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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CLAUDIA MACIAS,

Plaintiffs,

vs.

LISA FILIPPINI in her individual
capacity; BILL MORONES, in his
individual capacity; and BRIAN
MILLER, in his individual capacity,

Defendants.

Case No. **1:17-at-00705**

FIRST AMENDED COMPLAINT
DEMAND FOR JURY TRIAL

INTRODUCTION

1. This action seeks remedies for defendant school district officials’ unlawful civil rights violations at Gustine Unified School District against Plaintiff Claudia Macias, who was the mother of a fourth grade student, M.S., at Romero Elementary School (“School”) during the events alleged in this action.

1 13. Thereafter, Defendant Principal Filippini offered Plaintiff and her husband shifting
2 explanations of the School's policies regarding parent visitation.

3 14. On or around September 18, 2015, Defendant Principal Filippini indefinitely
4 banned Plaintiff Mother from the School and falsely accused her of harassing teachers.

5 15. Plaintiff Mother and her husband had an appointment to visit their son's classroom
6 on the day of the ban, but on the day of that appointment Defendant Principal denied them access
7 to their son's classroom and said that they could not visit the School without prior approval. At
8 that meeting, Defendant Miller arrived in Principal Filippini's office. Principal Filippini said that
9 Plaintiff could no longer come to the School. Plaintiff Mother and her husband disagreed with
10 the allegations that Plaintiff had harassed teachers.
11

12 16. Principal Filippini refused to allow Plaintiff or her husband to tell their side of the
13 events that occurred.
14

15 17. Defendant Miller told Plaintiff that Principal Filippini had authority to ban her
16 from the School and that he would arrest her if she ever returned to the School.

17 18. Defendant Miller escorted Plaintiff Mother and her husband out of the School.

18 19. Plaintiff objected to her ban.

19 20. Plaintiff eventually transferred her son to a school in a different town and district
20 because the ban, and other conduct by Defendants, prevented her from participating in her son's
21 education.
22

23 21. Plaintiff Mother has suffered emotional distress as a result of Defendants' actions.

24 22. Defendant Superintendent had knowledge of the ban, ratified the ban, and did
25 nothing to remedy the situation. Superintendent Morones knew, or should have known, of
26 Principal Filippini's wrongful and intentional conduct in violation of Plaintiff's rights.
27
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1 Superintendent Morones banned Plaintiff consistent with the policy or custom of denying due
2 process to parents.

3 **FIRST CAUSE OF ACTION**

4 **42 U.S.C. § 1983—First Amendment Retaliation**
5 ***Against Defendants Principal Filippini, and Brian Miller, in their individual capacities—for***
6 ***monetary damages***

7 23. Plaintiff re-alleges and incorporates by reference the allegations set forth in all
8 prior paragraphs of this Complaint.

9 24. Defendants violated Plaintiff's First Amendment rights when they retaliated
10 against Plaintiff by indefinitely banning her from the School, and committing other adverse acts,
11 because Plaintiff engaged in protected speech by communicating concerns regarding her son's
12 education.

13 25. Plaintiff's speech regarding Defendants' treatment of her son, including during
14 school meetings, was protected speech.

15 26. Defendants' indefinite ban of Plaintiff from the School and other adverse acts
16 would dissuade parents of ordinary firmness from continuing to engage in protected speech.

17 27. Defendants deprived Plaintiff of her First Amendment rights and caused Plaintiff
18 to suffer injury, damage, loss and harm.

19 28. The wrongful acts of Defendants subjected Plaintiff to cruel and unjust hardship in
20 conscious disregard for her rights, were willful, malicious, fraudulent, and oppressive, were
21 committed with the wrongful intent to injure Plaintiff and were so wretched that it would be
22 looked down upon and despised by ordinary decent people.
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SECOND CAUSE OF ACTION

42 U.S.C. § 1983—Violation of Procedural Due Process Rights Under the Fourteenth Amendment; *Against Defendants Lisa Filippini, Bill Morones, and Brian Miller in their individual capacities—for money damages*

29. Plaintiff re-alleges and incorporates by reference the allegations set forth in all prior paragraphs of this Complaint.

30. Defendants deprived Plaintiff of life, liberty or property without due process of law.

31. Plaintiff has parental participation rights and protected liberty and property interests in participating in her son's education.

32. Defendants banned Plaintiff from her son's school and took other adverse actions against her without due process.

33. Defendants' actions deprived Plaintiff of her parental participation rights and interests, and caused Plaintiff to suffer injury, damage, loss, or harm.

34. Defendants' wrongful acts subjected Plaintiff to cruel and unjust hardship in conscious disregard for her rights, were willful, malicious, fraudulent, and oppressive, were committed with the wrongful intent to injure Plaintiff and were so wretched that it would be looked down upon and despised by ordinary decent people.

JURY DEMAND

35. Plaintiffs demand a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief as follows:

36. For general damages, according to proof, on each cause of action for which such damages are available;

- 1 37. For punitive damages, according to proof, on each cause of action for which such
2 damages are available;
- 3 38. For pre-judgment and post-judgment interest according to law;
- 4 39. For reasonable attorneys' fees incurred in this action on those causes of action for
5 which such fees are recoverable under the law;
- 6
- 7 40. For costs of suit incurred in this action; and
- 8 41. For such other and further relief as the Court deems proper and just.
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10 Dated: September 18, 2017

MEXICAN AMERICAN LEGAL DEFENSE AND
EDUCATIONAL FUND, INC.

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13 /s/ Victor Viramontes
Attorney for Plaintiffs

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