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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SANTA CRUZ  
10 UNLIMITED CIVIL

11 H.N., a minor by Justin Nordgreen his  
12 guardian,

13 Plaintiff,

14 v.

15 SCOTTS VALLEY UNIFIED SCHOOL  
16 DISTRICT, a school district, TANYA  
17 KRAUSE in her official capacity as  
18 superintendent of Scotts Valley Unified  
19 School District, JOSHUA WAHL, in his  
20 official capacity as principal of Brook  
21 Knoll Elementary, and MEGHANN  
22 GELTER, in her official capacity as  
23 teacher for Brook Knoll Elementary,  
24 NADIA OSKOLKOFF in her official  
25 capacity as Director of Student Services,  
26 and DOES 1-50, inclusive,

27 Defendants.

CASE NO. 22CV01828

**FIRST AMENDED COMPLAINT FOR  
DAMAGES:**

- 1) FALSE IMPRISONMENT,
- 2) NEGLIGENCE,
- 3) INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS,
- 4) Violation of Civil Rights Civil Code  
§52,
- 5) Violation of Civil Rights:  
U.S. Const., amends. I, XIV;  
Cal. Const., art. I, § 2(a); Educ. Code § 48907(a)

28 PLAINTIFF H.N., a minor, by Justin Nordgreen his guardian, alleges as follows:

**THE PARTIES**

1. H.N. (collectively, "Plaintiff" or "H.N.") is, and at all times mentioned in this complaint a minor, an individual with his principal place of residence located in Santa Cruz County California. Justin Nordgreen is his biological father and his guardian for all purposes herein.

2. SCOTTS VALLEY UNIFIED SCHOOL DISTRICT ("SVUSD") is, and at all times herein mentioned was, is a school district located in Santa Cruz County and local educational

1 agency (LEA) responsible for the implementation and punitive enforcement of illegal school  
2 policies, purportedly based on the non-binding California Department of Public Health's K-12  
3 Guidance. SVUSD is governed by elected officials that serve as Members of its Board of Trustees.

4 3. Tanya Krause ("KRAUSE") is, and at all times mentioned herein, employed by  
5 SVUSD as the superintendent and was acting within the course and scope of that employment.

6 4. Joshua Wahl ("WAHL") is, and at all times mentioned herein, employed by SVUSD  
7 as the principal of Brooke Knoll Elementary, an elementary school in SVUSD, and was acting  
8 within the course and scope of that employment.

9 5. Meghann Gelter ("GELTER") was, and at all times mentioned herein, employed by  
10 SVUSD's elementary school Brooke Knoll Elementary as H.N.'s teacher and acting within the  
11 course and scope of that employment.

12 6. NADIA OSKOLKOFF ("OSKOLKOFF"), was, and at all times mentioned herein,  
13 employed by SVUSD in her official capacity as Director of Student Services and acting within the  
14 course and scope of that employment.

15 7. Plaintiff is informed and believes and thereon alleges that, at all times herein  
16 mentioned, KRAUSE, WAHL, GELTER, OSKOLKOFF, Nurse Selena Truege, and Counselor  
17 Ryan Navaroli and other members of the staff that are unknown at this time, are employees of  
18 SVUSD and in doing the things hereinafter alleged, was acting within the course and scope of such  
19 employment and agency and with the permission and consent of Defendant SVUSD and KRAUSE.  
20 In doing the things hereinafter mentioned, these Defendants acted under color of their authority and  
21 under the color of the customs and usages of Defendant SVUSD and pursuant to the official  
22 policies of Defendant SVUSD as enacted and adopted by it's the Governing Board acting under  
23 color of its authority as such.

24 8. Plaintiff is informed and believe, and thereon alleges, that each of the fictitiously  
25 named defendants proximately caused damages to Plaintiff as alleged herein and/or is responsible  
26 for the acts complained of herein. Plaintiff will seek leave of Court to amend this Complaint when  
27 the true identities of such DOE defendants have been ascertained. Plaintiff is informed and  
28 believes, and thereon alleges that defendants named as DOES 1 through 50 were the agents,

1 servants and/or employees of their defendants, and in doing or failing to do the acts alleged herein  
2 were acting in the course and scope of their authority and with the permission and consent of their  
3 defendants, and each of them.

#### 4 **JURISDICTION AND VENUE**

5 9. This Court has jurisdiction over complaints for injunctive relief under California  
6 Code of Civil Procedure (“CCP”) §§ 525 and 526 and jurisdiction over complaints for declaratory  
7 relief under CCP §1060.

8 10. This Court has personal jurisdiction over Defendants each of them. They are  
9 governmental actors that conduct business in and maintain operations in Santa Cruz County on  
10 behalf of Defendant SVUSD.

11 11. Venue is proper in the county in which “the cause, or some part of the cause, arose,”  
12 for a suit against a public officer’s act. (Cal. Code of Civ. Proc. § 393(b).) This Court is the proper  
13 venue for this action because the Defendants either reside in or maintain executive offices in this  
14 County, a substantial portion of the transactions and wrongs complained of herein took place in this  
15 County, including Defendants’ primary participation in the acts detailed herein, and Plaintiff’s  
16 injuries occurred in this County.

#### 17 **GENERAL ALLEGATIONS**

18 12. The California Constitution provides that in person instruction in public schools is a  
19 fundamental right. California Constitution Article IX: §5

20 13. All students are entitled to “equal rights and opportunities” in education (Ed. Code §  
21 200) and to participate fully in the educational process “free from discrimination and harassment.”  
22 Ed. Code § 201, subd. (a); Government Code §11135. To effectuate this policy, which is  
23 guaranteed by the federal and state Constitutions, the Legislature requires California's public  
24 schools to take affirmative steps to “combat ... forms of bias.” (Ed Code § 201, subd. (b).) They  
25 also must “prevent and respond to acts of bias-related incidents” in an “urgent” manner (§ 201,  
26 subd. (d)) *Donovan v. Poway Unified School Dist.*, 167 Cal. App. 4th 567, 606.

1           14.     H.N. is a 7 year old minor now in the second grade. During the time of the alleged  
2 incidents hereinafter outlined, was a first grader that H.N. attended Brook Knoll Elementary, which  
3 is a public school that is part of SVUSD.

4           15.     Plaintiff was 6 and 7 years old during the times of the incidents outlined herein.

5           16.     On January 11, 2022, H.N. went to school to his first grade class as required. At the  
6 beginning of class, and before any opportunity to eat, the children were lined up by Ms. GELTER  
7 and told to put their hands out palms up. They were each given a squirt of hand sanitizer. When it  
8 was H.N.'s turn, he said no thank you. He told Ms. GELTER that he preferred to wash his hands.  
9 He was then denied his education when Ms. GELTER treated him differently than other kids and  
10 sent him to the nurse's office for no valid reason. The nurse Selena Treuge allowed him to wash his  
11 hands instead of using hand sanitizer as a one-time exception. However, the nurse Selena Treuge  
12 stated that he would be required to use hand sanitizer moving forward.

13           17.     On January 12, 2022 H.N. was again unnecessarily harassed, scolded, and treated  
14 differently by his teacher Ms. GELTER for choosing not to use hand sanitizer. He showed his  
15 teacher the CDC report that stated handwashing is more effective. He was again sent to the nurse,  
16 showed her the CDC report, and the nurse allowed him to wash his hands. H. N. became the only  
17 child allowed to wash his hands. See CDC Report attached hereto as Exhibit "1" and incorporated  
18 in by this reference.

19           18.     On January 14, 2022 H.N. was chased by a yard duty staff member, employed by  
20 SVUSD and acting in the scope of that agency and employment, for not wearing his mask outdoors  
21 at drop-off. This woman with brown hair actually chased him and rudely demanded that he put on  
22 his mask that he was holding in his hand. This upset and frustrated young H.N. very much.

23           19.     On or about January 18, 2022, Principal WAHL sent out an email with a new  
24 protocol for dealing with COVID. The protocol stated:

- 25           • Starting January 20, 2022 SVUSD a) will suppose that all students assumed to  
26           have been exposed while at school, and b) will be moving all students  
27           regardless of exposure status into modified quarantine.
- "Vaccinated<sup>1</sup>" students *encouraged* to test weekly. "Unvaccinated" students  
          *required* to test weekly.

28           <sup>1</sup> This means those who have been entered into medical trials by taking the emergency use authorized covid injection

- Students must continue to mask.<sup>2</sup>
- “Vaccinated” students who test can participate in extracurricular activities.
- “Unvaccinated students who do not test weekly will need to quarantine at home and participate in independent study instructional program.
- Your child *should* get vaccinated and boosted.<sup>3</sup>

See Protocol attached hereto as Exhibit “2” and incorporated in by this reference.

20. On Jan 21, 2022 H.N. was reprimanded for not wearing a mask outside again by yard duty employed by SVUSD and acting in the scope of that employment.

21. On or about January 24, 2022, Principal WAHL sent out an exposure notice informing parents the SVUSD policy would be implemented. See exposure notice attached hereto as Exhibit “3” and incorporated in by this reference. No actual evidence of actual exposure to COVID such that any child was ill was ever provided to plaintiff.

22. The SVUSD policy regarding quarantining healthy people violates California law because you cannot quarantine healthy people. *In re: Arata* (1921) 52 Cal. App. 380. Plaintiff’s father opposed the quarantine of his healthy son as H.N. was not sick.

23. On January 26, 2022 Principal WAHL offered as a “compromise” to H.N.’s father that H.N. stay home for 10 days despite the fact that there was no evidence H.N. was ill.

24. On Jan 28, 2022 due to this new policy from SVUSD – H.N. was sent to the office for not being vaccinated or agreeing to weekly testing. On this day, he sat in the office with two other students who were also not testing and unvaccinated until all three students were brought home. This happened on a Friday and continued on Jan 31, 2022 the following Monday.

25. On or about January 28, 2022, H.N.’s father Justin Nordgreen went to the SVUSD administrative offices to speak to Ms. KRAUSE about all of the issues happening with H.N.. The staff tried to refuse to allow Mr. Nordgreen to speak to Ms. KRAUSE but he insisted because H.N.

