

**In the Spreckels Union School District  
Under The Government Claims Act  
California Government Code § 810, *et seq.***

**JESSICA KONEN and A.G., her minor  
child**

**Claimants,**

**adv.**

**LORI CALDIERA; KELLY BARAKI;  
KATELYN PAGARAN; and SPRECKELS  
UNION SCHOOL DISTRICT,**

**Respondents.**

**Statement of Facts and Claims**

Jessica Konen (“Ms. Konen”) and A.G., her minor child, hereby make this Statement of Facts and Claims in support of their claims against the above-named Respondents pursuant to the Governmental Claims Act, Cal. Gov’t Code § 810, *et seq.* Claimants state as follows:

**INTRODUCTION**

1. Claimants present these claims to vindicate their rights under California law. A.G. attended middle school at Buena Vista Middle School (“Buena Vista”). Respondents implemented a policy at Buena Vista that circumvents parental notification and involvement in the critical decision regarding students’ gender identity and expression. Pursuant to this policy, Respondents concealed from Ms. Konen information regarding A.G.’s assertion of a new gender identity, different from that associated with her sex at birth, and expression of that new identity, including but not limited to her assumption of a new name, use of new pronouns, and use of unisex restrooms that were otherwise reserved for teachers. Respondents attempted to deceive Ms. Konen of A.G.’s new gender identity and expression by using A.G.’s birth name and corresponding pronouns in her (Ms. Konen’s) presence while using A.G.’s new name and pronouns when she (Ms. Konen) was

not present and by instructing A.G. that she should not tell her mother about her new gender identity and expression. As set forth in more detail below, this behavior constitutes a violation of Claimants' rights under California law.

### **PARTIES**

1. A.G. attended Buena Vista from the fall of 2018 to the spring of 2021.
2. Ms. Konen is A.G.'s mother.
3. Spreckels Union School District ("Spreckels Union") is a school district under California law. It operates Buena Vista.
4. At all times relevant herein, Katelyn Pagaran was the Principal of Buena Vista, an agent, servant, and / or employee of Spreckels Union, and acting in the scope of her authority. On information and belief, Ms. Pagaran, among others, is responsible for implementing the policies, practices, customs, and procedures of Spreckels Union in effect at Buena Vista, for overseeing the educational environment and the performance of teachers and counselors, for the training and / or supervision of employees at Buena Vista, including but not limited to Respondents Lori Caldera and Kelly Baraki, and for the acts she committed that resulted in the deprivation of Claimants' rights as set forth herein.
5. At all times relevant herein, Lori Caldiera was a Teacher at Buena Vista, an agent, servant, and / or employee of Spreckels Union, and acting in the scope of her authority. Ms. Caldiera, among others, is responsible for implementing the policies, practices, customs, and procedures of Spreckels Union at Buena Vista and for the acts she committed that resulted in the deprivation of Claimants' rights as set forth herein.
6. At all times relevant herein, Kelly Baraki was a Teacher at Buena Vista, an agent, servant, and / or employee of Spreckels Union, and acting in the scope of her authority. Ms.

Baraki, among others, is responsible for implementing the policies, practices, customs, and procedures of Spreckels Union at Buena Vista and for the acts she committed that resulted in the deprivation of Claimants' rights as set forth herein.

### **STATEMENT OF FACTS**

#### **Spreckels Union Adopts and Implements the Parental Secrecy Policy**

7. On information and belief, Spreckels Union adopted and implemented a policy, practice, procedure, and / or custom at Buena Vista under which teachers and staff would keep certain information about students' gender expression and identity secret from parents (the "Parental Secrecy Policy"). Under the Parental Secrecy Policy, Buena Vista teachers and staff would keep secret from parents that their children had articulated confusion about their gender identity, evinced a desire to change their gender identity, or assumed or expressed a new gender identity, unless the student expressly authorized the parents to be informed. Despite keeping this information secret from parents, teachers and staff would enable students to change their gender identity and expression at school by, among other things: (a) counseling students regarding their confusion about their gender identity, desire to change their gender identity, and assertion of a new gender identity and expression; (b) addressing students by any new name matching their new gender identity that they wanted to be called; (c) addressing students by pronouns the students indicated they wished to be called by; (d) changing certain educational records to reflect the students' new name and pronouns; and (e) allowing students to use unisex restrooms otherwise reserved for teachers. In addition, Buena Vista and its teachers and staff would deceive parents regarding students' new gender identity and expression by, among other things, not publishing the Parental Secrecy Policy on the Spreckels Union website, using students' birth name and corresponding pronouns on formal school records, using students' new names and pronouns in

communications with parents, and instructing students they were not to tell their parents about their new gender identity or expression.

