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12 SCHOOL DISTRICT; JAMES SYMONDS, ROSS  
13 PERRY, and MUHAMMAD ABDUL-QAWI

14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA  
16 LOS ANGELES

17 ALYSSA ESQUIVEL, an individual,  
18 Plaintiff,

19 v.

20 SAN GABRIEL UNIFIED SCHOOL  
21 DISTRICT; JAMES SYMONDS, both  
22 in his personal capacity and in his  
23 official capacity as San Gabriel  
24 Unified School District  
25 Superintendent; ROSS PERRY, both  
26 in his personal capacity and in his  
27 official capacity as San Gabriel  
28 Unified School District Assistant  
Superintendent of Human Resources;  
MUHAMMAD ABDUL-QAWI, both  
in his personal capacity and in his  
official capacity as Del Mar High  
School Principal,

Defendants.

Case No. 2:24-cv-06335-MCS-SK

**DEFENDANTS' ANSWER TO  
PLAINTIFF'S SECOND  
AMENDED COMPLAINT**

Judge: Hon. Mark C. Scarsi

Complaint Filed: July 26, 2024  
Trial Date: None

24 Defendants SAN GABRIEL UNIFIED SCHOOL DISTRICT; JAMES  
25 SYMONDS, ROSS PERRY, and MUHAMMAD ABDUL-QAWI (collectively  
26 "Defendants") by and through their attorneys, Atkinson, Andelson, Loya, Ruud &  
27 Romo, submit this answer and affirmative defenses to the Second Amended  
28 Complaint ("Complaint") of plaintiff ALYSSA ESQUIVEL as follows:

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**INTRODUCTION**

- 1. Defendants deny the allegations of paragraph 1 of the Complaint.
- 2. Defendants deny the allegations of paragraph 2 of the Complaint.
- 3. Defendants deny the allegations of paragraph 3 of the Complaint.
- 4. Defendants deny the allegations of paragraph 4 of the Complaint.
- 5. Defendants deny the allegations of paragraph 5 of the Complaint.
- 6. As to paragraph 6 of the Complaint, Defendants deny each allegation except that Plaintiff was ultimately dismissed from her employment.
- 7. Defendants deny the allegations of paragraph 7 of the Complaint.
- 8. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 8 of the Complaint and, on that basis, deny the allegations therein.

**PARTIES - PLAINTIFF**

- 9. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 9 of the Complaint and, on that basis, deny the allegations therein.

**PARTIES - DEFENDANTS**

- 10. Defendants admit the allegations of paragraph 10 of the Complaint.
- 11. As to paragraph 11, Defendants admit that James Symonds is the San Gabriel Unified School District Superintendent and he is generally responsible for overseeing District operations and implementing policies and practices at the District. However, Defendants deny the remainder of the allegations contained therein.
- 12. As to paragraph 12, Defendants admit that Ross Perry is the San Gabriel Unified School District Assistant Superintendent of Human resources and he is generally responsible for overseeing District Human Resources Department and its various functions, as well as implementing policies and practices at the District. However, Defendants deny the remainder of the allegations contained therein.

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1 13. As to paragraph 13, Defendants deny each allegation except that  
2 Muhammad Abdul-Qawi is the former Principal of Del Mar High School.

3 **JURISDICTION AND VENUE**

4 14. As to paragraph 14 of the Complaint, Defendants admit that Plaintiff has  
5 alleged purported violations of the First Amendment and 42 U.S.C. § 1983, which are  
6 federal laws. Defendants deny there is any basis in law or fact for Plaintiff’s claims,  
7 including Plaintiff’s allegations of constitutional violations.

8 15. As to paragraph 15 of the Complaint, Defendants admit that subject  
9 matter jurisdiction for alleged violations of the First Amendment and 42 U.S.C.  
10 § 1983 is provided for under 28 U.S.C. §§ 1331 and 1338, but deny that subject matter  
11 jurisdiction exists as to any claims against Defendants in their official capacities.  
12 Defendants further deny there is any basis in law or fact for Plaintiff’s claims,  
13 including Plaintiff’s allegations of constitutional violations.

14 16. As to paragraph 16 of the Complaint, Defendants admit that  
15 supplemental jurisdiction may exist for closely related state claims pursuant to 28  
16 U.S.C. § 1367, but deny that such jurisdiction should be exercised. Defendants further  
17 deny there is any basis in law or fact for Plaintiff’s state law claims.

18 17. As to paragraph 17 of the Complaint, Defendants admit that the Court  
19 has authority to grant declaratory and injunctive relief, as well as claims for damages  
20 and other remedies, but denies there is any basis for any relief as alleged in the  
21 Complaint.

22 18. Defendants admit that venue is proper in this District. Except as  
23 expressly admitted herein, Individual Defendants deny the allegations of paragraph  
24 18 of the Complaint.

25 ///

26 ///

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**STATEMENT OF FACTS**

**A. Ms. Esquivel’s Background and Employment History**

19. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 19 of the Complaint and, on that basis, deny the allegations therein.

20. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 20 of the Complaint and, on that basis, deny the allegations therein.

21. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 21 of the Complaint and, on that basis, deny the allegations therein.

22. Defendants deny the allegations of paragraph 22 of the Complaint.

23. Defendants deny the allegations of paragraph 23 of the Complaint insofar as Plaintiff asserts she continues to work for the District. Insofar as this relates to any post-District employment, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 23 of the Complaint and, on that basis, deny the allegations therein.

24. Defendants deny the allegations of paragraph 24 of the Complaint.

25. Defendants deny the allegations of paragraph 25 of the Complaint.

**B. The District’s Mistreatment of Ms. Esquivel**

26. Defendants deny the allegations of paragraph 26 of the Complaint.

27. Defendants deny the allegations of paragraph 27 of the Complaint.

28. Defendants deny the allegations of paragraph 28 of the Complaint.

29. Defendants deny the allegations of paragraph 29 of the Complaint.

30. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 30 of the Complaint and, on that basis, deny the allegations therein.

