

**IN THE  
SUPREME COURT OF THE UNITED STATES**

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A. S. a minor,

Petitioner;

vs.

PALMDALE SCHOOL DISTRICT; JOSEPH PARISCIO; RAUL  
MALDONADO; RYAN BEARDSLEY; MELANIE PAGLIARO,  
Respondents,

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**ON THE PETITION FOR A WRIT OF  
CERTIORARI**

To the California Court of Appeal, Second Appellate District, Division 8

From the Supreme Court of The State Of California  
Denial of a Petition for Review

**PETITION OF A WRIT OF CERTIORARI**

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A. S., a minor

### QUESTIONS PRESENTED

1. Whether the State Appellate Court erred in denying the assertion of equitable estoppel by the petitioner, against a government entity, which, intentionally deceived the petitioner for the purpose of denying the petitioner's right to Due Process under the Fourteenth Amendment.
2. Whether State Appellate Court erred in finding that, by retaining an attorney, the petitioner was precluded from seeking equitable estoppel against a government entity, which intentionally defrauded the petitioner for the purpose of denying the petitioner's right to Due Process?
3. Whether the State Appellate court erred in finding a government entity's constitutional responsibilities and obligations become moot once an opposing party has retained an attorney?
4. Whether a government entity, having intentionally deceived a plaintiff in order to violate their civil rights, is immune from the assertion of equitable estoppel, once the plaintiff has retained counsel.
5. Whether the State Appellate Court erred in failing to address the government entity's violation of California Government Code section 910.4., which denied petitioner's right to Due Process.
6. Whether the deliberate attempt by a government agency to prevent the exercise of Due Process constitute acts that would effect public interest or policy that justify asserting equitable estoppel is excused once the petitioner has retained an attorney.

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## APPENDIX C

Third Amended Complaint of A. S.

A.S., a minor, respectfully petitions that a writ of certiorari to review the judgment of the California State Appellate Court and Denial for Review by the California State Supreme Court.

### **OPINION BELOW**

The opinion of the Court of Appeal of the State of California, Second Appellate District, Division Eight appears at Appendix A to this petition. The Court's opinion is published as A.S. v. Palmdale School District 94 Cal.App.5th 1091 (2023).

### **JURISDICTION**

The California Second Appellate District issued its decision on November 3, 2023. The California Supreme Court issued its denial for Petition for Review, which was denied on November 1, 2023 giving jurisdiction to this court under Rule 10c. The Denial for the Petition for Review from the California Supreme Court appears in Appendix B of this petition. This petition presents issues not previously considered by this Court or the lower court. Under Rule 14.5 the Clerk of the Court extended time by 60 days from the time of the letter of extension dated ~~January~~ <sup>February</sup> 29, 2024.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS**

The Fourteenth Amendment section states:

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Section 910.4 of the California Government Code states:

“The board shall provide forms specifying the information to be contained in claims against the state or a judicial branch entity. The person presenting a claim shall use the form in order that his or her claim is deemed in conformity with Sections 910 and 910.2. A claim may be returned to the person if it was not presented using the form. Any claim returned to a person may be resubmitted using the appropriate form.”

The central issue for this Court is whether the lower court erred in failing to address, or cite any cases, which involved the intentionally deceptive acts of a government entity and violation of a state statute for the purpose of denying the petitioner Due Process under the Fourteenth Amendment.

## **I. STATEMENT OF THE CASE**

On or about March 5, 2019, the plaintiff, A [REDACTED] S [REDACTED], was a student at Desert Rose Elementary School (Hereinafter DRES) in the Palmdale School District (Hereinafter PSD). Defendant Joseph Pariscio, a teacher at DRES, and acting within the scope of his employment, negligently, grabbed and twisted the arm of the plaintiff causing him physical harm.

On March 6, 2019 Latraille Richards, plaintiff's guardian ad litem, was instructed by the office receptionist at Desert Rose Elementary School that in order to file a complaint against the school that she would have to request a form at the PALMDALE SCHOOL DISTRICT (hereinafter PSD) offices.

Latraille Richards then went to the PSD offices and spoke to the receptionist about the incident concerning the plaintiff. The receptionist asked Latraille Richards to have a seat and when the receptionist returned, she said that Ryan Beardsley, a defendant and an assistant superintendent of PSD, had instructed her, the secretary, to provide Latraille Richards with a form called "COMPLAINT FORM – EMPLOYEE/STUDENT ISSUE" (Hereinafter the COMPLAINT FORM). The receptionist told Latraille Richards to fill out the form and if possible, return to the PSD offices the next day, with the completed form, in order to meet with Ryan Beardsley.

Latraille Richards asked if there were any other forms that she needed to complete. The receptionist said that Ryan Beardsley had instructed her only to

provide Latraille Richards with the COMPLAINT FORM.

On March 7, 2019 Latraille Richards returned to the PSD offices with the completed COMPLAINT FORM and met with Ryan Beardsley and handed the COMPLAINT FORM to Ryan Beardsley. Latraille Richards informed Ryan Beardsley that she had filed a report with the police department and had taken the plaintiff to the hospital for treatment for his injuries.

Latraille Richards then asked Ryan Beardsley if there were any other documents or paperwork she needed to complete or fill out. Ryan Beardsley explicitly and repeatedly stated that no other paperwork that the defendants possessed that was required by the appellant, a minor, and that a full inquiry would be made into the incident and he would be in touch with Latraille Richards. (See Appendix C – Third Amended Complaint)

At no time did Latraille Richards believe, nor have reason to believe, that Ryan Beardsley's statements were **not** true and correct when Ryan Beardsley told Latraille Richards that there was no other form or document required in order for the plaintiff, Anthony Sanders who, Ryan Beardsley knew at all times, would be unable to exercise his civil rights and gain access to the court system without the appropriate GENERAL CLAIM FORM.

At all times Ryan Beardsley knew that the COMPLAINT FORM was not the only form available and that the appellant needed to complete and return to the Palmdale School District, the GENERAL CLAIM FORM in order to comply with the California Government Claims Act in order to pursue his civil rights and



access to the court system.

## II. REASON FOR GRANTING PETITION

The state appellate court's decision raises new issues concerning the duties and responsibilities of California government entities to claimants, and their ability to access the court system, that is fundamental to exercising civil rights as a matter of public policy. The lower court, as required, under Del E. Webb Corp v. Structural Materials Co. (1981)123 CA3d 593 based their ruling on the alleged facts of the Third Amended Complaint,(See Appendix C) stating that the defendant, a government entity, acting in the usual course of business, deliberately and with full intent prevented the plaintiff from pursuing their constitutional rights and access to the court system. The lower court, in ruling that the retention of an attorney by the plaintiff was sufficient reason for the court to discount the wrongful acts of the defendant government entity, cited no precedent that included intentional conduct by a government entity in support of their ruling.

