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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

AMIR WARE, an individual,

Plaintiff,

v.

MOUNTAIN VIEW LOS ALTOS HIGH
SCHOOL DISTRICT; KIP GLAZER; ERIC
VOLTA; and DOES 1 – 40, inclusive,

Defendants.

Case No.:

COMPLAINT FOR DAMAGES FOR:

1. **Fourteenth Amendment – Equal Protection (42 U.S.C. §1983)**
2. **Discrimination Based on Race in Violation of Title VI of the Civil Rights Act of 1964**
3. **Violation of California Education Code Section 220**
4. **Negligence**
5. **Intentional Infliction of Emotional Distress**
6. **Violation of California Government Code Section 11135**
7. **Discrimination Based on Race in Violation of California Education Code Section 201**
8. **Defamation**
9. **Negligent Supervision**

DEMAND FOR JURY TRIAL

Plaintiff AMIR WARE (hereinafter, “Plaintiff” or “Mr. Ware”) hereby alleges against Defendants MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT; KIP GLAZER; ERIC VOLTA; and DOES 1 – 40 (collectively, “Defendants”), and each of them, as follows:

JURISDICTION AND VENUE

1. This action arises under the Constitution and laws of the United States, including the Fourteenth Amendment to the United States Constitution, 42 U.S.C. § 1983, and Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d *et. seq.* This Court has original subject-matter jurisdiction over Plaintiff's federal claims pursuant to 28 U.S.C. §1331 (federal question) and 28 U.S.C. §1343(a)(3)–(4) (civil rights).

2. This Court has supplemental jurisdiction over Plaintiff's California state-law claims — violation of California Education Code sections 220 and 201, violation of California Government Code section 11135, negligence, intentional infliction of emotional distress, defamation, and negligent supervision—pursuant to 28 U.S.C. §1367(a), because those claims are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution. All claims arise from a common nucleus of operative fact: Defendants' treatment of Plaintiff while he was a student within the Mountain View Los Altos High School District.

3. Venue is proper in the Northern District of California pursuant to 28 U.S.C. §1391(b) because Plaintiff and Defendants reside in this District and a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this District, in the County of Santa Clara.

4. Plaintiff has complied with the claim-presentation requirements of the California Government Claims Act, California Government Code section 810 *et seq.*

PARTIES

5. Plaintiff AMIR WARE, at all times alleged in this complaint, was a student at Mountain View High School. Defendant MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT, controls Mountain View High School where Amir Ware was a student. Defendant KIP GLAZER is an individual who, at all times alleged in this complaint, was, and is, the principal of Mountain View High School. Defendant ERIC VOLTA is an individual who, at all times alleged in this complaint, was, and is, the superintendent for the MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT.

6. Plaintiff Amir Ware was, at all times relevant herein, a student at Mountain View High School, located in Mountainview, California, County of Santa Clara.

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7. Defendant MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT is, and at all times material hereto was, a school district, duly organized and existing under the law of the State of California.

8. Defendant KIP GLAZER was at all relevant times a California resident employed as a principal with the MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT.

9. Defendant ERIC VOLTA was at all relevant times a California resident employed as a superintendent with the MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT.

10. DOES 1-40, inclusive, are sued herein under fictitious names. Their true names and capacities are unknown to Plaintiff. When their true names and capacities are ascertained, Plaintiff will amend this Complaint by inserting their true names and capacities herein. Plaintiff is informed and believes, and thereon alleges, that each of the fictitiously named Defendants are responsible in some manner for the occurrences herein alleged, and that Plaintiff's damages are herein alleged were proximately caused by those Defendants. Each reference in this complaint to "Defendant", "Defendants", or to a specifically named Defendant, refers also to all Defendants sued under fictitious names.

11. Plaintiff is further informed and believes and thereon alleges that, unless otherwise indicated, each Defendant was the agent and/or employee of every other Defendant within the course and scope of said agency and/or employment, with the knowledge and/or consent of said Defendant.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

12. This lawsuit is timely filed within all applicable statutes of limitation and Plaintiff has timely complied with the requirements for claims presentation under the Government Claims Act, California Government Code §810 *et seq.*

13. Plaintiff has standing to bring this action to enforce California Education Code §220 which provides in pertinent part, "No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code."

14. Plaintiff is informed and believes, and thereupon alleges, that Mountain View High School is a public school and part of the MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT in Santa Clara County, California.

