.

10 83. Plaintiff is informed and believes, and on that basis alleges, that Defendants and each of
11 them should have been aware of ALLEN's wrongful conduct at or about the time it was occurring,
12 and thereafter, but took no action to obstruct, inhibit or stop such continuing conduct, or to help
13 Plaintiff endure the trauma from such conduct. Despite the authority and ability to do so, these
14 Defendants negligently and/or willfully refused to, and/or did not, act effectively to stop the sexual
15 assaults on Plaintiff, to inhibit or obstruct such abuse, or to protect Plaintiff from the results of that
16 trauma.

17 84. During the period of abuse of Plaintiff at the hands of ALLEN, Defendants REDLANDS
18 UNIFIED SCHOOL DISTRICT had the authority and the ability to obstruct or stop ALLEN's
19 sexual assaults on Plaintiff, but negligently and/or willfully failed to do so, thereby allowing the
20 abuse to occur. This failure was a part of Defendants' plan and arrangement to conceal wrongful
21 acts, to avoid and inhibit detection, to block public disclosure, to avoid scandal, to avoid the
22 disclosure of their tolerance of child sexual harassment and abuse, to preserve a false appearance
23 of propriety, and to avoid investigation and action by public authority including law enforcement.
24 Plaintiff is informed and believes, and on that basis alleges, that such actions were motivated by a
25 desire to protect the reputation of Defendants and each of them, and to protect the monetary
26 support of Defendants while fostering an environment where such abuse could continue to occur.

27 85. Subsequent to her sexual abuse at the hands of ALLEN, Plaintiff began to
28 experience multiple mental, emotional and psychological problems, due to the sexual harassment
and abuse she suffered at the hands of ALLEN, including, but not limited to: Plaintiff being angry;

1 Plaintiff experiencing frequent anxiety; Plaintiff experiencing depression; Plaintiff feeling
2 helpless; Plaintiff experiencing sleeplessness; and Plaintiff having significant trust and control
3 issues.

4 86. As a direct result of the sexual harassment and abuse of Plaintiff by ALLEN,
5 Plaintiff has had difficulty in reasonably or meaningfully interacting with others, including those in
6 positions of authority over Plaintiff, including supervisors, and in intimate, confidential and
7 familial relationships, due to the trauma of childhood sexual harassment, assault and abuse
8 inflicted upon them by ALLEN. This inability to interact creates conflict with Plaintiff's values of
9 trust and confidence in others, and has caused Plaintiff substantial emotional distress, anxiety,
10 nervousness and fear. As a direct result of Plaintiff's abuse and harassment by ALLEN, Plaintiff
11 experienced severe issues with her personal life, including issues with trust and difficulties in
12 maintaining meaningful relationships, and difficulty with school. These feelings have caused
13 Plaintiff substantial emotional distress, anxiety, nervousness and fear.

14 87. As a direct and proximate result of the Defendants' tortuous acts, omissions, wrongful
15 conduct and/or breaches of their duties, whether willful or negligent, Plaintiff's employment and
16 personal development has or will be adversely affected. Plaintiff has or will lose wages as a result
17 of the abuse she suffered at the hands of Defendants, and will continue to lose wages in an amount
18 to be determined at trial. Plaintiff have suffered economic injury, all to Plaintiff's general, special
19 and consequential damage in an amount to be proven at trial, but in no event less than the
20 minimum jurisdictional amount of this Court.

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

- 24 * Duty to use reasonable care to protect students from known or foreseeable dangers
(Government Code §§ 820, 815.2);
- 25 * Duty to refrain from taking official action that contradicts the provisions of Article
26 1, section 28(c) of the California Constitution;
- 27 * Duty to enact policies and procedures that are not in contravention of the Federal
28 Civil Rights Act, section 1983, and the 14th Amendment of the United States
Constitution;

- * Duty to protect students and staff, and provide adequate supervision;
- * Duty to ensure that any direction given to faculty and students is lawful, and that adults act fairly, responsibly and respectfully towards faculty and students;
- * Duty to properly train teachers, athletic directors, athletic coaches, youth counselors, mentors, administrators, and staff so that they are aware of their individual responsibility for creating and maintaining a safe environment;
- * Duty to supervise faculty and students and enforce rules and regulations prescribed for schools, exercise reasonable control over students as is reasonably necessary to maintain order, protect property, or protect the health and safety of faculty and students or to maintain proper and appropriate conditions conducive to learning;
- * Duty to exercise careful supervision of the moral conditions in the school;
- * Duty to hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds or during recess;
- * Duty to properly monitor students, prevent or correct harmful situations or call for help when a situation is beyond their control;
- * Duty to ensure that personnel are actually on hand and supervising students;
- * Duty to provide enough supervision to students;
- * Duty to supervise diligently;
- * Duty to act promptly and diligently and not ignore or minimize problems;
- * Duty to refrain from violating Plaintiff's right to protection from bodily restraint or harm, from personal insult, from defamation, and from injury to their personal relations (Civil Code § 43);
- * Duty to abstain from injuring the person or property of Plaintiff, or infringing upon any of their rights (Civil Code § 1708);
- * Duty to report suspected incidents of child abuse and more specifically childhood sexual abuse (Penal Code §§ 11166, 11167); and
- * Duty to prevent discrimination or sexual harassment and abuse from occurring in public educational facilities (Education Code § 200, et seq.); and
- * Duty to not violate Title IX of the Education Amendments of 1972.

89. Compulsory education laws create a special relationship between students and Defendants, and students have a constitutional guarantee to a safe, secure and peaceful school environment. Defendants and each of them failed to acknowledge unsafe conditions, and therefore failed to guarantee safe surroundings in an environment in which Plaintiff was not free to leave, specifically including but not limited to allowing ALLEN to take children for purposes of sexual activity and

1 allowing ALLEN to operate isolated environments, incapable of monitoring from the outside,
2 wherein ALLEN sexually harassed and abused Plaintiff and others.

3 90. Defendants and each of them had and have a duty to protect students, including
4 Plaintiff. Defendants were required, and failed, to provide adequate campus and off-site school
5 event supervision, and failed to be properly vigilant in seeing that supervision was sufficient to
6 ensure the safety of Plaintiff and others.

7 91. Defendants and each of them lodged with ALLEN the color of authority, by
8 which he was able to influence, direct and abuse Plaintiff and others, and to act illegally,
9 unreasonably and without respect for the person and safety of Plaintiff.

10 92. Defendants and each of them had a duty to and failed to adequately train and supervise
11 all advisors, teachers, mentors and staff to create a positive, safe, spiritual and educational
12 environment, specifically including training to perceive, report and stop inappropriate conduct by
13 other members of the staff, specifically including ALLEN, with children.

