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LUIS A. CARRILLO, SBN 70398  
MICHAEL S. CARRILLO, SBN 258878  
DOMINIQUE L. BOUBION, SBN 336915  
**CARRILLO LAW FIRM, LLP**  
1499 Huntington Drive, Suite No. 402  
South Pasadena, California 91030  
Telephone: (626) 799-9375  
Facsimile: (626) 799-9380

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

JANE C.H. DOE, JANE D.C .DOE, and  
JANE J.L. DOE, individuals;

Plaintiffs,

v.

EL MONTE UNION HIGH SCHOOL  
DISTRICT, a California local public entity;  
and DOES 1 to 100, inclusive,

Defendants.

Case No.

**COMPLAINT FOR DAMAGES FOR  
NEGLIGENCE**

**DEMAND FOR JURY TRIAL**



1 vulnerable young girls. The Defendant EL MONTE UNIFIED HIGH SCHOOL DISTRICT has  
2 a decades-long history of maintaining creating and fostering an environment that perpetuates the  
3 type of predatory actions that the Plaintiffs were subject to during their respective time as  
4 students at ROSEMEAD HIGH. This culture on campus has been toxic to all students and  
5 particularly to female students who are forced to navigate school where sexual abuse by  
6 educators is rampant. In addition to working through the regular activities, and normal stresses  
7 and pressure of high school, young female students at EMUHSD are subjected to inappropriate  
8 and abusive behavior by teachers and staff. Instead of taking adequate corrective and  
9 preventative action, EL MONTE UNIFIED HIGH SCHOOL DISTRICT and its employees  
10 apparently chose to embrace THE PERPETRATORS and their undeniable illegal conduct, which  
11 sent a message to Plaintiffs that such abuse and harassment will be tolerated by Defendant EL  
12 MONTE UNIFIED HIGH SCHOOL DISTRICT.

13 5. It is upon information, and therefore belief, that the improper handling of sexual  
14 abuse, molestation, and harassment allegations was, and is, a systemic issue within Defendants  
15 EMUHSD and DOES 1 through 100. This pattern and practice of mishandling abuse or  
16 mistreatment allegations was reported in a series of articles in Business Insider, including an  
17 October 3, 2023 article entitled, “The Predators Playground.”<sup>1</sup>

18 **THE PARTIES**

19 **(DEFENDANTS)**

20 6. Defendant EL MONTE UNIFIED HIGH SCHOOL DISTRICT (“EMUHSD” or  
21 “EL MONTE UNIFIED HIGH SCHOOL DISTRICT”) is a public school district located in El  
22 Monte, California. EMUHSD purposely conducts substantial educational business activities in  
23 the State of California, and was the primary entity owning, operating and controlling  
24 ROSEMEAD HIGH SCHOOL (“ROSEMEAD HIGH”), and responsible for monitoring and  
25 controlling THE PERPETRATORS and other employees’ activities and behavior.  
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28 <sup>1</sup> <https://www.businessinsider.com/40-years-of-sexual-misconduct-at-rosemead-california-high-school-2023-9>

1           7. Defendants DOES 1-100, inclusive, and each of them, are sued herein under said  
2 fictitious names. Plaintiff is ignorant as to the true names and capacities of DOE Defendants,  
3 whether individual, corporate, associate, or otherwise, and therefore sue said Defendants by such  
4 fictitious names. When their true names and capacities are ascertained, Plaintiffs will request  
5 leave of Court to amend this Complaint to state their true names and capacities herein.

6           8. Plaintiffs are informed and believe, and on that basis allege, that at all times  
7 mentioned herein, each Defendant was responsible in some manner or capacity for the  
8 occurrences herein alleged, and that Plaintiffs' damages, as herein alleged, were proximately  
9 caused by all said Defendants. Defendants EMUHSD and DOES 1-100, inclusive, are sometimes  
10 collectively referred to herein as "Defendants" and/or as "All Defendants"; such collective  
11 reference refers to all specifically named Defendants.

12           9. Plaintiffs are informed and believe, and on that basis allege, that at all times  
13 mentioned herein, there existed a unity of interest and ownership among Defendants and each of  
14 them, such that any individuality and separateness between Defendants, and each of them, ceased  
15 to exist. Defendants and each of them, were the successors-in-interest and/or alter egos of the  
16 other Defendants, and each of them, in that they purchased, controlled, dominated and operated  
17 each other without any separate identity, observation of formalities, or other manner of division.  
18 To continue maintaining the facade of a separate and individual existence between and among  
19 Defendants, and each of them, would serve to perpetrate a fraud and an injustice.

20           10. Plaintiffs are informed and believe, and on that basis allege, that at all times  
21 mentioned herein, Defendants and each of them, were the agents, representatives and/or  
22 employees of each and every other Defendant. In doing the things hereinafter alleged,  
23 Defendants and each of them, were acting within the course and scope of said alternative  
24 personality, capacity, identity, agency, representation and/or employment and were within the  
25 scope of their authority, whether actual or apparent.

26           11. Plaintiffs are informed and believe, and on that basis allege, that at all times  
27 mentioned herein, Defendants and each of them, were the trustees, partners, servants, joint  
28 venturers, shareholders, contractors, and/or employees of each and every other Defendant, and

1 the acts and omissions herein alleged were done by them, acting individually, through such  
2 capacity and within the scope of their authority, and with the permission and consent of each and  
3 every other Defendant and that said conduct was thereafter ratified by each and every other  
4 Defendant, and that each of them is jointly and severally liable to Plaintiff.

5  
6 **(PLAINTIFFS)**

7 12. Plaintiff JANE C.H. DOE is a female who attended ROSEMEAD HIGH during  
8 the relevant time period and is currently 32 years old. JANE C.H. DOE was the victim of  
9 unlawful childhood sexual assault, abuse, harassment, and other misconduct between 2008-2009  
10 by her high school teacher, ALEX RAI, which is the subject matter of this Complaint. As a  
11 result of the sensitive nature of these facts, JANE C.H. DOE's full identity has been concealed  
12 from public court filings in order to prevent those not directly involved in this action from  
13 learning her identity and making her identity public.

