

1 Tracy L. Henderson, Esq SBN 25288
2 Law Offices of Tracy L. Henderson, Esq
3 P. O. Box 221562
4 Carmel CA 93922
5 T: 831.917.1583
6 tlhlaw@protonmail.com

7 Attorneys for Plaintiffs

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES
10 UNLIMITED CIVIL – NORWALK COURTHOUSE

11 E.G., a minor by her guardian ad litem
12 Eric Gravitt,

13 Plaintiff,

14 v.

15 ABC UNIFIED SCHOOL DISTRICT, a
16 California school district, DR.
17 CRECHENA WISE, as an individual and
18 in her official capacity as Director
19 Secondary Curriculum & Professional
20 Learning for ABCUSD, MELISSA
21 CHRISTENSEN as an individual and in
22 her official capacity as principal of
23 Kennedy Stem Academy, MELINDA
24 ORTIZ as an individual and in her
25 capacity as Director of School Services,
26 Child Welfare and Attendance, and DOES
27 1-50, inclusive,

28 Defendants.

CASE NO.

COMPLAINT FOR DAMAGES:

- 1) **False Imprisonment**
- 2) **Negligence**
- 3) **Intentional Infliction of Emotional Distress**
- 4) **Violation of the Tom Bane Act**
- 5) **Violation of Right to Free Speech**
- 6) **Human Experimentation**

PLAINTIFF E.G., a minor by his guardian, X alleges as follows:

THE PARTIES

1. E.G. is, and at all times mentioned in this complaint a minor, an individual with his principal place of residence located in Los Angeles County California. Eric Gravitt is her biological father and guardian ad litem for all purposes herein.

1 2. ABC UNIFIED SCHOOL DISTRICT (“ABCUSD”) is, and at all times herein
2 mentioned was, a school district located in Los Angeles County and local educational agency
3 (LEA) responsible for the implementation and punitive enforcement of illegal school policies,
4 purportedly based on the non-binding, merely recommended, California Department of Public
5 Health’s K-12 Guidance. ABCUSD is governed by elected officials that serve as Members of its
6 Board of Trustees.

7 3. MELISSA CHRISTENSEN (“PRINCIPAL CHRISTENSEN”) was, and at all
8 times mentioned herein, employed by ABCUSD as the principal of Kennedy Stem Academy, an
9 elementary school in ABCUSD, and acting within the course and scope of that employment.

10 4. MELINDA ORTIZ (“ORTIZ”) was, and at all times mentioned herein, employed
11 by ABCUSD as Director of School Services, Child Welfare and Attendance of Kennedy Stem
12 Academy, an elementary school in ABCUSD, and acting within the course and scope of that
13 employment.

14 5. CRECHENA WISE (“WISE”) was, and at all times mentioned herein, employed by
15 ABCUSD as an individual and in her official capacity as Director Secondary Curriculum &
16 Professional Learning and acting within the course and scope of that employment.

17 6. Plaintiff is informed and believes and thereon alleges that, at all times herein
18 mentioned, MELISSA PRINCIPAL CHRISTENSEN, MELINDA ORTIZ, Scott Smith, and
19 CRECHENA WISE, and ABCUSD and its agents and other members of the staff that are
20 unknown at this time, are employees of ABCUSD and in doing the things hereinafter alleged, were
21 acting within the course and scope of such employment and agency and with the permission and
22 consent of Defendant ABCUSD and its Board of Trustees. In doing the things hereinafter
23 mentioned, these Defendants acted under the color of their authority and under the color of the
24 customs and usages of Defendant ABCUSD and pursuant to the official policies of Defendant
25 ABCUSD as enacted and adopted by the Governing Board acting under color of its authority as
26 such.

27 7. Plaintiffs are informed and believe, and thereon alleges, that each of the fictitiously
28 named defendants proximately caused damages to Plaintiffs as alleged herein and/or is responsible

1 for the acts complained of herein. Plaintiffs will seek leave of Court to amend this Complaint
2 when the true identities of such DOE defendants have been ascertained. Plaintiffs are informed
3 and believe, and thereon allege that defendants named as DOES 1 through 50 were the agents,
4 servants and/or employees of their defendants, and in doing or failing to do the acts alleged herein
5 were acting in the course and scope of their authority and with the permission and consent of their
6 defendants, and each of them.

7 **JURISDICTION AND VENUE**

8 8. This Court has personal jurisdiction over Defendants each of them. They are
9 governmental actors that conduct business in and maintain operations in Los Angeles County on
10 behalf of Defendant ABCUSD. ABCUSD is located at 16700 Norwalk Blvd., Cerritos, CA 90703.
11 Kennedy Stem Academy is a school in ABCUSD located at 17500 Belshire Ave, Artesia, CA
12 90701.

13 9. Venue is proper in the county in which “the cause, or some part of the cause,
14 arose,” for a suit against a public officer’s act. (Cal. Code of Civ. Proc. § 393(b).) This Court is the
15 proper venue for this action because the Defendants either reside in or maintain executive offices
16 in Los Angeles County, a substantial portion of the transactions and wrongs complained of herein
17 took place in Los Angeles County, including Defendants’ primary participation in the acts detailed
18 herein, and Plaintiff’s injuries occurred in Los Angeles County.

19 **GENERAL ALLEGATIONS**

20 10. The California Constitution provides that in person instruction in public schools is a
21 fundamental right. California Constitution Article IX: §5

22 11. All students are entitled to “equal rights and opportunities” in education (Ed. Code
23 § 200) and to participate fully in the educational process “free from discrimination and
24 harassment.” Ed. Code § 201, subd. (a); Government Code §11135. To effectuate this policy,
25 which is guaranteed by the federal and state Constitutions, the Legislature requires California's
26 public schools to take affirmative steps to “combat ... forms of bias.” (Ed Code § 201, subd. (b).)
27 They also must “prevent and respond to acts of bias-related incidents” in an “urgent” manner (§
28 201, subd. (d)) *Donovan v. Poway Unified School Dist.*, 167 Cal. App. 4th 567, 606.

1 12. It is a fundamental right of a parent to make decisions concerning the care, custody,
2 and control of his child. (*Doe v. Albany Unified School Dist.* (2010) 190 Cal.App.4th 668, 685,
3 citing *In re Samuel G* (2009) 174 Cal.App.4th 502, 509 (“Among the constitutional privileges
4 enjoyed by parents is the right to determine how their children should be educated”); *Troxel v.*
5 *Granville* (2000) 530 U.S. 57, 66, citing cases recognizing “the fundamental right of parents to
6 make decisions concerning the care, custody, and control of their children”).

7 13. Per Ed Code §51101(7)(a) Except as provided in subdivision (d), the parents and
8 guardians of pupils enrolled in public schools have the right and should have the opportunity, as
9 mutually supportive and respectful partners in the education of their children within the public
10 schools, to be informed by the school, and to participate in the education of their children,
11 including but not limited to, have a school environment for their child that is safe and supportive
12 of learning.

