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**F I L E D**  
Clerk of the Superior Court

NOV 30 2017

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14 Attorneys for Plaintiff, C.E., a minor  
15 By and through her Guardian Ad Litem,  
16 Tiffiny Doe

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **FOR THE COUNTY OF SAN DIEGO**

14 C.E., a minor, by and through her Guardian Ad  
15 Litem, Tiffiny Doe,

16 Plaintiff,

17 vs.

18 SAN DIEGUITO UNION HIGH SCHOOL  
19 DISTRICT; JEFF CALICA;  
20 DOE ADMINISTRATOR1;  
21 DOE ADMINISTRATOR2;  
22 and DOES 1-25, Inclusive,

23 Defendants.

CASE NO. 37-2017-00046020-CU-PO-CTL

**COMPLAINT FOR PERSONAL  
INJURIES:**

1. NEGLIENCE PER SE
2. BATTERY
3. NEGLIGENT SUPERVISION

23 COMES NOW, the Plaintiff, C.E., a minor, by and through her Guardian ad Litem, Tiffiny  
24 Doe, and for cause of action against the Defendants, and each of them, complains and alleges as  
25 follows:

26 **GENERAL ALLEGATIONS**

27 1. For the purpose of this action, Tiffiny Doe was appointed by the above entitled Court,  
28 and now is, Guardian ad Litem of plaintiff C.E. The true name and identity of plaintiff C.E. is withheld

1 in this complaint to protect said plaintiff from unwarranted and unwanted publicity, sensationalism, or  
2 attention in this public filing and is not being withheld for any improper reason.

3 2. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned  
4 Defendant SAN DIEGUITO UNION HIGH SCHOOL DISTRICT (hereafter "DISTRICT") was a  
5 public entity. Plaintiff was required to and did file a government claim with defendant DISTRICT on  
6 or about May 30, 2017. Plaintiff's claim was denied on or about June 8, 2017.

7 3. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned  
8 Defendant JEFF CALICA (hereafter "CALICA") was an individual residing in the County of San  
9 Diego, State of California.

10 4. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned  
11 Defendant DOE ADMINISTRATOR1 (hereafter "ADMINISTRATOR1") was the principal at Earl  
12 Warren Middle School. In that person's capacity and status as principal, defendant  
13 ADMINISTRATOR1 owed all students at Earl Warren Middle School, including plaintiff, a protective  
14 duty of ordinary care. At all times herein mentioned defendant ADMINISTRATOR1 was a mandated  
15 reporter of suspected child abuse. At all times herein mentioned defendant ADMINISTRATOR1 was  
16 acting in the course and scope of her employment with defendant DISTRICT.

17 5. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned  
18 Defendant DOE ADMINISTRATOR2 (hereafter "ADMINISTRATOR2") was the Vice-Principal at Earl  
19 Warren Middle School. In that person's capacity and status as Vice-Principal, defendant  
20 ADMINISTRATOR2 owed all students at Earl Warren Middle School including plaintiff, a protective  
21 duty of ordinary care. At all times herein mentioned defendant ADMINISTRATOR2 was a mandated  
22 reporter of suspected child abuse. At all times herein mentioned defendant ADMINISTRATOR2 was  
23 acting in the course and scope of her employment with defendant DISTRICT.

24 6. The true names and capacities, whether individual, corporate, associate or otherwise of  
25 defendants, DOES 1 through 25, inclusive, are unknown to plaintiff who therefore, sues said  
26 defendants by such fictitious names. Plaintiff is informed and believes and thereon alleges that each of  
27 the defendants herein designated as a DOE is responsible in some manner for the events and

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1 happenings herein referred to and caused injuries and damages proximately thereby as hereinafter  
2 alleged.

3 7. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned,  
4 each of the defendants was the agent, servant, and employee of the remaining defendants, and at all  
5 times herein mentioned, each was acting within the time, place and scope of said agency and  
6 employment.

