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Superior Court of California,
County of Alameda
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

JUSTIN RICHARDSON, an individual; and
ERICA JOHNSON, an individual,

Plaintiffs,

vs.

BERKELEY UNIFIED SCHOOL DISTRICT, a
California public school district; BERKELEY
POLICE DEPARTMENT, a department of the
City of Berkeley, a municipal corporation; and
DOES 1 through 100, inclusive,

Defendants.

Case No.: **26CV174248**
[UNLIMITED CIVIL JURISDICTION]

PLAINTIFFS' COMPLAINT FOR:

- (1) NEGLIGENCE;
 - (2) NEGLIGENCE PER SE;
 - (3) NEGLIGENT HIRING;
 - (4) FALSE IMPRISONMENT;
 - (5) VIOLATION OF SUBSTANTIVE DUE PROCESS (42 U.S.C. § 1983);
 - (6) VIOLATION OF EQUAL PROTECTION CLAUSE (42 U.S.C. § 1983);
 - (7) BATTERY;
 - (8) ASSAULT;
 - (9) CHILD ABUSE AND NEGLECT;
 - (10) VIOLATION OF THE CHILD ABUSE AND NEGLECT REPORTING ACT; AND
- DEMAND FOR JURY TRIAL**

COME NOW plaintiffs Justin Richardson ("JR") and Erica Johnson ("Johnson") (collectively, "Plaintiffs") and allege as follows on information and belief.

JURISDICTION AND VENUE

1. Defendants subject to this complaint ("Complaint") do business within the County of Alameda, State of California, or conducted business within the geographic boundaries of the County, or the acts resulting in the breaches and conduct complained of below, occurred within the

1 geographic boundaries and jurisdiction of the Superior Court of California for the County of
2 Alameda.

3 **PARTIES**

4 2. Plaintiff Justin Richardson is, and was always relevant to this action, an individual
5 and resident of Alameda County, California. At all times mentioned, JR was a student of Berkeley
6 Unified School District and lawfully on the premises of Berkeley High School. At the time of the
7 incident, JR was a minor but has since reached the age of majority.

8 3. Plaintiff Erica Johnson is, and was always relevant to this action, an individual and
9 resident of Alameda County, California. She is also JR’s mother.

10 4. Defendant Berkeley Unified School District (“BUSD”) is a public entity school
11 district that operates within Alameda County, and operated the Berkeley High School, located at
12 1980 Allston Way, Berkeley, California 94704

13 5. Defendant Berkeley Police Department (“BPD”) is a department of the City of
14 Berkeley (the “City”), which is a municipal corporation that jointly oversees and staffs school
15 resource officers at public education institutions within its geographic boundaries.

16 6. Plaintiffs are ignorant of the true names and capacities of defendants sued herein as
17 DOES 1 to 100, inclusive, and therefore sues these defendants by such fictitious names. Plaintiffs
18 will amend this Complaint to allege their true names and capacities when ascertained. Plaintiffs are
19 informed and believes, and based thereon alleges, that each of the fictitiously named defendants is
20 responsible in some manner for the injuries to Plaintiffs alleged herein, and that such injuries as
21 herein alleged were proximately caused by such defendants.

22 7. Plaintiffs are informed and believe, and thereon allege, that always herein mentioned,
23 that each of the defendants were the agents, employees, partners, joint venturers, co-conspirators,
24 successors or predecessors in interest, owners, principals, and employers of the remaining
25 defendants, and in doing the things hereinafter alleged, were acting within the course and scope of
26 such agency, partnership, employment, ownership, joint venture and/or conspiracy. Plaintiffs are
27 further informed and believe, and based thereon alleges, that the acts and conduct herein alleged of
28 each such defendant were known to, authorized by, and/or ratified by the other defendants, and each

1 of them.

2 **GENERAL ALLEGATIONS**

3 8. On March 4, 2025, in the course of attending his regularly scheduled therapy session
4 on the campus of Berkely High School, JR was assaulted, falsely arrested and his civil rights violated
5 by the Berkely Police Department (“BPD”) school resource officer (“SRO”) at the direction of the
6 Berkeley High School administration and staff.

7 9. Erica Johnson (“Johnson” and/or “Mother”) and Justin Richardson make the
8 following claims for personal injury, violation of civil rights, and damages against Berkeley High
9 School (“BHS”), Berkeley Unified School District (“BUSD”), Berkeley Police Department (“BPD”)
10 and the City of Berkeley, jointly and severally (collectively, “Defendants”).

11 10. At all times herein mentioned JR was a student of Berkeley Technical High School
12 (“BTHS”) and lawfully on the premises of BHS for his weekly therapy session as part of his
13 Independent Educational Plan (“IEP”).

14 11. On March 4, 2025, while JR was leaving his weekly therapy session on the BHS
15 campus to return to his home campus at BTHS, he was approached by a BPD school resource officer
16 (the ”SRO”), who assaulted JR without provocation, slammed him and injured him, then led him off
17 campus to a side exit where the SRO knew cameras could not record the encounter, further assaulted
18 JR, and falsely arrested him.

