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*Attorneys for Plaintiffs Jessica Konen and A.G., her minor child*

**SUPERIOR COURT OF CALIFORINA**

**COUNTY OF MONTEREY**

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| --- | --- |
| **JESSICA KONEN and A.G., her minor child,**  **Plaintiff,**  **v.**    **LORI CALDEIRA, in her personal capacity; KELLY BARAKI, in her personal capacity; KATELYN PAGARAN, in her personal capacity; and SPRECKELS UNION SCHOOL DISTRICT,**  **Defendants.** | **Case No: \_\_\_\_\_\_\_\_\_\_**  **COMPLAINT**  **DEMAND FOR JURY TRIAL** |
|  |  |

Jessica Konen and A.G., her minor child (collectively, “Plaintiffs”), through their undersigned counsel, state the following claims for relief against Lori Caldeira, in her personal capacity; Kelly Baraki, in her personal capacity; Katelyn Pagaran, in her personal capacity; and the Spreckels Union School District (collectively, “Defendants”):

**INTRODUCTION**

1. Ms. Konen brings this action to vindicate her fundamental right under the Fourteenth Amendment to the United States Constitution to direct the upbringing of her minor child, A.G. Defendants, teachers and administrators at A.G.’s middle school, along with the school itself, secretly convinced A.G.—who was 11 years old at the time—first, that she was bisexual and, later, that she was transgender—*i.e.*, that her gender did not correspond with her biological sex. Despite the serious mental stress these actions inflicted on A.G., Defendants attempted to counsel A.G. themselves, without her mother’s involvement, instructing A.G. that she must not tell her mother, her closest confidant, about her new gender identity.
2. At Defendants’ urging and direction, A.G. took on a new gender identity, different from her biological sex, including assuming a new name associated with her new gender identity and going by new pronouns. Defendants began referring to A.G. by her new name and pronouns, changed A.G.’s name in certain educational records, and arranged for A.G. to use the unisex bathroom at school that was otherwise reserved for teachers, all without informing or consulting with her mother, Ms. Konen.
3. In fact, Defendants attempted to deceive Ms. Konen of A.G.’s new gender identity by using A.G.’s birth name and corresponding pronouns in her (Ms. Konen’s) presence while using A.G.’s new name and pronouns when she (Ms. Konen) was not present, by instructing A.G. that she must not tell her mother about her new gender identity, and by otherwise concealing facts regarding A.G.’s new gender identity from Ms. Konen.
4. Ms. Konen supports her daughter, regardless of the decisions she makes. Ms. Konen simply wants to be a part of her daughter’s life and exercise her rights as a parent to direct the upbringing of her child. Defendants denied Ms. Konen of that right during a crucial phase of A.G.’s development, choosing for themselves how to direct A.G.’s upbringing with regard to the major life decision of A.G.’s gender identity and concealing important facts from Ms. Konen.
5. In addition to violating Ms. Konen’s right to direct the upbringing of her minor child, Defendants’ actions also violated Ms. Konen’s and A.G.’s rights under federal and state law and inflicted serious emotional and metal harm upon them. Plaintiffs seek vindication of these rights as well.

**JURISDICTION AND VENUE**

1. Plaintiffs seek redress for injuries suffered from the deprivation, under color of state law, of rights secured by the Due Process Clause of the Fourteenth Amendment to the United States Constitution and from violations of other federal and state law. The Court has jurisdiction over this matter pursuant to Article VI § 10 of the California Constitution.
2. Venue is proper in this Court pursuant to California Civil Code §§ 393-395 because the injuries alleged herein occurred in Monterey County, California.

**PARTIES**

1. Jessica Konen is a resident of Monterey County, California.
2. A.G. is Ms. Konen’s minor child. A.G. is also a resident of Monterey County, California.
3. Spreckels Union School District (“Spreckels Union”) is a school district under California law located in Monterey County, California. Buena Vista Middle School (“Buena Vista”) is a middle school (sixth through eighth grades) located in Monterey County, California and within Spreckels Union. A.G. attended Buena Vista from the fall of 2018 to the spring of 2021 for the sixth through eighth grades.
4. At all times relevant herein, Katelyn Pagaran was the Principal of Buena Vista, an agent, servant, and / or employee of Spreckels Union, and acting in the scope of her authority. On information and belief, based on her role as Principal of Buena Vista, Ms. Pagaran, among others, is responsible for implementing the policies, practices, customs, and procedures of Spreckels Union in effect at Buena Vista as adopted by others, for overseeing the educational environment and the performance of teachers and counselors, for the training and / or supervision of employees at Buena Vista, including but not limited to Defendants Lori Caldeira and Kelly Baraki, and for the acts she committed that resulted in the deprivation of Plaintiffs’ rights as set forth herein.
5. At all times relevant herein, Lori Caldeira was a Teacher at Buena Vista, an agent, servant, and / or employee of Spreckels Union, and acting in the scope of her authority. Ms. Caldeira, among others, is responsible for implementing the policies, practices, customs, and procedures of Spreckels Union at Buena Vista as adopted by others and for the acts she committed that resulted in the deprivation of Plaintiffs’ rights as set forth herein.
6. At all times relevant herein, Kelly Baraki was a Teacher at Buena Vista, an agent, servant, and / or employee of Spreckels Union, and acting in the scope of her authority. Ms. Baraki, among others, is responsible for implementing the policies, practices, customs, and procedures of Spreckels Union at Buena Vista as adopted by others and for the acts she committed that resulted in the deprivation of Plaintiffs’ rights as set forth herein.

