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

RONNIE BAKER, an individual;
JAMEE BAKER, an individual;
EGAN MILLER-BAKER, an
individual,

Plaintiffs,

v.

COUNTY OF SANTA BARBARA,
a public entity; and DOES 1 through
10, inclusive, and each of them,

Defendants.

Case No.:

**COMPLAINT FOR VIOLATIONS
OF:**

1. **Civil Rights Violation (State Created Danger) (42 U.S.C. § 1983);**
2. **Violation of Federal Adoption Assistance Act and Child Welfare Act;**
3. **Civil Rights Violation (Monell Claim) (42 U.S.C. § 1983);**
4. **Civil Rights Violation (Roth Claim) (42 U.S.C. § 1983);**
5. **Direct Negligence;**
6. **Derivative Negligence; and**
7. **Negligent Concealment.**

DEMAND FOR JURY TRIAL



1 Plaintiffs RONNIE BAKER (“Plaintiff” or “Mr. Baker”), JAMEE
2 BAKER (“Plaintiff” or “Mrs. Baker”), and EGAN MILLER-BAKER (“Plaintiff”
3 or “Miller-Baker”) (collectively, “Plaintiffs”) allege the following upon
4 information and belief based upon personal knowledge:

5 **I. INTRODUCTION**

6 1. Plaintiffs bring this action seeking damages and any other available
7 legal or equitable remedies resulting from the illegal actions and omissions of
8 defendant COUNTY OF SANTA BARBARA (“Defendant” or “County”) and
9 DOES 1 through 10 (collectively referred to throughout portions of this
10 Complaint as “Defendants”), in placing J.B., whom they knew had previously
11 sexually assaulted other children, into the same foster home of Mr. and Mrs.
12 Baker, where J.B. sexually assaulted Miller-Baker and a third party minor who
13 attended Plaintiffs’ daycare center, Plaintiffs’ Due Process Rights under the Fifth
14 and Fourteenth Amendments to the United States Constitution. Defendants are
15 directly liable for Plaintiffs’ injuries under federal law pursuant to 42 U.S.C. §
16 1983. Defendants also proximately caused Plaintiffs’ injuries and are liable under
17 state and federal law under the principles set forth in *Monell v. Department of*
18 *Social Services*, 426 U.D. 658 (1978).

19 2. Defendants are also directly liable for Negligence for failing to
20 discharge mandatory duties causing Plaintiffs’ injuries and derivatively liable for
21 Negligence causing Plaintiffs’ injuries.

22 **II. JURISDICTION AND VENUE**

23 3. This action is brought under 42 U.S.C. § 1983 and pendent state law
24 claims under the California Tort Claims Act and California Common Law
25 against Defendants. Subject matter jurisdiction over this action is conferred by
26 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343(a)(3) (civil rights).
27 Plaintiffs’ state law claims for relief are within the supplemental jurisdiction of
28 the Court pursuant to 28 U.S.C. § 1367(a).

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because the wrongful conduct giving rise to this case occurred in the County of Santa Barbara, California, which is located in the Central District of California. Plaintiffs and Defendants are also, and at all relevant times were, citizens and residents of Santa Barbara County, located in the Central District of California. This Court also has specific personal jurisdiction over all Defendants.

III. PARTIES

5. Mr. Baker is, and at all times mentioned was, an adult residing in the County of Santa Barbara, California and is the adoptive father of Miller-Baker and J.B.

6. Mrs. Baker is, and at all times mentioned was, an adult residing in the County of Santa Barbara, California and is the adoptive mother of Miller-Baker and J.B.

7. Miller-Baker is an adult residing in County of Santa Barbara, California. During relevant times, Miller-Baker was a minor. Miller-Baker was placed in Mr. and Mrs. Baker's home for foster care and he was later adopted by Mr. and Mrs. Baker.

8. The County is, and at all times mentioned was, a duly organized public entity, form unknown, existing as such under the law of the State of California and responsible for the policies, procedures and practices implemented through its various agencies, agents, departments and employees, and for the injuries occasion thereby. At all relevant times County was the employer of Does 1 through 10, who were managerial, supervising and policymaking employees of the County's Department of Social Services / Child Welfare Services, are sued in their individual capacity for damages only. Their actions were ratified by the County.

