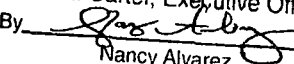


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7 Attorneys for Plaintiff JANE DOE 1, a minor,  
8 by and through her guardian ad litem, YVONNE VALLES,  
9 and Plaintiff JANE DOE 2, a minor, by and through her  
10 guardian ad litem RONNIE OCHOA

**FILED**  
Superior Court of California  
County of Los Angeles

DEC - 6 2017

Sherri R. Carter, Executive Officer/Clerk  
By  Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

11 JANE DOE 1, a minor, by and through her  
12 guardian ad litem, YVONNE VALLES; and  
13 JANE DOE 2, a minor, by and through her  
14 guardian ad litem, RONNIE OCHOA,

15 Plaintiffs,

16 v.

17 NORTH VALLEY MILITARY INSTITUTE  
18 COLLEGE PREPARATORY ACADEMY, a  
19 California corporation; LOS ANGELES  
20 UNIFIED SCHOOL DISTRICT, a public entity;  
21 COTY BRICE TSCHAPPAT, an individual; and  
22 DOES 1-10, inclusive,

23 Defendants.

Case No.: BC664993

[Department 97]

**FIRST AMENDED COMPLAINT FOR DAMAGES**

1. **Negligent Hiring;**
2. **Negligent Supervision;**
3. **Intentional Infliction of Emotional Distress;**
4. **Negligent Infliction of Emotional Distress;**
5. **Assault; and**
6. **Battery**

**PUNITIVE DAMAGES  
DEMAND FOR JURY TRIAL  
UNLIMITED JURISDICTION**

24 12/08/2017

1 Plaintiff minors JANE DOE 1 and JANE DOE 2 (“Plaintiffs”)—by and through their respective  
2 guardians ad litem, YVONNE VALLES and RONNIE OCHOA—hereby bring this First Amended  
3 Complaint (“FAC”) against Defendants NORTH VALLEY MILITARY INSTITUTE COLLEGE  
4 PREPARATORY ACADEMY (“NVMI” or the “School”), LOS ANGELES UNIFIED SCHOOL  
5 DISTRICT (“LAUSD”) (collectively “Defendants”), and COTY BRICE TSCHAPPAT (“Tschappat”).  
6 *(At NVMI’s request, Plaintiffs are voluntarily amending the Complaint, with this filing, to omit the*  
7 *redacted pornographic images previously included in the initial Complaint. The omitted images are*  
8 *those NVMI’s administrator Tschappat openly shared with Plaintiffs, which NVMI now claims are*  
9 *“inflammatory”—underscoring how abhorrent the underlying conduct in this case really is.)*  
10 Plaintiffs allege as follows on knowledge as to themselves and their known acts, and on information and  
11 belief as to all other matters:

12 **I. THE PARTIES**

13 1. Plaintiffs are minor children who reside in Los Angeles County. (Plaintiffs’ guardians ad  
14 litem are Plaintiffs’ mother and father.) At all relevant times, Plaintiffs were enrolled students at NVMI.  
15 As explained herein, Plaintiffs were subjected to abhorrent child sex abuse by an NVMI administrator,  
16 Coty Brice Tschappat (hereinafter, “Tschappat” or “Administrator Tschappat”).

17 a. Plaintiffs file suit herein anonymously to protect their privacy interests. Given the  
18 nature of their allegations (which involve child sex abuse) and given the fact they  
19 are minor children, Plaintiffs are well within their rights to file suit as “Jane  
20 Does.” *See, e.g., Doe v. Lincoln Unified School Dist.* (2010) 188 Cal.App.4th 758,  
21 766 (“Defendants argue: ‘California state courts do not permit plaintiffs to sue  
22 under fictitious names.’ However, defendants fail to cite a single state court  
23 decision in support. This is not surprising, since there have been countless  
24 published state court decisions where one or more of the parties have used  
25 fictitious names.”); *Starbucks Corp. v. Sup. Ct.* (2008) 168 Cal.App.4th 1436,  
26 1452 fn.7 (“The judicial use of ‘Doe plaintiffs’ to protect legitimate privacy rights  
27 has gained wide currency, particularly given the rapidity and ubiquity of  
28 disclosures over the World Wide Web”); *Doe v. City of Los Angeles* (2007) 42

12/08/2017

1 Cal.4th 531 (former Boy Scouts sued under pseudonyms based on allegations that  
2 city police officer sexually assaulted them while they were teenagers).