14 13. Plaintiff JANE D.C. DOE is a female who attended ROSEMEAD HIGH during  
15 the relevant time period and is currently 31 years old. JANE D.C. DOE was the victim of  
16 unlawful childhood sexual assault, abuse, harassment, and other misconduct between 2007-2011  
17 by both EDUARDO ESCOBAR and ALEX RAI, which is the subject matter of this Complaint.  
18 As a result of the sensitive nature of these facts, JANE D.C. DOE's full identity has been  
19 concealed from public court filings in order to prevent those not directly involved in this action  
20 from learning her identity and making her identity public.

21 14. Plaintiff JANE J.L. DOE is a female who attended ROSEMEAD HIGH during the  
22 relevant time period and is currently 33 years old. JANE J.L. DOE was the victim of unlawful  
23 childhood sexual assault, abuse, harassment, and other misconduct between 2005-2009 by her  
24 high school coach, WING CHAN, which is the subject matter of this Complaint. As a result of  
25 the sensitive nature of these facts, JANE J.L. DOE's full identity has been concealed from public  
26 court filings in order to prevent those not directly involved in this action from learning her  
27 identity and making her identity public.

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**PROCEDURAL FILING STATUS**

15. This lawsuit, involving acts of childhood sexual assault as perpetrated by THE PERPETRATORS, and Defendants EMUHSD and DOES 1-100's agent and/or employee, falls within the scope of Code of Civil Procedure Section 340.1(a), and thus, is timely, as an “In an action for recovery of damages suffered as a result of childhood sexual assault, the time for commencement of the action shall be within 22 years of the date the plaintiff attains the age of majority or within five years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after the age of majority was caused by the sexual assault, whichever period expires later...”

16. Further, pursuant to Government Code section 905(m), Plaintiffs are specifically exempted from the claims presentation requirements for their claims against Defendant EMUHSD, for the sexual harassment, molestation and abuse they suffered due to the negligence of Defendants.

**FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS BY THE PLAINTIFFS**

17. At all times material hereto, ALEX RAI was employed by EMUHSD as a teacher, mentor, and advisor. In such capacities, ALEX RAI was under the direct supervision, employ, agency, and control of EMUHSD, DOES 1-100. His employment duties and responsibilities with the named Defendants included, in part, providing for the teaching, mentoring, advisory, educational, and emotional needs and well-being of students at ROSEMEAD HIGH and other minors, including Plaintiffs.

18. At all times material hereto, WING CHAN, also known as “JACKIE CHAN” (hereinafter referred to as “CHAN”) was employed by EMUHSD as a coach, mentor, and advisor. In such capacities, CHAN was under the direct supervision, employ, agency, and control of EMUHSD, DOES 1-100. His employment duties and responsibilities with the named Defendants included, in part, providing for the coaching, mentoring, advisory, educational, and emotional needs and well-being of students at ROSEMEAD HIGH and other minors, including Plaintiffs.

1           19.     At all times material hereto, EDUARDO ESCOBAR (hereinafter referred to as  
2 “ESCOBAR”) was employed by EMUHSD as a coach and aide. In such capacities, was under  
3 the direct supervision, employ, agency, and control of EMUHSD, DOES 1-100. His employment  
4 duties and responsibilities with the named Defendants included, in part, providing for the  
5 coaching, mentoring, advisory, educational, and emotional needs and well-being of students at  
6 ROSEMEAD HIGH and other minors, including Plaintiffs.

7           20.     Hereinafter in this Complaint, unless otherwise noted, reference to THE  
8 PERPETRATORS shall mean RAI, CHAN, and ESCOBAR.

9           21.     Plaintiffs are informed and believe, and on this basis allege, that at all times material  
10 hereto, EL MONTE UNIFIED HIGH SCHOOL DISTRICT failed in all aspects of their  
11 obligations, including in the supervision over the PLAINTIFFS, in the failure to warn, train, or  
12 education and with respect to the hiring, retention, training and supervision of THE  
13 PERPETRATORS, as outlined herein.

14           22.     As set forth more fully herein above, THE PERPETRATORS did sexually harass  
15 and abuse Plaintiff, who were minors at the time. These actions upon Plaintiffs were performed  
16 by Defendant THE PERPETRATORS without the free consent of Plaintiff, who were minors  
17 during all of the abuse period.

18           23.     Compulsory education laws create a special relationship between students and  
19 Defendants, and students have a constitutional guarantee to a safe, secure and peaceful school  
20 environment. Defendants and each of them failed to acknowledge unsafe conditions, and  
21 therefore failed to guarantee safe surroundings in an environment in which Plaintiff was not free  
22 to leave, specifically including but not limited to allowing THE PERPETRATORS to take  
23 minors for purposes of sexual activity and allowing THE PERPETRATORS to operate isolated  
24 environments, incapable of monitoring from the outside, wherein THE PERPETRATORS  
25 sexually harassed and abused Plaintiff and others.

26           24.     Defendants and each of them had and have a duty to protect students, including  
27 Plaintiff. Defendants were required, and failed, to provide adequate campus and off-site school  
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1 event supervision, and failed to be properly vigilant in seeing that supervision was sufficient to  
2 ensure the safety of Plaintiff and others.

3 25. Defendants and each of them lodged with THE PERPETRATORS the color of  
4 authority, by which he was able to influence, direct and abuse Plaintiffs and others, and to act  
5 illegally, unreasonably and without respect for the person and safety of Plaintiffs.

6 26. Defendants and each of them had a duty to and failed to adequately train and  
7 supervise all advisors, teachers, mentors and staff to create a positive, safe, spiritual and  
8 educational environment, specifically including training to perceive, report and stop  
9 inappropriate conduct by other members of the staff, specifically including THE  
10 PERPETRATORS, with minors.

11 27. Defendants and each of them had a duty to and failed to enact and enforce rules  
12 and regulations prescribed for schools, and execute reasonable control over students necessary  
13 to protect the health and safety of the student and maintain proper and appropriate conditions  
14 conducive to learning.

15 28. Defendants and each of them were required to and failed to exercise careful  
16 supervision of the moral conditions in their school, and provide supervision before and after  
17 school. This duty extended beyond the classroom and the campus.

