

# Trygstad, Schwab & Trygstad

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June 27, 2019

VIA FIRST CLASS MAIL

Richard Phillips, Clerk of the Palos Verdes  
Peninsula Unified School District Board of  
Education  
Palos Verdes Peninsula Unified School District  
375 Via Almar  
Palos Verdes Estates, CA 90274

Re: Tort Claim for Damages

Dear Mr. Phillips:

Please find enclosed a Claim for Damages.

In that regard, we contacted the District and we were informed that the District does not have a specific claim form it requires to submit a claim for damages. We also reviewed the District's website and did not discover a specific claim form the District requires to submit a claim for damages. However, if the District has a special claim form, please let us know and we will submit a supplemental claim for damages. If we not receive notice from you within ten days of the date of this letter, we will assume that a specific claim form is not required by the District.

Very truly yours,

TRYGSTAD, SCHWAB & TRYGSTAD

  
Sharon Dawn Trygstad

SDT:st

cc. Alex Cherniss, Ed. D., Superintendent  
Keith Butler, Ph. D., Associate Superintendent, Business Services  
Linda Reid, President of the Palos Verdes Peninsula Unified School District Board of  
Education  
Joshua Morrison, Esq.

1 Shanon Dawn Trygstad, Esq. (Bar No. 173834)  
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2 1880 Century Park East, Suite 1104  
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4

5 Attorneys for Claimants

6 BOARD OF TRUSTEES OF THE  
7 PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT  
8

9 SOUTH BAY UNITED TEACHERS, ANDREA  
ACRES, MATTHEW ACRES, JUDY ADAMS-  
10 SMITH, MICHAEL ADYNEIC  
CHUAN YU ANDERSON, ALLEN  
11 ARONSON, KELLY BARANICK, KURT  
BARCENILLA PETER BARKS, BONNIE  
12 BARNARD, TECIA BARTON, SANDRA  
BATSON-SIDELL, MICHAEL BIRD,  
13 MAGALI BLAZEVIC, MICHAEL BLOIS,  
PAULA BORSTEL, ALEX BROUGHTON,  
14 KATHALEEN BRUNDIDGE, AMY BYRNE,  
GINA CALESCIBETTA, JASON CALIZAR,  
15 MALYNN CHETANNA, JENNIFER CHO,  
CHIH YAO CHOU JENNIFER AUSTIN,  
16 KATIE CLOVIS, BRIAN COLBURT,  
TIMOTHY COLEMAN, LYDIA CORDOVA,  
17 REGINA CORWIN, BETTINA DE GUZMAN,  
JOSEPH DELLEVA, SUSAN DEMERJIAN,  
18 BARBARA DEWITT, REBECKA DIBBLE,  
LORI DIXON, LISA DOHREN, KATHERINE  
19 DUNLAP, KAREN DUTCHER, JENNIFER  
EGAN, SCOTT ELLIS, KRISTIAN ENGLE,  
20 DOUGLAS ESPARZA, EDESSA FOSTER,  
MARY FOURNIER, ELIZABETH FUJINAGA,  
21 GUY GARDNER, SCOTT GARMAN,  
MELANIE GERLING, ELIZABETH  
22 GODBOLD, MARK GREENBERG, TIMOTHY  
HALL, ADAM HAMLER, JOHN  
23 HANGARTNER, LOUIS HARLEY, KURT  
HAY, BRIAN HELMRICH, PATRICIA  
24 HELMRICH, KIMI HENDRICK, ERIC  
HENDRICKSON, DANIEL HERNANDEZ,  
25 JACQUE HOCKENSMITH, MICHAEL  
HOEGER, TAYLOR HOLLOWAY, STEVEN  
26 IHDE, SACHIKO IWAMI, KRISTY JIMENEZ,  
JAYMEE JOHNSON, VARARAT KAN,  
27 BRENDAN KARG, MAUREEN KEALEY,  
ANNE KELLER, NATALIE KELLY, BETSY  
28 KENNEDY, KWANGSIK KIM, SANDRA  
KIM. KEVIN KOCHAKJI. KAREN

CLAIM FOR DAMAGES  
(Government Code §900 et seq.)