31. Defendants deny the allegations of paragraph 31 of the Complaint.

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- 1 32. Defendants deny the allegations of paragraph 32 of the Complaint.
- 2 33. Defendants deny the allegations of paragraph 33 of the Complaint.
- 3 34. Defendants deny the allegations of paragraph 34 of the Complaint.
- 4 35. Defendants deny the allegations of paragraph 35 of the Complaint.
- 5 36. Defendants deny the allegations of paragraph 36 of the Complaint.
- 6 37. Defendants deny the allegations of paragraph 37 of the Complaint.
- 7 38. Defendants lack knowledge or information sufficient to form a belief
- 8 about the truth of the allegations of paragraph 38 of the Complaint and, on that basis,
- 9 deny the allegations therein.
- 10 39. Defendants deny the allegations of paragraph 39 of the Complaint.
- 11 40. Defendants deny the allegations of paragraph 40 of the Complaint.
- 12 41. Defendants deny the allegations of paragraph 41 of the Complaint.
- 13 42. Defendants deny the allegations of paragraph 42 of the Complaint.
- 14 43. Defendants lack knowledge or information sufficient to form a belief
- 15 about the truth of the allegations of paragraph 43 of the Complaint and, on that basis,
- 16 deny the allegations therein.
- 17 44. Defendants lack knowledge or information sufficient to form a belief
- 18 about the truth of the allegations of paragraph 44 of the Complaint and, on that basis,
- 19 deny the allegations therein.
- 20 45. As to paragraph 45 of the Complaint, Defendants deny each allegation
- 21 except that meetings were held with Plaintiff.
- 22 46. Defendants deny the allegations of paragraph 46 of the Complaint.
- 23 47. Defendants deny the allegations of paragraph 47 of the Complaint.
- 24 48. Defendants deny the allegations of paragraph 48 of the Complaint.
- 25 49. Defendants deny the allegations of paragraph 49 of the Complaint.
- 26 50. As to paragraph 50 of the Complaint, Defendants deny each allegation
- 27 except that she submitted a formal complaint on or about June 28, 2023.
- 28

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1 51. Defendants admit that a complaint was received from Ms. Dana, but as  
2 to the remainder of paragraph 51, Defendants lack knowledge or information  
3 sufficient to form a belief about the truth of the allegations, on that basis, deny those  
4 allegations.

5 52. Defendants deny the allegations of paragraph 52 of the Complaint.

6 53. Defendants deny the allegations of paragraph 53 of the Complaint.

7 54. Defendants deny the allegations of paragraph 54 of the Complaint.

8 55. Defendants deny the allegations of paragraph 55 of the Complaint.

9 56. Defendants lack knowledge or information sufficient to form a belief  
10 about the truth of the allegations of paragraph 56 of the Complaint and, on that basis,  
11 deny the allegations therein.

12 57. Defendants deny the allegations of paragraph 57 of the Complaint.

13 58. Defendants deny the allegations of paragraph 58 of the Complaint.

14 59. Defendants deny the allegations of paragraph 59 of the Complaint.

15 60. Defendants deny the allegations of paragraph 60 of the Complaint.

16 61. Defendants deny the allegations of paragraph 61 of the Complaint.

17 62. Defendants deny the allegations of paragraph 62 of the Complaint.

18 63. Defendants deny the allegations of paragraph 63 of the Complaint.

19 64. Defendants deny the allegations of paragraph 64 of the Complaint.

20 **C. The District’s Policies**

21 65. Defendants admit that Plaintiff continued to bring her water bottle and  
22 backpack to school, but as to the remainder of paragraph 65, lacks knowledge or  
23 information sufficient to form a belief about the truth of the allegations and, on that  
24 basis, deny those allegations.

25 66. As for paragraph 66 of the Complaint, Defendants admit an email was  
26 sent on July 11, 2023, but as to the content of the email, the email itself is the best  
27 evidence of its contents and therefore Defendants deny Plaintiff’s interpretation  
28 and/or selective statement as to the contents of the document. Defendants admit the

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1 quoted language is contained in the letter, except to the extent Plaintiffs have modified  
2 any content through the use of brackets.

3 67. As for paragraph 67 of the Complaint, Defendants admit that Education  
4 Code section 7054 contains a statement that “No school district or community college  
5 district funds, services, supplies, or equipment shall be used for the purpose of urging  
6 the support or defeat of any ballot measure or candidate, including, but not limited to,  
7 any candidate for election to the governing board of the district,” but as to the  
8 remainder of paragraph 67, Defendants deny those allegations.

9 68. Defendants deny the allegations of paragraph 68 of the Complaint.

10 69. Defendants deny the allegations of paragraph 69 of the Complaint.

11 70. Defendants deny the allegations of paragraph 70 of the Complaint.

12 71. Defendants deny the allegations of paragraph 71 of the Complaint.

13 72. Defendants deny the allegations of paragraph 72 of the Complaint.

14 73. As to paragraph 73 of the Complaint, Defendant admits that Plaintiff  
15 returned to school on July 12, 2023 with her water bottle and backpack, but as to the  
16 remainder, Defendants lack knowledge or information sufficient to form a belief  
17 about the truth of the allegations and, on that basis, deny those allegations.

18 74. Defendants deny the allegations of paragraph 74 of the Complaint.

19 75. Defendants lack knowledge or information sufficient to form a belief  
20 about the truth of the allegations of paragraph 75 of the Complaint and, on that basis,  
21 deny the allegations therein.

22 76. Defendants deny the allegations of paragraph 76 of the Complaint.

23 77. Defendants deny the allegations of paragraph 77 of the Complaint.

24 78. Defendants deny the allegations of paragraph 78 of the Complaint.

25 79. Defendants deny the allegations of paragraph 79 of the Complaint.

26 80. Defendants deny the allegations of paragraph 80 of the Complaint.

27 81. As for paragraph 81 of the Complaint, Defendants admit a letter was sent  
28 on July 20, 2023, but as to the content of the letter, the letter itself is the best evidence

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1 of its contents and therefore Defendants deny Plaintiff’s interpretation and/or  
2 selective statement as to the contents of the document. Defendants admit the quoted  
3 language is contained in the letter, except to the extent Plaintiffs have modified any  
4 content through the use of brackets.

5 82. As for paragraph 82 of the Complaint, Defendants admit a letter was sent  
6 on July 20, 2023, but as to the content of the letter, the letter itself is the best evidence  
7 of its contents and therefore Defendants deny Plaintiff’s interpretation and/or  
8 selective statement as to the contents of the document.