18 29. The specific factual allegations pertaining to the Plaintiffs' are as follows:

19 **JANE C.H. DOE**

20 a. At all times mentioned herein, Plaintiff JANE C.H. DOE was a resident of the  
21 County of Los Angeles, State of California. The name used by JANE C.H. DOE  
22 in this Complaint is not the actual name of JANE C.H. DOE, but is a fictitious  
23 name utilized to protect the privacy of JANE C.H. DOE, a victim of childhood  
24 sexual harassment, molestation and abuse. Plaintiff JANE C.H. DOE is a female,  
who was born on May 10, 1991, and was a minor during the entire time of the  
sexual misconduct alleged herein.

25 i. ALEX RAI was, at all relevant times, a teacher, instructor, counselor,  
26 advisor and mentor at ROSEMEAD HIGH. While ALEX RAI sexually  
27 harassed, molested and abused Plaintiff, Defendants were well aware that  
28 ALEX RAI took an unusual interest, and spent an inordinate amount of  
time with Plaintiff.

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- ii. Between the 2008 and 2009 school years, when JANE C.H. DOE was a junior and senior in high school, ALEX RAI started grooming JANE C.H. DOE by communicating with her regularly via Snapchat and text message. ALEX RAI sent explicit photos of himself to JANE C.H. DOE. ALEX RAI tried to convince JANE C.H. DOE to send explicit photos of herself to ALEX RAI.
  - iii. During the second semester of 2009, JANE C.H. DOE was the assigned teacher's assistant for ALEX RAI. During this time, ALEX RAI sexually abused, harassed and molested the Plaintiff on the school premises, including within his ROSEMEAD HIGH classroom. The sexual harassment, abuse and molestation of JANE C.H. DOE included but is not limited to: ALEX RAI rubbing and grabbing JANE C.H. DOE private areas; ALEX RAI pressing his body against JANE C.H. DOE in a sexual manner; ALEX RAI hugging JANE C.H. DOE and groping her body; and ALEX RAI rubbing JANE C.H. DOE on her vagina; ALEX RAI rubbing JANE C.H. DOE'S leg in a sexual manner. This sexual contact occurred on numerous occasions over this time period.
  - iv. Subsequent to JANE C.H. DOE's sexual abuse, molestation, and harassment at the hands of ALEX RAI, she began to experience multiple mental, emotional and psychological problems, due to the sexual abuse, molestation, and harassment, including, but not limited to: anxiety; depression; feelings of helplessness; lowered self-esteem; moodiness; difficulty in meaningfully interacting with others; significant trust and control issues with males; difficulty sleeping; flashbacks and intrusive thoughts; stress; nervousness; fear; embarrassment; shame; and loss of enjoyment of life, among others.

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**JANE D.C. DOE**

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- b. At all times mentioned herein, Plaintiff JANE D.C. DOE was a resident of the County of Los Angeles, State of California. The name used by JANE D.C. DOE in this Complaint is not the actual name of JANE D.C. DOE, but is a fictitious name utilized to protect the privacy of JANE D.C. DOE, a victim of childhood sexual harassment, molestation and abuse. Plaintiff JANE D.C. DOE is a female, who was born on April 09, 1993, and was a minor during the entire time of the sexual misconduct alleged herein. Plaintiff JANE D.C. DOE was a minor at the time of all incidents alleged herein.
    - i. In or around the 2008-2009 school year, at the age of 14 or 15 years old, Plaintiff JANE D.C. DOE was a cross country track athlete at ROSEMEAD HIGH, where she met ESCOBAR, who was a coach for the ROSEMEAD HIGH cross country team. In this way, ESCOBAR gained access to Plaintiff JANE D.C. DOE and used his position of trust and authority over Plaintiff JANE D.C. DOE to sexually abuse and harass her by, among other things: isolating Plaintiff JANE D.C. DOE so that he could alleviate her leg cramp in order to pull her shorts down and rub her vagina under her underwear; making sexual comments and innuendo

1 about Plaintiff JANE D.C. DOE's underwear. As part of the grooming  
2 process, RAI groomed Jane D.C. DOE into believing that he was  
3 someone she could trust and she reported ESCOBAR's behavior to RAI.  
RAI then informed the administration who conducted their own  
investigation into the matter and did not report the child abuse;

4 ii. Thereafter, RAI gained access to Plaintiff JANE D.C. DOE and used his  
5 position of trust and authority over her to grope her on campus at various  
6 times up to and until the time that she graduated in 2011. This further led  
7 to RAI using that position of trust and authority to groom JANE D.C.  
8 DOE to have sex with her at his home the year after she graduated.

9 iii. Subsequent to JANE D.C. DOE's sexual abuse, molestation, and  
10 harassment at the hands of ESCOBAR and ALEX RAI, she began to  
11 experience multiple mental, emotional and psychological problems, due  
12 to the sexual abuse, molestation, and harassment, including, but not  
13 limited to: anxiety; depression; feelings of helplessness; lowered self-  
14 esteem; moodiness; difficulty in meaningfully interacting with others;  
15 significant trust and control issues with males; difficulty sleeping;  
16 flashbacks and intrusive thoughts; stress; nervousness; fear;  
17 embarrassment; shame; and loss of enjoyment of life, among others.

#### 18 **JANE J.L. DOE**

19 c. At all times mentioned herein, Plaintiff JANE J.L. DOE was a resident of the  
20 County of Los Angeles, State of California. The name used by JANE D.C.  
21 DOE in this Complaint is not the actual name of JANE J.L. DOE, but is a  
22 fictitious name utilized to protect the privacy of JANE J.L. DOE, a victim of  
23 childhood sexual harassment, molestation and abuse. Plaintiff JANE J.L.  
24 DOE is a female, who was born on December 7, 1990, and was a minor  
25 during the entire time of the sexual misconduct alleged herein.