15. The true names and capacities of Defendants DOES 1-40, inclusive, whether individual, corporate, associate or otherwise, are unknown to Plaintiff, who therefore sues said defendants by such

1 fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when the
2 same have been ascertained. Plaintiff is informed and believes, and thereon alleges, that each of
3 the fictitiously named Defendants is responsible in some manner for the occurrences herein alleged,
4 that Plaintiff's damages are herein alleged were proximately caused by those Defendants, and that the
5 Defendants are therefore jointly and severally liable for the damages caused to Plaintiff. Plaintiff is
6 informed and believes, and upon such information and belief alleges, that each of the Defendants,
7 including DOES 1 - 40, inclusive, were, at all times herein mentioned, acting in concert with each and
8 every one of the remaining defendants.

9 16. Each reference in this complaint to "Defendant", "Defendants," or specifically named
10 Defendant(s), refers to all Defendants sued under fictitious names.

11 **STATEMENT OF FACTS**

12 17. Plaintiff Amir Ware is a 2025 graduate of Mountain View High School ("MVHS"), which is
13 part of MOUNTAIN VIEW LOS ALTOS SCHOOL DISTRICT ("MVLA").

14 18. Mr. Ware attended MVHS in-person for just one week during his sophomore year (2022 to
15 2023), before leaving the school for at-home independent study after a series of racist comments made
16 by his peers during that week.

17 19. In 2023 and 2024, his junior year, Mr. Ware again attended school in-person for one week,
18 again returning to independent study due to continued racist comments.

19 20. In his final school year, 2024 to 2025, Mr. Ware attended school in-person for one semester,
20 hoping that his status as a senior would inhibit racist comments. However, Mr. Ware continued to
21 receive racist remarks directed at him, and he re-enrolled in independent study for his final semester.

22 21. Notwithstanding, Mr. Ware was a successful varsity football player and a star runner on the
23 school's varsity track-and-field team for two years.
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A. Because of Mr. Ware's 504 Plan, MVHS Had Actual Knowledge of Educational Circumstances Requiring Special Attention, But Ignored His Disability

22. Mr. Ware was diagnosed with Attention-Deficit/Hyperactivity Disorder-Combined Presentation (ADHD) in June 2018.

The Permanente Medical Group, Inc.
PEDIATRIC CLASSROOM
19000 Homestead Road
Cupertino CA 95014-0712
Dept: 408-366-4450
Main: 408-851-1000

6/5/2018

RE: Ware, Amir: MR# REDACTED

Dear Parent/Guardian of Amir Ware:

This letter is a request for 504 accommodations or an Individualized Education Plan and may be used for documentation purposes at Amir Ware's school as needed.

Amir Ware was evaluated at Kaiser, Santa Clara Child and Adolescent Psychiatry Department. Amir has been diagnosed with **Attention-Deficit/Hyperactivity Disorder - Combined Presentation (ADHD, DSM 314.01)**.

23. He was given 504 accommodations by his school at the time, and he brought both the diagnosis and the 504 accommodations with him to MVHS when he started at the school. MVHS implemented a 504 plan for Mr. Ware in September 2021 and confirmed continuation of the plan at the end of Mr. Ware's freshman year.

From: Corona, Brenda [Redacted]@mvla.net>
 Date: Mon, Jun 27, 2022 at 10:49 AM
 Subject: 22/23 504 Accommodations
 To:

Dear Parents ,

PLEASE DO NOT REPLY DIRECTLY TO THIS EMAIL, this is a group email.

Our MVHS team has reviewed your student's academic progress to date and we are happy to report that the current 504 Plan is successfully supporting your students' educational needs and allowing access to the learning opportunities within the school.

To that end, we would like to give you the opportunity to keep the current accommodations in place, without the need for a team meeting. You have the option to revisit the plan at a later date if you or any teacher feels a meeting is necessary for your student's success.

24. Mr. Ware's ADHD diagnosis explicitly included a recommendation for daily progress reports generated by his MVHS. Moreover, Mr. Ware's had weekly meetings with MVHS mentor teachers as part of his independent study plan.

25. Despite MVHS's notice that Mr. Ware must receive a heightened level of progress monitoring and communication, none of MVHS's contacts or communications with Mr. Ware ever explored the underlying reasons for Mr. Ware's distress at school—the racism he faced.

26. There were approximately 18 weekly meetings per semester, or 36 per school year, totaling 144 meetings during Mr. Ware's time at MVHS. Each of these meetings was an opportunity for an administrator to investigate how racism affected Mr. Ware's struggles in class, and how he was ostracized by his peers and experienced daily distress at school. Yet no investigation of racism against Mr. Ware ever occurred.

B. Mr. Ware Endured Regular Incidents of Racial Targeting and Racially Inappropriate Speech

27. Mr. Ware experienced repeated racist and racially targeted acts at MVHS. As one of the few black students at MVHS, Mr. Ware was constantly judged for how he looked, treated differently on

1 account of his race, and became a frequent target of racist language and stereotypes, including being
2 called the “N-word,” by classmates.

