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OF SACRAMENTO
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18 Attorneys for Plaintiffs
19 **BPM DOE, NH DOE, GR DOE,**
20 **MPC DOE, and NG DOE**

21 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

22 **FOR THE COUNTY OF SACRAMENTO**

23 BPM DOE, a minor,
24 by her guardian ad litem MARY DOE 2,
25 NH DOE, a minor,
26 by her guardian ad litem FRANKLIN DOE 1,
27 GR DOE, a minor,
28 by her guardian ad litem MARY DOE 3,
MPC DOE, a minor,
by her guardian ad litem MARY DOE 4,
NG DOE, a minor,
by her guardian ad litem MARY DOE 5,

Plaintiffs,

v.

THE SACRAMENTO CITY UNIFIED
SCHOOL DISTRICT, ROSARIO GUILLEN-
JOVEL, THE CITY OF SACRAMENTO,
JOSHUA ROLANDO VASQUEZ,
and DOES 5 through 30, inclusive,

Defendants.

Case Number:

COMPLAINT FOR DAMAGES

1. Negligence: Negligent Supervision, Investigation and or Retention of an Employee
2. Negligence: Negligent Supervision of Plaintiffs, minors
3. Childhood Sexual Abuse
4. Intentional Infliction of Emotional Distress

Filed by Fax

GENERAL ALLEGATIONS

1
2 1. Plaintiff BPM DOE is using a fictitious name in this Complaint under rights to
3 privacy granted by the Constitution of the State of California due to the sensitive nature of this
4 case. If, for any reason, any Defendant cannot accurately determine the identity of the Plaintiff
5 BPM DOE their attorney can contact Plaintiff’s attorney at the number on the face sheet of the
6 Complaint, and the true name of the Plaintiff BPM DOE will be provided. Plaintiff BPM DOE’s
7 year of birth is 2007 and Plaintiff BPM DOE is a minor residing in Sacramento County in the
8 State of California.

9 2. At the time of the childhood sexual abuse (as defined by the Code of Civil
10 Procedure section 340.1) alleged herein, all of which occurred after January 1, 2009, Plaintiff
11 BPM DOE was a minor. Plaintiff BPM DOE’s civil claim is an action for recovery of damages
12 suffered as a result of childhood sexual abuse and is timely pursuant to the provisions of Code of
13 Civil Procedure section 340.1, which provides an extended period of time (at least up to age 26,
14 and in some cases even longer) for victims of childhood sexual abuse to pursue their civil claims
15 for recovery of damages suffered as a result of childhood sexual abuse. At the time of the filing
16 her Complaint for Damages, Plaintiff BPM DOE is under the age of twenty-six (26).

17 3. MARY DOE 2 has been appointed Guardian ad Litem for Plaintiff BPM DOE.

18 4. Plaintiff NH DOE is using a fictitious name in this Complaint under rights to
19 privacy granted by the Constitution of the State of California due to the sensitive nature of this
20 case. If, for any reason, any Defendant cannot accurately determine the identity of the Plaintiff
21 NH DOE their attorney can contact Plaintiff’s attorney at the number on the face sheet of the
22 Complaint, and the true name of the Plaintiff NH DOE will be provided. Plaintiff NH DOE’s year
23 of birth is 2006 and Plaintiff NH DOE is a minor residing in Sacramento County in the State of
24 California.

25 5. At the time of the childhood sexual abuse (as defined by the Code of Civil
26 Procedure section 340.1) alleged herein, all of which occurred after January 1, 2009, Plaintiff NH
27 DOE was a minor. Plaintiff NH DOE’s civil claim is an action for recovery of damages suffered
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1 as a result of childhood sexual abuse and is timely pursuant to the provisions of Code of Civil
2 Procedure section 340.1, which provides an extended period of time (at least up to age 26, and in
3 some cases even longer) for victims of childhood sexual abuse to pursue their civil claims for
4 recovery of damages suffered as a result of childhood sexual abuse. At the time of the filing her
5 Complaint for Damages, Plaintiff NH DOE is under the age of twenty six (26).

6 6. FRANKLIN DOE 1 has been appointed Guardian ad Litem for Plaintiff NH DOE.

7 7. Plaintiff GR DOE, is using a fictitious name in this Complaint under rights to
8 privacy granted by the Constitution of the State of California due to the sensitive nature of this
9 case. If, for any reason, any Defendant cannot accurately determine the identity of the Plaintiff
10 GR DOE, their attorney can contact Plaintiff's attorney at the number on the face sheet of the
11 Complaint, and the true name of the Plaintiff GR DOE, will be provided. Plaintiff GR DOE's
12 year of birth is 2004 and Plaintiff GR DOE, is a minor residing in Sacramento County in the State
13 of California.

14 8. At the time of the childhood sexual abuse (as defined by the Code of Civil
15 Procedure section 340.1) alleged herein, all of which occurred after January 1, 2009,
16 Plaintiff GR DOE was a minor. Plaintiff GR DOE,'s civil claim is an action for recovery of
17 damages suffered as a result of childhood sexual abuse and is timely pursuant to the provisions of
18 Code of Civil Procedure section 340.1, which provides an extended period of time (at least up to
19 age 26, and in some cases even longer) for victims of childhood sexual abuse to pursue their civil
20 claims for recovery of damages suffered as a result of childhood sexual abuse. At the time of the
21 filing her Complaint for Damages, Plaintiff GR DOE, is under the age of twenty six (26).

22 9. MARY DOE 3 has been appointed Guardian ad Litem for Plaintiff GR DOE.

23 10. Plaintiff MPC DOE, is using a fictitious name in this Complaint under rights to
24 privacy granted by the Constitution of the State of California due to the sensitive nature of this
25 case. If, for any reason, any Defendant cannot accurately determine the identity of the Plaintiff
26 MPC DOE, their attorney can contact Plaintiff's attorney at the number on the face sheet of the
27 Complaint, and the true name of the Plaintiff MPC DOE, will be provided. Plaintiff MPC DOE's
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1 year of birth is 2002 and Plaintiff MPC DOE is a minor residing in Sacramento County in the
2 State of California.

