S285055

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

S.M., A MINOR, BY AND THROUGH HER GUARDIAN AD LITEM, SOCORRO M.,
Plaintiff and Petitioner,

v.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES,
Respondent;

LOS ANGELES UNIFIED SCHOOL DISTRICT,
Real Party in Interest.

AFTER A DECISION BY THE CALIFORNIA COURT OF APPEAL
SECOND APPELLATE DISTRICT, DIV. 5, CASE NO. B337359
HON. RICHARD FRUIN, TRIAL JUDGE
LOS ANGELES COUNTY SUPERIOR COURT CASE NO. BC704733

REPLY TO ANSWER TO PETITION FOR REVIEW

MASRY LAW FIRM, APC
Louanne Masry, SBN 190559
2629 Townsgate Road, Suite 205
Westlake Village, California 91361
Telephone: (805) 719-3550
Email: masrylawfirm@gmail.com

THE SIMON LAW GROUP, LLP
Robert T. Simon, SBN 238095
Travis E. Davis, SBN 291776
34 Hermosa Avenue
Hermosa Beach, California 90254
Telephone: (855) 855-8910
Email: robert@justiceteam.com
travis@justiceteam.com

ESNER, CHANG, BOYER & MURPHY
Stuart B. Esner, SBN 105666
Holly N. Boyer, SBN 221788
234 East Colorado Boulevard, Suite 975
Pasadena, California 91101
Telephone: (626) 535-9860
Email: sesner@ecbm.law; hboyer@ecbm.law

ATTORNEYS FOR PLAINTIFF AND PETITIONER

Document received by the CA Supreme Court.

TABLE OF CONTENTS

Document received by the CA Supreme Court.

TABLE OF AUTHORITIES

Cases

Statutes

Document received by the CA Supreme Court.

INTRODUCTION

The District's answer to the Petition for Review serves to highlight that the true reason it seeks to introduce evidence of Plaintiff's subsequent abuse is to do precisely what section 1106 was intended to prevent: "Great care must be taken to insure that this [credibility] exception to the general rule barring evidence of a complaining witness' prior sexual conduct, … *does not impermissibly encroach upon the rule itself* and *become a 'back door'* for admitting otherwise inadmissible evidence." (*People v. Rioz* (1984) 161 Cal.App.3d 905, 918–919; see also *People v. Fontana* (2010) 49 Cal.4th 351, 363.)

Here, the court's finding that the subsequent sexual abuse suffered by Plaintiff is admissible and indeed may be discussed *by no less than five witnesses* (including Plaintiff, her mother, her sister, the perpetrator of the subsequent sexual assault, the detective that investigated the assault and the experts) is the very "back door" admission of sexual conduct evidence barred by subdivision (a). The evidence permitted to be paraded before the jury has nothing to do with attacking the credibility of *Plaintiff's testimony*. It is all about damages.

If there was any question about this, then it is laid to rest by the District's misleading effort to minimize Plaintiff's abuse by the special education assistant as "grop[ing] her buttocks and allegedly touch[ing] her private parts." (Answer 6.) In actuality, this case arises out of the sexual abuse of a 12 year old intellectually disabled child by Joshua Estrada, a teacher's assistant, who *repeatedly* sexually assaulted Plaintiff by inserting his fingers into her vagina, caressing her buttocks, touching her breasts and all while forcefully holding her arm. (See Exh. 7, p. 204.) All of this occurred on school grounds and during school hours. The District's effort to minimize this conduct, provides insight into its true motive: introduce

Document received by the CA Supreme Court.

evidence of subsequent abuse in a back door effort to prove "absence of injury" – exactly what section 1106 was designed to prevent.

As now explained, the District's Answer confirms why this Court should either grant review or remand this matter to the Court of Appeal review Plaintiff's writ petition in its merits.