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1 9. At all relevant times Does 1 through 10 were duly authorized
2 employees and agents of the County subject to oversight and supervision by the
3 County's elected and non-elected officials.

4 10. At all relevant times, Does 1 through 10 were duly authorized
5 employees and agents of the County who were acting under color of law within
6 the course and scope of their respective duties as employees of the County and
7 with the complete authority and ratification of their principal, the County.

8 11. The true names and capacities of the Defendants sued herein as
9 Does 1 through 10, inclusive, and each of them, are currently unknown to
10 Plaintiffs, who therefore sue such Defendants by fictitious names. Each of the
11 Defendants designated herein as a Doe is legally responsible for the unlawful
12 acts alleged herein. Plaintiffs will seek leave of Court to amend the Complaint to
13 reflect the true names and capacities of the Doe Defendants when such identities
14 become known.

15 12. Plaintiffs are informed and believe and thereon allege that at all
16 relevant times, each and every Defendant was acting as an agent and/or
17 employee of each of the other Defendants and was the owner, agent, servant,
18 joint venturer and employee, each of the other and each was acting within the
19 course and scope of its ownership, agency, service, joint venture and
20 employment with the full knowledge and consent of each of the other
21 Defendants. Plaintiffs are informed and believe and thereon allege that each of
22 the acts and/or omissions complained of herein was made known to, and ratified
23 by, each of the other Defendants.

24 13. At all times mentioned herein, each and every Defendant was the
25 successor of the other and each assumes the responsibility for each other's acts
26 and omissions.

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14. In doing the acts and failing and omitting to act as hereinafter described, Does 1 through 10 were acting on the implied and actual permission and consent of the County.

15. All Defendants who are natural persons, including Does 1 through 10, are sued individually and/or in his/her official capacity as officers, sergeants, captains, commanders, supervisors, and/or civilian employees, agents, policy makers, and representatives for the County.

16. Defendants are liable for Plaintiffs' injuries under California law and under the doctrine of *respondeat superior*. Liability under California law for public entities and public employees is based upon Cal. *Gov't Code* §§ 815.2 and 820.

17. All Defendants were, at all times material to this Complaint, acting under color and authority of state law.

18. On April 17, 2020, Mr. and Mrs. Baker submitted comprehensive and timely claims for damages.

19. On May 5, 2020, Mr. and Mrs. Baker's claims were formally denied.

20. On June 10, 2020, Miller-Baker submitted a comprehensive and timely claim for damages.

21. On July 28, 2020, Miller-Baker's claims were formally denied.

22. Plaintiffs complied with the requirements of the California Tort Claims Act, Cal. *Gov't Code* §§ 910, *et seq.*

IV. FACTUAL ALLEGATIONS

A. J.B. WAS PLACED WITH PLAINTIFFS AS A FOSTER CHILD

23. J.B. was born in 2005. Miller-Baker was born in 2001.

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1 24. Mr. and Mrs. Baker took in Miller-Baker as a foster child and later
2 moved to formally adopt him. As such, Mr. and Mrs. Baker are Miller-Baker's
3 adopted parents and Miller-Baker lived in the same home with Mr. and Mrs.
4 Baker.

5 25. Mr. and Mrs. Baker had previously fostered and adopted Miller-
6 Baker and opened their home to other foster children in need of a home.

7 26. Mr. and Mrs. Baker ran a licensed childcare center from their home
8 which was known to the County. As such, they cared for not only Miller-Baker,
9 but numerous other children in their home.

10 27. Given the circumstances, Mr. and Mrs. Baker made clear that they
11 had specific requirements about the foster children that could be placed with
12 them so as to protect the health and safety of Miller-Baker as well as the children
13 in their childcare center.

14 28. The County was aware about Mr. and Mrs. Baker's requirements
15 and the need to place a child with them who would not be a threat to the health
16 and safety of the other children.

