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RACHEL MCKAGAN

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

RACHEL MCKAGAN, individually,

Plaintiff,

v.

LAS VIRGENES UNIFIED SCHOOL DISTRICT,
a California public school district; DANIEL
STEPENOSKY, an individual; DALLAS
LAWRENCE, an individual; LESLI STEIN, an
individual; LINDA MENGES, an individual;
ANGELA CUTBILL, an individual; ALAN
LAZAR, an individual; and DOES 1 through 50,
inclusive.

Defendants.

Case No.

COMPLAINT FOR DAMAGES

1. Violation of First Amendment Rights (42 U.S.C. §1983);
2. Defamation;
3. Political Activity Retaliation (Labor Code §1102);
4. Retaliation (Labor Code §1102.5);
5. Violation of the Brown Act (Gov. Code §54950, et seq.);
6. Violation of Due Process (Ed. Code §44932-44934); and
7. Violation of Right to Privacy (Cal. Const. art. I, §1).

DEMAND FOR JURY TRIAL

1. Plaintiff RACHEL MCKAGAN ("Plaintiff") individually, brings this action against Defendant LAS VIRGENES UNIFIED SCHOOL DISTRICT ("LVUSD" or "the District"), a California public school district, DANIEL STEPENOSKY ("Stepenosky"), an individual, DALLAS LAWRENCE ("Lawrence"), an individual, LESLI STEIN ("Stein"), an individual, LINDA MENGES ("Menges"), an

individual, ANGELA CUTBILL (“Cutbill”), an individual, ALAN LAZAR (“Lazar”), an individual, and DOES 1 through 50, inclusive.

PARTIES

2. Plaintiff Rachel McKagan is a resident of Los Angeles County, California. At all relevant times, Plaintiff was employed by LVUSD as a tenured English as a Second Language (ESL) teacher at Mariposa Waldorf School.

3. Defendant Las Virgenes Unified School District is a California public school district organized under the laws of the State of California, with its principal place of business located in Los Angeles County, California. LVUSD is a political subdivision of the State of California and acts under color of state law.

1. Defendant Daniel Stepenosky, Ed.D. is, and at all times mentioned herein was, an individual residing in Los Angeles County, California, and was the Superintendent of Schools of the LVUSD. Stepenosky is sued in both his individual and official capacities.

2. Defendant Dallas Lawrence is, and at all times mentioned herein was, an individual residing in Los Angeles County, California, and was the President of the LVUSD Board of Education. Lawrence is sued in both his individual and official capacities.

3. Defendant Lesli Stein is, and at all times mentioned herein was, an individual residing in Los Angeles County, California, and was the Vice President of the LVUSD Board of Education. Stein is sued in both her individual and official capacities.

4. Defendant Linda Menges is, and at all times mentioned herein was, an individual residing in Los Angeles County, California, and was the Clerk of the LVUSD Board of Education. Menges is sued in both her individual and official capacities.

5. Defendant Angela Cutbill is, and at all times mentioned herein was, an individual residing in Los Angeles County, California, and is a Board Member of the LVUSD Board of Education. Cutbill is sued in both her individual and official capacities.

6. Defendant Alan Lazar is, and at all times mentioned herein was, an individual residing in Los Angeles County, California, and is a Board Member of the LVUSD Board of Education. Lazar is sued in both his individual and official capacities.

1 16. The amount in controversy exceeds the minimum jurisdictional requirements of this Court.

2 ***EXHAUSTION OF ADMINISTRATIVE REMEDIES***

3 17. On or about November 24, 2025, Plaintiff filed a timely government tort claim with LVUSD
4 pursuant to the California Tort Claims Act, Government Code sections 900 et seq. The claim was denied,
5 rejected, or more than 45 days have passed without action by LVUSD, thereby exhausting Plaintiff's
6 administrative remedies.

