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5 Attorneys for Plaintiff Jane Doe

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8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**  
(Central-Hall of Justice)

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11 JANE DOE,

12 Plaintiff,

13 vs.

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15 MATTHEW RYAN ARAIZA;  
ZAVIER LEONARD; NOWLIN  
16 "PA'A" EWALIKO; SLJ, LLC, a  
California limited liability company;  
17 and ROES 1 to 20,

18 Defendants.  
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CASE NO.:

COMPLAINT FOR:

1. Rape [Civil Code § 1708.5];
2. Gender Violence [Civ. Code § 52.4; Penal Code § 261(a)(2)(3)];
3. Violation of Ralph Act [Civ. Code § 51.7];
4. False Imprisonment;
5. Violation of Civil Code § 1714; and
6. Premises Liability

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22 Plaintiff Jane Doe alleges:

23 1. Plaintiff, Jane Doe ("Doe" or "Plaintiff"), is an adult resident of San Diego County,  
24 California. At the time of the alleged incident, she was 17 years old.

25 2. Defendant, Matthew Ryan Araiza ("Araiza"), is an adult resident of San Diego  
26 County, California, as well as Erie County, New York. At the time of the alleged incident, he was  
27 21 years-old.

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1           3.       Defendant, Zavier Leonard ("Leonard"), is an adult resident of San Diego County,  
2 California. At the time of the alleged incident, he was at or about 18 years-old.

3           4.       Defendant, Nowlin "Pa'a" Ewaliko ("Ewaliko"), is an adult resident of San Diego  
4 Count, California. At the time of the alleged incident, he was at or about 18 years-old.

5           5.       Defendant, SLJ, LLC ("SLJ"), is a limited liability company organized and existing  
6 under the laws of the State of California with its principal place of business in San Diego County,  
7 California. At all material times, it owned, maintained, and/or controlled a residence located at 5002  
8 Rockford Dr, San Diego, CA, 92115 (the "Residence"), where the rape described below took place.

9           6.       Plaintiff does not know the names of Roes 1 through 20. The true names and  
10 capacities, whether individual or otherwise, of defendants Roes 1 through 20 are unknown to  
11 Plaintiff who, therefore, sues them by such fictitious names under CCP § 474. Plaintiff is informed  
12 and believes that each of the defendants is responsible in some manner for the acts of omissions  
13 alleged in this complaint or caused her damages. Collectively, Araiza, Leonard, Ewaliko, SLJ and  
14 Roes 1 through 20 may be jointly referred to as "Defendants" or "Defendant."

15           7.       Plaintiff is informed and believes, and based thereupon alleges, that at all material  
16 times, Defendants, and each of them, were the agents, employees, managing agents, supervisors,  
17 coconspirators, parent corporation, joint employers, alter ego, and/or joint ventures of the other  
18 Defendants, and each of them, and in doing the things alleged herein, were acting within the course  
19 and scope of said agency, employment, conspiracy, joint employer, alter ego status, and/or joint  
20 venture and with the permission and consent of each of the other Defendants. At all material times,  
21 all of the Defendants conspired with, aided, incited, abetted, authorized, and ratified all of the  
22 actions of all of the other Defendants. Alternatively, in doing the things alleged in this Complaint,  
23 each Defendant was acting alone and solely to further his or her or its own interests.

24           8.       During the early morning hours of Sunday, October 17, 2021, Defendants Araiza,  
25 Leonard, and Ewaliko gang-raped Doe, then a 17 year-old minor, inside the Residence during a  
26 Halloween party. These three men are current or former members of the San Diego State University  
27 ("SDSU") football team. Earlier that day, Doe and her friends, who were also under the age of 18,  
28 decided to dress up for Halloween and attend parties in the San Diego area. They saw that their

1 friend, who they had gone to parties with before, posted the address of a nearby party on Snapchat.  
2 Doe and three of her other female friends decided to go. The party was held at the Residence where  
3 Araiza lived. Doe and her friends drank at other parties prior to going to the Residence, and Doe was  
4 observably intoxicated upon arrival.

5 9. Doe and her friends entered the Residence through the side gate which led into the  
6 backyard, where people were playing drinking games and socializing. Early on in the evening, Doe  
7 became separated from her friends and was approached by Araiza, who could observe that Doe was  
8 heavily intoxicated. He handed her a drink anyway. Doe did not see Araiza pour her drink, but she  
9 accepted the drink and began consuming it. Upon information and belief, this drink not only  
10 contained alcohol, but other intoxicating substances.

