

1 THE LANDAU GROUP, PC
Melinda Romines (State Bar No. 302958)
2 Kevin A. Landau (Pro Hac Vice Forthcoming)
Zachary R. Landau (Pro Hac Vice Forthcoming)
3 3532 Katella Ave, Suite 214
Los Alamitos, CA 90720
4 (714) 924-4829 office
(714) 333-4821 fax
5 kevin@thelandaugroup.com
zach@thelandaugroup.com

6 ATTORNEYS FOR PLAINTIFFS'

7
8 **UNITED STATES DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
9

10 A.K.L., a minor, by and through her guardian,
11 And natural parent, AKIELA JONES LUNDY;
AND AKIELA JONES LUNDY,

12 Plaintiff(s),

13 vs.

14 MORENO VALLEY UNIFIED SCHOOL
15 DISTRICT, JOSHUA JACKSON, JR., ROBERT
BOUGH, SUSAN SMITH, TAMMY HUERTAS,

16 HONEY HOLLOW ELEMENTARY SCHOOL
17 PARENT TEACHER ASSOCIATION, CINDY
18 DOE, ELVIRA DOE, AND DOES 1-50,
inclusive,

19 Defendant(s).

) Case No.:

) COMPLAINT FOR DAMAGES

-) 1. Negligence Per Se (Violations of Ca. Penal Code §11166)
-) 2. Negligence Per Se (Violation of EC §49079)
-) 3. Negligence; Negligent Supervision
-) 4. Civil Rights Violations (42 USC § 1983)
-) 5. Civil Rights Violations (Supervisor Liability (42 USC 1983)
-) 6. Violations of the Americans with Disabilities Act, the Rehabilitation Act § 504; and the Unruh Civil Rights Act
-) 7. Violations of Civil Rights (CC § 52.1)
-) 8. Civil Rights Violations (42 USC 1983)
-) 9. Violations of Civil Rights (CC § 52.1)

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21 _____
22 Plaintiffs, by and through their attorneys, allege as follows:

23 1. Pursuant to this Court's local Rule 8-1, Plaintiffs assert that the statutory or other basis for
24 the exercise of jurisdiction in this United States Federal District Court is based upon a federal
25 question asserted under 42 U.S.C. 1983 as to violations of Plaintiffs' rights under the U. S.
26 Constitution and laws, including those under the First, Fourth and Fourteenth Amendments, as well
27 as a federal question asserted under the American with Disabilities Act; this court has original
28 jurisdiction under 28 USC 1331; as well as supplemental jurisdiction for Plaintiffs' state claims

1 asserted pursuant to 28 U.S.C. 1367(a); all of which Plaintiffs' request be tried and heard before a
2 jury.

3 2. At all relevant times mentioned in this Complaint, Plaintiffs were residents of Riverside
4 County, California.

5 3. At all times mentioned herein, Plaintiff AKIELA JONES LUNDY (hereinafter "MS.
6 LUNDY"), was the natural parent and guardian of the minor Plaintiff in this action, A.K.L.
7

8 4. Plaintiff A.K.L. a minor individual, brings this action, by and through her guardian and
9 natural parent, MS. LUNDY.

10 5. At all times mentioned herein, the MORENO VALLEY UNIFIED SCHOOL DISTRICT
11 (herein after "M.V.U.S.D.") was and is a public entity, or subdivision.

12 6. M.V.U.S.D. is one of the largest school districts in Riverside County, educating more than
13 34,000 students in grades K-12, at over 40 schools, including, the Honey Hollow Elementary
14 School, where the incidents complained of occurred.

15 7. At all times mentioned herein, Defendant JOSHUA JACKSON, JR. (hereinafter
16 "JACKSON" or "PRINCIPAL JACKSON"), was an officer, agent, and employee of M.V.U.S.D.
17 JACKSON was the principal of the Honey Hollow Elementary School, operating in his individual
18 and official capacity.
19

20 8. At all times mentioned herein, Defendant ROBERT BOUGH (hereinafter "BOUGH" or
21 "DIRECTOR OF STUDENT SERVICES"), was an officer, agent, and employee of M.V.U.S.D.
22 BOUGH was the Director of Student Services for M.V.U.S.D., operating in his individual and
23 official capacity.
24

25 9. At all times mentioned herein, Defendant SUSAN SMITH (hereinafter "SMITH" or "MS.
26 SUSAN"), was an officer, agent, and employee of M.V.U.S.D. SMITH is a school guidance
27 counselor at the Honey Hollow Elementary School.
28

1 10. At all times mentioned herein, Defendant TAMMY HUERTAS (hereinafter “HUERTAS”)
2 was an officer, agent, and employee of M.V.U.S.D. HUERTAS was a 3rd grade elementary school
3 teacher at the Honey Hollow Elementary School.

4 11. Defendant HONEY HOLLOW ELEMENTARY SCHOOL PARENT TEACHER
5 ASSOCIATION (hereinafter “H.H.P.T.A.”), was the parent teacher association for the Honey
6 Hollow Elementary School, at all times mentioned herein.

7 12. Defendant CINDY DOE (hereinafter “MS. CINDY”) was the president of H.H.P.T.A., and a
8 recess attendant, at the Honey Hollow Elementary School, at all times mentioned herein.

9 13. Defendant ELVIRA DOE (full name unknown at present, hereinafter “MS. ELVIRA”) was
10 the Vice President of H.H.P.T.A., and a recess attendant, at the Honey Hollow Elementary School,
11 at all times mentioned herein.

12 14. Plaintiffs are ignorant of the true names and capacities of those Defendants sued herein as
13 DOES 1 through 50, Inclusive, and therefore sue them by such fictitious names. Plaintiffs will
14 amend this Complaint to show the true names and capacities of said DOE Defendants when the
15 same are ascertained.

16 15. Plaintiffs are informed and believe and, based upon such information and belief, allege that
17 each of the Defendants is responsible in some manner for the events and happenings referred to
18 herein and was the legal cause of injury and damages to Plaintiffs as herein alleged.

19 16. Plaintiffs are informed and believe and, based upon such information and belief, allege that,
20 at all times herein mentioned, each and every Defendant was the agent and/or employee of their co-
21 defendants, and each of them, acting at all relevant times herein under color of the authority of a
22 governmental entity under the statutes, ordinances, regulations, customs and usage of the State of
23 California and/or the United States Constitution and related laws.