**STATEMENT OF FACTS**

**Spreckels Union Adopts the Parental Secrecy Policy**

1. Spreckels Union adopted and implemented a policy, practice, procedure, and / or custom at Buena Vista under which teachers and staff would keep certain information about students’ gender identity and expression secret from parents (the “Parental Secrecy Policy”). Under the Parental Secrecy Policy, Spreckels Union teachers and staff at Buena Vista would keep secret from parents that their minor children had articulated confusion about their gender identity, evinced a desire to change their gender identity, or assumed or expressed a new gender identity, unless the student expressly authorized the parents to be informed.
2. Despite keeping this information secret from parents, Spreckels Union and its teachers and staff at Buena Vista would enable minor children to change their gender identity and expression at school by, among other things: (a) affirming students’ gender confusion and compounding the confusion by encouraging students to transition gender identities; (b) addressing students by any new names associated with their new gender identity that they wanted to be called; (c) addressing students by pronouns the students indicated they wished to be called by; (d) changing educational records to reflect the students’ new name and pronouns; and (e) pushing the students to use the unisex restroom otherwise reserved for teachers.
3. In addition, Spreckels Union and its teachers and staff at Buena Vista would intentionally deceive parents regarding students’ new gender identity and expression by, among other things, not publishing the Parental Secrecy Policy on the Spreckels Union website, using students’ birth names and pronouns in communications with parents despite using students’ new names and pronouns when parents were not there, instructing students they were not to tell their parents about their new gender identity or expression because their parents “couldn’t be trusted,” and otherwise concealing those facts from parents.
4. The Parental Secrecy Policy, as described above and as adopted by Spreckels Union, authorizes minor children to make mature, consequential, and potentially life-altering decisions—such as what gender to identify as; how to express their gender identity, including but not limited to females binding their breasts so they look more like a boy; what name to be called; what pronouns to use; and what privacy facilities to use—with no notification to or input from parents.
5. On information and belief, based on her role as Principal of Buena Vista, Ms. Pagaran was the Spreckels Union employee responsible for overseeing the implementation of the Parental Secrecy Policy at Buena Vista (although not for adopting the Parental Secrecy Policy, which would have been undertaken by the Spreckels Union Board of Trustees), for overseeing the educational environment and the performance of teachers and counselors, including but not limited to Ms. Caldeira and Ms. Baraki, and for ensuring that teachers and staff, including but not limited to Ms. Caldeira and Ms. Baraki, were trained on the Parental Secrecy Policy.
6. Ms. Pagaran, Ms. Caldeira and Ms. Baraki, among others, implemented the Parental Secrecy Policy at Buena Vista.

**Ms. Caldeira and Ms. Baraki Operate the Equality Club and Hide it From Parents**

1. Ms. Caldeira and Ms. Baraki are seventh-grade teachers at Buena Vista. In addition to teaching, Ms. Caldeira and Ms. Baraki operated the Equality Club, a school-based club for students comprised primarily of students that Ms. Caldeira and Ms. Baraki had identified as students who they believed might be receptive to ideas such as homosexuality, bisexuality, transgenderism, gender non-conformity, *etc.*
2. On information and belief, Ms. Caldeira and Ms. Baraki identified students for the Equality Club based on comments students made to them, comments that they overheard students make to others, and their own observations of students in the classroom setting and otherwise. Once they identified students for the club, Ms. Caldeira and Ms. Baraki would invite them to participate. In addition, often at Ms. Caldeira’s and Ms. Baraki’s suggestion, students already in the Equality Club would invite other students to attend Equality Club meetings.
3. At Equality Club meetings, Ms. Caldeira and Ms. Baraki would, among other things, discuss issues related to homosexuality, bisexuality, transgenderism, gender non-conformity, *etc.* Through these discussions, Ms. Caldeira and Ms. Baraki would coach students on how to express those identities. Ms. Caldeira and Ms. Baraki would instruct students to research a particular topic and then have follow up discussions with the student about that research.
4. Sometimes, Ms. Caldeira and Ms. Baraki would introduce and push identities on students and the students resisted.
5. Ms. Caldeira and Ms. Baraki took measures to keep students’ participation in the Equality Club and student’s new gender identities secret from students’ parents. Specifically, Ms. Caldeira and Ms. Baraki: (1) instructed students that they should not tell their parents about their new gender identities; (2) purposefully failed to keep Equality Club rosters or records so that parents could not discover their children’s participation in the club or new gender identities; and (3) held Equality Club meetings during lunch—as opposed to after school—so that students, who were too young to drive, did not have to ask their parents to pick them up so they could better hide their participation in the club and their new gender identities.
6. Ms. Caldeira and Ms. Baraki took these measures because they knew some children’s parents would not want their children to participate in a club in which homosexuality, bisexuality, transgenderism, gender non-conformity, *etc.*, were being promoted or to adopt these identities.[[1]](#footnote-1)
7. Ms. Pagaran was aware of the Equality Club and Ms. Caldeira’s and Ms. Baraki’s tactics as set forth above and approved of them. In fact, Ms. Pagaran frequently attended Equality Club meetings.

