IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT IN AND FOR WAKULLA COUNTY FLORIDA

[redacted], as the Personal Representative of the Estate of [redacted],

Plaintiff,

Case No.: _____

v.

WAKULLA COUNTY SCHOOL BOARD, JARED MILLER in his official capacity as Wakulla County Sheriff, and RHONDA SHIELDS,

Defendants.
_____/

COMPLAINT

Plaintiff, [redacted], as the Personal Representative of the Estate of [redacted] (hereinafter referred to as "Plaintiff") sues Defendant, WAKULLA COUNTY SCHOOL BOARD, Defendant, JARED MILLER in his official capacity as Wakulla County Sheriff, and Defendant, RHONDA SHIELDS, and alleges:

GENERAL ALLEGATIONS

1. This is an action for damages above the jurisdictional threshold of the Circuit Court. Venue is proper in Wakulla County, Florida.

2. The Plaintiff, [redacted], is Personal Representative of the Estate of [redacted]. He brings this action pursuant to the Florida Wrongful Death Act and specifically Florida Statutes Section 768.20.

3. At all times material hereto, [redacted] was a resident of Wakulla County, Florida until his death on August 28, 2015.

4. At all times material to this Complaint, Defendant WAKULLA COUNTY SCHOOL BOARD was doing business in Wakulla County, Florida.

5. At all times material to this Complaint, Defendant, JARED F. MILLER, in his official capacity as Sheriff of Wakulla County, was doing business in Wakulla County, Florida.

6. At all times material hereto, Defendant, RHONDA SHIELDS, was a resident of Wakulla County, Florida.

7. The survivors of this action are Plaintiff, [redacted], the decedent's father, and the decedent's mother, [redacted]. At all times material, [redacted] was a resident of Wakulla County, Florida.

8. Pursuant to § 768.28(6)(a) Fla. Stat., notice of the claims described in this complaint was provided to Wakulla County Sheriff's Office, Wakulla County School Board, and the Department of Financial Services on July 1, 2016. A copy of the notice letters have been attached to this complaint as Exhibit A. As such, all conditions precedent to filing this Complaint have been complied with.

FACTS GIVING RISE TO THE CLAIMS OF NEGLIGENCE

9. At all times material hereto, Defendant, RHONDA SHIELDS, was an employee of Defendant, WAKULLA COUNTY SCHOOL BOARD, working as a teacher at Riversprings Middle School located in Wakulla County, Florida.

10. At all times material, [redacted] was a minor.

11. From approximately August 2014 to June 2015, [redacted], was an eighth grade student at Riversprings Middle School. Through its employees, Defendant, WAKULLA COUNTY SCHOOL BOARD, assigned [redacted] to be Defendant, RHONDA SHIELDS', teacher's assistant for the 2014-2015 school year.

12. At some time during the 2014-2015 school year, Defendant, WAKULLA COUNTY SCHOOL BOARD, had a security camera recording of Defendant, RHONDA SHIELDS, walking down the hallway with her head resting on the shoulder of [redacted].

13. In January of 2015, Defendant, WAKULLA COUNTY SCHOOL BOARD, moved [redacted] out of Defendant, RHONDA SHIELDS' classroom as Teacher Assistant due to student comments that Defendant, RHONDA SHIELDS, had become too familiar with [redacted]

14. On or about May 7, 2015, Defendant, WAKULLA COUNTY SCHOOL BOARD reprimanded Defendant, RHONDA SHIELDS, for "improper interaction with select students including unsuitable familiarity."

15. At no time did Defendant, WAKULLA COUNTY SCHOOL BOARD, inform [redacted] parents of the inappropriate behavior of Defendant, RHONDA SHIELDS, towards their son, [redacted]

16. At some time after August 12, 2014, but before August 28, 2015, Defendant, RHONDA SHIELDS, provided alcoholic beverages to [redacted]

17. At some time after August 12, 2014, but before August 28, 2015, Defendant, RHONDA SHIELDS, sexually battered [redacted]

18. On August 28, 2015, [redacted], a minor, committed suicide.

COUNT I – LIABILITY OF DEFENDANT RHONDA SHIELDS FOR SEXUAL BATTERY

19. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 18 as if fully set forth herein.

20. At all times material hereto, Defendant, RHONDA SHIELDS, was over the age of 18 years old.

21. At all times material hereto, [redacted] was over the age of 12 years old but under the age of 15 years old.

22. At some time after August 12, 2014, but before August 28, 2015, Defendant, RHONDA SHIELDS sexually battered [redacted]

23. By sexually battering [redacted] Defendant, RHONDA SHIELDS, intentionally inflicted harmful or offensive contact upon his person.