9 83. As for paragraph 83 of the Complaint, Defendants admit a letter was sent  
10 on July 20, 2023, but as to the content of the letter, the letter itself is the best evidence  
11 of its contents and therefore Defendants deny Plaintiff’s interpretation and/or  
12 selective statement as to the contents of the document. Defendants admit the quoted  
13 language is contained in the letter, except to the extent Plaintiffs have modified any  
14 content through the use of brackets.

15 84. As to paragraph 84 of the Complaint, Defendants admit that the July 20,  
16 2023 letter did not state how long Plaintiff would remain on administrative leave.

17 85. As for paragraph 85 of the Complaint, Defendants admit an email was  
18 sent on August 17, 2023, but as to the content of the email, the email itself is the best  
19 evidence of its contents and therefore Defendants deny Plaintiff’s interpretation  
20 and/or selective statement as to the contents of the document. Defendants admit the  
21 quoted language is contained in the email, except to the extent Plaintiffs have  
22 modified any content through the use of brackets or omitted punctuation.

23 86. As for paragraph 86 of the Complaint, the content of the August 17, 2023  
24 email is the best evidence of its contents and therefore Defendants deny Plaintiff’s  
25 interpretation and/or selective statement as to the contents of the document.  
26 Defendants admit the quoted language is contained in the email, except to the extent  
27 Plaintiffs have modified any content through the use of brackets or inserted  
28 punctuation.

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1 87. As for paragraph 87 of the Complaint, the content of the August 17, 2023  
2 email is the best evidence of its contents and therefore Defendants deny Plaintiff’s  
3 interpretation and/or selective statement as to the contents of the document.

4 **D. Ms. Esquivel’s June 2023 Complaint**

5 88. Defendants admit that an investigation was conducted into Plaintiff  
6 complaint. Except as expressly admitted, Defendants deny the allegations of  
7 paragraph 88 of the Complaint.

8 89. Defendants admit the allegations of paragraph 89 of the Complaint.

9 90. As for paragraph 90, Defendants admit that Plaintiff was interviewed.  
10 Except as expressly admitted, Defendants deny the allegations of paragraph 90 of the  
11 Complaint.

12 91. As for paragraph 91, Defendants admit that it sent Findings of Fact  
13 related to Plaintiff’s complaint. Except as expressly admitted, Defendants deny the  
14 allegations of paragraph 91 of the Complaint.

15 92. Defendants admit the allegations of paragraph 92 of the Complaint.

16 93. As for paragraph 93, Defendants admit that it sent Findings of Fact  
17 related to Ms. Dana’s complaint. Except as expressly admitted, Defendants deny the  
18 allegations of paragraph 93 of the Complaint.

19 94. Defendants deny the allegations of paragraph 94 of the Complaint.

20 95. As for paragraph 95 of the Complaint, the content of District Regulation  
21 4030 is the best evidence of its contents and therefore Defendants deny Plaintiff’s  
22 interpretation and/or selective statement as to the contents of the document.

23 96. Defendants deny the allegations of paragraph 96 of the Complaint.

24 97. Defendants admit the allegations of paragraph 97 of the Complaint.

25 98. Defendants deny the allegations of paragraph 98 of the Complaint.

26 99. As for paragraph 99, Defendants admit that Plaintiff’s appeal was  
27 denied. Except as expressly admitted, Defendants deny the allegations of paragraph  
28 99 of the Complaint.

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1 **E. The District’s Allegations**

2 100. Defendants deny insofar as paragraph 100 is too vague and ambiguous  
3 to provide any coherent admission as Plaintiff does not identify specific time period.

4 101. Defendants deny the allegations of paragraph 101 of the Complaint.

5 102. Defendants deny the allegations of paragraph 102 of the Complaint.

6 103. As for paragraph 103, Defendant admits that the District sent Ms.  
7 Esquivel a Notice of Proposed Intent to Suspend and Recommend Dismissal and  
8 Statement of Charges on February 20, 2024, but as to the remainder of paragraph 103,  
9 Defendants lack knowledge or information sufficient to form a belief about the truth  
10 of the allegations therein and, on that basis, deny those allegations.

11 104. As for paragraph 104 of the Complaint, the content of the statement of  
12 charges is the best evidence of its contents and therefore Defendants deny Plaintiff’s  
13 interpretation and/or selective statement as to the contents of the document.

14 105. As for paragraph 105 of the Complaint, the content of the statement of  
15 charges is the best evidence of its contents and therefore Defendants deny Plaintiff’s  
16 interpretation and/or selective statement as to the contents of the document.

17 106. As for paragraph 106 of the Complaint, Defendants admit the statement  
18 of charges does not indicate why it was sent on the day it was sent. Except as  
19 expressly admitted, Defendants deny the allegations of paragraph 106 of the  
20 Complaint.

21 107. As for paragraph 107 of the Complaint, Defendants admit that a  
22 communication was sent on behalf of the District on February 22, 2024. Except as  
23 expressly admitted, Defendants deny the allegations of paragraph 107 of the  
24 Complaint.

25 108. Defendants deny the allegations of paragraph 108 of the Complaint.

26 109. As for paragraph 109 of the Complaint, the content of District Regulation  
27 4219.25 is the best evidence of its contents and therefore Defendants deny Plaintiff’s  
28

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1 interpretation and/or selective statement as to the contents of the document. It also  
2 appears Plaintiff did not quote the exact language.

3 110. As for paragraph 110 of the Complaint, the content of the February 22,  
4 2024 letter is the best evidence of its contents and therefore Defendants deny  
5 Plaintiff's interpretation and/or selective statement as to the contents of the document.

6 111. As for paragraph 111 of the Complaint, Defendant admits that Plaintiff  
7 submitted a written response to the statement of charges. The response is the best  
8 evidence of its content and on that basis Defendant denies the remainder of Plaintiff's  
9 allegations in paragraph 111.

10 112. Defendants admit the allegations of paragraph 112 of the Complaint.

11 113. Defendant admits that the District Board approved Plaintiff's suspension  
12 without pay and pending dismissal.

13 114. Defendants admit the allegations of paragraph 114 of the Complaint.