ARGUMENT

I. The District Does Not Discuss Let Alone Dispute The Issue Plaintiff Presents For Review.

The issue Plaintiff presented for review is that the Court of Appeal was mistaken when it summarily denied her petition for writ of mandate challenging the trial court's ruling allowing admission of evidence of other sexual abuse Plaintiff suffered based on cases standing for the principles that (1) a writ of mandate will lie to resolve an issue as to the admissibility of evidence and (2) a ruling on a motion *in limine* is not generally binding on the trial court, which is free to reconsider its ruling. Plaintiff explained that the cases normally justifying denial of writ review, involving run-of-the-mill evidentiary rulings, do not apply to rulings rendered under Evidence Code sections 1106 and 983 (such as the one here) that strips the plaintiff of the protections the Legislature has afforded victims seeking recovery because of sexual abuse. Denying writ review will irretrievably deprive the plaintiff of those protections.

In its answer, the District does not acknowledge this issue let alone does it attempt to justify the basis for the Court of Appeal's summary denial of Plaintiff's writ petition. Rather, it only attempts to justify the trial court's ruling on its merits. The District's silence as to the singular issue Plaintiff raised in her Petition for Review should be viewed as

Document received by the CA Supreme Court.

acknowledgment that the usual "hands off" approach employed to evaluate evidentiary rulings via mandate, does not apply when the issue presented concerns a ruling allowing a defendant to introduce evidence of the plaintiff's other sexual conduct under the narrow exception recognized in section 1106(e).

This tacit acknowledgment justifies this Court remanding this matter to the Court of Appeal to review Plaintiff's writ petition on its merits so that it could fully analyze whether the trial court failed to correctly evaluate the admissibility of the subject evidence in each of the three stages of the necessary analysis. So long as that Court agrees that the trial court erred in any of those three stages then writ relief is warranted. As now explained, nothing the District argues in its answer justifies the trial court's ruling at any of the applicable stages.[1]

[1] Plaintiff objects to the exhibits the District has filed in this Court without verifying which of those exhibits were before the trial court when it rendered the rulings which are being challenged in Plaintiff's writ petition. (*People v. Thomas* (2012) 53 Cal. 4th 771, 798.) Of note, the trial court's April 29, 2024 order (District Exh. 42) was already included by Plaintiff with her writ exhibits. (Exh. 37, p. 1052.)

Document received by the CA Supreme Court.

II. The District Fails To Justify The Trial Court's Ruling That The District Met Its Initial Burden Of Proof Under Section 1106(e), Justifying A Hearing Under Section 783.

In its Answer, the District agrees that the initial step a defendant must satisfy before it could introduce evidence of the plaintiff's subsequent abuse is described in section 783, subdivisions (a) and (b):

> (a) A written motion shall be made by the defendant to the court and the plaintiff's attorney stating that the defense has an offer of proof of the relevancy of evidence of the sexual conduct of the plaintiff proposed to be presented.
>
> (b) The written motion shall be accompanied by an affidavit in which the offer of proof shall be stated.

(Evid. Code, § 783.)

In the Petition, Plaintiff explained that when, section 783 references "the relevancy of evidence of the sexual conduct of the plaintiff proposed to be presented," it is referring to the *relevance of that evidence to the credibility of the plaintiff as a witness under section 1106(e)*. It is not sufficient for the defendant to submit an offer of proof demonstrating the evidence is otherwise relevant to the issues being litigated in the action. It is always the case that evidence must be relevant to the action before it can be introduced.

In its answer, the District now does not appear to challenge that its offer of proof was required to demonstrate that its proposed evidence would be relevant to challenge credibility. This is in contrast to its argument in the trial court where it claimed it should be allowed to introduce evidence of the second assault, because it is "relevant" to Plaintiff's claim, not just Plaintiff's credibility. (Exh. 22, pp. 651-652.) Indeed, the trial court erroneously agreed with the District in this regard. Exh. 28, p. 840 ["The testimony is clearly relevant to whether all of plaintiff's emotional distress

Document received by the CA Supreme Court.

was caused by the 2016 sexual assault."]) Thus, the District does not now try to demonstrate that the trial court actually exercised its discretion under the correct legal standard. This failure alone justifies writ relief. (*Iloh v. Regents of Univ. of California* (2023) 87 Cal. App. 5th 513, 528 ["[A]n abuse of discretion occurs if a trial court applies the wrong legal standard."])

