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FEB 05 2010
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FILED
10 FEB -5 PM 3:45
CIRCUIT COURT
FOR MULTNOMAH COUNTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

01859

1002-01859

L.D. a Minor Child, by and through C.D.,
Father and Guardian Ad Litem

No.

COMPLAINT

Plaintiff,

(Sexual Abuse of a Child; Sexual Abuse of
a Child/*Respondeat Superior*; Negligent
Hiring/Retention/Fail to Warn; Sexual
Battery; Sexual Battery/*Respondeat
Superior*; Intentional Infliction of Mental
Distress; Intentional Infliction of Mental
Distress/*Respondeat Superior*; Civil Rights
42 U.S.C. § 1983)

v.

THE NORTH CLACKAMAS SCHOOL
DISTRICT, an Oregon Public School
District, authorized and chartered by the
laws of the State of Oregon, TEACHER
STANDARDS AND PRACTICES
COMMISSION OF OREGON, and
CHRISTOPHER KLITGORD,

JURY TRIAL DEMANDED

Not Subject to Mandatory Arbitration

Defendants.

Prayer: \$1,250,000.00

Common allegations:

1.

At all relevant times, plaintiff L.D., born in 1992, was a minor high school student in the North Clackamas School District and was a student in the mathematics class of defendant (Christopher Klitgord, hereafter "Klitgord) during the 2008/2009 school year.

2.

At all relevant times, defendant North Clackamas School District was an Oregon Public School District, authorized and chartered by the laws of the State of Oregon to provide educational services to students, including plaintiff, within geographical boundaries of the North

1 Clackamas School District.

2 3.

3 At all relevant times, defendant Teachers Standards and Practices Commission of Oregon
4 was an Oregon State commission entrusted with the power to issue licenses to teachers who
5 possess the minimum competencies, knowledge and skills to teach in the public schools of the
6 State of Oregon.

7 4.

8 At all relevant times, defendant Klitgord was a teacher and mathematics instructor at
9 North Clackamas School District, and an employee and agent of defendant North Clackamas
10 School District.

11 5.

12 Prior to filing this lawsuit, proper and timely notice was provided to the governmental
13 defendants pursuant to the requirement of ORS 30.275.

14 FIRST CLAIM FOR RELIEF

15 Against All Defendants

16 Sexual Abuse of a Child/*Repondeat Superior*

17 6.

18 Plaintiff realleges and incorporates by reference paragraphs 1 through 5.

19 7.

20 Defendant Klitgord sexually abused plaintiff when plaintiff was 16 years old beginning in
21 approximately September of 2008 and continuing through some time in March of 2009. This
22 sexual molestation constituted a harmful and offensive touching of plaintiff.

23 8.

24 Defendant Klitgord, while acting with the course and scope of his employment and agency
25 using the authority and position of trust as a teacher for the North Clackamas School District and
26 under the authority and agency of the teacher license issued by the Teachers Standards and

1 Practice Commission of Oregon through the grooming process singled plaintiff out by making her
2 a teacher's assistant to allow defendant to spend extra time with plaintiff. Defendant Klitgord used
3 his position and authority, with which he had been cloaked by the North Clackamas School
4 District and the Teachers Standards and Practices Commission of Oregon as a licensed teacher
5 and trusted authority figure to befriend plaintiff and gain her confidence and trust. These
6 grooming activities occurred within or substantially within the time and space limits of his
7 position as previously described in his employment as a licensed teacher with the North
8 Clackamas School District and were motivated, at least in part, by an ongoing purpose to serve the
9 North Clackamas School District and the State of Oregon, and were acts which defendant
10 Klitgord was hired to perform and specifically authorized by defendant North Clackamas School
11 District and the Teachers Standards and Practices Commission of Oregon to conduct. Defendant
12 Klitgord engaged in the above course of authorized teacher and employment conduct and
13 contemporaneous grooming conduct to gain access and trust and to sexually molest and abuse
14 plaintiff.

15 9.

16 As a result of defendant Klitgord's sexual abuse, molestation, breach of authority and
17 trust, and betrayal of his position as a teacher and authority figure to plaintiff, plaintiff has
18 suffered shame, guilt, severe and debilitating physical and emotional injury, pain, suffering,
19 physical and emotional trauma, and permanent psychological damages, all to her noneconomic
20 damages in the amount of \$1,000,000.00.

21 10.

22 As an additional result and consequence of defendant Klitgord's sexual abuse,
23 molestation, breach of authority and trust, and betrayal of his position as a teacher and authority
24 figure of plaintiff, she has incurred and/or will incur in the future, costs for counseling, psychiatric
25 and psychological medical treatment, as well as loss of earning potential, all to her economic
26 damages in the approximate amount of \$250,000.00 the exact amount of which will be proven at

1 the time of trial.

