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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

15 JOHN DOE 7000,
16 Plaintiff,
17 v.

18 FULLERTON JOINT UNION HIGH
19 SCHOOL DISTRICT; LA HABRA HIGH
20 SCHOOL; CHARLES RITZ III; and DOES 4-
21 Defendants.
22

Case No.: 30-2020-01126005-CU-NP-CJC
Judge John C. Gastelum

**FIRST AMENDED COMPLAINT FOR
DAMAGES; DEMAND FOR JURY
TRIAL**

- 1) Negligence
- 2) Negligent Supervision
- 3) Negligent Hiring/Retention
- 4) Negligent Failure to Train, Warn or Educate
- 5) Sexual Battery
- 6) Sexual Harassment

**Filed Pursuant to Code of Civil Section
340.1, as Amended by Assembly Bill 218**

1 Plaintiff JOHN DOE 7000 (“Plaintiff”) brings this action against Defendants
2 FULLERTON JOINT UNION HIGH SCHOOL DISTRICT, LA HABRA HIGH SCHOOL,
3 CHARLES RITZ III, and DOES 4-20 (together, “Defendants”), and based on information and
4 belief alleges as follows:

5 **PARTIES**

6 1. Plaintiff is an adult male resident of Orange County, within the State of California.
7 The name utilized by Plaintiff in this Complaint is fictitious to protect his privacy as a victim of
8 child sexual assault and molestation. Plaintiff was born in 1972 and was a minor throughout the
9 period of child sexual assault alleged herein. At all times, Plaintiff resided in Orange County,
10 within the State of California. Plaintiff brings this Complaint pursuant to Code of Civil Procedure
11 Section 340.1, as amended by Assembly Bill 218, for the child assault he suffered at the hands of
12 Defendants. Pursuant to California Government Code Section 905(m), as amended by Assembly
13 Bill 218, Plaintiff is specifically exempt from the claims presentation requirement for his claims
14 against Defendants FULLERTON JOINT UNION HIGH SCHOOL DISTRICT and LA HABRA
15 HIGH SCHOOL. Thus, Plaintiff’s claims for damages suffered as a result of childhood sexual
16 assault is timely filed as it is filed within three years of January 1, 2020.

17 2. Defendant FULLERTON JOINT UNION HIGH SCHOOL DISTRICT
18 (“FJUHSD”) at all times mentioned herein was and is a business entity of form unknown having
19 its principal place of business in Orange County, California. FJUHSD purposely conducts
20 substantial educational business activities in the State of California, and was the primary entity
21 owning, operating and controlling LA HABRA HIGH SCHOOL and the activities and behavior of
22 its employee and agent CHARLES RITZ III.

23 3. Defendant LA HABRA HIGH SCHOOL at all times mentioned herein was and is a
24 business entity of form unknown having its principal place of business in Orange County,
25 California. LA HABRA HIGH SCHOOL is a public educational institution within FJUHSD,
26 operating as a high school and responsible for educating and fostering the intellectual, emotional,
27 and character growth of students approximately 14 years of age through approximately 18 years of
28 age.

1 duties and responsibilities with Defendants included, in part, providing for the supervision,
2 counseling, advisory, educational, and emotional needs and well-being of students at LA HABRA
3 HIGH SCHOOL and other children, including Plaintiff.

4 10. Defendants lodged with RITZ the color of authority, by which he was able to
5 influence, direct and abuse Plaintiff and others, and to act illegally, unreasonably and without
6 respect for the person and safety of Plaintiff.

7 11. As a student at LA HABRA HIGH SCHOOL and FJUHSD, where RITZ was
8 employed and worked, Plaintiff was under RITZ's supervision, care and control, thus creating a
9 special relationship, fiduciary relationship, and/or special care relationship with Defendants, and
10 each of them.