14 115. Defendants admit the allegations of paragraph 115 of the Complaint.

15 116. Defendants admits that the District Board approved dismissal of Plaintiff  
16 as a classified employee.

17 117. Defendants lack knowledge or information sufficient to form a belief  
18 about the truth of the allegations of paragraph 117 of the Complaint and, on that basis,  
19 deny the allegations therein. Any document Plaintiff claims to have obtained from  
20 California Civil Rights Department is the best evidence of its content and has yet to  
21 be authenticated.

22 118. Defendants lack knowledge or information sufficient to form a belief  
23 about the truth of the allegations of paragraph 118 of the Complaint and, on that basis,  
24 deny the allegations therein. Any document Plaintiff claims to have obtained from  
25 the Equal Employment Opportunity Commission is the best evidence of its content  
26 and has yet to be authenticated.

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**FIRST CAUSE OF ACTION**  
**Deprivation of Civil Rights Under 42 U.S.C. § 1983**  
**Violation of the Free Speech Clause of the**  
**First Amendment to the United States Constitution**  
**(Against Defendants Symonds, Perry, and Abdul-Qawi)**

119. Answering paragraph 119 of this Second Amended Complaint, the Answering Defendants reincorporates its answers to paragraphs 1 through 118 as though fully set forth in response to this paragraph.

120. As for paragraph 120, this paragraph contains only legal conclusions and argument and Defendants deny Plaintiff’s interpretation and any allegation that Defendants violated Plaintiff’s Rights.

- 121. Defendants deny the allegations of paragraph 121 of the Complaint.
- 122. Defendants deny the allegations of paragraph 122 of the Complaint.
- 123. Defendants deny the allegations of paragraph 123 of the Complaint.
- 124. Defendants deny the allegations of paragraph 124 of the Complaint.
- 125. Defendants deny the allegations of paragraph 125 of the Complaint.
- 126. Defendants deny the allegations of paragraph 126 of the Complaint.
- 127. Defendants deny the allegations of paragraph 127 of the Complaint.
- 128. Defendants deny the allegations of paragraph 128 of the Complaint.
- 129. Defendants deny the allegations of paragraph 129 of the Complaint.
- 130. Defendants deny the allegations of paragraph 130 of the Complaint.
- 131. Defendants deny the allegations of paragraph 131 of the Complaint.
- 132. Defendants deny the allegations of paragraph 132 of the Complaint.
- 133. Defendants deny the allegations of paragraph 133 of the Complaint.
- 134. Defendants deny the allegations of paragraph 134 of the Complaint.
- 135. Defendants deny the allegations of paragraph 135 of the Complaint.
- 136. Defendants deny the allegations of paragraph 136 of the Complaint.
- 137. Defendants deny the allegations of paragraph 137 of the Complaint.

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1 138. Defendants deny the allegations of paragraph 138 of the Complaint.

2 **SECOND CAUSE OF ACTION**

3 **Deprivation of Civil Rights Under 42 U.S.C. § 1983**

4 **First Amendment Retaliation**

5 **(Against Defendants Symonds, Perry, and Abdul-Qawi)**

6 139. Answering paragraph 139 of this Second Amended Complaint, the  
7 Answering Defendants reincorporates its answers to paragraphs 1 through 138 as  
8 though fully set forth in response to this paragraph.

9 140. Defendants deny the allegations of paragraph 140 of the Complaint.

10 141. Defendants deny the allegations of paragraph 141 of the Complaint.

11 142. Defendants deny the allegations of paragraph 142 of the Complaint.

12 143. Defendants deny the allegations of paragraph 143 of the Complaint.

13 144. Defendants deny the allegations of paragraph 144 of the Complaint.

14 145. Defendants deny the allegations of paragraph 145 of the Complaint.

15 146. Defendants deny the allegations of paragraph 146 of the Complaint.

16 147. Defendants deny the allegations of paragraph 147 of the Complaint.

17 148. As for paragraph 148 of the Complaint, Education Code section 7054  
18 itself is the best evidence of its contents and therefore Defendants deny Plaintiff's  
19 interpretation and/or selective statement as to the contents of the document.

20 149. Defendants deny the allegations of paragraph 149 of the Complaint.

21 150. Defendants deny the allegations of paragraph 150 of the Complaint.

22 151. As for paragraph 151 of the Complaint, Regulation 4219.25 itself is the  
23 best evidence of its contents and therefore Defendants deny Plaintiff's interpretation  
24 and/or selective statement as to the contents of the document.

25 152. Defendants deny the allegations of paragraph 152 of the Complaint.

26 153. Defendants deny the allegations of paragraph 153 of the Complaint.

27 154. Defendants deny the allegations of paragraph 154 of the Complaint.

28 155. Defendants deny the allegations of paragraph 155 of the Complaint.

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1 156. Defendants deny the allegations of paragraph 156 of the Complaint.

2 157. Defendants deny the allegations of paragraph 157 of the Complaint.

3 158. Defendants deny the allegations of paragraph 158 of the Complaint.

4 **THIRD CAUSE OF ACTION**

5 **Procedural Violation of the Due Process Clause**

6 **To the United States Constitution**

7 **(42 U.S.C. § 1983)**

8 **(Against Defendants Symonds, Perry, and Abdul-Qawi)**

9 159. Answering paragraph 159 of this Second Amended Complaint, thee  
10 Answering Defendants reincorporates its answers to paragraphs 1 through 158 as  
11 though fully set forth in response to this paragraph.

12 160. As for paragraph 160, this paragraph contains only legal conclusions and  
13 argument and Defendants deny Plaintiff’s interpretation and any allegation that  
14 Defendants violated Plaintiff’s Rights.

15 161. As for paragraph 161, this paragraph contains only legal conclusions and  
16 argument and Defendants deny Plaintiff’s interpretation and any allegation that  
17 Defendants violated Plaintiff’s Rights.

18 162. As for paragraph 162, this paragraph contains only legal conclusions and  
19 argument and Defendants deny Plaintiff’s interpretation and any allegation that  
20 Defendants violated Plaintiff’s Rights.

21 163. Defendants deny the allegations of paragraph 163 of the Complaint.

22 164. Defendants deny the allegations of paragraph 164 of the Complaint.

