

1 Thomas H. Scully (SBN 305790)
2 Thomas@ThomasScullyLaw.com
3 Law Offices of Thomas Scully
4 10736 Jefferson Blvd., #117
5 Culver City, CA 90230
6 Telephone: 310-439-1140
7 Mobile: 310-351-1119
8 Facsimile: 509-756-6952

Electronically FILED by
Superior Court of California,
County of Los Angeles
1/09/2024 1:41 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By E. Chanes, Deputy Clerk

7 Attorney for Plaintiff
8 designated by initials "B.A."

9 CALIFORNIA SUPERIOR COURT
10 COUNTY OF LOS ANGELES – SOUTHEAST JUDICIAL DISTRICT

12 B. A., an individual,
13
14 Plaintiff,
15 v.

17 BILLY VALDIVIA, an individual;
18 EFREN MARTINEZ, an individual;
19 GRACIELA ORTIZ, an individual;
20 "YVOTE!", an entity of unknown type;
21 and DOES 1 through 5, inclusive,
22 Defendants.

Case No.: 24NWCV00084
Southeast Judicial District
Norwalk Courthouse
12720 Norwalk Blvd.
Norwalk, CA 90650
**CIVIL COMPLAINT FOR
SEXUAL ASSAULT AND
BATTERY; NEGLIGENCE;
INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS; CIVIL
CONSPIRACY**
REQUEST FOR A JURY TRIAL

26 //
27
28

JURISDICTION

1
2 1. Billy Valdivia entered a plea deal of *nolo contendere* and was
3 convicted, April 8, 2021 in the Southeast Judicial District of the Los Angeles
4 Superior Court of Penal Code section 647.6(A)(1) (annoying or molesting a child
5 under 18 years of age) and section 25850(A) (carrying a loaded firearm on the
6 person or in a vehicle). The victim/survivor Ms. B.A. gave a victim impact
7 statement in Department SEJ of this court. The events that gave rise to the guilty
8 conviction for sexual molestation of a minor took place in this judicial district.

9 2. The crimes occurred in connection with the commercial space that was
10 turned into a political campaign office during late 2020 and early 2021, in
11 Huntington Park, California. The entity “Yvote!” (which is an abbreviation or
12 social media handle for “Youth Vote”) was utilized to mobilize youth volunteers,
13 some of whom were under-age, as political campaign workers in support of the
14 political campaigns of Efren Martinez and Graciela Ortiz. The name “Yvote!” is, or
15 was, a business entity of unknown type, or the d/b/a of one or more of the
16 defendants in this judicial district during the 2020-2021 campaign season.

17 3. Efren Martinez is an individual with a residence and business in this
18 judicial district. On information and belief, the business which was used as the site
19 for gathering Yvote! volunteers for the political campaign in 2020-2021 is at 6403
20 Santa Fe Avenue, Huntington Park, California 90255. On information and belief, he
21 maintains a residence at 2564 Grand Avenue, Huntington Park, California 90255.
22 According to law enforcement records and testimony of the Yvote! participants
23 Efren Martinez was running for office, hired Billy Valdivia, and he entrusted his
24 vehicle to Billy Valdivia – which same vehicle was the location of some of the
25 unlawful sexual conduct with a minor in Huntington Park.

26 4. Graciela Ortiz is an individual and elected official in Huntington Park.
27 On information and belief she maintains offices and a residence in the municipality.
28 Graciela Ortiz operated or utilized the Yvote! entity including recruiting of young

1 people from the public schools to work on her campaign, and the campaigns of
2 Efren Martinez. She was at the campaign headquarters giving instructions for
3 canvassing and other activities on a daily basis during the time that Plaintiff was
4 being groomed for abuse and sexually molested in and around Huntington Park.

5 5. Ms. B.A.'s birthday is February 27, 2004 (and therefore she has not yet
6 turned 21 as of the filing of this Complaint), and she was under the age of 18 when
7 the unlawful sexual conduct took place.

8 6. Plaintiff seeks damages in excess of \$35,000 for her injuries as a result
9 of the conduct of Defendants.