7 ***GENERAL ALLEGATIONS***

8 ***Plaintiff's Employment and Protected Speech***

9 18. Rachel McKagan is a dedicated educator with over 30 years of tenure as an English as a
10 Second Language (ESL) teacher at Mariposa Waldorf School in the Las Virgenes Unified School District.
11 Throughout her career, Plaintiff has demonstrated unwavering commitment to her students, many of whom
12 are immigrants, students of color, LGBTQ+ students, homeless youth, and children of gay parents.

13 19. On September 10, 2025, while attending a training at the LVUSD District Office, news
14 broke of a shooting involving Charlie Kirk. Staff reactions to the news varied throughout the training.

15 20. Later that day, after the training concluded, Plaintiff was driving and listening to radio
16 coverage of the shooting. She thought about Kirk's racist rhetoric and the impact such hateful speech had
17 on her vulnerable students.

18 21. On or about September 11, 2025, Plaintiff posted a message on her personal Facebook
19 account, which she believed was visible only to her friends. The post called Charlie Kirk a "propaganda-
20 spewing racist misogynist," and declared, "he got what he deserved."

21 22. Plaintiff's post was made off campus, while off duty, on her personal phone, and on her
22 personal social media account. The post was an expression of her sincerely held political and religious
23 beliefs regarding hatred, racism, and violence against marginalized communities. The post was protected
24 speech under the First Amendment to the United States Constitution.

25 23. Plaintiff's post addressed a matter of public concern about a public figure: the proliferation
26 of hate speech, racism, and violence in American political discourse, and the responsibility of people of
27 faith to reject such rhetoric.

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The District's Retaliatory Response

24. On the evening of September 11, 2025, at approximately 9:00 p.m., Leslie Martinez, Principal of Mariposa Waldorf School, called Plaintiff and stated she had been instructed by Jana Davenport, a LVUSD District Administrator, to address Plaintiff's Facebook post.

25. Plaintiff immediately took down the post and adjusted her privacy settings. At this point, the post had been visible for approximately four hours.

26. The next day was uneventful. Principal Martinez visited Plaintiff in her classroom and reassured her that everything was "fine." The District did not initially treat the post as worthy of discipline. Plaintiff believed the matter was over.

27. On September 13, 2025, however, the situation changed dramatically. Steve Scifres, Assistant Superintendent of Human Resources for LVUSD, placed Plaintiff on immediate Administrative Leave and told her he expected a "media frenzy."

28. Plaintiff expressed shock, reminding Scifres that the post had only been up for approximately four hours and had been removed immediately upon request.

Public Condemnation and Defamatory Statements

29. Later, on or about September 13, 2025, LVUSD posted an official statement on its Facebook and Instagram accounts, in which Plaintiff was easily identifiable. Each individual board member then re-posted the statement, purportedly on behalf of all LVUSD Board of Education members:

"We are shocked and deeply dismayed by the vile and completely inappropriate sentiments displayed in a social media post made by one of our employees regarding the recent horrific murder of Charlie Kirk. At a time when our world feels so divided, educators carry a Special responsibility: to help young people learn how to handle conflict, respect different points of view, and engage in civil discourse, regardless of where one lies on the political spectrum. The post that circulated yesterday falls far short of those expectations. It violates Board policy, and is deeply offensive to the Board of Education. It is never appropriate for any LVUSD employee to justify violence. The employee has been placed on an immediate leave while the District engages in the legally required investigation and procedures to move forward with termination. The employee will not be in classrooms when school resumes

Monday."

30. This statement was false, misleading, and defamatory. Plaintiff's post did not "justify violence" and did not violate any Board policy. The characterization of Plaintiff's protected political speech as "vile" exposed Plaintiff to public hatred, contempt, and ridicule.

31. Although the statement did not name Plaintiff, the statement was clearly about and concerning Plaintiff.

32. Moreover, the District's statement that it intended "to move forward with termination" implied that it had already concluded that Plaintiff committed a terminable offense and that any claimed "investigation" was merely perfunctory.