1 KOSTRENCICH, NICOLE KRAAKE,  
2 BENJAMIN KROON, MARIE KUHN, LINDA  
3 KURT, BRENT KUYKENDALL, TINA  
4 KUYKENDALL, GAILENE LANCEY,  
5 VICTORIA LAWSON, SAMANTHA  
6 LEDDEL, CHARLES LEE, ALLISON  
7 LEHAULT, MICHAEL LEHAULT, SALLY  
8 LEIBFRIED, ANNE LEONARD, LORRAINE  
9 LOH-NORRIS, LEN LYBERGER, PATRICK  
10 LYNCH, MARK MACKENZIE, JOSEFINA  
11 MADUNICH, JULIE MAEMOTO, MICHELE  
12 MARCUS, SCOTT MASSEY, JENNIFER  
13 MCARTHER, WILLIE MCBRIDE III, MARIA  
14 MCCLOUD, JAMES MEADE, EMILY  
15 MELLQUIST, EDWARD MERTENS,  
16 CYNTHIA MITCHELL, ALEJANDRO  
17 MORALES, CHRISTOPHER MULLEN, JULIE  
18 MUNOZ, HEATHER MYRICK, LEANNE  
19 NEMETH, JAMIE NYMAN, PATRICK  
20 O'BRIEN, ELIZABETH OKAMOTO,  
21 CHAUNTELLE O'LOUGHLIN, SCOTT  
22 OSCHMAN, SHARON PALMER, MORGAN  
23 PALM, SUSAN PAVELKA, STEPHANIE  
24 PEPPERMULLER, CARLIE PERANTONI,  
25 JOSEPH PINKELMAN, SEASON POLLOCK,  
26 JILL PUPICH, CRESTINA QUESADA, JAMES  
27 QUICK, RYAN QUINLAN, KATHLEEN  
28 RAREWALA, CECILIA REMETA, DANIEL  
RHO, JACLYN ROSEN, SUSAN ROSKOS,  
MONICA RUDDER, MARIE SAM,  
KATHERIN SANTAROSA, KATE  
SCHUMACHER, MARISA SCOTT, BRIAN  
SHAPIRO, TAMARA SHERIDAN,  
MICHELLE SLATTERY, BENJAMIN SMITH,  
JASON SMITH, ROBERT SNODGRASS,  
MICHAEL SPALDING, JACQUELYN  
STARODUB, CHERISH STEINBACH, JAMES  
STILES, BRYCE STODDART, TARA  
SWALL, MICHAEL SWATEK, BOBBI  
THOMPSON, CHRISTOPHER THOMPSON,  
LEA JEWELL TOOMBS, QUYEN TRAN,  
HASSAN TWIET, DANA N TYSON,  
ANTHONY URUBURU JACQUELINE,  
VALERIO, GLENN VANENK, RENE VELA,  
KASHMIRA VIJAIYAN ANNEMARIE  
VOEGTLIN, MICHAEL WANMER, JAMES  
WARREN, JENNIFER WARREN, MELINDA  
WEBSTER, SAMANTHA WEISS, JOHN  
WHEELER, JOHN WHITE, KISHA  
WILLIAMS, CHRISTOPHER WILSON,  
MARTA WOOD, PAUL WOODWARD,  
WENDELL YOSHIDA, DAVID YOUNG,  
GONZALEZ ZAMBRANO, CHANTAL  
ZOTTER,

Claimants.