17 **B. DEFENDANTS WERE MANDATED TO DOCUMENT AND REPORT**
18 **CLAIMS OF SEXUAL/ PHYSICAL ABUSE BY J.B. AND PROTECT**
19 **PLAINTIFFS**

20 29. The County has a responsibility to train the caseworkers who
21 provide foster care services. These requirements are under both federal and
22 California law. The system in place is not just procedural guidelines. They are a
23 scheme that mandates that officials follow specific guidelines and take
24 affirmative actions to ensure the wellbeing and promote the welfare of children
25 in foster care. The children are entitled to the County's protection from harm.

26 30. The County has received millions of dollars in federal funds to meet
27 the needs of children in its child welfare system and is therefore required to
28 comply with federal mandates, including those set forth in the Adoption



1 Assistance and Child Welfare Act of 1980, as amended by the Adoption and Safe
 2 Families Act of 1997; Titles IV-B and IV-E of the Social Security Act; 42 U.S.C.
 3 §§ 622, *et seq.*; 671, *et seq.* (“Adoption and Safe Families Act.”). This Act also
 4 expressly requires that the caseworker provide an updated copy of the child’s
 5 record to the foster parent or provider ***at the same time the caseworker places the***
 6 ***child with that parent or provider.*** 42 U.S.C. § 675(5)(D).

7 31. Cal. Welf. & Inst. Code § 16001.9 mandates that all children in
 8 foster care, including Miller-Baker, have the right to live in a safe, healthy and
 9 comfortable home and be free from physical and sexual abuse.

10 32. The Federal Foster Care and Adoption Assistance Act also requires
 11 that caseworkers must develop a case plan for each foster child that includes the
 12 child’s health and education records, known medical problems (including if they
 13 are being sexually abused by other foster children in their prior foster homes),
 14 prescribed medications and other relevant related information. 42 U.S.C. §§
 15 671(a)(16), 675(1), 45 C.F.R. § 1356.21(g)(2).

16 33. At all relevant times, Defendants were under mandated rules and
 17 regulations requiring that they document and report claims of sexual and physical
 18 abuse by foster children. Defendants were required to maintain highly detailed
 19 case records of J.B. Each case record was mandated to include, at least, the
 20 information identified by California’s Department of Social Services’ Child
 21 Welfare Services’ Manual of Policies and Procedures (hereinafter “DSS MPP”) §
 22 31-075: “[d]ocumentation of any information provided to the placement services
 23 provider and/or respite care provider regarding the child’s known or suspected
 24 dangerous behavior.”

25 34. DSS MPP § 31-205 mandated that Defendants gather, evaluate and
 26 document assessment information pertaining to other children living in the same
 27 foster home. This would necessarily include the information about J.B., as
 28 identified below.



35. Defendants were further mandated to prepare for J.B.'s Case Plan Documentation as identified in DSS MPP § 31-206, including: assessments of the child's placement needs and description(s) of the type of home or institution which best meet those needs, the child's health information, and known medical problems.

36. DSS MPP § 31-310 mandated Defendants monitor J.B.'s physical and emotional condition and provide that information to foster parents and adoptive parents, including that J.B. had been previously sexually assaulted while with his biological family and there were complaints about J.B. sexually assaulting other children while in other foster homes.

37. Defendants were further required: to monitor the child's physical and emotional condition, and take necessary actions to safeguard the child's growth and development while in placement (DSS MPP § 31-405.22); providing a child's background information, including behavioral history (DSS MPP § 31-405.29); and information of any known or suspected dangerous behavior of the child being placed (DSS MPP § 31-405.30).

38. The Defendants were required to keep records about any claims for sexual abuse and physical abuse of foster children pursuant to the numerous state and federal regulations governing foster care and adoption, including Cal. *Welf. & Inst. Code* §§ 224.6, 309, 319, 358.1, 361, 362.7, 706.5, 706.6, 727.3, 4904, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 10553, 10554, 11467.1, 16002 and 16501, *et seq.*, Cal. *Health & Safety Code* §§ 1505 and 1530.8, Cal. *Fam. Code* §§ 7901, 7911, 7911.1, 7912 and 17552, 25 U.S.C § 1931 and 45 CFR 1355.20.

39. Furthermore, Defendants were required to report the physical and sexual abuses committed by J.B. under the Child Abuse Prevention and Treatment Act (P.L. 93-247) and California's Child Abuse and Neglect Reporting Act and their progeny to law enforcement.