33. The statement falsely stated that the district found that Plaintiff violated some law or policy that gave the District grounds to fire her.

34. The District's statement damaged Plaintiff's reputation and standing as an educator and as a community member.

35. All five LVUSD Board members, including Defendant Dallas Lawrence, reposted this statement on their personal Instagram and Facebook accounts, massively amplifying its reach and the harm to Plaintiff.

36. Not only did Defendant Dallas Lawrence repost the defamatory statement on his personal accounts, which are set to public and therefore may be viewed by anyone, but he also encouraged people "to share it with others" actively seeking to amplify the defamatory message.

37. The Board members then reposted their statements in LVUSD Parent Community Facebook Groups, further amplifying the defamatory message to thousands of parents and community members.

38. City council members from the City of Calabasas, which is located within LVUSD's territory, also reposted the statement, further expanding its reach.

39. Each posting and reposting of the District's defamatory statement further injured Plaintiff's reputation as an educator and her community standing, amplifying the harm the original posting caused.

Doxxing, Threats, and Safety Concerns

40. Following LVUSD's public statement, community members in Facebook threads quickly identified Mariposa Waldorf as Plaintiff's school and identified Plaintiff by name. Screenshots of Plaintiff's

1 deleted post and her photograph circulated widely online, including on websites and social media pages
2 dedicated to targeting educators.

3 41. The Acorn, a local newspaper, published an article naming Plaintiff, identifying her school,
4 and quoting the District's condemnation, further cementing Plaintiff's identity in the press and public
5 consciousness.

6 42. On the evening of September 13, 2025, Plaintiff contacted Jake Anderson, her California
7 Teachers Association (CTA) staff representative, and expressed fear for her safety because her name and
8 school were circulating online. Anderson informed Plaintiff that he would raise her safety concerns with
9 Steve Scifres.

10 43. Anderson later confirmed to Plaintiff that he had raised her safety concerns with Scifres,
11 and that Scifres had acknowledged those concerns. However, LVUSD took no protective action or steps
12 to contain the situation.

13 44. On September 14, 2025, Plaintiff and her husband spent the entire day at home, fearful of
14 retaliation and possible threats of violence. They worked to scrub Plaintiff's personal information,
15 including her address, phone number, and email address, from the internet.

16 45. On September 15, 2025, the CTA sent a Cease and Desist letter to LVUSD requesting that
17 the inflammatory posts be removed. However, LVUSD's posts remained online. Plaintiff texted union
18 representative Anderson again. Anderson informed her that LVUSD's legal team was "considering"
19 removal but took no action.

20 46. At 12:27 a.m. on September 16, 2025, Plaintiff received a threatening anonymous text
21 message that read: "this you?" followed by her name and home address. Plaintiff stayed awake in fear for
22 her safety and the safety of her family.

23 47. Despite multiple opportunities to remove Plaintiff's identifying information and protect her
24 safety, LVUSD refused to do so. The District's deliberate indifference to Plaintiff's safety constitutes
25 retaliation and demonstrates a callous disregard for her constitutional rights and physical wellbeing.

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Brown Act Violations

48. On September 14, 2025, a parent, showed Plaintiff screenshots of text messages between Defendant Dallas Lawrence, President of the LVUSD Board of Education, and Josh Alpert, a community agitator and MAGA supporter.

49. In these text messages, Lawrence explicitly told Alpert that "all five trustees" supported Plaintiff's termination and that the Board was "meeting" about the matter.

50. No agenda or notice of any such meeting was ever posted publicly, as required by the Ralph M. Brown Act, California Government Code sections 54950 et seq.

51. Lawrence's admission constitutes direct evidence of a serial meeting or quorum meeting that occurred privately in violation of the Brown Act. The Board's decision to seek Plaintiff's termination was made in an illegal, closed-door meeting without public notice, public access, or opportunity for public comment.

Denial of Due Process

52. Plaintiff is a tenured teacher with over 10 years of service to LVUSD. Under the California Education Code sections 44932-44934, tenured teachers are entitled to specific due process protections before any discipline or termination.