Because a government entity knowingly and intentionally, acting in the usual course of business, made false and misleading statements, and violated a state statute for the sole purpose of precluding this petitioner, a minor, from having the ability to pursue their civil rights and access to the court system as guaranteed in both the California and United States Constitutions certiorari should be granted.

**A. APPELLATE COURT'S RELIANCE ON SANTEE AND ITS  
PROGENY IN REJECTING APPELLANT'S ARGUMENT FOR  
EQUITABLE ESTOPPEL IS MISPLACED**

The lower court's holding that the law particularly disfavors estoppel when a party is represented by an attorney (Santee v. Santa Clara County Office of Education, (1990) 220 Cal.App.3d 702 fails to distinguish between the facts of Santee, and its progeny, and the instant matter. The Court's opinions in Santee are based on negligent acts, mistakes, or inadvertence. There was no allegation or claim that Santa Clara County had, in any manner, acted intentionally to prevent Santee from filing the late-claim form. (ibid.)

The lower Court's reliance on Steinhart, regarding the issue of a retained attorney, is similarly misplaced (Steinhart County of Los Angeles, (2010) 47 Cal.4<sup>th</sup> 1298) because the defendant government entity acted with deliberate and calculated intent to deceive and mislead the petitioner for the sole purpose of precluding the appellant, a minor, from pursuing and exercising their civil rights and gaining access to the court system.

The lower court is essentially holding that the petitioner's attorney, was required, upon viewing the COMPLAINT FORM, which the defendant had repeatedly and explicitly stated, as alleged in the Third Amended Complaint, (See Appendix C) was the only document the petitioner required and implied was available, should have known or reasonably believed that the government entity,

acting in the usual course of business, was deliberately attempting to deceive and defraud the petitioner for the sole purpose of denying that the petitioner their civil rights and access to the court system. Such a requirement would destroy the public trust in the government entity acting in the usual course of business.

**B. A GOVERNMENT ENTITY DELIBERATLY DECIEVING AND  
DEFRAUDIING A PLAINTIFF WHILE ACTING IN THE USUAL  
COURSE OF BUSINESS VIOLATES A PLAINTIFF'S CIVIL AND  
CONSTITUTIONAL RIGHTS**

“As we have explained, ‘[t]he doctrine of equitable estoppel is founded on concepts of equity and fair dealing.’ (emphasis added)(citation omitted) The essence of an estoppel is that the party to be estopped has by false language or conduct led another to do that which he [or she] would not otherwise have done and as a result thereof that he [or she] has suffered injury.’ [Citation.] The doctrine ‘ordinarily will not apply against a governmental body except in unusual instances when necessary to avoid grave injustice and when the result will not defeat a strong public policy” (Steinhart, supra)

“A public entity may be estopped from asserting noncompliance with the claims statutes where its agents or employees have deterred the filing of a timely claim by some ‘affirmative act’.”(citation omitted) Estoppel as a bar to a public entity's assertion of the defense of noncompliance arises when the plaintiff establishes by a preponderance of

the evidence: (1) the public entity was apprised of the facts, (2) it intended its conduct to be acted upon, (3) plaintiff was ignorant of the true state of facts, and (4) relied upon the conduct to his detriment.” (citations omitted) Christopher P. v. Mojave Unified School District, (1993) 19 Cal.App.4<sup>th</sup> 165, 170.

“To create an equitable estoppel, it is enough if the party has been induced to refrain from using such means or taking such action as lay in his power, by which he might have retrieved his position and saved himself from loss.” (Ibid.)

PSD and co-defendant Ryan Beardsley, acting affirmatively, provided the Latraille Richards with the “only” form Ryan Beardsley said she needed. Three times he denied that any other form existed which she needed to file. On the COMPLAINT FORM Latraille Richards informed the defendant Ryan Beardsley, that the plaintiff had been injured by defendant Joseph Pariscio, that he had been treated at the emergency room, and had filed a police report for battery. Despite knowing these facts and being asked three times by Latraille Richards if there were any other forms, Ryan Beardsley, knowing at all times his statements were false, denied that any other form existed and repeatedly assured Latraille Richards that the plaintiff needed only GENERAL CLAIM FORM.

Based on her conversation with Ryan Beardsley, Latraille Richards told her child’s attorney that the COMPLAINT FORM was the only form that the defendant provided and that there was no other form available or required. At no time did Latraille Richards know, or have reason to believe that any other form

existed and that the defendant was deliberately acting to deceive or mislead Latraille Richards or the plaintiff. The successful misrepresentation by the defendant must be recognized by this Court as an unusual circumstance as a grave injustice as foreseen by the Steinhart court allowing for the petitioner to assert equitable estoppel against the defendants. (Steinhart, supra)

There is strong public policy that government agencies will, at all times, act with openness and honesty in dealing with the general public in the usual course of business. No democratic system could be expected to function absent open and honest communication with government entities and the general public. No democratic system could be expected to operate if attorneys were required, or even expected, to reasonably believe that a government agency was, in the usual course of business, deliberately acting to preclude individuals from exercising their civil rights and access to the court system.

The lower court has held that the plaintiff's attorney, should have known, or reasonably believed, that the defendant government entity was deliberately attempting to deny the plaintiff's civil rights by withholding relevant fact that the GENERAL CLAIM FORM existed. The plaintiff's attorney reasonably relied upon, not only the same set of facts that the defendant provided to Latraille Richards, that is, that no other form other than the COMPLAINT FORM existed, but that the defendant would in the usual course of business follow section 910.4 of the Government Claims Act that explicitly states that the government entity "shall provide forms".

C. RYAN BEARDSELY AND THE PALMDALE SCHOOL DISTRICT

VIOLATED SECTION 910.4 OF THE CALIFORNIA  
GOVERNMENT CODE BY NOT PROVIDING THE  
APPROPRIATE FORM

Section 910.4 of the California Government Code states:

“The board shall provide forms specifying the information to be contained in claims against the state or judicial branch entity. The person presenting a claim shall use the form in order that his or her claim is deemed in conformity with section 910 and 910.2. A claim may be returned to the person if it was not presented using the form. Any claim returned to a person may be resubmitted using the appropriate form.”

The defendants knew, at all times, that the only form that the defendants provided to Latraille Richards, the COMPLAINT FORM, *could not* be used “in conformity with sections 910 or 910.2”. (California Government Code Section 910.4). The language of the Government Claims Act explicitly spells out the legal obligation of the government entity to provide the form “specifying the information. The defendant government entity, in direct violation of section 910.4, deliberately **did not provide** the GENERAL CLAIM FORM to Latraille Richards, even when she repeatedly inquired whether she needed any other form, the defendants knew that the GENERAL CLAIM FORM would preclude the plaintiff from complying with sections 910 and 910.2 of the California Government Code.

The deliberate deception misleading the plaintiff and intentional violation of section 910.4 of the Government Code by the defendants, PSD and Ryan Beardsley, is unprecedented and therefore the lower court could cite no case law that reflected the intentional acts of the defendants. The plaintiff's attorney could not have known, or have reasonably believed that the defendant government entity, and its agent, acting in the usual course of business, was intentionally not complying with section 910.4 of the California Government claims act.

