

1 Daniel M. Gilleon (SBN 195200)
Samuel A. Clemens (SBN 285919)
2 The Gilleon Law Firm
1320 Columbia Street, Suite 200
3 San Diego, CA 92101
Tel: 619.702.8623
4 Fax:619.702.6337

5 Attorneys for Plaintiff Phoebe M., a minor
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8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**
(Hall of Justice)
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11 PHOEBE M., minor, by and through
her guardian ad litem, Diane Pastrana,

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Plaintiff,

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vs.

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15 SAN DIEGO UNIFIED SCHOOL
DISTRICT, a government entity;
JENNIFER MALTZ; TABIVA
16 BUSTANI; and DOES 1 through 50,

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Defendants.

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20 Plaintiff Phoebe M. alleges:

21 1. Plaintiff Phoebe M. ("Phoebe") is a fictitious name for a minor, who brings this
22 action by and through her guardian ad litem, Diane Pastrana. Phoebe and Pastrana reside in San
23 Diego County, California.

24 2. Defendant San Diego Unified School District ("SDUSD") is a government entity
25 located in San Diego County, California.

26 3. Defendant Jennifer Maltz ("Maltz") is an adult individual who resides in San Diego
27 County, California.

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CASE NO.:

COMPLAINT FOR DAMAGES

[NEGLIGENT SUPERVISION]

1 4. Defendant Tabiva Bustani ("Bustani") is an adult individual who resides in San
2 Diego County, California.

3 5. The true names and capacities, whether individual or otherwise, of defendants Does
4 1 through 20 are unknown to Plaintiff who therefore sues them by such fictitious names pursuant
5 to California Code of Civil Procedure § 474. Plaintiff is informed and believes that each of the Doe
6 defendants is responsible in some manner for the acts of omissions alleged in this complaint or
7 cause Plaintiff's damages.

8 6. At all material times, all of the defendants named in this complaint were agents,
9 employees, partners, joint-venturers, or co-conspirators of the other defendants and when doing the
10 acts alleged in this complaint they acted within the course and scope of such agency.

11 7. Phoebe is a six year old child who attended at Hamilton Elementary School, under
12 the jurisdiction of the SDUSD, when the wrongful acts occurred.

13 8. On March 11, 2013, Phoebe was sexually molested, assaulted, and battered in a
14 school restroom by another student at the school. This incident was brought to the attention of both
15 students' teacher (Maltz), the Principal of Hamilton Elementary School (Bustani), and to other
16 employees of the SDUSD including its police department.

17 9. On May 17, 2013, Officer John C. Hannon, of the SDUSD Police Department, sent
18 a letter to Phoebe's parents informing them that they were aware of the incident on March 11, 2013,
19 that Maltz would be "keeping a closer eye on both students," and that Maltz would "not be sending
20 students to the bathroom at the same time." Officer Hannon also stated the incident had been
21 investigate, both students had spoken to the school counselor, and that "other actions were taken,"
22 which Officer Hannon said could not be revealed without "a court order."

23 10. A few weeks later, on or around July 9, 2013, Phoebe reported to her parents that
24 she had continued to be sexually molested, assaulted, and sexually battered by the same. Phoebe
25 reported that she had been subjected to numerous sexual assaults and batteries in the school's
26 bathrooms, playgrounds, and even in the classroom.

27 11. Plaintiff submitted a public entity claim to SDUSD on August 30, 2013. On
28 September 9, 2013, SDUSD sent notice that the claims "is rejected."

