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**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO**

N.G., a minor, through her mother and
General Guardian, Genevieve Goldstone,

Plaintiff,

v.

DEL MAR UNION SCHOOL DISTRICT;
NADINE SCHICK;
MARIA PARKER;
SAMANTHA SCHOLTEN; JACQUELINE
BLUMER; HEATHER FRASIER; and
DOES 1-10,

Defendants.

Case No.

COMPLAINT

DEMAND FOR JURY TRIAL

INTRODUCTION

1. This case arises from a public school district's repeated use of seclusion on a young student with disabilities. Specifically, teachers in a special-education program involuntarily confined a third-grade student in a barricaded room, where the student would scream, cry, and strike the walls out of fear and frustration. Contrary to express mandates in the Education Code, the teachers failed to maintain direct observation of the student while in seclusion, and they imposed this seclusion in response to the student's behavior that did not pose any danger of serious physical harm to either the student or others.

2. The student brings this lawsuit to recover damages under both federal and

1 state law.

2 **JURISDICTION AND VENUE**

3 3. This lawsuit includes claims for money damages under California law, and
4 the amount in controversy exceeds \$25,000. Unlimited civil jurisdiction in this Court is
5 proper.

6 4. With respect to the causes of action under California law, Plaintiff has
7 complied with the requirements of the California Government Claims Act. Plaintiff
8 submitted her application for leave to submit a late government tort claim to the Del Mar
9 Union School District, which accepted Plaintiff's application. The Del Mar Union School
10 District then denied Plaintiff's tort claim on November 21, 2024.

11 5. Venue is proper in this Court, as the events giving rise to this action occurred
12 in San Diego County.

13 **PARTIES**

14 6. Plaintiff N.G. is a minor who resides in San Diego, California. Genevieve
15 Goldstone is N.G.'s mother and General Guardian. Genevieve Goldstone resides with
16 N.G. in San Diego County.

17 7. Defendant Del Mar Union School District is a public school district
18 organized and existing under the law of the State of California. Defendant is located in
19 San Diego County.

20 8. Defendant Nadine Schick, at all relevant times, was employed by Defendant
21 Del Mar Union School District as the Director of Special Education. Defendant Schick
22 performed the alleged acts within the course and scope of her employment.

23 9. Defendant Maria Parker, a.k.a. Heidi Parker, at all relevant times, was
24 employed by Defendant Del Mar Union School District as the Principal of Sage Canyon
25 School. Defendant Parker performed the alleged acts within the course and scope of her
26 employment.

27 10. Defendant Samantha Scholten, at all relevant times, was employed by
28 Defendant Del Mar Union School District in the Special Education department.

Defendant Scholten performed the alleged acts within the course and scope of her employment.

11. Defendant Heather Frasier, at all relevant times, was employed by Defendant Del Mar Union School District as a teacher at Sage Canyon School. Defendant Frasier performed the alleged acts within the course and scope of her employment.

12. Defendant Jacqueline Blumer, at all relevant times, was employed by Defendant Del Mar Union School District as an Education Specialist and, later, lead teacher of the SELF classroom at Sage Canyon School. Defendant Blumer performed the alleged acts within the course and scope of her employment.

13. Plaintiff is currently unaware of the true names of the remaining defendants, Does 1-10. Does 1-10 were the agents or employees of Defendant Del Mar Union School District and acted within the scope of that agency or employment. Plaintiff will seek leave to amend this pleading if/when she discovers the true names of these defendants.

14. The true names and capacities of Defendants sued as Does 1 through 10, inclusive, are presently unknown to Plaintiff. Plaintiff is informed and believes and thereon alleges that each Defendant is in some way responsible and liable for the events or happenings alleged in this Complaint. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained.

15. Plaintiff further alleges that, in performing the acts and omissions alleged herein, and at all times mentioned herein, each Doe defendant was the agent and/or employee and/or alter ego of each of the other individual and Doe defendants and was at all times acting within the course and cope of such agency and/or employment and/or alter ego and with the prior knowledge and approval and subsequent ratification of each of the other Doe defendants. Each reference herein to “Defendants” refers to all named defendants and to all Doe defendants, and each of them.

