

BERTOLDO CARTER SMITH & CULLEN
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600 • Fax 702-228-2333

1 **COMP**
LAWRENCE J. SMITH, ESQ.
Nevada Bar No. 6505
2 JAMES R. SWEETIN, ESQ.
Nevada Bar No. 5144
3 **BERTOLDO CARTER SMITH & CULLEN**
7408 West Sahara Avenue
4 Las Vegas, Nevada 89117
P: (702) 228-2600
5 Fax: (702) 228-2333
lawre3@nvlegaljustice.com and
6 jsweetin@nvlegaljustice.com
7 ROBERT L. LANGFORD, ESQ.
Nevada Bar No. 3988
8 **ROBERT L. LANGFORD & ASSOCIATES**
1925 Village Center Circle, Suite 150,
9 Las Vegas, NV 89134
P: (702) 379-0440
10 robert@robertlangford.com
Attorneys for Plaintiffs

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 * * *

14 ROSA LAINEZ LEMUS, individually and as
15 natural parent and guardian of minor G.R.L.;
G.R.L., a minor,

16 Plaintiffs,

17 vs.

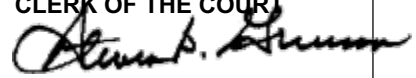
18 CLARK COUNTY SCHOOL DISTRICT, a
political subdivision of the State of Nevada;
19 JESUS F. JARA, in his individual and official
capacity; RONNIE GUERZON, in his individual
20 and official capacity; RAYMOND ORTIZ, in his
individual and official capacity BROOK
21 RAWLINS, in her individual and official
capacity; DOES 1 through 10; and ROE
22 CORPORATIONS 1 through 10, inclusive,

23 Defendants.

CASE NO.

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

24
25 COMES NOW Plaintiff G.R.L., a minor, and ROSA LAINEZ LEMUS, individually and as
26 natural mother and guardian of the minor, G.R.L., through their attorneys LAWRENCE J. SMITH,
27 ESQ., and JAMES R. SWEETIN, ESQ., of the law firm of BERTOLDO CARTER SMITH &
28 CULLEN, hereby files the following Complaint alleging and complaining as follows:



CASE NO: A-24-886206-C
Department 14

JURISDICTION

1
2 1. That each and every act which gives rise to this Complaint occurred in Clark County,
3 Nevada.

4 2. The Eighth Judicial District Court has jurisdiction over this action, and the proper
5 Venue is in Clark County, Nevada, pursuant to Art. VI, sec. 6 of the Nevada Constitution, NRCP
6 8(a)(4), NRS 13.040, NRS 41.031 and NRS 41.130 as the occurrences giving rise to this case took
7 place in Clark County, Nevada and the amount in controversy exceeds \$15,000, exclusive of attorney’s
8 fees, interest, and costs.

9 3. This Court has Jurisdiction over the Plaintiffs’ claims pursuant to NRS 41.031 and
10 Andolino v. State, 97 Nev. 53, 624 P.2d 7 (1981) (acknowledging that the State of Nevada waived its
11 sovereign immunity through the enactment of NRS 41.031).

PARTIES TO THIS ACTION

12
13 1. At all times relevant hereto, Plaintiff G.R.L. was a minor-aged student enrolled at Las
14 Vegas High School (hereinafter “LVHS”) in Las Vegas, Clark County, Nevada.

15 2. At all times relevant hereto, Plaintiff ROSA LAINEZ LEMUS (hereinafter
16 “MOTHER”) was the natural parent and guardian of G.R.L. and is legally permitted to maintain this
17 action on her behalf pursuant to NRS 12.080. As natural parent and guardian of G.R.L., MOTHER is
18 legally obligated for any medical expenses incurred by the minor child as a result of the subject incident.
19 G.R.L. and MOTHER (hereinafter collectively “Plaintiffs”) are residents of the United States residing in
20 Las Vegas, Clark County, Nevada.

21 3. At all times relevant herein, Defendant CLARK COUNTY SCHOOL DISTRICT
22 (hereinafter “CCSD”) was, and is, a division of the County of Clark, is a Political Subdivision of the State
23 of Nevada and is considered a “person” subject to suit under 42 U.S.C. Sec. 1983.

24 4. At all times relevant herein, LVHS is a high school organized and existing under the laws
25 of the State of Nevada, and operating under the purview of CCSD in Las Vegas, Clark County, Nevada.

26 5. At all times relevant herein, JESUS F. JARA (hereinafter “JARA”), was, and is, an
27 individual employed as a superintendent of CCSD charged with responsibility for LVHS.

28 6. At all times relevant herein, RONNIE GUERZON (hereinafter “GUERZON”), was, and

1 is, an individual employed as a principal at LVHS and/or CCSD associate superintendent charged with
2 responsibility for LVHS.

3 7. At all times relevant herein, RAYMOND ORTIZ (hereinafter “ORTIZ”), was, and is, an
4 individual employed as a principal at LVHS.

5 8. At all times relevant herein, BROOKE RAWLINS (hereinafter “RAWLINS”), was, and
6 is, an individual employed as a teacher at LVHS.

7 9. The true names and capacities of Defendants named herein as DOES 1 through 10,
8 inclusive, and ROES 1 through 10, inclusive, whether individual, corporate, associate or otherwise, are
9 presently unknown to Plaintiffs who therefore sue said Defendants by such fictitious names; and when
10 the true names and capacities of DOES 1 through 10, inclusive and/or ROES 1 through 10 are discovered,
11 Plaintiffs will ask leave to amend this Complaint to substitute the true names of said Defendants.
12 Plaintiffs are informed, believe and therefore allege that Defendants so designated herein are responsible
13 in some manner for the events and occurrences contained in this action.

14 **GENERAL ALLEGATIONS COMMON TO ALL CLAIMS**

15 10. Plaintiffs repeat and reallege each and every allegation contained in the preceding
16 paragraphs and incorporate the same herein by reference as though fully set forth herein.

17 11. On or about February 1, 2022, MOTHER resided in Las Vegas, Nevada with G.R.L. Due
18 to the area in which she and her family resided, G.R.L. was required to attend LVHS as a result of CCSD’s
19 jurisdictional zoning.

20 12. On or about February, 1, 2022, G.R.L., was in the care, custody and control of CCSD, by
21 and through its employees and agents, Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or
22 ROE/DOE Defendants.

