

2. DEFENDANTS, including their employees and agents, acted with deliberate indifference and with conscious disregard after A. B. reported to DEFENDANTS that she was sexually assaulted on two occasions by a fellow SFCM student, C.H. (“Mr. H.”). After being put on actual notice of these multiple assaults and the subsequent on-going harassment, stalking, duress, and other bullying perpetrated by Mr. H. against Ms. B., DEFENDANTS failed to comply with their obligations under Title IX and California Education Code, including, failing to take any effective remedial steps to address the harassment, bullying, and stalking

3. DEFENDANTS' repeated breach of their most basic duties to PLAINTIFF and violations of her civil rights caused significant and ongoing harm. Ignoring long-standing requirements under state and federal law, SFCM failed to implement or follow proper policies and procedures to address sexual harassment, assault, and stalking, failed to prevent such conduct from impeding PLAINTIFF's access to her education at their institution, and failed to mitigate the repercussions of such conduct on the university environment. As a direct result of this callous abandonment of DEFENDANTS' duties, PLAINTIFF was subjected to a sexually hostile environment throughout her junior and senior year of college that deprived her of equal access to educational opportunities in violation of state and federal law.

II. PARTIES

4. A.B. was, at all relevant times, a student at the San Francisco Conservatory of Music in San Francisco, California and a resident of California in San Francisco County.

5. PLAINTIFF is informed and believes and thereon alleges that DEFENDANTS are located in California, and are doing business in San Francisco, California.

6. PLAINTIFF is informed and believes and thereon alleges that SFCM receives state and federal funding for the operation of its educational programs and activities.

7. At all times relevant, PLAINTIFF is informed and believes and thereon alleges that the individuals set forth below are agents, employees, and/or servants of SFCM and performed acts complained of herein, at least in part, in the course and scope of such agency, employment, and/or servitude and acted with the consent, ratification, permission, knowledge, and/or authorization of SFCM. All of DEFENDANTS' acts and/or conduct alleged in this Complaint were consented to,

1 ratified, approved, and/or authorized by the officers and/or managing agents of SFCM. SFCM are
2 sued in their own right and on the basis of respondeat superior.

3 8. Upon information and belief, Defendant SARAH BERMAN was, at all relevant
4 times, employed by SFCM as a Counselor and was responsible for advising A.B. about the process
5 for filing a Title IX complaint and providing supportive measures.

6 9. Upon information and belief, Defendant MICHAEL PATTERSON was, at all
7 relevant times, employed by SFCM as the Title IX Coordinator and was responsible for the
8 investigation of A.B.'s Title IX complaint and provision of supportive measures during the pendency
9 of that investigation.

10 10. Upon information and belief, Defendant TIMOTHY DUNN was, at all relevant times,
11 employed by SFCM as the Associate Dean for Student Affairs and was responsible for ensuring that
12 A.B. had equal access to education.

13 11. Upon information and belief, Defendant JONAS WRIGHT was, at all relevant times,
14 employed by SFCM as the Dean and Chief Academic Officer and was responsible for ensuring that
15 PLAINTIFF had equal access to education.

16 12. PLAINTIFF is informed and believes, and thereon alleges, that each of the
17 DEFENDANTS was at all times relevant here the agent, servant, employee, and/or representative of
18 the other DEFENDANTS and was acting, at least in part, within the course and scope of such
19 relationship, and that each and every Defendant herein is jointly and severally responsible and liable
20 to PLAINTIFF for the damages hereinafter alleged.

21 13. In addition to the DEFENDANTS named above, PLAINTIFF sues fictitiously
22 Defendants DOES 1 through 10, inclusive, pursuant to Code of Civil Procedure § 474, because their
23 names, capacities, status, or facts showing them to be liable are not presently known. PLAINTIFF is
24 informed and believes, and thereon alleges, that each of the fictitiously named Defendants is
25 responsible in some manner for the occurrences herein alleged, and such Defendants caused
26 PLAINTIFF's damages as herein alleged. PLAINTIFF will amend this complaint to show their true
27 names and capacities, together with appropriate charging language, when such information has been
28 ascertained.

