

FILED
18 JAN 23 AM 10:14
CIRCUIT COURT
FOR MULTNOMAH COUNTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF MULTNOMAH

18CV02765

BARBARA SIDEROFF, as Guardian ad
Litem for **ROMEO SIDEROFF**, a minor,

Plaintiff,

v.

**DAVID DOUGLAS SCHOOL DISTRICT
No. 40**, an Oregon public school and corporate
entity by and through the **DAVID DOUGLAS
SCHOOL DISTRICT BOARD; NATASHA
JENSEN**; an individual;

Defendants.

) Case No.
)
) **COMPLAINT**
) (Negligence; Assault and Battery, IIED)
)
) Fee Authority: ORS 21.160(1)(d)
) (Prayer: \$992,300.00)
)
) NOT SUBJECT TO MANDATORY
) ARBITRATION (Claim exceeds \$50,000)
)
) DEMAND FOR JURY TRIAL
)
)
)

Plaintiff alleges as follows:

1.

At all material times, Plaintiff, Romeo Sideroff, was and is a resident and domiciliary of Multnomah County, state of Oregon, and is a minor who attended David Douglas School District No. 40 pursuant to ORS 339.010 and 339.020.

2.

At all material times, Defendant David Douglas School District No. 40, by and through the David Douglas District Board (collectively "District"), is and was an Oregon public school doing business in Multnomah County, and principally located in the City of Portland, Multnomah County, state of Oregon.

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3.

At all material times, Defendants Natasha Jensen (“Jensen”) was a resident of Multnomah County, state of Oregon, and at all material times, Jensen was an employee of the District in the capacity of an instructional aide.

4.

The District is a public school district, and provides public school education from kindergarten through the twelfth grade pursuant to ORS 332.072.

5.

The District warrants and accepts the responsibility of keeping students safe including while traveling to and from to school on District busses.

6.

On June 6, 2017, Romeo was assaulted and beaten by Defendant Jensen while on a school bus and in the school parking lot. Defendant Jensen grabbed Plaintiff’s face and jaw, squeezed hard, hit his face near his eye, grabbed his hands, pressed her leg into Plaintiff’s thigh all while Plaintiff Romeo Sideroff was seated and restrained on the school bus, which was parked on school grounds.

7.

The District knew or should have known that Jensen was going to assault and beat Romeo Sideroff, an young child with autism.

8.

The District allows and fosters a violent and hostile education environment and failed to take reasonable steps to hire, train, and supervise its instructional aides, specifically Defendant Jensen.

9.

Plaintiff timely gave notice of his tort claim, or alternatively, has timely filed this action.

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1 **FIRST CLAIM FOR RELIEF**

2 (Negligence)

3 (the District)

4 10.

5 Plaintiff realleges and incorporates by reference paragraphs 1 through 9 above.

6 11.

7 Plaintiff and the District are in a special relationship of educators to student. Plaintiff
8 was entrusted to the District's care and it has the special duty to assure Plaintiff's safety during
9 school hours, on school grounds, and on school buses, which includes maintaining an
10 educational environment where students are not assaulted and beaten by adult instructional
11 aides.

12 12.

13 Plaintiff was harmed and injured when he was assaulted and beaten by Defendant Jensen
14 while on a school bus on school grounds.

15 13.

16 Plaintiff's injuries were due in whole or in part to the acts and omissions of the District,
17 which were negligent in one or more of the following respects:

18 a. In failing to discover that Defendant Jensen was violent with children;

19 b. In failing to train instructional aides, including Defendant Jensen, in working
20 with children with disabilities;

21 c. In failing to supervise instructional aides, including Defendant Jensen, with
22 licensed educators;

23 d. In failing to ensure that the physical and mental condition of its instruction aides,
24 including Defendant Jensen, would permit them to safely work with children;

25 e. In failing to warn Plaintiff that Defendant Jensen was not qualified, fit,
26 adequately trained, or properly supervised to work with children with disabilities;

1 f. In failing to exercise reasonable care to discover Defendant Jensen's proclivities
2 for violence against disabled children; and

3 g. In failing to adopt policies to protect the safety and welfare of children.

4 14.

5 As a direct result of Defendant Jensen's conduct, Plaintiffs suffered economic damages
6 for medical expenses which Plaintiff presently estimates are \$12,300.00, and will incur
7 additional medical expenses, in an amount to be proven at trial, but are presently estimated at
8 \$80,000.00.

9 15.

10 As a direct result of the District's negligent acts or omissions, Plaintiff sustained the
11 following injuries and noneconomic damages, all of which were reasonably foreseeable, and
12 some of which may be permanent:

- 13 (a) Contusions and bruises to the head, face, and legs;
- 14 (b) Pain, discomfort, suffering, and emotional distress;
- 15 (c) Loss of educational opportunities; and
- 16 (d) Inconvenience and interference with usual and everyday activities, apart from
17 gainful employment.

18 All to Plaintiff's noneconomic damage in an amount determined by the jury to be fair and
19 reasonable, but not to exceed the sum of \$900,000.00.

20 **SECOND CLAIM FOR RELIEF**

21 (Negligence)

22 (Jensen)

23 16.

24 Plaintiff realleges and incorporates by reference paragraphs 1 through 15 above.

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17.

