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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF NEVADA**

10  
11 JOHN and JANE DOE I, Guardians Ad Litem for  
JOANN DOE I, a minor, individually and on behalf of  
12 all those similarly situated, and JOHN and JANE DOE  
II, Guardians Ad Litem for JOANN DOE II, a minor,  
13 individually and on behalf of all those similarly  
situated;

14 Plaintiffs,

15 vs.

16 JEREMIAH MAZO; CLARK COUNTY SCHOOL  
17 DISTRICT; DOES 1 through 20; DOE 1 through 20;  
ROE CORPORATIONS 1 through 20.

18 Defendants.  
19

**CASE No.: 2:16-cv-00239-APG-PAL**

**STIPULATION AND ORDER FOR  
FILING OF FIRST AMENDED  
COMPLAINT**

20  
21 IT IS HEREBY STIPULATED AND AGREED by and between undersigned counsel for  
22 Plaintiffs and undersigned counsel for Clark County School District (hereinafter "CCSD") that, pursuant  
23 to Rule 15(a) of the Federal Rules of Civil Procedure, Plaintiffs may file a First Amended Complaint in  
24 the above-entitled action within five (5) days from entry of this Stipulation and Order. Plaintiffs seek to  
25 amend their original complaint to include the Nevada State Education Association (hereinafter "NSEA")  
26 and the Clark County Education Association (hereinafter "CCEA") as named Defendants to this action.  
27 The deadline to amend pleadings is February 24, 2017; therefore, this stipulation is being entered prior to  
28 the due date for amended pleadings. Plaintiffs and existing Defendants agree to work with new

**EGLET PRINCE**

1 Defendants to allow for sufficient time for all discovery to be completed in an efficient and timely  
2 manner. A proposed copy of the First Amended Complaint is attached hereto as Exhibit "1".

3 IT IS FURTHER HEREBY STIPULATED AND AGREED that the caption for this action shall  
4 be amended to reflect the newly included parties, NSEA and CCEA. The caption shall be amended  
5 effective immediately upon approval of this stipulation.

6 DATED this 22<sup>nd</sup> day of February, 2017.

DATED this 22<sup>nd</sup> day of February, 2017.

7 **EGLET PRINCE**

**COUNSEL FOR DEFENDANTS**

8 /s/Artemus W. Ham  
9 ROBERT T. EGLET, ESQ.  
10 Nevada Bar No. 3402  
11 ARTEMUS W. HAM, ESQ.  
12 Nevada Bar No. 7001  
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17 *Attorneys for Plaintiffs*

/s/ Kara B. Hendricks  
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-and-  
**HALL JAFFE & CLAYTON, LLP.**  
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*Attorneys for Defendant Clark County School  
District*

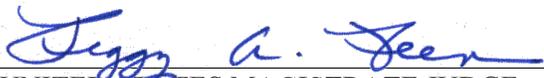
18 DATED this 22<sup>nd</sup> day of February, 2017.

19 /s/ John George  
20 JOHN GEORGE, ESQ.  
21 600 South Eighth Street  
22 Las Vegas, NV 89101  
23 *Attorney for Defendant Jeremiah Mazo*

**ORDER**

24 **IT IS SO ORDERED.**

25 Dated this 28 day of February, 2017.

26   
27 UNITED STATES MAGISTRATE JUDGE  
28

# EXHIBIT 1



1 ROBERT T. EGLET, ESQ.  
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9  
10 **IN THE UNITED STATES DISTRICT COURT**

11 **FOR THE DISTRICT OF NEVADA**

12  
 13 JOHN and JANE DOE I, Guardians Ad Litem  
 for JOANN DOE I, a minor, individually and  
 14 on behalf of all those similarly situated, and  
 JOHN and JANE DOE II, Guardians Ad Litem  
 15 for JOANN DOE II, a minor, individually and  
 on behalf of all those similarly situated;

16  
17 Plaintiffs,

18 vs.