1 **III. JURISDICTION AND VENUE**

2 14. Jurisdiction and Venue are proper pursuant to California Civil Code § 395 and Article
3 VI, § 10 of the California Constitution. The events giving rise to this action occurred in the City and
4 County of San Francisco and the San Francisco Conservatory of Music is situated in and operates in
5 San Francisco County. The amount in controversy exceeds the minimum required by this Court.

6 **IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

7 15. There is no administrative prerequisite to filing suit under the Donahoe Higher
8 Education Act or Title IX. Cal. Educ. Code § 66292.4; *Cannon v. Univ. of Chicago*, 441 U.S. 677,
9 708 (1979).

10 16. Although exhaustion is not required, on November 9, 2022, PLAINTIFF timely filed
11 a complaint with the U.S. Department of Education's Office for Civil Rights (OCR) alleging that
12 SFCM had responded to her Title IX complaint on May 12, 2022 in a manner that was continuously
13 deliberately indifferent to her rights and that continuously violated Title IX through the time of her
14 OCR complaint. On January 9, 2024, SFCM entered into a Resolution Agreement with OCR to
15 reform its sexual misconduct policies and procedures to bring the school into compliance with its
16 Title IX obligations. On January 10, 2024, OCR issued a post-investigation finding that SFCM was
17 deliberately indifferent in its response to Ms. B.'s complaint, failed to respond in accordance with
18 Title IX requirements, and failed to adopt sexual harassment procedures and a notice of
19 nondiscrimination that complied with the requirements of Title IX.

20 **V. FACTUAL ALLEGATIONS**

21 17. On or about January 18 and 21, 2022, Plaintiff A. B. was the victim of sexual assaults
22 by fellow SFCM student, C.H. She was in her sophomore year at the time and Mr. H. was in his
23 junior year.

24 18. Shortly after the assaults, Ms. B sought support from SFCM Counselor SARAH
25 BERMAN.

26 19. BERMAN presented herself to Ms. B. as an advocate and school-appointed caretaker
27 to help Ms. B. navigate her concerns about Mr. H. and utilize school resources to assure her safety
28 and continued access to her education. Because of this, Ms. B. provided BERMAN with her trust

1 and detailed information about herself and the incidents of sexual assault, harassment and stalking,
2 confiding in BERMAN.

3 20. Shortly after receiving Ms. B.'s confidences, BERMAN began discouraging Ms. B
4 from filing a Title IX complaint, citing the harm it could cause Mr. H, and began blaming Ms. B. for
5 the assault, stalking, and harassment Ms. B. endured and was continuing to endure.

6 21. BERMAN dissuaded Ms. B. from rejecting Mr. H.'s unwelcome advances, citing the
7 harm it may cause him, characterized Mr. H.'s unsolicited and unwelcome intrusions her locked
8 dorm room to leave gifts and communications for Ms. B.- after Ms. B. had repeatedly asked him not
9 to contact her - as sweet and loving. In this and in additional ways, BERMAN continuously reframed
10 the stalking and harassment as non-threatening, excused Mr. H's conduct, took no steps to protect
11 Ms. B. from further harm by Mr. H., and caused Ms. B. harm.

12 22. BERMAN told Ms. B. that pursuing a complaint against Mr. H with the school would
13 cause Mr. H. "heartbreak" and further harm while he was already suffering from the rejection of his
14 advances, assault, harassment, and stalking behaviors.

15 23. When Ms. B. asked BERMAN for the names of other people at the school with whom
16 she could file a complaint and discuss what had occurred, Ms. BERMAN denied Ms. B.'s request,
17 insisting that BERMAN was one person who A.B. could trust in all of this.

18 24. Blaming Ms. B. for what was happening to her, BERMAN explicitly asserted that
19 Mr. H's behavior should not be unwelcome by Ms. B., should not be perceived as dangerous, and
20 that even if they were unwelcome or dangerous behaviors, they were solicited by and the fault of
21 Ms. B. BERMAN assigned Ms. B. tasks that she said would help Ms. B. assess and work through
22 her own responsibilities in soliciting the stalking and harassment from Mr. H.

