

Elvira Tapia Mendez LAUSD Assistant Special Ed Teacher

Greetings Everyone,

I hope that you are doing fine. I took the liberty to write to you for a very humble petition.

My name is Elvira Tapia Mendez and I was employed by LAUSD since December of 1998 until November of 2010. I started working in the Special Education office at the Hesby Site as a teacher assistant then I became a clerk and after that I became a special education/office technician.

In April of 2007 I was reinstated and went back to work for LAUSD as a special education /office technician to Encino Elementary. Mrs. Bette Kaplan was the former Principal during this time. On June of 2010 Mrs. Kaplan was transferred to Hamlin Elementary in a very sad and difficult circumstances.

In August of 2010 a new Principal, Marcia Koff, was transferred and assigned to Encino Elementary.

At the beginning of the school year 2010/2011 on [September 15, 2010](#) I was assaulted and battered by the Principal of Encino Elementary, Marcia Koff. The next day, [September 16, 2010](#) I filed a police report against her. On [September 28, 2010](#) I informed in writing to Linda Del Cueto, Superintendent, Local District 1, about the incident.

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On [September 30, 2010](#) she faxed my letter to Division of Risk and Management for investigation. LAUSD, filed a Workers' Compensation Claim on my behalf without my knowledge. I refused to continue with the workers' compensation claim.

On [October 16, 2010](#) I received a letter at home stating that I was being laid-off. LAUSD used the 2010 RIF as a pretext to laid me off.

Marcia Koff was under preliminary credentials and had not even passed the Principals' test. Linda del Cueto did not remove the Principal during the investigation nor she reported her to the California Teachers' Credentials. I had to work with her for almost two and a half months in the same office.

In March of 2011 I filed a lawsuit against LAUSD for Whistle- blower and against the Principal, Marcia Koff, for assault and battery.

In January of 2012 after a motion filed by LAUSD, The Superior Court denied the motion in full.

On February 17, 2012 LAUSD filed a writ of mandamus with the Appellate Court. On [February 29, 2012](#) the Appellate Court issued an alternative writ to the trial court and it was reversed without giving us the opportunity of

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opposition and just a few days away from trial. The trial was scheduled for the middle of March 2012.

In April of 2012 I filed an appeal with the second appellate court, division four.

In April of 2013 they affirmed it in full and denied the appeal with a dissenting opinion.

On [April 24, 2013](#) I filed a petition for rehearing.

On [April 29, 2013](#) the petition for rehearing was denied.

On [April 30, 2013](#) filed a petition for review with the Supreme Court.

I am writing to you in a very humble petition to see if any of you would be interested in writing an amicus letter on behalf of my case. I am requesting this on the very desperate and hopeless efforts I have made in almost the past three years of my life on trying to make LAUSD, Linda del Cueto and Marcia Koff accountable for their actions.

The Supreme Court has made an extension until [August 16, 2013](#) to make a decision to either grant or deny the petition. Unfortunately they can make a decision at anytime now. The sooner we can file the amicus letters the

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better chances we have for the court to take them into consideration.

I have attached the petition for review. It is lengthy and you need not to read it in its entirety. The first few pages will give you the issues we are asking the Supremes to decide.

Please let me know if you would be interested in writing an amicus letter on behalf of my case. My attorney could write it for you if necessary. He can explain to you in more details how this process work. His name is Daniel Koes and if you have any questions or concerns about the case and/or the amicus letter. You can contact him at dkoes@koeslaw.com or 1 (818) [621-6300](tel:621-6300) mobile.

I thank you and I appreciate for your time and consideration in this matter.