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RICHARD W. HYERLING
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NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CV 13 4129

JAMES CHADAM and JENNIFER
CHADAM, individually and on behalf of
their minor children A. C. and C. C.,

Plaintiffs,

vs.

PALO ALTO UNIFIED SCHOOL
DISTRICT, a governmental entity created
and existing under the laws of the State of
California,

Defendant.

Case No. _____

COMPLAINT FOR DAMAGES

- (1) **Violation of the Americans With Disability Act** [42 USC §12101 *et seq.*];
- (2) **Violation of the Rehabilitation Act of 1972** [29 USC §794 *et seq.*];
- (3) **Violation of Federal Right to Privacy** [First Amendment to the Constitution of the United States];
- (4) **Violation of California Constitutional Right to Privacy** [Article One, Section 1, Constitution of the State of California];
- (5) **Negligence;**

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

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1 Plaintiffs complain as follows:

2 PARTIES

3 1. The plaintiffs comprise a four person family. JAMES CHADAM and JENNIFER
4 CHADAM are permanent residents of the City of Palo Alto, County of Santa Clara, State of
5 California. A.C. and C.C. are the minor children of JAMES CHADAM and JENNIFER
6 CHADAM and reside with their parents. A.C. and C.C. are named in this complaint by initials to
7 preserve and protect their anonymity and privacy. JAMES CHADAM and JENNIFER
8 CHADAM each bring this action individually and on behalf of A.C. and C.C., their minor
9 children. The four plaintiffs in this case are hereafter collectively referred to as "the Chadams."

10 2. Defendant Palo Alto Unified School District (hereafter "PAUSD") is a
11 governmental entity created and existing under the laws of the State of California. PAUSD
12 operates a public system of primary and secondary schools within the City of Palo Alto, County
13 of Santa Clara, State of California.

14 JURISDICTION AND VENUE

15 3. This action is brought under the Americans with Disability Act, 42 USC §12101
16 *et seq.*, the Rehabilitation Act of 1972, 29 USC §794 *et seq.* and the First Amendment to the
17 Constitution of the United States. Jurisdiction of this action is conferred upon this court by
18 28 USC §1331. This action arises in the San Jose Division of this court.

19 FACTS COMMON TO ALL CAUSES OF ACTION

20 4. Prior to the 2012-2013 academic school year, the Chadams resided in the nation
21 of Singapore.

22 5. On July 21, 2012, the Chadams moved into their present residence and became
23 continuous permanent residents of the City Palo Alto, California.

24 6. On July 22, 2012, JENNIFER CHADAM completed and delivered a form entitled
25 "Student Registration" to the defendant Palo Alto Unified School District intending to enroll her
26 sons, A.C. and C.C., in Jordan Middle School, operated by defendant PAUSD.

COMPLAINT FOR DAMAGES

1 7. On August 1, 2012, JENNIFER CHADAM provided a "Report of Health
2 Examination For School Entry" to the PAUSD regarding C.C. This information was private,
3 personal and privileged medical information.

4 8. On August 2, 2012, the Chadams received a "Secondary Admit Slip" from the
5 PAUSD stating that A.C. and C.C. had been assigned to attend the Jordan Middle School,

6 9. Between August 2, 2012 and August 16, 2012, the Chadams provided additional
7 medical information and forms to the PAUSD regarding C.C. This information was also private,
8 personal and privileged.

9 10. On August 16, 2012, C.C. (and his brother, A.C.) began attending Jordan Middle
10 School. C.C. was enrolled 6th grade student.

11 11. On or about September 11, 2012, one of C.C.'s teachers, while conducting a
12 parent-teacher conference at the Jordan Middle School with the parents of other students at
13 Jordan Middle School (hereafter the "G Family"), with no prior authorization, permission, notice
14 or knowledge from any plaintiff, disclosed private, personal and privileged medical information
15 regarding C.C. to Mr. and Mrs. G.

16 12. On September 11, 2012, JAMES CHADAM and JENNIFER CHADAM were
17 asked to attend a meeting with Gregory Barnes, Jordan Middle School Principal, the PAUSD
18 District Nurse and Grant Althouse, Vice-Principal and Administrator of the Sixth Grade.
19 JAMES CHADAM and JENNIFER CHADAM were informed for the first time at this meeting,
20 that other students at Jordan Middle School (the children of Mr. and Mrs. G) both had an active
21 genetically-based disease and that these "other parents" had "discovered C.C.'s condition."

22 13. On September 17, 2012, JAMES CHADAM and JENNIFER CHADAM
23 received a call from Gregory Barnes who informed them that, based upon C.C.'s private medical
24 information which had been unlawfully conveyed to Mr. And Mrs. G and the demands of Mr.
25 And Mrs. G, the PAUSD intended to remove C.C. from Jordan Middle School and transfer C.C.
26 to Terman Middle School, located 3.5 miles from their home.

COMPLAINT FOR DAMAGES

9 16. On October 12, 2012, JAMES CHADAM and JENNIFER CHADAM brought a
10 civil proceeding in the Santa Clara Superior Court seeking to enjoin the PAUSD from removing
11 C.C. from Jordan Middle School and transferring him to Terman Middle School. Chadam v Palo
12 Alto Unified School District, Case No. 1-12-CV-233921. That case was settled by the parties
13 and C.C. remains in attendance at Jordan Middle School.