23 165. Defendants deny the allegations of paragraph 165 of the Complaint.

24 166. As for paragraph 166 of the Complaint, Regulation 4030 itself is the best  
25 evidence of its contents and therefore Defendants deny Plaintiff’s interpretation  
26 and/or selective statement as to the contents of the document.

27 167. Defendants deny the allegations of paragraph 167 of the Complaint.

28 168. Defendants deny the allegations of paragraph 168 of the Complaint.

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1 169. As for paragraph 169 of the Complaint, Regulation 4030 itself is the best  
2 evidence of its contents and therefore Defendants deny Plaintiff’s interpretation  
3 and/or selective statement as to the contents of the document.

4 170. Defendants deny the allegations of paragraph 170 of the Complaint.

5 171. As for paragraph 171, this paragraph contains only legal conclusions and  
6 argument and Defendants deny Plaintiff’s interpretation and any allegation that  
7 Defendants violated Plaintiff’s Rights.

8 172. As for paragraph 172 of the Complaint, Defendants admit Plaintiff was  
9 placed on paid administrative leave. Except as expressly admitted, Defendants deny  
10 the allegations of paragraph 172 of the Complaint.

11 173. Defendants deny the allegations of paragraph 173 of the Complaint.

12 174. Defendants deny the allegations of paragraph 174 of the Complaint.

13 175. Defendants deny the allegations of paragraph 175 of the Complaint.

14 176. Defendants deny the allegations of paragraph 176 of the Complaint.

15 177. As for paragraph 177 of the Complaint, the content of the February 22,  
16 2024 letter is the best evidence of its contents and therefore Defendants deny  
17 Plaintiff’s interpretation and/or selective statement as to the contents of the document.

18 178. Defendants deny the allegations of paragraph 178 of the Complaint.

19 179. Defendants deny the allegations of paragraph 179 of the Complaint.

20 180. Defendants deny the allegations of paragraph 180 of the Complaint.

21 **FOURTH CAUSE OF ACTION**

22 **Substantive Violation of the Due Process Clause**

23 **to the United States Constitution**

24 **(42 U.S.C. § 1983)**

25 **(Against Defendants Symonds, Perry, and Abdul-Qawi)**

26 181. Answering paragraph 181 of this Second Amended Complaint, thee  
27 Answering Defendants reincorporates its answers to paragraphs 1 through 180 as  
28 though fully set forth in response to this paragraph.

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1 182. As for paragraph 182, this paragraph contains only legal conclusions and  
2 argument and Defendants deny Plaintiff’s interpretation and any allegation that  
3 Defendants violated Plaintiff’s Rights.

4 183. As for paragraph 183, this paragraph contains only legal conclusions and  
5 argument and Defendants deny Plaintiff’s interpretation and any allegation that  
6 Defendants violated Plaintiff’s Rights.

7 184. As for paragraph 184, this paragraph contains only legal conclusions and  
8 argument and Defendants deny Plaintiff’s interpretation and any allegation that  
9 Defendants violated Plaintiff’s Rights.

10 185. Defendants deny the allegations of paragraph 185 of the Complaint.

11 186. Defendants deny the allegations of paragraph 186 of the Complaint.

12 187. As for paragraph 187 of the Complaint, Regulation 4219.25 itself is the  
13 best evidence of its contents and therefore Defendants deny Plaintiff’s interpretation  
14 and/or selective statement as to the contents of the document.

15 188. As for paragraph 188 of the Complaint, Regulation 4219.25 itself is the  
16 best evidence of its contents and therefore Defendants deny Plaintiff’s interpretation  
17 and/or selective statement as to the contents of the document.

18 189. Defendants deny the allegations of paragraph 189 of the Complaint.

19 190. Defendants deny the allegations of paragraph 190 of the Complaint.

20 191. Defendants deny the allegations of paragraph 191 of the Complaint.

21 192. Defendants deny the allegations of paragraph 192 of the Complaint.

22 193. Defendants deny the allegations of paragraph 193 of the Complaint.

23 194. Defendants deny the allegations of paragraph 194 of the Complaint.

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**FIFTH CAUSE OF ACTION**

**Title VII Discrimination**

**(42 U.S.C. § 2000e-2(a))**

**(Against All Defendants)**

195. Answering paragraph 195 of this Second Amended Complaint, the Answering Defendants reincorporates its answers to paragraphs 1 through 194 as though fully set forth in response to this paragraph.

196. As for paragraph 196, this paragraph contains only legal conclusions and argument and Defendants deny Plaintiff’s interpretation and any allegation that Defendants violated Plaintiff’s Rights.

197. Defendants deny the allegations of paragraph 197 of the Complaint.

198. Defendants deny the allegations of paragraph 198 of the Complaint.

199. Defendants deny the allegations of paragraph 199 of the Complaint.

200. Defendants deny the allegations of paragraph 200 of the Complaint.

201. Defendants deny the allegations of paragraph 201 of the Complaint.

202. Defendants deny the allegations of paragraph 202 of the Complaint.

203. Defendants deny the allegations of paragraph 203 of the Complaint.

204. Defendants deny the allegations of paragraph 204 of the Complaint.

205. Defendants deny the allegations of paragraph 205 of the Complaint.

**SIXTH CAUSE OF ACTION**

**Title VII Disparate Treatment**

**(42 U.S.C. § 2000e-2(a))**

**(Against All Defendants)**

206. Answering paragraph 206 of this Second Amended Complaint, the Answering Defendants reincorporates its answers to paragraphs 1 through 205 as though fully set forth in response to this paragraph.

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1 207. As for paragraph 207, this paragraph contains only legal conclusions and  
2 argument and Defendants deny Plaintiff’s interpretation and any allegation that  
3 Defendants violated Plaintiff’s Rights.

4 208. As for paragraph 208, this paragraph contains only legal conclusions and  
5 argument and Defendants deny Plaintiff’s interpretation and any allegation that  
6 Defendants violated Plaintiff’s Rights.

7 209. Defendants deny the allegations of paragraph 209 of the Complaint.

8 210. Defendants deny the allegations of paragraph 210 of the Complaint.

9 211. Defendants deny the allegations of paragraph 211 of the Complaint.