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1 40. None of the actions done by Does 1 through 10 provides immunity
2 as they were not done as a function critical to the judicial process itself and were
3 not discretionary. The actions were done with a reckless disregard for the
4 likelihood of causing Plaintiffs' harm.

5 **C. DEFENDANTS KNEW J.B. HAD BEEN SEXUALLY ASSAULTED AND**
6 **HAD SEXUALLY ASSAULTED OTHER CHILDREN BEFORE PLACING**
7 **HIM WITH MR. AND MRS. BAKER**

8 41. Upon information and belief, Defendants knew that J.B.'s biological
9 family history included sexual assault and that J.B. had been sexually assaulted.

10 42. Upon information and belief, the Defendants knew that J.B. had
11 sexually assaulted other children while placed in other foster care homes. Each
12 time an incident occurred J.B. would be taken out and placed into another home.

13 43. The County placed J.B. with Mr. and Mrs. Baker despite knowing
14 that J.B. posed a significant threat to Miller-Baker and the childcare children.

15 **D. DEFENDANTS FAILED TO INFORM PLAINTIFFS ABOUT J.B.'S PAST**
16 **HISTORY AND MISREPRESENTED J.B.'S CONDITION IN VIOLATION**
17 **OF FEDERAL AND STATE LAW**

18 44. Defendants' policies, customs and omissions, including but not
19 limited to their failure to properly train and supervise caseworkers by
20 encouraging them not to report or respond to sexual abuse of foster children in
21 their foster care system resulting in their routine failure to provide required
22 information about foster children to foster/adoptive parents.

23 45. Defendants did not inform Mr. and Mrs. Baker of J.B.'s history of
24 physical and sexual abuse.

25 46. When the Mr. and Mrs. Baker applied to become foster parents with
26 a goal of adopting, they specifically informed the County's Department Social
27 Services/ Children Welfare Services' officials that they were willing to deal with
28 mild to moderate behavior issues, but were not willing to consider children with



1 sexual abuse issues or with behavioral/emotional issues as they were Miller-
2 Baker's adopted parents and ran a daycare center from their home where they
3 took care of several minors for hours at a time.

4 47. Numerous employees of the County were aware of J.B.'s history
5 prior to his placement Mr. and Mrs. Baker.

6 48. Mr. and Mrs. Baker finalized the adoption of J.B. and at no point
7 before J.B. was adopted did anyone from the County disclose J.B.'s sexual
8 assault history.

9 49. In or around April 2018, Mr. and Mrs. Baker were informed that
10 J.B. sexually assaulted a female child who was in the Baker home as part of the
11 childcare center. As a result, the sexual assault was reported and Mr. and Mrs.
12 Baker's childcare center was shut down as they went through the investigative
13 process.

14 50. At no time prior to the adoption did anyone from the County inform
15 Mr. and Mrs. Baker of J.B.'s sexually abusive conduct while in other foster
16 homes or his past as a sexual abuse victim by his biological family.

17 51. In November 2019, Miller-Baker informed Mr. and Mrs. Baker that
18 J.B. had sexually assaulted him at home and threatened to kill Mr. and Mrs.
19 Baker if Miller-Baker told anyone.

20 52. Miller-Baker was placed in significant risk and danger while living
21 in the same home as J.B.

22 53. J.B. was removed from the home though he remains Mr. and Mrs.
23 Baker's adopted child.

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FIRST CAUSE OF ACTION

VIOLATION OF SUBSTANTIVE DUE PROCESS, FOURTEENTH AMENDMENT –

STATE CREATED DANGER, 42 U.S.C. § 1983

(By All Plaintiffs Against All Defendants)

54. Plaintiffs hereby incorporate by reference and re-allege each and every allegation set forth in each and every preceding paragraph of this Complaint, as though fully set forth herein.

55. The Federal Civil Rights Act provides a civil remedy against a person, who under color of state law, deprives another of federal rights cognizable under 42 U.S.C. § 1983.

56. At all times referred to in this complaint, Defendants and all those acting either in concert or in conjunction with them, or those acting independently, were acting under color of state law, and in their individual and/or official capacities as officials, agents and employees of the County.