The lower court opined that in order for equitable estoppel to bind a government entity the circumstances must be considered "unusual". (Hughes v. Board of Architectural Examiners, (1998)17 Cal.4<sup>th</sup> 763, 793) Simultaneously the lower court concludes that the government entity, acting in the usual course of business, intentionally deceiving and misleading the plaintiff in order to violate their constitutional rights, did not constitute an "unusual" circumstance.(*ibid.*)

The lower court also infers that even if the circumstances did meet the "unusual" criteria, that the retention of an attorney offsets the intentionally deceptive and fraudulent acts and violation of state statutes committed by the government entity acting in the usual course of business, because the plaintiff's attorney should have reasonably believed that the government entity would do so, because the plaintiff's attorney knew the "statutory requirements". The same "statutory requirements" that the defendants intentionally violated.

However, the attorney could *not* have known that defendant Ryan Beardsley, representing PSD, acting in the usual course of business intended to



deliberately deceive and mislead Latraille Richards, in providing her with the COMPLAINT FORM instead of the GENERAL CLAIM FORM that he was statutorily required to do.

The lower court has essentially ruled that, because plaintiff's attorney knew, or should have known, that Ryan Beardsley was deliberately preventing Latraille Richards from filing the GENERAL CLAIM FORM that was required in order for the plaintiff to access the court system, those intentional acts of the defendants to deny the plaintiff their constitutional rights are irrelevant. It is interesting to note that the lower court has not held the defendants' to the same standard upon retaining an attorney although the defendants' attorney knew at all times that the defendants had violated statutory requirements.

The actions and statements of Ryan Beardsley violated the Government code and constitute a "designed fraud" and sufficient to fulfill any court requirements as "unusual" circumstance for pursuing equitable estoppel against the government entity committing the fraud. (Christopher P., supra.) (Hughes, supra)

The attorney retained by the appellant, reasonably relied on the statements made by Ryan Beardsley made in the usual course of business, because Ryan Beardsley represented a government entity, and therefore as an official of that government agency, he was charged with acting at all times with transparency and honesty in the regular course of business as a matter of public policy and in order to ensure the public trust. A reasonable attorney should not have a duty to believe a government entity, acting in the usual course of business, intentionally violated of state statutes and defrauded a client for the purpose of precluding a plaintiff from



exercising their civil rights and gaining access to the court system.

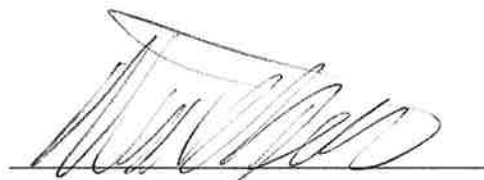
Similarly, the appellant's attorney relied not only on the fraudulent statements of Ryan Beardsley but on the reasonable belief that Ryan Beardsley would act, consistent with the Government Code, which Ryan Beardsley was obligated to do as an employee of a government entity, because such acts would have been "unusual".(Hughes, supra) Based on the acts and statements of Ryan Beardsley the appellant's attorney reasonably believed that no other form existed other than the COMPLAINT FORM that that was provided by the defendants and prevented the plaintiff from pursuing their civil rights and access to the courts.

### III. CONCLUSION

The appellate court's opinion, as to the narrow and limited application of equitable estoppel against a government entity fails to address the issue of intentional fraudulent acts and violation of state statutes done for the sole purpose of precluding a citizen of the State of California from pursuing their civil rights. Furthermore, the lower court's ruling imposes a duty on attorneys to question the transparency and integrity of government entities acting in the regular course of business. The Petitioner respectfully requests that this Court review this case and direct the lower court to reconsider its decision as to the application of equitable estoppel against government entities and the duties of attorneys when the government entity, in the usual course of business, engages in fraudulent acts and violates state statutes in order to preclude an individual from pursuing their civil rights.

Respectfully submitted,

February 23, 2024

A handwritten signature in dark ink, appearing to read 'Martin E. Stearn', is written over a horizontal line.

Martin E. Stearn  
Attorney for Petitioner

### **CERTIFICATION OF WORD COUNT**

Pursuant to the Supreme Court Rules Appellant verifies that according to the Microsoft Wordcount the number of words in this petition is 3500.

## APPENDIX A

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
EVA McCLINTOCK, CLERK

DIVISION 8

Los Angeles County Superior Court

A.S., a Minor, etc.,  
Plaintiff and Appellant,

v.

PALMDALE SCHOOL DISTRICT,  
Defendant and Respondent.

B318012

Los Angeles County Super. Ct. No. 20AVCV00136

**\*\*\* REMITTITUR \*\*\***

I, Eva McClintock, Clerk of the Court of Appeal of the State of California, for the Second Appellate District, do hereby certify that the attached is a true and correct copy of the original order, opinion or decision entered in the above-entitled cause on August 28, 2023 and that this order, opinion or decision has now become final.

Appellant to pay costs on appeal.

Witness my hand and the seal of the Court  
affixed at my office this

Nov 03, 2023

EVA McCLINTOCK, CLERK

by: M. Figueroa,  
Deputy Clerk

cc: All Counsel (w/out attachment)  
File



FILED

Aug 28, 2023

EVA McCLINTOCK, Clerk

mfigueroa

Deputy Clerk

Filed 8/28/23

**CERTIFIED FOR PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

A.S., a Minor, etc.

Plaintiff and Appellant,

v.

PALMDALE SCHOOL  
DISTRICT,

Defendant and Respondent.

B318012

Los Angeles County  
Super. Ct. No. 20AVCV00136

APPEAL from a judgment of the Superior Court of Los Angeles County, Wendy Chang, Judge. Affirmed.

Law Offices of Martin E. Stearn and Martin E. Stearn for Plaintiff and Appellant.

Carpenter, Rothans & Dumont, Louis R. Dumont and John J. Stumreiter for Defendant and Respondent.

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After an elementary school teacher grabbed and twisted A.S.'s arm, his mother (and guardian ad litem) filed a complaint form with the Palmdale School District (District) on his behalf. They then filed a lawsuit for damages against the District, its

superintendent, the assistant superintendent, the elementary school principal, and the teacher.<sup>1</sup> The trial court sustained the District's demurrer to appellant's third amended complaint without leave to amend, on the ground appellant failed to file a claim with the District in compliance with Government Code section 910.<sup>2</sup> Appellant appeals from the subsequent judgment of dismissal, contending his complaint form substantially complied with the requirements of section 910 and the District was estopped from raising defects in the form. We affirm the judgment.<sup>3</sup>

### **BACKGROUND**

The third amended complaint alleges that on March 5, 2019, a teacher grabbed appellant's arm and twisted it, resulting in an injury requiring medical treatment. In an exhibit attached to the original complaint, appellant's mother stated she took him to the emergency room, where doctors gave him a sling and told him to stay home for the remainder of the week.