14 93. Defendants and each of them had a duty to and failed to enact and enforce rules and
15 regulations prescribed for schools, and execute reasonable control over students necessary to
16 protect the health and safety of the student and maintain proper and appropriate conditions
17 conducive to learning.

18 94. Defendants and each of them were required to and failed to exercise careful supervision
19 of the moral conditions in their school, and provide supervision before and after school. This duty
20 extended beyond the classroom.

21 95. In subjecting Plaintiff to the wrongful treatment herein described and the cover up,
22 ALLEN acted willfully and maliciously with the intent to harm Plaintiff, and in conscious
23 disregard of Plaintiff's rights, so as to constitute malice and/or oppression under California Civil
24 Code section 3294. Plaintiff is therefore entitled, to the recovery of punitive damages, in an
25 amount to be determined by the court, against ALLEN, in a sum to be shown according to proof.

26 96. In subjecting Plaintiff to the negligent and wrongful treatment herein described and the
27 cover up of same, REDLANDS UNIFIED SCHOOL DISTRICT, and ALLEN are liable for treble
28 damages as to this Plaintiff.

FIRST CAUSE OF ACTION
NEGLIGENCE

(Against all Defendants and Does 1 through 100)

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

98. Plaintiff is informed and believes, and on that basis alleges that prior to and after the first incident of ALLEN' sexual harassment, molestation, and abuse of Plaintiff, through the present, Defendants, knew or should have reasonably known that ALLEN had or was capable of sexually, and/or sexually abusing Plaintiff or other victims.

99. Defendants and each of them had special duties to protect the minor Plaintiff and the other students within Redlands High School and the REDLANDS UNIFIED SCHOOL DISTRICT, when such students were entrusted to their care by their parents. Plaintiff's care, welfare and/or physical custody was entrusted to Defendants. Defendants voluntarily accepted the entrusted care of Plaintiff. As such, Defendants owed Plaintiff, minor children, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to protect them from harm. The duty to protect and warn arose from the special, trusting, confidential, and/or fiduciary relationship between Defendants and Plaintiff. Plaintiff felt great trust, faith and confidence in Defendants, and in ALLEN as their teacher, adviser and mentor.

100. Plaintiff is informed and believes, and on that basis alleges, that Defendants breached their duties of care to the minor Plaintiff by allowing ALLEN to come into contact with the minor Plaintiff and other students, without supervision; by failing to adequately hire, supervise and/or retain ALLEN who they permitted and enabled to have access to Plaintiff; by failing to investigate or otherwise confirm or deny such facts about ALLEN; by failing to tell or concealing from Plaintiff, their parents, guardians and law enforcement officials that ALLEN was or may have been sexually harassing and abusing minors; by failing to tell or concealing from Plaintiff's parents, guardians or law enforcement officials that Plaintiff was or may have been sexually harassed, assaulted and abused after Defendants knew or should have known that ALLEN may have sexually harassed and abused Plaintiff or others, thereby enabling Plaintiff to continue to be endangered and

1 sexually harassed, and abused, and/or creating the circumstance where Plaintiff was less likely to
2 receive medical/mental health care or treatment, thus exacerbating the harm done to Plaintiff;
3 and/or by holding out ALLEN to Plaintiff and to her parents as being in good standing and
4 trustworthy. Defendants cloaked within the facade of normalcy, Defendants' conduct, contact and
5 actions with Plaintiff and/or disguised the nature of the sexual harassment and abuse and contact.

6 101. Defendants, and each of them, breached their duty to Plaintiff by, inter alia, failing to
7 investigate or otherwise confirm or deny such facts, failing to reveal such facts to Plaintiff, the
8 community of the school, students, minors, and law enforcement agencies, placing and continuing
9 to place ALLEN in positions of trust and authority within Redlands High School and the
10 REDLANDS UNIFIED SCHOOL DISTRICT, and holding out, and continuing to hold out
11 ALLEN to Plaintiff, the public, the community of the school, students, minors, and law
12 enforcement agencies as being in good standing and trustworthy.

13 102. Defendants, and each of them, breached their duty to Plaintiff by, inter alia, failing to
14 adequately monitor and supervise ALLEN and/or stopping ALLEN from committing wrongful
15 sexual acts with minors including Plaintiff. This belief is founded on the fact that Plaintiff was
16 informed and believed that the Principal and other faculty members at Redlands High School and
17 District officials, including REDLANDS UNIFIED SCHOOL DISTRICT had suspected the abuse
18 and/or harassment was occurring at the time, and failed to investigate into the matter further
19 despite the knowledge of the impropriety of the acts of ALLEN. Based on these facts, Defendants
20 knew and/or should have known of ALLEN' incapacity to supervise and/or stop employees of
21 Defendants from committing wrongful sexual acts with minors.

22 103. Under the Child Abuse and Neglect Reporting Act, Defendants, by and through their
23 employees and agents, were child care custodians and were under a statutory duty to report known
24 or suspected incidents of sexual harassment or abuse of minors to a child protective agency,
25 pursuant to California Penal Code § 11166, and/or not to impede the filing of any such report.

26 104. Plaintiff is informed and believes, and on that basis alleges, that Defendants knew or
27 should have known that ALLEN, their agent, teacher, advisor, mentor and other counselors,
28 advisors, coaches, teachers and staff of Defendants had sexually abused, or harassed, or caused

1 harm, and other injuries to minors, including Plaintiff, giving rise to a duty to report such conduct
2 under California Penal Code § 11166.

3 105. Plaintiff is informed and believes, and on that basis alleges, that Defendants also
4 knew, or should have known in the exercise of reasonable diligence, that an undue risk to minors,
5 including Plaintiff, existed because Defendants did not comply with California's mandatory
6 reporting requirements.

7 106. By failing to report the continuing harassment and abuse, which Defendants and each of
8 them knew or should have known, and by ignoring the fulfillment of the mandated compliance
9 with the reporting requirements provided under California Penal Code § 11166, Defendants
10 created the risk and danger contemplated by the Child Abuse and Neglect Reporting Act, and as a
11 result, unreasonably and wrongfully exposed Plaintiff and other minors to sexual harassment and
12 abuse.

13 107. Plaintiff was a member of the class of persons for whose protection California Penal
14 Code § 11166 was specifically adopted to protect.

15 108. Had Defendants adequately reported the abuse and harassment of Plaintiff and other
16 minors as required by California Penal Code § 11166, further harm to Plaintiff and other minors
17 would have been avoided.