53. Specifically, tenured teacher discipline requires written charges, notice, and a hearing before a Commission on Professional Competence. LVUSD skipped all these required procedures. Instead, the District placed Plaintiff on leave and publicly announced its intent to terminate her employment without providing any of the due process protections to which she is entitled under California law.

54. However, LVUSD did not file formal charges, did not provide Plaintiff with any notice of charges, and did not hold a hearing.

55. Instead, after receiving communications from Plaintiff's counsel, and apparently realizing that it would not prevail in its threat to terminate Plaintiff's employment, on November 10, 2025, the District returned Plaintiff to her normal teaching position.

56. To date, no formal charges have been filed, no hearing has been scheduled, and no Commission on Professional Competence has been convened.

57. The District and the members of the LVUSD Board of Education have not retracted their statements about Plaintiff, have not withdrawn their threat to fire Plaintiff for engaging in protected speech, and have not acknowledged that Plaintiff did not violate Board of Education policy or the California Education Code.

58. Plaintiff has a constitutionally protected property interest in her continued employment that cannot be terminated without due process of law.

59. The Defendants' lingering threat to terminate Plaintiff's employment interferes with Plaintiff's ability to exercise her constitutionally protected property interest in her continued employment.

Ongoing Harm

60. Plaintiff has suffered and continues to suffer severe emotional distress because of Defendants' unlawful conduct. She has been publicly defamed, doxxed, threatened, and is on edge waiting for the Defendants to follow through on their threat to fire her.

61. The defamatory statements appeared not only on the initial posts, but the story was republished numerous times in various media, by the individual board members, and stayed in front of the community for weeks.

62. On information and belief and based on measurable public "impressions," approximately 2 million people encountered the defamatory story across print, online, social media, and school channels during the approximate 6 weeks following Plaintiff's removal.

63. Plaintiff's reputation in the community has been irreparably damaged by Defendants' false and defamatory statements.

FIRST CAUSE OF ACTION
VIOLATION OF FIRST AMENDMENT RIGHTS
(42 U.S.C. § 1983)
Against All Defendants

64. Plaintiff re-pleads, re-alleges, and incorporates by reference each allegation set forth in this Complaint.

65. At all relevant times, Defendants LVUSD, Daniel Stepenosky, and Dallas Lawrence and each school board member acted under color of state law and were state actors within the meaning of 42 U.S.C. § 1983.

1 66. The First Amendment to the United States Constitution guarantees the right to freedom of
2 speech, including the right of public employees to speak on matters of public concern without retaliation.

3 67. Plaintiff's Facebook post addressed matters of public concern, including racism, hate
4 speech, violence, and the responsibility of people of faith to reject such rhetoric. Plaintiff's speech was
5 made as a private citizen, not as a public employee, on her personal time, using her personal phone and
6 personal social media account, while off duty and off campus.

7 68. Plaintiff's speech did not disrupt or interfere with the operations of LVUSD or her ability to
8 perform her job duties. Any disruption that occurred was caused by Defendants' own actions in publicly
9 condemning Plaintiff and amplifying her identity to the community, not by Plaintiff's speech itself.

10 69. Plaintiff's interest in speaking on matters of public concern outweighs any interest the
11 District may have had in restricting her speech. Plaintiff's speech was protected by the First Amendment.

12 70. Defendants placed Plaintiff on administrative leave, publicly condemned her, announced
13 their intent to terminate her employment, and subjected her to ongoing investigation and potential
14 termination solely because of her protected speech.

15 71. Defendants' actions constitute retaliation against Plaintiff for exercising her First
16 Amendment rights and have chilled her speech and the speech of other LVUSD employees who fear similar
17 retaliation.

18 72. Additionally, Defendants engaged in unconstitutional viewpoint discrimination by
19 maintaining public forums on social media that permitted only speech supporting the Board's
20 condemnation of Plaintiff while systematically censoring and removing opposing viewpoints. This
21 selective moderation violated the First Amendment.

