

FILED  
08 NOV 10 PM 12:31  
CLERK - SUPERIOR COURT  
SAN DIEGO COUNTY, CA

1 GARY L. BOSTWICK, Cal. Bar No. 79000  
JEAN-PAUL JASSY, Cal. Bar No. 205513  
2 **BOSTWICK & JASSY LLP**  
12400 Wilshire Boulevard, Suite 400  
3 Los Angeles, California 90025  
Telephone: 310-979-6059  
4 Facsimile: 310-314-8401  
E-mail: jpjassy@bostwickjassy.com

5 DAVID BLAIR-LOY, Cal. Bar No. 229235  
6 **ACLU FOUNDATION OF SAN DIEGO &**  
**IMPERIAL COUNTIES**  
7 PO Box 87131  
San Diego, CA 92138-7131  
8 Telephone: 619-232-2121  
Facsimile: 619-232-0036  
9 E-mail: dblairloy@aclusandiego.org

10 Attorneys for Plaintiffs

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **FOR THE COUNTY OF SAN DIEGO**  
13 **NORTH COUNTY DIVISION**

37-2008-00060610-CU-MC-NC

14 CHANTAL ARIOSTA, an individual;  
MARGARET DUPES, an individual;  
15 DANIELA ROGULJ, an individual;  
AMBER McCracken, a minor, by her  
16 guardian ad litem, STACEY MARTIN;  
NICOLE WALKER, a minor, by her  
17 guardian ad litem, TIMOTHY D. WALKER;  
DAVID EVANS, an individual,

18 Plaintiffs,

v

20 FALLBROOK UNION HIGH SCHOOL  
21 DISTRICT, an entity; ROD KING, Principal  
of Fallbrook High School, in his individual  
22 and official capacities; and DOES 1 through  
23 25, inclusive,

24 Defendants.

CASE NO.:

COMPLAINT FOR:

- (1) VIOLATION OF EDUCATION CODE § 48907;
- (2) VIOLATION OF CALIFORNIA CONSTITUTION, ARTICLE I, § 2(a);
- (3) VIOLATION OF FIRST AMENDMENT TO UNITED STATES CONSTITUTION [42 U.S.C. § 1983];
- (4) VIOLATION OF FIRST AMENDMENT TO UNITED STATES CONSTITUTION [42 U.S.C. § 1983];
- (5) VIOLATION OF LABOR CODE § 1102.5; AND
- (6) DECLARATORY RELIEF [C.C.P. § 1060]

1 Plaintiffs allege as follows:

2 **THE PARTIES**

3 1. Plaintiffs Chantal Ariosta (“Ariosta”), Margaret Dupes (“Dupes”) and  
4 Daniela Rogulj (“Rogulj”) (sometimes referred to collectively hereinafter as the  
5 “Alumnae”) all attended Fallbrook High School (“FHS”), graduating in 2008. Each of the  
6 Alumnae is 18 or more years old. In their senior year, the 2007-2008 academic year, the  
7 Alumnae were all students in the journalism class at FHS.

8 2. Plaintiff Amber McCracken (“McCracken”) resides in Fallbrook, California  
9 with her family. McCracken is currently in 11th grade at FHS. McCracken was one of  
10 approximately two dozen FHS students who had registered for and planned to participate  
11 in the journalism class at FHS in the 2008-2009 academic year. Filed concurrently with  
12 this Complaint is a petition for Stacey Martin, McCracken’s mother, to act as McCracken’s  
13 guardian ad litem in this action.

14 3. Plaintiff Nicole Walker (“Walker”) resides in Fallbrook, California with her  
15 family. Walker is currently in 12th grade at FHS. Walker was one of approximately two  
16 dozen FHS students who had registered for and planned to participate in the journalism  
17 class at FHS in the 2008-2009 academic year. Filed concurrently with this Complaint is a  
18 petition for Timothy Walker, Walker’s father, to act as Walker’s guardian ad litem in this  
19 action.

20 4. Plaintiff David Evans (“Evans”) resides in Temecula, California. Evans is a  
21 teacher at FHS. For the past three academic years, 2005-06, 2006-07, and 2007-08, Evans  
22 was the advisor to the journalism class at FHS and the FHS newspaper, *The Tomahawk*.

