

1 **GRAVES LAW OFFICES**
2 RANDAL W. GRAVES SBN 152243
3 BRETT E. ROSENTHAL SBN 157519
4 DEBBIE B. JONES SBN 148909
5 729 Lincoln Way
6 Auburn, California 95603
7 Telephone: (530) 885-9346
8 Facsimile: (530) 885-6873
9 Email: brett@graveslawoffices.com

Assigned to Judicial Officer
John P Bianco

For All Purposes

10 Attorneys for Plaintiffs JENNIFER TROUTT,
11 COREY TROUTT and J [REDACTED] "B [REDACTED]"
12 TROUTT

Case Management Conference

09/28/2023 08:30 AM - Department 02

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF TULARE

VCU298760

15 JENNIFER TROUTT, Individually and as
16 Guardian ad Litem for J [REDACTED] "B [REDACTED]"
17 TROUTT, a MINOR, and COREY TROUTT

Case No. ~~VCU294618~~

18 Plaintiffs,

**PLAINTIFFS' COMPLAINT FOR
DAMAGES FOR:**

19 vs.

1. NEGLIGENCE (GOVT. CODE §§ 815.2 AND 820)
2. NEGLIGENT SUPERVISION OR RETENTION (GOVT. CODE §§ 815.2 AND 820)

20 SPRINGVILLE UNION ELEMENTARY
21 SCHOOL DISTRICT, CONNIE OWENS,
22 PRISCILLA BENAS, JACKIE BORGES
23 AND DOES 1-20

24 Defendants.

25 Plaintiffs, JENNIFER, Individually and as Guardian ad Litem for Plaintiff J [REDACTED]

26 "B [REDACTED]" TROUTT, a Minor and COREY TROUTT allege as follows:
27
28

1 alleged herein BENAS was an employee, agent and/or servant of SES, serving as a 6th grade
2 teacher for Plaintiff JBT and Minor MS (further described in FACTS).

3 7. Defendant JACKIE BORGES (Hereinafter “BORGES”) at all times relevant to
4 this complaint was and is an adult female, who Plaintiffs are informed and believe, and on that
5 basis allege, currently resides in Tulare County, in the State of California. During all times
6 alleged herein BORGES was an employee, agent and/or servant of SES, serving as a teacher at
7 the school and occasionally was responsible for monitoring student activities on the playground
8 during recesses, including Plaintiff JBT and Minor MS (further described in FACTS).

9
10 8. SES at all times mentioned herein was and is, a business entity of unknown form,
11 having its principal place of business in the County of Tulare, State of California. SES is a public
12 educational institution in the Springville Union Elementary School District, operating as an
13 elementary school for grades kindergarten through 8th, for students approximately ages 5-13.

14
15 9. The true names and capacities, whether individual, corporate, associate or
16 otherwise, of Defendants DOES 1-20 are unknown to Plaintiffs, who therefore, sue them by such
17 fictitious names under CCP §474. Plaintiffs are informed and believe that each of the Defendants
18 is responsible in some manner for the acts or omissions alleged in this complaint or damages
19 alleged herein.

20
21 10. Plaintiffs are informed and believe, and on that basis allege, that at all times
22 mentioned herein, each Defendant was responsible in some manner or capacity for the
23 occurrences herein alleged, and that Plaintiffs’ damages, as herein alleged, were proximately
24 caused by all said Defendants. Defendants SUESD, OWENS, BENAS, BORGES and DOES 1-
25 20 are sometimes collectively referred to herein as “Defendants” and/or as “all Defendants” such
26 collective reference refers to all specifically named Defendants.

27
28 11. Plaintiffs are informed and believe, and on that basis allege, that at all times
mentioned herein, Defendants and each of them were the agents, representatives and/or

1 employees of each and every other Defendant. In doing the things hereinafter alleged,
2 Defendants and each of them, were acting within the course and scope of said capacity, agency,
3 identity, representation and/or employment and were within that scope of their authority, whether
4 actual or apparent.

5
6 12. Plaintiffs are informed and believe, and on that basis allege, that at all times
7 mentioned herein, Defendants and each of them were the trustees, partners, servants, joint
8 venturers, shareholders, contractors, and/or employees of each and every other Defendant, and
9 the acts and omissions herein alleged were done by them, acting individually, through such
10 capacity and within the scope of authority, and with the permission and consent of each and
11 every other Defendant and that said conduct was thereafter ratified by each and every other
12 Defendant, and that each of them is jointly and severally liable to Plaintiffs.

