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8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **IN AND FOR THE COUNTY OF LOS ANGELES**

11 **BRYAN MUEHLBERGER**, as heir to
12 Gracie Anne Muehlberger, deceased; and
CINDY MUEHLBERGER, as heir to
13 Gracie Anne Muehlberger, deceased; and
BRYAN MUEHLBERGER and **CINDY**
14 **MUEHLBERGER**, as co-representatives
15 of the estate of Gracie Anne Muehlberger.

16 **Plaintiffs,**

17 **vs.**

18 **WILLIAM S. HART UNION HIGH**
19 **SCHOOL DISTRICT**, a public entity;
LOS ANGELES COUNTY
20 **CORONER’S OFFICE**, a public entity;
and **DOES 1** through **10**, inclusive.

21 **Defendants.**

CASE NO. **20STCV44103**

COMPLAINT FOR DAMAGES

- 1) **GENERAL NEGLIGENCE – WRONGFUL DEATH (Cal. Govt. Code §§ 815.2(a) and 820(a))**
- 2) **PREMISES LIABILITY – WRONGFUL DEATH (Cal. Govt. Code § 835)**
- 3) **NEGLIGENCE – SURVIVOR CAUSE OF ACTION**
- 4) **GENERAL NEGLIGENCE – EMOTIONAL DISTRESS (Cal Civ Code § 56.10)**

JURY TRIAL DEMANDED

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1 Plaintiffs Gracie Anne Muehlberger (“GRACIE”), deceased, and Bryan Muehlberger
2 (“BRYAN”) and Cindy Muehlberger (“CINDY”), individually, as heirs to GRACIE, and as
3 successors in interest to the Estate of GRACIE (collectively “PLAINTIFFS”), allege as follows
4 based upon information and belief and investigation conducted by PLAINTIFFS and their
5 counsel, except for those allegations pertaining to PLAINTIFFS personally, which are alleged
6 based upon knowledge.

7 **I. INTRODUCTION**

8 1. On the morning of November 14, 2019, Gracie Anne Muehlberger, a fifteen year
9 old student of Saugus High School (“SAUGUS”) in Santa Clarita California, was brutally
10 murdered in a tragic and horrific school shooting, wherein Nathaniel Tennosuke Berhow
11 (“NATHAN”), a fellow SAUGUS student, was allowed to skip class and spend over forty
12 minutes standing by himself—and at-times in a trance-like-state—in the outdoor quad area of the
13 high school without supervision or interruption from any supervisors, teachers, and/or staff, until
14 NATHAN ultimately pulled a firearm out of his backpack and opened fire on other students who
15 also had congregated in the outdoor quad area. NATHAN shot and killed GRACIE. NATHAN
16 shot multiple times at others, and then turned the final bullet on himself.

17 2. PLAINTIFFS bring this action against the William S. Hart Union High School
18 District (“SCHOOL DISTRICT”) under the California Government Tort Claims Act, California
19 Government Code §§ 810 *et seq.* (“CGTCA”), for the SCHOOL DISTRICT’s failure to perform
20 its mandatory duties related to supervision of students and/or for the negligent acts and/or
21 omissions of its officers, officials, agents, and/or employees in failing to supervise NATHAN
22 and/or the outdoor quad area of SAUGUS, resulting in NATHAN fatally shooting GRACIE on
23 school grounds and during school hours.

24 3. PLAINTIFFS bring this action against the Los Angeles County Coroner’s Office
25 (“CORONER”) under the California Government Tort Claims Act, California Government Code
26 §§ 810 *et seq.* (“CGTCA”), for the CORONER’s (a) failures to perform mandatory duties related
27 to a GRACIE’s identity being kept under seal and/or being under a security hold; and/or (b) for
28 the negligent acts and/or omissions of its officers, officials, agents, and/or employees in releasing

1 and/or confirming GRACIE’s identity to the press, which resulted in extreme emotional distress
2 to BRYAN and CINDY.

3 **II. JURISDICTION AND VENUE**

4 4. The SCHOOL DISTRICT and CORONER, and each of them, were served with an
5 administrative claim pursuant to the CGTCA on or around May 12, 2020 and May 4, 2020,
6 respectively. PLAINTIFFS received letters from the SCHOOL DISTRICT and CORONER on
7 May 26, 2020 and July 3, 2020, respectively, rejecting the claims.

8 5. This court has personal jurisdiction over DEFENDANTS because they are
9 residents of the State of California and, at all times relevant, the events which combined to
10 produce the injuries sustained by GRACIE occurred in this state. This court is competent to
11 adjudicate this action and the amount in controversy exceeds the jurisdictional minimum of this
12 court.

13 6. Venue is proper in the County of Los Angeles, State of California, pursuant to
14 Code of Civil Procedure § 395 as the injury causing death occurred in Los Angeles County.

15 **III. PARTIES**

16 **A. Plaintiffs**

17 7. **GRACIE ANNE MUEHLBERGER**. (“GRACIE”), deceased, was 15 years old
18 and, at all times relevant to this complaint, a resident of the city of Santa Clarita in Los Angeles
19 County. GRACIE left no surviving spouse or issue. GRACIE was a bright and promising student
20 at Saugus High School, on an upward trajectory personally and professionally in November 2019
21 when Defendants allowed such act, leading to GRACIE’s senseless death.

22 8. **BRYAN MUEHLBERGER** (“BRYAN”) was, at all relevant times, an individual
23 who resided in the city of Santa Clarita, in the County of Los Angeles, California. BRYAN is
24 GRACIE’s father and a surviving heir under Code of Civ. Proc. § 377.60(a).