26 i. In or around 2005, Plaintiff JANE J.L. DOE was a tennis athlete and a  
27 freshman at ROSEMEAD HIGH, where she met CHAN, who was a  
28 coach for the ROSEMEAD HIGH tennis team. In this way, CHAN  
gained access to Plaintiff JANE J.L. DOE and used his position of trust  
and authority over Plaintiff JANE J.L. DOE to sexually abuse and harass  
her by, among other things: isolating Plaintiff JANE J.L. DOE by  
arranging private lessons at ROSEMEAD HIGH, just the two of them;  
driving Plaintiff JANE J.L. DOE home and to different places; all in an  
effort to "groom" and condition her; regularly touching Plaintiff JANE  
J.L. DOE, by giving her hugs, and attempting to normalize this  
inappropriate and sexually abusive behavior by making it commonplace;  
kissing Plaintiff JANE J.L. DOE; making sexual comments and  
innuendos; touching her body, and thereafter engaging in sexual  
intercourse. It was so well known on campus that CHAN would have sex  
with JANE J.L. DOE that almost all students and faculty knew of the

1 relationship but did nothing to stop it or prevent the abuse. This lewd acts  
2 with a minor occurred between 2005 and 2009.

- 3 ii. Subsequent to JANE J.L. DOE's sexual abuse, molestation, and  
4 harassment at the hands of CHAN, she began to experience multiple  
5 mental, emotional and psychological problems, due to the sexual abuse,  
6 molestation, and harassment, including, but not limited to: anxiety;  
7 depression; feelings of helplessness; lowered self-esteem; moodiness;  
8 difficulty in meaningfully interacting with others; significant trust and  
9 control issues with males; difficulty sleeping; flashbacks and intrusive  
10 thoughts; stress; nervousness; fear; embarrassment; shame; and loss of  
11 enjoyment of life, among others.

12 30. By hiring THE PERPETRATORS to serve as a teachers, coaches counselors,  
13 and mentors to minor students, Defendant EMUHSD held THE PERPETRATORS out to the  
14 public, its students, and their families to be of high ethical and moral repute, and to be in good  
15 standing within Defendant EMUHSD, the County of Los Angeles, the State of California, the  
16 school community, and the public at-large. Defendant EMUHSD represented to the public, its  
17 students, and their families that THE PERPETRATORS were highly qualified coaches, teachers,  
18 counselors, and mentors who would assist students with working through personal, scholastic,  
19 and athletic issues that they may be facing. Inherent in these representations was the  
20 understanding that THE PERPETRATORS were selected to educate, lead, guide, mentor and  
21 counsel minor students. EMUHSD students and their families reasonably believed that THE  
22 PERPETRATOR was worthy of their trust. As a result, THE PERPETRATORS were put into a  
23 position to coach, teach, counsel, and advise minor students at Defendant EMUHSD and DOES  
24 1-100, including Plaintiffs, regarding athletics, academics, and general psychological and  
25 personal issues that may affect high school students or athletes.

26 31. Plaintiffs are informed and believe, and on that basis allege, that Defendants, knew  
27 or should have known that THE PERPETRATORS had engaged in unlawful sexually-related  
28 conduct with minors in the past, and/or was continuing to engage in such conduct with Plaintiffs.  
Defendants had a duty to disclose to these facts to Plaintiffs, their parents and others, but  
negligently and/or intentionally suppressed, concealed or failed to disclose this information. The

1 duty to disclose this information arose by the special, trusting, confidential, fiduciary, and/or in  
2 *loco parentis* relationship between Defendants and Plaintiffs.

3 32. Defendant EMUHSD and failed to take reasonable steps and/or implement  
4 reasonable safeguards to avoid acts of unlawful sexual conduct by THE PERPETRATORS,  
5 including, but not limited to preventing abuse of minor female students, including Plaintiffs,  
6 including JANE C.H. DOE, JANE D.C. DOE and JANE J.L. DOE, avoiding placement of THE  
7 PERPETRATORS in a function or environment in which contact with young, vulnerable  
8 students is an inherent part of that function or environment. Instead, Defendants EMUHSD and  
9 DOES 1-100 ignored and/or concealed the sexual harassment and abuse of Plaintiffs and others  
10 by THE PERPETRATORS that had already occurred. Plaintiffs are informed and believe, and  
11 on that basis allege, that Defendants and each of them were given notice of incidents of  
12 inappropriate conduct by each of the PERPETRATORS, including such facts as those set forth  
13 in this Complaint.

14 33. Despite EMUHSD and DOES 1-100's knowledge of prior and ongoing  
15 misconduct by THE PERPETRATORS, Defendants similarly failed to notify EMUHSD  
16 students, Plaintiffs, Plaintiffs' parents, or government authorities. Had Defendants timely made  
17 such disclosures/notifications, Plaintiffs and Plaintiffs' parents would have been in a position to  
18 prevent the abuse to minor students or, at least, prevent the continued abuse of minor students.  
19 Instead, Defendants ignored and concealed the sexual abuse of minor students, including  
20 Plaintiffs, by THE PERPETRATORS that had already occurred and had previously been known  
21 or suspected by the Defendants.

22 34. Plaintiffs are informed and believe, on that basis allege, that prior to and during  
23 the sexual harassment and abuse of Plaintiffs, Defendants knew or should have known that THE  
24 PERPETRATORS had violated their role as a teacher, coach, mentor, advisor and employee,  
25 and used this position of authority and trust acting on behalf of Defendants to gain access to  
26 young female students, including Plaintiffs, on school facilities and the grounds of ROSEMEAD  
27 HIGH, in which he caused Plaintiffs to touch him, to allow him to touch Plaintiffs in a sexual  
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1 manner, and engaged in sexual conduct and abuse, including harassment and molestation, with  
2 Plaintiffs.

3 **SYSTEMIC FAILURE AND CULTURE WITHIN THE EMUHSD TO NOT REPORT**  
4 **CHILD ABUSE RESULTED IN THE SEXUAL ABUSE OF PLAINTIFFS AND LED**  
5 **TO COVER-UP COMPENSATORY DAMAGES**

6 35. With actual and/or constructive knowledge that THE PERPETRATORS had  
7 previously engaged in dangerous and inappropriate conduct, including sexually harassing and  
8 abusing Plaintiffs at ROSEMEAD HIGH and other minors, Defendants conspired to and did  
9 knowingly fail to take reasonable steps, and failed to implement reasonable safeguards to avoid  
10 acts of unlawful sexual conduct in the future by THE PERPETRATORS, including, but not  
11 limited to, preventing or avoiding placement of THE PERPETRATORS in a function or  
12 environment in which contact with minor students is an inherent aspect of that function or  
13 environment.