11 12. Additionally, as a minor child under the custody, care and control of Defendants,
12 Defendants stood *in loco parentis* with respect to Plaintiff while he was attending class,
13 participating in extracurricular activities through Defendants, and other school-related functions.
14 As the responsible parties and/or employers controlling RITZ, Defendants were also in a special
15 relationship with Plaintiff and owed special duties to Plaintiff.

16 13. At all times relevant, FJUHSD and LA HABRA HIGH SCHOOL were responsible
17 for the supervision of its employees' and agents' activities, including those of RITZ, and assumed
18 responsibility for the well-being of the minor students in its care, including Plaintiff.

19 14. Plaintiff was sexually assaulted by RITZ. RITZ's sexual assault of Plaintiff is the
20 result of Defendants' cover up, as statutorily defined by Code of Civil Procedure section 340.1(b).

21 **RITZ's History of Sexual Assault of Minor Students**

22 15. Based on information and belief available to Plaintiff, prior to his employment with
23 FJUHSD, which began in 1986, RITZ was a teacher and coach at Lake Bluff Middle School
24 (formerly known as Lake Bluff Junior High) in Lake Bluff, Illinois where he repeatedly engaged
25 in inappropriate and criminal sexual behavior with minor children.

26 16. Based on information and belief available to Plaintiff, throughout his tenure as a
27 teacher and coach at Lake Bluff Middle School, RITZ regularly exposed students to alcohol,
28 drugs, and pornography at parties he hosted for minor male students at his home and the homes of

1 others, in his van, and during overnight trips.

2 17. Based on information and belief available to Plaintiff, RITZ's *modus operandi*,
3 which he employed repeatedly with minor male students, included:

- 4 a. grabbing and touching minor students in an aggressively inappropriate
5 manner under the guise of coaching, roughhousing, and horseplay;
- 6 b. intoxicating minor students with drugs and alcohol before removing his
7 clothing and encouraging minor students to remove their clothing;
- 8 c. openly masturbating in the presence of minor students;
- 9 d. encouraging minor students to engage in mutual masturbation with him and
10 each other;
- 11 e. aggressively encouraging minor students to share a bed with him;
- 12 f. exposing minor students to pornographic movies; and
- 13 g. engaging in oral copulation and/or anal penetration with minor students.

14 18. Based on information and belief available to Plaintiff, for over ten years prior to
15 1985, the Lake Bluff Elementary School District 65 knew of RITZ's inappropriate sexual behavior
16 with minor students.

17 19. Based on information and belief available to Plaintiff, in or around early September
18 1985, a school superintendent initiated an investigation into RITZ's sexual misconduct with minor
19 students.

20 20. Based on information and belief available to Plaintiff, on or about September 25,
21 1985, the Lake Bluff Elementary School District 65 Board of Education held a meeting regarding
22 an investigation into sexual assault allegations against RITZ.

23 21. Based on information and belief available to Plaintiff, on or about September 25,
24 1985, RITZ quietly but immediately resigned mid-academic year from his teaching position in
25 Lake Bluff Elementary School District 65 due to the investigations into his inappropriate sexual
26 conduct with minor students.

27 **Plaintiff's Sexual Assault and Damages**

28 22. Based on information and belief available to Plaintiff, after RITZ resigned from his

1 teaching position in Illinois, he obtained a job as a teacher at LA HABRA HIGH SCHOOL and
2 continued to sexually assault countless children, including Plaintiff.

3 23. Based on information and belief, RITZ formed a surf team at LA HABRA HIGH
4 SCHOOL, which did not have a surf team prior to RITZ's employment at the school. RITZ made
5 himself the surf club coach and advisor. The surf club and RITZ's position as coach and advisor
6 were sanctioned by LA HABRA HIGH SCHOOL and FJUHSD. Although LA HABRA HIGH
7 SCHOOL is approximately 30 miles to the closest beach, RITZ would often take the surf team to
8 practice at San Onofre State Beach, over 60 miles away.

