IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN AND FOR HERNANDO COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.:

JANE DOE (J.M.), individually and as Parent and Natural Guardian of A.M., a minor

Plaintiff,

v.

STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILY SERVICES; KIDS CENTRAL, INC., a not for profit Florida Corporation; YOUTH & FAMILY ALTERNATIVES, INC., a not for profit Florida Corporation, LIFESTREAM BEHAVIORAL CENTER,

Defendants,

_____/

COMPLAINT

Plaintiff, JANE DOE (J.M.), individually and as parent and natural Guardian of A.M., a minor, sues Defendants, STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILY SERVICES; KIDS CENTRAL, INC., YOUTH & FAMILY ALTERNATIVES, INC., and LIFESTREAM BEHAVIORAL SERVICES and alleges:

PARTIES AND JURIDICTION

1. This is an action for damages in excess of Thirty Thousand Dollars ($30,000.00), the minimal jurisdictional limits of this Court, exclusive of costs, interest and attorneys' fees.

2. Plaintiff, JANE DOE (J.M.) (hereinafter "JANE DOE") brings this action, individually and as parent and natural guardian of A.M., a minor who was sexually assaulted while in foster care.

3. At all times material, Plaintiff JANE DOE, was and is a resident of Hernando County, Florida, and is otherwise *sui juris*.

4. At all times material, Plaintiff JANE DOE, was and is the mother and natural guardian of A.M., a minor [D.O.B. 7/10/07], who is currently residing with her mother, JANE DOE, in Hernando County, Florida.

5. At all times material, A.M. was a dependent child in foster care in Lake County, Florida, and in the legal custody of Defendant STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILY SERVICES (hereinafter "DCF").

6. At all times material, Defendant DCF is a state agency charged with operating the state foster care system and providing substitute care services to children placed in its care. This includes, but is not limited to, ensuring secure and safe custody, promoting the health and well-being of children under its care, preventing the occurrence of child abuse and neglect, and for conducting reasonable and non-negligent investigations of reported abuse in a foster home.

7. At all times material, Defendant KIDS CENTRAL, INC., (hereinafter "KIDS CENTRAL") is a not-for-profit corporation, organized and existing under the laws of the State of Florida and performing business services in Hernando County and Lake County, Florida.

8. At all times material, Defendant KIDS CENTRAL was and is the lead community-based care provider in Hernando County and Lake County, Florida, pursuant to Florida Statute §409.1671, and was in the business of providing foster care and related services to dependent children in the legal custody of DCF pursuant to the terms of a contract(s) between the named Defendants. KIDS CENTRAL is not a state agency protected by § 768.28 immunity. *See, M.S. v. Nova Southeastern University, Inc.*, 881 So. 2d 614 (Fla. 4th

DCA 2004)(contract with state agency does not confer agency status on private corporation).

9. At all times material, Defendant YOUTH & FAMILY ALTERNATIVES, INC. (hereinafter "YFA") is a not-for-profit corporation, organized and existing under the laws of the State of Florida and performing business services in Hernando County and Lake County, Florida.

10. At all times material, Defendant YFA was and is a case management services provider in Hernando County and Lake County, Florida, pursuant to Florida Statute §409.1671, and was in the business of providing case management services, working in partnership with and pursuant to contract(s) with the named Defendants. YFA is *not* a state agency protected by § 768.28 immunity. *See, M.S. v. Nova Southeastern University, Inc.*, 881 So. 2d 614 (Fla. 4th DCA 2004)(contract with state agency does not confer agency status on private corporation).

11. At all times material, Defendant LIFESTREAM BEHAVIORAL CENTER (hereinafter "LIFESTREAM") was and is a not-for-profit corporation, organized and existing under the laws of the State of Florida services in Hernando County and Lake County, Florida.