23 25. While deterred by BERMAN to seek other assistance and action from the school
24 regarding Mr. H.'s assault, stalking, and harassing behaviors, the harm from Mr. H.'s ongoing
25 stalking and harassment of A.B. continued.

26 26. After being gaslit, blamed, and shamed by BERMAN, Ms. B attempted to resolve the
27 matter herself by repeatedly asking Mr. H. not to contact her and leasing an off-campus apartment in
28 order to move farther away from him. Mr. H. ignored her pleas, instead continuing his pattern of

1 stalking and harassment that included threatening to move into the same off-campus apartment
2 complex. In an email, Ms. B. begged Mr. H. not to move into the same complex and warned him that
3 she would have to report him to SFCM's Title IX office if his stalking and harassment persisted.

4 27. BERMAN failed to advise A.B. about the process for filing a Title IX complaint,
5 committed other egregious acts and omissions that furthered and perpetuated gender-based
6 discrimination against A.B., and retaliated against A.B. for pursuing her Title IX complaint.

7 28. On or about May 11, 2022, Mr. H. filed a retaliatory and preemptive Title IX
8 complaint against Ms. B based on her email asking that he not move into the same apartment
9 complex. In spite of the complaint presenting as spurious and frivolous on its face, SFCM issued an
10 Active Avoidance Order (AAO) against Ms. B. This placed the burden on Ms. B. to avoid contact
11 with Mr. H., further limiting her movements on and access to campus.

12 29. On or about May 12, 2022, after disclosing Mr. H.'s misconduct in a meeting with
13 SFCM officials Susannah White and Madison Roesler, Ms. B. filed a Title IX complaint against Mr.
14 H. Through her complaint and a series of meetings, Ms. B. fully and directly informed SFCM Title
15 IX Coordinator MICHAEL PATTERSON and his Title IX office staff about the assaults,
16 harassment, and stalking. In an email on or around May 13, 2022, responding to her Title IX
17 complaint, PATTERSON stated that the AAO required both Ms. B. and Mr. H. to avoid one another
18 but reiterated that the burden of leaving a campus space when both students were present remained
19 with Ms. B.

20 30. On or about July 19, 2022, after Ms. B. fully participated in SFCM's Title IX
21 investigation, including by engaging in three rounds of correcting SFCM's errors in her statements
22 and correcting SFCM's failures to include relevant evidence and all of the alleged misconduct Ms. B
23 reported. Ms. B. also sent responsible staff multiple requests for updates which were ignored.
24 PATTERSON notified Ms. B. via email that her Title IX complaint regarding the January 21 assault
25 was being dismissed because a "lack of affirmative consent [was] not shown" and that his message
26 "conclude[d] the investigation." PATTERSON did not include a Title IX investigation report or
27 other additional information in support of this finding. His email did not address or mention the
28 January 18 assault, or the stalking, harassment, and retaliation allegations.

1 31. On or around August 10, 2022, Ms. B. met with PATTERSON to discuss the
2 dismissal of her complaint. He refused to allow her to have a copy of or take notes regarding
3 SFCM's Title IX investigation report. He also informed her that he made the unilateral decision not
4 to conduct a Title IX hearing on the matter because he wanted to save Ms. B. and Mr. H. the pain
5 and trauma experienced at such hearings. Ms. B. was then told she would need to address her
6 concerns about the unexamined and unaddressed portions of her complaint with SFCM Dean
7 TIMOTHY DUNN.

8 32. On or around August 15, 2022, Ms. B. met with DUNN, who informed her that he
9 could not act on her Title IX complaint because the underlying incidents occurred before he was
10 employed by SFCM. DUNN suggested that instead he mediate a direct conversation between Ms. B.
11 and Mr. H.

12 33. During a September 13, 2022, meeting in PATTERSON's office with Ms. B.'s
13 assigned SFCM support person, Ms. B. was again denied a copy of the Title IX report.

