

**CITY OF SEBASTOPOL
CITY COUNCIL
STAFF REPORT**

Meeting Date: July 5, 2016
To: Honorable Mayor and City Councilmembers
From: City Manager-City Attorney Larry McLaughlin
City Clerk Mary Gourley
Subject: Rejection of Claim for Money or Damages Against the City of Sebastopol Filed by John Perpnan
Recommendation : That the City Council Approve the Rejection of the Claim Filed and Forward to Redwood Empire Municipal Insurance Fund (REMIF) for Processing
Funding: Currently Budgeted: _____ Yes _____ No XX N/A
Net General Fund Cost:
Amount: \$

INTRODUCTION: This item is to request that the City Council Approve the Rejection of the Claim Filed and Forward to Redwood Empire Municipal Insurance Fund (REMIF) for Processing

BACKGROUND:

A claim was filed against the City of Sebastopol on June 9, 2016.

A copy of the claim is attached for the City Council's information.

DISCUSSION:

City staff and REMIF have reviewed the claim submitted and believe the claim is without merit.

RECOMMENDATION:

Staff recommends that the City Council Approve the Rejection of the Claim Filed and Forward to Redwood Empire Municipal Insurance Fund (REMIF) for Processing

Attachment:

Claim Filed June 9, 2016 (John Perpnan)

CLAIM FOR MONEY OR DAMAGES AGAINST EMPLOYEES OF THE CITY OF SEBASTOPOL, THE CITY OF SEBASTOPOL, EMPLOYEES OF THE SEBASTOPOL UNION SCHOOL DISTRICT, THE SEBASTOPOL UNION SCHOOL DISTRICT, THE EMPLOYEES OF THE CITY OF SANTA ROSA, THE CITY OF SANTA ROSA, THE EMPLOYEES OF THE SANTA ROSA CITY SCHOOL DISTRICT, THE SANTA ROSA CITY SCHOOL DISTRICT AND THE SANTA ROSA SCHOOL BOARD.

RESERVE FOR FILING STAMP CLAIM NO. _____

(THIS CLAIM HAS BEEN PREPARED IN COMPLIANCE WITH CA GOVT. CODE SECTION 910)

1. Name and Post Office Address of the Claimant:

Name of Claimant: John Perpinan, as an individual, and as father and guardian for Johnnie Perpinan, a minor, member of several protected classes, and ~~Johnnie Perpinan~~, as an individual.

Post Office Address: ~~1330 Manhattan Way, Santa Rosa, CA 95401~~

2. Post Office Address to which the person presenting the claim desires notices to be sent:

Name of Addressee: John Perpinan

Post Office Address: ~~1330 Manhattan Way, Santa Rosa, CA 95401~~

Telephone: ~~(707) 791-5162~~

3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted for intentional infliction of emotional distress; negligent infliction of emotional distress; gross negligence; negligence; deliberate indifference; failure of duty of due care; violation of fundamental Civil Rights (the right to not be assaulted and battered); UNRUH Civil Rights Act violations based upon disability, religion, sexual orientation; freedom from gender violence pursuant 2003 Civil Code section 52.4; hate crimes and bullying law violations; violation of the Ralph Act, Civil Code section 51.7; violation of Civil Code section 1708.7, stalking and harassment; violation of Civil Code section 52.45 outlawing "sexual orientation violence" and Civil Code section 52.7; violation of Americans with Disabilities Act (ADA); Federal and state education violations including but not limited to 504 and SELPA; numerous other state and federal civil rights violations to be amended later.

Date of Occurrence: Sometime after December 11, 2015, when claimant, minor's father, received notice via mail a letter from Ms. Hanks, principal of Brookhaven, a school in the Sebastopol Union School District.

Received

JUN - 9 2016

City of Sebastopol

Time of Occurrence: Sometime after December 11, 2015, when claimant, minor's father, received notice via mail a letter from Ms. Hanks, principal of Brookhaven, a school in the Sebastopol Union School District.

Location: The Brook Haven School, 7905 Valentine Ave., Sebastopol, CA 95472; Parkside School, 7450 Bodega Ave., Sebastopol, CA 95472; Hilliard Comstock Middle School, 2750 W. Steele Lane, Santa Rosa, CA 95403; and the video-taped brutal assault, battery, and humiliation occurred right after school on the Public Library grounds at 7140 Bodega Avenue, Sebastopol, CA 95427. The actual video was shown to other students on the Brook Haven School grounds.