22 73. As a direct and foreseeable result of Defendants' actions, Plaintiff has suffered and continues
23 to suffer mental and psychological damages in the form of worry, humiliation, embarrassment, mental
24 anguish and emotional distress, in amounts to be proved at trial.

25 74. Defendants committed the unlawful acts described above with oppression, fraud and/or
26 malice justifying punitive damages. Each Defendant was despicable, and each Defendant acted towards
27 Plaintiff with malice, oppression, fraud, and with a willful and conscious disregard of Plaintiff's rights. In
28 addition, an officer, director, and/or managing agent of Defendants was personally guilty of the conduct;

1 and/or Defendants authorized and/or ratified the foregoing conduct, entitling Plaintiff to punitive damages.
2 Plaintiff is entitled to reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988.

3 ***SECOND CAUSE OF ACTION***
4 **DEFAMATION**
5 **Against All Defendants**

6 75. Plaintiff re-pleads, re-alleges, and incorporates by reference each allegation set forth in this
7 Complaint.

8 76. On or about September 13, 2025, Defendants published false and defamatory statements
9 about Plaintiff on LVUSD's official social media accounts and through individual Board members' personal
10 social media accounts.

11 77. The characterization of Plaintiff's protected political speech as "vile" exposed Plaintiff to
12 public hatred, contempt, ridicule, and obloquy.

13 78. The District's statement that it intended "to move forward with termination" implied that it
14 had already concluded that Plaintiff committed a terminable offense.

15 79. The statement falsely stated that the district found that Plaintiff violated some law or policy
16 that gave the District grounds to fire her.

17 80. The District's statement therefore damaged Plaintiff's reputation and standing as an
18 educator and as a community member.

19 81. All five LVUSD Board members, including Lawrence, Stein, Menges, Cutbill, and Lazar,
20 reposted this statement on their personal Instagram and Facebook accounts, massively amplifying its reach
21 and the harm to Plaintiff.

22 82. The Board members then reposted their statements in LVUSD Parent Community Facebook
23 Groups, further amplifying the defamatory message to thousands of parents and community members.

24 83. City council members from the City of Calabasas, which is located within LVUSD's
25 territory, also reposted the statement, further expanding its reach.

26 84. Each posting and reposting of the District's defamatory statement further injured Plaintiff's
27 reputation as an educator and her community standing, amplifying the harm the original posting caused.
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85. Defendants published these false statements with knowledge of their falsity or with reckless disregard for the truth. Defendants knew or should have known that Plaintiff's post was protected political speech and did not justify violence.

86. As a direct and foreseeable result of Defendants' defamatory statements, Plaintiff has suffered severe harm to her reputation, emotional distress, and damage to her career and livelihood.

87. Defendants' defamatory statements have been republished by media outlets and circulated throughout the community, causing ongoing and continuous harm to Plaintiff's reputation.

88. As a direct and foreseeable result of Defendants' actions, Plaintiff has suffered and continues to suffer losses and damages, including, but not limited to, mental and psychological damages in the form of worry, humiliation, embarrassment, mental anguish and emotional distress, in amounts to be proved at trial.

89. Defendants committed the unlawful acts described above with oppression, fraud and/or malice justifying punitive damages. Each Defendant was despicable, and each Defendant acted towards Plaintiff with malice, oppression, fraud, and with a willful and conscious disregard of Plaintiff's rights. In addition, an officer, director, and/or managing agent of Defendants was personally guilty of the conduct; and/or Defendants authorized and/or ratified the foregoing conduct, entitling Plaintiff to punitive damages.