3 28. During Mr. Ware’s junior year at MVHS, he endured daily racist experiences in the locker
4 room before and after football practices and games.

5 29. Mr. Ware was one of only five black players on the entire football team. Yet white players
6 routinely used the “N-word” to when speaking amongst one another and to address Mr. Ware directly.

7 30. One white player repeatedly called Mr. Ware the “full N word” with a hard “R.”

8 31. These slurs and name calling persisted throughout Mr. Ware’s time at MVHS and came from
9 all corners of his school life.

10 32. In 2023, Mr. Ware’s football teammates and coaches teased him about his weight, cruelly
11 joking that he was thin, “just like a starving African child.”

12 33. Another offensive piece of commentary, frequently repeated by teammates, credited Mr.
13 Ware’s successful plays to his race, stating, “Of course [you made the play], you’re black.”

14 34. Classmates often scolded Mr. Ware for no reason at all, exclaiming, “You’re so black” out of
15 nowhere.

16 35. During one practice, Mr. Ware’s coach, James Berger, told Mr. Ware a long joke and ended
17 it by using the “N-word.”

18 **C. New Football Coach Encourages Racially Hostile Environment**

19 36. Mr. Ware started as a wide receiver and cornerback during his junior year (fall 2023).

20 37. During this successful season, Mr. Ware helped his team reach the playoffs, despite the
21 continuous racist bullying and harassment he experienced in the locker room and at school.

22 38. In the 2024 football season, MVHS hired a new head football coach, Rick Esparza.

23 39. Mr. Ware and the other black students immediately noticed that Mr. Esparza treated them
24 differently than the other players.

25 40. In Mr. Ware’s first game under Mr. Esparza, he was thrown a pass that he did not catch. Mr.
26 Esparza immediately benched Mr. Ware from his wide receiver position and did not return him to his
27 original playing time for the rest of the season.

28 41. At the same time, several white players—who made much bigger errors and mistakes—were
permitted to continue playing their positions without penalty.

42. Weeks later, after Mr. Ware had a knee injury taped up by a trainer, he realized the tape was
too tight on his leg and asked to have it cut off.

1 43. When coach Kirk Jennings returned with a knife to cut the tape, a second coach, Javier
2 Guevara, made a racist joke about trying to “stab or kill” Mr. Ware.

3 44. These daily episodes of racism made Mr. Ware feel isolated and alienated, as if he did not
4 belong on the sports teams, or in the school, despite his significant accomplishments.

5 45. Mr. Ware often attempted to laugh it off or push it down.

6 46. But he could no longer tolerate this hostile environment and opted to re-enroll in MVHS’s
7 independent study program during his final semester as a senior.

8 **D. Mr. Ware Publicly Mocked and Humiliated After False Attribution of Racially**
9 **Inflammatory Quote in Student Yearbook**

10 47. Graduating students were asked to submit yearbook quotes before a deadline of October 25,
11 2024, via a Google form entitled “Class of 2025 Yearbook Senior Quote.”

12 48. Students were reminded that the quote would “have a permanent impression, as it’s published
13 in the yearbook.”
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Class of 2025 Yearbook Senior
Quote: Read,
complete and
submit by Friday
October 25th, 2024

The form Class of 2025 Yearbook Senior
Quote: Read, complete and submit by Friday
October 25th, 2024 is no longer accepting
responses.
Try contacting the owner of the form if you
think this is a mistake.

This form was created inside of Mountain View Los Altos
High School District. - [Contact form owner](#)

Does this form look suspicious? [Report](#)

Google Forms

2. Please be reflective, taking some time to think of your Senior quote, review the guidelines.

Each year, Seniors at MVHS get to make their last words known in the yearbook.

So, this is your last chance to thank your friends, family, and teachers or to quote your favorite writers, athletes, and actors or anything you want (with some limitation).

Please put thought into your quote because it will have a permanent impression, as it's published in the yearbook. Here are some guidelines:

