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Electronically  
**FILED**  
by Superior Court of California, County of San Mateo  
ON 2/1/2021  
By /s/ Anthony Berini  
Deputy Clerk

6 Attorneys for Plaintiffs

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF SAN MATEO – UNLIMITED JURISDICTION**

10 JANE DOE #1 (A.M.); and JANE DOE #2  
11 (M.V.);

12 Plaintiffs,

13 vs.

14 MILLBRAE SCHOOL DISTRICT dba  
15 TAYLOR MIDDLE SCHOOL, a public entity;  
16 and DOES 1 through 100, inclusive;

17 Defendants.

Case No.: 21-CIV-00482

**COMPLAINT FOR PERSONAL  
INJURIES AND DAMAGES**

**DEMAND FOR JURY TRIAL**

18  
19 Plaintiffs, JANE DOE #1 (A.M.) and JANE DOE #2 (M.V.) bring this Complaint against  
20 Defendants MILLBRAE SCHOOL DISTRICT dba TAYLOR MIDDLE SCHOOL, a public  
21 entity, and DOES 1 through 100, inclusive, as follows:

22 **GENERAL ALLEGATIONS**

23 1. Plaintiff JANE DOE #1 (A.M.) is using a fictitious name in this Complaint under  
24 rights to privacy granted by the Constitution of the State of California due to the sensitive nature  
25 of this case. If, for any reason, any Defendant cannot accurately determine the identity of Plaintiff  
26 JANE DOE #1 (A.M.), their attorney can contact Plaintiff's attorney at the number on the face  
27 sheet of the Complaint, and the true name of Plaintiff JANE DOE #1 (A.M.) will be provided.

28 2. Plaintiff JANE DOE #1 (A.M.) is a resident of the City of Los Angeles, County of

1 Los Angeles, State of California.

2 3. Plaintiff JANE DOE #2 (M.V.) is using a fictitious name in this Complaint under  
3 rights to privacy granted by the Constitution of the State of California due to the sensitive nature  
4 of this case. If, for any reason, any Defendant cannot accurately determine the identity of Plaintiff  
5 JANE DOE #2 (M.V.), their attorney can contact Plaintiff's attorney at the number on the face  
6 sheet of the Complaint, and the true name of Plaintiff JANE DOE #2 (M.V.) will be provided.

7 4. Plaintiff JANE DOE #2 (M.V.) is a resident of the City of San Jose, County of  
8 Santa Clara, State of California.

9 5. Defendant MILLBRAE SCHOOL DISTRICT dba TAYLOR MIDDLE SCHOOL  
10 ("MSD"), DOES 1 through 10, and their respective governing boards and/or superintendents,  
11 administrators, agents, and employees, operate and control Taylor Middle School (hereinafter, the  
12 "School"), located at 850 Taylor Boulevard, Millbrae, CA 94030. Defendants DOES 11 through  
13 25 are employees and agents of the School who owed a duty of care to Plaintiff and breached that  
14 duty of care.

15 6. Defendant MSD is a public-school district existing under the laws of the State of  
16 California. Defendant MSD is located in the City of Millbrae, County of San Mateo, State of  
17 California. The School is located on land owned and operated by Defendant MSD. Defendant  
18 DOES 26 through 40 are employees and agents of Defendant MSD who owed a duty of care to  
19 Plaintiff and breached that duty of care.

20 7. Defendant MSD owns, operates, and/or controls the School through provision of  
21 services to the School. Such services included the provision of faculty, staff and administrators,  
22 funds, instructional services, business services, human resources, risk management, policies and  
23 procedures, loss prevention, loss control, staff development, training, screening and recruitment,  
24 student services, safe facilities and management of teacher, staff, and student safety.

25 8. Ethel Molina is the teacher both Plaintiffs have identified as the person who  
26 sexually molested, harassed, and abused Plaintiffs, and is presently known as and hereinafter will  
27 be referred to as "Ms. Molina."

28 9. Ms. Molina committed multiple acts of sexual molestation, harassment and abuse

1 against Plaintiffs and other female students during the 2013-2014 school year while Plaintiffs  
2 were seventh grade students at the School.

3 10. Mrs. Molina was hired, employed, and/or retained by Defendant MSD.

4 11. Jurisdiction and venue are proper in San Mateo County Superior Court because the  
5 acts giving rise to this Complaint occurred in this county and Defendants reside in this county.

6 12. Pursuant to California Code of Civil Procedure §340.1(a)(1-3), this Complaint is  
7 timely filed. Plaintiffs were minors at the time they suffered the sexual assaults inflicted by Ms.  
8 Molina in 2013 and 2014.

9 13. DOES 1 through 100, and each of them, are negligent or otherwise responsible in  
10 some manner for the events and happenings herein referred to, and negligently or otherwise  
11 caused the injuries and damages proximately thereby to Plaintiff as herein alleged.

12 14. The true names and capacities of each defendant designated herein as DOES 1  
13 through 100, whether an individual, business, public entity, or some other entity, are presently  
14 unknown to Plaintiff, who therefore sues said defendants by such fictitious names, pursuant to  
15 Code of Civil Procedure section 474. Each DOE defendant is responsible in some actionable  
16 manner for the events alleged herein. Plaintiff will amend the Complaint to state the true names  
17 and capacities of said defendants when the same have been ascertained.

18 15. Each of the defendants sued herein as DOES 1 through 100 was the agent and  
19 employee of each of the remaining defendants and was at all times acting within the course and  
20 scope of such agency and employment with the full knowledge, consent, authority, ratification  
21 and/or permission of each of the remaining defendants.

22 16. Wherever appearing in this complaint, each and every reference to Defendants, or  
23 any of them, is intended to include, and shall be deemed to include, all fictitiously named  
24 defendants.

25 17. This case involves multiple occurrences of sexual molestation, abuse, harassment,  
26 assault, and battery on Plaintiffs while they were students at the School throughout Plaintiffs'  
27 seventh-grade school year. The occurrences/incidents occurred on the premises of Taylor Middle  
28 School, including in Ms. Ethel Molina's classroom, and other locations on the Taylor Middle

1 School campus, while it was owned, operated, or otherwise controlled by MSD.

2 18. Plaintiffs specifically identified the woman who sexually molested, abused,  
3 harassed, and assaulted them as Ms. Molina, an employee of Defendant MSD.

4 19. Plaintiffs attended the School as students. Ms. Molina was employed by  
5 Defendant MSD. At all relevant times mentioned herein, Ms. Molina was hired, retained, and/or  
6 employed as Math and Spanish teacher for the seventh-grade students.