19 JEREMIAH MAZO; CLARK COUNTY  
 20 SCHOOL DISTRICT; NEVADA STATE  
 EDUCATION ASSOCIATION; CLARK  
 21 COUNTY EDUCATION ASSOCIATION;  
 DOES 1 through 20; DOE 1 through 20; ROE  
 22 CORPORATIONS 1 through 20.

23  
24 Defendants.

**[PROPOSED] FIRST AMENDED CLASS  
ACTION COMPLAINT**

**DEMAND FOR JURY**

25 Plaintiffs, JOHN and JANE DOE I, Guardians Ad Litem for JOANN DOE I, a minor,  
 26 individually and on behalf of all those similarly situated, and JOHN and JANE DOE II,  
 27 Guardians Ad Litem for JOANN DOE II, a minor, individually and on behalf of all those  
 28



1 similarly situated, by and through their attorneys, the law firm **EGLET PRINCE**, and for their  
2 causes of action against the Defendants, complain and allege as follows:

3  
4 **JURISDICTION AND VENUE**

5 1. This Court has federal-question jurisdiction under 28 U.S.C. Section 1331  
6 because the matters in controversy arise under a federal statute, 20 U.S.C. section 1681(a). This  
7 Court has supplemental jurisdiction over the state-law claims under 28 U.S.C. section 1367.

8 2. Venue is proper in this Court under 28 U.S.C. section 1391(b) because a  
9 substantial part of the events that gave rise to Plaintiffs' claims took place within the Southern  
10 Division of the District of Nevada.

11  
12 **GENERAL ALLEGATIONS**

13 3. That all at all times relevant hereto, Plaintiffs were residents of the County of  
14 Clark, State of Nevada.

15 4. That Plaintiffs JOHN and JANE DOE I are residents of the County of Clark, State  
16 of Nevada, and parents of the minor, JOANN DOE I, age ten (10) who, at all relevant times, was  
17 a student at HAYDEN ELEMENTARY SCHOOL, which was located in the County of Clark,  
18 State of Nevada, and was part of the Clark County School District.

19 5. That Plaintiffs JOHN and JANE DOE II are residents of the County of Clark,  
20 State of Nevada, and parents of the minor, JOANN DOE II, age nine (9) who, at all relevant  
21 times, was a student at HAYDEN ELEMENTARY SCHOOL, which was located in the County  
22 of Clark, State of Nevada, and was part of the Clark County School District.

23 6. That Defendant, CLARK COUNTY SCHOOL DISTRICT ("District") is a  
24 government entity, which owns or operates HAYDEN ELEMENTARY SCHOOL.  
25  
26  
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28

1           7.       That at all times relevant hereto, Defendant NEVADA STATE EDUCATION  
2 ASSOCIATION (“NSEA”) is a Nevada non-profit cooperative operating in the County of Clark,  
3 State of Nevada.

4           8.       That at all times relevant hereto, Defendant CLARK COUNTY EDUCATION  
5 ASSOCIATION (“CCEA”) is a Nevada non-profit cooperative operating in the County of Clark,  
6 State of Nevada.

7           9.       Upon information and belief and at all times relevant hereto, NSEA represents  
8 CCEA at the state level as well as Nevada teachers and education support professionals at the  
9 local level, including but without limitation teachers in the County of Clark, State of Nevada.

10           10.      That on or around July 1, 2005 and effective at all times relevant to this  
11 Complaint, the District and CCEA entered into a Professional Negotiation Agreement  
12 (“Agreement”) recognizing and declaring that “providing the highest standards of education for  
13 the children of the District is their mutual aim and that the character of such education depends  
14 predominantly upon the quality and morale of the teaching staff.” The Agreement further  
15 provides specific terms in achieving said goals that include without limitation the following:  
16

- 17
- 18           a.       That CCEA is authorized as the “exclusive representative of all licensed  
19                    personnel employed or to be employed” by the District;
  - 20           b.       That membership dues are automatically deducted from the salaries of employees,  
21                    including but not limited to teachers of the District, and are paid to CCEA; and
  - 22           c.       That in the event civil or criminal proceedings are instituted against a teacher and  
23                    the teacher is “cleared of said charge”, the District and CCEA negotiated and  
24                    agreed that “all written reports, comments, or reprimands concerning actions  
25                    which the courts found not to have occurred, shall be removed from the teacher’s  
26                    personnel file.”
- 27  
28