24. As a proximate result of Defendant, RHONDA SHIELDS', sexual battery, [redacted], suffered bodily injury, mental anguish, loss of capacity for the enjoyment of life, and ultimately death.

WHEREFORE, Plaintiff demands judgment against Defendant, RHONDA SHIELDS, for damages, litigation costs, and any other relief this Court deems just and proper. Plaintiff further demands a jury trial on all issues so triable.

COUNT II – LIABILITY OF DEFENDANT, RHONDA SHIELDS, FOR FURNISHING A MINOR ALCOHOL PURSUANT TO § 768.125, FLORIDA STATUTES

25. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 18 as if fully set forth herein.

26. At all times material hereto, [redacted] was not of lawful drinking age pursuant to Florida law.

27. Defendant, RHONDA SHIELDS, knew that [redacted], was not of lawful drinking age pursuant to Florida law.

28. On or about July 16, 2015, Defendant, RHONDA SHIELDS, willfully sold and/or furnished alcoholic beverages to [redacted].

29. [redacted] drank the alcoholic beverages which made him vulnerable to sexual abuse.

30. As a proximate result of Defendant, RHONDA SHIELDS', willful and unlawful furnishing of alcoholic beverages, [redacted] suffered bodily injury, mental anguish, loss of capacity for the enjoyment of life, and ultimately death.

WHEREFORE, Plaintiff demands judgment against Defendant, RHONDA SHIELDS, for damages, litigation costs, and any other relief this Court deems just and proper. Plaintiff further demands a jury trial on all issues so triable.

COUNT III – LIABILITY OF DEFENDANT, WAKULLA COUNTY SCHOOL BOARD, FOR NEGLIGENT SUPERVISION

31. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 18 as if fully set forth herein.

32. Defendant, WAKULLA COUNTY SCHOOL BOARD, had a legal duty to adequately monitor and supervise Defendant, RHONDA SHIELDS, for indications that she posed a threat to Defendant, WAKULLA COUNTY SCHOOL BOARD's, students, and upon discovering such a threat, Defendant, WAKULLA COUNTY SCHOOL BOARD, had a further legal duty to undertake appropriate preventative measures, such as an investigation, reprimand, and/or reassignment.

33. Had Defendant, WAKULLA COUNTY SCHOOL BOARD, adequately monitored and supervised Defendant, RHONDA SHIELDS, then Defendant, WAKULLA COUNTY SCHOOL BOARD, would have discovered that she was unfit to serve as Defendant, WAKULLA COUNTY SCHOOL BOARD's, employee and/or agent due to her inappropriate behavior with students.

34. Defendant, WAKULLA COUNTY SCHOOL BOARD, breached said duties because it failed to adequately monitor and supervise Defendant, RHONDA SHIELDS, and it also failed to undertake appropriate preventative measures despite the fact that it knew, or should have known,

that Defendant, RHONDA SHIELDS, was unfit to interact with Defendant, WAKULLA COUNTY SCHOOL BOARD's, students.

35. Defendant, WAKULLA COUNTY SCHOOL BOARD, could have and should have, with the exercise of due diligence, properly monitored and supervised Defendant, RHONDA SHIELDS, so that she was either reprimanded and advised against engaging in conduct which posed a threat to Defendant, WAKULLA COUNTY SCHOOL BOARD's, students, or reassigned to a position which entailed little or no contact with Defendant, WAKULLA COUNTY SCHOOL BOARD's, students.

36. As a proximate result of Defendant, WAKULLA COUNTY SCHOOL BOARD's, negligence, Defendant, RHONDA SHIELDS, was permitted to have contact with Defendant, WAKULLA COUNTY SCHOOL BOARD's, students putting her in a position to perpetrate the aforementioned sexual battery of Plaintiff.

37. As a further proximate result of Defendant, RHONDA SHIELDS', sexual battery, [redacted] suffered bodily injury, mental anguish, loss of capacity for the enjoyment of life, and ultimately death.

38. As a proximate result of Defendant, WAKULLA COUNTY SCHOOL BOARD's, negligence, Defendant, RHONDA SHIELDS, was permitted to have contact with Defendant, WAKULLA COUNTY SCHOOL BOARD's, students putting her in a position to perpetrate the aforementioned crime of furnishing a minor alcohol.