8. The Parental Secrecy Policy, as described above and as adopted by Spreckels Union, authorizes minor children to make mature, consequential, and potentially life-altering decisions—such as what gender to identify as, what name to be called, what pronouns to use, and what privacy facilities to use—with no notification to or input from parents.

9. On information and belief, Ms. Pagaran was the Spreckels Union employee responsible for overseeing the implementation of the Parental Secrecy Policy at Buena Vista, for overseeing the educational environment and the performance of teachers and counselors, including but not limited to Ms. Caldiera and Ms. Baraki, and for ensuring that teachers and staff were trained on the policy.

#### **Ms. Caldiera and Ms. Baraki Operate the Equality Club, Hiding it from Parents**

10. Ms. Caldiera and Ms. Baraki are seventh-grade teachers at Buena Vista. In addition to their teaching duties, Ms. Caldiera and Ms. Baraki operated the Buena Vista Equality Club, a club for students comprised primarily of students that they had identified as potential LGBT+ students.

11. On information and belief, Ms. Caldiera and Ms. Baraki identified students as potential LGBT+ students based on comments students made to them, comments that they overheard students make to others, and their own observations of students in the classroom setting and otherwise. Once they identified students for the club, Ms. Caldiera and Ms. Baraki would invite them to participate. In addition, often at Ms. Caldiera's and Ms. Baraki's suggestion, students already in the Equality Club would invite other students to attend Equality Club meetings.

12. At Equality Club meetings, Ms. Caldiera and Ms. Baraki would, among other

things, discuss LGBT+ issues with students. Through these discussions, Ms. Caldiera and Ms. Baraki would coach students on LGBT+ identities, such as homosexuality, bisexuality, transgenderism, gender non-conformity, *etc.*, and how to express those identities. Ms. Caldiera and Ms. Baraki would instruct students to research a particular topic and then have follow up discussions with the student about that research.

13. Sometimes, Ms. Caldiera and Ms. Baraki would introduce and push LGBT+ identities on students that the students resisted.

14. Ms. Caldiera and Ms. Baraki took measures to keep students' participation in the Equality Club and new LGBT+ identities—including new gender identities and expression—secret from students' parents. Specifically, Ms. Caldiera and Ms. Baraki: (1) instructed students that they should not tell their parents about their new LGBT+ identities and expression; (2) failed to keep Equality Club rosters or records so that parents could not discover their children's participation in the club or new LGBT+ identities through a review of school records; and (3) held Equality Club meetings during lunch—as opposed to after school—so that students, who were too young to drive, could better hide their participation in the club and their new LGBT+ identities and expression from their parents.

15. Ms. Caldiera and Ms. Baraki took these measures because they knew some children's parents would not want their children either to participate in a club in which LGBT+ identities were being promoted or to assume LGTB+ identities and expression.<sup>1</sup>

16. Ms. Pagarán was aware of the Equality Club and Ms. Caldiera's and Ms. Baraki's tactics as set forth above and approved of them. In fact, Ms. Pagarán often attended Equality Club

---

<sup>1</sup> Ms. Caldiera and Ms. Baraki later changed the name of the Equality Club to the UBU (or, "You Be You") Club. On information and belief, Ms. Caldiera and Ms. Baraki changed the name of the club because parents had begun to learn about the goings on of the Equality Club, and they changed its name an effort better to avoid parental knowledge.

meetings.

**Ms. Caldiera and Ms. Baraki Begin Secretly Influencing A.G. and Instruct her to Hide Information from Ms. Konen**

17. A.G. started school at Buena Vista in the sixth grade during the 2018-2019 school year. At the time, A.G. was 11 years old.

18. Near the beginning of A.G.'s sixth-grade year, she attended an Equality Club meeting at the invitation of a friend. Initially, A.G. was not interested in the LGBT+ discussion, and she decided not to come back to the club. About two weeks later, Ms. Caldiera approached A.G. and asked her to come back to the club. Ms. Caldiera told A.G. that she "fit in perfectly." A.G. agreed to come back, and she began attending Equality Club meetings on a regular basis.

19. At these meetings and in other discussions, Ms. Caldiera and Ms. Baraki planted the seed in A.G.'s mind that she was bisexual. That idea did not originate with A.G. In fact, she did not fully understand what that term meant.