23 5. Defendant Fallbrook Union High School District (the “District” or  
24 “FUHSD”) is a school district established by the State of California and funded by the  
25 State and by San Diego County. The District operates secondary public schools in San  
26 Diego County, including FHS.

27 6. Defendant Rod King (“King”) is the Principal of FHS. He is sued in both his  
28 individual and official capacities. As Principal of FHS, he is and was at all relevant times

1 acting under color of state law and within the course and scope of his employment by the  
2 District. As Principal of FHS, he is and was at all relevant times authorized to speak and  
3 act for and on behalf of the District.

4 7. The true names or capacities, whether individual, corporate or otherwise, of  
5 the defendants named herein as DOES 1 through 25, inclusive, are unknown to the  
6 Plaintiffs, who therefore sue said defendants by such fictitious names. Plaintiffs reserve  
7 the right to ask leave of court to amend this complaint and insert the true names and  
8 capacities of said defendants when the same have been ascertained.

9 8. Plaintiffs are informed and believe, and on that basis allege, that each of the  
10 defendants designated herein as a "DOE" is legally responsible in some manner for the  
11 events and happenings herein alleged, and that Plaintiffs' harm and damages as alleged  
12 herein were proximately caused by such defendants.

### 13 JURISDICTION AND VENUE

14 9. This Court has jurisdiction over this action pursuant to Code of Civil  
15 Procedure §§ 410.10, 410.50, 526, and 1060.

16 10. Venue is proper in this Court pursuant to Code of Civil Procedure §§ 393(b)  
17 and 395(a).

### 18 GENERAL ALLEGATIONS

19 11. Evans is employed by the District as a teacher at FHS. Before June 2008,  
20 Evans was faculty advisor to the journalism class for three academic years, receiving a  
21 stipend of \$2,862 per year in addition to his base teaching salary. The FHS journalism  
22 class published a school newspaper entitled *The Tomahawk*. *The Tomahawk* thrived under  
23 Evans's stewardship. During the last academic year, *The Tomahawk* placed second in a  
24 national competition sponsored by the American Scholastic Press Association.

25 12. In or about November 2007, Ariosta, an FHS senior in the journalism class at  
26 the time, wrote an article regarding the alleged refusal of former FUHSD Superintendent  
27 Tom Anthony to comply with a request from the fire marshal to close the school for use as  
28 an evacuation center during the wildfires of October 2007, and the FUHSD's subsequent

1 buyout of Mr. Anthony's contract (the "Article"). The Article was to appear in the  
2 December 2007 issue of *The Tomahawk*.

3 13. Before the December 2007 issue went to press, Evans delivered a draft copy  
4 of the issue to the FHS principal, Rod King, for his review. King ordered Evans to remove  
5 the Article in its entirety from the paper. Evans told King that removing the Article would  
6 be illegal. King removed the Article or caused the Article to be removed from the  
7 December 2007 issue of *The Tomahawk*, which was printed and distributed without the  
8 Article.

9 14. In Spring 2008, Evans and student editors Rogulj and Dupes decided to  
10 include an editorial in the "Senior Sendoff" issue of *The Tomahawk*, to be published in  
11 May 2008. Dupes, then a senior at FHS, wrote the editorial, which was a critique of the  
12 Bush Administration's abstinence-only policy for sex education (the "Editorial"). The  
13 Editorial was written in response to an assembly sponsored by FHS promoting abstinence-  
14 only sex education that was held earlier in the school year. Rogulj, also an FHS senior at  
15 the time, collaborated with Dupes and, as the Opinion Page Editor, Rogulj edited and  
16 placed the Editorial on page two of the newspaper.

17 15. The Editorial maintained professional standards of English and journalism.  
18 It was not lurid in any way. It was an appropriate and reasonable editorial response to the  
19 abstinence-only policies of the Bush administration, as advanced by the FHS  
20 administration. It also conformed to California public policy. Under state law, high  
21 schools teaching sex education must provide "medically accurate information on other  
22 methods of preventing pregnancy and sexually transmitted diseases ... the effectiveness  
23 and safety of all federal Food and Drug Administration (FDA) approved methods of  
24 reducing the risk of contracting sexually transmitted diseases," and "the effectiveness and  
25 safety of all FDA-approved contraceptive methods in preventing pregnancy, including, but  
26 not limited to, emergency contraception." Educ. Code § 51933(b)(8)-(10).