25 9. **CINDY MUEHLBERGER** (“CINDY”) was, at all relevant times, an individual
26 who resided in the city of Santa Clarita, in the County of Los Angeles, California. CINDY is
27 GRACIE’s mother and a surviving heir under Code of Civ. Proc. § 377.60(a).

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B. Defendants

10. Defendant **WILLIAM S. HART UNION HIGH SCHOOL DISTRICT** (“SCHOOL DISTRICT”) was, at all relevant times, a public entity resident in Santa Clarita, California. The SCHOOL DISTRICT owned, controlled, and operated Saugus High School.

11. Defendant **LOS ANGELES COUNTY CORONER’S OFFICE** (“CORONER”) was, at all relevant times, a public entity resident in Los Angeles, California.

C. Unnamed and Doe Defendants

12. The true names and capacities, whether individual, corporate, associate or otherwise of the Defendants **DOES 1** through **10**, inclusive, are unknown to PLAINTIFFS who therefore sue said Defendants by such fictitious names pursuant to Code of Civil Procedure section 474. PLAINTIFFS further allege that each fictitious Defendant is in some manner responsible for the acts and occurrences set forth herein. PLAINTIFFS will amend this Complaint to show their true names and capacities when the same are ascertained, as well as the manner in which each fictitious Defendant is responsible.

D. Agency, Concert of Action, and Conspiracy

13. At all times herein mentioned, each of the defendants, inclusive, were the agent, servant, employee, partner, aider and abettor, co-conspirator and/or joint venturer of each of the remaining defendants named herein and were at all times operating and acting within the purpose and scope of said agency, service, employment, partnership, conspiracy, alter ego and/or joint venture, and each defendant has ratified and approved the acts of each of the remaining defendants. Each of the defendants has aided and abetted, encouraged, and rendered substantial assistance to the other defendants in breaching their obligations to PLAINTIFFS as alleged herein. In taking action to aid and abet and substantially assist the commission of these wrongful acts and other wrongdoings complained of, as alleged herein, each of the defendants acted with an awareness of his or her primary wrongdoing and realized that his or her conduct would substantially assist the accomplishment of the wrongful conduct, wrongful goals, and wrongdoing.

1 **IV. STATEMENT OF RELEVANT FACTS**

2 14. On or about November 14, 2019, NATHAN was living with his mother in a home
3 in Santa Clarita, California.

4 15. There were multiple firearms as well as ammunition in the home.

5 16. On the morning of November 14, 2019, his mother drove NATHAN to school in
6 the early morning. NATHAN arrived on the Saugus High School property with a .45-caliber
7 handgun near the time of his first class, which was scheduled to begin at approximately 6:50 a.m.

8 **A. THE SCHOOL DISTRICT’S FAILURE TO SUPERVISE THE QUAD**
9 **AREA**

10 17. NATHAN skipped class and went to SAUGUS’s outdoor quad area. Students
11 regularly gathered, socialized, and/or congregated in large numbers in the quad area before
12 school, during school, between classes, and/or after school.

13 18. Despite the fact that NATHAN was supposed to be in class, he was allowed to
14 hang out in the quad area by the school’s “Legacy Wall” for approximately 40 minutes by
15 himself, without any interruption or questioning from school supervisors, staff, and/or teachers.

16 19. After standing unchecked in the outdoor quad for approximately forty minutes,
17 NATHAN walked to another spot in the same quad, and stood still in a “trance-like-state” for
18 several more minutes until he ultimately put on a pair of sunglasses and pulled the .45-caliber
19 handgun from his backpack.

20 20. At no time on November 14, 2019 did a Saugus High School resource officer,
21 security guard, teacher, staff member, or any other SCHOOL DISTRICT employee approach,
22 speak to, or supervise NATHAN while he stood on the quad in excess of 40 minutes during the
23 class period.

24 21. Many of the safeguards that should have been in place for the protection of
25 students were not. For example, upon information and belief, the William S. Hart Union HSD had
26 a Text-a-Tip line assigned to the Saugus High School that was not operable at the time of the
27 event or for an extended period of time prior. Security cameras for monitoring the campus were
28 obscured by overgrown trees and not actively monitored.

1 **B. THE SHOOTING**

2 22. NATHAN opened fire on the Saugus High School students who had congregated
3 in the quad area. NATHAN shot and killed GRACIE. NATHAN shot and killed Dominic
4 Blackwell. NATHAN seriously wounded at least three more students. The shooting spree ended
5 when NATHAN turned the last bullet in the .45-caliber handgun on himself.

6 23. Although security on the campus was supposed to be provided by one unarmed
7 sheriff’s deputy and nine “campus supervisors” who act as guards, according to the chief
8 administrative officer for the William S. Hart Union High School District, upon information and
9 belief none of these personnel were present at the time of the shooting.

10 24. GRACIE was taken by ambulance to a local hospital. Approximately two hours
11 after the shooting, GRACIE was pronounced dead by medical personnel.

12 **C. THE CORONER’S FAILURE TO PROTECT GRACIE’S IDENTITY**

13 25. Following GRACIE’s death, her body was transferred to the CORONER.

14 26. On or before GRACIE’s body was delivered to the CORONER, the Los Angeles
15 County Sheriff’s Department placed a security hold on GRACIE’s body and/or file. This security
16 hold included a requirement that GRACIE’s identity not be released to the news media or to the
17 general public until the Sheriff’s Department lifted the security hold.

18 27. On or about November 15, 2019, the CORONER or an employee of the
19 CORONER’s office confirmed to news outlets that the identity of the deceased Saugus High
20 School minor student was GRACIE.