13 14. The masks are, at all times alleged herein, only emergency use authorized by the
14 Federal Drug Administration. Masks recommended for COVID were and still are only emergency
15 use authorized which requires informed consent¹. Masking children in schools was a medical
16 experiment per H.S. §24170 et seq and requires informed consent.

17 15. At no time prior to, or during, the alleged incidents hereafter did E.G. give
18 informed consent to wearing a mask.

19 16. Masks do not stop virus transmission and are harmful to children’s growing brains.²

20 17. Since the beginning of the pandemic in early 2020, studies have emerged that prove
21 the damage to children in particular resulting from illegally forced mask wearing included from
22 prolonged forced mask wearing in schools that included oxygen deprivation, carbon dioxide
23 poisoning, increased anxiety, social development impairments, skin rashes and other skin
24 conditions, speech development delays, mouth, and tooth deformation due to mouth breathing, and
25 concerning heart issues like tachycardia.

26
27 _____
28 ¹ <https://www.fda.gov/medical-devices/emergency-situations-medical-devices/faqs-emergency-use-authorization-face-masks-non-surgical>

² <https://www.aier.org/article/medical-journal-warns-about-maskss-potentially-devastating-consequences/>

1 18. In January of 2022, after twenty-two months of forcing or coercing much of
2 society, including schoolchildren, to mask without obtaining the requisite informed consent, the
3 CDC, along with various other “public health” experts admitted that the cloth masks they had
4 forced onto society and on schoolchildren in order to be able to attend school in person were, in
5 fact, no better than “facial decorations,” and certainly did not work against “new” variants.³

6 19. There never was a legally enforceable “mask mandate” as the California
7 Department of Public Health’s K-12 guidance was always only ever a recommendation because it
8 did not go through the California Administrative Procedures Act rule making process. Gov. Code
9 § 11340.5(a).

10 20. There is no FDA approved COVID injection which means taking it equates to
11 entering oneself into a medical trial. Those that choose to use experimental products or enter
12 themselves into medical trials must give informed consent. 21 U.S.C. § 360-bbb-3; Health and
13 Safety Code § 24176.

14 21. During the time of the alleged incidents herein outlined, E.G. was a 11 year old
15 minor and fifth grader who attended Kennedy Stem Academy which is a public school that is part
16 of ABCUSD.

17 22. At all times mentioned herein, E.G. was NOT ill nor showed signs of illness.

18 23. In January 2022, E.G. and her classmates were pulled out of class and told to sit on
19 a planter box outside. The children were informed that they were in “close contact with a student
20 in the classroom that had tested positive for COVID-19.”

21 24. At that time, school officials inquired as to which students were vaccinated, and
22 which were not. The vaccinated students were told they could return to the classroom and the
23 unvaccinated students were told they had to leave campus and go home and quarantine for five
24

25 ³ Chandra Ambarish (University of Toronto) and Tracy Beth Høeg, MD, PhD (University of California, Davis),
26 Revisiting Pediatric COVID-19 Cases in Counties With and Without School Mask Requirements—United States,
27 July 1—October 20 2021, *The Lancet* (May 25, 2022),
28 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4118566;
K. Kisielinski, P. Giboni, A. Prescher, B. Klosterhalfen, D. Graessel, S. Funken, O. Kempfski, O. Hirsch, Is a Mask
That Covers the Mouth and Nose Free from Undesirable Side Effects in Everyday Use and Free of Potential
Hazards?, *Int. J. Environ. Res. Public Health* 18, no. 8: 4344 (April 20, 2021), <https://www.mdpi.com/1660-4601/18/8/4344>.

1 days. The students were further instructed that they could return on the sixth day—but only if they
2 showed a negative Covid test. Vaccinated students were sent back to class, without delay.
3 Comparatively, parents of unvaccinated students were contacted and ordered to retrieve their
4 children in a manner that amounted to unequal treatment of those who chose not to enter
5 themselves into the COVID medical trials across the board. This policy is discriminatory and
6 repugnant on its face.

7 25. E.G., who is unvaccinated with the COVID injection, was told that she wasn't
8 permitted on campus which caused her to experience extreme confusion and anxiety. She didn't
9 understand why the school was making some kids go home while others were permitted to stay.
10 She repeatedly complained that, the policy "wasn't fair" and she was angry that they were making
11 her go home.

12 26. E.G. then suffered even more emotional and mental trauma when the school put her
13 in the isolation room. See Exhibit "A" attached hereto and incorporated herein by this reference.

14 27. It is illegal to quarantine healthy people. "Personal restraint and quarantine can
15 only be imposed where, under the facts as brought within the knowledge of the health authorities,
16 reasonable ground exists to support the belief that the person is actually afflicted." *In re*
17 *Application of Arata* (1921) 52 Cal. App. 380.

18 28. ABCUSD staff at E.G.'s school acted in very bizarre and crazy ways. They put
19 caution tape over water fountains to prevent the children from drinking water. See Exhibit "B"
20 attached hereto and incorporated herein by this reference. They also put red plastic barriers around
21 the younger children's sandbox to prevent them from playing there. See Exhibit "C" attached
22 hereto and incorporated herein by this reference.

23 29. E.G. later told her parents she was scared because she thought she was somehow
24 "in trouble" for being unvaccinated. Despite the Principal's kind demeanor, E.G. still felt that she
25 was being punished for her organic status.

26 30. At this time, the ABCUSD and its agents knew or should have known based on a
27 reasonable inspection of scientific literature, that even COVID injected children could contract and
28 spread COVID-19 in the same manner as students who had not received the covid injection. A

1 basic review of the available scientific literature would have shown that the policy was arbitrarily
2 discriminatory. No such review occurred.

3 31. On January 24, 2022, E.G.'s father was called by the school according to the
4 ABCUSD policy and ordered to retrieve E.G.. He went to school and had a conversation with the
5 school principal, MELISSA PRINCIPAL CHRISTENSEN. Rather than simply acquiescing to this
6 discriminatory policy, E.G.'s father refused to take his daughter home. He then calmly asserted
7 that the school was denying his daughter her educational rights and expressed that E.G. would
8 return the following day.

9 32. Principal CHRISTENSEN then indicated that, if E.G. returned to school the next
10 day, she wouldn't be allowed on campus. In response, E.G.'s father explained that he would be
11 contacting news media and an attorney. He also explained that he would be bringing his daughter
12 back to school the next day.

13 33. E.G. was walked to school on Tuesday, January 25, 2022 by her father. After
14 entering campus, she walked to her classroom without him. Upon arriving to her classroom, E.G.
15 was terrified to find Principal Path CHRISTENSEN and three district administrators (MELINDA
16 ORTIZ, Scott Smith, and CRECHENA WISE,) waiting outside her classroom. She attempted to
17 enter her classroom and was denied access. She was scared because she did not know what was
18 happening to her, and she thought she was being punished for no reason. Despite her fear, E.G.
19 told Principal Path CHRISTENSEN and the administrators that she was not leaving campus and,
20 further, asserted that they could not deny her an in-person education.