14 34. On September 23, 2022, Mr. H. violated the AAO by deliberately sitting in close
15 proximity to Ms. B. in a large concert hall despite hundreds of available seats. Ms. B. reported the
16 violation to SFCM.

17 35. On or around September 27, 2022, Ms. B. emailed DUNN asking for a copy of the
18 AAO and an update on SFCM's response to Mr. H.'s September 23 AAO violation. DUNN replied
19 that "no further action was needed" from her and that he was "handling" the issue. He did not
20 provide her with a copy of the AAO.

21 36. Without the SFCM's intervention or protection, Ms. B. sought to obtain a restraining
22 order against Mr. H. An attorney from the San Francisco Cooperative Restraining Order Clinic
23 emailed PATTERSON on or around October 5, 2022, requesting a copy of the Title IX report.
24 PATTERSON refused to provide Ms. B.'s attorney with a copy of the report, stating that SFCM's
25 policies prohibited its release.

26 37. On or around October 13, 2022, Mr. H. again violated the AAO by following Ms. B.
27 to her quartet practice, where he waited outside her practice room and leered at her. Ms. B. reported
28 the violation to SFCM officials.

1 38. On or around October 17, 2022, A.B. emailed DUNN asking whether the AAO
2 violations had been addressed with Mr. H. On or around October 19, DUNN responded to notify her
3 that he had “referred the conduct matter to Dean WRIGHT for adjudication.” Later, in a meeting
4 with A.B., DUNN told A.B. that he did not think Mr. H. had done anything wrong.

5 39. On or around October 20, 2022, Mr. H. unnecessarily approached A.B. in a hallway
6 on SFCM’s campus, forcing her to maneuver her body past him. She immediately emailed DUNN
7 informing him of this third AAO violation.

8 40. On or around October 28, 2022, Ms. B. met with Dean WRIGHT to discuss the
9 multiple AAO violations by Mr. H. In an email on or around November 14, 2022, WRIGHT
10 informed her that he had met with Mr. H. and had a “good conversation about how he should
11 approach the AAO in the future.” Unsurprisingly, the AAO violations continued.

12 41. When Ms. B. asked for help or for updates, DUNN yelled at and berated Ms. B.

13 42. After SFCM repeatedly demonstrated to Ms. B. the futility of engaging the school or
14 reporting further stalking and AAO violations, Ms. B. stopped attempting to secure safety and
15 support through the institution and instituted protective measures on her own, but this resulted in
16 significantly diminished access to her education at SFCM as well as diminished access to SFCM
17 facilities necessary for her education.

18 43. SFCM’s deliberate indifference caused Ms. B. to miss classes and practices, lose out
19 on professional opportunities, suffer adverse physical and mental health impacts, and spend her days
20 in fear as she encountered her assailant on campus.

21 44. As a direct and proximate result of conduct by DEFENDANTS, including their acts
22 and omissions, Ms. B. has suffered loss of full and equitable access to her education. The loss of
23 access has resulted in a severe fracture in her participation in academia, performance skills, and
24 immediate future opportunities and prospects as a performer and student of music. Ms. B.’s
25 trajectory of being a highly competitive applicant to prestigious graduate degree programs was
26 derailed due to denial of equal access to her education. While Ms. B. was able to secure placement in
27 a graduate program, it was not one of the top-tier programs in the nation that she had originally been
28

1 on track for given her performance and trajectory prior to and but for DEFENDANTS' acts and
2 omissions. These damages are ongoing.

3 45. As a direct and proximate result of conduct by DEFENDANTS, including their acts
4 and omissions, Ms. B. has suffered, and continues to suffer severe emotional distress, requiring
5 psychological treatment. Ms. B's noneconomic damages have also included exacerbation of physical
6 ailments, requiring medical specialist interventions and treatments. These physical ailments have
7 exacerbated the emotional distress already caused by the actions and inactions of DEFENDANTS,
8 increasing Ms. B's symptoms and the severity of her emotional distress. These damages are ongoing.

