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County of Ventura

11/13/2023

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Attorneys for Plaintiff,
JANE DOE

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

JANE DOE, an individual,	)	Case No.:	2023CUPP016530
	)		
Plaintiff,	)		
	)	COMPLAINT FOR DAMAGES	
v.	)	ARISING FROM CHILDHOOD	
	)	SEXUAL ABUSE	
OAK GROVE SCHOOL, LLC;	)		
KRISHNAMURTI FOUNDATION OF	)	DEMAND FOR JURY TRIAL	
AMERICA, an entity of unknown form; PAUL	)		
HERDER; and DOES 1 THROUGH 40,	)		
	)		
Defendants.	)		
	)		
	)		
	)		

Plaintiff Jane Doe complains and alleges against Defendants Oak Grove School, LLC,
Krishnamurti Foundation of America, Paul Herder, and Does 1 through 40 as follows:

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GENERAL ALLEGATIONS

1. Plaintiff Jane Doe ("Plaintiff") is currently 24 years old and resides in Ojai, California. At the time of the incidents, Plaintiff was a student at Oak Grove School in Ojai, California. This action being brought by Plaintiff arises due to incidents of sexual abuse that occurred while she was a minor. As such, her full identity has been concealed from public court filings in order to prevent those not directly involved in this action from learning her identity and making her identity public.

2. Defendant Oak Grove School LLC (Oak Grove School) is a private K-12 school located at 220 W. Lomita Ave., Ojai, CA 93023. Based on information and belief, Oak Grove School is a Limited Liability Company owned and operated by Krishnamurti Foundation of America. Defendants Does 1-20 are employees and agents of Oak Grove School who owed a duty of care to Plaintiff and/or had a duty to control the conduct of Defendant Paul Herder.

3. Defendant Krishnamurti Foundation of America ("Krishnamurti Foundation") is an entity of unknown form that owns and operates Oak Grove School within Ventura County, California. Defendants Does 21-40 are employees and agents of Krishnamurti Foundation who owed a duty of care to Plaintiff and/or had a duty to control the conduct of Defendant Paul Herder.

4. Defendant Paul Herder ("Herder") was an employee of Oak Grove School when he committed acts of sexual abuse and assault against Plaintiff, except where noted otherwise. In 2023, Herder was arrested for his sexual misconduct against Plaintiff. Herder is currently being prosecuted for his crimes.

5. Jurisdiction and venue are proper in the Superior Court of Ventura County because the incident occurred in Ventura County.

6. The true names and capacities of Defendants Does 1 through 40, whether an individual, business, public entity, or some other entity, are presently unknown to Plaintiff who therefore sues said Defendants by such fictitious names pursuant to Code of Civil Procedure section 474. When the true names, identities or capacities of such fictitiously designated Defendants are ascertained, Plaintiff will ask leave of Court to amend the complaint to assert the true names, identities and capacities, together with the proper charging allegations.

7. Each of the Defendants designated herein as a Doe was the agent and employee of

each of the remaining defendants and was at all times acting within the course and scope of such agency and employment with the full knowledge, consent, authority, ratification and/or permission of each of the remaining defendants.

8. Wherever appearing in this complaint, each and every reference to Defendants, or any of them, is intended to include, and shall be deemed to include, all fictitiously named defendants.

FACTS COMMON TO ALL CAUSES OF ACTION

9. Prior to 2004, Herder was hired by the Krishnamurti Foundation to fill a teaching position at one of the Krishnamurti schools in England. In 2004, Herder began teaching at Oak Grove School in Ojai, California.

10. During the 2013/2014 school year, Plaintiff was 14 years old when she entered 9th grade at Oak Grove School. Plaintiff was a shy and quiet child. She met Herder on a tour of the Oak Grove School campus. Herder was 55 years old at the time.

11. Oak Grove School was a particularly small school, and Plaintiff's class consisted of 15 students.

12. During Plaintiff's freshman year, Herder was her English teacher. On the last day of Plaintiff's freshman year, Herder kissed Plaintiff on the cheek at a school assembly. She was only 14 years old at the time.

13. During the 2014/2015 school year, Plaintiff was a sophomore at Oak Grove School. Herder was her English teacher for the second year in a row. Herder began "grooming" Plaintiff with the intent of manipulating her emotions and taking advantage of her young age during a vulnerable time in her life so that he could ultimately sexually abuse her.

14. The grooming consisted of Herder giving special attention to Plaintiff, having personal adult-like conversations with her, giving her gifts, spending time with her alone on campus, and acting affectionately towards her at school. Herder often gave Plaintiff long hugs on campus and in the presence of other teachers and students. Herder began giving Plaintiff money as well as rides in his personal vehicle.