7 8. At all times herein mentioned, plaintiff was a student at Earl Warren Middle School,  
8 part of defendant DISTRICT and as such was in the "custodial care" of defendants  
9 ADMINITRATOR1, ADMINITRATOR2, DISTRICT and DOES 3 through 25, Inclusive.

10 9. Between December 1, 2016 and January 6, 2017 while school was in session, Plaintiff  
11 was repeatedly sexually assaulted against her will by defendant CALICA and DOES 21-25 in the  
12 parking lot adjacent to Earl Warren Middle School.

13 **FIRST CAUSE OF ACTION**

14 **(Negligence Per se against Defendants CALICA,**  
15 **and DOES 21-25, Inclusive)**

16 10. Plaintiff realleges and incorporates by reference paragraphs 1 through 9, Inclusive as if  
17 set forth in full herein.

18 11. Commencing on or about December 1, 2016 and continuing until on or about January 6,  
19 2017 while a student at Earl Warren Middle School plaintiff was sexually molested by defendant  
20 CALICA in violation of California Penal Code section 288.

21 12. California Penal Code section 288 is a statute which was designed to promote public  
22 safety and to protect minors from unwanted and illegal sexual contact. Plaintiff is within the group of  
23 individuals contemplated to be protected by California Penal Code section 288. Plaintiff's injuries and  
24 damages are within the scope of damages intended to be protected by said statute.

25 13. In doing the acts as alleged above, defendant CALICA participated in the  
26 aforementioned acts as described above against the will of plaintiff and did so by means of force upon  
27 the person of the plaintiff, and perpetrated great bodily harm and offensive contact with his person.

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1 14. As a direct and proximate result of the violation of California Penal Code section 288  
2 by defendants CALICA and DOES 21 through 25, inclusive, and each of them, plaintiff was hurt and  
3 injured in her health strength and activity sustaining injury to her body and shock and injury to her  
4 nervous system and person, all of which injuries have caused and continue to cause plaintiff great  
5 mental, physical and nervous pain and suffering. The full nature and extent of these injuries are not  
6 now known to plaintiff, and leave is requested to amend this complaint to conform to proof at time of  
7 trial. Plaintiff is informed and believes that such injuries will result in some permanent disability to  
8 herself. As a result of said injuries, plaintiff has suffered general damages in a sum to be shown  
9 according to proof at time of trial.

10 15. As a direct and proximate result of the negligence and carelessness of the defendants  
11 CALICA and DOES 21 through 25, and each of them, plaintiff was compelled to and did incur  
12 expenses for medical care, hospitalization, and other incidental expenses and will have to incur  
13 additional like expenses in the future, all in amounts presently unknown to her. Plaintiff therefore asks  
14 leave of court either to amend this complaint so as to show the true amount of plaintiff's medical  
15 expenses when ascertained, or to prove said amounts at the time of trial.

16 16. This cause of action arises out of the commission of a felony. Plaintiff therefore is  
17 entitled to reasonable attorney fees incurred in prosecuting this action pursuant to Code of Civil  
18 Procedure section 1021.4 according to proof at time of trial.

19 **SECOND CAUSE OF ACTION**

20 **(Battery against Defendants CALICA**  
21 **and DOES 21-25, Inclusive)**

22 17. Plaintiff realleges and incorporates by reference paragraphs 1 through 16, Inclusive as if  
23 set forth in full herein.

24 18. At no time did plaintiff consent to any of the actions of defendants CALICA and DOES  
25 21 through 25, Inclusive, as alleged above.

26 19. As a direct and proximate result of the acts of defendants CALICA and DOES 21  
27 through 25, Inclusive, and each of them, plaintiff was hurt and injured in her health strength and  
28 activity sustaining injury to her body and shock and injury to her nervous system and person, all of

1 which injuries have caused and continue to cause plaintiff great mental, physical and nervous pain and  
2 suffering. The full nature and extent of these injuries are not now known to plaintiff, and leave is  
3 requested to amend this complaint to conform to proof at time of trial. Plaintiff is informed and  
4 believes that such injuries will result in some permanent disability to herself. As a result of said  
5 injuries, plaintiff has suffered general damages in a sum to be shown according to proof at time of trial.