23 13. On or about February 1, 2022, another juvenile (hereinafter “STUDENT”), who was also
24 attending LVHS, approached G.R.L. and made threatening statements while both were present at LVHS.

25 14. On or about February 1, 2022, G.R.L. was attending a Geometry class at LVHS, in
26 which she was registered as a student, with other students, including STUDENT, and Defendant
27 RAWLINS, who was her assigned teacher.

28 15. At that time and place, G.R.L. relayed to Defendant RAWLINS that STUDENT had

1 previously made threatening statements to G.R.L., and G.R.L. indicated her concern for her physical
2 safety resulting from such statements to Defendant RAWLINS. Defendant RAWLINS took no steps
3 to protect G.R.L. as a result of this information.

4 16. At that time and place, while the Geometry class was ongoing and G.R.L. was in the
5 care, custody, and control of Defendant CCSD and its administrators, teachers, and others to include
6 Defendants JARA, GUERZON, ORTIZ, RAWLINS, and/or ROE/DOE Defendants, STUDENT
7 approached G.R.L. and began to threaten and otherwise harass G.R.L., in view of the rest of the class,
8 before walking behind G.R.L.

9 17. Based upon information and belief, STUDENT was recently returned to LVHS after
10 being removed from LVHS for an extended period of time for disciplinary problems and was known
11 by Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS, and/or ROE/DOE Defendants, and
12 each of them, to have a history of violence and to be a threat to other students.

13 18. STUDENT subsequently began to repeatedly punch and/or beat G.R.L. with
14 STUDENT's fist, from behind, striking the back of G.R.L.'s head, causing G.R.L. to lose
15 consciousness and sustain shock and injury to her body and nervous system all of which have caused,
16 and will continue to cause, G.R.L. physical, mental and nervous pain, suffering, disability and
17 psychological injury.

18 19. G.R.L. did nothing to provoke the attack of STUDENT.

19 20. Prior to the injuries complained of herein, G.R.L. was an able-bodied person, capable
20 of engaging in all activities for which G.R.L. was otherwise suited.

21 **THE POLICIES, PRACTICE OR CUSTOM OF CCSD CAUSED G.R.L. TO BE PHYSICALLY**
22 **ABUSED WHICH VIOLATED HER CONSTITUTIONAL RIGHTS PURSUANT TO THE 14TH**
23 **AMENDMENT TO THE U.S. CONSTITUTION. CCSD'S INADEQUATE TRAINING AND**
24 **SUPERVISORY POLICIES, PRACTICE OR CUSTOM WERE DELIBERATELY**
25 **INDIFFERENT TO THE RIGHTS OF G.R.L. AND OTHER STUDENTS.**

26 21. Defendant CCSD establishes official policy, practice or custom under the color of state
27 law.

28 22. The duly enacted laws of the State of Nevada enumerated as Nevada Revised Statutes
388.132, 388.1321, and 392.463 recognize that a learning environment that is safe and respectful is

1 essential for the pupils enrolled in the schools of the State of Nevada and that all members of governing
2 bodies, administrators, and teachers have a duty to create and provide a safe and respectful learning
3 environment for all pupils and adopt a plan to ensure that the public schools within a school district
4 are safe.

5 23. Upon information and belief, at all times relevant herein, Defendant CCSD had an
6 official policy or widespread or longstanding practice or custom of placing students known to be
7 violent in classrooms with other students.

8 24. Upon information and belief, pursuant to this official policy or widespread or
9 longstanding practice or custom, STUDENT, although known to be violent, was placed in a LVHS
10 classroom with other students including G.R.L.

11 25. As a result of the official policy or widespread or longstanding practice or custom of
12 Defendant CCSD of placing students known to be violent in classrooms with other students,
13 STUDENT physically abused G.R.L.

14 26. Defendant CCSD placed STUDENT into a classroom with G.R.L. with deliberate
15 indifference to the Constitutional Rights of G.R.L. This is a violation of G.R.L.'s Fourteenth
16 Amendment Rights.

17 27. At all times herein, CCSD failed to have and/or implement a policy of training its
18 teachers and staff members to prevent students from being physically abused.

19 28. At all times relevant herein, there was an obvious need for CCSD to properly train its
20 employees to prevent physical abuse of students.

21 29. CCSD failed to implement proper training and, as a result, allowed STUDENT to
22 physically abuse G.R.L.

23 30. As a result of CCSD's failure to adequately train all of its employees, STUDENT was
24 placed in the same classroom as G.R.L. Due to this failure, STUDENT physically abused G.R.L.
25 This is a violation of G.R.L.'s Fourteenth Amendment Rights.

26 ///

27 ///

28 ///

1st CAUSE OF ACTION
VIOLATION OF 14TH AMENDMENT RIGHTS
UNDER 42 U.S.C. sec. 1983
(MONELL MUNICIPAL LIABILITY AGAINST DEFENDANT CCSD)

1
2
3 31. Plaintiffs repeat and reallege each and every allegation contained in the preceding
4 paragraphs and incorporate the same herein by reference as though fully set forth herein.

5 32. G.R.L. had a constitutional right to be protected from deprivation of life, liberty and
6 property – including bodily integrity – and to be free from unjustified pain and suffering, mental
7 anguish, and to live without threat to her personal safety while in the custody of Defendants CCSD,
8 JARA, GUERZON, ORTIZ, RAWLINS, and/or ROE/DOE Defendants, and each of them, protected
9 by the Fourteenth Amendment to the United States Constitution.

10 33. Defendant CCSD, was at all times pertinent hereto, responsible for the policies,
11 procedures, customs, and practices implemented through CCSD and LVHS by various agents and
12 employees and for the injuries and damages occasioned thereby.

13 34. Defendant CCSD was further responsible for promulgation and/or implementation
14 and/or ratification of policies, procedures, customs and practices at CCSD and LVHS at which G.R.L.
15 was a student, establishing a relationship between CCSD and G.R.L.

16 35. On information and belief, Defendant CCSD fosters and/or developed and/or ratified a
17 culture and/or official policy and/or widespread or longstanding practice or custom of placing students
18 known to be violent in classrooms with other students.

