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Attorneys for Plaintiff

IN THE THIRD JUDICIAL DISTRICT COURT OF
SALT LAKE COUNTY, STATE OF UTAH

| | | |
|--------------------------------------|---|-------------------|
| SANTIAGO LAKE |) | |
| |) | |
| Plaintiff, |) | COMPLAINT |
| |) | |
| vs. |) | |
| |) | |
| CANYONS SCHOOL DISTRICT, a |) | Civil No.: |
| governmental entity; ALTA HIGH |) | |
| SCHOOL, a governmental entity; KYLE |) | Judge: |
| VALDEZ, an individual; and DOES 1-10 |) | |
| Defendants. |) | |

Plaintiff, Santiago Lake, by and through counsel of record, Judson Burton and Brian C. Stewart of Parker & McConkie, hereby complains against Defendants, and allege and seek relief as follows:

PARTIES

1. Santiago Lake (“Plaintiff” or “Santiago”) is a resident of Salt Lake County, State of Utah.

2. Canyons School District (“Canyons”) is a government entity in the State of Utah in accordance with Utah Code § 63G-7-102.

3. Alta High School (“Alta”) is a governmental entity in the State of Utah in accordance with Utah Code § 63G-7-102.

4. Kyle Valdez (“Mr. Valdez”), based upon belief and information, is a resident of Utah County, State of Utah.

5. Does 1 – 10 are all persons believed to be responsible for the events and damages described below. When Plaintiff learns the names of said Does, he will seek leave of court to amend his complaint and join them in this lawsuit.

VENUE/JURISDICTION

6. This action is of a civil nature, and jurisdiction is conferred pursuant to Utah Code §§ 63G-7-501(1) and 78A-5-102.

7. Venue is proper pursuant to Utah Code §§ 63G-7-502(1), 78B-3-303(1), and 78B-3-307.

8. Plaintiff served his initial Notice of Claim against the aforementioned governmental entities—*see* Utah Code §§ 63G-7-401, 402—has waited the required 60-day period—*see id.* § 63G-7-403(2)(a)(ii)—and now timely commences this action within two years from the date of the incident—*see id.* § 63G-7-403(2)(b).

9. Plaintiff will also file an undertaking of \$300 per Utah Code § 63G-7-601(2).

10. Pursuant to Rule 26 of the Utah Rules of Civil Procedure, Plaintiff elects to file this matter under Tier 3.

FACTUAL ALLEGATIONS

11. Plaintiff incorporates by reference all prior paragraphs as if fully set forth herein.

12. In 2020, Plaintiff attended Alta High School, which is in Canyons School District.

13. He was also a student-athlete on school-sponsored basketball teams.

14. On January 15, 2020, Coaches Jason Hess (Freshman) and RJ Beard (Sophomore) held after-school practices for the Freshman and Sophomore teams.

15. Plaintiff and his teammates were required to attend this practice.

16. Upon information and belief, other members of the coaching staff, including head coach James Barker and coach Curtis Hill.

17. At some point during the practice, Plaintiff encouraged a teammate, Mr. Valdez, to increase his efforts.

18. Mr. Valdez was a newer student at Alta.

19. Even so, Alta knew about his violent tendencies based on prior incidents, including incidents involving violent altercations during athletic events.

20. In response to Plaintiff's encouragement, Mr. Valdez became visibly angry and shouted loudly at Plaintiff to meet him in the locker room.

21. Plaintiff's teammates heard Mr. Valdez's provocation to fight and responded.

22. Upon information and belief, Coaches Hess and Beard heard, or should have heard, Mr. Valdez's provocations and the other students' responses.

23. After shouting at Plaintiff, Mr. Valdez sat on the bleachers instead of practicing.

24. When practice ended, Plaintiff's teammates went into the locker room.
25. Plaintiff remained on the basketball court to practice a bit longer but eventually joined them.
26. Neither Coach Hess, Coach Beard, nor any other employee of Alta or Canyons accompanied the students into the locker room.
27. Once there, Plaintiff went to his locker, and soon saw Mr. Valdez approach him.
28. Mr. Valdez, who was angry and crying, kept telling Plaintiff to fight him.
29. Plaintiff told Mr. Valdez he would not fight him and began to turn away.
30. At this moment, Mr. Valdez struck Plaintiff in the head.
31. The altercation ended soon thereafter.
32. After it ended, Plaintiff sat down and began to feel intense pain in his head.
33. Because neither Alta nor Canyons had an adult accompany the students into the locker room, they did not have anyone present to prevent the fight.
34. They also did not have anyone present who could have rendered or called for medical aid.
35. Plaintiff was eventually taken to the hospital, where he was diagnosed with numerous life-altering injuries, including a traumatic brain injury.
36. As a direct and proximate cause of Defendants misconduct and omissions, Plaintiff has suffered and will continue to suffer damages, both economic and non-economic.

FIRST CAUSE OF ACTION
(Negligence, Gross Negligence, Recklessness, and Willful Misconduct as to Alta and Canyons)

37. Plaintiff incorporates by reference all prior paragraphs as if fully set forth herein.

38. Canyons and Alta stood in a special relationship to Plaintiff, where he was a minor student in their care and custody, such that they owed heightened, affirmative duties to Plaintiff.

39. Canyons and Alta also stood in a special relationship to Mr. Valdez, where he was a minor student in their care and custody, such that they had a duty to monitor and control Mr. Valdez so as to prevent him from harming other students, including Plaintiff.

