

NEGLIGENCE**Negligent Supervision — School**

Special education student said she was raped in school stairwell

Settlement \$800,000

Case Jane Doe v. Roe School District

Court Superior Court of Los Angeles County

Judge Joseph De Vanon

Date 7/6/2008

Plaintiff**Attorney(s)**

Angela Gilmartin, Law Offices of Angela L. Gilmartin, Woodland Hills, CA

Louanne Masry, Taylor & Ring, LLP, Los Angeles, CA

David M. Ring, Taylor & Ring, LLP, Los Angeles, CA

Defense**Attorney(s)**

None reported

Facts & Allegations

The plaintiff, a 14-year-old special-education student, claimed that she was raped by two male special-education students at her Los Angeles area high school. The plaintiff reported two attacks--the first one on a Friday, and the second the following Monday--both in a school stairwell. She said that the incidents took place during sixth period, when all three students should have been in class.

At the time of the alleged assault, the plaintiff had the mental functionality of a nine-year-old.

The plaintiff sued the corresponding school district for negligent supervision. Her lawyers claimed that the school district was negligent in failing to supervise its special education students.

Plaintiffs' counsel also claimed that teachers knew--or should have known--that the students were missing from their classes. The plaintiff reported that one of the male students had a history of significant disciplinary problems at the high school.

The plaintiff claimed that she tried to report the first assault to school administrators, but that no one took the time to sort through what exactly she was trying to say.

The school district contended that its supervision was appropriate, and that it could not possibly supervise every student at every moment during the school day.

The school district further claimed that, even if school security had been in close vicinity to the stairwell where the incident allegedly occurred, one of the students was acting as a lookout, and would have thwarted any school staffer from seeing the assault.

The school district also purported that the sexual encounters between the three students were all consensual.

Injuries/Damages

The plaintiff alleged post-traumatic stress disorder and severe emotional distress.

She sought damages for pain and suffering.

The school district disputed the nature and extent of the alleged injuries.

Result

The parties settled for \$800,000 prior to trial.

Demand None reported

Offer None reported

Insurer(s)

None reported

Plaintiff

Expert(s)

None reported

Defense

Expert(s)

None reported

Post-Trial

None reported

Plaintiff(s)

Demographics

Jane Doe

Age: 14 Years

Occupation: student

Gender: Female

Married: No

Children: No

Written By –Elizabeth Peterson