**Ms. Caldeira and Ms. Baraki Begin Secretly Influencing A.G. and Instruct her to Hide Information from Ms. Konen**

1. A.G. started school at Buena Vista in the sixth grade during the 2018-2019 school year. At the time, A.G. was 11 years old.
2. Near the beginning of A.G.’s sixth-grade year, she attended an Equality Club meeting at the invitation of a friend. Initially, A.G. was not interested in the discussion, and she decided not to come back to the club. About two weeks later, Ms. Caldeira approached A.G. and asked her to come back to the club. Ms. Caldeira told A.G. that she “fit in perfectly.” A.G. agreed to come back, and she began attending Equality Club meetings on a regular basis.
3. At these meetings and in other discussions, Ms. Caldeira and Ms. Baraki told A.G. that she was bisexual. That idea did not originate with A.G. In fact, she did not fully understand what that term meant.
4. Shortly thereafter, Ms. Caldeira and Ms. Baraki told A.G. that she was transgender—*i.e.*, that her gender did not match her biological sex. As with bisexuality, that idea did not originate with A.G., nor did A.G. fully understand what it meant.
5. At the time, A.G. was pre-pubescent.
6. By the spring of 2019, A.G. went to a Buena Vista school counselor complaining of depression and stress. A.G. began attending weekly counseling sessions with the school counselor, and, after the sessions with the counselor, Ms. Caldeira, and Ms. Pagaran would often have follow-up meetings with A.G. and the school counselor regarding the same topics that were discussed in the counseling sessions. During those meetings, the counselor and Ms. Caldeira informed A.G. that the feelings she was having were because she was “not being who she was” and that if she became her “true self” her depression and stress would be better (or words to that effect).
7. Ms. Caldeira and Ms. Baraki encouraged A.G. to change her name to a boy’s name as an expression of the new identity they were encouraging her to take on. A.G. assumed the name “S.G.” and began wearing boys’ clothing. At first, A.G. used the name S.G. at Equality Club and among her friends only. Ms. Caldeira and Ms. Baraki also began referring to A.G. as S.G.
8. Ms. Caldeira and Ms. Baraki instructed A.G. not to tell her mother about her new gender identity or new name, saying that her mother might not be supportive of her and that she couldn’t trust her mother. They instructed A.G. that she should instead talk to them if she had anything she needed to talk about. Ms. Caldeira and Ms. Baraki were teachers, and A.G. trusted their authority over her. Accordingly, she complied with this directive.
9. On information and belief, based on Ms. Pagaran’s role as Principal of Buena Vista, involvement in the Equality Club, and involvement with A.G.’s counseling, Ms. Pagaran was aware that Ms. Caldeira and Ms. Baraki gave A.G. these instructions and approved of them.
10. Ms. Caldeira signed A.G.’s Buena Vista’s 2018-2019 yearbook, writing “S.G., Stay you! Looking forward to working with you next year.”

**Defendants Formally Acknowledge A.G.’s New Name/Pronouns and Attempt to Hide the Information from Ms. Konen**

1. For A.G.’s seventh-grade year, which was the 2019-2020 school year, Ms. Caldeira and Ms. Baraki were two of her teachers. For this reason, they had more interaction with A.G. during that year, and they were able to form a closer relationship with her.
2. Over the summer of 2019, A.G. received correspondence from Buena Vista regarding the upcoming school year. After receiving this correspondence, A.G. emailed Ms. Caldeira to ask her what name she should write on her school materials in light of the fact she was now going by S.G. in certain school settings. Ms. Caldeira instructed A.G. to “write whatever your mother will approve, and we’ll fix it when you get to school” or words to that effect.
3. Ms. Caldeira also emailed A.G. a Gender Support Plan, which is a Buena Vista document designed to govern how the school will treat students who want to identify as new gender. The Gender Support Plan contained questions regarding student preferences on such matters as their preferred name, pronouns, and restrooms, and whether students want their preferences to be made known to other teachers and administrators.
4. Ms. Konen was not informed of the Gender Support Plan.
5. In the first week of her seventh-grade year, A.G. completed the Gender Support Plan with Ms. Caldeira and Ms. Baraki, with A.G. verbally responding to the questions on the Gender Support Plan and Ms. Caldeira writing the responses down. On at least three occasions, Ms. Caldeira wrote responses that did not comply with A.G.’s wishes and that, instead, pushed A.G.’s new gender identity. For example, the Gender Support Plan asked whether the student authorized administration to use the student’s new name in correspondence with the student’s parents. A.G. informed Ms. Caldeira that her response to that question was “Not yet.” Ms. Caldeira, however, wrote “Not ever. Parent is not supportive” or words to that effect. In addition, the Gender Support Plan asked if the student authorized use of their new name and pronouns in the presence of other staff. A.G. informed Ms. Caldeira that her response to that question was “Maybe,” but Ms. Caldeira wrote “Yes.” Further, the Gender Support Plan asked if the student preferred to use different restrooms. A.G. informed Ms. Caldeira that she did not have a preference, but Ms. Caldeira wrote that she preferred to use the unisex teachers’ restroom, which required the use of a key that teachers had.
6. After A.G.’s Gender Support Plan was created, Ms. Caldeira sent an email to A.G.’s other teachers about A.G.’s new name, pronouns, and use of the unisex teachers’ restroom. A.G.’s other teachers began referring to her as S.G. and using male pronouns to refer to her, and she began using the unisex teacher’s restroom.
7. On information and belief, based on Ms. Pagaran’s role as Principal of Buena Vista, involvement in the Equality Club, and involvement with A.G.’s counseling, Ms. Pagaran approved of Ms. Caldeira’s use of the Gender Support Plan for A.G. In addition, after Ms. Caldeira completed the Gender Support Plan, Ms. Pagaran started referring to A.G. as S.G. as well.
8. Ms. Konen was not informed about the Gender Support Plan or the changes in the way Buena Vista addressed and treated A.G. Moreover, Ms. Konen received correspondence regarding A.G. from Buena Vista and had meetings with school personnel, including Ms. Caldeira, after Buena Vista changed the way it referred to and treated A.G. pursuant to the Gender Support Plan. Despite the fact Ms. Pagaran and Ms. Caldeira called A.G. by the name “S.G.” and used masculine pronouns when referring to her at school, in correspondence from Buena Vista and in meetings with Ms. Konen, the school and Ms. Caldeira referred to A.G. as “A.G.” and used female pronouns to refer to her in an effort to deceive her about A.G.’s new identity and expression.
9. In one in-person meeting with Ms. Konen, Ms. Caldeira accidentally referred to A.G. as S.G. She realized the mistake, and quickly moved on. The next day, Ms. Caldeira told A.G. that she had “messed up” in the conversation with her mother.
10. On information and belief, based on her role as Principal of Buena Vista, involvement in the Equality Club, and involvement in A.G.’s counseling, Ms. Pagaran knew about this deception of Ms. Konen and approved of it.
11. Early in A.G.’s seventh-grade year, during Ms. Caldeira’s English class, Ms. Caldeira gave A.G. a print-out of approximately five articles on adopting a new gender identity and instructed her to read them. The articles included such topics as approaches children could take to hide their new gender identify from parents. A.G. informed Ms. Caldeira that she did not want to read the articles, but Ms. Caldeira insisted. Ms. Caldeira also instructed A.G. to keep the articles with her school papers so her mother would not discover them. A.G. complied with this directive.
12. Ms. Caldeira also gave A.G. advice on how to bind her breasts so that she would look more like a boy.
13. In the fall of 2019, A.G. informed Ms. Caldeira that she wanted her mother to know about her new gender identity. Ms. Caldeira instructed A.G. not to tell her mother. A.G. complied with this directive.