14 36. This District was recently featured in a news article entitled “The Predators’  
15 Playground” which detailed the sexual abuse at Rosemead High School by teachers Alex Rai,  
16 Eric Burgess, Ruby Anna Sare, Jim Hall, Michael Sullivan, and others. Those reports of  
17 inappropriate behavior included multiple instances in which childhood sexual abuse was not  
18 reported pursuant to the Child Abuse and Neglect Reporting Act (CANRA) Requirements. The  
19 sexual abuse and the failures to report stretch back to the early 90’s until 2022.

20 37. Ms. Angelita Gonzalez, a high school principal at the EMUHSD, was criminally  
21 investigated by the El Monte Police Department in 2022 for her failure to report child abuse after  
22 she received reports of sexual abuse by two sexual predators employed at the EMUHSD:  
23 Richard Daniels and Daniel Rios. During that police investigation, the investigating detective  
24 found that Ms. Gonzalez was being evasive and was “more interested in protecting herself and  
25 the school district” than the children. Ultimately, Ms. Gonzalez was not prosecuted due to a  
26 statute of limitations issue.

27 38. Within the same El Monte Union High School District, in 2004 at Mountain View  
28 High School, science teacher Richard Paul Daniels was accused of inappropriate sexual conduct

1 with children. The principal, Ms., Gonzalez, investigated and did not inform law enforcement.  
2 A family member of the victim reported to the police and that is why he was later charged with  
3 lewd acts on a child. After he took a plea bargain in 2005, Mr., Daniels was transferred to Arroyo  
4 High School (within the same district), where in 2015 he was arrested, charged, and convicted  
5 for lewd acts with a minor at Arroyo High School.

6 39. When asked in a recent deposition, current Superintendent Edward Zuniga, stated  
7 the following:

8 a. Q: If a school principal gets information from whatever source that a teacher is  
9 having sex with a minor student, shouldn't that principal report the incident to law  
10 enforcement within 36 hours?

11 b. A: **It's at the discretion of the administrator or the principal on what they**  
12 **investigate and what they find on the report or the complaint.**

13 40. Plaintiffs further allege that Defendants failed to report and did hide and conceal  
14 from students, parents, teachers, law enforcement authorities, civil authorities and others, the  
15 true facts and relevant information necessary to bring THE PERPETRATORS to justice for the  
16 sexual misconduct he committed with minors, as well as protect their fiduciaries, including  
17 Plaintiffs. This is an ongoing and systematic issue within the EMUHSD of either hiding or  
18 concealing actions of sexual abusers to protect the District.

19 41. Defendants also implemented various measures designed to, or which effectively,  
20 made the conduct of THE PERPETRATORS harder to detect including, but not limited to:

- 21 a. Permitting THE PERPETRATORS to remain in a position of authority and  
22 trust after Defendants knew or should have known that THE  
23 PERPETRATORS were sexually abusing and/or harassing students;
- 24 b. Placing THE PERPETRATORS in a separate and secluded environment,  
25 including placing him in charge of minor students where he purported to  
26 supervise the minors, which allowed him to sexually interact with and  
27 sexually abuse, including Plaintiffs;
- 28 c. Allowing THE PERPETRATORS to come into contact with minors,  
including Plaintiffs, without adequate supervision;

- 1 d. Failing to inform, or concealing from Plaintiffs' parents and law  
2 enforcement officials the fact that Plaintiffs and others were or may have  
3 been sexually abused, after Defendants knew or should have known that  
4 THE PERPETRATORS may have been sexually abusive and harassing  
5 towards Plaintiffs or others, thereby enabling Plaintiffs to continue to be  
6 endangered and sexually harassed, abused, and/or creating the  
7 circumstance where Plaintiffs and others were less likely to receive  
8 medical/mental health care and treatment, thus exacerbating the harm to  
9 Plaintiffs;
- 10 e. Holding out THE PERPETRATORS to Plaintiffs and their parents,  
11 students, and to the school community as being in good standing and  
12 trustworthy;
- 13 f. Failing to take reasonable steps, and to implement reasonable safeguards  
14 to avoid acts of unlawful sexual conduct by THE PERPETRATORS with  
15 students, who were minor minors; and
- 16 g. Failing to put in place a system or procedure to supervise or monitor  
17 employees, volunteers, representatives or agents to ensure that they did not  
18 harass or abuse minors in Defendants' care, including Plaintiffs.

19 42. By his position within the Defendants' institutions, Defendants and THE  
20 PERPETRATORS demanded and required that Plaintiffs respect THE PERPETRATORS, each  
21 of them, in their position of teacher, coach, mentor, and advisor at EMUHSD.

22 43. Through this position, THE PERPETRATORS attained a position of influence  
23 over Plaintiffs and others. Defendants' conduct created a situation of peril that was not and could  
24 not be appreciated by Plaintiffs. By virtue of Defendants' conspiratorial and fraudulent conduct,  
25 and in keeping with their intent to fail to disclose and hide THE PERPETRATORS' past and  
26 present conduct from the community, students, parents, the public at large and law enforcement,  
27 Defendants allowed sexual harasser THE PERPETRATORS, each of them, to remain in a  
28 position of influence where his unsupervised or negligently supervised conduct with minor  
students made the harassment and abuse of minor students possible.

44. Plaintiffs are informed and believe, and on that basis allege, that EMUHSD and  
DOES 1-100 failed to notify authorities, failed to discipline THE PERPETRATORS and failed  
to take any steps to limit THE PERPETRATORS' access to minor female students, including  
Plaintiffs. No action was taken against THE PERPETRATORS by EMUHSD and DOES 1-100,

1 and, as a result, THE PERPETRATORS were allowed to continue in their teaching, mentor,  
2 and/or coaching positions at ROSEMEAD HIGH, and allowed to continue to sexually abuse,  
3 molest and harass Plaintiffs unfettered, and without any additional supervision, monitoring or  
4 control. Plaintiffs are informed and believe, and on that basis allege, that THE  
5 PERPETRATORS' conduct was expressly ratified by Defendants and THE PERPETRATORS  
6 was able to sexually abuse Plaintiffs as a result.

