

IN THE CIRCUIT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

C.J., AS MOTHER AND NATURAL  
GUARDIAN OF K.L., A MINOR

GENERAL JURISDICTIONAL DIVISION

CASE NO.:

Plaintiff,

vs.

BROWARD COUNTY SCHOOL BOARD,

Defendant.

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, C.J., as Mother and Natural Guardian of K.L., a Minor, hereby sues Defendant, BROWARD COUNTY SCHOOL BOARD, and as grounds therefor, states as follows:

**GENERAL AND JURISDICTIONAL ALLEGATIONS**

1. Plaintiff, C.J., AS MOTHER AND NATURAL GUARDIAN OF K.L., A MINOR, at all times material hereto was and is a resident of Broward County, Florida and *is sui juris*. This action is brought anonymously to protect the identity of C.J. as mother and natural guardian of her son K.L., as this matter concerns the abuse and assault of K.L., who is a minor child.

2. At all times material hereto, K.L. was and is a minor child and a student at Fairway Elementary School.

3. At all times material hereto, Defendant, BROWARD COUNTY SCHOOL BOARD, ("SCHOOL BOARD") is a political subdivision of Broward County, Florida.

4. At all times material hereto, Defendant, SCHOOL BOARD maintained and operated Fairway Elementary School in Broward County, Florida.

5. All conditions precedent to bringing this action have been satisfied or waived.
6. Venue is proper in this Court pursuant to Florida Statutes Sections 47.011 in that the causes of action accrued in Broward County, Florida.

### **FACTUAL ALLEGATIONS**

7. In August of 2019, K.L. began attending Fairway Elementary School, located in Broward County, Florida.
8. K.L. is a special needs student placed in ESE (Exceptional Student Education) classes with an IEP (Individualized Educational Plan).
9. K.L. has been diagnosed with autism and attention deficit hyperactivity disorder.
10. At all times material hereto, K.L.'s primary teacher at Fairway Elementary was Annick Jabouin.
11. Between August 2019 and September 11, 2019, on multiple occasions, K.L. was mistreated and physically abused by Jabouin.
12. One such incident occurred when K.L. was allowed to wander off from his class and assigned teacher Jabouin, for a prolonged period of time and was later found alone on school grounds unsupervised by any one school staff member at Fairway.
13. Another incident occurred when, in response to K.L.'s disruptive behavior, Jabouin grabbed K.L.'s hand and pulled his finger back in a forceful, violent and painful manner, as a means of discipline.

14. Yet another incident occurred when, again, as a disciplinary response to K.L.'s behavior, Jabouin forced K.L. to open his mouth then sprayed directly into it an unknown chemical cleaning solution from a bottle in Jabouin's classroom.

15. The physical abuse perpetrated by Jabouin and suffered by K.L. occurred on school premises.

16. As a result of the foregoing incident, K.L. experienced emotional pain, anxiety, fear, suffering, trauma, and physical pain, which culminated in his evaluation and treatment at the Emergency Department of Joe DiMaggio's Children's Hospital, Broward County, Florida, for poison control, after Jabouin sprayed an unknown chemical in his mouth.

17. Further, as a result of these incidents, K.L. has suffered severe psychological complications and aggravation to his pre-existing condition, further culminating in his being forced to switch schools twice since.

18. At all times material hereto, K.L. had a right not to be the subject of mistreatment abuse while a student at Fairway Elementary School.

19. Further, Broward County Schools has a duty to ensure the safety and security of its students, especially those with disabilities and special needs.

20. Plaintiff, C.J., AS MOTHER AND NATURAL GUARDIAN OF K.L., A MINOR, notified Defendant, SCHOOL BOARD's administration numerous times about the subject incidents; however, Defendant, SCHOOL BOARD failed to act to protect K.L., decided not to discipline their employee Jabouin, or institute any corrective measures. These decisions were official decisions, ignoring the danger of the risk and potential of further harm to K.L.

21. As a direct and proximate result of Defendant, SCHOOL BOARD's, actions and inactions, K.L., a minor child, was mistreated, abused and assaulted by an employee of Defendant, SCHOOL BOARD, at Fairway Elementary School and has suffered damages as a result. These damages include but are not limited to, past and future pain and suffering, mental anguish, past and future medical and therapeutic care and aggravation of pre-existing conditions.

### **COUNT I - NEGLIGENCE**

Plaintiff, C.J., AS MOTHER AND NATURAL GUARDIAN OF K.L., A MINOR, readopts and realleges the allegations set forth in paragraphs 1 – 21, and further states:

22. At all material times, Defendant, SCHOOL BOARD, had a duty to protect the safety of minors who attended Broward County Public Schools (such as Fairway Elementary School), and a duty to reasonably supervise, investigate, and not subject its students to mistreatment, physical abuse and assault.

23. Defendant, SCHOOL BOARD, breached the aforementioned duties by, among others, failing to protect the safety of its minor students, failing to reasonably supervise and investigate its employees and their conduct, thereby subjecting its students, namely, K.L. to abuse and mistreatment by its own employees.

24. Further, Defendant, SCHOOL BOARD, through its agents and employees failed to have any procedures governing the use of physical force on students by its employees; or in the alternative:

- a. The Defendant, SCHOOL BOARD, through its agents and employees did in fact have procedures governing the use of physical force on students, however the Defendant failed to implement such procedures; or, in the alternative:

- b. The Defendant, SCHOOL through its agents and employees did have procedures governing the use of physical force on its students but implemented such polies and procedures in a careless or negligent manner; or, in the alternative:
- c. The Defendant, SHOOOL BOARD through its agents and employees failed to use reasonable care in training, hiring and supervising its employees relative to such policies and procedures governing the use of physical force on its students.

25. Defendant, SCHOOL BOARD's breach of the aforementioned duties directly and proximately caused the abuse, mistreatment and affirmative assault that K.L. suffered, by an employee of Defendant, SCHOOL BOARD.

26. As a direct and proximate result of Defendant, SCHOOL BOARD's acts and omissions, the minor Plaintiff K.L., suffered severe damages. These damages include, but are not limited to, past and future pain and suffering, mental anguish, past and future medical and therapeutic care, and the aggravation of a pre-existing medical condition.

WHEREFORE, Plaintiff, C.J., AS MOTHER AND NATURAL GUARDIAN OF K.L., A MINOR, sues Defendant, BROWARD COUNTY SCHOOL BOARD, and demands trial by jury and judgement against it for compensatory damages, attorneys' fees and costs and other relief allowed under the law or that this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

The Plaintiff demands a trial by jury of all issues triable as of right by a jury.

Respectfully Submitted,

/s/ Aaron A. Karger

AARON A. KARGER, Esq.

Attorney for Plaintiff

FBN: 93226

Law Offices of Aaron A. Karger P.A.

16211 NE 2nd Avenue

Suite 200

North Miami Beach, Florida 33162

Telephone: 305-577-7772

Fax: 305-602-9357

E-Mail: [aaron@aak-law.com](mailto:aaron@aak-law.com)

E-Service: [service@aak-law.com](mailto:service@aak-law.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Complaint was served with Summons on Defendant, BROWARD COUNTY SCHOOL BOARD.

/s/ Aaron A. Karger

AARON A. KARGER, Esq.