19 36. Such culture and/or official policy and/or widespread or longstanding practice or
20 custom of placing students known to be violent in classrooms with other students of Defendant CCSD
21 was deliberately indifferent to G.R.L.’s constitutional rights by deliberately ignoring Defendant
22 CCSD’s duty to ensure the safety of students by allowing, based upon information and belief, a violent
23 student into the classroom, and Defendant CCSD’s deliberate indifference caused the violation of
24 G.R.L.’s constitutional rights. At all times, Defendant CCSD was acting under the color of law.

25 37. At all times relevant herein, Defendant CCSD had a special relationship with G.R.L.
26 and, as such, Defendant CCSD voluntarily took responsibility for G.R.L.’s care, safety and supervision
27 while G.R.L. was in LVHS’s care. Therefore, Defendant CCSD had owed G.R.L. a duty of reasonable
28

BERTOLDO CARTER SMITH & CULLEN
7408 West Sahara Avenue
Las Vegas, Nevada 89117
702-228-2600 • Fax 702-228-2333

1 care regarding risks that could foreseeably arise within the scope of that special relationship.

2 38. At all times relevant herein, the administrators, teachers and staff members of
3 Defendant CCSD, to include Defendants JARA, GUERZON, ORTIZ, RAWLINS, and/or ROE/DOE
4 Defendants, and each of them, were acting in their capacity as the supervisors of students at LVHS.
5 G.R.L. and STUDENT were both under the supervision of administrators, teachers and staff members
6 having responsibility over LVHS. The administrators, teachers and staff members were acting under
7 the color of law and were authorized by the State of Nevada and Defendant CCSD to supervise
8 students, including G.R.L. and STUDENT. The administrators, teachers and staff members violated
9 G.R.L.'s constitutional rights when G.R.L. was placed in a classroom with STUDENT who, upon
10 information and belief, was known by Defendant CCSD to be violent.

11 39. Through its conduct, Defendant CCSD created the opportunity for STUDENT to beat
12 and injure G.R.L. But for the conduct of Defendant CCSD, the danger posed by STUDENT to G.R.L.
13 would not have existed. The action and/or inaction of administrators, teachers and staff members of
14 LVHS demonstrates deliberate indifference to G.R.L.'s constitutional rights.

15 40. Based upon information and belief, the need for a different course of action,
16 specifically limiting STUDENT's contact around other students, to prevent STUDENT from beating
17 and/or injuring other students, such as G.R.L., was obvious to Defendant CCSD. Despite all of this,
18 Defendant CCSD did nothing to prevent STUDENT from injuring G.R.L.

19 41. The inadequacy of the culture and/or official policy and/or widespread or longstanding
20 practice or custom of placing students, based upon information and belief, known to be violent in
21 classrooms with other students was very likely to, and did, result in the violation of G.R.L.'s
22 Fourteenth Amendment rights.

23 42. Defendant CCSD failed to adequately train and supervise its staff members, which
24 allowed G.R.L. to be physically abused by STUDENT. Defendant CCSD was deliberately indifferent
25 to the exposure of G.R.L. to physical abuse by STUDENT. Not only did Defendant CCSD fail to
26 have any of its administrators, teachers and staff members supervise STUDENT or prevent the abuse
27 G.R.L. was subjected to by STUDENT, it created an environment that allowed STUDENT to have
28 access to, and physically abuse, G.R.L.

1 43. Defendant CCSD acquiesced to, and authorized, STUDENT to be around other
2 students despite, based upon information and belief, knowing STUDENT to be violent. This
3 acquiescence and authorization allowed STUDENT to physically abuse G.R.L. This inadequate
4 practice of allowing a student who was known to be violent to be around other students, including
5 G.R.L, demonstrated deliberate indifference to G.R.L.’s rights.

6 44. Because of Defendant CCSD’s deliberate indifference, G.R.L. was physically abused
7 in violation of her Fourteenth Amendment Rights. Defendant CCSD is liable to G.R.L. for its failure
8 to train and supervise LVHS administrators, teachers and staff members regarding the prevention of
9 physical harm to students. Defendant CCSD’s training and supervision of its employees was grossly
10 inadequate, amounted to deliberate indifference by Defendant CCSD, and was a moving force causing
11 the Fourteenth Amendment constitutional violations suffered by G.R.L.

12 45. As a direct, proximate and/or legal result of Defendant CCSD’s deliberate indifference
13 and failure to comply with its duty to provide a safe school environment for students in violation of
14 NRS 388.1321, which establishes that “all administrators and teachers of a school district have a duty
15 to create and provide a safe and respectful learning environment for all pupils that is free of bullying
16 and cyber-bullying,” by allowing a known violent student access to other students, which constitutes
17 intentional and/or reckless disregard and/or deliberate indifference to G.R.L.’s well-being, bodily
18 integrity, and legal rights, G.R.L. suffered severe terror, pain and suffering, mental injuries, and severe
19 mental anguish, for which Plaintiffs are entitled to compensation for the aforementioned damages, and
20 Defendant CCSD has subjected itself to liability for those damages in an amount in excess of
21 FIFTEEN THOUSAND DOLLARS (\$15,000).

22 46. As a direct, proximate and/or legal result of Defendant CCSD’s deliberate indifference
23 and failure to comply with its duty to provide a safe school environment for students in violation of
24 NRS 388.1321, which establishes that “all administrators and teachers of a school district have a duty
25 to create and provide a safe and respectful learning environment for all pupils that is free of bullying
26 and cyber-bullying,” by allowing a known violent student access to other students, which constitutes
27 intentional and/or reckless disregard and/or deliberate indifference to G.R.L.’s well-being, bodily
28 integrity, and legal rights, G.R.L. and/or MOTHER have incurred, and will continue to incur, medical

1 expenses and other economic and special damages for which Plaintiffs are entitled to be compensated,
2 and Defendant CCSD has subjected itself to liability for those damages in an amount in excess of
3 FIFTEEN THOUSAND DOLLARS (\$15,000).