18 109. As a proximate result of Defendants' failure to follow the mandatory reporting
19 requirements of California Penal Code § 11166, Defendants wrongfully denied Plaintiff and other
20 minors, the intervention of child protection services. Such public agencies would have changed
21 the then-existing arrangements and conditions that provided the access and opportunities for the
22 abuse and sexual harassment of Plaintiff by ALLEN.

23 110. The physical, mental, and emotional damages and injuries resulting from the sexual
24 abuse and harassment of Plaintiff by ALLEN, were the type of occurrence and injuries that the
25 Child Abuse and Neglect Reporting Act was designed to prevent.

26 111. As a result, Defendants' failure to comply with the mandatory reporting requirements of
27 California Penal Code section 11166 also constituted a per se breach of Defendants' duties to
28 Plaintiff.

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

8 **SECOND CAUSE OF ACTION**
9 **NEGLIGENT SUPERVISION**

10 (Against Defendant REDLANDS UNIFIED SCHOOL DISTRICT Only and Does 1 through 100)

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

13 114. As an educational institution for minors, where all of the students are entrusted to the
14 counselors, advisors, mentors, coaches, faculty members, administrators and teachers, Defendants
15 expressly and implicitly represented that these individuals, including ALLEN, were not a sexual
16 threat to children and others who would fall under ALLEN' influence, control, direction, and
17 guidance.

18 115. Defendants negligently failed to supervise ALLEN in his position of trust and authority
19 as a teacher, advisor and mentor, and/or other authority figure, where he was able to commit
20 wrongful acts against the Plaintiff. Defendants failed to provide reasonable supervision of
21 ALLEN. Defendants further failed to take reasonable measures to prevent sexual harassment,
22 molestation, and abuse of minors, including Plaintiff.

23 116. Plaintiff is informed and believes, and on that basis alleges, that at no time during the
24 periods of time alleged did Defendants have in place a system or procedure to reasonably
25 investigate, supervise and/or monitor teachers, including ALLEN, to prevent pre-sexual grooming
26 and/or sexual harassment, and abuse of children, nor did they implement a system or procedure to
27 oversee or monitor conduct toward minors, students and others in Defendants' care.
28

1 117. Defendants and each of them were or should have been aware and understood how
2 vulnerable children were to sexual harassment and abuse by counselors, advisors, mentors,
3 coaches, teachers and other persons of authority within Defendants.

4 118. Defendants' conduct was a breach of their duties to Plaintiff.

5 119. Under the Child Abuse and Neglect Reporting Act, Defendants, by and through their
6 employees and agents, were child care custodians and were under a statutory duty to report known
7 or suspected incidents of sexual abuse of minors to a child protective agency, pursuant to
8 California Penal Code section 11166, and/or not to impede the filing of any such report.

9 120. Plaintiff is informed and believes, and on that basis alleges, that Defendants knew or
10 should have known that their agent, counselor, advisor, and mentor ALLEN, and other teachers
11 and staff of Defendants, had sexually abused or caused harm, and other injuries to minors,
12 including Plaintiff, giving rise to a duty to report such conduct under California Penal Code
13 section 11166.

14 121. Plaintiff is informed and believes, and on that basis alleges, that Defendants knew, or
15 should have known in the exercise of reasonable diligence, that an undue risk to minors, including
16 Plaintiff, existed because Defendants did not comply with California's mandatory reporting
17 requirements.

18 122. By failing to report the continuing abuse, which Defendants and each of them knew or
19 should have known, and by ignoring the fulfillment of the mandated compliance with the reporting
20 requirements provided under California Penal Code section 11166, Defendants created the risk and
21 danger contemplated by the Child Abuse and Neglect Reporting Act, and as a result, unreasonably
22 and wrongfully exposed Plaintiff and other minors to sexual harassment and abuse.

23 123. Plaintiff was a member of the class of persons for whose protection California Penal
24 Code section 11166 was specifically adopted to protect.

25 124. Had Defendants adequately reported the sexual abuse and harassment of Plaintiff and
26 other minors as required by California Penal Code section 11166, further harm to Plaintiff would
27 have been avoided.
28

125. As a proximate result of Defendants' failure to follow the mandatory reporting requirements of California Penal Code section 11166, Defendants wrongfully denied Plaintiff and other minors the intervention of child protection services. Such public agencies would have changed the then-existing arrangements and conditions that provided the access and opportunities for the sexual harassment and abuse of Plaintiff by ALLEN.

126. The physical, mental, and emotional damages and injuries resulting from the sexual harassment and abuse of Plaintiff by ALLEN, were the type of occurrence and injuries that the Child Abuse and Neglect Reporting Act was designed to prevent.

127. As a result, Defendants' failure to comply with the mandatory reporting requirements of California Penal Code section 11166 also constituted a per se breach of Defendants' duties to Plaintiff.

128. Defendants, and each of them, breached their duty to Plaintiff by, inter alia, failing to adequately monitor and supervise ALLEN and/or stopping ALLEN from committing wrongful sexual harassment and abuse of minors including Plaintiff. This belief is founded on the fact that Plaintiff was informed and believed that the administration at Redlands High School and REDLANDS UNIFIED SCHOOL DISTRICT had suspected the abuse was occurring at the time, and failed to investigate into the matter further. Based on these facts, Defendants knew and/or should have known of ALLEN' incapacity to supervise and/or stop employees of Defendants from committing wrongful sexual acts with minors.

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

THIRD CAUSE OF ACTION
NEGLIGENT HIRING/RETENTION

(Against Defendant REDLANDS UNIFIED SCHOOL DISTRICT Only and Does 1 through 100)

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

3 131. By virtue of Plaintiff's special relationship with Defendants and each of them, and
4 Defendants' relation to ALLEN, Defendants owed Plaintiff a duty to not hire and/or retain
5 ALLEN, given his dangerous and exploitive propensities, which Defendants knew or reasonably
6 should have known had they engaged in a meaningful and adequate investigation of his
7 background prior to hiring him.

8 132. As an educational institution and operator of a school, where all of the students are
9 minors entrusted to the schools and its employees and agents, Defendants expressly and implicitly
10 represented that the counselors, advisors, mentors, coaches, teachers and others, including
11 ALLEN, were not a sexual threat to children and others who would fall under ALLEN's influence,
12 control, direction, and guidance.

13 133. Plaintiff is informed and believes, and on that basis alleges, that at no time during the
14 periods of time alleged did Defendants have in place a system or procedure to reasonably
15 investigate, supervise and/or monitor teachers, including ALLEN, to prevent pre-sexual grooming
16 and/or sexual harassment and abuse of children, nor did they implement a system or procedure to
17 oversee or monitor conduct toward minors, students and others in Defendants' care.