12. At all times material, Defendant LIFESTREAM provided behavioral and therapeutic services to minors in the foster care system in, Hernando County and Lake County, Florida, pursuant to Florida Statute §409.1671, working in partnership with and pursuant to contract(s) with the named Defendants. LIFESTREAM is *not* a state agency protected by § 768.28 immunity. See *M.S. v. Nova Southeastern University, Inc.*, 881 So. 2d 614 (Fla. 4th DCA 2004)(contract with state agency does not confer agency status on private corporation).

13. All conditions precedent, including but not limited to the giving of notice pursuant to Section 768.28, Fla. Stat., have been complied with.

FACTUAL ALLEGATIONS

14. This action arises from the Defendants' negligent failure to protect A.M. from sexual assault and their negligent failure to provide for her care, safety and well-being while in Defendants' care and custody.

15. At all times material hereto, Defendants had an obligation to use reasonable care to provide for the safety of A.M., and to ensure that the shelter/foster home in which she was placed was a safe environment where she would be properly supervised and free from foreseeable harm caused by others.

16. At all times material, Defendants had a duty to act in the best interests of this minor child entrusted to them and to protect her from further abuse, abandonment and neglect and to utilize best practices to prevent further harm to A.M.

17. At all times material, Defendants KIDS CENTRAL and/or YFA, vetted and recommended, and Defendant DCF approved, the licensure of Ronald "Ronnie" R. Cruz and his wife Ingrid Cruz to provide foster care services to children referred by Defendant DCF for placement, including A.M.

18. At all times material, Defendants KIDS CENTRAL, YFA and/or LIFESTREAM, had a duty to investigate and remove vulnerable children, including A.M., from dangerous situations where they were subject to abuse and neglect.

19. Despite engaging Defendants KIDS CENTRAL, YFA and/or LIFESTREAM, Defendant DCF continued to have the ultimate responsibility for the safety and well-being of the children under its care and for investigating reports of child abuse and neglect by foster

parents, including Ronnie Cruz.

The Sexual and Emotional Abuse

20. A.M. and her siblings were removed from the care of their mother due to an Order to Shelter granted on June 22, 2018. They were initially placed with their maternal uncle.

21. On or about August 30, 2018, over the objection of both the Plaintiff JANE DOE and the children's maternal uncle, A.M. and her sibling C.M., were taken from their uncle's home and placed in the foster home of Ronnie Cruz located in Lake County, Florida. A.M. and her sibling C.M. remained in the Cruz home until March 29, 2019, when they were reunited with their mother following the entry of a Reunification Order. The foregoing period of time is referred to herein as the "relevant period".

22. During the relevant period, while A.M. was sleeping Cruz would repeatedly come into her bedroom, wake A.M., fondle her vagina and digitally penetrate her. On another occasion Cruz pulled down his pants and ordered A.M. to "lick it" and threatened to hurt her if she did not comply. Repeatedly, throughout the relevant period, Cruz sexually targeted, threatened, assaulted and battered A.M., telling her that she was his favorite because she was a "virgin."

23. As A.M. was preparing to leave the Cruz home to be reunited with her mother, Cruz threatened A.M. and her family with physical violence if she ever disclosed the abuse that happened in the Cruz home during the relevant period.

Ignored Red Flags

24. At all times material, Defendants had information available to them, prior to placing and while A.M. was placed in Cruz home, that circumstances in the home would pose a danger to vulnerable minor children, including A.M.

25. The Defendants had ample cause to remove A.M. and her sibling C.M. from the Cruz home but failed to do so. Instead, Defendants repeatedly ignored red flags of abuse in the household and permitted vulnerable children, including A.M. to remain in the home where the suffered further abuse.

26. Defendants issued a license authorizing the Cruz home on September 21, 2015. Since that time there were at least ten (10) institutional investigations of the Cruz home with a pattern of reports of alleged sexual abuse of multiple minors. These included allegations of: minors being forced to perform oral sex and to "lick it"; sexual intercourse; fondling and digital vaginal penetration; money in exchange for sex; making minors watch pornography; forcing minors to touch Cruz in a sexual manner, and harsh physical punishments. The minor children also reported they were threatened and/or beaten if they told anyone about the abuse.