9 24. Based on information and belief, with the knowledge of his supervisors and
10 superiors at LA HABRA HIGH SCHOOL and FJUHSD, RITZ drove minor students on the surf
11 team to San Onofre State Beach and camped overnight, under the pretense that the students could
12 practice surfing at a premiere surfing destination on back-to-back days.

13 25. In approximately 1987, when Plaintiff was in the tenth grade and approximately 15
14 years old, RITZ was his teacher and his surf club advisor at LA HABRA HIGH SCHOOL.

15 26. During the 1987 academic year, RITZ took Plaintiff and other minor male students
16 on an overnight camping trip in San Onofre State Beach.

17 27. During the camping trip, RITZ plied the minor students with alcohol until they
18 were heavily intoxicated.

19 28. After the minor students were intoxicated, RITZ told Plaintiff and one other minor
20 student to enter the tent where RITZ and his girlfriend were staying.

21 29. RITZ engaged in sexual grooming of minor students by telling Plaintiff and
22 another minor student to have sexual intercourse with his girlfriend in RITZ's presence.

23 30. After Plaintiff and the other minor student had sexual intercourse with RITZ's
24 girlfriend, RITZ told them to sleep in the tent with RITZ and his girlfriend.

25 31. As Plaintiff was falling asleep, RITZ sexually assaulted Plaintiff by massaging,
26 manipulating, and fondling Plaintiff's genitals.

27 32. Plaintiff did not, and was unable to, give free or voluntary consent to the sexual
28 acts perpetrated against him by RITZ or his girlfriend, as he was a minor child at the time of the

1 assaults alleged herein. Plaintiff had also been plied with alcohol by RITZ and was heavily
2 intoxicated at the time of the sexual assaults committed against him.

3 33. This conduct constitutes child sexual assault as defined by California Code of Civil
4 Procedure Section 340.1, as modified by Assembly Bill 218, and was a violation of the California
5 Penal Code, including but not limited to Penal Code Sections 266j, 285, 286, 287, 289, 311.4, and
6 647.6.

7 34. Based on information and belief, in approximately 2016, as a result of the above-
8 described conduct in Illinois, Lake Bluff Middle School students brought claims against RITZ in
9 Lake County, Illinois.

10 35. On or about August 30, 2017, RITZ pleaded guilty to public indecency charges
11 related to his sexual assault of Lake Bluff Middle School students.

12 36. In or about early 2017, Plaintiff reported RITZ's inappropriate sexual conduct to La
13 Habra police in Orange County.

14 37. In approximately October 2017, the Orange County District Attorney's Office
15 declined to file charges against RITZ, citing expiration of the six-year statute of limitations.

16 38. As a direct and proximate result of Plaintiff's sexual assault by RITZ, which was
17 enabled and facilitated by Defendants, Plaintiff has suffered economic injury, all to Plaintiff's
18 general, special, and consequential damage in an amount to be proven at trial, but in no event less
19 than the minimum jurisdictional amount of this Court.

20 **Factual Allegations Applicable to FJUHSD, LA HABRA HIGH SCHOOL, and DOES 4-20**

21 39. After RITZ resigned from his teaching position in Illinois, he moved to Orange
22 County, California. In 1986, FJUHSD hired RITZ to teach at LA HABRA HIGH SCHOOL.

23 40. Based on information and belief available to Plaintiff, FJUHSD neglected to
24 conduct a background check on RITZ or to make adequate inquiries as to the nature of the
25 termination of RITZ's prior employment before hiring him into a role that allowed and made
26 certain he would have secluded access to minor children.

27 41. Based on information and belief available to Plaintiff, in the mid to late 1980s, an
28 Assistant Superintendent—who is a senior administrator within FJUHSD and LA HABRA HIGH

1 SCHOOL—was notified that RITZ had resigned from Lake Bluff Elementary School District 65
2 after facing allegations of sexual assault against minor students.

3 42. Throughout his long teaching tenure at LA HABRA HIGH SCHOOL, RITZ had
4 access to minor students as a math teacher, soccer coach, and surf club advisor.