10
11 **I. SEXUAL ASSAULT AND BATTERY**

12 **(as to Defendant Billy Valdivia)**

13 7. Paragraphs 1-6 are restated as if set forth in their entirety here.

14 8. The records of law enforcement and this Superior Court shows that
15 Billy Valdivia pleaded *nolo contendere* in a plea deal and was found guilty of
16 sexually molesting B.A. along with a firearms violation. He used the firearm to
17 intimidate and threaten the victim of the sexual battery.

18 9. Valdivia's conduct occurred principally in the early weeks of 2021
19 while Ms. B.A. was working at Efren Martinez's campaign office under the
20 instruction of Graciela Ortiz. At that time, B.A. did not have in-person school
21 because of the pandemic, and was doing a lot of volunteering, estimated to be at
22 least 20 hours. Billy Valdivia was involved in the media campaign, creating video
23 advertising for Efren Martinez and using a vehicle to drive the volunteers, including
24 B.A., around the area. He would drop volunteers off for in the neighborhoods where
25 they were going door-to-door soliciting votes, and sometimes he would drop
26 volunteers back home because of the late hours. In this way he had B.A. in the
27 vehicle regularly, approximately 10-15 times, both taking her around to potential
28 voters and driving her home, so he knew where she and her family lived.

1 10. Billy Valdivia eventually arranged to be alone in the vehicle with B.A.,
2 and sexually assaulted and battered her there. He went so far as to create pictures
3 and video of his sexual battery. He brought her to his home which was in a building
4 close to the campaign office on multiple occasions.

5 11. Billy Valdivia's conduct was especially violent and intimidating
6 because he showed her his firearm and intimated that he would use it. He had some
7 kind of badge that he showed her, that resembled a police badge and looked to her
8 like it was a police badge, such that she was reasonable to be fearful.

9 12. In February of 2021 shortly before B.A. turned 17 she talked with her
10 parents about what was going on, and they brought a complaint to the Huntington
11 Park Police Dept. The local police took the complaint seriously and organized a
12 sting operation: They had B.A. text Billy Valdivia to meet up, and when he
13 appeared, they arrested him, and found an unregistered handgun.

14 13. The sexual assault and sexual battery that B.A. suffered caused her
15 great physical and emotional damage. She was severely emotionally distressed,
16 suffered psychological harm in the aftermath of these events, including being
17 hospitalized for her safety, and she continues to suffer symptoms of post traumatic
18 stress disorder up to the present.

19
20 **II. NEGLIGENCE, SUPERVISION AND RETENTION**

21 **(as to Graciela Ortiz and Efren Martinez)**

22 14. Paragraphs 1-13 are restated as if set forth in their entirety here.

23 15. B.A. was interested in doing political work in the community. While
24 Plaintiff was attending Linda Marquez High School during the 2018-2019 school
25 year, she met Graciela Ortiz in the capacity of a school counselor who was the
26 faculty advisor for the Key Club, of which Plaintiff was a member. On information
27 and belief Ms. Ortiz was a member of the Kiwanis organization that sponsored the
28 Key Club, and Ortiz encouraged students to join the Key Club.

1 16. When they first met, Graciela Ortiz was running for LAUSD District 5
2 seat and she recruited members of the Key Club to help campaign for her. Plaintiff
3 did phone banking and canvassing house-to-house during the spring of 2019 for a
4 minimum of 50 hours – since that was the minimum required number of hours to be
5 paid the “stipend,” a small cash payment, which she in fact received.

6 17. During the Covid pandemic school was closed so B.A. had little or no
7 communication with Graciela Ortiz but in late 2020 she got reconnected with Ms.
8 Ortiz through other volunteer opportunities such as a toy-drive at Christmas time.
9 Having already done some campaign work for Graciela Ortiz, she believed that the
10 new work would be similar. Because of the position of authority and trust that Ms.
11 Ortiz had at B.A.’s public school, Plaintiff reasonably believed she would be
12 protected. Furthermore, Graciela Ortiz was a City Council member in the city of
13 Huntington Park where Plaintiff lived, so Plaintiff was one of her constituents.