21 34. At that time, Principal Path CHRISTENSEN stayed with E.G. as the three district
22 administrators went outside to speak with E.G.'s father who recorded the entire interaction on his
23 cellphone. Upon seeing his phone, the administrators claimed that he could not record the
24 interaction, and that doing so was against the law. E.G.'s father disagreed, and continued filming.
25 He was standing outside, in public and, therefore, there was no reasonable expectation of privacy
26 regarding the conversation. Accordingly, his conduct was entirely permissible by law.

27 35. That evening, E.G.'s parents received an email communication from Melinda Ortiz
28 on behalf of the district. Among other false accusations, Ms. Ortiz claimed that E.G.'s father's

1 recording violated California Penal Code §632 and that the content of his recordings must
2 therefore be deleted immediately.

3 36. Notably, California Penal Code §632 governs protects “confidential
4 communications” from eavesdropping. “For the purposes of this section, “confidential
5 communication” means any communication carried on in circumstances as may reasonably
6 indicate that any party to the communication desires it to be confined to the parties thereto, but
7 excludes a communication made in a public gathering or in any legislative, judicial, executive, or
8 administrative proceeding open to the public, or in any other circumstance in which the parties to
9 the communication may reasonably expect that the communication may be overheard or recorded.
10 “Cal Pen Code § 632(c)

11 37. Despite the perfectly lawful recording of the these administrators, outside, in front
12 of the school, in a public place, one of the district administrators, CRECHENA WISE, per
13 MELINDA ORTIZ’S directive, called the sheriffs’ department and knowingly filed a false police
14 report claiming E.G.’s father was “hostile.” The recording taken by E.G.’s father demonstrates that
15 these administrators falsely reported that they were dealing with a “hostile parent.”

16 38. Sheriffs took no actions against E.G.’s father. During a conversation with the
17 officers, counsel for Plaintiff who was on speakerphone while E.G.’s father was speaking to the
18 officer, MELINDA ORTIZ, Director of school services for ABCUSD was rude and belligerent.
19 E.G.’s father told them he would return the next day with his daughter to try and get her to class
20 again.

21 39. Around this time, Principal CHRISTENSEN and ORTIZ walked E.G. to an
22 isolation room and left her there by herself, without explaining what was happening. Ms. Ortiz told
23 E.G. while they were walking, “I am so sorry this is happening, this is not your fault. Sometimes,
24 parents just do things like this, and they really shouldn’t but just know you didn’t do anything
25 wrong, and this is not your fault.” This upset E.G. even more. She noted that Ms. Ortiz’s voice was
26 condescending and that the interaction made her feel extremely anxious to the point of physical
27 illness. E.G. wanted to cry because Ms. Ortiz was attacking and demeaning her parents.

28

1 40. The isolation room is a small room, no bigger than a bathroom. Instead of having a
2 door for an entrance, the threshold comprised a plastic shower curtain. There was a single chair in
3 the room, in addition to a few other items. There was no desk in the room, so E.G. wasn't able to
4 complete any schoolwork causing her to fall behind her peers and experience severe pervasive
5 anxiety.

6 41. As they were walking her to the room, they stopped in the hallway of the nurses
7 office. The sheriff entered the office. When PRINCIPAL CHRISTENSEN saw E.G. with her
8 cellphone in her hand, she claimed that E.G. could not record the interaction—and that doing so
9 was against the law. She then asked E.G. if she had recorded prior interactions with school staff.
10 E.G. unequivocally denied doing so.

11 42. The sheriff then illegally demanded that E.G. hand over her phone and grabbed it
12 out of her hand to show that she hadn't recorded anything in violation of her First Amendment
13 right to do so. The officer and PRINCIPAL CHRISTENSEN invaded E.G.'s right to Privacy
14 secured by California Constitution. They also violated her Fifth Amendment right to due process
15 by failing to establish probable cause prior to conducting the unlawful search. Then, they put E.G.
16 into the isolation room alone.

17 43. E.G. felt very embarrassed and helpless as her phone was stolen from her and her
18 privacy violated as they combed through her personal photographs and videos. E.G. could not
19 fathom why this was happening while she, a small child, was kept captive in a small room with
20 scary authority figures like the police, ORTIZ and PRINCIPAL CHRISTENSEN. E.G. thought
21 she was under arrest and that they were going to arrest her father. *E.G. was so terrified that her*
22 *hands were trembling.*

23 44. Later that night, when E.G. was at home, she cried in her room for over an hour.
24 E.G. was inconsolable. She didn't understand why the school was keeping her from her friends
25 and classmates and teacher. She repeatedly asserted that she wasn't sick and that she didn't know
26 why they were keeping her out of school given that she felt fine.

27 45. E.G. returned with her father on Wednesday, January 26, 2022. The police were
28 waiting in the parking lot with Bill (William) Hundley the Child and Welfare and Attendance unit

1 coordinator for ABCUSD, while other district officials, MELINDA ORTIZ and Principal Path
2 CHRISTENSEN, were blocking the gate entrance so that E.G. could not enter campus. E.G. again
3 protested, demanding entrance. Additionally, another student J.A. and his mom joined E.G. and
4 her father and demanded that the kids be allowed to attend class, given that the students were
5 healthy, not sick.

6 46. Despite the state of the law, ORTIZ told E.G.'s father that these students, E.G. and
7 J.A., were not allowed on campus. E.G.'s father provided her a copy of Education Code §201 to
8 remind her children have a right to attend school free from discrimination and harassment.

9 47. During the fifty-two (52) minute long ordeal, ORTIZ and PRINCIPAL
10 CHRISTENSEN told E.G.'s father that she would have to test negative to be able to come to
11 school and that they were just following the "rules" and state "guidelines."

12 48. The California Department of Public Health K-12 Guidance was never a "mandate"
13 nor did it have the "force and effect of law" because it did not go through the Administrative
14 Procedures Act rulemaking process required by statute.⁴

15 49. Additionally, only health officers have police power delegated to them by the
16 legislature to enforce health orders, if any exist. Health & Saf Code §§120140; 120175; 120195.
17 Schools do not. Ed code §49451.

18 50. A school district is an agency of limited authority, which may exercise only those
19 powers granted by statute. (*San Juan Teachers Assn. v. San Juan Unified Sch. Dist.*, 44
20 Cal.App.3d 232, 250)

21 51. That evening ORTIZ sent home a nasty letter with false allegations such as
22 perfectly health E.G. was creating "unsafe conditions for other students, staff and families"
23 because she arrived at school without a mask and that E.G.'s father's "presence at school caused a
24 disruption." Then it offered independent study and threatened to call the police and file a
25 knowingly false police report again in violation of Civil Code §51.7.

26
27
28 ⁴ Gov. Code, § 11340.5, subd. (a), Gov. Code § 11342.545; Gov. Code, § 11346.1

1 52. E.G. was kicked out of school and fell behind in her school work due to being
2 illegally excluded from school in violation of Ed Code §48900. Her parents were forced to expend
3 \$50.00 per hour on a tutor to catch her up in math.