27. Defendants failed to adequately investigate the allegations of abuse in the Cruz household, and simply close the case and/or investigation with "no indicators of sexual abuse-sexual battery" and, as a direct and proximate result, vulnerable children, including A.M. continued to suffer sexual assault, battery, abuse, and neglect.

28. During visitation with their mother, A.M. and her sibling C.M. reported that "very bad things" were happening and they repeatedly begged to be removed from the Cruz home. Each time employees and agents of the Defendants shut down the attempted communications of abuse occurring at the Cruz home by A.M and C.M to their mother. Further, in response to A.M.'s attempts to communicate the abuse to her mother, employees and agents of the Defendants threatened A.M. that she would never see her mother again.

29. As a direct and proximate result from the abuse she was suffering in the Cruz home, A.M.

repeatedly stated she wanted to do "bad things" to herself (suicidal thoughts and self-harming) because she stated, "I can't deal with it anymore." A.M. made these statements to her mother in front of case worker(s), and reported them independently to case worker(s), the therapist provided by the Defendants, and even to a teacher at school. Defendants ignored and/or were deliberately indifferent to these reports and instead told A.M. to "shut up" and threatened that she would never see her mother again.

30. As a result of the abuse, A.M. began to exhibit depressive symptoms, was unable to sleep, felt sick to her stomach, began vomiting, and would urinate on herself. Once again Defendants ignored and/or were deliberately indifferent to physical manifestations of distress that A.M. was exhibiting.

31. Plaintiff JANE DOE, who was alarmed by her daughter's statements also raised concerns with the case worker(s) and therapist and even called the DCF hotline. Her pleas for assistance and intervention to help her daughter fell on deaf ears as Plaintiff was repeatedly told that A.M. was lying and having temper tantrums. Helpless, Plaintiff could do nothing more but endure the emotional distress caused by witnessing as her daughter was being repeatedly returned to the Cruz home where A.M. continued to be sexually and emotionally abused.

32. As result of the Defendants' failure to properly investigate and respond to reports of abuse, A.M. continued to suffer sexual and emotional abuse in the Cruz home.

COUNT I
NEGLIGENCE AGAINST DEPARTMENT OF CHILDREN & FAMILY SERVICES

Plaintiff hereby realleges and incorporates by reference the allegations in paragraphs 1-32 as if fully set forth herein.

33. Defendant DCF had and undertook the legal non-delegable duty to ensure the health,

welfare, and safety of children in state custody, operate the state foster care system, and provide all necessary services for children placed in its care, and to conduct a reasonable investigation of a report of child abuse.

34. Defendant DCF and A.M. were in a special relationship such that Defendant DCF owed A.M. a duty to protect her from harm in the foster care setting.

35. At all times material, Defendant DCF owed a duty to foster children in its custody, care and/or control to protect them from harm, including sexual abuse.

36. At all times material, Defendant DCF owed a duty to foster children in its custody, care and/or control to exercise reasonable care in supervising foster care and preventing sexual abuse by foster parents.

37. At all times material, Defendant DCF was ultimately responsible for ensuring that A.M. was safe and free from abuse throughout foster care, and that her placement was appropriate to meet her needs; to adequately investigate reports of child abuse; to reasonably intervene on A.M.'s behalf upon report of abuse; to remove her from an abusive home; and to otherwise protect her from abuse and neglect.