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27 **COMMON ALLEGATIONS**

1 17. The facts of the instant case are appalling. Plaintiff minor A.K.L. (born in 2008), by virtue
2 of her young age and disposition, was a vulnerable 3rd grade special education student at the
3 Honey Hollow Elementary School in Moreno Valley, California. During her tenure at Honey
4 Hollow, A.K.L. was sexually assaulted by another student, on multiple occasions, some of which
5 occurred during class, while her teacher was present, and which the principal, school guidance
6 counselor, and other district officials, knew about, but intentionally concealed, and tried to cover up.
7 To the plaintiffs knowledge, these matters have still not been reported to the police or county
8 welfare department in violation of Cal.Penal Code § 11166(c), and their other mandatory reporting
9 duties under Education Code § 49079, as alleged herein.¹

11 18. Pursuant to California Government Code § 910, Plaintiffs' filed and served their Notice(s)
12 of Claim on Martinrex Kedziora, Ed.D., Superintendent of Schools of Moreno Valley Unified
13 School District, at 25634 Alessandro Blvd., Moreno Valley, CA 92553, on or about September 6,
14 2017.

16 19. The School District rejected Plaintiffs' claims, and notified Plaintiffs of such rejection, on or
17 about October 16, 2017.

18 20. As such, all conditions precedent to suit have been satisfied.

19 **STATEMENT OF FACTS**

20 **(i) Background of Sexual Assaults against minor Plaintiff A.K.L. and the Failure of the**
21 **District to Report.**

22 21. Given that multiple incidents occurred, and that said incidents have been extremely
23 traumatic on little A.K.L., the specific dates of every forcible sexual penetration and assault²
24

25
26 ¹ Under Cal.Penal Code § 11166(c), the teachers and school were under a mandatory duty to
27 report this inappropriate sexual conduct to the police or county welfare department. Failure to
comply with this duty can result in fines or jail time.

28 ² California Penal Code Section(s) 261(a), defines rape, and Section 289, identifies a closely related
category of criminal sexual conduct called: forcible sexual penetration with a foreign object, which
includes (2) any part of the body, except a sexual organ (such as a finger). Claimant uses the term

1 committed against A.K.L. are difficult at present to determine. What is known however, is that
2 upon district officials, administrators and other representatives of the school district becoming
3 aware of such incidents, the defendants named herein joint and severally made A.K.L. feel shame,
4 humiliation and remorse for having told said authorities about the abuse, as the following
5 paragraphs more thoroughly describe. PRINCIPAL JACKSON coerced A.K.L. (an 8-year-old in
6 special education), into signing a statement (without her parent present) in an unconscionable
7 attempt to mitigate their liability. Likewise, DEFENDANT SUSAN told A.K.L. to “keep quiet”
8 about the sexual assaults. The actions taken by such defendants in this matter against A.K.L., and
9 her mother, were done to assuage their own guilt and liability, in an attempt to conceal these
10 ongoing events from the outside world, regardless of the profound and lasting effects it had on
11 A.K.L., or her mother, MS. LUNDY.
12

13
14 22. Notwithstanding the foregoing, all of the incidents of sexual assault complained of, occurred
15 during the second semester of the 2017 school year, and at least two (2) incidents of sexual assault
16 and misconduct occurred at school in HUERTAS classroom , between February 15, 2017 and
17 March 7, 2017.³

18 23. The district’s failure to report these incidents to the police or county welfare department, and
19 its concealment and subsequent cover up, continues to the present.
20

21 24. A.K.L.’s mother, MS. LUNDY, exchanged several phone calls with administrators at Honey
22 Hollow Elementary, and MVUSD, regarding this matter, including with PRINCIPAL JACKSON,
23 and the Director of Student Services ROBERT BOUGH. Further, MS. LUNDY exchanged multiple
24 emails with MR. BOUGH relative to the incidents, in March of 2017.
25
26

27 sexual assault throughout this Complaint for convenience, however, that term includes, at least for
28 purposes of this document, a forcible sexual penetration with a foreign object as defined in Ca.
Penal Code Section 289.

³ An additional sexual assault occurred after these dates, which is explored, and indicated, below.

1 25. MS. LUNDY was told by the school that they would be reporting this incident to the police,
2 and would bring in someone to talk AKL. However, instead of doing this, PRINCIPAL JACKSON
3 intimidated and coerced AKL, and had her write a statement about the incident in his office.

4 26. PRINCIPAL JACKSON, did not inform MS. LUNDY of this prior to requesting the
5 statement, nor sought her permission to do so.

6 27. PRINCIPAL JACKSON did not notify the police or welfare department about the sexual
7 assaults, and did not immediately inform either AKL's parents.

8 28. Instead, PRINCIPAL JACKSON'S first impulse, was to conceal this incident , thereby
9 attempting to avoid the paperwork, and responsibility required in addressing these types of horrific
10 circumstances. Instead, said principal attempted to coerce a "statement" from a learning disabled
11 8-year old victim.

12 29. MS. LUNDY requested this purported statement on numerous occasions, however, the
13 school would not, and will not provide either the original or a copy.

14 30. No other action was taken by the district, and the sexual assaults complained of by AKL
15 continued, and remain un-reported to the present day.

16 31. As explored below, the district's knowledge and response to the incidents complained of
17 herein, was, and remains, grossly inadequate, reprehensible, and in violation of Cal.Penal Code §
18 11166(c), and their mandatory reporting duties under California law.

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22 **(ii) Incidents of Sexual Assault, Knowledge of Teachers and the School, and the School's
Response.**

23 32. Upon information and belief, the child responsible for committing the sexual assaults against
24 AKL, was a fellow third grade student, (hereinafter "JVN").

25 33. JVN was a student in HUERTAS' class with AKL, and upon information and belief, was 8
26 years old, when the sexual assaults occurred.
27
28

1 34. JVN had been bullying AKL and was actually turned in by other students for such behavior,
2 following a particularly disturbing incident.

3 35. JVN with a few other students, made a circle around AKL on the playground during recess,
4 and pulled her hair, and called her a SNITCH, and other awful names.

5 36. One of the other students, NAME UNKNOWN, upon information and belief, a 3rd grade
6 student at the time, and also of the same or similar age, went to the principal's office to the report
7 the bullying, and told MS. SUSAN, a student counselor at Honey Hollow, that JVN was being a
8 bully to AKL because she got in trouble for touching AKL's "private parts".
9

10 37. As a result of this, or other incidents complained of by AKL, upon information and belief,
11 JVN was suspended for two (2) days.