7 20. Throughout Plaintiffs' seventh-grade school year, Plaintiff JANE DOE #1 (A.M.)  
8 and JANE DOE #2 (M.V.) attended Math and/or Spanish classes with Ms. Molina. During those  
9 classes, Ms. Molina immediately began "grooming" Plaintiffs and other minor female students  
10 with the intent of manipulating their emotions and taking advantage of their young age so that she  
11 could ultimately sexually abuse them.

12 21. Throughout Plaintiffs' seventh-grade school year, Ms. Molina would demand that  
13 each Plaintiff stay alone<sup>1</sup> with her in the in the classroom after their classmates left. Ms. Molina  
14 would have each Plaintiff do tasks around the classroom so that Ms. Molina could sexually abuse  
15 and/or assault Plaintiffs. While Plaintiffs were performing the tedious tasks Ms. Molina assigned  
16 to them, she would get physically close to Plaintiffs and inappropriately touch and grope intimate  
17 parts of Plaintiffs' bodies.

18 22. Throughout Plaintiffs' seventh-grade school year, Ms. Molina further sexually  
19 abused Plaintiffs by having Plaintiffs bend down to pick items up off the ground in the classroom.  
20 As Plaintiffs were bending over, Ms. Molina would come up behind Plaintiffs and push her body  
21 into their buttocks. Ms. Molina would then use her hands to touch, grope, and rub Plaintiffs'  
22 buttocks, thighs, and stomachs.

23 23. Throughout Plaintiffs' seventh-grade school year, during class time, Ms. Molina  
24 would ask that Plaintiffs come to her desk while the rest of Plaintiffs' classmates were doing  
25 schoolwork. Ms. Molina would then sexually abuse, harass, molest, assault and batter Plaintiffs  
26 by touching and/or groping intimate parts of Plaintiffs' bodies.

27 24. Throughout Plaintiffs' seventh-grade school year, Ms. Molina also sexually

28 <sup>1</sup> Plaintiffs were kept in the classroom alone with Ms. Molina on separate occasions – meaning Plaintiffs were never together. Ms. Molina kept one student alone with her at a time.

1 abused Plaintiffs by touching and/or rubbing her hands from the top of Plaintiffs' backs down to  
2 their buttocks. Ms. Molina would touch and/or grope Plaintiffs' thighs and upper inner thighs.  
3 She would then pinch Plaintiffs' buttocks.

4 25. Throughout Plaintiffs' seventh-grade school year, Ms. Molina further sexually  
5 abused Plaintiffs by repeatedly touching, grabbing, groping, pinching and shaking Plaintiffs  
6 buttocks. Ms. Molina would also place her hands on and touch, caress, and/or grope the crevices  
7 between Plaintiffs' pubic regions and thighs.

8 26. Throughout Plaintiffs' seventh-grade school year, Ms. Molina sexually harassed  
9 Plaintiffs by repeatedly making comments about the way they looked and complimented  
10 Plaintiffs' bodies.

11 27. Throughout Plaintiffs' seventh-grade school year, Ms. Molina took advantage of  
12 Plaintiffs during vulnerable times in their lives. Ms. Molina gave Plaintiffs special responsibilities  
13 in the classroom in an attempt to make them feel important and needed, and to continue grooming  
14 Plaintiffs. Ms. Molina was very friendly with Plaintiffs, all in a calculated plan to abuse them to  
15 satisfy her own sexual deviancies. Ms. Molina knew that as young twelve or thirteen (12 or 13)  
16 year old girls, like many teen girls, Plaintiffs could be easily manipulated by an adult in a position  
17 of authority.

18 28. These instances of sexual abuse, harassment, assault, and/or battery took place  
19 numerous times while Plaintiffs were attending Taylor Middle School, during the School's  
20 operational hours.

21 29. Plaintiffs are informed and believe, and thereon allege, Ms. Molina sexually  
22 assaulted, molested, harassed, and abused at least three to four other female students during the  
23 2013-2014 school year, and likely many others during the course of her employment at the  
24 School.

25 30. In or around late Spring of 2014, close to the end of the school year, Plaintiffs and  
26 approximately 3-4 other victims, went to the School's office to report Ms. Molina's abuse.  
27 Plaintiffs and the remaining victims told the secretary of the School, who was in the office at the  
28 time, that Ms. Molina had been sexually assaulting them. A meeting was then conducted with the

1 School secretary, vice principal, principal, Plaintiffs, and the other victims who reported the  
2 abuse. Plaintiffs and the other victims again detailed for the School secretary, vice principal, and  
3 principal the abuse Ms. Molina inflicted upon them throughout the school year. At some point,  
4 the School administrators separated the victims and spoke to each girl individually.

5 31. Plaintiff JANE DOE #1 (A.M.) recalls that when she spoke with the School  
6 administrators, she again told them, with specific detail, how Ms. Molina physically and sexually  
7 abused her. She also informed the School administrators that this abuse retraumatized her, as she  
8 had been a victim of sexual abuse as a child. Plaintiff recalls that she was uncontrollably crying  
9 throughout this meeting.

10 32. Plaintiff JANE DOE #2 (M.V.) recalls she spoke with the School's vice principal  
11 individually. Plaintiff JANE DOE #2 again told the vice principal, with specific detail, how Ms.  
12 Molina physically and sexually abused her. JANE DOE #2 recalls at some point she had a  
13 meeting with the School counselor as well, where she again told the counselor what Ms. Molina  
14 did to her.

15 33. Plaintiffs did not observe any School administrator call and/or speak to a law  
16 enforcement agency, sheriff's department, and/or child welfare agency. Plaintiffs were never  
17 contacted by a law enforcement agency, sheriff's department, and/or child welfare agency.  
18 Plaintiffs are thus informed and believe, and thereon allege, that Defendant MSD and/or DOES 1-  
19 100 did not report the sexual abuse of Plaintiffs, who were minors, to a law enforcement agency,  
20 sheriff's department, and/or child welfare agency.

21 34. In fact, Defendant and the School did absolutely nothing about Plaintiffs' reports  
22 of sexual abuse. Instead, they allowed Ms. Molina to remain employed at Taylor Middle School  
23 for the remainder of the school year – further victimizing and traumatizing Plaintiffs and the  
24 other victims – because, as the School told Plaintiffs, “She was not coming back next year  
25 anyway.”

