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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF SAN MATEO**
12 **UNLIMITED JURISDICTION**

14 JANE DOE (J.R.), a minor, by and through
15 her Guardian ad Litem, JANE DOE (D.R.);
16 and JANE DOE (K.M.), a minor, by and
through her Guardian ad Litem, JANE
17 DOE (B.M.)

18 Plaintiffs,

19 v.

20 SAN BRUNO PARK SCHOOL
DISTRICT, a public entity; and DOES 1
21 through 125, inclusive

22 Defendants.

Case No.: 25-CIV-01710

**COMPLAINT FOR PERSONAL INJURIES
AND DAMAGES**

DEMAND FOR JURY TRIAL

24 COMES NOW, Plaintiff JANE DOE (J.R.), a minor, by and through her Guardian ad
25 Litem, JANE DOE (D.R.) and Plaintiff JANE DOE (K.M.), a minor, by and through her
26 Guardian ad Litem, JANE DOE (B.M.), brings this Complaint for Personal Injuries and Damages
27 against Defendants SAN BRUNO PARK SCHOOL DISTRICT, a public entity, and DOES 1
28

Electronically
FILED
by Superior Court of California, County of San Mateo
ON 3/3/2025
By /s/ Kimberly Claussen
Deputy Clerk

1 through 125, inclusive (collectively “Defendants”) and alleges:

2 **PARTIES**

3 1. Plaintiff JANE DOE (J.R.), an individual and minor, was a resident of the County
4 of San Mateo, State of California and was a student at El Crystal Elementary School and a student
5 at Allen Elementary School, at both times Plaintiff was a student of Jeremy Yeh. Due to the
6 sensitive nature of this case, Plaintiff JANE DOE (J.R.) is using a fictitious name in this
7 Complaint under rights to privacy granted by the Constitution of the State of California.
8 Plaintiff’s full identity has been concealed from public court filings in order to prevent those not
9 directly involved in this action from learning her identity and making her identity public. Such a
10 public disclosure would further harm Plaintiff and her family.

11 2. Plaintiff JANE DOE (K.M.), an individual and minor, was a resident of the County
12 of San Mateo, State of California and was a student at Allen Elementary School and a student of
13 Jeremy Yeh. Due to the sensitive nature of this case, Plaintiff JANE DOE (K.M.) is using a
14 fictitious name in this Complaint under rights to privacy granted by the Constitution of the State
15 of California. Plaintiff’s full identity has been concealed from public court filings in order to
16 prevent those not directly involved in this action from learning her identity and making her
17 identity public. Such a public disclosure would further harm Plaintiff and her family.

18 3. Defendant SAN BRUNO PARK SCHOOL DISTRICT (“SBPSD”) is a public
19 school district existing under the laws of the State of California. Defendant SBPSD is located in
20 the City of San Bruno, within the County of San Mateo, State of California. Defendants DOES 1
21 through 25 are employees and/or agents of Defendant SBPSD who owed a duty of care to
22 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) and breached that duty of care.
23 Defendant SBPSD employed Jeremy Yeh as a teacher who was assigned to both Plaintiff JANE
24 DOE (J.R.) and Plaintiff JANE DOE (K.M.). While Plaintiff JANE DOE (J.R.) and Plaintiff
25 JANE DOE (K.M.) were under the care and supervision of Defendant SBPSD, Jeremy Yeh
26 repeatedly sexually battered, molested, and abused Plaintiff JANE DOE (J.R.) and Plaintiff JANE
27 DOE (K.M.).

28 4. Allen Elementary School is a public school located in the City of San Bruno,

1 within the County of San Mateo, State of California. Plaintiff JANE DOE (J.R.) and Plaintiff
2 JANE DOE (K.M.) were students at Allen Elementary School at the time of the incidents that is
3 the subject of this Complaint. Allen Elementary School was and is operated by and under the
4 control of Defendant SBPSD, and its respective governing boards and/or superintendents,
5 administrators, agents, and employees. Defendants DOES 26 through 50 are employees and/or
6 agents of Allen Elementary School who owed a duty of care to Plaintiff JANE DOE (J.R.) and
7 Plaintiff JANE DOE (K.M.) and breached that duty of care.

8 5. El Crystal Elementary School (“ECES”) was a public school located in the City of
9 San Bruno, within the County of San Mateo, State of California. Plaintiff JANE DOE (J.R.) was a
10 student at El Crystal Elementary School. El Crystal Elementary School closed following the
11 2017-2018 school year, but at all relevant times prior, was operated by and under the control of
12 Defendant SBPSD, and its respective governing boards and/or superintendents, administrators,
13 agents, and employees.

14 6. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) are informed and
15 believe, and upon such information and belief allege, that each Defendant designated herein as
16 DOE 1-125 is negligently or otherwise legally responsible in some manner for the events and
17 happenings herein referred to, and negligently or otherwise caused injuries and damages
18 proximately thereby to Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) as hereinafter
19 alleged. At all times herein mentioned, each and every Defendant herein was the agent, servant,
20 partner, joint venturer, employee, and/or franchisee of each of the other Defendants, and each was
21 at all times acting within the course and scope of such agency, service, employment, joint
22 venture, partnership, and/or franchise.

23 7. The true names and capacities of each Defendant designated herein as DOES 1
24 through 125, whether an individual, business, public entity, or some other entity, are presently
25 unknown to Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.), who therefore sue said
26 Defendants by such fictitious names, pursuant to Code of Civil Procedure § 474. Each DOE
27 defendant is responsible in some actionable manner for the events alleged herein. Plaintiff JANE
28 DOE (J.R.) and Plaintiff JANE DOE (K.M.) will amend the Complaint to state the true names

1 and capacities of said Defendants when the same have been ascertained.\

2 8. Each of the Defendants sued herein as DOES 1 through 125 was the agent and
3 employee of each of the remaining Defendants and was at all times acting within the course and
4 scope of such agency and employment with the full knowledge, consent, authority, ratification
5 and/or permission of each of the remaining Defendants.

6 9. Wherever appearing in this Complaint, each and every reference to Defendants, or
7 any of them, is intended to include, and shall be deemed to include, all fictitiously named
8 Defendants.

9 10. Government Code § 905(m) exempts a claim for sexual abuse of a minor from the
10 government tort claim presentation requirements of the Government Tort Claims Act. As such,
11 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) are not required to present a
12 government tort claim to Defendant SBPSD.

13 **JURISDICTION AND VENUE**

14 11. Jurisdiction and venue are proper in San Mateo County Superior Court because at
15 least one defendant does business in and/or resides in San Mateo County, and all relevant acts
16 occurred in San Mateo County.

17 **FACTS**

18 12. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) suffered sexual
19 molestation, abuse, harassment, manipulation, assault, and battery as minors at the hands of
20 Jeremy Yeh.

21 13. At all times relevant, Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.)
22 were students of Defendant SBPSD. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.)
23 attended Allen Elementary School, which is operated and controlled by Defendant SBPSD.

24 14. While Plaintiff JANE DOE (J.R.) was in first grade at El Crystal Elementary
25 School, and Second Grade at Allen Elementary School, Jeremy Yeh was her teacher and
26 repeatedly sexually molested, abused, harassed, manipulated, assaulted, and battered her, which
27 included touching and fondling of her breasts, buttocks, pubic region, vulva, and genitalia.
28 Similarly, while Plaintiff JANE DOE (K.M.) was in first and second grade at Allen Elementary

1 School, Jeremy Yeh was her teacher and repeatedly sexually molested, abused, harassed,
2 manipulated, assaulted, and battered her, which included touching and fondling of her breasts,
3 buttocks, pubic region, vulva, and genitalia.

4 15. Prior to Jeremy Yeh’s sexual molestation, abuse, harassment, manipulation,
5 assault, and battery of Plaintiff JANE DOE (J.R.) and PLAINTIFF (K.M.), Defendants SBPSD
6 and DOES 1 through 50, and each of them, knew or should have known, at least as early as the
7 2016-2017 school year, of Jeremy Yeh’s propensity and proclivity to sexually abuse his students,
8 and that Defendants SBPSD and DOES 1 through 50, and each of them, knew he posed a threat to
9 the safety of Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) and their classmates, but
10 took no steps to prevent Jeremy Yeh’s abuse. During the 2016-2017 school year, while Jeremy
11 Yeh taught a first/second grade combined class at ECES, multiple ECES students told ECES
12 administrators that Jeremy Yeh had pulled down a female student’s pants while hugging her and
13 looked down the pants of another female student. Upon receiving the student reports, Defendant
14 SBPSD and ECES administrators covered up and concealed Jeremy Yeh’s inappropriate and
15 abhorrent conduct, failed to document, investigate, or respond to prevent further incidents of
16 sexual misconduct of minor students, and failed to comply with their mandatory duties to report
17 suspected and known abuse of children to law enforcement and child welfare agencies. According
18 to the District Attorney’s Office, “The first victim came forward in 2017 but was called a liar by
19 the administration at El Crystal Elementary School.”