57. Defendants, and all those acting either in concert or in conjunction with her, or those acting independently, while in their individual and official capacities and acting under color of state law, deprived Plaintiffs of certain rights, privileges, and/or immunities which were secured by the United States Constitution and other laws, including a denial of substantive due process under the Fourteenth Amendment to the United States Constitution. This deprivation of rights, privileges, and/or immunities has caused Plaintiffs to suffer damages in amounts to be determined at trial.

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1 58. Specifically, Defendants engaged in affirmative conduct in
2 knowingly, intentionally and with deliberate indifference, ignoring, suppressing
3 and destroying evidence of the physical and sexual abuse perpetrated by J.B. and
4 violated state and federal law regarding the reporting and prevention of sexual
5 and physical abuse, failed to protect Miller-Baker and the children at the
6 childcare center from such abuse, and allowed them to be present, largely
7 unsupervised, in close proximity to J.B.

8 59. Defendants and those acting in concert with them and/or other
9 employees of the County, affirmatively created a dangerous situation that
10 Plaintiffs would not have otherwise faced.

11 60. Defendants had an obligation to provide adequate medical care,
12 protection and supervision to children removed from their parents and placed in
13 foster care.

14 61. Plaintiffs had a substantive due process right to receive
15 communication, including written reports, regarding the dangerous nature of J.B.
16 Defendants were aware of dangerous nature of J.B. and by doing nothing and
17 failing to comply with its obligations to report on the sexual abuse of J.B. while
18 aware of the dangerous situation created by Defendants' failures to follow
19 mandated regulations, policies and directives as alleged herein, placed Plaintiffs
20 in danger of a known and obvious threat.

21 62. Defendants further acted with deliberate indifference to Plaintiffs'
22 constitutional liberty interest in the creation of their family through the adoption
23 process by deliberately concealing material information regarding the sexual and
24 physical abuse perpetrated by J.B.

25 63. Defendants further acted with deliberate indifference to Plaintiffs'
26 constitutional liberty interest in their work as a licensed childcare center by
27 deliberately concealing material information regarding the sexual and physical
28 abuse perpetrated by J.B. and causing numerous children to interact with J.B.



64. The rights alleged herein were clearly established at the time they were violated.

65. Defendants' conduct alleged hereinabove was performed with deliberate indifference to the liberty and substantive due process interests of Plaintiffs. Defendants were objectively and subjectively aware of facts from which an inference could be drawn that a substantial risk of serious harm existed, the Defendants actually drew such an inference and any reasonable official would have been compelled to draw such inference under the circumstances of this case.

66. As a direct and proximate result of Defendants' deprivation of the rights, privileges, and/or immunities due to Plaintiffs, Plaintiffs have suffered severe physical and psychological injury and other damages, which have been caused by Defendants.

67. As a result of Defendants' conduct, Plaintiffs request an award of reasonable attorneyS' fees and Plaintiffs' costs on their behalf expended as to such Defendants pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1988.

68. Defendants conduct as alleged herein involved reckless or callous indifference to the federally protected rights of the Does and E.M. and Plaintiffs are therefore entitled to an award of punitive damages against the Defendants.

SECOND CAUSE OF ACTION

VIOLATION OF FEDERAL ADOPTION ASSISTANCE ACT & CHILD WELFARE ACT, 42 U.S.C. § 1983

(By All Plaintiffs Against All Defendants)

69. Plaintiffs hereby incorporate by reference and re-allege each and every allegation set forth in each and every preceding paragraph of this Complaint, as though fully set forth herein.

70. Defendants' conduct as alleged herein violated Plaintiffs' statutory rights under the federal Adoption Assistance and Child Welfare Act of 1980, as



1 amended by the Adoption and Safe Families Act of 1997, 42 U.S.C. § 671 *et*
 2 *seq.*, and the regulations promulgated under the Act, 45 C.F.R. Parts 1355-1357,
 3 including but not limited to: the right of each Plaintiff to have his or her health
 4 and educational records reviewed, updated, and supplied to foster care providers
 5 with whom the child is placed before or at the time of placement, pursuant to 42
 6 U.S.C. §§ 671(a)(16), 675(1), and 675(5)(D).