13 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

14
15 13. Pursuant to the California Government Claims Act, Plaintiffs submitted a timely
16 Notice of Claim to SUESD on or about March 2, 2023, and an Amended Notice of Claim on
17 April 4, 2023, which was rejected by SUESD on or about April 5, 2023. Copies of said Notice of
18 Claim, Amended Notice of Claim and rejection are attached hereto as **Exhibit A** and
19 incorporated by reference herein.

20 **FACTS APPLICABLE TO ALL CLAIMS**

21
22 14. At all times material hereto, Plaintiff JBT was a 6th grade student at SES, part of
23 the SUESD, who employed OWENS, BENAS and BORGES and was under their complete
24 control and supervision. Plaintiff JBT was involved in a prior incident on SES Campus on or
25 about November 30, 2021, wherein JBT was brutally attacked by another student, LL, who
26 tackled JBT and repeatedly slammed his head into the concrete causing severe personal injuries.
27 Given JBT's ongoing mental and physical status, prudence and caution would dictate a high
28

1 degree of vigilance as to monitoring, supervising, and overseeing his interactions with other
2 students.

3 15. At all times material hereto, Minor MS, which will be the name used in this
4 complaint, is not his actual name, but is a fictitious name utilized to protect the privacy of the
5 minor. Minor MS was also a student at SES in BENAS 6th grade class and was one of many
6 classmates and SES students who had routinely heckled, teased, harassed, physically confronted,
7 and reminded JBT about the prior incident, all of which caused and continued to cause JBT
8 mental anguish and anxiety, and of which the Defendants and staff of SES and SUESD were
9 aware.
10

11 16. At the time of the incident, October 13, 2022, the Defendants were all aware of
12 the prior incident and the ongoing treatment of JBT and continued to allow it to happen without
13 consequence to the other students, including MS.
14

15 17. On the day of the incident, October 13, 2022, OWENS was the principal of SES
16 and superintendent of SUESD, while BENAS was Plaintiff JBT and Minor MS's 6th grade
17 teacher.
18

19 18. At the time of the incident, Plaintiff JBT and some of his other 6th grade
20 classmates, including MS were on the field playing soccer. Notwithstanding the Defendants
21 awareness of the continual harassment and teasing by other students, no teachers or school
22 personnel were monitoring, supervising, or watching the students on the playground. Due to the
23 lack of supervision and/or monitoring, without warning or provocation, MS grabbed Plaintiff
24 JBT and placed him in a headlock for some period of time and when he let go, then punched JBT
25 in the face, causing JBT to suffer significant personal injuries.
26

27 19. During the entire incident, none of the Defendants were monitoring, supervision
28 and/or overseeing the playground activities, nor made any effort to intervene to stop the attack on
Plaintiff JBT.

1 Defendant SUESD. “A public entity is liable for injury proximately caused by an act or omission
2 of an employee of the public entity within the scope of his employment if the act or omission
3 would, apart from this section, have given rise to a cause of action against that employee or his
4 personal representative.” (Gov. Code §815.2) “Except as otherwise provided by statute
5 (including Section 820.2), a public employee is liable for injury caused by his act or omission to
6 the same extent as a private person.” (Gov. Code §820(a))

8 23. Defendants, OWENS, BENAS, and BORGES, and each of them, had special
9 duties to protect minor Plaintiff JBT and the other students within SES and the SUESD, when
10 such students were entrusted to their care by their parents. Plaintiff JBT’s care, welfare and/or
11 physical custody was entrusted to Defendants. Defendants voluntarily accepted the entrusted care
12 of Plaintiff JBT. As such, Defendants owed Plaintiff JBT, a minor child, a special duty of care, in
13 addition to a duty of ordinary care, and owed Plaintiff JBT the highest duty of care that adults
14 dealing with children owe to protect them from harm. The duty to protect arose from the special,
15 trusting, confidential, and/or fiduciary relationship between Defendants and Plaintiff.
16

17 24. Defendants, OWENS, BENAS, and BORGES, and each of them, knew or
18 reasonably should have known that Minor MS, along with other classmates and students
19 constantly harassed, teased and occasionally physically abused Plaintiff JBT and without
20 supervision, could violently assault him again. It was foreseeable that if Defendants did not
21 adequately exercise or provide the level of care owed to children/students in their care, including
22 but not limited to Plaintiff JBT, the children entrusted to Defendants’ care would be vulnerable
23 and subject to physical injury from other students, including Minor MS.
24