**Ms. Pagaran and Ms. Caldeira Arrange for Ms. Konen to be informed of her daughter’s new gender identity**

1. On or about December 18, 2019, Ms. Pagaran called Ms. Konen to her office to discuss A.G. Ms. Pagaran did not inform Ms. Konen what the meeting was about. Ms. Caldeira was present at the meeting. A.G. was also called to the meeting, although she also was not informed what it was about. At the meeting, Ms. Caldeira and Ms. Pagaran informed Ms. Konen that A.G. was now S.G., that Buena Vista was referring to her daughter by her new name, that Buena Vista was referring to her daughter with male pronouns, and that she would be using the unisex teachers’ bathroom.
2. Ms. Konen was taken aback by this news, and she reasonably believed that if she did not process what was going on quickly enough, Defendants would attempt to have her daughter taken from her. She was supportive of A.G, and as a show of that support, she authorized an “a/k/a” of S.G. to be added to A.G.’s attendance roster, although she did not approve of any other changes to Buena Vista’s records. Defendants, however, went further than Ms. Konen’s wishes and arranged for A.G.’s name to be changed to S.G. in Buena Vista’s formal records, including progress reports, report cards, and her Google Meet online identity, and for A.G. to be given new email address with the name S.G.
3. On information and belief, based on her role as Principal of Buena Vista, Ms. Pagaran authorized these actions.
4. On or about March 13, 2020, Buena Vista, like other schools in California, began remote learning in response to the coronavirus pandemic. When students were engaged in online learning, teachers are able to see what students are doing on the internet through an application called Go Guardian. On information and belief, Ms. Caldeira and Ms. Baraki secretly used Go Guardian to pay close attention to the type of information that A.G. was looking up on the internet in order to better be able to continue to influence her in the distance learning environment.
5. Over the remainder of the 2019-2020 school year, Ms. Konen had email correspondence with Ms. Caldeira regarding A.G. In that correspondence, Ms. Caldeira referred to A.G. by the name S.G. and used male pronouns to refer to her.

**A.G. is Freed from Ms. Caldeira’s and Ms. Baraki’s Influence**

1. For the 2020-2021 school year, A.G.’s eighth-grade year, Buena Vista continued remote operations, and if students chose, they could stay remote for the duration of that school year. A.G. chose to be remote for the entire school year. Although distance learning was difficult on A.G. (like many students), there was a silver lining—because A.G. was at home throughout the school day, she was no longer in the clutches of Ms. Caldeira and Ms. Baraki. Freed from their influence, A.G. began to return to her old self.
2. A.G. started high school in the fall of 2021 in a new school district. At her new school, A.G. goes by the name “A.G.” and uses female pronouns. A.G. is confused about issues relating to her sexuality and gender, a confusion that Defendants caused. A.G. was pressured by Defendants into portraying a character they created, a character that, by being inhabited and hidden from her mother, has taken on elements of reality that A.G. must now learn to understand and live with.

**The California Teachers Association Conference**

1. On information and belief, on October 29-31, 2021, the California Teachers Association (“CTA”) held a conference in Palm Springs, Florida called “2021 LGBTQ+ Issues Conference, Beyond the Binary: Identity & Imagining Possibilities.” Among other things, the CTA Conference involved best practices workshops that encouraged teachers to “have the courage to create a safe environment that fosters bravery to explore sexual orientation, gender identity and expression.”
2. On information and belief, Ms. Caldeira and Ms. Baraki led a workshop at the CTA Conference, titled “How we run a[n Equality Club] in Conservative Communities.” On information and belief, the workshop focused on how Ms. Caldeira and Ms. Baraki ran the Equality Club in a way to avoid parental detection.
3. On information and belief, in the workshop, Ms. Caldeira admitted that she and Ms. Baraki intentionally kept no club rosters for the Equality Club and that they instructed club participants not to disclose information or documentation regarding the club to their parents in order to limit parental knowledge of its workings. On information and belief, Ms. Caldeira admitted that the reason she and Ms. Baraki took these measures was because some parents might not want their children to be participants in such a club.
4. On information and belief, in the workshop, Ms. Caldeira admitted that, because attendance at the Equality Club was down toward the end of the 2019-2020 school year, in order to boost club attendance, she and Ms. Baraki “stalked what [students] were doing on Google” when students were doing distance learning in an effort to identify candidates for the club and to help them determine how best to coach students to pursue a new gender identity, among other things.
5. On information and belief, in the workshop, Ms. Baraki admitted that she and Ms. Caldeira also used their “observations of kids in the classroom” to determine which students to invite to the Equality Club. Ms. Baraki admitted that students often don’t want to attend on their own and “need sort of a little bit of an invitation.”
6. On information and belief, in the workshop, Ms. Caldeira admitted that she volunteered to run morning announcements at Buena Vista so that she would be in a position to “control[s] the messaging.” That way, she said, she could “control the information that goes home.”
7. On information and belief, a recording was made of Ms. Caldeira’s and Ms. Baraki’s presentation at the CTA conference.
8. Or about November 18, 2021, news reports began being published regarding the CTA Conference based, in part, on the recording. The news reports focused on Ms. Caldeira’s and Ms. Baraki’s efforts to convince students to identify as homosexual, bisexual, transgender, gender non-conformists, *etc.*, and to keep that information secret from parents.
9. Plaintiffs do not have first-hand knowledge regarding the events of the CTA conference. They base their allegations regarding the goings-on at the conference from the news reports of that event that they have read.
10. Ms. Konen and A.G. became aware of the news reports soon after they were published. Since that time, Ms. Konen and her daughter have discussed Defendants’ activities in coaching A.G. to believe she was bisexual and transgender, efforts to convince A.G. to believe that Ms. Konen would not be supportive of her, and efforts to conceal A.G.’s new gender identity, new name, use of pronouns, and use of the unisex teachers’ bathrooms, none of which Ms. Konen knew before. Further, based on the news reports, A.G. has come to realize that Defendants pushed the new gender identity upon her rather than the idea originating with her. Prior to reading these news reports, Plaintiffs did not know these facts and were unable to learn them through the exercise of reasonable diligence.
11. Plaintiffs’ claims as set forth herein did not accrue until November 18, 2021, at the earliest.