7 71. Each Defendant acted under color of state law as to the matters set
 8 forth herein.

9 72. Defendants' acts and omissions complained of herein constitute a
 10 policy, pattern, practice, custom, final policy making act, and/or ratification of a
 11 subordinate's actions that deprived Plaintiffs of particular statutory rights.

12 73. Further, Defendants have failed in their duties to properly hire, train,
 13 instruct, monitor, supervise, evaluate and investigate Defendants' caseworkers
 14 and supervisors. Defendants were deliberately indifferent to the obvious
 15 consequences of these failures, and these failures directly resulted in the
 16 deprivation of Plaintiffs' statutory rights.

17 74. Defendants' acts and omissions complained of herein have caused
 18 the violation of Plaintiffs' statutory rights and caused Plaintiffs to suffer
 19 damages, including significant physical and emotional harm, in an amount to be
 20 determined at trial. These damages are compensable pursuant to 42 U.S.C. §
 21 1983.

22 75. As described herein, Defendants' acts or omissions were in willful,
 23 malicious, wanton, reckless or callous disregard of Plaintiffs' rights, thereby
 24 entitling Plaintiffs to punitive and exemplary damages.

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THIRD CAUSE OF ACTION

VIOLATION OF SUBSTANTIVE DUE PROCESS, FOURTEENTH AMENDMENT –

Monell Claim, 42 U.S.C. § 1983

(By All Plaintiffs Against All Defendants)

80. Plaintiffs hereby incorporate by reference and re-allege each and every allegation set forth in each and every preceding paragraph of this Complaint, as though fully set forth herein.

81. The Federal Civil Rights Act provides a civil remedy against a person, who under color of state law, deprives another of federal rights cognizable under 42 U.S.C. § 1983.

82. Defendants acted with deliberate indifference and in accordance with a policy, practice or custom in the County of failing to document, report and prevent physical and sexual abuse, in failing to supervise any employees involved in the acts described herein, and in its duty to protect Plaintiffs from a substantial risk of harm in violation of their rights under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. This was a continued practice of Defendants.

83. As a direct and proximate result of Defendants' deprivation of the rights, privileges, and/or immunities due to Plaintiffs, Plaintiffs have suffered severe physical and psychological injury and other damages, which have been caused by Defendants.

84. As a result of Defendants' conduct, Plaintiffs request an award of reasonable attorneys' fees and Plaintiffs' costs on their behalf expended as to such Defendants pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1988.

85. Defendants' conduct as alleged herein involved reckless or callous indifference to the federally protected rights of Plaintiff and Plaintiffs are therefore entitled to an award of punitive damages against the Defendants.

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FOURTH CAUSE OF ACTION

VIOLATION OF PROCEDURAL DUE PROCESS, Fourteenth Amendment –

***Roth* Claim, 42 U.S.C. § 1983**

(By All Plaintiffs Against All Defendants)

86. Plaintiffs hereby incorporate by reference and re-allege each and every allegation set forth in each and every preceding paragraph of this Complaint, as though fully set forth herein.

87. The Federal Civil Rights Act provides a civil remedy against a person, who under color of state law, deprives another of federal rights cognizable under 42 U.S.C. § 1983.

88. Defendants acted with deliberate indifference and in accordance with a policy, practice or custom in Defendants of failing to document, report and prevent physical and sexual abuse, in failing to supervise any employees involved in the acts described herein, and in its duty to protect Plaintiffs from a substantial risk of harm in violation of their rights under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. This was a continued practice of Defendants.

89. The statutes, regulations and directives identified hereinabove as well as other such directives created in Plaintiffs a legitimate and sufficiently vested claim of entitlement such that deprivation of that entitlement without due process of law imposed upon them serious and grievous injury. Procedural due process applies to the deprivation of interests encompassed within the Fourteenth Amendment's protection of liberty and property when a person has acquired specific benefits through state law.

90. As a direct and proximate result of Defendants' deprivation of the rights, privileges, and/or immunities due to Plaintiffs without first providing procedural due process of law, Plaintiffs have suffered severe physical and psychological injury and other damages, which have been caused by Defendants.