39. As a proximate result of Defendant, RHONDA SHIELDS', willful and unlawful furnishing of alcoholic beverages, [redacted] suffered bodily injury, mental anguish, loss of capacity for the enjoyment of life, and ultimately death.

WHEREFORE, Plaintiff demands judgment against Defendant, WAKULLA COUNTY SCHOOL BOARD, for damages, litigation costs, and any other relief this Court deems just and proper. Plaintiff further demands a jury trial on all issues so triable.

COUNT IV – LIABILITY OF DEFENDANT, WAKULLA COUNTY SCHOOL BOARD, FOR NEGLIGENT RETENTION

40. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 18 as if fully set forth herein.

41. Defendant, WAKULLA COUNTY SCHOOL BOARD, had a legal duty to promptly discharge employees and/or agents who posed a threat to its students.

42. Defendant, WAKULLA COUNTY SCHOOL BOARD, knew, or should have known, that Defendant, RHONDA SHIELDS, had a propensity for engaging in inappropriate behavior with students.

43. Defendant, WAKULLA COUNTY SCHOOL BOARD, breached said duty by negligently retaining Defendant, RHONDA SHIELDS, despite the fact that it knew, or should have known, she was unfit to interact with Defendant, WAKULLA COUNTY SCHOOL BOARD's, students.

44. Defendant, WAKULLA COUNTY SCHOOL BOARD, could have and should have, with the exercise of due diligence, discharged Defendant, RHONDA SHIELDS.

45. As a proximate result of Defendant, WAKULLA COUNTY SCHOOL BOARD's, negligence, Defendant, RHONDA SHIELDS, was an employee and/or agent of Defendant, WAKULLA COUNTY SCHOOL BOARD, and as such, she was in a position to perpetrate the aforementioned sexual battery of [redacted] a minor, deceased.

46. As a proximate result of Defendant, WAKULLA COUNTY SCHOOL BOARD's, negligence, Defendant, RHONDA SHIELDS, was permitted to have contact with Defendant,

WAKULLA COUNTY SCHOOL BOARD's, students putting her in a position to perpetrate the aforementioned crime of furnishing a minor alcohol.

47. As a further proximate result of Defendant, WAKULLA COUNTY SCHOOL BOARD's, negligence, [redacted] suffered bodily injury, mental anguish, loss of capacity for the enjoyment of life, and ultimately death.

WHEREFORE, Plaintiff demands judgment against Defendant, WAKULLA COUNTY SCHOOL BOARD, for damages, litigation costs, and any other relief this Court deems just and proper. Plaintiff further demands a jury trial on all issues so triable.

COUNT V – LIABILITY OF DEFENDANT, WAKULLA COUNTY SCHOOL BOARD, FOR FAILURE TO NOTIFY

48. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 18 as if fully set forth herein.

49. Defendant, WAKULLA COUNTY SCHOOL BOARD, knew, or should have known, that Defendant, RHONDA SHIELDS, had engaged in an inappropriate relationship with [redacted]

50. Defendant, WAKULLA COUNTY SCHOOL BOARD, had a duty to notify [redacted] parent that its employee, RHONDA SHIELDS, had an inappropriate relationship with his minor son [redacted]

51. As a proximate result of Defendant, WAKULLA COUNTY SCHOOL BOARD's, failure to notify [redacted] parent that its employee, RHONDA SHIELDS, had an inappropriate relationship with his son, [redacted], Plaintiff, [redacted] did not have the opportunity to investigate the inappropriate relationship and takes necessary steps to ensure the mental health of his minor son.

52. As a further proximate result of Defendant, WAKULLA COUNTY SCHOOL BOARD'S negligence, [redacted] suffered bodily injury, mental anguish, loss of capacity for the enjoyment of life, and ultimately death.

WHEREFORE, Plaintiff demands judgment against Defendant, WAKULLA COUNTY SCHOOL BOARD, for damages, litigation costs, and any other relief this Court deems just and proper. Plaintiff further demands a jury trial on all issues so triable.

COUNT VI – LIABILITY OF DEFENDANT, WAKULLA COUNTY SCHOOL BOARD, FOR GENERAL NEGLIGENCE

53. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 18 as if fully set forth herein.

54. Defendant, WAKULLA COUNTY SCHOOL BOARD, failed to use due care in protecting its student, [redacted], a minor, deceased, from harmful learning conditions.

55. Defendant, WAKULLA COUNTY SCHOOL BOARD, failed to use due care in protecting its student, [redacted], a minor, deceased, from harassment by its employees.

