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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

J.M., a minor, by and through his
guardian *ad litem*, Tahona Cooper; and
Tahona Cooper, individually,

Plaintiffs,

vs.

Brandy Anderson, Denise Collier,
Jennifer Sullivan, Leonor Buza, Los
Angeles Unified School District and Does
1 through 10.

Defendants.

Case No.:

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

1. VIOLATION OF CIVIL RIGHTS
42 U.S.C. §1983, First Amendment
2. VIOLATION OF CIVIL RIGHTS
42 U.S.C. §12101, *et seq*, Americans
with Disabilities Act
3. VIOLATION OF CIVIL RIGHTS
29 U.S.C. §794, *et seq*, Sec. 504 of
the Rehabilitation Act
4. VIOLATION OF CIVIL RIGHTS
42 U.S.C. §1983, Fourteenth
Amendment – Procedural
5. VIOLATION OF CIVIL RIGHTS
42 U.S.C. §1983, Fourteenth
Amendment – Substantive
6. DISCRIMINATORY PROGRAM –
Cal. Govt. Code §11135
7. CA FREE SPEECH – Cal. Const.
Art. 1, Sec. 2(a)

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8. NEGLIGENCE
9. ASSAULT
10. INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS

DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This lawsuit seeks to remedy harm suffered by a little boy, J.M., and his mother who were both failed miserably by Los Angeles Unified School District employees and officials while he was attending Palms Elementary School
2. J.M. became the target of retribution from his school Principal, Brandy Anderson, when his mother, Tahona Cooper (“Ms. Cooper”), spoke out in disagreement with how Anderson handled disciplinary matters. Anderson allowed J.M. to be bullied and physically abused by other students, as well as called the police on his mother and banned her from being present at the school, in retaliation for Ms. Cooper speaking out against Anderson.
3. Anderson has a pattern and practice of retaliating against students, teachers and parents at Palms Elementary School who speak out against her. She has called the police on two other mothers who have spoken against her. She has suspended a DHH (deaf and hard of hearing) kindergartener for expressing opposition and declining to follow her instructions. She also made false allegations against the teachers’ union representative and had him removed when he challenged her actions and policies.
4. Anderson’s supervisory chain of command members have received numerous retaliation complaints about her from teachers and parents, yet they refuse to discipline her. Rather they acquiesce in – and ratify her retaliatory conduct.

II. JURISDICTION AND VENUE

5. J.M. and Ms. Cooper (“Plaintiffs”) present federal claims for relief under 42 U.S.C. §1983, Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131 *et seq.*, and Section 504 of the Rehabilitation Act, 29 U.S.C. § 794. Accordingly, federal jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331 and 1343. Plaintiffs' claims arise out of acts by all defendants in the County of Los Angeles, State of California. Accordingly, venue is proper within the Central District of California.
6. Plaintiffs’ state law causes of action arise under the general laws and Constitution of the State of California. Pursuant to 28 U.S.C. § 1367, this court has jurisdiction over Plaintiffs’ state law claims as they arise from the same nucleus of operative facts as Plaintiffs’ federal claims.
7. Plaintiffs have complied with the California Tort Claims Act requirements for matters requiring such compliance by presenting a timely tort claim to the entity-affiliated defendants embracing the substance of the matters herein, which was denied or deemed denied for inaction.

III. PARTIES

8. Plaintiff J.M. is a minor who currently attends, and at all times material herein attended, school facilities within the Los Angeles Unified School District, in the County of Los Angeles, California. He is a private resident in the County of Los Angeles, State of California. Plaintiff J.M. is a qualified individual with disabilities under the Americans with Disabilities Act (“ADA”) and Section 504.
9. Plaintiff Tahona Cooper is the adult mother of J.M. At all times material herein she has been the guardian responsible for the care, schooling, upbringing and provision of needs for J.M. and a private resident in the County of Los Angeles, State of California.
10. Defendant Los Angeles Unified School District ("LAUSD") is a public entity organized and existing under the laws of the State of California. Palms Elementary

1 School is a school facility within LAUSD. This Defendant is sued on Plaintiffs'
2 state law claims based on *respondeat superior*, under California Government Code
3 §815.2 and mandatory duties under California Government Code §815.6. LAUSD
4 is a public entity for purposes of Title II of the ADA, and receives federal financial
5 assistance for purposes of Section 504.

6 11. Defendant Brandy Anderson ("Anderson") is, and at all times material herein was,
7 a Principal at Palms Elementary School responsible for setting policy for the entire
8 school and for rules and protocol for students with Individualized Education Plans
9 and the personnel who instruct and supervise them. As such, Anderson is a
10 supervisor and policymaker for LAUSD. Palms Elementary School is in LAUSD
11 Region West. Defendant Anderson is sued in her individual and official capacities.