9
10 **VI. FIRST CAUSE OF ACTION**
11 **Discrimination in Violation of California Education. Code § 66250 *et. seq.***
Against SFCM

12 46. PLAINTIFF realleges and incorporates by reference the foregoing, as though fully set
13 forth herein.

14 47. It is the declared policy of the State of California that all persons enjoy equal rights
15 and opportunities in state-funded educational institutions, regardless of their sex.

16 48. The Education Code of the State of California prohibits sex-based discrimination in
17 any program or activity conducted by an educational institution that receives or benefits from state
18 financial assistance.

19 49. California Education Code § 66250 *et. seq.*, the Equity in Higher Education Act,
20 specifically addresses sex-based discrimination in state-funded higher educational institutions. Under
21 this Act, postsecondary institutions have an affirmative obligation to combat sexism and other forms
22 of bias. Cal. Educ. Code §66252(b). (emphasis added).

23 50. SFCM is a postsecondary educational institution within the meaning of the California
24 Education Code

25 51. At all times material to this complaint SFCM received state funding and was required
26 to comply with the California Education Code.

27 52. At all times material to this complaint, PLAINTIFF was a student within the meaning
28 of the California Education Code.

53. DEFENDANTS had the primary responsibility for ensuring that the SFCM's programs and activities are free from discrimination and harassment.

54. Defendant SFCM violated its duties under the statute by the actions set forth above.

55. As a result of DEFENDANTS' actions and omissions, PLAINTIFF has suffered and continues to suffer damages as set forth above and in an amount to be proven at trial.

56. Because of DEFENDANTS' unlawful acts, PLAINTIFF is entitled to compensatory damages, equitable relief, attorneys' fees, and costs.

WHEREFORE, Plaintiff requests relief as set forth below.

VII. SECOND CAUSE OF ACTION
Violations of California Education Code § 66281.8
Against SFCM

57. PLAINTIFF realleges and incorporates by reference the foregoing, as though fully set forth herein.

58. California Education Code § 66281.8(b) states, in part, that “the appropriate governing board or body of each postsecondary institution shall implement, and at all times comply with, all of the [code section’s] requirements at the institution.”

59. Defendant SFCM failed to abide by the requirements established under Education Code § 66281.8, including, but not limited to, by:

- a. Failing to adopt rules, procedures, and policies that comply with Title IX;
- b. Failing to take reasonable steps to respond to each incident of sexual harassment involving individuals subject to the institution's policies;
- c. Failing to promptly investigate allegations of sexual harassment to determine whether the alleged conduct more likely than not occurred;
- d. Failing to take steps to prevent recurrence of harassment and correct its discriminatory effects on the complainant;
- e. Failing to provide student parties with formal notice of a formal investigation that includes the allegations and the alleged institutional policy violations under review.

- 1 f. Failing to provide a written justification for the mutual no-contact directive and failing to
2 identify any necessary and justifiable basis for applying a no-contact directive against
3 Ms. B., the harmed party;
4 g. Allowing and proposing mediation to resolve sexual violence; and
5 h. Failing to grant both parties the right to appeal the outcome of a grievance proceeding.

6 60. As a result of DEFENDANTS' actions, omissions of the above violations of her
7 rights, PLAINTIFF has suffered and continues to suffer damages as set forth above and in an amount
8 to be proven at trial.

9 61. Because of DEFENDANTS' unlawful acts, PLAINTIFF is entitled to compensatory
10 damages, equitable relief, attorneys' fees, and costs.

11 WHEREFORE, Plaintiff requests relief as set forth below.

12 **VIII. THIRD CAUSE OF ACTION**

13 **Violation of Title IX, 20 U.S.C. § 1681(a)**
14 **Against SFCM**

15 62. PLAINTIFF realleges and incorporates by reference the foregoing, as though fully set
16 forth herein.

17 63. Title IX of the Education Amendments of 1972 provides that "[n]o person in the
18 United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of,
19 or be subjected to discrimination under any education program or activity receiving Federal financial
20 assistance." 20 U.S.C. § 1681(a).

