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**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
CASE NO. 12-3972**

MIAMI-DADE COUNTY SCHOOL BOARD,

Petitioner,

vs.

PAMELA PRUDENT,

Respondent.

**RESPONDENT'S RESPONSE IN OPPOSITION TO PETITIONER'S MOTION TO
CONTINUE AND RESCHEDULE FINAL HEARING AND PETITIONER'S MOTION
FOR EXTENSION OF TIME TO RESPOND TO DISCOVERY**

Respondent, Pamela Prudent, by and through her undersigned counsel, responds to Petitioner's Motion to Continue and Reschedule Final Hearing and Petitioner's Motion for Extension of Time to Respond to Discovery, and states as follows:

1. In this case, Petitioner is alleging that Respondent engaged in the unlikely acts of (1) drastically misrepresenting to her own employer, Petitioner, Miami-Dade County School Board, the amount of income paid to her by her own employer, the Petitioner, and (2) similarly misrepresenting to Petitioner the easily verifiable income of her husband, an employee of Broward County.

2. Notwithstanding the absurdity of these charges, Petitioner has terminated Respondent's employment, invoking Respondent's substantial interests and due process rights.

3. The parties joined in a previous motion to continue the hearing, and the hearing was rescheduled to April 10.

4. In order to diligently move this case forward, Respondent propounded on Petitioner on February 14, 2013 her Request for Production and Interrogatories.

5. At no time prior to the filing of Petitioner's Motion for Extension of time to Respond to Discovery did counsel for Petitioner ever mention to the undersigned any "prior existing work obligations" or "miscommunication with the Miami-Dade County Public School's Office of the Inspector General regarding the copying of the investigative file" that would delay Petitioner's response to Respondent's discovery requests. Petitioner's latter asserted reason is indeed difficult to comprehend, since Respondent was terminated in 2012 based on the contents of this investigative file, and the Notice of Specific Charges filed by Petitioner in this action were purportedly based on the contents of this file.

6. As can be seen from the following course of communications between the undersigned and counsel for Petitioner, Petitioner's motions for extension of time to complete discovery and motion to reschedule the hearing are motivated, at least substantially, by a desire to delay the proceedings.

7. On February 16, 2013, counsel for Petitioner emailed the undersigned and advised, "I spoke with the former OIG investigator and he is available March 14 or 19-21." Accordingly, on February 25, 2013, the undersigned noticed the deposition of John Kennedy for March 21, 2013.

8. On the same date, the undersigned emailed counsel for the Petitioner that she could make available for deposition the family of the Respondent, including the out of town daughter of Respondent, during the week of March 25, 2013.

9. On February 28, 2013, counsel for Petitioner emailed the undersigned that the School Board would be on recess for the week of March 25 and that he would be leaving the school Board Attorney's Office "for good after April 1."

10. On the same date, the undersigned emailed counsel for Petitioner a request that the parties “talk tomorrow and try to figure out other dates.”

11. On the same date, counsel for Petitioner suggested that substitute counsel for Petitioner should perhaps “do the depos as well.”

12. At no time did Petitioner ever notice the depositions of Respondent’s family members, or make a subsequent attempt made to schedule alternative dates.

13. On March 11, 2013, the undersigned emailed counsel for the Petitioner as follows:

Have you been able to determine who will be taking over this case after you leave? I would like to get with that person as soon as possible to coordinate scheduling of the depositions of my client and her family, if the school board still seeks to take those depositions.

Also, I want to confirm that the deposition of the investigator that I've noticed for next Thursday, March 21, is still going forward and that you still intend to produce him. I do not want to cancel this deposition, especially in view of the April 10 hearing date.

14. On the same date, counsel for the Petitioner emailed the undersigned as follows:

The hearing is likely going to have to be moved again. The person who will be taking the case is still getting worked out over here, and really they should be in on that deposition. The 21st is pretty much my last day in the office so it's not going to work.¹ I should know who it's going to be soon. It's only between 2 people. Also, did you ever actually notice it for the 21st? I don't recall getting a notice.

15. The undersigned immediately emailed to counsel for Petitioner her February 25, 2013 email that contained as an attachment the notice of John Kennedy’s deposition for March 21.

16. Counsel for Petitioner subsequently informed the undersigned of his intent to move for a continuance of the hearing so that substitute counsel for Petitioner could attend the deposition of John Kennedy **with** present counsel. The undersigned advised that she could not agree to another continuance. Counsel for Petitioner thereupon notified the undersigned via

¹ Petitioner’s counsel had previously stated on February 25 that he would be leaving “for good” after April 1.

email on March 18 of the sudden unavailability of the witness, John Kennedy, because of a “medical procedure.” Petitioner had agreed throughout these proceedings to produce this witness.

17. Moreover, because Petitioner’s discovery responses are now late, the undersigned has no contact information for John Kennedy and cannot compel his attendance via subpoena.

18. Petitioner’s request to reschedule the hearing and to extend the time for discovery are prejudicial to Respondent, whose substantial interests and due process rights are at stake. Respondent has timely responded to Petitioner’s discovery, which was served after Respondent’s discovery requests. Respondent has in good faith attempted to move this case forward. Petitioner is now attempting to delay these proceedings and Respondent’s right to complete discovery.

19. It is therefore requested that an Order be entered denying Petitioner’s motions to continue the hearing and extend the time for its discovery responses. Petitioner’s discovery responses were due on March 18. As stated above, Respondent will need to receive those responses so that she can serve a subpoena on John Kennedy for deposition within a reasonable time prior to the final hearing.

20. The undersigned has out of town travel scheduled twice during April and again in May, in addition to a series of depositions and a special set hearing during both months.

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Lawyer for Respondent, Pamela Prudent

By: s/ Leslie Holland
Leslie Holland
FBN 510688

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been served via electronic mail this 19th day of March 2013 on Christopher J. La Piano, Assistant School Board Attorney, 1450 NE 2nd Avenue, Suite 430, Miami, FL. 33132.

/s/ Leslie Holland
Leslie Holland

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