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8 DISTRICT, JEFF RICKERT and LISA  
LAMONTAGNE  
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10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

12  
13 N.A., a minor, by and through her  
14 guardians ad litem, MARK ABBOTT  
and CHRISTINA ABBOTT,

15 Plaintiff,

16 vs.

17 CONEJO VALLEY UNIFIED  
18 SCHOOL DISTRICT, JEFF RICKERT,  
an individual; and LISA  
19 LAMONTAGNE, an individual; DOES  
20 1-30, inclusive,

21 Defendants.

CASE NO.  
\_\_\_\_\_

**NOTICE OF REMOVAL OF  
ACTION UNDER 28 U.S.C. §1441(a)**

**(FEDERAL QUESTION)**

Action Filed: July 11, 2017  
Trial Date: None Set

22 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

23 PLEASE TAKE NOTICE that Defendants Conejo Valley Unified School  
24 District (“District”), Jeff Rickert and Lisa LaMontagne hereby remove to this Court  
25 the state action described below.

26 1. On July 11, 2017, an action was commenced in the Superior Court of  
27 the State of California, County of Ventura, entitled *N.A. a minor, by and through*  
28 *her guardian ad litem, Mark Abbott and Christina Abbott, Plaintiff, vs. Conejo*

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1 *Valley Unified School District, Defendant*, case number 56-2017-00498771-CU-  
2 VTA. Before the District filed its responsive pleading to the complaint, on October  
3 10, 2017, Plaintiff emailed the District a First Amended Complaint entitled *N.A. a*  
4 *minor, by and through her guardian ad litem, Mark Abbott and Christina Abbott,*  
5 *Plaintiff, vs. Conejo Valley Unified School District, Jeff Rickert and Lisa*  
6 *LaMontagne, Defendants* (the “Action”). (A copy of the Complaint and the First  
7 Amended Complaint are attached hereto as Exhibits A and B, respectively.) In the  
8 First Amended Complaint, Plaintiff added two additional Defendants, Jeff Rickert  
9 and Lisa LaMontagne, and added a new cause of action for violation of 42 U.S.C.  
10 section 1983, alleging that all three defendants acted under color of state law by  
11 providing education to Plaintiff, and collectively and individually, intentionally  
12 and/or with deliberate indifference violated N.A.'s rights under the Establishment  
13 Clause by subjecting N.A. to, or failing to prevent or remediate, spiritual and/or  
14 religious indoctrination. This Court may exercise pendent jurisdiction of the other  
15 two causes of action alleged in the First Amended Complaint alleging violation of  
16 the Unruh Civil Rights Act, California Civil Code, section 51, *et seq.*, and negligent  
17 training and supervision.

18 2. The first date upon which the District received a copy of the state court  
19 complaint was September 11, 2017, when it was served with a copy of it and a  
20 summons from the Ventura County Superior Court. The District received a copy of  
21 the First Amended Complaint on October 10, 2017, and the first date Defendants  
22 Jeff Rickert and Lisa LaMontagne received a copy of the First Amended Complaint  
23 was October 18, 2017. A copy of the summons to the District and the email from  
24 Lynn Beekman of this firm to Plaintiff's counsel accepting service for Defendants  
25 Jeff Rickert and Lisa LaMontagne are attached hereto as Exhibit “C”.

26 3. This action is a civil action of which this Court has jurisdiction under 28  
27 U.S.C. section 1331, and is one which may be removed to this Court by Defendants  
28 pursuant to the provisions of 28 U.S.C. section 1441(a) in that it arises under 42

1 U.S.C. section 1983.

2 4. This Notice of Removal will be promptly served on Plaintiff and filed  
3 with the Clerk of the Superior Court of the State of California in and for the County  
4 of Ventura.

5 Wherefore, Defendants request that the above Action pending before the  
6 Superior Court of the State of California for the County of Ventura be removed to  
7 the United States District Court for the Central District of California.

8 DATED: November 9, 2017 FAGEN FRIEDMAN & FULFROST, LLP

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By:           /s/ Lynn Beekman            
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Cynthia L. Sands  
Attorneys for Defendants, Conejo Valley  
Unified School District, Jeff Rickert  
and Lisa Lamontagne

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