

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

**DREW ADAMS, a minor, by and through
his next friend and mother, ERICA
ADAMS KASPER,**

Plaintiff,

Case No.: 3:17-cv-00739-TJC-JBT

v.

**THE SCHOOL BOARD OF ST. JOHNS
COUNTY, FLORIDA,**

Defendant.

**DEFENDANT'S NOTICE ADOPTING MOTION TO DISMISS IN RESPONSE TO
COUNT II OF PLAINTIFF'S AMENDED COMPLAINT**

Defendant, **THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA**, by and through its undersigned counsel, hereby gives notice pursuant to Rule 10(c), Federal Rules of Civil Procedure, of its intention to adopt by reference and otherwise incorporate the Motion to Dismiss filed August 18, 2017 [Doc. 54] in response to Count II of Plaintiff's Amended Complaint [Doc. 60].

Count II of both the Complaint and the Amended Complaint alleges a cause of action under Title IX, 20 U.S.C. §1681, et seq. Defendant's motion specifically sought dismissal of Count II only. The main difference between the Complaint and the Amended Complaint is that, in addition to nominal damages (pled in the Complaint), Plaintiff is now claiming entitlement to compensatory damages for "emotional distress and suffering, embarrassment, humiliation, pain and anguish, violation of his dignity, and other damages." [Doc. 60 at p. 22,

¶ E] Defendant's arguments in support of its motion remain applicable, and rather than restate them in an identical motion, Defendant instead adopts its previously-filed motion herein.¹

Dated this 21st day of September, 2017.

Respectfully submitted,

/s/ Michael P. Spellman

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 21st day of September, 2017, a true and correct copy of the foregoing was electronically filed in the United States District Court, Middle District of Florida, using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ Michael P. Spellman

MICHAEL P. SPELLMAN

¹ In its Case Management and Scheduling Order [Doc. 59] issued September 4, 2017, the Court ordered that the Defendant's Motion will be carried with the case and decided as part of the Court's Findings of Fact and Conclusions of Law following trial.