The next day, appellant's mother went to the school to file a complaint. The school receptionist told her she would have to request a form at the District offices. Appellant's mother then went to the District offices and spoke with a receptionist there.

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<sup>1</sup> The trial court overruled the demurrer as to the individual defendants and they are not parties to this appeal.

<sup>2</sup> Further undesignated statutory references are to the Government Code.

<sup>3</sup> Appellant includes in his opening brief an argument that the District is liable for the acts of its employees. In light of our ruling, we need not and do not consider this issue.

The receptionist left, then returned and told the mother that Ryan Beardsley, the assistant superintendent, had instructed her to give the mother a form entitled "COMPLAINT FORM—EMPLOYEE STUDENT ISSUE." Appellant's mother asked if there were any other forms she needed to complete and the receptionist said Beardsley had only instructed her to provide the complaint form.

As directed, appellant's mother took the complaint form home, completed it and returned the next day to meet with Beardsley. She gave the form to Beardsley. She told him she had taken appellant to the hospital for treatment of his injuries and had filed a police report. She asked Beardsley if there were any other documents or paperwork she needed to complete. Beardsley said there were none and he promised a full inquiry would be made into the incident. He said he would be in touch with her.

On February 25, 2020, A.S., now represented by counsel and acting through his mother as his guardian ad litem, filed this lawsuit seeking monetary damages. He alleged he had complied with the requirements of the Government Claims Act (Act) (§ 810 et seq.) and attached a copy of the complaint form his mother had given to Beardsley. The District demurred twice to appellant's complaint. The demurrers were sustained, but with leave to amend. The District's third demurrer, to appellant's third amended complaint, was sustained without leave to amend. The trial court entered a judgment of dismissal and this appeal followed.



## DISCUSSION

### A. *Standard of Review*

“An order sustaining a demurrer without leave to amend is reviewed de novo. The court exercises its independent judgment to determine whether or not the complaint states facts sufficient to constitute a cause of action as a matter of law. [Citation.] We assume the truth of properly pleaded factual allegations, facts that reasonably can be inferred from those expressly pleaded, and matters that are judicially noticeable. [Citation.] We construe the pleading in a reasonable manner and read the allegations in context. [Citation.] However, courts will not close their eyes in situations where a complaint contains allegations of fact inconsistent with attached documents/exhibits, or allegations contrary to facts which are judicially noticed. [Citation.] Where facts appearing in attached exhibits or judicially noticed documents contradict, or are inconsistent with, the complaint’s allegations, we must rely on the facts in the exhibits and judicially noticed documents.” (*Genis v. Schainbaum* (2021) 66 Cal.App.5th 1007, 1014–1015.)

When a demurrer is sustained without leave to amend, we decide whether there is a reasonable possibility that the plaintiff can amend the complaint to cure the defect. (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.) If the defect can be cured, the trial court has abused its discretion and we reverse; if not, there has been no abuse of discretion and we affirm. (*Ibid.*) The plaintiff has the burden of proving such reasonable possibility. (*Ibid.*)

B. Applicable Law

The Act requires any person seeking monetary damages from a public entity to file a claim with that entity. (§ 905.) The claim must include the information specified in section 910. A complaint is deficient and subject to a general demurrer if it fails to allege facts showing compliance with the claims requirement. (See, e.g., *Lowry v. Port San Luis Harbor Dist.* (2020) 56 Cal.App.5th 211, 218.)

“The essential elements of a claim are set forth in Government Code section 910.” (*Loehr v. Ventura County Community College Dist.* (1983) 147 Cal.App.3d 1071, 1082 (*Loehr*).) A claimant must show “[t]he amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.” (Gov. Code, § 910, subd. (f).)

“[A] claim under Government Code section 910 is sufficient if (1) there is ‘some compliance with *all* of the statutory requirements’; and (2) the claim discloses sufficient information to enable the public entity adequately to investigate the merits of the claim so as to settle the claim, if appropriate. [Citation.] The latter inquiry is known as the substantial compliance test.” (*County of Los Angeles v. Superior Court* (2008) 159 Cal.App.4th 353, 360.)

“The doctrine of substantial compliance cannot cure the total omission of an essential element from the claim or remedy a

plaintiff's failure to comply meaningfully with the statute." (*Dilts v. Cantua Elementary School Dist.* (1987) 189 Cal.App.3d 27, 37; *Loehr, supra*, 147 Cal.App.3d at p. 1083.) Thus, a failure to even estimate the amount of damages on the claim document cannot be remedied by application of the doctrine. (See *Loehr*, at p. 1083 [claim document did not satisfy the doctrine where "[a]t most, the letter was merely a demand that the Board reinstate plaintiff as superintendent of the district or face possible legal action. The only mention of damages appears as a passing reference to the availability of such relief under the federal Civil Rights Act. Nowhere in the letter is there a claim for money damages, nor, for that matter is there even an estimate of the amount of any prospective injury, damage or loss."].)

C. Analysis

1. *The Complaint Form Does Not Substantially Comply with the Requirements of the Government Code.*

In his original complaint and every subsequent amended complaint, appellant alleged he had complied with the Act by filing a complaint form with the District on March 6, 2019. The form was attached as an exhibit to the original and second amended complaint. Appellant contends this complaint form substantially complied with the requirements of the Act, and the trial court erred in not finding such compliance.

The complaint form includes a number of prompts and questions. As relevant here, the form requests responses to two prompts: "Describe Incident/Complaint" and "What is your suggestion to resolve the problem?" Appellant's mother replied to both, "Please see back."

On the back of the form, appellant's mother described the incident as follows: "On Tuesday, March 5, 2019, [A.S.] was physically manhandled by [his teacher] Mr. Parisio. This assault & battery left bruises on [A.S.'s] arm. Because of the swelling & pain to [his] arm, he was taken to the emergency room where the physician deemed it necessary for [A.S.] to wear a sling for support, as well as to remain home from school for the remainder of the week. I am also aware that the investigation being done at the site is biased, as it seems the principal is attempting to influence the investigation. To other adults on campus, the principal has made statements, such as '[A.S.] is not without fault. The family wants people to think he is hurt. Mr. Parisio has a family to support.' Please know that this is a complaint against staff (Mr. Parisio, and the principal) as well as a uniform complaint."

In the next paragraph, the mother stated: "I suggest that a thorough district level, unbiased and professional investigation be conducted regarding, not only, this incident but the entire school culture, especially the leadership at the site. I suggest that Mr. Parisio receive appropriate discipline for physically attacking a student. I truly believe that Mr. Parisio is a danger to [A.S.] as well as the population of students in general."

In sustaining the District's demurrer to the first amended complaint, the trial court addressed whether the first amended complaint substantially complied with the requirements of the Government Code. The court found: "While the form submitted by Plaintiff informed Defendant of the incident that led to Plaintiff's injuries, there are no indications that Plaintiff was seeking to hold Defendant liable for damages for the incident. [Citation.] All indications from the form are that Plaintiff was

seeking discipline against [the teacher] for the incident, not damages.”<sup>4</sup>

Appellant specified several administrative actions which he wanted the District to take, but did not state he was seeking monetary damages and made no attempt at all to estimate, even roughly, an amount of damages or state whether or not the claim would be a limited civil case.