3 11. At the time of the childhood sexual abuse (as defined by the Code of Civil
4 Procedure section 340.1) alleged herein, all of which occurred after January 1, 2009, Plaintiff
5 MPC DOE, was a minor. Plaintiff MPC DOE's civil claim is an action for recovery of damages
6 suffered as a result of childhood sexual abuse and is timely pursuant to the provisions of Code of
7 Civil Procedure section 340.1, which provides an extended period of time (at least up to age 26,
8 and in some cases even longer) for victims of childhood sexual abuse to pursue their civil claims
9 for recovery of damages suffered as a result of childhood sexual abuse. At the time of the filing
10 her Complaint for Damages, Plaintiff MPC DOE is under the age of twenty six (26).

11 12. MARY DOE 4 has been appointed Guardian ad Litem for Plaintiff MPC DOE.

12 13. Plaintiff NG DOE is using a fictitious name in this Complaint under rights to
13 privacy granted by the Constitution of the State of California due to the sensitive nature of this
14 case. If, for any reason, any Defendant cannot accurately determine the identity of the Plaintiff
15 NG DOE their attorney can contact Plaintiff's attorney at the number on the face sheet of the
16 Complaint, and the true name of the Plaintiff NG DOE will be provided. Plaintiff NG DOE's year
17 of birth is 2002 and Plaintiff NG DOE is a minor residing in Sacramento County in the State of
18 California.

19 14. At the time of the childhood sexual abuse (as defined by the Code of Civil
20 Procedure section 340.1) alleged herein, all of which occurred after January 1, 2009, Plaintiff NG
21 DOE was a minor. Plaintiff NG DOE's civil claim is an action for recovery of damages suffered
22 as a result of childhood sexual abuse and is timely pursuant to the provisions of Code of Civil
23 Procedure section 340.1, which provides an extended period of time (at least up to age 26, and in
24 some cases even longer) for victims of childhood sexual abuse to pursue their civil claims for
25 recovery of damages suffered as a result of childhood sexual abuse. At the time of the filing her
26 Complaint for Damages, Plaintiff NG DOE is under the age of twenty six (26).

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1 15. MARY DOE 5 has been appointed Guardian ad Litem for Plaintiff NG DOE.

2 16. Defendant SACRAMENTO CITY UNIFIED SCHOOL DISTRICT (“SCHOOL
3 DISTRICT”) is a public entity of the State of California, created and existing under the laws of the
4 State of California, and located in Sacramento County in the State of California.

5 17. Defendant PRINCIPAL ROSARIO GUILLEN-JOVEL (hereinafter “SCHOOL
6 PRINCIPAL”) was at all relevant times alleged herein, employed by Defendant SCHOOL
7 DISTRICT as the Principal of Mark Twain Elementary School. Plaintiffs are informed and
8 believe that Defendant SCHOOL PRINCIPAL resided in Sacramento County in the State of
9 California at all relevant times mentioned herein.

10 18. Defendant CITY OF SACRAMENTO (“CITY”) is a public entity of the State of
11 California, created and existing under the laws of the State of California, and located in
12 Sacramento County in the State of California.

13 19. Defendant CITY operated an after school program for children called START
14 (Students Today Achieving Results for Tomorrow). Defendant CITY launched the START
15 program in January 1996. Defendant CITY’s START program served schools in the Robla School
16 District, Sacramento City Unified School District, Twin Rivers Unified School District, and Elk
17 Grove Unified School District, including up to 85 students at Mark Twain Elementary School
18 from 1:30 p.m. – 6:00 p.m. on school days. Defendant CITY advertised that:

19 The Sacramento START program helps children throughout the Sacramento region
20 gain knowledge, expand their universe outside neighborhood boundaries, provide
21 opportunities to grow and flourish, build and develop trust and create and fulfill
22 dreams. With this in mind, the program promotes youth development and builds on
23 individual student assets. Positive youth development promotes social and
24 emotional growth and greater attachment to school which, in turn, translates into
25 enhanced learning opportunities during the regular school day.

24 The Sacramento START program includes the following three components:
25 homework and tutoring assistance, literacy, and enrichment/recreation. The
26 START program also includes a supper and/or snack program.

26 20. Defendant CITY publicized that START core values include **Respect** (by treating
27 others as we would want to be treated; by respecting confidentiality; by respecting others personal
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1 thoughts, opinions and beliefs); **Safety** (by providing an emotionally and physically safe
2 environment for the children we serve, our staff and the community); and **Consistency** (by
3 holding each other accountable; insuring that policies and procedures are followed and programs
4 all align; providing and following clear job responsibilities; by treating others respectfully and
5 professionally and through planned change and updates.).

6 21. At all relevant times alleged herein, Defendant CITY and Defendant SCHOOL
7 DISTRICT entered into a partnership and collaboration agreement. As a result, Defendant CITY
8 advertised and recruited public elementary SCHOOL DISTRICT students to enroll and attend the
9 Sacramento City Unified School District, Mark Twain Elementary School START program.

10 22. At all relevant times alleged herein, Defendant JOSHUA ROLANDO VASQUEZ
11 (“EMPLOYEE”) was employed by the Defendant CITY (beginning in or around 2007), as a
12 START worker and was 1 of 6 program leaders at Mark Twain Elementary School. Plaintiffs are
13 informed and believe, and on that basis allege, that Defendant EMPLOYEE was, at all times
14 alleged herein, acting as the employee, agent, and/or servant of the CITY and/or was under the
15 jurisdiction and control of Defendant CITY. Defendant EMPLOYEE worked as a part-time
16 employee with Defendant CITY. In or around 2010, Defendant EMPLOYEE was employed as a
17 “Special Program Leader” for Defendant CITY. Defendant EMPLOYEE remained in that
18 position for Defendant CITY until at least 2014. In or around 2015, Defendant EMPLOYEE was
19 employed as “Program Leader” for Defendant CITY.