26 35. Defendant MSD and DOES 1-100 also failed to immediately inform Plaintiffs'  
27 and the other victims' parents about the reported abuse. Instead, during their meeting with School  
28 administrators, Plaintiffs and the other victims were told by the principal and vice principal that

1 they could choose between two options. Plaintiffs and the other victims could choose whether (1)  
2 they wanted the School to call their parents and tell them what happened, or (2) that the Plaintiffs  
3 and other victims could tell their parents on their own. As would be expected of twelve to thirteen  
4 year-old young girls, all but one victim chose to ‘tell their parents on their own.’ Upon  
5 information and belief, and Plaintiffs thereon allege, none of these victims actually told their  
6 parents what happened due to fear, shame, and embarrassment.

7 36. Plaintiff JANE DOE #1 (A.M.) was the only victim that chose to have the School  
8 call her parents. The School only called Plaintiff JANE DOE #1 (A.M.)’s parents. The School  
9 vaguely told Plaintiff’s parents what had happened, but ensured Plaintiff’s parents that they  
10 would handle the reports appropriately. This assertion was false. Defendants and the School did  
11 nothing.

12 37. By failing to report the abuse to a local law enforcement agency, sheriff’s  
13 department, child welfare agency and/or the victims’ parents, Defendants made a concerted effort  
14 to hide evidence and information relating to the childhood sexual assaults that occurred at Taylor  
15 Middle School over the 2013-2014 school year.

16 38. Plaintiffs are informed and believe, and thereon allege, Ms. Molina had sexually  
17 assaulted, harassed, abused, and molested other minor, female students at other schools within the  
18 Millbrae School District and other surrounding school districts prior to the incidents described  
19 herein. Plaintiffs are informed and believe, and thereon allege, these prior incidents of sexual  
20 assault, harassment, abuse, and molestation were reported to MSD and other surrounding school  
21 districts prior to the incidents described herein. Plaintiffs are informed and believe, and thereon  
22 allege, that Ms. Molina had a reputation for being “weird” and as someone who *had* and would  
23 continue to inappropriately touch and molest female students at schools. Defendant MSD knew or  
24 should have known of prior incidents of sexual assault, abuse, harassment, and molestation of  
25 minor, female students by Ms. Molina and knew or should have known of Ms. Molina’s  
26 reputation, but willfully failed to protect its students from future assaults by Ms. Molina.

27 39. Plaintiffs are informed and believe, and thereon allege, that Defendants MSD and  
28 DOES 1-100, knew or should have known about Ms. Molina’s abuse upon students at Taylor

1 Middle School, given she did it on School property, during operational and instructional hours.  
2 Furthermore, Plaintiffs are informed and believe, and thereon allege, that there was a lot of talk  
3 among students of all grades at the School about Ms. Molina and what she did to young girls. The  
4 issue was not a secret by any means. As the abuse was widely known by the student population at  
5 the School, Defendants and the School's employees likely knew or should have known about the  
6 abuse by Ms. Molina as well. Defendants took no action to prevent and/or stop the abuse of  
7 young female students by Ms. Molina. Even after the abuse was reported, Defendants did nothing  
8 other than allow Ms. Molina to continue sexually abusing, molesting, assaulting, battering, and  
9 harassing young female students for the remainder of the school year.

10 40. It is also well known that Defendants have a problem with hiring sexual predators  
11 as teachers at Taylor Middle School. In 2016, MSD and Taylor Middle School employee and  
12 teacher, Heather Butts, was arrested for engaging in a sexual relationship with a Taylor Middle  
13 School student that lasted years. The relationship began while the victim was a student at Taylor  
14 Middle School and continued until the victim was in high school. Plaintiffs, while students at the  
15 School, were both aware this relationship was going on while the victim was a classmate/student  
16 at Taylor Middle School.

17 41. Plaintiffs were also told by fellow classmates to avoid the physical education  
18 teacher at Taylor Middle School because he had a reputation for being a "creep" with female  
19 students as well. Upon information and belief, the P.E. teacher's employment was suspended as a  
20 result of inappropriate physical and/or sexual conduct with students. Upon information and belief,  
21 Defendants lifted his suspension and allowed the P.E. teacher to remain employed at the School  
22 and continue teaching at the School.

23 42. In all three instances of abuse, by Ms. Molina, Ms. Butts, and the P.E. teacher,  
24 Defendants MSD and DOES 1-100 knew or should have known that the abuse was taking place,  
25 but willfully chose to take no action. By doing so, Defendants ratified their employees' actions  
26 and allowed them to further victimize and traumatize minor students.

27 43. MSD and DOES 1-100 willfully failed to properly investigate and respond to  
28 reports of sexual assault, abuse, harassment, and molestation by Ms. Molina upon minor, female



1 students in conscious disregard for the well-being and safety. By failing to properly investigate  
2 and respond to the reports of sexual assault, MSD and DOES 1-100 thereby ratified Ms. Molina's  
3 conduct and neglected to prevent further incidents of sexual misconduct by MSD and DOES 1-  
4 100's employees, agents, and/or representatives upon minors attending the School.

5 44. As a direct and proximate result of their personal injuries, Plaintiffs have been  
6 generally damaged in a sum in excess of the jurisdictional limits of the Superior Court, Limited  
7 Jurisdiction.

8 45. Government Code Section 905(m) exempts a claim for sexual abuse of a minor  
9 from the government tort claim presentation requirements of the Government Tort Claims Act for  
10 any acts that occurred after January 1, 2009. All of the sexual abuse in this action occurred after  
11 January 1, 2009. As such, Plaintiffs were not required to present a government tort claim to MSD.

12 46. At all relevant times alleged herein, as public-school students at the School in  
13 MILLBRAE SCHOOL DISTRICT, and as a result of their status as minors, Defendants MSD  
14 and DOES 1-100 owed a duty of care to Plaintiffs. In addition, Defendant MSD had a special  
15 relationship with Plaintiffs, who were minors attending the School. As a result, Defendants MSD  
16 and DOES 1-100 had an affirmative duty to take all reasonable steps to protect Plaintiffs, who  
17 were minors attending Taylor Middle School. Plaintiffs' parents expected Defendants MSD and  
18 DOES 1-100 to provide a safe and supervised environment for Plaintiffs, who were minors  
19 attending Taylor Middle School.

20 47. During the 2013-2014 school year, Ms. Molina committed acts of childhood  
21 sexual abuse upon Plaintiffs, and other female students, during the time she was provided access  
22 to the School and was employed by Defendants MSD and DOES 1-100.

23 48. At all relevant times alleged herein, Defendants failed to enforce the rule that  
24 School employees, including Ms. Molina, should never be allowed to be physical with students.