56. Defendant, WAKULLA COUNTY SCHOOL BOARD, failed to use due care in the supervision of [redacted], a minor, deceased, activities while at school.

57. As a further proximate result of Defendant, WAKULLA COUNTY SCHOOL BOARD's, negligence, [redacted], suffered bodily injury, mental anguish, loss of capacity for the enjoyment of life, and ultimately death.

WHEREFORE, Plaintiff demands judgment against Defendant, WAKULLA COUNTY SCHOOL BOARD, for damages, litigation costs, and any other relief this Court deems just and proper. Plaintiff further demands a jury trial on all issues so triable.

COUNT VII – LIABILITY OF DEFENDANT, JARED MILLER IN HIS OFFICIAL CAPACITY AS WAKULLA COUNTY SHERIFF, FOR GENERAL NEGLIGENCE

58. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 18 as if fully set forth herein.

59. Defendant, JARED MILLER in his official capacity as the Sheriff of Wakulla County, through his employee, negligently performed the School Resource Officer duties at Riverview Springs Middle School from August of 2014 to June of 2015 to include:

a. Failing to intervene in the inappropriate relationship between Defendant, RHONDA SHIELDS, and [redacted];

b. Failing to notify [redacted] family of the inappropriate relationship between Defendant, RHONDA SHIELDS, and [redacted];

c. Failing to investigate the relationship between Defendant, RHONDA SHIELDS, and [redacted]; and

d. Tampering with and/or failing to preserve evidence of the inappropriate relationship between Defendant, RHONDA SHIELDS, and [redacted].

60. As a proximate result of Defendant, JARED MILLER'S, in his official capacity as the Sheriff of Wakulla County, negligence, [redacted] suffered bodily injury, mental anguish, loss of capacity for the enjoyment of life, and ultimately death.

WHEREFORE, Plaintiff demands judgment against Defendant, WAKULLA COUNTY SCHOOL BOARD, for damages, litigation costs, and any other relief this Court deems just and proper. Plaintiff further demands a jury trial on all issues so triable.

WRONGFUL DEATH DAMAGES

61. As a result of the wrongful death of [redacted], the Estate and survivors have suffered such damages as permitted by the Florida Wrongful Death Act including:

a. For the surviving father, [redacted], mental pain and suffering from the date of injury and for the duration of their joint life expectancy. F.S. §768.21(4).

b. For the surviving father, [redacted], lost support and services from the date of death, with interest, and future loss reduced to present value. F.S. §766.21(1).

c. For the surviving father, [redacted], reimbursement of funeral expenses he paid. F.S. §766.21(5)

d. For the surviving mother, [redacted], mental pain and suffering from the date of injury and for the duration of their joint life expectancy. F.S. §768.21(4).

e. For the surviving mother, [redacted], lost support and services from the date of death, with interest, and future loss reduced to present value. F.S. §766.21(1).

f. For the Estate, loss of earnings and loss of prospective net accumulations, which might reasonably have been expected but for the wrongful death, reduced to present money value. §768.21(6)

g. Medical and any residual funeral expenses that have become a charge against his estate.

WHEREFORE, Plaintiff [redacted] as the PERSONAL REPRESENTATIVE OF THE ESTATE of [redacted], demands judgment against Defendant WAKULLA COUNTY SCHOOL BOARD, Defendant, JARED MILLER in his official capacity as Wakulla

County Sheriff, and Defendant, RHONDA SHIELDS, together with the taxation of costs and such other relief as may be deemed appropriate.

Respectfully submitted this 23rd date of August, 2017.

LAW OFFICE OF COLLIN CHERRY, P.L.

A. Collin Cherry (FBN: 0115355)
THE CHERRY-PICHARD HOUSE (CIRCA. 1940)
1114 EAST PARK AVENUE
TALLAHASSEE, FLORIDA 32301
Service Email: Collin@cherrylaw.us
Secondary: Amy@cherrylaw.us
Phone: (850) 224-1100
Fax: (850) 224-1365
Counsel for Plaintiff

and

BARRETT, FASIG & BROOKS
James E. Fasig (FBN: 13453)
Jimmy@tallahasseepersonalinjury.com
Kimberly M. Hogan (FBN: 100039)
Kimberly@tallahasseepersonalinjury.com
3360 Capital Circle, NE, Suite B
Tallahassee, FL 32308
Phone: 850-224-3310
Fax: 850-224-3433
Counsel for Plaintiff