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not the other vaccines on the schedule as required by law. Per the FDA, an investigational drug can also be called an “experimental drug” and when an experimental drug is administered, it is the equivalent of entering the recipient into a clinical trial. <https://www.fda.gov/media/150386/download>

<sup>2</sup> Masks are only emergency use authorized which requires informed consent. <https://www.fda.gov/medical-devices/emergency-situations-medical-devices/faqs-emergency-use-authorization-face-masks-non-surgical>

<sup>3</sup> A child cannot be entered into a clinical trial without express consent from their parents, and only if there is a benefit and a minimal risk to the child. 45 CFR 46.404,45 CFR 46.408. Further, if there is a greater than minimal risk to the child, there must first be a “direct benefit” to that specific child, and any risk must be “as favorable as” those presented by alternative approaches. 45 CFR 46.405

1 was sitting in school office being punished for no valid reason yet again. Ms. KRAUSE came out of  
2 her office and listened to Mr. Norgreen complain about H.N.'s rights being violated, his learning  
3 loss, the attempt to illegally mandate the experimental COVID injection by SVUSD employees.  
4 KRAUSE regurgitated the discriminatory and illegal SVUSD requirement that if you were not  
5 "COVID vaccinated" or "COVID tested" as student you could not attend in person learning in  
6 violation of state law and the constitution. She, with knowledge that H.N.'s legal rights were being  
7 violated and he was being mentally and emotionally harmed tried to justify the SVUSD employee's  
8 behavior exhibiting deliberate indifference to the harms H.N. was suffering.

9         26. KRAUSE sent emails to all families communicating the discriminatory and illegal  
10 policy that attempted to pressure families into getting their children the experimental COVID  
11 injection in violation of California law against requiring one to enter themselves into a medical  
12 trial. KRAUSE, acting in the scope of employment for SVUSD, sent emails saying that it was  
13 mandatory that one get their student COVID vaccinated or COVID tested, which are both  
14 experimental, or children would be refused in person instruction in violation of the California  
15 Constitution. Per KRAUSE, COVID "unvaccinated" students were required to test weekly,  
16 quarantine at home, enroll in independent study in violation of the law as independent study is  
17 voluntary. Ed code 51757(g)(8). KRAUSE knowingly put children of SVUSD including H.N. in  
18 harms way with deliberate indifference.

19         27. On Jan 31, 2022 H.N. was selected to be student of the week. This means that a  
20 selected student gets to highlight their family, choose special activities, and sit in a special chair. It  
21 means a great deal to the children including H.N..

22         28. Instead on January 31, 2022, H.N. was illegally discriminated against, isolated and  
23 segregated from his classmates and other students for this entire day, in a manner amounting to  
24 cruel isolation akin to solitary confinement with a person he did not know. This was the first day of  
25 his Student of the Week Celebration when H.N. was instead sent to classroom 34 which was used  
26 for storage. H.N. was not allowed to come in contact with his fellow students, speak with them, or  
27 participate in school activities with them. He missed his opportunity to be Student of the Week. He  
28 ate lunch alone in isolation and was isolated during recess. During his individual recess where he

1 was allowed out by himself, he was told to run laps. H.N. was healthy and had no confirmed  
2 exposure to a covid positive individual. Other children who also showed no symptoms were  
3 allowed to attend class on the same day if they accepted one of the two options of testing or were  
4 COVID injected.

5 29. H.N. described the room he was isolated in as an abandoned classroom used to store  
6 stacked desks, stacked chairs, a large bucket of puppets, cleaning supplies and excess art supplies.  
7 H.N. said that while he was illegally segregated in there with the substitute teacher the door, was  
8 given no school work, had no interactions with others, and blinds were closed. He felt sad, alone,  
9 and very upset.

10 30. After school on January 31, 2022, H.N. was heading to afterschool care as he does  
11 daily and was told by the school staff that he was not allowed to attend afterschool care because he  
12 was not vaccinated or had not submitted to the medical lab COVID test. He was forced to sit at the  
13 pick-up benches confused and wondering how he would get home. H.N. would have sat out there  
14 for hours but for a neighbor happening by who saw him sitting there and then kindly took him  
15 home. H.N.'s parents were not informed at any time that he was being punished for no reason and  
16 that he was told to sit outside alone. They found out what had happened from this neighbor that  
17 picked him up. The only thing H.N.'s parents were told is "unvaccinated" or untested children were  
18 not allowed in aftercare. When he was picked up, H.N. showed signs of being visibly distraught and  
19 upset over this senseless discrimination.

20 31. On February 1, 2022, H.N. was again illegally discriminated against, segregated and  
21 isolated in the same manner as described in paragraph 25.

22 32. On February 2, 2022, H.N. was again illegally discriminated against, segregated and  
23 isolated in the same manner as described in paragraph 25.

24 33. On February 3, 2022, when H.N. finally returned to class H.N.'s classmates asked  
25 where he had been. H.N. answered by telling them that he was placed into a separate storage  
26 classroom, alone, with a substitute teacher he did not know. When his teacher heard him answer the  
27 question and tell his classmates what happened, Teacher GELTER abruptly pulled him outside and  
28 told him not to share his "family decisions" with others. She then sent him to the school counselor

1 Ryan Navaroli who told H.N. that he was not allowed to share “family decisions” with other  
2 students. It was not a “family decision” to isolate and segregate H.N. from his peers, prevent him  
3 from participating in normal school activities with all the other kids, shame him, and cause him  
4 emotional distress, and impede his right to a quality education free from discrimination and  
5 harassment. GELTER’s harassment and discrimination towards H.N. continued.

6 34. On February 4, 2022, H.N. was again told by yard duty staff, acting in the scope of  
7 their employment for SVUSD, to put his mask on outside. H.N.’s mother contacted the office who  
8 confirmed that children did not have to wear masks outside. The same yard duty person harassed  
9 H.N. anyways.

10 35. On February 15, 2022, H.N.’s mother called the office and left a message stating  
11 H.N. would be late to school due to an appointment. H.N. arrived at school after 10:00 a.m., during  
12 recess, with a sign he created which stated “END THIS NONSENSE!” H.N. held it for one second  
13 before Teacher GELTER aggressively grabbed it out of his hands and sent him to the school  
14 counselor to punish him. Effectively, H.N. was punished by GELTER acting in the scope of her  
15 employment for SVUSD for exercising his first amendment rights.

16 36. H.N. was clearly exercising his free speech rights under the First Amendment and  
17 Education Code §48907 to protest the masks and testing.

18 37. Principal Joshua WAHL then falsely accused H.N. of disrupting class. He sent an  
19 intimidating email home to the parents with the false allegations of disruption and threats to remove  
20 him from class.

21 38. On or about January 30, 2022, Gov Newsom and the Mayors of San Francisco and  
22 Los Angeles were broadcasted on live TV not wearing a mask at the NFL Playoffs. When H.N. saw  
23 that the leaders “mandating” masks were not complying with their own requirements, he felt angry.  
24 That was the moment H.N. eventually decided to follow their lead and stop wearing his mask at  
25 school in protest starting on February 22, 2022.

26 39. On February 22, 2022, H.N. refused to wear a mask in the classroom in protest and  
27 was sent home. He was provided a folder of work with no instruction for this 7 year old.

28



1           40.     From February 23-25, 2022, H.N. continued to refuse the mask daily and was again  
2 sent to the principal's office where he stayed alone, isolated from his peers, for the day or was sent  
3 to a separate storage classroom with the distance learning teacher who he did not know. This  
4 segregation and discrimination was done by SVUSD employees acting in the scope of their  
5 employment.

6           41.     On Friday February 25, 2022 H.N. decided to write a book about his experience.  
7 H.N. was traumatized by the constant chastising, correcting, humiliating, isolation and segregation  
8 that amounts to solitary confinement of a 6 and 7 year old that manifested itself in tragic story  
9 board drawings of his teacher hitting him over the head with a mallet because he wouldn't wear a  
10 mask. See Exhibit "4" attached hereto and incorporated by this reference herein.

11           42.     On March 1, 2022, H.N. refused to wear a mask in the classroom in protest and was  
12 sent to principal's office by GELTER for the whole day. H.N. complained of back pain because the  
13 seating was not proper for a young child.

14           43.     On March 2, 2022, H.N. refused to wear a mask in the classroom in protest and was  
15 sent to principal's office for the whole day by GELTER. H.N. again complained of back pain  
16 because the seating was not proper for a young child.

17           44.     On March 3, 2022, H.N. refused to wear a mask in the classroom in protest. He was  
18 put outside and he looked for bugs outdoors with the counselor and another student. He was then  
19 segregated in a separate storage classroom again with someone he did not know.

20           45.     On March 4, 2022, H.N. refused to wear a mask in the classroom in protest. He was  
21 again sent to the principal's office by GELTER.

22           46.     On March 7, 2022, H.N. refused to wear a mask in the classroom in protest. He was  
23 again isolated in a manner akin solitary confinement by principal WAHL.

24           47.     On March 8, 2022, H.N. refused to wear a mask in the classroom in protest. He was  
25 again placed in solitary confinement by principal WAHL.

26           48.     On March 9, 2022, H.N. refused to wear a mask in the classroom in protest. He was  
27 again placed in the principal's office all day by GELTER AND WAHL.

28

1           49.     On March 10, 2022, H.N. refused to wear a mask in the classroom in protest. He was  
2 again placed in the principal’s office all day by GELTER AND WAHL. The yard duty, acting in  
3 the scope of her employment for SVUSD, asked H.N. why he was doing his schoolwork in the  
4 office. He answered it was because I refused to wear a mask. She started to bully him and say,  
5 “You do not have the right to do that.” He told her, “My freedom does not end where your fear  
6 starts”. This is the same yard duty who twice bullied and chased him to intimidate him into wearing  
7 his mask outdoors causing him great emotional distress.

8           50.     On March 11, 2022, H.N. refused to wear a mask in the classroom in protest. He was  
9 again placed in the principal’s office all day by GELTER AND WAHL. This date was a Friday  
10 and the “mask mandate” policy<sup>4</sup> of SVUSD was scheduled to end at midnight that night.

11          51.     At no time in the preceding incidents listed herein, nor at any time in this complaint,  
12 was there any evidence H.N. was sick nor did he ever exhibit symptoms of illness.

13          52.     Beginning as early as September 2021 and continuing to the end of the 2021/2022  
14 school year, H.N. and his father informed Principal Joshua WAHL multiple times that they did not  
15 consent to experimental medical products like masking or COVID injections, H.N. did not want his  
16 airways restricted by a mask because a) the virus travels through the masks, b) H.N. cannot breathe  
17 in the mask, c) H.N.’s learning was inhibited because he could not see the facial expressions of his  
18 teachers and fellow scholars, d) masks actually increase chance of illness because they trap bacteria  
19 and viruses close to airways and e) proper ventilation<sup>5</sup> is superior to masks as stated in multiple  
20 studies.

23 <sup>4</sup> There never was a legal mandate from the California Department of Public Health which allowed or required a  
24 school district to enforce masks because it did not go through the administrative procedures act rulemaking process.  
25 Additionally, only health officers have police power delegated to them by the legislature to enforce health orders.  
26 Health & Saf Code § § 120140; 120175; 120195 Schools do not. Ed code §49451.

