

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

CASE NO:

**NICHOLAS FELINI FONSECA, minor
child**, by and through his natural guardians,
**JOAO DANIEL FONSECA and CHRISTINE
FELINI FONSECA,**

Plaintiff,

vs.

**THE SCHOOL DISTRICT OF PALM
BEACH COUNTY,**

Defendant,

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW NICHOLAS FELINI FONSECA, minor child, by and through his natural guardians, JOAO DANIEL FONSECA and CHRISTINE FELINI FONSECA, as Plaintiff, and files this lawsuit against Defendant, THE SCHOOL DISTRICT OF PALM BEACH COUNTY, and alleges as follows:

JURISDICTION AND VENUE

1. This is an action for monetary damages in excess of Fifty Thousand (\$50,000.00) Dollars, exclusive of costs, attorney's fees and interest, and otherwise within the jurisdiction of this Court.
2. Venue is proper in the 15th Judicial Circuit in and for Palm Beach County, Florida because the incident occurred at Eagles Landing Middle School in Palm Beach County, Florida.
3. At all times material, Plaintiff, NICHOLAS FELINI FONSECA ("NICHOLAS"), is and was a minor child, under the age of 18, residing in Boca Raton, Palm Beach County, Florida and a student attending Eagles Landing Middle School.

4. At all times material, JOAO DANIEL FONSECA, is and was a resident of Palm Beach County, Florida, over the age of eighteen (18) years, and otherwise *sui juris*.
5. At all times material, JOAO DANIEL FONSECA, is and was the biological father and natural guardian of minor Plaintiff, NICHOLAS.
6. At all times material, CHRSTINE FELINI FONSECA, is and was a resident of Palm Beach County, Florida, over the age of eighteen (18) years, and otherwise *sui juris*.
7. At all times material, CHRSTINE FELINI FONSECA, is and was the biological mother and natural guardian of minor Plaintiff, NICHOLAS.
8. At all times material, Defendant, THE PALM BEACH COUNTY SCHOOL BOARD (“SCHOOL BOARD”), was and is a subdivision of the State of Florida and created pursuant to the laws of the State of Florida.
9. At all times material, Defendant SCHOOL BOARD, by and through its’ employees and/or authorized agents, operated Eagles Landing Middle School located at 19500 Coral Ridge Dr., Boca Raton, FL 33498 (“the School”).
10. At all times material, Arlo Rappaport, was an employee of the SCHOOL BOARD, and authorized to supervise and control students assigned to or in his vicinity at the School.
11. At all times material hereto, Plaintiff has met the statutory requirements under Section 768.28, Florida Statutes, by providing notice of the subject claim prior to the commencement of this action.

FACTS OF THE CASE

12. The incident that is the subject of this lawsuit occurred on February 6, 2024, while NICHOLAS was lawfully upon the premises of the School as a student and minor child (“the Incident”).

13. On said date, Arlo Rappaport was a teacher present at the School and charged with the duty of supervising the minor students in his presence including, specifically, NICHOLAS.
14. On said date, NICHOLAS was a student requiring one on one services pursuant to the School and the SCHOOL BOARD for autism spectrum disorder (mild Asperger's Syndrome), ADHD (subtype predominantly inattentive with emotional dysregulation), dysphoria (mix of depression and anxiety), Disruptive Mood Dysregulation Disorder, sensory processing disorder, language difficulties, and sleep disorder.
15. Prior to the date of the incident, the biological parents of NICHOLAS advised the School their concerns regarding the application of the recommended Individual Education Plan (IEP) in relation to his diagnosed disorders and issues.
16. On the date of the incident, NICHOLAS was walking near room 144 of the School along with other students from his class; teacher, Robyn L. Pantano; and behavioral technician, Kayla M. Flores, when the class stopped walking and the students were instructed to use the restrooms before walking back to their classroom.
17. Suddenly, teacher Arlo Rappaport appeared in the hallway outside room 144 and grabbed the "hood" portion of NICHOLAS' sweatshirt.
18. Despite NICHOLAS' frantic attempts to break away from Arlo Rappaport, Rappaport held fast to the hood and ignored NICHOLAS' demand to be released and ignored NICHOLAS' straining against the collar of the sweatshirt.
19. It was only after teacher [REDACTED] told Rappaport that NICHOLAS was with her class that he finally released NICHOLAS.
20. As a result of the Incident, NICHOLAS sustained injuries and suffered emotional and psychological injuries that continue to the present day.

