

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:16-CV-81624-MARRA

RAQUEL ABRAMS-JACKSON,

Plaintiff,

v.

ROBERT AVOSSA, CHERYL MCKEEVER,  
(in their individual capacities, PALM BEACH  
COUNTY SCHOOL DISTRICT (BOARD),

Defendant.

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**DEFENDANTS' REPLY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS  
PLAINTIFF'S FIRST AMENDED COMPLAINT AND INCORPORATED  
MEMORANDUM OF LAW**

The Defendants ROBERT AVOSSA, CHERYL MCKEEVER and THE PALM BEACH COUNTY SCHOOL DISTRICT (BOARD)(collectively, "the Defendants"), hereby file this Reply in Support of Defendant's Motion to Dismiss Plaintiff's First Amended Complaint [D.E. #33] and accompanying memorandum of law.

**MEMORANDUM OF LAW**

Plaintiff's Opposition [D.E. #34] to Defendants' Motion to Dismiss does little to address the arguments raised by Defendants in their motion and, as such, Defendants do not intend to rehash/restate their arguments here. Defendants do, however, note that Plaintiff's Opposition contains a reference to "retaliation harassment" on page 6 of the memorandum of law, which Defendants would contend only further underscores how confusing and difficult it is for Defendants to frame a response to the Amended Complaint. As the Court noted in its Order on

Defendant's Motion to Dismiss the initial complaint [D.E. 31, fn. 12], Plaintiff has never made clear whether or not she is seeking to bring a hostile work environment claim. To the extent Plaintiff is attempting to bring one now, Defendants would move to dismiss the claim on the basis that Plaintiff has not alleged sufficient facts to support a hostile work environment claim. At the very least, Plaintiff should be required to state clearly whether or not she is filing such a claim rather than leaving the Defendants to have to guess about her intentions.

For these reasons, and all of the reasons noted in Defendants' Motion to Dismiss Plaintiff's First Amended Complaint, Defendants respectfully request that the Amended Complaint be dismissed.

### **CONCLUSION**

WHEREFORE, based upon the foregoing argument and authority, Defendants respectfully request the Court to enter an Order Dismissing the Amended Complaint and providing such other relief requested in the motion, including attorneys' fees and costs.

Date: May 16, 2017

Respectfully submitted,

THE SCHOOL BOARD OF PALM  
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By: /s/ Shawntoyia N. Bernard  
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Florida Bar. No. 0651664  
Helene K. Baxter  
Florida Bar No.: 067555

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 16, 2017, I electronically filed the foregoing document was filed via CM/ECF and served by e-mail on all counsel or parties of record on the Service List below.

/s/ Shawntoyia N. Bernard  
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