The complaint form does not substantially comply with section 910.

2. *The District Has Not Waived Noncompliance as an Affirmative Defense*

Our determination that the complaint form did not substantially comply with the requirements of section 910 does not end our inquiry, however. “[I]f a claim presented does not substantially comply with the claim filing requirement, the public entity must advise the claimant of the deficiencies or lose the right to assert the noncompliance as an affirmative defense.” (*Perez v. Golden Empire Transit Dist.* (2012) 209 Cal.App.4th 1228, 1234.) As appellant’s reply brief indicates, albeit indirectly,

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<sup>4</sup> We note that, in its ruling on the demurrer to the second amended complaint, the trial court appeared to backtrack on this ruling, finding that appellant had alleged compliance in the complaint and his “general allegations of compliance with the claim requirement is sufficient to survive a demurrer.” At the hearing for the demurrer to the third amended complaint, the trial court, on its own motion, asked for briefing on the issue of whether the district was estopped from raising a lack of compliance. We view this as an implicit re-adoption of the court’s earlier ruling that the complaint form did not substantially comply with the Act.

section 910.8 requires a public entity, in some circumstances, to notify a claimant of insufficiency in his claim.

Appellant contends his statements in the complaint form that he was “manhandled” and injured in an “assault and battery” by a teacher and then treated in an emergency room “would clearly demonstrate that [he] was very likely to seek monetary compensation for his personal injuries as well as pain and suffering.”

“There is a recognized and important distinction . . . between a claim that is inadequate because it does not substantially comply with the requirements of section 910 and a document that is not a claim at all. ‘A claim that fails to substantially comply with sections 910 and 910.2 may still be considered a “claim as presented” if it puts the public entity on notice both that the claimant is attempting to file a valid claim and that litigation will result if the matter is not resolved.’ [Citation.] A ‘claim as presented’ is also sometimes called a ‘trigger-claim’ because its receipt by a public entity ‘triggers a duty by the public entity to notify the potential claimant of the claim’s insufficiency stating, with particularity, the defects or omissions.’ (*Green v. State Center Community College Dist.* (1995) 34 Cal.App.4th 1348, 1354, 1358 [41 Cal.Rptr.2d 140] (*Green*); see § 910.8 [requiring notice of insufficiency of claim]; see also § 911.3, subd. (a) [notice requirement for claims returned as untimely].) ‘If the public entity fails to send this notice, it *waives* any defenses as to the sufficiency of the claim based upon a defect or omission.’ (*Green, supra*, 34 Cal.App.4th at p. 1358; see § 911 [waiver by failure to give notice of insufficiency]; see also § 911.3, subd. (b) [waiver by failure to give notice of untimeliness].)”

(*Simms v. Bear Valley Community Healthcare Dist.* (2022)  
80 Cal.App.5th 391, 400–401 (*Simms*).)

An indication that litigation might ensue if the defendant does not comply with the terms under discussion is “the most essential element of a ‘claim as presented,’ because it satisfies the primary purposes of the Government Claims Act: facilitating the investigation of disputes and their settlement without trial if appropriate.” (*City of Stockton v. Superior Court* (2007) 42 Cal.4th 730, 744–745 [finding correspondence did not constitute a claim as presented because “it points to nothing that would have specifically alerted defendants to weigh the alternatives of litigation or compromise.”]; compare *Simms*, *supra*, 80 Cal.App.5th at pp. 401–402 [plaintiff’s letter was a “claim as presented” because it “expressly threatened litigation if Simms’s ‘concerns’ about being ‘defamed, harassed, mistreated and ignored’ were not otherwise resolved.”].)

This District Court of Appeal has emphasized the requirement that a “claim as presented” must “‘disclose the existence of a “claim” [against the defendant] which, if not satisfactorily resolved, will result in [litigation].’” (*Olson v. Manhattan Beach Unified School Dist.* (2017) 17 Cal.App.5th 1052, 1062 (*Olson*) [grievance which described breach of contract claim involving evaluation process not a claim as presented because “nowhere does the grievance threaten litigation if the contractual breaches are not remedied.”].)<sup>5</sup>

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<sup>5</sup> The *Olson* Court summarized past law: “(Compare *Schaefer Dixon Associates v. Santa Ana Watershed Project Authority* (1996) 48 Cal.App.4th 524, 534 [55 Cal.Rptr.2d 698] [letter to public entity advising of monetary dispute did not constitute ‘claim [as] presented,’ as ‘the plain import of the letter was merely to



Appellant's complaint form in no way suggested that he was seeking compensation for his injury. More important, there is nothing in appellant's complaint form threatening litigation if appellant's demands, monetary or otherwise, were not met. His complaint form does not satisfy the requirements of a "claim as presented."

### 3. *Equitable Estoppel Does Not Apply*

Appellant contends his mother relied on statements by Beardsley that the only form she needed to file was the complaint form and therefore the District should be estopped from asserting that the complaint form is insufficient. The trial court stated at the hearing on this issue: "I find it significant that at the time that the actual complaint was filed, there was still time left to apply for leave to file a late claim, and so I think that does address the estoppel argument, and so I am going to sustain as to [the District] without leave to amend." We see no error.

"The required elements for an equitable estoppel are:

' " (1) the party to be estopped must be apprised of the facts;

---

provide information and to request negotiation of an ongoing dispute, and not to advise of imminent litigation over a "claim" ], and [*Green, supra*, 34 Cal.App.4th at p. 1359] [counsel's letter informing public entity that an accident had occurred and counsel had been retained was not a "claim as presented," ' as nothing in counsel's letter suggested 'that a demand was being made on respondent or that counsel would initiate litigation if appellant's demand was not satisfied' ], with *Phillips v. Desert Hospital Dist.* [1989] 49 Cal.3d [699,] 703, 709 [counsel's letter advising public entity that counsel "intends to commence an action" for medical malpractice and was seeking "damages for loss of consortium and . . . mental and emotional suffering" ' constituted "claim as presented" ' ].)" (*Olson, supra*, 17 Cal.App.5th at p. 1062.)



(2) he must intend that his conduct shall be acted upon, or must so act that the party asserting the estoppel had a right to believe it was so intended; (3) the other party must be ignorant of the true state of facts; and (4) he must rely upon the conduct to his injury.’ ” ” ( *Santee v. Santa Clara County Office of Education* (1990) 220 Cal.App.3d 702, 715–716 (*Santee*).)

“ “ The government may be bound by an equitable estoppel in the same manner as a private party when the elements requisite to such an estoppel against a private party are present and, in the considered view of a court of equity, the injustice which would result from a failure to uphold an estoppel is of sufficient dimension to justify any effect upon public interest or policy which would result from the raising of an estoppel.” ’ [Citation.]” ( *Santee v. Santa Clara County Office of Education*, *supra*, 220 Cal.App.3d at p. 715.) The California Supreme Court has emphasized that such circumstances are “unusual.” ( *Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 793.)