92. Defendants' conduct as alleged herein involved reckless or callous indifference to the federally protected rights of Plaintiffs and Plaintiffs are therefore entitled to an award of punitive damages against the Defendants.

**DIRECT NEGLIGENCE PURSUANT TO CAL. GOV'T CODE §§ 815.6, *ET SEQ.*, AND
CALIFORNIA COMMON LAW
(By Plaintiffs Against All Defendants)**

94. Defendants were obligated by constitutional provisions, statutes, and/or regulations, as stated above, to document, report and subsequently inform others, including Plaintiffs, about the physical and sexual abuse perpetrated by J.B. (who they knew was a clear and present danger to Miller-Baker and other children in close proximity). Defendants did not document the information. They did not report the information and they did not inform others about the known dangers J.B. presented.

97. Defendants failed to diligently discharge those obligations, and that failure was the direct proximate cause of severe injuries caused to Plaintiffs.

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99. The negligence of Defendants, and each of them, was the proximate, legal causes of the damages sustained by Plaintiffs. Plaintiffs have incurred damages to be shown by proof at trial.

DERIVATIVE NEGLIGENCE PURSUANT TO CAL. GOV'T CODE §§ 820.2, ET SEQ.,

(By Plaintiffs Against All Defendants)

101. Defendants were obligated by constitutional provisions, statutes, and/or regulations, as stated above, to document, report and subsequently inform others, including Mr. and Mrs. Baker, about the physical and sexual abuse perpetrated by J.B. (who they knew was a clear and present danger to Miller-Baker and other children in close proximity). Defendants did not document the information. Defendants did not report the information and they did not inform others about the known dangers J.B. presented.

103. Defendants' negligent and/or intentional misrepresentation or fraudulent concealment regarding the health and well-being of J.B. was the direct proximate cause of severe injuries to Plaintiffs. *See Michael J. v. Los Angeles County Dept. of Adoptions*, 201 Cal.App.3d 859 (1988).

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104. The negligence of Defendants, and each of them was the proximate, legal causes of the damages sustained by Plaintiffs. Plaintiffs have incurred damages to be shown by proof at trial.

SEVENTH CAUSE OF ACTION

NEGLIGENT MISREPRESENTATION PURSUANT TO CAL. GOV'T CODE §§ 815.6

AND 820.2, ET SEQ. AND CALIFORNIA COMMON LAW

(By Plaintiffs Jamee Baker and Ronnie Baker Against All Defendants)

105. Plaintiffs hereby incorporate by reference and re-allege each and every allegation set forth in each and every preceding paragraph of this Complaint, as though fully set forth herein.

106. Defendants were obligated by constitutional provisions, statutes, and/or regulations, as stated above, to document, report and subsequently inform others, including Mr. and Mrs. Baker, about the physical and sexual abuse perpetrated by J.B. (who they knew was a clear and present danger to Miller-Baker and other children in close proximity). Defendants did not document the information. They did not report the information and they did not inform others about the known dangers J.B. presented.

107. Defendants' negligent and/or intentional misrepresentation or fraudulent concealment regarding the health and well-being of J.B. was the direct proximate cause of severe injuries to Mr. and Mrs. Baker. *See Michael J. v. Los Angeles County Dept. of Adoptions*, 201 Cal.App.3d 859 (1988).

108. The negligence of Defendants, and each of them was the proximate, legal causes of the damages sustained by Plaintiffs. Plaintiffs have incurred damages to be shown by proof at trial.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants, as follows:

1. For compensatory damages according to proof at trial;
2. Damages for past and future loss of earnings and benefits, and other damages in a sum to be determined at the time of trial;
3. An award of reasonable attorneys' fees and costs of suit as permitted by law;
4. Punitive and exemplary damages in an amount appropriate to punish or set an example of the Defendants;
5. For pre-judgment interest and other interest as provided by law;
6. For costs of suit incurred herein;
7. Injunctive relief; and
8. For such other and proper relief as the Court deems just and proper.

Dated: November 5, 2020

Respectfully submitted,

By: /s/ John P. Kristensen

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Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury for all such triable claims.

Dated: November 5, 2020

Respectfully submitted,

By: /s/ John P. Kristensen

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