

Child-care center judgment upheld

Tallahassee Democrat - Tallahassee, Fla.

Subjects: Litigation; State court decisions; Court records

Author: Burlew, Jeff

Date: Jan 9, 2009

Start Page: A.3

Section: Main

Document Text

ASSISTANT METRO EDITOR

The 1st District Court of Appeal has upheld a lower-court judgment to award \$7 million to the family of a girl who was attacked and injured by a toddler at the Cradle to Crayons child-care center.

However, it's uncertain whether the family will ever collect because the child-care center didn't have liability insurance, according to David Frank, a Tallahassee attorney representing the family.

The incident happened March 21, 2007, at the center, which was located at 1700 Joe Louis St.

The girl was 7 months old at the time. According to affidavits from two state investigators, she had 15 to 20 teeth impressions on her skin and bruises and swelling all over her body.

The investigators concluded that the attack had happened over an extended period of time, according to court records. They said it was clear to them that there was a "gross lack of supervision and that the facility was inadequate to accommodate the safety needs" of the children who stayed there, court records state.

The girl's parents sued the child-care center and the owner/operator, Keisha Davis. A Leon County jury awarded the \$7 million in damages after a one-day trial Jan. 22, 2008. Davis didn't attend the trial.

The child-care center appealed and sought a new trial, arguing that the lower court erred in allowing the parents to seek punitive damages, which totaled \$6 million. Florida law allows punitive damages in cases involving intentional misconduct or gross negligence.

The appellate court, in an opinion issued Thursday, said the child-care center failed to appear in lower court to contest whether punitive damages could be sought.

Frank, who has been representing the family pro-bono, said that because the child-care center didn't contest the damages at the circuit-court level, it couldn't come back and contest them before the appellate court. Miami attorney Barbara Green represented the family pro bono in the appellate case.

Frank said the girl is doing better now. But he said it's too early to tell whether she suffered psychological damage from the attack.

"We hope and pray she has no long-term damage," he said. "But we don't know that for sure."

Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission.

Abstract (Document Summary)

According to affidavits from two state investigators, she had 15 to 20 teeth impressions on her skin and bruises and swelling all over her body.

Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission.

