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12 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
13 **IN AND FOR THE COUNTY OF PIMA**

15 YVETTE LEON, on behalf of her minor  
16 daughter, Y.G.,

17 Plaintiffs,

18 Vs.

19 TUCSON UNIFIED SCHOOL DISTRICT,  
20 a government entity, UNIVERSITY HIGH  
21 SCHOOL, D.J., a minor, by and through his  
22 mother CATHERINE JARRATT, a single  
23 woman

24 Defendants.

No.

**COMPLAINT FOR DAMAGES**

(Jury Trial Requested)

25 Comes now the Plaintiff who alleges:  
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## INTRODUCTION

1. This civil action for damages is based on physical and emotional harm inflicted on the Plaintiff by the Defendants while acting in their capacity as those responsible for the safety and well being of students attending University High School. Defendants Tucson Unified School District and University High School failed to supervise Plaintiff and Defendant D.J. leading to the damages suffered by Plaintiff.

2. This Court also has jurisdiction of this action pursuant to A.R.S. § 12-123 and Article 6 Section 14 of the Arizona Constitution. Venue is proper in Pima County.

## PARTIES

3. Plaintiff Y.G. is, and was at all times relevant to the facts alleged herein, a minor resident of Pima County and a student at University High School.

4. Defendant D.J. is, and was at all times relevant to the facts alleged herein, a minor resident of Pima County and a student at University High School.

5. Defendant Tucson Unified School District (TUSD) was, at all times relevant to the facts alleged herein, a public school district in Pima County.

6. Defendant University High School was, at all times relevant to the facts alleged herein, a public school in Pima County and within TUSD.

7. All acts and failures to act alleged herein were duly performed by and attributable to all Defendants, each acting as agent, employee or under the direction and control of the others. All such acts and failures to act were within the scope of such agency and/or employment and under color of law, and each Defendant participated in, approved and/or ratified the acts and omissions of other Defendants complained of herein.

8. Plaintiffs sue all Defendants in their individual capacities.

1                   **FACTUAL ALLEGATIONS RELEVANT TO ALL CAUSES OF ACTION**

2           9.       On October 24, 2014, Plaintiff Garcia was a freshman student at University High  
3 School.

4           10.     Plaintiff was also a cheerleader for the school.

5           11.     On this date, the varsity football team was playing a game at a different school and  
6 the freshmen cheerleaders, along with the varsity cheerleaders, were going to cheer at the football  
7 game.

8           12.     Plaintiff was told by her cheer coach to remain on campus after school for the school  
9 van that would transport the freshmen cheerleaders to the football game.

10          13.     Immediately after school was over, Plaintiff and Defendant D.J. left their respective  
11 classrooms and met on campus.

12          14.     They entered the school auditorium.

13          15.     This building was unlocked and unsupervised.

14          16.     There was no staff in the building at all.

15          17.     There were no signs that indicated students were not allowed to enter the building.

16          18.     There was no school policy that prohibited students from entering the auditorium.

17          19.     Once inside the auditorium, Defendant D.J. began kissing Plaintiff.

18          20.     Defendant D.J. then suggested that he and Plaintiff enter the restroom in the  
19 auditorium.

20          21.     Once in the restroom, D.J. became more forceful with Plaintiff.

21          22.     He pushed Plaintiff up against the wall and demanded she remove her shirt.

1           23.     At the time, Plaintiff suffered from an unspecified anxiety disorder and depressive  
2 disorder.

3           24.     Plaintiff panicked and did not know what to do, due to the forcefulness of Defendant  
4 D.J. and her diagnosed disorders.

5           25.     Plaintiff, fearful for her safety, complied with Defendant's orders.

6           26.     At some point during this interaction, Plaintiff's pants were removed.

7           27.     Plaintiff protested that she did not want to do this and told Defendant "No" several  
8 times.  
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10          28.     Defendant did not stop despite these protestations and proceeded to sexually assault  
11 Plaintiff.

12          29.     Following this incident, Plaintiff was suspended and charged with public sexual  
13 indecency by University High, even though she informed the school that she had been raped.  
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15          30.     Plaintiff has undergone therapy to help her recover from this traumatic event.

16          31.     TUSD requires its employees to exercise general supervision over the conduct of  
17 students, not only while in the schoolroom, but also before and after school.

18          32.     TUSD also requires its employees to protect students at all times.

19          33.     Defendant University High School failed to supervise Plaintiff and Defendant D.J.  
20 and as a result, failed to protect Plaintiff from this traumatic event.  
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22          34.     Each Defendant acted or failed to act in a manner that contributed to the violations of  
23 the law set out below. They participated in a common operation that resulted in the above described  
24 violation of Plaintiff's civil rights, or allowed acts to be set in motion that they knew or should have  
25 known would lead to these injuries and illegal consequences.  
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35. As a direct and proximate result of the above acts of the Defendants, Plaintiff suffered the following injuries and damages:

A) Physical, mental and emotional pain and suffering:

**COUNT ONE**

(Negligence – Failure to Supervise Against Defendants Tucson Unified School District and University High School)

36. Plaintiff restates and incorporates by reference each and every allegation contained in the foregoing paragraphs, as though fully set forth herein.

37. Defendants owed Plaintiff a duty of care as a student at University High School.

38. Defendants breached this duty of care when they failed to supervise Plaintiff and Defendant D.J.

39. As a direct and proximate result of Defendants' actions, Plaintiffs suffered physical pain and suffering, mental injury, mental anguish and emotional losses.

**COUNT TWO**

(Intentional Tort Claims Against Defendant D.J.)

40. Plaintiff restates and incorporates by reference each and every allegation contained in the foregoing paragraphs, as though fully set forth herein.

41. Defendant D.J. committed battery, assault, and intentional infliction of emotional distress against Plaintiff.

42. As a direct and proximate result of Defendant's actions, Plaintiffs suffered physical pain and suffering, mental injury, mental anguish and emotional losses.

**COUNT THREE**

(Negligence Claims Against Defendant D.J.)

1           43.     Plaintiffs restate and incorporate by reference each and every allegation contained in  
2 the foregoing paragraphs, as though fully set forth herein.

3           44.     Defendant D.J. was negligent in failing to recognize and understand that Plaintiff did  
4 not want to participate in the sexual acts Defendant perpetrated upon Plaintiff.

5           45.     Defendant's actions also constitute negligent infliction of emotional distress against  
6 Plaintiff.

7           46.     As a direct and proximate result of Defendant's actions, Plaintiffs suffered physical  
8 pain and suffering, mental injury, mental anguish and emotional losses.  
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12                                   **CLAIM FOR RELIEF**

13           WHEREFORE, the Plaintiff asks that this court grant him the following relief:

- 14                           a.   Specific damages to include, but not limited to, medical expenses spent by  
15                                 Plaintiff to receive therapy for this incident.  
16                           b.   General damages against Defendants in an amount to be determined upon  
17                                 consideration of the evidence;  
18                           c.   Costs of this suit;  
19                           a.   Granting any and all other relief that the court deem appropriate.

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22           JURY TRIAL DEMANDED  
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REPECTFULLY SUBMITTED this 6th day of October 2015.

s/Paul Gattone  
Paul Gattone  
Attorney for Plaintiff