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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

JAN 10 2006  
A. Villalpando 

5 Attorney for Plaintiff,  
6 TEDD MASON

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF RIVERSIDE**

11 TEDD W. MASON, an individual )  
12 Plaintiff, )

Case Number: *RFC* 443002

13 vs. )

14 MATTHEW GREY, an individual, RICK )  
15 GAY, an individual, KASIA GAY, an )  
16 individual, RIVERSIDE UNIFIED SCHOOL )  
17 DISTRICT, and DOES 1 through 25 )

**COMPLAINT FOR BATTERY,  
INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS, PUBLIC  
DISCLOSURE OF PRIVATE FACTS  
(INVASION OF PRIVACY), FALSE  
LIGHT (INVASION OF PRIVACY),  
DEFAMATION, LIABILITY OF  
PARENTS FOR TORTS OF A MINOR  
UNDER CIVIL CODE 1714.1(A), AND  
NEGLIGENCE**

17 Defendants. )

18 \_\_\_\_\_  
19  
20 **PLAINTIFF, TEDD W. MASON, ALLEGES AS FOLLOWS:**

21  
22 **GENERAL ALLEGATIONS**

23 1. Plaintiff Tedd Mason (hereinafter ““Plaintiff””) is an adult person and  
24 a resident of the County of Riverside, State of California, having reached the age  
25 of majority on December 6, 1987.

26 2. Defendant Matthew Grey, a.k.a. Matthew Gay, (hereinafter “Matthew  
27 Grey”) is a minor and a resident of the County of Riverside, State of California.

28 3. Defendant Rick Gay (hereinafter “Rick Gay”) is an adult person,

1 and a resident of the County of Riverside, State of California.

2 4. Defendant Kasia Gay (hereinafter “Kasia Gay”) is an adult person,  
3 and a resident of the County of Riverside, State of California.

4 5. Defendant Riverside Unified School District (hereinafter “RUSD”) is  
5 an entity with jurisdiction within the County of Riverside, State of California.

6 6. Defendants Rick and Kasia Gay are the father and mother,  
7 respectively, of Defendant Matthew Grey.

8 7. Both Plaintiff and Defendant Matthew Grey were football players for  
9 John W. North High School, a public high school incorporated within the  
10 Riverside Unified School District, the campus where the incident, which is the  
11 subject of this litigation, took place.

12 8. Coach Lou Randall is an employee of Defendant RUSD, and the  
13 Coach of the North High football team.

14 9. On or about January 4, 2005, members of the North High football  
15 team participated in a mandatory 7:00 a.m. training session.

16 10. On or about January 4, 2005, at 7:30 a.m., Coach Randall opened the  
17 team room to allow team members, who had been weight training, to shower and  
18 change their clothing for school.

19 11. After unlocking the team room, Coach Randall left the premises to  
20 pick up his mail from the front office and never returned, thus leaving the team  
21 players unattended for a significant period of time.

22 12. After Coach Randall had left the area, Defendant Matthew Grey  
23 approached Plaintiff, and without warning punched Plaintiff in the head.

24 13. After landing his first punch, Defendant Matthew Grey continued to  
25 strike Plaintiff’s face and head, landing a minimum of six punches to the face and  
26 head.

27 14. Plaintiff, stunned by the first punch to his face, never had a chance to  
28 defend himself as Defendant Matthew Grey continued beating and striking

1 Plaintiff's face and head.

2 15. Defendant Matthew Grey ceased to strike the Plaintiff only after  
3 several fellow students were able to subdue the Defendant.

4 16. Plaintiff was able to call his mother, Ms. Stacy Mason, and tell her  
5 about the attack. Ms. Mason drove to North High School and arrived at the school  
6 on or about 8:00 a.m.

7 17. Ms. Mason maintained phone contact with Plaintiff throughout  
8 her drive to the school. Upon arriving at the school, she discovered that the doors  
9 to the training room were locked, and had to call Plaintiff to inform him she could  
10 not enter the building. From 7:30 until 8:00, Plaintiff was left unsupervised in the  
11 training room, suffering from trauma to his face and head for over thirty minutes  
12 until Ms. Mason arrived to pick up her son.

13 18. A police report was taken at 9:30 a.m., January 4, 2005. A copy of  
14 the report is hereby enclosed and incorporated by reference as "Exhibit A".

15 19. Plaintiff sustained a concussion and fractures to his right orbital  
16 bones due to the attack. Additionally, Plaintiff suffered from memory impairment  
17 immediately after the accident, and is still suffering physical and mental side  
18 effects due to Defendant Grey's vicious attack.