7 45. Absent any action by EMUHSD administration, including DOES 1-100, to  
8 supervise or restrain THE PERPETRATORS, each of them, continued their rampant sexual  
9 abuse of Plaintiffs, robbing them of their trust, peace of mind, innocence, and childhood. Serial  
10 sexual abuse of the nature, duration and extent of that engaged in by THE PERPETRATORS  
11 could not have been accomplished without the aid and assistance of many other EMUHSD staff  
12 and/or administration officials, and without EMUHSD itself, intentionally turning a blind eye to  
13 what was occurring. As a direct result of Defendants' failures to report these allegations of sexual  
14 abuse of minors against THE PERPETRATORS, each of them was allowed to remain in their  
15 position at ROSEMEAD HIGH where they went on to sexually abuse young female students,  
16 including Plaintiffs.

17 46. Upon information and belief, had Defendant EMUHSD, taken any action when  
18 given notice of THE PERPETRATORS' unfitness, Plaintiffs would not have been sexually  
19 abused. Rather, Defendants EMUHSD and DOES 1-100 and its administrators were indifferent  
20 and failed to curb the abuse, failing to undertake actions that would protect minor students under  
21 their care and control.

22 47. Defendants should have been aware of THE PERPETRATORS' wrongful conduct  
23 before, at or about the time it was occurring, and thereafter, but took no action to obstruct, inhibit  
24 or stop such continuing conduct, or to help prevent Plaintiffs from enduring the trauma from  
25 such conduct. Despite the authority and ability to do so, EMUHSD refused to, and did not act  
26 effectively to stop the sexual assaults on Plaintiffs, to inhibit or obstruct such abuse, or to protect  
27 Plaintiffs from the results of that trauma. Defendants' failure and/or refusal to stop, inhibit or  
28

1 obstruct the abuse perpetrated by THE PERPETRATORS was an express ratification of THE  
2 PERPETRATORS' conduct, including the ongoing abuse and harassment of Plaintiffs herein

3 48. During the period of abuse of Plaintiffs at the hands of THE PERPETRATORS,  
4 Defendants had the authority and ability to obstruct or stop THE PERPETRATORS' sexual  
5 assaults on Plaintiffs, but failed to do so, thereby ratifying THE PERPETRATORS' conduct and  
6 allowing the abuse to occur and continue unabated.

7 49. Plaintiffs are informed and believe, and on that basis allege, that there had been  
8 reports of sexual harassment and/or misconduct with minors that involved or implicated THE  
9 PERPETRATORS or other EMUHSD teachers, coaches, and staff prior to the time that THE  
10 PERPETRATORS were hired by EMUHSD. In addition to EMUHSD's deliberate and  
11 intentional failure to investigate THE PERPETRATORS, EMUHSD and DOES 1-100 failed to  
12 investigate reports of abuse by other EMUHSD employees within EMUHSD.

13 50. Plaintiffs are informed and believe that EMUHSD and DOES 1-100's failures to  
14 investigate and failures to protect Plaintiffs and others, was part of EMUHSD's pattern and  
15 practice in failing to protect minors, failures in training of staff, failures to supervise, failures in  
16 hiring, and failures in retention, which resulted in multiple employees of EMUHSD engaging in  
17 sexual abuse and/or harassment of minors throughout the district.

18 51. With regards to ALEX RAI, on information and belief, there were multiple "red  
19 flags" regarding ALEX RAI's behavior that alerted and/or should have alerted Defendants  
20 EMUHSD and DOES 1-100 (or their agents, servants, or employees) to ALEX RAI's  
21 inappropriate behavior and sexual abuse of the Plaintiffs, including:

- 22 a. Victims of ALEX RAI reported sexually inappropriate abuse and conduct to  
23 EMUHSD counselors and DOES 1-100; despite the reports of inappropriate sexual  
24 misconduct, ALEX RAI remained employed at EMUHSD and continued to sexual  
25 abuse and harass young female students.

26 52. With regards to JACKIE CHAN, on information and belief, there were multiple  
27 "red flags" regarding CHAN's behavior that alerted and/or should have alerted Defendants  
28

1 EMUHSD and DOES 1-100 (or their agents, servants, or employees) to JACKIE CHAN's  
2 inappropriate behavior and sexual abuse of the Plaintiffs, including:

- 3 a. Coaches and DOES 1-100 witnessed CHAN spending an inordinate amount of  
4 time alone with Plaintiff JANE J.L. DOE, including the private one-on-one lessons  
5 that CHAN was giving Plaintiff JANE J.L. DOE on campus, after school hours.  
6 Additionally, the entire campus was well aware that CHAN would take JANE J.L.  
7 DOE home with her. No one put an end to CHAN's grooming behaviors, and  
8 CHAN remained employed at EMUHSD and continued to groom, sexual abuse  
9 and harass young female students.

10 53. With regards to ESCOBAR, there were multiple "red flags" regarding  
11 ESCOBAR's behavior that alerted and/or should have alerted Defendants EMUHSD and DOES  
12 1-100 (or their agents, servants, or employees) to ESCOBAR's inappropriate behavior and  
13 sexual abuse of the Plaintiffs, including:

- 14 a. EMUHSD received reports of sexually inappropriate conduct; yet, nothing was  
15 done to remove ESCOBAR from his position where he continued to sexually  
16 abuse young female athletes. Additionally, permitting ESCOBAR to meet with  
17 students alone with no supervision directly lead to the incidents involving  
18 PLAINTIFF JANE D.C. DOE. Instead of following their duties to report his  
19 behavior, EMUHSD officials at ROSEMEAD HIGH allowed him to simply resign  
20 and walk away from the allegations.

21 54. The above-stated conduct was perceived, or able to be perceived, as though  
22 adequate supervision been provided of THE PERPETRATORS or Plaintiffs, yet the sexual abuse  
23 of Plaintiffs continued unabated. Had Defendants EMUHSD, DOES 1-100, been adequately  
24 supervising and diligently watching THE PERPETRATORS, the sexual abuse of Plaintiffs could  
25 have been prevented or, at very least, minimized through the intervention of Defendants  
26 EMUHSD, DOES 1-100's mandated reporters, law enforcement, and potentially others.