20 16. Instead of investigating Mr. Yeh’s alleged sexual abuse, the Principal of El
21 Crystal, Jeanne Elliott, forced the young girl who witnessed Mr. Yeh’s sexual abuse and the
22 young girl who Mr. Yeh sexual abuse to have a meeting with Mr. Yeh. During the meeting,
23 Principal Elliott forced both young girls to recount their allegations. Principal Elliott later sent an
24 email to Mr. Yeh telling him that she would handle the situation. She also sent a letter to all
25 parents with children in Mr. Yeh’s class calling the young girl who he abused “a liar.” At the
26 time, neither Principal Elliott nor Superintendent Cheryl Olson reported Mr. Yeh’s alleged sexual
27 abuse to police as required by California’s mandatory reporting laws. Superintendent Olson
28 retired two months later. Criminal charges may be filed by the DA’s office against Principal

1 Elliott and former Superintendent Olson for their failure to report Mr. Yeh’s 2017 sexual abuse.
2 As a result, both young girls were labeled as “liars” and bullied by other students.

3 17. Compounding Defendant SBPSD’s inaction, an ECES administrator who received
4 the reports “reassured [Jeremy Yeh] that he is not a victim, rather the child is troubled” and
5 disciplined the reporting students for “spreading rumors.” These actions amount to ratification of
6 Jeremy Yeh’s misconduct and thus aided and abetted Jeremy Yeh to continue to sexually molest,
7 abuse, harass, manipulate, assault, and batter Defendants’ students, including Plaintiff JANE
8 DOE (J.R.) and Plaintiff JANE DOE (K.M.) and, at least, two (2) other female students.

9 18. Over the course of his employment with Defendants SBPSD and DOES 1 through
10 50 and each of them from 2016 through 2023, Jeremy Yeh repeatedly engaged in lewd sexual acts
11 with minor students at ECES and Allen Elementary School, subjecting multiple victim students to
12 ongoing sexual molestation, abuse, harassment, manipulation, assault, and battery. To date, at
13 least four (4) female students were sexually molested, abused, harassed, manipulated, assaulted,
14 and battered by Jeremy Yeh while he was employed by Defendants SBPSD and/or DOES 1
15 through 50.

16 19. Administrators and other officials and employees of Defendants SBPSD and/or
17 DOES 1 through 50, and each of them, knew or should have known that Jeremy Yeh routinely
18 engaged in grooming behaviors with Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.)
19 and, at least, two (2) other female students, such as offering his classroom to them in the
20 mornings and during recess to be alone with them. Administrators and other officials and
21 employees of Defendants SBPSD and/or DOES 1 through 50, and each of them, knew or should
22 have known that Jeremy Yeh encouraged Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE
23 (K.M.) to spend time alone with him inside his classroom, which is a clear red flag and against
24 Defendant SBPSD’s own policies. Administrators and other officials and employees of
25 Defendants SBPSD and/or DOES 1 through 50, and each of them, knew or should have known
26 that Jeremy Yeh was contacting students outside of school via online gaming platforms and other
27 applications. Administrators and other officials and employees of Defendants SBPSD and/or
28 DOES 1 through 50, and each of them, knew or should have known that Jeremy Yeh engaged in a

1 game with female students, including, Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE
2 (K.M.), called “tickle time” during which he would tickle the female students and while doing so,
3 touch and grope their breasts, buttocks, pubic region, vulva, and genitalia. Administrators and
4 other officials and employees of Defendants SBPSD and/or DOES 1 through 50, and each of
5 them, knew or should have known that Jeremy Yeh awarded “points” to only female students,
6 including, Plaintiff JANE DOE (J.R.) and Plaintiff (K.M.), for completing random classroom
7 activities, which when awarded allowed the female students to skip recess and spend time with
8 him in his classroom.

9 20. Jeremy Yeh’s grooming conduct towards Plaintiff JANE DOE (J.R.) and Plaintiff
10 JANE DOE (K.M.) was open, obvious, and was known or should have been known to Defendants
11 SBPSD and/or DOES 1 through 50, and each of them, and their administrators and staff.
12 Defendants SBPSD and/or DOES 1 through 50, and each of them, knew or should have known
13 that Jeremy Yeh posed a threat to Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.)
14 and other students, and that Jeremy Yeh sexually molested, abused, harassed, manipulated
15 assaulted, and battered Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) and other
16 students, but nonetheless negligently failed to monitor and supervise Jeremy Yeh, or Plaintiff
17 JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) and other students to ensure their safety.

18 21. Defendants SBPSD and/or DOES 1 through 50, and each of them, knew or should
19 have known of Jeremy Yeh’s sexual molestation, abuse, harassment, manipulation, assaults, and
20 battery of Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) while they were under the
21 control, supervision, and care of Defendant SBPSD. Prior to his sexual molestation, abuse,
22 harassment, manipulation, assaults, and battery of Plaintiff JANE DOE (J.R.) and Plaintiff JANE
23 DOE (K.M.) and, at least two (2) other female students, Defendant SBPSD’s staff, employees,
24 administrators knew that Jeremy Yeh was sexually molesting, abusing, harassing, manipulating,
25 assaulting, and battering Defendants’ students, but they remained indifferent to it and negligently
26 retained and negligently failed to supervise and monitor Jeremy Yeh as a teacher, and negligently
27 failed to supervise students or take intervening action to ensure student safety. Defendants
28 SBPSD and/or DOES 1 through 50, and each of them, had a long-standing history and a pattern

1 and practice of ignoring and/or mishandling reports of inappropriate sexual conduct and sexual
2 abuse inflicted upon students by school staff members, and of failing to document, investigate, or
3 adequately responding to reports alleging its employees engaged in sexual misconduct with
4 students.

5 22. In April 2023, at least six (6) years after Defendants' SBPSD and/or DOES 1
6 through 50, and each of them, knew Jeremy Yeh sexually molested, abused, harassed,
7 manipulated, assaulted, and/or battered a student, law enforcement arrested him, and the San
8 Mateo County District Attorney subsequently charged him with seventeen (17) felony counts of
9 PC288(a) Lew Acts Upon a Child, with multiple felony enhancements, in connection with his
10 sexual assaults of Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) and other victim
11 students over the course of his employment with Defendant SBOSD as a teacher. A jury recently
12 found Jeremy Yeh guilty on all charges.

13 23. At no time prior to Jeremy Yeh's 2023 arrest for child sexual abuse did
14 Defendants SBPSD and/or DOES 1 through 50, and each of them, inform Plaintiff JANE DOE
15 (J.R.) and Plaintiff JANE DOE (K.M.)'s parents or guardians that Defendants knew Jeremy Yeh
16 had been previously reported for sexually abusing children; that Plaintiff JANE DOE (J.R.) and
17 Plaintiff JANE DOE (K.M.) were victims of Jeremy Yeh; that Defendants knew of Jeremy Yeh's
18 grooming behaviors with students, including that Jeremy Yeh engaged in grooming behaviors
19 with Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.); that Defendants conducted any
20 investigation into any report about Jeremy Yeh, and if so, the substance or outcome of any
21 investigation of Jeremy Yeh, including that which related to his inappropriate misconduct with
22 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) or other students; and/or that
23 Defendants never reported Jeremy Yeh to law enforcement or any child welfare agency. To the
24 contrary, when interviewed by law enforcement, Defendant SBPSD administrators retained
25 criminal defense attorneys and refused to cooperate with law enforcement.

26 24. Defendants SBPSD and/or DOES 1 through 50, and each of them, failed to take
27 appropriate action to intervene and stop the abuse of minor students by Jeremy Yeh, negligently
28 failed to monitor, supervise and/or control Jeremy Yeh, and failed to adequately supervise

1 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) to protect them from abuse while
2 they were in Defendants' care and control. Prior to and during Jeremy Yeh's abuse of Plaintiff
3 JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) and other female students, Defendants
4 SBPSD and/or DOES 1 through 50, and each of them, knew or should have known of Jeremy
5 Yeh's propensity and proclivity to molest, abuse, harass, manipulate, assault, and batter students,
6 that Jeremy Yeh posed a threat to the safety and welfare of students, and that Jeremy Yeh was
7 likely to harm and sexually abuse Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.)
8 and other students if Defendants did not provide reasonable supervision and care. Despite their
9 actual knowledge of the danger Jeremy Yeh posed to Plaintiff JANE DOE (J.R.) and Plaintiff
10 JANE DOE (K.M.) and other students, Defendants SBPSD and/or DOES 1 through 50, and each
11 of them, negligently retained Jeremy Yeh, and negligently failed to monitor and supervise Jeremy
12 Yeh, and failed to protect Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) and other
13 students from repeated sexual molestation, abuse, harassment, manipulation, assault, and battery
14 while in Defendants' control and care

15 25. As a proximate and legal result of Defendants' SBPSD and/or DOES 1 through 50,
16 and each of them, and their employees' and agents' negligence and indifference to Plaintiff JANE
17 DOE (J.R.) and Plaintiff JANE DOE (K.M.)'s safety, their negligent supervision of students and
18 employees on campus during operational hours, and their negligent and deliberate indifference to
19 reports of sexual molestation, abuse, harassment, manipulation, assaults, and battery of students
20 on its campuses, Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) were also sexually
21 molested, abused, harassed, manipulated, assaulted, battered, discriminated against, deprived of
22 access to the educational opportunities and benefits they were entitled, and otherwise harmed.
23 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) are informed and believe that, at all
24 relevant times, school officials, supervisors, and administrators at Defendant SBPSD failed to
25 implement or enforce any rules, policies, procedures, guidelines, or standards regarding
26 supervision and care of its students and teachers, such as Jeremy Yeh, of which would have
27 prevented the sexual molestation, abuse, harassment, manipulation, assaults, and battery of
28 students on its campuses, including Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.).