19 12. Respondents had a heightened duty of care to JR and other students of BHS and
20 BUSD. Pursuant to the California Constitution, Article 1, Sections 13 and 28 and the California
21 Education Code Section 44807, Respondents have a mandated duty to protect the health and safety
22 of students. Pursuant to California Code of Regulations, Title V, Sections 5551 and 5552,
23 Respondents have a duty to adequately train, supervise, manage, monitor, retain, investigate, etc.,
24 their employees and school staff and faculty.

25 13. BHS failed to report the matter to the Department of Education.

26 14. Respondents and each of them are liable, including but not limited to the following:
27 negligence, negligence per se, misrepresentation, negligent hiring, retaining and supervising,
28 inspecting, monitoring their faculty, staff, employees, directors and board members, etc., JR's civil

1 rights, battery, assault, child abuse and neglect, violation of the Child Abuse and Neglect Reporting
2 Act, thereby creating a dangerous condition to exist at BHS, false arrest and as a direct result JR was
3 injured.

4 **FIRST CAUSE OF ACTION**
5 **(NEGLIGENCE)**

6 **(Plaintiffs against All Defendants, including DOES 1 to 100, inclusive)**

7 15. Plaintiffs reallege and incorporate by reference the allegations contained in
8 paragraphs 1 through 14 above as though fully set forth herein.

9 16. Defendants stood in *loco parentis* and had a heightened duty to care for JR, who was
10 delivered to their care, as a student during the school day and school hours to ensure that JR was
11 provided with a clean, safe and violence free learning environment.

12 17. Defendants breached their duties to Plaintiffs by failing to provide such a clean, safe
13 and violence free learning environment.

14 18. As a result of Defendants' carelessness, JR Suffered physical and mental injuries.
15 Plaintiffs were harmed in an amount in excess of \$35,000, with the true amount to be proved at trial.

16 **SECOND CAUSE OF ACTION**
17 **(NEGLIGENCE PER SE)**

18 **(Plaintiffs against All Defendants, including DOES 1 to 100, inclusive)**

19 19. Plaintiffs reallege and incorporate by reference the allegations contained in
20 paragraphs 1 through 18 above as though fully set forth herein.

21 20. Defendants had duties to JR under both the California Constitution, article 1, section
22 28(c)(1) and the Education Code, sections 32281, 44807 [employee duty to protect students from
23 violence], and 48900 to provide a plan, train staff and implement strategies against violence,
24 discrimination and harassment.

25 21. Defendants breached their duties to Plaintiffs by failing to provide a clean, safe and
26 violence free learning environment.

27 22. As a result of Defendants' carelessness, JR suffered physical and mental injuries.
28 Plaintiffs were harmed in an amount in excess of \$35,000, with the true amount to be proved at trial.

1 **THIRD CAUSE OF ACTION**

2 **(NEGLIGENT HIRING)**

3 **(Plaintiffs against All Defendants, including DOES 1 to 100, inclusive)**

4 23. Plaintiffs reallege and incorporate by reference the allegations contained in
5 paragraphs 1 through 22 above as though fully set forth herein.

6 24. Defendants had duties to JR to hire competent, capable and fit staff and school
7 resource officers to ensure that students are not subjected to unsafe, unfit and violent adults.

8 25. Defendants breached their duties to Plaintiffs failing to hire competent, capable and
9 fit teachers and staff to educate student, like JR, at BUSD. Defendants did not do an adequate
10 background check, reference check or psychological evaluation before placing SROs on campus
11 who were aware of BUSD policies regarding deescalating and dealing with students, who may suffer
12 from learning disabilities and/or mental health issues, in their care..

13 26. As a result of Defendants' carelessness, JR suffered physical and mental injuries at
14 the hands of the SRO. Plaintiffs were harmed in an amount in excess of \$35,000, with the true
15 amount to be proved at trial.

16 **FOURTH CAUSE OF ACTION**

17 **(FALSE IMPRISONMENT)**

18 **(Plaintiffs against All Defendants, including DOES 1 to 100, inclusive)**

19 27. Plaintiffs reallege and incorporate by reference the allegations contained in
20 paragraphs 1 through 26 above as though fully set forth herein.

21 28. On March 4, 2025, while JR was leaving his weekly therapy session on the BHS
22 campus to return to his home campus at BTHS, he was approached by a BPD SRO officer who was
23 assigned to BHS by BPD and BUSD, who assaulted JR without provocation, slammed him and
24 injured him, then led him off campus to a side exit where the SRO knew cameras could not record
25 the encounter, further assaulted JR, and falsely arrested him.

26 29. The SRO acting as an agent of BUSD and BPD wrongfully arrested JR.

27 30. The SRO intentionally caused JR to be arrested without a warrant without probable
28 cause or any other justification, which caused JR harm.

