

3. The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.

In July 2020, the Pajaro Valley Unified School District (“PVUSD”) voted to end its School Resource Officer (“SRO”) Program, which had placed law enforcement officers on PVUSD campuses, including at Aptos High School. In-person instruction for the 2021–2022 school year began at Aptos High on, or about, August 12, 2021. In the following few weeks, Aptos High saw an increase in violence and fights with no SRO on campus. One such fight that occurred in mid-August involved a 14-year-old student (referred to herein as “K.O.”) who pulled a knife on another student. K.O. was a known gang-affiliate and had been on probation at the time of the fight for his involvement in the commission of a violent crime. However, the incident on campus was not reported to law enforcement or child protective services. Instead, the 14-year-old was suspended for two days and then returned to campus.

On August 31, 2021, at approximately 2:20 p.m., K.O. confronted a 17-year-old Aptos High student (referred to herein as “G.S.”) on the Aptos High School campus behind the old gymnasium. Accompanying K.O. was another 17-year-old Aptos High student (referred to herein as “I.R.”) who also had a history of violence and was a known gang-affiliate. The two students violently attacked G.S., and K.O. stabbed G.S. with a knife. G.S. was found at approximately 2:28 p.m. near the swimming pool. He was air-lifted to Natividad Medical Center in Salinas where he died later that night. I.R. was charged with two assault-related crimes and gang enhancements. K.O. was charged with murder and gang enhancements.

At the time of the attack on G.S., PVUSD personnel, including at Aptos High, were aware of the recent increase in violence. PVUSD and District personnel had a duty to supervise students, including G.S., on campus at Aptos High to regulate their conduct and for their protection. PVUSD and District personnel breached their duty to supervise in that they provided ineffective and/or a total lack of supervision of students while on Aptos High campus during school hours. Further, PVUSD and District personnel failed to provide Aptos High staff with proper training and guidance on the supervision of students. These failures were substantial factors in causing the death of G.S. Liability is based on Govt. Code §§ 815(a), 815.2(a) and 820(a); and Ed. Code § 44807.

PVUSD and District personnel also owed a duty to Aptos High students, including G.S., to take reasonable measures to protect them from foreseeable harm at the hands of third parties acting intentionally or negligently. The harm to G.S. from I.R. and K.O. was a foreseeable consequence, given the history of violence in the District, including at Aptos High. PVUSD and District personnel violated their duty to G.S. in that they: 1) failed to approach and investigate I.R. and K.O. as they lingered suspiciously on campus waiting to attack G.S.; 2) failed to hold K.O. to strict account for the mid-August attack on another student; 3) failed to report K.O. to law enforcement for K.O.’s mid-August attack on another student; 4) failed to effectively supervise Aptos High’s campus, including the area on campus when and where G.S. was fatally stabbed; 5) failed to perform regular inspections of Aptos High’s campus, including the area on campus when and where G.S. was fatally stabbed; 6) failed to properly identify areas on campus that were considered supervision zones; 7) failed to train staff regarding student supervision; 8) failed to require staff to provide effective supervision; 9) failed to train staff on mandatory reporting of students to law enforcement; and 10) failed to require staff to report students to law enforcement as mandated by law. These failures were substantial factors in causing the death of G.S. Liability is based on Govt. Code §§ 815(a), 815.2(a), 815.6 and 820(a); and Ed. Code § 48902(a).

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PVUSD and District personnel are also liable for maintaining a dangerous condition on campus at Aptos High. Given the history of, and increase in, violence in the District, including at Aptos High, PVUSD and District personnel were on notice of the dangerous condition created by student-on-student violence. The harm to G.S. was also foreseeable given the lack of supervision on campus at the particular place and time that G.S. was attacked by K.O. and I.R.; the failure to fully inform students of prior incidents of violence; and the failure to take any other protective measures. These failures were substantial factors in causing the death of G.S. Liability is based on Govt. Code §§ 815(a), 815.2(a), 820(a), 835.2, and 840; and Civ. Code § 1714.

Finally, PVUSD and District personnel were mandated reporters as defined in the Child Abuse and Neglect Reporting Act at Penal Code § 11165. PVUSD and District personnel were aware of the violent attack by K.O. on another student in mid-August 2021. However, they failed to report this abuse to law enforcement or child protective services. The failure of PVUSD and District personnel to report this abuse allowed K.O. to remain on campus. PVUSD and District personnel are also responsible for the failure to train staff on the mandatory reporting requirements under the law. These failures were substantial factors in causing the death of G.S. Liability is based California case law, Govt. Code §§ 815(a), 815.2(a), 815.6, 820(a) and Penal Code §§ 11164–11174.3.

The above claims are not exhaustive and other claims and legal theories may be advanced upon further investigation and discovery.

4. A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim.

Juan Sarabia and Vernice Aguilar, for the wrongful death of their son, G.S., claim the following damages: 1) the value of financial support that G.S. would have contributed to the family during the life expectancy that G.S. had prior to his death; 2) the loss of benefits or gifts that Juan Sarabia and Verenice Aguilar could have expected to receive from G.S.; 3) funeral and burial expenses; 4) the reasonable value of household services that G.S. would have provided; and 5) the loss of G.S.'s love, companionship, comfort, care, assistance, protection, affection, society and moral support.

Juan Sarabia and Vernice Aguilar, as the successors in interest of G.S., also seek the following damages suffered by G.S. prior to his death: 1) the reasonable cost of reasonably necessary medical care that G.S. received; 2) pain, suffering and disfigurement; and 3) punitive damages.

5. The name or names of the public employee or employees causing the injury, damage, or loss, if known.

Dr. Michelle Rodriguez, PVUSD Superintendent
Jennifer Holm, PVUSD Board President and Trustee
Kim De Serpa, Past PVUSD Board President and Trustee
Peggy Pughe, Aptos High School Principal
Katie Kriscunas, Aptos High School Assistant Principal
Benjamin Slyder, Aptos High School Assistant Principal
Joseph Smith, Aptos High School Assistant Principal
Other PVUSD personnel who have yet to be identified.

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- 6. The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.**

The claim would be an unlimited civil case.

We appreciate your attention to this matter. Please contact us if you have any questions.

Sincerely,

C. T. Piccuta

Charles "Tony" Piccuta