20. Shortly thereafter, Ms. Caldiera and Ms. Baraki planted the seed in A.G.'s mind that she was transgender. As with bisexuality, that idea did not originate with A.G., nor did A.G. fully understand what it meant.

21. At the time, A.G. was pre-pubescent.

22. In the spring of 2019, A.G. went to a Buena Vista school counselor complaining of depression and stress. A.G. began attending weekly counseling sessions with the school counselor, and, after the sessions with the counselor, Ms. Caldiera, and Ms. Pagarán would often have follow-up meetings with A.G. and the school counselor regarding the same topics that were discussed in the counseling sessions. During those meetings, the counselor and Ms. Caldiera informed A.G. that the feelings she was having were because she was "not being who she was" and that if she became her "true self" her depression and stress would be better (or words to that effect).

23. Ms. Caldiera and Ms. Baraki encouraged A.G. to change her name to a boy's name as an expression of the new identity they were encouraging her to take on. A.G. assumed the name "S.G." and began wearing boys' clothing. At first, A.G. used the name "S.G." at Equality Club and among her friends only. Ms. Caldiera and Ms. Baraki also began referring to A.G. as S.G.

24. Ms. Caldiera and Ms. Baraki instructed A.G. not to tell her mother about her new identity or new name, saying that her mother might not be supportive of her and that she couldn't trust her mother. They instructed A.G. that she should instead talk to them if she had anything she needed to talk about. Ms. Caldiera and Ms. Baraki were teachers, and A.G. trusted their authority over her. Accordingly, she complied with this directive.

25. On information and belief, Ms. Pagan was aware that Ms. Caldiera and Ms. Baraki gave A.G. these instructions.

26. Ms. Caldiera signed A.G.'s Buena Vista's 2018-2019 yearbook, writing "S.G., Stay you! Looking forward to working with you next year."

**Respondents Formally Acknowledge A.G.'s New Name/Pronouns and Try to Hide the Information from Ms. Konen**

27. For A.G.'s seventh-grade year, which was the 2019-2020 school year, Ms. Caldiera and Ms. Baraki were two of her teachers. For this reason, they had more interaction with A.G. during that year, and they were able to form a closer relationship with her

28. Over the summer of 2019, A.G. received correspondence from Buena Vista regarding the upcoming school year. After receiving this correspondence, A.G. emailed Ms. Caldiera to ask her what name she should write on her school binders in light of the fact she was now going by S.G. Ms. Caldiera responded with words to the effect of "write whatever your mother will approve and we'll fix it when you get to school."

29. Ms. Caldiera also emailed A.G. a Gender Support Plan, which is a Buena Vista

document designed to help students create an understanding among school staff about the ways in which the student's new gender and expression will be accounted for by the school. The Gender Support Plan contained questions regarding student preferences on such matters as A.G.'s preferred name, pronouns, and restrooms, whether A.G. wanted her preferences to be made known to other teachers, *etc.*

30. On information and belief, Ms. Pagaran approved the use of the Gender Support Plan.

31. In the first week of her seventh-grade year, A.G. completed the Gender Support Plan with Ms. Caldiera and Ms. Baraki, with A.G. verbally responding to the questions on the Gender Support Plan and Ms. Caldiera writing the responses down. On at least three occasions, Ms. Caldiera wrote responses that were incorrect. For example, the Gender Support Plan asked whether the student authorized administration to use the student's new name in correspondence with the student's parents. At that time, A.G. did not want to reveal her new name to her mother yet, and she informed Ms. Caldiera that her response to that question was "Not yet." Ms. Caldiera, however, wrote words to the effect of "Not ever. Parent is not supportive." Another question on the Gender Support Plan asked if the student authorized use of the name S.G. and male pronouns in the presence of other staff. A.G. informed Ms. Caldiera that her response to that question was "Maybe," but Ms. Caldiera wrote "Yes." Another question on the Gender Support Plan asked if the student preferred to use different restrooms. A.G. informed Ms. Caldiera that she did not have a preference, but Ms. Caldiera wrote that she preferred to use the unisex teachers' restroom, which required the use of a key that teachers had.

32. After A.G.'s Gender Support Plan was created, Ms. Caldiera sent an email to A.G.'s other teachers about A.G.'s new name, pronouns, and use of the unisex teachers' restroom. A.G.'s



other teachers began referring to her as S.G. and using male pronouns to refer to her, as did Ms. Pagaran. In addition, A.G. was allowed to use the unisex teacher's restroom.