COUNT I
NEGLIGENCE OF THE SCHOOL BOARD OF PALM BEACH COUNTY

21. Plaintiff hereby re-alleges and re-avers each and every allegation contained in paragraphs 1 through 20 above as if fully set forth herein.
22. At all times material hereto, Defendant SCHOOL BOARD operated the School by and through it's employees and/or authorized agents.
23. At all times material hereto, NICHOLAS was a student at the School, registered to attend said School, and lawfully present on the premises of the School.
24. At all times material hereto, Defendant SCHOOL BOARD, by and through its' employees and/or authorized agents, had a duty to properly supervise the students entrusted to its' care by their parents and/or legal guardians.
25. Defendant SCHOOL BOARD, by and through its' employees and specifically, Arlo Rappaport, had a duty to follow the rules and procedures as set forth in School Board Policy 3.01 of the Code of Ethics including, but not limited to, the duty to maintain positive, professional relationships with students.
26. Defendant SCHOOL BOARD, by and through Arlo Rappaport, had a duty to follow the rules and procedures as set forth in the Florida Administrative code 6A-10.081, Principles of Professional Conduct for the Education Profession in Florida including, but not limited to, not intentionally violating or denying a student's legal rights.
27. Notwithstanding said duties, Defendant SCHOOL BOARD breached its' duty owed to NICHOLAS through the following acts and/or omissions of Arlo Rappaport:
 - a. Engaging in misconduct that affected the health, safety and welfare of NICHOLAS;
 - b. Physically touching NICHOLAS in a manner that was known or should have

been known would cause bodily harm;

- c. Engaging in an act of cruelty towards NICHOLAS;
- d. Unreasonably restraining NICHOLAS; and/or
- e. Intentionally exposing NICHOLAS to unnecessary embarrassment or disparagement.

28. At all times material, Arlo Rappaport knew or should have known of the ethical requirements set by the State of Florida and the SCHOOL BOARD involving the intentional physical touching and unreasonable restraint of NICHOLAS upon the School grounds.

29. At all times material, the SCHOOL BOARD knew or should have known that Arlo Rappaport was violating his ethical duties as set forth by the State of Florida and the SCHOOL BOARD.

30. As a direct, proximate, and foreseeable result of the negligence of Defendant SCHOOL BOARD, on or about October 8, 2021, NICHOLAS sustained serious injuries which were caused by the Incident herein, and NICHOLAS is suffering the following damages which exist now and will continue into the future:

- a. Bodily injuries;
- b. Pain and suffering;
- c. Mental anguish;
- d. Medical bills and expenses, both in the past and in the future; and/or
- e. Any and all other damages allowed by law.

31. NICHOLAS has suffered such losses and damages in the past and will continue to suffer same in the future.

WHEREFORE Plaintiff, NICHOLAS FELINI FONSECA, minor child, by and through his natural guardians, JOAO DANIEL FONSECA and CHRISTINE FELINI FONSECA, hereby demands judgment against Defendant, THE SCHOOL DISTRICT OF PALM BEACH COUNTY, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with costs, interest, and any other relief that this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff, NICHOLAS FELINI FONSECA, minor child, by and through his natural guardians, JOAO DANIEL FONSECA and CHRISTINE FELINI FONSECA, further demands a trial by jury of all issues triable as a right by jury.

Dated: February 5, 2026

Respectfully submitted,

/s/ Krisel McSweeney

Krisel McSweeney

Florida Bar No.: 112637

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of February, 2026, a true and correct copy of the foregoing has been e-filed through the Florida Courts E-filing Portal pursuant to the applicable Florida Rules of General Practice and Judicial Administration.

/s/ Krisel McSweeney

Krisel McSweeney

Florida Bar No.: 112637