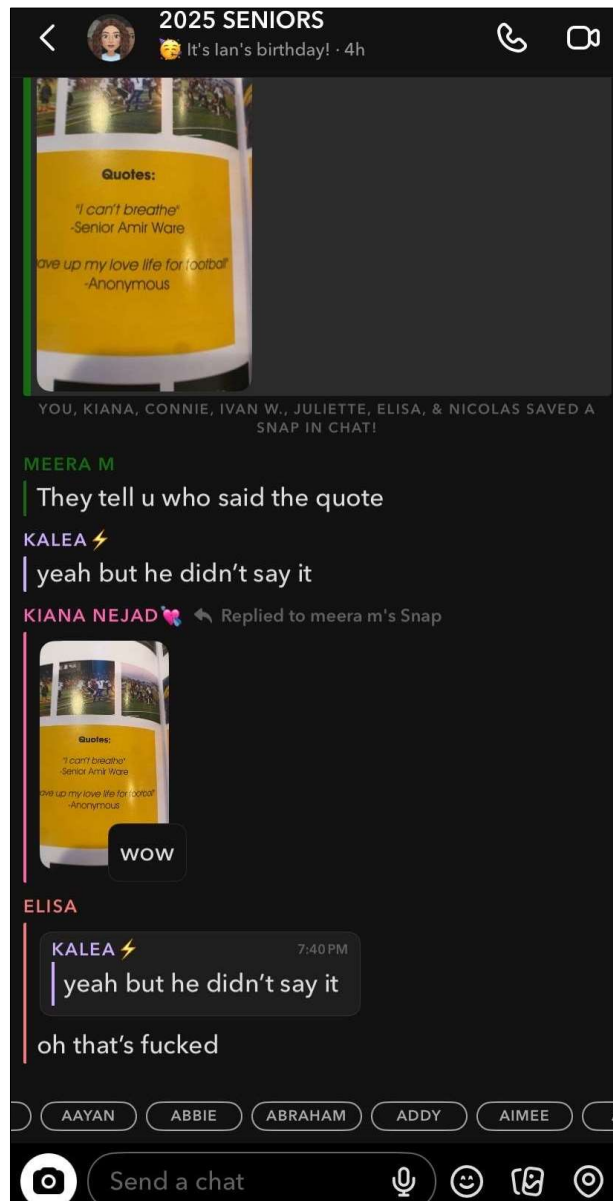
49. Seven months later, on May 22, 2025, Mr. Ware discovered, in two different Instagram group chats—one of which included approximately 150 MVHS seniors, and the other made up of his football teammates—that the recently published school yearbook had attributed a racially charged quote to him that Mr. Ware never made, consented to, or approved.



50. “I can’t breathe,” was the final, desperate plea of George Floyd, a Black victim of racially motivated police violence. The quote thus carries heavy historical and emotional weight among African Americans in the context of recent social history.

51. It was “I can’t breathe” that the school-sponsored yearbook falsely and harmfully attributed to Mr. Ware on the page of the yearbook’s football team feature in the yearbook.

52. Fellow students began frantically texting and confronting Mr. Ware, demanding to know whether he had made or authorized the quote.



53. Mr. Ware did not submit “I can’t breathe” to the Google form as his senior quote.

54. Yet he was forced to defend himself publicly against an audience that—for multiple years at this point—was racially antagonistic toward him.

E. MVHS's Inadequate Response Failed to Address the Wares' Reasonable Requests

55. After Mr. Ware learned of the yearbook quote, his mother, Faith Martin-Ware, wrote to school and district leadership that very night.

Subject: Formal Complaint of Racial Harassment, Misrepresentation, and Emotional Harm to Black Student

Dear Principal Glazer and Superintendent Volta,

I am writing to file a formal complaint regarding a disturbing and racially harmful incident involving my son, Amir Ware, a Black senior at Mountain View High School. He is a student-athlete who played on the football team in the fall and is currently representing the school in the CCS track meet this weekend.

After track practice on 05/22/2025, my son checked his phone to discover that it had been flooded with messages in a group chat involving approximately 150 people. The subject of the messages was a false and racially charged quote attributed to him in the school yearbook: "I can't breathe." This quote was printed without his knowledge or consent. My son never made this statement and was never asked for his consent or approval to be quoted in this manner. The inclusion of this statement in a casual yearbook context is not only inappropriate, it is dehumanizing, racially insensitive, and emotionally harmful.

56. Ms. Ware requested that MVHS Principal Kip Glazer and MVLA Superintendent Eric Volta facilitate the following reparative action: immediately retract or correct the false yearbook quote, have both the yearbook committee and school administration issue an apology, a thorough and transparent inquiry into the attribution of the quote, and appropriate disciplinary action against students or staff who acted with malicious intent or racial bias in selecting, approving, or printing the quote. Ms. Ware told the administration:

My son was devastated. He feels racially targeted and humiliated. He has experienced multiple incidents over the years that have made him feel he was being treated differently at every school he has attended in Mountain View because he is black. This incident has only confirmed those long-held feelings. This is one of the reasons he opted to be in the independent study program for Mountain View High School instead of attending in person.

57. Mr. Ware and his mother also requested a meeting with MVHS Principal Kip Glazer and eventually met with MVLA Superintendent Eric Volta. In the meetings, Mr. Ware stressed the importance of a public acknowledgment of the incident: he was publicly shamed and disgraced and requested an equally public clarification and apology.