27 <sup>5</sup> Applying the formula published by the Centers for Disease Control (CDC) in 2003, the American Industrial  
28 Hygiene Association (AIHA) found that indoor ventilation systems which achieve an effective air circulation rate per  
hour (ACH) of at least six (6) ACH (meaning the air is fully circulated at least six times per hour), “significantly  
reduce[d] the spread of infectious airborne diseases” at a rate superior to all other known comparative prevention  
methods, including (but not limited to) masks and N-95 ventilators. (Available at: [https://aiha-  
assets.sfo2.digitaloceanspaces.com/AIHA/resources/Guidance-Documents/Reducing-the-Risk-of-COVID-19-using-  
Engineering-Controls-Guidance-Document.pdf](https://aiha-assets.sfo2.digitaloceanspaces.com/AIHA/resources/Guidance-Documents/Reducing-the-Risk-of-COVID-19-using-Engineering-Controls-Guidance-Document.pdf)). (See also CDC Guidelines for Environmental Control, Appendix  
Table B-1, Available at: <https://www.cdc.gov/infectioncontrol/guidelines/environmental/appendix/air.html#tableb1>)

1           53.     On February 15, 2022, Principal WAHL sent a message to H.N.'s parents as  
2 follows:

3            "In addition, please note that [H.N.] has also continually resisted wearing his mask  
4 indoors. While I am aware that [H.N.] does not want to wear a mask, it has been made  
5 repeatedly clear that at this time, and until the state changes the mandate, it is mandatory  
6 for everyone on the school campus to wear a mask indoors, at all times. As I imagine you  
7 are aware, the indoor mask mandates are still required at schools and we need all to  
8 comply until the rules change. If he refuses to comply and does not wear his mask in  
9 class, he will need to be removed from that learning environment."

10           54.     On May 3, 2022, H.N. and his father visited the school for an open house. They  
11 passed the storage classroom where H.N. was isolated and segregated. H.N. paused and was visibly  
12 upset by the memory this brought up.

13           55.     Plaintiff has exhausted all his administrative remedies and the decision of SVUSD  
14 has become final insofar as plaintiff is presently concerned. As required per the California Tort  
15 Claims Act, H.N. served tort claim/claim for damages forms on February 17, 2022, March 1, 2022,  
16 and two on April 28, 2022.

17           56.     On or about March 10, 2022 and April 29, 2022, and July 22, 2022 SVUSD  
18 responded and rejected the four tort claims. The fourth tort claim response was due June 12, 2022.  
19 See Exhibits "5", "6", "7" attached hereto and incorporated by this reference herein.

20           57.     On July 7, 2022, Plaintiff made a written settlement demand based on the  
21 harassment, discrimination, humiliation, segregation and isolation he suffered at the hands of  
22 SVUSD employees acting in the scope of their employment as repeatedly outlined herein in an  
23 effort to avoid litigation. The offer remained open until July 18, 2022. SVUSD counsel did not  
24 respond to written demand for settlement.

25           58.     On or about September 9, 2022, H.N. threw up his breakfast because he ate too  
26 much. H.N. was then cleared by his doctor's health care team to return to school in 24 hours but  
27 WAHL, acting in the course and scope of his employment SVUSD, at the direction of KRAUSE,  
28 did not allow H.N. to return to school. H.N., perfectly healthy, attempted to return to school for a  
period over 11 days and every time was sent to the office and punished again after Defendants, each  
of them had been served this complaint. One day H.N. was allowed to attend class outdoors but  
H.N. is informed and believe that KRAUSE put a stop to allowing H.N. to attend outdoors to

1 punish him. Counsel for defendants were notified of this offending conduct and did nothing to stop  
2 it.

3 59. On about September 12, 2022, while this stand off was going on between H.N. and  
4 Defendants WAHL and KRAUSE, the school nurse, acting in the scope of her employment for  
5 SVUSD, called H.N.'s father to come pick H.N. up. Nadia OSKOLKOFF, the Director of Student  
6 Services for SVUSD acting in the scope of her employment for SVUSD, who was not usually there  
7 at the elementary school, tried to prohibit H.N. from going to class. Mr. Norgreen overheard Nadia  
8 speaking to who he is informed and believed was KRAUSE who told OSKOLKOFF to call the  
9 police, and with knowledge of the falsity of the report, make a false report of a crime in violation of  
10 Civil Code §51.7. H.N. was just coming to school as normal kids do so no crime was occurring.  
11 Such conduct of knowingly filing a false report of a crime is viewed by California law as a threat of  
12 violence by way of intimidation<sup>6</sup>.

13 60. The California Department of Public Health K-12 Guidance was never a "mandate"  
14 nor did it have the "force and effect of law" because it did not go through the Administrative  
15 Procedures Act rulemaking process required by statute.<sup>7</sup>

16 61. Additionally, only health officers have police power delegated to them by the  
17 legislature to enforce health orders, if any exist. Health & Saf Code §§120140; 120175; 120195.  
18 Schools do not. Ed code §49451.

19 62. A school district is an agency of limited authority, which may exercise only those  
20 powers granted by statute. (*San Juan Teachers Assn. v. San Juan Unified Sch. Dist.*, 44 Cal.App.3d  
21 232, 250) "Administrative regulations that alter or amend the statute or enlarge or impair its scope  
22 are void and courts not only may, but it is their obligation to strike down such regulations.  
23 (*Morris v. Williams*, 67 Cal.2d 733, 748 as cited in *Burton v. Board of Education*, 71 Cal. App. 3d  
24 52, 57-58. Neither school boards nor any other administrative agency may set additional terms or

25 \_\_\_\_\_  
26 <sup>6</sup> "Intimidation by threat of violence" includes, but is not limited to, making or threatening to make a claim or report  
27 to a peace officer or law enforcement agency that falsely alleges that another person has engaged in unlawful activity  
28 or in an activity that requires law-enforcement intervention, knowing that the claim or report is false, or with reckless  
disregard for the truth or falsity of the claim or report [Civ. Code § 51.7(b)(2)]. 11 California Forms of Pleading and  
Practice--Annotated § 117A.12

<sup>7</sup> Gov. Code, § 11340.5, subd. (a), Gov. Code § 11342.545; Gov. Code, § 11346.1

1 conditions which frustrate rights created by statute. (See *Syrek v. California Unemployment*  
2 *Insurance Appeals Board*, 54 Cal.2d 519, 532; *Ellis v. Board of Education*, 27 Cal.2d 322, 324-  
3 325; *Cabrillo Community College Dist. v. California Junior College Assn.*, 44 Cal.App.3d 367,  
4 371-372. Educators employed by SVUSD certainly had no legal authority to harass, bully,  
5 humiliate, pressure and mentally traumatize H.N. as they did at all times alleged in this complaint.

6 63. The masks are only emergency use authorized by the Federal Drug Administration.<sup>8</sup>

7 64. Masks do not stop virus transmission and are harmful to children's growing brains.<sup>9</sup>

8 65. "A public entity is liable for injury proximately caused by an act or omission of an  
9 employee of the public entity within the scope of his employment if the act or omission would,  
10 apart from this section, have given rise to a cause of action against that employee or his personal  
11 representative." Gov. Code, § 815.2(a)

12 **FIRST CAUSE OF ACTION**  
13 **(False Imprisonment)**

14 As to Defendants SVUSD, WAHL, GELTER and KRAUSE

15 66. Plaintiff realleges and incorporate herein by reference all preceding paragraphs of  
16 this Complaint as though fully set forth herein.

17 67. Public employees are not entitled to immunity in suits for false arrest or false  
18 imprisonment. Gov't Code §820.4. "A public entity is liable for injury proximately caused by an act  
19 or omission of an employee of the public entity within the scope of his employment if the act or  
20 omission would, apart from this section, have given rise to a cause of action against that employee  
21 or his personal representative." Gov. Code, §815.2(a).

22 68. On or about January 31, 2022 – February 2, 2022, defendants WAHL and GELTER,  
23 each acting in the scope of employment for SVUSD, with the knowledge, permission and  
24 ratification of KRAUSE who exhibited deliberate indifference to the harms being cause to H.N.,  
25 abused their position of authority over H.N. when they isolated, segregated and imprisoned H.N. in  
26 a storage classroom which created a circumstance psychologically akin to solitary confinement.  
27 H.N., a 6/7 year old, did not know the person assigned in the room with him nor did they interact in

28 <sup>8</sup> <https://www.fda.gov/medical-devices/emergency-situations-medical-devices/faqs-emergency-use-authorization-face-masks-non-surgical>

<sup>9</sup> <https://www.aier.org/article/medical-journal-warns-about-maskss-potentially-devastating-consequences/>

1 a positive manner. This person did not let H.N. play at recess with his friends, forced him to eat  
2 alone in the storage classroom, and forced him to run laps - all against his will, all without his or his  
3 parent's consent, constituting a deprivation of freedom of movement, unprivileged confinement and  
4 false imprisonment. The unprivileged confinement was a method of coercion and intimidation  
5 employed on a 6/7 year old by Defendants, defendants WAHL and GELTER, each acting in the  
6 scope of employment for SVUSD, with the knowledge, permission and ratification of KRAUSE  
7 who exhibited deliberate indifference to the harms being cause to H.N., for approximately three  
8 days.

9         69. This conduct by Defendants WAHL and GELTER, ratified by KRAUSE, each  
10 acting in the course and scope of their employment for SVUSD, constituted extreme abuse of their  
11 position of authority over 6/7 year old H.N. which constitutes extreme and outrageous conduct.

12         70. H.N. did not, at any time relevant to the claims herein, knowingly or voluntarily  
13 consent to this imprisonment, isolation and segregation psychologically akin to solitary  
14 confinement or deprivation of freedom at school.

15         71. Immediately prior to the acts of defendants herein alleged, H.N. had been peacefully  
16 trying to attend school, which is compulsory under California law per Ed. Code §48200 as a healthy  
17 young 6/7 year old, and simply protest wearing a mask pursuant his first amendment right under the  
18 California and Federal Constitutions, Cal. Const., art. I, § 1, Ed Code 48907, Ed Code §201 and  
19 right to in person instruction.

20         72. H.N. did not, at any time mentioned herein, disrupt the learning environment or  
21 disrupt any other student or teacher in any way.