19 20. On May 17, 2005, as a condition of Defendant Matthew Grey's  
20 probation, the County of Riverside Probation Department wrote to Ms. Mason,  
21 enclosing a copy of a letter of apology from Defendant Matthew Grey. Defendant  
22 Matthew Grey's letter contained the following statements:

- 23 A. "I now realize that my [Defendant Grey's] actions were not  
24 only juvenile, but dangerous as well."  
25 B. "I have grown from this experience. I have matured greatly  
26 and I now realize that every situation has an alternative to  
27 violence."  
28 C. "As you and your mother know the [B]ible teaches a great deal  
about forgiveness and through forgiveness is the way to  
heaven. I have learned this and many other things these last  
five months."  
D. "I am whole-heartedly sorry for all of your and your family's  
pain and suffering."

1 A copy of the letter, with the apology from Defendant Matthew Grey,  
2 is enclosed and hereby incorporated by reference as “Exhibit B”.

3 21. On or about June 14, 2005, Defendant Matthew Grey had allegedly  
4 completed his R.U.S.D. mandated Anger Management Requirement and  
5 voluntarily enrolled in an additional Anger Management course.

6 22. On or about August 3, 2005, almost three months after Defendant  
7 Matthew Grey allegedly “grew” from the “experience” of attacking Plaintiff (as  
8 stated in the aforementioned paragraph 19), and one and ½ months after allegedly  
9 successfully completing his Anger Management Requirement, Defendant Matthew  
10 Grey published on the website “myspace.com”, a post that reads:

11 “Fuck all of you fake bastard peices [sic] of  
12 shit...Fuck North...Fuck Kinnear...Fuck the CIF...Fuck all  
13 you fake bastards that acted like my friends when I was  
14 at North and now all of a sudden u forgot about  
15 me...Fuck Jim McNamara, and especially...FUCK  
16 TEDD...oh by the way if your wondering why im pissed  
17 off...It’s because I found out that im inelligable [sic]  
18 today and for some reason Tedd Mason is in need of a  
19 MRI for his “severe headaches” and yet he can still go  
20 full speed at practice everyday. Odd isn’t it...”

21 A true copy of the post is enclosed and hereby incorporated by reference as  
22 “Exhibit C”

23 23. On January 7, 2005 at 10:45, approximately 3 days after  
24 Defendant Matthew Grey attacked Plaintiff, a written statement of Tedd Mason  
25 was taken by Mrs. Bernadette Casarez, the Discipline Secretary of North High  
26 School and employee of the Riverside Unified School District. Ms. Mason and  
27 Mr. Michael Bartee, the Assistant Principal of Discipline and employee of the  
28 Riverside Unified School District, were witnesses to the statement. The statement  
demonstrates that Plaintiff did not remember much of the incident, except hearing  
Defendant Matthew Grey state “oh, you want to leave me”. Plaintiff was unable to  
write a statement himself due to his injuries.

///

1           24. On or about January 7, 2005, when Mr. Dale Kinnear, the Principal at  
2 North High and employee of the Riverside Unified School District, was asked by  
3 Ms. Mason why there was no supervision in the area where Plaintiff was attacked,  
4 Mr. Kinnear advised Ms. Mason there was no good explanation, that Coach  
5 Randall had opened the team room that morning then left to pick up his mail.

6           25. Plaintiff's mother, Ms. Mason, and Plaintiff were in constant  
7 communication regarding Defendant Grey's attack with the employees of the  
8 Riverside Unified School District, including but not limited to Principal Dale  
9 Kinnear, Superintendent Glenn King, Assistant Principal of Discipline Michael  
10 Barteel, Discipline Secretary Ms. Bernadette Casarez, Coach Lou Randall,  
11 R.U.S.D. Board Members (Board President Maxine Frost, Vice President Michael  
12 Goldware, Clerk Gayle Cloud, Member Dana Kruckenberg, and Member Lewis J.  
13 Vanderzyl), Superintendent Dr. Susan J. Rainey, Director of Pupil Services Dr.  
14 William E. Hendrick, Home School Instructor Ms. E. Jennings, Director of Risk  
15 Management Debra L. Campell, and Deputy Superintendent of Business Services  
16 Michael H. Fine.

17           26. Defendant Matthew Grey's father, Defendant Mr. Rick Gay, was a  
18 assistant football coach with North High School during the year of the incident.  
19 He has maintained personal friendships with many of the coaches and alumni of  
20 North High School.