18 134. Defendants and each of them were or should have been aware and understood how
19 vulnerable children were to sexual harassment, and abuse by teachers and other persons of
20 authority within the control of Defendants.

21 135. Plaintiff is informed, and believes, and on that basis alleges, that the Defendants were
22 put on notice, and should have known that ALLEN had previously engaged in dangerous and
23 inappropriate conduct, and that it was, or should have been foreseeable that he was engaging, or
24 would engage in illicit sexual activities with Plaintiff, and others, under the cloak of his authority,
25 confidence, and trust, bestowed upon him through Defendants.

26 136. Defendants were placed on actual and/or constructive notice that ALLEN had
27 engaged in dangerous and inappropriate conduct, both before his employment within Defendants,
28 and during that employment. Plaintiff is informed, and thereon alleges, that other third parties,

1 minors, students, law enforcement officials and/or parents informed Defendants of inappropriate
2 conduct committed by ALLEN.

3 137. Even though Defendants knew or should have known of these activities by
4 ALLEN, Plaintiff is informed that Defendants failed to use reasonable care in investigating
5 ALLEN and did nothing to investigate, supervise or monitor ALLEN to ensure the safety of the
6 minor students.

7 138. Defendants' conduct was a breach of their duty to Plaintiff.

8 139. Under the Child Abuse and Neglect Reporting Act, Defendants, by and through their
9 employees and agents, were child care custodians and were under a statutory duty to report known
10 or suspected incidents of sexual abuse of minors to a child protective agency, pursuant to
11 California Penal Code section 11166, and/or not to impede the filing of any such report.

12 140. Plaintiff is informed and believes, and on that basis alleges, that Defendants knew or
13 should have known that their agent, counselor, advisor and mentor, ALLEN, and other employees,
14 agents, teachers and staff within Defendants, had sexually abused or caused harm, and other
15 injuries to minors, including Plaintiff, giving rise to a duty to report such conduct under California
16 Penal Code section 11166.

17 141. Plaintiff is informed and believes, and on that basis alleges, that Defendants knew, or
18 should have known in the exercise of reasonable diligence, that an undue risk to minors, including
19 Plaintiff, existed because Defendants did not comply with California's mandatory reporting
20 requirements.

21 142. By failing to report the continuing harassment and abuse, which Defendants and each of
22 them knew or should have known, and by ignoring the fulfillment of the mandated compliance
23 with the reporting requirements provided under California Penal Code section 11166, Defendants
24 created the risk and danger contemplated by the Child Abuse and Neglect Reporting Act, and as a
25 result, unreasonably and wrongfully exposed Plaintiff and other minors to sexual harassment and
26 abuse.

27 143. Plaintiff was a member of the class of persons for whose protection California Penal
28 Code section 11166 was specifically adopted to protect.

144. Had Defendants adequately reported the sexual harassment and abuse of Plaintiff and other minors as required by California Penal Code section 11166, further harm to Plaintiff and other minors would have been avoided.

145. As a proximate result of Defendants' failure to follow the mandatory reporting requirements of California Penal Code section 11166, Defendants wrongfully denied Plaintiff and other minors the intervention of child protection services. Such public agencies would have changed the then-existing arrangements and conditions that provided the access and opportunities for the harassment and abuse of Plaintiff by ALLEN.

146. The physical, mental, and emotional damages and injuries resulting from the harassment and abuse of Plaintiff by ALLEN, were the type of occurrence and injuries that the Child Abuse and Neglect Reporting Act was designed to prevent.

147. As a result, Defendants' failure to comply with the mandatory reporting requirements of California Penal Code section 11166 also constituted a per se breach of Defendants' duties to Plaintiff.

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

FOURTH CAUSE OF ACTION
NEGLIGENT FAILURE TO WARN, TRAIN OR EDUCATE

(Against Defendant REDLANDS UNIFIED SCHOOL DISTRICT Only and Does 1 through 100)

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

150. Defendants owed Plaintiff a duty to take reasonable protective measures to protect Plaintiff and other minor students from the risk of childhood sexual harassment, molestation and

1 abuse by ALLEN by properly warning, training or educating Plaintiff and other students about how
2 to avoid such a risk.

3 151. Defendants breached their duty to take reasonable protective measures to protect
4 Plaintiff and other minor students from the risk of childhood sexual harassment, molestation and
5 abuse by ALLEN, such as the failure to properly warn, train or educate Plaintiff and other students
6 about how to avoid such a particular risk that ALLEN posed-of sexual misconduct.

7 152. Defendants breached their duty to take reasonable protective measures to protect
8 Plaintiff and other minor students from the risk of childhood sexual harassment, molestation,
9 assault and abuse by ALLEN, by failing to supervise and stop employees of Defendants, including
10 ALLEN, from committing wrongful sexual acts with minors, including Plaintiff.

11 153. Under the Child Abuse and Neglect Reporting Act, Defendants, by and through their
12 employees and agents, were child care custodians and were under a statutory duty to report known
13 or suspected incidents of sexual molestation or abuse of minors to a child protective agency,
14 pursuant to California Penal Code section 11166, and not to impede the filing of any such report.

15 154. Defendants knew or should have known that their agent, teacher, tutor, advisor,
16 counselor and mentor, ALLEN, and other teachers and staff of Defendants, had sexually molested,
17 abused or caused touching, battery, harm, and other injuries to minors, including Plaintiff, giving
18 rise to a duty to report such conduct under Penal Code section 11166.

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

22 156. By failing to report the continuing molestations and abuse, which Defendants knew or
23 should have known about, and by ignoring the fulfillment of the mandated compliance with the
24 reporting requirements provided under Penal Code section 11166, Defendants created the risk and
25 danger contemplated by the Child Abuse and Neglect Reporting Act, and as a result, unreasonably
26 and wrongfully exposed Plaintiff and other minors to sexual molestation and abuse.

27 157. Plaintiff was a member of the class of persons for whose protection Penal Code section
28 11166 was specifically adopted to protect.

158. Had Defendants adequately reported the molestation of Plaintiff and other minors as required by Penal Code section 11166, further harm to Plaintiff and other minors would have been avoided.

159. As a proximate result of Defendants' failure to follow the mandatory reporting requirements of Penal Code section 11166, Defendants wrongfully denied Plaintiff and other minors the intervention of child protection services. Such public agencies would have changed the then-existing arrangements and conditions that provided the access and opportunities for the molestation of Plaintiff by ALLEN.

160. The physical, mental, and emotional damages and injuries resulting from the sexual molestation of Plaintiff by ALLEN, were the type of occurrence and injuries that the Child Abuse and Neglect Reporting Act was designed to prevent.