12 12. Defendant Denise Collier ("Collier") is, and at all times material herein was the
13 Region West Superintendent for Los Angeles Unified School District –
14 responsible for supervising and setting policy and curriculum for the schools,
15 personnel and students in LAUSD Region West. As such, Collier is a supervisor
16 and policymaker for LAUSD. Defendant Collier is sued in her individual and
17 official capacities.

18 13. Defendant Jennifer Sullivan ("Sullivan") is, and at all times material herein was a
19 Regional Director for Los Angeles Unified School District – responsible for
20 supervising and setting policy and curriculum for the schools, personnel and
21 students in LAUSD Region West. As such, Sullivan is a supervisor and
22 policymaker for LAUSD. Defendant Sullivan is sued in her individual and official
23 capacities.

24 14. Defendant Leonor Buza ("Buza") is, and at all times material herein was an
25 Operations Coordinator for Los Angeles Unified School District – responsible for
26 supervising and setting policy and curriculum for the schools, personnel and
27 students in LAUSD Region West. As such, Buza is a supervisor and policymaker
28 for LAUSD. Defendant Buza is sued in her individual and official capacities.

1 15. Plaintiffs are ignorant of the true names and capacities of Defendants sued herein
2 as DOES 1 through 10, inclusive, and therefore sue these Defendants by such
3 fictitious names. Plaintiffs will give notice of this complaint, and of one or more
4 DOES' true names and capacities, when ascertained. Plaintiffs allege, based on
5 information and belief that Defendants DOES 1 through 10 are responsible in some
6 manner for the damages and injuries complained of throughout this entire
7 Complaint.

8 16. Upon information and belief, Plaintiffs further allege that, at all times relevant
9 herein, Defendants Anderson, Collier, Sullivan and/or Supervisory Doe
10 Defendants participated in, approved, and/or ratified the unconstitutional and/or
11 harmful acts complained of herein.

12 17. Plaintiffs are informed and believe that at all times relevant herein, the individual
13 Defendants, and each of them, were the agents, servants and employees of each
14 other and/or their respective employers and were acting at all times within the
15 scope of their agency and employment, and with the knowledge and consent of
16 their principals and employers. At all times herein, Defendants, and each of them,
17 acted in coordination with, approval of, and in conspiracy with one another. At all
18 times herein, Defendants, and each of them, were acting under the color of law –
19 directly, and/or by conspiracy. All said Defendants, and each of them, ratified the
20 aforesaid conduct committed under color of law. All entity Defendants are liable
21 for the acts of their public employees, the individual Defendants herein, for
22 conduct and/or omissions herein alleged, pursuant to the doctrine of *Respondeat*
23 *Superior*, codified at California Government Code § 815.2.

24 **IV. FACTUAL ALLEGATIONS**

25 18. Plaintiff J.M. is a male student within the Los Angeles Unified School District.
26 Plaintiff J.M. is eligible to receive special education services. Plaintiff J.M. has an
27 Individual Education Program (IEP) as an LAUSD student.
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1 19. At various times throughout the 2023–2025 school years, at Palms Elementary
2 School, Plaintiff J.M. was subjected to physical and emotional abuse and ongoing
3 physical assault and battery by students at his school.

4 20. On or about September of 2023, Plaintiff J.M. was physically beaten up at school
5 by two other boys.

6 21. On the day of the beating, Plaintiff Ms. Cooper called Defendant Anderson to
7 discuss the incident and Anderson did not accept her phone call. Therefore, Ms.
8 Cooper went to the school to talk with Anderson. Anderson was very dismissive
9 of Ms. Cooper’s concerns.

10 22. Ms. Cooper then expressed her dissatisfaction with Anderson and publicly
11 questioned Anderson’s effectiveness as an administrator, questioning why
12 Anderson had to rely on the accounts of others, telling Anderson “you are never
13 around and you always have to get information from everyone else,” *inter alia*.

14 23. Thereafter, and in response to Ms. Cooper’s criticism of Anderson, Anderson
15 banned Ms. Cooper from the premises of Palms Elementary School and called
16 police officers to remove her.

17 24. Additionally, Anderson began a retaliatory campaign of routinely dismissing
18 J.M.’s reports of abuse and harassment, providing him no protection from
19 tormentors and allowing physical harm to him to go unchecked and unremedied.

20 25. By virtue of Anderson’s retaliation, she intentionally created and/or let develop
21 and fester an environment at Palms Elementary School wherein it was known that
22 it was permissible to physically abuse J.M. and discriminate against J.M. Anderson
23 made it *de facto* policy at the school that abusing, bullying, battering and assaulting
24 J.M. was acceptable. Anderson’s policy of acceptance of abusing, bullying,
25 battering and assaulting and discriminating against J.M. was a substantial factor in
26 causing the several incidents in the chain of harmful events befalling J.M.