20 23. Defendant EMPLOYEE was, also at all relevant times alleged herein, concurrently
21 employed by Defendant SCHOOL DISTRICT and hired by Defendant SCHOOL PRINCIPAL
22 Rosario Guillen-Jovel, beginning in 2010, as a “yard duty” and/or cafeteria supervisor at Mark
23 Twain Elementary School, which is located in the SACRAMENTO CITY UNIFIED SCHOOL
24 DISTRICT, Sacramento County, State of California. Plaintiffs are informed and believe that
25 Defendant EMPLOYEE resided in Sacramento County in the State of California at all relevant
26 times mentioned herein.

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1 24. Plaintiffs are informed and believe, and on that basis alleges, that Defendant
2 EMPLOYEE was, at all times alleged herein, acting as the employee, agent, and/or servant of
3 Defendant SCHOOL DISTRICT and/or was under the jurisdiction and control of Defendant
4 SCHOOL DISTRICT. From in or around 2010 – to November 2015, Defendant EMPLOYEE
5 worked as a part-time employee with Defendant SCHOOL DISTRICT.

6 25. Plaintiffs are ignorant of the true names and capacities of Defendants sued herein as
7 Defendant DOES 5 through 30 or of the factors linking them to Causes of Action stated herein and
8 therefore sues such Defendants by such fictitious names. When the true names and capacities of
9 said Defendants have been ascertained, Plaintiffs will seek leave of Court to amend this Complaint
10 to allege such true names and capacities of DOES when ascertained. Plaintiffs are informed and
11 believe and thereon alleges that each of the Defendants designated as a DOE are responsible in
12 some manner for the events and happenings hereinafter referred to, thereby proximately causing
13 injury and damage to the Plaintiffs herein alleged.

14 26. Plaintiffs are informed and believe and thereon alleges that at all times herein
15 mentioned, Defendants and each of them were the agents, servants, employees and/or joint
16 venturers of their co-Defendants and were, as such, acting within the scope, course, and authority
17 of said agency and/or joint venture and that each and every Defendant, as aforesaid, has ratified
18 and approved of the acts of his or her agent.

19 27. At all relevant times alleged herein, Plaintiffs BPM DOE, NH DOE, GR DOE,
20 MPC DOE and NG DOE were enrolled as public school students in the SCHOOL DISTRICT and
21 attended the Mark Twain Elementary School.

22 28. At all relevant times alleged herein, Plaintiffs BPM DOE, NH DOE,
23 GR DOE, MPC DOE and NG DOE were enrolled in the CITY's START program provided to
24 students in the SCHOOL DISTRICT and who attended the Mark Twain Elementary School.

25 29. At all relevant times alleged herein, as public school students at Defendant
26 SCHOOL DISTRICT and as a result of their status as minors, Defendant SCHOOL DISTRICT
27 and Defendant CITY owed a duty of care to BPM DOE, NH DOE, GR DOE, MPC DOE and
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1 NG DOE. In addition, Defendant SCHOOL DISTRICT and Defendant CITY had a special
2 relationship with Plaintiffs BPM DOE, NH DOE, GR DOE, MPC DOE and NG DOE, all of
3 whom were minors attending Mark Twain Elementary School. As a result, Defendant SCHOOL
4 DISTRICT and Defendant CITY had an affirmative duty to take all reasonable steps to protect
5 Plaintiffs BPM DOE, NH DOE, GR DOE, MPC DOE and NG DOE, all of whom were minors
6 attending Mark Twain Elementary School. Each of Plaintiffs' parents and or legal guardians
7 expected Defendant SCHOOL DISTRICT and Defendant CITY would provide a safe and
8 supervised environment for Plaintiffs BPM DOE, NH DOE, GR DOE, MPC DOE and NG DOE,
9 all of whom were minors attending Mark Twain Elementary School.

10 30. During the 2014/2015 school year and or the 2015/2016 school year Defendant
11 EMPLOYEE committed acts of childhood sexual abuse on Plaintiffs during the time he was
12 provided access and a key to the Mark Twain Elementary School classroom 27 and was employed
13 by Defendant SCHOOL DISTRICT and Defendant CITY.

14 31. In or around October 2014, a parent of a student at Mark Twain Elementary School
15 made a complaint to Defendant SCHOOL PRINCIPAL concerning Defendant EMPLOYEE. The
16 parent complained that Defendant EMPLOYEE was giving her child candy and had "a secret
17 place and a prize box". In or around October 2014, Defendant SCHOOL PRINCIPAL called
18 Defendant EMPLOYEE to her office and asked Defendant EMPLOYEE what was his explanation
19 was about candy prizes. Defendant EMPLOYEE told Defendant SCHOOL PRINCIPAL that he
20 did not know about a "secret place", but he had "a prize box and candy". Defendant EMPLOYEE
21 further told Defendant PRINCIPAL that he had a candy box and a bag of candy and that he would
22 give candy to minor students at Mark Twain Elementary School for "helping out". Defendant
23 SCHOOL PRINCIPAL told Defendant EMPLOYEE that she did not want Defendant
24 EMPLOYEE to be giving candy to children at Mark Twain Elementary School and did not want
25 Defendant EMPLOYEE to be operating a "reward system". Defendant PRINCIPAL told
26 Defendant EMPLOYEE that she would start a Helper Bucket system where students could come
27 into the main office with a ticket for good behavior and get a reward from the Helper Bucket. By
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1 the end of the meeting that took place between Defendant SCHOOL PRINCIPAL and Defendant
2 EMPLOYEE in October 2014, Defendant SCHOOL PRINCIPAL knew that Defendant
3 EMPLOYEE had implemented a candy reward system for the students at Mark Twain Elementary
4 School and had a “secret place” and a “prize box.”

5 32. In addition, in or between February 2015 to April 2015, Mark Twain Elementary
6 School first grade student (hereinafter “Wanda Doe”) told her mother (hereinafter “L.R.”) that
7 Defendant EMPLOYEE (also known as Mr. Josh) gave Wanda Doe candy and advised Wanda
8 Doe that they (Wanda Doe and Defendant EMPLOYEE) had a “secret”. The “secret” offered by
9 Defendant EMPLOYEE was that if Wanda Doe would continue to pick up trash, Wanda Doe
10 would get more candy and if Wanda Doe kept it a “secret,” she could go to his (Defendant
11 EMPLOYEE’s) “secret office” and get a prize out of his “secret box.”