1 damages in an amount to be proved at trial.

2 **SEVENTH CAUSE OF ACTION**

3 **(BATTERY)**

4 **(Plaintiffs against All Defendants, including DOES 1 to 100, inclusive)**

5 42. Plaintiffs reallege and incorporate by reference the allegations contained in
6 paragraphs 1 through 41 above as though fully set forth herein.

7 43. The SRO intentionally and harmfully picked up JR and slammed him to the ground.

8 44. JR did not consent to the being touched by the SRO.

9 45. The SRO's contact was harmful and caused JR significant physical and mental injury
10 and pain.

11 46. As a result of The SRO's actions, JR suffered physical and mental injuries at the
12 hands of the SRO. Plaintiffs were harmed in an amount in excess of \$35,000, with the true amount
13 to be proved at trial. The SRO's conduct was malicious and oppressive such that an award of
14 exemplary damages is also appropriate.

15 **EIGHTH CAUSE OF ACTION**

16 **(ASSAULT)**

17 **(Plaintiffs against All Defendants, including DOES 1 to 100, inclusive)**

18 47. Plaintiffs reallege and incorporate by reference the allegations contained in
19 paragraphs 1 through 46 above as though fully set forth herein.

20 48. The SRO acted and intended to cause harmful contact with JR.

21 49. JR reasonably believed that he was about to be touched by the SRO in a harmful
22 manner.

23 50. JR did not consent to the SRO's conduct.

24 51. The SRO's contact was harmful and caused JR significant physical and mental injury
25 and pain.

26 52. As a result of the SRO's actions, JR suffered physical and mental injuries at the hands
27 of The SRO. Plaintiffs were harmed in an amount in excess of \$35,000, with the true amount to be
28 proved at trial. The SRO's conduct was malicious and oppressive such that an award of exemplary

1 damages is also appropriate.

2 **NINTH CAUSE OF ACTION**
3 **(CHILD ABUSE AND NEGLECT)**

4 **(Plaintiffs against All Defendants, including DOES 1 to 100, inclusive)**

5 53. Plaintiffs reallege and incorporate by reference the allegations contained in
6 paragraphs 1 through 52 above as though fully set forth herein.

7 54. The SRO, a BUSD hired staff, acting *in loco parentis*, had a heightened duty to ensure
8 that JR was safe and free from abuse and violence while in his care. Yet, the SRO intentionally and
9 harmfully picked up JR and slammed him to the ground.

10 55. JR did not consent to the being touched by The SRO.

11 56. The SRO's contact was harmful and caused JR significant physical and mental injury
12 and pain.

13 57. As a result of The SRO's actions, JR suffered physical and mental injuries at the
14 hands of The SRO. Plaintiffs were harmed in an amount in excess of \$35,000, with the true amount
15 to be proved at trial. The SRO's conduct was malicious and oppressive such that an award of
16 exemplary damages is also appropriate.

17 **TENTH CAUSE OF ACTION**
18 **(VIOLATION OF THE CHILD ABUSE AND NEGLECT REPORTING ACT)**

19 **(Plaintiffs against All Defendants, including DOES 1 to 100, inclusive)**

20 58. Plaintiffs reallege and incorporate by reference the allegations contained in
21 paragraphs 1 through 57 above as though fully set forth herein.

22 59. Defendants BUSD, BHS staff and the BPD SRO were all entrusted with a heightened
23 duty to care for minor student JR and acting *in loco parentis*, during school hours on a school day.
24 Each of these defendants had a heightened duty to ensure that JR was safe and free from abuse and
25 violence while in his care. Yet, the SRO intentionally and harmfully picked up JR and slammed him
26 to the ground.

27 60. Pursuant to California's Child Abuse and Neglect Reporting Act ("CANRA"),
28 codified in the Penal Code sections 11164 to 11174.3, each of these defendants was a mandated

1 reporter with the duty to report the battery JR suffered at the SRO's hands.

2 61. Each of these defendants failed to fulfill their duties pursuant to CANRA and are now
3 liable for damages for their failure to report the injuries JR suffered at the SRO's hands, in an amount
4 to be proved at trial but no less than \$35,000.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, jointly
7 and severally, as follows:

8 1. For general and special damages in an amount to be proved at trial, in an amount no
9 less than the jurisdictional limits of this Court.


10 2. For exemplary damages as appropriate.

11 3. For reasonable attorney's fees and costs pursuant to statute or agreement.

12 4. For such other relief the court deems proper.

13 DATED: March 4, 2026

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15 
16 By: _____
17 Mainak D'Attaray
18 Attorneys for Plaintiffs

19 **DEMAND FOR JURY TRIAL**

20 Pursuant to article 1, section 16, of the California Constitution, Plaintiffs hereby demand a
21 trial by jury as to each cause of action so entitled.

22 DATED: March 4, 2026

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24 
25 _____
26 Mainak D'Attaray
27 Attorneys for Plaintiffs