1           11. That Defendant JEREMIAH MAZO (“Mazo”) was, at all relevant times, a  
2 resident of the County of Clark, State of Nevada, and was a teacher acting under the color of law  
3 and employee of the District, working as a music teacher at HAYDEN ELEMENTARY  
4 SCHOOL, and other District schools, until he was arrested on April 24, 2015 for sexual  
5 misconduct involving elementary school students. Doe Defendants 1-10 are or were officials,  
6 supervisors, administrators and/or in a supervisory or management position at the District who  
7 had authority to address the discrimination, harassment, abuse and/or molestation alleged herein  
8 and, moreover, had authority to institute corrective measures on the District’s behalf. At all  
9 relevant times, Does 1-10 were residents of Clark County, State of Nevada, and acting under the  
10 color of law and employees of the District.

13           12. Doe Defendants 11-20 are or were District personnel subject to training by  
14 officials, supervisors, administrators and/or in a supervisory or management position at the  
15 District, including but not limited to Doe Defendants 1-10. Does 11-20 also had authority to  
16 address the discrimination, harassment, abuse and/or molestation alleged herein and, moreover,  
17 had authority to institute corrective measures on the District’s behalf. At all relevant times, Does  
18 11-20 were residents of Clark County, State of Nevada, and acting under the color of law and  
19 employees of the District.

22           13. That on or about December 9, 2015, MAZO plead guilty in the Eighth Judicial  
23 District Court to three felony counts of attempted lewdness with a child, and he has been  
24 sentenced to five (5) to twenty (20) years per count, with the sentences to run consecutively.  
25 The charges and conviction stemmed from the fact that between 2008 and April 2015, Mazo  
26 sexually molested children who were students enrolled in the District, including, but not limited  
27 to, JOANN DOE I and JOANN DOE II, who were students at HAYDEN ELEMENTARY  
28 SCHOOL.

1           14.     Previously, in 2008, while Mazo was a teacher with the District, teaching at  
2 SIMMONS ELEMENTARY SCHOOL, he was arrested and charged with sexually molesting  
3 students. Upon information and belief, NSEA and CCEA provided assistance to Mazo which  
4 ultimately facilitated dismissal of the criminal charges. After the criminal charges were  
5 dismissed, Defendants, acting in concert, not only abandoned the administrative proceedings  
6 against Mazo, but agreed to allow for his immediate reinstatement to unsupervised and  
7 unmonitored teaching duties at a different school within the District while at the same time  
8 ensuring that any and all reference to the 2008 allegations would be kept highly confidential and  
9 removed from Mazo’s personnel file. In so doing, Defendants sought to provide “the highest  
10 standards of education for the children of the District” and to preserve “the quality and morale of  
11 the teaching staff.” Instead of terminating his employment or, at a minimum, establishing  
12 policies, procedures or parameters to ensure that Mazo would not molest students, the District  
13 transferred Mazo to another school and continued to employ him, allowing him to teach young  
14 school children at other District schools, including but not limited to, HAYDEN  
15 ELEMENTARY SCHOOL.  
16

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19           15.     Upon information and belief and at all times relevant thereto, information relating  
20 to Mazo’s arrest and sexual molestation charges in 2008 while at SIMMONS ELEMENTARY  
21 SCHOOL were removed from his personnel file consistent with the terms of the Agreement  
22 negotiated by and between the District and CCEA.  
23

24           16.     That while a teacher at HAYDEN ELEMENTARY SCHOOL, from August 2012  
25 through April, 2015, MAZO would ask JOANN DOE I to sit with him behind his desk, and,  
26 after the other students had been dismissed from his music class, he would touch her buttocks,  
27 and he would rub her private parts, both under her trousers as well as over her clothing.  
28