12 33. As a result of the disclosure by Wanda Doe, L.R. (Wanda Doe’s mother)
13 understandably became alarmed at the grooming behavior of Defendant EMPLOYEE. L.R. (the
14 mother of Wanda Doe) completed an office request form on the following day of school to meet
15 with Defendant SCHOOL PRINCIPAL and did meet with Defendant SCHOOL PRINCIPAL.
16 L.R. (the mother) informed Defendant SCHOOL PRINCIPAL of her concerns about what her
17 daughter told L.R. about Defendant EMPLOYEE’s inappropriate grooming behavior with her
18 elementary school daughter. Defendant SCHOOL PRINCIPAL responded, “I already told him
19 not to do that.” In regard to the “secret office,” Defendant SCHOOL PRINCIPAL told the
20 mother of Wanda Doe that “it was a portable classroom”. Defendant PRINCIPAL advised L.R.
21 that Mr. Josh (Defendant EMPLOYEE) had done nothing inappropriate and Defendant SCHOOL
22 PRINCIPAL would ensure that Defendant EMPLOYEE would no longer give candy to the
23 students. After the meeting with L.R., Defendant SCHOOL PRINCIPAL knew that Defendant
24 EMPLOYEE had not followed her directions from October 2014 to stop using candy as part of a
25 reward system. Defendant SCHOOL PRINCIPAL also knew that Defendant EMPLOYEE was
26 telling Mark Twain Elementary School students that his candy reward system was “secret.”
27 Defendant SCHOOL PRINCIPAL also again learned that Defendant EMPLOYEE was telling
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1 students that, if they kept his “secret,” they could go to his “secret office” and get a prize out of his
2 “prize box.” Notwithstanding this information, Defendant SCHOOL PRINCIPAL never even
3 spoke with Defendant EMPLOYEE about the above described conduct of Defendant EMPLOYEE
4 conveyed to her by the mother of Wanda Doe. Defendant SCHOOL PRINCIPAL was also aware
5 that Defendant EMPLOYEE participated in the Mark Twain Elementary School Halloween parade
6 and dancing events.

7 34. Thereafter, subsequently, Defendant SCHOOL PRINCIPAL willfully destroyed the
8 Mark Twin Elementary School Parent L.R.’s written complaint about Defendant EMPLOYEE
9 giving a 7 year old child candy, instructing the 7 year old child to keep it a secret and if the 7 year
10 old child keeps the secret, that EMPLOYEE will give that 7 year old child more candy in the
11 future. In addition, Defendant SCHOOL PRINCIPAL willfully destroyed the SCHOOL
12 PRINCIPAL’s notes she created during the meeting with school parent L.R.

13 35. At all relevant times alleged herein, Defendant CITY decided to move START
14 35. students from the SCHOOL DISTRICT multiuse room (cafeteria) where each child was in plain
15 35. view, to locked SCHOOL DISTRICT classroom(s) with one START employee.
16 Defendant EMPLOYEE was assigned to Room 27 and was provided access and a key to
17 classroom 27 during both Defendant SCHOOL DISTRICT hours and during Defendant CITY
18 START hours. Once Defendant EMPLOYEE obtained his own classroom and key, Defendant
19 EMPLOYEE was provided with greater access to commit acts of childhood sexual abuse against
20 Mark Twain Elementary School students.

21 36. Defendant CITY and Defendant SCHOOL DISTRICT allowed EMPLOYEE to use
22 the Mark Twain Elementary School classroom 27 during the Mark Twain Elementary School
23 instructional school day.
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25 37. Defendant SCHOOL DISTRICT employees consented and allowed EMPLOYEE
26 to bring (without any other adult present) Mark Twin Elementary School students to classroom 27
27 during SCHOOL DISTRICT recess and instructional hours.

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1 38. At all relevant times alleged herein Defendant CITY failed to enforce the rule that
2 START employees, including Defendant EMPLOYEE, should never be alone with a START
3 student.

4 39. At all relevant times alleged herein, during 2013/2014 school year, the 2014/2015
5 school year and during 2015/2016 school year, Defendant CITY employees knew that
6 EMPLOYEE placed black trash bags on and covered SCHOOL DISTRICT classroom 27
7 windows and Defendant CITY failed to take any corrective action.

8 40. At all relevant times alleged herein During the 2014/2015 school year and again
9 during the 2015/2016 school year Defendant CITY exceeded the maximum 20:1 START student
10 to START adult ratio.

11 41. At all relevant times alleged herein Defendant CITY was required to and failed to
12 perform annual evaluations of EMPLOYEE.

13 42. As early as October 2014, Defendant EMPLOYEE had devised and implemented
14 his candy reward system and had also purchased a Sony Hand Camera. Defendant EMPLOYEE
15 used the candy incentive program to befriend and groom children. Defendant EMPLOYEE kept
16 his Sony Hand Camera in Room 27. Defendant EMPLOYEE video recorded more than 20
17 childhood sexual abuse crimes of Mark Twain Elementary School students.

18 43. Defendant EMPLOYEE developed an elaborate system to enable him to commit
19 acts of childhood sexual abuse and video the criminal childhood sexual abuse of at least eight
20 Mark Twain Elementary School students. Defendant's system included recruiting children to
21 purportedly help him clean his classroom at the end of the day. Defendant EMPLOYEE devised
22 and implemented his "whipped cream game" and initially timed the children who were playing the
23 game in order for him to carry out the criminal childhood sexual abuse of the minors. Defendant
24 EMPLOYEE began planning his timing and doing trial and error practice exercises by October
25 2014 before sexual abuse actually began. Critical to Defendant EMPLOYEE's criminal childhood
26 sexual abuse of students at Mark Twain Elementary School was Defendant EMPLOYEE's belief
27 that his Defendant CITY START program supervisor was unavailable to interrupt his criminal
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1 childhood sexual abuse of children because of her other job duties, by using her key to gain access
2 to Room 27, when Defendant EMPLOYEE was sexually abusing the minor students at the end of
3 the school day at approximately 5:00 p.m.

