

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

CASE NO.:

JASMINE A. CLARK, a minor child by
and through Jenelle Avilla, her mother and
natural guardian,

Plaintiff,

v.

THE SCHOOL BOARD OF PALM BEACH
COUNTY, a quasi-municipal corporation

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, JASMINE A. CLARK (hereinafter "JASMINE") a minor child by and through Jenelle Avilla her mother and natural guardian, sues Defendant, THE SCHOOL BOARD OF PALM BEACH COUNTY a quasi-municipal corporation (hereinafter "SCHOOL BOARD"), and alleges the following:

1. This is an action for damages in excess of the sum of Fifty Thousand Dollars (\$50,000.00) Dollars, exclusive of interest and costs.
2. That at all times pertinent to this action Plaintiff Jenelle Avilla is a resident of Palm Beach County, Florida, and is the mother of Plaintiff JASMINE A. CLARK, a minor.
3. That at all times material hereto, the Plaintiff, JASMINE A. CLARK, was and is a resident of Palm Beach County.
4. At all times material herein, Defendant, SCHOOL BOARD, was and is a quasi-municipal corporation organized and existing under the laws of the State of Florida, with its principal place of business located at 3300 Forest Hill Blvd., West Palm Beach, FL 33406.
5. Venue is proper in this judicial circuit pursuant to Chapter 47 of the Florida Statutes

as the cause of action accrued in Palm Beach County, Florida.

6. That at all times material hereto, the Defendant, SCHOOL BOARD, was and is a quasi-municipal corporation of the State of Florida, or is otherwise subject to the claims of this lawsuit under Florida Statute §768.28.

7. All statutory conditions precedent to the commencement of this action have been complied with, satisfied, or waived, including but not limited to any notice requirements to Defendant, SCHOOL BOARD¹ under Florida Statute §768.28.

8. At all times material herein, SCHOOL BOARD owned, controlled, and maintained an elementary school located at 8400 SW 8th St, Boca Raton, FL 33433, also known as Hammock Pointe Elementary School.

9. On August 12th, 2024, Plaintiff JASMINE was lawfully on the premises as an enrolled student at the above-mentioned elementary school.

10. At all times material herein, during physical education, agents, servants or employees of SCHOOL BOARD required JASMINE to perform physical activities despite known medical restrictions placed by her physicians due to breaking her left tibia a month before the incident herein.

11. At all times material herein, JASMINE began to run/ speed walk laps during physical education as demanded of her despite her medical condition and expressing her unwillingness to her teacher; JASMINE went on to step in a pothole and refractured her left ankle.

12. As a result, on October 7th, 2021, at the time of JASMINE's accident herein, Defendant, SCHOOL BOARD, through its agents, servants or employees, breached its duty owed to JASMINE, in one or more of the following ways:

¹ See Letters of Representation Constituting Notice pursuant to Fla. Stat. 768.28, attached as **Exhibit "A"**.

- a) By failing to properly construct the outdoor field area as intended for elementary school children;
- b) By failing to maintain the outdoor field area in a reasonably safe manner;
- c) By negligently failing to warn of potentially dangerous latent defects related to the outdoor field area;
- d) By failing to supervise elementary school children while performing physical activities in the outdoor field area;
- e) By failing to accommodate and/or take heed of medically prescribed physical restrictions;
- f) By failing to safeguard a student such as plaintiff from foreseeable harm by requiring her to engage in physical activity that contravenes medical advice;
- g) By failing to tailor physical demands to the known physical capability of a student to avoid injury;
- h) Was otherwise negligent as discovery may reveal.

13. At all times material herein, the Defendant, SCHOOL BOARD, knew, or in the exercise of reasonable care, should have known, of the subpar condition of the outdoor field area, failed to redress any defects therein, and ultimately failed to warn against defects in outdoor field areas that resulted in bodily harm.

14. Equally, at all times material herein, the Defendant, SCHOOL BOARD, knew, or should have known, that JASMINE was unfit and medically excused from engaging in physical activity due to her still recovering from a previous ankle fracture and negligently required her participation in physical education despite advising the teacher of same.

15. As a direct and proximate result of the negligence of the Defendant, SCHOOL BOARD, the Plaintiff, JASMINE, was caused to suffer significant bodily injury, pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn

money and aggravation of a previously existing condition. The losses are permanent and/or continuing in nature and JASMINE will suffer the losses in the future.

WHEREFORE, Plaintiff demands trial by jury on all issues so triable and judgment for damages, costs of court, and for any other relief as the Court may deem just and proper.

