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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **COUNTY OF LOS ANGELES**

15 JANE DOE 7061,  
16 Plaintiff,  
17 v.  
18 LOS ANGELES UNIFIED SCHOOL  
DISTRICT, a public entity; and DOES 2-20,  
19 Defendants.  
20  
21  
22  
23

Case No. 22STCV31619  
**FIRST AMENDED 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]**

24  
25 Plaintiff JANE DOE 7061 (“Plaintiff”) brings this action against Defendants LOS  
26 ANGELES UNIFIED SCHOOL DISTRICT (“LAUSD”), a public entity; and DOES 2 through 20  
27 (together, “Defendants”), and based on information and belief alleges as follows:  
28

**FILED**  
Superior Court of California  
County of Los Angeles  
**11/04/2022**  
Sherri R. Carter, Executive Officer / Clerk of Court  
By:           M. Marquez           Deputy

1 **INTRODUCTION**

2 1. Plaintiff, a former student of LAUSD, is the victim of sexual battery, assault,  
3 abuse, and harassment at the hands of LAUSD’s then-employee Miguel Angel Rivera (“Rivera”).  
4 Rivera, who at all times relevant to the claims set forth herein was a LAUSD campus police  
5 officer and employee of LAUSD, took advantage of his position and authority to gain access to,  
6 groom, and sexually assault and abuse Plaintiff on school grounds and during the school day on  
7 multiple occasions.

8 2. By turning a blind eye to the abundant red flags in Rivera’s behavior, LAUSD  
9 knowingly, intentionally, willfully, deliberately, negligently, and recklessly fostered a hostile  
10 environment that utterly disregarded the rights and safety of young students who were entrusted to  
11 Defendants for their care and education. As a result, Plaintiff has suffered, and will continue to  
12 suffer for the rest of her life, the humiliation, shame, and distress associated with and caused by  
13 Defendants.

14 **PARTIES**

15 3. Plaintiff is an adult female residing in Los Angeles County, within the State of  
16 California. At all times relevant to this Complaint, Plaintiff was residing in Los Angeles County,  
17 California. Plaintiff was born in 1979 and was a minor throughout the period of childhood sexual  
18 assault alleged herein. Plaintiff brings this Complaint pursuant to Code of Civil Procedure Section  
19 340.1, as amended by Assembly Bill 218, for the childhood assault she suffered at the hands of  
20 Defendants. Thus, Plaintiff’s claims for damages suffered as a result of childhood sexual assault  
21 are timely filed as they are filed within three years of January 1, 2020. Pursuant to California  
22 Government Code Section 905(m), as amended by Assembly Bill 218, Plaintiff is specifically  
23 exempt from the claims presentation requirement for her claims against Defendant LAUSD.

24 4. Defendant LAUSD at all times mentioned herein was and is a public entity with its  
25 principal place of business in Los Angeles County, California. LAUSD purposely conducts  
26 substantial educational business activities in the State of California, and was the primary entity  
27 owning, operating, and controlling Mount Vernon Junior High School (now known as Johnnie L.  
28

1 Cochran Junior Middle School), and the activities and behavior of its employees and agents,  
2 including Rivera and DOES 2 through 20.

3         5.         At all times relevant herein, Rivera was an adult male employed by LAUSD as a  
4 campus police officer, coach, employee, and otherwise acted as an agent of LAUSD, while  
5 working at Mount Vernon Junior High School (“Mount Vernon”). Accordingly, at all times  
6 mentioned herein, LAUSD controlled and supervised Rivera as its employee and/or agent when he  
7 sexually assaulted, molested, and abused Plaintiff. Rivera eventually committed suicide during his  
8 criminal prosecution for sexually assaulting Plaintiff.