27 26. Incidents that occurred in the 2023-2025 chain of events harming J.M. include,
28 *inter alia*, J.M. was physically assaulted and battered in the school lunch line by

1 two students. He was also punched in the face by one of the same bullies and
2 later tackled by another student in front of school staff who declined to intervene.
3 Instead of stopping the incident, staff allowed it to unfold and later described the
4 event in detail, demonstrating awareness – yet inaction.

5 27. One of J.M.'s bullies called him a "Black bitch" in class. Although the classroom
6 teacher was present both inside and outside the classroom during these events,
7 she claimed not to have seen anything. When Ms. Cooper questioned the
8 teacher's supervision, the teacher became visibly hostile and with Anderson's
9 acquiescence stopped notifying Ms. Cooper of future bullying incidents, despite
10 their continuing occurrence. J.M. was also called a "Nigger" at the school and
11 discipline was not imposed by Anderson, though the incident was brought to her
12 attention.

13 28. J.M. was also left unsupervised in a classroom during a substitute teacher's
14 absence, at which time J.M. was surrounded, verbally harassed, called a "bitch,"
15 and hit with paper balls by fellow students. School personnel did not intervene
16 and were never disciplined by Anderson for not intervening.

17 29. Anderson also verbally accosted J.M., creating fear that she would batter him,
18 yelling in his face at close range and accusing him of lying. Her face was so close
19 to his that her nose was almost touching his, and her intimidation caused J.M. to
20 cry.

21 30. In the LAUSD-run afterschool program, Beyond the Bell, J.M. was physically
22 attacked by a peer while his back was turned. The attacker was eventually
23 removed from the afterschool program, but only after being allowed to continue
24 to bully and physically abuse J.M. repeatedly.

25 31. The last incident in the chain of events and course of conduct suffered by J.M.
26 occurred upon February 12, 2025, at Palms Elementary School, when nine boys
27 attempted to batter and beat him, chased him from one part of the school to
28

1 another, and caused him severe emotional distress. As part of her campaign of
2 retaliation, Anderson took no action to protect J.M. or address the situation.

3 32.J.M.'s IEP legally entitled him to classroom support, including assistance with
4 reading instructions. However, throughout the 2024–2025 school year, with
5 Anderson's acquiescence, J.M.'s teacher consistently denied him help, telling
6 him she "can't help [him] all the time," while walking past him to assist other
7 students she "liked." One of J.M.'s bullies later admitted to his own mother that
8 the teacher intentionally ignored J.M.

9 33.Anderson also spread misinformation about J.M. and Ms. Cooper stating that they
10 were both ill-tempered, problematic and behaved inappropriately. Such
11 misinformation damaged Plaintiffs' reputations.

12 34.All efforts by Ms. Cooper to intervene and advocate on J.M.'s behalf, raising
13 concerns about the school's failure to prevent the bullying and to accommodate
14 his IEP, resulted in the Principal retaliating and collaborating with other school
15 officials and staff to ban Claimant's mother from entering the school premises and
16 withhold knowledge of Claimant's well-being and academic progress.

17 35.Anderson's punitive action of banning Ms. Cooper further isolated J.M. and
18 deprived him of parental support, all while allowing school staff to continue their
19 pattern of neglect, discrimination, and exclusion. The actions by Anderson were
20 also taken based upon J.M.'s status as an IEP recipient who she valued less than
21 other students and discriminated against because of his IEP.

22 36.J.M.'s mother constantly and consistently complained to Defendants Collier,
23 Sullivan and Buza on her behalf and on behalf of J.M. But, Ms. Cooper's
24 complaints were always dismissed without action and/or intervention to protect
25 J.M. from the animosity and maltreatment of Anderson, and without action to
26 remedy Anderson's retaliation against Ms. Cooper.

27 37.The conduct by Defendants, agents and employees of the Los Angeles Unified
28 School District ("District"), to frustrate, interfere with and prevent J.M.'s ability

1 to enjoy a safe and adequate educational environment, as well as their failure to
2 protect and supervise him, are oppressive and deliberately indifferent to J.M.'s and
3 Ms. Cooper's rights. Said conduct is also fraudulent to the extent J.M. and/or Ms.
4 Cooper were told that J.M. would be safe and supervised and they relied upon such
5 representations to their detriment.

6 38. The acts of Defendants to avoid taking proper measures to protect J.M. were
7 conspiratorial and committed in whole or in part with the express design to limit
8 Defendant LAUSD's exposure to financial and other penalties for suspension
9 and/or expulsion and reducing its attendance and keep LAUSD and its officials
10 from suffering criticism and ridicule for their inability and/or unwillingness to
11 protect J.M.