In any event, nothing the District argues would justify the conclusion that its offer of proof was relevant to Plaintiff's credibility as a witness. At the outset, Plaintiff addresses the District final argument that "there is no authority for the proposition that [it] may only impeach Plaintiff by using previous statements made by Plaintiff." (Answer 28.) To the extent the District claims that section 1106(e) allows evidence of subsequent abuse to impeach credibility of other witnesses, it is wrong. Section 1106(e) itself provides: "This section shall not be construed to make inadmissible any evidence offered to *attack the credibility of the plaintiff* as provided in Section 783." (Italics added.) Likewise this Court has said the same thing: "The sections apply whenever a plaintiff's credibility *as a witness* is at issue[.]" (*Doe v. Superior Court (Mountain View School Dist.)* (2023) 15 Cal.5th 40, 62, original italics.)

Thus, the relevant inquiry is whether the defendant's offer of proof supplies facts relevant to "attack the challenge *of the plaintiff*" as a witness. Nothing the District argues comes close to satisfying this standard. The District initially relies on the fact that "cited to the Plaintiff's guardian ad litem who stated in discovery responses dated March 26, 2019, that Plaintiff was suffering emotional distress symptoms like difficulty sleeping, fear, anxiety, difficulty eating, headaches, changes in behavior, and trauma. (Ex. 18, pp. 490-491, 506-507). The guardian ad litem also testified in her February 18, 2020 deposition that Plaintiff cries when she is alone, bites her

Document received by the CA Supreme Court.

nails, rips her clothes, gets mad out of nowhere, and is no longer the same person as before. (Ex. 18, pp. 510-512).” (Answer 19-20.)

The District continues to ignore that, at trial, Plaintiff could not rely on her own he interrogatory responses, only the District could. (Code Civ. Proc., § 2030.410.) Sections 1106(e) and section 783 do not allow a defendant to engineer the admission of evidence of other abuse by introducing an interrogatory response by the plaintiff (which the defendant claims is false) and then arguing that, because it had offered that supposedly false response into evidence, it is then also entitled to submit evidence of a subsequent abuse that will impeach the credibility of the evidence it alone could introduce.

Second, even if Plaintiff were to testify at trial precisely as these interrogatories were answered, then it would still not be the case that evidence of the later abuse would be relevant to attack Plaintiff’s credibility as a witness. Those interrogatory responses do not disclaim that the later abuse occurred. Nor do they state that 100% of her emotional distress was caused by the earlier abuse for which the District is responsible. Likewise, the testimony of Plaintiff’s guardian which the District also references likewise just describes Plaintiff’s emotional distress. It does not suggest that 100% of her distress was caused by the subject abuse.

Under the District’s position and the trial court’s initial ruling directing a section 783 hearing, a victim’s later sexual abuse would be admissible just because it is relevant to challenge whether the emotional distress plaintiff claims was caused by the abuse which forms the basis for the plaintiff’s action. But that same thing would be true in all cases. The protections afforded by the legislature would always be swallowed up by the “relevance” the District asserts here. To repeat what the District continues to ignore: “An essential aspect of the damage *in any case* of sexual harassment, sexual assault or sexual battery is the *outrage, shock*

Document received by the CA Supreme Court.

and humiliation of the individual abused. We cannot conceive of a circumstance where a cause of action for sexual assault, battery, or harassment could accrue devoid of any consequential emotional distress." (*Mendez v. Superior Court* (1988) 206 Cal.App.3d 557, 573, disapproved of on other grounds by *Williams v. Superior Court* (2017) 3 Cal.5th 531.)

In short, the interrogatory responses and the referenced deposition testimony describing the fact that Plaintiff suffered distress due to the subject abuse has no tendency to prove that the Plaintiff's anticipated trial testimony lacks credibility.