3 2. Defendant NVMI is a California corporation that operates an approved LAUSD charter  
4 school located at 12105 Allegheny St., Sun Valley, CA 91352. At all relevant times, NVMI employed  
5 Administrator Tschappat—negligently granting him *carte blanche* access to minor students, which  
6 permitted him to commit abhorrent acts of child sex abuse against Plaintiffs and other minor children.

7 3. Defendant LAUSD is a public entity. At all relevant times, LAUSD supervised and  
8 oversaw NVMI's operations under an approved charter.

9 4. Defendant Tschappat is an individual who, at all relevant times, acted as an  
10 Administrator for NVMI and was provided unfettered access to minor students, including Plaintiffs,  
11 which allowed him to commit abhorrent acts of child sex abuse against Plaintiffs and other minor  
12 children.

13 5. Defendants are individually, jointly, and severally liable for the wrongful conduct alleged  
14 herein because each Defendant directly or indirectly, or through an agent or any other person, has  
15 exercised control over one another. Plaintiffs are informed and believes and based thereon allege that at  
16 all relevant times, each Defendant has been the agent and employee of its (or his) Co-Defendants, and in  
17 doing the things alleged in this FAC has been acting within the course and scope of that agency and  
18 employment.

19 6. The true names and capacities of Defendants sued herein as Does 1-10, inclusive, are  
20 unknown to Plaintiffs at this time, but Plaintiffs will amend this FAC if and when the true names of said  
21 Defendants become known to them. Upon information and belief, each of the Defendants sued herein as  
22 a Doe is legally responsible in some manner for the events and happenings referred to herein; and any  
23 reference to "Defendant" or "Defendants" shall mean "Defendants and each of them."

24 **II. JURISDICTION AND VENUE**

25 7. This Court has jurisdiction over this action pursuant to the California Constitution,  
26 specifically Article VI, Section 10, which grants the Superior Court original jurisdiction in all cases  
27 except those given by statute to other courts. The statutes under which this action is brought do not  
28 specify any other basis for jurisdiction.

1 8. This Court has jurisdiction over all Defendants because, upon information and belief, at  
2 all relevant times each Defendant has had sufficient minimum contacts in California, or otherwise has  
3 intentionally availed itself (or himself) of California law so as to render the exercise of jurisdiction over  
4 it by a California Court consistent with traditional notions of fair play and substantial justice.

5 9. Venue is proper in this Court because, upon information and belief, each named  
6 Defendant transacts business in Los Angeles County, and/or the acts and omissions alleged herein took  
7 place within Los Angeles County.

8 **III. FACTUAL BACKGROUND**

9 **A. General Background and Summary of Allegations**

10 10. Since June 2016, NVMI and LAUSD negligently permitted Administrator Tschappat to  
11 sexually abuse students of NVMI, including Plaintiffs, including by negligently hiring Tschappat, failing  
12 to properly supervise him, and giving him *carte blanche* to spend extended periods of time alone with  
13 Plaintiffs and other children, without proper vetting.

14 11. Because of NVMI and LAUSD's negligence, Administrator Tschappat, during his  
15 employment, exposed Plaintiffs and other minor children to inappropriate sexual language (including  
16 phrases like "suck my dick"). He exposed Plaintiffs to hardcore pornographic images. He also assaulted  
17 and battered at least one of the minor Plaintiffs, including when he dared one of the Plaintiffs at a  
18 school-sponsored party to lick his foot, which she did. Because of Administrator Tschappat's disgusting  
19 conduct—which NVMI and/or LAUSD negligently enabled—both Plaintiffs have been harmed and  
20 have standing to sue both entities for, among other claims, negligence.

21 12. In addition, NVMI employee Tschappat is himself liable to Plaintiffs for his commission  
22 of a variety of intentional torts, including for assault, battery, and intentional infliction of emotional  
23 distress, and alternatively for negligence, including without limitation negligent infliction of emotional  
24 distress. NVMI, in turn, is vicariously liable to Plaintiffs for Tschappat's conduct under the doctrine of  
25 respondeat superior.