4 53. On February 21, 2022 E.G. could not handle wearing a mask anymore as it was
5 restricting her oxygen flow, made her feel tired, hurt behind her ears, and caused her to feel
6 anxious. She told her teacher, Ms. Ewald she wasn't going to wear a mask anymore. Her teacher
7 mistakenly believed she "had to follow protocol", reported it to the principal Saff
8 CHRISTENSEN.

9 54. PRINCIPAL CHRISTENSEN then came to E.G.'s classroom with Bill (William)
10 Hundley the Child and Welfare and Attendance unit coordinator for ABCUSD and told E.G. she
11 must leave the classroom if she was not going to put on a mask. E.G. stated she was not going to
12 put a mask on and that she did not want to leave the classroom and she had a right to stay. Bill
13 Hundley asked E.G. to come out of the classroom so he could talk with her and E.G. complied.
14 Bill Hundley told E.G. she could sit outside the classroom. Mr. Hundley told E.G. they could put a
15 desk outside with a chair and she could stay outside and still be able to see her teacher and the
16 projector screen. It was 60 degrees outside and E.G. told them no. As a result, E.G. was once again
17 sent to the office and put in the isolation room then picked up from school.

18 55. E.G. was out fifteen (15) school days from February 21, 2022 through March 11,
19 2022. She returned to school on Monday, March 14, 2022 only because the CDPH changed a word
20 in the K-12 guidance from required to recommended.

21 56. By then the damage was already done, as E.G. was further behind in school
22 especially in math. She felt anxious going to school and afraid her peers would make fun of her.

23 57. E.G.'s parents had to continue to pay for tutoring after E.G. missed over fifteen (15)
24 days of school for protesting the mask.

25 58. The damage was done – E.G. was even further behind in school and she felt very
26 anxious going to school as well as terrified her peers would make fun of her.

27 59. "Administrative regulations that alter or amend the statute or enlarge or impair its
28 scope are void and courts not only may, but it is their obligation to strike down such regulations.

1 (*Morris v. Williams*, 67 Cal.2d 733, 748 as cited in *Burton v. Board of Education*, 71 Cal. App. 3d
2 52, 57-58. Neither school boards nor any other administrative agency may set additional terms or
3 conditions which frustrate rights created by statute. (See *Syrek v. California Unemployment*
4 *Insurance Appeals Board*, 54 Cal.2d 519, 532; *Ellis v. Board of Education*, 27 Cal.2d 322, 324-
5 325; *Cabrillo Community College Dist. v. California Junior College Assn.*, 44 Cal.App.3d 367,
6 371-372. Educators employed by ABCUSD certainly had no legal authority to harass, bully,
7 humiliate, pressure, and mentally traumatize plaintiffs as they did at all times alleged in this
8 complaint.

9 60. Plaintiff has exhausted all remedies. As required per the California Tort Claims
10 Act, E.G. served tort claim/claim for damages required by Government Code sections 810-996.6
11 on or about January 24, 2023 to which ABCUSD School District Board rejected on February 7,
12 2023. E.G. is a minor who has not yet reached 18 years of age. See rejection letter attached hereto
13 as Exhibit "D" and incorporated herein by this reference.

14 61. A petition for appointment of Eric Gravitt as guardian ad litem have been filed
15 concurrently.

16 62. "A public entity is liable for injury proximately caused by an act or omission of an
17 employee of the public entity within the scope of his employment if the act or omission would,
18 apart from this section, have given rise to a cause of action against that employee or his personal
19 representative." Gov. Code, § 815.2(a)

20 **FIRST CAUSE OF ACTION**
21 **(False Imprisonment)**

22 Against Defendants

23 ABCUSD, ORTIZ, PRINCIPAL CHRISTENSEN, AND DOES 1-50

24 63. Plaintiffs realleges and incorporate herein by reference all preceding paragraphs of
25 this Complaint as though fully set forth herein.

26 64. Public employees are not entitled to immunity in suits for false arrest or false
27 imprisonment. Gov't Code §820.4. "A public entity is liable for injury proximately caused by an
28 act or omission of an employee of the public entity within the scope of his employment if the act

1 or omission would, apart from this section, have given rise to a cause of action against that
2 employee or his personal representative." Gov. Code, §815.2(a).

3 65. On or about January 24, 2022, defendants ABCUSD, PRINCIPAL
4 CHRISTENSEN and ORTIZ, each acting in the scope of employment for ABCUSD, with the
5 knowledge, permission, and ratification of ABCUSD leadership, while exhibiting complete
6 deliberate indifference to the harms being cause to E.G. ***abused their position of authority over***
7 ***E.G. when they isolated, segregated, and imprisoned her in an isolation room*** which created a
8 circumstance psychologically akin to jail. E.G. is an 11 year old child, a minor, who was not
9 allowed to play at recess with her friends, and forced to isolate in an isolation room all against her
10 will, all without her or her parent's consent, constituting a deprivation of freedom of movement,
11 unprivileged confinement, and false imprisonment.

12 66. The unprivileged confinement was a method of coercion, dehumanization,
13 humiliation, and intimidation employed on an 11 year old child by Defendants, each of them,
14 acting in the scope of employment for ABCUSD, with the knowledge, permission, and ratification
15 of ABCUSD leadership who, with actual knowledge that ABCUSD employees were putting *a*
16 *child in an isolation room*, exhibited deliberate indifference to the harms being caused to E.G. for
17 days.

18 67. This conduct by Defendants ABCUSD PRINCIPAL CHRISTENSEN and ORTIZ,
19 and ratified by ABCUSD leadership, each acting in the course and scope of their employment for
20 ABCUSD, constituted extreme abuse of their position of authority over 11 year old E.G.. and
21 which constitutes extreme and outrageous conduct.

22 68. E.G. did not, at any time relevant to the claims herein, knowingly, or voluntarily
23 consent to this imprisonment *in an isolation room*, isolation nor segregation psychologically akin
24 to jail or deprivation of basic freedom at school.

25 69. Immediately prior to the acts of defendants herein alleged, E.G. had been
26 peacefully trying to attend school while perfectly healthy, which is compulsory under California
27 law per Ed. Code §48200 as healthy young children, and simply protested wearing a mask
28

1 pursuant her First Amendment right under the California and Federal Constitutions, Cal. Const.,
2 art. I, § 1, Ed Code 48907 in violation of Ed Code §201.

3 70. E.G. did not, at any time mentioned herein, disrupt the learning environment, or
4 disrupt any other student or teacher in any way nor were they ever ill.

5 71. In segregating, isolating and imprisoning E.G. in an isolation room and abusing the
6 power and authority of an educator and an adult in charge of minor children entrusted to them by
7 their parents, Defendants, each of them, intended to dehumanize, humiliate, bully, intimidate,
8 coerce and pressure E.G. into wearing a mask against her will, and without any informed consent
9 from her or her parents.