**Ms. Konen’s and A.G.’s Harm**

1. Ms. Konen respects her daughter’s life choices and is supportive of her, no matter what those choices ultimately may be. Ms. Konen simply wants to be involved in A.G.’s life and assist her with those choices that have fundamental importance to the rest of her life, such as her gender identity, including, if necessary, seeking professional mental and spiritual health guidance and assistance to assist both A.G. and herself through the process. Defendants, however, deprived Ms. Konen of that right, foisting a new gender identity upon A.G. and concealing that fact from Ms. Konen, depriving her of her daughter’s trust during a crucial phase of her development, causing great harm to her relationship with her daughter, and disrupting the integrity of her family.
2. Defendants’ acts have driven a wedge between Ms. Konen and her daughter, sending the message to A.G. that her mother cannot be trusted and does not support her, and Ms. Konen’s relationship with her daughter has been seriously damaged because of Defendants’ actions as set forth herein. By cutting Ms. Konen out of the decision-making process for A.G. on matters as intimate and consequential as gender identity, Defendants have caused Ms. Konen and A.G. to suffer severe emotional distress, mental anguish, psychological damage, and damage to their family dynamic of such a substantial or enduring quality that no reasonable person in a civilized society should be expected to endure it and reasonable people would be unable adequately to cope with it.
3. Defendants caused Plaintiffs harm that will require separate counseling and healing. Both Ms. Konen and her daughter have sought guidance from their pastor in attempting to overcome the harm set forth herein, and they are likely to continue seeking such guidance in the future, among other potential mental health treatment. In addition, A.G. has required professional care and treatment from medical providers, which Ms. Konen has been required to pay for, and she is likely to continue requiring such care and treatment in the future.

**Exhaustion of Claims Under the Government Claims Act**

1. On January 19, 2022, Plaintiffs, through their undersigned counsel, presented a claim under the Government Claims Act to Spreckels Union based on the facts alleged herein. The claim (1) was made on the claim form published by Spreckels Union pursuant to Gov’t Code § 910.4; (2) complied or substantially complied as to form and content with Gov’t Code §§ 910, 910.2, 910.4 and all other provisions of law; (3) was mailed, first class mail through the United States Post Office, to Spreckels Union at the address set forth on the claim form in compliance or substantial compliance with Gov’t Code § 915(a)(2); and (4) was emailed to the email address of Spreckels Union’s business manager, who was designated as the recipient on the Spreckels Union claim form. Plaintiffs thus complied or substantially complied with all claim presentation requirements.
2. Spreckels Union did not respond to the claim within the 45-day period set forth in Gov’t Code § 912.4(a) or the additional grace period set forth in Gov’t Code § 915.2(b).
3. Under Gov’t Code § 912.4(c), Spreckels Union’s failure to act on Plaintiffs claim within the time period provided by law is deemed a rejection of the claim. Accordingly, the claim is exhausted.