25 25. Defendants, OWENS, BENAS and BORGES, and each of them, failed to
26 implement basic safety protocols, and their failure to implement such protocols to prevent
27 Plaintiff JBT from being physically assaulted by other students, including Minor MS, failed to
28 even pay attention to, much less the requisite attention to the interaction between Plaintiff JBT

1 and other students, including Minor MS, knowing the ongoing interaction between JBT and
2 other students and as a result breached their duty of care to Plaintiff JBT: 1) by allowing Minor
3 MS and other students to both physically and verbally harass Plaintiff JBT, without
4 consequences, both before and on the day of the incident; 2) by failing to hire, supervise or retain
5 SES personnel sufficient and qualified to deal with the ongoing situation with interactions
6 between Plaintiff JBT, especially given the prior incident; 3) by failing to set up guidelines or
7 protocol to have someone watching and/or supervising all students on the playground, including
8 Plaintiff JBT, at all times; 4) by not addressing and dealing in advance with the negative
9 interactions between Plaintiff JBT and other students, including Minor MS, especially given
10 JBT's prior incident, before something as significant as the subject incident occurred.

11
12 26. Plaintiffs are informed and believe, and on that basis allege that Defendants
13 OWENS, BENAS and BORGES, and each of them, were aware of the risk and danger that the
14 negative interactions between other students and Plaintiff JBT posed to him on the SES campus,
15 but took no action to obstruct, inhibit, prevent and/or stop such continuing conduct and instances
16 of negative verbal and physical interactions, especially when considering the history of the prior
17 attack on Plaintiff JBT. Despite the authority and ability to do so, these Defendants negligently
18 and/or willfully refused to, and/or did not, act effectively to stop the negative interactions
19 between other students and Plaintiff JBT, which led to the subject attack on JBT.
20
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22 27. Furthermore, once the assault from Minor MS began on Plaintiff JBT, the
23 Defendants, OWENS, BENAS, and BORGES, and each of them, failed to take any action to
24 prevent, intervene, and/or stop the assault by Minor MS on Plaintiff JBT, thus allowing Minor
25 MS to seriously injure Plaintiff JBT.

26 28. Because Defendants' OWENS, BENAS and BORGES conduct fell below the
27 standard of care in supervising students during school hours and while on school property,
28 Plaintiff JBT's continuing and inalienable constitutional and statutory rights to be free from harm

1 or threat of harm and to have free access to education were violated when Minor MS assaulted
2 Plaintiff JBT and as a result he sustained severe injuries due to Defendants failure to adequately
3 supervise and control student interactions with Plaintiff JBT, including Minor MS, despite
4 knowing JBT's history of the prior incident and the ongoing negative interactions between he
5 and other students, including Minor MS.
6

7 29. Furthermore, Defendant OWENS then made things worse when she initially
8 indicated to Plaintiff JBT and his parents that he would not be suspended, but then suspended
9 him for no reason, aggravating his already fragile mental state from the ongoing abuse and
10 teasing from other students regarding the prior incident.

11 30. Defendant SUESD is vicariously liable for each and every negligent act of its
12 agents, employees and school administrator, Defendants OWENS, BENAS, and BORGES.

13 31. As a result of the above-described conduct, Plaintiff JBT has suffered, and
14 continues to suffer great pain of mind and body, shock, emotional distress, physical
15 manifestations of emotional distress, embarrassment, loss of self-esteem, loss of enjoyment of
16 life and fear of school, and/or has incurred and will continue to incur expenses for medical and
17 psychological treatment and counseling.
18

19 32. Furthermore, as a result of injuries suffered by Plaintiff JBT and the improper
20 suspension, his medical providers recommended he stay home from school to allow him to
21 recover both physically and psychologically and as a result Plaintiff COREY TROUTT was
22 required to stay home with JBT and as a result COREY TROUTT suffered significant lost
23 income and other related costs and expenses.
24

25 33. In addition, as a result of the subject incident and improper suspension, Plaintiff
26 JENNIFER TROUTT suffered significant mental anguish and anxiety regarding the lack of any
27 safeguards or protocols being put in place to deal with the ongoing negative treatment of her son
28 Plaintiff JBT. After the subject incident, JENNIFER TROUTT, was not willing to rely on SES or