58. Mr. Ware also requested an apology from the yearbook staff and the school administration. In response to Mr. Ware's request for a brief public acknowledgement at graduation, Superintendent Volta said it "would be hard to make that happen."

59. He offered instead to "put something" in the student newspaper.

60. A student reporter from the paper interviewed Mr. Ware on May 25, 2025, for an article about the yearbook quote.

Hey Amir!

Idk if u remember me from track last year but I'm with the mvhs oracle and we're writing an article about the yearbook situation. Many people have said the quote attributed to you is the reason for the recall and we were wondering if you had anything to say about the situation.

61. However, no story, retraction, apology, or acknowledgement was ever printed.

62. Superintendent Volta apologized to Mr. Ware privately, but MVLA has completely ignored the remainder of Mr. Ware's mother's request.

63. Superintendent Volta spent much of the private meeting with Mr. Ware changing the subject and casually excusing the racist quote, writing it off as the work of "one nerdy student" who was put up to it by someone else.

64. Further, Mr. Ware has not been notified of any serious inquiry into the incident, nor has any action been taken to educate or discipline those involved. The administration to this day has failed to adequately address the incident for Mr. Ware nor ensured, as per the Wares' request, that a similar incident doesn't happen to another student.

F. MVHS's Limited Action Negatively Impacted Mr. Ware

65. On May 28, six days after Mr. Ware's mother raised the incident with MVHS administration, MVHS paused distribution of the yearbook and requested students already in possession of the yearbook bring it to the distribution table the following week to make "an immediate correction."

Hello Spartans Families:

We regret to inform you that our administration has become aware that this year's Yearbook requires an immediate correction.

As such, we have chosen to pause distribution of all yearbooks at this time. We believe we may resume distribution sometime next week.

We ask that all seniors who have already received their yearbook come to the distribution table later next week so that the yearbook staff can address this. This

66. Yearbooks which were yet to be distributed or were recovered by the administration received a thin piece of peelable yellow tape placed over the "I can't breathe" quote and Mr. Ware's name.



67. In some yearbooks, the quote was scribbled over with a black marker. The method made it apparent that something was covered up, and instead of resolving the issue, it prompted even more questions from students.

68. Although MVHS recalled the yearbooks, there is no guarantee that all yearbooks were “retracted,” leaving some yearbooks with the original print.

69. Additionally, taped books offered students an immediate enticement to compare pages with the original untaped books, calling more attention to the racially charged quote.

70. At no point did MVHS offer any direct explanation to students as to precisely why the quote was taped over.

**G. Mr. Ware’s Team Contributions Were Ignored at the Public Track Team Banquet—
Only Later Acknowledged Privately**

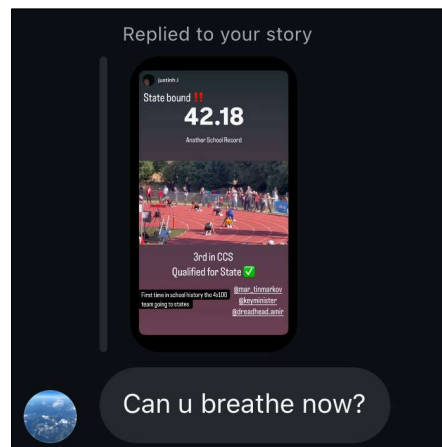
71. Competing on the track team was the highlight of Mr. Ware’s student experience at MVHS and the reason he returned for independent study.

72. On May 24, 2025, Mr. Ware competed in the Central Coast Section (“CCS”) Championship track meet for MVHS.

73. Mr. Ware was exceptionally successful at the meet, breaking multiple school records, setting a personal record in the 4x400 relay and 4x100 meter relay, and helping the team get to the State Championship for the first time in school history.

74. Mr. Ware was instrumental in helping his team achieve an all-time top-10 rank in CCS history.

75. Despite his achievements, Mr. Ware was overlooked at the track team award banquet on June 3. He was not given any award or public acknowledgement. Moreover, after Mr. Ware shared the success in the CCS Championship track meet, someone commented, “Can you breathe now?” on his Instagram story on May 24, 2025.



76. The track coach, Mark Rutner, reached out to Mr. Ware to give him a belated award. Mr. Rutner apologized for not having given the award at the ceremony and offered to present it in a small speech with some members of the track team after the school's graduation ceremony on June 6, 2025.