21 64. SFCM receives federal financial assistance and is therefore required to comply with
22 Title IX.
23

24 65. Starting on May 12, 2022, SFCM and its officials had actual knowledge that Ms. B.
25 had been sexually assaulted by a fellow student, and that she was subjected to ongoing stalking and
26 harassment by that same student. SFCM's Title IX Coordinator PATTERSON, Deans DUNN and
27 WRIGHT, and other school officials knew about the assaults and the subsequent stalking and
28

1 harassment and had the authority to take corrective action but failed to take any steps to address the
2 hostile educational environment or the harassment.

3 66. In spite of its knowledge of both the assaults and the pervasive harassment and its
4 authority and control over the perpetrator, SFCM and its officials failed to investigate all of the
5 alleged harm, discipline the wrongdoer, or provide appropriate accommodations or safety measures.
6 SFCM took no effective steps to address and to stop the stalking or harassment or to facilitate Ms.
7 B.'s access to education following the assaults, including but not limited to providing supportive
8 measures.
9

10 67. SFCM and its agents and officers were deliberately indifferent to PLAINTIFF's
11 repeated reports of harassment and stalking, despite their obligations and their authority and ability
12 to address the continued hostile environment and discrimination this deliberate indifference caused.
13 SFCM's response was clearly unreasonable in light of the known circumstances.
14

15 68. As a result of SFCM's deliberate indifference to the assaults, stalking, and
16 harassment, Ms. B., on the basis of her sex, was excluded from participating in, denied the benefits
17 of, and subjected to discrimination in, SFCM's education programs in violation of Title IX.

18 69. SFCM denied equal access to educational opportunities, resources, and benefits to
19 PLAINTIFF. SFCM's deliberate indifference caused Ms. B. to miss classes and practices, lose out
20 on professional opportunities, suffer adverse physical and mental health impacts, and spend her days
21 in fear as she encountered her assailant on campus.
22

23 70. As a direct and proximate result of SFCM's deliberate indifference, PLAINTIFF has
24 suffered, and continues to suffer, damages as set forth above and, in an amount, to be proven at trial.

25 71. As a direct and proximate result of SFCM's deliberate indifference PLAINTIFF is
26 entitled to compensatory damages, equitable relief, attorneys' fees, and costs.

27 WHEREFORE, Plaintiff requests relief as set forth below.
28

IX. FOURTH CAUSE OF ACTION
Violation of Unruh Civil Rights Act, Cal. Civ. Code § 51 et seq.
Against SFCM

72. PLAINTIFF realleges and incorporates by reference the foregoing, as though fully set forth herein.

73. California Civil Code § 51, et seq., the “Unruh Act,” guarantees full and equal access to accommodations, advantages, facilities, privileges and services of all business establishments.

74. Defendant, SFCM is a business establishment within the meaning of California Civil Code § 51.

75. SFCM was duly informed of the sexual assault and harassment and stalking experienced by PLAINTIFF.

76. DEFENDANTS’ actions as set forth above denied, incited or aided and abetted denial of full and equal access to accommodations, advantages, facilities, privileges and services to PLAINTIFF and violated her right to be free from discrimination as guaranteed by Civil Code § 51.

77. A substantial motivating reason for the denial of equal access was PLAINTIFF’s gender.

78. SFCM’s violation of PLAINTIFF’s rights as guaranteed by Civ. Code § 51 entitles her to receive compensatory damages, attorney’s fees, and injunctive relief, all of which are provided for in Civ. Code § 51.

79. In committing the acts and omissions alleged in this complaint, SFCM knew or should have known that they, their employees, agents, and assigns were likely to injure PLAINTIFF. PLAINTIFF is informed and believes, and on that basis alleges, that SFCM intended to cause injury to her and acted with a willful and conscious disregard of her rights as secured by Civ. Code § 51, thereby entitling her to recover treble damages, pursuant to Civ. Code § 52, subd. (a).

WHEREFORE, Plaintiff requests relief as set forth below.