161. As a result of Defendants' failure to comply with the mandatory reporting requirements of California Penal Code section 11166, also constitutes a per se breach of Defendants' duties to Plaintiff.

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

FIFTH CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(Against All Defendants and Does 1 through 100)

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

164. Defendants' conduct toward Plaintiff, as described herein, was outrageous and extreme. Among other things, Defendants tolerated and permitted an individual in the position of ALLEN to:

- a. Close and lock his door with female students present therein, including Plaintiff;
- b. Permitting ALLEN to have students in his classroom;
- c. With knowledge of ALLEN' dangerous propensities for sexual misconduct, removing the complaining students, but allowing ALLEN to remain in his position as a teacher and coach.

165. Defendants' conduct toward Plaintiff, as described herein, was outrageous and extreme.

Among other things, Defendants tolerated and permitted individuals in Administration to:

- a. Dissuade victims from reporting or going to the police;
- b. Dissuade victims from going to the press;
- c. Destroying evidence or failing to preserve evidence;
- d. Allowing a perpetrator to remain in his position with no warning, after questioning him and students about sexual misconduct with students; and
- e. Allowing students to break the rules in order to be abused by ALLEN.

166. A reasonable person would not expect or tolerate the sexual harassment and abuse of Plaintiff by ALLEN. Plaintiff had great trust, faith and confidence in ALLEN and in Defendants, which, by virtue of ALLEN' and Defendants' wrongful conduct, turned to fear.

167. Defendants' conduct toward Plaintiff, as described herein, was outrageous and extreme.

168. A reasonable person would not expect or tolerate Defendants putting ALLEN in a position of authority at Redlands High School and the REDLANDS UNIFIED SCHOOL DISTRICT, which enabled ALLEN to have access to minor students so that he could commit wrongful sexual acts, including the conduct described herein, with minors, including Plaintiff. Plaintiff had great trust, faith and confidence in Defendants, which, by virtue of Defendants' wrongful conduct, turned to fear.

169. A reasonable person would not expect or tolerate Defendants to be incapable of supervising and/or stopping employees of Defendants, including ALLEN, from committing wrongful sexual acts with minors, including Plaintiff, or to supervise ALLEN. Plaintiff had great trust, faith and confidence in Defendants, which, by virtue of Defendants' wrongful conduct, turned to fear.

1 170. ALLEN' and Defendants' conduct described herein was intentional and malicious and
2 done for the purpose of causing or with the substantial certainty that Plaintiff would suffer
3 humiliation, mental anguish, and emotional and physical distress.

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

11 172. Plaintiff is informed and based thereon alleges that the conduct of ALLEN was
12 oppressive, malicious and despicable in that it was intentional and done in conscious disregard for
13 the rights and safety of others, and was carried out with a conscious disregard of Plaintiff's right to
14 be free from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to
15 California Civil Code section 3294, entitling Plaintiff to punitive damages against this Defendant
16 in an amount appropriate to punish and set an example of ALLEN.

17 **SIXTH CAUSE OF ACTION**
18 **ASSAULT**

19 (Against Defendant ALLEN Only and Does 1 through 100)

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

22 174. Defendant ALLEN, in doing the things herein alleged all while ALLEN was acting in
23 the course and scope of his agency/employment with Defendants, put Plaintiff in imminent
24 apprehension of such contact or was intended to put Plaintiff in imminent apprehension of such
25 contact.

26 175. In doing the things herein alleged, Plaintiff was put in imminent apprehension of a
27 harmful or offensive contact by ALLEN, and actually believed ALLEN had the ability to make
28 harmful or offensive contact with Plaintiff's person.

1 176. Plaintiff did not consent to ALLEN' intended harmful or offensive contact with
2 Plaintiff's person, or intent to put Plaintiff in imminent apprehension of such contact. Additionally,
3 because Plaintiff was a minor during the time herein alleged, they lacked the ability to consent to
4 sexual contact with any person, especially with a mentor, teacher, coach and counselor at the
5 school they attended.

6 177. In doing the things herein alleged, ALLEN violated Plaintiff's rights, pursuant to Civil
7 Code section 43, of protection from bodily restraint or harm, and from personal insult. In doing
8 the things herein alleged, ALLEN violated his duty, pursuant to Civil Code section 1708, to abstain
9 from injuring the person of Plaintiff or infringing upon their rights.

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

17 179. Plaintiff is informed and based thereon alleges that the conduct of Defendant
18 ALLEN was oppressive, malicious and despicable in that it was intentional and done in conscious
19 disregard for the rights and safety of others, and was carried out with a conscious disregard of
20 Plaintiff's right to be free from such tortious behavior, such as to constitute oppression, fraud or
21 malice pursuant to California Civil Code section 3294, entitling Plaintiff to punitive damages
22 against this Defendant in an amount appropriate to punish and set an example of him.

23 **SEVENTH CAUSE OF ACTION**
24 **SEXUAL BATTERY (C.C. §1708.5)**

(Against Defendant ALLEN Only and Does 1 through 100)

25 180. Plaintiff re-allege and incorporates by reference herein each and every allegation
26 contained herein above as though fully set forth and brought in this cause of action.

27 181. During Plaintiff's time as minor students at REDLANDS UNIFIED SCHOOL
28 DISTRICT, Redlands High School and DOES 1 through 100, Defendant ALLEN intentionally,

1 recklessly and wantonly did acts which were intended to, and did result in harmful and offensive
2 contact with intimate parts of Plaintiff's persons, including but not limited to Defendant ALLEN:
3 engaging in sexual touching, contact, and conduct with the Plaintiff.

4 182. Defendant ALLEN did the aforementioned acts with the intent to cause a
5 harmful or offensive contact with an intimate part of Plaintiff's persons, and would offend a
6 reasonable sense of personal dignity. Further, said acts did cause a harmful or offensive contact
7 with an intimate part of Plaintiff's person that would offend a reasonable sense of personal dignity.

8 183. Because of ALLEN' position of authority over Plaintiff, and Plaintiff's
9 mental and emotional state, and Plaintiff's young age, under the age of consent, Plaintiff was
10 unable to, and did not, give meaningful consent to such acts.

11 184. As a direct, legal and proximate result of the acts of Defendant ALLEN,
12 Plaintiff sustained serious and permanent injuries to her person, all to her damage in an amount to
13 be shown according to proof and within the jurisdiction of the Court.