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

12         7.         The true names and capacities, whether individual, corporate, partnership,  
13 associate, or otherwise, of Defendants DOES 2 through 20, inclusive, are unknown to Plaintiff.  
14 Accordingly, Plaintiff sues DOES 2 through 20 by such fictitious names pursuant to section 474 of  
15 the California Code of Civil Procedure. Plaintiff will seek leave to amend this Complaint to allege  
16 their true names and capacities when they are ascertained. Plaintiff is informed and believes and  
17 thereon alleges that DOES 2 through 20 are legally responsible in some manner for the events,  
18 happenings, and/or tortious and unlawful conduct that caused the injuries and damages alleged in  
19 this Complaint.

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

1           9.       Each of the Defendants aided each other Defendant and perpetrator. Each  
2 Defendant knowingly gave substantial assistance to each other Defendant and perpetrator who  
3 performed the wrongful conduct alleged herein. Accordingly, each Defendant is jointly and  
4 severally liable for the damages proximately caused by each other Defendant's and/or  
5 perpetrator's wrongful conduct.

6           10.       Each of the Defendants is, and at all relevant times herein mentioned was, the co-  
7 conspirator of each other Defendant and perpetrator, and, therefore, each Defendant is jointly and  
8 severally liable to Plaintiff for the damages sustained as a proximate result of each other  
9 Defendant or perpetrator. Each Defendant entered into an express or implied agreement with each  
10 of the other Defendants or perpetrator to commit the wrongs herein alleged. This includes, but is  
11 not limited to, the conspiracy to perpetrate sexual violence against Plaintiff.

12           11.       Whenever reference is made to "Defendants" in this Complaint, such allegation  
13 shall be deemed to mean the acts of Defendants, including but not limited to LAUSD's employee  
14 and perpetrator Rivera, acting individually, jointly, and/or severally.

15                                   **GENERAL FACTUAL ALLEGATIONS**

16 ***I.       LAUSD Employed Rivera and Afforded Him Unfettered Access to Minor Students,***  
17 ***Allowing Him to Groom and Sexually Assault Plaintiff.***

18           12.       Defendant LAUSD hired Rivera as a campus police officer at Mount Vernon, located  
19 within LAUSD. In his role as a police officer and coach at Mount Vernon, Rivera was under the  
20 direct supervision, employ, agency, and control of LAUSD, and worked closely with students,  
21 including Plaintiff.

22           13.       In or around 1993, when Plaintiff was approximately 14 years old, she attended an  
23 after-school karate class taught by Rivera at Mount Vernon. Using his authority as Plaintiff's coach  
24 and campus police officer, Rivera began openly grooming Plaintiff by giving her special attention  
25 in an effort to gain her trust.

26           14.       Rivera started driving Plaintiff home from school and inquiring about the intimate  
27 details of Plaintiff's home life. Rivera leveraged physical abuse that Plaintiff was suffering at home  
28 to comfort her during and after school hours at Mount Vernon. Rivera gave Plaintiff small gifts

1 including a keychain and police badge pin from the Los Angeles School Police Department. Rivera  
2 began intimately touching Plaintiff under the guise of comforting her.

3 15. Rivera's repeated displays of favoritism toward Plaintiff and Rivera's habit of driving  
4 Plaintiff away from campus should have been an open and obvious red flag to other coaches, teachers,  
5 staff, and administration at the school.

6 16. After several weeks of grooming, when Plaintiff was approximately 14 years old, and  
7 after having earned her trust and having established his authority over her, Rivera began sexually  
8 assaulting Plaintiff.

9 17. For the first instance of physical abuse, Plaintiff attended Rivera's karate class.  
10 Afterward, Rivera took Plaintiff into his office on campus at Mount Vernon. Rivera fondled Plaintiff,  
11 hugged her, kissed her, and attempted to penetrate Plaintiff.

12 18. Soon thereafter, Rivera escalated his abuse. Rivera called Plaintiff out of class during  
13 the school day. Plaintiff left her class, walked across campus, entered the administrative building,  
14 and walked past several administrative staff to get to Rivera's office. Rivera closed and locked the  
15 door to his windowless office and sexually assaulted Plaintiff again. On this second occurrence,  
16 Rivera fondled and penetrated Plaintiff, keeping her out of class for the majority of the class period.