12 38. However, without any sense of decency or responsibility, MS. SUSAN actually pulled AKL
13 into her office, and told her that she was wrong for telling people about what JVN had been doing to
14 her, and to not repeat what [Ms. Susan] was instructing her to do. This was the response from the
15 school district to a 3rd grade student reporting being continually sexually assaulted, and bullied, at
16 school.
17

18 39. At a minimum, based on the foregoing, PRINCIPAL JACKSON and MS. SUSAN, knew
19 that little AKL reported being subjected to a forcible sexual penetration by another student, and that
20 she was being bullied for reporting being sexual assaulted and raped.
21

22 40. However, instead of reporting it to the police or the county welfare department, as required
23 by Cal.Penal Code § 11166(c), the school turned the responsibility and blame on little AKL,
24 coercing her to write a purported statement, and telling her to "keep quiet", for reporting that she
25 had been sexually assaulted at school by another student.

26 41. The school's conduct and response to this matter was unconscionable, and may lead to
27 criminal charges under Cal.Penal Code § 11166(c), for their failure to report this incident, and for
28

1 their response to a special education child being sexually assaulted by another student, on the
2 school's premises and during the normal hours of a typical school day.

3 42. Further, upon information and belief, other students, knew that JVN was going around
4 trying to "smell peoples' privates."

5 43. Upon information and belief, during the week of February 15, 2017 to February 19, 2017,
6 little AKL had told another student in her class about it, and told her mother's best friend about it
7 while they were on their way home from school.

8 44. On that night, little AKL crawled into her mother's bed, and said:

9
10 "Momma I have to tell you something, I need you to call [JVN] mom and tell her to
11 make [JVN] stop touching my secret, I told her to stop, I even pushed her hand hard and
12 stop sitting next to her. But now she gets her jacket and puts it over my lap and digs in my
13 pants to my private and takes her hand out and smells it!" "If she don't stop can you beat
14 her up, Mommy?"

15 45. MS. LUNDY did not beat up JVN's mother, however, on or about February 17, 2017, the
16 two had a discussion, and MS. LUNDY told her about what JVN had been doing to AKL, asking
17 that JVN stop.

18 46. MS. LUNDY also went to Honey Hollow, on multiple occasions, and spoke with AKL's
19 teacher, MS. HUERTAS to ask her to inform the principal to commence an investigation and/or
20 report it to the police or child protective services.

21 47. Upon information and belief, on February 18, 2017, PRINCIPAL JACKSON called in
22 certain staff and PTA members to make them aware of the incident, and to separate little AKL and
23 JVN.

24 48. Upon information and belief, PRINCIPAL JACKSON met with MS. SUSAN, the school
25 guidance counselor, MR. ROBERT BROUGH, Director of Student Services, MS. HUERTAS, PTA
26
27
28

1 vice president MS. CINDY, and PTA President MS. ELVIRA (full names unknown at the present
2 time).⁴

3 49. Instead of investigating the very serious incidents reported, or involving the police, or other
4 state or local agencies, the forgoing people decided simply to separate the two girls, with MS.
5 CINDY and MS. ELVIRA, serving as recess attendants.
6

7 50. This was the extent of the school's "investigation", and "resolution", for dealing with an 8-
8 year old student being sexually assaulted by another student, in class, and on multiple occasions –
9 *separate the two young girls, and it will go away.*

10 51. The school's plan did not work, and a day or two after it was implemented, JVN was heard
11 on the playground, at recess, bullying AKL, and calling her names, because she had gotten in
12 trouble for touching AKL's private parts. As identified above, such incident was reported to MS.
13 SUSAN by another student, which again, MS. SUSAN, instructed little AKL to "keep quiet".
14

15 52. Subsequently, JVN was then purportedly suspended for two days. However, when JVN
16 came back to school, there was yet another incident involving the two girls, when a substitute
17 teacher was overseeing MS. HUERTAS' class. The substitute teacher (NAME UNKNOWN at the
18 present time) failed to keep AKL and JVN separated, and as a result, JVN sexually assaulted little
19 AKL again. When little AKL's mother went to pick her up from school, little AKL ran into the car,
20 and started crying profusely.
21

22 53. Following this incident, MS. LUNDY was constantly up at the school, demanding that the
23 principal, and other administrator's take action, and report this incident to the police.

24 54. Although school officials, including PRINCIPAL JACKSON, and ROBERT BOUGH,
25 assured MS. LUNDY that action would be taken, and that the incident would be reported, no such
26 action was forthcoming, and to this day, none of the foregoing sexual assaults have been reported.
27

28 ⁴ These horrifying women actually met with AKL, and her mother, and told MS. LUNDY that AKL
was confused and now wanted to be the little girls friend.

1 55. Instead, the school officials' representations were false, made to pacify MS. LUNDY, and
2 conceal the foregoing, even if it meant exposing little AKL to repeated sexual assaults, and a
3 completely unsafe school environment.

4 56. After several additional attempts by MS. LUNDY, the school refused to take any other
5 action. Instead, the only option that the school district gave to AKL and MS. LUNDY was to leave
6 Honey Hollow, and not just go to a different school, but go to a completely different school district,
7 located 20 miles away.

9 57. When given this, as her only, option, MS. LUNDY, who is in special education herself,
10 informed the defendants, and the defendants were obviously aware, that Honey Hollow was the
11 only school in the district offering the disability services that AKL required, such as certain speech
12 and language services, testing services, and other educational assistance.

13 58. Further, MS. LUNDY informed the defendants, and the defendants were aware, that
14 Plaintiffs lived across the street from Honey Hollow. Leaving the district meant additional expense
15 and logistical difficulties.

17 59. Moreover, prior to the incidents, AKL was doing very well at Honey Hollow, both in
18 academic and social capacities. AKL had strong friendships, loved school, was an engaged student,
19 and performed very well, despite her disabilities.

20 60. Notwithstanding the foregoing, and knowing the profound and detrimental effects that
21 changing schools would have on AKL's education, and overall well-being, MVUSD refused to give
22 Plaintiffs any other options but to go to a new school, in a completely different school district, 20
23 miles away, as that was the only other school in the area that offered the same services.

25 61. As a result, and without any other options, particularly given that her complaints were
26 summarily dismissed by school officials, MS. LUNDY was forced to pull little AKL out of Honey
27 Hollow, and put her in a different school, located in a different school district, 20 miles away.
28

1 62. Prior to the incidents complained of herein, AKL was “Scholar of the Month”, and loved
2 going to school, doing her homework, and was performing very well, despite her disabilities.