Even if we assume that all of the elements of equitable estoppel were initially present, the law recognizes that circumstances may change and render estoppel no longer appropriate. (See *Santee*, *supra*, 220 Cal.App.3d at p. 716 [party to be estopped corrected its initial erroneous representation].) A plaintiff “cannot rely on an estoppel if there is still ample time to take action within the statutory period after the circumstances inducing delay have ceased to operate.” ( *Ibid.*)

Here, the circumstances changed when appellant acquired counsel. “In general, the law ‘particularly’ disfavors estoppels ‘where the party attempting to raise the estoppel is represented by an attorney at law.’ [Citation.] For purposes of analyzing estoppel claims, attorneys are ‘charged with knowledge of the law

in California.’ (*Tubbs v. Southern Cal. Rapid Transit Dist.* (1967) 67 Cal.2d 671, 679 [63 Cal.Rptr. 377, 433 P.2d 169] [rejecting claim of estoppel to assert statute of limitations].)” (*Steinhart v. County of Los Angeles* (2010) 47 Cal.4th 1298, 1316 (*Steinhart*).)

Here, the complaint form filed by appellant’s mother with the District was attached as an exhibit to the original complaint in this matter, showing appellant’s attorney had actual knowledge of the contents of the complaint form submitted on appellant’s behalf. Counsel is charged with the knowledge that appellant needed to file a claim for damages with the District and with the knowledge of what was required for such a claim. Indeed, appellant’s attorney appears to have had actual knowledge of the requirements, as he cited the relevant Government Code statutes in the original complaint.

Appellant is charged with that knowledge as well. (*Steinhart, supra*, 47 Cal.4th at p. 1317 [charging client with attorney’s knowledge of the law for purposes of estoppel].)

As the California Supreme Court has explained, “one who acts with full knowledge of plain provisions of law and their probable effect on facts within his or her knowledge, especially where represented by counsel, may claim neither ignorance of the true facts nor detrimental reliance on the conduct of the person claimed to be estopped, two of the essential elements of equitable estoppel.” (*Steinhart, supra*, 47 Cal.4th at p. 1317 [charging client with attorney’s knowledge of the law].)

Although the exact date when appellant and his mother retained his attorney is not shown in the record, the original complaint, filed by counsel, is dated February 25, 2020. The incident occurred on March 5, 2019, allowing appellant and his attorney approximately a week to file a compliant claim within

the mandated one-year period. Given that counsel possessed the relevant facts about the incident, had the original complaint form, and was actually aware of the statutory requirements for suing a governmental entity, this was ample time.

### **DISPOSITION**

The judgment is affirmed. Appellant to pay costs on appeal.

### **CERTIFIED FOR PUBLICATION**

STRATTON, P. J.

We concur:

GRIMES, J.

VIRAMONTES, J.

## APPENDIX B

Court of Appeal, Second Appellate District, Division Eight - No. B318012

S281940

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

**SUPREME COURT  
FILED**

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A.S., a Minor, etc., Plaintiff and Appellant,

NOV - 1 2023

Jorge Navarrete Clerk

v.

PALMDALE SCHOOL DISTRICT, Defendant and Respondent.

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Deputy

The petition for review is denied.

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**GUERRERO**

*Chief Justice*

## APPENDIX C

1 MARTIN E. STEARN SBN: 192537  
2 LAW OFFICES OF MARTIN E. STEARN  
3 11233-17 BORDEN AVENUE  
4 PACOIMA, CA 91331  
5 Attorney For Anthony Sanders  
6 213-384-7822

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES - LANCASTER

10 A. ~~XXXXXX~~ ~~SXXXXX~~, a minor, by  
11 and through his guardian ad  
12 litem, Latraille Richards

13 Plaintiff,

14 vs.

15  
16 PALMDALE SCHOOL DISTRICT, a  
17 public entity in the County of  
18 Los Angeles, California; JOSEPH  
19 PARISCIO; RAUL MALDONADO; RYAN  
20 BERDSLEY; MELANIE PAGLIARO, and  
21 DOES 1 THROUGH 100, INCLUSIVE

22 Defendants

CASE NO.: 20AVCV00136

THIRD AMENDED COMPLAINT

1. NEGLIGENCE (PURSUANT TO  
GOVERNMENT CODE SECTIONs  
815.2 and 815.6)  
2. TORT ACT COMPLIANCE

23 Plaintiff alleges:

24 1. At all times herein mentioned defendant PALMDALE SCHOOL  
25 DISTRICT, (Hereinafter PSD) is a public entity in the county of  
26 Los Angeles, California, named herein as a defendant and, which  
27 at all times employed defendants, JOSEPH PARISCIO, RAUL  
28

THIRD AMENDED COMPLAINT

1 at all times employed defendants, JOSEPH PARISCIO, RAUL  
2 MALDONADO, RYAN BEARDLEY AND MELANIE PAGLIARO and defendants  
3 presently designated herein as DOES 1 through 100, all of whom  
4 were employees and/or agents of the defendant PSD and are liable  
5 under California Government Code sections 815.2 and 815.6 for  
6 the injuries incurred by the plaintiff.  
7

8 2. Plaintiff is ignorant of the true names and capacities  
9 of defendants sued herein as DOES 1 through 100, inclusive, and  
10 therefore sues these defendants by such fictitious names.  
11 Plaintiff will amend this complaint to allege their true names  
12 and capacities when ascertained. Plaintiff is informed and  
13 believes and thereon alleges that each of the fictitiously named  
14 defendants is negligently responsible, in some manner, for the  
15 occurrences herein alleged, and that plaintiff's injuries, as  
16 herein alleged, were proximately caused by the negligent acts  
17 herein alleged pursuant to California Government Code sections  
18 815.2 and 815.6.

19 3. Plaintiff further alleges that the defendants, PDS, RAUL  
20 MALDONADO, RYAN BEARDLEY AND MELANIE PAGLIARO were  
21 vicariously responsible for the negligent acts, herein alleged  
22 of any and all other defendants, named and unnamed, and that  
23 such unnamed defendants acted within the scope of their  
24 employment and as agents for the defendant PSD , and that such  
25 acts, as alleged herein were committed by the unnamed  
26 defendants, were authorized by defendant PSD as the employer of  
27 the unnamed defendants, as alleged herein pursuant to California  
28 Government Code sections 815.2. and 815.6



1 4. At all times herein mentioned, defendants, RAUL  
2 MALDONADO, RYAN BEARDLEY AND MELANIE PAGLIARO and JOSEPH  
3 PARISCIO were employees of defendant PSD, and were acting  
4 within the course and scope of their authority, and as such  
5 agents and employees acted with the vicarious consent and  
6 authorization of their co-defendant PDS as stated in California  
7 Government Code sections 815.2 and 815.6.  
8  
9

10 5. In accordance with Government Code Sections 945.4 and  
11 946.6 and all other relevant Government Code sections, the  
12 plaintiff filed a complaint form with the defendant PSD, ON  
13 March 6, 2019, apprising the defendant of the negligent acts  
14 alleged herein. The defendant at no time prior to the filing of  
15 the original complaint either accepted nor denied the  
16 plaintiff's claims of negligence that caused the injuries herein  
17 alleged. (A true and correct copy of the complaint form is  
18 incorporated and attached hereto as Exhibit A)  
19  
20

21 1. NEGLIGENCE

22 6. Plaintiff re-alleges and herein incorporates paragraphs 1  
23 through 5 inclusive.