1           17.     That as a result of the conduct of the Defendants and each of them, JOANN DOE  
2 I objected to going to school, threw temper tantrums in the mornings to avoid going to school,  
3 and currently she says that she does not want to have any children because she fears someone  
4 will do the same thing to her children that Defendant Mazo did to her.  
5

6           18.     That while a teacher at HAYDEN ELEMENTARY SCHOOL, between August  
7 2014 and April 2015, after music class had concluded, and the other students had left the  
8 classroom, MAZO would ask JOANN DOE II to stay with him and to sit on his lap, whereupon,  
9 he would touch her buttocks, and on eight (8) to ten (10) occasions, he would rub her private  
10 parts.  
11

12           19.     That during the period of time she was being sexually abused by MAZO, JOANN  
13 DOE II did not want to go to school, refused to do her household chores, fought with her parents  
14 and her brother, and could not fall asleep at night. If her mother patted her on the bottom,  
15 JOANN DOE II would become very angry, and JOANN DOE II was always upset on  
16 Wednesdays, which were the days she had music class with MAZO. Defendant MAZO told  
17 JOANN DOE II she would be transferred to a different school if she told anyone about what he  
18 was doing to her.  
19

20           20.     That as a result of Mazo's statements, JOANN DOE II was afraid to tell anyone  
21 about the abuse she suffered at his hands, and after MAZO was arrested on April 24, 2015, she  
22 was afraid to go to school because she thought other students would blame her for having  
23 MAZO arrested.  
24

25           21.     That Jurisdiction is conferred upon this court in accordance with Title IX of the  
26 Education Amendments of 1972, 20 U.S.C. Sec. 1681 (a).  
27

28           22.     That the District's policies, and implementation thereof, have failed to discourage  
teachers from engaging in sexual relations and/or improper sexual contact with students.



1 Additionally, the District has intentionally and/or negligently failed to establish, facilitate and  
2 inform students about, or train them how to use, a confidential complaint program that would  
3 give students a venue for action.

4  
5 23. That as a result of the Agreement negotiated by and between the District and  
6 CCEA, it was foreseeable that incidents of sexual relations with minors and/or improper sexual  
7 contact with students could have been prevented, including but not limited to incidents that  
8 occurred at HAYDEN ELEMENTARY SCHOOL involving Plaintiffs JOANN DOE I, JOANN  
9 DOE II, and other putative class members.

10  
11 24. That Doe Defendants 1-20 failed to effectively and sufficiently exercise their  
12 authority and/or training to address the discrimination, harassment, abuse and/or molestation  
13 alleged herein and institute corrective measures on the District's behalf, even though it was  
14 reasonably foreseeable under the facts and circumstances of this case that Mazo would  
15 discriminate, harass, abuse and/or molest Plaintiffs, and others similarly situated, in light of the  
16 nature and scope of his employment.

17  
18 25. That as a result of the Defendants' and each of their acts, JOANN DOE I and  
19 JOANN DOE II were placed in great apprehension of offensive contact, assault, battery, sexual  
20 seduction, sexual assault, sexual harassment, rape and emotional distress.

21  
22 26. That Plaintiffs have been forced to retain the services of an attorney to prosecute  
23 this action, and are, therefore, entitled to an award of reasonable attorneys fees, costs of suit  
24 incurred, and punitive damages.

25 **CLASS ACTION ALLEGATIONS**

26 27. That Plaintiffs bring this action individually and on behalf of the Class hereinafter  
27 referred to as "Plaintiffs' Class," consisting of all students enrolled in the District who were  
28 battered, assaulted, sexually assaulted, harassed, sexually harassed, molested, and/or improperly

1 touched by Defendant MAZO. Plaintiffs' Class seeks a judgment that Defendants are responsible  
2 to each member of the class for the various negligent, intentional, malicious, reckless and  
3 wrongful acts as alleged herein.