38. Defendant DCF, by and through its employees, agents, and servants, breached its duties to A.M., in one or more of the following ways, among others:

a. Failing to provide A.M. with a safe environment;

b. Negligently failing to keep A.M. safe and free from harm, abuse and neglect;

c. Negligently failing to properly and thoroughly screen, vet and/or approve license for the operation of a foster home in the Cruz household;

d. Negligently failing to properly and adequately investigate reports of abuse and neglect in the Cruz home and to take appropriate action;

e. Negligently failing to discover the abuse and neglect of A.M. while placed in the Cruz home where the abuse was occurring and to take appropriate action;

f. Negligently failing to ensure that A.M. was safe and/or to remove her from the Cruz home where the abuse was occurring; and/or

g. Negligently failing to comply with all departmental rules and regulations which were designed to keep minors, including A.M. safe and free from abuse, neglect and harm while in foster care.

39. As a direct and proximate result of the negligence of Defendant DCF, through its employees, agents, and servants, A.M. suffered abuse and neglect, bodily injury, mental, emotional and psychological injury and resulting pain and suffering, mental anguish, loss of capacity for enjoyment of life, disability, expense of counseling care and mental health services, aggravation of a previously existing condition(s) and future loss of wage earning capacity, and medical and rehabilitation expenses. The losses are either permanent and continuing and A.M. will continue to suffer them in the future.

WHEREFORE, the Plaintiff JANE DOE demands judgment for all damages recoverable under the law, including interest and taxable costs and demands trial by jury, and any and all such further relief as this Honorable Court deems necessary and just.

COUNT II
NEGLIGENCE AGAINST KIDS CENTRAL, INC.

Plaintiff hereby realleges and incorporates by reference the allegations in paragraphs 1-32 as if fully set forth herein.

40. Defendant KIDS CENTRAL and A.M. were in a special relationship such that Defendant KIDS CENTRAL owed A.M. a duty to protect her from harm in the foster care setting.

41. At all times material, Defendant KIDS CENTRAL owed a duty to foster children in its

custody, care and/or control to protect them from harm, including sexual abuse.

42. At all times material, Defendant KIDS CENTRAL owed a duty to foster children in its custody, care and/or control to exercise reasonable care in supervising foster care and preventing sexual abuse by foster parents.

43. At all times material, Defendant KIDS CENTRAL was responsible for ensuring that A.M. was safe and free from abuse throughout foster care, and that her placement was appropriate to meet her needs; to adequately investigate reports of child abuse; to reasonably intervene on A.M.'s behalf upon report of abuse; to remove her from an abusive home; and to otherwise protect her from abuse and neglect.

44. Defendant KIDS CENTRAL, by and through its employees, agents, and servants, breached its duties to A.M., in one or more of the following ways, among others:

a. Failing to provide A.M. with a safe environment;

b. Negligently failing to keep A.M. safe and free from harm, abuse and neglect;

c. Negligently failing to properly and thoroughly screen, vet and/or approve license for the operation of a foster home in the Cruz household;

d. Negligently failing to properly and adequately investigate reports of abuse and neglect in the Cruz home and to take appropriate action;

e. Negligently failing to discover the abuse and neglect of A.M. while placed in the Cruz home where the abuse was occurring and to take appropriate action; and/or

f. Negligently failing to ensure that A.M. was safe and/or to remove her from the Cruz home where the abuse was occurring;

45. Negligently failing to comply with all departmental rules and regulations which were designed to keep minors, including A.M. safe and free from abuse, neglect and harm while

in foster care.

46. As a direct and proximate result of the negligence of Defendant KIDS CENTRAL, through its employees, agents, and servants, A.M. suffered abuse and neglect, bodily injury, mental, emotional and psychological injury and resulting pain and suffering, mental anguish, loss of capacity for enjoyment of life, disability, expense of counseling care and mental health services, aggravation of a previously existing condition(s) and future loss of wage earning capacity, and medical and rehabilitation expenses. The losses are either permanent and continuing and A.M. will continue to suffer them in the future.

WHEREFORE, the Plaintiff JANE DOE demands judgment for all damages recoverable under the law, including interest and taxable costs and demands trial by jury, and any and all such further relief as this Honorable Court deems necessary and just.