22         73. In segregating, isolating and imprisoning H.N. and abusing the power and authority  
23 of an educator and an adult in charge of a 6/7 year old first grader, Defendants, each of them,  
24 intended to humiliate, bully, intimidate, coerce and pressure 6/7 H.N. into wearing a mask against  
25 his will by imprisoning, isolating and segregating him in a manner psychologically akin to solitary  
26 confinement. Defendants WAHL, GELTER, and KRAUSE, each of them, acting in the course and  
27 scope of their employment for SVUSD, acted with deliberate malice and for the purpose of  
28 intimidating, humiliating and bullying 6/7 year old H.N. when he had a statutory right to in person

1 instruction free from harassment and discrimination and a constitutional right to free speech to  
2 protest the experimental masks. Cal. Const., art. I, § 1

3 74. As a direct and proximate cause as a result of the Defendant's actions, each of them,  
4 which was a substantial factor in causing the harm to H.N., he has been traumatized, emotionally  
5 and mentally damaged at an amount to be determined at trial.

6 75. As a direct and proximate cause as a result of the Defendant's actions, and each of  
7 them, H.N. was injured in his health, strength, and activity, sustaining injury to his mental health,  
8 shock and injury to his nervous system and person, and among other injuries, all of which injuries  
9 have caused H.N. to suffer post-traumatic stress disorder, extreme and severe mental anguish and  
10 directly caused H.N. to develop a complete distrust in his teachers and in the school system. These  
11 injuries will result in long term damage to H.N. namely mental trauma and general damage an  
12 amount which will be determined at trial.

13 76. As a proximate result of the acts of defendants, and each of them, as herein alleged,  
14 plaintiff has incurred, and will incur, further medical and incidental expenses for the care and  
15 treatment of these injuries, the exact amount of which will be proven at trial.

16 77. The above-recited actions of humiliation, punishment, pressure, coercion,  
17 segregation, isolation and imprisonment of a healthy 6/7 year old by defendant defendants were  
18 done with malice, fraud, or oppression, and in reckless disregard of the plaintiff's rights.  
19 Specifically, the defendants intentionally targeted H.N., intimidated him, pressured him, humiliated  
20 him, bullied him and harassed him because he chose to exercise his first amendment right to free  
21 speech and protest the experimental masks. The acts of defendants, KRAUSE, WAHL, and  
22 GELTER, as herein alleged were willful, wanton, malicious, and oppressive, and justify the  
23 awarding of punitive damages.

24 **SECOND CAUSE OF ACTION**  
25 **(Negligence)**

As to All Defendants

26 78. Plaintiff realleges and incorporates herein by reference all preceding paragraphs of  
27 this Complaint as though fully set forth herein.

28

1           79.     "A public entity is liable for injury proximately caused by an act or omission of an  
2 employee of the public entity within the scope of his employment if the act or omission would,  
3 apart from this section, have given rise to a cause of action against that employee or his personal  
4 representative." Gov. Code, § 815.2(a).

5           80.     SVUSD and its employees and agents KRAUSE, WAHL, GELTER, OSKOLKOFF,  
6 Counselor Ryan Navaroli and Nurse Selena Treuge, each acting in the course and scope of their  
7 employment with SVUSD, had a duty of ordinary care, statutory and constitutional duties to H.N.  
8 to provide an education free from discrimination, harassment, bullying, and physical and mental  
9 injury, and threats of violence by knowingly filing false police reports. These SVUSD agents, each  
10 of them, had a duty to supervise at all times the conduct of staff and other children on the school  
11 grounds and to enforce those rules and regulations necessary to ensure the children's protection and  
12 the protection of H.N..

13           81.     On the dates herein mention in the preceding paragraphs, the SVUSD employees  
14 and agents WAHL, GELTER, OSKOLKOFF, Counselor Ryan Navaroli, Nurse Selena Treuge,  
15 acting with the permission of KRAUSE who acted with deliberate indifference, breached their  
16 duty<sup>10</sup> to H.N. by intentionally and negligently failing to exercise "that degree of care 'which a  
17 person of ordinary prudence, charged with comparable duties, would exercise under the same  
18 circumstance" when they committed negligent and intentional conduct of intentional intimidation,  
19 bullying, harassment, discrimination, humiliation, isolation, segregation akin to solitary  
20 confinement of a healthy child, and filed a false police report knowing that the claim or report is  
21 false, or with reckless disregard for the truth or falsity of the claim or report.

22           82.     As a proximate result of the actions of Defendants, each of them acting in the  
23 capacity as employees for SVUSD as outlined in preceding paragraphs, caused H.N. to be  
24 frightened, upset, nervous and humiliated, and suffered extreme and severe mental suffering and  
25 duress, emotional distress and mental damage, to lose sleep, suffer mental trauma, suffer from post-

26 \_\_\_\_\_  
27 <sup>10</sup> A school district is liable for injuries caused by inadequate supervision of students on school grounds. *Dailey v.*  
28 *Los Angeles Unified Sch. Dist.* (1970) 2 Cal. 3d 741, 747-751; *Biggers v. Sacramento City Unified Sch. Dist.* (1972)  
25 Cal. App. 3d 269, 273-275.



1 traumatic stress, physical damage, damage to his nervous system, learning loss and other damages  
2 to be presented at trial. On the occasions outlined herein, when H.N. attempted to exercise his  
3 fundamental right to in person instruction, while healthy, without a mask as is his statutory and  
4 constitutional right, he was denied learning, harassed, humiliated, isolated, segregated, and  
5 discriminated against for not being COVID injected by SVUSD agents and employees WAHL,  
6 GELTER, OSKOLKOFF, with permission and such conduct being ratified by KRAUSE. This  
7 negligent and intentional conduct by the Defendant SVUSD employees, each of them, inflicted  
8 severe trauma embarrassment, humiliation, and emotional distress on Plaintiff as evinced by  
9 Exhibit "4".

10 83. SVUSD's employee's conduct, and each of its agents, at all times in this regard was  
11 extreme and outrageous as Defendants WAHL, GELTER, KRAUSE, OSKOLKOFF and other  
12 SVUSD employees mentioned herein abused their position of power over H.N..

13 84. As a direct and proximate cause as a result of the Defendants KRAUSE, WAHL,  
14 GELTER, and OSKOLKOFF, each of them acting in the course and scope of their employment,  
15 malicious, intentional and negligent actions described herein in paragraphs 1-38, Plaintiff has  
16 suffered great stress, annoyance, emotional trauma, incurred attorney's fees in an amount to be  
17 proven at trial.

18 **THIRD CAUSE OF ACTION**  
19 **(Intentional Infliction of Emotional Distress)**

20 As to all Defendants

21 85. Plaintiff incorporates, by reference, all the foregoing paragraphs of this complaint as  
22 though fully set forth herein.

23 86. "A public entity is liable for injury proximately caused by an act or omission of an  
24 employee of the public entity within the scope of his employment if the act or omission would,  
25 apart from this section, have given rise to a cause of action against that employee or his personal  
26 representative." Gov. Code, § 815.2(a)

27 87. Defendant's conduct, WAHL, GELTER, OSKOLKOFF, and KRAUSE each of  
28 them acting in the course and scope of their employment with SVUSD, was a clear abuse of their  
position of power over 6/7 year old H.N. As outlined herein in the preceding paragraphs

1 incorporated herein by this reference, the conduct was so outrageous in character and so extreme in  
2 degree as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly  
3 intolerable in a civilized community. Defendant's agents Principal WAHL and Teacher GELTER,  
4 OSKOLKOFF, who were in positions of power as school authorities over H.N. isolated, segregated  
5 and imprisoned H.N. a 6/7 year old, in a manner akin to tortious solitary confinement. H.N. did not  
6 know the person placed in the room with him who told him, against he and his parent's wishes, he  
7 was not allowed to leave, nor did the person interact with H.N. in a positive way. This person then  
8 kept H.N. from his friends, made him eat alone, run laps, all against his will and without consent  
9 for days. WAHL and GELTER humiliated H.N. in front of his peers by grabbing signs out of his  
10 hands, putting him outside on a bench for hours and failing to supervise him or call his parents,  
11 repeatedly sent him out of the classroom to the office to punish him as if he had done something  
12 wrong, refused to let him speak to his peers which embarrassed him. OSKOLKOFF threatened  
13 violence in the form of intimidation and coercion by calling the one person in the world who is  
14 authorized to use a gun to stop a crime, the police. She called the police on H.N. for trying to go to  
15 his classroom to make a claim or report to a peace officer or law enforcement agency, that falsely  
16 alleges that H.N. engaged in unlawful activity or was engaging in an activity that required law-  
17 enforcement intervention, knowing that the claim or report was patently false, and with reckless  
18 disregard for the truth or falsity of the claim or report. This conduct violates civil code §51.7.  
19 SVUSD employee yard duty chased H.N. around the playground and sent him to the office and the  
20 nurse to punish him repeatedly as if he was in trouble.

21 88. This conduct by Defendants, each of them in the course and scope of their  
22 employment for SVUSD, was done to intentionally intimidate, pressure and coerce H.N. into  
23 wearing a mask, get tested for COVID, or get the COVID injection to make him so miserable he  
24 would beg his parents to get him "vaccinated." All of this aforementioned illegal conduct of  
25 WAHL, GELTER and OSKOLKOFF was actually known to KRAUSE and with deliberate  
26 indifference thereafter ratified by her. Counselor Ryan Navaroli, acting in the scope of his  
27 employment for SVUSD, saw the drawing by H.N. where it was depicted his principal would hit  
28 him on the head with a mallet and likewise did nothing. See Exhibit "4".

1 89. The Defendants, each of them, acting in the course and scope of their employment  
2 with SVUSD, intended to cause, and/or recklessly disregarded the possibility of causing H.N.  
3 severe emotional distress. The Defendants, each of them, acting in the course and scope of their  
4 employment with SVUSD acted intentionally or unreasonably with the recognition that the acts  
5 mentioned in paragraph 87 herein were an extreme abuse of power and Defendants, each of them  
6 knew, their conduct was likely to result in illness through mental distress to young 6 and 7 year old  
7 H.N..

8 90. As a direct result and proximate cause due to Defendant's outrageous conduct  
9 outlined in paragraph 87, H.N. suffered and post-traumatic stress disorder and severe and pervasive  
10 emotional distress and trauma.

11 91. These acts of abuse of power by Defendants KRAUSE, WAHL, GELTER,  
12 OSKOLKOFF acting in the course and scope of their employment with SVUSD, and each of them,  
13 as herein alleged were outrageous, intentional, willful, wanton, malicious, and oppressive, and  
14 justify the awarding of punitive damages against them.

15 **FOURTH CAUSE OF ACTION**  
16 **(Civil Rights Violations California Civil Code 52.1)**  
17 **Tom Bane Act**  
18 As to all Defendants

19 92. Plaintiff incorporates, by reference, all the foregoing paragraphs of this complaint as  
20 though fully set forth herein.