2 11.

3 Defendant Klitgord was in conscious disregard of, or highly irresponsible indifference to,
4 a known or highly probable risk of injury to plaintiff and plaintiff gives notice pursuant to ORS
5 18.535 of her intent to seek punitive damages against defendant Klitgord.

6 SECOND CLAIM FOR RELIEF

7 Against Defendants North Clackamas School District and Teachers Standards and Practices
8 Commission of Oregon
9 Negligence Hiring/ Retention/ Failure to Warn

10 12.

11 Plaintiff realleges paragraphs 1 through 10.

12 13.

13 Defendant North Clackamas School District and the Teachers Standards and Practices
14 Commission of Oregon failed to perform an adequate employment history and reference check of
15 defendant Klitgord before he was hired as a teacher. An adequate employment history and
16 reference check would have revealed that defendant Klitgord had been involved in similar sexual
17 misconduct with a female student in the State of New York in the previous school year, forged his
18 own letters of recommendation and was ineligible to teach in the New York State School System
19 due to an ongoing disciplinary investigation.

20 14.

21 Defendants North Clackamas School District and Teachers Standards and Practice
22 Commission of Oregon were negligent in allowing, permitting and causing the sexual abuse of
23 plaintiff in one or more of the following particulars:

- 24 a. In failing to conduct an adequate investigation into defendant Klitgord's
- 25 background;
- 26 b. In allowing defendant Klitgord to remain as a teacher after they knew or should

1 have known of his propensity to use his position to gain access to minor students and to engage in
2 acts of sexually inappropriate conduct with them;

3 c. In failing to properly supervise defendant Klitgord as a teacher or to monitor his
4 activities, or to remove him from his position, after they knew or reasonably should have known
5 that he had engaged in sexually inappropriate conduct with minor students; and

6 d. In failing to prevent or monitor defendant Klitgord's contact with plaintiff, after it
7 became apparent that he was spending substantial private time with plaintiff and was at risk to
8 sexually abuse her.

9 15.

10 As a direct and proximate result of the negligence of defendants North Clackamas School
11 District and the Teachers Standards and Practices Commission of Oregon, plaintiff has suffered
12 the damages as previously alleged in paragraphs 9 and 10 above.

13 THIRD CLAIM FOR RELIEF AGAINST DEFENDANT KLITGORD

14 Sexual Battery

15 Against defendant Klitgord

16 16.

17 Plaintiff realleges paragraphs 1, 4, 7, 9, 10 and 11 above.

18 17.

19 The sexual abuse and molestation of plaintiff constituted harmful and offensive touching
20 of the plaintiff.

21 FOURTH CLAIM FOR RELIEF

22 Against Defendants North Clackamas School District and Teachers Standards and Practices

23 Commission of Oregon

24 *Sexual Battery Respondeat Superior*

25 18.

26 Plaintiff realleges paragraphs 1 - 5, 7, 9 and 10 above.

19.

At all material times herein, defendant Klitgord used grooming to accomplish his acts of sexual battery of the plaintiff. Defendant Klitgord's grooming was committed in direct connection and for the purpose of fulfilling his employment and agency with the North Clackamas School District and license and authority through the Teachers Standards and Practices Commission of Oregon. It was committed within the time and space limits of his employment, agency and license as a teacher; was done initially and at least in part from a desire to serve the interests of defendants, North Clackamas School District and Teachers Standards and Practice Commission of Oregon; was done directly in the performance of his duties as a teacher; generally consisted of actions of a kind and nature which Klitgord saw required to perform as a teacher; and was done at the direction and pursuant to the power vested in him by defendants, North Clackamas School District and Teachers Standards and Practices Commission of Oregon.

FIFTH CLAIM FOR RELIEF

Against Defendant Klitgord

Intentional Infliction of Mental Distress

20.

Plaintiff realleges paragraphs 1, 4, 7, 9, 10 and 11.

21.

The conduct of defendant Klitgord was certain to cause substantial severe mental or emotional distress.

22.

Defendant's conduct did in fact cause plaintiff to suffer severe mental or emotional distress.

23.

Defendant's acts constituted an extraordinary transgression of the bounds of socially tolerable conduct.

1 SIXTH CLAIM FOR RELIEF

2 Against Defendant North Clackamas School District

3 Intentional Infliction of Mental Distress/*Respondeat Superior*

4 24.

5 Plaintiff realleges paragraphs 1 - 5, 7 - 10 and 21 - 23.

6 25.