15. During the 2015/2016 school year, Plaintiff was a junior at Oak Grove School. Herder was Plaintiff's English teacher for the third year in a row, and her music teacher. Plaintiff was

Herder's teaching assistant. During her junior year, Herder began acting flirtatious towards Plaintiff, often touching her and complimenting her physical appearance and intellect.

16. During December of Plaintiff's junior year, Plaintiff attended a music rehearsal with other students. Herder asked Plaintiff, "What kind of love is this?" Plaintiff responded that their relationship was like that of a father-daughter. Herder gave Plaintiff a disappointed look. Soon after, Herder began touching Plaintiff's arms and rubbing her neck.

17. In February of Plaintiff's junior year, Herder suggested to Plaintiff that they go on a date together when she turned 18, gifted Plaintiff a book for Valentine's Day, and gifted Plaintiff one of his own jackets, dressed her with it, and allowed her to wear it around campus. Herder continued hugging Plaintiff on campus.

18. In March of Plaintiff's junior year, Plaintiff had lunch with her teachers, including Herder, during a school beach trip. Plaintiff was the only student having lunch with the teachers. Herder touched Plaintiff's leg under the table and bought her lunch. Thereafter, Herder began spending time alone with Plaintiff off campus.

19. In April and May of Plaintiff's junior year, Herder's grooming and manipulation of Plaintiff ultimately resulted in him sexually abusing and assaulting her for the first time. During these months, Herder met with Plaintiff between 12-15 times, both on and off campus. During these meetings, Herder would engage in oral copulation with Plaintiff. Herder also digitally penetrated Plaintiff, including in his classroom at the Oak Grove School campus. This began what would become a childhood defined by sexual abuse.

20. In June of Plaintiff's junior year, Herder escalated his abuse of Plaintiff by providing her with alcohol and engaging in penetrative intercourse with her multiple times.

21. In the 2016/2017 school year, Plaintiff was a senior in high school. Herder was no longer a teacher at Oak Grove School, but he continued to sexually abuse Plaintiff.

22. From the spring of the 2015/2016 school year through the end of 2016/2017 school year, Herder sexually abused Plaintiff over *forty* times.

23. Throughout the years when the abuse was occurring, Oak Grove School staff and students suspected an inappropriate relationship between Plaintiff and Herder. Teachers saw Herder

1 acting affectionately towards Plaintiff on campus, reported Herder's inappropriate involvement with
2 Plaintiff, and/or confronted Herder about his inappropriate involvement with Plaintiff. Despite this,
3 no action was taken by Oak Grove School or Krishnamurti Foundation.

4 24. In or around 2023, Plaintiff informed the head of Oak Grove School about Herder's
5 misconduct against her. In June of 2023, Herder was arrested and charged with over 23 counts of
6 misconduct against Plaintiff.

7 25. Oak Grove School and Krishnamurti Foundation engaged in a concerted effort to hide
8 evidence relating to childhood sexual assault, abuse and harassment perpetrated by Herder against
9 other minor children prior to the childhood sexual assault of Plaintiff. As a result of the "cover up,"
10 Plaintiff was sexually assaulted by Herder beginning in or around the spring of 2016.

11 **FIRST CAUSE OF ACTION**

12 **NEGLIGENT HIRING, SUPERVISION & RETENTION OF AN UNFIT EMPLOYEE** 13 **(Plaintiff against Defendants Oak Grove School, Krishnamurti Foundation and Does 1-40)**

14 26. Plaintiff re-alleges and incorporates by reference herein each and every allegation
15 contained herein above as though fully set forth and brought in this cause of action.

16 27. Defendants had the responsibility and duty to adequately and properly investigate,
17 hire, train and supervise their employees and to protect their students from harm caused by unfit and
18 dangerous individuals they hire.

19 28. Defendants knew or should have known that Herder was unfit to be a coach before
20 they hired him. Had Defendants conducted an appropriate and reasonable investigation into Herder's
21 background, they would have learned that Herder was unfit to be an employee and would not have
22 hired him.

23 29. Defendants failed to exercise reasonable care in supervising Herder while he was on
24 school grounds.

25 30. Throughout his employment, Herder exhibited inappropriate behavior towards female
26 students. This included frequently being alone with female students at the school without
27 justification, touching female students, and other improper behavior.