21 28. At the time GRACIE’s identity was released, the security hold on GRACIE’s body
22 and/or file had not been lifted. Neither BRYAN nor CINDY were provided any notice of the
23 public release of their daughter GRACIE’s name. The CORONER’s disclosure of GRACIE’s
24 identity took place without BRYAN and CINDY’s knowledge, awareness, or permission.

25 29. BRYAN and CINDY did not have time to contact other family members and
26 friends to inform them of GRACIE’s death on their own terms, or to warn them that GRACIE’s
27 name would soon be broadcast all over the news media. Further, BRYAN and CINDY were
28 unable to mourn their daughter’s death in private.

1 30. Many of BRYAN and CINDY’s family and friends were shocked and horrified to
2 first learn about GRACIE’s death from the news media. Further, BRYAN and CINDY were
3 bombarded with a surge of calls and messages from shocked and distraught family and friends,
4 which inflicted upon BRYAN and CINDY additional extreme emotional distress.

5 **V. CAUSES OF ACTION**

6 **FIRST CAUSE OF ACTION**
7 **General Negligence – Wrongful Death**
8 **(Cal. Govt. Code §§ 815.2(a) and 820(a))**
9 **(Against SCHOOL DISTRICT and DOES 1–10)**

9 31. PLAINTIFFS hereby re-allege and incorporate by reference each and every
10 allegation contained above as if fully set forth in detail herein.

11 32. Cal. Gov't Code § 815.2(a) states: “A public entity is liable for injury proximately
12 caused by an act or omission of an employee of the public entity within the scope of his
13 employment if the act or omission would, apart from this section, have given rise to a cause of
14 action against that employee or his personal representative.” Cal. Gov't Code § 820(a) further
15 states that “... a public employee is liable for injury caused by his act or omission to the same
16 extent as a private person.”

17 33. PLAINTIFFS allege that at all times relevant herein, the SCHOOL DISTRICT and
18 SCHOOL DISTRICT employees, each of them DOES 1-10, were under mandatory duties (which
19 are described below) to hold NATHAN to strict account for his conduct, to provide effective
20 supervision over all students, and to provide effective supervision over the Saugus High School
21 quad and premises.

22 34. Pursuant to Cal. Educ. Code § 44807: “Every teacher in the public schools shall
23 hold pupils to a strict account for their conduct on the way to and from school, on the
24 playgrounds, or during recess.” The purpose of Cal. Educ. Code § 44807 is to prevent the
25 “dangerous practices” of students that could “result in physical injury.” *Hoff v. Vacaville Unified*
26 *School Dist.*, 19 Cal. 4th 925, 938 (1998). The California Supreme Court has stated, “As we
27 observed in *Dailey* regarding the predecessor sections of Education Code section 44807, " 'the
28 purpose of the law . . . requiring supervision of pupils . . . is to regulate their conduct so as to

1 prevent disorderly and dangerous practices which are likely to result in physical injury to
2 immature scholars under their custody." In *Dailey*, we also cited Education Code section 44807's
3 predecessor in stating that "California law has long imposed on school authorities a duty to
4 'supervise at all times the conduct of the children on the school grounds and to enforce those rules
5 and regulations necessary to their protection.'" *Id.* at 938.

6 35. William S. Hart Union HSD BP 3515 states, "The Governing Board is fully
7 committed to preventing violence and crime on school grounds. The Superintendent and staff
8 shall strictly enforce all Board policies related to crime, campus disturbances, campus intruders,
9 student safety, student conduct and student discipline."

10 36. William S. Hart Union HSD BP 5131.7 states, "The Governing Board desires
11 students at school to be free from the fear and danger presented by firearms and other weapons."

12 37. William S. Hart Union HSD BP 5142 states, "The Governing Board places a high
13 priority on safety and on the prevention of student injury. Principals and staff are responsible for
14 the conduct and safety of students from the time they come under school supervision until they
15 leave school supervision, whether on school premises or not. The Superintendent or designee
16 shall establish regulations and procedures as necessary to protect students from dangerous
17 situations." Specifically, "**The principal or designee shall ensure that playgrounds and other
18 school facilities are regularly inspected, well maintained, and adequately supervised
19 whenever in use by students during the school day or at school sponsored activities.** The
20 principal or designee shall establish playground safety rules." (emphasis added)

21 38. William S. Hart Union HSD AR 5142 requires, "The principal of each school shall
22 ensure that certificated employees, teacher aides or yard aides supervise the conduct and safety,
23 and direct the play, of students of the school who are on playgrounds before and after school,
24 during recess, and during other intermissions." And AR 5142 further requires that a principal or
25 designee shall:

- 26 **1. Clearly identify supervision zones on the playgrounds and require that**
27 **supervisors remain outside at a location from which they can observe their**
28 **entire zone of supervision.**

1 **2. Require that all individuals supervising students remain alert in spotting**
2 **dangerous conditions and report any such conditions to the principal or**
3 **designee promptly and in writing.”** (emphasis added)

4 39. William S. Hart Union HSD AR 5142 requires: “The Superintendent or designee
5 shall ensure that teachers, teacher aides, yard aides and volunteers who supervise students receive
6 training in the above safety practices and in supervisory techniques which will help them to
7 forestall problems and resolve conflicts.”