17 19. Continuing his established routine, Rivera continued calling Plaintiff out of her  
18 classes to rape her more than *twenty times* during the 1993-1994 school year *on campus* and *during*  
19 *school hours*. In fact, practically each time she was assaulted, Plaintiff would miss the majority of  
20 the class period from which she had been summoned.

21 20. Rivera's habit of summoning Plaintiff out of class for no apparent legitimate purpose  
22 should have been an open and obvious red flag to other coaches, teachers, staff, and administration  
23 at the school. Rivera's frequent, lengthy visits alone with Plaintiff unsupervised in his office were  
24 clear red flags that inappropriate activities could be/were taking place.

25 **II. Plaintiff's Mother Reported Rivera's Sexual Assaults.**

26 21. In or around the Fall of 1994, Plaintiff's mother discovered contemporaneous written  
27 journal entries regarding Rivera's abuse. Plaintiff bravely acknowledged and disclosed Rivera's rapes  
28 to the police.

1           22.     Rivera was criminally charged with seven felony counts and Plaintiff testified against  
2 him during the criminal proceedings.

3           23.     Plaintiff was medically examined during the course of the criminal case. The  
4 examination revealed that Plaintiff had contracted a sexually transmitted infection, which she could  
5 only have received from Rivera. On information and belief, Rivera had the same sexually transmitted  
6 infection. Plaintiff's first and only sexual experience at that time was when she was raped by Rivera.

7           24.     After Plaintiff testified, and after the Court ordered Rivera to give a blood sample,  
8 Rivera committed suicide.

9 **III.    LAUSD Was Negligent In Its Duties to Plaintiff and Lacked Policies and Procedures to**  
10 **Prevent the Sexual Assault.**

11          25.     At all times relevant hereto, Rivera was an adult male employed by LAUSD as a  
12 trusted campus officer at Mount Vernon. In such capacity, Rivera was under the direct  
13 supervision, employ, agency, and control of LAUSD and DOES 2 through 20. As a result,  
14 LAUSD had a special relationship with Rivera, and thus had a duty to warn and protect Plaintiff  
15 from harm by him. Rivera's duties and responsibilities with LAUSD included, in part, providing  
16 for the supervision and protection of students at Mount Vernon.

17          26.     At all times relevant herein, LAUSD owned, operated, maintained, controlled, and  
18 staffed Mount Vernon. LAUSD promoted Mount Vernon as a safe place where students could  
19 obtain a quality and safe education.

20          27.     Plaintiff is informed and believes and thereon alleges, that in employing Rivera as a  
21 campus officer at Mount Vernon, Defendants gave Rivera full power, control, and authority to  
22 provide services to LAUSD's students. By continuing to employ Rivera, LAUSD held him out to  
23 be a professional and safe campus officer at Mount Vernon.

24          28.     As an employee, and with the endorsement of LAUSD, Rivera stood in a position  
25 of power, respect, confidence, trust, and authority in relation to Plaintiff and numerous other  
26 young children. Defendants lodged with Rivera the color of authority, by which he was able to  
27 influence, direct, and assault Plaintiff, and to act illegally, unreasonably, and without respect for  
28 the person and safety of Plaintiff.

1           29.     As a student at Mount Vernon, where Rivera was employed and worked, Plaintiff  
2 was under Rivera’s and LAUSD’s supervision, care, and control, which created a special  
3 relationship.

4           30.     It was through this position of trust and confidence that Rivera exploited Plaintiff  
5 and was able to continue his sexual assault and battery of her. All of the sexually abusive and  
6 harassing conduct alleged herein was done to satisfy Rivera’s own prurient sexual desires.

7           31.     The sexual acts perpetrated upon Plaintiff by Rivera constitute childhood sexual  
8 assault as defined by California Code of Civil Procedure Section 340.1, as modified by Assembly  
9 Bill 218, and were a violation of the California Penal Code, including, but not limited to, Penal  
10 Code Sections 287, 289, and 647.6.