FACTS

16. N.G. began her schooling in the Defendant Del Mar Union School District. N.G. qualified for an Individualized Education Program (IEP) in preschool. That IEP was

1 closed, but a new IEP was opened in kindergarten. That IEP remained open for the
2 duration of her schooling in the Del Mar Union School District.

3 17. In the fall of her third-grade year, school employees recommended that N.G.
4 be placed in the District's Social Emotional Learning Foundations Program ("the
5 Program") at Sage Canyon School due to some atypical behavior, and N.G.'s parents
6 consented to that placement.

7 18. On November 7, 2023, during N.G.'s second day in the Program, another
8 student eloped from the classroom. When teachers left the classroom in pursuit, N.G.
9 refused to stay on task and instead followed those teachers outside.

10 19. Eventually, those teachers realized that N.G. had followed them outside and
11 asked N.G. to return to the classroom. When N.G. refused, Defendants Heather Frasier
12 and Samantha Scholten grabbed N.G. by the wrists with too much force and aggressively
13 forced N.G. back to the classroom.

14 20. Once back in the classroom, Defendants Frasier and Scholten confined N.G.
15 inside a "re-set room" (the Room). The Room was barricaded shut with a makeshift wall,
16 which prevented N.G. from exiting the Room. Further, no teacher (or anyone else) could
17 directly and constantly visually observe N.G. while N.G. was in the Room.

18 21. N.G.'s mother learned of the incident when she picked up N.G. from school
19 that afternoon and observed N.G.'s injured wrists. N.G. also explained how she had been
20 confined inside the Room.

21 22. N.G.'s parents requested an emergency meeting with school personnel,
22 which took place on November 30, 2023. First, school personnel falsely denied that
23 N.G.'s injuries had been caused by the teacher grabbing N.G.'s wrists. Second, over the
24 objection of N.G.'s parents and without ever notifying N.G.'s parents, the Program
25 teachers continued to confine N.G. (and at least one other student with disabilities) in the
26 Room on a regular basis.

27 23. For the next few months, multiple times per week, school personnel—
28 including Defendant Frasier, Defendant Samantha Scholten, N.G.'s next teacher,

Defendant Jacqueline Blumer, Maria Parker, and the Doe defendants—confined N.G. to the Room in response to N.G.’s oral outbursts and other behavior that did not pose a danger of serious physical harm to either N.G. or others. N.G.’s “erratic” behavior was not a surprise; school personnel had placed her in the Program on the basis of that type of behavior.

24. When trapped inside the Room, N.G. would scream and strike the walls that confined her. This caused both physical injury and severe emotional distress. Also, when other students were confined in the Room, N.G. could hear their screams and pleas for help, which caused her additional emotional distress.

25. Supervisory personnel, including Defendant Nadine Schick (Director of Special Education), Defendant Maria Parker (Principal of Sage Canyon School), and Samantha Scholten knew that the Program was using the Room for the involuntary confinement of disabled students, including N.G. Defendants Schick, Parker, and Scholten approved and encouraged this use of the Room.

26. Neither Defendants nor any other school personnel notified N.G.’s parents in writing after any of the instances in which school personnel confined N.G. in the Room.

27. In addition, Blumer knew that another student, “L.,” would hit N.G., rip N.G.’s clothing, and destroy N.G.’s food on a near-daily basis. Despite having knowledge of this behavior, Blumer did not take reasonable measures to stop it.

28. By the end of winter break, in January 2024, N.G. told her mother she was afraid of her teachers and other school personnel. Once she was back on campus, N.G. was wetting herself when talking with her parents about school. N.G.’s parents immediately sought therapy for N.G. and also consulted her pediatrician to rule out any other potential causes for N.G. wetting herself.

29. Upon return to school after winter break, Defendant Blumer and other school personnel continued to confine N.G. in the Room. By February 2024, N.G.’s parents learned the extent to which N.G. had been confined, repeatedly, in the Room.

30. N.G.’s parents removed N.G. from regular classroom attendance in Blumer’s

1 class but maintained connection with the Del Mar Union School District for the purpose
2 of participating in assessments for N.G.'s triennial IEP evaluation.