4 44. Defendant EMPLOYEE used his position of authority, the lack of supervision of
5 him and his considerable time alone with students at Mark Twain Elementary School, to create
6 opportunities to molest students. Defendant EMPLOYEE groomed Plaintiffs and also other
7 childhood sexual abuse victims and developed friendships with the victims. While on Defendant
8 SCHOOL DISTRICT property, Defendant EMPLOYEE took the children into a classroom (Room
9 27), locked the door and blindfolded them while he played different “games” with them. Said
10 games, included, but were not limited to the “Numbers Game”, the “cleaning a toy in the box
11 game” and the “Whipped Cream Game”. Defendant EMPLOYEE began to groom, befriend and
12 then sexually abuse Plaintiffs. Defendant EMPLOYEE often solicited Plaintiffs’ “help” for
13 various sham activities and tasks that Defendant EMPLOYEE told Plaintiffs that he had to
14 accomplish.

15 45. After Defendant EMPLOYEE directed Plaintiffs to engage in his “games” of
16 childhood sexual abuse, Defendant EMPLOYEE rewarded Plaintiffs by giving them chips, candy
17 and other snacks.

18 46. In or around September 2015, SCHOOL PRICIPAL complained about and
19 requested that Mark Twain Elementary School START Site Director Jeannie Warren be
20 terminated as the Mark Twain Elementary School START Site Director. Defendant CITY agreed
21 with Defendant SCHOOL DISTRICT employee SCHOOL PRICIPAL and consequently, START
22 Site Director Jeannie Warren was terminated as the Mark Twain Elementary School START Site
23 Director.

24 47. Thereafter, from approximately September 10, 2015 to October 26, 2015, (after
25 Jeannie Warren’s termination as the Mark Twain Elementary School START Site Director),
26 Defendant CITY assigned EMPLOYEE as the “fill-in” Mark Twain Elementary School START
27 Site Director. During the time EMPLOYEE was the “fill-in” Site Director, EMPLOYEE was the
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1 only START employee to possess a key to the locked classroom 27.

2 48. From approximately October 26, 2015 to on or about November 17, 2015 (the date
3 of arrest of EMPLOYEE), Defendant CITY assigned EMPLOYEE as the “trainer” for the newly
4 hired Mark Twain Elementary School START Site Director V.B.

5 49. On or around November 17, 2015, a different Mark Twain Elementary School
6 student disclosed to her parent (and then to the Sacramento Police Department) that in the Mark
7 Twin Elementary School classroom 27 Defendant EMPLOYEE had placed EMPLOYEE’s penis
8 in her mouth.

9 50. Thereafter, Sacramento Police Department Detectives obtained a search warrant for
10 the Mark Twin Elementary School, searched and seized items located in the Mark Twain
11 Elementary School classroom 27. A Sacramento Police Department digital forensics unit
12 examined the items and found recorded videos of Defendant EMPLOYEE engaging in sexual
13 activity with young children attending the Mark Twain Elementary School CITY START
14 program. Numerous recorded videos depicted childhood sexual abuse of Plaintiffs.

15 51. On November 19, 2015, during START supervisor V.B.’s interview by Sacramento
16 Police Department, Mark Twain Elementary School START supervisor V.B. disclosed that:
17 “I was working with him [EMPLOYEE] and being trained by him; He could do my job, he was
18 doing my job; All that I have ever known is the door is to be left open and at least 2 kids in a
19 room; and I haven’t seen the policy here; I think there is a policy.”

20 52. On November 19, 2015, after Wanda Doe’s mother learned of an arrest of someone
21 who was employed by Defendant SCHOOL DISTRICT and Defendant CITY (after receiving a
22 “Dear Mark Twain Families, this is Principal Rosario Jovel calling with important information
23 about our school” email from Defendant PRINCIPAL), she contacted Defendant SCHOOL
24 PRINCIPAL to discuss her prior complaint against Defendant EMPLOYEE that was made to
25 Defendant PRINCIPAL during February 2015 – April 2015. Defendant SCHOOL PRINCIPAL
26 denied ever having a conversation with Wanda Doe’s mother about Defendant EMPLOYEE and
27 stated to Wanda Doe “Even if I had met with you, any unsubstantiated claims against my staff I
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1 destroy every year.” Wanda Doe’s mother was disheartened and incredulous and advised
2 Defendant SCHOOL PRINCIPAL that she would be contacting the police and Defendant
3 SCHOOL DISTRICT officials and would be removing Wanda Doe from Mark Twain Elementary
4 School. The mother of Wanda Doe did in fact contact Sacramento Police and met with an
5 assistant superintendent of Defendant SCHOOL DISTRICT on the same day of her conversation
6 with Defendant PRINCIPAL.

7 53. After the investigation of the childhood sexual abuse of children at Mark Twain
8 Elementary School, Defendant EMPLOYEE was arrested and was formally charged with the
9 childhood sexual abuse of six victims (students who attended the Mark Twain Elementary
10 School), ranging in age from 7 to 13. Defendant EMPLOYEE plead guilty to six counts of
11 committing lewd acts upon a child, and Defendant EMPLOYEE was sentenced to 150 years to life
12 in the California Department of Corrections.