12 39. J.M. is a minor and a person with disabilities who did not and could not do anything
13 to justify and/or consent to the actions described herein. Consequently, each
14 defendant's actions and/or omissions under the presented circumstances was
15 unlawful, malicious, oppressive, and with a deliberate indifference to J.M.'s rights.

16 40. A special relationship existed between LAUSD and J.M. imposing an affirmative
17 duty on LAUSD to take all reasonable steps to protect J.M. (see *M. W. v. Panama*
18 *Buena Vista Union Sch. Dist.*, 110 Cal. App. 4th 508, 517 (2003)). Plaintiff J.M.'s
19 status as a special needs student exposes him to special vulnerability requiring
20 LAUSD to give consideration to J.M.'s special needs status when monitoring the
21 school grounds, as special needs students are more susceptible to victimization by
22 fellow students. Where LAUSD maintained low-visibility areas, LAUSD and its
23 administrators and employees were on constructive notice that such spaces were
24 potential places for victimization of special needs students (see *Jennifer C. v. L.A.*
25 *Unified Sch. Dist.*, 168 Cal. App. 4th 1320, 1328 (2008)).

26 41. Plaintiffs are informed, believe and allege that Defendants failed to protect J.M. at
27 least in part because Defendants refuse to acknowledge that J.M.'s disability and
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1 minority makes him incapable of consenting to such abuse and makes J.M. highly
2 susceptible to victimization by persons who would do him harm.

3 42. Defendants' acts and omissions complained of herein are deliberately indifferent
4 to the civil rights of Plaintiffs, discriminatory and shocking to the conscience.

5
6 **CAUSES OF ACTION**

7 **COUNT ONE - 42 U.S.C. §1983**

8 **[FIRST AMENDMENT – Free Speech]**

9 **(Both Plaintiffs Against Anderson, Collier, Sullivan, Buza**

10 **and DOES 1 through 10)**

11 43. Each and every allegation throughout this entire complaint is incorporated as
12 though repeated and fully set forth herein.

13 44. This cause of action arises under 42 U.S.C. § 1983, wherein Plaintiffs seek to
14 redress a deprivation under color of law of a right, privilege, or immunity secured
15 to them by the First Amendment to the United States Constitution.

16 45. The First Amendment guarantees Plaintiffs freedom of speech and expression
17 permitting Plaintiffs to, *inter alia*, freely and lawfully express opinions or ideas.

18 46. This expression may be accomplished verbally, demonstratively, and/or
19 symbolically.

20 47. All of the acts complained of herein were retaliatory and directed toward Plaintiffs
21 because of their statements, including criticism of Anderson's conduct.

22 48. Defendants chilled and deterred such expression by performing and threatening
23 the conduct complained of herein.

24 49. Defendants and each of them, acted deliberately and with malice and oppression
25 to intimidate and/or silence Plaintiffs.

26 50. Defendants and each of them, acted to conceal the violation of Plaintiffs' rights --
27 a further violation.

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COUNT TWO - 42 U.S.C. §12131, *et seq.*
[AMERICANS WITH DISABILITIES ACT]
(Plaintiff J.M. Against LAUSD)

51. Each and every allegation throughout this entire complaint is incorporated as though repeated and fully set forth herein.

52. Title II of the Americans with Disabilities Act (“ADA”), in particular, prohibits discrimination against individuals with disabilities in the provision of services, programs, or activities by public entities. 42 U.S.C. § 12132.

53. At all times relevant to this action, Defendant LAUSD is a “public entity” within the meaning of Title II of the ADA and through its several departments described in greater detail above operated and continue to operate programs, provide services, and engage in activities within the meaning of Title II of the ADA that are open to the general public and operate to protect and provide a benefit to the general welfare of the school children within its district.

54. At all times relevant to this action, Plaintiff J.M. is a qualified individual with disabilities. He is being discriminated against and denied the benefits of LAUSD services and programs because LAUSD fails to adequately meet his safety and supervision needs in its special education program operation, because of his disability. Further, because J.M. is an IEP student, LAUSD allows conduct creating risks of harm and actual harm to him that it would not allow to befall non-IEP students. This failure/exclusion unduly burdens J.M.

55. Pursuant to Title II, public entities are required to provide meaningful access to their programs, services and activities. Among the requirements to provide meaningful access, public entities must modify their policies and procedures when necessary to accommodate disability related needs, also known as “reasonable accommodation.” 28 C.F.R. §35.130(b)(7). Public entities cannot provide programs, services or benefits to a person with a disability that are not equal to those provided to others or deny a person with a disability the opportunity to

1 participate in programs, services or activities. 28 C.F.R. §35.130(b)(1). Moreover,
2 a public entity may not, directly or through contractual or other arrangements,
3 utilize criteria or methods of administration that have the effect of subjecting
4 qualified individuals with disabilities to discrimination on the basis of disability.
5 28 C.F.R. §35.130(b)(3)(i).