THIRD CAUSE OF ACTION
POLITICAL ACTIVITY RETALIATION
(CAL. LABOR CODE § 1102)
AGAINST ALL DEFENDANTS

90. Plaintiff re-pleads, re-alleges, and incorporates by reference each allegation set forth in this Complaint.

91. California Labor Code section 1102 provides that "No employer shall coerce or influence or attempt to coerce or influence his employees through or by means of threat of discharge or loss of employment to adopt or follow or refrain from adopting or following any particular course or line of political action or political activity."

92. As alleged above, Plaintiff engaged in protected political activity by posting on her personal Facebook account expressing her sincerely held political beliefs regarding political figures, racism, hate speech, and violence in American political discourse.

93. Plaintiff's Facebook post was made on her personal time, off campus, on her personal device, and on her personal social media account. The post addressed matters of public concern and constituted protected political speech and political activity.

94. Defendants have violated Labor Code section 1102 by enforcing an unofficial rule preventing Plaintiff from engaging or participating in politics, or controlling or directing Plaintiff's political activities or affiliations.

95. Defendants have violated the statute by placing Plaintiff on administrative leave, investigating her, threatening her with termination, publicly condemning her political views, and attempting to terminate her employment.

96. Defendants' actions were undertaken with the intent and effect of controlling, directing, and chilling Plaintiff's political activities and political affiliations, in violation of Labor Code section 1102.

97. Plaintiff's political activity was a substantial motivating factor in Defendants' decision to retaliate against her, place her on administrative leave, and pursue her termination.

98. As a direct and foreseeable result of Defendants' actions, Plaintiff has suffered and continues to suffer losses and damages, including, but not limited to, mental and psychological damages in the form of worry, humiliation, embarrassment, mental anguish and emotional distress, in amounts to be proved at trial.

99. Defendants committed the unlawful acts described above with oppression, fraud and/or malice justifying punitive damages. Each Defendant was despicable, and each Defendant acted towards Plaintiff with malice, oppression, fraud, and with a willful and conscious disregard of Plaintiff's rights. In addition, an officer, director, and/or managing agent of Defendants was personally guilty of the conduct; and/or Defendants authorized and/or ratified the foregoing conduct, entitling Plaintiff to punitive damages.

FOURTH CAUSE OF ACTION
UNLAWFUL RETALIATION
(Cal. Labor Code § 1102.5)
Against All Defendants

103. Plaintiff re-pleads, re-alleges, and incorporates by reference each allegation set forth in this Complaint.

1 104. California Labor Code section 1102.5 establishes, among other things, that an employer
2 shall not retaliate against an employee for disclosing information to a person with authority over the
3 employee, or to another employee with authority to investigate, discover, or correct a violation or
4 noncompliance with a state or federal statute, or a violation of or noncompliance with a local, state, or
5 federal rule or regulation.

6 105. Labor Code section 1102.5 also protects employees from retaliation for refusing to
7 participate in activities that would result in a violation of state or federal statute or regulation.

8 106. Plaintiff complained about the District's violations of the Brown Act, its violations of her
9 First Amendment rights, and its violations of Education Code due process requirements for tenured
10 teachers.

11 107. Plaintiff also complained about the District's deliberate indifference to her safety after being
12 doxxed and threatened, which constitutes a failure to provide a safe workplace in violation of California
13 Labor Code and occupational safety regulations.

14 108. The above complaints, whether considered separately or collectively, were a substantial
15 factor in Defendants' decision to pursue her termination.

16 109. As a direct and foreseeable result of Defendants' actions, Plaintiff has suffered and continues
17 to suffer and will continue to suffer, mental and psychological damages in the form of worry, humiliation,
18 embarrassment, mental anguish and emotional distress, in amounts to be proved at trial.

19 110. Pursuant to Labor Code § 1102.5(j), Plaintiff seeks to recover attorneys' fees incurred in
20 this action.

21 111. Defendants committed the unlawful acts described above with oppression, fraud and/or
22 malice justifying punitive damages. Each Defendant was despicable, and each Defendant acted towards
23 Plaintiff with malice, oppression, fraud, and with a willful and conscious disregard of Plaintiff's rights. In
24 addition, an officer, director, and/or managing agent of Defendants was personally guilty of the conduct;
25 and/or Defendants authorized and/or ratified the foregoing conduct, entitling Plaintiff to punitive damages.

