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ELECTRONICALLY FILED
 Superior Court of California,
 County of Solano
04/29/2024 at 07:13:52 PM
 By: E. DeRogatis, Deputy Clerk

**ASSIGNED TO
 JUDGE CHRISTINE A CARRINGER
 FOR ALL PURPOSES**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF SOLANO**

11 JANE DOE (A.A.), A MINOR, BY AND
 12 THROUGH HER GUARDIAN AD LITEM
 13 AARON ARMSTRONG,

14 Plaintiff,

15 v.

16 BENICIA UNIFIED SCHOOL DISTRICT;
 17 and DOES 1 THROUGH 10, INCLUSIVE,

18 Defendants.

Case No. CU24-03231

COMPLAINT FOR DAMAGES

- 1. SEXUAL HARASSMENT
- 2. NEGLIGENT HIRING,
SUPERVISION, AND RETENTION
- 3. BREACH OF MANDATORY DUTY
- 4. NEGLIGENT FAILURE TO
WARN, TRAIN, OR EDUCATE
- 5. NEGLIGENT SUPERVISION OF A
MINOR
- 6. NEGLIGENCE

DEMAND FOR JURY TRIAL

21 JANE DOE (A.A.), a minor, by and through her Guardian Ad Litem AARON
 22 ARMSTRONG (hereinafter "Plaintiff") complains and alleges against Defendants BENICIA
 23 UNIFIED SCHOOL DISTRICT and DOES 1 through 10, inclusive, as follows:

NATURE OF ACTION

24
 25 Around 2019, when JANE DOE (A.A.) was a minor student of Defendants BENICIA
 26 UNIFIED HIGH SCHOOL DISTRICT and DOES 1 through 10, inclusive, in Benicia, California,
 27 she was groomed, sexually assaulted, and sexually molested by Matthew Joseph Shelton (hereinafter
 28 referred to as "SHELTON"), a teacher for Defendant BENICIA UNIFIED SCHOOL DISTRICT.

1 Despite the fact that Defendants BENICIA UNIFIED SCHOOL DISTRICT and DOES 1 through
2 10, inclusive, knew or should have known that SHELTON was a danger to children, in that he was
3 likely to use his position with them to groom and to sexually abuse them, Defendants failed to take
4 reasonable steps to protect JANE DOE (A.A.) and other children from that danger.

5 **PARTIES**

6 1. JANE DOE (A.A.), at all times relevant herein, was and is a minor who resides in
7 Solano County, California. JANE DOE (A.A.) is represented by her Guardian Ad Litem AARON
8 ARMSTRONG in this action.

9 2. At all relevant times Defendant BENICIA UNIFIED SCHOOL DISTRICT
10 (hereinafter referred to as "BUSD") was and is a public corporation with its principal place of
11 business in Benicia, California.

12 3. At all relevant times BUSD owned, operated, managed, and/or controlled local
13 schools throughout Benicia, California, including Matthew Turner Elementary.

14 4. At all relevant times BUSD employed teachers, school administrators, security,
15 safety officers, and others who served various institutions and families, including JANE DOE (A.A.)
16 and her family.

17 5. SHELTON was a teacher employed by BUSD to protect and serve students and
18 school employees, including JANE DOE (A.A.) and her family.

19 6. At all relevant times BUSD was the owner of Matthew Turner Elementary and held
20 itself out to the public as the owner of Matthew Turner Elementary.

21 7. At all relevant times BUSD, through its agents, servants, and employees, managed,
22 maintained, operated, and controlled Matthew Turner Elementary.

23 8. At all relevant times BUSD, through its agents, servants, and employees, managed,
24 maintained, operated, and controlled Matthew Turner Elementary, and held out to the public its
25 gents, servants, and employees as those who managed, maintained, operated, and controlled
26 Matthew Turner Elementary.

27 9. At all relevant times BUSD was responsible for, and did, the hiring and staffing at
28 Matthew Turner Elementary.