11 10. Doe informed Araiza that she attended Grossmont High School. Araiza, who was 21  
12 years old, knew or should have known that Doe was a minor. Despite her age and inebriated state,  
13 Araiza led Doe over to the side yard of the house where he told her to perform oral sex on him. She  
14 she got on her knees and complied. Araiza pulled her up from the ground, turned her around facing  
15 away from the party, and used his penis to penetrate her vagina from behind.

16 11. Araiza then led Doe inside the house, past the living room, and into a bedroom. There  
17 were at least three other men already in the bedroom, including defendants Leonard and Ewaliko.  
18 Once inside, Araiza threw Doe onto the bed face first. Doe went in and out of consciousness while  
19 she was being raped, but she does remember some moments from the horrific gang rape. During  
20 this time, her phone was also taken. The men took turns having sex with her from behind while she  
21 lay face first on the mattress. She saw a light in her periphery, as if someone was taking a video  
22 using a cell phone. Eventually the rapists turned Doe so that one of them could force his penis into  
23 her mouth while another man performed oral sex on her. At one point while Doe was in the  
24 bedroom, her friend tried to get inside the house from the backyard. Roe 1 prevented her from  
25 coming inside. Doe was raped for about an hour and a half until the party was shut down. Doe  
26 stumbled out of the room bloody and crying. Her nose, belly button, and ear piercings had been  
27 pulled out, and she was also bleeding from her vagina.

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1           12.     Immediately upon escaping, Doe told her friends that she had just been raped. She  
2 stayed the night at her friend's house. In the morning, Doe and her friends tried to piece everything  
3 together. Doe used the "find my iPhone" app which confirmed her phone was still at the Residence.  
4 Doe and one of her friends drove over to the house to retrieve it. They knocked on the door and a  
5 male individual answered. Doe told him that she was there the night before and had left her phone.  
6 He laughed at her and said, "*I know you were here last night,*" but claimed that her phone was not  
7 there. They left without Doe's cell phone.

8           13.     On Monday, October 18, 2021, Doe went to the San Diego Police Department's  
9 Eastern Division to report the gang rape. Despite the egregious and violent nature of the crimes she  
10 reported to the front desk personnel, Doe waited approximately five hours before an officer came  
11 out to speak with her. Once the patrol officer recognized that Doe was a victim of a serious crime,  
12 she was taken to a hospital to undergo painful and humiliating SART examinations.

13           14.     Detectives from the Sex Crimes Unit arranged recorded "pretext" calls with men they  
14 had determined were present in the room when the rape occurred, including Araiza, Leonard, and  
15 Ewaliko. Before the recorded calls, the detectives coached Doe on a variety of pre-textual reasons  
16 for her calls, e.g., that she was "*worried about STDs*" or that rumors were going around that she "*had*  
17 *sex with the whole team.*" The detectives also coached Doe during the calls with additional  
18 questions, especially focusing on Araiza. For example, during a call with Ewaliko on October 27,  
19 2021, the detectives sent Doe text messages to get Ewaliko to confirm Araiza's last name ("*Matt*  
20 *what?*"), to talk about what Araiza had done to Doe ("*What happened with me and Matt? Did we*  
21 *have sex (specifics, other than oral)*"), and to provide Araiza's telephone number ("*Get Matt's #!!*").  
22 After finishing the October 27 call with Ewaliko, Doe texted the detectives that he had provided  
23 Araiza's number: "*Pa'a texted me matt's number.*"

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1 **SECOND CAUSE OF ACTION**  
2 **(Gender Violence Against Araiza, Leonard, Ewaliko and Roes 1-20)**

3 20. Plaintiff realleges paragraphs 1 through 19.

4 21. By doing the things alleged above, Araiza, Leonard, and Ewaliko committed gender  
5 violence and acts that constituted criminal offenses under Penal Code §§ 261(a)(2), (3), against  
6 Plaintiff, i.e. one or more acts that would constitute a criminal offense under state law that has as  
7 an element the use, attempted use, or threatened use of physical force against the person or property  
8 of another, committed at least in part based on the gender of the victim, whether or not those acts  
9 have resulted in criminal complaints, charges, prosecution, or conviction, or a physical intrusion or  
10 physical invasion of a sexual nature under coercive conditions, whether or not those acts have  
11 resulted in criminal complaints, charges, prosecution, or conviction.

12 22. Araiza, Leonard, and Ewaliko committed the Gender Violence against Plaintiff  
13 because she is and was a woman.