3 63. At her present school, AKL is the only African American child in her class, and she has
4 substantially digressed academically. AKL has hated going to school since these incidents occurred,
5 will not do her homework, and does not want to go to school at all. At home, AKL has been quiet,
6 despondent, and extremely sad, anxious and depressed. Further, little AKL has developed a tic,
7 which is fairly common for children under considerable stress.
8

9 64. AKL suffers from **anxiety** and was already a vulnerable student, receiving special
10 education services, however, the foregoing has had profound effects on every aspect of AKL’s life
11 from school to everyday social interactions, which are likely to increase and become debilitating as
12 she grows up, and comes to fully understand what happened to her.
13

14 **FIRST CAUSE OF ACTION**
15 **(Negligence Per Se Violations Of Cal.Penal Code § 11166;)**
16 **(By Minor AKL Against All Defendants)**

17 65. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 64,
18 inclusive, as though set forth in full herein.

19 66. Government Code section 815.6 provides that a government entity may incur liability for
20 breach of a mandatory duty imposed by statute that is designed to protect against the risk of a
21 particular kind of injury, such as alleged herein.

22 67. Under Cal.Penal Code § 11166(c), the teachers and administrators at Honey Hollow
23 elementary school were under a mandatory duty to report the sexual conduct and assaults that were
24 taking place against Plaintiff, at the school, to the police or county welfare department.

25 68. As set forth more fully above, Defendants failed to report any of the sexual conduct and
26 assaults that were taking place against Plaintiff, and therefore, failed to perform their mandatory
27 duty under Cal.Penal Code § 11166(c).

28 69. Defendants breached the duty owed to Plaintiff.

1 70. Defendants breach, and their failure to report, was a proximate cause of Plaintiff's injuries.

2 71. As a direct and proximate result of Defendants breach, Plaintiff, suffered substantial and
3 debilitating injuries, including, but not limited to: repeated sexual assaults and rape, bullying, severe
4 injuries about her body and debilitating mental anguish, and severe emotional distress, anxiety,
5 depression, PTSD, sadness, development of a tic, hatred of school and learning, fear of public
6 places and other children, not able to engage in the same activities that she could previously, change
7 of school and loss of friendships, loss of educational opportunities and school services and disability
8 services, loss of the capacity for the enjoyment of life, present and future medical care and
9 treatment, and related medical expenses and care, loss of potential future earnings, loss of the ability
10 to earn money, which losses are permanent and continuing in nature and from which injuries
11 Plaintiff will suffer losses in the future, and will be required to seek psychological treatment and
12 therapy, and other medical care, and expenses, most likely, for the rest of her life.
13
14

15 72. Plaintiff has suffered mental anguish, emotional distress, and extreme humiliation and
16 embarrassment from the reprehensible actions of Defendants, the extent of which is difficult to
17 determine at the present time, but which is ongoing, and will affect her for the rest of her life,
18 especially, when she comes to realize and fully understand, what she was subjected to, and forced to
19 endure, at the hands of people, whose sole job was to protect her, and encourage her, but who failed
20 to do so, in the most abhorrent, and fundamental ways.
21

22 **SECOND CAUSE OF ACTION**
23 **(Negligence Per Se Violations Of California Education Code § 49079)**
24 **(By Minor Plaintiff A.K.L. Against Defendant Moreno Valley Unified School District)**

25 73. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 72,
26 inclusive, as though set forth in full herein.

27 74. Government Code section 815.6 provides that a government entity may incur liability for
28 breach of a mandatory duty imposed by statute that is designed to protect against the risk of a
particular kind of injury, such as alleged herein.

1 75. Education Code §49079 imposed a mandatory duty on the Defendant Moreno Valley School
2 District to inform Plaintiff's teacher(s) of the conduct that JVN had engaged in and committed
3 against Plaintiff, namely, sexual assault and battery, physical injury and violence, willful use of
4 force and other one sided acts of violence, bullying, intimidation, and harassment.

5
6 76. Further, the school district had a mandatory duty to inform Plaintiff teachers of any
7 disciplinary records and precautionary measures - despite their inadequacy - that the school district
8 had taken against JVN to prevent further harm or injury to Plaintiff, such as: separating the girls in
9 class, and at recess.

10 77. The mandatory duty imposed by Education Code §49079 was intended to protect against the
11 kind of risk of injury suffered by the Plaintiff herein.

12 78. As a direct and proximate result of the school district failure to inform Plaintiff's teacher's,
13 Plaintiff and JVN were not separated, and JVN sexually assaulted Plaintiff repeatedly, in class.

14 79. Therefore, the breach of the mandatory duty imposed on the school district by Education
15 Code §49079 was a proximate cause of Plaintiff's injuries.

16
17 80. As a direct and proximate result of Defendants breach, Plaintiff, suffered substantial and
18 debilitating injuries, including, but not limited to: repeated sexual assaults and rape, bullying, severe
19 injuries about her body and debilitating mental anguish, and severe emotional distress, anxiety,
20 depression, PTSD, sadness, development of a tic, hatred of school and learning, fear of public
21 places and other children, not able to engage in the same activities that she could previously, change
22 of school and loss of friendships, loss of educational opportunities and school services and disability
23 services, loss of the capacity for the enjoyment of life, present and future medical care and
24 treatment, and related medical expenses and care, loss of potential future earnings, loss of the ability
25 to earn money, which losses are permanent and continuing in nature and from which injuries
26 Plaintiff will suffer losses in the future, and will be required to seek psychological treatment and
27 therapy, and other medical care, and expenses, most likely, for the rest of her life.
28

1 81. Plaintiff has suffered mental anguish, emotional distress, and extreme humiliation and
2 embarrassment from the reprehensible actions of Defendants, the extent of which is difficult to
3 determine at the present time, but which is ongoing, and will affect her for the rest of her life,
4 especially, when she comes to realize and fully understand, what she was subjected to, and forced to
5 endure, at the hands of people, whose sole job was to protect her, and encourage her, but who failed
6 to do so, in the most abhorrent, and fundamental ways.
7

8 **THIRD CAUSE OF ACTION**
9 **(Negligence; Negligent Supervision of Students)**
10 **(By Minor Plaintiff A.K.L. Against All Defendants)**

11 82. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 81,
12 inclusive, as though set forth in full herein.