21           27. Plaintiff is informed and believes that Defendant Rick Gay used  
22 confidential information regarding Plaintiff's health records, and discussed  
23 Plaintiff's health background with, but not limited to, his son Defendant Matthew  
24 Grey, his spouse Defendant Kasia Gay, and members and employees of Defendant  
25 RUSD.

26           28. Plaintiff is informed and believes that information Defendant Rick  
27 Gay gathered from his discussions with North High administrators and football  
28 staff were responsible for his son, Defendant Matthew Grey's, acts of defamation

1 and false light of August 3, 2005 against the Plaintiff.  
2

3 **FIRST CAUSE OF ACTION**

4 **BATTERY**

5 **(AS AGAINST DEFENDANT MATTHEW GREY)**  
6

7 29. Plaintiff refers to paragraphs 1 through 28 above and, by such  
8 reference, incorporate the same herein as though fully and completely set forth.

9 30. Plaintiff alleges that on January 4, 2005, Defendant Matthew Grey  
10 intentionally performed acts that resulted in the harmful and offensive physical  
11 contact with an intimate part of Plaintiff's person without his consent, including  
12 but not limited to the following: striking Plaintiff without warning (or to quote a  
13 colloquial phrase, "sucker-punching") against his head with a closed fist between  
14 six and ten times, causing Plaintiff to lose balance and strike both his locker and  
15 the floor with his head, resulting in severe trauma to Plaintiff's face and head,  
16 including, but not limited to, concussion, broken bones, cuts, bruises, and further  
17 causing learning and mental disability that Plaintiff still suffers to the date of this  
18 filing.

19 31. As a proximate result of said harmful and offensive touching caused  
20 by Defendant Matthew Grey, Plaintiff has been harmed in that Plaintiff was  
21 required to employ the services of hospitals, physicians, surgeons, nurses and  
22 other professional services and was compelled to incur expenses for ambulance  
23 service, medicines, x-rays, and other medical supplies and services.

24 32. As a further and proximate result of Defendant Matthew Grey's  
25 harmful and/or offensive touching against Plaintiff, as alleged above, Plaintiff has  
26 been harmed in that Plaintiff has suffered losses including, but not limited to, great  
27 humiliation, severe mental anguish, and extreme emotional and physical distress.  
28 As a result of such harmful and offensive touching and consequent harm, Plaintiff

1 has suffered such damages in an amount to be ascertained and within the  
2 jurisdiction of this court.

3 33. As a further and proximate result of Defendant Matthew Grey's  
4 harmful and/or offensive touching against Plaintiff, as alleged above, Plaintiff has  
5 been harmed in that Plaintiff's mother, Ms. Stacy Mason, had to take four weeks  
6 off of work in order to supervise both her son's at-home educational program (as  
7 required under state law), and help Plaintiff physically, mentally and emotionally  
8 recover from the attack on his person.

9 34. Based on Defendant Matthew Grey's intentionally malicious, spiteful  
10 and oppressive conduct by striking Plaintiff when Plaintiff had no warning from  
11 said Defendant, and Defendant Matthew Grey's continual punching of Plaintiff's  
12 face and head despite Plaintiff not able to defend himself, and furthermore  
13 considering the Plaintiff and Defendant Grey had been friends in the past years,  
14 Defendant Matthew Grey should be held liable for punitive damages in an amount  
15 sufficient to punish Defendant Matthew Grey and deter such wrongful conduct in  
16 the future.

17 35. Based on Defendant Matthew Grey's reckless disregard by striking  
18 Plaintiff when Plaintiff had no warning from said Defendant, and Defendant  
19 Matthew Grey's continual punching of Plaintiff's face and head despite Plaintiff  
20 not able to defend himself, and furthermore considering the Plaintiff and  
21 Defendant Matthew Grey had been friends in the past years, Defendant Matthew  
22 Grey should be held liable for punitive damages in an amount sufficient to punish  
23 Defendant Matthew Grey and deter such wrongful conduct in the future.

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1 **SECOND CAUSE OF ACTION**  
2 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
3 **(AS AGAINST DEFENDANT MATTHEW GREY)**  
4

5 36. Plaintiff refers to paragraphs 1 through 35 and, by such reference,  
6 incorporates the same herein as though fully and completely set forth.