5 43. On numerous occasions, RITZ was permitted by FJUHSD and LA HABRA HIGH
6 SCHOOL to take students on overnight trips.

7 44. Prior to and during the sexual harassment, molestation and assault of Plaintiff,
8 FJUHSD and LA HABRA HIGH SCHOOL knew or had reason to know that RITZ had violated
9 his role as a teacher, coach, advisor and faculty member, and used this position of authority and
10 trust acting on behalf of FJUHSD and LA HABRA HIGH SCHOOL to gain access to children,
11 including Plaintiff, on and off the school facilities and grounds, which access he used to
12 inappropriately touch Plaintiff and countless other students.

13 45. Defendants have a duty to disclose these facts to Plaintiff and others, but
14 negligently and/or intentionally suppressed, concealed or failed to disclose this information. The
15 duty to disclose this information arose by the special, trusting, confidential, and fiduciary
16 relationship between Defendants and Plaintiff. This concealment was aimed at Plaintiff and
17 Plaintiff's parents in that Defendants knew that Plaintiff and Plaintiff's parents stood *in loco*
18 *parentis* with respect to Plaintiff. Thus, such information was essential for Plaintiff to know, as
19 Plaintiff relied upon Defendants maintained a special relationship with Defendants, at all relevant
20 times.

21 46. Defendants knew or should have known of RITZ's propensity and disposition to
22 engage in sexual misconduct with minors before he sexually assaulted and harassed Plaintiff, and
23 knew of the probability that he would harass minors with whom he came into contact, such as
24 Plaintiff.

25 47. Plaintiff is informed and believes, and on that basis alleges, that Defendants knew
26 or should have known and/or were put on notice that RITZ had violated his role as a teacher and
27 club advisor supervising, counseling, teaching and advising students and protecting the safety and
28 well-being of children, and used his position of authority and trust acting on behalf of Defendants

1 to gain access to children, including Plaintiff, on the school facilities and grounds where he would
2 seclude Plaintiff and other minor students, both on and off campus, with and without other adults,
3 groom Plaintiff for sexual assault and ultimately sexually assault Plaintiff, ply Plaintiff with
4 alcohol, and force Plaintiff to engage in sexual conduct with other adults. Such conduct was in
5 front of and/or with the knowledge of other teachers and administrators of Defendants. Despite
6 the fact that Defendants knew or should have known and/or were put on notice of RITZ's conduct,
7 Defendants ratified the sexual misconduct of RITZ by retaining him in employment after
8 discovering his misconduct.

9 48. Plaintiff is informed and believes, and on that basis alleges that the personnel
10 and/or employment records of FJUHSD and LA HABRA HIGH SCHOOL, including personnel
11 and employment records of RITZ, and other records of FJUHSD and LA HABRA HIGH
12 SCHOOL reflect numerous incidents of inappropriate sexual contact and conduct with minor
13 students by RITZ and other professionals, employees, assistance, agents, supervisors and others,
14 including incidents occurring both on and off the physical premises of FJUHSD and LA HABRA
15 HIGH SCHOOL, or would have included such records of incidents of inappropriate sexual contact
16 by RITZ had FJUHSD and/or LA HABRA HIGH SCHOOL conducted an adequate background
17 check before hiring RITZ and maintained adequate procedures for recordkeeping. Based on this
18 conduct and these records, FJUHSD and LA HABRA HIGH SCHOOL knew and/or should have
19 known of RITZ's history of sexual abuse, past claims, past criminal history, past investigations,
20 and his propensity and disposition to engage in unlawful activity and unlawful sexual activity with
21 minor children such that FJUHSD and LA HABRA HIGH SCHOOL knew or should have known
22 that RITZ would commit wrongful sexual acts with those students, including Plaintiff.

23 **FIRST CAUSE OF ACTION**

24 **NEGLIGENCE**

25 **(Against Defendants FJUHSD, LA HABRA HIGH SCHOOL, and DOES 4-20)**

26 49. Plaintiff re-alleges and incorporates by reference herein each and every allegation
27 contained herein above as though fully set forth and brought in this cause of action.