11          32.     Additionally, since Plaintiff was a minor child under the custody, care, and control  
12 of Defendants, Defendants stood in *loco parentis* with respect to Plaintiff while she attended class  
13 and other school-related functions through LAUSD. As the responsible party and/or employer  
14 controlling Rivera, LAUSD also was in a special relationship with Plaintiff and owed special  
15 duties to Plaintiff.

16          33.     Prior to and during the sexual harassment, molestation and assault of Plaintiff,  
17 LAUSD knew or should have known, or was otherwise on notice, that Rivera had violated his role  
18 as a campus officer and used his position of authority and trust, acting on behalf of LAUSD, to  
19 gain access to children, specifically Plaintiff, on LAUSD’s facilities and grounds, which he used  
20 to inappropriately touch, molest, abuse and assault Plaintiff.

21          34.     LAUSD is liable for the failure of its administrative staff to reasonably supervise its  
22 employees. (See *C.A. v. Williams S. Hart Union High Sch. Dist.* (2012) 53 Cal.4th 861, 868.)

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

28

1           36. Pursuant to the inquiry notice standards applicable to this situation “[i]t is not  
2 necessary to prove that the very injury which occurred must have been foreseeable by the school  
3 authorities in order to establish that their failure to provide additional safeguards constituted  
4 negligence. Their negligence is established if a reasonably prudent person would foresee that  
5 injuries of the same general type would be likely to happen in the absence of such safeguards.”  
6 (*J.H. v. Los Angeles Unified Sch. Dist.* (2010) 183 Cal.App.4th 123, 146; See also *Mary M. v. City*  
7 *of Los Angeles* (1991) 54 Cal.3d 202, 217 [“it is neither startling nor unexpected that on occasion  
8 an officer will misuse [his] authority by engaging in assaultive conduct.”].)

9           37. It is well settled that “[f]oreseeability is determined in light of all the  
10 circumstances and does not require prior identical events or injuries.” (*M.W. v. Panama Buena*  
11 *Vista Union Sch. Dist.* (2003) 110 Cal.App.4th 508, 519.) Furthermore, “school administrators  
12 who fail to prevent sexual abuse are not absolved of moral responsibility simply because they did  
13 not have ‘actual knowledge’ an employee previously engaged in sexual misconduct.” (*Doe v.*  
14 *Lawndale Elementary Sch. Dist.* (2021) 72 Cal.App.5th 113, 135 [affirming that school district  
15 and administrators have a duty to protect students from sexual abuse by school employees].)

16           38. The act of grooming, in and of itself, is a crime under California law. It is also  
17 foreseeable to LAUSD that Rivera’s grooming behavior could lead to sexual assault if unchecked.  
18 This is particularly true in light of the specific grooming that took place in this case.

19           39. LAUSD had inquiry notice of the risks presented by Rivera, as alleged herein, and  
20 had a special relationship with Plaintiff that required it to warn and protect Plaintiff from the abuse  
21 of Rivera.

22           40. Defendants had a duty to disclose these facts to Plaintiff, her parents, and others,  
23 but negligently and/or intentionally suppressed, concealed, or failed to disclose this information  
24 for the express purposes of maintaining LAUSD’s image as an ethical, wholesome, safe, and  
25 trusted educational institution. The duty to disclose this information arose from the special,  
26 trusting, confidential, fiduciary, and *in loco parentis* relationship between Defendants and  
27 Plaintiff.

28



1           41. Plaintiff is informed and believes, and thereon alleges, LAUSD failed to take  
2 reasonable steps and adopt adequate safeguards to prevent the sexual assault of minor students  
3 under its care. By failing to adopt such policies and procedures, LAUSD failed to protect minor  
4 students under its care and supervision, specifically Plaintiff. Instead, Defendants ignored and/or  
5 permitted Rivera’s improper behavior to continue, which ultimately led to the multiple instances  
6 of sexual abuse suffered by Plaintiff.