4 47. As a direct, proximate and/or legal result of Defendant CCSD’s deliberate indifference
5 and failure to comply with its duty to provide a safe school environment for students in violation of
6 NRS 388.1321, which establishes that “all administrators and teachers of a school district have a duty
7 to create and provide a safe and respectful learning environment for all pupils that is free of bullying
8 and cyber-bullying,” by allowing a known violent student access to other students, which constitutes
9 intentional and/or reckless disregard and/or deliberate indifference to G.R.L.’s well-being, bodily
10 integrity, and legal right, G.R.L. was caused to suffer physical injury, pain and suffering severe mental
11 anguish, and G.R.L. was deprived of rights guaranteed by the Fourteenth Amendment to the United
12 States Constitution, and pursuant to 42 U.S.C. sec. 1983, Plaintiffs are entitled to be compensated for
13 the aforementioned damages, and Defendant CCSD has subjected itself to liability for those damages
14 in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000).

15 48. As a direct, proximate and/or legal result of the aforesaid violation of the U.S.
16 Constitution, it has been necessary for Plaintiffs to retain the law firm of BERTOLDO CARTER
17 SMITH & CULLEN to prosecute this action, and Plaintiffs are therefore entitled to recover reasonable
18 attorneys’ fees, costs and interest pursuant to NRS 18.010 and 42 U.S.C. 1988(b).

19 **2ND CAUSE OF ACTION**
20 **VIOLATION OF 14TH AMENDMENT RIGHTS**
21 **UNDER 42 U.S.C. sec. 1983**
22 **(DEFENDANTS JARA, GUERZON, ORTIZ and RAWLINS)**

23 49. Plaintiffs repeat and reallege each and every allegation contained in the preceding
24 paragraphs and incorporate the same herein by reference as though fully set forth herein.

25 50. G.R.L. had a constitutional right to be protected from deprivation of life, liberty and
26 property – including bodily integrity – and to be free from unjustified pain and suffering, mental
27 anguish, and to live without threat to her personal safety while in the custody of Defendants JARA,
28 GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants, and each of them, protected by the
Fourteenth Amendment to the United States Constitution.

1 51. Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants,
2 and each of them, were at all times pertinent hereto, responsible for the policies, procedures, customs,
3 and practices implemented through CCSD and LVHS by various agents and employees and for the
4 injuries and damages occasioned thereby.

5 52. Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants,
6 and each of them, were further responsible for promulgation and/or implementation and/or ratification
7 of policies, procedures, customs and practices at CCSD and LVHS at which G.R.L. was a student,
8 establishing a relationship between Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or
9 ROE/DOE Defendants and G.R.L.

10 53. On information and belief, Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or
11 ROE/DOE Defendants, and each of them, were authorized by, and misused, State authority in their
12 acts and/or omissions in violation of G.R.L.'s constitutional rights.

13 54. Acting under color of law, the culture and/or official policy and/or widespread or
14 longstanding practice or custom of Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or
15 ROE/DOE Defendants, in placing students known to be violent in classrooms with other students
16 denied G.R.L.'s rights, privileges and/or immunities secured by the United States Constitution and/or
17 Federal law.

18 55. Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants,
19 and each of them, were deliberately indifferent to G.R.L.'s constitutional rights by deliberately
20 ignoring their duty to ensure the safety of students by allowing, based upon information and belief, a
21 student known to be violent into the classroom and the deliberate indifference of Defendants JARA,
22 GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants caused the violation of G.R.L.'s
23 constitutional rights. At all times, Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or
24 ROE/DOE Defendants were acting under the color of law.

25 56. At all times relevant herein, Defendants JARA, GUERZON, ORTIZ RAWLINS and/or
26 ROE/DOE Defendants, and each of them, had a special relationship with G.R.L., as such Defendants
27 voluntarily took responsibility for G.R.L.'s care, safety and supervision while G.R.L. was in LVHS's
28 care. Therefore, Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants,

1 and each of them, had owed G.R.L. a duty of reasonable care regarding risks that could foreseeably
2 arise within the scope of that special relationship.

3 57. At all times relevant herein, Defendants JARA, GUERZON, ORTIZ, RAWLINS
4 and/or ROE/DOE Defendants, and each of them, were acting in their capacity as the supervisors of
5 students at LVHS. G.R.L. and STUDENT were both under the supervision of Defendants JARA,
6 GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants who were administrators, teachers
7 and staff members having responsibility over LVHS. Defendants JARA, GUERZON, ORTIZ,
8 RAWLINS and/or ROE/DOE Defendants were acting under the color of law and were authorized by
9 the State of Nevada and CCSD to supervise students, including G.R.L. and STUDENT. Defendants
10 JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants, and each of them, violated
11 G.R.L.'s constitutional rights when G.R.L. was placed in a classroom with STUDENT who, upon
12 information and belief, was known by Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or
13 ROE/DOE Defendants to be violent.

14 58. Through its conduct, Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or
15 ROE/DOE Defendants created the opportunity for STUDENT to beat and injure G.R.L. But for the
16 conduct of Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants the
17 danger posed by STUDENT to G.R.L. would not have existed. The action and/or inaction of
18 Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants, as administrators,
19 teachers and staff members of LVHS demonstrates deliberate indifference to G.R.L.'s constitutional
20 rights.

21 59. Based upon information and belief, the need for a different course of action,
22 specifically limiting STUDENT's contact around other students, to prevent STUDENT from beating
23 and/or injuring other students such as G.R.L. was obvious to Defendants JARA, GUERZON, ORTIZ,
24 RAWLINS and/or ROE/DOE Defendants. Despite all of this, such Defendants did nothing to prevent
25 STUDENT from injuring G.R.L.

26 60. Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants
27 acquiesced to, and authorized, STUDENT to be around other students despite knowing, based upon
28 information and belief, STUDENT to be violent. This acquiescence and authorization allowed

1 STUDENT to physically abuse G.R.L. This inadequate practice of allowing a student who was known
2 to be violent to be around other students, including G.R.L., demonstrated deliberate indifference to
3 G.R.L.’s rights.

4 61. Because of the deliberate indifference of Defendants JARA, GUERZON, ORTIZ,
5 RAWLINS and/or ROE/DOE Defendants, G.R.L. was physically abused in violation of her
6 Fourteenth Amendment Rights.

7 62. At all times relevant herein, Defendant RAWLINS took no steps to protect G.R.L. after
8 G.R.L. alerted Defendant RAWLINS to threatening statements made to G.R.L. by STUDENT and
9 indicating G.R.L.’s concern for her own safety due to the threats made to G.R.L. by STUDENT.