10 72. Defendants ABCUSD and its agents and employees, PRINCIPAL CHRISTENSEN
11 and ORTIZ, each of them, acting in the course and scope of their employment for ABCUSD, acted
12 with deliberate malice and for the purpose of dehumanizing, intimidating, humiliating, and
13 bullying E.G. when she had a statutory right to in person instruction free from harassment and
14 discrimination and a constitutional right to free speech to protest the experimental masks. Cal.
15 Const., art. I, § 1; Ed Code § 48907.

16 73. As a direct and proximate cause as a result of the Defendant's actions, each of
17 them, which was a substantial factor in causing the harm to E.G. she has been traumatized,
18 emotionally and mentally damaged at an amount to be determined at trial.

19 74. As a direct and proximate cause as a result of the Defendant's actions, and each of
20 them, E.G. was injured in her health, strength, and activity, sustaining injury to her mental health,
21 shock and injury to her nervous system and person, and among other injuries, all of which injuries
22 have caused E.G. to suffer extreme anxiety, post-traumatic stress disorder, extreme and severe
23 mental anguish. These injuries will result in long term damage to E.G. namely mental trauma and
24 general damage an amount which will be determined at trial.

25 75. As a proximate result of the acts of defendants, and each of them, as herein alleged,
26 plaintiff has incurred, and will incur, further medical and incidental expenses such as tutoring for
27 the care and treatment of these injuries, the exact amount of which will be proven at trial.

28

1 and negligently failing to exercise "that degree of care 'which a person of ordinary prudence,
2 charged with comparable duties, would exercise under the same circumstance" when they
3 committed negligent and intentional conduct of intentional intimidation, bullying, harassment,
4 discrimination, humiliation, isolation, dehumanization, segregation akin to jailing a healthy child,
5 attempting to force E.G. into independent study in violation of the Education Codes, and filed a
6 false police report knowing that the claim or report was false, or with reckless disregard for the
7 truth or falsity of the claim or report.

8 81. As a proximate result of the actions of Defendants' breaches of duty, each of them
9 acting in the capacity as employees for ABCUSD as outlined in preceding paragraphs, caused E.G.
10 to be anxious and terrified, upset, nervous and humiliated, and suffered extreme and severe mental
11 suffering and duress, emotional distress and mental damage, to lose sleep, suffer mental trauma,
12 suffer from post-traumatic stress, physical damage, damage to their nervous system, learning loss
13 and other damages to be presented at trial. On the occasions outlined herein, when E.G. attempted
14 to exercise their fundamental right to in person instruction and to protest under the California
15 Constitution and Education Codes, while healthy, without a mask as is her statutory and
16 constitutional right, she was dehumanized, denied learning, harassed, humiliated, isolated,
17 segregated, and discriminated against for not wearing an experimental mask by ABCUSD agents
18 and employees PRINCIPAL CHRISTENSEN and ORTIZ with permission and such conduct being
19 ratified by ABCUSD leadership. This negligent and intentional conduct by the Defendant
20 ABCUSD employees, each of them, inflicted severe physical and emotional trauma,
21 embarrassment, humiliation, and emotional distress on Plaintiffs.

22 82. ABCUSD's employee's conduct, and each of its agents, at all times in this regard
23 was extreme and outrageous as Defendants PRINCIPAL CHRISTENSEN and ORTIZ and other
24 ABCUSD employees mentioned herein abused their position of power over E.G..

27 *Angeles Unified Sch. Dist.* (1970) 2 Cal. 3d 741, 747-751; *Biggers v. Sacramento City Unified Sch. Dist.* (1972) 25
28 Cal. App. 3d 269, 273-275.

1 report was patently false, and with reckless disregard for the truth or falsity of the claim or report
2 in violation of civil code§51.7.

3 88. This conduct by Defendants, each of them in the course and scope of their
4 employment for ABCUSD, was done to intentionally dehumanize, humiliate, bully, intimidate,
5 pressure, and coerce E.G. into wearing a mask or to make her so miserable she would comply. All
6 of this aforementioned illegal conduct of WISE, PRINCIPAL CHRISTENSEN and ORTIZ was
7 actually known to the ABCUSD board of trustees, and with deliberate indifference thereafter,
8 ratified by them.

9 89. The Defendants, each of them, acting in the course and scope of their employment
10 with ABCUSD, intended to cause, and/or recklessly disregarded the possibility of causing E.G.
11 severe emotional distress. The Defendants, each of them, acting in the course and scope of their
12 employment with ABCUSD acted knowingly, intentionally, or unreasonably with the recognition
13 that the acts mentioned herein in preceding paragraphs were an extreme abuse of power and
14 Defendants, each of them knew, their conduct was likely to result in illness through mental distress
15 to young E.G..

16 90. As a direct result and proximate cause due to Defendant's outrageous conduct
17 outlined herein, E.G. suffered anxiety, have post-traumatic stress disorder, and severe and
18 pervasive emotional distress and trauma.

19 91. These acts of abuse of power by Defendants ABCUSD by its agents and employees
20 acting in the course and scope of their employment with ABCUSD, and each of them, as herein
21 alleged were outrageous, intentional, willful, wanton, malicious, and oppressive, and justify the
22 awarding of punitive damages against WISE, PRINCIPAL CHRISTENSEN and ORTIZ.

23 **FOURTH CAUSE OF ACTION**
24 **(Civil Rights Violations California Civil Code 52.1)**

25 **Tom Bane Act**
26 **Against All Defendants**

27 92. Plaintiff incorporates, by reference, all the foregoing paragraphs of this complaint
28 as though fully set forth herein.

1 93. "A public entity is liable for injury proximately caused by an act or omission of an
2 employee of the public entity within the scope of his employment if the act or omission would,
3 apart from this section, have given rise to a cause of action against that employee or his personal
4 representative." Gov. Code, § 815.2(a). California law permits respondeat superior liability for
5 Bane Act violations. *I.V. v. Vacaville Unified Sch. Dist.*, 2020 U.S. Dist. LEXIS 28474, *17 citing
6 Gov. Code, § 815.2(a).

7 94. Students in public schools have a fundamental right to in person instruction.
8 California Constitution AIX SEC. § 5. All students are entitled to "equal rights and opportunities"
9 in education (Ed. Code § 200) and to participate fully in the educational process "free from
10 discrimination and harassment." (Ed. Code § 201, subd. (a).)

11 95. All students possess the right of freedom of speech and expression guaranteed by
12 Section 2(a) of Article I of the California Constitution, and §48907 of the Education Code.

13 96. Health and Safety Code §24170 et seq require that the use of experimental products
14 be precipitated by obtaining informed consent.

15 97. It is a fundamental right of a parent to make decisions concerning the care, custody,
16 and control of his child. (*Doe v. Albany Unified School Dist.* (2010) 190 Cal.App.4th 668, 685,
17 citing *In re Samuel G* (2009) 174 Cal.App.4th 502, 509 ("Among the constitutional privileges
18 enjoyed by parents is the right to determine how their children should be educated"); *Troxel v.*
19 *Granville* (2000) 530 U.S. 57, 66, citing cases recognizing "the fundamental right of parents to
20 make decisions concerning the care, custody, and control of their children").