6 56.The challenged actions and omissions by Defendants evince discrimination under
7 the ADA, and a failure to reasonably accommodate Plaintiff. Defendant has done
8 so with deliberate indifference to Plaintiff's rights under the ADA.

9 57.As a direct and proximate cause of the aforementioned acts, Plaintiff is damaged
10 in an amount to be proven at trial.

11 58.As a result of the foregoing, Plaintiff suffered and continues to suffer injury,
12 including, but not limited to, denial of meaningful access to the benefits of
13 Defendant's programs, activities or services.

14 59.Because Defendant's discriminatory and wrongful conduct is ongoing,
15 declaratory and injunctive relief are appropriate remedies. Plaintiff seeks
16 injunctive relief and attorneys' fees as a result.
17

18 **COUNT THREE - 29 U.S.C. § 794(a)**
19 **[SECTION 504 OF THE REHABILITATION ACT OF 1973]**
20 **(Plaintiff J.M. Against LAUSD)**

21 60.Each and every allegation throughout this entire complaint is incorporated as
22 though repeated and fully set forth herein.

23 61.Section 504 requires that "[n]o otherwise qualified individual with a disability in
24 the United States . . . shall, solely by reason of her or his disability, be excluded
25 from the participation in, be denied the benefits of, or be subjected to
26 discrimination under any program or activity receiving Federal financial
27 assistance." 29 U.S.C. § 794(a).
28

1 62. At all times relevant to this action, LAUSD was a public entity receiving federal
2 financial assistance.

3 63. Under Section 504 public entities are required to provide meaningful access to
4 their programs, services and activities, and must provide reasonable
5 accommodations. Specifically, the aids, benefits and services may not deny a
6 person with a disability "an equal opportunity to achieve the same benefits that
7 others achieve in the program or activity". 28 C.F.R. 42.503(B)(1)(ii).

8 64. At all times relevant to this action, Plaintiff J.M. was a qualified individual with
9 disabilities. He is being discriminated against and denied the benefits of LAUSD
10 services and programs because LAUSD fails to adequately meet his safety and
11 supervision needs in its special education program operation, because of his
12 disability. Further, because Plaintiff is an IEP student, LAUSD allows conduct
13 creating risks of harm and actual harm to him that it would not allow to befall
14 non-IEP students. This failure/exclusion unduly burdens Plaintiff.

15 65. Defendants acted in violation of Section 504 through failing to provide a safe and
16 discrimination free program, including by its failure to provide reasonable
17 accommodations and supervision. Defendants' failure is the cause of the harm
18 Plaintiff J.M. has suffered and further harm he faces.

19 66. The challenged actions and omissions by Defendants evince a failure to
20 accommodate Plaintiff, and caused Plaintiff harm. Defendant has done so with
21 deliberate indifference to Plaintiff's rights under Section 504.

22 67. As a direct and proximate cause of the aforementioned acts, Plaintiff was damaged
23 in an amount to be proven at trial.

24 68. As a result of the foregoing, Plaintiff suffered and continues to suffer injury,
25 including, but not limited to, denial of meaningful access to the benefits of
26 Defendant's program.
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69. Because Defendant's discriminatory and wrongful conduct is ongoing, declaratory and injunctive relief are appropriate remedies. Plaintiff seeks injunctive relief and attorneys' fees as a result.

COUNT FOUR - 42 U.S.C. §1983
[FOURTEENTH AMENDMENT – PROCEDURAL DUE PROCESS]
(Both Plaintiffs Against Anderson, Collier, Sullivan, Buza
and DOES 1 through 10)

70. Each and every allegation throughout this entire complaint is incorporated as though repeated and fully set forth herein.

71. This cause of action arises under United States Code, Title 42, Sections 1983 and 1988, wherein J.M. seeks to redress a deprivation under color of law of a right, privilege or immunity secured to them by the Fourteenth Amendment to the United States Constitution.

72. "Liberty interests protected by the Fourteenth Amendment may arise from two sources -- the Due Process Clause itself and the laws of the States." *Meachum v. Fano*, 427 U.S. 215, 223-227 (1976). It has been "repeatedly held that state statutes may create liberty interests that are entitled to the procedural protections of the Due Process Clause of the Fourteenth Amendment." *Vitek v. Jones*, 445 U.S. 480, 488 (1980). "Protected interests in property are normally 'not created by the Constitution. Rather, they are created and their dimensions are defined' by an independent source such as state statutes or rules entitling the citizen to certain benefits." *Goss v. Lopez*, 419 U.S. 565, 572-73 (1975).