1 26. As minors and as students of Defendants SBPSD and/or DOES 1 through 50, and
2 each of them, Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) were under the
3 supervision, care, and control of Defendants and their agents, thereby creating a special
4 relationship with Defendants, and each of them. Plaintiff JANE DOE (J.R.) and Plaintiff JANE
5 DOE (K.M.) were entrusted to the care, custody, and control of Defendants who stood *in loco*
6 *parentis*. Defendants owe students under their supervision, care, and control a protective duty of
7 ordinary care. Due to this special relationship, there is an affirmative duty on Defendants and
8 their employees, agents, and independent contractors to take all reasonable steps to protect
9 students, including Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.), from the
10 foreseeable risk of harm posed by others, such as the foreseeable harm Jeremy Yeh posed and
11 ultimately caused. After learning of Jeremy Yeh’s inappropriate behavior as early as the 2016 –
12 2017 school year, Defendants had a duty to protect Plaintiff JANE DOE (J.R.) and Plaintiff JANE
13 DOE (K.M.) and other female students based on the *in loco parentis* special relationship between
14 them, but Defendants negligently failed to do so. Defendants failed to take reasonable steps or
15 implement safeguards to prevent inappropriate conduct, sexual molestation, abuse, harassment,
16 manipulation assault, and battery of Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.)
17 by Jeremy Yeh.

18 27. Defendants SBPSD and/or DOES 1 through 50, and each of them, are liable for
19 the acts and omissions of their staff, employees, administrators, and/or agents acting within the
20 course and scope of their employment. (Gov’t Code § 815.2.) A public employee is liable for
21 injury caused by their act or omission to the same extent as a private person. (Gov’t Code § 820.)
22 At all times herein, Defendants’ staff, employees, administrators, and/or agents were acting
23 within the course and scope of their employment with Defendants SBPSD and/or DOES 1
24 through 50, and each of them. Defendants, and each of them, had the responsibility and duty to
25 adequately and properly investigate, hire, retain, train, and supervise Jeremy Yeh and to protect
26 students from harm caused by unfit and dangerous individuals hired as teachers. This action is
27 brought under California Government Code §§ 815.2-815.6 and 820, *et seq.*

28 28. Defendants SBPSD and/or DOES 1 through 50, and each of them, are responsible

1 for maintaining a safe school environment pursuant to California laws, statutes, and regulations
2 on campus or during other school-sponsored events. California's Constitution, Article I, § 28,
3 states all students in California have an inalienable right to go to safe, secure, and peaceful
4 campuses.

5 29. As set forth herein, Defendants SBPSD and/or DOES 1 through 50, and each of
6 them, breached ordinary and mandatory duties of care intended to prevent harm to students.
7 Government Code § 815.6 applies only to enactments that impose a mandatory duty and allows
8 public entities to be held liable for failure to discharge a mandatory duty. Mandatory duties are
9 imposed by constitutional provisions and statutes, and include, but are not limited to, the
10 following:

- 11 a. Duty to supervise, hold students accountable for their conduct, and exercise
12 control reasonably necessary to maintain order, protect property, protect health and
13 safety of students, or to maintain conditions conducive to learning. (Educ. Code §
14 44807.)
- 15 b. Duty of care to supervise children while attending school. (Educ. Code § 44807;
16 Cal. Code Reg. tit. 5, § 5552.)
- 17 c. Duty to supervise students when school employee has undertaken to provide
18 transportation for a student or has undertaken a school-sponsored activity off the
19 premises of the school. (Educ. Code § 44808.)
- 20 d. Duty of school district to adopt a school safety plan. (Educ. Code § 35294.)
- 21 e. Duty to provide annual training to employees in child abuse detection and
22 mandated reporting obligations under the Child Abuse and Neglect Reporting Act.
23 (Educ. Code § 44691.)
- 24 f. Duty to report suspected child abuse and child sexual abuse. (Penal Code §
25 11166.)
- 26 g. Duty requiring employers to provide sexual harassment training and education for
27 supervisory and non-supervisory employees. (Gov't Code § 12950.1.)
- 28 h. Duty to prevent discrimination or sexual harassment and abuse in public

1 educational facilities. (Educ. Code § 200, *et seq.*)

2 Defendants breached one or more of these mandatory duties, which is negligence per se.

3 30. The aforementioned laws, statutes, and regulations were adopted to impose non-
4 delegable duties upon public schools, including their employees, to take all reasonable steps to
5 protect students. These statutes were and are intended to afford minor students, like Plaintiff
6 JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.), protection from sexual molestation, abuse,
7 harassment, manipulation, assault, and battery. Defendants negligently exposed Plaintiff JANE
8 DOE (J.R.) and Plaintiff JANE DOE (K.M.) to the foreseeable danger of sexual molestation,
9 abuse, harassment, manipulation, assault, and battery by Jeremy Yeh.

10 31. Defendants SBPSD and/or DOES 1 through 50, and each of them, are also directly
11 liable because they approved, aided and abetted, adopted, and ratified Jeremy Yeh's sexual
12 molestation, abuse, harassment, manipulation, assault, and battery of Plaintiff JANE DOE (J.R.)
13 and Plaintiff JANE DOE (K.M.). After repeatedly being informed and/or becoming aware of
14 Jeremy Yeh's sexual molestation, abuse, harassment, manipulation, assault, and battery of female
15 students, Defendants took no action to take any remedial actions or to discipline him in any way.
16 In fact, Defendants assured him he was the victim and that the students were the bad actors.
17 Defendants also chose not to conduct an investigation. Through Defendants' failure to timely
18 reprimand and sanction the acts referenced herein, and for all of the other reasons set forth in this
19 Complaint including, without limitation, its failure to take the steps necessary to prevent the
20 occurrence of such reprehensible acts the Defendants ratified said actions and, accordingly, are
21 vicariously liable for the actions of Jeremy Yeh.

22 32. As a direct and proximate result of said acts, omissions, and negligence of
23 Defendants, and each of them, Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.)
24 sustained personal injuries and damages. As a direct and proximate result of their personal
25 injuries, Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) have been generally
26 damaged in a sum in excess of the jurisdictional limits of the Superior Court, Limited
27 Jurisdiction.

28 33. As a direct and proximate result of said acts, omissions, and negligence of

1 Defendants, and each of them, Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) have
2 incurred economic and noneconomic damages and continue to and will continue to incur these
3 damages into the future, the full nature and extent of which are not yet known to Plaintiff JANE
4 DOE (J.R.) and Plaintiff JANE DOE (K.M.), and leave is requested to amend this Complaint to
5 conform to proof at the time of trial.

6 34. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) are entitled to pre-
7 judgment interest on said damages attributable to an ascertainable economic value pursuant to
8 Civil Code § 3288. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) have lost pre-
9 judgment interest pursuant to Civil Code § 3291, the exact amount of which Plaintiff JANE DOE
10 (J.R.) and Plaintiff JANE DOE (K.M.) pray leave to insert herein when finally ascertained and to
11 conform to proof at trial.

12 **FIRST CAUSE OF ACTION**

13 **NEGLIGENCE**

14 **AGAINST DEFENDANTS SAN BRUNO PARK SCHOOL DISTRICT AND**
15 **DOES 1 THROUGH 125, INCLUSIVE**

16 35. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) reallege and
17 incorporate as if fully stated herein each and every allegation contained in the previous
18 paragraphs of this Complaint.

19 36. Defendants are liable for the acts and omissions of their employees acting within
20 the course and scope of their employment. Gov. Code § 815.2. A public employee is liable for
21 injury caused by their act or omission to the same extent as a private person. Gov. Code § 820. At
22 all times herein, Defendants' employees, staff, and administrators were acting within the course
23 and scope of their employment.

24 37. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) were entrusted to the
25 care of the Defendants and their teachers *in loco parentis*. Defendants had a special relationship
26 with students, like Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) and had an
27 affirmative and mandatory duty to protect children from the foreseeable risk of harm. Defendants
28 owed its students, including Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.), under

1 their supervision a protective duty of ordinary care. Due to this special relationship, there was an
2 affirmative duty on the Defendants and their employees, agents, and administrators to take all
3 reasonable steps to maintain supervision of its students, including Plaintiff JANE DOE (J.R.) and
4 Plaintiff JANE DOE (K.M.), during any and all school-sponsored curriculum activities, and to
5 protect its students, including Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.),
6 against the foreseeable risk of harm from teachers such as Jeremy Yeh. This affirmative duty is
7 based, in part, on the compulsory nature of education and the compulsory nature of school-
8 sponsored activities that are a part of the education curriculum.