25 49. At all relevant times alleged herein, Defendants failed to enforce the rule that  
26 School employees, including Ms. Molina, should never be allowed to be alone with students in  
27 classrooms.

28 50. At all relevant times alleged herein, Defendants failed to enforce ratio rules that

1 prevented instances where employees were alone with students.

2 51. Ms. Molina used her position of authority, the lack of supervision of her, and her  
3 ability to be alone with students at the School, to create opportunities to molest students,  
4 including Plaintiffs. While on Defendants' property, during instructional hours Ms. Molina  
5 sexually molested, harassed, abused, and assaulted numerous minor, female students, including  
6 Plaintiffs.

7 52. At all relevant times alleged herein, Defendants failed to ensure the School was  
8 appropriately and fully staffed with employees that were thoroughly interviewed, background  
9 checked, and properly trained, which would have guaranteed students' safety, including  
10 Plaintiffs'. Instead, Defendants hired and employed persons without properly interviewing them,  
11 running background checks, and/or training them, which would have revealed Ms. Molina was a  
12 sexual predator.

13 53. At all relevant times, Defendants failed to take reasonable steps and/or implement  
14 reasonable safeguards to avoid acts of unlawful sexual conduct by Ms. Molina and other  
15 employees at Taylor Middle School, including, but not limited to, preventing abuse of Plaintiffs  
16 by Ms. Molina, avoiding placement of Ms. Molina in a function or environment in which contact  
17 with children was allowed, and/or ensuring Ms. Molina and Plaintiffs were properly supervised.  
18 Instead, Defendants ignored and/or concealed the sexual harassment, abuse and assault of  
19 Plaintiffs and others by Ms. Molina and other teachers at Taylor Middle School that had already  
20 occurred. Defendants were given notice of incidents of inappropriate conduct by Ms. Molina and  
21 other Taylor Middle School teachers, including such facts as those set forth in this Complaint.

22 54. Prior to and during the sexual harassment, abuse and assault of Plaintiffs,  
23 Defendants knew or should have known that Ms. Molina had violated her role as a public school  
24 teacher and employee of MSD, and used her position of authority and trust acting on behalf of  
25 Defendants to gain access to children, including Plaintiffs, on the Taylor Middle School campus,  
26 in which she engaged in sexual misconduct, harassment and abuse, with children, including  
27 Plaintiffs.

28 55. With actual or constructive knowledge that Ms. Molina had previously engaged in

1 dangerous and inappropriate conduct with minor students, including sexually abusing, assaulting,  
2 battering, and harassing female minor students, Defendants conspired to and did knowingly fail  
3 to take reasonable steps, and failed to implement reasonable safeguards at Taylor Middle School  
4 to avoid acts of unlawful sexual conduct in the future by Ms. Molina and other Taylor Middle  
5 School employees, including, but not limited, providing oversight of teachers, providing proper  
6 supervision of students, preventing or avoiding placement of Ms. Molina in a function or  
7 environment in which contact with children was part of her duties.

8         56. Plaintiffs are informed and believe, and thereon allege, that Defendants and each  
9 of them, should have been aware of Ms. Molina's wrongful conduct at or about the time it was  
10 occurring, and thereafter, but took no action to obstruct, prohibit, regulate, or stop such  
11 continuing conduct or to help Plaintiffs endure the trauma from such conduct. Despite the  
12 authority and ability to do so, these Defendants negligently and/or willfully refused to, and/or did  
13 not, act effectively to stop the sexual assaults on Plaintiffs, to inhibit or obstruct the abuse, or to  
14 protect Plaintiffs from the results of that trauma.

15         57. During the period of abuse of Plaintiffs at the hands of Defendants and Ms.  
16 Molina, Defendants had the authority and ability to obstruct or stop the sexual assaults on  
17 Plaintiffs, but negligently and/or willfully failed to do so, thereby allowing the abuse and  
18 misconduct to occur and to continue unabated. This failure was a part of these Defendants' plan  
19 and arrangement to conceal wrongful acts, to avoid and inhibit detection, to block public  
20 disclosure, to avoid scandal, to avoid the disclosure of their tolerance of child sexual harassment  
21 and abuse, to prevent a false appearance of propriety, and to avoid investigation and action by  
22 public authority including law enforcement. Plaintiffs are informed and believed, and on that  
23 basis allege, that such actions were motivated by a desire to protect the reputation of Defendants  
24 and to protect the monetary support of Defendants while fostering an environment where such  
25 abuse could continue to occur.

26         58. At all times relevant herein, Ms. Molina was an employee, agent, and/or servant of  
27 Defendants. Defendants are liable for the harm to Plaintiffs resulting from the conduct of their  
28 employees, agents and/or servants because Defendants knew or should have known of Ms.

1 Molina's and other employees' unfitness and propensities prior to the assaults on Plaintiffs and at  
2 the time of their hire, and knew or should have known their employees' failure to report and  
3 cover up of the same. Defendants are liable for the acts and omissions of Ms. Molina and other  
4 employees working at Taylor Middle School under the theories of respondeat superior, vicarious  
5 liability, master-servant, agency, and right of control. Upon information and belief, Defendants  
6 failed to conduct any criminal background checks or any reference checks in making the  
7 determination to hire Ms. Molina. Upon information and belief, long before this incident,  
8 Defendants knew or should have known that Ms. Molina had the propensity to act in a sexually  
9 inappropriate manner towards female minor students.

10 59. Ms. Molina engaged in unpermitted, harmful and offensive touching and contact  
11 upon the person of Plaintiffs in violation of California law. Said conduct was undertaken while  
12 Ms. Molina was an employee and/or agent of Defendants, while in the course and scope of  
13 employment with said Defendants, and/or was ratified by said Defendants. Upon information and  
14 belief, incidents of sexual misconduct by Ms. Molina were neither isolated nor unusual. Upon  
15 information and belief, Defendants failed to reprimand, punish, report, or otherwise sanction Ms.  
16 Molina and other employees working at Taylor Middle School, which they knew or had reason to  
17 know were sexual predators and/or mentally ill.

18 60. Defendants owed a duty to students, including Plaintiffs, to provide a reasonably  
19 safe environment for them, to ensure their safety, and to provide reasonably necessary  
20 supervision and oversight for their safety and welfare while attending middle school. Defendants  
21 failed to fulfill this legal duty.