13 83. Defendants had a duty to protect Plaintiff from the injuries complained of herein; as school
14 authorities, Defendants had a duty to supervise at all times the conduct of the children on the school
15 grounds and to enforce those rules and regulations necessary to their protection.

16 84. Defendants were Plaintiff's teachers, administrators at the school, and other school
17 personnel, and therefore, had a duty to Plaintiff, to exercise a reasonable standard of care to prevent
18 injury to Plaintiff, which a person of ordinary prudence, charged with comparable duties, would
19 exercise under the same circumstances, as alleged herein.

20 85. Further, in addition, a school district and its employees have a special relationship with the
21 district's pupils, such as Plaintiff here, which arises from a relationship from the mandatory
22 character of school attendance and the comprehensive control over students exercised by school
23 personnel, which is analogous in many ways to the relationship between parents and their children.
24

25 86. Because of this special relationship, the duty of care owed by school personnel includes the
26 duty to use reasonable measures to protect students from foreseeable injury at the hands of third
27 parties acting negligently or intentionally. This principle is applied in cases, such as the instant one,
28 of employees' alleged negligence resulting in injury to a student by another student.

1 87. As a result of this special relationship that Defendants had with Plaintiff, a student under
2 their supervision, Defendants had a duty to take reasonable measures to protect Plaintiff from
3 injuries at the hands of others in the school environment.

4 88. Defendants failure to take reasonable measures to protect Plaintiff from injuries at the hands
5 of others in the school environment, constitutes either a total lack of supervision, or ineffective
6 supervision, on the part of those responsible for Plaintiff's safety, and her supervision, as well as the
7 supervision of other students, while at school.

8 89. Further, the actions that were actually taken by Plaintiff's teacher, the school guidance
9 counselor, the principal, and the head of student services for the district, when alerted to the sexual
10 assaults, rape, and bullying, that Plaintiff was continually being subjected to at the school, was
11 inadequate, and a failure by the school district, and its employees, to exercise a reasonable standard
12 of care, or any common sense.
13

14 90. Defendants therefore breached the duty it owed to Plaintiff, under their special relationship
15 with Plaintiff.
16

17 91. Further, Defendants failed to exercise a reasonable standard of care, and therefore, breached
18 this duty owed to Plaintiff, as well.

19 92. The failure of Defendants to perform the duties it owed to Plaintiff was a proximate cause of
20 Plaintiff's injuries.
21

22 93. As a direct and proximate result of Defendants' breach, Plaintiff, suffered substantial and
23 debilitating injuries, including, but not limited to: repeated sexual assaults and rape, bullying, severe
24 injuries about her body and debilitating mental anguish, and severe emotional distress, anxiety,
25 depression, PTSD, sadness, development of a tic, hatred of school and learning, fear of public
26 places and other children, not able to engage in the same activities that she could previously, change
27 of school and loss of friendships, loss of educational opportunities and school services and disability
28 services, loss of the capacity for the enjoyment of life, present and future medical care and

1 treatment, and related medical expenses and care, loss of potential future earnings, loss of the ability
2 to earn money, which losses are permanent and continuing in nature and from which injuries
3 Plaintiff will suffer losses in the future, and will be required to seek psychological treatment and
4 therapy, and other medical care, and expenses, most likely, for the rest of her life.

5
6 94. Plaintiff has suffered mental anguish, emotional distress, and extreme humiliation and
7 embarrassment from the reprehensible actions of Defendants, the extent of which is difficult to
8 determine at the present time, but which is ongoing, and will affect her for the rest of her life,
9 especially, when she comes to realize and fully understand, what she was subjected to, and forced to
10 endure, at the hands of people, whose sole job was to protect her, and encourage her, but who failed
11 to do so, in the most abhorrent, and fundamental ways.

12
13 **FOURTH CAUSE OF ACTION**
VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. §§ 1983 BY Minor PLAINTIFF A.K.L.
14 **AS AGAINST ALL OF THE DEFENDANTS)**

15 95. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 94,
16 inclusive, as though set forth in full herein.

17 96. All Individual Defendants, and DOES 1 through 50, Inclusive, and each of them, as alleged
18 herein, were acting under color of state law when minor Plaintiff AKL, or her mother MS. LUNDY,
19 reported the sexual assaults, and the defendants therefore knew that one of their students had been
20 sexually assaulted by another student at the school, but unlawfully, and willfully conspired, and
21 refused to report said assaults to the police or child protective services, in complete disregard of
22 their mandatory reporting duties under Cal.Penal Code § 11166(c).

23
24 97. Further, the defendants failed to notify A.K.L.'s teachers or substitutes, of the sexual
25 assaults and disciplinary records and measures thereto, in disregard of the Education Code §49079.
26 (See Government Code section 815.6.)
27
28

1 98. Moreover, JACKSON and SUSAN acted with a willful and conscious disregard of the rights
2 of AKL, a minor, in a despicable manner when they detained, questioned, threatened, intimidated,
3 and coerced Plaintiff AKL into signing a coerced statement (without notifying her parents, and
4 without them being present), and threatened, intimidated, and exercised undue influence over the
5 Plaintiff in an attempt to extort her into silence about the sexual assaults that were being committed
6 against her.
7

8 99. Moreover, PRINCIPAL JACKSON informed the PTA Vice President MS. CINDY, and
9 PTA President MS. ELVIRA, and actually had them meet to discuss the sexual assaults and
10 complaints made by Plaintiffs, in violation of Plaintiffs' privacy and state confidentiality laws.
11

12 100. Thereafter, MS. CINDY AND ELVIRA met with AKL, and her mother, and told MS.
13 LUNDY that AKL was confused about the sexual assaults, and wanted AKL and JVM to be
14 "friends", thus encouraging further contact.

15 101. Given the foregoing, and the defendants complete and wanton refusal to abide by any of
16 their mandatory obligations under state law, and in complete and wanton disregard of Plaintiffs
17 constitutional rights and federal statutory rights under the ADA, minor Plaintiff AKL was left with
18 no other choice but to either continue to endure being sexually assaulted, or to leave the school
19 district (and all of her friends and support structure) for another district located 20 miles away,
20 because Honey Hollow was the only school in the Moreno Valley district that offered the disability
21 services that A.K.L. required.
22

23 102. The foregoing actions, taken by the defendants were in gross and wanton violation of
24 Plaintiff's constitutional rights under the First, Fifth, and Fourteenth Amendments of the U.S.
25 Constitution, and Article 1, Section 1 of the California State Constitution, including: the Right to
26 Free Speech, The Right of Privacy, the Right to Family Association; and Equal Protection Under
27 the Law.
28

1 103. As a direct result of these Individual Defendants' violations, and in accordance with 42
2 U.S.C. §1983, Plaintiff's civil rights have been violated in that she has suffered, and will continue to
3 suffer damages, including but not limited to, physical and/or mental anxiety and anguish; as well as
4 to incur attorney's fees, costs and expenses in the underlying case, and in the matter, as authorized
5 by 42 U.S.C. §1988 in an amount not yet ascertained, all of which shall be shown according to
6 proof at trial.

