

1 PANISH | SHEA | BOYLE | RAVIPUDI LLP
 ROBERT S. GLASSMAN, State Bar No. 269816
 2 *glassman@psblaw.com*
 COLIN S. DUFFY, State Bar No. 313465
 3 *duffy@psblaw.com*
 11111 Santa Monica Boulevard, Suite 700
 4 Los Angeles, California 90025
 Telephone: 310.477.1700
 5 Facsimile: 310.477.1699

6 LAW OFFICES OF MICHELS & LEW
 PHILLIP MICHELS, State Bar No. 57802
 7 *pmichels@michels-lew.com*
 11755 Wilshire Boulevard, Suite 1300
 8 Los Angeles, California 90025
 Telephone: (310) 444-1200
 9 Facsimile: (310) 444-121

10 Attorneys for Plaintiff

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 12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 13 **COUNTY OF LOS ANGELES**

14
 15 MARCELA GUADALUPE VEJAR
 VERDUGO, a minor, by and through her
 16 Guardian ad Litem, CARMEN VERDUGO,

17 Plaintiff,

18 v.

19 CALIFORNIA PEDIATRIC & FAMILY
 SERVICES, INC., a Corporation, KEVIN
 20 YUEN, an Individual, and DOES 1-50,
 Inclusive,

21 Defendants.
 22

Case No. 22STCV03816

COMPLAINT FOR DAMAGES:

- 1. **NEGLIGENCE**
- 2. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
- 3. **ASSAULT AND BATTERY**

DEMAND FOR JURY TRIAL

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 24
 25 Plaintiff MARCELA GUADALUPE VEJAR VERDUGO, a minor, by and through her
 26 Guardian ad Litem, CARMEN VERDUGO, bring this lawsuit for causes of action against
 27 Defendant CALIFORNIA PEDIATRIC & FAMILY SERVICES, INC., a corporation, Defendant
 28 KEVIN YUEN, and DOES 1 through 50, inclusive. Plaintiff complains and alleges as follows:

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GENERAL ALLEGATIONS

1
2 1. This case is about a nonverbal, Autistic young girl who was beaten and abused by a
3 man named Kevin Yuen hired to provide her with behavioral treatment and services in her home.
4 Mr. Yuen’s vicious, shocking and criminal conduct was ultimately captured on video by a hidden
5 camera placed in the room by the girl’s family. Mr. Yuen was subsequently arrested and charged
6 with cruelty to a child inflicting injury and assault and battery. Mr. Yuen was found guilty and
7 ordered to enroll in a 52-week child abuse treatment program and to not work in child care. Mr.
8 Yuen was working for a disability services provider called California Pediatric & Family Services
9 during the times he beat and abused the girl.

10 2. Mr. Yuen’s egregious and unjustifiable conduct resulted in great bodily harm,
11 physical pain and mental suffering to the young girl named Marcela Guadalupe Vejar Verdugo
12 ("Plaintiff Verdugo"). Mr. Yuen’s conduct was committed in obvious and conscious disregard of
13 Plaintiff Verdugo’s health, safety and welfare.

14 3. Plaintiff Verdugo is a non-verbal minor, with Dandy Walker Malformation
15 Syndrome, Autism, and brain shunt.

16 4. Defendant Kevin Yuen, as an employee of Defendant California Pediatric &
17 Family Services, Inc., had been going to Plaintiff Verdugo's home for about a year and half to
18 provide behavioral treatment. In March 2021, Carmen Verdugo ("Plaintiff's Mother") noticed
19 Defendant Yuen grabbed Plaintiff's arms aggressively. Plaintiff Verdugo began flinching,
20 covering her face, and hitting herself with a closed fist, anytime Defendant Yuen came to their
21 home. Plaintiff's Mother also noticed bruising on Plaintiff Verdugo's neck and back. Concerned
22 about how her daughter was obtaining these bruises and her changed behavior, Plaintiff's Mother
23 bought and installed a camera in their living room to record the behavioral session.