22 61. At all relevant times, given their positions as teachers, instructional aides,  
23 teachers' aides or teachers' assistants employed by a public school, classified employees of a  
24 public school, certified pupil personnel employees of a public school, and/or employees of a  
25 childcare institution, employed by Defendant MSD and/or Taylor Middle School and DOES 1-  
26 100, all individuals employed by MSD and DOES 1-100 were mandated reporters under  
27 California Penal Code §11164, *et seq.*

28 62. Defendants and its employees and/or agents, owed a mandatory duty to Plaintiffs,

1 and to other children, to report any *suspicion* of physical injury, sexual abuse, or emotional abuse  
2 inflicted upon a child pursuant to California Penal Code §11164, *et seq.* Defendants and its  
3 employees had actual knowledge, while in their professional capacity as teachers and/or public  
4 schools employees, that Ms. Molina was engaging in sexual misconduct with Plaintiffs, who were  
5 children, at Taylor Middle School, and failed to report such to a local police department, sheriff's  
6 department, or local child welfare agency.

7 63. Throughout the 2013-2014 school year, Defendants knew Plaintiffs were minors  
8 and were being sexually abused by Ms. Molina.

9 64. Despite having actual knowledge that Plaintiffs were minors and being physically  
10 and sexually abused by Ms. Molina, Defendants failed to report the physical and sexual abuse to  
11 a police department, sheriff's department or child welfare agency at any time.

12 65. As a direct and proximate result of said acts, omissions, and negligence of  
13 Defendants, and each of them, Plaintiffs sustained physical, mental, and emotional personal  
14 injuries and damages, including, but not limited to stress, anxiety, fear, embarrassment,  
15 diminished self-confidence, humiliation, and sadness.

16 66. As a direct and proximate result of said acts, omissions, and negligence of  
17 Defendants, and each of them, Plaintiffs have incurred economic and noneconomic damages and  
18 continues to incur these damages, the full nature and extent of which are not yet known to  
19 Plaintiffs, and leave is requested to amend this Complaint to conform to proof at the time of trial.

20 67. Plaintiffs' civil complaint is an action for recovery of damages suffered as a result  
21 of childhood sexual abuse.

22 68. Plaintiffs are entitled to pre-judgment interest on said damages attributable to an  
23 ascertainable economic value pursuant to Civil Code § 3288. Plaintiffs has lost pre-judgment  
24 interest pursuant to Civil Code § 3291, the exact amount of which Plaintiffs pray leave to insert  
25 herein when finally ascertained and to conform to proof at trial.

26 ///

27 ///

28 ///

1 **FIRST CAUSE OF ACTION FOR NEGLIGENCE**

2 **Against Defendants MSD and DOES 1 through 100, inclusive.**

3 **(Cal. Gov't Code Section 815.2 *et seq.*)**

4 69. Plaintiffs reallege and incorporate as if fully stated herein each and every  
5 allegation contained in the previous paragraphs of this Complaint.

6 70. Defendants are liable for the acts and omissions of their employees, including Ms.  
7 Molina, acting within the course and scope of their employment. Gov. Code § 815.2. A public  
8 employee is liable for injury caused by their act or omission to the same extent as a private  
9 person. Gov. Code § 820. At all times herein, Defendants' employees, including Ms. Molina,  
10 were acting within the course and scope of their employment.

11 71. Defendants, and each of them, had the responsibility and duty to adequately and  
12 properly investigate, hire, train, and supervise their employees and to protect students from harm  
13 caused by unfit and dangerous individuals hired as teachers, substitute teachers, and/or school  
14 employees. This cause of action is brought under Cal Gov't Code Sections 815.2-815.6 and 820,  
15 *et seq.*

16 72. Plaintiffs were entrusted to the care of the Defendants and their teachers *in loco*  
17 *parentis*. Defendants had a special relationship with their students, including Plaintiffs, and had  
18 an affirmative and mandatory duty to protect children from the foreseeable risk of harm from  
19 teachers, substitute teachers, and/or school employees. Defendants owe students under their  
20 supervision a protective duty of ordinary care. Due to this special relationship, there is an  
21 affirmative duty on the Defendants and their employees, agents, and independent contractors to  
22 take all reasonable steps to protect students, including Plaintiffs, from the foreseeable risk of  
23 harm posed by others, including Ms. Molina. This affirmative duty is based, in part, on the  
24 compulsory nature of education.

25 73. Such duty extends to care to be taken to foresee and avoid any situation that could  
26 be potentially dangerous or harmful to students. Defendants had a duty to educate parents and  
27 their children about the potential for sexual molestation, harassment, abuse, assault and battery.  
28 Defendants breached their duties to Plaintiffs. Defendants and Ms. Molina abused their positions

1 of trust and authority, causing injury to Plaintiffs. Defendants negligently failed to ensure the  
2 safety of a minor students, Plaintiffs, who were entrusted to Defendants' custody, care, and  
3 control.

4 74. Defendants lacked prudent safeguards. The Defendants' hiring and supervisory  
5 policies, procedures, rules, and regulations did not adequately provide for safety, security, and  
6 protection of students. Defendants had a duty to enforce policies, procedures, rules, and  
7 regulations that were in place for student protection.

8 75. Before and while Plaintiffs were students of the School and continuing through the  
9 late Spring/Summer of 2014, Defendants failed to exercise reasonable care in supervising Ms.  
10 Molina and/or Plaintiffs while on school grounds. Ms. Molina engaged in unlawful sexual  
11 molestation, harassment, assault and abuse of Plaintiffs at the School during operational and  
12 instructional hours. Defendants did not take appropriate action to determine Ms. Molina was  
13 abusing, assaulting, harassing, or molesting students, including Plaintiffs, on campus.

14 76. Defendants knew or should have known that Ms. Molina was unfit to be employed  
15 at the School before the 2013-2014 school year. Defendants were negligent in hiring and  
16 continuing to employ Ms. Molina without any significant investigation or knowledge that she was  
17 fit to act in a position of trust with respect to middle-school-aged students. The failure to  
18 adequately hire, train, investigate, retain and/or supervise Ms. Molina, as an employee of the  
19 MSD, constituted a breach of the Defendants' duties. Defendants knew and had reason to know  
20 that Ms. Molina could not be trusted to behave appropriately around middle-school-aged students  
21 and avoid harassment or sexual wrongdoing against students. Defendants' employees, agents,  
22 and/or representatives knew or should have known of Ms. Molina's prior and continuing sexual  
23 molestation, harassment, abuse, assault, and battery towards young students, including Plaintiffs,  
24 and that she posed a reasonably foreseeable risk of harm to students. Defendants knew and should  
25 have known of Ms. Molina's prior and continuing pedophilic tendencies and propensities to  
26 molest, harass, abuse, assault, and batter students.