14 18. Ms. Ortiz used the name or social media handle “Yvote!” in texts and
15 other communications to the young volunteers. B.A. was enticed to join Yvote! by
16 Ms. Ortiz, reasonably believing it was an organization promoting youth political
17 power. On information and belief Yvote is an entity or alter-ego of one of the other
18 defendants used for purposes that will be investigated.

19 19. Graciela Ortiz was the primary person in charge of the campaign,
20 organizing the volunteers and giving talks on a daily basis at the campaign
21 headquarters to instruct the volunteers on what to do, including interactions with
22 Billy Valdivia, an employee and authorized agent of the political campaign. The
23 primarily location of this activity was the office building at 6403 Santa Fe Avenue,
24 Huntington Park, California 90255.

25 20. As part of the overall direction of the campaign operation, Ms. Ortiz
26 sent Plaintiff to be one of the subordinates of Billy Valdivia, including time outside
27 of the office where he was unsupervised, and Valdivia was able to be alone with her.
28 Billy Valdivia himself stated that he was hired and paid to work on the campaign.

1 21. On information and belief, Efren Martinez was running for the
2 Democratic Party Executive Committee during the relevant time period. He
3 retained Billy Valdivia, a personal friend, to work on his campaign. Mr. Martinez
4 personally entrusted his vehicle to Mr. Valdivia, and Mr. Valdivia used it in
5 furtherance of Efren Martinez's business, and with his express authorization.

6 22. Efren Martinez had obtained an honorary or souvenir police badge that
7 he allowed Billy Valdivia to use. This was in fact the badge that Billy Valdivia
8 flashed in front of Plaintiff to impress her and imply that he had power over her.

9 23. It was known among those on the campaign staff that Billy Valdivia
10 has a reputation for being overly friendly and flirtatious with the volunteers. He
11 would hang out with some of them after hours and purchase alcoholic beverages for
12 them even though almost all of them were under 21. Billy Valdivia gave special
13 attention to vulnerable young women and groomed them to be victims of sexual
14 molestation. At least one other young woman had been sexually harassed, although
15 B.A. was not informed of this incident until later.

16 24. Billy Valdivia had been charged with weapons charges years before,
17 and more recently he was accused of domestic violence in a highly contentious
18 divorce proceeding. As an employer of Billy Valdivia, all the defendants, including
19 the political campaign and Yvote! should have done a background check on a
20 person who was going to be spending substantial unsupervised time with minors.
21 As long-time friends or associates of Billy Valdivia, both Graciela Ortiz and Efren
22 Martinez knew, or should have known about these problems with his record. They
23 were grossly negligent in authorizing him to be the leader of the minors in Yvote!

24 25. Therefore both Ms. Ortiz and Mr. Martinez new or should have known
25 that Billy Valdivia was unfit for the role of driver of underage volunteers or any
26 close supervision of volunteers, and that he was a special risk to minors, especially
27 young ladies like B.A. who was 16 years old at the time. Their negligent hiring,
28 retention and supervision was a substantial factor in causing Plaintiff's damages.

1
2 **III. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
3 **(as to Defendant Billy Valdivia)**

4 26. Paragraphs 1-25 are restated as if set forth in their entirety here.

5 27. Billy Valdivia was convicted of unlawful possession of a handgun in
6 connection with the sexual molestation crime. The facts are that he intentionally
7 showed the firearm to Plaintiff in conjunction with the sexual assault and battery to
8 intimidate and threaten her, so that she would go along with his unlawful conduct,
9 and be fearful of reporting it.

10 28. Defendant's conduct was outrageous, in that he implied or intimated
11 that he would use the firearm against Plaintiff or her family or friends. Defendant
12 implied that B.A. was powerless to complain to anyone. This conduct was intended
13 to cause emotional distress, *i.e.* to make Plaintiff feel more fearful, isolated, and
14 vulnerable, and it did in fact cause her severe emotional distress.

15 29. Besides the firearm, Defendant showed Plaintiff a badge that looked
16 like a police badge, and implied that he was close with the police and local
17 politicians such that he was untouchable. Later events suggested he had some
18 influence with the police department and city of Huntington Park because he told
19 the police who arrested him that he would have them fired, and in fact those police
20 were later fired – a matter which was the subject of other litigation.