7 37. By intentionally performing acts that resulted in the harmful and  
8 offensive physical contact with an intimate part of Plaintiff's person without his  
9 consent, including but not limited to the following: striking Plaintiff without  
10 warning (or to quote a colloquial phrase, "sucker-punching") in the face with a  
11 closed fist between six and ten times, causing Plaintiff to fall backward off the  
12 bench which he had been seated, resulting in severe trauma to Plaintiff's face and  
13 head, including, but not limited to, broken bones, cuts, bruises, and further causing  
14 temporary learning and mental disability, Defendant Matthew Grey has engaged in  
15 unlawful, outrageous and extreme conduct.

16 38. As a further and proximate result of Defendant Matthew Grey's  
17 unlawful, outrageous and extreme conduct against Plaintiff, as alleged above,  
18 Plaintiff has been harmed in that Plaintiff has suffered losses including, but not  
19 limited to: great humiliation, severe mental anguish, and extreme emotional and  
20 physical distress. As a result of such unlawful, outrageous and extreme conduct  
21 and consequent harm, Plaintiff has suffered such damages in an amount to be  
22 ascertained and within the jurisdiction of this court.

23 39. As a further and proximate result of Defendant Matthew Grey's  
24 unlawful, outrageous and extreme conduct against Plaintiff, as alleged above,  
25 Plaintiff has been harmed in that Plaintiff was required to employ the services of  
26 hospitals, physicians, surgeons, nurses and other professional services and was  
27 compelled to incur expenses for ambulance service, medicines, x-rays, and other  
28 medical supplies and services.



1           40. As a further and proximate result of Defendant Matthew Grey's  
2 unlawful, outrageous and extreme conduct against Plaintiff, as alleged above,  
3 Plaintiff has been harmed in that Plaintiff's mother, Ms. Stacy Mason, had to  
4 take four weeks off of work in order to supervise both her son's at-home  
5 educational program (as required under state law), and help Plaintiff physically,  
6 mentally and emotionally recover from the attack on his person.

7           41. Based on Defendant Matthew Grey's intentionally malicious, spiteful  
8 and oppressive conduct in continuing to strike Plaintiff in the face and head  
9 repeatedly, even after Plaintiff clearly was incapacitated due to Defendant's initial  
10 physical blows, Defendant Matthew Grey should be held liable for punitive  
11 damages in an amount sufficient to punish Defendant Matthew Grey and deter  
12 such wrongful conduct in the future.

13           42. Based on Defendant Matthew Grey's reckless disregard in continuing  
14 to strike Plaintiff in the face and head repeatedly, even after Plaintiff clearly was  
15 incapacitated due to Defendant's initial physical blows, Defendant Matthew Grey  
16 should be held liable for punitive damages in an amount sufficient to punish  
17 Defendant Matthew Grey and deter such wrongful conduct in the future.

18  
19                           **THIRD CAUSE OF ACTION**

20   **LIBEL**

21   **(AS AGAINST MATTHEW GREY)**

22  
23           43. Plaintiff refers to paragraphs 1 through 42, and, by such reference,  
24 incorporates the same herein as though fully and completely set forth.

25           44. Plaintiff is informed and believes that Defendant Matthew Grey made  
26 a false statement of fact regarding the health of the Plaintiff when Defendant  
27 Matthew Grey published his aforementioned "myspace.com" web page on or  
28 about August 3, 2005.

1           45. Plaintiff is informed and believes that Defendant Matthew Grey  
2 published facts which were privileged statements about the health of Plaintiff  
3 when Defendant Matthew Grey published his aforementioned "myspace.com" web  
4 page on or about August 3, 2005.

5           46. Defendant Matthew Grey's webpage on "myspace.com" is considered  
6 both a writing and a publication since the contents were published on the Internet  
7 for the general viewing public to access.

8           47. By stating in his webpage "FUCK TEDD...oh by the way if your  
9 wondering why im pissed off...It's because I found out that im inelligable [sic]  
10 today and for some reason Tedd Mason is in need of a MRI for his "severe  
11 headaches" and yet he can still go full speed at practice everyday. Odd isn't it...",  
12 Defendant Matthew Grey published words of and concerning the plaintiff.

13           48. By stating in his webpage "for some reason Tedd Mason is in need of  
14 a MRI for his "severe headaches" and yet he can still go full speed at practice  
15 everyday", it is reasonable to conclude Defendant Matthew Grey is exposing  
16 Plaintiff to hatred, contempt, ridicule or disgrace by alleging that Plaintiff is of a  
17 dishonest character.