40. Canyons and Alta also owed duties of reasonable care to its students, including Plaintiff. These duties included, but were not limited to, the following:

- a. A duty in the hiring, training, and supervision of its employees.
- b. A duty in the enacting of adequate policies, procedures, and protocols relating to its athletic-programs, student safety, and the providing of or calling for medical aid to students.
- c. A duty to have enough employees from the athletic team at the practice.
- d. A duty to have employees from the athletic team accompany students into the locker room as part of ensuring their safety.
- e. A duty not to create a danger by placing a student it knew, or should have known, posed a risk to the well-being of other students on the basketball team and then failing to adequately supervise him.
- f. A duty to monitor and control Mr. Valdez so as not to pose a risk of injury to other students, including Plaintiff.
- g. A duty to rescue Plaintiff from harm by rendering or calling for medical aid.

41. Alta and Canyons acted with negligence, gross negligence, and recklessness, as well as with willful misconduct in at least the following ways:

- a. Taking affirmative acts to create the danger of allowing Mr. Valdez to participate in the school's athletic program, basketball team, and team practices.
 - b. Scheduling the January 15, 2020, basketball practice and allowing Mr. Valdez to participate.
 - c. Scheduling the January 15, 2020, basketball practice without adequate supervision to monitor and control Mr. Valdez in the event he posed a risk to the safety of other students.
 - d. Failing to monitor and control Mr. Valdez after he shouted fighting words at Plaintiff during their team practice and then sat on the bleachers for the remainder of the practice.
 - e. Allowing Mr. Valdez and the other students to go into the locker room unaccompanied, where Mr. Valdez, based on his history and conduct at the practice, would foreseeably instigate a physical altercation.
 - f. Failing to accompany Mr. Valdez and the other students into the locker room and failing to have a competent adult present who could prevent an altercation and/or offer/call for aid if an altercation occurred and resulted in injury.
 - g. Failing to create and implement policies and procedures relating to the supervising of students and ensuring employees for the athletic team are present so as to render or call for medical care in the event of injury.
 - h. Failing to rescue Plaintiff and/or offer aid and care after the altercation.
 - i. Failing to create and implement policies and procedures to (a) adequately vet applicants before allowing them to participate in an athletic program, (b) appropriately monitor students participating in athletic programs, and (c) remove students from an athletic program if that student poses a foreseeable risk to the safety of other students;
 - j. Failures relating to Mr. Valdez as to each of the policies and procedures referenced above; and
 - k. Creating an inappropriately tense and competitive athletic program where athletes' tempers would foreseeably give rise to physical altercation.
42. Certain Does 1 – 10 may also be liable under the duties and breaches enumerated

above.

43. Upon information and belief, certain of these Does 1 – 10 were within the course and scope of their employment with Alta and Canyons, making these latter governmental entities responsible for any damages arising from their agents' conduct under the theory of respondeat superior.

44. As a direct and proximate cause of Alta, Canyons, and certain Does 1 – 10's affirmative misconduct and omissions, Plaintiff has incurred and will continue to incur damages, both economic and non-economic.

SECOND CAUSE OF ACTION
(Negligence as to Mr. Valdez)

45. Plaintiff, by and through this reference, hereby incorporates the above as if fully set forth herein.

46. On January 15, 2020, Defendant Valdez became upset with the Plaintiff while participating in school sanctioned basketball practice.

47. Despite losing his temper, Defendant Valdez had a duty to act in a way which would not harm others, including the Plaintiff.

48. At any point before the assault, Defendant Valdez could have taken numerous reasonable actions, including but not limited to walking outside for fresh air, talking with Defendant Canyons' staff, or simply leaving practice, to avoid a physical altercation with the Plaintiff.

49. Instead, Defendant Valdez chose to wait in the locker room to confront the Plaintiff.

50. When the Plaintiff declined to fight and turned his back on Defendant Valdez, Defendant Valdez became enraged.

51. While Defendant Valdez' punch to the Plaintiff's head was clearly intentional, the Plaintiff does not believe the extent of his injuries were intended.

52. Defendant Valdez breached his duty to avoid harm to others when he then intentionally struck the Plaintiff.

53. Defendant Valdez's breach of his duty to avoid harming others negligently resulted in the severe and permanent injuries sustained by the Plaintiff.

DAMAGES

54. Plaintiff, by and through this reference, hereby incorporates the above as if fully set forth herein.

55. As a direct and proximate result of the negligent and careless acts of Defendants, Plaintiff has, among other things, suffered serious and permanent injuries.

56. As a direct and proximate result of these injuries, Plaintiff has suffered substantial pain and anguish.

57. As a further direct and proximate result of the negligent and careless acts of Defendants, it was and is necessary for Plaintiff to seek medical care and treatment.

58. As a further direct and proximate result of the negligent and careless acts of Defendants, Plaintiff has been injured. Plaintiff has suffered and will suffer the following additional damages:

- a. Past and future damages for costs of medical treatment and health care due to said injuries;
- b. Past and future damages, if any, for lost wages/impaired earnings; and past and future damages for disfigurement, impairment of bodily functions, and

pain and mental anguish suffered;

- c. Past and future damages, if any, for compensated and gratuitous care and services, including attendant care, nursing care, therapy, and other care and assistance, and for the payment of medical expenses, rendered to and/or paid on behalf of Plaintiff by other persons and entities. The amount of said special damages shall be the subject of proof at trial.
- d. General damages for Plaintiff's pain and suffering (both mental and physical), alterations in Plaintiff's lifestyle, and disfigurement.

PRAYER FOR RELIEF

BASED UPON THE FOREGOING, Plaintiff prays for judgment against Defendants as follows:

1. For special damages alleged above;
2. For general damages alleged above;
3. For costs of court;
4. For pre and post judgment interest and costs provided by law; and
5. For such other and further relief as may be justified and required by law.

DATED this 18th day of July 2023.

PARKER & MCCONKIE

/s/ Judson D. Burton

Brian C. Stewart

Judson D. Burton

Attorneys for Plaintiff

Plaintiff's address:

Parker & McConkie

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