14 185. As a direct result of the sexual abuse by ALLEN, Plaintiff has difficulty in reasonably or
15 meaningfully interacting with others, including those in positions of authority over Plaintiff
16 including supervisors, and in intimate, confidential and familial relationships, due to the trauma of
17 childhood sexual abuse inflicted upon them by Defendants. This inability to interact creates
18 conflict with Plaintiff's values of trust and confidence in others, and has caused Plaintiff
19 substantial emotional distress, anxiety, nervousness and fear. As a direct result of the molestation
20 by ALLEN, Plaintiff have had issues with her personal life, as Plaintiff has issues with trust and
21 have difficulty maintaining relationships. These feelings have caused Plaintiff substantial
22 emotional distress, anxiety, nervousness and fear.

23 186. Plaintiff is informed and based thereon allege that the conduct of Defendant was
24 oppressive, malicious and despicable in that it was intentional and done in conscious disregard for
25 the rights and safety of others, and was carried out with a conscious disregard of her right to be
26 free from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to
27 California Civil Code section 3294, entitling Plaintiff to punitive damages against Defendant in an
28 amount appropriate to punish and set an example of ALLEN.

EIGHTH CAUSE OF ACTION
SEXUAL HARASSMENT: (C.C. § 51.9)

(Against All Defendants and Does 1 through 100)

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

188. Education Code section 220 states "No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid."

189. Education Code section 201 states "All pupils have the right to participate fully in the educational process, free from discrimination and harassment [...] California's public schools have an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity [...] Harassment on school grounds directed at an individual on the basis of personal characteristics or status creates a hostile environment and jeopardizes equal educational opportunity as guaranteed by the California Constitution and the United States Constitution [...] There is an urgent need to prevent and respond to acts of hate violence and bias-related incidents that are occurring at an increasing rate in California's public schools [...] It is the intent of the Legislature that this chapter shall be interpreted as consistent with [...] Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681, et seq.) [...] the Unruh Civil Rights Act (Secs. 51 to 53, incl., Civ. C.), and the Fair Employment and Housing Act (Pt. 2.8 (commencing with Sec. 12900), Div. 3, Gov. C.), except where this chapter may grant more protections or impose additional obligations, and that the remedies provided herein shall not be the exclusive remedies, but may be combined with remedies that may be provided by the above statutes."

190. The California Supreme Court has determined: "Responsibility for the safety of public school students is not borne solely by instructional personnel. School principals and other supervisory employees, to the extent their duties include overseeing the educational environment and the performance of teachers and counselors, also have the responsibility of taking reasonable

1 measures to guard pupils against harassment . . .” C.A. v. William S. Hart Union High School Dist.
2 et. al., (2012) 53 Cal. 4th 861, 871.

3 191. “A principal is liable when it ratifies an originally unauthorized tort. The failure to
4 discharge an agent or employee may be evidence of ratification. . . If the employer, after
5 knowledge or opportunity to learn of the agent's misconduct, continues the wrongdoer in service,
6 the employer may become an abettor and may make himself liable in punitive damages.” Murillo
7 v. Rite Stuff Foods Inc., (1998) 65 Cal. App. 4th 833, 852 (internal citations omitted).

8 192. During Plaintiff's time as a student at Redlands High School, Defendant ALLEN
9 intentionally, recklessly and wantonly made sexual advances, solicitations, requests, demands for
10 sexual compliance of a hostile nature based on Plaintiff's gender that were unwelcome, pervasive
11 and severe, including but not limited to Defendant ALLEN: sexually abusing, molesting and
12 touching the Plaintiff, all while ALLEN was acting in the course and scope of his agency/
13 employment with Defendants, and each of them.

14 193. The incidents of abuse outlined herein above took place while Plaintiff was under the
15 control of ALLEN, in his capacity and position teacher, coach, advisor and mentor and while
16 acting specifically on behalf of Defendants.

17 194. During Plaintiff's time as a student at Redlands High School, Defendant ALLEN,
18 intentionally, recklessly and wantonly did acts which resulted in psychological harm to the
19 Plaintiff, including but not limited to, using his position as a teacher, coach, advisor, and mentor to
20 sexually harass and abuse the Plaintiff, and to use his authority and position of trust to exploit the
21 Plaintiff emotionally.

22 195. Because of Plaintiff's relationship with ALLEN as a student at Redlands High School
23 and the REDLANDS UNIFIED SCHOOL DISTRICT, and Plaintiff's young age as a minor
24 student, Plaintiff was unable to easily terminate the student-teacher, student-advisor, and
25 student-mentor relationships she had with Defendant ALLEN.

26 196. Because of ALLEN' position of authority over Plaintiff, and Plaintiff's mental and
27 emotional state, and Plaintiff's young age under the age of consent, Plaintiff was unable to, and did
28 not give meaningful consent to such acts.

197. Even though the Defendants knew or should have known of these activities by Defendant ALLEN, Defendants did nothing to investigate, supervise or monitor Defendant ALLEN to ensure the safety of the minor students, but instead ratified such conduct by retaining ALLEN in employment and retaining the benefits of his employment.

198. Defendants' conduct was a breach of their duties to Plaintiff. Defendant REDLANDS UNIFIED SCHOOL DISTRICT and Redlands High School ratified ALLEN' illicit sexual harassment of Plaintiff by retaining him in employment despite having knowledge (either constructive and/or actual) that the sexual harassment and/or abuse was occurring.

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

200. The aforesaid acts directed towards the Plaintiff was carried out with a conscious disregard of Plaintiff's right to be free from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to California Civil Code section 3294, entitling Plaintiff to punitive damages against Defendants ALLEN in an amount appropriate to punish and set an example of them, and also pursuant to Civil Code section 52. Plaintiff is also entitled to attorney's fees and costs from Defendants ALLEN and REDLANDS UNIFIED SCHOOL DISTRICT pursuant to Civil Code section 52, especially given REDLANDS UNIFIED SCHOOL DISTRICT's authorization or ratification of such acts by its managing agents, officers or directors. Plaintiff is also entitled to treble damages for cover ups of the crimes of ALLEN.

NINTH CAUSE OF ACTION
GENDER VIOLENCE: (C.C. § 52.4)

(Against Defendant ALLEN Only and Does 1 through 100)

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

1 202. Defendants' acts committed against Plaintiff, as alleged herein, including the sexual
2 harassment and abuse of the minor Plaintiff constitute gender violence and a form of sex
3 discrimination in that one or more of Defendants' acts would constitute a criminal offense under
4 state law that has as an element the use, attempted use, or threatened use of physical force against
5 the person of another, committed at least in part based on the gender of the victim, whether or not
6 those acts have resulted in criminal complaints, charges, prosecution, or conviction.

7 203. Defendants' acts committed against Plaintiff, as alleged herein, including the sexual
8 harassment and abuse of the minor Plaintiff constitutes gender violence and a form of sex
9 discrimination in that Defendants' conduct caused a threatened physical intrusion or physical
10 invasion of a sexual nature upon Plaintiff under coercive conditions, whether or not those acts have
11 resulted in criminal complaints, charges, prosecution, or conviction.