COUNT III
NEGLIGENCE AGAINST YOUTH & FAMILY ALTERNATIVES, INC

Plaintiff hereby realleges and incorporates by reference the allegations in paragraphs 1-32 as if fully set forth herein.

47. Defendant YFA and A.M. were in a special relationship such that Defendant YFA owed A.M. a duty to protect her from harm in the foster care setting.

48. At all times material, Defendant YFA owed a duty to foster children in its custody, care and/or control to protect them from harm, including sexual abuse.

49. At all times material, Defendant YFA owed a duty to foster children in its custody, care and/or control to exercise reasonable care in supervising foster care and preventing sexual abuse by foster parents.

50. At all times material, Defendant YFA was responsible for ensuring that A.M. was safe and free from abuse throughout foster care, and that her placement was appropriate to meet her

needs; to adequately investigate reports of child abuse; to reasonably intervene on A.M.'s behalf upon report of abuse; to remove her from an abusive home; and to otherwise protect her from abuse and neglect.

51. Defendant YFA, by and through its employees, agents, and servants, breached its duties to A.M., in one or more of the following ways, among others:

a. Failing to provide A.M. with a safe environment;

b. Negligently failing to keep A.M. safe and free from harm, abuse and neglect;

c. Negligently failing to properly and thoroughly screen, vet and/or approve license for the operation of a foster home in the Cruz household;

d. Negligently failing to properly and adequately investigate reports of abuse and neglect in the Cruz home and to take appropriate action;

e. Negligently failing to discover the abuse and neglect of A.M. while placed in the Cruz home where the abuse was occurring and to take appropriate action;

f. Negligently failing to ensure that A.M. was safe and/or to remove her from the Cruz home where the abuse was occurring; and/or

g. Negligently failing to comply with all departmental rules and regulations which were designed to keep minors, including A.M. safe and free from abuse, neglect and harm while in foster care.

52. As a direct and proximate result of the negligence of Defendant YFA, through its employees, agents, and servants, A.M. suffered abuse and neglect, bodily injury, mental, emotional and psychological injury and resulting pain and suffering, mental anguish, loss of capacity for enjoyment of life, disability, expense of counseling care and mental health services, aggravation of a previously existing condition(s) and future loss of wage earning

capacity, and medical and rehabilitation expenses. The losses are either permanent and continuing and A.M. will continue to suffer them in the future.

WHEREFORE, the Plaintiff JANE DOE demands judgment against Defendant YFA for compensatory damages, costs, and all other such relief as the Court may deem just and proper.

COUNT IV
NEGLIGENCE AGAINST LIFESTREAM BEHAVIORAL

Plaintiff hereby realleges and incorporates by reference the allegations in paragraphs 1-32 as if fully set forth herein.

53. Defendant LIFESTREAM and A.M. were in a special relationship such that Defendant LIFESTREAM owed A.M. a duty to protect her from harm in the foster care setting.

54. At all times material, Defendant LIFESTREAM owed a duty to foster children to which it was providing behavioral and therapeutic services to protect them from harm, including sexual abuse.

55. At all times material, Defendant LIFESTREAM owed a duty to foster children to which it was providing behavioral and therapeutic services to protect to exercise reasonable care in the provisions of said services including preventing sexual abuse by foster parents.

56. At all times material, Defendant LIFESTREAM was responsible for ensuring that A.M. was safe and free from abuse throughout foster care, and that her placement was appropriate to meet her needs; to adequately report and investigate reports of child abuse; to reasonably intervene on A.M.'s behalf upon report of abuse; to remove her from an abusive home; and to otherwise protect her from abuse and neglect.