18           49. By stating in his webpage "for some reason Tedd Mason is in need of  
19 a MRI for his "severe headaches" and yet he can still go full speed at practice  
20 everyday", it is reasonable to conclude Defendant Matthew Grey is trying to  
21 demonstrate Plaintiff as a liar, and therefore is defamatory on its face.

22           50. As a result of Plaintiff being damaged for loss of reputation, shame,  
23 mortification and hurt feelings, Plaintiff has suffered such damages in an amount  
24 to be ascertained and within the jurisdiction of this court.

25           51. As a result of Plaintiff being damaged in respect to his property,  
26 business, trade, profession or occupation, Plaintiff has suffered such damages in  
27 an amount to be ascertained and within the jurisdiction of this court.

28           52. As a result of Plaintiff being damaged by Defendant Matthew Grey's

1 hatred and/or ill will towards the plaintiff, without any good faith belief in his  
2 statements, Defendant Matthew Grey should be held liable for punitive damages in  
3 an amount sufficient to punish Defendant Matthew Grey and deter such wrongful  
4 conduct in the future.

5  
6 **FOURTH CAUSE OF ACTION**

7 **PUBLIC DISCLOSURE OF PRIVATE FACTS (INVASION OF PRIVACY)**

8 **(AS AGAINST MATTHEW GREY)**

9  
10 53. Plaintiff refers to paragraphs 1 through 52, and, by such reference,  
11 incorporates the same herein as though fully and completely set forth.

12 54. On August 3, 2005, Defendant Matthew Grey published the  
13 aforementioned text on his "myspace.com" website, including private facts about  
14 Plaintiff's health condition, that was available and viewed by the public at large.

15 55. The facts disclosed by Defendant Matthew Grey were details about  
16 the Plaintiff's health which, considering there was an ongoing investigation and  
17 pending litigation between Plaintiff, the R.U.S.D., Defendants, and the police,  
18 were private facts.

19 56. The facts disclosed by Defendant Matthew Grey were presented in  
20 such a way that the reasonable person of ordinary sensibilities would find to be  
21 offensive and objectionable.

22 57. The facts disclosed by Defendant Matthew Grey were regarding the  
23 health of the Plaintiff were about Plaintiff, a private figure, and therefore not  
24 newsworthy.

25 58. As a result of the willful misconduct of Defendant Matthew Grey,  
26 Plaintiff suffered damages to his reputation and standing in the community,  
27 personal humiliation, mental anguish and suffering in an amount to be ascertained  
28 and within the jurisdiction of this court.

1           59. As a result of Plaintiff being damaged by Defendant Matthew Grey's  
2 malice, hatred and/or ill will towards the Plaintiff, without any good faith belief in  
3 his statements, Defendant Grey Matthew should be held liable for punitive  
4 damages in an amount sufficient to punish Defendant Matthew Grey and deter  
5 such wrongful conduct in the future.

6  
7                                   **FIFTH CAUSE OF ACTION**  
8                                   **FALSE LIGHT (INVASION OF PRIVACY)**  
9                                   **(AS AGAINST MATTHEW GREY)**

10  
11           60. Plaintiff refers to paragraphs 1 through 59, and, by such reference,  
12 incorporates the same herein as though fully and completely set forth.

13           61. On August 3, 2005, Defendant Matthew Grey published the  
14 aforementioned text on his "myspace.com" website, including private facts about  
15 Plaintiff's health condition, that was available and viewed by the public at large.

16           62. Defendant Matthew Grey's August 3, 2005 public disclosure was an  
17 unfair and inaccurate depiction of Plaintiff.

18           63. Defendant Matthew Grey's August 3, 2005 public disclosure and  
19 placement of Plaintiff in false light was highly offensive to a reasonable person.

20           64. Defendant Matthew Grey's August 3, 2005 act of putting Plaintiff in  
21 a false light was defamatory on its face, and as a result Plaintiff suffered damages  
22 to his reputation and standing in the community, personal humiliation, mental  
23 anguish and suffering in an amount to be ascertained and within the jurisdiction of  
24 this court.

25           65. As a result of Plaintiff being damaged by Defendant Matthew Grey's  
26 malice, hatred and/or ill will towards the Plaintiff, without any good faith belief in  
27 his statements, Defendant Grey Matthew should be held liable for punitive  
28 damages in an amount sufficient to punish Defendant Matthew Grey and deter

1 such wrongful conduct in the future.