1 10. At all relevant times BUSD was responsible for, and did, the recruitment and staffing
2 of employees, agents, volunteers, and those who provided services for Matthew Turner Elementary.

3 11. At all relevant times SHELTON was on the staff of, acted as an agent of, and served
4 as an employee of BUSD.

5 12. At all relevant times SHELTON was acting in the course and scope of his
6 employment with BUSD.

7 13. At all relevant times BUSD materially benefited from the operation of Matthew
8 Turner Elementary, including the services of Matthew Turner Elementary and the services of those
9 who managed and supervised SHELTON.

10 14. During the time SHELTON was employed by BUSD he used his positions as a
11 teacher of BUSD to groom and to sexually abuse JANE DOE (A.A.).

12 15. To the extent BUSD was a different entity, corporation, or organization during the
13 period of time during which SHELTON used his position as a teacher to sexually abuse JANE DOE
14 (A.A.), such entity, corporation, or organization is hereby on notice that it is intended to be a
15 defendant in this lawsuit and is identified in the Complaint as BUSD or as a “Doe” defendant.

16 16. To the extent BUSD is a successor to a different entity, corporation, or organization
17 which existed during the period of time during which SHELTON used his position as a teacher to
18 sexually abuse JANE DOE (A.A.), such predecessor entity, corporation, or organization is hereby
19 on notice that it is intended to be a defendant in this lawsuit and is identified in the Complaint as
20 BUSD or as a “Doe” defendant.

21 17. The Defendants named in this complaint as DOES 1 through 10 are individuals,
22 corporations, and/or other entities whose true names and capacities are unknown to Plaintiff at this
23 time and are, therefore, identified using fictitious names. Plaintiff will seek leave to amend this
24 Complaint to include their true names when they are ascertained. Plaintiff is informed and believes,
25 and upon such information and belief hereby alleges, that each of the Defendants sued herein as
26 DOES 1 through 10, inclusive, is negligent or in some other manner liable or responsible for the
27 events and happenings alleged in this Complaint and by their conduct directly and substantially
28 caused Plaintiff to sustain the injuries and damages alleged herein.

JURISDICTION AND VENUE

1
2 18. This Court has jurisdiction pursuant to California Constitution Article VI, section 10,
3 because this case is a cause not given by statute to other trial courts.

4 19. This Court has jurisdiction over BUSD and DOES 1 through 10, inclusive, because
5 they are business entities that do sufficient business, have sufficient minimum contacts in California,
6 or otherwise intentionally avail themselves of the California market, through the sale, marketing,
7 and use of its products in California, to render the exercise of jurisdiction over it by the California
8 courts consistent with traditional notions of fair play and substantial justice.

9 20. This venue is proper because a substantial part of the events and omissions giving
10 rise to Plaintiff’s claims occurred in Solano County, California.

11 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

12 21. Around approximately 2019, when JANE DOE (A.A.) was a minor, she was a
13 student attending school at Matthew Turner Elementary and using the services of BUSD.

14 22. BUSD, through its respective agents, servants, and employees, held SHELTON out
15 to the public, to JANE DOE (A.A.), and to her parents, as their agent and employee.

16 23. BUSD through its respective employees, agents, volunteers, or individuals who
17 performed services on behalf of BUSD, held SHELTON out to the public, to JANE DOE (A.A.),
18 and to her parents, as having been vetted, screened, and approved by it as someone who was safe
19 and could be trusted with children.

20 24. JANE DOE (A.A.) and her parents reasonably relied upon the acts and
21 representations of BUSD through their respective employees, agents, volunteers, or individuals who
22 performed services on behalf of BUSD and reasonably believed that SHELTON as an agent or
23 employee of BUSD, was vetted, screened, and approved by BUSD and was safe and could be trusted
24 with children.