13 54. Defendant SCHOOL DISTRICT provided Child Abuse and Neglect Reporting
14 training to its employees. The SCHOOL DISTRICT’s training was incomplete and ineffective.
15 A few examples of the SCHOOL DISTRICT’s training deficiencies, include (but are not limited
16 to): 1. failing to train (and failing to provide any instruction to) its employees on how to
17 recognize signs of child abuse and annoyance of members of its student body by fellow employees
18 of the defendant.; 2. failing to train (and failing to provide any instruction to) its employees on
19 the numerous ways child abusers establish trust relationships with children and adults before
20 violating and exploiting the child; and 3. failing to train (and failing to provide any instruction
21 to) its employees on the known facts, circumstances and frequency of the SCHOOL DISTRICT’s
22 history of its employees committing acts of child abuse against SCHOOL DISTRICT students.
23 The SCHOOL DISTRICT’s incomplete and ineffective trainings further enabled SCHOOL
24 DISTRICT employees to continue to commit acts of child abuse of SCHOOL DISTRICT students
25 and endangered SCHOOL DISTRICT students including Plaintiffs BPM DOE, NH DOE, GR
26 DOE, MPC DOE and NG DOE.
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1 55. Defendant CITY provided Child Abuse and Neglect Reporting training to its
2 employees. The CITY's training was incomplete and ineffective. A few examples of the CITY's
3 training deficiencies, include (but are not limited to): 1. failing to train (and failing to provide
4 any instruction to) its employees on how to recognize signs of child abuse and annoyance of
5 members of its student body by fellow employees of the defendant.; 2. failing to train (and failing
6 to provide any instruction to) its employees on the numerous ways child abusers establish trust
7 relationships with children and adults before violating and exploiting the child; and 3. failing to
8 train (and failing to provide any instruction to) its employees on the known facts, circumstances
9 and frequency of the CITY's history of its employees committing acts of child abuse against CITY
10 after school START program students. The CITY's incomplete and ineffective trainings further
11 enabled CITY employees to continue to commit acts of child abuse of after school START
12 program students and endangered after school START program students including Plaintiffs BPM
13 DOE, NH DOE, GR DOE, MPC DOE and NG DOE.

15 56. At least some of the wrongful acts mentioned herein occurred in Sacramento
16 County; therefore, venue is properly placed in Sacramento County.

17 **Plaintiffs' Civil Complaint is An Action for Recovery of Damages Suffered**
18 **as a Result of Childhood Sexual Abuse and Is Timely Filed**

19 57. Plaintiff BPM DOE, Plaintiff NH DOE, Plaintiff GR DOE, Plaintiff MPC DOE and
20 Plaintiff NG DOE's civil complaint is an action for recovery of damages suffered as a result of
21 childhood sexual abuse.

22 58. Plaintiff BPM DOE, Plaintiff NH DOE, Plaintiff GR DOE, Plaintiff MPC DOE and
23 Plaintiff NG DOE's civil complaint is timely filed pursuant to the provisions of Code of Civil
24 Procedure section 340.1, which provides an extended period of time (up to age 26, and in some
25 cases even longer) for victims of childhood sexual abuse to pursue their civil claims for damages
26 suffered against the perpetrator of the childhood sexual abuse, as well as the perpetrator's
27 employer.

1 **Compliance With Government Tort Claims Act:**

2 California Government Code Sections 905(m) and 935(f) exempts a claim for childhood sexual
3 abuse from the Government Tort Claim presentation requirements of the Government Tort Claims
4 Act for any acts of childhood sexual abuse that occurred after January 1, 2009. All of the
5 childhood sexual abuse in this action occurred after January 1, 2009. As such, Plaintiff BPM
6 DOE, Plaintiff NH DOE, Plaintiff GR DOE, Plaintiff MPC DOE and Plaintiff NG DOE were not
7 required to present a Government Tort Claim to Defendant SCHOOL DISTRICT or to Defendant
8 CITY.

9 **FIRST CAUSE OF ACTION**

10 **Negligence: Negligent Supervision, Investigation and or Retention of an Employee**
11 **(Against Defendants SCHOOL DISTRICT, SCHOOL PRINCIPAL, CITY**
12 **and DOES 5 through 9)**

13 59. Plaintiffs reallege and incorporate by reference as fully set forth herein each and
14 every General Allegation as if said allegations were fully set forth herein and with the same forces
15 and effect.

16 60. Defendants SCHOOL DISTRICT and CITY are liable for the acts and omissions of
17 their employees, including Defendant SCHOOL PRINCIPAL, acting within the course and scope
18 of their employment. Gov. Code § 815.2. A public employee is liable for injury caused by their
19 act or omission to the same extent as a private person. Gov. Code § 820. At all times herein,
20 Defendants SCHOOL DISTRICT and CITY employees, including Defendant EMPLOYEE and
21 Defendant SCHOOL PRINCIPAL, were acting within the course and scope of their employment.

22 61. Defendants SCHOOL DISTRICT and CITY and their employees, Defendant
23 EMPLOYEE and Defendant SCHOOL PRINCIPAL, had a special relationship with Plaintiffs,
24 who were entrusted and placed in the custody, care and control of Defendants SCHOOL
25 DISTRICT and CITY and Defendant SCHOOL PRINCIPAL, arising from Plaintiffs' public
26 elementary school placement and/or after public elementary school care at Mark Twain
27 Elementary School.

28 62. Defendants SCHOOL DISTRICT and CITY and their employees, Defendant
EMPLOYEE and Defendant SCHOOL PRINCIPAL, had the responsibility and mandatory duty to

1 protect Plaintiffs, who were entrusted and placed in the custody, care and control of Defendants
2 DISTRICT and CITY, from harm caused by unfit and dangerous individuals, including Defendant
3 EMPLOYEE and Defendant SCHOOL PRINCIPAL and other employees of Defendants
4 SCHOOL DISTRICT and CITY.

5 63. Defendants SCHOOL DISTRICT and CITY and their employees, Defendant
6 EMPLOYEE and Defendant SCHOOL PRINCIPAL, had a mandatory duty to employ, train,
7 supervise, investigate, discipline and or terminate incompetent and unfit Defendants SCHOOL
8 DISTRICT and CITY employees, including Defendant EMPLOYEE and Defendant SCHOOL
9 PRINCIPAL, who were to care for minor children placed in the custody and care of Defendants
10 SCHOOL DISTRICT and CITY, including Plaintiffs.

11 64. Defendants SCHOOL DISTRICT and CITY and SCHOOL PRINCIPAL had a
12 duty to provide reasonable supervision of Defendant EMPLOYEE and to use reasonable care in
13 investigating Defendant EMPLOYEE.

14 65. Defendants SCHOOL DISTRICT and CITY, its employees and Defendant
15 SCHOOL PRINCIPAL, breached their duty to properly train, supervise, investigate, discipline,
16 and terminate the employment of Defendant EMPLOYEE, who Defendants SCHOOL DISTRICT
17 and CITY and Defendant PRINCIPAL assigned to care for Plaintiffs who were entrusted and
18 placed in the custody, care and control of Defendants SCHOOL DISTRICT and CITY and
19 Defendant SCHOOL PRINCIPAL.