1 SUESD staff to ensure Plaintiff JBT's safety, she requested and was permitted to be on campus
2 each and every minute Plaintiff JBT was on campus to supervise and monitor student
3 interactions with her son. JENNIFER TROUTT's required presence on campus, and inconsistent
4 treatment by Defendants and school staff have caused and continue to cause significant mental
5 anguish, stress, and anxiety, much less has deprived her of the ability to do anything else.
6

7 **SECOND CAUSE OF ACTION**
8 **(Negligent Supervision, Hiring or Retention against SUESD only)**

9 34. Plaintiffs reallege paragraphs 1 through 33 and incorporate by reference herein
10 each and every allegation contained therein as though fully set forth in this cause of action.

11 35. SUESD employed principals, teachers, and aides, including Defendants OWENS,
12 BENAS and BORGES charged with protecting the safety of their students, including Plaintiff
13 JBT.

14 36. Defendant SUESD is, and was at all times relevant to this complaint, a public
15 school district operating under the laws of the State of California. SUESD owns, operates and/or
16 controls SES. "A public entity is liable for injury proximately caused by an act or omission of an
17 employee of the public entity within the scope of his employment if the act or omission would,
18 apart from this section, have given rise to a cause of action against that employee or his personal
19 representative." (Gov. Code §815.2) "Except as otherwise provided by statute (including Section
20 820.2), a public employee is liable for injury caused by his act or omission to the same extent as
21 a private person." (Gov. Code §820(a)). "Public school district may be vicariously liable in
22 hiring, supervising and retaining a school employee." (*C.A. v. William S. Hart Union High*
23 *School Dist.* (2012) 53 Cal. 4th 861, 879)
24

25 37. SES staff, including, but not limited to Defendants OWENS, BENAS and
26 BORGES were unfit to protect and supervise JBT and Minor MS. A significant part of their job
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1 was to supervise students and ensure they refrained from placing them in unreasonable or
2 avoidable danger.

3 38. Upon information and belief, Plaintiff JBT's classmates and other students,
4 including Minor MS was known by all the SES staff, including but not limited to Defendants
5 OWENS, BENAS, and BORGES to have a history after the first incident of teasing, harassing
6 and sometimes physically confronting Plaintiff JBT. Furthermore, the Defendants knew, or
7 should have known that Plaintiff JBT continued to experience anxiety and ongoing physical
8 issues from the first incident such that they had a duty to monitor, supervise and oversee his
9 interactions with other students, including Minor MS.

10
11 39. Given the ongoing verbal and physical harassment of Plaintiff JBT from other
12 students relating to the prior incident (November 30, 2021), SUESD was on notice of the
13 unfitness of its staff, including but not limited to OWENS, BENAS and BORGES and knew or
14 should have known that the staff was unfit to deal with the ongoing verbal and physical
15 harassment of Plaintiff JBT from other students. Furthermore, given the lack of sufficient
16 supervision, SUESD knew or should have known that a violent incident directed at Plaintiff JBT
17 was only a matter of time and was reasonably foreseeable to occur absent sufficient safeguards
18 or monitoring or supervision by the Defendants. Had the other students' interactions with
19 Plaintiff JBT been adequately supervised by the SUESD and SES staff then adequate steps
20 would have been taken and/or safety guidelines and protocol would have been put in place to
21 protect Plaintiff JBT.

22
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24 40. Upon information and belief, Plaintiffs allege that at no time during the periods of
25 time alleged did Defendants have in place a system or procedure to reasonably investigate,
26 supervise and/or monitor its agents, employees, teachers, and administrators, including
27 Defendants OWENS, BENAS, and BORGES, to prevent other students from harassing, teasing
28 and physical abusing Plaintiff JBT regarding the prior incident. Nor did they implement a system

1 or procedure to oversee or monitor the conduct of other students in interacting with Plaintiff JBT,
2 including Minor MS, so as to protect JBT who was relying on and owed Defendants' care.

3 41. Even though defendants knew or should have known about the ongoing negative
4 interactions between other students and Plaintiff, JBT, Plaintiffs are informed and believe that
5 Defendants' staff, including but not limited to OWENS, BENAS, and BORGES, failed to use
6 reasonable care in the supervision and/or monitoring of student interactions with Plaintiff JBT to
7 ensure the safety of all their students, including Plaintiff JBT.