4  
5 28. That the members of Plaintiffs' Class are so numerous as to render joinder  
6 impracticable. Upon information and belief, there were/are over 30 students who attended  
7 HAYDEN ELEMENTARY SCHOOL during the six years Defendant MAZO was a teacher  
8 there, and who may have been harmed/victimized by the Defendants and each of them. The  
9 questions of law and fact common to the Plaintiffs' Class include that each class member has  
10 suffered similar injuries and damages (e.g., improper sexual contact which resulted in physical  
11 and mental pain, emotional distress, anxiety, suffering, humiliation and embarrassment due to  
12 Defendant MAZO's improper/criminal conduct), and the failure of the Defendants to warn  
13 students and their parents about MAZO's history; the failure of Defendants to protect students  
14 from MAZO; the failure of Defendants to provide a safe premises for children attending the  
15 District schools; and the failure of Defendants to create and educate on an effective confidential  
16 complaint avenue by which students could inform the District employees, NSEA members,  
17 and/or CCEA members of their fears, suspicions, and injuries concerning Defendant MAZO.

18  
19  
20 29. That the named Representatives of Plaintiffs' Class are adequate representatives  
21 of the class and possible respective subclass. The violations alleged by Plaintiffs' Class stem  
22 from the same course of conduct by Defendants on which Plaintiffs' Class will rely. In addition,  
23 the harm suffered by the Representatives of Plaintiffs' Class is typical of the harm suffered by  
24 the proposed Plaintiffs' Class.

25  
26 30. The named Plaintiffs' Class Representatives, have the requisite personal interest  
27 in the outcome of this action and will fairly and adequately protect the interests of the putative  
28 class. The law firm of Eglet Prince represents Plaintiffs' Class Representatives. This law firm



1 has the resources, expertise and experience to prosecute this action. Eglet Prince’s members do  
2 not have knowledge of any conflicts among the members of Plaintiffs’ Class, or any conflicts  
3 between the class and Eglet Prince.

4  
5 31. That the class action is superior to other available methods for the fair and  
6 efficient adjudication of this controversy because: (a) the prosecution of a multitude of separate  
7 actions would be inefficient and wasteful of judicial resources; (b) the members of the class may  
8 be scattered throughout Nevada and are not likely to be able to vindicate and enforce their rights  
9 unless this actions is maintained as a class action; (c) the issues raised can be more fairly and  
10 efficiently resolved in the context of a single action rather than piece-meal litigation in the  
11 context of separate actions; (d) the resolution of litigation in a single forum will avoid the danger  
12 and resultant confusion of possible inconsistent determinations; (e) the prosecution of separate  
13 actions would create the risk of inconsistent or varying adjudications with respect to individuals  
14 pursuing claims against Defendants, which would establish incompatible standards of conducts  
15 for Defendants; (f) Defendants have acted and will act on grounds applicable to all class  
16 members, making final declaratory and injunctive relief on behalf of all members necessary and  
17 appropriate; and (g) questions of law and/or fact common to members of the class, especially on  
18 issues of liability, predominate over any question, such as that of individuals damages that will  
19 affect individual class members.  
20  
21  
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23 32. That upon knowledge and belief, nearly every one of the proposed Plaintiffs’  
24 Class members are residents of Nevada, the principal injuries alleged in this action occurred in  
25 Nevada and the Defendants are all residents of the County of Clark, State of Nevada, or are  
26 doing business in the County of Clark, State of Nevada.  
27  
28

**FIRST CLAIM FOR RELIEF**

*(Violation of 20 U.S.C. Sec. 1681 et. seq. against Clark County School District, Nevada State Education Association, and Clark County Education Association)*

33. That Plaintiffs incorporate by this reference each and every allegation previously made in this Complaint, as if fully set forth herein.

34. That in committing the acts alleged above, Defendants, each of them, violated Title IX of the Educational Amendments of 1972, which denied Plaintiffs and those similarly situated the benefits of, and subjected them to discrimination, harassment and abuse under, an educational program or activity that received federal financial assistance.