20 66. Defendant SCHOOL DISTRICT employees, including Defendant SCHOOL
21 PRINCIPAL and Defendant CITY employees, failed to respond to EMPLOYEE's "red flag"
22 misconduct and "100 percent inappropriate" behavior.

23 67. Defendants SCHOOL DISTRICT and CITY and Defendant SCHOOL
24 PRINCIPAL knew or had reason to know, of Defendant EMPLOYEE's dangerous and exploitive
25 propensities and that Defendant EMPLOYEE was a dangerous and unfit agent. Defendants
26 SCHOOL DISTRICT and CITY and Defendant SCHOOL PRINCIPAL knew, or had reason to
27 know, that Defendant EMPLOYEE was grooming and acting inappropriately with students at
28 Mark Twain Elementary School. Despite such knowledge, Defendants SCHOOL DISTRICT and

1 CITY and Defendant PRINCIPAL negligently failed to monitor and supervise Defendant
2 EMPLOYEE and failed to use reasonable care in investigating Defendant EMPLOYEE.
3 Defendants SCHOOL DISTRICT and CITY and Defendant SCHOOL PRINCIPAL allowed
4 Defendant EMPLOYEE to remain in positions of trust and authority as a cafeteria and yard
5 worker and START program leader. Defendant EMPLOYEE was thereby able to abuse his
6 positions of trust and authority so as to commit the childhood sexual abuse of numerous children
7 including Plaintiffs. Defendants SCHOOL DISTRICT and CITY and Defendant SCHOOL
8
9 PRINCIPAL also failed to take reasonable measures to prevent further childhood sexual abuse of
10 Plaintiffs, which could have been avoided and at least abated, had Defendants SCHOOL
11 DISTRICT and CITY and Defendant SCHOOL PRINCIPAL properly investigated and supervised
12 Defendant EMPLOYEE.

13 68. As a direct and proximate result of the above-described conduct, Plaintiff BPM
14 DOE was harmed and suffered physical, psychological, emotional and economic damages as more
15 fully set forth below.

16 69. As a direct and proximate result of the above-described conduct, Plaintiff NH
17 DOE, was harmed and suffered physical, psychological, emotional and economic damages as
18 more fully set forth below.

19 70. As a direct and proximate result of the above-described conduct, Plaintiff GR DOE,
20 was harmed and suffered physical, psychological, emotional and economic damages as more fully
21 set forth below.

22 71. As a direct and proximate result of the above-described conduct, Plaintiff MPC
23 DOE was harmed and suffered physical, psychological, emotional and economic damages as more
24 fully set forth below.

25 As a direct and proximate result of the above-described conduct, Plaintiff NG DOE was harmed
26 and suffered physical, psychological, emotional and economic damages as more fully set forth
27 below.

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SECOND CAUSE OF ACTION
Negligence: Negligent Supervision of Plaintiffs, Minors
(Against Defendants SCHOOL DISTRICT, SCHOOL PRINCIPAL, CITY
and DOES 10 through 16)

72. Plaintiffs reallege and incorporate by reference the First Cause of Action as if said allegations were fully set forth herein and with the same force and effect.

73. Plaintiffs' Second Cause of Action, is an alternative additional theory of liability as alleged against Defendants SCHOOL DISTRICT, SCHOOL PRINCIPAL, CITY and DOES 10 through 16.

74. Defendants SCHOOL DISTRICT and CITY are liable for the acts and omissions of their employees, including Defendant SCHOOL PRINCIPAL, acting within the course and scope of their employment. At all times herein, Defendants SCHOOL DISTRICT and CITY employees, including Defendant EMPLOYEE and Defendant SCHOOL PRINCIPAL, were acting within the course and scope of their employment.

75. Defendants SCHOOL DISTRICT, SCHOOL PRINCIPAL and CITY had a duty to provide reasonable supervision of Plaintiffs, to use reasonable care in supervising Plaintiffs when Plaintiffs were on school at Mark Twain Elementary School attending public school and also in the START program.

76. Defendants SCHOOL DISTRICT, SCHOOL PRINCIPAL and CITY negligently failed to supervise, or provide reasonable supervision of Plaintiffs, and other minor children, and failed to use reasonable care in protecting those children from Defendant EMPLOYEE, while Plaintiffs and other children were on school grounds.

77. As a direct and proximate result of the above-described conduct, Plaintiff BPM DOE was harmed and suffered physical, psychological, emotional and economic damages as more fully set forth below.

78. As a direct and proximate result of the above-described conduct, Plaintiff NH DOE was harmed and suffered physical, psychological, emotional and economic damages as more fully set forth below.

79. As a direct and proximate result of the above-described conduct, Plaintiff GR DOE

1 was harmed and suffered physical, psychological, emotional and economic damages as more fully
2 set forth below.

3 80. As a direct and proximate result of the above-described conduct, Plaintiff MPC
4 DOE was harmed and suffered physical, psychological, emotional and economic damages as more
5 fully set forth below.

6 81. As a direct and proximate result of the above-described conduct, Plaintiff NG DOE
7 was harmed and suffered physical, psychological, emotional and economic damages as more fully
8 set forth below.

9 **THIRD CAUSE OF ACTION**
10 **Childhood Sexual Abuse**
11 **(Against Defendant EMPLOYEE)**

12 82. Plaintiffs incorporates by reference all General Allegations as though fully set forth
13 herein and with the same force and effect.

14 83. Defendant EMPLOYEE engaged in illegal, harmful and offensive childhood sexual
15 abuse (as defined by California Code of Civil Procedure section 340.1).

16 84. Plaintiffs, all of whom were minors, did not and could not consent to the Defendant
17 EMPLOYEE's harmful or offensive sexual contact and childhood sexual abuse.

18 85. Defendant EMPLOYEE intended to cause harmful or offensive sexual contact with
19 Plaintiffs and sexually offensive contact with Plaintiff resulted.