25 25. JANE DOE (A.A.) and her parents trusted SHELTON because BUSD held him out
26 as someone who was safe and could be trusted with the supervision, care, custody, and control of
27 children, including JANE DOE (A.A.).
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1 26. JANE DOE (A.A.) and her parents believed that BUSD would exercise such care as
2 would a parent of ordinary prudence in comparable circumstances when the Defendants assumed
3 supervision, care, custody, and control of JANE DOE (A.A.), including protecting JANE DOE
4 (A.A.) from the danger of being sexually abused.

5 27. When JANE DOE (A.A.) was a minor, SHELTON used his positions with the
6 Defendants BUSD and DOES 1 through 10, inclusive, to sexually abuse her.

7 28. Around 2019, JANE DOE (A.A.) was sexually abused by SHELTON. JANE DOE
8 (A.A.) was approximately 6 or 7 years old when SHELTON sexually abused her.

9 29. Based on the representations of BUSD that SHELTON was safe and trustworthy,
10 JANE DOE (A.A.) and her parents allowed her to be under the supervision of, and in the care,
11 custody, and control of, BUSD, including when JANE DOE (A.A.) was sexually abused by
12 SHELTON.

13 30. In order to sexually abuse JANE DOE (A.A.), SHELTON exploited the trust and
14 authority vested in him by the Defendant by grooming JANE DOE (A.A.) to gain her trust and to
15 obtain control over her.

16 31. SHELTON used his positions of trust and authority as a teacher of BUSD to groom
17 JANE DOE (A.A.) and to sexually abuse her, including when JANE DOE (A.A.) was under the
18 supervision of, and in the care, custody, or control of BUSD and SHELTON.

19 32. The sexual abuse of JANE DOE (A.A.) by SHELTON occurred using the tasks,
20 premises, or instrumentalities that the Defendants entrusted to SHELTON.

21 33. SHELTON's sexual abuse of JANE DOE (A.A.) occurred during activities that were
22 sponsored by, or were a direct result of activities sponsored by, BUSD including a student field trip.

23 34. SHELTON's sexual abuse of JANE DOE (A.A.) was unlawful molestation under
24 California law, including California Code of Civil Procedure Section 340.1.

25 35. At all relevant times BUSD through its agents, servants, and employees, knew or
26 should have known that SHELTON was a danger to children, in that he was likely to sexually abuse
27 them.

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1 36. Employees of BUSD witnessed SHELTON transporting Plaintiff JANE DOE (A.A.)
2 during a student field trip in his vehicle.

3 37. SHELTON’s sexual abuse of minor children was known or should have been known
4 to BUSD. Around 2007, prior to being hired by BUSD, SHELTON was arrested and criminally
5 charged for alleged inappropriate touching of two 8-year-old and two 9-year old female students at
6 Phillips Edison Elementary. Despite BUSD's knowledge of the danger SHELTON posed to minor
7 children, he was hired and placed in positions of trust and authority with BUSD.

8 38. Both during, and directly following regular school hours of BUSD, SHELTON used
9 his positions of trust and authority as well as his access to premises of Matthew Turner Elementary
10 to perpetrate his sexual abuse of JANE DOE (A.A.).

11 39. It was reasonably foreseeable to Defendants, through their agents, servants, and
12 employees, that SHELTON’s sexual abuse of children would likely result in injury to others,
13 including the sexual abuse of JANE DOE (A.A.).

14 40. BUSD, through its agents, servants, and employees, knew or should have known that
15 SHELTON was sexually abusing children at Matthew Turner Elementary, including JANE DOE
16 (A.A.).

17 41. BUSD, through its respective agents, servants, and employees, knew or should have
18 known before and during SHELTON’s sexual abuse of JANE DOE (A.A.) that employees,
19 volunteers, and/or other persons serving Matthew Turner Elementary had used their positions with
20 the Defendant to groom and to sexually abuse children.

21 42. BUSD, through its respective agents, servants, and employees, concealed the sexual
22 abuse of children by SHELTON in order to conceal their own bad acts in failing to protect children
23 from him, to protect their reputations, and to prevent victims of such sexual abuse from coming
24 forward, despite knowing that SHELTON would continue to molest children.