35. That Defendants' conduct constituted deliberate indifference to actual knowledge of a substantial risk of abuse and harassment to Plaintiffs and those similarly situated. Such abuse and harassment was pervasive, severe and objectively offensive and created a hostile climate based on sex.

36. That as a direct and proximate result of Defendants' foregoing wrongful conduct, Plaintiffs and those similarly situated have suffered damages, extreme physical and emotional distress and harm. Further, Defendants' conduct deprived Plaintiffs and those similarly situated of access to the educational opportunities and benefits of the District, in violation of Title IX.

37. That the aforementioned acts were conducted in a wanton, willful, malicious manner, with conscious disregard for Plaintiffs' rights and the rights of those similarly situated. The acts of Defendants and each of them should be assessed punitive or exemplary damages.

38. That Plaintiffs and those similarly situated have been forced to retain the services of an attorney to represent them in this action, and as such are entitled to reasonable attorneys fees and litigation costs.

**SECOND CLAIM FOR RELIEF**

***(Assault/Battery Against Defendant Mazo)***

39. That Plaintiffs incorporate by this reference each and every allegation previously made in this Complaint, as if fully set forth herein.

40. That in committing the acts alleged above, Defendant MAZO acted with the intent to make unwanted contact with Plaintiffs' persons and the persons of those similarly situated.

41. That as a result of the foregoing wrongful conduct, Plaintiffs and those similarly situated have suffered damages, great physical and mental harm, mental anxiety, embarrassment, humiliation, grief, sorrow, and depression.

42. That the acts of Defendant MAZO were willful, wanton, malicious, oppressive and should be assessed punitive or exemplary damages.

43. That Plaintiffs and those similarly situated have been forced to retain the services of an attorney and to represent them in this action, and as such are entitled to reasonable attorneys fees and litigation costs.

**THIRD CLAIM FOR RELIEF**

***(Sexual Assault Against Defendant Mazo)***

44. That Plaintiffs incorporate by this reference each and every allegation previously made in this Complaint, as if fully set forth herein.

45. That in committing the acts alleged above, Defendant JEREMIAH MAZO acted with intent to commit sexual assault on Plaintiffs' persons and the persons of those similarly situated.



1 Defendants 1-20, under the facts and circumstances of this case, that Mazo would sexually  
2 abuse, harass and/or molest Plaintiffs.

3 53. That Defendants negligently and or carelessly operated, managed, and controlled  
4 the District schools, including but not limited to, HAYDEN ELEMENTARY SCHOOL, which  
5 resulted in Defendant MAZO's access to Plaintiffs and those similarly situated, enabling him to  
6 attack, sexually assault, and batter Plaintiffs and those similarly situated, thereby proximately  
7 causing injuries and damages to Plaintiffs and those similarly situated, as alleged hereinabove.  
8

9 54. That the aforementioned acts were conducted in a wanton, willful, malicious  
10 manner, with conscious disregard for Plaintiffs' rights and the rights of those similarly situated.  
11 The acts of Defendants and each of them should be assessed punitive or exemplary damages.  
12

13 55. That Plaintiffs and those similarly situated have been forced to retain the services  
14 of an attorney to represent them in this action, and as such are entitled to reasonable attorneys  
15 fees and litigation costs.  
16

17 **FIFTH CLAIM FOR RELIEF**

18 *(Negligent Hiring, Retention, Supervision Against*  
19 *the Clark County School District, Nevada State Education Association, Clark County*  
20 *Education Association, and Doe Defendants)*

21 56. That Plaintiffs incorporate by this reference each and every allegation previously  
22 made in this Complaint, as if fully set forth herein.

23 57. That the District, NSEA, CCEA, and/or Defendants 1-10 were responsible for the  
24 hiring, training, retaining, supervision, and control of employee(s), including Defendant MAZO  
25 and other Doe Defendant 11-20, and as a direct and proximate result of aforementioned  
26 Defendants' negligence in hiring, training, supervising, and controlling employee(s), including  
27 Defendant MAZO and Doe Defendants 11-20, Plaintiffs and those similarly situated suffered  
28 injuries and damages as herein alleged.