20 86. The childhood sexual abuse was committed when Defendant EMPLOYEE of
21 Defendant SCHOOL DISTRICT and CITY and while EMPLOYEE was in the course and scope
22 of employment with Defendant SCHOOL DISTRICT and CITY.

23 87. As a direct and proximate result of the above-described childhood sexual abuse,
24 Plaintiffs were harmed and suffered physical, psychological, emotional and economic damages as
25 more fully set forth below.

26 88. As a direct and proximate result of the above-described conduct, Plaintiff BPM
27 DOE, Plaintiff NH DOE, Plaintiff GR DOE, Plaintiff MPC DOE and Plaintiff NG DOE were
28 harmed and suffered physical, psychological, emotional and economic damages as more fully set
forth below.

1 **FOURTH CAUSE OF ACTION**
2 **Intentional Infliction of Emotional Distress**
3 **(Against Defendant EMPLOYEE)**

4 89. Plaintiffs reallege and incorporate by reference the Third Causes of Action as if
5 said allegations were fully set forth herein and with the same force and effect.

6 90. The actions of Defendant EMPLOYEE, as referenced above, were intentional,
7 extreme, and outrageous. The actions of Defendant EMPLOYEE were done with the intent to
8 cause serious emotional distress or with reckless disregard of the probability of causing Plaintiffs
9 serious emotional distress.

10 91. As a direct and proximate result of the above-described conduct, Plaintiff BPM
11 DOE, Plaintiff NH DOE, Plaintiff GR DOE, Plaintiff MPC DOE and Plaintiff NG DOE were
12 harmed and suffered physical, psychological, emotional and economic damages as more fully set
13 forth below.

14 **DAMAGES**

15 92. As a direct, legal, and proximate result of the above Causes of Action hereinabove
16 alleged, Plaintiff BPM DOE, Plaintiff NH DOE, Plaintiff GR DOE, Plaintiff MPC DOE and
17 Plaintiff NG DOE has been damaged as set forth below.

18 93. Plaintiff BPM DOE, Plaintiff NH DOE, Plaintiff GR DOE, Plaintiff MPC DOE and
19 Plaintiff NG DOE have suffered psychological and emotional injury and harm, all to Plaintiffs'
20 general damages in a sum to be proven. Plaintiffs have further suffered an exacerbation of any
21 emotional difficulties which were pre-existing Defendants SCHOOL DISTRICT, SCHOOL
22 PRINCIPAL and CITY's failure to protect Plaintiff BPM DOE, Plaintiff NH DOE, Plaintiff GR
23 DOE, Plaintiff MPC DOE and Plaintiff NG DOE.

24 94. Plaintiff BPM DOE, Plaintiff NH DOE, Plaintiff GR DOE, Plaintiff MPC DOE and
25 Plaintiff NG DOE have suffered physical, mental and emotional health problems as a result of
26 which she has had to employ, and will in the future continue to have to employ, medical and
27 mental health professionals for diagnosis and treatment and has incurred and will in the future
28 continue to incur expenses therefore, in a sum as yet unascertained. Plaintiff BPM DOE, Plaintiff
NH DOE, Plaintiff GR DOE, Plaintiff MPC DOE and Plaintiff NG DOE will ask leave of Court to

1 amend this Complaint to state the exact amounts of expenses when they are ascertained.

2 95. Plaintiff BPM DOE, Plaintiff NH DOE, Plaintiff GR DOE, Plaintiff MPC DOE and
3 Plaintiff NG DOE have been significantly traumatized and have suffered and continue to suffer
4 extreme mental, emotional and physical injuries to her health and well-being. Plaintiffs have
5 suffered extreme mental anguish and has been permanently scarred in a sum as yet unascertained.
6 Plaintiffs will ask leave of Court to amend this Complaint to state the exact amounts of expenses
7 when they are ascertained.

8 96. Plaintiff BPM DOE, Plaintiff NH DOE, Plaintiff GR DOE, Plaintiff MPC DOE and
9 Plaintiff NG DOE will in the future suffer a loss of earnings and of earning capacity, in a sum as
10 yet unascertained. Plaintiff BPM DOE, Plaintiff NH DOE, Plaintiff GR DOE, Plaintiff MPC
11 DOE and Plaintiff NG DOE will ask leave of Court to amend this Complaint to state the exact
12 amounts of losses when they are ascertained.

13 97. In engaging in the conduct alleged in the Third and Fourth Causes of Action herein,
14 Defendant EMPLOYEE was guilty of willfulness, malice, and oppression toward Plaintiff BPM
15 DOE, Plaintiff NH DOE, Plaintiff GR DOE, Plaintiff MPC DOE and Plaintiff NG DOE, or of
16 reckless disregard for their rights and safety, justifying an award of punitive or exemplary
17 damages. Plaintiff BPM DOE, Plaintiff NH DOE, Plaintiff GR DOE, Plaintiff MPC DOE and
18 Plaintiff NG DOE are not presently aware of the true net worth of Defendant EMPLOYEE and
19 therefore cannot ascertain an amount which would properly punish by way of punitive damages
20 and ask leave of the Court to amend this Complaint to state the same when the true net worth of
21 Defendant EMPLOYEE is ascertained.

22 **WHEREFORE**, Plaintiff BPM DOE, Plaintiff NH DOE, Plaintiff GR DOE, Plaintiff
23 MPC DOE and Plaintiff NG DOE pray for judgment as follows:

24 1. For damages for past and future medical, psychotherapy, and related expenses
25 according to proof at the time of trial;

26 2. For general damages for physical and mental pain and suffering and emotional
27 distress in a sum to be proven at the time of trial;


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- 3. For damages for future lost wages and loss of earning capacity according to proof at the time of trial;
- 4. For prejudgment interest pursuant to statute;
- 5. For punitive damages as to the Third and Fourth Causes of Action;
- 6. For costs of suit herein; and
- 7. For such other and further relief as the Court deems proper.

Dated: August 27, 2019

LAW OFFICES OF JOSEPH C. GEORGE, Ph.D.

By: 

Joseph George, Jr.
Attorneys for Plaintiffs
**BPM DOE, NH DOE, GR DOE,
MPC DOE and NG DOE**