9 38. Defendants breached additional mandatory duties and are liable for Plaintiff JANE
10 DOE (J.R.) and Plaintiff JANE DOE (K.M.)’s injuries and damages pursuant to, but not limited
11 to, the following statutes: Govt. Code § 12950.1; Cal. Civ. Code § 51.9; Cal. Educ. Code §§ 200-
12 262.4, 32880-32882.1, 35294.10-35294.15, 44807, 49000, 49001; and Cal. Code Regs. Title 5, §§
13 4900-4965, 5530, 5531, 5551. The aforementioned laws, statutes, and regulations were adopted to
14 impose non-delegable duties upon public schools, including their employees, to take all
15 reasonable steps to protect students. These statutes were intended to afford minor students, like
16 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.), protection from sexual molestation,
17 abuse, harassment, manipulation, assault, and battery, both on and off-campus. Defendants
18 negligently exposed Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) to the
19 foreseeable danger of sexual molestation, abuse, harassment, manipulation, assault, and battery
20 by Jeremy Yeh.

21 39. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) are informed and
22 believe, and thereon allege that Defendants, and each of them, breached their duty of care owed to
23 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) because they failed to adequately
24 supervise and monitor Jeremy Yeh, failed to reasonably supervise and monitor Plaintiff JANE
25 DOE (J.R.) and Plaintiff JANE DOE (K.M.) while they were under Defendants care and control
26 at school, and failed to enforce those rules and regulations necessary for Plaintiff JANE DOE
27 (J.R.) and Plaintiff JANE DOE (K.M.)’s protection and thereby directly caused the injuries and
28 damages to Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) as described herein.

1 Defendants' negligence also created a reasonably foreseeable risk of the type of injuries Plaintiff
2 JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) sustained.

3 40. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) are informed and
4 believe, and thereon allege that Defendants, and each of them, had actual or constructive notice of
5 Jeremy Yeh's prior incidents of sexual molestation, abuse, harassment, manipulation, assault, and
6 battery for a sufficient and reasonable time such that Defendants could protect and should have
7 protected Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) from the same.

8 41. Defendants failed to exercise reasonable care in supervising Jeremy Yeh and
9 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.). Jeremy Yeh engaged in various
10 unlawful touching, sexual molestation, abuse, harassment, manipulation, assault, and battery of
11 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) throughout several school years.
12 After Jeremy Yeh's inappropriate actions were observed by Defendants' employees, staff and/or
13 administrators, Defendants failed to take appropriate action to ensure that Jeremy Yeh would not
14 have further opportunities to sexually molest, abuse, harass, manipulate, assault, and batter
15 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) and other minor students.

16 42. Had Defendants performed their duties and responsibilities to investigate, hire,
17 retain, supervise, and monitor its staff, employees, and students, including Plaintiff JANE DOE
18 (J.R.) and Plaintiff JANE DOE (K.M.), both minors would not have been subject to the sexual
19 molestation, abuse, harassment, manipulation, assault, and battery inflicted upon them by
20 Defendants and Jeremy Yeh. Defendants knew or should have known that their failure to properly
21 supervise, control, oversee, monitor and/or retain Jeremy Yeh, particularly his interactions with
22 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.), would result in serious harm and
23 injury to them. Instead, Defendants allowed Jeremy Yeh to repeatedly isolate Plaintiff JANE
24 DOE (J.R.) and Plaintiff JANE DOE (K.M.) so he could sexually molest, abuse, harass,
25 manipulate, assault, and batter them.

26 43. Due to these acts and failures to act, Defendants, and each of them, are liable for
27 the injuries and damages to Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) under
28 California Education Code, section 44807, and California Government Code, including, but not

1 limited to, California Government Code, sections 815.2(a), 815.4, 815.6, 820(a), and/or 835.

2 44. As a legal, direct, and proximate result of these tortious acts and omissions by
3 Defendants, and each of them, Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) were
4 severely injured in their health, strength, and activity. Plaintiff JANE DOE (J.R.) and Plaintiff
5 JANE DOE (K.M.) have suffered, and continue to suffer, great pain of mind and body, shock,
6 emotional distress, physical manifestations of emotional distress including embarrassment, loss of
7 self-esteem, disgrace, humiliation, and loss of enjoyment of life, and/or have incurred and will
8 continue to incur expenses for medical and psychological treatment, therapy, and counseling.
9 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.)'s injuries include, but are not limited
10 to, post-traumatic stress disorder, adjustment disorder with mixed anxiety and depression, social
11 anxiety disorder, major depressive disorder with moderate anxious distress, disruptive mood
12 dysregulation disorder and self-inflicting harm. As a direct and proximate result of said acts,
13 omissions, and negligence of Defendants, and each of them, Plaintiff JANE DOE (J.R.) and
14 Plaintiff JANE DOE (K.M.) have incurred economic and noneconomic damages and continues to
15 incur these damages, the full nature and extent of which are not yet known to Plaintiffs, and leave
16 is requested to amend this Complaint to conform to proof at the time of trial.

17 **SECOND CAUSE OF ACTION**

18 **NEGLIGENT SUPERVISION**

19 **AGAINST DEFENDANTS SAN BRUNO PARK SCHOOL DISTRICT AND**

20 **DOES 1 THROUGH 125, INCLUSIVE**

21 45. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) reallege and
22 incorporate as if fully stated herein each and every allegation contained in the previous
23 paragraphs of this Complaint.

24 46. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) were entrusted to the
25 care of Defendants and their employees, including their teachers, *in loco parentis*. Defendants
26 owe students, including Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.), under their
27 supervision a protective duty of ordinary care. Given this special relationship, there is an
28 affirmative duty on Defendants and their employees, agents, and independent contractors to take

1 all reasonable steps to protect students in their care, custody, and control, including Plaintiff
2 JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.), from the foreseeable risk of harm posed by
3 teachers, including Jeremy Yeh.

4 47. Defendants owed Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) a
5 duty to provide reasonable supervision of them both, as well as to provide reasonable supervision
6 of Jeremy Yeh, and to provide adequate warning to Plaintiff JANE DOE (J.R.) and Plaintiff
7 JANE DOE (K.M.) and to other students and their families of Jeremy Yeh’s known dangerous
8 propensities. Defendants further owed Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE
9 (K.M.) a duty to protect them against the foreseeable risk of sexual assaults committed upon
10 children by its teachers, such as Jeremy Yeh, during or arising out of school activities.

11 Defendants further had a duty to enforce policies, procedures, rules, and regulations that were in
12 place for student protection including the prevention of sexual molestation, abuse, harassment,
13 manipulation, assault, and battery of Defendants’ students, including Plaintiff JANE DOE (J.R.)
14 and Plaintiff JANE DOE (K.M.).

15 48. While Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) were students
16 at Defendants’ Allen Elementary School, Defendants failed to exercise reasonable care in
17 supervising Jeremy Yeh while he was employed by Defendants, and Plaintiff JANE DOE (J.R.)
18 and Plaintiff JANE DOE (K.M.) while they were attending school at Allen Elementary School.
19 Defendants knew or should have known of Jeremy Yeh’s inappropriate conduct with, and/or
20 attempts to get close with, and/or to groom Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE
21 (K.M.), and/or other minor students, prior to molesting, abusing, harassing, manipulating,
22 assaulting, and battering them and should have exercised reasonable care in supervising Jeremy
23 Yeh. Defendants also knew or should have known of Jeremy Yeh’s particular interest in Plaintiff
24 JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.), including that Jeremy Yeh was showing
25 special attention to Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.), playing “tick
26 le time” with Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.), and encouraging Plaintiff
27 JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) to skip recess and spend time alone with him
28 in his classroom. Despite this knowledge and having received prior reports of Jeremy Yeh’s

1 inappropriate behavior, Defendants failed to adequately supervise Jeremy Yeh, failed to
2 investigate his inappropriate behaviors, and deliberately took no action to prevent his
3 inappropriate behavior or to discipline him.