1           58.     Based on Defendant Mazo’s history, and considering the nature and scope of his  
2 employment, it was reasonably foreseeable to the District, NSEA, CCEA, and/or and Doe  
3 Defendants 1-20 under the facts and circumstances of this case, that Mazo would sexually abuse,  
4 harass and/or molest Plaintiffs.  
5

6           59.     That the District, NSEA, CCEA, and/or Doe Defendants 1-10 have failed to adopt  
7 and administer adequate procedures to protect students from sexual abuse. The District and Doe  
8 Defendants 1-20 failed to adequately evaluate, investigate and remedy factual indications and  
9 reports, which suggested Defendant MAZO would abuse Plaintiffs and those similarly situated.  
10

11           60.     That the District, NSEA, CCEA, and/or Defendants 1-10 failed to adequately  
12 train District personnel, including but limited to Doe Defendants 11-20, in recognizing and  
13 evaluating potential or actual child harassers and abusers.  
14

15           61.     That the District, NSEA, CCEA, and/or Defendants 1-20 failed to use reasonable  
16 care to protect students from sexual abuse by District personnel, by retaining Defendant Mazo as  
17 an employee and/or by allowing him to come into contact with students.  
18

19           62.     That as a result of the foregoing wrongful conduct, Plaintiffs and those similarly  
20 situated have suffered damages, great physical and mental harm, mental anxiety, embarrassment,  
21 humiliation, grief, sorrow, and depression.  
22

23           63.     That as a direct and proximate result of the actions of the District, NSEA, CCEA,  
24 and/or Doe Defendants 1-10 and their failure to exercise reasonable care in the hiring, training,  
25 retention and supervision of employee(s), Plaintiffs and those similarly situated suffered the  
26 damages and injuries as alleged herein.  
27

28           64.     That the aforementioned acts were conducted in a wanton, willful, malicious  
manner, with conscious disregard for Plaintiffs’ rights and the rights of those similarly situated.  
The acts of Defendants and each of them should be assessed punitive or exemplary damages.



EGLET  PRINCE

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**SEVENTH CLAIM FOR RELIEF**

*(Negligent Infliction of Emotional Distress  
Against Defendant Mazo, Clark County School District, Nevada State Education Association,  
Clark County Education Association, and Doe Defendants)*

72. That Plaintiffs incorporate by this reference each and every allegation previously made in this Complaint, as if fully set forth herein.

73. That the actions of Defendants as described herein, constitute negligent infliction of emotional distress and the Plaintiffs and those similarly situated have suffered emotional distress as a direct and proximate result of the actions described hereinabove.

74. Based on Defendant Mazo’s history, and considering the nature and scope of his employment, it was reasonably foreseeable to the District, NSEA, CCEA, and/or Doe Defendants 1-20, under the facts and circumstances of this case, that Mazo would sexually abuse, harass and/or molest Plaintiffs.

75. That as a result of the negligent infliction of emotional distress identified hereinabove, Plaintiffs and those similarly situated have been directly and proximately damaged.

76. That the aforementioned acts were conducted in a wanton, willful, malicious manner, with conscious disregard for Plaintiffs’ rights and the rights of those similarly situated. The acts of Defendants and each of them should be assessed punitive or exemplary damages.

77. That Plaintiffs and those similarly situated have been forced to retain the services of an attorney and to represent them in this action, and as such are entitled to reasonable attorneys fees and litigation costs.

**EIGHTH CLAIM FOR RELIEF**

***(Intentional Infliction of Emotional Distress  
Against Defendant Mazo, the Clark County School District, Nevada State Education  
Association, Clark County Education Association, and Doe Defendants)***

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5 78. That Plaintiffs incorporate by this reference each and every allegation previously  
6 made in this Complaint, as if fully set forth herein.