10 63. The inaction of Defendant RAWLINS to take steps to protect G.R.L. after being made
11 aware of threats made by STUDENT, and the concerns of G.R.L. for her own safety, demonstrate
12 deliberate indifference to G.R.L.’s 14th Amendment Constitutional rights.

13 64. As a direct, proximate and/or legal result of the deliberate indifference Defendants
14 JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants and failure to comply with its
15 duty to provide a safe school environment for students in violation of NRS 388.1321, which
16 establishes that “all administrators and teachers of a school district have a duty to create and provide
17 a safe and respectful learning environment for all pupils that is free of bullying and cyber-bullying,”
18 by allowing a known violent student access to other students, which constitutes intentional and/or
19 reckless disregard and/or deliberate indifference to G.R.L.’s well-being, bodily integrity, and legal
20 rights, G.R.L. suffered severe terror, pain and suffering, mental injuries, and severe mental anguish,
21 and Plaintiffs are entitled to compensation for the aforementioned damages, and Defendants JARA,
22 GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants have subjected themselves to liability
23 for those damages in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000).

24 65. As a direct, proximate and/or legal result of the deliberate indifference of Defendants
25 JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants and failure to comply with
26 their duty to provide a safe school environment for students in violation of NRS 388.1321, which
27 establishes that “all administrators and teachers of a school district have a duty to create and provide
28 a safe and respectful learning environment for all pupils that is free of bullying and cyber-bullying,”

1 by allowing a known violent student access to other students, which constitutes intentional and/or
2 reckless disregard and/or deliberate indifference to G.R.L.’s well-being, bodily integrity, and legal
3 rights, G.R.L. and/or MOTHER have incurred, and will continue to incur, medical expenses and other
4 economic and special damages for which Plaintiffs are entitled to be compensated for, and Defendants
5 JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants have subjected themselves to
6 liability for those damages in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000).

7 66. As a direct, proximate and/or legal result of the deliberate indifference of Defendants
8 JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants and failure to comply with
9 their duty to provide a safe school environment for students in violation of NRS 388.1321, which
10 establishes that “all administrators and teachers of a school district have a duty to create and provide
11 a safe and respectful learning environment for all pupils that is free of bullying and cyber-bullying,”
12 by allowing a known violent student access to other students, which constitutes intentional and/or
13 reckless disregard and/or deliberate indifference to G.R.L.’s well-being, bodily integrity, and legal
14 right, Plaintiff was caused to suffer physical injury, pain and suffering severe mental anguish, and
15 G.R.L. was deprived of rights guaranteed by the Fourteenth Amendment to the United States
16 Constitution, and pursuant to 42 U.S.C. sec. 1983, Plaintiffs are entitled to be compensated for the
17 aforementioned damages, and Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE
18 Defendants have subjected themselves to liability for those damages in an amount in excess of
19 FIFTEEN THOUSAND DOLLARS (\$15,000).

20 67. As a direct, proximate and/or legal result of the aforesaid violation of the U.S.
21 Constitution, it has been necessary for Plaintiffs to retain the law firm of BERTOLDO CARTER
22 SMITH & CULLEN to prosecute this action, and Plaintiffs are therefore entitled to recover reasonable
23 attorneys’ fees, costs and interest pursuant to NRS 18.010 and 42 U.S.C. 1988(b).

24 **3rd CAUSE OF ACTION**

25 **VIOLATION OF ARTICLE 1, SECTION 1, OF THE NEVADA CONSTITUTION**
26 **(ALL DEFENDANTS IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)**

27 68. Plaintiffs repeat and reallege each and every allegation contained in the preceding
28 paragraphs and incorporate the same herein by reference as though fully set forth herein.

1 69. G.R.L. had a right to pursue and obtain, and to be free from unjustifiable intrusions of,
2 her safety and happiness pursuant to Article 1, Section 1, of the Nevada Constitution.

3 70. Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE
4 Defendants, and each of them, were at all times pertinent hereto, responsible for the policies,
5 procedures, customs, and practices implemented through CCSD and LVHS by various agents and
6 employees and for the injuries and damages occasioned thereby.

7 71. Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE
8 Defendants, and each of them, were further responsible for promulgation and/or implementation of
9 policies, procedures, customs and practices at CCSD and LVHS at which G.R.L. was a student,
10 establishing a relationship between Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS
11 and/or ROE/DOE Defendants and G.R.L.

12 72. At all times relevant herein, Defendants CCSD, JARA, GUERZON, ORTIZ,
13 RAWLINS and/or ROE/DOE Defendants, and each of them, had a special relationship with G.R.L.,
14 as they voluntarily took responsibility for G.R.L.'s care, safety and supervision while G.R.L. was in
15 LVHS's care. Therefore, Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or
16 ROE/DOE Defendants, and each of them, had owed G.R.L. a duty of reasonable care regarding risks
17 that could foreseeably arise within the scope of that special relationship.

18 73. At all times relevant herein, Defendants CCSD, JARA, GUERZON, ORTIZ,
19 RAWLINS and/or ROE/DOE Defendants, and each of them, were administrators and/or teachers
20 and/or staff of CCSD acting in their capacity as the supervisors of students at LVHS. G.R.L. and
21 STUDENT were both under the supervision of such administrators, teachers and staff members of
22 LVHS. Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants,
23 and each of them, were acting under the color of law and were authorized by the State of Nevada and
24 CCSD to supervise students, including G.R.L. and STUDENT. Defendants CCSD, JARA,
25 GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants, and each of them, violated G.R.L.'s
26 rights under the Nevada Constitution when G.R.L. was placed in a classroom with STUDENT who,
27 upon information and belief, was known by Defendants CCSD, JARA, GUERZON, ORTIZ,
28 RAWLINS and/or ROE/DOE Defendants to be violent.

1 74. Through its conduct, Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS
2 and/or ROE/DOE Defendants, and each of them, created the opportunity for STUDENT to beat and
3 injure G.R.L. But for the conduct of Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS
4 and/or ROE/DOE Defendants, and each of them, the danger posed by STUDENT to G.R.L. would not
5 have existed. The action and/or inaction of Defendants CCSD, JARA, GUERZON, ORTIZ,
6 RAWLINS and/or ROE/DOE Defendants, and each of them, demonstrates deliberate indifference to
7 G.R.L.'s rights.