3 31. During the first of what was to be at least two triennial IEP meetings in March
4 2024, it became apparent that the IEP assessments that the Sage Canyon and District staff
5 completed were unreliable because the assessments were done by or near individuals who
6 had previously confined N.G. in the Room, which was causing N.G. substantial emotional
7 distress. Before the second follow-up IEP meeting was scheduled, N.G.'s parents
8 unenrolled N.G. from the Del Mar Union School District.

9 32. N.G. was diagnosed with Post-Traumatic Stress Disorder (PTSD), which was
10 caused by school personnel's seclusion and emotional and physical abuse of N.G. As a
11 result of her PTSD, N.G. has had several visits to emergency rooms during intense PTSD
12 episodes and has had to be on a number of medications. N.G. also underwent significant
13 therapy outside of school, including: online individual mental health therapy, in-person
14 individual mental health and family therapy, trauma play-based therapy, a partial
15 hospitalization program, and an intensive outpatient program.

16 33. Next, for a limited time, N.G. attempted to attend school in a different district.
17 But ultimately, N.G.'s ongoing symptoms from her PTSD and anxiety required her
18 removal from the "in person" school environment. After a long period of being unable to
19 attend in-person school, N.G. is now in the early stages of attending school in a different
20 school district. At the same time, N.G. continues with therapy for her ongoing PTSD and
21 anxiety.

22 34. In addition to the severe emotional distress, anxiety, and PTSD caused by the
23 abuse she suffered at Sage Canyon School, N.G. has also incurred substantial expenses
24 arising from home schooling, private tutoring, medical treatment, and extensive therapy.

FIRST CAUSE OF ACTION

Title II of the Americans with Disabilities Act (42 U.S.C. § 12132) (Against Defendant Del Mar Union School District)

28 35. All prior paragraphs are incorporated herein by this reference.

1 36. The Americans with Disabilities Act (ADA) provides that “no qualified
2 individual with a disability shall, by reason of such disability, be excluded from
3 participation in or be denied the benefits of the services, programs, or activities of a public
4 entity, or be subjected to discrimination by any such entity.” (42 U.S.C. § 12132.)

5 37. N.G. has Attention-Deficit/Hyperactivity Disorder (ADHD), which required
6 an IEP in preschool and another IEP beginning in kindergarten. By third grade, due to her
7 ADHD and other social stressors, N.G. was placed in the Program at Sage Canyon School.
8 At all relevant times, N.G. has been a “qualified individual with a disability” within the
9 meaning of the ADA.

10 38. Defendant Del Mar Union’s employees involuntarily confined N.G. in the
11 Room solely because of her disability and the known symptoms of erratic behavior arising
12 from that disability. N.G.’s behavior did not pose a danger of serious physical harm,
13 however, and there were substantially less restrictive alternatives to accommodate N.G.’s
14 behavior.

15 39. While confined in the Room and unable to see into the classroom, N.G. was
16 denied the opportunity to participate in classroom activities and learning. Only students
17 with known disabilities were confined in the Room. Defendant discriminated against N.G.
18 on the basis of her disability.

19 40. Defendant Del Mar Union was deliberately indifferent to the fact that N.G.’s
20 involuntary confinement in the Room, without direct observation or the ability to
21 participate in classroom activities and learning, was violating her federally protected rights
22 under both the ADA and section 504 of the Rehabilitation Act. Defendant’s employees
23 restrained and involuntarily confined N.G. in response to behavior that did not pose a clear
24 and present danger of serious physical harm to N.G. or others. Further, Defendant’s
25 employees had advance notice of N.G.’s behavior, as Defendant had crafted an IEP and
26 placed N.G. in the Program in response to those same behaviors, which arose from N.G.’s
27 known disability. When those behaviors (including elopement, oral outbursts, and causing
28 other disturbances in the classroom) repeated themselves, Defendant’s employees failed

1 to plan or execute the reasonable disability-specific de-escalation techniques on N.G. that
2 would have avoided the use of seclusion.