4 49. Defendants knew or should have known that Jeremy Yeh was unfit to serve as a
5 elementary school teacher Defendant SBPSD's schools. Prior to Jeremy Yeh's sexual
6 molestation, abuse, harassment, manipulation, assault, and battery of Plaintiff JANE DOE (J.R.)
7 and Plaintiff JANE DOE (K.M.), Defendant SBPSD knew or should have known, at least as early
8 as the 2016-2017 school year, of Jeremy Yeh's propensity and proclivity to sexually abuse
9 Defendants' students, and that Defendants knew Jeremy Yeh posed a threat to the safety of
10 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) and Defendants' other minor
11 students, but took no steps to prevent Jeremy Yeh's abuse. During the 2016-2017 school year,
12 while Jeremy Yeh taught a first/second grade combined class at El Crystal Elementary School,
13 multiple ECES students told ECES administrators that Jeremy Yeh had pulled down a female
14 student's pants while hugging her and looked down the pants of another female student. Upon
15 receiving the student reports, Defendant SBPSD and ECES administrators covered up and
16 concealed Jeremy Yeh's inappropriate and abhorrent conduct, failed to document, investigate, or
17 respond to prevent further incidents of sexual misconduct of minor students, and failed to comply
18 with their mandatory duties to report suspected and known abuse of children to law enforcement
19 and child welfare agencies. Compounding Defendant SBPSD's inaction, an ECES administrator
20 who received the reports "reassured [Jeremy Yeh] that he is not a victim, rather the child is
21 troubled" and disciplined the reporting students for "spreading rumors." These actions amount to
22 ratification of Jeremy Yeh's misconduct and thus aided and abetted Jeremy Yeh to continue to
23 sexually molest, abuse, harass, manipulate, assault, and batter Defendants' students, including
24 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) and, at least fifteen (15) other female
25 students. Defendants knew of Jeremy Yeh's inappropriate conduct with, and/or attempts to get
26 close to, and/or to groom Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) and had a
27 duty to exercise reasonable care in supervising Jeremy Yeh. At a minimum, Defendants had a
28 duty to and should have prevented Jeremy Yeh from being alone with female students, including

1 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.). Even after observing and having
2 actual knowledge of Jeremy Yeh's inappropriate sexual conduct, Defendants failed to supervise
3 Jeremy Yeh around Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) and other
4 students. Defendants also permitted Jeremy Yeh to be alone with Plaintiff JANE DOE (J.R.) and
5 Plaintiff JANE DOE (K.M.), which gave Jeremy Yeh the opportunity to sexually molest, abuse,
6 harass, manipulate, assault, and batter them.

7 50. Defendants knew and had reason to know that Jeremy Yeh could not be trusted to
8 behave appropriately around female students and that he posed a known and/or foreseeable risk of
9 harm to students, including Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.).

10 Defendants knew and should have known of Jeremy Yeh's prior and continuing pedophilic
11 tendencies and propensities to engage in inappropriate conduct with and to molest, abuse, harass,
12 manipulate, assault, and/or batter minor students, including Plaintiff JANE DOE (J.R.) and
13 Plaintiff JANE DOE (K.M.). Defendants lacked adequate safeguards to prevent Jeremy Yeh's
14 sexual molestation, abuse, harassment, assaults, and battery of Plaintiff JANE DOE (J.R.) and
15 Plaintiff JANE DOE (K.M.). Defendants' supervisory policies, procedures, rules, and regulations
16 did not adequately provide for safety, security, and protection of students, including Plaintiff
17 JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.).

18 51. Defendants were negligent in supervising Jeremy Yeh without any significant
19 investigation or knowledge that he was fit to act in a position of trust with respect to students at
20 ECES and at Allen Elementary School. The failure to adequately supervise Jeremy Yeh as a
21 teacher constituted a breach of Defendants' duties. Any training aimed at preventing, detecting, or
22 deterring the sexual molestation, abuse, harassment, manipulation, assault, and battery of students
23 by teachers or other school employees was inadequate. Had Defendants properly supervised
24 Jeremy Yeh, and taken reasonable steps to prevent sexual misconduct, Jeremy Yeh would not
25 have been permitted the opportunity or able to molest, abuse, harass, manipulate, assault, and
26 batter Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.).

27 52. Defendants' failure to adequately supervise Jeremy Yeh and other staff, employees
28 and/or agents, who knew or should have known of Jeremy Yeh's misconduct, resulted in further

1 failures including their failure to report Jeremy Yeh’s inappropriate conduct, to investigate his
2 inappropriate conduct, to adequately respond to the reports of Jeremy Yeh’s inappropriate
3 conduct, to prevent further incidents of Jeremy Yeh’s inappropriate conduct, to prevent future
4 harm of additional students, and/or to discipline Jeremy Yeh in response to his inappropriate
5 conduct. Defendants knowingly placed Jeremy Yeh in a position of trust whereby he would act
6 as an authority figure to students, including Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE
7 (K.M.). Defendants negligently failed to prevent pre-sexual grooming, sexual molestation, abuse,
8 harassment, manipulation, assault, and battery of Plaintiff JANE DOE (J.R.) and Plaintiff JANE
9 DOE (K.M.). Defendants also failed to ensure that their students and employees, agents, and/or
10 representatives were properly supervised and properly trained in policies that would have
11 prevented the acts by Jeremy Yeh. Defendants also negligently failed to adequately implement or
12 enforce any district-wide procedures or policies aimed at preventing, detecting, or deterring the
13 sexual molestation, abuse, harassment, manipulation, assault, and/or battery of its students by
14 teachers, chaperones, volunteers, or other school employees, which would have enabled proper
15 supervision of Jeremy Yeh and prevented the harm inflicted upon Plaintiff JANE DOE (J.R.) and
16 Plaintiff JANE DOE (K.M.) by Jeremy Yeh.

17 53. Had Defendants properly investigated, hired, retained, supervised, trained, and
18 monitored Jeremy Yeh’s conduct and actions as a teacher, they would have discovered that he
19 was unfit to be around children. By failing to adequately supervise, monitor, or investigate,
20 Defendants allowed Jeremy Yeh to continue, unhindered, with his predatory conduct directed
21 toward elementary-aged students, including Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE
22 (K.M.). Had Defendants performed their duties in this respect, Plaintiff JANE DOE (J.R.) and
23 Plaintiff JANE DOE (K.M.) would not have been subjected to the sexual abuse and other harmful
24 conduct inflicted upon them. Defendants knew or should have known that their failure to properly
25 supervise, control, oversee, and monitor Jeremy Yeh in his interactions with students, especially
26 when one-on-one with students, would result in serious harm and injury to Defendants’ students
27 who were under their care and control, including Plaintiff JANE DOE (J.R.) and Plaintiff JANE
28 DOE (K.M.).

1 Plaintiff JANE DOE (K.M.) and Defendants, and each of them, Defendants owed Plaintiff JANE
2 DOE (J.R.) and Plaintiff JANE DOE (K.M.) a duty not to hire and/or then retain Jeremy Yeh as a
3 teacher at ECES and Allen Elementary School, given his dangerous and known propensities to
4 sexually molest, abuse, harass, manipulate, assault, and batter students. Defendants had a duty to
5 their students to take reasonable steps to investigate and to ensure that unfit individuals were
6 and/or are not hired as teachers or school employees with access to children.

7 59. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) are informed and
8 believe, and on that basis allege, that Defendants did not adequately or properly investigate
9 Jeremy Yeh and/or did not conduct a suitable background check of Jeremy Yeh prior to hiring
10 him and/or prior to the time Defendants allowed him to teach at ECES and Allen Elementary
11 School. Had Defendants done so, Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) are
12 informed and believe, and thereon allege, that Defendants would have learned of Jeremy Yeh's
13 pedophilic tendencies and his history of inappropriate behavior around minors, and/or simply his
14 unsuitability and unfitness to be employed by Defendants.

15 60. Defendants knew or should have known that Jeremy Yeh was unsuitable and unfit
16 to be a teacher at any school with minor children and/or responsible for supervising children,
17 including Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.). Defendants failed to
18 conduct an adequate and proper background investigation of Jeremy Yeh prior to hiring him
19 and/or allowing him to serve as a teacher at ECES and Allen Elementary School, which created a
20 known and/or foreseeable risk of harm to Defendants' students, including Plaintiff JANE DOE
21 (J.R.) and Plaintiff JANE DOE (K.M.), to whom Defendants owed a duty to protect.

22 61. Defendants were negligent in allowing Jeremy Yeh to serve as a teacher at ECES
23 and Allen Elementary School and in allowing Jeremy Yeh to be placed in a position of trust and
24 authority, and with access to children. Defendants therefore breached their duty of care by
25 allowing Jeremy Yeh to serve as a teacher knowing he was a person who was unfit to be around
26 children. The failure of Defendants to exercise reasonable care was a direct and proximate cause
27 of the injuries and damages suffered by Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE
28 (K.M.).

1 investigation, they would have learned of Jeremy Yeh’s dangerous propensities and, at a
2 minimum, should have prevented him from being alone with female students at ECES and Allen
3 Elementary School, including Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.).

4 67. Over the course of his employment with Defendant SBPSD from 2016 through
5 2023, Jeremy Yeh repeatedly engaged in lewd sexual acts with minor students at ECES and Allen
6 Elementary School, subjecting multiple victim students to ongoing sexual molestation, abuse,
7 harassment, manipulations, assault, and battery. To date, at least seventeen (17) female students
8 were sexually molested, abused, harassed, manipulated, assaulted, and battered by Jeremy Yeh
9 while he was employed by Defendants.