21 93. "A public entity is liable for injury proximately caused by an act or omission of an  
22 employee of the public entity within the scope of his employment if the act or omission would,  
23 apart from this section, have given rise to a cause of action against that employee or his personal  
24 representative." Gov. Code, § 815.2(a). California law permits respondeat superior liability for  
25 Bane Act violations. *I.V. v. Vacaville Unified Sch. Dist.*, 2020 U.S. Dist. LEXIS 28474, \*17 citing  
26 Gov. Code, § 815.2(a).

27 94. Students in public schools have a fundamental right to in person instruction.  
28 California Constitution AIX SEC. § 5. All students are entitled to "equal rights and opportunities"  
in education (Ed. Code § 200) and to participate fully in the educational process "free from

1 discrimination and harassment.” (Ed. Code § 201, subd. (a).) All students possess the right of  
2 freedom of speech and expression guaranteed by Section 2(a) of Article I of the California  
3 Constitution, and §48907 of the Education Code.

4 95. Civil Code 52.1(c)<sup>11</sup> provides for a private right of action for any individual whose  
5 exercise or enjoyment of rights secured by the Constitution or laws of the United States, or of  
6 **rights secured by the Constitution or laws of this state, has been interfered with, or attempted**  
7 **to be interfered with, as described in subdivision** (b) of this statute which states:

8  
9 “If a person or persons, whether or not acting under color of law, interferes by threat,  
10 intimidation, or coercion, or attempts to interfere by threat, intimidation, or coercion, with  
11 the exercise or enjoyment by any individual or individuals of rights secured by the  
12 Constitution or laws of the United States, or of the rights secured by the Constitution or  
13 laws of this state” they may bring a civil action for damages, including but not limited to,  
14 damages under Civil Code §52 which are civil penalties of \$25,000 plus damages and  
15 attorney’s fees.

16 96. Defendants WAHL, GELTER, OSKOLKOFF, each of them, acting in the scope of  
17 their employment, and ratified by KRAUSE with deliberate indifference to the harm it was causing  
18 H.N., intentionally tried to coerce and intimidate H.N., and did prevent the plaintiff from doing  
19 something he had the right to do under the law. Defendants, each of them with deliberate  
20 indifference to the harm it caused him, tried to force the H.N. to do something he was not required  
21 to do— namely wear a mask, COVID test, or get COVID injected.

22 97. Defendants WAHL, GELTER, OSKOLKOFF, each of them, acting in the scope of  
23 their employment, and ratified by KRAUSE with deliberate indifference to the harm it was causing  
24 H.N., violated H.N.’s state and constitutional rights articulated in paragraph 94 when they  
25

26  
27  
28 <sup>11</sup> SECTION 1. (a) The Legislature hereby finds and declares all of the following: (1) Section 52.1 of the Civil Code  
guarantees the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of  
the United States, or of the rights secured by the Constitution or laws of this state without regard to his or her  
membership in a protected class identified by its race, color, religion, or sex, among other things. (2) The decision in  
*Bocato v. City of Hermosa Beach* (1994) 29 Cal.App.4th 1797 misconstrued Section 52.1 of the Civil Code to  
require that an individual who brings an action, or on whose behalf an action is brought, pursuant to that section, be a  
member of one of those specified protected classes. (b) It is the intent of the Legislature in enacting this act to clarify  
that an action brought pursuant to Section 52.1 of the Civil Code does not require the individual whose rights are  
secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of  
California to be a member of a protected class identified by its race, color, religion, or sex, among other things. Cal  
Civ Code § 52.1

1 imprisoned, segregated and isolated H.N. against his will, bullied him, attempted to coerce him into  
2 wearing a mask or getting the COVID injection under threat of violence by way of intimidation,  
3 pressure and coercion by calling the police as stated in paragraph 95, discriminated against him for  
4 exercising his right to free speech and to attend school, harassed, and otherwise emotionally harmed  
5 H.N. because his parents chose not to enter him into a medical trial and because he chose to protest  
6 wearing a mask. H.N. was chastised, shunned, humiliated, imprisoned, segregated, isolated, refused  
7 his fundamental right to in person instruction, and repeatedly humiliated by his educators who are  
8 supposed to ensure he thrives in his learning environment. These acts on the part of the defendants,  
9 involving violence or threats of violence by way of intimidation or coercion interfered with, or were  
10 attempts to interfere with, H.N.'s exercise of his fundamental right to in person instruction free  
11 from discrimination and harassment and his right to free speech.

12           98. Defendant OSKOLKOFF, acting in the scope of her employment, and ratified by  
13 KRAUSE with deliberate indifference to the harm it was causing H.N., interfered with and  
14 attempted to interfere with H.N.'s constitutional and statutory rights listed in paragraph 93 by  
15 threats of violence in the form of intimidation and coercion by filing a false police report with  
16 knowledge of its falsity and knowledge, making or threatening to make a claim or report to a peace  
17 officer or law enforcement agency that falsely alleges that another person has engaged in unlawful  
18 activity or in an activity that requires law-enforcement intervention, knowing that the claim or  
19 report is false, or with reckless disregard for the truth or falsity of the claim or report.

20           99. As a result, H.N. reasonably believed that if he continued to exercise his rights to  
21 free speech and to attend school free from discrimination and harassment, Defendants, each of  
22 them, would continue to intimidate, pressure and coerce him and commit actual violence against  
23 him. See story board drawing attached hereto as Exhibit "4" and incorporated herein by this  
24 reference.

25           100. By reason of Defendants' conduct as herein alleged, enforcement of the above-  
26 described school district "COVID policy", constituted a violation of Civil code §52.1, California  
27 Constitution § 5, AIX: SEC. 5, unlawful harassment and discrimination in violation of California  
28

1 Education Code §§11135, 32261, 32282, Education code §§§201, 200, 220, and 234 et seq,  
2 §48900; and Civil Code §§52.1.

3 101. As a direct and proximate cause of the Defendant's and its agents malicious,  
4 intentional and negligent actions described herein, H.N. has suffered great stress, annoyance,  
5 emotional and mental trauma, and incurred attorney's fees in an amount to be proven at trial.

6 102. The actions of the defendant were done with malice, fraud, or oppression, and in  
7 reckless disregard of the plaintiff's rights which supports recovery of punitive damages against  
8 KRAUSE, WAHL, GELTER, and OSKOLKOFF.

9 **FIFTH CAUSE OF ACTION**

10 **(Civil Rights Violations)**

11 **U.S. Const., amends. I, XIV; Cal. Const., art. I, § 2(a); Educ. Code § 48907(a)**

12 **Against WAHL, GELTER, KRAUSE, OSKOLKOFF**

13 103. Plaintiff incorporates, by reference, all the foregoing paragraphs of this complaint as  
14 though fully set forth herein.

15 104. On or about January 18, 2022 Defendants, employees of SVUSD and  
16 Superintendent KRAUSE acting in their capacity and serving as agents for the governing board of  
17 Defendant SVUSD, adopted and promulgated a school district policy, a copy of the protocol which  
18 is attached hereto as Exhibit "2" and made a part hereof, which provides, in pertinent part that all  
19 students of SVUSD are mandated to wear a face covering with no legal authority to do so.

20 105. On or about January 24, 2022, Defendants SVUSD and Superintendent Tanya  
21 Krause, acting in their capacity and serving as agents for the governing board of Defendant  
22 SVUSD, adopted and promulgated a school district policy, a copy of which is policy attached  
23 hereto as Exhibit "3" and made a part hereof, which provides, in pertinent part that all students of  
24 SVUSD even when healthy are required to quarantine in violation of California law.

25 106. On or about January 30, 2022, Gov Newsom and the Mayors of San Francisco and  
26 Los Angeles were broadcasted on live TV not wearing a mask at the NFL Playoffs. When H.N. saw  
27 that the leaders "mandating" masks were not complying with their own requirements, he felt angry.  
28 That was the moment H.N. decided to follow their lead and stop wearing his mask at school in  
protest starting on February 22, 2022.

1           107. On or about the dates listed herein in paragraphs 39-50, while healthy and lawfully  
2 on the premises of SVUSD for the purpose of attending classes therein, H.N., refused to wear a face  
3 covering in protest<sup>12</sup> which is conduct protected by Cal. Const., art. I, § 2(a) and Education Code  
4 §48907.

5           108. On February 15, 2022, H.N. arrived at school after 10:00 a.m., during recess, with a  
6 sign he created which stated “END THIS NONSENSE!” H.N. held it for one second before  
7 Teacher GELTER aggressively grabbed it out of his hands and sent him to the school counselor to  
8 punish him. Effectively, H.N. was punished by GELTER acting in the scope of her employment for  
9 SVUSD for exercising his first amendment rights.

10           109. Thereafter, WAHL acting pursuant to the above-described school district policy  
11 ordered H.N. to wear a face covering and falsely accused H.N. of disrupting the learning  
12 environment to embarrass him and coerce him into wearing a mask in violation of his free speech.  
13 When plaintiff refused to wear a face covering or take a COVID test or get the COVID injection,  
14 Principal WAHL and GELTER, isolated and segregated H.N. in a storage classroom, did not let  
15 him play at recess with his friends, forced him to eat alone in the room, forced him to run laps all  
16 against his will and without his consent constituting unprivileged confinement of plaintiff by force  
17 or threats for approximately three days over his and his parent’s objection and protest.

18           110. The above-described school district policies which SVUSD punitively implemented  
19 in violation of California law and the constitutions deny H.N. his right of freedom of speech and  
20 expression as guaranteed by the First and Fourteenth Amendments of the United States  
21 Constitution, Section 2(a) of Article I of the California Constitution, and §48907 of the Education  
22 Code, both on its face and as applied to plaintiff, and is unconstitutionally vague and overbroad in  
23 that it has no rational relationship to any government concern.

24           111. H.N.’s protest of politely refusing to wear a mask and bringing signs to school when  
25 he was perfectly healthy neither disrupted learning or violated the rights of other students.

26 \_\_\_\_\_  
27 <sup>12</sup> Conduct is protected by the First Amendment as free speech if, based on the context surrounding the conduct, a  
28 reasonable observer would understand the actor's intended meaning. *United States v. O'Brien*, 391 U.S. 367 (1968);  
*Spence v. Washington*, 418 U.S. 405 (1974); and *West Virginia State Board of Education v. Barnette*, 319 U.S. 624  
(1943).

1 112. By reason of Defendants' acts, each of them, and conduct as herein alleged, the  
2 circumstances surrounding Plaintiff's refusal to mask in protest of SVUSD's mask policy rendered  
3 his conduct sufficiently expressive to fall within the scope of the First Amendment. This is because  
4 a reasonable observer of Plaintiff's actions would have understood them as being inherently  
5 expressive—one of clear protest.