77. To date, Mr. Ware has been given only a small plaque and has still not received the coach's award.

H. Mr. Ware Asks Again for an Investigation and Reparative Action in a Second Formal Complaint

78. On June 3, 2025, Mr. Ware issued a second formal complaint to MVHS administration.

79. Mr. Ware requested that MVHS: (1) investigate how the quote became attributed to his name; (2) ensure a process to prevent this type of incident from happening again; (3) acknowledge the harm

caused and offer a written apology; (4) improve the yearbook submission and review process; (5) examine how reports of racial harassment are handled by staff; and (5) provide support to students who suffer racial discrimination at school.

80. Mr. Ware explained that the intentional attribution of the yearbook quote was harmful, racially insensitive, and emotionally distressing.

81. To date, Mr. Ware has yet to receive any of the requested relief from the school.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Fourteenth Amendment – Equal Protection

(42 U.S.C. §1983)

Against All Defendants

82. Plaintiff incorporates in this cause of action each and every allegation of the preceding paragraphs, with the same force and effect as though fully set forth herein.

83. Defendants intentionally discriminated against Plaintiff due to race. Defendants were acting under color of state law in the performance of their official duties. Section 1983 is a vehicle to vindicate rights secured elsewhere, and the predicate here is the Fourteenth Amendment's guarantee of the equal protection of the laws. By intentionally treating Plaintiff differently from similarly situated non-Black students on account of his race—despite having actual knowledge—Defendants denied Plaintiff the equal protection of the laws. The Plaintiff was harmed. The Defendants' conduct was a substantial factor in causing the Plaintiff's harm.

84. These failures from Defendants constitute gross negligence and a deliberate indifference in their obligations to ensure the safety and preservation of individual's constitutional rights.

85. Defendant MVLA is a local public entity that is liable because the deprivation of Plaintiff's equal protection rights resulted from an official policy, a longstanding custom or practice, and the deliberate indifference of its final policymakers. MVLA maintained a custom or practice of tolerating, and failing to investigate or remediate, pervasive race-based harassment of students; failed to adequately train and supervise its administrators, teachers, and coaches in preventing and responding to racial discrimination; and ratified the unconstitutional conduct through the deliberate indifference of its final policymakers, including the Superintendent. This policy, custom, and deliberate indifference was the moving force behind the violation of Plaintiff's constitutional rights.

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86. Defendants Kip Glazer and Eric Volta are sued in their individual capacities. Each personally participated in, directed, or knew of and acquiesced in the deprivation of Plaintiff's equal protection rights. Despite actual knowledge of the racial harassment Plaintiff endured, and of the false and racially charged attribution of the "I can't breathe" quote to Plaintiff, Glazer and Volta failed to take reasonable corrective action, minimized and excused the misconduct, and allowed the discriminatory conduct to continue. Their conduct violated Plaintiff's clearly established constitutional right to be free from intentional race discrimination, a right of which a reasonable official in their position would have known.

87. As a direct and proximate result of Defendant's conduct described above, Plaintiff Amir Ware was denied his constitutional, statutory, and legal rights, including but not limited to: the right to be free from a hostile school environment as guaranteed by the Fourteenth Amendment, and the right to due process of law as guaranteed by the Fourteenth Amendment.

88. As a proximate result of Defendant's unlawful conduct, Plaintiff suffered economic and non-economic damages as herein set forth.

SECOND CAUSE OF ACTION

Discrimination Based on Race in Violation of Title VI of the Civil Rights Act of 1964

Against Defendant Mountain View Los Altos High School District

89. Plaintiff incorporates in this cause of action each and every allegation of the preceding paragraphs, with the same force and effect as though fully set forth herein.

90. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs or activities which receive federal financial assistance. The bill states that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 42 U.S.C. §2000d.

91. Title I of the Elementary and Secondary Educational Act ("ESEA") is a federal program that aims to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach proficiency in State academic achievement standards and academic assessments. Part D of the program provides grants to "State educational agencies" to enable improvements and progress of "educational services for the children and youth in local, tribal, and State institutions." 20 U.S.C. §6421. MVHS and MVLA both received state and federal funding from Part D. As a

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California public school receiving federal funding under Title I, MVLA is subject to Title VI of the Civil Rights Act of 1964.

92. The dismissive and contrasting treatment that Plaintiff Amir Ware received from MVHS violates Title VI. Because of Plaintiff's race, Amir Ware was subjected to racially motivated discriminatory remarks, threats, and bullying from the other students. Plaintiff was intentionally denied the benefit of a safe learning environment which is a right that should be provided to all students.

93. The faculty of MVHS refused to take any adequate steps in response to the racism and bullying that Plaintiff. The staff members refused to adequately punish the offending students regarding the heinous nature of the remarks made towards Plaintiff and the threatening message he received.

94. As such, Defendants violated Title VI of the Civil Rights Act of 1964.

THIRD CAUSE OF ACTION

Violation of California Education Code Section 220

Against All Defendants

95. Plaintiff incorporates in this cause of action each and every allegation of the preceding paragraphs, with the same force and effect as though fully set forth herein

96. California Education Code §220 provides in pertinent part: No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid.