2  
3 **SIXTH CAUSE OF ACTION**  
4 **LIABILITY OF PARENT FOR TORTS OF MINOR UNDER**  
5 **CALIFORNIA CIVIL CODE SECTION 1714.1(A)**  
6 **(AS AGAINST RICK AND KASIA GAY)**  
7

8 66. Plaintiff refers to paragraphs 1 through 65, and, by such reference,  
9 incorporates the same herein as though fully and completely set forth.

10 67. Defendants Rick Gay and Kasia Gay were, and now are, the parents  
11 of Defendant Matthew Grey, who was a minor child from January through August  
12 15 of 2005.

13 68. On August 3, 2005, Defendant Matthew Grey was in the custody and  
14 control of Defendants Rick Gay and Kasia Gay.

15 69. On August 3, 2005, Defendant Matthew Grey willfully and  
16 maliciously injured Plaintiff by posting the aforementioned "myspace.com"  
17 information, including the aforementioned defamatory statements.

18 70. As a proximate result of the willful misconduct of Defendant  
19 Matthew Grey, Plaintiff suffered the following injuries: Plaintiff's reputation and  
20 standing as both an everyday individual and a football player both on a local and  
21 national scale. Plaintiff's chances of seeking interest in college football recruiters  
22 have been harmed directly by Defendants Rick and Kasia Gay allowing  
23 Defendant Matthew Grey to access "myspace.com" and publish false statements  
24 about Plaintiff, all to plaintiff's damages in an amount to be ascertained and within  
25 the jurisdiction of this court.

26 71. Defendants Rick and Kasia Gay are liable for Defendant Matthew  
27 Grey's willful misconduct pursuant to Civil Code Section 1714.1.  
28

1 **SEVENTH CAUSE OF ACTION**

2 **NEGLIGENCE**

3 **(AS AGAINST THE RIVERSIDE UNIFIED SCHOOL DISTRICT)**

4  
5 72. Plaintiff refers to paragraphs 1 through 71, and, by such reference,  
6 incorporates the same herein as though fully and completely set forth.

7 73. Defendant Riverside Unified School District (hereinafter "RUSD")  
8 had an affirmative duty to take all reasonable steps to protect its students against  
9 harm from aggressive, reckless, or intentional misconduct.

10 74. Defendant RUSD breached its affirmative duty to provide a safe  
11 school towards Plaintiff when RUSD's employee, Coach Randall left the premises  
12 to pick up his mail from the front offices, thus leaving the team players  
13 unattended.

14 75. But for Coach Randall's leaving the locker room premises to pick up  
15 his mail from the front offices, which resulted in leaving the team players  
16 unattended, Defendant Matthew Grey would not have been able to attack Plaintiff  
17 and repeatedly punch Plaintiff in the face and head at least six times.

18 76. Defendant RUSD's employee Coach Randall leaving the locker room  
19 premises to pick up his mail from the front offices was the proximate cause for  
20 allowing Defendant Matthew Grey to attack Plaintiff, since it was foreseeable that  
21 the competitive and physically demanding nature of football and football training  
22 would leave the team members, if unattended, the opportunity to confront and  
23 possibly attack other players out of competitive envy, jealousy, or personal matters  
24 not related to the actual team sport.

25 77. As a proximate result of RUSD's employee Coach Randall's  
26 negligence, Plaintiff has been harmed in that Plaintiff was required to employ the  
27 services of hospitals, physicians, surgeons, nurses and other professional services  
28 and was compelled to incur expenses for ambulance service, medicines, x-rays,

1 and other medical supplies and services.

2 78. As a further and proximate result of RUSD's employee Coach  
3 Randall's negligence Plaintiff has been harmed in that Plaintiff has suffered losses  
4 including, but not limited to, great humiliation, severe mental anguish, and  
5 extreme emotional and physical distress. As a result of such harmful and  
6 offensive touching and consequent harm, Plaintiff has suffered such damages in an  
7 amount to be ascertained and within the jurisdiction of this court.

8 79. Based on Defendant RUSD's employee Coach Randall's reckless  
9 disregard by leaving the premises in order to retrieve his mail in the front office, ,  
10 Defendant RUSD should be held liable for punitive damages in an amount  
11 sufficient to punish Defendant RUSD and deter such wrongful conduct in  
12 the future.