7 At all material times herein, defendant Klitgord used grooming to accomplish his acts of
8 intentional infliction of mental distress of the plaintiff. Defendant Klitgord's grooming was
9 committed in direct connection and for the purpose of fulfilling his employment and agency with
10 the North Clackamas School District. It was committed within the time and space limits of his
11 employment and agency as a teacher; was done initially and at least in part from a desire to serve
12 the interests of defendant, North Clackamas School District; was done directly in the performance
13 of his duties as a teacher; generally consisted on actions of a kind and nature which defendant
14 Klitgord saw required to perform as a teacher; and was done at the direction and pursuant to the
15 power vested in him by defendant, North Clackamas School District.

16 SIXTH CLAIM FOR RELIEF

17 Against Defendant Klitgord

18 Civil Rights 42 U.S.C. § 1983

19 26.

20 Plaintiff realleges paragraphs 1 - 25.

21 27.

22 At all times relevant to this complaint, defendant Klitgord was acting under color of law
23 under the constitutions, statutes, administrative rules, customs, policies, and usages of the State of
24 Oregon and the United States and had assumed the responsibilities, activities, and rights involved
25 in exercising his role as public high school teacher.

1 28.

2 While plaintiff was under his care, defendant Klitgord acted with deliberate indifference to
3 the known and recognized constitutional and legal rights of Plaintiff; to wit Klitgord actively
4 participated in the deprivation of plaintiff's constitutional rights by actually molesting and
5 sexually abusing plaintiff.

6 29.

7 The conduct of defendant Klitgord, under color of state law, deprived plaintiff of her
8 rights, privileges and immunities secured by the United States Constitution. Particularly, plaintiff
9 was deprived of her constitutional liberty interest to be free from sexual abuse and the threat of
10 such abuse perpetrated by a teacher in a public high school.

11 30.

12 Under 42 U.S.C. § 1983, plaintiff is entitled to reasonable attorney fees and court costs
13 necessarily incurred in pursuing this action.

14 SEVENTH CLAIM FOR RELIEF

15 Against Defendants North Clackamas School District and Teachers Standards and Practices

16 Commission of Oregon

17 (Civil Rights 42 U.S.C. § 1983)

18 31.

19 Plaintiff realleges paragraphs 1 - 10 and 12 - 30.

20 32.

21 At all times relevant to this complaint, defendants were acting under color of law under the
22 constitutions, statutes, administrative rules, customs, policies, and usages of the State of Oregon
23 and the United States and had assumed the responsibilities, activities, and rights involved in the
24 assumed activities, duties, and responsibilities for the education and protection of plaintiff and
25 other minor children.

26 //

1 33.

2 At all relevant times, defendants and their employees acted with deliberate indifference to
3 the known and recognized constitutional and legal rights of plaintiff, to wit failure to adequately
4 discover the hiring of a known sex offender and the subsequent deprivation of plaintiff's
5 constitutional rights by actually molesting and sexually abusing plaintiff which deprived her of
6 her constitutional liberty interest to be free from sexual abuse perpetrated upon her by defendant
7 Klitgord. Defendants North Clackamas School District and Teachers Standards and Practices
8 Commission of Oregon had the duty and opportunity to protect plaintiff from the unlawful actions
9 of defendant Klitgord, but they failed to do so, thereby proximately causing plaintiff's injuries.

10 34.

11 The conduct of defendants North Clackamas School District and Teacher Standards and
12 Practices Commission of Oregon, under color of state law, deprived plaintiff of her rights,
13 privileges and immunities secured by the United States Constitution. Particularly, plaintiff was
14 deprived of her constitutional liberty interest to be free from sexual abuse and the threat of such
15 abuse perpetrated by a teacher in a public high school.

16 35.

17 Under 42 U.S.C. § 1983, plaintiff is entitled to reasonable attorney fees and court costs
18 necessarily incurred in pursuing this action.


19 WHEREFORE, plaintiff prays for judgment against defendants, and each of them, as
20 follows:

- 21 1. Noneconomic damages in the amount of \$1,000,000.00, the exact amount to be
22 determined by the jury at the time of trial;
- 23 2. Economic damages in the amount of \$250,000.00, the exact amount to be determined
24 by the jury at the time of trial;
- 25 3. Plaintiff's reasonable attorney fees pursuant to 42 U.S.C. § 1983; and

26 //

1 4. Punitive damages against defendant, Klitgord, if allowed by the court.

2 DATED this 5 day of February, 2010

3 
4 Wendy Squires, OSB No. 794028
Attorney for Plaintiff

5 LAWYER FOR PLAINTIFF:

6 Wendy Squires
7 Squires and Barnett, P.C.
8 621 SW Morrison Street, Suite 1250
9 Portland, OR 97205
10 Ph: (503)241-4708
11 Fax: (503) 323-7356
12 Email: wsquires@squiresbarnett.com
13 OSB No. 794028
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