97. Upon information and belief, Mountain View High School is a California educational institution that received state financial assistance and is subject to the Code.

98. Upon information and belief, the Defendants subjected Plaintiff Amir Ware to disparate and discriminatory treatment based entirely on his race.

99. Upon information and belief, Mountain View High School authorized, directed, condoned, and ratified the unconstitutional and unlawful conduct and/or omissions complained herein.

100. In conclusion, Defendants violated the California Education Code Section 220.

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FOURTH CAUSE OF ACTION

Negligence

Against All Defendants

101. Plaintiff incorporates in this cause of action each and every allegation of the preceding paragraphs, with the same force and effect as though fully set forth herein.

102. Under California Government Code Section 815.2, a public entity can be held vicariously liable for the actions of their employees. Gov. Section 815.2.

103. For negligence, there must be a showing that Defendant was negligent, Plaintiff was duly harmed, and Defendants' actions or omissions were a substantial factor in Plaintiff's injury.

104. Here, Defendants were clearly negligent and unreasonable in their efforts to remedy and prevent racial discrimination against their students.

105. Plaintiff Amir Ware was emotionally harmed as a direct result of Defendants negligent acts and omissions to make Plaintiff feel safe in his learning environment. Further, Defendants failed to reasonably act in response to the countless racial abuse incidents that Plaintiff was victim to.

106. Defendant's actions and omissions were a substantial factor in causing Plaintiff's harm.

107. In conclusion, as set forth above, Defendants were negligent.

FIFTH CAUSE OF ACTION

Intentional Infliction of Emotional Distress

Against All Defendants

108. Plaintiff incorporates in this cause of action each and every allegation of the preceding paragraphs, with the same force and effect as though fully set forth herein.

109. A claim for intentional infliction of emotional distress requires extreme and outrageous conduct by the defendant, an intention to cause or a reckless disregard of the probability of causing emotional distress, and severe emotional suffering caused by the conduct of the defendant. *McCoy v. Pacific Maritime Assn.*, 216 Cal. App. 4th 283, 294 (2nd Dist. 2013). Behavior may be considered outrageous if a defendant: (1) abuses a relation or position which gives him or her power to damage the plaintiff's interests; (2) knows the plaintiff is susceptible to injuries through mental distress; or (3) acts intentionally or unreasonably with the recognition that the acts are likely to result in illness through mental distress. *Newby v. Alto Riviera Apartments*, 60 Cal. App. 3d 288, 297 (1976).

110. Under California Government Code Section 815.2, a public entity can be held vicariously liable for the actions of their employees. Gov. Section 815.2.

111. Defendants' conduct consisted of dismissive responses regarding how they handled the racially motivated actions of their students towards Plaintiff. The Defendants abused a position of power to damage Amir Ware's interests. The Defendants acted unreasonably with the recognition that ignoring and avoiding persistent racial bullying and harassment was likely to result in illness through mental distress.

112. Defendants acted with reckless disregard knowing that Plaintiff Amir Ware would suffer emotional distress as set forth above.

113. Plaintiff Amir Ware suffered direct emotional distress because of Defendant's conduct.

114. Defendants failed to prevent students from racially abusing Plaintiff and failed to implement adequate corrective action programs. Defendants' actions and omissions were a substantial factor in causing Plaintiff Amir Ware's severe emotional distress.

115. In conclusion, the Defendants are liable for intentional infliction of emotional distress.

SIXTH CAUSE OF ACTION

Violation of California Government Code Section 11135

Against Defendant Mountain View Los Altos High School District

116. Plaintiff incorporates in this cause of action each and every allegation of the preceding paragraphs, with the same force and effect as though fully set forth therein.

117. California Government Code §11135 provides in pertinent part: No person in the State of California shall, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.

118. Upon information and belief, MVHS is a California educational institution that received state financial assistance and is subject to the Code.

119. Upon information and belief, Defendant MVHS unlawfully denied Plaintiff Amir Ware full and equal access to the benefits of the MVHS program, such as participating in an in-person public high school education free from racial harassment and bullying.

120. Upon information and belief, Defendant Mountain View Los Altos High School District unlawfully subjected Plaintiff Amir Ware to discrimination under the Mountain View High School program.

121. Plaintiff has exhausted, or is excused from exhausting, the administrative remedies available for complaints of unlawful discrimination by a state-funded local educational agency, including the Uniform Complaint Procedure. As alleged above, Plaintiff and his mother submitted written complaints to MVHS and MVLA administration regarding the racial discrimination and harassment at issue, and Defendant failed to provide adequate relief.