3 41. Defendant's employees in supervisory roles, including Defendant Maria
4 Parker (the Principal of Sage Canyon School) and Nadine Schick (the Director of Special
5 Education at Sage Canyon School) had actual knowledge that N.G. was being confined in
6 the Room under the circumstances described above. And, despite this knowledge, none
7 of Defendant's supervisory personnel took any action to modify or stop the unlawful
8 confinement. Further, none of Defendant's employees—regardless of seniority—notified
9 N.G.'s parents of the confinement or reported this confinement to the Department of
10 Education (as required by law). Even after N.G.'s parents learned of one instance of
11 confinement and strongly objected, Defendant's employees continued to confine N.G. in
12 the Room without providing any notice to her parents.

13 42. Defendant also discriminated against N.G., on the basis of her disability, with
14 respect to the limited educational opportunities offered to N.G. in the Program.
15 In particular, despite N.G.'s intelligence and aptitude for academic work at or above grade
16 level, the Program generally restricted N.G. from learning English Language Arts, Social
17 Studies, Music, Art, Spanish, and Physical Education. Non-disabled students at Sage
18 Canyon enjoyed the opportunity to study all of these subjects. Further, the Program's
19 instruction in Mathematics and Science was also deficient and inferior to the instruction
20 received by students outside of the Program. The sole reason for the Program's inferior
21 curriculum is the fact that the Program's students have disabilities.

22 43. Defendant's employees in a supervisory role, including the Principal of Sage
23 Canyon School, had actual knowledge that the Program provided a grossly inadequate
24 academic curriculum to the students with disabilities, even where a student's disability did
25 not undermine the student's ability to learn Sage Canyon's normal curriculum. Despite
26 this knowledge, Defendant's supervisory employees did not take any action to modify or
27 improve the Program's curriculum for the students (like N.G.) who were capable of
28 learning the normal curriculum. As a result, N.G. was excluded from receiving the

1 academic education of her non-disabled peers. Defendant was deliberately indifferent to
2 this discrimination, as N.G.'s parents had repeatedly alerted Defendant's supervisory
3 employees of the problem, including Defendant Principal Maria Parker, but nothing was
4 done to accommodate and facilitate N.G.'s access to the proper curriculum.

5 44. Plaintiff seeks compensatory damages against Defendant Del Mar Union.
6 Plaintiff is further entitled to costs and reasonable attorney's fees under 42 U.S.C.
7 § 12205.

8 **SECOND CAUSE OF ACTION**

9 **Section 504 of Rehabilitation Act (29 U.S.C. § 794)**

10 **(Against Defendant Del Mar Union School District)**

11 45. All prior paragraphs are incorporated herein by this reference.

12 46. Section 504 of the Rehabilitation Act provides that "[n]o otherwise qualified
13 individual with a disability in the United States . . . shall, solely by reason of her or his
14 disability, be excluded from the participation in, be denied the benefits of, or be subjected
15 to discrimination under any program or activity receiving Federal financial assistance[.]"
16 (29 U.S.C. § 794, subd. (a).)

17 47. As set forth in the previous cause of action, N.G. is a qualified individual
18 with a disability, and Defendant Del Mar Union discriminated against N.G., solely on the
19 basis of her disability, by involuntarily confining N.G. in the Room, on a regular basis, in
20 a manner that prevented her from participating in classroom activities and learning.
21 Defendant also discriminated against N.G., solely on the basis of her disability, by failing
22 to provide a proper curriculum and learning opportunities while providing a superior
23 curriculum and learning activities to the school's students without disabilities. By doing
24 so, Defendant deprived N.G. of meaningful access to the benefits of her public education.

25 48. As further set forth in the previous cause of action, Defendant's employees
26 in supervisory roles, including the Principal of Sage Canyon School, had actual knowledge
27 of N.G.'s confinement in the Room and N.G.'s lack of access to a proper curriculum and
28 learning opportunities. Despite this knowledge, Defendant's supervisory employees did

1 not take any action to remedy that discrimination.

2 49. At all times that N.G. was a student in Defendant's school district, Defendant
3 was receiving federal financial assistance.