24 5. On the morning of June 14, 2021, Defendant Yuen arrived to Plaintiff Verdugo's
25 home for their weekly two-hour therapy session. Immediately after their session, Plaintiff's Mother
26 reviewed the footage and discovered what Defendant Yuen had done to her daughter.

27 6. Specifically, the footage depicts Defendant Yuen aggressively attempting to grab
28 Plaintiff's hand. He then swings his left fist at her face as if he is going to hit her, stops

1 momentarily, and then actually punches her face, between her lip and nose a second later which
2 forced her head backwards. Defendant Yuen is then seen looking at his fist checking for markings
3 or other signs of evidence that he had punched the young girl and continues the behavioral session
4 as if nothing has happened.

5 7. The footage additionally displays Defendant Yuen sitting on the couch next to
6 Plaintiff Verdugo when he proceeds to punch Plaintiff Verdugo on the right side of her face with
7 his left fist. The footage depicts Defendant immediately looking down at his left hand to check for
8 markings. He then checks Plaintiff's face twice for any markings. Again, he continues the
9 behavioral session as if nothing had happened.

10 8. The footage further depicts Defendant Yuen sitting next to Plaintiff Verdugo. He
11 then forcefully grabs her from the waist and seems to pinch her skin because Plaintiff Verdugo
12 immediately pulls back.

13 9. Defendant Yuen displayed unjustifiable and aggressive conduct towards Plaintiff
14 Verdugo throughout the video footage including grabbing, twisting, pulling, and slapping her
15 hands. He uses intimidating body language towards Plaintiff Verdugo, such as hovering over her
16 and getting in her face. Plaintiff Verdugo recoils and flinches several times throughout the footage
17 fearful of Defendant Yuen's presence.

18 10. As a result of Defendant Yuen's willful and unjustifiable physical abuse, Plaintiff
19 Verdugo suffered severe and permanent injuries and now bring this lawsuit for personal injuries
20 against Defendant California Pediatric & Family Services, Inc., Defendant Kevin Yuen, and
21 DOES 1 through 50, inclusive.

22 11. Plaintiff Marcela Guadalupe Vejar Verdugo, a minor, ("Plaintiff Verdugo") is a
23 resident of Los Angeles County.

24 12. Defendant California Pediatric & Family Services, Inc., ("Defendant Cal-Peds") at
25 all times herein relevant, was and is a California corporation, with its principal place of business
26 located at 326 East Foothill Boulevard, Azusa, California 91702, and is authorized to do, has
27 regularly done, and is doing business within Los Angeles, California, and throughout the State of
28 California.

1 13. Defendant Kevin Yuen ("Defendant Yuen") is a resident of Los Angeles County.

2 14. Plaintiffs are informed and believe, and thereon allege, that Defendants, including
3 DOES 1 through 50, inclusive, were agents, servants, employees, successors in interest, and/or
4 joint venturers of their co-defendants, and were, as such, acting within the course, scope, and
5 authority of said agency, employment and/or venture, and that each and every defendant, as
6 aforesaid, when acting as a principal, was negligent in the selection of each and every other
7 defendant as an agent, servant, employee, successor in interest, and/or joint venturer.

8 15. Plaintiffs are further informed and believe, and thereon allege, that Defendant Cal-
9 Peds and DOES 1 through 50, inclusive, were acting in concert with each other by assisting,
10 facilitating, encouraging and otherwise condoning Defendant Yuen's negligent and reckless
11 behavior and as such, are equally liable for Defendant Yuen's negligent and reckless behavior.

12 16. The true names and capacities, whether individual, plural, corporate, partnership,
13 associate, or otherwise, of DOES 1 through 50, inclusive, are unknown to Plaintiff who therefore
14 sues said defendants by such fictitious names. The full extent of the facts linking such fictitiously
15 sued defendants is unknown to Plaintiff. Plaintiff is informed and believes, and thereupon alleges,
16 that each of the defendants designated herein as a DOE was, and is, negligent, or in some other
17 actionable manner, responsible for the events and happenings hereinafter referred to, and thereby
18 negligently, or in some other actionable manner, legally and proximately caused the hereinafter
19 described injuries and damages to Plaintiff. Plaintiff will hereafter seek leave of the Court to
20 amend this Complaint to show the defendants' true names and capacities after the same have been
21 ascertained.