57. Defendant LIFESTREAM, by and through its employees, agents, and servants, breached its duties to A.M., in one or more of the following ways, among others:

a. Failing to provide A.M. with a safe environment;

b. Negligently failing to keep A.M. safe and free from harm, abuse and neglect;

c. Negligently failing to properly and adequately investigate reports of abuse and neglect in the Cruz home and to take appropriate action;

d. Negligently failing to discover the abuse and neglect of A.M. while placed in the Cruz home where the abuse was occurring and to take appropriate action;

e. Negligently failing to ensure that A.M. was safe and/or to remove her from the Cruz home where the abuse was occurring; and/or

f. Negligently failing to comply with all departmental rules and regulations which were designed to keep minors, including A.M. safe and free from abuse, neglect and harm while in foster care.

58. As a direct and proximate result of the negligence of Defendant LIFESTREAM, through its employees, agents, and servants, A.M. suffered abuse and neglect, bodily injury, mental, emotional and psychological injury and resulting pain and suffering, mental anguish, loss of capacity for enjoyment of life, disability, expense of counseling care and mental health services, aggravation of a previously existing condition(s) and future loss of wage earning capacity, and medical and rehabilitation expenses. The losses are either permanent and continuing and A.M. will continue to suffer them in the future.

WHEREFORE, the Plaintiff JANE DOE demands judgment for all damages recoverable under the law, including interest and taxable costs and demands trial by jury, and any and all such further relief as this Honorable Court deems necessary and just.

COUNT V
LIABILITY UNDER 42 U.S.C §1983
(as to DCF, KIDS CENTRAL and YFA)

Plaintiff hereby realleges and incorporates by reference the allegations in paragraphs 1-32

as if fully set forth herein.

59. The right to be safe and free from unreasonable risk of harm while in the custody of the state foster care system is a constitutional right under the Fourteen Amendment.

60. At all times material hereto, Defendant DCF was acting under color of state in providing foster care services to A.M.

61. The state has traditionally provided foster care services to children in state custody. In outsourcing foster care services to private entities, the state causes such entities to perform public functions. Accordingly, for purposes of 42 U.S.C §1983, Defendants KID CENTRAL and YFA were at all times acting under color of state in providing foster care services to A.M.

62. Defendants DCF, KID CENTRAL, and YFA were in a special relationship with A.M. giving rise to an affirmative duty to protect her from abuse.

63. Based on the ignored red flags as set forth in paragraphs 24-32 above and incorporated herein, Defendants, by and through its employees, agents, and servants, knew, were deliberately indifferent or acted with reckless disregard to A.M.'s health, safety, and welfare and Constitutional and federal rights by, including but not limited to:

a. Deliberately failing to keep A.M. safe and free from harm, abuse and neglect;

b. Deliberately failing to properly and thoroughly screen, vet and/or approve license for the operation of a foster home in the Cruz household;

c. Deliberately failing to properly and adequately investigate reports of abuse and neglect in the Cruz home and to take appropriate action;

d. Deliberately failing to discover the abuse and neglect of A.M. while placed in the Cruz home where the abuse was occurring and to take appropriate action;

e. Deliberately failing to ensure that A.M. was safe and/or to remove her from the Cruz home where the abuse was occurring;

f. Deliberately failing to comply with all departmental rules and regulations which were designed to keep minors, including A.M. safe and free from abuse, neglect and harm while in foster care;

g. Willfully ignoring indicators of abuse; and/or

h. Deliberately failing to adequately investigate to learn the truth or outright assisting to ensure that inadequate investigations of the allegations, prior and those of A.M. and her sibling C.M., were closed with "no indication of abuse."

64. Defendants took said action knowing they would deprive A.M. of her Constitutional and federal rights and expose her to substantial risk of harm.

65. Despite having authority and means to remedy the unconstitutional treatment of A.M., Defendants were deliberately indifferent or recklessly failed to take immediate action to ensure that A.M. was safe in the Cruz home and that she received all necessary treatment and services, which resulted in A.M. remaining in the Cruz home and suffering propound abuse.