33. Ms. Konen was not informed about the Gender Support Plan or the changes in the way A.G. was addressed and treated. Moreover, Ms. Konen received correspondence regarding A.G. from Buena Vista and had meetings with school personnel, including Ms. Caldiera, after Buena Vista changed the way it referred to and treated A.G. pursuant to the Gender Support Plan. Despite the fact Ms. Pagaran and Ms. Caldiera called A.G. by the name "S.G." and used masculine pronouns when referring to her at school, in correspondence from Buena Vista and in meetings with Ms. Konen, the school and Ms. Caldiera referred to A.G. as "A.G." and used female pronouns to refer to her in an effort to deceive her about A.G.'s new identity and expression.

34. On information and belief, Ms. Pagaran knew about this deception of Ms. Konen and approved of it.

35. In one meeting with Ms. Konen, Ms. Caldiera accidentally referred to A.G. as S.G. She realized the mistake, and quickly moved on. The next day, Ms. Caldiera told A.G. that she had "messed up" in the conversation with her mother.

36. Early in A.G.'s seventh-grade year, during Ms. Caldiera's English class, Ms. Caldiera gave A.G. a print-out of approximately five articles on transgenderism and instructed her to read them. The articles included such topics as approaches children could take to hide transgenderism from parents. A.G. informed Ms. Caldiera that she did not want to read the articles, but Ms. Caldiera insisted. Ms. Caldiera also instructed A.G. to keep the articles with her school papers so her mother would not discover them. A.G. complied with this directive.

37. In the fall of 2019, A.G. informed Ms. Caldiera that she wanted her mother to know about her new transgender identity and expression. Ms. Caldiera instructed her not to tell her

mother. A.G. complied with this directive.

**Ms. Pagaran and Ms. Caldiera Arrange for Ms. Konen to be informed of her daughter's new identity**

38. On or about December 18, 2019, Ms. Pagaran called Ms. Konen to her office to discuss A.G. Ms. Pagaran did not inform Ms. Konen what the meeting was about. Ms. Caldiera was present at the meeting. A.G. was also called to the meeting, although she also was not informed what it was about. At the meeting, Ms. Caldiera and Ms. Pagaran informed Ms. Konen that A.G. was now S.G., that Buena Vista would be referring to her daughter by her new name, that she would be referred to with male pronouns, and that she would be allowed to use the unisex teachers' bathroom.

39. Ms. Konen was taken aback by this news, and she reasonably believed that if she did not process what was going on quickly enough, Respondents would take efforts to attempt to have her daughter taken from her. She was supportive of A.G, and as a show of that support, she authorized an "a/k/a" of S.G. to be added to A.G.'s attendance roster. Buena Vista, however, went further than Ms. Konen's wishes and changed A.G.'s name to S.G. in its formal records, including progress reports, report cards, and her Google Meet online identity, and it gave A.G. a new email address with the name S.G. in it.

40. On information and belief, Ms. Pagaran authorized these actions.

41. On or about March 13, 2020, Buena Vista, like other schools in California, began remote learning in response to the coronavirus pandemic. When students were engaged in online learning, teachers are able to see what students are doing on the internet through an application called Go Guardian. On information and belief, Ms. Caldiera and Ms. Baraki secretly used Go Guardian to pay close attention to the type of information that A.G. was looking up on the internet in order to better be able to continue to influence her in the distance learning environment.

42. Over the remainder of the 2019-2020 school year, Ms. Konen had email correspondence with Ms. Caldiera regarding A.G. In that correspondence, Ms. Caldiera referred to A.G. as S.G. and used male pronouns to refer to her.

#### **A.G. is Freed from Ms. Caldiera's and Ms. Baraki's Influence**

43. For the 2020-2021 school year, A.G.'s eighth grade year, Buena Vista continued remote operations, and if students chose, they could stay remote for the duration of that school year. A.G. chose to be remote for the entire school year. Although distance learning was difficult on A.G. (like many students), there was a silver lining—because A.G. was at home throughout the school day, she was no longer in the clutches of Ms. Caldiera and Ms. Baraki. Freed from their influence, A.G. began to return to her old self.

44. A.G. started high school in the fall of 2021 in a new school district. At her new school, she goes by A.G. and she uses female pronouns. A.G. is confused about issues relating to her sexuality and gender, and she believes that Respondents caused this confusion. A.G. believes that she was pressured by Ms. Caldiera and Ms. Baraki into portraying a character they created, a character that, by being inhabited and hidden from her mother, has taken on elements of reality that A.G. must now learn to understand and live with.