25 43. BUSD, through its respective agents, servants, and employees, consciously and
26 recklessly disregarded their knowledge that SHELTON would use his positions with the Defendants
27 to sexually abuse children, including JANE DOE (A.A.).

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1 44. BUSD and DOES 1 through 10, inclusive, through their employees, agents,
2 volunteers, or those who provided services on behalf of BUSD, acted in concert with each other
3 and/or with SHELTON to enable SHELTON to sexually abuse children, including JANE DOE
4 (A.A.).

5 45. BUSD, through its respective agents, servants, and employees, knew that its
6 negligent, reckless, and outrageous conduct would inflict severe emotional and psychological
7 distress, as well as personal physical injury on others, including JANE DOE (A.A.), and JANE DOE
8 (A.A.) did, in fact, suffer severe emotional and psychological distress and personal physical injury
9 as a result of their wrongful conduct.

10 46. BUSD, through its respective agents, servants, and employees, concealed the sexual
11 abuse of children by teachers, school administrators, volunteers, school safety offices, and others,
12 including SHELTON, in order to conceal its own bad acts in failing to protect children from being
13 abused, to protect its reputations, and to prevent victims of such sexual abuse from coming forward
14 that allows JANE DOE (A.A.) to pursue her claim now, despite knowing that those teachers, school
15 administrators, volunteers, school safety officers, and other persons would continue to molest
16 children.

17 47. By reason of the wrongful acts of BUSD as detailed herein, JANE DOE (A.A.)
18 sustained physical and psychological injuries, including but not limited to severe emotional and
19 psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil
20 and loss of faith, a severe shock to her nervous system, physical pain and mental anguish, and
21 emotional and psychological damage.

22 48. Some or all of the injuries described above are of a permanent and lasting nature, and
23 JANE DOE (A.A.) has and/or will become obligated to expend sums of money for treatment.

24 **FIRST CAUSE OF ACTION**

25 (SEXUAL HARASSMENT)

26 (Civ. Code §§ 51.9 & 52)

27 (Against all Defendants)

28 49. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

1 50. JANE DOE (A.A.) had a student/teacher relationship with SHELTON, and
2 SHELTON made sexual advances, sexual requests, demands for sexual compliance by JANE DOE
3 (A.A.), and engaged in other verbal, visual, and physical conduct of a sexual nature based on JANE
4 DOE (A.A.)’s gender that were unwelcome and pervasive.

5 51. There was an inability by JANE DOE (A.A.) to easily terminate the relationship since
6 SHELTON was a teacher and she was a minor under SHELTON’s care and control.

7 52. Implicitly or explicitly, BUSD and/or DOES 1 through 10 aided, incited, ratified,
8 and/or conspired in the denial of JANE DOE (A.A.)’s right to be free from sexual harassment by
9 their employee, agent, volunteer, or individual who provided services on their behalf and thus
10 allowed SHELTON to repeatedly sexually harass and abuse Plaintiff.

11 53. As a direct and proximate result of the acts and omissions of Defendants as alleged
12 herein, JANE DOE (A.A.) suffered severe and permanent injuries including, but not limited to,
13 physical and mental pain and suffering, severe emotional distress, psychological harm, physical
14 injuries, past and future costs of medical care and treatment, and past and future loss of earnings and
15 earning capacity and other damages, in and amount not yet ascertained, but which exceed the
16 minimum jurisdictional limits of this Court.

17 54. Pursuant to Section 52 of the California Civil Code, Plaintiff also seeks exemplary
18 damages as to Defendants DOES 1 through 10 in an amount to be determined by the jury and
19 attorney’s fees as against defendants BUSD and DOES 1 through 10, inclusive.

