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FILED
Superior Court of California
County of Placer

MAY 21 2014

Jake Chatters
Executive Officer & Clerk
By: K. Hoffman, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF PLACER**

JOHN HJ DOE by and through his Guardian ad
Litem JANE A DOE

Plaintiff,

v.

S.T.A.R., INC., STAR NOVA EDUCATION,
INC., and ROES 3 through 25 inclusive,

Defendants,

CASE NO. **90090081006**

COMPLAINT FOR DAMAGES

- 1. Negligence
- 2. Negligence Per Se

BY FAX

GENERAL ALLEGATIONS

1. Plaintiff is using a fictitious name in this Complaint under rights to privacy granted by the Constitution of the State of California due to the sensitive nature of this case. If, for any reason, Defendants cannot accurately determine the identity of the Plaintiff, their attorney can contact Plaintiff's attorney at the number on the face sheet of the Complaint, and the name of the Plaintiff will be provided.

2. Plaintiff JOHN HJ DOE is a natural person who at all relevant times was a resident of the County of Placer, State of California. Plaintiff's date of birth is in October 2006.

3. JANE A DOE is the mother of Plaintiff JOHN HJ DOE and has been appointed Guardian ad Litem for Plaintiff.

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1 4. At all relevant times hereto, Defendant S.T.A.R., INC. (hereinafter "STAR") was a
2 501 c3 non-profit educational enrichment program licensed by the California Secretary of State
3 doing business as a after-school education facility located in Placer County, California and held
4 itself out as possessing that degree of care, skill, ability, training and learning common to
5 organizations that offered services for kids, families, schools and communities. Specifically,
6 Defendant STAR offers STAR Galaxy, which is described on Defendant's website as consisting
7 of before and/or after school programs that offers, "a daily dose of scheduled classes." Defendant
8 STAR also offers STAR Nova, which is described on Defendant's website as consisting of after
9 school programs that offers, "a specific selection of educational, recreational and enrichment
10 programs, with classes that take place once or twice a week on school campuses." Defendant
11 STAR holds itself out as servicing more than 500 schools in 61 school districts reaching over a
12 million students and their families every year. Defendant STAR advertises on its website that it
13 was "selected as a 'Model Program' by the White House and U.S. Department of Education."

14 5. At all relevant times, Defendant STAR NOVA EDUCATION, INC. at Twelve
15 Bridges Elementary School (hereinafter "TWELVE BRIDGES") was a facility (an after school
16 enrichment program) believed to be operated by Defendant STAR that offered services at Twelve
17 Bridges Elementary School in the Western Placer Unified School District.

18 6. Plaintiff is ignorant of the true names and capacity of Defendants sued herein as
19 ROES or of the factors linking them to the causes of action stated herein and therefore sues such
20 Defendants by such fictitious names. Plaintiff will amend his Complaint to allege the true names
21 and capacities of ROES when ascertained. Plaintiff is informed and believes and thereon alleges
22 that each of the ROE Defendants are responsible in some manner for the events and happenings
23 hereinafter referred to, thereby proximately causing injury and damage to the Plaintiff as herein
24 alleged.

25 7. Plaintiff is informed and believes and thereon alleges that at all times herein
26 mentioned, Defendants and each of them, were the agents, servants, employee and/or joint
27 venturers of their co-defendants and were, as such, acting within the scope, course and authority of
28 said agency employment and/or joint venture and that each and every Defendant, as aforesaid, has

1 ratified and approved of the acts of his or her agent.

2 8. On or about March 21, 2013, Plaintiff's mother was notified by a representative of
3 Defendants that Plaintiff "had been in a bathroom with an older boy." Subsequent to this
4 notification, Plaintiff disclosed that he had been sexually abused on multiple occasions by a
5 student (hereinafter "Perpetrator") who was in third grade and two years Plaintiff's senior in a
6 secluded bathroom while participating in Defendants' after school program.

7 9. Plaintiff's mother advised Twelve Bridges School teachers of the sexual abuse at
8 her son's IEP meeting on March 22, 2013. As a result of the disclosure, the principal of the
9 elementary school filed a CPS report pursuant to the Child Abuse Neglect & Reporting Act the
10 very same day.

11 10. At least some of the wrongful acts mentioned herein occurred in Placer County;
12 therefore, venue is properly placed in Placer County.

13 **FIRST CAUSE OF ACTION**
14 **(Negligence)**

15 11. Plaintiff realleges and incorporates by reference as though fully set forth herein
16 each and every General Allegation as if said allegations were fully set forth herein and with the
17 same force and effect.

18 12. During the course of the after school program operated by Defendants, Defendants
19 promised Plaintiff's mother and agreed to do all things necessary and proper in connection with
20 the provisions of providing childcare, thus establishing the relationship of caregiver and child
21 between said Defendants and Plaintiff.

22 13. During the course of said professional relationship, Defendants generally rendered
23 ineffective and substandard care and supervision. No children should be left without supervision,
24 including visual observation, of a teacher at any time in an after school program such as that
25 offered by Defendants except as specified in Health and Human Services Code sections 10121.2,
26 subdivision (e)(1) and section 101230, subdivision (c)(1). However, children were not visually

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28 supervised by staff at Defendants' program when they were in the bathroom, which resulted in the

1 sexual molestations of Plaintiff described above.