14 17. As the direct and proximate result of the unlawful disclosure of C.C.'s private,
15 personal, privileged medical information to Mr. And Mrs. G on or about September 11, 2012 and
16 thereafter, every member of the Chadam family has been damaged. These damages include but
17 are not limited to, severe past, present and future emotional distress, the incurring of attorney fees
18 and litigation costs, humiliation, embarrassment, physical and medical problems, a profound
19 disruption in family life and relationships, medical expenses and other damages directly caused
20 by the unlawful disclosure of information regarding C.C.'s medical information.

21 FIRST CAUSE OF ACTION

22 Violation of the Americans With Disabilities Act

23 18. Plaintiffs re-allege each and every allegation set forth in Paragraphs 1-18 of the
24 complaint as if fully recited in this cause of action.

25 19. C.C. is a protected person under the Americans With Disabilities Act, 42 USC
26 §12101 *et seq.*, 42 USC §12102(1)(C) ("ADA").

COMPLAINT FOR DAMAGES

1 14. On October 1, 2012, JAMES CHADAM and JENNIFER CHADAM received a
2 letter from Charles Young, PAUSD Assistant Superintendent, dated September 28, 2012,
3 formally ordering the transfer of C.C. from Jordan Middle School to Terman Middle School.

4 15. Plaintiffs are informed and believe and thereupon allege that, in addition to the
5 unlawful disclosure of C.C.'s private, personal, privileged medical information on or about
6 September 11, 2012, the PAUSD further provided additional private, personal and medical
7 information regarding C.C. to Mr. and Mrs. G with no prior authorization, permission, notice or
8 knowledge of any plaintiff.

20. 42 USC §1983 grants plaintiffs a private right of action for violation of the ADA.

21. The acts and conduct of the defendant PAUSD, as described and set forth in this complaint, violated the ADA, entitling each of the plaintiffs to civil damages and other relief.

SECOND CAUSE OF ACTION

Violation of the Rehabilitation Act of 1972

22. Plaintiffs re-allege each and every allegation set forth in Paragraphs 1-18 of the complaint as if fully recited in this cause of action.

23. C.C. is a protected person under the Rehabilitation Act of 1972, 29 USC §794 *et seq.*

24. PAUSD is an entity described by the Rehabilitation Act of 1972 because it receives federal funding of its operations and activities.

25. 42 USC §1983 grants plaintiffs a private right of action for violation of the Rehabilitation Act of 1972.

26. The acts and conduct of the defendant PAUSD, as described and set forth in this complaint, violated the Rehabilitation Act of 1972, entitling each of the plaintiffs to civil damages and other relief from this court.

THIRD CAUSE OF ACTION

Violation of Federal Right to Privacy

27. Plaintiffs re-allege each and every allegation set forth in Paragraphs 1-18 of the complaint as if fully recited in this cause of action.

28. The acts and conduct of the defendant PAUSD, as described and set forth in this complaint, violated constitutional right to privacy conferred upon him by the First Amendment of the Constitution of the United States, entitling C.C. to civil damages and other relief from this court.

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FOURTH CAUSE OF ACTION

Violation of California Constitutional Right to Privacy

29. Plaintiffs re-allege each and every allegation set forth in Paragraphs 1-18 of the complaint as if fully recited in this cause of action.

30. The acts and conduct of the defendant PAUSD, as described and set forth in this complaint, violated constitutional right to privacy conferred upon him by Article One, Section 1 of the Constitution of the State of California, entitling C.C. to civil damages and other relief from this court.

FIFTH CAUSE OF ACTION

Negligence

31. Plaintiffs re-allege each and every allegation set forth in Paragraphs 1-18 of the complaint as if fully recited in this cause of action.

32. At all times described in this complaint, defendant PAUSD was under a duty to the plaintiffs, and each of them, to preserve the confidentiality and privacy of medical information regarding all of the students attending Jordan Middle School and, in particular, medical information relating to C.C.

33. Notwithstanding its duty to preserve the confidentiality and privacy of medical information relating to C.C. PAUSD breached that duty by:

- (a) With no prior authorization, permission, notice or knowledge of any plaintiff, disclosing private, personal and privileged medical information regarding C.C. to unauthorized persons including, without limitation, Mr. and Mrs. G; and
- (b) Failing to train, control and supervise its employees in order to prevent the unlawful disclosure of private, personal and privileged medical information regarding C.C. to third unauthorized persons including, without limitation, Mr. and Mrs. G.

COMPLAINT FOR DAMAGES

1 34. As the direct and proximate result of the negligence of PAUSD, plaintiffs, and
2 each of them, have been damages as described in Paragraph 17 of this complaint.

3
4 WHEREFORE, plaintiff pray for a judgment against PAUSD as follows:

- 5 1. For special damages according to proof at trial;
6 2. For general damages according to proof at trial;
7 3. For plaintiffs' reasonable attorney fees as may be allowable by law;
8 4. For costs of suit;
9 5. For interest as allowed by law;
10 6. For such other relief as may be just and proper.

11
12 Dated: September 6, 2013

THE JAFFE LAW FIRM

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14
15 By: 
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Stephen R. Jaffe
Attorney for Plaintiffs

17
18 DEMAND FOR JURY TRIAL

19 Plaintiffs demand trial by jury.

20 Dated: September 6, 2013

THE JAFFE LAW FIRM

21
22
23 By: 
24

Stephen R. Jaffe
Attorney for Plaintiffs