24 7. On or about March 5, 2019, the plaintiff, ~~AMANDA~~  
25 ~~S. [REDACTED]~~, was a student at Desert Rose Elementary School  
26 (Hereinafter DRES) in the PSD. Defendant JOSEPH PARISCIO, a  
27 teacher at DRES, and acting within the scope of his employment  
28

1 by defendant PDS, negligently, grabbed and twisted the arm of  
2 the plaintiff causing him physical harm.

3 8. As a proximate result of the negligence of the  
4 Defendant JOSEPH PARISCIO, the plaintiff required medical  
5 treatment, and continues to require medical treatment for the  
6 physical and emotional trauma proximately caused by the  
7 negligence of the JOSEPH PARISCIO and all other named and  
8 unnamed defendants, who acting within the scope of their  
9 employment or as agents of PSD, and/or in their capacity as  
10 supervisors of defendant JOSEPH PARISCIO.  
11

12 9. As a further proximate result of the negligence of  
13 the Defendants, plaintiff has suffered both physical injuries  
14 which required medical treatment and emotional distress for  
15 which he has sought and requires psychological treatment.  
16

17 10. Defendants, PSD, RAUL MALDONADO, RYAN BEARDLEY  
18 and MELANIE PAGLIARO had a legal duty pursuant to Government  
19 Code Sections 815.2 and 815.6 because of each and all of the  
20 defendants' special relationship to all the pupils, to protect  
21 the plaintiff from harm caused by the negligent acts and/or  
22 omissions of JOSEPH PARISCIO.  
23

24 11. Defendants RAUL MALDONADO, RYAN BEARDLEY and  
25 MELANIE PAGLIARO were negligent at all times were pursuant to  
26 Government Code Sections 815.2 and 815.6, negligent in  
27 protecting the plaintiff from the negligent acts of JOSEPH  
28

1 PARISCIO by their own acts and/or omissions in failing to ensure  
2 safety of the plaintiff in their capacities as employees of the  
3 defendant PSD and thus causing by their respective negligence  
4 the physical and emotional trauma suffered by the plaintiff.

5 12. As a proximate result of the defendants'  
6 negligent acts and/or omissions, pursuant to Government Code  
7 Sections 815.2 and 815.6, the plaintiff was injured in his  
8 health, strength and activity, sustaining injury to his body and  
9 shock to his nervous system and person, all of which injuries  
10 have caused, and continue to cause, plaintiff mental, physical  
11 and emotional pain and suffering. As a result of such injuries  
12 plaintiff has suffered specific damages, in medical expenses, as  
13 well as general damages for his pain and suffering all in an  
14 amount to be shown according to proof.  
15  
16  
17

## 18 2. TORT ACT COMPLIANCE

19 13. Plaintiff re-alleges and herein incorporates  
20 paragraphs 6 through 12 inclusive.  
21

22 14. On or about March 5, 2019, the plaintiff, A [REDACTED]  
23 S [REDACTED], was a student at Desert Rose Elementary School  
24 (Hereinafter DRES) in the PSD. Defendant JOSEPH PARISCIO, a  
25 teacher at DRES, and acting within the scope of his employment  
26 by defendant PDS, negligently, grabbed and twisted the arm of  
27 the plaintiff causing him physical harm.  
28

1           15.       On or about March 6, 2019 Latraille Richards,  
2 plaintiff's guardian ad litem, was instructed by the office  
3 receptionist at Desert Rose Elementary School that in order to  
4 file a complaint that she would have to request a form at the  
5 PALMDALE SCHOOL DISTRICT (hereinafter PSD) offices.  
6

7           16. Latraille Richards then went to the PSD offices and  
8 spoke to the receptionist about the reason she was there, the  
9 incident concerning the plaintiff. The receptionist asked  
10 Latraille Richards to have a seat. When the receptionist  
11 returned, she said that RYAN BEARDSLY had instructed her to  
12 provide Latraille Richards with a form called "COMPLAINT FORM -  
13 EMPLOYEE/STUDENT ISSUE". The receptionist told Latraille  
14 Richards to fill out the form and if possible, return to the PSD  
15 offices the next day, with the completed form in order to meet  
16 with RYAN BEARDSLY. (A true and correct form of the COMPLAINT  
17 FORM is attached hereto and incorporated by reference as Exhibit  
18 A) Latraille Richards asked if there were any other forms that  
19 she needed to complete. The receptionist said that RYAN  
20 BEARDSLEY had instructed her only to provide Latraille Richards  
21 with the COMPLAINT FORM.  
22

23           17. On or about March 7, 2019 Latraille Richards returned  
24 to the PSD offices with the completed COMPLAINT FORM and met  
25 with RYAN BEARDSLY and handed the COMPLAINT FORM to RYAN  
26 BEARDSLY. Latraille Richards informed RYAN BEARDSLEY that she  
27  
28

1 had file a report with the police department and had taken the  
2 plaintiff to the hospital for treatment for his injuries.

3 18. Latraille Richards then asked RYAN BEARDSLEY if  
4 there were any other documents or paperwork she needed to  
5 complete or fill out. RYAN BEARDSLEY explicitly stated that no  
6 other paperwork was required and that a full inquiry would be  
7 made into the incident and he would be in touch with Latraille  
8 Richards.  
9

10 19. At no time did Latraille Richards, the  
11 plaintiff's guardian ad litem, have reason to believe, based on  
12 the statements made by RYAN BEARDSLEY, and Latraille Richards'  
13 reasonable belief that RYAN BEARDSLEY'S statements were not true  
14 and correct, when RYAN BEARDSLEY told LATRAILLE RICHARDS that  
15 there was no other form required by PSD in order for the  
16 plaintiff to pursue this matter.  
17

18 20. At all times did the defendants, and each of  
19 them, know, or should have known that the plaintiff, a minor, or  
20 his guardian ad litem, needed to fill out and file the GENERAL  
21 CLAIM FORM with PSD, consistent with Government Code Section 910  
22 et seq. in order to comply with the Government Claim Act, if the  
23 plaintiff, a minor, wished to pursue his rights in litigation.  
24

25 21. The defendants' actions and statements were either  
26

27 a  
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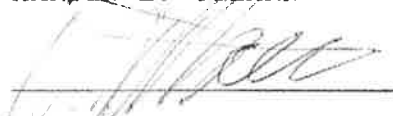
1 grossly negligent or deliberate attempt to preclude and prevent  
2 the plaintiff, a minor, from filing the GENERAL CLAIM FORM to  
3 comply with the Government Claims Act and that the defendants  
4 knew or should have known was required in order to for the  
5 plaintiff to pursue his legal rights under Government section  
6 910 et seq. and the Government Claim Act the GENERALA CLAIM FORM  
7 was necessary for the plaintiff to file with PSD.  
8

9 WHEREFORE plaintiff prays for judgment against defendants  
10 and each of them as follows:

- 11 1. For general damages, as a result of pain and suffering,  
12 according to proof;
- 13 2. For medical and related expenses according to proof;
- 14 3. For costs of suit herein incurred;
- 15 4. For reasonable attorney fees;
- 16 5. For such other and further relief as the court may deem  
17 proper.