27 16. Evans delivered a draft copy of the May 2008 issue of *The Tomahawk* to  
28 King for his review before it went to press. On or about May 21, 2008, King informed

1 Evans that he was uncomfortable with the Editorial. Evans told King that removing the  
2 Editorial would be illegal, but King refused to allow the Editorial to be published.  
3 Subsequently, King removed the Editorial or caused the Editorial to be removed from the  
4 May 2008 issue of *The Tomahawk*, which was printed and distributed without the  
5 Editorial.

6 17. On or about June 4, 2008, Evans attended a retirement luncheon at which he  
7 encountered the president of the FUHSD board of trustees, Bill O'Connor ("O'Connor").  
8 Evans spoke to O'Connor about the events described in the preceding paragraphs,  
9 including King's censorship of the Article and Editorial. Evans asked O'Connor to  
10 encourage King and interim FUHSD Superintendent Robert L. French ("French") to  
11 engage in discussions regarding the foregoing events with Evans and the affected students  
12 and parents.

13 18. The next day, on or about June 5, 2008, King called Evans into his office.  
14 An assistant principal, Nicole Miller ("Miller"), was also present. During the meeting,  
15 King and Miller expressed displeasure that Evans had spoken to O'Connor about the  
16 Article and Editorial. They chastised Evans for "doing an end run" around King. At the  
17 same meeting, King informed Evans that he was canceling the journalism class, thus  
18 terminating publication of *The Tomahawk* as a curricular activity, and removing Evans as  
19 faculty advisor. King and Miller stated that the decision to cancel the journalism class and  
20 remove Evans as advisor was made the previous afternoon after a meeting with O'Connor  
21 and French.

22 19. On or about July 7, 2008, Evans sent French a letter informing him of the  
23 foregoing events and asking for reinstatement of the journalism class and also asking that  
24 the school administrators apologize for their actions. Later that same day, French  
25 responded summarily by stating in pertinent part: "the District has reviewed the matters  
26 you presented and will provide no further response to your request."

27 20. In censoring and prohibiting publication of the Article and/or Editorial and in  
28 canceling the journalism class and removing Evans as advisor to the class, King and/or

1 Does 1-25 knew that such conduct was unlawful yet nonetheless acted with oppression,  
2 fraud, or malice, with evil motive or intent, and/or with reckless or callous indifference to  
3 the constitutional rights of Plaintiffs. King's actions were consistent with a pattern and  
4 practice of unlawful censorship and prior restraint.

5 21. The Alumnae and Evans have submitted notices of claim to the District  
6 pursuant to Government Code §§ 900, *et seq.* Those claims are pending.

7 **FIRST CAUSE OF ACTION**

8 **(Violation of Education Code § 48907)**

9 **(Plaintiffs Ariosta, Dupes and Rogulj Against All Defendants)**

10 22. Plaintiffs Ariosta, Dupes and Rogulj (the "Alumnae") reallege and  
11 incorporate by reference each and every allegation in paragraphs 1 through 21, inclusive.

12 23. Defendants, acting under color of state law, prohibited the publication and  
13 distribution of the Article and Editorial based on their content and/or viewpoint. Neither  
14 the Article nor the Editorial was obscene, libelous, or slanderous; nor did either incite  
15 students so as to create a clear and present danger of the commission of unlawful acts on  
16 school premises or the violation of lawful school regulations, or the substantial disruption  
17 of the orderly operation of the school.

18 24. Defendants' censorship of the Article and the Editorial, and each of them,  
19 constituted unlawful prior restraints of expression in violation of Education Code § 48907.  
20 In committing the acts herein alleged, King acted for and on behalf of the District. These  
21 violations of the Alumnae's rights are the result of decisions by school personnel,  
22 including King, which the District has refused to reverse and thereby endorses and ratifies,  
23 and thus constitute official policy of the District. The District is also vicariously liable for  
24 the acts of King as its agent, officer, and/or employee.

25 25. The Alumnae have no adequate remedy at law to redress the wrongs herein  
26 alleged. Unless enjoined by this Court, Defendants will continue to violate their legal  
27 rights, which will continue to cause them irreparable harm.

