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12 *Attorneys for Plaintiff Krystal Slocum*

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF ORANGE** Commissioner Robert Kohler

15 KRYSTAL SLOCUM, an individual;
16 Plaintiff,

17 v.

18 ANAHEIM UNION HIGH SCHOOL
DISTRICT; and DOES 1-10,

19 Defendants.

Case No. 30-2022-01289723-CU-PO-CJC

COMPLAINT FOR DAMAGES for:

- 1) Negligence
- 2) Negligent Supervision and Retention

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

[Jury Trial Demanded]

22
23
24 Plaintiff Krystal Slocum (hereinafter, "Plaintiff") bring this action against Defendants
25 Anaheim Union High School District ("AUHSD"); and DOES 1-10 (together, "Defendants"), and
26 based on information and belief allege as follows:
27
28

1 **INTRODUCTION**

2 1. Plaintiff is a victim of sexual battery, assault, abuse, and harassment at the hands of
3 Defendants. David Sepe (“Sepe”), a current employee of AUHSD, used his role as a teacher to gain
4 access to and assault Plaintiff. Defendants knowingly, intentionally, willfully, deliberately, and
5 recklessly fostered a pervasive and hostile environment that utterly disregarded the rights and safety
6 of young students who entrusted Defendants with their education and safety. As a result, these
7 young students have suffered humiliation, shame, and torment that continue to impact them on a
8 daily basis.

9 **PARTIES**

10 2. Plaintiff is an adult female presently residing in California. Plaintiff was born in
11 1985.

12 3. At all times relevant to this Complaint, Plaintiff was residing in Orange County,
13 California. Plaintiff was a minor throughout the period of childhood sexual assault alleged herein.
14 Plaintiff brings this Complaint pursuant to Code of Civil Procedure Section 340.1, as amended by
15 Assembly Bill 218, for the childhood sexual assault they suffered at the hands of
16 Defendants. Plaintiff’s claims for damages suffered as a result of childhood sexual assault are timely
17 filed as this Complaint is filed within 22 years of the date plaintiff attained the age of majority, and
18 before December 31, 2022. Pursuant to California Government Code Section 905(m), as amended
19 by Assembly Bill 218, Plaintiff is specifically exempt from the claims presentation requirement for
20 their claims against Defendant AUHSD.

21 4. Defendant AUHSD at all times mentioned herein was and is a public entity of
22 unknown form having its principal place of business in Anaheim, California. AUHSD purposely
23 conducts substantial educational business activities in the State of California, and was the primary
24 entity owning, operating, and controlling Savanna High School (“Savanna HS”), and the activities
25 and behavior of its employee and agent Sepe.

26 5. On information and belief, Sepe has served as a teacher to minor students of AUHSD
27 since approximately 1996 and remains so employed. Sepe served as a teacher at Savanna HS for
28 many years, before he was transferred to Katella High School in AUHSD.

1 6. Pursuant to California Government Code sections 815.2 and 820, AUHSD is liable
2 through the acts or omissions of its employees, agents, servants and/or joint venturers acting within
3 the course and scope of their employment.

4 7. The true names and capacities, whether individual, corporate, partnership, associate,
5 or otherwise, of Defendants DOES 1-10, inclusive, are unknown to Plaintiff. Accordingly, Plaintiff
6 sues DOES 1-10 by such fictitious names pursuant to section 474 of the California Code of Civil
7 Procedure. Plaintiff will seek leave to amend this Complaint to allege their true names and capacities
8 when they are ascertained. Plaintiff is informed and believe and thereon allege that DOES 1-10 are
9 legally responsible in some manner for the events, happenings, and/or tortious and unlawful conduct
10 that caused the injuries and damages alleged in this Complaint.

11 8. On information and belief, at all times material hereto, Defendants were the agents,
12 representatives, servants, employees, partners, and/or joint venturers of each and every other
13 Defendant and were acting within the course and scope of said alternative capacity, identity, agency,
14 representation and/or employment and were within the scope of their authority, whether actual or
15 apparent. Each of the Defendants is responsible in some manner for one or more of the events and
16 happenings described herein. Each Defendant approved and/or ratified the conduct of each other
17 Defendant. Consequently, each Defendant is jointly and severally liable to Plaintiff for the damages
18 sustained as a proximate result of his, her, or its conduct. Each of the Defendants proximately caused
19 the injuries and damages alleged.