28 50. Defendants' conduct, actions, and omissions served to create an environment in

1 which RITZ was afforded years of continuous secluded access to minor children, including
2 Plaintiff, who was approximately 15 years of age at the time he was sexually abused, molested and
3 assaulted by RITZ.

4 51. Compulsory education laws create a special relationship between students and
5 Defendants, and students have a constitutional guarantee to a safe, secure, and peaceful school
6 environment. Defendants failed to acknowledge unsafe conditions, and therefore failed to
7 guarantee safe surroundings in an environment in which Plaintiff was not free to leave.

8 52. As is set forth herein, Defendants have failed to uphold numerous mandatory duties
9 imposed upon them by state and federal law, and by written policies and procedures applicable to
10 Defendants, including but not limited to the following:

- 11 • Duty to use reasonable care to protect students from known or foreseeable
12 dangers (Government Code §§ 820, 815.2);
- 13 • Duty to refrain from taking official action that contradicts the provisions of
14 Article 1, § 28(c) of the California Constitution;
- 15 • Duty to enact policies and procedures that are not in contravention of the
16 Federal Civil Rights Act, § 1983, and the 14th Amendment of the United States
17 Constitution;
- 18 • Duty to protect students and staff and provide adequate supervision;
- 19 • Duty to properly train teachers, athletic directors, athletic coaches, youth
20 counselors, mentors, administrators, and staff so that they are aware of their
21 individual responsibility for creating and maintaining a safe environment;
- 22 • Duty to supervise faculty and students and enforce rules and regulations
23 prescribed for schools, exercise reasonable control over students as is
24 reasonably necessary to maintain order, protect property, or protect the health
25 and safety of faculty and students or to maintain proper and appropriate
26 conditions conducive to learning;
- 27 • Duty to properly monitor students, prevent or correct harmful situations or call
28 for help when a situation is beyond their control;

- 1 • Duty to ensure that personnel are actually on hand and supervising students;
- 2 • Duty to provide adequate supervision to students;
- 3 • Duty to supervise diligently;
- 4 • Duty to act promptly and diligently and not ignore or minimize problems;
- 5 • Duty to refrain from violating Plaintiff's right to protection from bodily restraint
- 6 or harm, from personal insult, from defamation, and from injury to his personal
- 7 relations (Civil Code § 43);
- 8 • Duty to abstain from injuring the person or property of Plaintiff, or infringing
- 9 upon any of his rights (Civil Code § 1708);
- 10 • Duty to establish various school safety and violence prevention programs
- 11 (Education Code §§ 32228, 32228.5, 35294.10-35294.15).

12 53. Defendants had and have a duty to protect students, including Plaintiff. Defendants
13 were required but failed to provide adequate on and off campus event supervision, and failed to be
14 properly vigilant in ensuring that supervision was sufficient to ensure the safety of Plaintiff and
15 others.

16 54. Defendants had a duty to and failed to adequately train and supervise all
17 counselors, advisors, teachers, coaches, mentors and staff to create a positive, safe, spiritual, and
18 educational environment, specifically including training to perceive, report and stop inappropriate
19 conduct by other members of the staff, specifically including RITZ, with children.

20 55. Defendants were required but failed to exercise careful supervision of the moral
21 conditions in their school. This duty extended beyond the classroom.

22 56. As a direct and proximate result of Defendants' multiple and continuous breaches,
23 Plaintiff has suffered economic injury, all to Plaintiff's general, special, and consequential damage
24 in an amount to be proven at trial, but in no event less than the minimum jurisdictional amount of
25 this Court.

26 57. As a result of the above-described conduct, Plaintiff has suffered and continues to
27 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
28 emotional distress, severe anxiety, depression, feelings of self-blame, hypervigilance, a lost sense

1 of trust, a sense of being tainted, and relationship and intimacy issues, and was prevented and will
2 continue to be prevented from performing daily activities and obtaining the full enjoyment of life.