The same is true of the second category of evidence the District describes. The District argues: "Plaintiff's own psychological expert stated in her January 27, 2022 deposition that the damage suffered by Plaintiff from the previous single sexual groping at the school, and the subsequent multiple sexual assaults and statutory rapes suffered by Plaintiff at the hands of her sister's boyfriend were cumulative in nature and she could not apportion a percentage damage to each cause. (Ex. 10, p. 259-260)." (Answer 20.)

Initially, this deposition was attached to a reply in support of the District's Motion in Limine Number 2, but was not described in an offer of proof as required by section 783(b). (Ex. 10. pp. 255-256.) In any event, in those deposition pages, Plaintiff's expert described that it was the first abuse (which is the subject of this action) "that's what set the stage and created a different person." (*Id* at p. 260.) This testimony again does not call Plaintiff's credibility as a witness into question. At most it simply describes Plaintiff's distress that is attributable to the subject abuse, which as just explained does not open the door to the admission of subsequent abuse under section 1106(e).

Finally, the District adds that in her deposition Plaintiff testified that "she does not know what makes her feel scared and does not recall when

Document received by the CA Supreme Court.

her loss of appetite and nervousness started." (Answer 20.) The District argues that this passage establishes that Plaintiff's memory or the accuracy of her testimony is in question as to allow the introduction of the later abuse. Not so.

First, these later facts were also not included in the Offer of Proof declaration itself (Ex. 18, pp. 476-479) as required by Section 783, subdivision (b). Indeed, the deposition passages the District now relies on were not even marked for the trial court to review. (Ex. 18, pp. 519-520.)

In any event, this deposition excerpt does not render evidence of the later abuse relevant to call Plaintiff's memory or the accuracy of her testimony into question. Plaintiff forthrightly testified "I don't know" to the question "what makes you scared every day" (Id at p. 520) and "I don't remember" to the question "[w]hen did you first lose your appetite." (Id at p. 519.) Other than saying that it is the case (Answer 20), the District offers no explanation why evidence of the subsequent abuse is relevant to challenge Plaintiff's memory, just because she candidly acknowledged that she could not recall certain facts.

Nor do any of the facts referenced at pages 27-28 of the Answer (many of which were not included in the District's offer of proof) demonstrate that evidence of the subsequent abuse is relevant to challenge whether Plaintiff's testimony will be inaccurate or that her memory is faulty. Essentially, the District is claiming that, because Plaintiff was subsequently abused (as she truthfully acknowledged) and because she suffered distress as a result of that abuse (which again she truthfully acknowledged), then it is entitled to introduce evidence of that subsequent abuse because it may have impacted her ability to correctly recall facts. Under the District's position Sections 1106(e) and 783 will be turned into a game of "heads I win and tails you lose." If the plaintiff offers false testimony about the other abuse, then evidence of that abuse will be

Document received by the CA Supreme Court.

admissible to directly impeach the plaintiff's false testimony. But, if the plaintiff truthfully acknowledges that the other abuse occurred, defendant will still be able to introduce that evidence because it may bear on her capacity to correctly recall facts. That is not what this Court approved in *Mountain View,* when it explained:

> The sections apply whenever a plaintiff's credibility *as a witness* is at issue — such as when memory or accuracy may be disputed. When evidence regarding a plaintiff's credibility concerns that person's sexual conduct, the requirements of sections 783, 780, and 352 work together to prevent admission of evidence that is unnecessarily harassing, irrelevant, or unduly prejudicial.

(*Mountain View,* 15 Cal.5th at p. 62, original italics.)

Here, none of the facts the District references demonstrate that evidence of the subsequent abuse is itself relevant to challenge Plaintiff's memory or accuracy as a witness.

III. The District Also Does Not Justify The Trial Court's Ruling That The Evidence Submitted At The Section 783 Hearing Warranted Proceeding To The Third Stage Of The Analysis Under Section 352.