8 75. Based upon information and belief, the need for a different course of action,
9 specifically limiting STUDENT's contact around other students, to prevent STUDENT from beating
10 and/or injuring other students such as G.R.L. was obvious to Defendants CCSD, JARA, GUERZON,
11 ORTIZ, RAWLINS and/or ROE/DOE Defendants, and each of them. Despite all of this, Defendants
12 CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants, and each of them, did
13 nothing to prevent STUDENT from injuring G.R.L.

14 76. The conduct of Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or
15 ROE/DOE Defendants, and each of them, in allowing what was, based upon information and belief, a
16 severely violent individual to be around other students was very likely to, and did, result in the
17 violation of G.R.L.'s rights under Article 1, Section 1, of the Nevada Constitution.

18 77. Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE
19 Defendants, and each of them, were deliberately indifferent to the exposure of G.R.L. to physical
20 abuse by STUDENT. Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE
21 Defendants, and each of them, not only failed to supervise STUDENT or prevent the abuse G.R.L.
22 was subjected to by STUDENT, such Defendants also created an environment that allowed
23 STUDENT to have access to, and physically abuse, G.R.L.

24 78. Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE
25 Defendants, and each of them, acquiesced to, and authorized, STUDENT to be around other students
26 despite knowing STUDENT to be violent. This acquiescence and authorization allowed STUDENT
27 to physically abuse G.R.L. This inadequate practice of allowing a student whom was known to be
28 violent to be around other students, including G.R.L., demonstrated deliberate indifference to G.R.L.'s

1 rights under the Nevada Constitution.

2 79. At all times relevant herein, Defendant RAWLINS took no steps to protect G.R.L. after
3 G.R.L., alerted Defendant RAWLINS to threatening statements made to G.R.L., by STUDENT and
4 indicating G.R.L.’s concern for her own safety due to the threats made to G.R.L., by STUDENT.

5 80. The inaction of Defendant RAWLINS to take steps to protect G.R.L., after being made
6 aware of threats made by STUDENT, and the concerns of G.R.L., for her own safety, demonstrates
7 deliberate indifference to G.R.L.’s rights under the Nevada Constitution.

8 81. Because of the deliberate indifference of Defendants CCSD, JARA, GUERZON,
9 ORTIZ, RAWLINS and/or ROE/DOE Defendants, and each of them, G.R.L., was physically abused
10 in violation of her rights pursuant to Article 1, Section 1, of the Nevada Constitution.

11 82. As a direct, proximate and/or legal result of the deliberate indifference of Defendants
12 CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants and failure to comply
13 with their duty to provide a safe school environment for students in violation of NRS 388.1321, which
14 establishes that “all administrators and teachers of a school district have a duty to create and provide
15 a safe and respectful learning environment for all pupils that is free of bullying and cyber-bullying,”
16 by allowing a known violent student access to other students, which constitutes intentional and/or
17 reckless disregard and/or deliberate indifference to G.R.L.’s right to pursue and obtain, and to be free
18 from unjustifiable intrusions of, her safety and happiness under the Nevada Constitution, G.R.L.,
19 suffered severe terror, pain and suffering, mental injuries, and severe mental anguish, and Plaintiffs
20 are entitled to compensation for the aforementioned damages, and Defendants CCSD, JARA,
21 GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants have subjected themselves to liability
22 for those damages in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000).

23 83. As a direct, proximate and/or legal result of the deliberate indifference of Defendants
24 CCDC, JARA, GUERZON, ORTIZ and RAWLINS and/or ROE/DOE Defendants, and failure to
25 comply with its duty to provide a safe school environment for students in violation of NRS 388.1321,
26 which establishes that “all administrators and teachers of a school district have a duty to create and
27 provide a safe and respectful learning environment for all pupils that is free of bullying and cyber-
28 bullying,” by allowing a known violent student access to other students, which constitutes intentional

1 and/or reckless disregard and/or deliberate indifference to G.R.L.’s right to pursue and obtain, and to
2 be free from unjustifiable intrusions of, her safety and happiness under the Nevada Constitution,
3 G.R.L., and/or MOTHER have incurred, and will continue to incur, medical expenses and other
4 economic and special damages for which Plaintiffs are entitled to be compensated for, and Defendants
5 CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants have subjected
6 themselves to liability for those damages in an amount in excess of FIFTEEN THOUSAND
7 DOLLARS (\$15,000).

8 84. As a direct, proximate and/or legal result of the aforesaid violation of the Nevada
9 Constitution, it has been necessary for Plaintiffs to retain the law firm of BERTOLDO CARTER
10 SMITH & CULLEN to prosecute this action, and Plaintiffs are therefore entitled to recover reasonable
11 attorneys’ fees, costs and interest pursuant to NRS 18.010.

12 85. At all times relevant to this Complaint, Defendants CCSD, JARA, GUERZON,
13 ORTIZ, RAWLINS and/or ROE/DOE Defendants were acting within the course and scope of their
14 employment with CCSD and/or DOE/ROE Defendants.

15 86. CCSD and/or DOE/ROE Defendants are vicariously liable for damages to Plaintiffs
16 under the theory of Respondent Superior.

17 87. Defendants do not qualify for discretionary-function immunity because such immunity
18 is not a defense to claims related to the violation of the Nevada Constitution pursuant to Mack v.
19 Williams, 622 P. 3d 434, 168 Nev. Adv. Op. 86 (2022), and/or because their decision and actions in
20 failing to supervise students are not high-level policy-based as required by the second part of the
21 discretionary-function immunity test and recent case law.

22 **4th CAUSE OF ACTION**
23 **NEGLIGENCE / NEGLIGENCE PER SE**
24 **(ALL DEFENDANTS IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES)**

25 88. Plaintiffs repeat and reallege each and every allegation contained in the preceding
26 paragraphs and incorporate the same herein by reference as though fully set forth herein.

27 89. At all times relevant herein, each of the Defendants CCSD, JARA, GUERZON,
28 ORTIZ, RAWLINS and/or ROE/DOE Defendants owed a duty of reasonable care to G.R.L., in

1 carrying out their responsibilities as a district and as administrators, teachers, staff or otherwise.

2 90. The above Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or
3 ROE/DOE Defendants breached their duty of care owed to G.R.L., by allowing what, upon
4 information and belief, was known to be a violent student to be placed in the classroom, thus, making
5 LVHS a hazardous and dangerous place to persons and students to include G.R.L.