X. FIFTH CAUSE OF ACTION
Negligence; Negligent Hiring & Supervision
Against All DEFENDANTS and DOES 1-10

80. PLAINTIFF realleges and incorporates by reference the foregoing, as though fully set forth herein.

1 81. SFCM through its employees, had an affirmative duty to take all reasonable steps to
2 protect students, including PLAINTIFF, from harassment, stalking, and discrimination on school
3 grounds and during school sponsored activities.

4 82. DEFENDANTS have a duty of care to protect students from foreseeable harm.
5 PLAINTIFF's enrollment at SFCM mandated a special duty of care owed to her by DEFENDANTS.

6 83. The risk of harm to PLAINTIFF was sufficiently high and foreseeable, and the
7 burden on DEFENDANTS to protect against such harm sufficiently low, so as to impose upon the
8 DEFENDANTS a duty to protect PLAINTIFF as part of the course and scope of their employment.

9 84. Further, SFCM had a statutory duty under the Donahoe Higher Education Act (Cal.
10 Educ. Code, § 66000 et seq.), and Title IX (20 U.S.C. § 1681, et seq.) to: (1) minimize and eliminate
11 a hostile environment on school grounds that impairs the access of students to equal educational
12 opportunity, including a duty to take remedial measures to stop the harassment; (2) notify students
13 about their rights; (3) notify students, faculty, administrative and support staff at each school about
14 the prohibition against sexual harassment as a form of sexual discrimination and provide notification
15 of the specific rules and procedures for reporting charges of sexual harassment and for pursuing
16 available remedies; (4) adopt a process for receiving and investigating complaints of discrimination,
17 harassment, intimidation, and stalking, including a duty to take immediate steps to intervene, a duty
18 to provide information about the manner in which to file a complaint, a duty to investigate and
19 resolve complaints, a duty to provide updates about the complaint, and a duty to ensure all
20 complainants are protected from retaliation; (5) appropriately train faculty and staff on how to
21 respond to and address reports of off- and on-campus sexual harassment and to avoid creating hostile
22 environments at SFCM (6) appropriately train its agents, faculty, counselors, and administrative staff
23 to monitor for harassment, discrimination and retaliation and to intervene to halt such from occurring
24 and (7) staff and appropriately train, gender equity coordinators on gender equity-related laws,
25 requirements, and procedures.

26 85. SFCM's receipt of notice about the assaults harassment, and stalking by PLANTIFF,
27 and her repeated requests for support to protect her from further danger created a foreseeable risk of
28

1 further acts of harm. SFCM's failure to act and take prompt, effective remedial constitutes a breach
2 of their duty to PLAINTIFF.

3 86. SFCM's duty to protect PLAINTIFF from foreseeable risks of harm extended to
4 ensuring its employees were appropriately trained and responded to the risk of harm and did not
5 cause further harm. The staff at SFCM were charged with understanding and abiding by Title IX,
6 related educational policies, and anti-harassment laws to fulfill their duty to prevent continued
7 violence. The failure to ensure comprehension or compliance with its obligations to protect
8 PLAINTIFF from ongoing harassment and stalking exposed her to further violence, effectively
9 denying her equal access to SFCM.

10 87. DEFENDANTS owed these duties to the PLAINTIFF and DEFENDANTS breached
11 their duty to PLAINTIFF as set forth above.

12 88. SFCM knew or should have known that their agents, faculty, and staff were
13 unqualified to perform the work which they were required to do in that they acted in the manner set
14 forth above and failed to train them appropriately.

15 89. DEFENDANTS knew or should have known that failure to exercise care in the
16 performance of their various duties would cause PLAINTIFF to suffer significant harm, including
17 emotional distress.

18 90. As a result of DEFENDANTS' actions and omissions, PLAINTIFF has suffered, and
19 continues to suffer, damages as set forth above.

20 WHEREFORE, Plaintiff requests relief as set forth below.

21 **XI. SIXTH CAUSE OF ACTION**
22 **Negligent Infliction of Emotional Distress**
Against All DEFENDANTS and DOES 1-10

23 91. PLAINTIFF realleges and incorporates by reference the foregoing, as though fully set
24 forth herein.