45. A.G. also believes that Respondents tried to turn her mother against her, and that her relationship with her mother has been seriously damaged because of the actions of Ms. Caldiera, Ms. Baraki, and Ms. Pagan as set forth herein.

#### **The California Teachers Association Conference and fallout**

46. On information and belief, on October 29-31, 2021, the California Teachers Association (“CTA”) held a conference in Palm Springs, Florida called “2021 LGBTQ+ Issues Conference, Beyond the Binary: Identity & Imagining Possibilities.” Among other things, the

CTA Conference involved best practices workshops that encouraged teachers to “have the courage to create a safe environment that fosters bravery to explore sexual orientation, gender identity and expression.”

47. On information and belief, Ms. Caldiera and Ms. Baraki led a workshop at the CTA Conference, titled “How we run a[n Equality Club] in Conservative Communities.” The workshop focused on how Ms. Caldiera and Ms. Baraki ran the Equality Club in a way to avoid parental detection.

48. On information and belief, in the workshop, Ms. Caldiera admitted that, for the Equality Club, she and Ms. Baraki intentionally kept no club rosters or records and that they instructed club participants not to disclose information or documentation regarding the club to their parents in order to limit parental knowledge of its workings. Ms. Caldiera admitted that the reason she and Ms. Baraki took these measures is because some parents might not want their children to be participants in such a club.

49. On information and belief, in the workshop, Ms. Caldiera admitted that, because attendance at the Equality Club was down toward the end of the 2019-2020 school year, in order to boost club attendance, she and Ms. Baraki “totally stalked what [students] were doing on Google” when students were doing distance learning in an effort to identify candidates for the club and to help them determine how best to coach students to pursue a new gender identity and expression, among other things.

50. On information and belief, in the workshop, Ms. Baraki admitted that she and Ms. Caldiera also used their “observations of kids in the classroom” to determine which students to invite to the Equality Club. Ms. Baraki admitted that students often don’t want to attend on their own and “need sort of a little bit of an invitation.”

51. On information and belief, in the workshop, Ms. Caldiera admitted that she volunteered to run morning announcements at Buena Vista so that she would be in a position to “control[s] the messaging.” That way, she said, she could “control the information that goes home.”

52. On information and belief, a recording was made of Ms. Caldiera’s and Ms. Baraki’s presentation at the CTA conference. Or about November 18, 2021, news reports began being published regarding the CTA Conference based, in part, on the recording. The news reports focused on Ms. Caldiera’s and Ms. Baraki’s efforts to convert students to LGBT+ lifestyles and to keep information secret from parents.

53. Ms. Konen and A.G. became aware of the news reports soon after they were published. Since that time, Ms. Konen and her daughter have discussed Respondents’ activities in coaching A.G. to believe she was bisexual / transgender, efforts to convince A.G. to believe that Ms. Konen would not be supportive of her, and efforts to conceal A.G.’s new gender identity, new name, use of pronouns, and use of the unisex teachers’ bathrooms, none of which Ms. Konen knew before. Further, based on the news reports, A.G. has come to realize that Respondents pushed the new gender identity upon her rather than the idea originating with her.

54. Prior to reading these news reports, Claimants were unable to learn these facts through the exercise of reasonable diligence.

### **Ms. Konen’s and A.G.’s Harm**

55. Ms. Konen respects her daughter’s life choices and is supportive of her, no matter what those choices ultimately may be. Ms. Konen simply wants to be involved in A.G.’s life and assist her with her choices that have fundamental importance to the rest of her life, such as her gender identity and expression, including, if necessary, seeking professional guidance and

assistance to assist both A.G. and herself through the process. Respondents, however, deprived Ms. Konen of that right during a crucial phase of A.G.'s development by concealing from her information about A.G.'s new gender identity, use of new pronouns, and use of the unisex teachers' bathroom, causing great harm to her relationship with A.G. and disruption of the integrity of her family.

56. Respondents' acts have driven a wedge between Ms. Konen and her daughter, sending the message to A.G. that her mother cannot be trusted and does not support her. By cutting Ms. Konen out of the decision-making process for A.G. on matters relating to her gender expression and identity, Ms. Konen and A.G. have both suffered and are continuing to suffer severe emotional distress, mental anguish, psychological damage, and damage to their family dynamic of such a substantial or enduring quality that no reasonable person in a civilized society should be expected to endure it and reasonable people would be unable adequately to cope with it.