21 98. Civil Code 52.1(c)⁶ provides for a private right of action for any individual whose
22 exercise or enjoyment of rights secured by the Constitution or laws of the United States, or of

23 ⁶ SECTION 1. (a) The Legislature hereby finds and declares all of the following: (1) Section 52.1 of the Civil Code
24 guarantees the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of
25 the United States, or of the rights secured by the Constitution or laws of this state without regard to his or her
26 membership in a protected class identified by its race, color, religion, or sex, among other things. (2) The decision in
27 *Boccatto v. City of Hermosa Beach* (1994) 29 Cal.App.4th 1797 misconstrued Section 52.1 of the Civil Code to
28 require that an individual who brings an action, or on whose behalf an action is brought, pursuant to that section, be a
member of one of those specified protected classes. (b) It is the intent of the Legislature in enacting this act to clarify
that an action brought pursuant to Section 52.1 of the Civil Code does not require the individual whose rights are
secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of
California to be a member of a protected class identified by its race, color, religion, or sex, among other things. Cal
Civ Code § 52.1

1 **rights secured by the Constitution or laws of this state, has been interfered with, or**
2 **attempted to be interfered with, as described in subdivision (b) of this statute which states:**

3
4 “If a person or persons, whether or not acting under color of law, interferes by threat,
5 intimidation, or coercion, or attempts to interfere by threat, intimidation, or coercion, with
6 the exercise or enjoyment by any individual or individuals of rights secured by the
7 Constitution or laws of the United States, or of the rights secured by the Constitution or
8 laws of this state” they may bring a civil action for damages, including but not limited to,
9 damages under Civil Code §52 which are civil penalties of \$25,000 plus damages and
10 attorney’s fees.

11 99. Defendants, each of them, WISE, PRINCIPAL CHRISTENSEN and ORTIZ,
12 acting in the scope of their employment, and ratified by ABCUSD leadership with deliberate
13 indifference to the harm it was causing Plaintiff, intentionally tried to coerce and intimidate E.G.
14 and did in fact prevent her from doing something she had the right to do under the law – namely
15 go to school free from abuse, harassment, discrimination. Defendants prevented E.G. parents from
16 exercising their fundamental right to control the custody and care of their own children.
17 Defendants, each of them with deliberate indifference to the harm it caused tried to force E.G. to
18 do something she was not required to do– namely wear an experimental mask.

19 100. Defendants WISE, PRINCIPAL CHRISTENSEN and ORTIZ, each of them, acting
20 in the scope of their employment, and ratified by ABCUSD leadership with deliberate indifference
21 to the harm it was causing E.G. violated her state and constitutional rights articulated in paragraph
22 90-94 when they imprisoned, segregated and isolated E.G. against her will, dehumanized her by
23 putting her in an isolation room, bullied her, attempted to coerce her into wearing a mask by way
24 of intimidation, pressure and humiliation by discriminating against her for exercising their right to
25 free speech and to attend school, harassed, and otherwise emotionally harmed E.G. because her
26 parents allowed her to protest wearing a mask. E.G. was bullied, dehumanized, chastised, shunned,
27 humiliated, imprisoned, segregated, isolated, refused her fundamental right to in person
28 instruction, and repeatedly belittled by her educators who are always supposed act in the best
interest of children and to ensure children thrive in their learning environment. These acts on the
part of the defendants, interfered with, or were attempts to interfere with plaintiffs’ exercise of
their fundamental rights as outlined herein.

1 representative." Gov. Code, § 815.2(a). California law permits respondeat superior liability for
2 Bane Act violations. *I.V. v. Vacaville Unified Sch. Dist.*, 2020 U.S. Dist. LEXIS 28474, *17 citing
3 Gov. Code, § 815.2(a).

4 108. On or about February 22, 2022 while healthy and lawfully on the premises of
5 ABCUSD for the purpose of attending classes therein, E.G. refused to wear a face covering in
6 protest⁷, which is conduct protected by Cal. Const., art. I, § 2(a) and Education Code §48907, for a
7 few days.

8 109. The refusal to wear a mask in protest of the government's attempt to unlawfully
9 silence and control its citizens falls under the umbrella of protected political speech. (*Texas v.*
10 *Johnson* (1989) 491 U.S. 397, 404-405, citing *Tinker v. Des Moines Independent Community*
11 *School District* (1969) 393 U.S. 503, 505 (the expressive nature of students wearing of black
12 armbands to protest American military involvement in Vietnam is protected by the First
13 Amendment).

14 110. Thereafter, WISE, PRINCIPAL CHRISTENSEN and ORTIZ and other ABCUSD
15 agents acting pursuant to the ABCUSD policy, conduct which ratified by ABCUSD leadership
16 who had actual knowledge, ordered E.G. to wear a face covering and when she refused in protest,
17 put her in an isolation room, and dehumanized and humiliated her almost daily in front of their
18 peers and adults to embarrass and coerce her into wearing a mask in violation of her free speech
19 right to protest. When plaintiff refused to wear an experimental face covering, Principal
20 CHRISTENSEN and ORTIZ. and other ABCUSD agents, ratified by ABCUSD leadership with
21 actual knowledge of the abuses plaintiffs were suffering, isolated and segregated E.G. in an
22 isolation room, did not let her play at recess with friends, all against her will and without consent
23 constituting unprivileged confinement of plaintiffs by force or intimidation for weeks over their
24 and their parent's objection and protest. WISE filed false police reports knowing they were false
25 against E.G.'s father and terrified her that she was going to be arrested.

26 _____
27 ⁷ Conduct is protected by the First Amendment as free speech if, based on the context surrounding the conduct, a
28 reasonable observer would understand the actor's intended meaning. *United States v. O'Brien*, 391 U.S. 367 (1968);
Spence v. Washington, 418 U.S. 405 (1974); and *West Virginia State Board of Education v. Barnette*, 319 U.S. 624
(1943).

1 111. The above-described school district policies which ABCUSD and its agents and
2 employees punitively implemented in violation of California law and the constitution, denied E.G.
3 her right of freedom of speech and expression as guaranteed by the First and Fourteenth
4 Amendments of the United States Constitution, Section 2(a) of Article I of the California
5 Constitution, and §48907 of the Education Code, both on its face and as applied to plaintiffs, and
6 is unconstitutionally vague and overbroad in that it has no rational relationship to any government
7 concern.

8 112. E.G.'s protest of politely refusing to wear a mask when she was perfectly healthy
9 neither disrupted learning or violated the rights of other students.

10 113. By reason of Defendants' acts, each of them, and conduct as herein alleged, the
11 circumstances surrounding Plaintiff's refusal to mask in protest of ABCUSD's mask policy
12 rendered her conduct sufficiently expressive to fall within the scope of the First Amendment. This
13 is because a reasonable observer of Plaintiff's actions would have understood them as being
14 inherently expressive—one of clear protest.