22 **FIRST CAUSE OF ACTION**

23 **(For Negligence Against All Defendants)**

24 17. Plaintiff hereby re-alleges and incorporates herein by reference each and every
25 allegation contained in the previous paragraphs as though fully set forth herein.

26 18. Plaintiff is informed and believes, and thereon alleges, that at all times mentioned
27 herein, Defendant Yuen owed a duty of reasonable care to Plaintiff and to conduct himself in a
28 reasonable manner which would not cause harm to the Plaintiff.

1 19. Plaintiff further alleges that Defendant Yuen breached this duty by engaging in
2 inappropriate acts including, but not limited to, the physical abuse and aggressive behavior, as
3 described above.

4 20. Plaintiff hereby specifically alleges that Defendant Cal-Peds and DOES 1 through
5 50, inclusive, owed a duty of reasonable care to supervise and protect its clients, including but not
6 limited to Plaintiff Verdugo. Furthermore, Defendant Cal-Peds' personnel, employees and/or
7 agents also owe the same duty of reasonable care in carrying out the performance of their duties.
8 Defendant Cal-Peds' through its employees and/or agents, owe a duty of care to use reasonable
9 measures to protect its clients from foreseeable injury at the hands of third parties acting
10 negligently or intentionally.

11 21. Plaintiff further alleges that Defendant Cal-Peds, and DOES 1 through 50,
12 inclusive, through its employees and or agents, breached their duty of reasonable care to Plaintiff,
13 in their hiring and failing to supervise, train, oversee, reprimand, prevent, investigate, terminate,
14 monitor and continuing to employ Defendant Yuen when it knew, or should have known that
15 Defendant Yuen was a danger to the safety and well-being of its clients, including Plaintiff
16 Verdugo.

17 22. Defendant Cal-Peds and DOES 1 through 50, inclusive, hired and failed to properly
18 and adequately supervise, monitor, reprimand, protect, report, and furthermore, continued to
19 employ and allow Defendant Yuen to remain working for Defendant Cal-Peds, even after
20 Defendant Cal-Peds and DOES 1 through 50, inclusive, knew or should have known, of the
21 inappropriate conduct, including but not limited to, the willful and unjustifiable physical abuse,
22 harassment, infliction of pain, and use of aggressive behavior by Defendant Yuen towards Plaintiff
23 Verdugo.

24 23. As a direct and proximate result of the negligence of Defendant Cal-Peds,
25 Defendant Yuen, and DOES 1 through 50, inclusive, Plaintiff Verdugo has been injured and hurt
26 in her health, strength, and activity, sustaining serious injury to her body, and shock and injury to
27 her nervous system and person, all of which said injuries have caused and continue to cause
28 Plaintiff Verdugo great physical and mental pain and suffering. Plaintiff is further informed and

1 believe, and thereon alleges, that said injuries will result in some or all permanent disability to her
2 general damages in the amount which will be stated according to proof, pursuant to California
3 *Code of Civil Procedure* Section 425.10.

4 24. As a legal, direct and proximate result of the aforementioned conduct of Defendant
5 Cal-Peds, Defendant Yuen, and DOES 1 through 50, inclusive, Plaintiff will also sustain a loss of
6 earning capacity and loss opportunity, as well as additional economic damages, according to
7 proof, pursuant to California *Code of Civil Procedure* Section 425.10.

8 25. As a legal, direct, and proximate result of the aforementioned conduct of Defendant
9 Cal-Peds, Defendant Yuen, and DOES 1 through 50, inclusive, Plaintiff has been compelled to,
10 did, and will continue to employ the services of hospitals, physicians, surgeons, nurses and the
11 like, to care for and treat her, and did incur hospital, medical, professional and incidental expenses,
12 and Plaintiff is informed and believes, and thereon alleges, that by reason of her injuries, will
13 necessarily incur additional like expenses for an indefinite period of time in the future, the exact
14 amount of which expenses will be stated according to proof, pursuant to California *Code of Civil*
15 *Procedure* Section 425.10.