3 **SECOND CAUSE OF ACTION**

4 **NEGLIGENT SUPERVISION**

5 **(Against Defendants FJUHSD, LA HABRA HIGH SCHOOL, and DOES 4-20)**

6 58. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
7 paragraphs of this Complaint as if fully set forth herein.

8 59. Defendants owed Plaintiff a duty to provide reasonable supervision over RITZ, to
9 use reasonable care in investigating RITZ's background, and to provide adequate warning to
10 Plaintiff, and others, of RITZ's dangerous proclivities.

11 60. Defendants, by and through their respective agents, servants and employees, knew
12 or should have known of RITZ's dangerous and exploitive propensity towards pedophilia.
13 Despite such knowledge, Defendants negligently failed to supervise RITZ, a supervisor of minor
14 children with the proclivity and ability to commit wrongful sexual acts against Plaintiff.

15 61. As an educational institution entrusted with the care of minors, where all students
16 are entrusted to the teachers, counselors, advisors, mentors, coaches, faculty members, and
17 administrators, FJUHSD and LA HABRA HIGH SCHOOL expressly and implicitly represented
18 that these individuals, including RITZ, were not a sexual threat to children and others who would
19 fall under RITZ's influence, control direction, and guidance.

20 62. Defendants were aware or should have been aware of children's significant
21 vulnerability to sexual harassment, molestation and assault by mentors, advisors, teachers,
22 counselor and other persons of authority within the Defendants.

23 63. Defendants breached their duty to Plaintiff by, *inter alia*, failing to adequately
24 monitor and supervise RITZ and failing to stop RITZ from committing wrongful sexual acts with
25 minors, including Plaintiff.

26 64. As a result of the above-described conduct, Plaintiff has suffered and continues to
27 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
28 emotional distress, severe anxiety, depression, feelings of self-blame, shame, hypervigilance, a

1 lost sense of trust, a sense of being tainted, and relationship and intimacy issues, and was
2 prevented and will continue to be prevented from performing daily activities and obtaining the full
3 enjoyment of life.

4 **THIRD CAUSE OF ACTION**

5 **NEGLIGENT HIRING/RETENTION**

6 **(Against Defendants FJUHSD, LA HABRA HIGH SCHOOL, and DOES 4-20)**

7 65. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
8 paragraphs of this Complaint as if fully set forth herein.

9 66. Defendants owed Plaintiff a duty not to hire and/or retain RITZ given his proclivity
10 towards pedophilia, which Defendants knew or should have known had they engaged in a
11 meaningful and adequate investigation of his background.

12 67. As an educational institution entrusted with the care of minors, where all students
13 are entrusted to the teachers, counselors, advisors, mentors, coaches, faculty members and
14 administrators, FJUHSD and LA HABRA HIGH SCHOOL expressly and implicitly represented
15 that these individuals, including RITZ, were not a sexual threat to children and others who would
16 fall under RITZ's influence, control direction, and guidance.

17 68. Defendants were aware or should have been aware of children's significant
18 vulnerability to sexual harassment, molestation and assault by mentors, advisors, teachers,
19 counselors and other persons of authority.

20 69. Defendants should have known that RITZ had previously engaged in dangerous
21 and inappropriate conduct, and it was reasonably foreseeable that RITZ was engaging, or would
22 engage in illicit sexual activities with Plaintiff, and others, under the cloak of his authority,
23 confidence, and trust, bestowed upon him through Defendants.

24 70. As a result of the above-described conduct, Plaintiff has suffered and continues to
25 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
26 emotional distress, severe anxiety, depression, feelings of self-blame, shame, hypervigilance, a
27 lost sense of trust, a sense of being tainted, and relationship and intimacy issues, and was
28 prevented and will continue to be prevented from performing daily activities and obtaining the full

1 enjoyment of life.