1 TO THE RESPONDENTS, PALOS VERDES PENINSULA UNIFIED SCHOOL  
2 DISTRICT AND THE BOARD OF EDUCATION OF THE PALOS VERDES PENINSULA  
3 UNIFIED SCHOOL DISTRICT:

4 A. YOU ARE HEREBY NOTIFIED THAT SOUTH BAY UNITED TEACHERS,  
5 ANDREA ACRES, MATTHEW ACRES, JUDY ADAMS-SMITH, MICHAEL  
6 ADYNECCHUAN YU ANDERSON, ALLEN ARONSON, KELLY BARANICK, KURT  
7 BARCENILLA PETER BARKS, BONNIE BARNARD, TECIA BARTON, SANDRA BATSON-  
8 SIDELL, MICHAEL BIRD, MAGALI BLAZEVIC, MICHAEL BLOIS, PAULA BORSTEL,  
9 ALEX BROUGHTON, KATHALEEN BRUNDIDGE, AMY BYRNE, GINA CALESCIBETTA,  
10 JASON CALIZAR, MALYNN CHETANNA, JENNIFER CHO, CHIH YAO CHOU JENNIFER  
11 AUSTIN, KATIE CLOVIS, BRIAN COLBURT, TIMOTHY COLEMAN, LYDIA CORDOVA,  
12 REGINA CORWIN, BETTINA DE GUZMAN, JOSEPH DELLEVA, SUSAN DEMERJIAN,  
13 BARBARA DEWITT, REBECKA DIBBLE, LORI DIXON, LISA DOHREN, KATHERINE  
14 DUNLAP, KAREN DUTCHER, JENNIFER EGAN, SCOTT ELLIS, KRISTIAN ENGLE,  
15 DOUGLAS ESPARZA, EDESSA FOSTER, MARY FOURNIER, ELIZABETH FUJINAGA, GUY  
16 GARDNER, SCOTT GARMAN, MELANIE GERLING, ELIZABETH GODBOLD, MARK  
17 GREENBERG, TIMOTHY HALL, ADAM HAMLER, JOHN HANGARTNER, LOUIS HARLEY,  
18 KURT HAY, BRIAN HELMRICH, PATRICIA HELMRICH, KIMI HENDRICK, ERIC  
19 HENDRICKSON, DANIEL HERNANDEZ, JACQUE HOCKENSMITH, MICHAEL HOEGER,  
20 TAYLOR HOLLOWAY, STEVEN IHDE, SACHIKO IWAMI, KRISTY JIMENEZ, JAYMEE  
21 JOHNSON, VARARAT KAN, BRENDAN KARG, MAUREEN KEALEY, ANNE KELLER,  
22 NATALIE KELLY, BETSY KENNEDY, KWANGSIK KIM, SANDRA KIM, KEVIN  
23 KOCHAKJI, KAREN KOSTRENCICH, NICOLE KRAAKE, BENJAMIN KROON, MARIE  
24 KUHN, LINDA KURT, BRENT KUYKENDALL, TINA KUYKENDALL, GAILENE LANCEY,  
25 VICTORIA LAWSON, SAMANTHA LEDDEL, CHARLES LEE, ALLISON LEHAULT,  
26 MICHAEL LEHAULT, SALLY LEIBFRIED, ANNE LEONARD, LORRAINE LOH-NORRIS,  
27 LEN LYBERGER, PATRICK LYNCH, MARK MACKENZIE, JOSEFINA MADUNICH, JULIE  
28 MAEMOTO, MICHELE MARCUS, SCOTT MASSEY, JENNIFER MCARTHER,