16 **SECOND CAUSE OF ACTION**

17 **(For Intentional Infliction of Emotional Distress Against Defendant Kevin Yuen)**

18 26. Plaintiff re-alleges and incorporates herein by reference each and every allegation
19 and statement contained in the prior paragraphs.

20 27. Plaintiff is informed and believes, and thereon alleges, that the conduct of
21 Defendant Yuen was outrageous and intended to cause Plaintiff emotional distress and/or
22 Defendant Yuen acted with reckless disregard of the probability that Plaintiff would suffer
23 emotional distress

24 28. Plaintiff is informed and believes, and thereon alleges, that the aforementioned
25 intentional infliction of emotional distress by Defendant Yuen directly, legally, and proximately
26 caused the injuries and damages Plaintiff suffered including the willful unjustifiable physical
27 abuse, harassment, infliction of pain, and use of aggressive behavior by Defendant Yuen towards
28 Plaintiff Verdugo, as alleged herein.

1 29. As a legal, direct, and proximate result of the aforementioned intentional infliction
 2 of emotional distress of Defendant Yuen, Plaintiff has been injured and hurt in her health, strength
 3 and activity, sustaining serious injuries to her body, and shock and injury to her nervous systems
 4 and all person, all of which said injuries have caused, and continue to cause Plaintiff great physical
 5 and mental pain and suffering. Plaintiff is further informed and believes, and thereon alleges, that
 6 said injuries will result in some or all permanent disability to her general damages in the amount
 7 which will be stated according to proof, pursuant to California *Code of Civil Procedure* Section
 8 425.10.

9 30. As a legal, direct, and proximate result of the aforementioned intentional infliction
 10 of emotional distress of Defendant Yuen, Plaintiff has been prevented from attending her potential
 11 occupation and/or Plaintiff is informed and believes, and thereon alleges, that she may be
 12 prevented from attending to her occupation in the future, and thereby will also sustain a loss of
 13 earning capacity and loss of opportunity, in addition to lost earnings, past, present, and future
 14 according to proof, pursuant to California *Code of Civil Procedure* Section 425.10.

15 31. As a legal, direct and proximate result of the aforementioned intentional infliction
 16 of emotional distress of Defendant Yuen, Plaintiff has been compelled to, did, and will continue to
 17 employ the services of hospitals, physicians, surgeons, nurses, and the like, to care for and treat
 18 her, and did incur hospital, medical, professional and incidental expenses, and Plaintiff is informed
 19 and believes, and thereon alleges that by reason of her injuries, will necessarily incur additional
 20 like expenses for an indefinite period of time in the future, the exact amount of which expenses
 21 will be stated according to proof, pursuant to California *Code of Civil Procedure* Section 425.10.

22 32. The above acts were done by Defendant Kevin Yuen with malice and with the
 23 intent to cause serious bodily injury, justifying the awarding of punitive damages within the
 24 jurisdiction of this Court. Alternatively, Defendant Kevin Yuen engaged in said rageful and
 25 despicable conduct with a conscious disregard of the dangers such conduct would and did create
 26 for the rights, safety, and welfare of the public, including Plaintiff.

THIRD CAUSE OF ACTION

(For Assault And Battery Against Defendant Kevin Yuen)

1 33. Plaintiff re-alleges and incorporates herein by reference each and every allegation
2 and statement contained in the prior paragraphs.

3 34. Plaintiff is informed, believes, and thereon alleges, that Defendant Yuen touched
4 or caused Plaintiff to be touch with the intent to harm or offend her when Defendant punched her
5 face, grabbed and pinched her waist, and aggressively grabbed, twisted, pulled, and slapped her
6 hand as alleged herein.

7 35. Plaintiff is informed, believes, and thereon alleges, that the she did not consent to
8 Defendant Yuen's harmful and offensive touching, evident by her flinching, moving, and recoils in
9 fear of Defendant Yuen as depicted in the video footage.

10 36. Plaintiff is informed, believes, and thereon alleges that as a result of Defendant
11 Yuen's harmful touching, she was physically harmed and experienced offensive contact with her
12 person, as alleged herein.