14 23. As a legal result of the Gender Violence, Doe suffered damages, and will continue  
15 to suffer damages, including but not limited to, past and future medical expenses, past and future lost  
16 earnings and earning capacity, pain, suffering, emotional distress, mental anguish, and  
17 embarrassment.

18 24. The foregoing conduct of Araiza, Leonard, and Ewaliko was despicable and  
19 subjected Plaintiff to cruel and unjust hardship, and was committed with willful and conscious  
20 disregard of her rights and safety. In doing so, Araiza, Leonard, and Ewaliko acted with malice,  
21 oppression or fraud, as defined by California Civil Code § 3294, entitling Plaintiff to punitive  
22 damages in an amount appropriate to punish and make an example of Araiza, Leonard, and Ewaliko.

23 **THIRD CAUSE OF ACTION**  
24 **(Violation of Ralph Act Against Araiza, Leonard, Ewaliko and Roes 1-20)**

25 25. Plaintiff realleges paragraphs 1 through 24.

26 26. As alleged above, Araiza, Leonard, and Ewaliko committed violent acts against  
27 Plaintiff, specifically the gang rape of Doe, and a substantial motivating reason for this conduct was  
28 because Doe was and is a woman.



1 **FIFTH CAUSE OF ACTION**  
2 **(Violation of Civ. Code § 1714 Against Araiza, Leonard, Ewaliko and Roes 1-20)**

3 33. Plaintiff realleges paragraphs 1 through 32.

4 34. On or about October 17, 2021, Araiza, Leonard, and Ewaliko interacted with Doe  
5 inside the Residence in ways that violated Civil Code § 1714 and other laws, including but not  
6 limited to preventing her from leaving the premises and touching her without her consent.

7 35. Doe was harmed as a legal result of this wrongful conduct.

8 **SIXTH CAUSE OF ACTION**  
9 **(Premises Liability Against SLJ and Roes 1-20)**

10 36. Plaintiff realleges paragraphs 1 through 35.

11 37. SLJ owned, leased, occupied, or controlled the Residence.

12 38. SLJ was negligent in its use or maintenance of the Residence, e.g. that SLJ, its  
13 employees, agents, managers, and members, knew or should have known that Araiza, Leonard, and  
14 Ewaliko would do the things alleged above, but failed to take any reasonable steps to make the  
15 premises safe. For example, SLJ knew or should have known that the tenants were using the  
16 Residence for frequent, raucous parties involving underage drinking, and that they were using these  
17 parties to get young women intoxicated and have sex with them, that these same tenants had  
18 dangerous and violent propensities, and that these parties were so out of control, and there were so  
19 many complaints, that the police had to respond to the Residence on multiple occasions.

20 39. As a legal result of this negligence, Doe suffered damages, and will continue to suffer  
21 damages, including but not limited to, past and future medical expenses, past and future lost earnings  
22 and earning capacity, pain, suffering, emotional distress, mental anguish, and embarrassment.

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**REQUEST FOR RELIEF**

Therefore, Plaintiff Jane Doe requests judgment against defendants Matthew Ryan Araiza, Xavier Leonard; Nowlin “Pa’a” Ewaliko; SLJ, LLC; and Roes 1 to 20, as follows:

- a. Special and general damages according to proof;
- b. Punitive damages;
- c. Civil penalties allowable by law;
- d. Attorney's fees allowable by law, including but not limited to under Civil Code §52;
- e. Costs of court; and
- f. Other further relief.

Date: August 25, 2022

Gilleon Law Firm, APC



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Daniel M. Gilleon  
Attorneys for Plaintiff Jane Doe



**SUMMONS  
(CITACION JUDICIAL)**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

AUG 25 '22 AM 10:37

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

MATTHEW RYAN ARAIZA; ZAVIER LEONARD; NOWLIN "PA'A" EWALIKO; SLJ, LLC; and ROES 1 to 20

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

JANE DOE

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es):  
Superior Court of California, San Diego County, Central-Hall of Justice  
330 West Broadway, San Diego, CA 92101

CASE NUMBER: (Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Daniel M. Gilleon, Gilleon Law Firm, APC, 1320 Columbia Street, Suite 200, San Diego, CA 92101, 619.702.8623

DATE: Clerk, by Deputy  
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]

**NOTICE TO THE PERSON SERVED:** You are served

1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):
3.  on behalf of (specify):
 

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4.  by personal delivery on (date)