8 42. SUESD's conduct was a breach of their duties to Plaintiff JBT.

9 43. As a result of the Defendants inaction and lack of supervision of student
10 interactions with Plaintiff JBT, he was harmed and suffered greatly as a result of the
11 incompetence, negligence, unfitness, and reckless disregard for student safety by SES faculty,
12 staff, and administration.

13 44. As a result of the above-described conduct, Plaintiff JBT has suffered, and
14 continues to suffer great pain of mind and body, shock, emotional distress, physical
15 manifestations of emotional distress, embarrassment, loss of self-esteem, loss of enjoyment of
16 life and fear of school, and/or has incurred and will continue to incur expenses for medical and
17 psychological treatment and counseling.

18 45. Furthermore, as a result of injuries suffered by Plaintiff JBT, his medical
19 providers recommended he stay home from school to allow him to recover both physically and
20 psychologically and as a result Plaintiff COREY TROUTT was required to stay home with JBT
21 and as a result COREY TROUTT suffered significant lost income and other related costs and
22 expenses.

23 46. In addition, as a result of the subject incident and improper suspension, Plaintiff
24 JENNIFER TROUTT suffered significant mental anguish and anxiety regarding the lack of any
25 safeguards or protocols being put in place to deal with the ongoing negative treatment of her son
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1 Plaintiff JBT. After the subject incident, JENNIFER TROUTT, was not willing to rely on SES or
2 SUESD staff to ensure Plaintiff JBT's safety, she requested and was permitted to be on campus
3 each and every minute Plaintiff JBT was on campus to supervise and monitor student
4 interactions with her son. JENNIFER TROUTT's required presence on campus, and inconsistent
5 treatment by Defendants and school staff have caused and continue to cause significant mental
6 anguish, stress, and anxiety, much less has deprived her of the ability to do anything else.
7

8 **PRAYER FOR RELIEF**

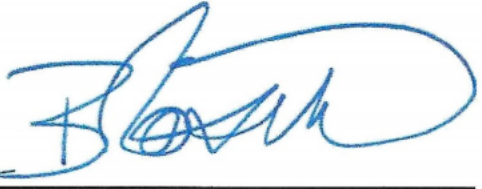
9 WHEREFORE, Plaintiffs pray for a jury trial and for judgment against Defendants, and
10 each of them, as follows:

11 **FOR ALL CAUSES OF ACTION**

- 12 a. For past, present, and future special damages, including but not limited to past,
13 present, and future economic damages, lost earnings and others, in an amount according to proof;
14 b. For past, present, and future general damages in an amount according to proof;
15 c. Costs of suit herein; and
16 d. For such other and further relief as the court may deem just and proper.
17

18
19 Dated: May 30, 2023

GRAVES LAW OFFICES

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23 By: 
24 BRETT E. ROSENTHAL
25 Attorneys for Plaintiffs COREY TROUTT,
26 JENNIFER TROUTT and J [REDACTED] "B [REDACTED]"
27 TROUTT
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DEMAND FOR JURY TRIAL

Plaintiffs COREY TROUTT, JENNIFER TROUTT and J [REDACTED] "B [REDACTED]" TROUTT

hereby demand a trial by jury.

Dated: May 30, 2023

GRAVES LAW OFFICES



By: _____

BRETT E. ROSENTHAL
Attorneys for Plaintiffs COREY TROUTT,
JENNIFER TROUTT and J [REDACTED] "B [REDACTED]"
TROUTT

EXHIBIT A

NOTICE OF CLAIM
(Pursuant to Govt. Code §910)

Claim Submitted to:
Springville Elementary School and
Springville Union Elementary School
District, 35424 Ward Ave.
Springville, CA 93265-0349

Date of Submission: March 2, 2023

By: JOE V. GRAVES, ATTORNEY # 274

Rec'd By: Connie Owens
Connie Owens

CLAIMANT, NOTIFICATION AND GENERAL INFORMATION

Claimants Full Names: J [REDACTED] "B [REDACTED]" Troutt and
Corey Troutt

Claimant Address: [REDACTED] Springville, CA
93265

Person to be Notified of any Action Taken on Claim:
Brett Rosenthal, Esq. (SBN 157519) (530) 885-9346
Graves Law Offices, 729 Lincoln Way, Auburn CA 95603
Email: brett@graveslawoffices.com

[REDACTED]
Date of Incident: 10/13/2022 @ approximately 12 pm
Location of Incident: on campus at Springville Elementary School

LIABILITY

Describe the Incident, including reasons for school and district's responsibility for occurrence and names of involved employees:

B [REDACTED] was playing soccer during recess with other students, including but not limited to a student named M [REDACTED]. During a recess soccer game, M [REDACTED] S [REDACTED] put J [REDACTED] in a headlock and punched him in the face.