**CLAIMS**

**FIRST CAUSE OF ACTION**

**VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983**

**(Substantive Due Process Right to Direct the Upbringing of One’s Children)**

1. Ms. Konen incorporates all allegations of this Complaint by reference as if set forth in full herein.
2. The Due Process Clause of the 14th Amendment to the United States Constitution protects the fundamental rights of parents to direct the upbringing of their children; to make decisions concerning the care, custody, and control of their children; to direct the medical and mental health decision-making for their children; and to make private familial decisions regarding their children without interference by the state, among other things.
3. Defendants have infringed upon Ms. Konen’s parental rights under the Due Process Clause by, among other things: (1) manipulating A.G. into believing she was bisexual and that her gender did not match her biological sex; (2) excluding Ms. Konen from discussions regarding A.G.’s assertion of a new gender identity and expression and adopting protocols aimed at secretively affirming A.G’s new gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not to tell her about the new gender identity and expression; (4) deceiving Ms. Konen by referring to A.G. by one name and pronouns in communications with her while referring to A.G. by a different name and pronouns outside of her presence; (5) usurping Ms. Konen’s responsibility for the health and well-being of A.G. and seeking to supplant their authority for Ms. Konen’s authority as parent to be the ultimate decisionmaker regarding A.G.’s mental health and well-being, including decisions related to A.G.’s gender identity and expression and mental health; (6) impermissibly injecting themselves into the private realm of Ms. Konen’s family and usurping Ms. Konen’s right to make decisions regarding A.G.’s gender identity and expression and mental health and well-being; (7) informing A.G. that her mother did not “support” her sufficiently to participate in decision-making related to her gender identity and expression, thereby sowing seeds of doubt in A.G.’s mind about whether Ms. Konen was acting in her best interest and creating a rift in the parent-child relationship; and (8) failing to adequately train and / or supervise Ms. Caldeira and Ms. Baraki in such a way that they were permitted to commit the violations of law set forth herein despite knowing their dangerous proclivities and deception of parents.
4. Defendants have no compelling, significant, important, or legitimate interest that is served by disregarding Ms. Konen’s constitutional rights to direct the upbringing of her child. Further, Defendants’ actions as alleged herein do not further any such interest, is not narrowly tailored to do so, and is without any rational basis.
5. Ms. Pagaran inadequately trained and /or supervised Ms. Caldeira and Ms. Baraki, knew of and acquiesced to the constitutional deprivations alleged herein, and was deliberately indifferent to Ms. Konen’s parental rights.
6. Ms. Konen has suffered severe or extreme emotional distress and monetary losses that were actually and proximately caused by Defendants’ conduct.
7. Defendants’ actions, as alleged herein, were grossly negligent, in reckless disregard of Ms. Konen’s rights, wanton, willful, malicious, and oppressive.

**SECOND CAUSE OF ACTION**

**CONSPIRACY TO VIOLATE CONSTITUTIONAL RIGHTS IN VIOLATION OF 42 U.S.C. § 1985(3)**

1. Plaintiffs incorporate all allegations of this Complaint as if set forth in full herein.
2. Defendants formed and operated a conspiracy by agreeing to undertake a common plan or design for the purpose of violating Ms. Konen’s constitutional rights as alleged herein. On information and belief, as evidenced by the title of Ms. Caldeira’s and Ms. Baraki’s CTA Convention workshop, Defendants predicated their policies and actions on the belief that parents with a conservative political or religious affiliation could not be trusted with information about their children’s change in gender identity and expression, a belief that constitutions class-based, invidiously discriminatory animus.
3. Defendants committed wrongful acts in furtherance of the conspiracy by, among other things: (1) manipulating A.G. into believing she was bisexual and that her gender did not match her biological sex; (2) excluding Ms. Konen from discussions regarding A.G.’s assertion of a new gender identity and expression and adopting protocols aimed at secretively affirming A.G’s new gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not to tell her about the new gender identity and expression; (4) deceiving Ms. Konen by referring to A.G. by one name and pronouns in communications with her while referring to A.G. by a different name and pronouns outside of her presence; (5) usurping Ms. Konen’s responsibility for the health and well-being of A.G. and seeking to supplant their authority for Ms. Konen’s authority as parent to be the ultimate decisionmaker regarding A.G.’s mental health and well-being, including decisions related to A.G.’s gender identity and expression and mental health; (6) impermissibly injecting themselves into the private realm of Ms. Konen’s family and usurping Ms. Konen’s right to make decisions regarding A.G.’s gender identity and expression and mental health and well-being; and (7) informing A.G. that her mother did not “support” her sufficiently to participate in decision-making related to her gender identity and expression, thereby sowing seeds of doubt in A.G.’s mind about whether Ms. Konen was acting in her best interest and creating a rift in the parent-child relationship.
4. Ms. Konen has suffered severe or extreme emotional distress and monetary losses that were actually and proximately caused by Defendants’ conduct.
5. Defendants’ actions as alleged herein, were grossly negligent, in reckless disregard of Plaintiffs’ rights, wanton, willful, malicious, and oppressive.

**THIRD CAUSE OF ACTION**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS / GOV’T CODE § 815.2**

1. Plaintiffs incorporate all allegations of this Complaint as if set forth in full herein.
2. Defendants have engaged in extreme and outrageous conduct with malice and the intention of causing, or reckless disregard for the probability of causing, emotional distress upon Plaintiffs. Specifically, Defendants engaged in extreme and outrageous conduct in the following ways, among others: (1) manipulating A.G. into believing she was bisexual and that her gender did not match her biological sex; (2) excluding Ms. Konen from discussions regarding A.G.’s assertion of a new gender identity and expression and adopting protocols aimed at secretively affirming A.G’s new gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not to tell her about the new gender identity and expression; (4) deceiving Ms. Konen by referring to A.G. by one name and pronouns in communications with her while referring to A.G. by a different name and pronouns outside of her presence; (5) usurping Ms. Konen’s responsibility for the health and well-being of A.G. and seeking to supplant their authority for Ms. Konen’s authority as parent to be the ultimate decisionmaker regarding A.G.’s mental health and well-being, including decisions related to A.G.’s gender identity and expression and mental health; (6) impermissibly injecting themselves into the private realm of Ms. Konen’s family and usurping Ms. Konen’s right to make decisions regarding A.G.’s gender identity and expression and mental health and well-being; (7) informing A.G. that her mother did not “support” her sufficiently to participate in decision-making related to her gender identity and expression, thereby sowing seeds of doubt in A.G.’s mind about whether Ms. Konen was acting in her best interest and creating a rift in the parent-child relationship; and (8) failing to adequately train and / or supervise Ms. Caldeira and Ms. Baraki in such a way that they were permitted to commit the violations of law set forth herein despite knowing their dangerous proclivities and deception of parents.
3. Plaintiffs have suffered severe or extreme emotional distress and monetary losses that were actually and proximately caused by Defendants’ conduct.
4. Defendants’ actions, as alleged herein, were grossly negligent, in reckless disregard of Plaintiffs’ rights, wanton, willful, malicious, and oppressive.