12 204. As a proximate result of Defendant ALLEN' acts, Plaintiff is entitled to actual
13 damages, compensatory damages, punitive damages, injunctive relief, any combination of those, or
14 any other appropriate relief pursuant to Civil Code section 3294 and Civil Code section 53.
15 Plaintiff is also entitled to an award of attorney's fees and costs pursuant to Civil Code § 52.4,
16 against Defendant ALLEN.

17 **TENTH CAUSE OF ACTION**
18 **SEXUAL ABUSE AND HARASSMENT IN THE EDUCATIONAL ENVIRONMENT**
19 **(EDUCATIONAL CODE § 220)**

20 (Against REDLANDS UNIFIED SCHOOL DISTRICT Only and Does 1 through 100)

21 205. The Plaintiff re-allege and incorporate by reference herein each and every allegation
22 contained herein above as though fully set forth and brought in this cause of action.

23 206. The Plaintiff was harmed by being subjected to harassment at Defendant REDLANDS
24 UNIFIED SCHOOL DISTRICT and under administrators and DOES 1 through 100 because of
25 their gender and Defendants are responsible for that harm.

26 207. The Plaintiff suffered harassment that was so severe, pervasive, and offensive that it
27 effectively deprived the Plaintiff of the right of equal access to educational benefits and
28 opportunities.

208. Plaintiff is informed and believes, and on that basis alleges, that Defendants had actual knowledge that this sexual harassment, abuse, and molestation was occurring. Specifically, Defendants had knowledge of the following facts:

- a. REDLANDS UNIFIED SCHOOL DISTRICT's notice of the danger presented by ALLEN;
- b. Defendant ALLEN' investigation by REDLANDS UNIFIED SCHOOL DISTRICT for sexual misconduct involving minors;
- c. Defendant ALLEN' propensity to discuss sex with minors;
- d. Defendant ALLEN having students in his classroom at all hours.

209. In the face of this knowledge of sexual abuse, harassment, and molestation that was being perpetrated upon the Plaintiff by ALLEN (as described above), Defendants REDLANDS UNIFIED SCHOOL DISTRICT and ALLEN acted with deliberate indifference towards responding to these alarms and preventing further abuse. Defendants REDLANDS UNIFIED SCHOOL DISTRICT allowed ALLEN to remain in contact with minor children, in order to sexually harass and abuse the Plaintiff.

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

ELEVENTH CAUSE OF ACTION
BREACH OF FIDUCIARY DUTY

(Against all Defendants and Does 1 through 100)

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

212. Defendants, as school teachers, staff, faculty, administrators and/or REDLANDS UNIFIED SCHOOL DISTRICT and/or Redlands High School officials were in a fiduciary relationship with Plaintiff, owing them a special duty of due care. All Defendants (by and

through their agents) are mandated reporters with respect to claims of child abuse and child safety.

213. Moreover, Defendants owed the parents of the Plaintiff a statutory, common law and constitutional duty to protect them and guarantee their safety at school. The parents of the Plaintiff also have a constitutionally guaranteed interest in the rearing and upbringing of their minor children, including but not limited to, the ability to ensure their child's safety both at home and at school.

214. The Defendants also owed a special duty to the parents of the Plaintiff. As direct victims for failure to notify of abuse of their minor children (See, Phyllis P. v. Claremont Unified School District, 183 Cal. App. 3d at 1193) which held that a school district had a special relationship with a parent because the parent was the "real and foreseeable" victim of the defendants' negligent conduct. Direct victims may bring claims where there was a negligent breach of a duty arising out of a preexisting relationship. Any breach committed by the Defendants violates this special relationship and duty owed to the parents of the Plaintiff.

215. Defendants breached their fiduciary duty by failing to properly supervise ALLEN and take appropriate steps to prevent the lewd and lascivious conduct perpetrated by ALLEN against the Plaintiff. Defendants also failed to report ALLEN pursuant to Defendants' policy. In addition, Defendants failed to report ALLEN' abuse or promptly notify the parents of the Plaintiff or their minor children.

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

217. In subjecting the Plaintiff to the wrongful treatment herein described, Defendants ALLEN acted willfully and maliciously with the intent to harm Plaintiff, and in conscious disregard of Plaintiff's rights, so as to constitute malice and oppression under California Civil Code

§ 3294. The Plaintiff is therefore entitled to the recovery of punitive damages, in an amount to be determined by the court, against ALLEN, in a sum to be shown according to proof.

TWELFTH CAUSE OF ACTION
CONSTRUCTIVE FRAUD: (C.C. § 1573)

(Against all Defendants and Does 1 through 100)

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

219. By holding themselves out as qualified institutions of learning for children, by holding ALLEN out as an agent of Defendants, and by allowing undertaking the academic, psychological and emotional instruction and guidance of the minor Plaintiff through the actions of ALLEN, Defendants entered into a fiduciary, special and confidential relationship with Plaintiff.

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

221. By virtue of their fiduciary relationship and special relationship with Plaintiff, Defendants owed the Plaintiff a duty to:

- a. Investigate or otherwise confirm or deny such claims of sexual abuse;
- b. Reveal such facts to the Plaintiff, her parents, and caretakers, the school community, and law enforcement agencies;
- c. Refuse to place ALLEN and other molesters in positions of trust and authority within Defendants' institutions;
- d. Refuse to hold out ALLEN to the school community, students, minors, parents and law enforcement agencies as being in good standing and, trustworthy in keeping with his and their position as a teacher, counselor, advisor, mentor and authority figure;
- e. Refuse to assign ALLEN to positions of power within the school and over minor students; and
- f. Disclose to the Plaintiff and their parents, the public, the community, the school, students, minors, and law enforcement agencies the wrongful, tortious, and criminal acts of ALLEN.

222. Defendants' breached their respective duties by:

- a. Making no or inadequate investigations of ALLEN;
- b. Issuing no warnings about ALLEN;
- c. Permitting ALLEN to routinely be alone and in control of minors, unsupervised;
- d. Not having adopted a policy to prevent ALLEN from routinely having minors and minor students in his unsupervised control;
- e. Making no reports of any allegations of ALLEN 's dangerous and inappropriate conduct prior to and during his employment at Defendants; and
- f. Assigning and continuing to assign ALLEN to duties which placed him in positions of authority and trust over minors, positions in which ALLEN could easily isolate and sexually abuse minors.