2 **FOURTH CAUSE OF ACTION**

3 **NEGLIGENT FAILURE TO TRAIN, WARN, OR EDUCATE**

4 **(Against Defendants FJUHSD, LA HABRA HIGH SCHOOL, and DOES 4-20)**

5 71. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
6 paragraphs of this Complaint as if fully set forth herein.

7 72. Because of the relationship between Plaintiff and Defendants, Defendants had an
8 obligation and duty under the law not to hide material facts and information about RITZ's past and
9 his deviant sexual behavior and propensities. Additionally Defendants had an affirmative duty to
10 inform, warn, and institute appropriate protective measures to safeguard minors who were
11 reasonably likely to come in contact with RITZ.

12 73. Defendants owed Plaintiff a duty to take reasonable protective measures to protect
13 Plaintiff and other minor children in their charge from the risk of sexual assault, harassment and
14 molestation by RITZ by properly warning, training, or educating Plaintiff and other minors about
15 how to avoid such a risk.

16 74. Defendants breached their duty to take reasonable protective measures to protect
17 Plaintiff and other minor children in their charge from the risk of sexual abuse, harassment, and
18 molestation by RITZ, such as the failure to properly warn, train or educate Plaintiff and other
19 minor children in their charge about how to avoid such a risk.

20 75. Defendants breached their duty to take reasonable protective measure to protect
21 Plaintiff and other minor children in their charge from the risk of sexual harassment, molestation
22 and abuse by RITZ by failing to supervise and/or stop RITZ from committing wrongful sexual
23 acts with minor children, including Plaintiff.

24 76. As a result of the above-described conduct, Plaintiff has suffered and continues to
25 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
26 emotional distress, severe anxiety, depression, feelings of self-blame, shame, hypervigilance, a
27 lost sense of trust, a sense of being tainted, and relationship and intimacy issues, and was
28 prevented and will continue to be prevented from performing daily activities and obtaining the full

1 enjoyment of life.

2 **FIFTH CAUSE OF ACTION**

3 **SEXUAL BATTERY**

4 **(Against RITZ and DOES 4-20)**

5 77. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
6 paragraphs of this Complaint as if fully set forth herein.

7 78. During Plaintiff's time as a student at LA HABRA HIGH SCHOOL, RITZ
8 intentionally, recklessly, and wantonly made sexual advances, solicitations, requests, and demands
9 for sexual compliance of a hostile nature based on Plaintiff's gender that were unwelcome,
10 pervasive, and severe. The sexual harassment and abuse included but was not limited to RITZ
11 massaging, manipulating, and fondling Plaintiff's body, including Plaintiff's genitals. These
12 incidents of sexual abuse occurred while Plaintiff was under the control of FJUHSD and LA
13 HABRA HIGH SCHOOL, as well as their agents, acting in their capacity as teachers, counselors,
14 mentors, advisors, and administrators on behalf of Defendants.

15 79. Defendant RITZ did the aforementioned acts with the intent to cause a harmful or
16 offensive contact with an intimate part of Plaintiff's person and would offend a reasonable sense
17 of personal dignity. Further, said acts did cause a harmful or offensive contact with an intimate
18 part of Plaintiff's person that would offend a reasonable sense of personal dignity.

19 80. Because of RITZ's position of authority over Plaintiff, Plaintiff's mental and
20 emotional state, and Plaintiff's young age, Plaintiff was unable to and did not give consent to such
21 acts.

22 81. As a result of the above-described conduct, Plaintiff has suffered and continues to
23 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
24 emotional distress, severe anxiety, depression, feelings of self-blame, shame, hypervigilance, a
25 lost sense of trust, a sense of being tainted, and relationship and intimacy issues, and was
26 prevented and will continue to be prevented from performing daily activities and obtaining the full
27 enjoyment of life.

28 82. In subjecting the Plaintiff to the wrongful treatment alleged herein, RITZ acted

1 willfully and maliciously with the intent to harm Plaintiff and in conscious disregard for Plaintiff's
2 rights so as to constitute malice and oppression under Civil Code section 3294. Plaintiff is
3 therefore entitled to the recovery of punitive damages, in an amount to be determined by the
4 Court, against Defendant RITZ, in a sum to be shown according to proof.