13 **EIGHTH CAUSE OF ACTION**

14 **PUBLIC DISCLOSURE OF PRIVATE FACTS (INVASION OF PRIVACY)**

15 **(AS AGAINST THE RIVERSIDE UNIFIED SCHOOL DISTRICT)**

16  
17 80. Plaintiff refers to paragraphs 1 through 79, and, by such reference,  
18 incorporates the same herein as though fully and completely set forth.

19 81. Plaintiff is informed and believes and based thereon alleges between  
20 January 4, 2005 through August 3, 2005, Defendant RUSD and its employees  
21 disclosed private facts about Plaintiff's health condition to employees and persons  
22 not authorized to receive such information, including but not limited to:  
23 Head Principal Dale Kinnear, Superintendent Glenn King, Assistant Principal of  
24 Discipline Michael Barte, Discipline Secretary Ms. Bernadette Casarez, Coach  
25 Lou Randall, R.U.S.D. Board Members (Board President Maxine Frost, Vice  
26 President Michael Goldware, Clerk Gayle Cloud, Member Dana Kruckenberg, and  
27 Member Lewis J. Vanderzyl), Superintendent Dr. Susan J. Rainey, Director of  
28 Pupil Services Dr. William E. Hendrick, Home School Instructor Ms. E. Jennings,

1 Director of Risk Management Debra L. Campell, Deputy Superintendent of  
2 Business Services Michael H. Fine, Defendant Matthew Grey, Defendant Kasia  
3 Gay, and Defendant Rick Gay.

4 82. The facts disclosed by Defendant RUSD and its employees were  
5 details about the Plaintiff's health which, considering there was an ongoing  
6 investigation and pending litigation between Plaintiff, all of the aforementioned  
7 Defendants, and the police, were private facts.

8 83. The facts disclosed by Defendant RUSD and its employees were  
9 presented in such a way that the reasonable person of ordinary sensibilities would  
10 find to be offensive and objectionable.

11 84. The facts disclosed by Defendant RUSD and its employees were  
12 regarding the health of the Plaintiff were about Plaintiff, a private figure, and  
13 therefore not newsworthy.

14 85. As a result of the willful misconduct of Defendant RUSD and its  
15 employees, Plaintiff suffered damages to his reputation and standing in the  
16 community, personal humiliation, mental anguish and suffering in an amount to be  
17 ascertained and within the jurisdiction of this court.

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1 **WHEREFORE, Plaintiff respectfully prays for judgment on the above-**  
2 **alleged cause of action as follows:**

- 3
- 4 **1. For General Damages in an amount within the jurisdiction of this**  
5 **court;**
- 6 **2. For Special Damages in an amount as yet unascertained;**
- 7 **3. For Punitive Damages as to the FIRST, SECOND, THIRD,**  
8 **FOURTH, FIFTH, AND SEVENTH causes of action in an**  
9 **amount to be determined by the trier of fact;**
- 10 **4. For Pre-Judgment and Post-Judgment interest;**
- 11 **5. For reasonable attorney's fees;**
- 12 **6. For such other and further relief as the court deems just and**  
13 **proper;**
- 14
- 15

16 Date: 1/9/06

**KENNEDY & ASSOCIATES**

17  
18   
19 WILLIAM C. KENNEDY, ESQ.  
20 Attorney for Plaintiff  
21 TEDD MASON  
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): William C. Kennedy, Esq. (SBN 076692) KENNEDY AND ASSOCIATES 4001 Eleventh Street  Riverside, CA 92501  TELEPHONE NO.: _____ FAX NO.: 951 784 8930  ATTORNEY FOR (Name): TEDD MASON		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE STREET ADDRESS: 4050 MAIN STREET MAILING ADDRESS: SAME AS ABOVE CITY AND ZIP CODE: RIVERSIDE, CA 92501 BRANCH NAME: CENTRAL		
CASE NAME:		
<b>CIVIL CASE COVER SHEET</b> x   <b>Unlimited</b>   <b>Limited</b> (Amount   (Amount demanded   demanded is exceeds \$25,000)   \$25,000 or less)	<b>Complex Case Designation</b> Counter   Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)	CASE NUMBER: <b>443002</b>  JUDGE:  DEPT.:

All five (5) items below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input checked="" type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is  is not complex under rule 1800 of the California Rules of Court. If case is complex, mark the factors requiring exceptional judicial management:
- |  |   |
|--|---|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses   |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial post-judgment judicial supervision  |
3. Type of remedies sought (check all that apply):  
 a.  monetary    b.  nonmonetary; declaratory or injunctive relief    c.  punitive
4. Number of causes of action (specify): Seven (7): Negligence, IED, Battery, Invasion of Priv., Defam, CivCode 1714(1)
5. This case is  is  is not a class action suit.