27 55. Plaintiffs are informed and believe, and on that basis allege, that Defendants and  
28 each of them should have been aware of THE PERPETRATORS' wrongful conduct at or about

1 the time it was occurring, and thereafter, but took no action to obstruct, inhibit or stop such  
2 continuing conduct, or to help Plaintiffs endure the trauma from such conduct. Despite the  
3 authority and ability to do so, these Defendants negligently and/or willfully refused to, and/or  
4 did not, act effectively to stop the sexual assaults on Plaintiffs, to inhibit or obstruct such abuse,  
5 or to protect Plaintiffs from the results of that trauma.

6 56. As is set forth herein, Defendants and each of them have failed to uphold numerous  
7 mandatory duties imposed upon them by state and federal law, and by written policies and  
8 procedures applicable to Defendants, including but not limited to the following:

- 9 \* Duty to use reasonable care to protect students from known or foreseeable  
10 dangers (Government Code §§ 820, 815.2);
- 11 \* Duty to refrain from taking official action that contradicts the provisions  
12 of Article 1, section 28(c) of the California Constitution;
- 13 \* Duty to enact policies and procedures that are not in contravention of the  
14 Federal Civil Rights Act, section 1983, and the 14th Amendment of the  
15 United States Constitution;
- 16 \* Duty to protect students and staff, and provide adequate supervision;
- 17 \* Duty to ensure that any direction given to faculty and students is lawful,  
18 and that adults act fairly, responsibly and respectfully towards faculty and  
19 students;
- 20 \* Duty to properly train teachers, athletic directors, athletic coaches, youth  
21 counselors, mentors, administrators, and staff so that they are aware of  
22 their individual responsibility for creating and maintaining a safe  
23 environment;
- 24 \* Duty to supervise faculty and students and enforce rules and regulations  
25 prescribed for schools, exercise reasonable control over students as is  
26 reasonably necessary to maintain order, protect property, or protect the  
27 health and safety of faculty and students or to maintain proper and  
28 appropriate conditions conducive to learning;
- \* Duty to exercise careful supervision of the moral conditions in the  
school;
- \* Duty to hold pupils to a strict account for their conduct on the way to and  
from school, on the playgrounds or during recess;

- \* Duty to properly monitor students, prevent or correct harmful situations or call for help when a situation is beyond their control;
- \* Duty to ensure that personnel are actually on hand and supervising students;
- \* Duty to provide enough supervision to students;
- \* Duty to supervise diligently;
- \* Duty to act promptly and diligently and not ignore or minimize problems;
- \* Duty to refrain from violating Plaintiffs' right to protection from bodily restraint or harm, from personal insult, from defamation, and from injury to her personal relations (Civil Code § 43);
- \* Duty to abstain from injuring the person or property of Plaintiff, or infringing upon any of her rights (Civil Code § 1708);
- \* Duty to report suspected incidents of child abuse and more specifically childhood sexual abuse (Penal Code §§ 11166, 11167); and
- \* Duty to prevent discrimination or sexual harassment and abuse from occurring in public educational facilities (Education Code § 200, et seq.).

57. During the period of abuse of Plaintiff at the hands of THE PERPETRATORS, Defendants had the authority and the ability to obstruct or stop THE PERPETRATORS' sexual assaults on Plaintiffs, but negligently and/or willfully failed to do so, thereby allowing the abuse to occur and to continue unabated. This failure was a part of Defendants' pattern, practice, plan and arrangement to conceal wrongful acts, to avoid and inhibit detection, to block public disclosure, to avoid scandal, to avoid the disclosure of their tolerance of child sexual harassment and abuse, to preserve a false appearance of propriety, and to avoid investigation and action by public authority including law enforcement. Plaintiffs are informed and believe, and on that basis allege, that such actions were motivated by a desire to protect the reputation of Defendant EMUHSD to protect the monetary support of Defendants while fostering an environment where such abuse could continue to occur.

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1 **FIRST CAUSE OF ACTION**

2 **NEGLIGENCE**

3 **(All Plaintiffs against All Defendants EMUHSD and DOES 1-100)**

4 58. Plaintiffs re-allege and incorporate by reference herein each and every allegation  
5 contained herein above as though fully set forth and brought in this cause of action.

6 59. Prior to and after the first incident of THE PERPETRATORS' sexual harassment,  
7 molestation and abuse of Plaintiffs, through the present, Defendants, knew or should have known  
8 that THE PERPETRATORS had or was capable of sexually, physically, and mentally abusing  
9 Plaintiffs or other victims.

10 60. Defendants had special duties to protect the Plaintiffs and the other students within  
11 Defendants when such students were entrusted to their care by their parents. Plaintiffs' care,  
12 welfare and physical custody were entrusted to Defendants. Defendants voluntarily accepted the  
13 entrusted care of Plaintiffs. As such, Defendants owed Plaintiffs, a minor, a special duty of care,  
14 in addition to a duty of ordinary care, and owed Plaintiffs the higher duty of care that adults  
15 dealing with children owe to protect them from harm. The duty to protect and warn arose from  
16 the special, trusting, confidential, and fiduciary relationship between Defendants and Plaintiffs.  
17 Plaintiffs instilled great trust, faith and confidence in Defendants, and in THE PERPETRATORS  
18 as their coaches, teachers, advisers and mentors.

19 **NEGLIGENT SUPERVISION OF PLAINTIFFS**

20 61. Defendants breached their duties of care to the Plaintiffs by allowing THE  
21 PERPETRATORS to come into contact with the Plaintiffs and other students, without  
22 supervision; by failing to adequately hire, supervise and retain THE PERPETRATORS who they  
23 permitted and enabled to have access to Plaintiffs; by failing to investigate or otherwise confirm  
24 or deny such facts about THE PERPETRATORS; by failing to tell or concealing from Plaintiffs,  
25 their parents, guardians and law enforcement officials that THE PERPETRATORS was or may  
26 have been sexually harassing, molesting and abusing minors; by failing to tell or concealing from  
27 Plaintiffs' parents, guardians or law enforcement officials that Plaintiffs were or may have been  
28 sexually harassed, molested and abused after Defendants knew or should have known that THE

1 PERPETRATORS may have sexually harassed, molested and abused Plaintiffs or others,  
2 thereby enabling Plaintiffs to continue to be endangered and sexually harassed, molested and  
3 abused, and creating the circumstance where Plaintiffs were less likely to receive medical/mental  
4 health care or treatment, thus exacerbating the harm done to Plaintiffs; and by holding out THE  
5 PERPETRATORS to Plaintiffs and to her parents as being in good standing and trustworthy.  
6 Defendants cloaked within the facade of normalcy EMUHSD, and THE PERPETRATORS’  
7 conduct, contact and actions with Plaintiffs and disguised the nature of the sexual harassment,  
8 molestation and abuse and contact.

