

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: PROVISION OF DEFENSE COUNSEL TO INDIVIDUAL DEFENDANTS IN THE LITIGATION MATTER OF: ROSE BAREFIELD-COX v. SCHOOL BOARD OF MIAMI-DADE COUNTY, FL, ET AL, Circuit Court Case No. 05-11840-CA-11

The above-referenced lawsuit was filed on June 9, 2005 in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, against The School Board of Miami-Dade County, Florida, the School Board Attorney's Office, and individual named defendants Merrett Stierheim, the former Superintendent of Schools, George Burgess, the former Chief Financial Officer, and Joseph Arriola, the former Chief Business Officer (hereinafter collectively referred to as "Defendants").

On June 20, 2005, Mr. Merrett Stierheim was served with the lawsuit. On June 21, 2005, Mr. Stierheim submitted the lawsuit documents to the Board Attorney's Office with a request that the School Board provide him with legal counsel in this case pursuant to School Board Rule 6Gx13-1C-1.02. Some of the additional individual defendants have not been served with the lawsuit at the time of this writing but are expected to be served in the near future. In order to avoid submitting multiple requests to the Board on behalf of each individual defendant, *in seriatim*, the Board Attorney's Office hereby submits one request to the Board for authorization to represent employees or former employees of the School Board who are named defendants in their individual capacity in this lawsuit.

The lawsuit asserts 29 counts for, *inter alia*, race and age discrimination, sexual harassment, retaliation, hostile work environment, breach of contract, negligent hiring, negligent retention and supervision, intentional infliction of emotional distress, and violation of due process. Although the individual defendants are no longer employed by the School Board, the acts alleged in the lawsuit to have been committed by the individual defendants arose out of and in the course of the performance of their job duties and responsibilities while employed for the School Board.

Pursuant to School Board Rule 6Gx13-1C-1.02 and the authority under § 1012.26, Fla. Stat. (2004), the Board Attorney's Office is hereby requesting that the School Board authorize the provision of legal representation for the individual defendants named in this lawsuit.

In the interim, the Board Attorney's Office will be filing the necessary documents with the Court to protect the defendants' legal interests.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Office of the School Board Attorney to provide for the defense of the individual named defendants, in the case of Rose Barefield Cox v. The School Board of Miami-Dade County, FL, et al, Circuit Court Case No. 05-11840-CA-11.

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