26 **B. Negligent Hiring**

27 13. NVMI hired Administrator Tschappat in or around June 2016 to help facilitate its annual  
28 summer camp and also to serve as an administrator during the 2016-2017 school year. On information

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1 and belief, NVMI failed to properly vet him for the job before hiring him. Had the school taken such  
2 precautions (including by conducting a robust background check), NVMI would have uncovered serious  
3 concerns suggesting he was unfit to interact with young children and would not have hired him.<sup>1</sup>

4 14. Plaintiffs believe NVMI failed to properly vet Tschappat before employing him because  
5 he was a close friend and confidante of the school's Superintendent, Dr. Mark Ryan. (The two worked  
6 closely together and became friends at another school, Oakland Military Institute, where Dr. Ryan also  
7 served as Superintendent.) *Indeed, Dr. Ryan was such a close friend of Administrator Tschappat that he*  
8 *allowed Tschappat to live with him at his home during the relevant time period in which Tschappat*  
9 *worked at NVMI and perpetuated incidents of child abuse.*

10 15. Moreover, this special relationship between Dr. Ryan and Administrator Tschappat  
11 clouded Dr. Ryan's judgment and prevented him as well as other faculty members from seeing  
12 Tschappat for who he truly was, a despicable child abuser. Accordingly, NVMI is liable to Plaintiffs for  
13 the harm they suffered because of the school's negligence.

14 **C. Negligent Supervision**

15 16. During his employment, Administrator Tschappat was granted considerable access to  
16 NVMI's student population because of his close relationship with Dr. Ryan. During the school's 2016  
17 summer camp, and throughout the fall semester, he negligently was permitted to congregate with  
18 students alone, without any faculty supervision, for long periods of time, where he would conduct  
19 himself in an inappropriate manner *on school property*, using foul language (like "bitch" and "fuck")  
20 and would encourage students to do the same. *See* Cal. Educ. Code § 44807; see also 5 Cal. Code Regs.  
21 § 5552.

22 17. Tschappat also would use sexually charged language in front of students, including  
23 Plaintiffs, saying things like:

24 a. "I like dick."

25 b. "I like pussy."

26 <sup>1</sup>There is a special relationship between a school district (or its employees) and students, so as to impose an affirmative duty  
27 on the district/employees to take *reasonable* steps to protect students from reasonably foreseeable risks of harm. *C.A. v.*  
28 *William S. Hart Union High School Dist.* (2012) 53 Cal.4th 861, 869-870, 877; *M.W. v. Panama Buena Vista Union School*  
*Dist.* (2003) 110 Cal.App.4th 508, 517; *Constantinescu v. Conejo Valley Unified School Dist.* (1993) 16 Cal.App.4th 1466,  
1472-1473; *see also* Cal. Gov. Code § 815.2.

- 1 c. "Suck my dick."
- 2 d. "Shaddup dickhead."

3 18. Tschappat also was allowed (by and through NVMI's negligence) to befriend students on  
4 social media, using platforms like Instagram, where he created message chains, in which he shared  
5 hardcore pornographic images. For example, in one message chain created in August 2016, Tschappat  
6 wrote to students (including Plaintiffs), "Hmm. Fuck masturbating [sic] I'm going to go get my  
7 girlfriend. Don't worry I'll send pics ☺," after which he began sending a flurry of hardcore  
8 pornographic images to Plaintiffs and other minor NVMI students.

9 19. Moreover, the same despicable conduct continued for several months without abatement.  
10 Indeed, in some respects, NVMI facilitated the abuse by allowing Tschappat during the school year to  
11 work by the school's storage bins—a remote location on the side of the school, away from the  
12 administration building, where he would hang out with students and pass out uniforms without any  
13 supervision. Any passerby could easily have overheard his foul language, as he frequently would tell his  
14 students to "suck [his] dick" (which highlights once again the school's utter failure to properly supervise  
15 him, let alone supervise him at all).