10 68. Administrators and other officials and employees of Defendants knew or should
11 have known that Jeremy Yeh routinely engaged in grooming behaviors with Plaintiff JANE DOE
12 (J.R.) and Plaintiff JANE DOE (K.M.) and, at least fifteen (15) other female students, such as
13 offering his classroom to them in the mornings and during recess to be alone with them.

14 Administrators and other officials and employees of Defendants SBPSD and/or DOES 1 through
15 50, and each of them, knew or should have known that Jeremy Yeh encouraged Plaintiff JANE
16 DOE (J.R.) and Plaintiff JANE DOE (K.M.) to spend time alone with him inside his classroom,
17 which is a clear red flag and against Defendant SBPSD’s own policies. Administrators and other
18 officials and employees of Defendants SBPSD and/or DOES 1 through 50, and each of them,
19 knew or should have known that Jeremy Yeh was contacting students outside of school via online
20 gaming platforms and other applications. Administrators and other officials and employees of
21 Defendants SBPSD and/or DOES 1 through 50, and each of them, knew or should have known
22 that Jeremy Yeh engaged in a game with female students, including Plaintiff JANE DOE (J.R.)
23 and Plaintiff JANE DOE (K.M.), called “tickle time” during which he would tickle the female
24 students and while doing so, touch and grope their breasts, buttocks, pubic region, vulva, and
25 genitalia. Administrators and other officials and employees of Defendants SBPSD and/or DOES
26 1 through 50, and each of them, knew or should have known that Jeremy Yeh awarded “points” to
27 only female students, including Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.), for
28 completing random classroom activities, which when awarded allowed the female students to

1 skip recess and spend time with him in his classroom.

2 69. Jeremy Yeh's grooming conduct towards Plaintiff JANE DOE (J.R.) and Plaintiff
3 JANE DOE (K.M.) was open, obvious, and was known or should have been known to Defendants
4 and their administrators and staff. Defendants knew or should have known that Jeremy Yeh posed
5 a threat to Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) and other students, and
6 that Jeremy Yeh sexually molested, abused, harassed, manipulated assaulted, and battered
7 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) and other students, but nonetheless
8 negligently failed to monitor and supervise Jeremy Yeh, or Plaintiff JANE DOE (J.R.) and
9 Plaintiff JANE DOE (K.M.) and other students to ensure their safety.

10 70. Defendants knew or should have known of Jeremy Yeh's sexual molestation,
11 abuse, harassment, manipulation, assaults, and battery of Plaintiff JANE DOE (J.R.) and Plaintiff
12 JANE DOE (K.M.) while they were under the control, supervision, and care of Defendants. Prior
13 to his sexual molestation, abuse, harassment, manipulation, assaults, and battery of Plaintiff
14 JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) and, at least fifteen (15) other female students,
15 Defendants' staff, employees, and administrators knew that Jeremy Yeh was sexually molesting,
16 abusing, harassing, manipulating, assaulting, and battering Defendants' students, but they
17 remained indifferent to it and negligently retained and negligently failed to supervise and monitor
18 Jeremy Yeh as a teacher, and negligently failed to supervise students or take intervening action to
19 ensure student safety. Defendants had a long-standing history and a pattern and practice of
20 ignoring and/or mishandling reports of inappropriate sexual conduct and sexual abuse inflicted
21 upon students by school staff members, and of failing to document, investigate, or adequately
22 responding to reports alleging its employees engaged in sexual misconduct with students.

23 71. By continuing to allow Jeremy Yeh to serve as teacher at ECES and/or Allen
24 Elementary School, despite having actual and/or constructive knowledge of his unfitness to
25 remain in a position of authority over Defendants' students, Defendants knew or should have
26 known of the risk of Jeremy Yeh grooming and isolating female students, Plaintiff JANE DOE
27 (J.R.) and Plaintiff JANE DOE (K.M.), so he could sexually molest, abuse, harass, manipulate,
28 assault, and batter them. Defendants' negligence was a direct and substantial factor in causing

1 Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.)’s harm. Defendants breached their
2 duties to Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) by retaining Jeremy Yeh.
3 Defendants are liable for their failures to Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE
4 (K.M.) in retaining Jeremy Yeh as a teacher.

5 72. As a direct and proximate result of said acts, omissions, and negligence of
6 Defendants, and each of them, Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) have
7 incurred economic and noneconomic damages and continue to incur these damages, the full
8 nature and extent of which are not yet known to Plaintiff JANE DOE (J.R.) and Plaintiff JANE
9 DOE (K.M.), and leave is requested to amend this Complaint to conform to proof at the time of
10 trial.

11 **FIFTH CAUSE OF ACTION**

12 **FAILURE TO PERFORM MANDATORY DUTIES**

13 **AGAINST DEFENDANTS SAN BRUNO PARK SCHOOL DISTRICT AND**

14 **DOES 1 THROUGH 125, INCLUSIVE**

15 73. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) reallege and
16 incorporate as if fully stated herein each and every allegation contained in the previous
17 paragraphs of this Complaint.

18 74. Defendants are liable for the acts and omissions of their employees, including
19 Jeremy Yeh, acting within the course and scope of their employment. Gov. Code § 815.2. A
20 public employee is liable for injury caused by their act or omission to the same extent as a private
21 person. Gov. Code § 820. At all times herein, Defendants’ employees, including Jeremy Yeh,
22 were acting within the course and scope of their employment. Defendants, and each of them, had
23 the responsibility and duty to adequately and properly investigate, hire, train, and supervise their
24 employees and to protect students from harm caused by unfit and dangerous individuals hired as
25 teachers, aides, and/or school employees. This cause of action is brought under Cal Gov’t Code
26 Sections 815.2-815.6 and 820, *et seq.*

27 75. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) were entrusted to the
28 care and control of the Defendants through elementary school programs and their teachers and

1 staff *in loco parentis*. Defendants had a special relationship with their students, including Plaintiff
2 JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.), and had an affirmative and mandatory duty to
3 protect minors from the foreseeable risk of harm from teachers. Defendants owed students under
4 their supervision and control a protective duty of care. Due to this special relationship, there is an
5 affirmative duty on the Defendants and their employees, agents, and independent contractors to
6 take all reasonable steps to protect students, including Plaintiff JANE DOE (J.R.) and Plaintiff
7 JANE DOE (K.M.), from the foreseeable, suspected, and/or known risk of harm posed by others,
8 including Jeremy Yeh. This affirmative duty is based, in part, on the compulsory nature of
9 education.

10 76. As to Defendants, Government Code § 815.6 provides: “Where a public entity is
11 under a mandatory duty imposed by an enactment that is designed to protect against the risk of a
12 particular kind of injury, the public entity is liable for an injury of that kind proximately caused
13 by its failure to discharge the duty unless the public entity establishes that it exercised reasonable
14 diligence to discharge the duty.”

15 77. Defendants’ employees, staff, and agents, including all agents working at ECES
16 and Allen Elementary School during the schools’ classroom hours, were under mandatory duties
17 pursuant to the following enactments but failed to discharge their duties and failed to exercise
18 reasonable diligence to discharge their duties: Child Abuse and Neglect Reporting Act (California
19 Penal Code §§ 11164-11174.3). Under the Child Abuse and Neglect Reporting Act (California
20 Penal Code §§ 11164-11174.3), Defendants, by and through their employees and agents, were
21 administrators, teachers, public school employees, and/or childcare providers, and were under a
22 mandatory duty to report known or suspected incidents of sexual harassment or abuse of minors
23 to a local police department, sheriff’s department, or local child protective/welfare agency,
24 pursuant to California Penal Code §§ 11164-11174.3, and/or not to impede the filing of any such
25 report.

26 78. Defendants, by and through their employees and agents, as administrators,
27 teachers, public school employees, and/or childcare providers, knew or should have known that
28 Jeremy Yeh had sexually assaulted, abused, and/or harassed and/or caused harm and other

1 injuries to Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.), giving rise to a duty to
2 report such conduct under California Penal Code §§ 11164-11174.3. Plaintiff JANE DOE (J.R.)
3 and Plaintiff JANE DOE (K.M.) are informed and believe, and on that basis allege, that
4 Defendants, by and through their employees and agents, as administrators, teachers, public school
5 employees, and/or childcare providers, also knew, or should have known in the exercise of
6 reasonable diligence, that an undue risk to minors, including Plaintiff JANE DOE (J.R.) and
7 Plaintiff JANE DOE (K.M.), existed because Defendants did not comply with California's
8 mandatory reporting requirements.

9 79. By failing to report the continuing harassment and abuse, which Defendants, by
10 and through their employees and agents, as administrators, teachers, public school employees,
11 and/or childcare providers, knew or should have known, and by ignoring the fulfillment of the
12 mandated compliance with the reporting requirements provided under California Penal Code §§
13 11164-11174.3, Defendants created the risk and danger contemplated by the Child Abuse and
14 Neglect Reporting Act, and as a result, unreasonably and wrongfully exposed Plaintiff JANE
15 DOE (J.R.) and Plaintiff JANE DOE (K.M.) and other minors to sexual harassment and abuse.