10 212. Defendants deny the allegations of paragraph 212 of the Complaint.

11 213. Defendants deny the allegations of paragraph 213 of the Complaint.

12 214. Defendants deny the allegations of paragraph 214 of the Complaint.

13 215. Defendants deny the allegations of paragraph 215 of the Complaint.

14 216. Defendants deny the allegations of paragraph 216 of the Complaint.

15 217. Defendants deny the allegations of paragraph 217 of the Complaint.

16 218. Defendants deny the allegations of paragraph 218 of the Complaint.

17 219. Defendants deny the allegations of paragraph 219 of the Complaint.

18 220. Defendants deny the allegations of paragraph 220 of the Complaint.

19 221. Defendants deny the allegations of paragraph 221 of the Complaint.

20 222. Defendants deny the allegations of paragraph 222 of the Complaint.

21 **SEVENTH CAUSE OF ACTION**

22 **Title VII Retaliation**

23 **(42 U.S.C. § 2000e-2(a))**

24 **(Against All Defendants)**

25 223. Answering paragraph 223 of this Second Amended Complaint, thee  
26 Answering Defendants reincorporates its answers to paragraphs 1 through 222 as  
27 though fully set forth in response to this paragraph  
28

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1 224. As for paragraph 224, this paragraph contains only legal conclusions and  
2 argument and Defendants deny Plaintiff’s interpretation and any allegation that  
3 Defendants violated Plaintiff’s Rights.

4 225. Defendants deny the allegations of paragraph 225 of the Complaint.

5 226. Defendants deny the allegations of paragraph 226 of the Complaint.

6 227. Defendants deny the allegations of paragraph 227 of the Complaint.

7 228. Defendants deny the allegations of paragraph 228 of the Complaint.

8 229. Defendants deny the allegations of paragraph 229 of the Complaint.

9 230. Defendants deny the allegations of paragraph 230 of the Complaint.

10 **EIGHTH CAUSE OF ACTION**  
11 **Violation of California’s Fair Employment**  
12 **And Housing Act**  
13 **Cal. Govt. Code § 12940**  
14 **(Against All Defendants)**

15 231. Answering paragraph 231 of this Second Amended Complaint, thee  
16 Answering Defendants reincorporates its answers to paragraphs 1 through 230 as  
17 though fully set forth in response to this paragraph

18 232. As for paragraph 232 this paragraph contains only legal conclusions and  
19 argument and Defendants deny Plaintiff’s interpretation and any allegation that  
20 Defendants violated Plaintiff’s Rights.

21 233. As for paragraph 233 this paragraph contains only legal conclusions and  
22 argument and Defendants deny Plaintiff’s interpretation and any allegation that  
23 Defendants violated Plaintiff’s Rights.

24 234. Defendants deny the allegations of paragraph 234 of the Complaint.

25 235. Defendants deny the allegations of paragraph 235 of the Complaint.

26 236. Defendants deny the allegations of paragraph 236 of the Complaint.

27 237. Defendants deny the allegations of paragraph 237 of the Complaint.

28 238. Defendants deny the allegations of paragraph 238 of the Complaint.

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1 239. Defendants deny the allegations of paragraph 239 of the Complaint.

2 **PRAYER FOR RELIEF**

3 The remaining paragraphs of the Complaint consist of Plaintiff’s Prayer for  
4 Relief, to which no answer is required. To the extent an answer is required,  
5 Defendants deny that Plaintiff is entitled to the requested relief, or any other relief,  
6 from or relating to Defendants.

7 **GENERAL**

8 Defendants generally deny any liability to Plaintiff. To the extent that any  
9 allegations in the Complaint have not been specifically admitted or denied, they are  
10 hereby denied.

11 **AFFIRMATIVE DEFENSES**

12 Defendants assert the following affirmative defenses to the Complaint, the  
13 applicability of which will be determined through the course of investigation and  
14 discovery, without assuming any burden that they would not otherwise bear and  
15 without reducing or removing Plaintiff’s burdens of proof on their affirmative claims  
16 against Defendants. These affirmative defenses, except where otherwise stated, are  
17 being asserted as to each and every cause of action in Plaintiff’s Complaint.  
18 Defendants reserve the right to amend its currently pleaded defenses and/or assert  
19 additional defenses as they become apparent through discovery.

20 **FIRST SEPARATE AND AFFIRMATIVE DEFENSE**

21 Neither the Second Amended Complaint nor any alleged cause of action therein  
22 states facts sufficient to constitute a cause of action against these Answering  
23 Defendants.

24 **SECOND SEPARATE AND AFFIRMATIVE DEFENSE**

25 These Answering Defendants allege that based on information and belief that  
26 Plaintiff is barred and precluded from the recovery herein pursuant to the provision  
27 of all applicable statutes of limitations.

28

**THIRD SEPARATE AND AFFIRMATIVE DEFENSE**

These Answering Defendants allege based on information and belief that its acts or omissions as set forth in Plaintiff’s Second Amended Complaint are barred pursuant to the Government Immunities Doctrine.

**FOURTH SEPARATE AND AFFIRMATIVE DEFENSE**

These Answering Defendants are informed and believes, and thereon alleges, that the acts or omissions set forth in Plaintiff’s Second Amended Complaint are barred by the doctrine of qualified immunity.

**FIFTH SEPARATE AND AFFIRMATIVE DEFENSE**

These Answering Defendants allege based on information and belief that the acts or omissions set forth in Plaintiff’s Second Amended Complaint are barred by the Eleventh Amendment to the United States Constitution.

**SIXTH SEPARATE AND AFFIRMATIVE DEFENSE**

These Answering Defendants are informed and believes, and thereupon alleges, that Plaintiff is guilty of unclean hands in and about the matters and things of which the Second Amended Complaint is made; therefore, Plaintiff should be denied the relief sought in the Second Amended Complaint.

**SEVENTH SEPARATE AND AFFIRMATIVE DEFENSE**

Plaintiff has failed to mitigate or reasonably attempt to mitigate her damages, if any, as required by law.