16 20. Tschappat's misconduct also extended off-campus. On September 10, 2016, Admissions  
17 Officer Major John Wells threw a school-sponsored party at his home for some of the school's students,  
18 which included Plaintiffs, and invited Tschappat to attend and chaperone. However, at the party, Wells  
19 negligently allowed Tschappat, on his own, to gather some of the children (including Plaintiffs) into a  
20 faraway room of the house, where, unsupervised, they played a sexualized game of truth and dare.  
21 During the game, students were forced to kiss/lick Tschappat's feet and beard. (These kissing/licking  
22 interactions were video-recorded at the time, and all recordings have since been turned over to the police  
23 department as part of its criminal investigation against Tschappat.) At no time during the game did  
24 Wells once step in to monitor what the students were doing or to confirm whether Tschappat was  
25 properly supervising them.

26 21. In November 2016, all of the above improper conduct finally came to light when  
27 Plaintiffs' parents (and guardians ad litem) discovered what their children were doing and what they  
28 were being exposed to on social media and saw the despicable interactions they were having with

1 Tschappat on platforms like Instagram. Plaintiffs' parents immediately brought the above issues to  
2 NVMI's attention. To their surprise, NVMI was largely disinterested and unconcerned. The school even  
3 went so far as to say there was no "evidence" of sex abuse or inappropriate touching by Tschappat; so  
4 the school claimed it had no obligation to report the conduct to the authorities. Disgusted, Plaintiffs'  
5 parents took matters into their own hands and reported the abuse to the Los Angeles Police Department  
6 on their own.<sup>2</sup>

7 22. Then, on information and belief, NVMI, in an effort to intimidate and distract Plaintiffs'  
8 parents and to dissuade them from filing suit on behalf of their children, intentionally and maliciously  
9 filed false reports of child abuse with the Department of Children and Family Services ("DCFS")  
10 through NVMI employee Vanessa De Avila. More specifically, on information and belief, NVMI  
11 through Ms. De Avila falsely told DCFS that Plaintiffs' parents were abusing Plaintiffs. DCFS  
12 investigated the matter—directly in response to NVMI's fraudulent report—and determined on or about  
13 November 23, 2016, that all of the allegations were untrue and/or "unfounded."

14 23. Based on the foregoing, NVMI is liable to Plaintiffs for the harm caused by its negligent  
15 supervision of Tschappat.

16 **D. Intentional Infliction of Emotional Distress**

17 24. Based further on the conduct described above, NVMI employee Tschappat is himself  
18 liable to Plaintiffs for a variety of intentional torts, including without limitation for assault, battery, and  
19 intentional infliction of emotional distress. He also is liable under a negligence theory, including without  
20 limitation for negligent infliction of emotional distress.

21 25. By virtue of Tschappat's employment with the school, NVMI is vicariously liable for all  
22 of Tschappat's torts through the doctrine of respondeat superior.

23 **E. Liability of LAUSD**

24 26. LAUSD is liable here on negligence grounds insofar and only to the extent it failed to  
25 properly supervise its charter school NVMI. In this regard, LAUSD had the means, resources, and  
26

12/08/2017  
27 <sup>2</sup> Plaintiffs' parents also learned that another student at the school had reported abuse allegations against Tschappat back in  
28 September or early October. Yet, the school never once notified Plaintiffs' parents about this even though the school knew  
the abuse extended beyond that particular student. Thus, by staying silent and/or not firing Tschappat at that time, NVMI  
allowed Plaintiffs to continue to be subjected to sex abuse by Tschappat.

1 oversight power to prevent the practices that led to the abuse of students. It could have exercised its  
2 oversight and required NVMI to use a more rigorous process when hiring faculty members to ensure  
3 new faculty members were properly vetted before allowing them to spend time alone, and unsupervised,  
4 with children. Yet, on information and belief, by failing to properly implement these minimal  
5 safeguards, LAUSD is proportionally liable for the harm caused to Plaintiffs.

6 **F. Exhaustion**

7 27. On December 7, 2016, as a prerequisite to bringing Plaintiffs' claims against a public  
8 entity under the Government Tort Claims Act, Plaintiffs sent a written Claim for Damages letter to  
9 LAUSD. On December 15, 2016, LAUSD responded and denied the Claim.

10 28. Although Plaintiffs had no obligation to provide similar notice to NVMI under the Tort  
11 Claims Act, since the entity is a charter school, Plaintiffs did so any way. *See, e.g., Knapp v. Palisades*  
12 *Charter High School* (2007) 146 CA4th 708, 714-17.