6 20. As a direct and proximate result of the acts of defendants CALICA and DOES 21  
7 through 25, Inclusive, and each of them, plaintiff was compelled to and did incur expenses for medical  
8 care, hospitalization, and other incidental expenses and will have to incur additional like expenses in  
9 the future, all in amounts presently unknown to her. Plaintiff therefore asks leave of court either to  
10 amend this complaint so as to show the true amount of plaintiff's medical expenses when ascertained,  
11 or to prove said amounts at the time of trial.

12 21. The acts of defendants CALICA and DOES 21 through 25, Inclusive, and each of  
13 them, as alleged above, was willful and malicious and was intended to oppress and cause injury to  
14 plaintiff. Plaintiff is therefore entitled to an award of punitive damages in an amount to be shown  
15 according to proof at time of trial.

16 22. This cause of action arises out of the commission of a felony. Plaintiff therefore is  
17 entitled to reasonable attorney fees incurred in prosecuting this action pursuant to Code of Civil  
18 Procedure section 1021.4 according to proof at time of trial.

19 **THIRD CAUSE OF ACTION**

20 **(Negligent Supervision against defendants DISTRICT,**  
21 **ADMINISTRATOR1, ADMINISTRATOR2 and DOES 1**  
22 **through 20, Inclusive)**

23 23. Plaintiff realleges and incorporates by reference paragraphs 1 through 22, Inclusive as if  
24 set forth in full herein.

25 24. While enrolled/in attendance at Earl Warren Middle School, plaintiff was repeatedly  
26 sexually assaulted by defendant CALICA and DOES 21-25, inclusive against her will in the parking  
27 lot adjacent to the school. Plaintiff was negligently allowed to use school computers to go to online  
28 "chat rooms" where she met defendant CALICA. Defendants DISTRICT, ADMINISTRATOR1,

1 ADMINISTRATOR2 and DOES 1 through 20 negligently supervised plaintiff's computer use  
2 allowing plaintiff to enter into an online relationship with defendant CALICA who was several years  
3 older than plaintiff. Plaintiff is informed and believes and thereon alleges that it is below the standard  
4 of care for school principals and administrators to allow students to utilize school computers without  
5 supervision.

6 25. In addition, defendants DISTRICT, ADMINISTRATOR1, ADMINISTRATOR2 and  
7 DOES 1 through 20, negligently provided students at Earl Warren Middle School with access to the  
8 schools "wi-fi" network and provided students, including plaintiff, with passwords for the network  
9 allowing them to access the internet at any time while at school on their personal devices without any  
10 supervision or monitoring, further enabling plaintiff to enter into an online relationship with defendant  
11 CALICA.

12 26. Defendants DISTRICT, ADMINISTRATOR1, ADMINISTRATOR2 and DOES 1  
13 through 20, and each of them, had a duty at all times to supervise the student use of computers and  
14 internet access on the grounds of the school and to enforce those rules and regulations necessary for  
15 the protection of students and other children. Defendants DISTRICT, ADMINISTRATOR1,  
16 ADMINISTRATOR2 and DOES 1 through 20, had a duty to enact policies and procedures that  
17 prevented students from being alone and unsupervised on school computers and on the internet while  
18 on school premises.

19 27. Defendants DISTRICT, ADMINISTRATOR1, ADMINISTRATOR2 and DOES 1  
20 through 20, and each of them, were negligent and careless in that they failed to exercise ordinary care  
21 in supervising the students use of computers and internet access on the grounds of the school and in  
22 failing to enact policies and procedures that prevented students from being alone and unsupervised on  
23 computers and other internet devices and entering into online relationships with strangers.