16 80. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) were members of the
17 class of persons for whose protection California Penal Code §§ 11164-11174.3 was specifically
18 adopted to protect. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) were members of
19 the class of persons that one reasonably anticipates might be threatened by Defendants', by and
20 through their employees and agents, as administrators, teachers, public school employees, and/or
21 childcare providers, failure to report child sexual abuse; and the harm suffered by Plaintiff JANE
22 DOE (J.R.) and Plaintiff JANE DOE (K.M.) is within the general class of harms that one
23 reasonably would anticipate might result from Defendants' failure to report child sexual abuse.

24 81. The acts, omissions, negligence and/or breach of mandatory duties of Defendants,
25 by and through their employees and agents, as administrators, teachers, public school employees,
26 and/or childcare providers, were a substantial factor in causing Plaintiff JANE DOE (J.R.) and
27 Plaintiff JANE DOE (K.M.)'s injuries, and the direct and proximate cause of the injuries and
28 damages sustained by them. Defendants, by and through their employees and agents, as

1 administrators, teachers, public school employees, and/or childcare providers, did not make
2 reasonable efforts or exercise reasonable diligence to perform its mandatory duties imposed under
3 any statute, regulation, ordinance, code, or other applicable enactment. As a further, proximate
4 result of the acts, omissions, negligence, and breach of mandatory duties by Defendants, by and
5 through their employees and agents, as administrators, teachers, public school employees, and/or
6 childcare providers, Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) have incurred
7 the injuries and damages as set forth herein. Had Defendants, by and through their employees and
8 agents, as administrators, teachers, public school employees, and/or childcare providers,
9 adequately reported the abuse and harassment of Plaintiff JANE DOE (J.R.) and Plaintiff JANE
10 DOE (K.M.) and other minors as required by California Penal Code §§ 11164-11174.3, further
11 harm to Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) would have been avoided.

12 82. As a direct and proximate result of Defendants', by and through their employees
13 and agents, as administrators, teachers, public school employees, and/or childcare providers,
14 failure to follow the mandatory reporting requirements of California Penal Code §§ 11164-
15 11174.3, Defendants wrongfully denied Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE
16 (K.M.) the intervention of child protection services. Such public agencies would have changed
17 the then-existing arrangements and conditions that provided the access and opportunities for the
18 sexual molestation, abuse, and assault of Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE
19 (K.M.) by Jeremy Yeh.

20 83. As a result, Defendants', by and through their employees and agents, as
21 administrators, teachers, public school employees, and/or childcare providers, failure to comply
22 with the mandatory reporting requirements of California Penal Code §§ 11164-11174.3 also
23 constituted a *per se* breach of Defendants' mandatory duties to Plaintiff JANE DOE (J.R.) and
24 Plaintiff JANE DOE (K.M.).

25 84. To the extent Defendants contend the mandatory duties placed duties on individual
26 employees and not Defendants as a whole, Defendants are vicariously liable under Gov't Code
27 §815.2(a) for violations of the mandatory duties by Defendants' employees and agents, as
28 administrators, teachers, public school employees, and/or childcare providers, acting within the

1 course and scope of their employment with them. *See Hoyem v. Manhattan Beach City School*
2 *District* (1978) 22 Cal.3d 508; *Dailey v. Los Angeles Unified School District* (1970) 2 Cal.3d 741.
3 Government Code § 815.2(a) provides: “A public entity is liable for injury proximately caused by
4 an act or omission of an employee of the public entity within the scope of his employment if the
5 act or omission would, apart from this section, have given rise to a cause of action against that
6 employee or his personal representative.” Pursuant to Government Code § 820.8, a public
7 employee is not exonerated from liability for injuries proximately caused by his or her own
8 negligent or wrongful acts or omissions.

9 85. Defendants’ employees and agents’, as administrators, teachers, public school
10 employees, and/or childcare providers, violations of their mandatory duties alleged in this
11 Complaint make Defendants vicariously liable under Gov’t Code § 815.2(a). The negligent
12 failure to act by Defendants’ employees and agents, as administrators, teachers, public school
13 employees, and/or childcare providers, increased the danger of sexual molestation, abuse,
14 harassment, manipulation, assault, and battery of Plaintiff JANE DOE (J.R.) and Plaintiff JANE
15 DOE (K.M.). Defendants are vicariously liable for four distinct reasons. Applying the multi-
16 factor analysis employed by California’s Supreme Court in *Thompson v. County of Alameda*
17 (1980) 27 Cal.3d 741 and by the California Court of Appeal in *Dutton v. City of Pacifica* (1995)
18 35 Cal.App.4th 1171 to evaluate public entity duty, the facts alleged herein establish that
19 Defendants owed a tort duty of care to Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE
20 (K.M.). It was foreseeable that Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.)’s
21 sexual molestation, abuse, harassment, manipulation, assault, and battery would continue had
22 Defendants’ employees and agents, as administrators, teachers, public school employees, and/or
23 childcare providers, not acted negligently for failing to report their sexual abuse. Such conduct
24 constitutes deliberate indifference to the foreseeable results of such conduct. There is strong
25 public and official policy devoted to preventing foreseeable risk of sexual abuse, especially
26 sexual abuse of minors. Reporting Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.)’s
27 sexual abuse imposed zero burdens on Defendants. The burden to do so was slight, while the risk
28 of not doing so was significant. In balancing the relevant public policy considerations, there is no

1 basis to forego imposing a legal duty on Defendants, by and through their employees and agents,
2 as administrators, teachers, public school employees, and/or childcare providers, to do their
3 mandatory job with respect to protecting minors from sexual abuse.

4 86. Further, as a result of the violations of the mandatory duties alleged in this
5 Complaint, which were violated by Defendants' employees and agents, as administrators,
6 teachers, public school employees, and/or childcare providers, acting within the course and scope
7 of their employment, and in their professional capacity, with Defendants are vicariously liable
8 under Gov't Code § 815.2(a) for their employees' negligence. *See Hoyem v. Manhattan Beach*
9 *City School District* (1978) 22 Cal.3d 508; *Dailey v. Los Angeles Unified School District* (1970) 2
10 Cal.3d 741. Defendants have internal policies, procedures, and practices for when Defendants'
11 employees and agents, as administrators, teachers, public school employees, and/or childcare
12 providers, have obtained actual knowledge of sexual abuse of a minor such as Plaintiff JANE
13 DOE (J.R.) and Plaintiff JANE DOE (K.M.). Upon information and belief, Defendants'
14 certificated employees and agents, upon hiring, must complete specific training on their
15 mandatory reporting duties and thereafter must sign a document acknowledging that they will
16 comply with their mandatory duties. Further, Defendants' certificated employees and agents,
17 must complete specific training on their mandatory reporting duties on a yearly basis. Upon
18 information and belief, these trainings are also required by State agencies. Defendants' employees
19 and agents, as administrators, teachers, public school employees, and/or childcare providers,
20 despite having actual knowledge of Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.)'s
21 sexual molestation, abuse, harassment, manipulation, assault, and battery, failed to comply with
22 these internal and/or State policies, procedures, and practices, by failing to report and/or
23 document said sexual molestation, abuse, harassment, manipulation, assault, and battery. The
24 direct and proximate cause of Defendants' employees and agents', as administrators, teachers,
25 public school employees, and/or childcare providers, failures to comply with these internal
26 policies procedures and practices ultimately led to Plaintiffs' continued sexual molestation, abuse,
27 harassment, manipulation, assault, and battery . Defendants, by and through their employees and
28 agents, as administrators, teachers, public school employees, and/or childcare providers, are

1 vicariously liable under Gov't Code § 815.2(a) for the violation of these internal standards. *See*
2 *Grudt v. City of Los Angeles* (1970) 2 Cal.3d 575, 587-588; *Straughter v. State* (1976) 89
3 Cal.App.3d 102, 110-111; *Briggs v. State* (1971) 14 Cal.App.3d 489, 497; *Dillenbeck v. City of*
4 *Los Angeles* (1968) 69 Cal.2d 472; *Curreri v. City & County of San Francisco* (1968) 262
5 Cal.App.2d 603, 610.

6 87. As a result of the negligence of Defendants, by and through their employees and
7 agents, as administrators, teachers, public school employees, and/or childcare providers, Plaintiff
8 JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) were sexually molested, abused, harassed,
9 manipulated, assaulted, battered, and otherwise harmed by Jeremy Yeh.

10 88. As a direct and proximate result of said acts, omissions, and negligence of
11 Defendants, and each of them, Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) have
12 incurred economic and noneconomic damages and continue to incur these damages, the full
13 nature and extent of which are not yet known to Plaintiff JANE DOE (J.R.) and Plaintiff JANE
14 DOE (K.M.), and leave is requested to amend this Complaint to conform to proof at the time of
15 trial.

