

**SAN FRANCISCO****Stabbed girl's family sues over parole gaffe****Clerical errors led to attacker's release, says suit against state**

Anastasia Ustinova, Chronicle Staff Writer  
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The family of a teenage girl who was stabbed and nearly killed last year by a high-security inmate wrongly paroled from San Quentin State Prison has sued the state.

The suit claims Scott Thomas, who was suffering from bipolar disorder, was never treated during his months in solitary confinement in San Quentin. After he was released without supervision on May 18, 2007, Thomas randomly stabbed Loren Schaller, now 16, and 60-year-old Kermit Kubitz at a bakery near Miraloma Park.

Thomas, 26, who was sent to prison nine times for nonviolent crimes between 2000 and 2007, has been declared mentally incompetent to stand trial and is incarcerated at Atascadero State Hospital.

"It's quite clear that there were numerous errors made by the state; they never contacted us to make it right," said attorney Andrew Schwartz of Walnut Creek law firm Casper, Meadows, Schwartz & Cook, who filed the claim. "I hope that the state takes the high road and tries to resolve the case."

The suit, filed in San Francisco Superior Court, seeks unspecified damages. It names the state; James Tilton, secretary of the California Department of Corrections and Rehabilitation; and Robert Ayers, the warden of San Quentin.

The suit says a series of clerical mistakes led to the prison's release of Thomas, who was supposed to be in the custody of his parole officer, and alleges that officials failed to train employees to identify and treat mentally ill inmates.

Terry Thornton, spokeswoman for the Department of Corrections, said Thursday that the department had not been served with the suit and would not comment further. The agency has previously said San Quentin has improved its procedures for "identifying, screening and precessing newly arrived inmates who have had a previous level of care."

On the evening of May 18, Thomas was taken from San Quentin to the San Rafael Transit Center, where he bought a bus ticket to San Francisco. The next day, Thomas found his way to Creighton's American Bakery, where he attacked Loren Schaller with a hunting knife.

Loren Schaller, who was stabbed in the head, wrist, leg, back and neck, has partially lost the use of her right arm and undergone numerous surgeries. Kubitz, who also is a plaintiff in the lawsuit, came to her rescue and was repeatedly stabbed in the chest.

*E-mail Anastasia Ustinova at [austinova@sfnchronicle.com](mailto:austinova@sfnchronicle.com).*

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