6 91. At all times relevant herein, Defendant RAWLINS breached her duty of care when she
7 took no steps to protect G.R.L., after G.R.L., alerted her to threatening statements made to her by
8 STUDENT and G.R.L., indicated her concern for G.R.L.’s own safety due to the threats made to her
9 by STUDENT.

10 92. As a result of the above referenced negligent actions or omissions, Defendants CCSD,
11 JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants, were in violation of Nevada
12 Law.

13 93. At all times relevant to this Complaint, there existed within the duly enacted laws of
14 the State of Nevada a provision enumerated as Nevada Revised Statute 388.1321. That statute
15 imposed upon the members of a board of trustees and all administrators and teachers of a school
16 district a “duty to create and provide a safe and respectful learning environment for all pupils that is
17 free of bullying and cyber-bullying.”

18 94. At all times relevant to this Complaint, there existed within the duly enacted laws of
19 the State of Nevada a provision enumerated as Nevada Revised Statute 388.132(3), which states:
20 “Every classroom, hallway, locker room, cafeteria, restroom, gymnasium, playground, athletic field,
21 school bus, parking lot and other areas on the premises of a public school in this State must be
22 maintained as a safe and respectful learning environment, and no form of bullying or cyber-bullying
23 will be tolerated within the system of public education in this State.”

24 95. At all times relevant to this Complaint, there existed within the duly enacted law of the
25 State of Nevada a provision enumerated as Nevada Revised Statute 388.132(7), which requires “pupils
26 be free from physical, emotional or mental abuse while in the care of the State.”

27 96. “Bullying” is defined within Nevada Revised Statute 388.122(2)(h) to include
28 “[p]hysically harmful contact with or injury to another person or his or her property.”

1 97. At all times mentioned herein, these laws were designed to protect a class of persons,
2 in particular students, to which G.R.L., belonged.

3 98. As a direct, proximate and/or legal result of the violation of laws protecting students,
4 and particularly G.R.L., Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or
5 ROE/DOE Defendants are negligent per se.

6 99. As a direct, proximate and/or legal result of the actions or inactions of Defendants
7 CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants, as described, G.R.L.,
8 was physically abused and sustained physical, mental, and emotional injuries due to the unprovoked
9 attack on her person while on campus and in class, thus depriving G.R.L., of her right to remain safe
10 while in state custody through public school, causing G.R.L., to sustain severe terror, pain and
11 suffering, mental injuries, and severe mental anguish.

12 100. As a direct, proximate and/or legal result of the aforesaid negligence, carelessness and
13 negligence per se of Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE
14 Defendants, G.R.L. was injured in her health, strength and activity, and sustained shock and injury to
15 her body and nervous system all of which have caused, and will continue to cause G.R.L. physical,
16 mental and nervous pain, suffering, and disability.

17 101. As a direct, proximate and/or legal result of the aforesaid negligence, carelessness and
18 negligence per se of Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE
19 Defendants, and each of them, G.R.L. suffered severe terror, pain and suffering, mental injuries, and
20 severe mental anguish, and Plaintiffs are entitled to compensation for the aforementioned damages,
21 and Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants have
22 subjected themselves to liability for those damages in an amount in excess of FIFTEEN THOUSAND
23 DOLLARS (\$15,000).

24 102. As a direct, proximate and/or legal result of the aforesaid negligence and carelessness
25 of Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants, G.R.L.
26 and/or MOTHER have incurred, and will continue to incur, medical expenses and other economic and
27 special damages for which Plaintiffs are entitled to be compensated for, and Defendants CCSD, JARA,
28 GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants have subjected themselves to liability

1 for those damages in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000).

2 103. As a direct, proximate and/or legal result of the aforesaid negligence, carelessness and
3 negligence per se, it has been necessary for Plaintiffs to retain the law firm of BERTOLDO CARTER
4 SMITH & CULLEN to prosecute this action, and Plaintiffs are therefore entitled to recover reasonable
5 attorneys' fees, costs and interest pursuant to NRS 18.010.

6 104. At all times relevant, Defendants CCSD, JARA, GUERZON, ORTIZ, RAWLINS
7 and/or ROE/DOE Defendants were acting within the course and scope of their employment with
8 CCSD.

9 105. CCSD is vicariously liable for damages to Plaintiffs under the theory of Respondent
10 Superior.

11 106. Defendants do not qualify for discretionary-function immunity because their decisions
12 and actions in failing to supervise students are not high-level policy-based as required by the second
13 part of the discretionary-function immunity test and recent case law.

14 **5th CAUSE OF ACTION**
15 **NEGLIGENT TRAINING, AND SUPERVISION**
16 **(DEFENDANT CCSD)**

17 107. Plaintiffs repeat and reallege each and every allegation contained in the preceding
18 paragraphs and incorporate the same herein by reference as though fully set forth herein.

19 108. At all times relevant hereto, based upon information and belief, Defendant CCSD was
20 responsible for the training and supervision of Clark County School District Employees, including but
21 not limited to Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants.

22 109. Defendant CCSD owed a non-delegable duty to CCSD students, including but not
23 limited to G.R.L., to exercise due care in their dealings through its training and supervision of
24 Defendant CCSD's employees, agents, contractors, and/or volunteers.

25 110. Defendant CCSD breached its duty by failing to supervise and train Defendants JARA,
26 GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants as to policies and procedures adequate
27 to protect students, including but not limited to G.R.L., from violent acts by other students.

28 111. That on or about February 1, 2022, as a result of Defendant CCSD's aforementioned
breach, STUDENT had the ability and/or opportunity to commit the violent acts upon G.R.L., as

1 alleged herein.

2 112. As a direct, proximate and/or legal result of the aforesaid negligent training and
3 supervision of employees of CCSD, G.R.L. was injured in her health, strength and activity, and
4 sustained shock and injury to her body and nervous system all of which have caused, and will continue
5 to cause G.R.L. physical, mental and nervous pain, suffering, and disability.

6 113. As a direct, proximate and/or legal result of the aforesaid negligent training and
7 supervision of employees of Defendant CCSD, G.R.L. was injured in and about her head, neck and
8 shoulders and caused to suffer great pain of body and mind, severe emotional and psychological
9 distress and/or trauma all to Plaintiffs' damages in an amount in excess of FIFTEEN THOUSAND
10 DOLLARS (\$15,000).