8 104. Said individual Defendants' wrongful conduct as herein alleged was done with malice, and
9 with conscious disregard for the rights of the Plaintiff herein, and as a result of their despicable
10 conduct, Plaintiff is therefore entitled to recover punitive damages from said individual Defendants'
11 wrongful acts for the purposes of punishing said Defendants and to deter others from such conduct
12 in the future.

13
14 **FIFTH CAUSE OF ACTION**
(Violation Of Civil Rights Under 42 U.S.C. §§ 1983 (Supervisory Liability) By Minor Plaintiff
15 **A.K.L. As Against Defendants Jackson And Bough)**

16 105. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 104,
17 inclusive, as though set forth in full herein.

18 106. JACKSON, and BOUGH, failed to act in response to allegations of sexual assault being
19 committed against A.K.L. at school, and exhibited deliberate indifference to the risk of harm to
20 A.K.L. from another student at the school, J.V.N, respectively.

21 107. PRINCIPAL JACKSON's misconduct, and deliberate indifference to Plaintiff A.K.L.'s
22 rights, and safety, was unconscionable and included, exercising undue influence over Plaintiff as
23 detailed above. .

24
25 108. PRINCIPAL JACKSON also completely repudiated his mandatory reporting duties under
26 the law, and acquiesced to teachers and guidance counselors doing the same, including, sanctioning
27 the conduct of the school's guidance counselor, DEFENDANT SUSAN, whereby she exercised
28 undue influence over A.K.L., brought her into her office, and admonished her, as further detailed

1 above. SUSAN's threat and intimidation exerted over AKL, as the school's guidance counselor,
2 was approved by PRINCIPAL JACKSON, and ROBERT BOUGH of MVUSD.

3 109. Further, neither BOUGH, PRINCIPAL JACKSON, HUERTAS, or SUSAN, reported the
4 sexual assaults that were committed against A.K.L. to law enforcement or child protective services,
5 in violation of their mandatory duty under Cal.Penal Code § 11166(c). Moreover, neither BOUGH,
6 or PRINCIPAL JACKSON, informed HUERTAS substitute about the sexual assaults and the
7 disciplinary measures put in place – despite their inadequacy – to keep A.K.L. and J.V.M. separated
8 in class, and as a result, A.K.L. and J.V.M. were not separated, and J.V.M. sexually assaulted
9 Plaintiff again, in class. This was a violation of their mandatory duty under Education Code §49079.

10
11 110. JACKSON and BOUGH'S actions and inactions in the training, supervision, or control of
12 their subordinates, exhibited a callous indifference, and constitutional deprivation of A.K.L.'s rights
13 and safety, and a complete disregard of their mandatory reporting obligations and duties under
14 California and federal law. Further, BOUGH and JACKSON'S acquiescence to their subordinates'
15 actions, and disregard of their mandatory reporting obligations, and duties as A.K.L.'s teachers and
16 guidance counselor, exhibited a callous indifference and constitutional deprivation of A.K.L.'s
17 rights and safety.

18
19 111. As Principal, of Honey Hollow, JACKSON may certainly be held liable for failing to
20 control his teachers and aides at his school; and, if Honey Hollow's training about mandatory
21 reporter laws was inadequate, or deliberate to avoid liability, as alleged, then he bears much of the
22 blame.

23
24 **SIXTH CAUSE OF ACTION**
25 **(Violations of Title II of the American with Disabilities Act, and § 504 of the Rehabilitation**
26 **Act; and Unruh Civil Rights Act; By Minor Plaintiff A.K.L. As Against Defendant Moreno**
27 **Valley Unified School District)**

28 112. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 111,
inclusive, as though set forth in full herein.

1 113. As set forth more fully above, Plaintiff A.K.L. is a qualified individual with a disability.

2 114. Defendant M.V.U.S.D. denied her benefits or services by reason of her disability, and the
3 sexual assaults, emotional abuse, and gross misconduct of its personnel denied her equal access to
4 education in violation of the ADA, Rehabilitation Act, and the Unruh Civil Rights Act.

5 115. Defendant M.V.U.S.D. was deliberately indifferent to A.K.L.'s federally protected rights.

6 116. Given the foregoing, and the defendants' complete and wanton refusal to abide by any of
7 their mandatory obligations under state law, and in complete and wanton disregard of Plaintiff's
8 rights under the ADA, the defendants left minor Plaintiff AKL with no other choice but to either
9 continue to be sexually assaulted at Honey Hollow, and receive the special education services she
10 needed, or to leave the Moreno Valley school district, in order to receive said special education
11 services somewhere else.
12

13 117. Honey Hollow was the only other elementary school in the Moreno Valley School District
14 that offered the special education services and support that minor Plaintiff AKL needed, and was
15 entitled to under the ADA, and § 504.
16

17 118. M.V.U.S.D. knew how well minor Plaintiff AKL was doing at Honey Hollow prior to the
18 assaults, and the benefits, and support she was receiving for her disabilities, and what harm to her
19 federally protected rights was substantially likely if she had to change districts.
20

21 119. However, as fully set forth above, M.V.U.S.D. was deliberately indifferent to Plaintiff's
22 rights, and the harm that said change and inaction would have to minor Plaintiff AKL's education
23 and well-being, and therefore, M.V.U.S.D. failed to act; said failure to act was a proximate cause of
24 minor Plaintiff AKL injuries, and substantial damages that she suffered thereto, and will continue to
25 suffer for years to come.

26 120. As such, minor Plaintiff AKL was required to leave M.V.U.S.D. for another school district
27 (away from all of her friends and support) located 20 miles away, because it was the only other
28

1 school in the area that offered the disability services that A.K.L. required, all of which M.V.U.S.D.
2 knew about.