7 **IV. *Doe I is Vicariously Liable For Rivera’s Abuse of His Authority as a Sworn Peace***  
8 ***Officer to Abuse Plaintiff.***

9           42. LAUSD is also vicariously liable for Rivera’s tortious conduct as a result of the  
10 Rivera’s misuse of official authority that LAUSD vested in him. Rivera summoned Plaintiff to his  
11 security office, locked the door, and coerced Plaintiff into physically submitting to his sexual  
12 assaults and remaining silent, by taking advantage of his authority and control as a law  
13 enforcement officer. Accordingly, Rivera was acting in the course of his employment when he  
14 sexually assaulted Plaintiff. (See *Mary M. v. City of Los Angeles* (1991) 54 Cal.3d 202, 221.)

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

19   **FIRST CAUSE OF ACTION**

20   **NEGLIGENCE**

21   **(Against All Defendants)**

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

24           45. Pursuant to California Government Code section 815.2, Defendant LAUSD is  
25 liable for injuries proximately caused by the acts or omissions of its employees, agents, servants  
26 and/or joint venturers, where such acts or omissions were within the course and scope of  
27 employment.  
28

1           46. Defendants' employees' conduct, actions, and omissions served to create an  
2 environment in which Rivera was afforded continuous secluded access to minor children,  
3 including Plaintiff, who was sexually abused, molested and assaulted by Rivera when she was  
4 approximately 14 years old.

5           47. Compulsory education laws create a special relationship between students and  
6 school districts, and students have a constitutional guarantee to a safe, secure, and peaceful school  
7 environment. Defendants failed to acknowledge and correct unsafe conditions and red flags in a  
8 sexual predator's behavior, and therefore failed to guarantee safe surroundings in an environment  
9 in which Plaintiff was not free to leave. Because of the special relationship with Plaintiff, LAUSD  
10 had a duty to protect her from peril.

11           48. As is set forth herein, Defendants have failed to uphold numerous mandatory duties  
12 imposed upon them by law, and by written policies and procedures applicable to Defendants,  
13 including, but not limited to, the following: (1) duty to use reasonable care to protect students  
14 from known or foreseeable dangers; (2) duty to protect students and staff and provide adequate  
15 supervision; (3) duty to supervise employees and students and enforce rules and regulations  
16 prescribed for schools, exercise reasonable control over students as is reasonably necessary to  
17 maintain order, protect property, or protect the health and safety of employees and students or to  
18 maintain proper and appropriate conceptions conducive to learning; (4) duty to act promptly and  
19 diligently and not ignore or minimize problems; (5) duty to warn Plaintiff and other students of  
20 potential harm; and (6) duty to refrain from violating Plaintiff's right to protection from bodily  
21 restraint or harm.

22           49. Defendants had a duty to protect students, including Plaintiff, who were entrusted  
23 to Defendants' care. Defendants owed Plaintiff, as a child at the time, a special duty of care, in  
24 addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing  
25 with children owe to protect them from harm. Defendants were required, but failed, to provide  
26 adequate supervision and failed to be properly vigilant in ensuring that such supervision was  
27 sufficient to ensure the safety of Plaintiff and others.

28

1           50. Defendants were required but failed to exercise careful supervision of the moral  
2 conditions in their school. This duty extended beyond the classroom and class periods.  
3 Defendants had a duty to put rules and regulations in place to protect their students from the  
4 possibility of childhood sexual abuse at the hands of LAUSD’s campus officers and staff.

5           51. Defendants had a duty to and failed to adequately train and supervise all  
6 employees, campus officers, and staff to create a positive, safe, and educational environment,  
7 specifically including training to perceive, report and stop inappropriate conduct by other  
8 members of the staff, specifically including Rivera, with children.