73. By virtue of California law, "[T]he right of all students to a school environment fit for learning cannot be questioned. Attendance is mandatory and the aim of all schools is to teach. Teaching and learning cannot take place without the physical and mental well-being of the students." *In re William G.*, 40 Cal. 3d 550, 563 (1985). "The volume and scope of State regulation indicate the pervasive role the

1 State itself has chosen to assume in order to ensure a fair, high quality public
2 education for all California students. ... [T]he statutes address at length such
3 matters as ... school health, safety, and nutrition ...” *Butt v. State of Cal.*, 4 Cal.
4 4th 668, 689 (1992).

5 74. Accordingly, J.M.’s educational environment rights provide a state-created due
6 process interest which the Fourteenth Amendment protects.

7 75. The core basis for these allegations is Anderson’s retaliation against J.M. for his
8 Ms. Cooper’s speech – which itself constitutes retaliation against Ms. Cooper, as
9 well as the ratification of Anderson’s actions by Collier, Sullivan and Buza.

10 76. The challenged actions and omissions by Defendants invade and infringe upon
11 Plaintiffs’ legally protected interests and were taken as part of a plan to
12 intentionally deprive them of protection of those interests.

13 77. Therefore, Plaintiffs are entitled to bring suit and recover damages pursuant to 42
14 U.S.C. §1983.

15 78. This claim is made against Defendants in their individual capacities.

16 79. As a direct and proximate cause of the aforementioned acts, Plaintiffs were
17 damaged in an amount to be proven at trial.

18 80. Because Defendants’ wrongful conduct is ongoing, declaratory and injunctive
19 relief are appropriate remedies. Plaintiffs seek damages, and declaratory relief
20 and injunctive relief and attorneys’ fees as a result.

21
22 **COUNT FIVE - 42 U.S.C. §1983**

23 **[FOURTEENTH AMENDMENT – SUBSTANTIVE DUE PROCESS]**

24 **(Both Plaintiffs Against Anderson, Collier, Sullivan, Buza**

25 **and DOES 1 through 10)**

26 81. Each and every allegation throughout this entire complaint is incorporated as
27 though repeated and fully set forth herein.
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1 82.This cause of action arises under United States Code, Title 42, Sections 1983 and
2 1988, wherein Plaintiffs seek to redress a deprivation under color of law of a right,
3 privilege or immunity secured to them by the Fourteenth Amendment to the United
4 States Constitution.

5 83.Plaintiffs were at all relevant times in possession of legally protected interests as
6 set forth throughout this Complaint.

7 84.“Because the harm of a substantive due process violation occurs at the time of the
8 wrongful government action, Plaintiffs’ section 1983 action arises when the
9 wrongful action is taken.” *Sierra Lake Res. v. Rocklin*, 938 F.2d 951, 957-58 (9th
10 Cir. 1991)(vacated on other grounds).

11 85.The acts and omissions of Defendants, as set forth throughout this entire Complaint
12 violated both Plaintiffs’ substantive due process rights because those actions were
13 “clearly arbitrary and unreasonable, having no substantial relation to the public
14 health, safety, morals, or general welfare.” *Sierra Lake Res. v. Rocklin*, 938 F.2d
15 951, 957-58 (9th Cir. 1991)(vacated on other grounds).

16 86.The challenged actions and omissions by said Defendants compromise the health
17 and safety of Plaintiffs – and are clearly unreasonable. Beyond that, those actions
18 shock the conscience.

19 87.The invasion and infringement of Plaintiffs’ interests is itself a due process
20 violation.

21 88. Therefore, Plaintiffs are entitled to bring suit and recover damages pursuant to 42
22 U.S.C. §1983.

23 89.This claim is made against Defendants in their individual capacities.

24 90.As a direct and proximate cause of the aforementioned acts, Plaintiffs were
25 damaged in an amount to be proven at trial.

26 91.As a result of the foregoing, Plaintiffs suffered and continue to suffer injury,
27 including, but not limited to, denial of due process. Plaintiffs seek damages, and
28 declaratory relief, and injunctive relief and attorneys’ fees as a result.

COUNT SIX- Cal. Gov't Code §11135
[DISCRIMINATORY PROGRAM]
(Plaintiff J.M. against LAUSD)

92. Each and every allegation throughout this entire complaint is incorporated as though repeated and fully set forth herein.

93. California Government Code section 11135 sets forth a nondiscrimination policy for state programs. It provides that in pertinent part:

[n]o person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. Cal. Gov't Code § 11135(a).