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FIFTH CAUSE OF ACTION
VIOLATION OF THE RALPH M. BROWN ACT
(Cal. Gov. Code §§ 54950 et seq.)
Against Defendant LVUSD

112. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set forth in this Complaint.

113. The Ralph M. Brown Act, California Government Code sections 54950 et seq., requires that all meetings of a legislative body of a local agency be open and public, and that all persons be permitted to attend any meeting except as otherwise provided in the Act.

114. The Brown Act defines a "meeting" to include any congregation of a majority of the members of a legislative body to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body. Government Code section 54952.2.

115. The Brown Act prohibits a majority of the members of a legislative body from using a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body. Government Code section 54952.2(b)(1).

116. The LVUSD Board of Education is a legislative body within the meaning of the Brown Act. Government Code section 54952.

117. As alleged above, Defendant Dallas Lawrence admitted in text messages to a community member that "all five trustees" supported Plaintiff's termination and that the Board was "meeting" about Plaintiff's case.

118. No agenda or notice of any such meeting was posted publicly as required by Government Code sections 54954.2 and 54956.

119. The decision to seek Plaintiff's termination was made at an unlawful meeting conducted in violation of the Brown Act.

120. Plaintiff has been directly and adversely affected by the Board's Brown Act violation, as the unlawful decision to pursue her termination has caused her severe harm.

121. Plaintiff seeks a declaration that the Board's decision to pursue her termination is void and of no effect, and an injunction prohibiting Defendants from taking any further action based on that unlawful decision.

SIXTH CAUSE OF ACTION
VIOLATION OF DUE PROCESS RIGHTS
(Cal. Ed. Code §§ 44932-44934)
Against Defendant LVUSD

122. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set forth in this Complaint.

123. Plaintiff is a tenured certificated employee with over 30 years of service to LVUSD. As a tenured teacher, Plaintiff has a constitutionally protected property interest in her continued employment.

124. California Education Code sections 44932-44934 establish specific procedural protections for tenured teachers facing discipline or dismissal. These statutes require that before a permanent employee may be dismissed, the employee must be provided with written notice of charges, an opportunity to request a hearing, and a hearing.

125. Defendants have denied Plaintiff these statutory and constitutional protections. Despite publicly announcing their intent to "move forward with termination," Defendants have not provided Plaintiff with written charges, have not afforded her an opportunity to request a hearing, and have not convened a hearing.

126. Defendants have placed Plaintiff on administrative leave and subjected her to ongoing investigation and the threat of termination without due process.

127. Plaintiff has suffered, and will continue to suffer, mental and psychological damages in the form of worry, humiliation, embarrassment, mental anguish and emotional distress, in amounts to be proved at trial.

SEVENTH CAUSE OF ACTION
VIOLATION OF RIGHT TO PRIVACY
(Cal. Const. art. I, § 1)
Against All Defendants

128. Plaintiff re-pleads, re-alleges, and incorporates by reference each allegation set forth in this Complaint.

1 129. The California Constitution, Article I, Section 1, guarantees all people the inalienable right
2 to privacy. This right protects individuals from the unwarranted public disclosure of private facts and from
3 intrusions into their private affairs.

4 130. Plaintiff has a reasonable expectation of privacy in her personal information, including her
5 home address, phone number, and email address. This information is not a matter of public concern and is
6 not information that the public has a legitimate interest in knowing.

7 131. Defendants' actions directly caused Plaintiff's private information to be publicly disclosed.
8 On September 13, 2025, Defendants issued a public statement on LVUSD's official social media accounts
9 identifying Plaintiff as a LVUSD employee who made a controversial social media post. Each of the five
10 LVUSD Board members then reposted this statement on their personal Instagram and Facebook accounts,
11 massively amplifying its reach.