57. Both Ms. Konen and her daughter have sought guidance from their pastor in attempting to overcome the harm set forth herein, and they are likely to continue seeking such guidance in the future.

### **CLAIMS**

Based on the allegations set forth herein, Claimants set forth the following claims under the Governmental Claim Act, among others that might exist, on the facts presently known:

#### **FIRST CLAIM INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (Against All Respondents)**

58. Claimants incorporate all allegations of this Statement of Facts and Claims as if set forth in full herein.

59. Respondents have engaged in extreme and outrageous conduct with malice and the

intention of causing, or reckless disregard for the probability of causing, emotional distress upon Claimants. Specifically, Respondents engaged in extreme and outrageous conduct in the following ways, among others: (1) manipulating A.G. into believing she was transgender; (2) excluding Ms. Konen from discussions regarding A.G.'s assertion of a new gender identity and expression and adopting protocols aimed at secretly affirming the new gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not to tell her mother about her new gender identity and expression; (4) deceiving Ms. Konen by referring to A.G. by one name and pronouns in communications with her while referring to A.G. by a different name and pronouns outside of her presence; (5) usurping Ms. Konen's responsibility for the health and well-being of A.G. and seeking to supplant their authority for Ms. Konen's authority as parent to be the ultimate decisionmakers regarding the mental health of A.G., including decisions related to A.G.'s gender identity and expression and mental health and well-being; (6) impermissibly injecting themselves into the private realm of Ms. Konen's family and by usurping Ms. Konen's right to make decisions regarding A.G.'s gender identity and expression and mental health and well-being; (7) informing A.G. that her mother did not "support" her sufficiently to participate in decision-making related to her gender identity and expression, thereby sowing seeds of doubt in A.G.'s mind about whether Ms. Konen is acting in her best interest and creating a rift in the parent-child relationship; and (8) failing to adequately train and / or supervise Ms. Caldiera and Ms. Baraki in such a way that they were permitted to commit the violations of law set forth herein despite knowing their dangerous proclivities and deception of parents.

60. Because of Respondents' actions, Claimants have suffered severe or extreme emotional distress as alleged herein.

61. Claimants' emotional distress was actually and proximately the result of

Respondents' conduct.

62. Respondents' actions, as alleged herein, were grossly negligent, in reckless disregard of Claimants' rights, wanton, willful, malicious, and oppressive.

**SECOND CLAIM  
NEGLIGENCE  
(Negligence, Negligent Infliction of Emotional Distress, and Negligent Supervision)  
(Against All Respondents)**

63. Claimants incorporate all allegations of this Statement of Facts and Claims as if set forth in full herein.

64. As A.G.'s school, principal and teachers, and school, Respondents were in a special relationship with A.G. This special relationship imposed upon Respondents the duty not to harm A.G. and to take all reasonable steps to protect her from foreseeable dangers, including but not limited to those created by other employees at Buena Vista.

65. Because Respondents engaged in a cover-up to conceal information from Ms. Konen about A.G.'s new gender identity and expression and use of the teachers' restroom and because Respondents should have foreseen that this concealment would cause Ms. Konen more emotional distress than merely informing her of these facts in the first place, Respondents also were in a special relationship with Ms. Konen. As such, Respondents' deliberately usurped Ms. Konen's parental prerogative to protect A.G., and Ms. Konen is thus a direct victim of Respondents' negligence.

66. Respondents breached their duties to Claimants by, among other things: (1) manipulating A.G. into believing she was transgender; (2) excluding Ms. Konen from discussions regarding A.G.'s assertion of a new gender identity and expression and adopting protocols aimed at secretly affirming the new gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not to tell her mother about her new gender identity and expression; (4) deceiving



Ms. Konen by referring to A.G. by one name and pronouns in communications with her while referring to A.G. by a different name and pronouns outside of her presence; (5) usurping Ms. Konen's responsibility for the health and well-being of A.G. and seeking to supplant their authority for Ms. Konen's authority as parent to be the ultimate decisionmakers regarding the mental health of A.G., including decisions related to A.G.'s gender identity and expression and mental health and well-being; (6) impermissibly injecting themselves into the private realm of Ms. Konen's family and by usurping Ms. Konen's right to make decisions regarding A.G.'s gender identity and expression and mental health and well-being; (7) informing A.G. that her mother did not "support" her sufficiently to participate in decision-making related to her gender identity and expression, thereby sowing seeds of doubt in A.G.'s mind about whether Ms. Konen is acting in her best interest and creating a rift in the parent-child relationship; and (8) failing to adequately train and / or supervise Ms. Caldiera and Ms. Baraki in such a way that they were permitted to commit the violations of law set forth herein despite knowing their dangerous proclivities and deception of parents.