4 50. Plaintiff seeks economic compensatory damages against Defendant Del Mar
5 Union. Plaintiff is further entitled to costs and reasonable attorney's fees under 29 U.S.C.
6 § 794a, subdivision (b).

7 **THIRD CAUSE OF ACTION**

8 **Violation of Mandatory Duty (Gov. Code § 815.6)**

9 **(Against Defendant Del Mar Union School District)**

10 51. All prior paragraphs are incorporated herein by this reference.

11 52. Section 815.6 of the California Government Code provides: "Where a public
12 entity is under a mandatory duty imposed by an enactment that is designed to protect
13 against the risk of a particular kind of injury, the public entity is liable for an injury of that
14 kind proximately caused by its failure to discharge the duty unless the public entity
15 establishes that it exercised reasonable diligence to discharge the duty."

16 53. The California Legislature has enacted several mandatory duties relevant to
17 the present case. For example, "[a] local educational agency . . . serving individuals with
18 exceptional needs pursuant to Sections 56365 and 56366, **shall not** authorize, order,
19 consent to, or pay for the following interventions, or any other interventions similar to or
20 like the following: . . . (7) An intervention that precludes adequate supervision of the
21 individual. . . ." (Educ. Code § 56521.2, subd. (a).) Further, "[a]n educational provider
22 **shall** keep constant, direct observation of a pupil who is in seclusion, which may be
23 through observation of the pupil through a window, or another barrier, through which the
24 educational provider is able to make direct eye contact with the pupil." (Educ. Code
25 § 49005.8, subd. (b).) Also, "[a]n educational provider may use seclusion . . . **only to**
26 control behavior that poses a clear and present danger of serious physical harm to the pupil
27 or others that cannot be immediately prevented by a response that is less restrictive."
28 (Educ. Code § 49005.4.) And if seclusion is used as an emergency intervention, "the

parent, guardian, and residential care provider, if appropriate, **shall** be notified within one school day” and “[a] behavioral emergency report **shall** immediately be completed and maintained in the file of the individual with exceptional needs.” (Educ. Code § 56521.1, subd. (e).)

54. These statutory duties are mandatory, not discretionary. A public school district may not use seclusion unless the student’s behavior “poses a clear and present danger.” Even if circumstances permit the use of seclusion, the teacher “shall” maintain “constant, direct observation,” which means “direct eye contact” with the student. And if seclusion is used as an emergency intervention, the parent “shall” be notified and a behavioral emergency report “shall” be completed and maintained in the student’s file. These directives establish duties that are clear and obligatory.

55. Here, Defendant Del Mar Union’s employees repeatedly placed N.G. in seclusion, in the Room, even though N.G.’s behavior did not pose a clear and present danger to either herself or others. In addition, those employees did not maintain direct observation of N.G., because N.G. was confined inside the Room, which was barricaded with an opaque barrier. N.G. could not see her teachers, and they could not see her. In each instance that the Room was used, N.G.’s parents were not notified and no report was completed and maintained in N.G.’s file.

56. Further, the Legislature enacted the mandatory requirements and duties for seclusion to protect against the type of injury suffered by N.G. For example, in its declaration of intent, the Legislature expressly stated that (A) “Restraint and seclusion may cause serious injury or long lasting trauma and death, even when done safely and correctly”; and (B) “It is the intent of the Legislature to prohibit dangerous practices. Restraint and seclusion, as described in this article, do not further a child’s education.” (Educ. Code § 49005.) In sum, the Legislature enacted its strict limitations on seclusion in order to prevent trauma to students.

57. This is precisely the harm suffered by N.G. in the present case. N.G. developed PTSD from her numerous involuntary confinements in a closed space, without

1 the ability to make eye contact with her teachers, forced to express her fear and frustration
2 by screaming and banging her body against the walls of the Room. Thus, the intentional
3 conduct of Defendant’s employees—which violated the mandatory duties set forth in the
4 Education Code—proximately caused N.G.’s PTSD and the underlying physical and
5 emotional injuries.

6 58. Based on this violation of Government Code section 815.6, Plaintiff seeks
7 compensatory damages against Defendant Del Mar Union.