66. As a result of Defendant's deliberate indifference or recklessness, A.M. suffered abuse and neglect, bodily injury, mental, emotional and psychological injury and resulting pain and suffering, mental anguish, loss of capacity for enjoyment of life, disability, expense of counseling care and mental health services, aggravation of a previously existing condition(s) and future loss of wage earning capacity, and medical and rehabilitation expenses. The losses are either permanent and continuing and A.M. will continue to suffer them in the future.

67. Plaintiff is obligated to the undersigned firm for payment of attorney's fees and costs, and is entitled to recover reasonable attorney's fees and costs pursuant to the provisions of 42 U.S.C §1988.

WHEREFORE, the Plaintiff JANE DOE demands judgment for all damages recoverable under the law, including interest and taxable costs and demands trial by jury, and any and all such further relief as this Honorable Court deems necessary and just.

COUNT VI
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS OF A.M.
(as to all Defendants)

Plaintiff hereby realleges and incorporates by reference the allegations in paragraphs 1-32 as if fully set forth herein.

68. As a result of the Defendants' negligence, more fully described in paragraphs 1-32, and incorporated herein, A.M. sustained serious injuries

69. As a result of the Defendants' negligence, A.M. suffered extreme emotional trauma and distress which continues into the future. A.M. also suffered physical manifestations of her emotional trauma and distress.

70. As a direct and proximate result of the negligence of the Defendants, A.M. suffered severe and permanent psychological, emotional and physical injuries, shame, humiliation, loss of faith, in ability to lead a normal life, pain and suffering, extreme mental anguish and distress, and all other injuries specified in the Florida Standard Jury Instructions. These losses are either permanent or continuing in nature and A.M. will suffer these losses in the future.

WHEREFORE, the Plaintiff JANE DOE demands judgment for all damages recoverable under the law, including interest and taxable costs and demands trial by jury, and any and all such further relief as this Honorable Court deems necessary and just.

COUNT VII
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS OF PLAINTIFF
(as to all Defendants)

Plaintiff hereby realleges and incorporates by reference the allegations in paragraphs 1-32 as if fully set forth herein.

71. As a result of the Defendants' negligence, more fully described in paragraphs 1-32, and incorporated herein, A.M. sustained serious injuries

72. As a result of the Defendants' negligence, Plaintiff JANE DOE suffered extreme emotional trauma and distress which continues into the future. Plaintiff JANE DOE also suffered physical manifestations of her emotional trauma and distress.

73. As a direct and proximate result of the negligence of the Defendants, Plaintiff JANE DOE suffered severe and permanent psychological, emotional and physical injuries, shame, humiliation, loss of faith, in ability to lead a normal life, pain and suffering, extreme mental anguish and distress, and all other injuries specified in the Florida Standard Jury Instructions. These losses are either permanent or continuing in nature and Plaintiff JANE DOE will suffer these losses in the future.

WHEREFORE, the Plaintiff JANE DOE demands judgment for all damages recoverable under the law, including interest and taxable costs and demands trial by jury, and any and all such further relief as this Honorable Court deems necessary and just.

COUNT VIII
LOSS OF CONSORTIUM

Plaintiff JANE DOE hereby realleges and incorporates by reference the allegations in paragraphs 1-32 as if fully set forth herein.

74. At all times material, Plaintiff is the mother and natural guardian of A.M.

75. As a result of the Defendants' negligence, more fully described in paragraphs 1-32, and incorporated herein, A.M. sustained serious injuries.

76. As a direct and proximate result of Defendants' negligence, Plaintiff suffered the loss of companionship, society, love, affection, and solace of her child, A.M., as well as ordinary day-to-day services that the A.M. would have rendered, and out-of-pocket or pecuniary costs relating to the care and treatment of A.M., in the past and in the future.

WHEREFORE, Plaintiff JANE DOE, demands judgment for all damages recoverable under the law, including interest and taxable costs and demands trial by jury, and any and all such further relief as this Honorable Court deems necessary and just.

Respectfully submitted,

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