

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

**SUNNI HALL a minor, by and through
her mother, natural guardian and next of
kin, JENNIFER PHILLIPS,**

CASE NO:

Plaintiff,

v.

**PALM BEACH COUNTY SCHOOL
BOARD,**

Defendant.

COMPLAINT

COMES NOW, the Plaintiff, **SUNNI HALL a minor, by and through her mother, natural guardian and next of kin, JENNIFER PHILLIPS**, by and through the undersigned counsel, sues the Defendant, **PALM BEACH COUNTY SCHOOL BOARD** herein “**SCHOOL BOARD**”, and alleges as follows:

JURISDICTIONAL STATEMENT AND IDENTIFICATION OF PARTIES

1. This is an action in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) and within the jurisdiction of this Court.

2. At all times material hereto, upon information and belief, the Plaintiff, **SUNNI HALL**, was a resident of PALM BEACH County, Florida, and is *sui juris*.

3. **JENNIFER PHILLIPS** is the mother and natural guardian for the minor, **SUNNI HALL**, is *sui juris*.

4. At all times material hereto, Defendant, **SCHOOL BOARD**, is a State agency or subdivision pursuant to Section 768.28(2), Florida Statutes, and is otherwise *sui juris*.

- a. owned the school premises located at 5350 STACEY STREET, WEST PALM BEACH, FL 33417;
 - b. maintained the school premises located at 5350 STACEY STREET, WEST PALM BEACH, FL 33417;
 - c. managed the school premises located at 5350 STACEY STREET, WEST PALM BEACH, FL 33417;
 - d. possessed the school located at 5350 STACEY STREET, WEST PALM BEACH, FL 33417; and/or
 - e. exercised control over the school in located at 5350 STACEY STREET, WEST PALM BEACH, FL 33417;
5. All conditions precedent to the bringing of this action have been met, including but not limited to, all notices pursuant to Florida Statute 768.28.
6. Venue is proper in PALM BEACH County, Florida because the incident which is the subject of this Complaint occurred in PALM BEACH County, Florida.
7. That on or about April 12, 2024, the Plaintiff, **SUNNI HALL**, was a 3rd grade student enrolled who attended Hope-Centennial Elementary School located at 5350 STACEY STREET, WEST PALM BEACH, FL 33417.
8. That while Plaintiff was in the aftercare program on Defendant's premises, Plaintiff was playing on an inflatable slide provided by Defendant.
9. That, upon information and belief, there was no permission slip/waiver/consent form in place for Plaintiff's parent and natural guardian, Jennifer Phillips to sign, allowing the daughter to participate in such a physical activity.

10. That had a waiver or something similar of the sort been presented, Jennifer Phillips, Plaintiff's natural parent and guardian would not have allowed her child to engage in said activity.

11. That while on the slide, another student fell on Plaintiff's right leg, causing serious injury.

12. That Defendant knew or should have known that Plaintiff should have been presented with a waiver form or something of the sort before engaging in such physical activity.

13. That as a result of incident, the Plaintiff sustained serious bodily injuries which are permanent and ongoing.

COUNT I – NEGLIGENCE AGAINST SCHOOL BOARD

14. The Plaintiff, **SUNNI HALL**, adopts and re-alleges paragraphs 1–12, as if they were reproduced herein, and further alleges:

15. That at the time the Plaintiff was injured, Defendant, **SCHOOL BOARD**, owed the Plaintiff a non-delegable legal duty of reasonable care in maintaining the school in a reasonably safe condition, free from unreasonably dangerous conditions that might foreseeably give rise to injury or damage to the Plaintiff.

16. Moreover, Defendant, **SCHOOL BOARD**, had a legal duty to warn the Plaintiff of any defects or unreasonably dangerous conditions on the Defendant's school.

17. Nevertheless, Defendant, by and through its agents, servants, and/or employees breached the aforesaid duty to Plaintiff, **SUNNI HALL**, by the following:

- a. carelessly and negligently creating an unreasonably dangerous condition by permitting the existence of dangerous inflatable slides on the subject school that Defendant had actual knowledge of, or should have known of, or had constructive

knowledge of due to the length of time the dangerous condition existed or due to the regularity with which the dangerous condition occurs on the subject premises;

- b. carelessly and negligently failing to inspect the school for the existence of such unreasonably dangerous conditions that Defendant had actual knowledge of, or should have known of, or had constructive knowledge of due to the length of time the dangerous condition existed or due to the regularity with which the dangerous condition occurs on the subject premises;
- c. carelessly and negligently failing to maintain the subject school free from the existence of such unreasonably dangerous conditions that Defendant had actual knowledge of, or should have known of, or had constructive knowledge of due to the length of time the dangerous condition existed or due to the regularity with which the dangerous condition occurs on the subject premises;
- d. carelessly and negligently failing to warn this Plaintiff, by sign, waiver or otherwise, as to the existence of said unreasonably dangerous conditions on the subject school that Defendant had actual knowledge of, or should have known of, or had constructive knowledge of due to the length of time the dangerous condition existed or due to the regularity with which the dangerous condition occurs on the subject school; and/or
- e. carelessly and negligently failing to otherwise undertake reasonable efforts to repair and/or remedy any unreasonable dangerous conditions that Defendant had actual knowledge of, or should have known of, or had constructive knowledge of due to the length of time the dangerous condition existed or due to the regularity with which the dangerous condition occurs on the subject school;

18. That as a direct and proximate result of the negligence of Defendant, **SCHOOL BOARD**, the Plaintiff, **SUNNI HALL**, was injured in and about her body and extremities and/or aggravated a pre-existing condition; suffered pain therefrom; suffered physical handicap; suffered disfigurement; suffered mental pain and suffering; suffered loss of income in the past and will do so in the future; suffered loss for the capacity for the enjoyment of life and/or incurred medical expenses for the care and treatment of her injuries. Said injuries are permanent and are continuing in nature, and the Plaintiff will continue to suffer these losses and impairments in the future.

WHEREFORE, the Plaintiff, **SUNNI HALL**, prays for entry of a judgment against the Defendant, **SCHOOL BOARD**, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), plus costs, and the Plaintiff further demands trial by jury of all issues in this cause so triable as a matter of right.

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