15 114. Where a rule results in infringement of a fundamental right, such rule is subject to
16 strict scrutiny. (*Washington v. Harper* (1990) 494 U.S. 210, 223, 229). Strict scrutiny demands
17 that the government actor establish (1) it has a compelling interest that justifies the challenged
18 rule; (2) the rule is necessary to further that interest; and (3) the rule is narrowly drawn to achieve
19 that end.

20 115. By reason of Defendants' acts and conduct as herein alleged, and as a proximate
21 result of the punitive enforcement of CDPH's non-binding recommendations as a mandated school
22 policy, and the intentional abuse, intimidation, coercion and pressure tactics employed by
23 Defendants ABCUSD, its agents and employees including but not limited to PRINCIPAL
24 CHRISTENSEN and ORTIZ, ratified by ABCUSD leadership with actual knowledge, each of
25 them, denied E.G. her right of freedom of speech and expression as guaranteed by the First and
26 Fourteenth Amendments of the United States Constitution, Article 2(a) of Article I of the
27 California Constitution, and §48907 of the California Education Code.

1 116. By reason of defendants' acts and conduct as herein alleged, plaintiffs have
2 suffered emotional damage in an amount to be proven at trial.

3 117. The actions of the defendant were done with malice, fraud, or oppression, and in
4 reckless disregard of the plaintiffs' rights which supports recovery of punitive damages against
5 ABCUSD agents and employees including WISE, PRINCIPAL CHRISTENSEN and ORTIZ, who
6 ratified the bad acts of defendants.

7
8 **SIXTH CAUSE OF ACTION**
9 **Human Experimentation**
10 **(Health and Safety Code Sections 24170 et seq)**
11 **As to All Defendants**

12 118. Plaintiffs reallege and incorporate by reference their allegations in each of the
13 preceding paragraphs in this Complaint as if fully set forth herein.

14 119. The California Legislature codified in Health & Safety Code §§24170-24179.5
15 (entitled "Human Experimentation") the right of citizens to not be forced into unwanted medical
16 experiments or subjected to unwanted medical devices or products. Section 24176 of the
17 California Health & Safety Code prescribes the civil and criminal penalties for "any person" who
18 conduct a ~~medical experiment on~~ another human being without obtaining the subject's informed
19 consent.

20 120. California Health & Safety Code §24172 provides that citizens "(j) Be given the
21 opportunity to decide to consent or not to consent to a medical experiment without the intervention
22 of any element of force, fraud, deceit, duress, coercion, or undue influence on the subject's
23 decision California Health & Safety Code §24173 provides that "informed consent" means "(c)(7)
24 An instruction to the subject that he or she is free to withdraw his or her prior consent to the
25 medical experiment and discontinue participation in the medical experiment at any time, without
26 prejudice to the subject."

27 121. California Health & Safety Code §24174 provides that a "medical experiment"
28 means, among other things "(a) the use of a drug or device." Masks meet the definition of "device"

1 per Device” Health & Saf Code § 109920. The masks are only emergency use authorized⁸ by the
2 Federal Drug Administration (“FDA”) and as such legally defined as experimental.

3 122. Thereafter, WISE, PRINCIPAL CHRISTENSEN and ORTIZ, and other ABCUSD
4 agents acting pursuant to the ABCUSD policy and acting in the scope of their employment,
5 conduct which ratified by ABCUSD leadership who had actual knowledge of its occurrence,
6 ordered E.G. to wear an experimental device daily, namely an EUA authorized face covering
7 while healthy to participate in learning. When E.G. stopped doing so by way of protest,
8 Defendants put her in a tiny isolation room, and dehumanized and humiliated her almost daily in
9 front of her peers and adults to embarrass and coerce her into wearing a mask in violation of the
10 aforementioned health and safety codes. They also scared the bejesus out of E.G. by calling the
11 police on her and her father to knowingly make a false police report.

12 123. By reason of Defendants’ conduct as herein alleged, defendant’s actions constituted
13 a violation of Health and Safety Code §§24170-24179.5.

14 124. As a direct and proximate cause of the Defendant’s and its agents malicious,
15 intentional, and negligent actions described herein, which violates Health and Safety Code §24170
16 et seq, plaintiff has suffered great stress, annoyance, emotional and mental trauma, and incurred
17 attorney’s fees in an amount to be proven at trial.

18 125. The actions of the defendant were done with malice, fraud, or oppression, and in
19 reckless disregard of the plaintiff’s rights which supports recovery of punitive damages against
20 ABCUSD agents and employees WISE, PRINCIPAL CHRISTENSEN and ORTIZ.

21 **PRAYER**

22 Wherefore Plaintiff pray for relief as follows:

- 23 1. For general, compensatory and reliance damages in an amount to be
determined at trial;
- 24 2. For statutory damages in a sum to be determined at trial,
- 25 3. For interest on the principal amount of damages due at the legal rate;
- 26 4. For exemplary and punitive damages in an amount to be proven at trial per
civil code section §3294;
- 26 5. For civil penalties pursuant to civil code §51-52 and other applicable law;

27 ⁸ *FAQs on the Emergency Use Authorization for Face Masks (Non-Surgical)*, [https://www.fda.gov/medicaldevices/
28 emergency-situations-medical-devices/faqs-emergency-use-authorization-face-masks-non-surgical](https://www.fda.gov/medicaldevices/emergency-situations-medical-devices/faqs-emergency-use-authorization-face-masks-non-surgical).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 6. For civil penalties pursuant to applicable Health and Safety Code 24176;
- 7. For reasonable attorney's fees pursuant to all applicable provisions of law, including but not limited to, civil code §51-52;
- 8. For costs of suit incurred herein; and
- 9. For such other and further relief as the court may deem just and proper.

Date: August 4, 2023.