As next described in the Petition, even if the District's offer of proof was adequate to trigger a hearing under Section 783, subdivision (c) (it wasn't), then the trial court erred in ruling that the District satisfied its burden at that hearing. The District does not challenge that the purpose of the section 783 hearing itself is to allow the examination of the Plaintiff to test the offer of proof provided by the Defendant under section 783, subdivisions (a) and (b), that led to the section 783 hearing in the first place.

Document received by the CA Supreme Court.

The District instead initially attempts to excuse its failure to call Plaintiff as a witness -- even though section 783, expressly provides that the hearing is to "allow the questioning of the plaintiff regarding the offer of proof. . . ." According to the District, since Plaintiff did not object to the trial court's proposal not to call Plaintiff, this argument has been waived. (Answer 21.)

The District distorts what took place. Per the Court's order, Plaintiff and her guardian were in court, prepared to testify at the section 783 hearing. (Exh, 40, pp. 854-855.) The District also had subpoenaed the other witnesses (whom the Court ultimately ruled could testify at trial) including, Plaintiff's sister, the therapist, the Detective who investigated the later abuse. (Exh, 40, pp. 857-858.) Plaintiff strenuously argued that no section 783 hearing was warranted in the first place (id at pp. 850, 884) and also objected to these other witnesses testifying explaining that "we have to look at this hearing today is for the defense to ask questions to determine whether the court finds that they can attack plaintiff's credibility . . . . That's what we are here for. *And it's plaintiff's position that only plaintiff should testify*." (Id at p. 852, italics added.) The Court nevertheless ruled that it would consider deposition testimony that has been highlighted. (Id. at p. 892.)

Plaintiff did not agree to this procedure. Moreover, since it was the District's motion, it had the burden to ensure compliance with the statutory requirements. In *Mountain View*, this Court was clear as to the role of a section 783 hearing. There, this Court concluded that it could not affirm the trial court's ruling allowing the admission of the subject evidence even though it did not conduct a hearing under section 783, explaining:

> The trial court did not hold a more robust "hearing out of the presence of the jury," at which it would "*allow the questioning of the plaintiff regarding the offer of proof made by the defendant*." (§ 783, subd. (c), italics added.) Consequently, the record reflects no information about

Document received by the CA Supreme Court.

> the nature of the 2013 molestation, how the evidence regarding that molestation compares with the evidence concerning the 2009–2010 abuse, or how plaintiff might characterize and testify regarding those events. *Most significantly, such questioning of plaintiff would have been expected to address the issue of whether she will claim that 100 percent of her emotional distress damages is attributable to the [subject] abuse and none to any other factor, including the [other] molestation.*

(*Mountain View*, 15 Cal.5th at p. 65.)

Precisely the same is true here. There was no examination of Plaintiff to determine whether evidence of the subsequent abuse would be relevant to challenge her credibility.

In any event, even if the Court correctly elected to review only highlighted deposition excerpts, then it remains the case that the Court erred in concluding that the matter should proceed to the third step of the analysis (under section 352). The District initially relies on deposition testimony of Plaintiff's guardian ad litem which it characterizes as stating that "Plaintiff suffered no sexual assault other than at the hands of the School District employee in 2016. (Ex. 32, p. 954, Ex. 44, p. 57)." (Answer 22.) In that deposition, the guardian was asked whether, besides the subject incident, "has plaintiff ever been sexually abused *before*?" (Italics added.) Plaintiff's counsel objected, but the witness interjected "no" in the midst of a colloquy among counsel as to the grounds for the objection. (Ex. 44, p. 57.) There was no further questioning on the subject, and the witness was thus never asked to explain her answer. As the trial court observed at the section 783 hearing, the District did not move to compel further responses. (Exh, 40, p. 862.)

But even if this deposition excerpt as to whether Plaintiff suffered abuse "before" demonstrates that the Guardian denied that Plaintiff was later abused, then that still would not open the door to admission of evidence of the subsequent abuse. To repeat: The purpose of the section

Document received by the CA Supreme Court.

