

#1025.326

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA.

CASE NUMBER: 01-013454 (13)

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Tony

THERESA SUTTON, and ROBERT
SUTTON, her Husband,

Plaintiffs,

v.

SCHOOL BOARD OF BROWARD
COUNTY,

Defendants.

ORDER ON
SCHOOL BOARD OF BROWARD COUNTY'S
MOTION FOR SUMMARY JUDGMENT

2003 MAR 26 PM 3:46
CLERK, CIRCUIT COURT
BROWARD COUNTY, FL

THIS CAUSE came before this Honorable Court on Defendant, SCHOOL BOARD OF BROWARD COUNTY'S, Motion for Summary Judgment, and the Court after having reviewed the motion and response thereto, and being fully advised in the premises, it is hereby:

ORDERED and ADJUDGED that said Motion be, and the same is hereby: GRANTED. This Court concludes that worker's compensation is the sole and exclusive remedy for the damages sought in Counts I and II of the pending complaint. See §440.11(1), Fla. Stat. Further, Counts III and IV (for spoliation of evidence and consortium) are derivative claims that cannot stand alone. Accordingly, the School Board is entitled to summary judgment as to all counts of the pending Complaint.

DONE and ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 24 day of March, 2003.


CIRCUIT COURT JUDGE
HONORABLE LEROY H. MOE

Copies furnished to:
Robert J. McKee, Esq.
Eugene K. Pettis, Esq.