By:  _____
Tracy L. Henderson, Esq
Attorney for Plaintiffs

EXHIBIT A

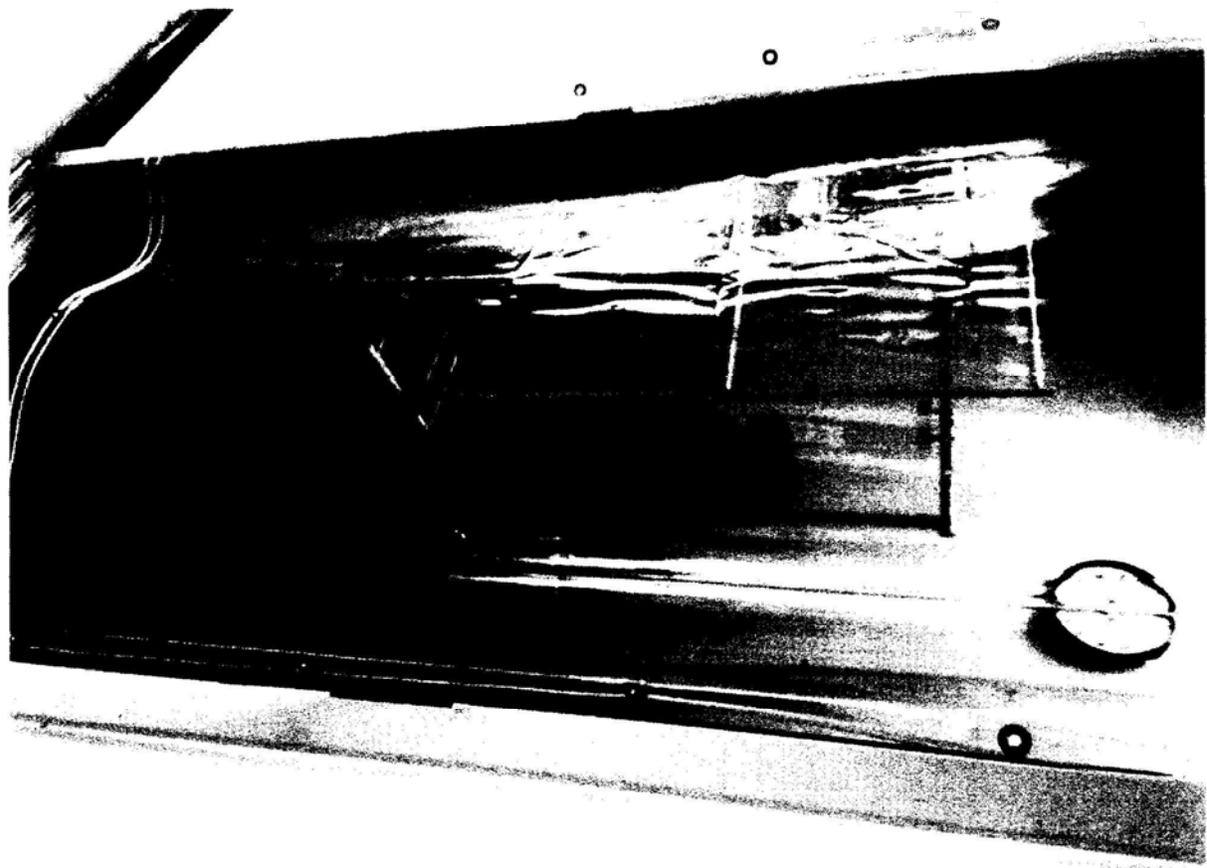


EXHIBIT B

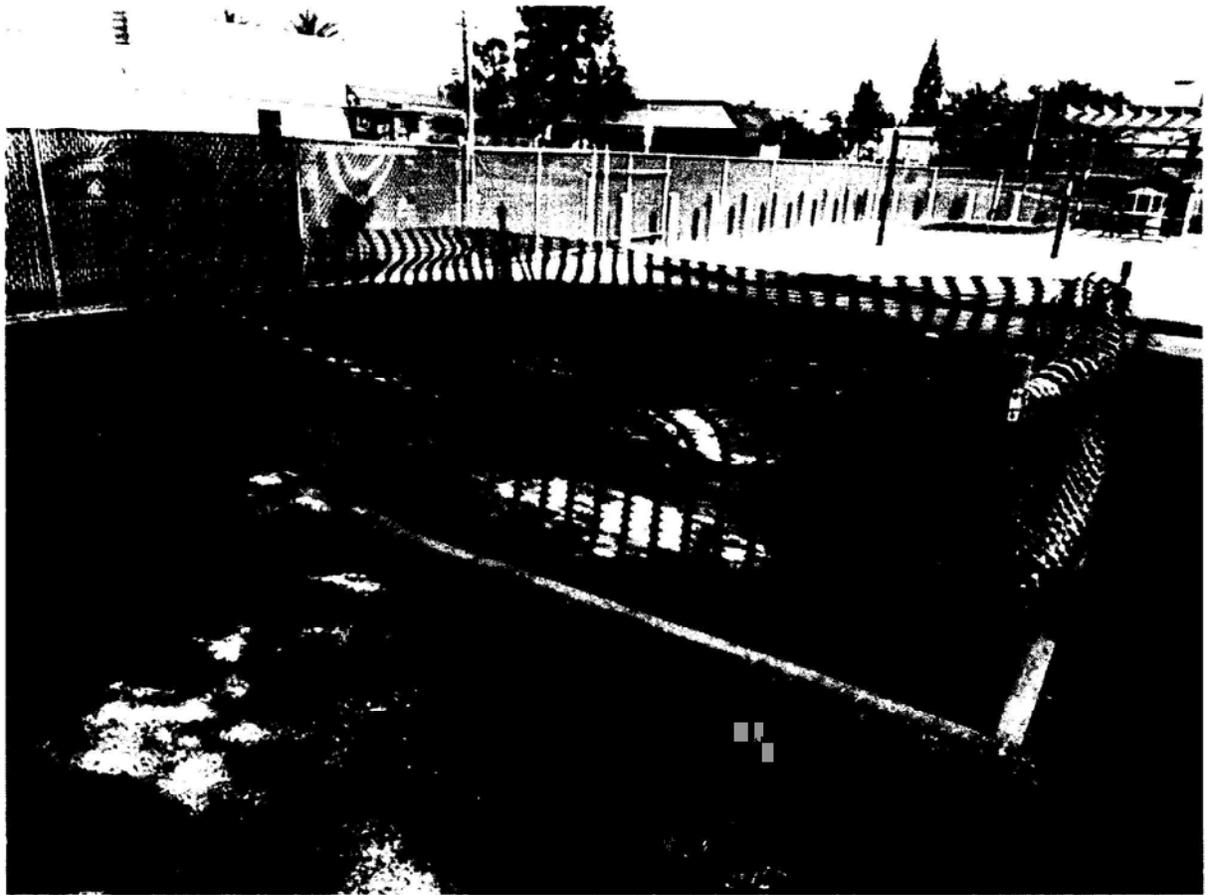


EXHIBIT C



EXHIBIT D



ABC Unified School District
Purchasing, Warehouse and Risk Management Department
16700 Norwalk Boulevard, Cerritos, CA 90703
(562) 926-5566 ext. 21212

February 8, 2023

Certified Mail # 7019 0700 0001 5007 7785

[REDACTED] Gravitt
[REDACTED] Gravitt
[REDACTED]

Re: [REDACTED] Gravitt

Received by ABCUSD January 24, 2023

Dear Ms. Garcia,

On February 7, 2023, the matter of the claim of [REDACTED] Gravitt was considered by ABC Unified School District Board.

NOTICE IS HEREBY GIVEN that the claim you presented, to the ABC Unified School District was rejected by the Board of Education at their regular meeting of February 7, 2023.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action in a municipal or superior court of the State of California on this claim. (See Government Code Section 945.6)

The time limitation applies only to causes of action arising under California law for which a claim is mandated by the California Government Tort Claims Act, Government Code sections 900 et seq. Other causes of action, including those arising under federal law, may have shorter time limitations for filing.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Sincerely Yours,

Leslie Cox
Director of Purchasing/Risk Management

Reference: Government Code Section 913b

Panel: Fontenot - Keenan & Associates
Tom Nguyen, Assn. Supt. - Interim Superintendent