

ATTACHMENT TO Timothy and Barbara Burdette's
CLAIM AGAINST THE SAN DIEGO UNIFIED SCHOOL DISTRICT

7. Specify the particular Occurrence event, act or omission which is the basis for your claim:

Matthew Burdette was student at University City High School ("UCHS"). UCHS is a member of the San Diego Unified School District ("SDUSD"). Matthew was sent out of class by UCHS teacher Jerry Ruiz during school hours on November 15, 2013 for "eating sunflower seeds." While out of class, and wandering the school halls unsupervised with no place to go, Matthew went into to the school bathroom. Unbeknownst to Matthew, UCHS student [REDACTED] videotaped him while he was in the bathroom stall, allegedly masturbating. Within hours, the video was made public, using SnapChat and Vine, to students at UCHS and other schools in the area that are also a part of the SDUSD. From the moment the video was posted, Matthew was mercilessly bullied, harassed, and teased by students who had seen the video. This continued for the next two weeks. Upon information and belief, employees and agents of UCHS were aware of the video and the ongoing bullying during this time period.

Two weeks after the video was taken, Matthew and his family traveled to their cabin in Crestline for Thanksgiving. Matthew's once positive and outgoing personality was now visibly wrought with insecurity and depression. On the morning of November 29th, Matthew's mother, Barbara, discovered that Matthew had committed suicide during the night. Matthew left a note, citing his inability to "handle school" and having "no friends" as reasons for his suicide. Based on information and belief, Matthew took his life as a result of the embarrassment and humiliation caused by bullying related to the video and its distribution.

8. State how the San Diego Unified School District or its employees are alleged to be at fault:

Based on information and belief, a teacher, administrator, or other employee of SDUSD or UCHS became aware of the video and the bullying of Matthew that resulted prior to his death. Despite this knowledge, school personnel did nothing to protect Matthew or intervene to stop the harassment that ultimately led to his suicide. SDUSD, UCHS, and their employees failed to discharge their mandatory duties under the California Student Safety and Violence Act of 2000 and the California Safe Place to Learn Act, which impose a mandatory duty upon public schools to take action to both prevent and protect students from bullying. Based on information and belief, SDUSD and UCHS's failure to prevent bullying in their District, or intervene and take action against the students posting the video for public viewing, created the opportunity for students to repeatedly bully Matthew while he was under the San Diego Unified School District's Care.

Further, SDUSD, UCHS, and their employees also acted in violation of their mandatory duty to supervise students at all times under section 5530 of the California Code of Regulations. Based on information and belief, Jerry Ruiz was acting within the course and scope of his employment as a teacher with SDUSD at the time he sent Matthew out of the classroom on November 15, 2013. UCHS teacher Jerry Ruiz removed Matthew from his classroom during school hours and while a specific class was in session. Matthew was forced to wander around campus unsupervised before ending up in the restroom where the video was taken. Additionally, SDUSD, UCHS and their employees and agents failed to discharge their mandatory duty to supervise students, including [REDACTED]. This created the opportunity for the taking of the video, posting of the video, dissemination of the video, and ongoing bullying to occur. Based on information and belief, the failure to supervise by UCHS employees created the opportunity for the video to be made, and the bullying to occur against Matthew while he was under the San Diego Unified School District's care.

9. Give a description of the nature of your loss, injury, or property damage, so far as is known at the time for this claim.

As a result of the conduct set forth above, Matthew Burdette took his own life. Timothy and Barbara Burdette will be forced to bear the death of their son for the rest of their lives and have suffered both economic and non-economic damages as a result.

Timothy and Barbara Burdette have suffered past and future economic loss in the form of financial support that Matthew would have contributed to the family as well as other benefits he would have provided, in addition to funeral and burial expenses. Timothy and Barbara have also suffered non-economic damages in the form of loss of love, companionship, comfort, care, assistance, protection, affection, society, and moral support.

10. Give the names of the School District employees causing the damage or injury

Based on information and belief, SDUSD and its employees, including but not limited to the Principal and Vice Principal of UCHS, UCHS Counselor Michelle Barnier, UCHS teacher Jerry Ruiz, and any other teachers, staff, or employees of SDUSD or UCHS who had knowledge of the video and/or bullying of Matthew Burdette as well as any and all personnel responsible for the supervision of UCHS students.

11. Name and address of any other person suffering a loss or injury

Not Applicable.

12. Name and address of the owner of any damages property

Not Applicable.

13. DAMAGES CLAIMED

a. Amount Claimed if it totals less than \$10,000

Not applicable. Plaintiff's claims exceed \$10,000

b. Basis for Computation.

Timothy and Barbara Burdette have no way of estimating future economic loss at this time. Likewise, they cannot presently quantify their past and future non-economic damages. However, and upon information and belief, Timothy and Barbara believe the damages will exceed \$1,000,000.00.

14. Names and addresses of all witnesses known to you who may have information related to this claim:

██████████ (student who took the video) – contact information unavailable

██████████ (Minor; best friend of Matthew Burdette) – unavailable at this time

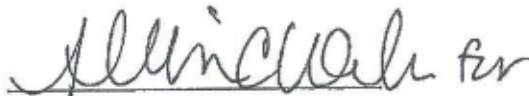
Tami Mason, Detective, San Diego Unified School District Police Department – 619-725-8082

Deputy District Attorney Fanny Yu, Juvenile Division – 858-694-4250

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM (Penal Code § 72).

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief as to such matters I believe the same to be true. I declare under penalty of perjury that the foregoing is true and correct.

5.27.14
Date


John Gomez, Esq.
Attorney for Claimants Timothy and Barbara Burdette