6 113. By reason of Defendants' acts and conduct as herein alleged, the punitive  
7 enforcement of CDPH's non-binding recommendations as a mandated school policy, and the  
8 intentional intimidation, coercion and pressure tactics employed by Defendant's each of them,  
9 denied H.N. his right of freedom of speech and expression as guaranteed by the First and  
10 Fourteenth Amendments of the United States Constitution, Article 2(a) of Article I of the California  
11 Constitution, and §48907 of the California Education Code.

12 114. As a proximate result of Defendants' acts and conduct as herein alleged, plaintiff  
13 was deprived of his rights, privileges, and immunities secured to him by the First and Fourteenth  
14 Amendments of the United States Constitution, Article 2(a) of Article I of the California  
15 Constitution, and Section 48907 of the California Education Code.

16 115. By reason of defendants' acts and conduct as herein alleged, plaintiff has suffered  
17 emotional damage in an amount to be proven at trial.

18 116. The actions of the defendant were done with malice, fraud, or oppression, and in  
19 reckless disregard of the plaintiff's rights which supports recovery of punitive damages against  
20 KRAUSE who ratified the bad acts of defendants, and against WAHL, GELTER, and  
21 OSKOLKOFF.

22 **PRAYER**

23 Wherefore Plaintiff pray for relief as follows:

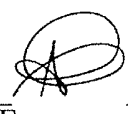
- 24 1. For general, compensatory and reliance damages in an amount to be  
25 2. For statutory damages in a sum to be determined at trial,  
26 3. For interest on the principal amount of damages due at the legal rate;  
27 4. For exemplary and punitive damages in an amount to be proven at trial per  
28 5. For civil penalties pursuant to civil code §51-52 and other applicable law;  
6. For reasonable attorney's fees pursuant to all applicable provisions of law  
including but not limited to civil code §51-52;



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- 7. For costs of suit incurred herein; and
- 8. For such other and further relief as the court may deem just and proper.

Date: February 6, 2023.

By:  \_\_\_\_\_  
Tracy L. Henderson, Esq  
Attorney for Plaintiff H.N., a minor

# **EXHIBIT 1**

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# Show Me the Science – When & How to Use Hand Sanitizer in Community Settings



During the Coronavirus Disease 19 (COVID-19) pandemic, keeping hands clean is especially important to help prevent the virus from spreading.



Find answers to frequent questions about hand hygiene on the [Hand Hygiene FAQs page](#).

CDC recommends washing hands with soap and water whenever possible because handwashing reduces the amounts of all types of germs and chemicals on hands. But if soap and water are not available, using a hand sanitizer with at least 60% alcohol can help you avoid getting sick and spreading germs to others. The guidance for effective handwashing and use of hand sanitizer in community settings was developed based on data from a number of studies.

Note: For hand hygiene guidance in healthcare settings, please visit the [Clean Hands Count](#) webpage.

Alcohol-based hand sanitizers can quickly reduce the number of microbes on hands in some situations, but sanitizers do *not* eliminate all types of germs.

**Why?** Soap and water are more effective than hand sanitizers at removing certain kinds of germs, like *Cryptosporidium*, norovirus, and *Clostridium difficile*<sup>1-5</sup>. Although alcohol-based hand sanitizers can inactivate many types of microbes very effectively when used correctly<sup>1-15</sup>, people may not use a large enough volume of the sanitizers or may wipe it off before it has dried<sup>14</sup>.

Hand sanitizers may not be as effective when hands are visibly dirty or greasy.

**Why?** Many studies show that hand sanitizers work well in clinical settings like hospitals, where hands come into contact with germs but generally are not heavily soiled or greasy<sup>15</sup>. Some data also show that hand sanitizers may work well against certain types of germs on slightly soiled hands<sup>17,18</sup>. However, hands may become very greasy or soiled in community settings, such as after people handle food, play sports, work in the garden, or go camping or fishing. When hands are heavily soiled or greasy, hand sanitizers may not work well<sup>3,7,16</sup>. Handwashing with soap and water is recommended in such circumstances.

Hand sanitizers might not remove harmful chemicals, like pesticides and heavy metals, from hands.

**Why?** Although few studies have been conducted, hand sanitizers probably cannot remove or inactivate many types of harmful chemicals. In one study, people who reported using hand sanitizer to clean hands had increased levels of pesticides in their bodies<sup>19</sup>. If hands have touched harmful chemicals, wash carefully with soap and water (or as directed by a poison control center).

If soap and water are not available, use an alcohol-based hand sanitizer that contains at least 60% alcohol.

**Why?** Many studies have found that sanitizers with an alcohol concentration between 60–95% are more effective at killing germs than those with a lower alcohol concentration or non-alcohol-based hand sanitizers <sup>16,20</sup>. Hand sanitizers without 60-95% alcohol 1) may not work equally well for many types of germs; and 2) merely reduce the growth of germs rather than kill them outright.

When using hand sanitizer, apply the product to the palm of one hand (read the label to learn the correct amount) and rub the product all over the surfaces of your hands until your hands are dry.

**Why?** The steps for hand sanitizer use are based on a simplified procedure recommended by CDC <sup>21</sup>. Instructing people to cover all surfaces of both hands with hand sanitizer has been found to provide similar disinfection effectiveness as providing detailed steps for rubbing-in hand sanitizer <sup>22</sup>.

### Swallowing alcohol-based hand sanitizers can cause alcohol poisoning.

**Why?** Ethyl alcohol (ethanol)-based hand sanitizers are safe when used as directed, <sup>23</sup> but they can cause alcohol poisoning if a person swallows more than a couple of mouthfuls <sup>24</sup>.

From 2011 – 2015, U.S. poison control centers received nearly 85,000 calls about hand sanitizer exposures among children <sup>25</sup>. Children may be particularly likely to swallow hand sanitizers that are scented, brightly colored, or attractively packaged. Hand sanitizers should be stored out of the reach of young children and should be used with adult supervision. Child-resistant caps could also help reduce hand sanitizer-related poisonings among young children <sup>24</sup>. Older children and adults might purposefully swallow hand sanitizers to become drunk <sup>26</sup>.

### References



1. Barbee SL, Weber DJ, Sobsey MD, Rutala WA. Inactivation of *Cryptosporidium parvum* oocyst infectivity by disinfection and sterilization processes. [Gastrointest Endosc.](#) 1999 May;49(5):605-11.
2. Blaney DD, Daly ER, Kirkland KB, Tongren JE, Kelso PT, Talbot EA. Use of alcohol-based hand sanitizers as a risk factor for norovirus outbreaks in long-term care facilities in northern New England: December 2006 to March 2007. [Am J Infect Control.](#) 2011 May;39(4):296-301.
3. Charbonneau DL, Ponte JM, Kochanowski BA. A method of assessing the efficacy of hand sanitizers: use of real soil encountered in the food service industry. [J Food Prot.](#) 2000 Apr;63(4):495-501.
4. Grayson ML, Melvani S, Druce J, Barr IG, Ballard SA, Johnson PD, Mastorakos T, Birch C. Efficacy of soap and water and alcohol-based hand-rub preparations against live H1N1 influenza virus on the hands of human volunteers. [Clin Infect Dis.](#) 2009 Feb 1;48(3):285-91.
5. Oughton MT, Loo VG, Dendukuri N, Fenn S, Libman MD. Hand hygiene with soap and water is superior to alcohol rub and antiseptic wipes for removal of *Clostridium difficile*. [Infect Control Hosp Epidemiol.](#) 2009 Oct;30(10):939-44.
6. CDC. Antimicrobial spectrum and characteristics of hand-hygiene antiseptic agents. [MMWR Morb Mortal Wkly Rep.](#) 2002;51(RR16):45.
7. Edmonds SL, Mann J, McCormack RR, Macinga DR, Fricker CM, Arbogast JW, Dolan MJ. SaniTwice: a novel approach to hand hygiene for reducing bacterial contamination on hands when soap and water are unavailable. [J Food Prot.](#) 2010 Dec;73(12):2296-300.
8. Grayson ML, Melvani S, Druce J, Barr IG, Ballard SA, Johnson PD, Mastorakos T, Birch C. Efficacy of soap and water and alcohol-based hand-rub preparations against live H1N1 influenza virus on the hands of human volunteers. [Clin Infect Dis.](#) 2009 Feb 1;48(3):285-91.
9. Hammond B, Ali Y, Fendler E, Dolan M, Donovan S. Effect of hand sanitizer use on elementary school absenteeism. [Am J Infect Control.](#) 2000 Oct;28(5):340-6.
10. Hübner NO, Hübner C, Wodny M, Kampf G, Kramer A. Effectiveness of alcohol-based hand disinfectants in a public administration: Impact on health and work performance related to acute respiratory symptoms and diarrhea. [BMC Infect Dis.](#) 2010;10:250.