11 114. As a direct, proximate and/or legal result of the aforesaid negligent training and
12 supervision of employees of Defendant CCSD, G.R.L. and/or MOTHER have incurred, and will
13 continue to incur, medical expenses and other economic and special damages for which Plaintiffs are
14 entitled to be compensated for, and Defendants JARA, GUERZON, ORTIZ, RAWLINS and/or
15 ROE/DOE Defendants have subjected themselves to liability for those damages in an amount in excess
16 of FIFTEEN THOUSAND DOLLARS (\$15,000).

17 115. As a direct, proximate and/or legal result of the aforesaid negligent training and
18 supervision of employees of CCSD, it has been necessary for Plaintiffs to retain the law firm of
19 BERTOLDO CARTER SMITH & CULLEN to prosecute this action, and Plaintiffs are therefore
20 entitled to recover reasonable attorneys' fees, costs and interest pursuant to NRS 18.010.

21 **6th CAUSE OF ACTION**

22 **RECKLESS DISREGARD OF, OR INDIFFERENCE TO,**
23 **PLAINTIFF'S FEDERAL AND NEVADA STATE CONSTITUTIONAL RIGHTS**
24 **RESULTING IN PUNITIVE DAMAGES**

25 **(DEFENDANTS JARA, GUERZON, ORTIZ and RAWLINS IN THEIR**
26 **INDIVIDUAL AND OFFICIAL CAPACITIES)**

27 116. Plaintiffs repeat and reallege each and every allegation contained in the preceding
28 paragraphs and incorporate the same herein by reference as though fully set forth herein.

117. Defendants, and each of them, owed G.R.L. the duties of care, as set forth herein.

1 118. Upon information and belief, at all times relevant to this action, Defendants, and each
2 of them, intentionally, and in reckless disregard of, or indifference to, G.R.L.’s constitutional rights
3 pursuant to the United States and/or Nevada State Constitutions, with conscious disregard for the
4 rights and/or safety of others, breached said duties, thereby violating G.R.L.’s rights under the 14th
5 Amendment to the United States Constitution and Article I, Section I, of the Nevada State
6 Constitution, and caused serious injuries to G.R.L., as described hereinabove.

7 119. By reason of, and as a direct and proximate result of, the aforesaid reckless disregard
8 of, or indifference to, G.R.L.’s constitutional rights pursuant to the United States and/or Nevada State
9 Constitutions, with conscious disregard for the rights and/or safety of others of Defendants JARA,
10 GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants, and each of them, G.R.L. was injured
11 in her health, strength and activity, and sustained shock and injury to her body and nervous system all
12 of which have caused, and will continue to cause G.R.L. physical, mental and nervous pain, suffering,
13 and disability.

14 120. By reason of, and as a direct and proximate result of, the aforesaid reckless disregard
15 of, or indifference to G.R.L.’s constitutional rights pursuant to the United States and/or Nevada State
16 Constitutions with conscious disregard for the rights and/or safety of others of Defendants JARA,
17 GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants, and each of them, G.R.L., was injured
18 in and about her head, neck and shoulders and caused to suffer great pain of body and mind, severe
19 emotional and psychological distress and/or trauma all to Plaintiffs’ damages in an amount in excess
20 of FIFTEEN THOUSAND DOLLARS (\$15,000).

21 121. By reason of, and as a direct and proximate result of, the aforesaid reckless disregard
22 of, or indifference to, G.R.L.’s constitutional rights pursuant to the United States and/or Nevada State
23 Constitutions with conscious disregard for the rights and/or safety of others of Defendants JARA,
24 GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants, and each of them, G.R.L. and/or
25 MOTHER have incurred, and will continue to incur, medical expenses and other economic and special
26 damages for which Plaintiffs are entitled to be compensated for, and Defendants JARA, GUERZON,
27 ORTIZ, RAWLINS and/or ROE/DOE Defendants have subjected themselves to liability for those
28 damages in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000).

1 122. That punitive and exemplary damages are appropriate as a means of punishing
2 Defendants, and each of them, and as a means of deterring others, including Defendants, and each of
3 them, from engaging in such behavior.

4 123. As a direct, proximate and/or legal result of the aforesaid reckless disregard of, or
5 indifference to, G.R.L.'s constitutional rights pursuant to the United States and/or Nevada State
6 Constitutions with conscious disregard for the rights and/or safety of others of Defendants JARA,
7 GUERZON, ORTIZ, RAWLINS and/or ROE/DOE Defendants, and each of them, it has been
8 necessary for Plaintiffs to retain the law firm of BERTOLDO CARTER SMITH & CULLEN to
9 prosecute this action, and Plaintiffs are therefore entitled to recover reasonable attorneys' fees, costs
10 and interest pursuant to NRS 18.010 and 42 U.S.C. 1988(b).

11 **PRAYER AS TO ALL CAUSES OF ACTION**

12 **WHEREFORE**, Plaintiffs pray for a judgment in favor of Plaintiffs and against Defendants
13 as follows:

- 14 1. That Plaintiffs be awarded general and special damages in excess of \$15,000;
- 15 2. That Plaintiffs be awarded punitive damages;
- 16 3. That Plaintiffs be awarded reasonable attorney's fees pursuant to NRS 18.010, 42
17 U.S.C. sec 1988(b), and other applicable laws;
- 18 4. That Plaintiffs be awarded their costs of court;
- 19 5. That Plaintiffs be awarded delay damages and/or pre-judgment and post-judgment
20 interest;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6. That Plaintiffs be awarded any other relief as the Court may deem proper.

BERTOLDO CARTER SMITH & CULLEN

By: /s/ James Sweetin, Esq.

LAWRENCE J. SMITH, ESQ.

Nevada Bar No. 5144

JAMES R. SWEETIN, ESQ.

Nevada Bar No. 5144

7408 West Sahara Avenue

Las Vegas, Nevada 89117

ROBERT L. LANGFORD, ESQ.

Nevada Bar No. 3988

ROBERT L. LANGFORD & ASSOCIATES

1925 Village Center Circle, Suite 150,

Las Vegas, NV 89134

Attorneys for Plaintiffs