DATED THIS 7TH DAY OF AUGUST 2026

Larry D. Parks, Esq.
Counsel for Plaintiff
9370 S.W. 72 Street Suite A-266
Miami, Florida 33173
Phone (305) 279-7280
Fax: (305) 279-7280
LarryParks@LarryParksLaw.com
Katherine@Lssmiami.com
Bradley@Lssmiami.com

BY: /s/ Larry D. Parks
LARRY D. PARKS, ESQ.
FBN 211818



LARRY D. PARKS, ESQ.
Attorney at Law

Sunset Office Park
9370 SW 72 Street, Suite A266
Miami, Florida 33173

Tel: (305) 279-7280
Fax: (305) 279 7145

February 27, 2025

VIA CERTIFIED MAIL: 7022 1670 0001 4289 9006

Mayor Maria G. Marino
Palm Beach County
301 North Olive Ave. Suite 1201
West Palm Beach, FL 33401

Please Reply To: Sandra Duque
Fax No.: 7863225477
Email: Sandra@Lssmiami.com

Re: Our client: Jasmine A. Clark
Location: Hammock Pointe Elementary School
Address: 8400 SW 8th ST Boca Raton FL, 33433
Date of Loss: 8/12/2024

Dear Sir/Madam:

This is to advise you of my representation of Miss. Clark for personal injuries sustained on August 12, 2024 as a result of a slip and fall accident that occurred on your premises.

This letter constitutes formal notice not to contact our client, but to direct all future correspondence to our office.

Pursuant to Florida Statutes, we require that you provide my office with the following information with regard to each known policy of insurance, including excess or umbrella insurance, which does or may provide liability insurance coverage for this claim:

- Name of insurer(s)
- Address of the insurer(s)
- Policy number(s)
- Name of each insured
- Limits of liability coverage
- A statement of any policy or coverage defense which your company reasonably believes is available under any of the policies which may provide liability for this claim
- A copy of any and all policies which provide or may provide liability insurance coverage for this claim.

Please be advised that the statement providing the requested information must be made under oath by a corporate officer and must be provided within thirty (30) days of this request. In addition, a statement by the corporate officer must be amended immediately upon discovery of any facts

EXHIBIT A

calling for an amendment to said statement.

You may want to present this letter to your Insurance Company so that the company may provide this information directly to our office within the thirty days prescribed by law.

Please govern yourself accordingly.

Sincerely,

Larry Parks

LARRY D. PARKS, ESQ.

LDP/ljs

NOT A CERTIFIED COPY



LARRY D. PARKS, ESQ.
Attorney at Law

Sunset Office Park
9370 SW 72 Street, Suite A266
Miami, Florida 33173

Tel: (305) 279-7280
Fax: (305) 279 7145

February 27, 2025

VIA CERTIFIED MAIL: 7022 1670 0001 4289 8986

Attention: Scott Martin
Palm Beach County Risk Management Office
100 Australian Ave # 200
West Palm Beach, FL 33406

Please Reply To: Sandra Duque
Fax No.: 7863225477
Email: Sandra@Lssmiami.com

Re: Our client: Jasmine A. Clark
Location: Hammock Pointe Elementary School
Address: 8400 SW 8th ST Boca Raton FL, 33433
Date of Loss: 8/12/2024

Dear Sir/Madam:

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- Address of the insurer(s)
- Policy number(s)
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Sincerely,

Larry Parks

LARRY D. PARKS, ESQ.

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LARRY D. PARKS, ESQ.
Attorney at Law

Sunset Office Park
9370 SW 72 Street, Suite A266
Miami, Florida 33173

Tel: (305) 279-7280
Fax: (305) 279 7145

February 26, 2025

VIA CERTIFIED MAIL: 7022 1670 0001 4289 8962

Hammock Pointe Elementary School
8400 SW 8th ST
Boca Raton, FL 33433

Please Reply To: Sandra Duque
Fax No.: 7863225477
Email: Sandra@Lssmiami.com

Re: Our client: Jasmine A. Clark
Location: 8400 SW 8th ST
Date of Loss: 8/12/2024

Dear Sir/Madam:

This is to advise you of my representation of Miss. Clark for personal injuries sustained on August 12, 2024 as a result of a slip and fall accident that occurred on your premises.

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Larry Parks

LARRY D. PARKS, ESQ.

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Attorney at Law

Sunset Office Park
9370 SW 72 Street, Suite A266
Miami, Florida 33173

Tel: (305) 279-7280
Fax: (305) 279 7145

February 26, 2025

VIA CERTIFIED MAIL: 7022 1670 0001 4289 8948

Florida Department of Financial Services
200 East Gaines St
Tallahassee, FL 32399

Please Reply To: Sandra Duque
Fax No.: 7863225477
Email: Sandra@Lssmiami.com

Re: Our client: Jasmine A. Clark
Location: Hammock Pointe Elementary School
Address: 8400 SW 8th St Boca Raton FL, 33433
Date of Loss: 8/12/2024

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LARRY D. PARKS, ESQ.
Attorney at Law

Sunset Office Park
9370 SW 72 Street, Suite A266
Miami, Florida 33173

Tel: (305) 279-7280
Fax: (305) 279 7145

August 6, 2026

VIA CERTIFIED MAIL: 9589 0710 5270 4285 3450 20

The School Board of Palm Beach County
3300 Forest Hill Boulevard
West Palm Beach FL 33406

Please Reply To: Sandra Duque
Fax No.: 7863225477
Email: Sandra@Lssmiami.com

Re: Our client: Jasmine A. Clark
Location: Hammock Pointe Elementary School
Address: 8400 SW 8th ST Boca Raton FL, 33433
Date of Loss: 8/12/2024

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