28





**FOURTH CAUSE OF ACTION**

**(Violation of U.S. Constitution, First Amendment, pursuant to 42 U.S.C. § 1983)**

**(Plaintiff Evans Against King and Does 1-25)**

37. Plaintiffs reallege and incorporate by reference each and every allegation in paragraphs 1 through 36, inclusive.

38. King and/or Does 1-25 violated Evans’s free speech and/or free press rights guaranteed by the First Amendment to the United States Constitution, as applied via the Fourteenth Amendment to the United States Constitution, as follows:

(a) Evans engaged in constitutionally protected speech on a matter of public concern, not pursuant to his official duties as an employee of the District, and the interests of the District do not outweigh Evans’s right to speak on matters of public concern;

(b) King and/or Does 1-25 took adverse employment action against Evans by, including but not necessarily limited to, canceling the journalism class at FHS; removing Evans as advisor to the journalism class; and thereby denying Evans the stipend he had previously received as advisor to the journalism class at FHS; and

(c) Evans’s constitutionally protected speech was a substantial or motivating factor in said adverse employment action.

39. Evans has no adequate remedy at law to redress the wrongs herein alleged. Unless enjoined by this Court, King and/or Does 1-25 will continue to violate his constitutional rights, which will continue to cause him irreparable harm.

40. As a result of the unconstitutional acts of King and/or Does 1-25, Evans suffered damages in an amount to be determined at trial. For purposes of this cause of action, damages are sought against King and/or Does 1-25 in their individual capacity.

///

///

**FIFTH CAUSE OF ACTION**

**(Violation of Labor Code §§ 1102.5(b) and/or 1102.5(c))**

**(Plaintiff Evans Against Fallbrook Union High School District)**

1  
2  
3  
4 41. Plaintiff Evans realleges and incorporates by reference each and every  
5 allegation in paragraphs 1 through 40, inclusive.

6 42. Evans had reasonable cause to believe that King had violated state and/or  
7 federal law by censoring and prohibiting the publication or distribution of the Article and  
8 Editorial. Evans refused to participate in King’s decisions to censor the Article and  
9 Editorial, which violated state and/or federal law. Following King’s decision to censor the  
10 Article and the Editorial, Evans engaged in the protected activity of reporting King’s  
11 actions to O’Connor. The day after Evans disclosed to O’Connor that King had violated  
12 state and/or federal law, Defendants subjected Evans to adverse employment action and  
13 retaliated against Evans by, including but not necessarily limited to, canceling the  
14 journalism class at FHS; removing Evans as advisor to the journalism class; and thereby  
15 denying Evans the stipend he had previously received as advisor to the journalism class at  
16 FHS. The foregoing actions constitute retaliation and were reasonably likely to, and did,  
17 adversely and materially affect Evans’s job performance and his opportunity for  
18 advancement in his career. There was a causal link between the adverse action against  
19 Evans and Evans’s disclosure to O’Connor and/or Evans’s refusal to participate in the  
20 censorship of the Article and Editorial. Defendants have no legitimate, non-retaliatory  
21 explanation for their acts. Any claimed non-retaliatory explanation Defendants may offer  
22 is a pretext for retaliation against Evans.

23 43. In committing the acts herein alleged, King acted for and on behalf of the  
24 District. The District is responsible for the actions of King under Labor Code § 1104.  
25 These violations were the result of decisions by school personnel, including King, which  
26 the District has refused to reverse and thereby endorses and ratifies, and thus constitute  
27 official policy of the District. The District is also vicariously liable for the acts of King as  
28 its agent, officer, and/or employee.



1 49. Plaintiffs seek a judicial declaration of the parties' rights and duties as set  
2 forth above. A declaration is necessary and appropriate at this time so that the parties'  
3 respective rights and duties may be determined.

4 **PRAYER**

5 WHEREFORE, Plaintiffs pray for judgment against Defendants, as follows:

- 6 1. For a declaratory judgment that Defendants violated the rights of Plaintiffs,  
7 and each of them, under the First Amendment to the United States Constitution and/or  
8 California Constitution, Article I, § 2(a) and/or Education Code § 48907;
- 9 2. For a declaratory judgment that Defendants violated the rights of Evans  
10 under Labor Code § 1102.5;
- 11 3. An injunction ordering Defendants to reinstate the journalism class and  
12 resume publication of *The Tomahawk* at FHS within the current academic year;
- 13 4. An injunction ordering Defendants to reinstate Evans as the advisor to the  
14 journalism class at FHS within the current academic year with the appropriate stipend in  
15 addition to Evans's current teaching salary;
- 16 5. An injunction prohibiting Defendants from censoring any future publication  
17 of the Article or Editorial in *The Tomahawk* or otherwise;
- 18 6. General, special, compensatory and actual damages according to proof;
- 19 7. Punitive damages against King and/or Does 1-25;
- 20 8. Attorneys' fees as authorized under Code of Civil Procedure § 1021.5, 42  
21 U.S.C. § 1988 and/or any other applicable law;
- 22 9. Costs of suit; and
- 23 10. Other and further relief as the court may deem proper.