27 77. Defendants and their employees, agents, and/or representatives owed a duty to  
28 protect students from harm. Defendants are liable for their failure to adequately hire, supervise,

1 train and retain Ms. Molina, and other employees, agents, and/or representatives who knew or  
2 should have known of his misconduct. Defendants negligently hired, retained, failed to report,  
3 failed to investigate, failed to discipline, failed to supervise and/or negligently or affirmatively  
4 recommended Ms. Molina to positions of trust and positions whereby she would act as an  
5 authority figure to children like Plaintiffs and harm them. Defendants negligently failed to  
6 prevent pre-sexual grooming and sexual molestation and abuse of children, including Plaintiffs.  
7 Defendants failed to ensure that students and employees, agents, and/or representatives were  
8 properly supervised and properly trained in policies that would have prevented the acts by Ms.  
9 Molina. Defendants negligently hired, supervised, trained, and retained Ms. Molina, and other  
10 employees, agents, and/or representatives and independent contractors, by allowing Ms. Molina  
11 to sexually molest, abuse, assault, and harass Plaintiffs and to maintain an unsafe environment in  
12 and at the School and elsewhere where she could and did sexually molest, abuse, assault, and  
13 harass Plaintiffs.

14 78. Defendants had a duty to provide reasonable supervision of its employees,  
15 including Ms. Molina, and to use reasonable care in investigating Ms. Molina.

16 79. Had Defendants properly investigated, supervised, trained, and monitored Ms.  
17 Molina's conduct and actions as an employee at the School, they would have discovered that she  
18 was unfit to be employed by MSD at the School, and other schools within the district. By failing  
19 to adequately supervise, monitor, or investigate, Defendants allowed Ms. Molina to continue,  
20 unhindered, with her predatory conduct directed towards middle-school-aged students, including  
21 Plaintiffs. Had Defendants performed their duties and responsibilities to monitor, supervise,  
22 and/or investigate its employee, Plaintiffs would not have been subject to the sexual abuse and  
23 other harmful conduct inflicted upon them. Defendants knew or should have known that their  
24 failure to properly supervise, control, oversee, and monitor Plaintiffs, particularly their  
25 interactions with Ms. Molina, would result in serious harm and injury to Plaintiffs.

26 80. Defendants knew or had reason to know of Ms. Molina's dangerous and exploitive  
27 propensities and that Ms. Molina was a dangerous and unfit agent. Defendants knew or had  
28 reason to know that Ms. Molina was acting inappropriately with students at the School. Despite



1 such knowledge, Defendants negligently failed to monitor and supervise Ms. Molina and failed to  
2 use reasonable care in investigating Ms. Molina. Defendants allowed Ms. Molina to remain in  
3 positions of trust and authority as a teacher. Ms. Molina was thereby able to abuse her positions  
4 of trust and authority so as to commit the childhood sexual abuse of children, including Plaintiffs.  
5 Defendants also failed to take reasonable steps to prevent further childhood sexual abuse of  
6 Plaintiffs, which could have been avoided and at least abated, had Defendants properly  
7 investigated and supervised Ms. Molina.

8 81. Defendants also negligently failed to adequately implement or enforce any district-  
9 wide procedures or policies that were aimed at preventing, detecting, or deterring the sexual  
10 harassment or abuse of students by teachers, substitute teachers, or other school employees.

11 82. Defendants had responsibilities in maintaining a safe environment for children in  
12 schools, including but not limited to the statutory and mandatory duties to supervise students in  
13 order to maintain a safe school environment pursuant to California laws, statutes and regulations.  
14 California's Constitution, Article I, § 28, states all students in California have an inalienable right  
15 to go to safe, secure and peaceful campuses. California Education Code Section 44807 and  
16 California Code of Regulations, Title 5, Section 5552, establish a mandatory duty of care owed  
17 by Defendants to Plaintiffs so as to provide Plaintiffs with responsible and appropriate  
18 supervision while they were attending Taylor Middle School. Defendants failed to do so, given  
19 their knowledge of Ms. Molina's misconduct. Defendants are therefore liable for the injuries  
20 proximately caused to Plaintiffs for their breach of these mandatory duties, pursuant to  
21 Government Code Section 815.6.

22 83. Defendants breached additional mandatory duties and are liable for Plaintiffs'  
23 injuries and damages pursuant to, but not limited to, the following statutes: Govt. Code §  
24 12950.1; Cal. Educ. Code §§ 200-262.4, 32228-3228.5, 32880-32882.1, 35294.10-35294.15,  
25 44807, 44808, 49000, 49001; and Cal. Code Regs. Title 5, §§ 4900-4965, 5530, 5531, 5551. The  
26 aforementioned laws, statutes, and regulations were adopted to impose non-delegable duties upon  
27 public schools, including their employees, to take all reasonable steps to protect students. These  
28 statutes were intended to afford young students, like Plaintiffs, protection from sexual

1 molestation, assault, harassment and/or abuse, both on and off-campus, by employees like Ms.  
2 Molina. Defendants negligently exposed Plaintiffs to the foreseeable danger of sexual abuse,  
3 molestation, harassment, and assault by Ms. Molina.

4 84. While Plaintiffs were present at School and under the direct, custody, control and  
5 supervision of Defendants, said Defendants also negligently, carelessly, and recklessly supervised  
6 and failed to supervise Plaintiffs. These negligent, careless, and reckless acts and omissions of  
7 Defendants were a substantial factor and a legal cause of the damages and injuries sustained by  
8 Plaintiffs.

9 85. As a result of the negligence of Defendants, Plaintiffs were sexually assaulted and  
10 abused and otherwise harmed by Ms. Molina.

11 86. As a direct, legal, and proximate result of the above Causes of Action hereinabove  
12 alleged, Plaintiffs JANE DOE #1 and JANE DOE #2 has been damaged. Plaintiffs have suffered  
13 psychological and emotional injury and harm, all to Plaintiffs' general damages in a sum to be  
14 proven. Plaintiffs have further suffered an exacerbation of any emotional difficulties, which were  
15 pre-existing Defendant MSD and DOES 1-100's, inclusive, failure to protect Plaintiffs. Plaintiffs  
16 have suffered, and continue to suffer, great pain of mind and body, shock, emotional distress,  
17 physical manifestations of emotional distress including embarrassment, loss of self-esteem,  
18 disgrace, humiliations, and loss of enjoyment of life, and/or have incurred and will continue to  
19 incur expenses for medical and psychological treatment; therapy, and counseling.