13 37. Plaintiff is informed, believes, and thereon alleges that a reasonable person in
14 Plaintiff's situation would have been offended by the harmful, aggressive, and uncalled for,
15 touching by Defendant Yuen.

16 38. Plaintiff is informed and believes, and thereon alleges, that the aforementioned
17 battery by Defendant Yuen directly, legally, and proximately caused the injuries and damages
18 Plaintiff suffered including, but not limited, to the willful and unjustifiable physical abuse,
19 harassment, infliction of pain, and use of aggressive behavior by Defendant Yuen towards Plaintiff
20 Verdugo, as alleged herein.

21 39. As a legal, direct, and proximate result of the aforementioned battery of Defendant
22 Yuen, Plaintiff has been injured and hurt in her health, strength and activity, sustaining serious
23 injuries to her body, and shock and injury to her nervous systems and all person, all of which said
24 injuries have caused and continue to cause Plaintiff great physical and mental pain and suffering.
25 Plaintiff is further informed and believe, and thereon alleges, that said injuries will result in some
26 or all permanent disability to her general damages in the amount which will be stated according to
27 proof, pursuant to California *Code of Civil Procedure* Section 425.10.

28 40. As a legal, direct, and proximate result of the aforementioned battery of Defendant

1 Yuen, Plaintiffs have been prevented from attending her potential occupation and/or Plaintiff is
2 informed and believes, and thereon alleges, that she may be prevented from attending to her
3 occupation in the future, and thereby will also sustain a loss of earning capacity and loss of
4 opportunity, in addition to lost earnings, past, present, and future according to proof, pursuant to
5 California *Code of Civil Procedure* Section 425.10.

6 41. As a legal, direct and proximate result of the aforementioned battery of Defendant
7 Yuen, Plaintiff has been compelled to, did, and will continue to employ the services of hospitals,
8 physicians, surgeons, nurses, and the like, to care for and treat her, and did incur hospital, medical,
9 professional and incidental expenses, and Plaintiff is informed and believes, and thereon alleges
10 that by reason of her injuries, will necessarily incur additional like expenses for an indefinite
11 period of time in the future, the exact amount of which expenses will be stated according to proof,
12 pursuant to California *Code of Civil Procedure* Section 425.10.

13 42. The above acts were done by Defendant Kevin Yuen with malice and with the
14 intent to cause serious bodily injury, justifying the awarding of punitive damages within the
15 jurisdiction of this Court. Alternatively, Defendant Kevin Yuen engaged in said rageful and
16 despicable conduct with a conscious disregard of the dangers such conduct would and did create
17 for the rights, safety, and welfare of the public, including Plaintiff.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff MARCELA GUADALUPE VEJAR VERDUGO, a minor, by
20 and through her Guardian ad Litem, CARMEN VERDUGO, prays for judgement against
21 Defendant Cal-Peds, Defendant Yuen, and DOES 1 through 50, inclusive, as follows:

22 1. For general damages, also known as non-economic damages, including but not
23 limited to past and future pain and suffering, in the amount in excess of the jurisdictional
24 minimum according to proof;


25 2. For special damages, also known as economic damages, including but not limited
26 to past and future hospital, medical, professional, and incidental expenses as well as past and
27 future loss of earnings, loss of opportunity, and loss of earning capacity, in excess of the
28 jurisdictional minimum according to proof;

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- 3. For punitive damages as to Defendant Kevin Yuen;
- 4. For all attorney's fees allowable by statute;
- 5. For a prejudgement interest, according to proof;
- 6. For cost of suit incurred herein, according to proof, and
- 7. For such other and further relief as the Court may deem just and proper.

DATED: January 31, 2022

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By: 
 Robert S. Glassman
 Attorneys for Plaintiff

PLAINTIFF'S DEMAND FOR JURY TRIAL

PLAINTIFF hereby demands a jury trial by jury as to all causes of action.

DATED: January 31, 2022

PANISH | SHEA | BOYLE | RAVIPUDI LLP

By: 
 Robert S. Glassman
 Attorneys for Plaintiff