1 WILLIE MCBRIDE III, MARIA MCCLOUD, JAMES MEADE, EMILY MELLQUIST,  
2 EDWARD MERTENS, CYNTHIA MITCHELL, ALEJANDRO MORALES, CHRISTOPHER  
3 MULLEN, JULIE MUNOZ, HEATHER MYRICK, LEANNE NEMETH, JAMIE NYMAN,  
4 PATRICK O'BRIEN, ELIZABETH OKAMOTO, CHAUNTELLE O'LOUGHLIN, SCOTT  
5 OSCHMAN, SHARON PALMER, MORGAN PALM, SUSAN PAVELKA, STEPHANIE  
6 PEPPERMULLER, CARLIE PERANTONI, JOSEPH PINKELMAN, SEASON POLLOCK, JILL  
7 PUPICH, CRESTINA QUESADA, JAMES QUICK, RYAN QUINLAN, KATHLEEN  
8 RAREWALA, CECILIA REMETA, DANIEL RHO, JACLYN ROSEN, SUSAN ROSKOS,  
9 MONICA RUDDER, MARIE SAM, KATHERIN SANTAROSA, KATE SCHUMACHER,  
10 MARISA SCOTT, BRIAN SHAPIRO, TAMARA SHERIDAN, MICHELLE SLATTERY,  
11 BENJAMIN SMITH, JASON SMITH, ROBERT SNODGRASS, MICHAEL SPALDING,  
12 JACQUELYN STARODUB, CHERISH STEINBACH, JAMES STILES, BRYCE STODDART,  
13 TARA SWALL, MICHAEL SWATEK, BOBBI THOMPSON, CHRISTOPHER THOMPSON,  
14 LEA JEWELL TOOMBS, QUYEN TRAN, HASSAN TWIET, DANA N TYSON, ANTHONY  
15 URUBURU JACQUELINE, VALERIO, GLENN VANENK, RENE VELA, KASHMIRA  
16 VIJAIYAN ANNEMARIE VOEGTLIN, MICHAEL WANMER, JAMES WARREN, JENNIFER  
17 WARREN, MELINDA WEBSTER, SAMANTHA WEISS, JOHN WHEELER, JOHN WHITE,  
18 KISHA WILLIAMS, CHRISTOPHER WILSON, MARTA WOOD, PAUL WOODWARD,  
19 WENDELL YOSHIDA, DAVID YOUNG, GONZALEZ ZAMBRANO, CHANTAL ZOTTER,  
20 (hereinafter "Claimants") whose address is C/O Trygstad, Schwab & Trygstad, 1880 Century Park  
21 East, Suite 1104, Los Angeles, CA 90067, claim damages from the Palos Verdes Peninsula School  
22 District (hereinafter "District") and Board of Education of the Palos Verdes Peninsula Unified  
23 School District.

24 B. The claimants desire all notices or other communications with regard this claim to be  
25 sent to: Trygstad, Schwab & Trygstad, and Attention: Shanon Dawn Trygstad Esq., 1880 Century  
26 Park East, Suite 1104, Los Angeles, CA 90067.

27 C. Claimants file this claim for damages seeking damages for the breach of their  
28 Collective Bargaining Agreement, breach of contract, the breach of the promise and assurances of

1 the District and its employees regarding their retirement accounts and retirement benefits under the  
2 doctrine of promissory estoppels and detrimental reliance, and negligence.

3 D. The date, place, and other circumstances the occurrence giving rise to this claim are  
4 as follows:

5 Starting during the 2006/2007 school year and continuing through in or about February of  
6 2018, the District informed Claimants that if they worked a six-period assignment, the District  
7 would make contributions to their Defined Benefit Account, which would increase their retirement  
8 by approximately 20%. Claimants relied upon the representations of the District in making the  
9 decision to work the six-period assignment. In addition, Claimants determined their date of  
10 retirement based on the representations of the District regarding their anticipated retirement benefits  
11 due to Claimants working a six-period assignment.

12 On or about February 28, 2018, CalSTRS forwarded a Draft Audit Report to the District  
13 wherein it audited the Defined Benefits Account and Defined Benefits Account of approximately six  
14 retired teachers. Claimants were not notified of the Draft Audit Report.

15 On March 28, 2018, Kathy Ueunten, Director, Fiscal Services for the District, sent CalSTRS  
16 a letter wherein she stated, "The Palos Verdes Peninsula Unified School District is in receipt of the  
17 draft audit report dated February 28, 2018. The District has reviewed the report and accepts the  
18 results of the audit." The District did not inform Claimants that it had "accepted" the results of  
19 CalSTRS audit.