20 87. Plaintiffs have suffered physical, mental, and emotional health problems as a  
21 result of which she has had to employ, and will in the future continue to have to employ, medical  
22 and mental health professionals for diagnosis and treatment and has incurred and will in the  
23 future continue to incur expenses therefore, in a sum as yet unascertained. Plaintiffs will ask  
24 leave of Court to amend this Complaint to state the exact amounts of expenses when they are  
25 ascertained. Plaintiffs will in the future suffer a loss of earnings and of earning capacity, in a sum  
26 as yet unascertained. Plaintiffs will ask leave of Court to amend this Complaint to state the exact  
27 amounts of losses when they are ascertained.

28 88. Plaintiffs have been significantly traumatized and have suffered and continues to

1 suffer extreme mental, emotional and physical injuries to their health and well-being. Plaintiffs  
2 have suffered extreme mental anguish and have been permanently scarred in a sum not yet  
3 ascertained. Plaintiffs will ask leave of Court to amend this Complaint to state the exact amounts  
4 of expenses when they are ascertained.

5 **SECOND CAUSE OF ACTION FOR FAILURE TO MANDATORY REPORT**

6 **Against Defendants MSD and DOES 1 through 100, inclusive.**

7 **(Cal. Gov't Code Section Code §§ 815.2, 815.4, and 815.6)**

8 89. Plaintiffs incorporate herein by reference, as though set forth in full, all preceding  
9 Paragraphs of this Complaint.

10 90. Government Code Section 905(m) Government Code Section 905(m) exempts a  
11 claim for sexual abuse of a minor from the government tort claim presentation requirements of  
12 the Government Tort Claims Act for any acts that occurred after January 1, 2009. All of the  
13 sexual abuse in this action occurred prior to January 1, 2009.

14 91. As detailed below, Plaintiffs allege that Defendants are liable for damages  
15 pursuant to Government Code §§ 815.2, 815.4, and 815.6. Plaintiffs claim Defendants, through  
16 their statements, actions and deeds, inactions, as well as pursuant to statutes, regulations, codes  
17 and/or ordinances, created and established a special relationship/duty which required that they  
18 take affirmative action to protect Plaintiffs from the very risk of harm and injuries, which they  
19 suffered as a result of Defendants' negligence. Plaintiffs claim Defendants failed to perform these  
20 obligations entirely, or where they engaged in such actions or omissions, they failed to exercise  
21 reasonable diligence in discharging those duties, thereby constituting negligence, negligence per  
22 se and/or breach of mandatory duties.

23 92. Government Code § 815.6 provides: "Where a public entity is under a mandatory  
24 duty imposed by an enactment that is designed to protect against the risk of a particular kind of  
25 injury, the public entity is liable for an injury of that kind proximately caused by its failure to  
26 discharge the duty unless the public entity establishes that it exercised reasonable diligence to  
27 discharge the duty."

28 93. As set in detail below, Defendants and its employees were under mandatory duties

1 pursuant to the following enactments but failed to discharge their duties and failed to exercise  
2 reasonable diligence to discharge their duties: Child Abuse and Neglect Reporting Act (California  
3 Penal Code §§ 11164-11174.3).

4 94. Under the Child Abuse and Neglect Reporting Act (California Penal Code §§  
5 11164-11174.3), Defendants, by and through their employees and agents, were teachers and  
6 public school employees, and were under a mandatory duty to report known or suspected  
7 incidents of sexual harassment or abuse of minors to a local police department, sheriff's  
8 department, or local child protective/welfare agency, pursuant to California Penal Code §§  
9 11164-11174.3, and/or not to impede the filing of any such report.

10 95. Defendants knew or should have known that Ms. Molina had sexually assaulted,  
11 abused, and/or harassed and/or caused harm and other injuries to Plaintiffs, giving rise to a duty  
12 to report such conduct under California Penal Code §§ 11164-11174.3.

13 96. Plaintiffs are informed and believe, and on that basis allege, that Defendants also  
14 knew, or should have known in the exercise of reasonable diligence, that an undue risk to minors,  
15 including Plaintiffs, existed because Defendants did not comply with California's mandatory  
16 reporting requirements.

17 97. By failing to report the continuing harassment and abuse, which Defendants knew  
18 or should have known, and by ignoring the fulfillment of the mandated compliance with the  
19 reporting requirements provided under California Penal Code §§ 11164-11174.3, Defendants  
20 created the risk and danger contemplated by the Child Abuse and Neglect Reporting Act, and as a  
21 result, unreasonably and wrongfully exposed Plaintiffs and other minors to sexual harassment and  
22 abuse.

23 98. Plaintiffs were members of the class of persons for whose protection California  
24 Penal Code §§ 11164-11174.3 was specifically adopted to protect.

25 99. Plaintiffs were a member of the class of persons that one reasonably anticipates  
26 might be threatened by Defendants' failure to report child sexual abuse; and the harm suffered by  
27 Plaintiffs are within the general class of harms that one reasonably would anticipate might result  
28 from Defendants' failure to report child sexual abuse.

1           100. The acts, omissions, negligence and/or breach of mandatory duties of the  
2 Defendants were a substantial factor in causing Plaintiffs injuries, and the direct and proximate  
3 cause of the injuries and damages sustained by Plaintiffs. Defendants did not make reasonable  
4 efforts or exercise reasonable diligence to perform its mandatory duties imposed under any  
5 statute, regulation, ordinance, code or other applicable enactment. As a further, proximate result  
6 of the acts, omissions, negligence and breach of mandatory duties by Defendants, Plaintiffs have  
7 incurred the injuries and damages as set forth herein.

8           101. Had Defendants adequately reported the abuse and harassment of Plaintiffs and  
9 other minors as required by California Penal Code §§ 11164-11174.3, further harm to Plaintiffs  
10 would have been avoided.

11           102. As a direct and proximate result of Defendants' failure to follow the mandatory  
12 reporting requirements of California Penal Code §§ 11164-11174.3, Defendants wrongfully  
13 denied Plaintiffs the intervention of child protection services. Such public agencies would have  
14 changed the then-existing arrangements and conditions that provided the access and opportunities  
15 for the abuse and sexual harassment of Plaintiffs by Ms. Molina.

16           103. As a result, Defendants' failure to comply with the mandatory reporting  
17 requirements of California Penal Code §§ 11164-11174.3 also constituted a *per se* breach of  
18 Defendants' mandatory duties to Plaintiffs.