**EIGHTH SEPARATE AND AFFIRMATIVE DEFENSE**

These Answering Defendants are informed and believes, and thereon alleges, that the acts or omissions set forth in Plaintiff’s Second Amended Complaint fails to establish a violation of the First Amendment right to free exercise of religion, as Plaintiff fails to demonstrate that these Answering Defendants burdened the practice of her religion by preventing her from engaging in conduct mandated by her faith. In order to reach the level of a constitutional violation, the interference with one's practice of religion must be more than an inconvenience; the burden must be

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1 substantial and an interference with a tenet or belief that is central to the religious  
2 doctrine.

3 **NINTH SEPARATE AND AFFIRMATIVE DEFENSE**

4 Plaintiff has failed to properly exhaust her administrative remedies and/or has  
5 otherwise failed to comply with all the statutory prerequisites to suit.

6 **TENTH SEPARATE AND AFFIRMATIVE DEFENSE**

7 These Answering Defendants are informed and believes, and thereon alleges,  
8 that the acts or omissions set forth Plaintiff’s Second Amended Complaint violates  
9 the separation of church and state as established within the United States Constitution.

10 **ELEVENTH SEPARATE AND AFFIRMATIVE DEFENSE**

11 The Second Amended Complaint and each of its causes of action are barred as  
12 these Answering Defendants’ actions were facially neutral and were based on bona  
13 fide factors other than religious denomination and/or beliefs.

14 **TWELFTH SEPARATE AND AFFIRMATIVE DEFENSE**

15 These Answering Defendants are informed and believes and thereon alleges  
16 that its acts or omissions as set forth in the Second Amended Complaint are barred by  
17 the principles of res judicata, collateral estoppel, claim preclusion, and issue  
18 preclusion. The aforementioned claims for relief and legal issues have already been  
19 adjudicated to conclusion.

20 **THIRTEENTH SEPARATE AND AFFIRMATIVE DEFENSE**

21 These Answering Defendants are informed and believes, and thereon alleges,  
22 that Plaintiff misrepresented to, or concealed from these Answering Defendants,  
23 material facts of which Plaintiff had knowledge and of which these Answering  
24 Defendants did not have knowledge, which pertained to the matters and things of  
25 which the Second Amended Complaint is made, with the intent of inducing actions  
26 from these Answering Defendants, which actions were taken; therefore, Plaintiff is  
27 estopped to press its claims against these Answering Defendants.

28

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**FOURTEENTH SEPARATE AND AFFIRMATIVE DEFENSE**

These Answering Defendants are informed and believes and thereon alleges that its acts or omissions as set forth in Plaintiff’s Second Amended Complaint are barred as Plaintiff did not engage in good faith interactive process to secure a reasonable accommodation with these Answering Defendants.

**FIFTEENTH SEPARATE AND AFFIRMATIVE DEFENSE**

These Answering Defendants are informed and believes, and thereon alleges, that the acts or omissions set forth in Plaintiff’s Second Amended Complaint fails to establish a violation of the First Amendment right to free exercise of speech as these Answering Defendants provided a valid time, place, and manner in which Plaintiff could engage in her speech activities.

**SIXTEENTH SEPARATE AND AFFIRMATIVE DEFENSE**

These Answering Defendants are informed and believes, and thereupon alleges, that the acts or omissions of Plaintiff with regard to the matters and things of which the Second Amended Complaint is made so contributed to the damages, if any, suffered by Plaintiff, that Plaintiff has waived any rights, claims or causes of action it has against this Answering Defendant.

**SEVENTEENTH SEPARATE AND AFFIRMATIVE DEFENSE**

These Answering Individual Defendants alleges that they are not liable for punitive damages since Defendants at no time acted in an extreme and outrageous manner, and such an award would violate Defendants’ right to be free from cruel and unusual punishment under the Constitution of the United States.

**NINETEENTH SEPARATE AND AFFIRMATIVE DEFENSE**

Defendants allege that Plaintiff has an adequate remedy at law and, therefore, is not entitled to injunctive or declaratory relief.

**TWENTIETH SEPARATE AND AFFIRMATIVE DEFENSE**

Defendants allege that Plaintiff’s claims for injunctive and declaratory relief are barred, in whole or in part, because Plaintiff cannot show that she will suffer any

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1 irreparable harm from Defendants’ actions.

2 **TWENTY-FIRST SEPARATE AND AFFIRMATIVE DEFENSE**

3 Defendants allege, without admitting that the Complaint states a claim, that  
4 there has been no damage in any amount, manner or at all by reason of any act alleged  
5 against Defendants in the Complaint, and the relief prayed in the Complaint therefore  
6 cannot be granted.

7 **TWENTY-SECOND SEPARATE AND AFFIRMATIVE DEFENSE**

8 The District alleges that it is not liable for punitive damages since the District  
9 is a California public entity and punitive damages are barred as a matter of law.

10 **TWENTY-THIRD SEPARATE AND AFFIRMATIVE DEFENSE**

11 Defendants allege that Plaintiff’s claims are barred, in whole or in part, by the  
12 doctrine of unclean hands.

13 **TWENTY-FOURTH SEPARATE AND AFFIRMATIVE DEFENSE**

14 Defendants allege that Plaintiff’s claims are barred, in whole or in part, by the  
15 doctrine of unjust enrichment.

16 **TWENTY-FIFTH SEPARATE AND AFFIRMATIVE DEFENSE**

17 Defendants allege that at all times mentioned herein, Defendants acted in good  
18 faith in doing any of the acts alleged in the reasonable belief that their actions were  
19 lawful.

20 **TWENTY-SIXTH SEPARATE AND AFFIRMATIVE DEFENSE**

21 Defendants allege that the damages, if any, sustained by Plaintiff, were caused  
22 by the acts, omissions, negligence, and/or breaches of contract or other agreement by  
23 Plaintiff and any damages awarded to Plaintiff should be diminished in proportion to  
24 that amount attributed to Plaintiff.

25 **TWENTY-SEVENTH SEPARATE AND AFFIRMATIVE DEFENSE**

26 Defendants are informed and believe, and thereon allege, that Defendants had  
27 legitimate, non-discriminatory and non-retaliatory reasons for all adverse  
28 employment actions, if any, taken against Plaintiff. To the extent Defendants had

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1 other reasons for adverse employment actions, if any, taken against Plaintiff, the non-  
2 discriminatory and non-retaliatory reasons standing alone were sufficient to warrant  
3 the adverse employment actions.