24 28. As a direct and proximate result of the negligence of defendants DISTRICT,  
25 ADMINISTRATOR1, ADMINISTRATOR2 and DOES 1 through 20, Inclusive, and each of them,  
26 plaintiff was hurt and injured in her health strength and activity sustaining injury to her body and shock  
27 and injury to her nervous system and person, all of which injuries have caused and continue to cause  
28 plaintiff great mental, physical and nervous pain and suffering. The full nature and extent of these

1 injuries are not now known to plaintiff, and leave is requested to amend this complaint to conform to  
2 proof at time of trial. Plaintiff is informed and believes that such injuries will result in some permanent  
3 disability to herself. As a result of said injuries, plaintiff has suffered general damages in a sum to be  
4 shown according to proof at time of trial.

5 29. As a direct and proximate result of the negligence of defendants DISTRICT,  
6 ADMINISTRATOR1, ADMINISTRATOR2 and DOES 1 through 20, Inclusive, and each of them,  
7 plaintiff was compelled to and did incur expenses for medical care, hospitalization, and other  
8 incidental expenses and will have to incur additional like expenses in the future, all in amounts  
9 presently unknown to her. Plaintiff therefore asks leave of court either to amend this complaint so as to  
10 show the true amount of plaintiff's medical expenses when ascertained, or to prove said amounts at the  
11 time of trial.

12 30. As a direct and proximate result of the negligence of defendants DISTRICT,  
13 ADMINISTRATOR1, ADMINISTRATOR2 and DOES 1 through 20, Inclusive, and each of them,  
14 plaintiff was disabled and may be disabled in the future and thereby be prevented from attending to the  
15 duties of plaintiff's usual occupation. Plaintiff has therefore lost earnings and may continue to lose  
16 earnings in the future, all in amounts presently unknown to plaintiff. Plaintiff asks leave of Court  
17 either to show the amount of her lost earnings, when ascertained, or to prove said amount at the time of  
18 trial.

19 **FOURTH CAUSE OF ACTION**

20 **(Negligent Supervision against defendants DISTRICT,**  
21 **ADMINISTRATOR1, ADMINISTRATOR2 and DOES 1**  
22 **through 20, Inclusive)**

23 31. Plaintiff realleges and incorporates by reference paragraphs 1 through 30, Inclusive as if  
24 set forth in full herein.

25 32. While enrolled/in attendance at Earl Warren Middle School, plaintiff was repeatedly  
26 sexually assaulted by defendant CALICA and DOES 21-25, inclusive against her will in the parking  
27 lot adjacent to the school. Plaintiff was negligently allowed to leave school grounds, unsupervised  
28 during the school day. In fact, defendants DISTRICT, ADMINISTRATOR1, ADMINISTRATOR2

1 and DOES 1 through 20, Inclusive, encouraged students, including plaintiff to utilize the Solana Beach  
2 Public Library ("SBPL") off school grounds while school was in session. Plaintiff was regularly  
3 allowed to leave school premises, unsupervised to go to the SBPL. It was during her trips to the library  
4 that plaintiff was assaulted and molested by defendant CALICA. Plaintiff is informed and believes and  
5 thereon alleges that it is below the standard of care for school principals and administrators to allow  
6 students to be leave school grounds while school is in session without supervision.

7 33. Defendants DISTRICT, ADMINISTRATOR1, ADMINISTRATOR2 and DOES 1  
8 through 20, and each of them, had a duty at all times to supervise the conduct of students on the  
9 grounds of the school and to enforce those rules and regulations necessary for the protection of  
10 students and other children. Defendants DISTRICT, ADMINISTRATOR1, ADMINISTRATOR2 and  
11 DOES 1 through 20, had a duty to enact policies and procedures that prevented students from leaving  
12 school grounds unsupervised while school is in session.