**FOURTH CAUSE OF ACTION**

**NEGLIGENCE / GOV’T CODE § 815.2**

**(Negligence, Negligent Infliction of Emotional Distress, and Negligent Supervision)**

1. Plaintiffs incorporate all allegations of this Complaint as if set forth in full herein.
2. As A.G.’s school, principal, and teachers, Defendants were in a special relationship with A.G. This special relationship imposed upon Defendants the duty not to harm A.G. and to take all reasonable steps to protect her from foreseeable dangers, including but not limited to those created by other Spreckels Union employees.
3. Because Defendants engaged in a cover-up to conceal information from Ms. Konen about A.G.’s new gender identity and expression and use of the teachers’ restroom and because Defendants should have foreseen that this concealment would cause Ms. Konen more emotional distress than merely informing her of these facts in the first place, Defendants also were in a special relationship with Ms. Konen. As such, Defendants’ deliberately usurped Ms. Konen’s parental prerogative to protect A.G., and Ms. Konen is thus a direct victim of Defendants’ negligence.
4. Defendants breached their duties to Plaintiffs by, among other things: (1) manipulating A.G. into believing she was bisexual and that her gender did not match her biological sex; (2) excluding Ms. Konen from discussions regarding A.G.’s assertion of a new gender identity and expression and adopting protocols aimed at secretively affirming A.G’s new gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not to tell her about the new gender identity and expression; (4) deceiving Ms. Konen by referring to A.G. by one name and pronouns in communications with her while referring to A.G. by a different name and pronouns outside of her presence; (5) usurping Ms. Konen’s responsibility for the health and well-being of A.G. and seeking to supplant their authority for Ms. Konen’s authority as parent to be the ultimate decisionmaker regarding A.G.’s mental health and well-being, including decisions related to A.G.’s gender identity and expression and mental health; (6) impermissibly injecting themselves into the private realm of Ms. Konen’s family and usurping Ms. Konen’s right to make decisions regarding A.G.’s gender identity and expression and mental health and well-being; (7) informing A.G. that her mother did not “support” her sufficiently to participate in decision-making related to her gender identity and expression, thereby sowing seeds of doubt in A.G.’s mind about whether Ms. Konen was acting in her best interest and creating a rift in the parent-child relationship; and (8) failing to adequately train and / or supervise Ms. Caldeira and Ms. Baraki in such a way that they were permitted to commit the violations of law set forth herein despite knowing their dangerous proclivities and deception of parents.
5. Plaintiffs have suffered severe or extreme emotional distress and monetary losses that were actually and proximately caused by Defendants’ conduct.
6. Defendants’ actions, as alleged herein, were grossly negligent, in reckless disregard of Plaintiffs’ rights, wanton, willful, malicious, and oppressive.

**FIFTH CAUSE OF ACTION**

**NEGLIGENCE *PER SE* / GOV’T CODE §§ 815.2 AND 815.6**

**(Violation of Cal. Educ. Code § 51100, *et seq.*)**

1. Plaintiffs incorporate all allegations of this Complaint as if set forth in full herein.
2. Under Cal. Educ. Code § 51100, it is the public policy of this State that “parents . . . of school age children attending public schools [should be involved] in improving public education institutions” and that “involving parents . . . in the education process is fundamental to healthy system of public education.” Under Cal. Educ. Code § 51101(a)(9), (10) (12), Defendants owed Ms. Konen a duty to “inform[ her] of [A.G.’s] progress in school,” to provide her access to A.G.’s “school records,” to “inform[ her] . . . about school rules,” and to allow her to “participate in [A.G.’s] education.”
3. These duties were designed to protect against the particular type of injuries alleged herein.
4. Defendants breached these duties by, among other things: (1) failing to provide notice to Ms. Konen of the Parental Secrecy Policy; (2) excluding Ms. Konen from discussions regarding A.G.’s assertion of a new gender identity and expression and adopting protocols aimed at secretively affirming the new gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not to tell her mother about her new gender identity and expression; (4) deceiving Ms. Konen by referring to A.G. by one name and pronouns in communications with her while referring to A.G. by a different name and pronouns outside of her presence; (5) usurping Ms. Konen’s responsibility for the health and well-being of A.G. and seeking to supplant their authority for Ms. Konen’s authority as parent to be the ultimate decisionmaker regarding the mental health of A.G., including decisions related to A.G.’s gender identity and expression and mental health and well-being; (6) impermissibly injecting themselves into the private realm of Ms. Konen’s family and usurping Ms. Konen’s right to make decisions regarding A.G.’s gender identity and expression and mental health and well-being; (7) informing A.G. that her mother did not “support” her sufficiently to participate in decision-making related to her gender identity and expression, thereby sowing seeds of doubt in A.G.’s mind about whether Ms. Konen is acting in her best interest and creating a rift in the parent-child relationship; and (8) failing to adequately train and / or supervise Ms. Caldeira and Ms. Baraki in such a way that they were permitted to commit the violations of law set forth herein despite knowing their dangerous proclivities and deception of parents.
5. Plaintiffs have suffered severe or extreme emotional distress and monetary losses that were actually and proximately caused by Defendants’ conduct.
6. Defendants’ actions, as alleged herein, were grossly negligent, in reckless disregard of Plaintiffs’ rights, wanton, willful, malicious, and oppressive.