8 40. Further, the SCHOOL DISTRICT had an *in loco parentis* relationship with the
9 minor students on the Saugus High School premises. The Supreme Court of California, in earlier
10 litigation involving the identical SCHOOL DISTRICT which is now a Defendant in this claim,
11 stated: “[A] school district and its employees have a special relationship with the district’s pupils,
12 a relationship arising from the mandatory character of school attendance and the comprehensive
13 control over students exercised by school personnel, ‘analogous in many ways to the relationship
14 between parents and their children.’” *C.A. v. William S. Hart Union High Sch. Dist.*, 53 Cal. 4th
15 861, 869 (2012). “Further, the responsibility of school officials for each of their charges, the
16 children, is heightened as compared to the responsibility of the police for the public in general.”
17 *In re William G.*, 40 Cal. 3d 550, 563 (1985).

18 41. Finally, the California Supreme Court has held that this SCHOOL DISTRICT has
19 a duty to protect its students from intentional acts of third-party violence: “Because of this special
20 relationship, imposing obligations beyond what each person generally owes others under Civil
21 Code section 1714, **the duty of care owed by school personnel includes the duty to use**
22 **reasonable measures to protect students from foreseeable injury at the hands of third**
23 **parties acting negligently or intentionally. This principle has been applied in cases of**
24 **employees' alleged negligence resulting in injury to a student by another student ...”** *C.A. v.*
25 *William S. Hart Union High Sch. Dist.*, 53 Cal. 4th 861, 870 (2012) (emphasis added); *J.H. v. Los*
Angeles Unified School Dist., 183 Cal. App. 4th 123, 128–29, 141–48 (2010).

26 42. The aforementioned statutes and board policies were intended to protect against
27 the type of harm suffered by PLAINTIFFS, and GRACIE was one of the class of persons for
28 whose protection the aforementioned statutes were adopted.

1 43. PLAINTIFFS further allege, that at all times relevant herein, the SCHOOL
2 DISTRICT and SCHOOL DISTRICT employees, each of them DOES 1-10, were on notice of the
3 potentially violent and tragic consequences of a failure to supervise all students and/or the Saugus
4 High School quad for several reasons, including but not limited to: (1) the November 2016 report
5 of an armed student on the Saugus High School campus, to which the Santa Clarita Valley Sheriff
6 responded, causing an emergency school lockdown, investigation, and arrest of a student¹; (2) the
7 SCHOOL DISTRICT's September 2019 public awareness video depicting an active shooter on
8 the Saugus High School quad²; (3) the SCHOOL DISTRICT's October 2019 active shooter drill³;
9 (4) prior incidents of student violence, including the September 2014 arrests of two Saugus High
10 students for battery on school grounds⁴; (5) a February 2018 off-campus brawl attended by
11 approximately 40 Saugus High School students, resulting in one student hospitalization⁵; (6) well-

12 _____
13 ¹ November 18, 2016: "Santa Clarita Valley Sheriff's Station deputies received word Friday
14 morning around 10:20 a.m. that there may be a student on campus in possession of a firearm. As a
15 precautionary measure, the school was put on lockdown. (Keep in mind, that because of the times
16 we live in, these matters are taken seriously for your students' safety.) ... The deputies quickly
17 located the student that was involved and it was ultimately determined that there was no gun, no
18 weapon. ... Deputies detained an 11th grade Saugus High School student. The 16-year-old is
19 facing charges of creating a disturbance on a school campus."

20 <https://www.facebook.com/SantaClaritaValleySheriffsStation/posts/about-the-saugus-high-school-lockdownsanta-clarita-valley-shetiffs-station-deput/1554188174608373/>

21 ² On September 27, 2019, the "Saugus News Network" aired a four-minute video segment that
22 depicts an active shooter on the Saugus High School quad. This video was shown to 2,000+
23 Saugus High School students and staff. The video depicts students walking, lingering, and
24 socializing in the quad area when the sound of gunfire is heard, and students flee in all directions.
25 This video enactment depicts precisely the same active shooter situation that occurred in real life
26 on November 14, 2019.

27 <https://signalscv.com/2019/11/saugus-high-shooting-survivors-say-we-were-all-ready-to-fight/>
28 https://www.youtube.com/watch?time_continue=41&v=SVVVbgERaCA&feature=emb_logo

³ Saugus High School, in coordination with the Los Angeles County Sheriff's Department,
conducted an active shooter drill three weeks prior to the shooting that killed GRACIE.
<https://www.latimes.com/california/story/2019-11-17/with-seconds-to-act-students-face-harsh-decisions-in-school-shootings-saugus>

⁴ "According to a news report in *The Santa Clarita Valley Signal*, two 15-year-old sophomores
have been arrested on suspicion of battery on school grounds after two fights occurred."
<https://www.kannlawoffice.com/blog/juvenile-crimes/saugus-high-school-students-face-battery-charges>

<https://www.youtube.com/watch?v=nCVTp7JJnfl>

⁵ "Saugus High School Students Watch Fellow Classmate Brutally Beaten"

<https://www.hometownstation.com/santa-clarita-latest-news/saugus-high-school-students-watch-fellow-classmate-brutally-beaten-220475>

1 published data on the rapidly rising number of school shootings in California⁶. Further, the
2 Supreme Court of California has unequivocally stated that “violence against students in the
3 classroom or during curricular activities, while rare, **is a foreseeable occurrence**, and
4 considerations of public policy do not justify categorically barring an injured student's claims...”
5 *Regents of Univ. of Cal. v. Superior Court*, 4 Cal. 5th 607, 629 (2018) (emphasis added).
6 Consequently, it was reasonably foreseeable that a Saugus High School student would, at some
7 point in time, bring a firearm to the Saugus High School quad and engage in violent acts. And a
8 foreseeable hazard of failing to supervise students and areas of the school grounds when students
9 congregate, is that a student will act violently and/or recklessly so as to inflict harm on other
10 students.