28 31. Defendants' staff and students suspected an inappropriate relationship between

1 Plaintiff and Herder. Teachers saw Herder acting affectionately towards Plaintiff on campus, reported
2 Herder's inappropriate involvement with Plaintiff, and/or confronted Herder about his inappropriate
3 involvement with Plaintiff.

4 32. Defendants breached their duty to properly and adequately investigate, hire, train and
5 supervise Herder.

6 33. Had Defendants properly investigated, supervised, trained, and monitored Herder, they
7 would have learned that he was unfit to be employed at a school. By failing to adequately supervise,
8 monitor, or investigate, Defendants allowed Herder to continue, unhindered, with his predatory
9 conduct directed towards underage students, including Plaintiff.

10 34. Defendants negligently hired, supervised, retained, monitored, and otherwise
11 employed Herder. This negligence was a substantial factor and legal cause of Plaintiff's injuries and
12 damages.

13 35. Had Defendants performed their duties and responsibilities to monitor, supervise,
14 and/or investigate their employee, Herder, Plaintiff would not have been subject to the sexual abuse
15 and other harmful conduct inflicted upon her.

16 36. As a direct and legal result of this, Plaintiff suffered injuries including, but not limited
17 to, physical injuries, mental pain and suffering, emotional distress, past and future costs of medical
18 care and treatment, past and future loss of earnings and/or earning capacity, and other economic and
19 non-economic damages in an amount not yet ascertained, but which exceed the minimum
20 jurisdictional limits of this Court.

21 37. Oak Grove School and Krishnamurti Foundation engaged in a concerted effort to hide
22 evidence relating to childhood sexual assault, abuse and harassment perpetrated by Herder against
23 other minor children prior to the childhood sexual assault of Plaintiff. As a result of the "cover up,"
24 Plaintiff was sexually assaulted by Herder beginning in or around the spring of 2016. As such, an
25 award up to treble damages based on Code of Civil Procedure section 340.1(b) is justified against
26 Oak Grove School and Krishnamurti Foundation.

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SECOND CAUSE OF ACTION

BREACH OF MANDATORY DUTY: FAILURE TO REPORT SUSPECTED CHILD ABUSE
(Plaintiff against Defendants Oak Grove School, Krishnamurti Foundation and Does 1-40)

38. Plaintiff re-alleges and incorporates by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

39. Defendants, acting through their employees and agents Does 1 through 40, were at all times “mandated reporters” pursuant to the provisions of Penal Code section 11166., et seq., also known as the Child Abuse and Neglect Reporting Act. As mandated reporters of suspected child abuse, Defendants were legally obligated to personally report reasonably suspected incidents of child abuse to the police and/or child protective services within a very short period of time.

40. Defendants, acting through their employees, had or should have had a reasonable suspicion that Herder was engaged in sexual misconduct, yet failed to report the suspected abuse to the authorities.

41. Defendants' employees violated the Child Abuse and Neglect Reporting Act, Penal Code section 11166, et seq. They were acting within the course and scope of their employment when they violated the reporting requirements, and therefore Defendants are vicariously liable for that negligence.

42. By failing to report suspected child abuse, Defendants allowed Herder to continue, unhindered, in his abuse of adolescent girls, including Plaintiff.

43. As a direct and legal result of this, Plaintiff suffered injuries including, but not limited to, physical injuries, mental pain and suffering, emotional distress, past and future costs of medical care and treatment, past and future loss of earnings and/or earning capacity, and other economic and non-economic damages in an amount not yet ascertained, but which exceed the minimum jurisdictional limits of this Court.

44. Oak Grove School and Krishnamurti Foundation engaged in a concerted effort to hide evidence relating to childhood sexual assault, abuse and harassment perpetrated by Herder against other minor children prior to the childhood sexual assault of Plaintiff. As a result of the “cover up,” Plaintiff was sexually assaulted by Herder beginning in or around the spring of 2016. As such, an

award up to treble damages based on Code of Civil Procedure section 340.1(b) is justified against Oak Grove School and Krishnamurti Foundation.

THIRD CAUSE OF ACTION

SEXUAL ABUSE OF A MINOR

(Plaintiff against Defendants Herder and Does 1-40)

45. Plaintiff re-alleges and incorporates by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

46. As described above, while Plaintiff was a student at Oak Grove School, Herder took advantage of his position at the school to engage in unlawful sexual acts and other harmful misconduct with Plaintiff. Plaintiff did not consent to the acts, nor could Plaintiff have consented as she was under the age of 18 for all of these acts. The sexual crimes took place from the spring of the 2015/2016 school year through the end of the 2016/2017 school year.