20 **SECOND CAUSE OF ACTION**

21 (NEGLIGENT HIRING, SUPERVISION, AND RETENTION OF AN UNFIT EMPLOYEE)

22 (Gov. Code §§ 815.2(a) & 820)

23 (Against all Defendants)

24 55. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

25 56. Defendants BUSD and DOES 1 through 10, inclusive, had the responsibly and
26 mandatory duty pursuant to Government Code Sections 815.2(a) and 820, to adequately and
27 properly investigate, hire, train, and supervise its agents, employees, volunteers, or individuals who
28 performed services on the BUSD’s behalf, who would be working with minors and students to

1 protect the minors and students from harm caused by unfit and dangerous individuals hired as
2 teachers.

3 57. Prior to, and during, the time period of 2019, Defendants BUSD and DOES 1 through
4 10, inclusive knew of other student and parent complaints of serious misconduct made against
5 SHELTON, yet Defendants BUSD and DOES 1 through 10 failed to properly and adequately
6 investigate those complaints and failed to take appropriate disciplinary action against SHELTON.

7 58. On information and belief, Plaintiff believes that complaints were made against
8 SHELTON before SHELTON commenced his improper conduct toward JANE DOE (A.A.).

9 59. Before 2019, Defendants BUSD and DOES 1 through 10, inclusive, knew or should
10 have known that SHELTON engaged in repeated misconduct while a teacher at Napa Valley Unified
11 School District, including, but not limited to inappropriate touching of two 8-year-old and two 9-
12 year old female students at Phillips Edison Elementary, which led to the suspension of SHELTON's
13 teaching credential.

14 60. Defendants BUSD and DOES 1 through 10, inclusive, breached their mandatory duty
15 to properly and adequately investigate, hire, train, and supervise SHELTON as their teacher.

16 61. Had Defendants BUSD and DOES 1 through 10, inclusive, properly investigated,
17 supervised, trained, and monitored SHELTON's conduct and actions it would have discovered that
18 SHELTON was unfit to be employed as a teacher. By failing to adequately supervise, monitor, or
19 investigate, Defendants allowed SHELTON to continue, unhindered, with his predatory conduct
20 directed toward underage students, including JANE DOE (A.A.).

21 62. Defendants BUSD and DOES 1 through 10, inclusive, also negligently failed to
22 adequately implement or enforce any procedures or policies that were aimed at preventing,
23 detecting, or deterring the sexual harassment or abuse of minors and students by teachers or others.

24 63. Had Defendants BUSD or DOES 1 through 10, inclusive, performed their mandatory
25 duties and responsibilities to monitor, supervise, and/or investigate their teachers, JANE DOE
26 (A.A.) would not have been subject to the sexual abuse and other harmful conduct inflicted upon
27 her.

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64. As a direct and legal result of the acts and omissions of Defendants BUSD and DOES 1 through 10, inclusive, JANE DOE (A.A.) suffered physical and emotional injuries and other harm, including economic and non-economic damages in amounts to be determined but which exceed the jurisdictional minimum of the Superior Court.

THIRD CAUSE OF ACTION

(BREACH OF MANDATORY DUTY: FAILURE TO REPORT SUSPECTED CHILD ABUSE)

(Gov. Code § 815.6 & Penal Code § 11166, et seq.)

(Against all Defendants)

65. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

66. Defendant BUSD, acting through its employees and agents DOES 1 through 10, were at all times “mandated reporters” pursuant to the provisions of Government Code Section 815.6 and Penal Code section 11166., et seq., also known as the Child Abuse and Neglect Reporting Act. As mandated reporters of suspected child abuse, Defendants were legally obligated to personally report reasonably suspected incidents of child abuse to the police and/or child protective services within a very short period of time.

67. Defendants, acting through its employees, had or should have had a reasonable suspicion that SHELTON was engaged in sexual misconduct, yet failed to report the suspected abuse to the authorities.

68. Defendants' employees violated the Child Abuse and Neglect Reporting Act, Penal Code section 11166, et seq. They were acting within the course and scope of their employment when they violated the reporting requirements, and therefore BUSD is vicariously liable for that negligence.

69. By failing to report suspected child abuse, Defendants allowed SHELTON to continue, unhindered, in his abuse of adolescent girls, including JANE DOE (A.A.).