20 9. Each of the Defendants aided and abetted each other Defendant. Each Defendant
21 knowingly gave substantial assistance to each other Defendant who performed the wrongful conduct
22 alleged herein. Accordingly, each Defendant is jointly and severally liable for the damages
23 proximately caused by each other Defendant's wrongful conduct.

24 10. Each of the Defendants is, and at all relevant times herein mentioned was, the co-
25 conspirator of each other Defendant, and, therefore, each Defendant is jointly and severally liable to
26 Plaintiff for the damages sustained as a proximate result of each other Defendant. Each Defendant
27 entered into an express or implied agreement with each of the other Defendants to commit the
28

1 wrongs herein alleged. This includes, but is not limited to, the conspiracy to perpetrate sexual
2 violence against Plaintiff and other young students of Defendant AUHSD.

3 11. Whenever reference is made to “Defendants” in this Complaint, such allegation shall
4 be deemed to mean the acts of Defendants acting individually, jointly, and/or severally.

5 **GENERAL FACTUAL ALLEGATIONS**

6 ***I. Defendants Employed Sepe and Provided Him Unrestricted Access to Minor Students,***
7 ***Enabling Sepe to Groom and Sexually Assault Plaintiff.***

8 12. On information and belief, Defendant AUHSD hired Sepe to work as a teacher within
9 AUHSD. At all times relevant hereto, Sepe was an adult male who worked as a teacher at Savanna
10 HS. In his role as a teacher at Savanna HS, Sepe was under the direct supervision, employ, agency,
11 and control of AUHSD, and worked closely with students, including Plaintiff.

12 13. As a teacher, and with the endorsement of Defendant AUHSD, Sepe stood in a
13 position of power, respect, confidence, trust, and authority amongst Plaintiff and numerous other
14 young students.

15 ***II. Sepe Grooms and Sexually Assaults Plaintiff.***

16 14. In or around the 2000-2001 school year, Plaintiff was a sophomore at Savanna HS
17 within AUHSD. AUHSD enrolled Plaintiff in Sepe’s history class, wherein Sepe was employed to
18 teach Plaintiff. At this time, Plaintiff was approximately 15 years old.

19 15. Using his authority as Plaintiff’s teacher, Sepe began grooming Plaintiff throughout
20 that academic year. Sepe’s sexual grooming of Plaintiff was open and obvious, and Defendant
21 AUHSD should have noticed the grooming and taken steps to inquire or investigate Sepe’s conduct.
22 On information and belief, several students and teachers observed and were aware of the
23 inappropriate amount of time Sepe spent with Plaintiff, and Sepe’s flirtatious behavior toward
24 Plaintiff. Throughout this year, Plaintiff and several other girls would spend time and eat lunch in
25 Sepe’s classroom. It was well-known on campus that Sepe had “groupies,” all of whom were young
26 female students that spent an inappropriate amount of time with him. In fact, when Sepe revealed
27 that he would dress up as Batman for Halloween, Plaintiff and some of the other girls decided to
28 dress as the “Batgirls” to complement his costume. Many of these young girls would spend hours

1 in his classroom after school, sometimes spending time with him into the evening. On information
2 and belief, it was obvious to teachers, students, and staff that, although these girls were spending
3 time on campus with Sepe, these afternoon and evening hours were not just spent on school
4 activities.

5 16. On one occasion, Plaintiff wrote a short story for her English class wherein she was
6 fawning over Mr. Sepe. After reading the story, a teacher at AUHSD pulled Plaintiff aside and told
7 her to stay away from Sepe because he was a “bad guy.” On information and belief, that teacher
8 failed to take any additional action or protect Plaintiff from Sepe. Furthermore, AUHSD failed to
9 take any action.

10 17. During Plaintiff’s junior year, when she was only 16 years old, Sepe selected Plaintiff
11 to be his teaching assistant. She would spend almost every day with Sepe, helping him prepare for
12 his classes. By selecting her as a teaching assistant, Sepe demonstrated his clear favoritism and held
13 her out as special. On information and belief, it was well-known to the faculty, staff, administration,
14 and students that Plaintiff spent an inordinate amount of time with Sepe and that their so-called
15 relationship went beyond that of a teacher and student. Unfortunately, AUHSD failed to act, which
16 allowed Sepe continued and consistent access to Plaintiff during the next two years.