Plaintiff and Defendant Jensen are in a special relationship of educator to student. Plaintiff was entrusted to Defendant Jensen's care and she had the special duty to assure Plaintiff's safety during school hours, on school grounds, and on school buses, which includes maintaining an educational environment where students are not assaulted and beaten by adult instructional aides.

18.

Plaintiff was harmed and injured when he was assaulted and beaten by Defendant Jensen while on a school bus on school grounds.

19.

Plaintiff's injuries were due in whole or in part to the acts of Defendant Jensen, which were negligent in one or more of the following respects:

- a. In failing to act as a reasonably prudent person toward a child with disabilities;
- b. In failing to seeks help or assistance from licensed professionals while working with children with disabilities; and
- c. In failing to refrain from assaulting and beating Romeo Sideoff, a young autistic child.

20.

As a direct result of Defendant Jensen's conduct, Plaintiffs suffered economic damages for medical expenses which Plaintiff presently estimates are \$12,300.00, and will incur additional medical expenses, in an amount to be proven at trial, but are presently estimated at \$80,000.00.

21.

As a direct result of the District's negligent acts or omissions, Plaintiff sustained the following injuries and noneconomic damages, all of which were reasonably foreseeable, and some of which may be permanent:

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- (a) Contusions and bruises to the head, face, and legs;
- (b) Pain, discomfort, suffering, and emotional distress;
- (c) Loss of educational opportunities; and
- (d) Inconvenience and interference with usual and everyday activities, apart from gainful employment.

All to Plaintiff's noneconomic damage in an amount determined by the jury to be fair and reasonable, but not to exceed the sum of \$900,000.00.

THIRD CLAIM FOR RELIEF

(Assault and Battery)

(Defendant Jensen)

22.

Plaintiff realleges and incorporates by reference paragraphs 1 through 21 above.

23.

Defendant Jensen attempted and did cause harmful, offensive, and violent physical contact with Plaintiff.

24.

As a result of Defendant Jensen's assault and beating of Plaintiff, Plaintiff suffered physical and emotional harm.

25.

As a direct result of Defendant Jensen's conduct, Plaintiffs suffered economic damages for medical expenses which Plaintiff presently estimates are \$12,300.00, and will incur additional medical expenses, in an amount to be proven at trial, but are presently estimated at \$80,000.00.

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26.

As a direct result of the District's negligent acts or omissions, Plaintiff sustained the following injuries and noneconomic damages, all of which were reasonably foreseeable, and some of which may be permanent:

- (a) Contusions and bruises to the head, face, and legs;
- (b) Pain, discomfort, suffering, and emotional distress;
- (c) Loss of educational opportunities; and
- (d) Inconvenience and interference with usual and everyday activities, apart from gainful employment.

All to Plaintiff's noneconomic damage in an amount determined by the jury to be fair and reasonable, but not to exceed the sum of \$900,000.00.

FOURTH CLAIM FOR RELIEF

(Intentional Infliction of Emotional Distress)

(Defendant Jensen)

27.

Plaintiff realleges and incorporates by reference paragraphs 1 through 26 above.

28.

Defendant Jensen intentionally caused harmful, offensive, and violent physical contact with Plaintiff with the objective to harm Plaintiff.

29.

Defendant Jensen was in a special relationship of educator to student.

30.

As a result of Jensen's assault of Plaintiff, Plaintiff suffered severe emotional distress including nightmares, anxiety, fear, shaking, nausea, depression, emotional outbursts, and aberrant behaviors.

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31.

As a direct result of Defendant Jensen’s conduct, Plaintiffs suffered economic damages for medical expenses which Plaintiff presently estimates are \$12,300.00, and will incur additional medical expenses, in an amount to be proven at trial, but are presently estimated at \$80,000.00.

32.

As a direct result of the District’s negligent acts or omissions, Plaintiff sustained the following injuries and noneconomic damages, all of which were reasonably foreseeable, and some of which may be permanent:

- (a) Contusions and bruises to the head, face, and legs;
- (b) Pain, discomfort, suffering, and emotional distress;
- (c) Loss of educational opportunities; and
- (d) Inconvenience and interference with usual and everyday activities, apart from gainful employment;

All to Plaintiff’s noneconomic damage in an amount determined by the jury to be fair and reasonable, but not to exceed the sum of \$900,000.00.

WHEREFORE, Plaintiffs pray for the following relief:

1. On his First and Second Claims for Relief, for actual, consequential, and foreseeable economic damages to be proven at trial and as determined by the jury but which Plaintiff presently estimates do not exceed \$92,300.00, and for non-economic damages in an amount to be proven at trial and as determined by the jury, but which Plaintiff presently estimates do not exceed \$900,000.00.

2. On his Third and Fourth Claims for Relief, for actual, consequential, and foreseeable economic damages to be proven at trial and as determined by the jury but which Plaintiff presently estimates do not exceed \$92,300.00, and for non-economic damages in an

1 amount to be proven at trial and as determined by the jury, but which Plaintiff presently
2 estimates do not exceed \$900,000.00.

- 3 3. For Plaintiff's costs and disbursements herein.
- 4 4. For any other just or equitable relief.

5
6 DATED this 20th day of January, 2018.

7 THE BRAGUE LAW FIRM

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