20 On April 12, 2018, CalSTRS issued its Final Audit Report. Claimants were not notified that  
21 CalSTRS had issued its Final Audit Report.

22 In the Final Audit Report, and a corresponding letter, CalSTRS notified the District that it  
23 had ninety (90) days to appeal the findings set forth in the Final Audit report by requesting an  
24 Administrative Hearing. CalSTRS further informed the District that if it did not file an appeal by  
25 requesting an Administrative Hearing, that the findings set forth in the Final Audit Report shall be a  
26 final "Determination" and that the right to an Administrative Hearing would be waived. The  
27 District did not appeal the findings set forth in the Final Audit Report. The District did not inform  
28 Claimants that it did not appeal the findings of the Final Audit Report.



1 In April of 2018, CalSTRS directed the District to audit and adjust the contributions to  
2 Claimants' Defined Benefit Accounts and Defined Benefit Supplement Accounts. Continuing  
3 through March of 2019, Claimants were not notified that their Defined Benefit Accounts and  
4 Defined Benefit Supplement Accounts were adjusted or being adjusted by the District, LACOE and  
5 CalSTRS.

6 In or about February of 2019, without explanation, CalSTRS began to adjust Claimants'  
7 retirement benefits for both their Defined Benefit Account and Defined Benefit Supplement  
8 Account.

9 In or about April of 2019, Claimants learned that the rationale for the adjustment to their  
10 Defined Benefit Accounts and Defined Benefit Supplement Accounts was that CalSTRS conducted  
11 an Audit of the District's contributions to their Defined Benefit Account for the sixth-period  
12 assignment they worked and were paid under Schedule 2 and 3 of the Salary Schedule set forth in  
13 the Collective Bargaining Agreement. Claimants further learned that as a result of the District  
14 accepting CalSTRS Audit Findings, and not requesting an Administrative Hearing, their retirement  
15 benefits from their Defined Benefit Account would be adjusted down (by approximately 20%) and  
16 the Claimants must refund to CalSTRS monies paid to them. The amounts CalSTRS demanded  
17 Claimants refund to CalSTRS vary.

18 In April of 2019, and continuing to the present, Claimants have requested an Administrative  
19 Hearing to appeal the findings set forth in the Final Audit Report and to appeal the adjustments  
20 being made to their Defined Benefit Account, Defined Benefit Supplement Account and Retirement  
21 Benefits. CalSTRS informed Claimants that the time to appeal by requesting an Administrative  
22 Hearing lapsed ninety (90) days after CalSTRS sent its April 12, 2018 letter to the District.  
23 CalSTRS has denied Claimants their right to an Administrative Hearing.

24 The District had a duty to inform Claimants of CalSTRS' Audit and the impact it would  
25 have on their Defined Benefit Account, Defined Benefit Supplement Account and Retirement  
26 Benefits. The District had a duty to inform Claimants of their right to appeal CalSTRS findings as  
27 set forth in the Final Audit Report and the impact it would have on their Defined Benefit Account,  
28 Defined Benefit Supplement Account and Retirement Benefits. The District did not perform its

1 duties to Claimants and Claimants have been and will continue to be harmed.

2 E. The names of the public employees (current and/or former) causing the injury, damage or  
3 loss include, but are not limited to: Bill Franchini (retired), Walker Williams (retired), Kathy  
4 Ueunten (Director, Fiscal Services), Alex Cherniss, Ed.D. (Superintendent), and Keith Butler, Ph.D.  
5 (Associate Superintendent, Business Services).

6 F. The full extent of the damages is unknown at this time, but will be in excess of  
7 \$10,000.00, including economic and non-economic damages, as claimants have suffered economic,  
8 emotional and physical damages. This will be an unlimited civil action.

9  
10 DATED: June 27, 2019

TRYGSTAD, SCHWAB & TRYGSTAD

11  
12  
13 By.

  
SHANON DAWN TRYGSTAD  
Attorneys for Claimants