67. Because of Respondents' actions, Claimants have suffered severe or extreme emotional distress as alleged herein.

68. Claimants' emotional distress was actually and proximately the result of Respondents' conduct.

69. Respondents' actions, as alleged herein, were grossly negligent, in reckless disregard of Claimants' rights, wanton, willful, malicious, and oppressive.

**THIRD CLAIM**  
**NEGLIGENCE *PER SE***  
**(Violation of Cal. Educ. Code § 51100, *et seq.*)**  
**(Against All Respondents)**

70. Claimants incorporate all allegations of this Statement of Facts and Claims as if set

forth in full herein.

71. Under Cal. Educ. Code § 51100, it is the public policy of this State that “parents . . . of school age children attending public schools [should be involved] in improving public education institutions” and that “involving parents . . . in the education process is fundamental to healthy system of public education.” Under Cal. Educ. Code § 51101(a)(9), (10) (12), Respondents owed Ms. Konen a duty to “inform[ her] of [A.G.’s] progress in school,” to provide her access to A.G.’s “school records,” to “inform[ her] . . . about school rules,” and to allow her to “participate in [A.G.’s] education.”

72. Respondents breached these duties by, among other things: (1) failing to provide notice to Ms. Konen of the Parental Secrecy Policy; (2) excluding Ms. Konen from discussions regarding A.G.’s assertion of a new gender identity and expression and adopting protocols aimed at secretly affirming the new gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not to tell her mother about her new gender identity and expression; (4) deceiving Ms. Konen by referring to A.G. by one name and pronouns in communications with her while referring to A.G. by a different name and pronouns outside of her presence; (5) usurping Ms. Konen’s responsibility for the health and well-being of A.G. and seeking to supplant their authority for Ms. Konen’s authority as parent to be the ultimate decisionmakers regarding the mental health of A.G., including decisions related to A.G.’s gender identity and expression and mental health and well-being; (6) impermissibly injecting themselves into the private realm of Ms. Konen’s family and by usurping Ms. Konen’s right to make decisions regarding A.G.’s gender identity and expression and mental health and well-being; (7) informing A.G. that her mother did not “support” her sufficiently to participate in decision-making related to her gender identity and expression, thereby sowing seeds of doubt in A.G.’s mind about whether Ms. Konen is acting in her best

interest and creating a rift in the parent-child relationship; and (8) failing to adequately train and / or supervise Ms. Caldiera and Ms. Baraki in such a way that they were permitted to commit the violations of law set forth herein despite knowing their dangerous proclivities and deception of parents.

73. Because of Respondents' actions, Claimants have suffered severe or extreme emotional distress as alleged herein.

74. Claimants' emotional distress was actually and proximately the result of Respondents' conduct.

75. Respondents' actions, as alleged herein, were grossly negligent, in reckless disregard of Claimants' rights, wanton, willful, malicious, and oppressive.

**FOURTH CLAIM  
VIOLATION OF BANE ACT  
(Cal Civ. Code § 52.1(b))  
(Against All Respondents)**

76. Claimants incorporate all allegations of this Statement of Facts and Claims as if set forth in full herein.

77. The Due Process Clause of the 14th Amendment to the United States Constitution protects the fundamental rights of parents to direct the upbringing of their children; to make decisions concerning the care, custody, and control of their children; to direct the medical and mental health decision-making for their children; and to make private familial decisions regarding their children without interference by the state, among other things.

78. Respondents have intentionally or attempted to infringe upon Ms. Konen's rights under the Due Process Clause by, among other things: (1) manipulating A.G. into believing she was transgender; (2) excluding Ms. Konen from discussions regarding A.G.'s assertion of a new gender identity and expression and adopting protocols aimed at secretively affirming the new

gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not to tell her mother about her new gender identity and expression; (4) deceiving Ms. Konen by referring to A.G. by one name and pronouns in communications with her while referring to A.G. by a different name and pronouns outside of her presence; (5) usurping Ms. Konen's responsibility for the health and well-being of A.G. and seeking to supplant their authority for Ms. Konen's authority as parent to be the ultimate decisionmakers regarding the mental health of A.G., including decisions related to A.G.'s gender identity and expression and mental health and well-being; (6) impermissibly injecting themselves into the private realm of Ms. Konen's family and by usurping Ms. Konen's right to make decisions regarding A.G.'s gender identity and expression and mental health and well-being; (7) informing A.G. that her mother did not "support" her sufficiently to participate in decision-making related to her gender identity and expression, thereby sowing seeds of doubt in A.G.'s mind about whether Ms. Konen is acting in her best interest and creating a rift in the parent-child relationship; and (8) failing to adequately train and / or supervise Ms. Caldiera and Ms. Baraki in such a way that they were permitted to commit the violations of law set forth herein despite knowing their dangerous proclivities and deception of parents.