9           52. Defendants owed Plaintiff a duty to institute reasonable protective measures to  
10 protect Plaintiff and other minor children in their charge from the risk of sexual assault,  
11 harassment, and molestation by Rivera by properly warning, training, or educating LAUSD’s staff  
12 members how to spot red flags in other staff members’—specifically Rivera’s—behavior with  
13 minor students.

14           53. On information and belief, Defendants failed to take reasonable steps or implement  
15 reasonable safeguards to avoid acts of childhood sexual assault, including by failing to enact  
16 adequate policies and procedures or failing to ensure their policies and procedures were followed.

17           54. By virtue of Rivera’s unique authority and position as a campus officer, he was  
18 able to identify vulnerable children, such as Plaintiff, upon whom he could perform sexual  
19 assaults; to manipulate his authority to procure compliance with his sexual demands; to induce  
20 Plaintiff to allow the sexual assaults to continue; and to coerce Plaintiff not to report it to any other  
21 persons or authorities. As a campus officer within LAUSD, Rivera had unique access to, and held  
22 a position of authority among, students who were attending Mount Vernon, like Plaintiff who  
23 belonged to and attended LAUSD.

24           55. Defendants, by and through their agents, servants, and employees, knew or  
25 reasonably should have known of Rivera’s sexually abusive and exploitative propensities and/or  
26 that Rivera was an unfit agent. It was foreseeable that if Defendants did not adequately exercise or  
27 provide the duty of care owed to children in their care, including but not limited to Plaintiff, the  
28 children entrusted to Defendants’ care would be vulnerable to sexual assault by Rivera.

1           56. Defendants breached their duty of care to Plaintiff by (1) allowing Rivera to come  
2 into contact with Plaintiff as a child without proper supervision; (2) by failing to properly  
3 investigate Rivera and his red flag behavior; (3) by failing to supervise and/or stop Rivera from  
4 committing wrongful sexual acts with minor children, specifically Plaintiff; (4) by failing to take  
5 reasonable steps and/or implement reasonable safeguards to protect Plaintiff and other minor  
6 children in their charge from the risk of sexual assault, harassment, and molestation, including by  
7 failing to enact adequate policies and procedures or failing to ensure their policies and procedures  
8 were followed; (5) by failing to inform or concealing from Plaintiff's parents, guardians, or law  
9 enforcement agencies that Rivera was or may have been sexually abusing a minor; (6) by failing to  
10 properly train their employees on how to identify suspicious conduct and report such conduct to  
11 supervisors and law enforcement; and (7) by holding Rivera out to Plaintiff, her parents, and the  
12 LAUSD community at large as being in good standing and trustworthy as a person of stature and  
13 integrity.

14           57. As a direct and proximate result of Defendants' multiple and continuous breaches,  
15 Plaintiff has suffered injury, all to Plaintiff's general, special, and consequential damages in an  
16 amount to be proven at trial, but in no event less than the minimum jurisdictional amount of this  
17 Court.

18           58. As a result of the above-described conduct, Plaintiff has suffered and continues to  
19 suffer in many ways, including but not limited to pain of mind and body, depression, anxiety,  
20 post-traumatic stress disorder, obsessive compulsive disorder, other personality disorders, a lost  
21 sense of interest and pleasure in activities, trouble concentrating, memory issues, problems  
22 sleeping, sense of an unfulfilled life, feelings of anger, emotional distress, headaches, trust issues,  
23 feeling uncomfortable in groups, feeling isolated, sadness, shame, embarrassment, irritability,  
24 feelings of weakness, feelings of being powerless, hyper vigilant, feeling less worthy than others,  
25 feelings of being tainted, loss of sexual desire/activity, relationship and intimacy issues, sexual  
26 dysfunction, self-esteem issues, fearfulness, regressive behaviors, feelings of guilt, and was  
27 prevented and will continue to be prevented from performing daily activities and obtaining the full  
28 enjoyment of life.