9 62. Defendants breached their duty to Plaintiffs by, *inter alia*, failing to properly  
10 supervise the student Plaintiffs or THE PERPETRATORS or otherwise confirm or deny such  
11 facts, failing to reveal such facts to Plaintiffs, the community of the school, students, minors, and  
12 law enforcement agencies, placing and continuing to place THE PERPETRATORS in positions  
13 of trust and authority within Defendants, and holding out, and continuing to hold out THE  
14 PERPETRATORS to Plaintiffs, the public, the community of the school, students, minors, and  
15 law enforcement agencies as being in good standing and trustworthy.

16 63. Defendants breached their duty to Plaintiffs by, *inter alia*, failing to adequately  
17 monitor and supervise THE PERPETRATORS and stopping THE PERPETRATORS from  
18 committing wrongful sexual acts with minors including Plaintiffs. This belief is founded on the  
19 fact that Plaintiffs were informed and believed that the employees and staff of EMUHSD had  
20 suspected the abuse was occurring at the time, and failed to investigate into the matter further.  
21 Based on these facts, Defendants knew and or should have known of THE PERPETRATORS’  
22 incapacity to supervise and stop employees of Defendants from committing wrongful sexual acts  
23 with minors.

24 NEGLIGENCE PER SE – PENAL CODE MANDATORY CHILD ABUSE REPORTING

25 64. Under the Child Abuse and Neglect Reporting Act, Defendants were child care  
26 custodians and were under a statutory duty to report known or suspected incidents of sexual  
27 molestation or abuse of minors to a child protective agency, pursuant to California Penal Code §  
28 11166, and/or not to impede the filing of any such report.

1           65. Defendants knew or should have known that their agent, employee, coach,  
2 counselor, advisor and mentor, THE PERPETRATORS, had sexually molested, abused or  
3 caused touching, battery, harm, and other injuries to minors, including Plaintiffs, giving rise to a  
4 duty to report such conduct under California Penal Code §11166.

5           66. Defendants knew, or should have known, in the exercise of reasonable diligence,  
6 that an undue risk to minors, including Plaintiffs, existed because Defendants did not comply  
7 with California's mandatory reporting requirements.

8           67. By failing to report the continuing molestations and abuse, which Defendants knew  
9 of or should have known of, and by ignoring the fulfillment of the mandated compliance with  
10 the reporting requirements provided under California Penal Code §11166, Defendants created  
11 the risk and danger contemplated by the Child Abuse and Neglect Reporting Act, and as a result,  
12 unreasonably and wrongfully exposed Plaintiffs and other minors to sexual molestation and  
13 abuse.

14           68. Plaintiffs are members of the class of persons for whose protection California  
15 Penal Code §11166 was specifically adopted to protect.

16           69. Had Defendants adequately reported the molestation of Plaintiffs and other minors  
17 as required by California Penal Code §11166, further harm to Plaintiffs and other minors would  
18 have been avoided.

19           70. As a proximate result of Defendants' failure to follow the mandatory reporting  
20 requirements of California Penal Code §11166, Defendants wrongfully denied Plaintiffs and  
21 other minors the intervention of child protection services. Such public agencies would have  
22 changed the then-existing arrangements and conditions that provided the access and  
23 opportunities for the molestation of Plaintiffs by THE PERPETRATORS.

24           71. The physical, mental, and emotional damages and injuries resulting from the  
25 sexual molestation of Plaintiffs by THE PERPETRATORS, were the type of occurrence and  
26 injuries that the Child Abuse and Neglect Reporting Act were designed to prevent.

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1 occurring at the time, and failed to investigate into the matter further. Based on these facts,  
2 Defendants knew or should have known of THE PERPETRATORS' incapacity to supervise and  
3 stop employees of Defendants from committing wrongful sexual acts with minors.

4 NEGLIGENT HIRING/RETENTION

5 79. By virtue of Plaintiffs' special relationship with Defendants and Defendants'  
6 relation to THE PERPETRATORS, Defendants owed Plaintiffs a duty to not hire and retain THE  
7 PERPETRATORS, given their dangerous and exploitive propensities, which Defendants knew  
8 or should have known of had they engaged in a meaningful and adequate investigation of THE  
9 PERPETRATORS' background prior to their hiring.

10 80. As an educational institution and operator of a school, where all of the students are  
11 minors entrusted to the schools and its employees and agents, Defendants expressly and  
12 implicitly represented that the coaches, counselors, advisors, mentors, teachers and others,  
13 including THE PERPETRATORS, was not a sexual threat to minor students and others who  
14 would fall under THE PERPETRATORS' influence, control, direction, and guidance.

15 81. At no time during the periods of time alleged did Defendants have in place a system  
16 or procedure to reasonably investigate, supervise and monitor coaches, including THE  
17 PERPETRATORS, to prevent pre-sexual grooming and sexual harassment, molestation and  
18 abuse of minor students, nor did they implement a system or procedure to oversee or monitor  
19 conduct toward minors, students and others in Defendants' care.

20 82. Defendants were or should have known to be aware of and understand how  
21 vulnerable minor students were to sexual harassment, molestation and abuse by teachers and  
22 other persons of authority within the control of Defendants.

23 83. Defendants were put on notice and should have known that THE  
24 PERPETRATORS had previously engaged in dangerous and inappropriate conduct, and that it  
25 was, or should have been foreseeable that he was engaging, or would engage in illicit sexual  
26 activities with Plaintiffs, and others, under the cloak of his authority, confidence, and trust,  
27 bestowed upon them through Defendants.

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial.

Dated: May 6, 2024

CARRILLO LAW FIRM, LLP

By: 

LUIS A. CARRILLO  
MICHAEL S. CARRILLO  
DOMINIQUE L. BOUBION  
Attorneys for Plaintiffs, JANE C.H. DOE,  
JANE D.C. DOE, and JANE J.L. DOE