11. Kramer A, Galabov AS, Sattar SA, Döhner L, Pivert A, Payan C, Wolff MH, Yilmaz A, Steinmann J. Virucidal activity of a new hand disinfectant with reduced ethanol content: comparison with other alcohol-based formulations. [☞](#) *J Hosp Infect.* 2006 Jan;62(1):98-106.
12. Lee GM, Salomon JA, Friedman JF, Hibberd PL, Ross-Degnan D, Zasloff E, Bediako S, Goldmann DA. Illness transmission in the home: a possible role for alcohol-based hand gels. [☞](#) *Pediatrics.* 2005 Apr;115(4):852-60.
13. Sandora TJ, Taveras EM, Shih MC, Resnick EA, Lee GM, Ross-Degnan D, Goldmann DA. A randomized, controlled trial of a multifaceted intervention including alcohol-based hand sanitizer and hand-hygiene education to reduce illness transmission in the home. [☞](#) *Pediatrics.* 2005 Sep;116(3):587-94.
14. Stebbins S, Cummings DA, Stark JH, Vukotich C, Mitruka K, Thompson W, Rinaldo C, Roth L, Wagner M, Wisniewski SR, Dato V, Eng H, Burke DS. Reduction in the incidence of influenza A but not influenza B associated with use of hand sanitizer and cough hygiene in schools: a randomized controlled trial. [☞](#) *Pediatr Infect Dis J.* 2011 Nov;30(11):921-6.
15. Kampf G, Marschall S, Eggerstedt S, Ostermeyer C. Efficacy of ethanol-based hand foams using clinically relevant amounts: a cross-over controlled study among healthy volunteers. [☞](#) *BMC Infect Dis.* 2010 Mar 26;10:78.
16. Todd ECD, Michaels BS, Holah J, Smith D, Grieg JD, Bartleson CA. Outbreaks where food workers have been implicated in the spread of foodborne disease. Part 10. Alcohol-based antiseptics for hand disinfection and a comparison of their effectiveness with soaps. [☞](#) *J Food Prot.* 2010 Nov;73(11):2128-40.
17. Pickering AJ, Davis J, Boehm AB. Efficacy of alcohol-based hand sanitizer on hands soiled with dirt and cooking oil. [☞](#) *J Water Health.* 2011 Sep;9(3):429-33.
18. Pickering AJ, Boehm AB, Mwanjali M, Davis J. Efficacy of waterless hand hygiene compared with handwashing with soap: a field study in Dar es Salaam, Tanzania. [☞](#) *Am J Trop Med Hyg.* 2010 Feb;82(2):270-8.
19. Coronado GD, Holte SE, Vigoren EM, Griffith WC, Barr DB, Faustman EM, Thompson B. Do workplace and home protective practices protect farm workers? Findings from the "For Healthy Kids" study. [📄](#) [PDF 17 – pages] [☞](#) *J Occup Environ Med.* 2012;54(9):1163-9.
20. Kampf G, Kramer A. Epidemiologic background of hand hygiene and evaluation of the most important agents for scrubs and rubs. [☞](#) *Clin Microbiol Rev.* 2004 Oct;17(4):863-93.
21. CDC. Guideline for Hand Hygiene in Health-Care Settings. *MMWR Morb Mortal Wkly Rep.* 2002;51(RR16):1-44.
22. Kampf G, Reichel M, Feil Y, Eggerstedt S, Kaulfers PM. Influence of rub-in technique on required application time and hand coverage in hygienic hand disinfection. [☞](#) *BMC Infect Dis.* 2008;8:149.
23. Miller MA, Rosin A, Levsky ME, Patel MM, Gregory TJ, Crystal CS. Does the clinical use of ethanol-based hand sanitizer elevate blood alcohol levels? A prospective study. [☞](#) *Am J Emerg Med.* 2006;24(7):815-7.
24. Rayar P, Ratnapalan S. Pediatric ingestions of house hold products containing ethanol: a review. [☞](#) *Clin Pediatr (Phila).* 2013;52(3):203-9.
25. Georgia Poison Center [☞](#) . 2015.
26. Gormley NJ, Bronstein AC, Rasimas JJ, Pao M, Wratney AT, Sun J, Austin HA, Suffredini AF. The rising incidence of intentional ingestion of ethanol-containing hand sanitizers. [📄](#) [PDF 10 – pages] [☞](#) *Crit Care Med.* 2012;40(1):290-4.

## **EXHIBIT 2**

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## Revised School Protocols for COVID-19

January 18, 2022

Dear SVUSD Elementary Families,

Like most communities right now, Santa Cruz County is experiencing a significant increase in COVID cases and therefore an increase in exposure at school.

At this time, Brook Knoll and Vine Hill Elementary sites are experiencing exposure rates higher than 50% in the student population; CDPH allows school districts to revise their protocols to address this situation.

**Therefore, starting January 20, 2022, Brook Knoll and Vine Hill Elementary schools will be implementing new protocols based on the reasonable assumption that ALL students attending school in-person share the possibility of being exposed while at school, and it is no longer feasible to isolate cohorts. As a result, the sites are moving to a schoolwide modified quarantine, rather than placing individual classes into modified quarantine.**

What does this mean for you and your child?

- **Instead of receiving classroom exposure notifications**, parents will receive a weekly general notification of exposures for the site.
- **On site enrichment classes** (i.e. art, music, library, etc) will now be available to all in-person classes.
- **Fully vaccinated students are encouraged to test weekly.** Students may access testing at the established school-based weekly testing program with Inspire Diagnostics or at one of the 4 drive-thru clinics. Parents are encouraged to register their children for regular participation or go to [covid19test.santacruzcoe.org](https://covid19test.santacruzcoe.org) to find a nearby testing site.
- **Unvaccinated students will be required to test weekly.** Students may access testing at the established school-based weekly testing program with Inspire Diagnostics or at one of the 4 drive-thru clinics. Parents are encouraged to register their children for regular participation or go to [covid19test.santacruzcoe.org](https://covid19test.santacruzcoe.org) to find a nearby testing site. Testing must be performed/observed by a healthcare provider, laboratory, or a CLIA certified program.
- **Students who are fully vaccinated and/or testing weekly** are allowed to participate in extracurricular activities (including after school care, sports, etc)

- **Unvaccinated students who do not test weekly**, will need to quarantine at home and participate in an Independent Study instructional program.
- **Students who have had Covid** may continue to test positive. We are aware of this, and will deal with it on a case by case basis. We ask that students continue with their weekly testing schedule after completing their Covid isolation and returning to school.
- **Your child must continue to wear a mask** indoors at school and in the community per school, local, and state requirements. Follow school policies to protect against COVID-19. High quality masks with the best fit and filtration will provide the best protection for your child and the school community.
- **If they have not already, your child should get vaccinated against COVID-19 as soon as possible.** If your child is 12 years of age or older, a booster dose is recommended five months after the second dose. COVID-19 vaccination remains the best way to protect against the spread of the virus and against severe disease. You can register and make an appointment at [sccoe.link/vaccine](https://sccoe.link/vaccine) to get vaccinated or contact your child's doctor or healthcare provider.
- **If your child develops symptoms of COVID-19 or tests positive for COVID-19, please ensure they isolate at home immediately and notify us right away.** When you notify us, we can take additional steps to keep our school community safe.

If you would like information on vaccinating your student, please click on the following link, [sccoe.link/vaccine](https://sccoe.link/vaccine) , to get vaccinated, or contact your child's doctor or healthcare provider. If you would like to register your student for weekly on-site testing, please click on the following link <https://inspirediagnostics.com/santa-cruz-county-office-of-education/> .

Thank you for your continued support.

Sincerely,

Tracey Neilsen  
Principal, Vine Hill Elementary

Joshua Wahl  
Principal, Brook Knoll Elementary



## **EXHIBIT 3**

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## Sitewide Weekly COVID-19 Exposure Notification

January 24, 2022

Dear Parent/Guardian:

**Scotts Valley Unified School District** considers the health and well-being of our students and staff a priority. At this time, our sites continue to experience high levels of exposures reported through Inspire Diagnostic and self-reporting; therefore, we will continue to implement the “Group Tracing Protocol” (per the updated protocol notification provided last week) and will be utilizing this weekly notification to families to inform them of this continuation in practice and safety measures. We will continue to notify you by the end of the school day on Mondays through mid-February.

What does this mean for you and your child?

- **If your child is fully vaccinated, and was vaccinated outside the Inspire Diagnostics system, please send a copy of his/her vaccination card to the school office ASAP.**  
Brook Knoll: [bkhealth@scottsvalleyusd.org](mailto:bkhealth@scottsvalleyusd.org) or Vine Hill: [vhhealth@scottsvalleyusd.org](mailto:vhhealth@scottsvalleyusd.org)
- **Your child must continue to wear a mask** indoors in the school and community per school, local, and state requirements. Follow school policies to protect against COVID-19. High quality masks with the best fit and filtration will provide the best protection for your child and the school community.
- For all students who are NOT symptomatic, if they are vaccinated and/or registered for on-site testing, they remain in school (in-person) and are allowed to participate in extracurricular activities.
- **Students who are not vaccinated are required to test for COVID-19 once a week. Vaccinated students and those who tested positive for COVID19 in the last 90 days are **highly encouraged to test**.** By testing weekly, we can identify anyone who has a COVID-19 infection, even if they do not have symptoms. Students may be able to access testing at an already established school-based weekly testing program with Inspire Diagnostics or at one of the 4 drive-thru clinics. Parents are encouraged to register their children for regular participation or go to [covid19test.santacruzcoe.org](https://covid19test.santacruzcoe.org) to find a nearby testing site. Testing must be performed/observed by a healthcare provider, laboratory, or a CLIA certified program. Note that, for students tested who tested positive for COVID-19 within the last 90 days, antigen testing (vs. PCR) is recommended.
- **Students who are not vaccinated and who do not test weekly will need to Quarantine to Home.** Students will participate in an Independent Studies instructional program. Please contact the school office to apply for Independent Studies.
- **If your child develops symptoms of COVID-19 or tests positive for COVID-19, please ensure they isolate at home immediately and notify us right away.** When you notify us, we can take additional steps to keep our school community safe.

**If you haven't done so yet, we encourage all families to have their students vaccinated against COVID-19.** If your child is 12 years of age or older, a booster dose is recommended five months

after the second dose. COVID-19 vaccination remains the best way to protect against the spread of the virus and against severe disease. You can register and make an appointment at [sccoe.link/vaccine](https://sccoe.link/vaccine) to get vaccinated or contact your child's doctor or healthcare provider.

We will continue to provide you with regular updates as needed. Note that infections diagnosed in students and school staff are not necessarily the result of exposure at school when safety protocols are followed at school, and COVID-19 transmission remains much more likely to occur outside of school settings.

We encourage you to contact us with questions and concerns.

Please be assured that we are committed to facilitating an optimal learning experience ensuring the safety of our students and staff.