94. It is a discriminatory practice for a recipient of state financial assistance, in carrying out any program or activity, on the basis of disability, (a) to deny a person the opportunity to participate in, or benefit from an aid, benefit or service; (b) to afford a person the opportunity to participate in or benefit from an aid, benefit or service that is not equal to that afforded others; (c) to provide a person with an aid, benefit or service that is not as effective in affording an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others . . . (g) to otherwise limit a person in the enjoyment of any right, privilege, advantage or opportunity enjoyed by others receiving any aid, benefit or service resulting from the program or activity.” 22 Cal. Code Regs. § 98101 (a)-(c), (g).

1 95.It is also discrimination for a recipient of state financial assistance to utilize
2 criteria or methods of administration that: “(1) have the purpose or effect of
3 subjecting a person to discrimination on the basis of disability; [or] (2) have the
4 purpose or effect of defeating or substantially impairing the accomplishment of
5 the objectives of the recipient’s program with respect to a person with a disability.
6 . . .” 22 Cal. Code Regs. § 98101(i).

7 96. Defendant LAUSD was, at all times relevant to this action, and is currently
8 operating or administering a program or activity that receives state financial
9 assistance, within the meaning of Section 11135.

10 97.Defendant LAUSD has violated the rights of Plaintiff J.M. secured by Cal. Gov’t
11 Code § 11135 et seq.

12 98.Because Defendant’s discriminatory and wrongful conduct is ongoing,
13 declaratory and injunctive relief are appropriate remedies. Further, as a direct
14 result of Defendant’s actions, Plaintiff J.M. suffered irreparable harm and
15 therefore speedy and immediate relief is appropriate.

16 99.Plaintiff is entitled to declaratory and injunctive relief as well as reasonable
17 attorneys’ fees and costs incurred in bringing this action.

18
19 **COUNT SEVEN - CAL. CONST. ART. 1, SEC. 2(a)**

20 **(Free Speech)**

21 **(Both Plaintiffs Against LAUSD, Anderson, Collier, Sullivan, Buza**
22 **and DOES 1 through 10)**

23 100. Each and every allegation throughout this entire complaint is incorporated as
24 though repeated and fully set forth herein.

25 101. Per the California Constitution, “Every person may freely speak, write and
26 publish his or her sentiments on all subjects, being responsible for the abuse of this
27 right.”
28

1 102. This speech may take the form of expression accomplished verbally,
2 demonstratively, and/or symbolically.

3 103. All of the acts complained of herein were retaliatory and directed toward
4 Plaintiffs because of their statements, including criticism of Anderson's conduct.

5 104. Defendants chilled and deterred such expression by performing and threatening
6 the conduct complained of herein.

7 105. Defendants and each of them, acted deliberately and with malice and oppression
8 to intimidate and/or silence Plaintiffs.

9
10 **COUNT EIGHT - Cal Civ. Code §§ 1714, 3333**

11 **and Cal. Gov't Code §815.2**

12 **[NEGLIGENCE]**

13 **(Both Plaintiffs Against All Defendants)**

14 106. Each and every allegation throughout this entire complaint is incorporated as
15 though repeated and fully set forth herein.

16 107. Defendants, and each of them, owed Plaintiffs a duty of reasonable care to
17 avoid exposing them to reasonably foreseeable risks of harm or injury by acting
18 reasonably under the circumstances complained of in this Complaint.

19 108. Each Defendant breached its duty of reasonable care as complained of in this
20 Complaint by failing to act reasonably under the circumstances.

21 109. As a direct, legal and proximate result of Defendants' conduct, Plaintiffs have
22 suffered and continue to suffer injury and damages as set forth herein, in an
23 amount to be determined according to proof at trial.

24 110. Each Plaintiff specifically alleges that each Defendant's complained of acts
25 and/or omissions, were within each Defendant's control, and within the
26 feasibility of each Defendant, to alter, adjust, and/or correct so as to prevent
27 some or all of the unlawful acts and injury complained of herein by each
28 Plaintiff.

1 111. Defendant LAUSD is liable to Plaintiffs for the acts of its employees, for
2 conduct and/or omissions herein alleged, pursuant to the doctrine of *Respondeat*
3 *Superior*, codified at California Government Code § 815.2 (for public employees)
4 and California Civil Code §2330, et seq. (for private employees). As a result of
5 the foregoing, Plaintiffs suffered and continue to suffer injury, including, but not
6 limited to, denial of their civil rights.

7
8 **COUNT NINE - Assault**
9 **(Plaintiff J.M. Against Defendant Anderson)**

10 112. Each and every allegation throughout this entire complaint is incorporated as
11 though repeated and fully set forth herein.

12 113. Defendant Anderson by doing and/or causing the acts complained of in this
13 entire Complaint, is liable for committing the tort of assault upon Plaintiff J.M.

14 114. Plaintiff J.M. specifically alleges that each Defendant's complained of acts
15 and/or omissions, were within each Defendant's control, and within the
16 feasibility of each Defendant, to alter, adjust, and/or correct so as to prevent
17 some or all of the unlawful acts and injury complained of herein by each
18 Plaintiff.