17 18. After months of grooming and clearly flirtatious behavior, Sepe began flirting with
18 Plaintiff in his classroom after school. On at least one occasion, Sepe kissed Plaintiff in his
19 classroom. Plaintiff quickly pushed him off, afraid she would get in trouble.

20 19. It was during this same year that Sepe began inviting Plaintiff to visit his apartment
21 in Fullerton. In fact, Plaintiff became so familiar with Sepe’s home that she is able to describe its
22 layout in detail. Sepe would take Plaintiff off-campus in his vehicle during the last class period of
23 the day, or immediately after school. After spending time together, Sepe would return to campus to
24 coach sports. On the numerous occasions when Plaintiff visited his apartment, Sepe sexually
25 assaulted Plaintiff.

26 20. Sepe’s consistent grooming behaviors and obvious favoritism over the years
27 convinced Plaintiff that Sepe loved her and that they were in a “relationship.” His special treatment
28 of her and professions of love, combined with Plaintiff’s young age, allowed Sepe to manipulate her

1 into unwavering loyalty. Even during the months after their sexual “relationship” ended, Plaintiff
2 still found it difficult to admit that Sepe sexually abused her, as she was terrified of getting him in
3 trouble.

4 21. On information and belief, AUHSD did not take any action against Sepe in
5 connection with these events. In fact, AUHSD did not take any action to prevent Sepe from spending
6 inappropriate amounts of time with minor students, flirting with his students, or otherwise acting
7 inappropriately towards minors. Consequently, Sepe was allowed continued access to minor
8 students.

9 **III. *Sepe is Subsequently Arrested for His Sexual Assaults of Another Student Before Being***
10 ***Transferred to Katella High School in AUHSD.***

11 22. Shortly after suffering similar sexual abuse as Plaintiff during her senior year,
12 STUDENT 1 confronted Plaintiff regarding the abuse. In response, Plaintiff confirmed that she too
13 had been abused by Sepe and tried to warn STUDENT 1 to stay away from Sepe. Thereafter,
14 STUDENT 1 reported the sexual assaults to a trusted teacher and counselor at Savanna High School.
15 Only then did AUHSD finally take action and report Sepe to law enforcement. Shortly thereafter,
16 Sepe was arrested and tried for his sexual abuse of STUDENT 1.

17 23. During the investigation, law enforcement attempted to confront Plaintiff about the
18 allegations that she too had suffered sexual abuse from Sepe. However, as a result of fear,
19 humiliation, embarrassment, shame, and Sepe’s calculated manipulation of her, Plaintiff refused to
20 cooperate with law enforcement and denied that Sepe sexually abused her. On information and
21 belief, law enforcement and the counselors at Savanna HS recognized that Plaintiff was lying, as
22 they approached her numerous times to discuss Sepe and the allegations of abuse. The sheer number
23 of times she was approached and offered the opportunity to make a statement about Sepe’s sexual
24 abuse suggests that law enforcement and the counselors at AUHSD knew Plaintiff was lying to
25 protect Sepe out of a misguided sense of loyalty.

26 24. Unfortunately, the prosecution was unable to prove their case beyond a reasonable
27 doubt, and Sepe was acquitted. Despite all of the information learned during this process, on
28 information and belief, Defendant AUHSD re-employed Sepe at Katella High School, in or around

1 2008. Instead of protecting their minor students, AUHSD simply moved Sepe to another school
2 within the district.

3 **IV. AUHSD Was Negligent in Its Duties to Plaintiff and Ratified Sepe's Misconduct.**

4 25. Plaintiff did not, and were unable to, give free or voluntary consent to the sexual acts
5 perpetrated against them by Sepe as she was a minor at the time of the assaults alleged herein.

6 26. On multiple occasions, Plaintiff was the victim of unlawful grooming, sexual assault,
7 sexual battery, harassment, and abuse by Sepe. The incidents occurred on the Savanna HS property
8 including, but not limited to, the classroom during school and after-school hours, while under the
9 care and supervision of Defendants.