Given B [REDACTED]'s history of the prior attack by another student causing significant injuries (11/30/21), and the continual harassment and teasing by other students, Buster's teacher, Priscilla Benas, school employees serving as yard monitors, and the School District, including its Superintendent/Principal, Connie Owens should have been closely watching and monitoring student interactions with B [REDACTED], should have put in place protocol, systems and plans to ensure B [REDACTED] was being watched at all times. However, they failed to satisfy their mandatory duty to supervise and protect their students, especially B [REDACTED] given his history on Campus. To further aggravate the situation and B [REDACTED]'s emotional and psychological injuries, Superintendent/Principal, Connie Owens, initially notified B [REDACTED]'s parents (Corey and Jennifer) that he would not be suspended, but changed her mind and for no

rational, logical or reasonable basis, suspended B [REDACTED] for being punched in the face by M [REDACTED], ie. his involvement in the incident/fight, which increased his emotional and psychological injuries.

PERSONAL INJURIES

State Nature and Extent of Claimant's Injuries which Forms the Basis of this Claim:

As a result of the subject incident, B [REDACTED] was taken to his pediatrician Narwhals Mating, MD where he was evaluated for his personal injuries, including but not limited to laceration to his face, black eye, pain in his jaw and teeth, with related headaches. His prior brain injury may also have been aggravated by this head trauma. (See photo attached)

B [REDACTED] also suffered and continues to suffer emotional distress and anxiety regarding this incident, constant fear of being assaulted again and from being continually picked on and reminded about the first incident.

PROPERTY DAMAGE AND LOST INCOME

Describe Property Damage and Lost Income Claimed:

Due to B [REDACTED]'s injuries his pediatrician ordered he stay home for a period of time and due to his time ordered at home and improper suspension Corey Troutt had to stay home with him and missed work to meet with the Superintendent/principal Connie Owens and as a result missed 8.5 hours of work at \$42.65 per hour. Corey's total lost wages are \$362.53 (8.5 hours x \$42.65 = \$362.53).

AMOUNT OF CLAIM

State the Total Amount of this Claim if Less than \$10,000.00, but if more no dollar Amount need be Included and if Claim is to be Limited or Unlimited Civil Case:

As of the time of presentation of the instant claim, it is estimated that B [REDACTED]'s medical bills are less than \$1,000.00 from this incident, however, due to his potential aggravation of his prior brain injury and his ongoing emotional and psychological injuries the total claim exceeds \$10,000 and will be an Unlimited Civil Case, if and when filed. Corey's lost wage claim will be included in the Unlimited Civil Case, but is less than \$10,000 to date.

REPORTS

Identify any Investigative Reports Prepared:

These claimants are not aware of any investigative reports pertaining to this incident.

AMENDED NOTICE OF CLAIM

(Pursuant to Govt. Code §910)

Claim Submitted to:

Springville Elementary School and
Springville Union Elementary School
District, 35424 Ward Ave.
Springville, CA 93265-0349

Date of Submission: April 4, 2023

By: *Connie Owens*

Rec'd By: *Connie Owens*

CLAIMANT, NOTIFICATION AND GENERAL INFORMATION

Claimants Full Names: J [REDACTED] "B [REDACTED]" Troutt,
Corey Troutt and Jennifer Troutt

Claimants Address: [REDACTED] Springville, CA
93265

Person to be Notified of any Action Taken on Claim:

Brett Rosenthal, Esq. (SBN 157519) (530) 885-9346
Graves Law Offices, 729 Lincoln Way, Auburn CA 95603
Email: brett@graveslawoffices.com

Claimants' Dates of Birth: [REDACTED]

Date of Incident: 10/13/2022 @ approximately 12 pm

Location of Incident: on campus at Springville Elementary School

LIABILITY

Describe the incident, including reasons for school and district's responsibility for occurrence and names of involved employees:

B [REDACTED] was playing soccer during recess with other students, including but not limited to a student named M [REDACTED]. During a recess soccer game, M [REDACTED] S [REDACTED] put J [REDACTED] in a headlock and punched him in the face.