122. The remedy for a violation of this article is limited to equitable relief, as provided by California Government Code section 11139. Plaintiff therefore seeks declaratory and injunctive relief under this cause of action.

123. In conclusion, Defendant Mountain View Los Altos High School District violated California Government Code Section 11135.

SEVENTH CAUSE OF ACTION

Discrimination Based on Race in Violation of California Education Code Section 201

Against All Defendants

124. Plaintiff incorporates in this cause of action each and every allegation of the preceding paragraphs, with the same force and effect as though fully set forth therein.

125. California Education Code Section 201 guarantees all pupils the right to participate fully in the educational process, free from discrimination and harassment. The Code imposes an affirmative obligation on California Public Schools “to combat racism, sexism, and other forms of bias, and a responsibility to provide equal education opportunity.” The Code provides: “Harassment on school grounds directed at an individual on the basis of personal characteristics or status creates a hostile environment and jeopardizes equal education opportunity as guaranteed by the California Constitution and the United States Constitution.”

126. Upon information and belief, Amir Ware endured racial discrimination and harassment at MVHS.

127. Upon information and belief, the Defendants created a hostile environment that jeopardized Mr. Ware’s equal education opportunity as guaranteed by the California Constitution and the United States Constitution.

128. In conclusion, the Defendants violated California Education Code Section 201.

EIGHTH CAUSE OF ACTION**Defamation***Against All Defendants*

129. Plaintiff incorporates in this cause of action each and every allegation of the preceding paragraphs, with the same force and effect as though fully set forth therein.

130. California Civil Code §44 defines defamation as a false and unprivileged publication in writing that exposes a person to hatred, contempt, ridicule, or obloquy, or causes them to be shunned or avoided, or injures them in their occupation. The elements of a defamation claim are (1) a publication that is (2) false, (3) defamatory, (4) unprivileged, and (5) has a natural tendency to injure or causes special damage; and the defamatory statement must specifically refer to, or be “of and concerning” the plaintiff. (*Jackson v. Mayweather* (2017) 10 Cal.App.5th 1240, 1259 [217 Cal.Rptr.3d 234]).

131. Upon information and belief, the Defendants published a false and unprivileged publication in writing, through the “I can’t breathe” quote within the MVHS Yearbook.

132. The “I can’t breathe quote” specifically referred to Plaintiff Amir Ware.

133. In conclusion, the Defendants are liable for defamation.

NINTH CAUSE OF ACTION**Negligent Supervision***Against All Defendants*

134. Plaintiff incorporates in this cause of action each and every allegation of the preceding paragraphs, with the same force and effect as though fully set forth therein.

135. School personnel have a protective duty of ordinary care toward students under their supervision. “Either a total lack of supervision or ineffective supervision may constitute a lack of ordinary care on the part of those responsible for student supervision. Under section 815.2, subdivision (a) of the Government Code, a school district is vicariously liable for injuries proximately caused by such negligence.” *C.A. v. William S. Hart Union High Sch. Dist.*, 53 Cal. 4th 861, 270 P.3d 699, 704 (2012).

136. The Defendants failed in their protective duty of ordinary care towards Plaintiff Amir Ware. The Defendants had a duty to supervise Amir Ware, protecting him for the consistent racial discrimination and bullying he faced.

137. The Defendants ineffective supervision proximately caused severe emotional distress as a

1 result of their negligence.

2 138. The Defendants are liable for negligent supervision or training.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff prays for relief against Defendants, and each of them, as follows:

- 5 1. For general damages, according to proof, on each cause of action for which such damages are
6 available;
- 7 2. For special damages, according to proof, on each cause of action for which such damages are
8 available;
- 9 3. For declaratory relief to declare Defendants' conduct to be in violation of Plaintiff's rights;
- 10 4. For injunctive relief to to enjoin Defendants from engaging in such conduct;
- 11 5. For pre-judgment and post-judgment interests according to law;
- 12 6. For reasonable attorney's fees incurred in this action on those causes of action for which such
13 fees are recoverable under applicable law;
- 14 7. For costs of suit incurred in this action; and
- 15 8. For such other and further relief as the court deems just and proper.

16 Dated: October 6, 2026,

Respectfully submitted,
Costanzo Law Firm, APC

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20 Lori J. Costanzo, Esq.
21 Carlos J. Rosario, Esq.
22 Luiza Dias, Esq.
23 Zara Ashtiani, Esq.

24 *Attorneys for Plaintiff Amir Ware*

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues and causes of action so triable.

Dated: October 6, 2026,

Respectfully submitted,
Costanzo Law Firm, APC



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Carlos J. Rosario, Esq.
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