47. As a direct and legal result of this, Plaintiff suffered injuries including, but not limited to, physical injuries, mental pain and suffering, emotional distress, past and future costs of medical care and treatment, past and future loss of earnings and/or earning capacity, and other economic and non-economic damages in an amount not yet ascertained, but which exceed the minimum jurisdictional limits of this Court.

48. In committing the despicable acts described above, Herder acted with willfulness, malice, and oppression, justifying an award of punitive damages against him.

FOURTH CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(Plaintiff against Defendants Herder and Does 1-40)

49. Plaintiff re-alleges and incorporates by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

50. Acting with knowledge of his superior position with Plaintiff and realizing Plaintiff's special susceptibility to emotional distress due to her age and inexperience and vulnerability, Herder commenced upon a course of intentionally grooming Plaintiff so that he could ultimately coerce and convince Plaintiff to engage in unlawful sexual acts. Herder was an employee at Plaintiff's high

1 school and he used this position to gain Plaintiff's trust and friendship, knowing that he could then
2 take advantage of Plaintiff sexually.

3 51. Herder's misconduct was extreme and outrageous, particularly because of the age of
4 Plaintiff and because he was an employee at the high school Plaintiff attended. Herder used this to
5 his advantage by manipulating Plaintiff's emotions and exploiting her sexually.

6 52. Herder's acts were intentional, willful, oppressive, and malicious and done for the
7 purpose of causing Plaintiff to suffer severe emotional harm, humiliation, mental anguish and
8 emotional distress or with reckless disregard for the likelihood that he would cause Plaintiff such
9 distress.

10 53. As a direct and legal result of this, Plaintiff suffered injuries including, but not limited
11 to, physical injuries, mental pain and suffering, emotional distress, past and future costs of medical
12 care and treatment, past and future loss of earnings and/or earning capacity, and other economic and
13 non-economic damages in an amount not yet ascertained, but which exceed the minimum
14 jurisdictional limits of this Court.

15 54. In committing the despicable acts described above, Herder acted with willfulness,
16 malice, and oppression, justifying an award of punitive damages against him.

17 **FIFTH CAUSE OF ACTION**

18 **NEGLIGENT FAILURE TO WARN, TRAIN OR EDUCATE**

19 **(Plaintiff against Defendants Oak Grove School, Krishnamurti Foundation and Does 1-40)**

20 55. Plaintiff re-alleges and incorporates by reference herein each and every allegation
21 contained herein above as though fully set forth and brought in this cause of action.

22 56. Defendants had a duty to warn, train and educate the students in their custody, care
23 and control, like Plaintiff, on known and knowable dangers posed by its faculty and staff. Defendants
24 also had a duty to warn, train and educate their faculty and staff on their sexual harassment policy and
25 inappropriate boundary crossing with students.

26 57. Defendants breached their duty to Plaintiff by failing to warn her of known and
27 knowable dangers posed by its faculty and staff, including Herder; by failing to inform and educate
28 her on their sexual harassment policies and the methods to identify, report and respond to

1 inappropriate sexual harassment by teachers; and by failing to train their faculty, including Herder, on
2 sexual harassment policies.

3 58. As a direct and legal result of the negligence of Defendants, Plaintiff was groomed,
4 manipulated and ultimately sexually assaulted and abused by Herder.

5 59. Had Defendants fulfilled their duties and responsibilities, Plaintiff would not have
6 been injured and damaged.

7 60. As a direct and legal result of this, Plaintiff suffered injuries including, but not limited
8 to, physical injuries, mental pain and suffering, emotional distress, past and future costs of medical
9 care and treatment, past and future loss of earnings and/or earning capacity, and other economic and
10 non-economic damages in an amount not yet ascertained, but which exceed the minimum
11 jurisdictional limits of this Court.

12 61. Oak Grove School and Krishnamurti Foundation engaged in a concerted effort to hide
13 evidence relating to childhood sexual assault, abuse and harassment perpetrated by Herder against
14 other minor children prior to the childhood sexual assault of Plaintiff. As a result of the “cover up,”
15 Plaintiff was sexually assaulted by Herder beginning in or around the spring of 2016. As such, an
16 award up to treble damages based on Code of Civil Procedure section 340.1(b) is justified against
17 Oak Grove School and Krishnamurti Foundation.

18 **SIXTH CAUSE OF ACTION**

19 **NEGLIGENT SUPERVISION OF A MINOR**

20 **(Plaintiff against Defendants Oak Grove School, Krishnamurti Foundation and Does 1-40)**

21 62. Plaintiff re-alleges and incorporates by reference herein each and every allegation
22 contained herein above as though fully set forth and brought in this cause of action.