19
20 **COUNT TEN – Intentional Infliction of Emotional Distress**
21 **(Both Plaintiffs Against All Defendants)**

22 115. Each and every allegation throughout this entire complaint is incorporated as
23 though repeated and fully set forth herein.

24 116. Defendants, by doing and/or causing the acts complained of in this entire
25 Complaint, are liable for committing the tort of Intentional Infliction of Emotional
26 Distress upon each Plaintiff.

27 117. Each Defendant's conduct was outrageous, intended to cause each Plaintiff
28 emotional distress, done with reckless disregard for the probability that emotional

1 distress would result and with knowledge of the presence of each Plaintiff at the
2 time of the conduct.

3 118. Each Plaintiff suffered severe emotional distress and each Defendant's conduct
4 was a substantial factor in the cause thereof.

5 119. Accordingly, each Plaintiff is entitled to general and punitive damages as
6 determined by a jury.

7 120. Each Plaintiff specifically alleges that each Defendant's complained of acts
8 and/or omissions, were within each Defendant's control, and within the
9 feasibility of each Defendant, to alter, adjust, and/or correct so as to prevent
10 some or all of the unlawful acts and injury complained of herein by each
11 Plaintiff.

12
13 **V. KNOWING AND WILLFUL ACTION**

14
15 121. Plaintiffs specifically allege that Defendants' acts, policies, customs and/or
16 practices, as described herein above, were within the control of Defendants and
17 within the feasibility of Defendants to alter, adjust and/or correct so as to prevent
18 some or all of the unlawful acts and injury complained of herein by Plaintiffs.

19 122. Plaintiffs specifically allege that Defendants, and each of them, made a
20 calculated, knowing and voluntary choice not to alter, adjust and/or correct their
21 acts, policies, customs and/or practices, as described herein above, so as to prevent
22 some or all of the unlawful acts and injury complained of herein by Plaintiffs.
23 The conduct by each individual defendant was with malice, fraud and/or
24 oppression, and said Defendants are therefore liable for punitive damages.

25
26 **VI. NATURE OF DAMAGES**

27 123. Each of the aforementioned acts by each defendant directly and proximately
28 caused each Plaintiff to suffer the following: violation of civil rights, loss of freedom

1 of expression, loss of enjoyment of freedom of expression, loss of privacy, loss of
2 enjoyment of privacy, loss of personal liberty and freedom to physically move about,
3 loss of enjoyment of personal liberty and freedom to physically move about,
4 humiliation, emotional and injury, pain and suffering, great and extreme mental
5 anguish.

6
7 **VII. PRAYER**

8 WHEREFORE, Plaintiffs request damages against each Defendant as follows:

- 9 1. A declaration that each defendant violated the statutes, rules and/or regulations
10 pled herein;
- 11 2. General and presumed damages according to proof. Special Damages according
12 to proof for loss of Plaintiffs' earning capacity for impairment to each Plaintiff's
13 ability to obtain and retain employment, past and future cost of medical
14 treatment for each Plaintiff, past and future cost of psychological treatment for
15 each Plaintiff, cost of therapeutic and rehabilitation measures for each Plaintiff,
16 cost of educational replenishment for each Plaintiff, out of pocket expenses for
17 each Plaintiff in prosecuting this legal action;
- 18 3. Temporary, preliminary, and permanent injunctive relief requiring LAUSD to
19 revise its safety protocol for school facility spaces within its district;
- 20 4. Temporary, preliminary, and permanent injunctive relief requiring LAUSD to
21 revise its safety protocol for IEP students within its district;
- 22 5. Temporary, preliminary and permanent injunctive relief prohibiting Defendants
23 from continuing to engage in the unlawful action and practices complained of
24 herein;
- 25 6. As against individual Defendants, punitive damages according to proof;
- 26 7. Only as to Defendants allowed by law – attorneys' fees and costs under 42
27 U.S.C. §1988, 42 U.S.C. §12205, 29 U.S.C. §794(b), California Civil Code
28 §§52(b)(3), 52.1 (h), California Code of Civil Procedure §1021.5, and whatever
other Statute or law may be applicable;

1 8. The costs of this suit and such other relief as is just and proper.
2

3 Respectfully submitted,

4 DATE: February 17, 2026

/s/ Olu K. Orange

5
6 Olu K. Orange, Esquire
7 Attorney for the Plaintiffs
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JURY DEMAND

Plaintiffs hereby demand trial by jury in this action.

Respectfully submitted,

DATE: February 17, 2026

/s/ Olu K. Orange

Olu K. Orange, Esquire
Attorney for the Plaintiffs