1 **SECOND CAUSE OF ACTION**

2 **NEGLIGENT SUPERVISION AND RETENTION**

3 **(Against All Defendants)**

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

6 60. Pursuant to California Government Code section 815.2, Defendant LAUSD is  
7 liable for injuries proximately caused by the acts or omissions of its employees, agents, servants  
8 and/or joint venturers, where such acts or omissions were within the course and scope of  
9 employment.

10 61. As an educational institution entrusted with the care of minors, where all students  
11 are entrusted to the campus officers, teachers, counselors, advisors, mentors, faculty members, and  
12 administrators, LAUSD expressly and implicitly represented that these individuals, including  
13 DOE 2, were not a sexual threat to children and others who would fall under LAUSD's influence,  
14 control, direction, and guidance.

15 62. It is well-settled that a school district, such as LAUSD, has a duty to supervise its  
16 students and employees. Supervision requires more than simply the presence of staff or  
17 administration on campus. It requires the knowledge and care as an institution as to the types of  
18 foreseeable harm that a student may encounter, and protecting against those harms by establishing,  
19 implementing, and enforcing adequate policies and procedures. Supervision requires adequate  
20 training, adequate staff, and adequate involvement by staff and administration.

21 63. LAUSD failed to provide such supervision to Plaintiff by allowing Rivera to be  
22 alone and unsupervised with minor students in violation of its own policies and/or the applicable  
23 standard of care. LAUSD failed to take reasonable measures to prevent the grooming and  
24 childhood sexual abuse of its students, including Plaintiff.

25 64. On information and belief, LAUSD did not have in place policies, systems or  
26 procedures to reasonably investigate, supervise and monitor its campus officers and staff, nor  
27 safeguards designed to prevent pre-sexual grooming and sexual abuse of children. Even if such  
28 policies and procedures existed on paper, LAUSD did not implement any system of procedure to

1 oversee or monitor conduct towards minors, students and others in its care during the time period  
2 at issue.

3 65. On information and belief, had school leadership and staff been adequately trained  
4 to recognize red flags associated with grooming, they would have undertaken to cease, report and  
5 stop the behavior of Rivera before Plaintiff was actually sexually assaulted, as explained herein.

6 66. By the time Plaintiff was sexually assaulted on a regular basis by Rivera, LAUSD  
7 knew or should have known of the ongoing grooming and abuse of Plaintiff, but due to their lack  
8 of training, employees failed to recognize the signs and/or failed to stop the abuse.

9 67. Defendants were aware or should have been aware of minor students' significant  
10 vulnerability to sexual harassment, molestation and assault by mentors, advisors, campus officers,  
11 administrators, and other persons of authority within LAUSD.

12 68. Defendants owed Plaintiff a duty to provide reasonable supervision of both Plaintiff  
13 and Rivera, to use reasonable care in investigating Rivera, and to provide adequate warning to  
14 Plaintiff and her family, and to families of other minor students who were entrusted to LAUSD, of  
15 Rivera's sexually abusive and exploitative propensities and unfitness.

16 69. Defendants owed Plaintiff a duty to not retain Rivera given his proclivity towards  
17 pedophilia, which Defendants knew, or should have known had they engaged in any meaningful  
18 supervision over the employees and agents using their facilities and/or conducted a meaningful  
19 and adequate investigation of the red flags in Rivera's behavior.

20 70. Defendants, by and through their agents, servants and employees, knew or should  
21 have known of Rivera's sexually abusive and exploitative propensities and/or that he was an unfit  
22 agent. Despite such knowledge, Defendants negligently failed to supervise Rivera in his position  
23 of trust and authority as a campus officer, in which position he was able to commit the wrongful  
24 acts against Plaintiff alleged herein.

25 71. Defendants failed to provide reasonable supervision of Rivera, failed to use  
26 reasonable care in investigating Rivera, and failed to provide adequate warning to Plaintiff and her  
27 family regarding Rivera's sexually abusive and exploitative propensities and unfitness.

28

1 Defendants further failed to take reasonable measures to prevent future sexual assault despite clear  
2 warning and signs that such sexual assaults were taking place.