25 92. By engaging in the conduct set forth herein, DEFENDANTS have negligently
26 breached their duty of care not to engage in the conduct alleged.

27 93. DEFENDANTS, and each of them, knew or should have known that their actions
28 were likely to result in serious emotional harm, anguish, and distress to PLAINTIFF.

1 94. As a proximate result of DEFENDANTS' conduct, PLAINTIFF has suffered and
2 continues to suffer discomfort, anxiety, humiliation, and emotional distress, and will continue to
3 suffer serious emotional distress in the future in an amount according to proof.

4 95. PLAINTIFF is informed and believes that the wrongful acts and/or conduct alleged
5 herein which was perpetrated by all DEFENDANTS and Defendant Does 1-10 was done
6 maliciously, oppressively, and/or fraudulently and with a wrongful intent of harming and injuring
7 PLAINTIFF and did in fact harm PLAINTIFF with an improper and evil motive amounting to
8 malice and in conscious disregard of PLAINTIFF's rights. As a result, PLAINTIFF is entitled to
9 recover punitive damages against said DEFENDANTS, and each of them, as allowed for under law.
10 WHEREFORE, Plaintiff requests relief as set forth below.

11 **XII. SEVENTH CAUSE OF ACTION**
12 **Intentional Infliction of Emotional Distress**
13 **Against All DEFENDANTS and DOES 1-10**

14 96. PLAINTIFF realleges and incorporates by reference the foregoing, as though fully set
15 forth herein.

16 97. The conduct set forth herein above by DEFENDANTS was extreme and outrageous.
17 Said conduct was intended to cause and did cause severe emotional distress or was done in conscious
18 disregard of the probability of causing such distress.

19 98. As a proximate result of said conduct, PLAINTIFF has suffered and continues to
20 suffer discomfort, anxiety, humiliation, and emotional distress, and will continue to suffer serious
21 emotional distress in the future in an amount according to proof.

22 99. PLAINTIFF is informed and believes that the wrongful acts and/or conduct alleged
23 herein which was perpetrated by DEFENDANTS and Defendant Does 1-10 was done maliciously,
24 oppressively, and/or fraudulently and with a wrongful intent of harming and injuring PLAINTIFF
25 and did in fact harm PLAINTIFF with an improper and evil motive amounting to malice and in
26 conscious disregard of PLAINTIFF'S rights. As a result, PLAINTIFF is entitled to recover punitive
27 damages against said DEFENDANTS, and each of them, as allowable under law.

28 WHEREFORE, Plaintiff requests relief as set forth below.

XIII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendants as follows:

1. Compensatory damages on all causes of action;
2. Costs of suit;
3. Attorneys' fees as provided by statute and upon any other basis as allowed by law;
4. Declaratory judgment that DEFENDANTS' treatment of A. B. violated the California Education Code, Title IX, and other applicable statutes;
5. Treble, and liquidated damages and penalties pursuant to Civil Code Sections 51 and 52;
6. Punitive damages to PLAINTIFF, as allowable by law
7. Injunctive relief to PLAINTIFF pursuant to applicable state law;
8. That PLAINTIFF be awarded pre-judgment and post-judgment interest on all monies awarded;
9. That PLAINTIFF be granted all other relief, as allowed by law; and
10. For such other and further relief as the Court deems just and proper.

DATED: April 30, 2025

LAW OFFICES OF WENDY MUSSELL PC
EQUAL RIGHTS ADVOCATES

By: _____

KATHERINE SMITH

MAHA IBRAHIM

Attorneys for Plaintiff A.B.

1 **DEMAND FOR JURY TRIAL**

2
3 PLAINTIFF hereby demands a trial by jury for each and every claim for which has a right to jury
4 trial.

5 DATED: April 30, 2025

LAW OFFICES OF WENDY MUSSELL PC
EQUAL RIGHTS ADVOCATES

6
7 By: _____

KATHERINE SMITH
MAHA IBRAHIM
Attorneys for Plaintiff A.B.