11 44. PLAINTIFFS further allege that at all times relevant herein, the SCHOOL
12 DISTRICT and SCHOOL DISTRICT employees, each of them DOES 1-10, breached the
13 aforementioned mandatory duties and/or negligently, wrongfully, unlawfully, and/or recklessly
14 supervised students and the outdoor quad area of Saugus High School on November 14, 2019, by:
15 (1) allowing NATHAN to be in the Saugus High School quad area while he was required to be in
16 class; (2) allowing NATHAN to remain and linger in the quad in excess of 40 minutes while he
17 was required to be in class; (3) failing to have a SCHOOL DISTRICT employee speak to,
18 approach, or investigate NATHAN while he lingered in the quad; (4) failing to hold NATHAN to
19 strict account for his conduct while he lingered on the quad; (5) failing to have a SCHOOL
20 DISTRICT employee supervise the quad area during the school day; (6) failing to effectively
21 supervise NATHAN and other students in the quad area; (7) failing to perform regular inspections
22 of the quad area, (8) failing to clearly identify supervision zones in the quad area, (9) failing to
23 require that supervisors remain outside at a location from which they can observe their entire zone
24 of supervision, and/or (10) failing to require that all supervisors remain alert in spotting dangerous
25 conditions and report any such conditions to the principal promptly.

26
27 <https://www.youtube.com/watch?v=dTObYLEZCJ8>

28 ⁶ <https://www.mercurynews.com/2019/11/14/16000-california-k-12-students-had-shootings-at-their-schools-since-sandy-hook/>

1 45. As a direct and legal result of the wrongful acts and/or omissions of the SCHOOL
2 DISTRICT and SCHOOL DISTRICT employees, and/or each of them, NATHAN was permitted
3 and/or given the opportunity to kill GRACIE.

4 46. As a further direct and legal result of the wrongful acts of the SCHOOL
5 DISTRICT and SCHOOL DISTRICT employees, each of them DOES 1-10, GRACIE was taken
6 from the scene of the shooting to the hospital by way of ambulance, but at this time,
7 CLAIMANT's ESTATE has not been billed by the hospital or ambulance for any medical
8 expenses for care and treatment prior to and/or after GRACIE's death. If the hospital and/or
9 ambulance does seek reimbursement for medical expenses for care and treatment, then the
10 ESTATE will seek recovery of said expenses in an amount to be established by appropriate proof.

11 47. As a further direct and legal result of the wrongful acts and/or omissions of the
12 SCHOOL DISTRICT and SCHOOL DISTRICT employees, each of them DOES 1-10, Plaintiffs
13 BRYAN and CINDY suffered and continue to suffer the loss of love, society, solace,
14 companionship, comfort, care, assistance, protection, affection, and moral support, all in an
15 amount to be determined.

16 48. As a further direct and legal result of the wrongful acts and/or omissions of the
17 SCHOOL DISTRICT and SCHOOL DISTRICT employees, each of them DOES 1-10, Plaintiffs
18 BRYAN and CINDY incurred funeral and burial expenses, all in an amount to be determined.

19 **SECOND CAUSE OF ACTION**
20 **Premises Liability – Wrongful Death**
21 **(CAL. GOVT. CODE § 835)**
22 **(Against SCHOOL DISTRICT and DOES 1-10)**

23 49. PLAINTIFFS hereby re-allege and incorporate by reference each and every
24 allegation contained above as if fully set forth in detail herein.

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1 50. Cal. Gov't Code § 835 states: “a public entity is liable for injury caused by a
2 dangerous condition of its property if the plaintiff establishes that the property was in a dangerous
3 condition at the time of the injury, that the injury was proximately caused by the dangerous
4 condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury
5 which was incurred, and that either:

6
7 (a) A negligent or wrongful act or omission of an employee of the public entity
8 within the scope of his employment created the dangerous condition; or

9 (b) The public entity had actual or constructive notice of the dangerous condition
10 under Section 835.2 a sufficient time prior to the injury to have taken measures to
11 protect against the dangerous condition.”

12 51. PLAINTIFFS allege that at all times relevant herein, the SCHOOL DISTRICT and
13 SCHOOL DISTRICT employees, each of them DOES 1-10, were under mandatory duties (which
14 are described below) to regularly inspect and adequately supervise all school premises, to clearly
15 identify supervision zones on the playgrounds, to install supervisors at outside locations, and to
16 require that supervisors remain alert in spotting and reporting dangerous conditions, pursuant to
17 Cal. Civ. Code § 1714(a) and California Supreme Court rulings, which state in part: A property
18 owner owes “the duty to take reasonable steps to secure common areas against foreseeable
19 criminal acts of third parties.” *Ann M. v. Pac. Plaza Shopping Ctr.*, 6 Cal. 4th 666, 674 (1993).

20 52. Cal. Civ. Code § 1714(a) states: “Everyone is responsible, not only for the result of
21 his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary
22 care or skill in the management of his or her property...”

23 53. Further, the California Supreme Court has stated: “the basic policy of this state set
24 forth by the Legislature in section 1714 of the Civil Code is that everyone is responsible for an
25 injury caused to another by his want of ordinary care or skill in the management of his property.”
Rowland v. Christian, 69 Cal. 2d 108, 118-19 (1968).