783 is to test the offer of proof to determine whether evidence of the subsequent abuse was relevant to test *Plaintiff's credibility as a witness*. Here, Plaintiff truthfully testified that there second sexual abuse occurred and that it harmed her. (Ex. 4, pp. 94-95.) And Plaintiff's counsel unequivocally confirmed this: "[Plaintiff], and no expert, no witness in this case has ever testified that 100 percent of her injuries were caused by the assault by Estrada. That has not been presented. . . ." (Exh. 36, p. 1031.)

Even if Plaintiff's guardian were to testify to the contrary (and there is no indication that she would do so), then that would not call *Plaintiff's credibility* as a witness into question as to potentially trigger the exception contained in section 1106(e). "While the guardian ad litem has the power to assent to procedural steps that will facilitate a determination of the case [Citation], *the guardian ad litem cannot prejudice substantial rights of the minor by admissions, waivers, or stipulations*." (*Torres v. Friedman* (1985) 169 Cal. App. 3d 880, 887, italics added.)

The District next argues that "Plaintiff's guardian ad litem also made sworn responses to form interrogatories stating that Plaintiff suffered no injuries after 2016; that all of Plaintiff's injuries are attributable to the school employee in 2016; and that Plaintiff sought treatment at the VIP because of the 2016 incident. (Ex. 18, pp, 541-544, 498)." (Answer 22.) But the District then acknowledges that "Plaintiff and Plaintiff's retained and treating expert acknowledge the multiple sexual assaults and statutory rapes committed against Plaintiff in 2018-19. These same witnesses also establish that the 2018-19 incidents have caused Plaintiff emotional distress symptoms[.] (Ex. 18, p. 586)." (*Ibid*.)

The District thus argues that even though neither Plaintiff nor her experts intend to testify at trial that Plaintiff suffered no other abuse or that 100% of her distress was caused by the subject abuse, it is nevertheless entitled to introduce evidence of the subsequent abuse to impeach evidence

Document received by the CA Supreme Court.

that Plaintiff either cannot legally introduce (interrogatory responses) or because a third-party witness offered certain testimony at her deposition – even though Plaintiff has expressly disavowed on the record her intention to take that position at trial and even though it is directly at odds with Plaintiff's own testimony.

Simply put, the deficient section 783 hearing did not justify the Court proceeding to the third stage of the analysis under section 352.

IV. The District Fails To Demonstrate That The Trial Court Engaged In The Required "Probing Inquiry" Under Section 352.

Finally, as explained in the Petition, the Court also erred by not engaging in the required "probing inquiry" under section 352. The District's response only underscores that this occurred.

Initially, the District argues that Plaintiff "stipulated to not calling live witnesses to the section 352 hearing" (Answer 23). This is not true and in an event is not relevant to this issue. Nor is the fact that Plaintiff declined to stipulate to the other matters referenced by the District. Once again, it was the District's burden to establish that it was entitled to introduce evidence of the subsequent abuse under the narrow exception contained in section 1106(e). Plaintiff was not obligated to aid the District in meeting this burden through a stipulation.

The District initially argues that the trial court "fulfilled the requirement of a more probing inquiry" (Answer 24), because it "ruled that the examination of Plaintiff should be focused on her emotional reaction to the 2018-19 sexual assaults rather than on the details of those assaults. (Ex. 38, pp.1058-1059). The trial court described that the specifics of the 2018-19 sexual assaults could be put into evidence by other witnesses to avoid further distress of S.M. during trial. (Ex. 38, p. 1059). The trial court

Document received by the CA Supreme Court.

ordered that 'for all witnesses, the Court concludes that the School District will not be allowed to question the witnesses about the specific sexual acts committed by Esteban Vasquez against Plaintiff." (Ex. 38, p. 1059; Ex. 42)'" (Ibid.)