7 79. That the acts of, and/or failure to act by, all Defendants, as described herein, were  
8 outrageous, and intended to, or were in conscience disregard of the likelihood that the acts  
9 would, traumatize Plaintiffs and those similarly situated. Plaintiffs' sexual  
10 assault/molestation/battery, and the sexual assault/molestation/battery of those similarly situated,  
11 and the resulting physical and mental pain and suffering, humiliation and embarrassment caused  
12 them emotional distress.

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14 80. Based on Defendant Mazo's history, and considering the nature and scope of his  
15 employment, it was reasonably foreseeable to the District, NSEA, CCEA and/or Doe Defendants  
16 1-20, under the facts and circumstances of this case, that Mazo would sexually abuse, harass  
17 and/or molest Plaintiffs.

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19 81. That as a result of the acts of intentional emotional distress identified  
20 hereinabove, Plaintiffs and those similarly situated have been directly and proximately damaged.

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22 82. That the aforementioned acts were conducted in a wanton, willful, malicious  
23 manner, with conscious disregard for Plaintiffs' rights and the rights of those similarly situated.  
24 The acts of Defendants and each of them should be assessed punitive or exemplary damages.

25 83. That Plaintiffs and those similarly situated have been forced to retain the services  
26 of an attorney to represent them in this action, and as such are entitled to reasonable attorneys  
27 fees and litigation costs.  
28

**NINTH CLAIM FOR RELIEF**

***(Vicarious Liability against the Clark County School District, Nevada State Education Association, and Clark County Education Association)***

84. That Plaintiffs incorporate by this reference each and every allegation previously made in this Complaint, as if fully set forth herein.

85. That employers, masters and principals are vicariously liable for the torts committed by their employees, servants and agents if the tort occurs while the employee, servant or agent was acting in the course and scope of employment.

86. That the Defendants were the employers, masters and principals of each other, the remaining Defendants, and other employees, agents, independent contractors and/or representatives who negligently failed to maintain a safe and hazard-free school for children, including the Plaintiffs and those similarly situated.

87. Based on Defendant Mazo's history, and considering the nature and scope of his employment, it was reasonably foreseeable to the District, NSEA, CCEA, and/or Doe Defendants 1-20, under the facts and circumstances of this case, that Mazo would sexually abuse, harass and/or molest Plaintiffs.

88. That as a direct and proximate result, Plaintiffs and those similarly situated have been damaged, as stated hereinabove, all to Plaintiffs' general damages.

89. That as a further direct and proximate result of Defendants' negligence, recklessness, deliberate indifference, and failure to use due care, Plaintiffs and those similarly situated suffered intense physical, mental, and emotional pain, shock, humiliation, and embarrassment, all to their damage.

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90. That the aforementioned acts were conducted in a wanton, willful, malicious manner, with conscious disregard for Plaintiffs’ rights and the rights of those similarly situated. The acts of Defendants and each of them should be assessed punitive or exemplary damages.

91. That Plaintiffs and those similarly situated have been forced to retain the services of an attorney and to represent them in this action, and as such are entitled to reasonable attorneys fees and litigation costs.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs and those similarly situated pray for relief and damages as follows:

- A. That Plaintiffs and the Plaintiffs’ Class be awarded general and special damages;
- B. That Plaintiffs and the Plaintiffs’ Class be awarded punitive damages;
- C. That Plaintiffs and the Plaintiffs’ Class be awarded reasonable attorney’s fees;
- D. That Plaintiffs and the Plaintiffs’ Class be awarded their costs of court;
- E. That Plaintiffs and the Plaintiffs’ Class be awarded delay damages and/or Prejudgment and post-judgment interest.
- F. Plaintiffs and the Plaintiffs’ Class be awarded any other relief as the Court may deem proper.

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**DEMAND FOR JURY TRIAL**

Plaintiffs and the Plaintiffs’ Class hereby demand a trial by jury for all issues so triable.

DATED this 17<sup>th</sup> day of February, 2017.

Respectfully submitted,

**EGLET PRINCE**

/s/ Robert T. Eglet

By:

ROBERT T. EGLET, ESQ.

ARTEMUS W. HAM, ESQ.

RICHARD K. HY, ESQ.

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