26 54. Further, the California Supreme Court has stated, “It is now well established that
27 California law requires landowners to maintain land in their possession and control in a
28 reasonably safe condition. (Civ. Code, § 1714; *Rowland v. Christian* (1968) 69 Cal.2d 108 [70

1 Cal.Rptr. 97, 443 P.2d 561, 32 A.L.R.3d 496].) **In the case of a landlord, this general duty of**
2 **maintenance, which is owed to tenants and patrons, has been held to include the duty to**
3 **take reasonable steps to secure common areas against foreseeable criminal acts of third**
4 **parties that are likely to occur in the absence of such precautionary measures.”** *Ann M. v.*
5 *Pac. Plaza Shopping Ctr.*, 6 Cal. 4th 666, 674 (1993) (emphasis added); *See O'Hara v. W. Seven*
6 *Trees Corp.*, 75 Cal. App. 3d 798, 802-3 (1977); *See Isaacs v. Huntington Mem'l Hosp.*, 38 Cal.
7 3d 112, 124 (1985).

8 55. Further, William S. Hart Union HSD BP 5142 states, **“The principal or designee**
9 **shall ensure that playgrounds and other school facilities are regularly inspected, well**
10 **maintained, and adequately supervised whenever in use by students during the school day**
11 **or at school sponsored activities.** The principal or designee shall establish playground safety
12 rules.” (emphasis added)

13 56. Further, William S. Hart Union HSD AR 5142 requires, “The principal of each
14 school shall ensure that certificated employees, teacher aides or yard aides supervise the conduct
15 and safety, and direct the play, of students of the school who are on playgrounds before and after
16 school, during recess, and during other intermissions.” AR 5142 further requires:

17 “The principal or designee shall:

18 **1. Clearly identify supervision zones on the playgrounds and require that**
19 **supervisors remain outside at a location from which they can observe their**
20 **entire zone of supervision.**

21 **2. Require that all individuals supervising students remain alert in spotting**
22 **dangerous conditions and report any such conditions to the principal or**
23 **designee promptly and in writing.”** (emphasis added)

24 57. The aforementioned board policies were intended to protect against the type of
25 harm suffered by PLAINTIFFS, and GRACIE was one of the class of persons for whose
26 protection the aforementioned statutes were adopted.

27 58. PLAINTIFFS further allege that the Saugus High School quad, a property owned
28 and controlled by the SCHOOL DISTRICT, was in a dangerous condition on or about November
14, 2019, at the time of GRACIE’s death, for several reasons, including but not limited to: (1)

1 because vulnerable students regularly congregate in the quad area in large numbers; (2) because
2 the quad area was a restricted space with limited avenues of ingress and egress; (3) because a
3 fence surrounding the property had a limited number of gates⁷; (4) because the SCHOOL
4 DISTRICT failed to regularly inspect and adequately supervise the quad; (5) because the
5 SCHOOL DISTRICT failed to clearly identify supervision zones on the quad; (6) because the
6 SCHOOL DISTRICT failed to install supervisors in the quad area; and/or (7) because the
7 SCHOOL DISTRICT failed to require that supervisors on the quad remain alert in spotting and
8 reporting dangerous conditions.

9 59. PLAINTIFFS further allege that the dangerous conditions of the Saugus High
10 School quad created a reasonably foreseeable risk of the shooting death that GRACIE suffered.
11 The California Supreme Court has stated, “We conclude that violence against students in the
12 classroom or during curricular activities, while rare, is a **foreseeable occurrence.**” *Regents of*
13 *Univ. of Cal. v. Superior Court*, 4 Cal. 5th 607, 618 (2018) (emphasis added). Consequently,
14 given the dangerous conditions present on the Saugus High School quad on or about November
15 14, 2019, it should have been reasonably foreseeable that a Saugus High School student could
16 perpetrate a school shooting with a firearm if unsupervised for significant periods of time in an
17 area of school also unsupervised during school hours, and/or could bring a firearm to school and
18 perpetrate acts of violence against GRACIE and other students in the quad area, where vulnerable
19 students were known to routinely congregate.

20 60. PLAINTIFFS further allege, that at all times relevant herein, the SCHOOL
21 DISTRICT and SCHOOL DISTRICT employees, each of them DOES 1-10, had actual or
22 constructive notice of the dangerous condition of Saugus High School property, under Section
23 835.2, for several years or months prior to GRACIE’s death, which was sufficient time to have
24 taken measures to protect against the dangerous condition. The SCHOOL DISTRICT and
25 SCHOOL DISTRICT employees, each of them DOES 1-10, were on notice for several reasons,

26 ⁷ “Saugus High School has no metal detectors but it has a dozen security cameras and a fence
27 with a limited number of gates.”
28 <https://abc7.com/suspect-in-shooting-rampage-at-saugus-high-school-has-died/5699170/#:~:text=Saugus%20High%20School%20has%20no,officer%20for%20the%20Will%20S.>

1 including but not limited to: (1) the November 2016 report of an armed student on the Saugus
2 High School campus, to which the Santa Clarita Valley Sheriff responded, causing an emergency
3 school lockdown, investigation, and arrest of a student⁸; (2) the SCHOOL DISTRICT's
4 September 2019 public awareness video depicting an active shooter on the Saugus High School
5 quad⁹; (3) the SCHOOL DISTRICT's October 2019 active shooter drill¹⁰; (4) prior incidents of
6 student-on-student violence, including the September 2014 arrests of two Saugus High students
7 for battery on school grounds¹¹; (5) a February 2018 off-campus brawl attended by approximately
8 40 Saugus High School students, resulting in one student hospitalization¹²; (6) well-published
9 data on the rapidly rising number of school shootings in California¹³.

10 _____
11 ⁸ November 18, 2016: "Santa Clarita Valley Sheriff's Station deputies received word Friday
12 morning around 10:20 a.m. that there may be a student on campus in possession of a firearm. As a
13 precautionary measure, the school was put on lockdown. (Keep in mind, that because of the times
14 we live in, these matters are taken seriously for your students' safety.) ... The deputies quickly
15 located the student that was involved and it was ultimately determined that there was no gun, no
16 weapon. ... Deputies detained an 11th grade Saugus High School student. The 16-year-old is
17 facing charges of creating a disturbance on a school campus."