16 **SIXTH CAUSE OF ACTION**

17 **RALPH ACT VIOLATION (CIV. CODE §§ 51.7 AND 52)**

18 **AGAINST DEFENDANTS SAN BRUNO PARK SCHOOL DISTRICT AND**
19 **DOES 1 THROUGH 125, INCLUSIVE**

20 89. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) reallege and
21 incorporate as if fully stated herein each and every allegation contained in the previous
22 paragraphs of this Complaint.

23 90. Defendants subjected Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.)
24 to violence based on their sex, causing physical and psychological injuries to them. A motivating
25 reason for their conduct was Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.)'s sex.

26 91. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) are informed and
27 believe and thereon allege that they will continue to suffer extreme mental, physical, and pain and
28 suffering in the future as a result of the injuries alleged herein.

1 92. As a further proximate result, Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE
2 (K.M.) have been damaged in that they have been required to expend money and incur
3 obligations for medical services, drugs, and sundries reasonably required in the treatment and
4 relief of the injuries alleged according to proof. As a further proximate result, Plaintiff JANE
5 DOE (J.R.) and Plaintiff JANE DOE (K.M.) will continue to incur, medical and related expenses.

6 93. Defendants' conduct was a substantial factor in causing Plaintiff JANE DOE (J.R.)
7 and Plaintiff JANE DOE (K.M.)'s harm.

8 94. As a result of the aforementioned conduct, Plaintiff JANE DOE (J.R.) and Plaintiff
9 JANE DOE (K.M.) are entitled to a \$25,000.00 penalty for Defendants' conduct in violation of
10 Civil Code § 51.7, as well as attorney's fees and costs pursuant to Civil Code § 52.

11 **SEVENTH CAUSE OF ACTION**

12 **BANE ACT VIOLATION (CIV. CODE §§ 51.7 AND 52)**

13 **AGAINST DEFENDANTS SAN BRUNO PARK SCHOOL DISTRICT AND**

14 **DOES 1 THROUGH 125, INCLUSIVE**

15 95. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) reallege and
16 incorporate as if fully stated herein each and every allegation contained in the previous
17 paragraphs of this Complaint.

18 96. Defendants, and each of them, intentionally interfered with Plaintiff JANE DOE
19 (J.R.) and Plaintiff JANE DOE (K.M.)'s civil rights, including their right to a public education
20 free from harassment and discrimination, by threats, intimidation, and coercion. In so doing,
21 Defendants intended to deprive Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) of
22 their enjoyment of the interests protected by these rights.

23 97. As a result of the aforementioned conduct, Plaintiff JANE DOE (J.R.) and Plaintiff
24 JANE DOE (K.M.) were harmed and are entitled attorney's fees and costs.

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1 **EIGHTH CAUSE OF ACTION**

2 **VIOLATION OF CALIFORNIA EDUCATION CODE §§ 200 ET SEQ.**
3 **AGAINST DEFENDANTS SAN BRUNO PARK SCHOOL DISTRICT AND**
4 **DOES 1 THROUGH 125, INCLUSIVE**

5 98. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) reallege and
6 incorporate as if fully stated herein each and every allegation contained in the previous
7 paragraphs of this Complaint.

8 99. California Education Code Section 200 *et seq.* provides for a private right of action
9 for intentional discrimination on the basis of sex, which includes sexual harassment.

10 100. Section 220 of the Education Code Provides: “[n]o person shall be subjected to
11 discrimination on the basis of . . . gender . . . in any program or activity conducted by an
12 educational institution that receives, or benefits from, state financial assistance or enrolls pupils
13 who receive state student financial aid.”

14 101. The California legislature specifically declared its intent that an action under the
15 Education Code shall be interpreted as consistent with Title IX of the Education Amendments of
16 1972, 20 USC 1681, *et seq.* (Cal. Ed. Code § 201(g).) A plaintiff may maintain an action for
17 monetary damages against a school district when the plaintiff alleges that she suffered severe,
18 pervasive and offensive harassment that effectively deprived the plaintiff of the right of equal
19 access to educational benefits and opportunities; the school had actual knowledge of the
20 harassment; and the school responded with deliberate indifference. (*Donovan v. Poway Unified*
21 *School Dist.* (2008) 167 Cal.App.4th 567, 603-09.).

22 102. The California legislature recognized that all pupils enrolled in the state public
23 schools have the inalienable right to attend classes on school campuses that are safe, secure, and
24 peaceful. (Cal. Ed. Code § 32261 (a); Cal. Const., art. I, § 28(c).)

25 103. Defendants SBPSD and DOES 1 through 125, inclusive, knew Jeremy Yeh was
26 previously reported by his students to have sexually molested them, but nonetheless permitted
27 Jeremy Yeh to have unsupervised access to Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE
28 (K.M.) for extended periods of time during which Jeremy Yeh sexually battered, assaulted,

1 molested, and harassed Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) during school
2 hours on ECES and Allen Elementary School Campus’.

3 104. This type of sexual harassment is actionable because it is based on Plaintiff JANE
4 DOE (J.R.) and Plaintiff JANE DOE (K.M.)’s gender and was so severe and pervasive that it had
5 detrimental effect on Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.)’s mental health
6 and caused substantial interference with their ability to participate in or benefit from the
7 educational programs, opportunities, and benefits owed to them.

8 105. Jeremy Yeh’s sexual battery, assault, molestation, and harassment of Plaintiff
9 JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) occurred on ECES campus and Allen
10 Elementary School Campus during the time periods designated as educational hours for Plaintiff
11 JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.). Defendants permitted Jeremy Yeh to have
12 unsupervised access to Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) for extended
13 periods of time during which Jeremy Yeh repeatedly sexually abused Plaintiff JANE DOE (J.R.)
14 and Plaintiff JANE DOE (K.M.) and Defendants did not intervene.

15 106. On information and belief, Defendants SBPSD and DOES 1 through 125,
16 inclusive, had actual knowledge of this ongoing harassment but failed to act to stop it. The failure
17 to halt harassment of which a school district is aware constitutes intentional discrimination.
18 (*Franklin v. Gwinnet County Public Schools* (1992) 502 U.S. 112.).

19 107. Defendants’ responsibility to address and respond to sexual harassment applies
20 regardless of the potential application of any harassment prevention policy and regardless of
21 whether a student has complained, asked the school to take action, or identified the harassment as
22 a form of discrimination. (*See U.S. Dept. of Education, Office for Civil Rights, Dear Colleagues*
23 *Letter*, Oct. 26, 2010.).

24 108. Defendants SBPSD and DOES 1 through 125, inclusive, failed in its responsibility
25 to provide Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) an environment free from
26 discrimination and harassment and Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.)
27 suffered severe psychological trauma as a result.

28 109. Defendants SBPSD and DOES 1 through 125, inclusive, had control over Jeremy

1 Yeh, the harasser, and the ECES and Allen Elementary School Campus' where the harassment
2 occurred. SBPSD and its officials had authority to take corrective action to end the discrimination
3 and harassment, but failed to do so and ignored prior student reports of Jeremy Yeh's sexual
4 molestation and his obvious grooming behaviors with Plaintiff JANE DOE (J.R.), Plaintiff JANE
5 DOE (K.M.) and other victim students.

6 110. Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) suffered such severe,
7 pervasive, and objectively offensive harassment that it deprived them of their access to the
8 educational opportunities, programs, and benefits they were entitled to receive from Defendant
9 SBPSD.

10 111. On information and belief, Defendants SBPSD and DOES 1 through 125,
11 inclusive, had actual knowledge of Jeremy Yeh's sexual harassment of Plaintiff JANE DOE
12 (J.R.) and Plaintiff JANE DOE (K.M.), but failed to supervise Jeremy Yeh or his students and
13 failed to monitor the ECES and Allen Elementary School premises where the abuse was
14 occurring. As a result of Defendants' actions and inactions, Jeremy Yeh continued to engage in
15 the ongoing sexual battery, assault, molestation, and harassment of Plaintiff JANE DOE (J.R.)
16 and Plaintiff JANE DOE (K.M.).

17 112. On information and belief, Defendants SBPSD and DOES 1 through 125,
18 inclusive, was aware Jeremy Yeh was sexually abusing Plaintiff JANE DOE (J.R.) and Plaintiff
19 JANE DOE (K.M.), but was deliberately indifferent to the harassment and did not intervene to
20 stop it.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) pray for
23 judgement against Defendants, and each of them, as follows:

- 24 1. For general damages in an amount according to proof;
- 25 2. For special damages in an amount according to proof for medical expenses, hospital
26 expenses, and incidental expenses;
- 27 3. For any appropriate statutory damages;
- 28 4. For attorney fees and/or penalties pursuant to statute;

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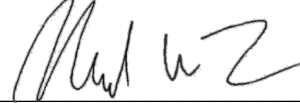
- 5. For costs of suit herein incurred;
- 6. For interest based on damages, as well as pre-judgement and post-judgement interest as allowed by law;
- 7. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff JANE DOE (J.R.) and Plaintiff JANE DOE (K.M.) demand a trial by jury.

Dated: March 3, 2025

TLO LAW, P.C.



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And

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