Given B [REDACTED]'s history of the prior attack by another student causing significant injuries (11/30/21), and the continual harassment and teasing by other students, B [REDACTED]'s teacher, Priscilla Benas, school employees serving as yard monitors, and the School District, including its Superintendent/Principal, Connie Owens should have been closely watching and monitoring student interactions with B [REDACTED] should have put in place protocol, systems and plans to ensure B [REDACTED] was being watched at all times. However, they failed to satisfy their mandatory duty to supervise and protect their students, especially B [REDACTED] given his history on Campus.

work to meet with the Superintendent/principal Connie Owens and as a result missed 8.5 hours of work at \$42.65 per hour. Corey's total lost wages are \$362.53 (8.5 hours x \$42.65 = \$362.53).

AMOUNT OF CLAIM

State the Total Amount of this Claim if Less than \$10,000.00, but if more no dollar Amount need be Included and if Claim is to be Limited or Unlimited Civil Case:

As of the time of presentation of the instant claim, it is estimated that E [REDACTED]'s medical bills are less than \$1,000.00 from this incident, however, due to his potential aggravation of his prior brain injury and his ongoing emotional and psychological injuries the total claim exceeds \$10,000 and will be an Unlimited Civil Case, if and when filed. Corey's lost wage claim will be included in the Unlimited Civil Case, but is less than \$10,000 to date. Jennifer's claims exceed \$10,000 and will be part of the Unlimited Civil Case filed, if necessary.

REPORTS

Identify any Investigative Reports Prepared:

These claimants are not aware of any investigative reports pertaining to this incident.

I declare under the penalty of perjury of the State of California that the foregoing is true and correct and that the amount of this Claim covers only damages and injuries caused by the incident described herein.



Brett Rosenthal, Esq. Attorney for Corey Trout, individually and as parent of J. [REDACTED] "E [REDACTED]" Trout, a Minor



SPRINGVILLE UNION SCHOOL DISTRICT

35424 Ward Avenue • P. O. Box 349
Springville, CA 93265
(559) 539-2605 • Fax (559) 539-5616

CONNIE S. OWENS
Superintendent

**SPRINGVILLE UNION ELEMENTARY SCHOOL DISTRICT
NOTICE OF REJECTION OF CLAIM**

Notice is hereby given that the Amended Notice of Claim you presented on behalf of J [REDACTED] "E [REDACTED]" Troutt to the Springville Union Elementary School District on April 4, 2023, was rejected on April 5, 2023.

WARNING

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

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

This Notice of Rejection of Claim applies only to claims under state law and shall not extend any time limits as may be imposed upon claimant(s) for pursuit of the claimant(s)' rights under federal laws, statutes, or other sources of rights of recovery in favor of claimant(s).

Please also be advised that pursuant to Sections 128.5 et seq. and 1038 of the California Code of Civil Procedure, the Springville Union Elementary School District will seek to recover all costs of defense in the event a legal action is filed on the matter and it is determined that the action was not filed in good faith and with reasonable cause, or as otherwise determined to justify the imposition of attorney's fees and costs of the suit pursuant to such sections, as well as, any other sections or laws inuring to the benefit of the Springville Union Elementary School District, its officers, officials, employees, agents, or representatives.

On, April 5, 2023, I served the within NOTICE OF REJECTION OF CLAIM on the claimant by placing a true copy thereof in a sealed envelope in the outgoing mail addressed to:

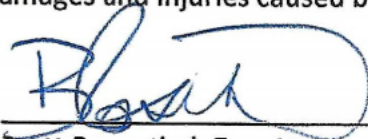
Attorney Brett Rosenthal
Graves Law Offices
729 Lincoln Way
Auburn, CA 95603

I declare under penalty of perjury that the foregoing is true and correct. Executed at Springville, California.

April 5, 2023
Date

Connie Owens
Printed Name
Connie Owens
Signature

I declare under the penalty of perjury of the State of California that the foregoing is true and correct and that the amount of this Claim covers only damages and injuries caused by the incident described herein.



Brett Rosenthal, Esq. Attorney for Corey Trout,
individually and as parent of J [REDACTED] "B [REDACTED]"
Trout, a Minor