18 Dated: August 19, 2021

19 LAW OFFICES OF  
20 MARTIN E. STEARN

21 

22 MARTIN E. STEARN  
23 Attorney for  
24 plaintiff  
25  
26  
27  
28

## EXHIBIT A



PALMDALE SCHOOL DISTRICT  
39139-49 N. 10<sup>th</sup> Street East  
Palmdale, CA 93550  
661.947.7191 Fax: 661.273.5137



## COMPLAINT FORM - EMPLOYEE / STUDENT ISSUE

Date: 3/6/19 School or Department: Desert Rose Elem.  
Name and address of Complainant: Latraile Richards (Anthony Sanders)  
Contact Number: 323-387-5376 1034 Blue Bell St. Lancaster, CA 93535

Date of Incident: 3/5/19 Time of Incident: 1:00pm  
Describe Incident/Complaint: (use back of form or additional sheet if necessary):

Please see back of form.

What have you done about the problem to date: I have had conversations with several school site staff members regarding my concerns. I was scheduled to meet with Mr. Parisio however he did not show up. Instead a meeting was held with the vice principal and it was agreed that Anthony would be removed from Mr. Parisio's class and that he was to have no contact with Anthony at the site.

What is your suggestion to resolve the problem? please see back.

[Signature]  
Signature

Have you had a meeting with the Principal? Yes No X if yes, name of Principal: \_\_\_\_\_

PLEASE RETURN THIS FORM TO: THE SUPERINTENDENT'S OFFICE (Address Above)

Date of Receipt: \_\_\_\_\_

Sent to: \_\_\_\_\_

Human Resources \_\_\_\_\_

Ed Services \_\_\_\_\_

SESS \_\_\_\_\_

Business Services \_\_\_\_\_

Date Sent: \_\_\_\_\_

Sup Complaint: \_\_\_\_\_

Please use back of form or additional sheet if necessary



Incident/Complaint

1) Over the past 19 months my son, A. S. [redacted] has experienced harassment & discrimination at Desert Rose Elementary School. On Tuesday, March 5, 2019, Anthony was physically man-handled by Mr. Parisio. This assault + battery left bruises on Anthony's arm. Because of the swelling + pain to Anthony's arm, he was taken to the emergency room where the physician deemed it necessary for Anthony to wear a sling for support, as well as to remain home from school for the remainder of the week. I am also aware that the investigation being done at the site is biased, as it seems the principal is attempting to influence the investigation. To other adults on campus, the principal has made statements, such as "Anthony is not without fault. The family wants people to think he is hurt. Mr. Parisio has a family to support." Please know that this is a complaint against staff (Mr. Parisio, and the principal) as well as a Uniform Complaint. ~~the~~

3) I suggest that a thorough district level, unbiased and professional investigation be conducted regarding, not only, this incident but the entire school culture, especially the leadership at the site. I suggest that Mr. Parisio receive appropriate discipline for physically attacking a student. I truly believe that Mr. Parisio is a danger to the [redacted] as well as the population of students in general.

*[Signature]*

## **EXHIBIT B**

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## GENERAL CLAIM FORM

TO: Superintendent Attn: Risk Management  
Palmdale School District  
39139 North 10<sup>th</sup> Street East  
Palmdale, CA 93550

1. Claims for death, injury to person, or loss of personal property must be filed not later than six (6) months after the occurrence (Govt. Code, Section 911.2)
2. Claims for damages to real property or breach of contract must be filed not later than one year after the occurrence (Govt. Code, Section 911.2)

Phone No. \_\_\_\_\_

Zip

**WHEN** did damage, injury or loss occur?

**WHERE** did damage, injury or loss occur?

**HOW** and under what circumstances did damage, injury or loss occur?

WHAT particular action by the District or its employees caused the alleged damage or injury: (Include names of employees if known) \_\_\_\_\_

**WHAT** sum do you claim: Include the estimated amount of any prospective loss insofar as it may be known at the time of the presentation of this claim, together with the basis of computation of the amount claimed; attach estimates or invoices, if possible. (If amount claimed exceeds \$10,000, no dollar amount shall be stated).

5

Total Amount Claimed \$

If total amount claimed exceeds \$10,000, is this a Limited Civil case? Yes \_\_\_\_\_ No \_\_\_\_\_

**NAMES** and addresses of witnesses, doctors and hospitals:

DATE: \_\_\_\_\_

Signature of Claimant

NOTICE: Section 72 of the California Penal Code provides: "Every person who with intent to defraud, presents for payment to any School District any false or fraudulent claim, is guilty of a felony punishable by fine and/or imprisonment."

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 11233-17 Borden Avenue, Pacoima, CA 91331.

On March 4, 2024 I served the foregoing document described as the PETITION FOR CERTIORARI and MOTION TO PROCEED INFORMA PAUPERIS, on all interested parties in this action.

**PLEASE REFER TO THE SERVICE LIST BELOW**

Louis R. Dumont  
Carpenter Rothans & Dumont  
500 S. Grand Ave.  
19<sup>th</sup> Floor  
Los Angeles, CA 900  
[ldumont@crdlaw.com](mailto:ldumont@crdlaw.com)

☒ **By EMAIL:** I emailed the aforementioned document with a true copy to the email address of the defendants' attorney of record as follows: [ldumont@crdlaw.com](mailto:ldumont@crdlaw.com)

☐ **By OVERNIGHT MAIL:** ☐ OVERNITE EXPRESS ☐ FEDEX: I deposited such envelope on that day in a receptacle maintained by said delivery service in Los Angeles, California for the purpose of deposit and delivery of such envelope for overnight delivery.

☐ **By FAX:** I sent such document by use of facsimile machine. **Facsimile cover sheet and confirmation is attached hereto indicating the recipients' facsimile number and time of transmission pursuant to California Rules of Court Rule 2008(e).** The facsimile machine I used complied with *California Rules of Court Rule 2003(3)* and no error was reported by the machine.

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

Executed on March 4, 2024 at Los Angeles, California.

By: *Martin E. Stearn*  
Martin E. Stearn