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A special education student who was repeatedly molested by a teacher's aide will receive \$3 million from the Corona-Norco Unified School District, which agreed to settle a negligence lawsuit just as trial began.

The settlement came just days before jury selection was to begin in Riverside County Superior Court. The lawsuit said there was a warning — a “red flag” — that should have alerted the district to the predatory behavior of the Orange Elementary School aide, Steven Michael Martinez, now 27, who is in state prison. He was arrested in January 2013.

That warning was another teacher's aide seeing her own underage daughter performing a forced sex act on Martinez in 2010 and failing to report it, as required by law, trial documents said.



Steven Michael Martinez

The plaintiff, a different girl, said she was between 11 and 13 when she was subjected to sexual assaults on and off campus by Martinez, starting in 2011. The plaintiff's trial brief said she was sexually assaulted at least 30 times by Martinez when she was a sixth-grader, including in the girl's restroom of the elementary school she was attending.

The issue was “whether the defendant exercised reasonable care to prevent plaintiff from being molested,” the victim's lawyer wrote.

Despite multiple requests by phone and e-mail, the school district was unable to respond by deadline Tuesday.

But in their court papers, the district's attorneys said any molestations were partly the girl's fault, a blame-the-victim tactic that has been used by districts in Redlands and Los Angeles to defend themselves in similar lawsuits.

Any injuries to her “were proximately caused by the negligence of the plaintiff,” who failed “to exercise ordinary care under the circumstances and acted with willful and wanton disregard for her own safety,” the district’s lawyers wrote.

The school district’s attorneys also denied all of the allegations in the lawsuit and denied the girl suffered any damages.

The girl was in special education because of attention deficit hyperactivity disorder. She developed enormous mood swings after the sexual abuse, and since has been diagnosed with post-traumatic stress disorder and persistent depressive disorder, her attorney said in court filings.

Even though Martinez had threatened her life if she told anyone about his assaults, “she described feelings of guilt because Martinez was in jail,” the documents said.

The plaintiff “is a survivor. She stood up for herself and held the school district accountable for failing to protect her from a pedophile,” her attorney, Stephen Estey of the San Diego firm Estey & Bomberger, said in a statement.

“This outcome, and others like it, forces school districts to improve procedures for screening and supervising,” he said. “We are delighted that (her) family will be able to afford the continued care and therapy she will require for the rest of her life.”

After entering guilty pleas to three counts of sex with underage girls, including the plaintiff, Martinez was sentenced in October 2014 to 25 years in prison, with about two years’ credit for time already served. The criminal case gave the initials of five victims, but did not detail whether they were students.

The negligence suit claims Martinez had victimized other girls at the school as well.

Martinez’s attacks on the girl continued into the seventh and eighth grade. The girl’s boyfriend in eighth grade saw a text from Martinez on the girl’s phone and told his father, who in turn told the girl’s parents, the trial brief said.

Jurors in the civil negligence trial would have heard evidence that another teacher’s aide had walked in on her 13-year-old daughter performing a forced sex act on Martinez during a 2010 gathering in Big Bear, She not only failed her duty as a mandated reporter to make a complaint about Martinez, but instead decided to have sex with him as well, according to a defense court document.

If not for that woman’s “failure to report co-worker Steven Martinez for having sexual contact with her own daughter in 2010, (the plaintiff) would not have been continuously sexually abused by Steven Martinez for over two years,” the plaintiff’s trial brief said. The brief said the mandated reporter duties extended to off-campus incidents.

This publication does not name the victims of sexual assaults. The mother's name is not being used because it could be used to identify one of the victims.

The lawsuit said during a 2011 individualized education program meeting at the school, the girl's father was told his daughter had a "crush" on a teacher's aide and there was an issue of them staring at each other. The lawsuit claimed no specific details were given to the father, and nothing was said about taking corrective action.

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