2 14. Upon information and belief, Plaintiff alleges that the Perpetrator had a history of
3 alarming behavior at Twelve Bridges Elementary School and at TWELVE BRIDGES. Said
4 behaviors included but were not limited to:

- 5 a. Using foul language and obscenities during school and in the
6 after school program.
- 7 b. Pulling down his own pants in his second grade classroom and
8 asking other children to pull down their pants.
- 9 c. Poked classmates with a pencil to cause them upset and harm.
- 10 d. Had a history of problems at prior daycare settings.

11 Accordingly, Defendants' supervisors and administrative personnel knew, or should have known,
12 of Perpetrator's propensities and nevertheless retained, inadequately supervised and failed to file a
13 CPS report and/or make a report to the local law enforcement agency.

14 15. The Perpetrator's repeated acts of harassment, sexual violence and sexual abuse
15 against Plaintiff created a hostile environment in that the harassment, sexual violence and sexual
16 abuse was sufficiently serious in that it interfered with Plaintiff's ability to participate in and
17 benefit from the TWELVE BRIDGES's program and activities.

18 16. The California Department of Social Services, Community Care Licensing
19 Division investigated a complaint received in their office on April 15, 2013, regarding the
20 aforementioned allegations. The allegations included that children engaged in inappropriate
21 touching and that children were not supervised in bathrooms at the TWELVE BRIDGES or
22 NOVA facility.

23 17. The above mentioned investigation consisted of an unannounced site visit of
24 TWELVE BRIDGES, information gathered from staff and a report from the Lincoln Police
25 Department. As a result of the investigation, the allegations were substantiated and a civil penalty
26 was assessed against Defendants. Upon receipt of the Complaint Investigation Report on May 22,
27 2013, Defendant TWELVE BRIDGES was required to post and provide copies of that licensing

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report to parents/guardians of children at the facility and to parents/guardians of children newly

1 enrolled at the facility during the subsequent twelve months.

2 18. Defendants' agents failed to file any report of reasonable suspicion with Child
3 Protective Services when Defendants had a reasonable suspicion that Plaintiff had been a victim of
4 child abuse by Perpetrator during the childcare of Plaintiff.

5 19. All of the above allegations, which are not meant to be exhaustive, but only
6 examples of Defendants' inappropriate conduct, constitute actions and omissions below the
7 standard of care in the community.

8 20. As a result of the foregoing conduct of Defendants, Plaintiff was harmed as set
9 forth below.

10 **SECOND CAUSE OF ACTION**
11 **(Negligence Per Se)**

12 21. Plaintiff realleges and incorporates by reference as though fully set forth herein
13 each and every allegation of the First Cause of Action of the Complaint, as if said allegations were
14 fully set forth herein and with the same force and effect.

15 22. By engaging in the aforementioned negligent and unprofessional acts, Defendants
16 violated Health and Human Services Code section 10121.2, subdivision (e)(1) and section 101230,
17 subdivision (c)(1). Further, said violations caused Plaintiff harm more fully set forth below.
18 Moreover, Plaintiff was within the class of persons specifically designed to be protected by the
19 aforementioned code sections, and Plaintiff's injuries resulted from an occurrence of the nature
20 which the statute was designed to prevent.

21 23. As a result of the foregoing conduct of Defendants, Plaintiff was harmed as set
22 forth below.

23 **DAMAGES**

24 24. As a direct, legal, and proximate result of the above Causes of Action hereinabove
25 alleged, Plaintiff has been damaged as set forth below.

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28 25. Plaintiff has suffered psychological and emotional injury and harm, all to Plaintiff's

1 general damages in a sum to be proven. Plaintiff has further suffered an exacerbation of any
2 emotional difficulties which were pre-existing Defendants' failure to file a CPS report.

3 26. Plaintiff has been significantly traumatized and has suffered and continues to suffer
4 extreme mental, emotional and physical injuries to his health and well-being. Plaintiff has
5 suffered extreme mental anguish and has been permanently scarred in a sum as yet unascertained.
6 Plaintiff will ask leave of Court to amend this Complaint to state the exact amount of expenses
7 when they are ascertained.

8 27. Plaintiff has suffered and will in the future continue to suffer a loss of earnings and
9 of earning capacity, in a sum as yet unascertained. Plaintiff will ask leave of Court to amend this
10 Complaint to state the exact amount of expenses when they are ascertained.

11 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as
12 follows:

13 (1) For damages for past and future medical and related expenses according to proof at
14 the time of trial;

15 (2) For general damages for physical, mental pain and suffering, and emotional distress
16 in a sum to be proven at the time of trial;

17 (3) For damages for past and future lost wages and loss of earning capacity according
18 to proof at the time of trial;

19 (4) For prejudgment interest pursuant to statute; and

20 (6) For such other and further relief as the Court deems just and proper.

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22 Dated: May 6, 2014

LAW OFFICES OF JOSEPH C. GEORGE, Ph.D.

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24 By: 

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