10 27. The sexual acts perpetrated upon Plaintiff constitute childhood sexual assault as
11 defined by California Code of Civil Procedure Section 340.1, as modified by Assembly Bill 218,
12 and were a violation of the California Penal Code, including, but not limited to, Penal Code Sections
13 226j, 289, 311.4(d)(1) and 647.6.

14 28. As set forth herein, Sepe was an adult male employed by AUHSD as a teacher at
15 Savanna HS. In such capacity, Sepe was under the direct supervision, employ, agency, and control
16 of AUHSD and DOES 1-10. Therefore, AUHSD had a special relationship with Sepe, and thus a
17 duty to warn and protect Plaintiff from harm by Sepe.

18 29. At all times relevant herein, Sepe's duties and responsibilities with AUHSD included,
19 in part, providing for the supervision, counseling, advisory, educational, and emotional needs and
20 well-being of the students of Savanna HS.

21 30. Plaintiff is informed and believes, and thereon alleges, that at all times relevant
22 herein, AUHSD owned, operated, maintained, controlled, and staffed Savanna HS. AUHSD
23 promoted Savanna HS as a safe place where its students could obtain a quality and safe education.

24 31. Plaintiff is informed and believes, and thereon alleges, that in hiring Sepe as a teacher,
25 AUHSD gave Sepe full power, control, and authority to provide teaching, mentoring, and/or
26 counseling services to students. By continuing to employ Sepe, AUHSD held Sepe out to be a
27 professional and safe teacher.

28

1 32. As a teacher, and with the endorsement of AUHSD, Sepe stood in a position of power,
2 respect, confidence, trust, and authority among Plaintiff and numerous other minor students.
3 Defendants lodged with Sepe the color of authority, through which they were able to influence,
4 direct, and assault Plaintiff, and to act illegally, unreasonably, and without respect for the person and
5 safety of Plaintiff.

6 33. At all times relevant hereto, AUHSD was responsible for the supervision of its
7 employees' and agents' activities, including those of Sepe, and assumed responsibility for the well-
8 being of the minors in its care, including Plaintiff.

9 34. Additionally, as minor children under the custody, care, and control of Defendants,
10 Defendants stood *in loco parentis* with respect to Plaintiff while she attended class, other educational
11 and extracurricular activities, and other school-related functions associated with Savanna HS. As
12 the responsible party and/or employer controlling Sepe, AUHSD also was in a special relationship
13 with Plaintiff and owed special duties to Plaintiff.

14 35. Prior to and during the sexual harassment, molestation, and assault of Plaintiff,
15 AUHSD knew or should have known, or was otherwise on notice, that Sepe had violated his role as
16 a teacher and used his position of authority and trust acting on behalf of AUHSD to gain access to
17 children, including Plaintiff, on and off AUHSD's facilities and grounds, which Sepe used to
18 inappropriately touch, molest, abuse, and assault Plaintiff.

19 36. AUHSD is liable both directly and as a result of vicarious liability for the failure of
20 its administrative staff to reasonably supervise its employees. *See C.A. v. Williams S. Hart Union*
21 *High School Dist.* (2012) 53 Cal.4th 861, 868.

22 37. It simply cannot be disputed under California law that a special relationship and
23 heightened duty extended to Plaintiff in these circumstances. "A special relationship is formed
24 between a school district and its students resulting in the imposition of an affirmative duty on the
25 school district to take all reasonable steps to protect its students." *See M.W. v. Panama Buena Vista*
26 *Union School Dist.* (2003) 110 Cal. App. 4th 508, 517, 520.

27 38. Pursuant to the inquiry notice standards applicable to this situation "[i]t is not
28 necessary to prove that the very injury which occurred must have been foreseeable by the school

1 authorities in order to establish that their failure to provide additional safeguards constituted
2 negligence. Their negligence is established if a reasonably prudent person would foresee that
3 injuries of the same general type would be likely to happen in the absence of such safeguards.” *J.H.*
4 *v. Los Angeles Unified School Dist.* (2010) 183 Cal. App.4th 123, 146. Furthermore, it is well-
5 settled that “[f]oreseeability is determined in light of all the circumstances and does not require prior
6 identical events or injuries.” *M.W., supra*, 110 Cal. App 4th at 516.