8 **FOURTH CAUSE OF ACTION**

9 Violation of Education Code (§ 49005.8, § 49005.4, § 56521.2)

10 (Against All Defendants)

11 59. All prior paragraphs are incorporated herein by this reference.

12 60. As set forth above, the Education Code sets forth several prohibitions
13 pertaining to the seclusion of students. For example, “[a] local educational agency . . .
14 serving individuals with exceptional needs pursuant to Sections 56365 and 56366, **shall**
15 **not** authorize, order, consent to, or pay for the following interventions, or any other
16 interventions similar to or like the following: . . . (7) An intervention that precludes
17 adequate supervision of the individual. . . .” (Educ. Code § 56521.2, subd. (a).) Further,
18 “[a]n educational provider **shall** keep constant, direct observation of a pupil who is in
19 seclusion, which may be through observation of the pupil through a window, or another
20 barrier, through which the educational provider is able to make direct eye contact with the
21 pupil.” (Educ. Code § 49005.8, subd. (b).) Also, “[a]n educational provider may use
22 seclusion . . . **only to** control behavior that poses a clear and present danger of serious
23 physical harm to the pupil or others that cannot be immediately prevented by a response
24 that is less restrictive.” (Educ. Code § 49005.4.)

25 61. Also, as set forth above, the Legislature enacted these mandatory limits on
26 seclusion to protect against the obvious harm to students. In its declaration of intent, the
27 Legislature expressly stated that (A) “Restraint and seclusion may cause serious injury or
28 long lasting trauma and death, even when done safely and correctly”; and (B) “It is the

intent of the Legislature to prohibit dangerous practices. Restraint and seclusion, as described in this article, do not further a child's education." (Educ. Code § 49005.)

62. Despite the clear and urgent goal, the Legislature did not provide a comprehensive administrative means of enforcing the statutory provisions listed above. Without a private right of action for enforcement, these statutory provisions would amount to the "dead letter" of merely advisory text. Thus, there is an implied private right of action to enforce sections 49005.4, 49005.8, and 56521.2 through a civil lawsuit for damages.

63. Section 56521.2, subdivision (a), prohibits a "local educational agency" from imposing an intervention that precludes adequate supervision of the student. Thus, Defendant Del Mar Union is liable under this provision for the unlawful seclusion of N.G., which involved confinement without constant direction observation by school personnel.

64. Sections 49005.4 and 49005.8, subdivision (b), govern the conduct of "educational providers." Defendants Frasier, Blumer and Scholten are education providers who (1) used seclusion on N.G. in response to behavior that was not a clear and present danger to N.G. or others and (2) imposed a form of seclusion that did not involve the constant direct observation of N.G. by school personnel. Defendants Nadine Schick and Maria Parker are education providers who (1) had actual knowledge of the seclusion being used on N.G. and other disabled students, under the circumstances listed above; and (2) authorized, encouraged, and ratified that use of seclusion. Defendants Frasier, Scholten, Schick, and Parker are liable under sections 49005.4 and 49005.8, subdivision (b).

65. Plaintiff seeks compensatory damages against all Defendants.

FIFTH CAUSE OF ACTION

Negligence

(Against All Defendants)

66. All prior paragraphs are incorporated herein by this reference.

67. A special relationship exists between Defendant Del Mar Union and its

1 students, such that Defendant has an affirmative duty to take all reasonable steps to protect
2 its students. Defendant's employees, including Defendants Frasier, Scholten, Schick,
3 Parker, and Blumer have the same affirmative duty. Thus, all Defendants had a duty to
4 take all reasonable steps to protect N.G.

5 68. Defendants Frasier, Scholten, and Blumer breached that duty by (1) grabbing
6 N.G. with excessive force and forcing her into the Room on or about November 7, 2023
7 (as to Frasier and Scholten), and (2) repeatedly confining N.G. in the Room without
8 reasonable justification, without direct observation of N.G. by school personnel, without
9 notifying N.G.'s parents, and with an unreasonable frequency and duration (as to Frasier,
10 Scholten, and Blumer) Defendants Schick and Parker breached that duty by (1)
11 authorizing, encouraging, and ratifying that type of seclusion with actual knowledge of
12 the manner of seclusion and circumstances under which the seclusion was imposed; and
13 (2) authorizing, encouraging, and ratifying the lack of notice to N.G.'s parents.