24 Dated: November 10, 2008

25 BOSTWICK & JASSY LLP

ACLUF-SDIC

26 

27 

28 By: Jean-Paul Jassy

By: David Blair-Loy

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b>	
STREET ADDRESS: 325 S. Melrose	
MAILING ADDRESS: 325 S. Melrose	
CITY AND ZIP CODE: Vista, CA 92081	
BRANCH NAME: North County	
TELEPHONE NUMBER: (760) 201-8028	
PLAINTIFF(S) / PETITIONER(S): Chantal Ariosta et.al.	
DEFENDANT(S) / RESPONDENT(S): Fallbrook Union High School District et.al.	
ARIOSTA VS. FALLBROOK UNION HIGH SCHOOL DISTRICT	
<b>NOTICE OF CASE ASSIGNMENT</b>	CASE NUMBER: 37-2008-00060610-CU-MC-NC

Judge: Michael B. Orfield

Department: N-28

**COMPLAINT/PETITION FILED:** 11/10/2008

**CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW**

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

**TIME STANDARDS:** The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

**COMPLAINTS:** Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

**DEFENDANT'S APPEARANCE:** Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

**DEFAULT:** If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

### SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

08 NOV 10 PM 12:32

CLERK SUPERIOR COURT  
SAN DIEGO COUNTY, CA

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

FALLBROOK UNION HIGH SCHOOL DISTRICT, an entity and Rod King, Principal of Fallbrook High School, on his individual and official capacities. *DOES 1-25*

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Chantal Ariosta; Margaret Dupes; Daniela Rogulj; Amber McCracken, by her guardian ad litem, Stacey Martin; Nicole Walker, by her guardian ad litem, Timothy D. Walker; and David Evans

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

*Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.*

The name and address of the court is:  
(El nombre y dirección de la corte es):

Superior Court  
325 South Melrose  
Vista, CA 92081

CASE NUMBER: 37-2008-00060610-CU-MC-NC  
(Número del Caso):

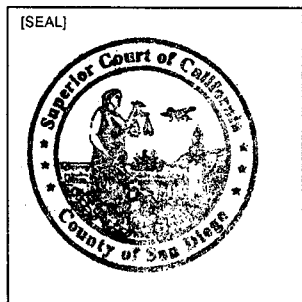
The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
David Blair-Loy, P.O. Box 87131, San Diego, CA 92138-7131 (619) 232-2121

DATE: NOV 10 2008  
(Fecha)

Clerk, by *J. Baker* J. Baker, Deputy  
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



**NOTICE TO THE PERSON SERVED:** You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify): Fallbrook Union High School District  
under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify): CCP 416.50 (public entity)
- by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): David Blair-Loy, CSB #229235 P.O. Box 87131, San Diego, CA 92138-7131  TELEPHONE NO.: (619) 232-2121 FAX NO.: (619) 232-0036 ATTORNEY FOR (Name): Chantal Ariosta et al.		FOR COURT USE ONLY RECEIVED AND DIVISION 09 NOV 10 PM 12:32 CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 325 South Melrose MAILING ADDRESS: CITY AND ZIP CODE: Vista, CA 92081 BRANCH NAME: North County Division		
CASE NAME: Chantal Ariosta et al. v. Fallbrook Union High School District et al.		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)		CASE NUMBER: <b>37-2008-0060610-CU-MC-NC</b>
<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		JUDGE:  DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
<b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	<b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	<b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20)
<b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	<b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	<b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42)
<b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a.  monetary    b.  nonmonetary; declaratory or injunctive relief    c.  punitive
4. Number of causes of action (specify): Ed. Code 48907; Art. I, § 2; 1st Amend. (2), Lab. Code 1102.5; Dec. Judg.
5. This case  is  is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-045.)

Date: November 10, 2008  
 David Blair-Loy  
 (TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.