7 39. Specific acts of grooming, in and of themselves, may constitute sexual assault. Cal.
8 Penal Code § 647.6. It is also foreseeable to AUHSD that Sepe’s grooming behaviors could lead to
9 more severe acts of sexual assault if unchecked. This is particularly true in light of the specific
10 grooming that took place in this case.

11 40. AUHSD had inquiry notice of the risks presented by Sepe, as alleged herein, and had
12 special relationships with Sepe and Plaintiff that required it to warn and protect Plaintiff from the
13 abuse by Sepe.

14 41. Defendants had a duty to disclose these facts to Plaintiff, her parents, and others, but
15 negligently and/or intentionally suppressed, concealed, or failed to disclose this information for the
16 express purpose of maintaining Sepe’s image as an ethical, wholesome, safe, and trusted teacher and
17 coach. The duty to disclose this information arose from the special, trusting, confidential, fiduciary,
18 and *in loco parentis* relationship between Defendants and Plaintiff.

19 42. On information and belief, Defendants ratified and authorized Sepe’s sexual assaults
20 of Plaintiff by (1) failing to properly investigate Sepe and the numerous instances of behavior that
21 put AUHSD on notice that Sepe had sexually assaulted Plaintiff; (2) failing to supervise and/or stop
22 Sepe from committing wrongful acts with minor children; (3) actively shielding Sepe from
23 responsibility for his sexual assaults of Plaintiff; (4) allowing Sepe to groom and yield authority over
24 minor students as a teacher of AUHSD; (5) failing to take reasonable steps or implement reasonable
25 safeguards to protect Plaintiff and other minor children in their charge from the risk of sexual assault,
26 harassment, and molestation, including by failing to enact or follow adequate policies and
27 procedures or failing to ensure their policies and procedures were followed; (6) failing to properly
28 warn, train or educate AUHSD’s staff members about how to spot red flags in other staff members’

1 behavior with minor students; (7) failing to report Sepe's abuse of Plaintiff to law enforcement when
2 staff members and faculty first entertained suspicions of Sepe's inappropriate and flirtatious
3 relationship with Plaintiff; (8) failing to immediately terminate Sepe's employment with AUHSD
4 upon the presentation of complaints to AUHSD; (9) re-hiring Sepe and transferring him to another
5 school with AUHSD after his sexual abuse of students was discovered, thereby ratifying the assaults;
6 and (10) holding out Sepe to the AUHSD community at large as being in good standing and
7 trustworthy as a person of stature and integrity.

8 43. As a direct and proximate result of Plaintiff's sexual assaults by Sepe, which was
9 enabled and facilitated by AUHSD, Plaintiff has suffered injury, all to Plaintiff's general, special,
10 and consequential damage in an amount to be proven at trial, but in no event less than the minimum
11 jurisdictional amount of this Court.

12 **FIRST CAUSE OF ACTION**

13 **NEGLIGENCE**

14 **(Against All Defendants)**

15 44. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
16 paragraphs of this Complaint as if fully set forth herein.

17 45. Pursuant to California Government Code section 815.2, Defendants are liable for
18 injuries proximately caused by the acts or omissions of its employees, agents, servants and/or joint
19 venturers, where such acts or omissions were within the course and scope of employment.

20 46. Defendants' conduct, actions, and omissions served to create an environment in
21 which Sepe was afforded years of continuous secluded access to minor children, including Plaintiff,
22 who were sexually abused, molested and assaulted by Sepe between the ages of 14 and 17 years old.

23 47. Compulsory education laws create a special relationship between students and
24 Defendants, and students have a constitutional guarantee to a safe, secure, and peaceful school
25 environment. Defendants failed to acknowledge and correct unsafe conditions and red flags in
26 Sepe's behavior, and therefore failed to guarantee safe surroundings in an environment in which
27 Plaintiff was not free to leave. Because of the special relationship with Plaintiff, AUHSD had a duty
28 to protect her from peril.

1 48. As is set forth herein, Defendants have failed to uphold numerous mandatory duties
2 imposed upon them by state and federal law, and by written policies and procedures applicable to
3 Defendants, including, but not limited to, the following: (1) duty to use reasonable care to protect
4 students from known or foreseeable dangers; (2) duty to protect students and staff and provide
5 adequate supervision; (3) duty to supervise faculty and students and enforce rules and regulations
6 prescribed for schools in an effort to create appropriate conditions conducive to learning; (4) duty to
7 act promptly and diligently and not ignore or minimize problems; (5) duty to warn Plaintiff and other
8 students of potential harm; and (6) duty to refrain from violating Plaintiff's right to protection from
9 bodily restraint or harm.