70. As a direct and legal result of this conduct, JANE DOE (A.A.) suffered severe and permanent injuries including, but not limited to, physical and mental pain and suffering, severe emotional distress, psychological harm, physical injuries, past and future costs of medical care and

1 treatment, and past and future loss of earnings and earning capacity, and other damages, in an
2 amount not yet ascertained, but which exceed the minimum jurisdictional limits of this Court.

3 **FOURTH CAUSE OF ACTION**

4 **(NEGLIGENT FAILURE TO WARN, TRAIN OR EDUCATE)**

5 **(Gov. Code §§ 815.2(a) & 820)**

6 **(Against all Defendants)**

7 71. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

8 72. Defendants BUSD and DOES 1 through 10, inclusive, had a duty to warn, train, and
9 educate the student in its custody, care, and control, like JANE DOE (A.A.), on known and
10 knowable dangers posed by its employees, agents, volunteers, or those who performed services on
11 its behalf pursuant to Government Code 815.2(a) and 820. Defendants BUSD and DOES 1 through
12 10, inclusive, also had a duty to warn train and educate its employees, agents, volunteers, or those
13 who performed services on its behalf on its sexual harassment policy and inappropriate boundary
14 crossing with students.

15 73. Defendants BUSD and DOES 1 through 10, inclusive, breached their duty to JANE
16 DOE (A.A.) by failing to warn her of known and knowable dangers posed by its faculty and staff,
17 including SHELTON; by failing to inform and educate JANE DOE (A.A.) on its sexual harassment
18 policies and the methods to identify, report, and respond to inappropriate sexual harassment by
19 teachers and by failing to train its faculty, including SHELTON, on the BUSD’s sexual harassment
20 policies.

21 74. As a direct and legal result of the negligence of BUSD and DOES 1 through 10,
22 inclusive, JANE DOE (A.A.) was groomed, manipulated, and ultimately sexually assaulted and
23 abused by a teacher of BUSD.

24 75. Had Defendants BUSD and DOES 1 through 10, inclusive fulfilled their duties and
25 responsibilities, JANE DOE (A.A.) would not have injured.

26 76. As a direct and legal result of this conduct, JANE DOE (A.A.) suffered severe and
27 permanent injuries including, but not limited to, physical and mental pain and suffering, severe
28 emotional distress, psychological harm, physical injuries, past and future costs of medical care and

1 treatment, and past and future loss of earnings and earning capacity, and other damages, in an
 2 amount not yet ascertained, but which exceed the minimum jurisdictional limits of this Court.

3 **FIFTH CAUSE OF ACTION**

4 **(NEGLIGENT SUPERVISION OF A MINOR)**

5 **(Gov. Code §§ 815.2(a) & 820)**

6 **(Against all Defendants)**

7 77. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

8 78. Defendants BUSD and DOES 1 through 10 had a special relationship towards their
 9 students and were responsible for the care, custody, control, supervision, and protection of the
 10 minors entrusted to them, like JANE DOE (A.A.). Thus, Defendants had a duty to adequately and
 11 properly supervise, monitor, and protect JANE DOE (A.A.) from known and knowable dangers,
 12 like SHELTON, in accordance with Government Code Sections 815.2(a) & 820.

13 79. Defendants BUSD and DOES 1 through 10 had a duty to protect their students from
 14 sexual abuse by their school employees, even if they do not have actual knowledge of a particular
 15 employee's history of committing, or propensity to commit, such abuse.

16 80. Defendants BUSD and DOES 1 through 10 breached their duty to properly and
 17 adequately supervise, monitor and protect JANE DOE (A.A.) by, in part, ignoring clear and obvious
 18 signs that SHELTON was engaged in repeated inappropriate and harassing sexual relationship with
 19 underage female students; allowing JANE DOE (A.A.) to spend unsupervised one-on-one time with
 20 SHELTON; and by allowing SHELTON to spend time alone with JANE DOE (A.A.) during a
 21 school field trip, during school hours and after school hours both while JANE DOE (A.A.) was a
 22 minor on their campus.