Sincerely,

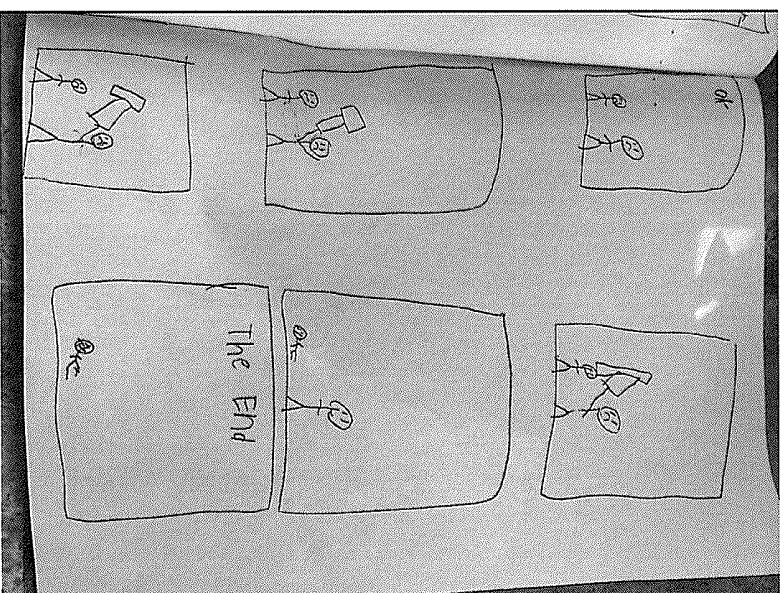
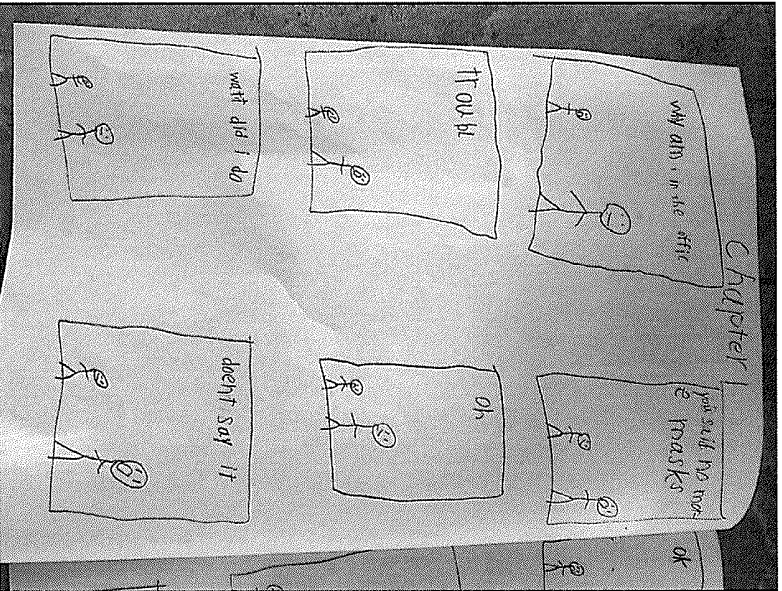
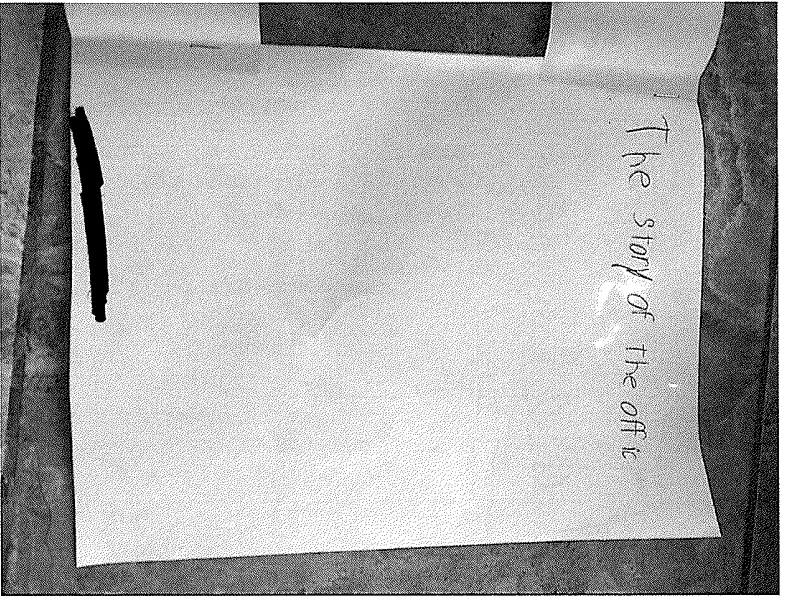
Joshua Wahl  
Principal, Brook Knoll

Tracey Neilsen  
Principal, Vine Hill

## **EXHIBIT 4**

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# Feb 25 - HN Storyboard



**EXHIBIT 5**



1111 Broadway, Suite 2000  
Oakland, CA 94607

(800)344-8507  
(510)986-6756 fax  
www.keenan.com  
License No. 0451271

March 10, 2022

Parents of [REDACTED]  
c/o [REDACTED]  
[REDACTED] 95066

RE: [REDACTED] vs. Scotts Valley Unified School District  
Keenan File No: 603488  
Date of Loss: 02/15/2022

Dear [REDACTED]

Keenan & Associates is the claims administrator for Scotts Valley Unified School District. Notice is hereby given that the claim you presented to the Scotts Valley Unified School District on March 1, 2022 was rejected on March 8, 2022 by Scotts Valley Unified School District.

**WARNING**

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action in the State of California on this claim. See Government Code section 945.6.

This time limitation applies only to causes of action arising under California law for which a claim is mandated by the California Government Tort Claims Act, Government Code sections 900 et seq. Other causes of action, including those arising under federal law, may have shorter time limitations for filing.

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

Sincerely,

Brian Evans  
Sr. Claims Examiner  
bevans@keenan.com  
Property & Liability Claims Administration

cc: Scotts Valley Unified School District

**PROOF OF SERVICE BY MAIL**

STATE OF CALIFORNIA, COUNTY OF PLACER

I am employed in the County of Alameda, State of California. I am over the age of 18 and not a party to the within action. My business address is 1111 Broadway, Suite 2000, Oakland, CA 94607.

On March 10, 2022 I served the foregoing document(s) described as: Rejection Letter, in this action, by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Parents of [REDACTED]

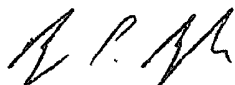
[REDACTED]  
[REDACTED] 95066

With postage thereon fully prepaid for collection and mailing at Roseville, California.

I am readily familiar with the regular mail collection and processing practices of the business, that the mail would be deposited with the United States Postal Service that same day in the ordinary course of business, and that the envelope was sealed and deposited for collection and mailing on that date following ordinary business practices.

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

Executed on March 10, 2022 in Placer County, California.



---

Bryan C. Boyle



## **EXHIBIT 6**

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1111 Broadway, Suite 2000  
Oakland, CA 94607

(800)344-8507  
(510)986-6756 fax  
www.keenan.com  
CALicense #0451271

April 29, 2022



RE: [Redacted] vs. Scotts Valley Unified School District  
Keenan File No: 606505  
Date of Loss: 02/28/2022

Dear [Redacted]

Keenan & Associates is the claims administrator for Scotts Valley Unified School District. Notice is hereby given that the claim you presented to the Scotts Valley Unified School District on April 28, 2022 was rejected on April 29, 2022 by Scotts Valley Unified School District.

**WARNING**

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action in the State of California on this claim. See Government Code section 945.6.

This time limitation applies only to causes of action arising under California law for which a claim is mandated by the California Government Tort Claims Act, Government Code sections 900 et seq. Other causes of action, including those arising under federal law, may have shorter time limitations for filing.

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

Sincerely,

Brian Evans  
Sr. Claims Examiner  
bevans@keenan.com  
Property & Liability Claims Administration

cc: Scotts Valley Unified School District

**PROOF OF SERVICE BY MAIL**

STATE OF CALIFORNIA, COUNTY OF CONTRA COSTA

I am employed in the County of Alameda, State of California. I am over the age of 18 and not a party to the within action. My business address is 1111 Broadway, Suite 2000, Oakland, CA 94607.

On May 1, 2022, I served the foregoing document(s) described as: Rejection of Claim, in this action, by placing a true copy thereof enclosed in a sealed envelope addressed as follows:



With postage thereon fully prepaid for collection and mailing at Walnut Creek, California.

I am readily familiar with the regular mail collection and processing practices of the business, that the mail would be deposited with the United States Postal Service that same day in the ordinary course of business, and that the envelope was sealed and deposited for collection and mailing on that date following ordinary business practices.

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

Executed on May 1, 2022 in Contra Costa County, California.

A handwritten signature in cursive script that reads 'Mark A. Hobson'.

---

Mark Hobson

**EXHIBIT 7**

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1111 Broadway, Suite 2000  
Oakland, CA 94607

(800)344-8507  
(510)986-6756 fax  
www.keenan.com  
CA License #0451271

July 22, 2022

Parents of [REDACTED]  
[REDACTED]  
[REDACTED]

95066

**RE:** [REDACTED] vs. Scotts Valley Unified School District  
Keenan File No: 604244  
Date of Loss: 02/25/2022

Dear [REDACTED]

Keenan & Associates is the claims administrator for Scotts Valley Unified School District. Notice is hereby given that the claim you presented to the Scotts Valley Unified School District on March 1, 2022 was rejected on March 8, 2022 by Scotts Valley Unified School District.

**WARNING**

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action in the State of California on this claim. See Government Code section 945.6.

This time limitation applies only to causes of action arising under California law for which a claim is mandated by the California Government Tort Claims Act, Government Code sections 900 et seq. Other causes of action, including those arising under federal law, may have shorter time limitations for filing.

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

Sincerely,

Brian Evans  
Sr. Claims Examiner  
bevans@keenan.com  
Property & Liability Claims Administration

cc: Tracy Henderson, Esq.  
P.O. Box 221562  
Carmel, CA 93922



**PROOF OF SERVICE BY MAIL**

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I am employed in the County of Alameda, State of California. I am over the age of 18 and not a party to the within action. My business address is 1111 Broadway, Suite 2000, Oakland, CA 94607.

On July 22, 2022 I served the foregoing document(s) described as: Rejection Letter, in this action, by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Parents of

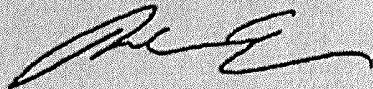
████████████████████  
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With postage thereon fully prepaid for collection and mailing at Oakland, California.

I am readily familiar with the regular mail collection and processing practices of the business, that the mail would be deposited with the United States Postal Service that same day in the ordinary course of business, and that the envelope was sealed and deposited for collection and mailing on that date following ordinary business practices.

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

Executed on July 22, 2022 in Alameda County, California.



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Brian Evans

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**PROOF OF SERVICE**

The undersigned declares as follows:

I am a citizen of the United States and employed in the County of Monterey, State of California. I am over the age of 18 and not a party to the within action; my business address is:  
PO BOX 221562, Carmel CA 93923

On this date, I served the foregoing documents described as on the interested party(ies) listed below in this action as follows:

**FIRST AMENDED COMPLAINT FOR DAMAGES**

MARK E. DAVIS  
mdavis@dby-law.com  
Davis, Bengston and Young APLC  
1960 The Alameda STE 210  
San Jose, CA 95126

  X   **BY MAIL:** By placing a copy(ies) thereof in a sealed envelope(s) addressed to the above-listed person(s) and place(s) of business and deposited with the U.S. Postal Service on the same day, with postage fully prepaid, at Monterey, California, in the ordinary course of business. I am aware that, on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing affidavit.

       **BY FACSIMILE:** The above-referenced document(s) was faxed to the above-listed person(s) and/or place(s) of business at the above-listed fax number(s). the facsimile machine used complies with California Rules of Court, Rule 2003(3), and no error was reported by the machine.

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

Executed on February 6, 2023 at Carmel, California.

\_\_\_\_\_



Tracy L. Henderson  
Attorney for Plaintiff