10 49. Defendants had and have a duty to protect students, including Plaintiff, who were
11 entrusted to Defendants' care. Defendants owed Plaintiff, as minors at the time, a special duty of
12 care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults
13 dealing with minors owe to protect them from harm. Defendants were required, but failed, to provide
14 adequate supervision and failed to be properly vigilant in ensuring that such supervision was
15 sufficient to ensure the safety of Plaintiff and others.

16 50. Defendants were required but failed to exercise careful supervision of the moral
17 conditions in their school. This duty extended beyond the classroom. Defendants had a duty to put
18 rules and regulations in place to protect their students from the possibility of childhood sexual abuse
19 at the hands of AUHSD's teachers, staff, employees, and volunteers, regardless of the location of
20 the abuse itself. Instead AUHSD turned a blind eye to the sexual exploitation of minors under its
21 care by its employees.

22 51. Moreover, the teachers, administration, and staff at AUHSD had a duty under the
23 California Child Abuse and Neglect Act to report instances where they knew or reasonably suspected
24 a child has been the victim of child abuse. Based on the comments various teachers made to Plaintiff
25 regarding Sepe, those teachers had a reasonable suspicion of child abuse, and therefore had a duty
26 to report to a child protective agency, but failed to comply with that duty.

27 52. Defendants had a duty to and failed to adequately train and supervise all counselors,
28 advisors, teachers, administrators, mentors and staff to create a positive, safe, and educational

1 environment. Such specific obligations include training to perceive, report and stop inappropriate
2 conduct with minors by other members of the staff, employees, and volunteers. Defendants owed
3 Plaintiff a duty to institute reasonable measures to protect Plaintiff and other minor children in their
4 charge from the risk of sexual assault, harassment and molestation by Sepe by properly warning,
5 training, or educating AUHSD's staff members about how to spot red flags in other staff members',
6 employees', and volunteers' behavior with minor students.

7 53. As a teacher at Savanna HS, Sepe had unique access to, and held a position of
8 authority among, students who were attending Savanna HS and their families who either belonged
9 to and attended AUHSD or approved of their minor children doing so, like Plaintiff's parents.

10 54. Defendants, by and through its agents, servants, and employees, knew or reasonably
11 should have known of Sepe's sexually abusive and exploitative propensities and/or that Sepe was an
12 unfit agent. It was foreseeable that if Defendants did not adequately exercise or provide the duty of
13 care owed to minors in their care, the minors entrusted to Defendants' care would be vulnerable to
14 sexual assault by Sepe.

15 55. Defendants breached their duty of care to Plaintiff by (1) failing to properly
16 investigate Sepe and the numerous instances of behavior that clearly raised red flags; (2) failing to
17 supervise and/or stop Sepe from committing wrongful acts with minor children; (3) actively
18 shielding Sepe from responsibility for his sexual assaults of Plaintiff; (4) allowing Sepe to groom
19 and yield authority over minor students on and off campus; (5) failing to take reasonable steps or
20 implement reasonable safeguards to protect Plaintiff and other minor children in their charge from
21 the risk of sexual assault, harassment, and molestation, including by failing to enact or follow
22 adequate policies and procedures or failing to ensure their policies and procedures were followed;
23 (6) failing to properly warn, train or educate AUHSD's staff members about how to spot red flags
24 in other staff members' behavior with minor students; (7) failing to report Sepe's abuse of Plaintiff
25 to law enforcement when staff members and faculty first entertained suspicions of Sepe's
26 inappropriate and flirtatious relationship with Plaintiff; (8) failing to immediately terminate Sepe's
27 employment with AUHSD upon the presentation of complaints to AUHSD; (9) retaining Sepe and
28 transferring him to another school with AUHSD after his sexual abuse of students was discovered,

1 thereby ratifying the assaults; and (10) holding out Sepe to the AUHSD community at large as being
2 in good standing and trustworthy as a person of stature and integrity.