21 30. Defendant's conduct was the direct and proximate cause of Plaintiff's
22 damages in two ways: First, it directly made her more vulnerable to sexual attack
23 because she was afraid to physically resist his advances; Second, the terror caused
24 by seeing the firearm and other signs of Billy Valdivia's apparent authority and
25 power caused severe emotional distress over fear of reporting the crimes.

26 31. Plaintiff B.A. experienced severe emotional distress, including being
27 hospitalized for her own safety, and suffering from long term P.T.S.D. and fear of
28 retaliation, as described in her victim impact statement:

1 I will live with this trama [sic] forever. I know people have been trying
2 to help me but I can barely help myself. My relationships, my
3 education, and my well-being have all been compromised. My life is
4 falling apart. I will carry the scars of your selfish and immoral actions
5 forever. I did my part. I spoke out. What did I gain? Fear, for one thing.
6 That will be with me forever too. I gave myself an ultimatum to live in
7 fear every day staying silent or to live in fear every day by helping and
8 holding you accountable. I chose the ethical decision but it's tough
9 living with that choice. I don't think I'll ever feel 100 percent safe
10 again. I don't think I'll ever fully trust anyone again.

11 32. Billy Valdivia intentionally inflicted emotional distress on Plaintiff, or
12 acted in reckless disregard for her emotional distress, and she did in fact suffer
13 severe emotional distress that was directly caused by his actions.

14 **IV. CIVIL CONSPIRACY TO COVER UP WRONGDOING**
15 **(as to All Defendants)**

16 33. Paragraphs 1-32 are restated as if set forth in their entirety here.

17 34. On information and belief, Graciela Ortiz and Efren Martinez knew or
18 had reason to know of the previous allegations against Billy Valdivia, including his
19 possession of firearms, propensity to purchase alcohol for minors and engage in
20 other improper conduct in and around the campaign office, and prior sexual
21 harassment allegations against him, yet they covered these facts up and suppressed
22 the young people in Yvote! who reported it internally within the campaign office.

23 35. Based on the circumstantial evidence, including the fact that the local
24 police who arrested Billy Valdivia were fired after he told them that he would have
25 them fired, and since Graciela Ortiz and Efren Martinez are local politicians in
26 Huntington Park with influence, Plaintiff alleges that all Defendants agreed to a
27 common plan or design to cover up the conduct of Billy Valdivia and suppress and
28 silence those who would report or prosecute him.

1 36. Plaintiff alleges that Defendants, and each of them, engaged in a civil
2 conspiracy to cover up the conduct of Billy Valdivia, to discredit B.A., her friends
3 and family, and even discredit the law enforcement officers in Huntington Park.

4 37. Plaintiff was thereby harmed by the civil conspiracy in regards to the
5 initial wrongdoing that was allowed to continue within the political campaign office
6 and Yvote! and then later when she took responsibility to report it, she was
7 intimidated and scared of retaliation, while Billy Valdivia himself got off with a
8 relatively light sentence, and without having to pay any restitution to the victim,
9 B.A. via the criminal justice system.


10
11 **WHEREFORE**, Plaintiff B.A. having filed this Complaint against BILLY
12 VALDIVIA, EFREN MARTINEZ and GRACIELA ORTIZ, “Yvote!” and DOES
13 1-5, requests a jury trial and prays for judgment as follows:

- 14 A. Money damages against Billy Valdivia to compensate B.A. for her damages,
15 including her emotional damages;
16 B. Punitive or exemplary damages against Billy Valdivia for his intentional torts;
17 C. A finding of joint and several liability for negligent hiring, supervision and
18 retention against Efren Martinez, Graciela Ortiz, “Yvote!” and Does 1-5;
19 D. A finding of joint and several liability for the civil conspiracy to cover up the
20 wrongdoing, as against all Defendants; and
21 E. For such other further relief as the Court deems proper.

22 January 9, 2024

Respectfully Submitted,

Law Offices of Thomas Scully



Thomas Scully, Attorney for Plaintiff