18 <https://www.facebook.com/SantaClaritaValleySheriffsStation/posts/about-the-saugus-high-school-lockdownsanta-clarita-valley-shetiffs-station-deput/1554188174608373/>

19 ⁹ On September 27, 2019, the "Saugus News Network" aired a four-minute video segment that
20 depicts an active shooter on the Saugus High School quad. This video was shown to 2,000+
21 Saugus High School students and staff. The video depicts students walking, lingering, and
22 socializing in the quad area when the sound of gunfire is heard, and students flee in all directions.
23 This video enactment depicts precisely the same active shooter situation that occurred in real life
24 on November 14, 2019.

25 <https://signalscv.com/2019/11/saugus-high-shooting-survivors-say-we-were-all-ready-to-fight/>
26 https://www.youtube.com/watch?time_continue=41&v=SVVVbgERaCA&feature=emb_logo

27 ¹⁰ Saugus High School, in coordination with the Los Angeles County Sheriff's Department,
28 conducted an active shooter drill three weeks prior to the shooting that killed GRACIE.

29 <https://www.latimes.com/california/story/2019-11-17/with-seconds-to-act-students-face-harsh-decisions-in-school-shootings-saugus>

30 ¹¹ "According to a news report in *The Santa Clarita Valley Signal*, two 15-year-old sophomores
31 have been arrested on suspicion of battery on school grounds after two fights occurred."

32 <https://www.kannlawoffice.com/blog/juvenile-crimes/saugus-high-school-students-face-battery-charges>

33 <https://www.youtube.com/watch?v=nCVTp7JJnfl>

34 ¹² "Saugus High School Students Watch Fellow Classmate Brutally Beaten"

35 <https://www.hometownstation.com/santa-clarita-latest-news/saugus-high-school-students-watch-fellow-classmate-brutally-beaten-220475>

36 <https://www.youtube.com/watch?v=dTObYLEZCJ8>

37 ¹³ <https://www.mercurynews.com/2019/11/14/16000-california-k-12-students-had-shootings-at-their-schools-since-sandy-hook/>

1 61. PLAINTIFFS further allege that at all times relevant herein, the SCHOOL
2 DISTRICT and SCHOOL DISTRICT employees, each of them DOES 1-10, created the
3 dangerous conditions on the Saugus High School quad when they breached the aforementioned
4 mandatory duties and/or negligently, wrongfully, unlawfully, and/or recklessly failed to maintain
5 and/or supervise the quad area on November 14, 2019, by: (1) failing to regularly inspect and
6 effectively supervise the quad; (2) failing to clearly identify supervision zones on the quad; (3)
7 failing to install supervisors in the quad; (4) failing to require that supervisors remain alert in
8 spotting and reporting dangerous conditions; and/or (5) allowing vulnerable students to
9 congregate in the quad area in large numbers.¹⁴

10 62. As a direct and legal result of the wrongful acts and/or omissions of the SCHOOL
11 DISTRICT and SCHOOL DISTRICT employees, and/or each of them, PLAINTIFFS suffered the
12 aforementioned damages.

13 **THIRD CAUSE OF ACTION**
14 **Negligence – Survivor Cause of Action**
15 **(Against SCHOOL DISTRICT and DOES 1-10)**

16 63. PLAINTIFFS hereby re-allege and incorporate by reference each and every
17 allegation contained above as if fully set forth in detail herein.

18 64. On or about November 14, 2019 and prior to her death, the foregoing cause of
19 action arose in GRACIE’s favor. Since her death, BRYAN and CINDY have served as
20 representatives for the ESTATE and are authorized as successor in interest with respect to their
21 interest in the property that was damaged, lost or destroyed in this tragic incident, to pursue any
22 and all legal claims for damages related thereto, and to recover damages for expenses incurred
23 related to medical and/or emergency services related to this incident.

24 65. At all times prior to this incident, Defendants SCHOOL DISTRICT and DOES 1-
25 10, and/or each of them, negligently, carelessly, recklessly, and/or unlawfully acted and/or failed

26 ¹⁴ “Saugus High School has no metal detectors, but it has a dozen security cameras and a fence
27 with a limited number of gates.”
28 <https://abc7.com/suspect-in-shooting-rampage-at-saugus-high-school-has-died/5699170/#:~:text=Saugus%20High%20School%20has%20no,officer%20for%20the%20Will iam%20S.>

1 to act, including but not limited to failing to perform mandatory duties so as to cause the death of
2 GRACIE.

3 66. As a direct and legal result of the wrongful acts and/or omissions of Defendants
4 SCHOOL DISTRICT and DOES 1-10, and/or each of them, on November 14, 2019, and
5 immediately prior to GRACIE's death, expenses were incurred for emergency and medical
6 services.

7 67. As a further direct and legal result of the wrongful acts and/or omissions of
8 Defendants SCHOOL DISTRICT and DOES 1-10, and/or each of them, GRACIE also endured
9 great pain and suffering from the bullet wound before dying at the hospital approximately two
10 hours later.

11 **FOURTH CAUSE OF ACTION**
12 **General Negligence – Emotional Distress**
13 **(Cal Civ Code § 56.10)**
14 **(Against CORONER and DOES 1-10)**

15 68. PLAINTIFFS hereby re-allege and incorporate by reference each and every
16 allegation contained above as if fully set forth in detail herein.