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

7 57. As a result of the above-described conduct, Plaintiff has suffered and continues to
8 suffer emotional distress, physical manifestations of emotional distress, anxiety, a lost sense of trust,
9 and were prevented and will continue to be prevented from performing daily activities and obtaining
10 the full enjoyment of life, all in an amount exceeding the jurisdictional minimum of the Superior
11 Court according to proof at trial.

12 **SECOND CAUSE OF ACTION**

13 **NEGLIGENT SUPERVISION AND RETENTION**

14 **(Against All Defendants)**

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

17 59. Pursuant to California Government Code section 815.2, AUHSD is liable for injuries
18 proximately caused by the acts or omissions of its employees, agents, servants and/or joint venturers,
19 where such acts or omissions were within the course and scope of employment.

20 60. As an educational institution entrusted with the care of minors, where all students are
21 entrusted to the teachers, counselors, advisors, mentors, faculty members, volunteers and
22 administrators, AUHSD expressly and implicitly represented that these individuals, including Sepe,
23 were not a sexual threat to minors and others who would fall under Sepe's influence, control,
24 direction, and guidance.

25 61. It is well-settled that a school district, such as AUHSD, has a duty to supervise its
26 students and employees. Supervision requires more than simply the presence of staff or
27 administration on campus. It requires the knowledge and care as an institution as to the types of
28 foreseeable harm that a student may encounter, and protecting against those harms by establishing,

1 implementing, and enforcing adequate policies and procedures. Supervision requires adequate
2 training, adequate staff, and adequate involvement by staff and administration.

3 62. AUHSD failed to provide such supervision to the Plaintiff by allowing Sepe to be
4 alone with minor students in violation of its own policies and/or the applicable standard of care.
5 AUHSD failed to take reasonable measures to prevent the grooming and childhood sexual abuse of
6 its students.

7 63. On information and belief, AUHSD did not have in place a system or procedure to
8 reasonably investigate, supervise and monitor teachers, employees, staff, and volunteers nor
9 safeguards designed to prevent sexual grooming and sexual abuse of children. Even if such
10 procedures existed on paper, AUHSD did not implement any system or procedure to oversee or
11 monitor conduct towards minors, students and others in its care during the time period at issue.

12 64. Once hired by AUHSD, Sepe undertook to openly and obviously groom multiple
13 students, including Plaintiff. It thus appears that school leadership, staff and employees were not
14 able to recognize the signs of grooming by Sepe due to inappropriate training or lack thereof. Even
15 when they did recognize the signs of an inappropriate and flirtatious relationship with Plaintiff, as
16 evidenced by the comments the teachers made to Plaintiff, teachers, administrators, and faculty
17 failed to report their suspicions to law enforcement.

18 65. On information and belief, had school leadership and staff been trained to recognize
19 red flags associated with grooming, they would have undertaken to cease, report and stop the
20 behavior of Sepe before Plaintiff was actually sexually assaulted.

21 66. By the time Plaintiff was sexually abused by Sepe, AUHSD knew or should have
22 known of the ongoing grooming and abuse of Plaintiff, but due to its lack of training, failed to
23 recognize those signs. Furthermore, even if they did recognize the signs or have suspicions regarding
24 Sepe's abuse of Plaintiff, the faculty, administration, and staff of AUHSD did not report their
25 suspicions to law enforcement.

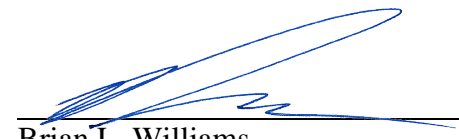
26 67. AUHSD was aware or should have been aware of its students' significant
27 vulnerability to sexual harassment, molestation and assault by mentors, advisors, teachers,
28 counselors, employees, staff, volunteers, and other persons of authority within AUHSD.

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- 4. For cost of suit;
- 5. For interest as allowed by law; and
- 6. For such other and further relief as the Court may deem proper.

DATED: October 31, 2022

GREENBERG GROSS LLP

By: 
Brian L. Williams
Jemma E. Dunn
Bailee B. Pelham

JEFF ANDERSON & ASSOCIATES
Michael Reck
Hagerey Mengistu
Attorneys for Plaintiff

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in this action for any and all claims so triable.

DATED: October 31, 2022

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By:



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