79. Respondents have no compelling, important, or legitimate interest that is served by disregarding Ms. Konen's constitutional rights to direct the upbringing of her child. Further, Respondents' prohibition against parental notification as alleged herein does not further any such interest and is not narrowly tailored to do so.

80. Respondents accomplished or attempted to accomplish the infringement of Ms. Konen's rights under the Due Process Clause through coercion. Specifically, Ms. Caldiera and Ms. Baraki were A.G.'s teachers and, by imposition of their authority as such, their directive to A.G. to withhold information from her mother was unlawfully coercive in violation of the Bane

Act.

81. Respondents' violation of Ms. Konen's constitutional rights has caused and continues to cause harm.

82. Respondents' actions, as alleged herein, were grossly negligent, in reckless disregard of Ms. Konen's rights, wanton, willful, malicious, and oppressive.

**FIFTH CLAIM  
CIVIL CONSPIRACY  
(Against Ms. Caldiera, Ms. Baraki, and Ms. Pagaran)**

83. Claimants incorporate all allegations of this Statement of Facts and Claims as if set forth in full herein.

84. Ms. Caldiera, Ms. Baraki, and Ms. Pagaran formed and operated a conspiracy by agreeing to a common plan or design to commit tortious acts as alleged herein. Ms. Caldiera, Ms. Baraki, and Ms. Pagaran had actual knowledge that a tort was planned and concurred in the tortious scheme with knowledge of its unlawful purpose.

85. Ms. Caldiera, Ms. Baraki, and Ms. Pagaran committed wrongful acts in furtherance of the conspiracy by, among other things: (1) manipulating A.G. into believing she was transgender; (2) excluding Ms. Konen from discussions regarding A.G.'s assertion of a new gender identity and expression and adopting protocols aimed at secretly affirming the new gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not to tell her mother about her new gender identity and expression; (4) deceiving Ms. Konen by referring to A.G. by one name and pronouns in communications with her while referring to A.G. by a different name and pronouns outside of her presence; (5) usurping Ms. Konen's responsibility for the health and well-being of A.G. and seeking to supplant their authority for Ms. Konen's authority as parent to be the ultimate decisionmakers regarding the mental health of A.G., including decisions related to A.G.'s

gender identity and expression and mental health and well-being; (6) impermissibly injecting themselves into the private realm of Ms. Konen's family and by usurping Ms. Konen's right to make decisions regarding A.G.'s gender identity and expression and mental health and well-being; and (7) informing A.G. that her mother did not "support" her sufficiently to participate in decision-making related to her gender identity and expression, thereby sowing seeds of doubt in A.G.'s mind about whether Ms. Konen is acting in her best interest and creating a rift in the parent-child relationship.

86. Because of the actions of Ms. Caldiera, Ms. Baraki, and Ms. Pagaran, Claimants have suffered severe or extreme emotional distress as alleged herein.

87. Claimants' emotional distress was actually and proximately the result of the conduct of Ms. Caldiera, Ms. Baraki, and Ms. Pagaran.

88. The actions of Ms. Caldiera, Ms. Baraki, and Ms. Pagaran, as alleged herein, were grossly negligent, in reckless disregard of Claimants' rights, wanton, willful, malicious, and oppressive.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Claimants respectfully request that the Spreckels Union School District accept these claims and award appropriate damages against Respondents to the fullest extent allowed under the law.

Dated: January 19, 2022

Respectfully submitted,

/s Harmeet K. Dhillon  
Harmeet K. Dhillon  
DHILLON LAW GROUP INC.  
177 Post Street, Suite 700  
San Francisco, CA 94108  
(415) 433-1700

Joshua Wallace Dixon  
CENTER FOR AMERICAN LIBERTY  
1311 Main Street, Suite 302  
Mount Airy, MD 21771  
(703) 687-6200

*Counsel for Jessica Konen*