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IN THE CIRCUIT COURT OF THE 15th
JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO.:

TERESA SIEGEL,
as PARENT & NATURAL GUARDIAN OF E.S.,
a minor child,

Plaintiff,
v.

SCHOOL BOARD OF PALM BEACH
COUNTY, a political subdivision of the
State of Florida,

Defendant.

_____ /

COMPLAINT

COMES NOW, the Plaintiff, TERESA SIEGEL, as PARENT & NATURAL
GUARDIAN OF E.S., a minor child, by and through their undersigned counsel, sue the
Defendant, SCHOOL BOARD OF PALM BEACH COUNTY, and allege as follows:

INTRODUCTION

1. This is an action for damages in excess of Thirty Thousand (\$30,000.00)
Dollars.

2. At all times material hereto, Plaintiff, TERESA SIEGEL, as PARENT &
NATURAL GUARDIAN OF E.S., a minor child, was and is a resident of Palm Beach
County, Florida.

PARTIES, JURISDICTION, AND VENUE

3. Defendant, Palm Beach County School Board ("School Board") is a Florida
Governmental entity, with its principal place of business locate in Palm Beach County,

Florida, and who at all times material, operated, managed, and controlled, Manatee Elementary School, a public school located in Palm Beach County.

4. School Board is not immune from tort liability for this incident and, in accordance with Article X, Section 13 of the Florida Constitution, School Board has waived sovereign immunity from liability for the torts.

5. This court had jurisdiction because Defendant committed the tortious acts and caused injury to Plaintiff within the State of Florida and Palm Beach County, arising from acts committed in the state, so as to subject them to personal jurisdiction in this court.

6. Venue is proper in Palm Beach County, Florida as it is the site of the incident and injury, and/or all, acts, wrongful conduct, occurrences and/or omissions that give rise to this action occurred, and or/accrued, among other places, in Palm Beach County.

7. Plaintiff has complied with the provisions of section 768.28, Florida Statutes, by serving upon School Board the statutory notice by certified mail. See Exhibit 1.

8. The undersigned attorney hereby certify that a reasonable investigation has been conducted and they have a good faith belief that grounds exist for this action against Defendant.

FACTUAL ALLEGATIONS

9. E.S. was a student at Manatee Elementary School located at 7001 Charleston Shores Blvd., Lake Worth, FL 33467.

10. At all times material to this cause of action, Defendant School Board had a duty protect the welfare of E.S. and to protect her from harm while she was present at school during the school day.

11. On or about March 10, 2017, E.S., while playing on the playground at Manatee Elementary School, jumped from the playground stairs while unsupervised.

12. Defendant School Board breached their duty to E.S. when Defendant did not supervise the playground or E.S.'s activities while she played on the playground.

13. As a result of the incident, E.S. suffered serious pain to her right ankle, was given a cam walker to help her mobility, and eventually had to undergo ankle surgery.

14. As a direct and proximate cause of the acts described above, E.S. suffered the injuries described herein, including but not limited to, medical and related expenses, past and future mental and physical pain and suffering, inconvenience and discomfort, loss of time, and loss of enjoyment of life.

COUNT I
NEGLIGENT SUPERVISION

Plaintiff re-alleges paragraph numbers 1 through 14 as though fully set forth herein alleges:

15. At all times material to this cause of action, School Board had a duty protect the welfare of E.S. and to protect her from harm while she was present at school during the school day.

16. School Board, through the acts and/or omissions of the supervisors and administrators at Manatee Elementary School, breached its duty to E.S. by negligently failing to adequately supervise the playground, as well as E.S.'s activities while she played on the playground.

17. As a direct and proximate cause of the School Board's negligent supervision, E.S. suffered a severe injury to her right ankle, pain and suffering, physical inconvenience and discomfort, loss of time, mental and psychological anguish, medical

expenses, loss of enjoyment of life. The losses are permanent and continuing and he will suffer losses in the future.

WHEREFORE, Plaintiff, TERESA SIEGEL, as PARENT & NATURAL GUARDIAN OF E.S., demands judgment for damages against Defendant, SCHOOL BOARD OF PALM BEACH COUNTY, together with costs and demands trial by jury of all issues herein triable as of right by a jury.

Dated this 8th day of February, 2021.

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