Circumstances giving rise to this claim:

Johnnie Perpina, the minor claimant, was stalked, bullied, brutally assaulted, battered, and humiliated, all of which was captured on video and disseminated publicly on school grounds and via the internet to further humiliate and demean a student who is already suffering from a severe learning disability, and the perceived perception that he is homosexual based upon his older sister's sexual orientation.

There is a long history going back to the minor claimant's second grade schooling consisting of bullying, stalking, and teasing him because of his Mormon mother's religion. When the school district finally offered the minor an IEP, it was inadequate and discriminatory. The school district has failed this minor by stigmatizing and segregating him from other main line learners which resulted in even greater instances of bullying and teasing which further diminished his education attainment.

The minor fell tremendously behind in his schoolwork and did not learn how to read because his first grade teacher apparently had some medical issue that precluded her from remaining in the classroom, thereby subjecting the minor to a series of many different substitute teachers. A young minor of his "disability" was greatly affected by this transient and sporadic learning environment.

The claimant, minor's father, a man of very limited means and educational attainment was mistreated by school officials and ignored when he and his mother, the minor's grandmother, both verbally and in writing, complained numerous times that their son and grandson was constantly being bullied based upon the above. As a result of the continuous bullying, harassment, and now ultimately, the violent assault and battery which was disseminated via the internet, the father had no choice but to remove his son from an unsafe environment to another school district at his own time and expense. The claimant, minor's father, and the minor have both sought and have received mental health counseling as a result of the emotional distress and mistreatment which the minor pupil suffered at the school. After the videotaped incident of the assault and battery mentioned above, the school failed to discipline the perpetrators or properly

report the incident to the police or other appropriate authorities to prosecute the perpetrators for hate crimes and other penal code and/or civil law violations.

As a result of the school district's failure to educate and protect the minor pupil, claimant, pupil's father, was forced to find and provide alternative educational opportunities on his own time and at his own expense.

To this day the trauma and emotional distress from years of bullying, stalking, and harassment and the schools' failure to respond appropriately to the pupil's special needs have all exacerbated the minor claimant's learning disabilities, preventing him from getting a free and public education.

4. General Description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of the presentation of the claim.

The schools which the minor pupil attended owed and continue to owe a duty to the minor to provide a safe and free learning environment, free of bullying, stalking, harassment, and criminal and civil tort acts. Their failure to provide this mandate pursuant to state and federal law has greatly diminished this minor's capacity to learn and excel. The constant bullying and sexual orientation harassment has isolated this minor to the point where he is depressed. Much higher suicide rates exist in children who are bullied relating to sexual orientation issues. The schools have failed to provide the minor pupil with all the reasonable accommodations required under the ADA and all applicable state and federal laws.

Damages

Damages for all causes of action are in excess of \$25,000 due to the nature of the injuries, emotional distress, and loss of educational opportunities for learning past, present, and future.

5. The name or names of the public employee or employees causing the injury, damage, or loss, if known.

Generally, employees of the Sebastopol Union School District beginning with the minor's first grade teacher, and up to and including but not limited to Principal Hanks and other administrators and employees.

Generally, employees of the Santa Rosa City Schools.

Investigation is continuing into the exact names of those to be named. Claimant has the right to amend this notification at a later date to include those names as they are discovered.

Received

JUN - 9 2016

6. Unlimited Civil Case:

Unlimited Civil Case: This is an unlimited civil case, value over \$25,000 due to the nature of the claims and the intentional and negligent infliction of emotional distress and the federal and state civil rights violations.

7. Claimant's (s') Date(s) of Birth:

John Perpnan: 5/23/56

Johnnie Perpnan: 7/7/2003

8. Name, address, and telephone number of any witnesses to the occurrence or transaction which gave rise to the claim asserted:

Tiana Perpnan

1330 Manhattan Way

Santa Rosa, CA 95401

Noreen E. Ringlein, Special Education Advocate
CASE

155 Bryant Street, Ste. 735

San Francisco, CA 94103

(415) 431-2285

Claimants will amend this notice, as is their right, and to provide additional the names and addresses of any witnesses when they are identified.

9. If the claim involves medical treatment for a claimed injury, please provide the name, address, and telephone number of any doctors or hospitals providing treatment:

Claimant, minor child is being treated by:

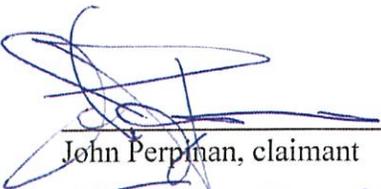
Dr. Theresita Solomon

The Permanente Medical Group, Inc.

401 Bicentennial Way

Santa Rosa, CA 95403

707-571-3707



John Perpnan, claimant

June 7, 2016

Date