14 69. Defendants' negligence proximately caused N.G.'s physical injuries, severe
15 emotional distress, and PTSD.

16 70. In committing the acts listed above, Defendants Frasier, Scholten, Schick,
17 Parker, and Blumer were acting within the scope of their employment. Defendant Del
18 Mar Union is vicariously liable, therefore, for all the harm to N.G. proximately caused by
19 its employees' negligent conduct. (See Gov. Code § 815.2, subd. (a).)

20 71. Plaintiff seeks compensatory damages against all Defendants.

21 72. In committing the acts listed above, Defendants Frasier, Scholten, Schick,
22 Parker, and Blumer were also guilty of oppression, fraud, and/or malice as defined in
23 California Civil Code § 3294, and Plaintiff should recover, in addition to compensatory
24 damages, exemplary and punitive damages.

25 **SIXTH CAUSE OF ACTION**

26 **False Imprisonment**

27 **(Against All Defendants)**

28 73. All prior paragraphs are incorporated herein by this reference.

74. Defendants Frasier, Scholten, Schick, Parker, Blumer, and other employees of Defendant Del Mar Union intentionally deprived N.G. of her freedom of movement by use of physical barriers that made the Room inescapable. This involuntary confinement forced N.G. to stay in the Room, alone, on a regular basis, for substantial periods of time.

75. Defendants imposed this involuntary confinement on N.G. without a lawful privilege. Defendants imposed involuntary confinement in response to N.G.'s behavior that did not pose a clear and present danger of serious physical harm to either herself or others. Further Defendants had less restrictive alternative responses to regulate N.G.'s behavior without inflicting physical and emotional harm on N.G.

76. N.G. did not knowingly or willingly consent to this confinement; it was extremely traumatizing for her. This involuntary confinement caused N.G. to scream and strike the walls, resulting in pain and injury. It also proximately caused N.G. to develop severe PTSD, which is ongoing.

77. Because Defendants Frasier, Scholten, Schick, Parker, Blumer, and the other school personnel who confined N.G. to the Room were employees of Defendant Del Mar Union, acting within the scope of their employment, Defendant Del Mar Union is liable for the damages arising from the employees' acts of false imprisonment. Cal. Gov. Code § 815.2.

78. Plaintiff seeks compensatory damages against all Defendants.

79. In committing the acts listed above, Defendants Frasier, Scholten, Schick, Parker, Blumer, and other school personnel Doe defendants were also guilty of oppression, fraud, and/or malice as defined in California Civil Code § 3294, and Plaintiff should recover, in addition to compensatory damages, exemplary and punitive damages.

PRAYER FOR RELIEF

80. Plaintiff prays that judgment be rendered in favor of Plaintiff, and against Defendants, for the following relief:

- a. on all causes of action, that compensatory damages be awarded as permitted by federal and state law, in amounts to be determined at trial;

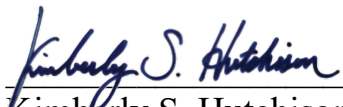
- b. on the First Cause of Action, that reasonable attorney fees be awarded pursuant to 42 U.S.C. § 12205;
- c. on the Second Cause of Action, that reasonable attorney fees be awarded pursuant to 29 U.S.C. § 794a, subdivision (b);
- d. on the Third, Fourth, Fifth, and Sixth Causes of Action, that reasonable attorney fees be awarded pursuant to California Code of Civil Procedure § 1021.5;
- e. on the Fifth and Sixth Causes of Action, that punitive damages be awarded against the individual defendants, in amounts to be determined at trial;
- f. costs of suit; and
- g. any and all other relief in law or equity to which Plaintiff may be entitled and which this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to each and every cause of action.

Dated: May 20, 2025

SINGLETON SCHREIBER, LLP

By: 
Kimberly S. Hutchison
Attorneys for Plaintiff N.G.