13 29. Based on the foregoing, Plaintiffs have satisfied their pre-filing requirements under the  
14 Government Torts Claim Act and may pursue a lawsuit against Defendants in the Superior Court of  
15 California.

16 **IV. CAUSES OF ACTION**

17 **FIRST CAUSE OF ACTION – NEGLIGENT HIRING**

18 **(AGAINST DEFENDANTS NVMI AND LAUSD)**

19 30. Plaintiffs incorporate by reference paragraphs 1 through 29, as though those paragraphs  
20 were fully set forth herein.

21 31. At all relevant times, Defendants owed Plaintiffs a reasonable duty of care to hire  
22 competent faculty members for the school.

23 32. Among other things, and as discussed above, Defendants breached their duty of care by  
24 hiring Administrator Tschappat without proper vetting, including because he was a close friend and  
25 confidante of the school's Superintendent, Dr. Mark Ryan.

26 33. As a direct and proximate cause of Defendants' negligence, Plaintiffs have been injured  
27 and seek a recovery, including without limitation for medical expenses, mental anguish, emotional  
28 distress, and pain and suffering.

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1                                    **SECOND CAUSE OF ACTION – NEGLLIGENT SUPERVISION**

2                                    **(AGAINST DEFENDANTS NVMI AND LAUSD)**

3            34.    Plaintiffs incorporate by reference paragraphs 1 through 33, as though those paragraphs  
4 were fully set forth herein.

5            35.    At all relevant times, Defendants owed Plaintiffs a reasonable duty of care to properly  
6 supervise their faculty members and staff.

7            36.    Among other things, and as discussed above, Defendants breached their duty of care by  
8 failing to properly supervise Administrator Tschappat, including by allowing him considerable  
9 unsupervised access to Plaintiffs and NVMI’s student population, where Tschappat would conduct  
10 himself in an inappropriate manner *on school property*, using foul language (like “bitch” and “fuck”)  
11 and would encourage students to do the same. *See* Cal. Educ. Code § 44807; see also 5 Cal. Code Regs.  
12 § 5552

13           37.    As a direct and proximate cause of Defendants’ negligence, Plaintiffs have been injured  
14 and seek a recovery, including without limitation for medical expenses, mental anguish, emotional  
15 distress, and pain and suffering.

16                                    **THIRD CAUSE OF ACTION – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

17                                    **(AGAINST DEFENDANTS TSCHAPPAT AND NVMI)**

18           38.    Plaintiffs incorporate by reference paragraphs 1 through 37, as though those paragraphs  
19 were fully set forth herein.

20           39.    Administrator Tschappat, as discussed above, engaged in conduct directed towards  
21 Plaintiffs that was outrageous.

22           40.    Administrator Tschappat intended to cause Plaintiffs emotional distress and/or acted with  
23 reckless disregard of the probability that Plaintiffs would suffer emotional distress, knowing that  
24 Plaintiffs were present when the conduct occurred.

25           41.    Plaintiffs suffered severe emotional distress.

26           42.    Administrator Tschappat’s conduct was a substantial factor in causing Plaintiffs’ severe  
27 emotional distress.

28           43.    By virtue of Tschappat’s employment with the school, NVMI is vicariously liable for all

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1 of Tschappat's torts through the doctrine of respondeat superior.

2 44. As a direct and proximate cause of Defendants' conduct, Plaintiffs have been injured and  
3 seek a recovery, including without limitation for medical expenses, mental anguish, emotional distress,  
4 and pain and suffering.

5 45. In addition, because Defendants' conduct exhibited an intent to knowingly harm  
6 Plaintiffs, and because said conduct was so despicable and subjected Plaintiff to cruel and unjust  
7 hardship in conscious disregard of their rights, Plaintiffs also are entitled to an award of exemplary and  
8 punitive damages according to proof. Moreover, Defendants' acts were done fraudulently, maliciously,  
9 and oppressively and with the advance knowledge, conscious disregard, authorization, ratification, or act  
10 of oppression, within the meaning of Civil Code § 3294 on the part of NVMI's officers, directors, or  
11 managing agents of the corporation, including the acts of Defendant Tschappat and NVMI's other  
12 officers and employees. The actions and conduct of Defendants were intended to cause injury to  
13 Plaintiffs and constituted deceit and concealment of material facts known to Defendants with the  
14 intention of Defendants to deprive Plaintiffs of their property and legal rights, justifying an award of  
15 exemplary and punitive damages in an amount according to proof. The willful conduct of Defendants  
16 warrants an assessment of punitive damages in an amount appropriate to punish Defendants and deter  
17 others from engaging in similar wrongful conduct.