13 34. Defendants DISTRICT, ADMINISTRATOR1, ADMINISTRATOR2 and DOES 1  
14 through 20, and each of them, were negligent and careless in that they failed to exercise ordinary care  
15 in supervising the conduct of students on the grounds of the school and in failing to enact policies and  
16 procedures that prevented students from leaving school grounds unsupervised while school is in  
17 session.

18 35. As a direct and proximate result of the negligence of defendants DISTRICT,  
19 ADMINISTRATOR1, ADMINISTRATOR2 and DOES 1 through 20, Inclusive, and each of them,  
20 plaintiff was hurt and injured in her health strength and activity sustaining injury to her body and shock  
21 and injury to her nervous system and person, all of which injuries have caused and continue to cause  
22 plaintiff great mental, physical and nervous pain and suffering. The full nature and extent of these  
23 injuries are not now known to plaintiff, and leave is requested to amend this complaint to conform to  
24 proof at time of trial. Plaintiff is informed and believes that such injuries will result in some permanent  
25 disability to herself. As a result of said injuries, plaintiff has suffered general damages in a sum to be  
26 shown according to proof at time of trial.

27 36. As a direct and proximate result of the negligence of defendants DISTRICT,  
28 ADMINISTRATOR1, ADMINISTRATOR2 and DOES 1 through 20, Inclusive, and each of them,



1 plaintiff was compelled to and did incur expenses for medical care, hospitalization, and other  
2 incidental expenses and will have to incur additional like expenses in the future, all in amounts  
3 presently unknown to her. Plaintiff therefore asks leave of court either to amend this complaint so as to  
4 show the true amount of plaintiff's medical expenses when ascertained, or to prove said amounts at the  
5 time of trial.

6 37. As a direct and proximate result of the negligence of defendants DISTRICT,  
7 ADMINISTRATOR1, ADMINISTRATOR2 and DOES 1 through 20, Inclusive, and each of them,  
8 plaintiff was disabled and may be disabled in the future and thereby be prevented from attending to the  
9 duties of plaintiff's usual occupation. Plaintiff has therefore lost earnings and may continue to lose  
10 earnings in the future, all in amounts presently unknown to plaintiff. Plaintiff asks leave of Court  
11 either to show the amount of her lost earnings, when ascertained, or to prove said amount at the time of  
12 trial.

13 **WHEREFORE**, plaintiff prays for judgment against the defendants, and each of them as  
14 follows:

15 **FIRST CAUSE OF ACTION**

- 16 1. For general damages according to proof at time of trial;
- 17 2. For special damages in a sum to be shown according to proof at time of trial;
- 18 3. For prejudgment interest according to proof at trial;
- 19 4. For costs of suit incurred herein;
- 20 5. For attorney fees according to proof at time of trial; and
- 21 6. For such other and further relief as the Court deems just and proper.

22 **SECOND CAUSE OF ACTION**

- 23 1. For general damages according to proof;
- 24 2. For special damages according to proof;
- 25 3. For exemplary or punitive damages according to proof;
- 26 4. For interest according to proof;
- 27 5. For attorney fees according to proof at time of trial;
- 28 6. For costs of suit herein incurred; and

1 7. For such other and further relief as the Court may deem just and proper.


2 **THIRD AND FOURTH CAUSE OF ACTION**

- 3 1. For general damages according to proof at time of trial;  
4 2. Special damages in a sum to be shown according to proof at time of trial;  
5 3. For prejudgment interest according to proof at trial;  
6 4. For costs of suit incurred herein; and  
7 5. For such other and further relief as the Court deems just and proper.

8  
9 Respectfully submitted,

10 Dated: November 30, 2017

ESTEY & BOMBERGER, LLP

11  
12 By:  \_\_\_\_\_  
13 Stephen J. Estey, Esq.  
14 R Michael Bomberger, Esq.  
15 Mary Bajo, Esq.  
16 Attorneys for Plaintiff  
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