17 69. Cal. Gov't Code § 815.2(a) states: "A public entity is liable for injury proximately
18 caused by an act or omission of an employee of the public entity within the scope of his
19 employment if the act or omission would, apart from this section, have given rise to a cause of
20 action against that employee or his personal representative." Cal. Gov't Code § 820(a) further
21 states that "... a public employee is liable for injury caused by his act or omission to the same
22 extent as a private person."

23 70. PLAINTIFFS allege that at all times relevant herein, the CORONER and
24 CORONER's employees, each of them DOES 1-10, were under mandatory duties (which are
25 described below) to not disclose GRACIE's identity, medical record information, or deceased
26 status to members of the news media, pursuant to Cal Civ Code § 56.10, which specifically states:
27 A "coroner shall not disclose the information contained in the medical record obtained pursuant to
28 this paragraph to a third party without a court order or authorization pursuant to" the beneficiary
of the deceased.

1 71. Further, the Confidentiality of Medical Information Act, Cal Civ Code §§
2 56.10(b)(8) and 56.10(c)(6), establishes the duty of coroners to safeguard the medical information
3 of victims: “A medical examiner, forensic pathologist, or **coroner shall not disclose the**
4 **information contained in the medical record** obtained pursuant to this paragraph to a third
5 party without a court order or authorization pursuant to paragraph (4) of subdivision (c) of Section
6 56.11.” (emphasis added). Section 56.11 refers to the next of kin or beneficiary of the deceased.

7 72. Also, on or about November 14, 2019, on or before GRACIE’s body was
8 transferred to the CORONER, the Los Angeles County Sheriff’s department issued an order to the
9 CORONER to place a security hold on GRACIE’s body and/or file, which included the
10 requirement that the name of the deceased not be released to the public until the security hold was
11 lifted.

12 73. The aforementioned Constitutional rights, statutes, and orders were intended to
13 protect against the type of harm suffered by PLAINTIFFS, and BRYAN and CINDY were two of
14 the class of persons for whose protection the aforementioned Constitutional rights, statutes, and
15 orders were adopted.

16 74. PLAINTIFFS further allege, that at all times relevant herein, the CORONER and
17 CORONER’s employees, and/or each of them, knew and/or should have known that releasing the
18 name of a minor child, who was brutally and suddenly murdered, without the knowledge and/or
19 permission of the parents and against the order of law enforcement, would foreseeably result in
20 extreme emotional distress to the parents of the minor.

21 75. California case law presumes that the CORONER is constantly and professionally
22 aware, based on the role that the CORONER performs in society, of the potential to inflict
23 extreme emotional distress if it released GRACIE’s information.

24 76. PLAINTIFFS further allege that on or about November 15, 2019, the CORONER
25 and CORONER’s employees, each of them DOES 1-10, breached the aforementioned mandatory
26 duties and/or act negligently, wrongfully, unlawfully, and/or recklessly by releasing GRACIE’s
27 identity to news outlets, in violation of the Sheriff’s Department security hold, and without the
28 permission, knowledge, or awareness of GRACIE’s parents.

1 77. As a direct and legal result of the wrongful acts and/or omissions of the
2 CORONER and CORONER's employees, each of them DOES 1-10, GRACIE's death was
3 widely and rapidly reported by media outlets, causing numerous relatives and friends of GRACIE
4 to feel suddenly shocked and horrified to first learn about GRACIE's death in this impersonal and
5 jolting manner. Further, the CORONER's release of private information denied BRYAN and
6 CINDY sufficient time to inform their family members of GRACIE's death before the news
7 media could, and it denied BRYAN and CINDY the time to mourn their daughter privately.
8 Further, BRYAN and CINDY were suddenly bombarded with a surge of calls and messages from
9 shocked and distraught family and friends.

10 78. Thus, the public exposure of GRACIE's identity by the CORONER or
11 CORONER's employees was a substantial factor in causing BRYAN and CINDY to experience
12 extreme emotional distress and/or to aggravate their emotional distress.

13 79. As a direct and legal result of the negligent and/or wrongful acts and/or omissions
14 of the CORONER and CORONER's employees, each of them DOES 1-10, BRYAN and CINDY
15 have and will continue to suffer extreme emotional distress including nervousness, grief, anxiety,
16 worry, mortification, shock, indignity, apprehension, terror, or ordeal in an amount to be
17 determined by the trier of fact.

18 80. As a further direct and legal result of the wrongful acts and/or omissions of the
19 CORONER and CORONER's employees, each of them DOES 1-10, BRYAN and CINDY have
20 and/or will incur medical expenses for their care and treatment related to the emotional distress, in
21 an amount to be determined by the trier of fact.

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1 **VI. PRAYER FOR RELIEF**

2 WHEREFORE, **Plaintiffs** pray judgment against **Defendants** as hereinafter set forth:

- 3 1. For compensatory and general damages in an amount according to proof;
- 4 2. For past and future medical, incidental, and service expenses according to proof;
- 5 3. For pre- and post-judgment interest on all damages as allowed by the law;
- 6 4. For costs of suit incurred herein;
- 7 5. For attorney fees under existing law; and
- 8 6. For such other and further relief as the Court may deem just and proper.

9
10 Dated: November 16, 2020

COTCHETT, PITRE & McCARTHY, LLP


11 By: 
12 FRANK M. PITRE
13 JULIE L. FIEBER
14 *Attorneys for Plaintiffs*

JURY DEMAND

15 Plaintiffs demand trial by jury on all issues so triable.

16 Dated: November 16, 2020

COTCHETT, PITRE & McCARTHY, LLP

17 By: 
18 FRANK M. PITRE
19 JULIE L. FIEBER
20 *Attorneys for Plaintiffs*