18 **FOURTH CAUSE OF ACTION – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

19 **(AGAINST DEFENDANTS TSCHAPPAT AND NVMI)**

20 46. Plaintiffs incorporate by reference paragraphs 1 through 45, as though those paragraphs  
21 were fully set forth herein.

22 47. Administrator Tschappat, as discussed above, engaged in conduct directed towards  
23 Plaintiffs that was negligent.

24 48. Plaintiffs suffered serious emotional distress because of Administrator Tschappat's  
25 negligent conduct.

26 49. Administrator Tschappat's negligence was a substantial factor in causing Plaintiffs'  
27 serious emotional distress.

28 50. By virtue of Tschappat's employment with the school, NVMI is vicariously liable for all

1 of Tschappat's torts through the doctrine of respondeat superior.

2 51. As a direct and proximate cause of Defendants' negligence, Plaintiffs have been injured  
3 and seek a recovery, including without limitation for medical expenses, mental anguish, emotional  
4 distress, and pain and suffering.

5 **FIFTH CAUSE OF ACTION – ASSAULT**  
6 **(AGAINST DEFENDANTS TSCHAPPAT AND NVMI)**

7 52. Plaintiffs incorporate by reference paragraphs 1 through 51, as though those paragraphs  
8 were fully set forth herein.

9 53. Tschappat acted, intending to cause offensive contact with Plaintiffs.

10 54. Plaintiffs reasonably believed that they were about to be touched in an offensive manner  
11 by Tschappat.

12 55. At no time did Plaintiffs consent to Tschappat's conduct.

13 56. Plaintiffs were harmed and offended by Tschappat's conduct.

14 57. Tschappat's conduct was a substantial factor in causing Plaintiffs' harm.

15 58. By virtue of Tschappat's employment with the school, NVMI is vicariously liable for all  
16 of Tschappat's torts through the doctrine of respondeat superior.

17 59. As a direct and proximate cause of Defendants' conduct, Plaintiffs have been injured and  
18 seek a recovery, including without limitation for medical expenses, mental anguish, emotional distress,  
19 and pain and suffering.

20 60. In addition, because Defendants' conduct exhibited an intent to knowingly harm  
21 Plaintiffs, and because said conduct was so despicable and subjected Plaintiff to cruel and unjust  
22 hardship in conscious disregard of their rights, Plaintiffs also are entitled to an award of exemplary and  
23 punitive damages according to proof. Moreover, Defendants' acts were done fraudulently, maliciously,  
24 and oppressively and with the advance knowledge, conscious disregard, authorization, ratification, or act  
25 of oppression, within the meaning of Civil Code § 3294 on the part of NVMI's officers, directors, or  
26 managing agents of the corporation, including the acts of Defendant Tschappat and NVMI's other  
27 officers and employees. The actions and conduct of Defendants were intended to cause injury to  
28 Plaintiffs and constituted deceit and concealment of material facts known to Defendants with the

1 intention of Defendants to deprive Plaintiffs of their property and legal rights, justifying an award of  
2 exemplary and punitive damages in an amount according to proof. The willful conduct of Defendants  
3 warrants an assessment of punitive damages in an amount appropriate to punish Defendants and deter  
4 others from engaging in similar wrongful conduct.

5 **SIXTH CAUSE OF ACTION – BATTERY**  
6 **(AGAINST DEFENDANTS TSCHAPPAT AND NVMI)**

7 61. Plaintiffs incorporate by reference paragraphs 1 through 60, as though those paragraphs  
8 were fully set forth herein.

9 62. Tschappat touched Plaintiffs with the intent to harm or offend them.

10 63. At no time did Plaintiffs consent to the touching.

11 64. Plaintiffs were harmed or offended by the touching.

12 65. A reasonable person in Plaintiffs' situation would have been harmed or offended by the  
13 touching.

14 66. By virtue of Tschappat's employment with the school, NVMI is vicariously liable for all  
15 of Tschappat's torts through the doctrine of respondeat superior.

