

Office of Superintendent of Schools
Board Meeting of June 19, 2013

May 29, 2013

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

**SUBJECT: PROVISION OF LEGAL REPRESENTATION FOR THE FOLLOWING
MATTER: Steven Bartlett v. Sergio Mendez, James Hicks, and
Normando Santana, Case No 13-16230 CA 15**

This lawsuit was originally served on the School Board on February 14, 2013. However in response to the School Board's Motion to Dismiss, the Plaintiff agreed to voluntarily dismiss the case against the School Board. Subsequent to the dismissal of the School Board as a defendant in this matter, on May 10, 2013, the individually named Defendants were served with this lawsuit. Plaintiff's complaint alleges, among other things, that the individually named Defendants are responsible for maliciously prosecuting a criminal case against Plaintiff. In accordance with the District's established practice, the individually named Defendants have formally requested that the School Board provide them with legal representation. The acts alleged in Plaintiff's Complaint arose out of and in the course of the performance of assigned duties and responsibilities of the individually named employees.

Pursuant to School Board Policy 6900, *Legal Services for Employees of the Board* and § 1012.26 Fla. Stat. (2012), we are requesting that the School Board authorize the provision of legal representation for the individually named Defendants in the above-captioned 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 or secure legal representation for the legal defense of the current School Board employees who are individually named as a Defendants in the case of *Steven Bartlett v. Sergio Mendez, James Hicks, and Normando Santana, Case No 13-16230 CA 15*.

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