**SIXTH CAUSE OF ACTION**

**VIOLATION OF BANE ACT / GOV’T CODE § 815.2**

**(Cal Civ. Code § 52.1(b))**

1. Ms. Konen incorporates all allegations of this Complaint as if set forth in full herein.
2. The Due Process Clause of the 14th Amendment to the United States Constitution protects the fundamental rights of parents to direct the upbringing of their children; to make decisions concerning the care, custody, and control of their children; to direct the medical and mental health decision-making for their children; and to make private familial decisions regarding their children without interference by the state, among other things.
3. Defendants have infringed upon Ms. Konen’s parental rights under the Due Process Clause by, among other things: (1) manipulating A.G. into believing she was bisexual and that her gender did not match her biological sex; (2) excluding Ms. Konen from discussions regarding A.G.’s assertion of a new gender identity and expression and adopting protocols aimed at secretively affirming A.G’s new gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not to tell her about the new gender identity and expression; (4) deceiving Ms. Konen by referring to A.G. by one name and pronouns in communications with her while referring to A.G. by a different name and pronouns outside of her presence; (5) usurping Ms. Konen’s responsibility for the health and well-being of A.G. and seeking to supplant their authority for Ms. Konen’s authority as parent to be the ultimate decisionmaker regarding A.G.’s mental health and well-being, including decisions related to A.G.’s gender identity and expression and mental health; (6) impermissibly injecting themselves into the private realm of Ms. Konen’s family and usurping Ms. Konen’s right to make decisions regarding A.G.’s gender identity and expression and mental health and well-being; (7) informing A.G. that her mother did not “support” her sufficiently to participate in decision-making related to her gender identity and expression, thereby sowing seeds of doubt in A.G.’s mind about whether Ms. Konen was acting in her best interest and creating a rift in the parent-child relationship; and (8) failing to adequately train and / or supervise Ms. Caldeira and Ms. Baraki in such a way that they were permitted to commit the violations of law set forth herein despite knowing their dangerous proclivities and deception of parents.
4. Defendants have no compelling, significant, important, or legitimate interest that is served by disregarding Ms. Konen’s constitutional rights to direct the upbringing of her child. Further, Defendants’ actions as alleged herein do not further any such interest, is not narrowly tailored to do so, and is without any rational basis.
5. Defendants accomplished or attempted to accomplish the infringement of Ms. Konen’s rights under the Due Process Clause through coercion. Specifically, Ms. Caldeira and Ms. Baraki were A.G.’s teachers and, by imposition of their authority as such, their directive to A.G. to withhold information from her mother was unlawfully coercive in violation of the Bane Act.
6. Plaintiffs have suffered severe or extreme emotional distress and monetary losses that were actually and proximately caused by Defendants’ conduct.
7. Defendants’ actions, as alleged herein, were grossly negligent, in reckless disregard of Plaintiffs’ rights, wanton, willful, malicious, and oppressive.

**SEVENTH CAUSE OF ACTION**

**CIVIL CONSPIRACY**

**(Against Ms. Caldeira, Ms. Baraki, and Ms. Pagaran)**

1. Plaintiffs incorporate all allegations of this Complaint as if set forth in full herein.
2. Ms. Caldeira, Ms. Baraki, and Ms. Pagaran formed and operated a conspiracy by agreeing to a common plan or design to commit tortious acts as alleged herein. Ms. Caldeira, Ms. Baraki, and Ms. Pagaran had actual knowledge that a tort was planned and concurred in the tortious scheme with knowledge of its unlawful purpose.
3. Ms. Caldeira, Ms. Baraki, and Ms. Pagaran committed wrongful acts in furtherance of the conspiracy by, among other things: (1) manipulating A.G. into believing she was bisexual and that her gender did not match her biological sex; (2) excluding Ms. Konen from discussions regarding A.G.’s assertion of a new gender identity and expression and adopting protocols aimed at secretively affirming A.G’s new gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not to tell her about the new gender identity and expression; (4) deceiving Ms. Konen by referring to A.G. by one name and pronouns in communications with her while referring to A.G. by a different name and pronouns outside of her presence; (5) usurping Ms. Konen’s responsibility for the health and well-being of A.G. and seeking to supplant their authority for Ms. Konen’s authority as parent to be the ultimate decisionmaker regarding A.G.’s mental health and well-being, including decisions related to A.G.’s gender identity and expression and mental health; (6) impermissibly injecting themselves into the private realm of Ms. Konen’s family and usurping Ms. Konen’s right to make decisions regarding A.G.’s gender identity and expression and mental health and well-being; and (7) informing A.G. that her mother did not “support” her sufficiently to participate in decision-making related to her gender identity and expression, thereby sowing seeds of doubt in A.G.’s mind about whether Ms. Konen was acting in her best interest and creating a rift in the parent-child relationship.
4. Plaintiffs have suffered severe or extreme emotional distress and monetary losses that were actually and proximately caused by Defendants’ conduct.
5. The actions of Ms. Caldeira, Ms. Baraki, and Ms. Pagaran, as alleged herein, were grossly negligent, in reckless disregard of Plaintiffs’ rights, wanton, willful, malicious, and oppressive.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray this Court grant the relief requested herein, specifically that the Court render the following judgment in Plaintiffs’ favor and against Defendants:

1. A declaration that Defendants violated Plaintiffs’ rights as alleged herein;
2. Nominal, compensatory, treble, and punitive damages in an amount greater than $25,000;
3. Attorneys’ fees and costs pursuant to 42 U.S.C. § 1988, California Civil Code § 52.1(i), and California Code of Civil Procedure § 1021.5; and
4. Such other relief as the Court deems proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs demand trial by jury in this action of all issues so triable.

DHILLON LAW GROUP INC.

Date: \_\_\_\_\_, 2022

By: /s/ Harmeet K. Dhillon

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\**Pro hac vice* motion forthcoming

*Attorneys for Plaintiffs Jessica Konen and A.G., her minor child*

1. Ms. Caldeira and Ms. Baraki later changed the name of the Equality Club to the UBU (or, “You Be You”) Club. On information and belief, Ms. Caldeira and Ms. Baraki changed the name of the club because parents had begun to learn about the goings on of the Equality Club, and they changed its name an effort better to avoid parental knowledge. [↑](#footnote-ref-1)