16 67. As a direct and proximate cause of Defendants' conduct, Plaintiffs have been injured and  
17 seek a recovery, including without limitation for medical expenses, mental anguish, emotional distress,  
18 and pain and suffering.

19 68. In addition, because Defendants' conduct exhibited an intent to knowingly harm  
20 Plaintiffs, and because said conduct was so despicable and subjected Plaintiff to cruel and unjust  
21 hardship in conscious disregard of their rights, Plaintiffs also are entitled to an award of exemplary and  
22 punitive damages according to proof. Moreover, Defendants' acts were done fraudulently, maliciously,  
23 and oppressively and with the advance knowledge, conscious disregard, authorization, ratification, or act  
24 of oppression, within the meaning of Civil Code § 3294 on the part of NVMI's officers, directors, or  
25 managing agents of the corporation, including the acts of Defendant Tschappat and NVMI's other  
26 officers and employees. The actions and conduct of Defendants were intended to cause injury to  
27 Plaintiffs and constituted deceit and concealment of material facts known to Defendants with the  
28 intention of Defendants to deprive Plaintiffs of their property and legal rights, justifying an award of

1 exemplary and punitive damages in an amount according to proof. The willful conduct of Defendants  
2 warrants an assessment of punitive damages in an amount appropriate to punish Defendants and deter  
3 others from engaging in similar wrongful conduct.

4 **V. PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiffs pray for judgment against Defendants, jointly and severally, as  
6 follows:

- 7 1. For general, compensatory, and economic damages according to proof;
- 8 2. For non-economic damages according to proof;
- 9 3. For prejudgment interest;
- 10 4. For an award of exemplary and punitive damages according to proof, only as against  
11 Defendants NVMI and Tschappat;
- 12 5. For reasonable attorneys' fees available under California Code of Civil Procedure §  
13 1021.5 and/or any other applicable statute;
- 14 6. For costs of suit herein incurred; and
- 15 7. For such other relief as the Court deems proper.

16  
17 DATED: December 5, 2017

**EQUITY LEGAL GROUP, P.C.**

18  
19 

20  
21 By: \_\_\_\_\_  
Kevin W. Chiang

22 Attorneys for Plaintiff JANE DOE 1, a minor, by and  
23 through her guardian ad litem, YVONNE VALLES, and  
24 Plaintiff JANE DOE 2, a minor, by and through her  
25 guardian ad litem RONNIE OCHOA

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**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand trial by jury on all issues so triable in the FAC.

DATED: December 5, 2017

**EQUITY LEGAL GROUP, P.C.**



By: \_\_\_\_\_  
Kevin W. Chiang

Attorneys for Plaintiff JANE DOE 1, a minor, by and through her guardian ad litem, YVONNE VALLES, and Plaintiff JANE DOE 2, a minor, by and through her guardian ad litem RONNIE OCHOA

12/08/2017

**PROOF OF SERVICE**

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

**CASE NAME: Jane Doe 1, et al. v. North Valley Military Institute College Preparatory Academy, et al.**

**CASE NUMBER: BC664993**

I am employed in Los Angeles County. I am over the age of 18 and not a party to the within action. My business address is 155 N. Lake Ave., Ste. 420, Pasadena, CA, 91101.

On December 5, 2017, I served the foregoing document described as **FIRST AMENDED COMPLAINT FOR DAMAGES** in this action by transmitting a true copy thereof enclosed in a sealed envelope addressed as follows:

William J. Trinkle, Esq.  
Wendy A. Walker, Esq.  
**Young, Minney & Corr, LLP**  
655 University Ave, Suite 150  
Sacramento, CA 95825  
[wjtrinkle@mycharterlaw.com](mailto:wjtrinkle@mycharterlaw.com)  
[wwalker@mycharterlaw.com](mailto:wwalker@mycharterlaw.com)  
[jonishi@mycharterlaw.com](mailto:jonishi@mycharterlaw.com)

**BY MAIL**

I deposited such envelope in the mail at Pasadena, CA. The envelope was mailed with postage thereon fully prepaid.

**STATE** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 5, 2017 at Pasadena, California.



\_\_\_\_\_  
Kevin W. Chiang

12/08/2017