23 81. Had Defendants BUSD and DOES 1 through 10, inclusive, adequately and properly
 24 supervised, monitored and protected the minors on its campus, JANE DOE (A.A.) would not have
 25 been harmed.

26 82. Defendants BUSD and DOES 1 through 10, inclusive, also recklessly and
 27 negligently failed to implement and/or enforce policies or procedures that were aimed at preventing
 28 or detecting the sexual abuse of its students which fell well below the standard of care.

1 83. Had Defendants BUSD and DOES 1 through 10, inclusive, adequately performed
2 their duty and responsibility, then Plaintiff would not have been subject to the sexual assault and
3 harassment as alleged herein.

4 84. As a direct and proximate result of the acts and omissions of Defendants BUSD and
5 DOES 1 through 10, inclusive, as alleged herein, JANE DOE (A.A.) suffered severe and permanent
6 injuries including, but not limited to, physical and mental pain and suffering, severe emotional
7 distress, psychological harm, physical injuries, past and future costs of medical care and treatment,
8 and past and future loss of earnings and earning capacity, and other damages, in an amount not yet
9 ascertained, but which exceed the minimum jurisdictional limits of this Court.

10 **SIXTH CAUSE OF ACTION**

11 **(NEGLIGENCE)**

12 **(Gov. Code §§ 815.2(a) & 820)**

13 **(Against all Defendants)**

14 85. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

15 86. Defendants BUSD and DOES 1 through 10, inclusive, are persons or entities who
16 owed a duty of care to the JANE DOE (A.A.) and/or to the minor’s parent, or had a duty to control
17 the conduct of SHELTON by way of the special relationship existing between those individuals.

18 87. Defendants BUSD and DOES 1 through 10, inclusive, knew or should have known
19 of SHELTON’s misconduct and inappropriate sexual behavior directed by SHELTON to minor
20 female students he interacted with as a teacher for BUSD.

21 88. Despite having knowledge of SHELTON’s misconduct, Defendants BUSD and
22 DOES 1 through 10, inclusive, failed to take any preventative action to control, and failed to warn
23 JANE DOE (A.A.) or her parents of the wrongful conduct, despite having a legal duty to do so.

24 89. As a result of the negligence of Defendants BUSD and DOES 1 through 10,
25 inclusive, JANE DOE (A.A.) was sexually molested by SHELTON.

26 90. Had Defendants BUSD and DOES 1 through 10, inclusive, fulfilled their duties and
27 responsibilities, JANE DOE (A.A.) would not have been subject to all or most of the misconduct
28 aimed against her by SHELTON.

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91. As a result of said Defendants having breached their duty to properly supervise and/or warn JANE DOE (A.A.) and her parents of the wrongful conduct, JANE DOE (A.A.) has been severely damaged emotionally and physically, and otherwise, in amounts to be proven at the time of trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants BUSD and DOES 1 through 10, and each of them as follows:


- 1. For economic damages according to proof;
- 2. For non-economic damages according to proof;
- 3. For all attorney's fees allowable by statute;
- 4. For costs of suit incurred herein;
- 5. For prejudgment interest as may be allowed;
- 6. For punitive damages as to DOES 1 through 10.
- 7. For an award of up to treble damages based on Code of Civil Procedure 340.1 against

BENICIA UNIFIED SCHOOL DISTRICT.

- 8. For such other and further relief as the Court deems just and proper

DATED: April 29, 2024

PANISH | SHEA | RAVIPUDI LLP

By: 

Spencer R. Lucas
 Matthew G. Freeman
 U. Sean Maneewongwathana
 Attorneys for Plaintiffs


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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all causes of action.

DATED: April 29, 2024

PANISH | SHEA | RAVIPUDI LLP

By: 

Spencer R. Lucas
Matthew G. Freeman
U. Sean Maneewongwathana
Attorneys for Plaintiffs