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

224. Defendants' misconduct did reasonably cause Plaintiff to forbear on their rights.

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

226. The misrepresentation, suppression and concealment of facts by Defendants was likely to mislead the Plaintiff and others to believe that Defendants had no knowledge of the fact that ALLEN was a danger to students.

227. Defendants knew or should have known at the time they suppressed and concealed the true facts regarding ALLEN and others' dangerous and inappropriate conduct that the resulting impressions were misleading.

228. Defendants suppressed and concealed the true facts with the purpose of: preventing Plaintiff, her parents, and others, from learning that ALLEN and others had been engaging in dangerous and inappropriate conduct and were continuing to sexually harass, molest and abuse minors and others under ALLEN' and Defendants' control, direction, and guidance, with complete impunity; inducing people, including the Plaintiff and other benefactors and donors to participate and financially support Defendants' school and other enterprises of Defendants; preventing further

1 reports and outside investigations into ALLEN' and Defendants' conduct; preventing discovery of
2 Defendants' own conduct; avoiding damage to the reputations of Defendants; protecting
3 Defendants' power and status in the community and the academic community; avoiding damage to
4 the reputation of Defendants and Defendants' institutions; and avoiding the civil and criminal
5 liability of Defendants, of ALLEN, and of others.

6 229. Defendants, with knowledge of the tortious nature of their own and each others' conduct,
7 gave each other substantial assistance to perpetrate the misrepresentations, fraud and deceit alleged
8 herein.

9 230. Defendants' suppression and concealment of facts, and in reliance thereon, were induced
10 to act or induced not to act, exactly as intended by Defendants. Specifically, Plaintiff was induced
11 to believe that there were no allegations of dangerous or inappropriate behavior of ALLEN. Had
12 Plaintiff and her parents or others known the true facts, they would have not participated further
13 nor continued to financially support the Defendants' activities alleged herein; they would have
14 reported the matters to the proper authorities, to other students and their parents so as to prevent
15 future recurrences; they would not have allowed children, including the Plaintiff, to be alone with,
16 or have any relationship with ALLEN; they would not have allowed children, including the
17 Plaintiff, to attend or be under the control of Defendants; they would have undertaken their own
18 investigations which would have led to discovery of the true facts; and they would have sought
19 psychological counseling for the Plaintiff, and for other children molested and abused by ALLEN.

20 231. By giving ALLEN the position of teacher, counselor, advisor and mentor, Defendants
21 impliedly represented that ALLEN was safe and morally fit to give children instruction, direction
22 and guidance.

23 232. When Defendants made these representations or non-disclosure of material facts,
24 Defendants knew or should have known that the facts were otherwise. Defendants knowingly and
25 intentionally suppressed the material facts that ALLEN had engaged in dangerous and
26 inappropriate conduct, and knew of or learned of conduct, or should have learned of conduct by
27 ALLEN which placed Defendants on notice that ALLEN was likely abusing children. In fact,
28

1 Defendants had in place a policy and procedure for concealing child abusers as well as failing to
2 document or report such abuse in direct violation of their mandatory legal duties and obligations.

3 233. Because of the Plaintiff's young age, and because of the status of ALLEN as an authority
4 figure to the Plaintiff and their parents, Plaintiff was vulnerable to ALLEN. ALLEN sought the
5 Plaintiff out, and was empowered by and accepted Plaintiff's vulnerability. Plaintiff's vulnerability
6 also prevented the Plaintiff from effectively protecting themselves from the sexual advances of
7 ALLEN. The Plaintiff's parent's vulnerability also prevented them from effectively protecting their
8 child from the sexual advances of ALLEN.

9 234. Defendants had the duty to obtain and disclose information relating to misconduct of
10 ALLEN.

11 235. Defendants misrepresented, concealed or failed to disclose information relating to
12 misconduct of ALLEN.

13 236. Defendants knew that they had misrepresented, concealed or failed to disclose
14 information related to misconduct of ALLEN.

15 237. Plaintiff justifiably relied upon Defendants for information relating to misconduct of
16 ALLEN.

17 238. Defendants, in concert with each other and with the intent to conceal and defraud,
18 conspired and came to a meeting of the minds whereby they would misrepresent, conceal or fail to
19 disclose information relating to the misconduct of ALLEN, the inability of Defendants to supervise
20 or stop ALLEN from sexually harassing, molesting and abusing the Plaintiff, and their own failure
21 to properly investigate, supervise and monitor his conduct with minors and students.

22 239. By so concealing, Defendants committed at least one act in furtherance of the
23 conspiracy.

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

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

3 241. In addition, when Plaintiff finally discovered the fraud of Defendants, and continuing
4 thereafter, Plaintiff experienced recurrences of the above-described injuries. In addition, when the
5 Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, the Plaintiff
6 experienced extreme and severe mental anguish and emotional distress that the Plaintiff had been
7 the victim of Defendants' fraud; that Plaintiff had not been able to help other minors being
8 molested because of the fraud, and that the Plaintiff had not been able because of the fraud to
9 receive timely medical treatment needed to deal with the problems the Plaintiff has suffered and
10 continues to suffer as a result of the sexual harassment, molestation and abuse.

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

18 243. In subjecting Plaintiff to the wrongful treatment herein described, Defendants ALLEN
19 acted willfully and maliciously with the intent to harm Plaintiff, and in conscious disregard of
20 Plaintiff's rights, so as to constitute malice and oppression under California Civil Code §3294.
21 Plaintiff is therefore entitled to the recovery of punitive damages, in an amount to be determined
22 by the court, against ALLEN, in a sum to be shown according to proof.

23
24 WHEREFORE, Plaintiff pray for a jury trial and for judgment against Defendants, and each of
25 them, as follows:

26 **FOR ALL CAUSES OF ACTION**

- 27 1. For past, present and future general damages in an amount to be determined at trial;
28

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. For appropriate punitive or exemplary damages against Defendant ALLEN;
4. For appropriate treble damages for a cover up against ALLEN and REDLANDS UNIFIED SCHOOL DISTRICT;
5. Any appropriate statutory damages;
6. For costs of suit;
7. For interest as allowed by law;
8. For attorney's fees and costs as applicable pursuant to California Code of Civil Procedure §§ 52.4, 1021.4 and 1021.5 against Defendant ALLEN; Civil Code §52 against Defendants ALLEN and REDLANDS UNIFIED SCHOOL DISTRICT, or otherwise as allowable by law and against REDLANDS UNIFIED SCHOOL DISTRICT pursuant to Title IX;
9. For such other and further relief as the court may deem proper.

Dated: July 12, 2022

MANLY, STEWART & FINALDI

By: Morgan A. Stewart
MORGAN A. STEWART
SAUL E. WOLF
JANE RNW DOE, an individual