Date: 1/9/2006

William C. Kennedy, Esq. (SBN 076692)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet shall be used for statistical purposes only.

# INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

## To Plaintiffs and Others Filing First Papers

If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must check **all five** items on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. You do not need to submit a cover sheet with amended papers. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 201.8(c) and 227 of the California Rules of Court.

## To Parties in Complex Cases

In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 1800 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

### Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

### Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
  - Asbestos Property Damage
  - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
  - Medical Malpractice—Physicians & Surgeons
  - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
  - Premises Liability (e.g., slip and fall)
  - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
  - Intentional Infliction of Emotional Distress
  - Negligent Infliction of Emotional Distress
  - Other PI/PD/WD

### Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
  - Legal Malpractice
  - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

### Employment

- Wrongful Termination (36)
- Other Employment (15)

### Contract

- Breach of Contract/Warranty (06)
  - Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
  - Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
  - Negligent Breach of Contract/Warranty
  - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
  - Auto Subrogation
  - Other Coverage
- Other Contract (37)
  - Contractual Fraud
  - Other Contract Dispute

### Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
  - Writ of Possession of Real Property
  - Mortgage Foreclosure
  - Quiet Title
  - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

### Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential.*)

### Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ—Administrative Mandamus
  - Writ—Mandamus on Limited Court Case Matter
  - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
  - Review of Health Officer Order
  - Notice of Appeal—Labor Commissioner Appeals

### Provisionally Complex Civil Litigation (Cal. Rules of Court Rule 1800-1812)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Toxic Tort/Environmental (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

### Enforcement of Judgment

- Enforcement of Judgment (20)
  - Abstract of Judgment (Out of County)
  - Confession of Judgment (*non-domestic relations*)
  - Sister State Judgment
  - Administrative Agency Award (*not unpaid taxes*)
  - Petition/Certification of Entry of Judgment on Unpaid Tax
  - Other Enforcement of Judgment Case

### Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
- Declaratory Relief Only
- Injunctive Relief Only (*non-harassment*)
- Mechanics Lien
- Other Commercial Complaint Case (*non-tort/non-complex*)
- Other Civil Complaint (*non-tort/non-complex*)

### Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
  - Civil Harassment
  - Workplace Violence
  - Elder/Dependent Adult Abuse
  - Election Contest
  - Petition for Name Change
  - Petition for Relief from Late Claim
  - Other Civil Petition

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE  
4050 Main Street  
Riverside, CA 92501

NOTICE OF TRIAL DEPARTMENT ASSIGNMENT AND CASE MANAGEMENT CONFERENCE

MASON VS GREY, ET AL

CASE NO. RIC443002

The above entitled case is ASSIGNED to the HONORABLE EDWARD D. WEBSTER in Department 05 for ALL PURPOSES.

The Case Management Conference described in Rules of Court 212 is scheduled for 12/18/06 at 8:30 am/pm in Department 05.

The plaintiff/cross-complainant shall serve a copy of the Notice of Trial Department Assignment and Case Management Conference on all defendants/cross-defendants named or added to the complaint and file proof of service thereof.

Any challenge pursuant to Section 170.6 of the Civil Code of Procedure shall be made within twenty (20) days (15 days pursuant to 68616(I) GC plus 5 days pursuant to 1013(a) CCP) from the date of this notice of assignment, or if the party has not yet appeared, then within fifteen (15) days after the party's first appearance.

If this case has been assigned to a Judge Pro Tempore, whose appointment as Commissioner is in accordance with Article Six, Section Twenty-two of the Constitution of this State and who has been appointed as a Temporary Judge pursuant to an order of the Court under the authority of Article Six, Section Twenty-one of the Constitution and Section 259 of the Civil Code of Procedure; within ten (10) days of the date of this notice, the parties MUST file a Notice of Non-Stipulation if they do not stipulate to the hearing of pre-trial, trial and all subsequent post-trial law and motion matters before the Commissioner.

Failure to file such notice within (10) days shall be deemed acceptance of the assignment.

DATE OF NOTICE: 01/10/06

CLERK'S CERTIFICATE

I, Clerk of the above entitled Court, do hereby certify that on this date, I provided the plaintiff(s) or plaintiffs' attorney of record with a copy of the foregoing NOTICE.

CLERK OF THE COURT

Date: 01/10/06

by:

  
ANITA VILLALPANDO