

Office of Superintendent of Schools  
Board Meeting of April 14, 1999

March 24, 1999

Office of School Board Attorney  
Phyllis O. Douglas, Board Attorney

**SUBJECT: PROVISION OF DEFENSE COUNSEL TO MARION ROGERS IN THE  
CASE OF NELDA THOMAS v. MILLIE FORNELL, ET AL., County Court  
Case No. 99-993-SP 26 (1)**

The above styled lawsuit was filed in the County Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida and served on Marion Rogers, the assistant principal at Palmetto Senior High School, on March 5, 1999. The principal and another assistant principal are named in the lawsuit but as of this time have not been served.

The lawsuit alleges that the Plaintiff's daughter was arrested at the school and that as a result school personnel confiscated her beeper. The parent seeks compensation for the loss of property and for loss of wages.

We do not believe that the lawsuit has merit and are requesting that the School Board, pursuant to the authority vested in it under § 230.234, Florida Statutes (1998), authorize a legal defense for the employee. In the meantime, in order to protect the defendant's legal rights, a motion to dismiss the lawsuit has been filed and an appearance has been made in court on his behalf.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Office of the School Board Attorney to provide for the defense of Marion Rogers in the case of Nelda Thomas v. Millie Fornell, et al., County Court Case No. 99-993 SP 26 (1).