3 72. Defendants failed to properly evaluate Rivera's conduct and performance as an  
4 employee of, or provider of services to Defendants, and failed to exercise the due diligence  
5 incumbent upon employers to investigate employee misconduct, or to take appropriate disciplinary  
6 action. Defendants negligently continued to retain Rivera in service as a campus officer, working  
7 or providing services for Defendants, which enabled him to continue engaging in the sexually  
8 abusive and predatory behavior described herein.

9 73. Defendants should have known that Rivera had engaged in dangerous and  
10 inappropriate conduct, and it was reasonably foreseeable that Rivera was engaging, or would  
11 engage in illicit sexual activities with Plaintiff, under the cloak of this authority, confidence, and  
12 trust, bestowed upon him through Defendants.

13 74. Defendants breached their duty to Plaintiff by, *inter alia*, failing to adequately  
14 monitor and supervise Rivera, failing to stop Rivera from committing wrongful sexual acts with  
15 Plaintiff, and continuing to retain Rivera despite clear warning and signs that sexual assaults of a  
16 minor was taking place.

17 75. As a direct and proximate result of Defendants' multiple and continuous breaches,  
18 Plaintiff has suffered injury, all to Plaintiff's general, special, and consequential damages in an  
19 amount to be proven at trial, but in no event less than the minimum jurisdictional amount of this  
20 Court.

21 76. As a result of the above-described conduct, Plaintiff has suffered and continues to  
22 suffer in many ways, including but not limited to pain of mind and body, depression, anxiety,  
23 post-traumatic stress disorder, obsessive compulsive disorder, other personality disorders, a lost  
24 sense of interest and pleasure in activities, trouble concentrating, memory issues, problems  
25 sleeping, sense of an unfulfilled life, feelings of anger, emotional distress, headaches, trust issues,  
26 feeling uncomfortable in groups, feeling isolated, sadness, shame, embarrassment, irritability,  
27 feelings of weakness, feelings of being powerless, hyper vigilant, feeling less worthy than others,  
28 feelings of being tainted, loss of sexual desire/activity, relationship and intimacy issues, sexual

1 dysfunction, self-esteem issues, fearfulness, regressive behaviors, feelings of guilt, and was  
2 prevented and will continue to be prevented from performing daily activities and obtaining the full  
3 enjoyment of life.

4 ¶77 – ¶ 87 reserved.<sup>1</sup>

5 **PRAYER FOR RELIEF**

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

- 7 1. For past, present, and future general damages in an amount to be determined at  
8 trial;
- 9 2. For past, present, and future special damages, including economic damages in an  
10 amount to be determined at trial;
- 11 3. Any appropriate statutory damages;
- 12 4. For cost of suit;
- 13 5. For interest as allowed by law;
- 14 6. For attorney’s fees pursuant to Code of Civil Procedure section 1021.5 or otherwise  
15 as allowable by law; and
- 16 7. For such other and further relief as the Court may deem proper.

17 DATED: November 4, 2022

GREENBERG GROSS LLP

18  
19 By: 

\_\_\_\_\_  
20 Brian L. Williams  
Daniel S. Cha  
Emily R. Mayers

21 JEFF ANDERSON & ASSOCIATES  
22 Michael Reck  
23 Hageray Mengistu

24 *Attorneys for Plaintiff Jane Doe 7061*

25 \_\_\_\_\_  
26 <sup>1</sup> Since Plaintiff filed the original Complaint on September 27, 2022, the Fourth Appellate  
27 District decided *K.M. et al., v. Grossmont Union High School*, No. D075957, 2022 WL 14391790  
28 (Cal. Ct. App. Oct. 25, 2022). In light of this decision, Plaintiff had decided to dismiss the cause of  
action for sexual harassment pursuant to Civil Code § 51.9 for now.



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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: November 4, 2022

GREENBERG GROSS LLP

By: 

Brian L. Williams  
Daniel S. Cha  
Emily R. Mayers

JEFF ANDERSON & ASSOCIATES  
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