But these limitations do not erase the prejudice section 1106 was designed to prevent. As explained in the Petition, the District will still be entitled to question numerous witnesses whether Vasquez (who committed the subsequent abuse) "raped and/or sexually assaulted" Plaintiff, leaving the unmistakable impression that Plaintiff was physically forced into a sexual relationship with him. In the guise of protecting Plaintiff, her claim will be unfairly harmed – that is unless she is forced to open the door to introducing additional evidence about the Vasquez abuse as the price she has to pay to seek recovery from the District. This is precisely what section 1106 is designed to prevent. If this were the law, then victims such as Plaintiff will need to think long and hard before seeking recovery – knowing that by doing so they are opening the door to the disclosure of such highly personal and private other matters.

Document received by the CA Supreme Court.

CONCLUSION

For the foregoing reasons and for the reasons explained in the Petition for Review, Plaintiff urges the Court to grant Review or remand this matter to the Court of Appeal to review her writ petition on its merits.

Dated: May 31, 2024

MASRY LAW FIRM, APC

THE SIMON LAW GROUP, LLP

ESNER, CHANG, BOYER & MURPHY

By: *s/ Stuart B. Esner*
Stuart B. Esner
Attorneys for Plaintiff and Petitioner

Document received by the CA Supreme Court.

CERTIFICATE OF WORD COUNT

This brief contains 4,196 words per a computer generated word count.

s/ Stuart B. Esner
Stuart B. Esner

Document received by the CA Supreme Court.

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 234 East Colorado Boulevard, Suite 975, Pasadena, CA 91101.

On the date set forth below, I served the foregoing document(s) described as follows: **REPLY TO ANSWER TO PETITION FOR REVIEW**, on the interested parties in this action by placing ___ the original/ X a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

SEE ATTACHED SERVICE LIST

☒ BY ELECTRONIC SERVICE VIA TRUEFILING Based on a court order, I caused the above-entitled document(s) to be served through TrueFiling at https://www.truefiling.com addressed to all parties appearing on the electronic service list for the above-entitled case. The service transmission was reported as complete and a copy of the TrueFiling Filing Receipt Page/Confirmation will be filed, deposited, or maintained with the original document(s) in this office.

☒ STATE I declare under penalty of perjury that the foregoing is true and correct.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on May 31, 2024 at Gardena, California.

s/ Kelsey Wong
Kelsey Wong

Document received by the CA Supreme Court.

SERVICE LIST

S.M. v. Superior Court of California, County of Los Angeles

(S285055 | B337359 | BC704733)

Court Counsel LOS ANGELES SUPERIOR COURT 111 North Hill Street, Room 546 Los Angeles, CA 90012 Email: courtcounselwrits@lacourt.org MZarate@lacourt.org	***Respondent***
Rodolfo F. Ruiz, Esq. Erin E. Uyeshima, Esq. Diana Cho, Esq. VANDERFORD & RUIZ, LLP 221 East Walnut Street, Suite 106 Pasadena, CA 91101 Telephone: (626) 405-8800 Email: rruiz@vrlawyers.com euyeshima@vrlawyers.com dcho@vrlawyers.com	***Attorneys for Defendant and Real Party in Interest*** Los Angeles Unified School District
Joshua Jacob Estrada 3926 Dozier Street Los Angeles, CA 90063 Email: cobyestrada24@gmail.com	***Defendant***
Louanne Masry, Esq. MASRY LAW FIRM, APC 2629 Townsgate Road, Suite 205 Westlake Village, California 91361 Telephone: (805) 719-3550 Email: masrylawfirm@gmail.com	***Attorneys for Plaintiff and Petitioner*** S.M.
Robert T. Simon, Esq. Travis E. Davis, Esq. THE SIMON LAW GROUP, LLP 34 Hermosa Avenue Hermosa Beach, California 90254 Telephone: (855) 855-8910 Email: robert@justiceteam.com travis@justiceteam.com	***Attorneys for Plaintiff and Petitioner*** S.M.

Document received by the CA Supreme Court.

California Court of Appeal
SECOND APPELLATE DISTRICT, DIV. 5
300 S. Spring Street
2nd Floor, North Tower
Los Angeles, CA 90013

(Unbound Brief Via Mail Only)

Document received by the CA Supreme Court.