5 **SIXTH CAUSE OF ACTION**

6 **SEXUAL HARRASSMENT**

7 **(Against all Defendants)**

8 83. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
9 paragraphs of this Complaint as if fully set forth herein.

10 84. During Plaintiff's time as a student at LA HABRA HIGH SCHOOL, RITZ
11 intentionally, recklessly, and wantonly made sexual advances, solicitations, requests, and demands
12 for sexual compliance of a hostile nature based on Plaintiff's gender that were unwelcome,
13 pervasive, and severe. The sexual harassment and abuse included but was not limited to RITZ
14 massaging, manipulating, and fondling Plaintiff's body, including Plaintiff's genitals. These
15 incidents of sexual abuse occurred while Plaintiff was under the control of Defendants, as well as
16 their agents, acting in their capacity as teachers, counselors, mentors, advisors, and administrators
17 on behalf of Defendants.

18 85. Because of Plaintiff's relationship with Defendants and Plaintiff's age of minority,
19 Plaintiff was unable to terminate the relationship he had with Defendants.

20 86. Because of RITZ's age and position of authority, physical seclusion of Plaintiff,
21 Plaintiff's mental and emotional state, and Plaintiff's age of minority, Plaintiff was unable to and
22 did not give meaningful consent to Defendants' acts.

23 87. Even though Defendants knew or should have known of these activities by RITZ,
24 Defendants did nothing to investigate, supervise or monitor RITZ to ensure the safety of minor
25 children.

26 88. Defendants' conduct (and the conduct of their agents) was a breach of their duties
27 to Plaintiff.

28 89. As a result of the above-described conduct, Plaintiff has suffered and continues to

1 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
2 emotional distress, severe anxiety, depression, feelings of self-blame, shame, hypervigilance, a
3 lost sense of trust, a sense of being tainted, and relationship and intimacy issues, and was
4 prevented and will continue to be prevented from performing daily activities and obtaining the full
5 enjoyment of life.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff prays for the following relief against Defendants:

- 8 1. For past, present, and future general damages in an amount to be determined at
9 trial;
- 10 2. For past, present, and future special damages, including but not limited to past,
11 present, and future lost earnings, economic damages, and others in an amount to be determined at
12 trial;
- 13 3. For treble damages as a result of FJUHSD's and LA HABRA HIGH SCHOOL's
14 cover up, as authorized by Code of Civil Procedure 340.1(b)(1);
- 15 4. Any appropriate statutory damages;
- 16 5. For cost of suit;
- 17 6. For interest as allowed by law;
- 18 7. For any appropriate punitive or exemplary damages as to Defendant RITZ;
- 19 8. For attorney's fees pursuant to Code of Civil Procedure sections 1021, *et seq.*, 51,
20 *et seq.*, 52 *et seq.*, and 52.4, or otherwise as allowable by law; and

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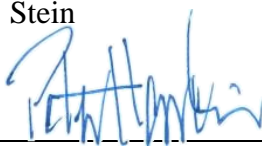
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9. For such other and further relief as the Court may deem proper.

DATED: January 27, 2020

GREENBERG GROSS LLP
Deborah S. Mallgrave
Peter P. Hardin

JEFF ANDERSON & ASSOCIATES
Michael Reck
Michael G. Finnegan
Jennifer E. Stein

By: 

Peter P. Hardin
Attorneys for Plaintiff

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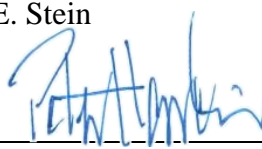
DEMAND FOR JURY TRIAL

Plaintiff JOHN DOE 7000 hereby demands a trial by jury in this matter.

DATED: January 27, 2020

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Peter P. Hardin
Attorneys for Plaintiff