12 132. The Board members further reposted their statements in LVUSD Parent Community
13 Facebook Groups, expanding the defamatory message to thousands of parents and community members.
14 City council members from the City of Calabasas also reposted the statement, further expanding its reach.

15 133. As a direct and foreseeable result of Defendants' statements and their widespread
16 amplification, community members quickly identified Mariposa Waldorf as Plaintiff's school and
17 identified Plaintiff by name in Facebook threads. Screenshots of Plaintiff's deleted post and her photograph
18 circulated widely online, including on websites and social media pages dedicated to targeting educators.

19 134. The Acorn, a local newspaper, published an article naming Plaintiff, identifying her school,
20 and quoting the District's condemnation, further cementing Plaintiff's identity in the press and public
21 consciousness.

22 135. On September 13, 2025, Plaintiff contacted her union representative and expressed her fear
23 for her safety because her name and school were circulating online. The union representative raised
24 Plaintiff's safety concerns with Defendants. LVUSD took no protective action whatsoever.

25 136. On September 14, 2025, Plaintiff and her husband spent the entire day at home, fearful of
26 retaliation and possible threats of violence. They worked to scrub Plaintiff's personal information,
27 including her address, phone number, and email address, from the internet.
28

137. On September 15, 2025, a Cease and Desist letter was sent via union and legal support to LVUSD requesting that the inflammatory posts be removed. However, LVUSD's posts remained online despite knowledge of the harm being caused to Plaintiff.

138. At 12:27 a.m. on September 16, 2025, Plaintiff received a threatening anonymous text message that read: "this you?" followed by her name and home address. This direct threat to Plaintiff's safety was the foreseeable consequence of Defendants' actions in publicizing Plaintiff's identity and refusing to take corrective action.

139. Despite multiple opportunities to remove Plaintiff's identifying information and protect her privacy and safety, LVUSD refused to do so. The District's deliberate indifference to Plaintiff's privacy rights demonstrates a callous disregard for her constitutional rights and physical wellbeing.

140. Defendants' conduct was intentional, willful, and in conscious disregard of Plaintiff's constitutional right to privacy. Defendants knew or should have known that their public statements would lead to the identification of Plaintiff and the disclosure of her private information.

141. The disclosure of Plaintiff's private information was highly offensive to a reasonable person and would cause serious mental suffering, shame, and humiliation to a person of ordinary sensibilities.

142. Defendants' violation of Plaintiff's constitutional right to privacy has directly and proximately caused Plaintiff severe emotional distress, fear for her safety and the safety of her family, damage to her reputation, and ongoing anxiety and mental anguish.

143. As a direct and foreseeable result of Defendants' actions, Plaintiff has suffered and continues to suffer mental and psychological damages in the form of worry, humiliation, embarrassment, mental anguish and emotional distress, in amounts to be proved at trial.

144. Defendants' conduct was malicious, oppressive, and in conscious disregard of Plaintiff's rights, entitling Plaintiff to punitive damages against the individual defendants.

WHEREFORE, Plaintiff prays for judgment against Defendants as set forth below.

PRAYER FOR RELIEF

For compensatory damages including emotional distress damages and lost wages, benefits and interest in a sum according to proof;

1. For interest on judgment, including prejudgment interest, at the legal rate;

2. For attorney's fees and costs pursuant to 42 U.S.C. § 1988, Labor Code § 1102.5, and other applicable statutes;
3. For punitive damages against the individual defendants; and
4. For any further legal and equitable relief, the Court deems proper.

Dated: December 5, 2025.

RATNER MOLINEAUX, LLP



David S. Ratner
Shelley A. Molineaux
Attorneys for Plaintiff Rachel McKagan

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial of his claims by jury to the extent authorized by law.

Respectfully submitted,

Dated: December 5, 2025.

RATNER MOLINEAUX, LLP



David S. Ratner
Shelley A. Molineaux
Attorneys for Plaintiff Rachel McKagan