

**IN THE CIRCUIT COURT IN AND FOR POLK COUNTY, FLORIDA  
CIVIL DIVISION**

DEVARUS ROBINSON

Plaintiff,

v. Case No.:

Section:

POLK COUNTY SCHOOL BOARD,  
Defendant.

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**COMPLAINT**

Plaintiff, DEVARUS ROBINSON, sues Defendant, POLK COUNTY SCHOOL BOARD, and alleges:

**ALLEGATIONS COMMON TO ALL COUNTS**

1. That this is a civil action for compensatory damages in excess of the jurisdictional limits of this Court.
2. That at all times material hereto DEVARUS ROBINSON was sui juris; a resident of Polk County, Florida; and a student at the Kathleen Senior High School located in Lakeland, Polk County, Florida.
3. That at all times material hereto the POLK COUNTY SCHOOL BOARD (hereinafter "PCSB"), pursuant to *Florida Statutes* § 230.21, was the governing body of the Polk County School District.
4. That at all times material hereto the Kathleen Senior High School was a public school in the Polk County School District and governed by the PCSB.
5. That at all times material hereto, Irving Strickland (hereinafter "the Coach"), was an employee and/or agent of the PCSB, and serving as

the Head Football Coach at Kathleen High School in Lakeland, Polk County, Florida. The Coach was on school grounds and was acting within the scope of his employment.

6. That the PCSB had the final authority over who was employed and who was retained to work with students at the Kathleen Senior High School. In this regard, PCSB had the authority, and when appropriate the responsibility and duty to discipline, suspend, remove or terminate any employee at the Kathleen Senior High School, including the Coach.

7. That on or about September 23, 2011, the Coach by his words and physical conduct intentionally assaulted and battered the Plaintiff, a male student and a football player at the Kathleen Senior High School in Lakeland, Polk County, Florida. The Coach effected said assault and battery by deliberately grabbing and strenuously twisting a nipple (mammary papilla) on the Plaintiff's chest.

8. That all conditions precedent to filing this lawsuit, including those set forth in Florida Statutes §768.28, have been satisfied or waived.

**COUNT I**  
**(Bullying & Harassment of K-12 Student)**

9. That Plaintiff realleges in paragraphs 1 - 8 above.

10. That at all times material hereto pursuant to the provisions and protections of the "Jeffery Johnston Stand Up For All Students Act", Florida Statutes § 1006.147, PCSB owed a duty to students, including the Plaintiff, enrolled in grades K-12, to protect them from bullying and harassment.

11. That the above described duty of PCSB was breached by the above described tortious conduct of the Coach toward the Plaintiff.

12. That as a direct and proximate result of the above referenced breach of duty, Plaintiff suffered permanent and continuing mental anguish, and has lost the capacity for enjoyment of life, and Plaintiff has incurred the expenses of medical and nursing care and treatment. The aforementioned losses and damages are either permanent or continuing and the Plaintiff will suffer the losses in the future.

**WHEREFORE** the Plaintiff, DEVARUS ROBINSON, demands : a judgment for money damages against the Defendant; Polk County School Board; for the costs of this action; for such other and further relief as this Court deems necessary or appropriate; and demands a trial by jury.

**COUNT II**  
**(Negligent Retention, Supervision, Training and/or Monitoring)**

13. Plaintiff realleges paragraphs 1-12, above.

14. That at all times material hereto PCSB owed a duty to the parents and children of this school district to retain, supervise, train and monitor its employees to protect the health, safety and welfare of its students, including the Plaintiff.

15. That the above described duty of PCSB was breached by the above described tortious conduct of the Coach toward the Plaintiff, particularly because it knew, or

should have known, that this Coach had previously committed similar tortious conduct toward other male students at the Kathleen School.

16. That as a direct and proximate result of the above referenced breach of duty, the Plaintiff suffered permanent and continuing mental anguish, and has loss the capacity for enjoyment of life, and Plaintiff has incurred the expenses of medical and nursing care and treatment. The aforementioned losses and damages are either permanent or continuing and the Plaintiff will suffer the losses in the future.

**WHEREFORE** the Plaintiff, DEVARUS ROBINSON, demands : a judgment for money damages against the Defendant, Polk County School Board; for the costs of this action; for such other and further relief as this Court deems necessary or appropriate; and demands a trial by jury.

**COUNT III**  
**(Intentional Infliction Of Emotional Distress)**

17. Plaintiff realleges paragraphs 1-16, above.

18. That at all times material hereto PCSB owed a duty to the students of the Polk County School District to protect them from the intentional infliction of emotional distress by members of the faculty or coaching staff.

19. That the above described assault and battery upon the person of the Plaintiff, by the Coach, was intentional. That is say that the Coach intended his behavior when he knew, or should have known, that emotional distress would likely result from his conduct. Also, the subject conduct went beyond all bounds of decency and regardable as odious and utterly intolerable in a civilized community. Finally, the said conduct of the Coach caused Plaintiff to suffer severe emotional distress.

20. That as a direct and proximate result of the above described tortious conduct of the Coach, the Plaintiff suffered permanent and continuing mental anguish, and has loss the capacity for enjoyment of life, and Plaintiff has incurred the expenses of medical and nursing care and treatment. The aforementioned losses and damages are either permanent or continuing and the Plaintiff will suffer the losses in the future.

**WHEREFORE** the Plaintiff, DEVARUS ROBINSON, demands: a judgment for money damages against the Defendant, Polk County School Board; for the costs of this action; for such other and further relief as this Court deems necessary or appropriate; and demands a trial by jury.

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