3 121. Prior to the incidents complained of herein, A.K.L. was a “Scholar of the Month” at Honey
4 Hollow, and loved going to school, doing her homework, and was performing very well, despite her
5 disabilities.

6 122. At her present school, minor Plaintiff A.K.L. is the only African American child in her class,
7 and she has substantially digressed academically. A.K.L. has hated going to school since these
8 incidents occurred, will not do her homework, and does not want to go to school at all. At home,
9 A.K.L. has been quiet, despondent, and extremely sad, anxious and depressed. Further, little A.K.L.
10 has developed a tic, which is fairly common for children under considerable stress.
11

12
13 **SEVENTH CAUSE OF ACTION**
14 **(Violations Of Civil Rights California Civil Code § 52.1: Interference By Threats,**
15 **Intimidation, Or Coercion With The Exercise Or Enjoyment Of A Legal Right)**
16 **(By Minor Plaintiff A.K.L. Against All Defendants)**

17 123. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 122,
18 inclusive, as though set forth in full herein.

19 124. As set forth in full above, minor Plaintiff A.K.L. has plausibly alleged that she was denied
20 her equal access to education in violation of the ADA, Rehabilitation Act, and the Unruh Civil
21 Rights Act; that she was coerced, threatened and intimidated by JACKSON and SUSAN in
22 unconscionable and repulsive ways to forego her legal rights and complaints about being sexually
23 assaulted by another student at the school; that she was denied her constitutional rights under the
24 First, Fifth and Fourteenth Amendments, including her Right to Free Speech, Free Association,
25 Invasion of Privacy, and Equal Protection Under the Law, and that M.V.U.S.D. failed to abide by
26 their mandatory reporting obligations under California law.

27 125. Plaintiff has therefore alleged that the defendants violated Cal. Civ. Code § 52.1, by threats,
28 intimidation, and/or coercion, or attempts to interfere by threats, intimidation, and/or coercion, with

1 the exercise or enjoyment of Plaintiff's rights secured by the Constitution or laws of the United
2 States, or of the rights secured by the Constitution or laws of the State of California.

3 126. Said interference by the defendants was through improper means, such as threats,
4 intimidation or coercion, in through multiple attempts to prevent Plaintiff from doing something
5 she had the right to do under the law or to force Plaintiff to do something that he or she was not
6 required to do under the law, such as forgo her rights under the ADA, or report another student for
7 sexually assaulting her.
8

9 127. Plaintiff has sustained actual damages as a result of Defendants' denial, incitement, or aid of
10 Plaintiff's legal rights, the amount of which may be determined by the jury, pursuant to California
11 Civil Code § 52.

12 128. Defendants are therefore liable for each and every offense for the actual damages, and any
13 amount that may be determined by a jury, or a court sitting without a jury, up to a maximum of
14 three times the amount of actual damage but in no case less than four thousand dollars (\$4,000), and
15 any attorney's fees in an amount to be determined by the jury at trial.
16

17 129. Upon information and belief, Defendant Bough, and the administrators of the school district,
18 aided, incited, or conspired with the other defendants, in that denial of Plaintiff's legal rights, and
19 therefore are liable for each and every offense for the actual damages suffered by Plaintiff of being
20 denied that right and, in addition, an amount to be determined by a jury, or a court sitting without a
21 jury, for exemplary damages; a civil penalty of twenty-five thousand dollars (\$25,000); and
22 attorney's fees as may be determined by the court.
23

24 **EIGHTH CAUSE OF ACTION**
25 **(Perpetrator Liability Violation of 42 USC 1983)**
26 **(By Plaintiff LUNDY Against All Defendants)**

27 130. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 129,
28 inclusive, as though set forth in full herein.

1 131. Parents have a fundamental liberty interest in maintaining a relationship with their children
2 which is protected by the Fourteenth Amendment. Specifically, “a parent has a constitutionally
3 protected liberty interest in the companionship and society of his or her child, and [t]he state's
4 interference with that liberty interest without due process of law is remediable under section 1983.
5

6 132. As set forth more fully above, MS. LUNDY was deprived of that interest in appalling and
7 unconscionable ways, that shock the conscience, namely, through the defendants coercive and
8 willful attempts to silence her daughter in regards to the sexual assaults committed against her;
9 exercising undue influence over her daughter and compelling a statement from her to assuage their
10 own guilt and mitigate their liability (without notifying MS. LUNDY, or without her being present);
11 in failing to report the sexual assaults that were occurring against her daughter in complete
12 disregard of their mandatory duties under California law; and forcing MS. LUNDY to choose
13 between keeping her daughter at Honey Hollow, the only school in the district that offered the
14 special education services that her daughter required, and where all of her friends, and support
15 structure was located, in addition to being across the street from their house, and in forcing MS.
16 LUNDY to choose between keeping A.K.L. at Honey Hollow, where she would be subject to
17 additional and unreported sexual assaults from JVN, or finding a new school district to send AKL
18 to.
19
20

21 **NINETH CAUSE OF ACTION**
22 **(Violations Of Civil Rights California Civil Code § 52.1: Interference By Threats,**
23 **Intimidation, Or Coercion With The Exercise Or Enjoyment Of A Legal Right)**
24 **(By Plaintiff LUNDY Against All Defendants)**

25 133. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 132,
26 inclusive, as though set forth in full herein.

27 134. The defendants acts in forcing MS. LUNDY to make an unfathomable decision relative to
28 her daughter’s education, given the circumstances; and in retaliating against A.K.L., and MS.
LUNDY, for demanding that the defendants report the sexual assaults to the proper authorities; and

1 their complete and utter refusal to do so, and other violations of state law, the ADA, and the First
2 Amendment, were coercive and intimidatory, so as to support a claim for MS. LUNDY for the
3 defendants violations of Cal. Civ. Code § 52.1.

4 135. Defendants acts and conduct against MS. LUNDY were threatening, intimidating, and
5 coercion, and were done to interfere by threats, intimidation, and/or coercion, with the exercise or
6 enjoyment of Plaintiff's rights secured by the Constitution or laws of the United States, or of the
7 rights secured by the Constitution or laws of the State of California.

9 136. Plaintiff has sustained actual damages as a result of Defendants' denial, incitement, or aid of
10 Plaintiff's legal rights, the amount of which may be determined by the jury, pursuant to California
11 Civil Code § 52.

12 137. Defendants are therefore liable for each and every offense for the actual damages, and any
13 amount that may be determined by a jury, or a court sitting without a jury, up to a maximum of
14 three times the amount of actual damage but in no case less than four thousand dollars (\$4,000), and
15 any attorney's fees in an amount to be determined by the jury at trial.