23 63. Defendants were responsible for the care, custody, control, supervision and protection
24 of the minor students entrusted to them; like Plaintiff. Thus, said defendants had a duty to adequately
25 and properly supervise, monitor and protect Plaintiff from known and knowable dangers; like Herder.

26 64. Defendants breached their duty to supervise, monitor and protect Plaintiff by, in part,
27 ignoring clear and obvious signs that Herder was engaged in repeated inappropriate behavior and
28

1 harassing sexual relationships with several of his underage female students, including Plaintiff
2 properly and adequately.

3 65. Had Defendants adequately and properly supervised, monitored and protected their
4 students, Plaintiff would not have been harmed.

5 66. Defendants also recklessly and negligently failed to implement and/or enforce policies
6 or procedures that were aimed at preventing or detecting the sexual abuse of their students which fell
7 well below the standard of care.

8 67. Had Defendants adequately performed their duty and responsibility, then Plaintiff
9 would not have been subject to the sexual assault and harassment as alleged herein.

10 68. As a direct and legal result of this, Plaintiff suffered injuries including, but not limited
11 to, physical injuries, mental pain and suffering, emotional distress, past and future costs of medical
12 care and treatment, past and future loss of earnings and/or earning capacity, and other economic and
13 non-economic damages in an amount not yet ascertained, but which exceed the minimum
14 jurisdictional limits of this Court.

15 **SEVENTH CAUSE OF ACTION**

16 **NEGLIGENCE**

17 **(On Behalf of Plaintiff and Against Defendant Does 1-40)**

18 69. Plaintiff re-alleges and incorporates by reference herein each and every allegation
19 contained herein above as though fully set forth and brought in this cause of action.

20 70. Defendant Does 1 through 40 are persons, entities or businesses who owed a duty of
21 care to Plaintiff or had a duty to control the conduct of the perpetrator, Herder, by way of the special
22 relationship existing between those individuals.

23 71. Does 1 through 40 knew or should have known of Herder's misconduct and sexually
24 predatory behavior directed at adolescent girls.

25 72. Despite having knowledge of Herder's misconduct, Does 1 through 40 failed to take
26 any preventive action to control that conduct, and failed to warn Plaintiff of that wrongful conduct,
27 despite having a legal duty to do so.

1 73. Does 1 through 40, inclusive, and each of them, also negligently failed to create,
2 implement, and/or enforce policies and procedures to prevent child abuse, and so further negligently,
3 carelessly, and recklessly conducted themselves so as to be a substantial factor in causing Plaintiff's
4 injuries.

5 74. As a direct and legal result of the negligence of Does 1 through 40, Plaintiff was
6 sexually abused by Herder.

7 75. Had said Doe defendants fulfilled their duties and responsibilities, Plaintiff would not
8 have been sexually abused.

9 76. As a direct and legal result of this, Plaintiff suffered injuries including, but not limited
10 to, physical injuries, mental pain and suffering, emotional distress, past and future costs of medical
11 care and treatment, past and future loss of earnings and/or earning capacity, and other economic and
12 non-economic damages in an amount not yet ascertained, but which exceed the minimum
13 jurisdictional limits of this Court.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff Jane Doe prays for judgment against Defendants Oak Grove School, Krishnamurti Foundation, Paul Herder, and Does 1-40, and each of them, as follows:

1. For an award of special (economic) and general (non-economic) damages according to proof against all Defendants;
2. For punitive and exemplary damages against Defendant Paul Herder;
3. For an award up to treble damages based on Code of Civil Procedure section 340.1 against Defendants Oak Grove School and Krishnamurti Foundation;
4. For costs of suit incurred herein; and
5. For such other and further relief as the Court deems just and proper.

Dated: November 6, 2023

TAYLOR & RING

By:



David M. Ring
Natalie Weatherford
Sonya Ostovar
Afnan Shukry
Attorneys for Plaintiff

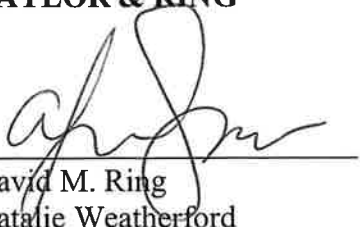
DEMAND FOR JURY TRIAL

Plaintiff Jane Doe hereby demands that her action be determined by trial by jury.

Dated: November 6, 2023

TAYLOR & RING

By:


David M. Ring
Natalie Weatherford
Sonya Ostovar
Afnan Shukry
Attorneys for Plaintiff