19           104. To the extent Defendants contend the mandatory duties placed duties on individual  
20 employees and not Defendants as a whole, Defendants is vicariously liable under Gov't Code  
21 §815.2(a) for violations of the mandatory duties by Defendants' employees acting within the  
22 course and scope of their employment with them. *See Hoyem v. Manhattan Beach City School*  
23 *District* (1978) 22 Cal.3d 508; *Dailey v. Los Angeles Unified School District* (1970) 2 Cal.3d 741.

24           105. Government Code § 815.2(a) provides: "A public entity is liable for injury  
25 proximately caused by an act or omission of an employee of the public entity within the scope of  
26 his employment if the act or omission would, apart from this section, have given rise to a cause of  
27 action against that employee or his personal representative." Pursuant to Government Code §  
28 820.8, a public employee is not exonerated from liability for injuries proximately caused by his or

1 her own negligent or wrongful acts or omissions.

2 106. Here, Defendants' employees' violations of their mandatory duties alleged in this  
3 Complaint make Defendants vicariously liable under Gov't Code § 815.2(a). The negligent  
4 failure to act by Defendants' employees increased the danger of sexual abuse to Plaintiffs.  
5 Defendants are vicariously liable for four distinct reasons. First, applying the multi-factor  
6 analysis employed by California's Supreme Court in *Thompson v. County of Alameda* (1980) 27  
7 Cal.3d 741 and by the California Court of Appeal in *Dutton v. City of Pacifica* (1995) 35  
8 Cal.App.4th 1171 to evaluate public entity duty, the facts alleged herein establish that Defendants  
9 owed a tort duty of care to Plaintiffs. It was foreseeable that Plaintiffs' sexual abuse would  
10 continue had Defendants' employees not acted negligently for failing to report their sexual abuse.  
11 Such conduct constitutes deliberate indifference to the foreseeable results of such conduct. There  
12 is strong public and official policy devoted to preventing foreseeable risk of sexual abuse,  
13 especially sexual abuse of minors. Reporting Plaintiffs' sexual abuse imposed zero burdens on  
14 Defendants. The burden to do so was slight, while the risk of not doing so was significant. In  
15 balancing the relevant public policy considerations, there is no basis to forego imposing a legal  
16 duty on Defendants to do their job with respect to protecting minors from sexual abuse. Second,  
17 as a result of the violations of the mandatory duties alleged in this complaint, which were violated  
18 by Defendants' employees acting within the course and scope of their employment, and in their  
19 professional capacity, with Defendants, Defendants are vicariously liable under Gov't Code §  
20 815.2(a) for the employees' negligence. *See Hoyem v. Manhattan Beach City School District*  
21 (1978) 22 Cal.3d 508; *Dailey v. Los Angeles Unified School District* (1970) 2 Cal.3d 741. Third,  
22 Defendants have internal policies, procedures and practices for when Defendants' employees  
23 have obtained actual knowledge of sexual abuse of a minor such as Plaintiffs. Defendants'  
24 employees despite having actual knowledge of Plaintiffs' sexual abuse, failed to comply with  
25 these internal policies, procedures and practices, by failing to report and/or document Plaintiffs'  
26 sexual abuse. The direct and proximate cause of the Defendants' employees' failures to comply  
27 with these internal policies procedures and practices ultimately led to Plaintiffs' continued sexual  
28 abuse. Defendants are vicariously liable under Gov't Code § 815.2(a) for the violation of these

1 internal standards. *See Grudt v. City of Los Angeles* (1970) 2 Cal.3d 575, 587-588; *Straughter v.*  
2 *State* (1976) 89 Cal.App.3d 102, 110-111; *Briggs v. State* (1971) 14 Cal.App.3d 489, 497;  
3 *Dillenbeck v. City of Los Angeles* (1968) 69 Cal.2d 472; *Curreri v. City & County of San*  
4 *Francisco* (1968) 262 Cal.App.2d 603, 610.

5 107. As a direct, legal, and proximate result of the above Causes of Action hereinabove  
6 alleged, Plaintiffs JANE DOE #1 and JANE DOE #2 has been damaged. Plaintiffs have suffered  
7 psychological and emotional injury and harm, all to Plaintiffs' general damages in a sum to be  
8 proven. Plaintiffs have further suffered an exacerbation of any emotional difficulties, which were  
9 pre-existing Defendant MSD and DOES 1-100's, inclusive, failure to protect Plaintiffs. Plaintiffs  
10 have suffered, and continue to suffer, great pain of mind and body, shock, emotional distress,  
11 physical manifestations of emotional distress including embarrassment, loss of self-esteem,  
12 disgrace, humiliations, and loss of enjoyment of life, and/or have incurred and will continue to  
13 incur expenses for medical and psychological treatment; therapy, and counseling.

14 108. Plaintiffs have suffered physical, mental, and emotional health problems as a  
15 result of which she has had to employ, and will in the future continue to have to employ, medical  
16 and mental health professionals for diagnosis and treatment and has incurred and will in the  
17 future continue to incur expenses therefore, in a sum as yet unascertained. Plaintiffs will ask  
18 leave of Court to amend this Complaint to state the exact amounts of expenses when they are  
19 ascertained. Plaintiffs will in the future suffer a loss of earnings and of earning capacity, in a sum  
20 as yet unascertained. Plaintiffs will ask leave of Court to amend this Complaint to state the exact  
21 amounts of losses when they are ascertained.

22 109. Plaintiffs have been significantly traumatized and have suffered and continues to  
23 suffer extreme mental, emotional and physical injuries to their health and well-being. Plaintiffs  
24 have suffered extreme mental anguish and have been permanently scarred in a sum not yet  
25 ascertained. Plaintiffs will ask leave of Court to amend this Complaint to state the exact amounts  
26 of expenses when they are ascertained.

27 **PRAYER FOR RELIEF**

28 WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, as

1 follows:

- 2 1. For damages for past and future medical, psychotherapy, and related expenses  
3 according to proof at the time of trial;
- 4 2. For general damages for physical and mental pain and suffering and emotional  
5 distress in a sum to be proven at the time of trial;
- 6 3. For damages for future lost wages and loss of earning capacity according to proof  
7 at the time of trial;
- 8 4. For prejudgment interest pursuant to statute;
- 9 5. For costs of suit incurred herein; and
- 10 6. For such other and further relief as the Court deems just and proper.

11 **JURY TRIAL DEMANDED**

12 Plaintiffs demand a trial by jury.

13  
14 DATED: February 1, 2021

THOMPSON LAW OFFICES, P.C.

15  
16 

17 Robert W. Thompson, Esq.  
18 Kristen A. Vierhaus, Esq.  
19 *Attorneys for Plaintiff*