4 **TWENTY-EIGHTH SEPARATE AND AFFIRMATIVE DEFENSE**

5 Defendants are informed and believe, and thereon allege, that Plaintiff’s  
6 Complaint and each cause of action therein is barred to the extent they vary from the  
7 allegations of the administrative charges and or government claim filed with the  
8 appropriate agency, insofar as that occurred.

9 **TWENTY-NINTH SEPARATE AND AFFIRMATIVE DEFENSE**

10 Defendants allege that it is not liable for any of the alleged actions, since any  
11 actions taken against Plaintiff were for legitimate, nondiscriminatory and non-  
12 retaliatory reasons, and/or as a result of business necessity.

13 **THIRTIETH SEPARATE AND AFFIRMATIVE DEFENSE**

14 Defendants are informed and believe and, on such information and belief,  
15 alleges that, if the trier of fact should find that any agent of Defendants engaged in  
16 any allegedly unlawful conduct, then such conduct by the agent(s) of Defendants were  
17 done outside the course and scope of such agent’s authority. Accordingly, Plaintiff is  
18 barred from asserting any cause of action against Defendants based on said allegedly  
19 unlawful conduct.

20 **THIRTIETH SEPARATE AND AFFIRMATIVE DEFENSE**

21 Defendants are informed and believe and, on such information and belief,  
22 allege that any purported claim for discrimination or harassment must fail because (a)  
23 Defendants exercised reasonable care to prevent and promptly correct harassing and  
24 discriminatory behavior, if any, (b) Plaintiff unreasonably failed to take advantage of  
25 any preventive or corrective opportunities provided by Defendants or otherwise to  
26 avoid harm, and (c) had Plaintiff made reasonable use of Defendants’ procedures,  
27 Plaintiff would have prevented the harm Plaintiff allegedly suffered. To the extent  
28 Plaintiff alleges she availed herself to Defendants’ reporting or complaint procedures,

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1 any such report or complaint was promptly and adequately investigated and  
2 appropriate remedial measures were taken, if applicable.

3 **THIRTY-FIRST SEPARATE AND AFFIRMATIVE DEFENSE**

4 Defendants alleges that the Complaint and each of its causes of action based on  
5 state law are barred by governmental immunity, including but not limited to  
6 immunities arising under the California Constitution and California Government  
7 Code sections 810, et seq. including sections 815, 815.2, 818, 818.2, 818.8, 820.2,  
8 820.4, 820.6, 820.8, 821.2, 821.6, and 822.2.

9 **THIRTY-SECOND SEPARATE AND AFFIRMATIVE DEFENSE**

10 Defendants allege that the injuries or damages alleged by Plaintiff, if any, were  
11 the result of preexisting conditions that are unrelated to any conduct of Defendants.

12 **THIRTY-THIRD SEPARATE AND AFFIRMATIVE DEFENSE**

13 Defendants allege that any recovery on the Complaint, or any purported cause  
14 of action alleged therein, is barred by Plaintiff’s failure to satisfactorily perform job  
15 responsibilities and otherwise conduct herself in accordance with Defendants’  
16 standards and policies.

17 **THIRTY-FOURTH SEPARATE AND AFFIRMATIVE DEFENSE**

18 Defendants allege that to the extent liability is established, they are entitled to  
19 an offset against any award of back pay in an amount equal to any and all interim  
20 earnings by Plaintiff from other employment and/or other sources and any and all  
21 additional sums that constitute interim earnings that Plaintiff could have earned had  
22 she made reasonable efforts to mitigate her damages.

23 **THIRTY-FIFTH SEPARATE AND AFFIRMATIVE DEFENSE**

24 Defendants are informed and believe and, on such information and belief,  
25 alleges that the Complaint, and each purported cause of action contained therein, is  
26 frivolous as to Defendants, and Defendants are entitled to recover attorneys’ fees  
27 incurred in defending this action under Code of Civil Procedure §§ 128.5 and 128.7,  
28 and other applicable law.

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**THIRTY-SIXTH SEPARATE AND AFFIRMATIVE DEFENSE**

These Answering Defendants allege based on information and belief that Plaintiff has failed to state her claims with sufficient particularity to permit these Answering Defendants to discern and raise all appropriate defenses and therefore reserves its right to amend or supplement this Answer with additional defenses.

WHEREFORE, Defendants pray for judgment as follows:

1. That Plaintiff takes nothing by her Second Amended Complaint;
2. That these Answering Defendants recover their costs of suit herein;
3. That these Answering Defendants recover reasonable attorney’s fees incurred herein.

Dated: Dec. 2, 2024                      ATKINSON, ANDELSON, LOYA, RUUD & ROMO

By: /s/ Scott D. Danforth  
Marlon C. Wadlington  
Scott D. Danforth  
Attorneys for Defendants SAN GABRIEL  
UNIFIED SCHOOL DISTRICT; JAMES  
SYMONDS, ROSS PERRY, and MUHAMMAD  
ABDUL-QAWI

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**CERTIFICATE OF SERVICE**

Case Name: Alyssa Esquivel v. San Gabriel USD, et al.

No.: 2:24-cv-06335-MCS-SK

On December 2, 2024, I filed the following document(s) described as **DEFENDANTS’ ANSWER TO PLAINTIFF’S SECOND AMENDED COMPLAINT** electronically through the CM/ECF system. All parties on the Notice of Electronic Filing to receive electronic notice have been served through the CM/ECF system.

The below party is currently on the list to receive e-mail notices for this case.

Robert Tyler  
Julianne Fleischer  
Advocates for Faith & Freedom  
25026 Las Brisas Road  
Murrieta, CA 92562

Attorneys for Plaintiff  
[btyler@faith-freedom.com](mailto:btyler@faith-freedom.com)  
[jfleischer@faith-freedom.com](mailto:jfleischer@faith-freedom.com)  
[skenny@tylerlawllp.com](mailto:skenny@tylerlawllp.com)

**BY EMAIL:** I have caused the above-mentioned document(s) to be electronically served on the above-mentioned person(s), who are currently on the list to receive e-mail notices for this case.

Executed on December 2, 2024, at Cerritos, California.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

/s/ Scott D. Danforth

Scott D. Danforth