17 138. Upon information and belief, Defendant Bough, and the administrators of the school district,
18 aided, incited, or conspired with the other defendants, in that denial of Plaintiff's legal rights, and
19 therefore are liable for each and every offense for the actual damages suffered by Plaintiff of being
20 denied that right and, in addition, an amount to be determined by a jury, or a court sitting without a
21 jury, for exemplary damages; a civil penalty of twenty-five thousand dollars (\$25,000); and
22 attorney's fees as may be determined by the court.

23
24 **PRAYER**

25 WHEREFORE, Plaintiffs request trial by jury and pray judgment against the Defendants as
26 follows:

27 **FIRST CAUSE OF ACTION**
28 (Negligence Per Se Violations Of Cal.Penal Code § 11166)
(By Minor Plaintiff A.K.L. Against All Defendants)

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1. General damages in an amount to be determined by proof at trial.
2. Punitive Damages in an amount to be determined by proof at trial.
3. Medical and related expenses in an amount to be determined by proof at trial.
4. Attorney fees, costs and expenses according to proof.
5. Interest according to law.
6. Costs of this action.
7. Any other and further relief that the Court considers proper.

SECOND CAUSE OF ACTION

(Negligence Per Se Violations Of California Education Code § 49079)
(By Minor Plaintiff A.K.L. Against Defendants Moreno Valley Unified School District, Jackson, and Bough)

1. General damages in an amount to be determined by proof at trial.
2. Medical and related expenses in an amount to be determined by proof at trial.
3. Attorney fees, costs and expenses according to proof.
4. Interest according to law.
5. Costs of this action.
6. Any other and further relief that the Court considers proper.

THIRD CAUSE OF ACTION

(Negligence; Negligent Supervision of Students)
(By Minor Plaintiff A.K.L. Against All Defendants)

1. General damages in an amount to be determined by proof at trial.
2. Medical and related expenses in an amount to be determined by proof at trial.
4. Attorney fees, costs and expenses according to proof.
5. Interest according to law.
6. Costs of this action.
7. Any other and further relief that the Court considers proper.

FOURTH CAUSE OF ACTION

Violation Of Civil Rights Under 42 U.S.C. §§ 1983 By Minor Plaintiff A.K.L. As Against All Of The Defendants)

1. General damages in an amount to be determined by proof at trial.
2. Medical and related expenses in an amount to be determined by proof at trial.
3. Punitive damages as against individual defendants only.
4. Attorney fees, costs and expenses as authorized by 42 U.S.C. § 1988 according to proof.
5. Interest according to law.
6. Costs of this action.
7. Any other and further relief that the Court considers proper.

FIFTH CAUSE OF ACTION

(Violation Of Civil Rights Under 42 U.S.C. §§ 1983 (Supervisory Liability) By Minor Plaintiff A.K.L. As Against Defendants Jackson And Bough)

1. General Damages in an amount to be determined by proof at trial.
2. Medical and related expenses in an amount to be determined by proof at trial.
3. Punitive damages as against individual defendants only.
4. Attorney fees, costs and expenses as authorized by 42 U.S.C. § 1988 according to proof.
5. Interest according to law.
6. Costs of this action.

1 7. Any other and further relief that the Court considers proper.

2 SIXTH CAUSE OF ACTION

3 (Violations of Title II of the American with Disabilities Act, and § 504 of the Rehabilitation Act;
4 and Unruh Civil Rights Act; By Minor Plaintiff A.K.L. As Against Defendant Moreno Valley
5 Unified School District)

- 6 1. General damages in an amount to be determined by proof at trial.
- 7 2. Medical and related expenses in an amount to be determined by proof at trial.
- 8 3. Punitive damages.
- 9 4. Attorney fees, costs, penalties and expenses as authorized by law according to proof.
- 10 5. Interest according to law.
- 11 6. Costs of this action.
- 12 7. Any injunctive and other and further relief that the Court considers proper

13 SEVENTH CAUSE OF ACTION

14 (Violations Of Civil Rights California Civil Code § 52.1: Interference By Threats, Intimidation, Or
15 Coercion With The Exercise Or Enjoyment Of A Legal Right)
16 (By Minor Plaintiff A.K.L. Against All Defendants)

- 17 1. General damages in an amount to be determined by proof at trial.
- 18 2. Medical and related expenses in an amount to be determined by proof at trial.
- 19 3. Punitive damages.
- 20 4. Attorney fees, costs, penalties and expenses as authorized by law according to proof.
- 21 5. Interest according to law.
- 22 6. Costs of this action.
- 23 7. Any injunctive and other and further relief that the Court considers proper

24 EIGHTH CAUSE OF ACTION

25 (Perpetrator Liability Violation of 42 USC 1983)
26 (By Plaintiff LUNDY Against All Defendants)

- 27 1. General Damages in an amount to be determined by proof at trial.
- 28 2. Medical and related expenses in an amount to be determined by proof at trial.
- 29 3. Punitive damages as against individual defendants only.
- 30 4. Attorney fees, costs and expenses as authorized by 42 U.S.C. § 1988 according to proof.
- 31 5. Interest according to law.
- 32 6. Costs of this action.
- 33 7. Any other and further relief that the Court considers proper.

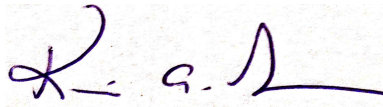
34 NINETH CAUSE OF ACTION

35 (Violations Of Civil Rights California Civil Code § 52.1: Interference By Threats, Intimidation, Or
36 Coercion With The Exercise Or Enjoyment Of A Legal Right)
37 (By Plaintiff LUNDY Against All Defendants)

- 38 1. General damages in an amount to be determined by proof at trial.
- 39 2. Medical and related expenses in an amount to be determined by proof at trial.
- 40 3. Punitive damages.
- 41 4. Attorney fees, costs, penalties and expenses as authorized by law according to proof.
- 42 5. Interest according to law.
- 43 6. Costs of this action.
- 44 7. Any injunctive and other and further relief that the Court considers proper

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THE LANDAU GROUP, PC



By:

Kevin A. Landau (pro hac vice forthcoming)
Zachary R. Landau (pro hac vice forthcoming)
Melinda Romines (State Bar No. 302958)

Attorneys for Plaintiffs

DATED: March 1, 2018