

Mother files negligence suit against Collier School Board

By CHRIS W. COLBY, cwcolby@naplesnews.com

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The allegations were horrific. Documents from the criminal investigation were lurid. And now comes the lawsuit.

The mother of a 14-year-old girl who said her daughter was raped repeatedly in 2002 and 2003 by two Collier County Public School bus drivers has filed a 39-count lawsuit against the School Board.

The suit, filed Dec. 6 in Collier County Circuit Court, alleges that the School Board was negligent in the hiring, retention and supervision of Joshua David Grotberg and Lillian Brown as bus drivers. Grotberg and Brown were a couple who had befriended the girl.

"Where is their supervision? Where are their checks and balances?" Joseph R. Gaeta, a Fort Myers attorney representing the girl, said this week. The girl is identified in the lawsuit only as Jane Doe to protect her identity. "These are two sick individuals. Are these people of the kind of moral character you want driving a school bus?"

Grotberg, 29, and Brown, 26, have criminal cases pending against them in criminal court. Grotberg faces 142 felonies, the most serious of which are 13 counts of lewd and lascivious battery. Brown faces nine counts of lewd and lascivious battery and 10 counts of promoting a sexual performance by a minor. If convicted, they could face life in prison.

Each has pleaded innocent and remain held in the Collier County jail, Grotberg for lack of \$500,000 bond and Brown for lack of \$200,000 bond. Attorneys representing each in their criminal case have declined to comment. Grotberg and Brown have routine court hearings scheduled Feb. 16.

And now the School Board faces a lawsuit.

"We believe the Collier County School Board had every opportunity to realize these two individuals were sexual predators on children," Gaeta said.

The lawsuit said the girl was 14 when the first attacks occurred. The girl had not been on their bus routes but had met the couple through her grandfather.

According to court records, the first sexual encounter among the three occurred in October 2002 on Grotberg's bus after school at the bus compound. The girl, then a Pine Ridge Middle School student, told deputies Grotberg "told her to take off her clothes or he would cause her harm. He threatened to kill her and her family."

As Brown watched, with her two young children in the front seat of the bus, Grotberg and the girl performed sex acts on each other in the back of the bus. Similar sex acts among the three occurred 30 to 40 times and in numerous places in 2003, including in a hotel room at Sea World in Orlando and at Grotberg's Tara Street residence in East Naples, court records state.

Brown and Grotberg repeatedly took still and video photos of the girl having sex with or being molested by one of the two, with the other taking photos. The two also took photos of the girl as she lay on a bed naked, according to court records.

After the girl detailed the sex acts to investigators, deputies searching Grotberg's residence found several floppy discs containing some of those images, according to court records.

The lawsuit has 39 counts, most of which allege the girl was forced into particular sex acts with the bus drivers. The School Board later fired Brown and Grotberg after their arrest on Jan. 8, 2004.

The suit says the board was negligent by, among other things, failing to conduct an in-depth background investigation of the bus drivers, failing to adequately train them on sexual harassment and sexual relationships with students and failure to monitor and supervise the bus drivers "to ensure the well-being of students."

The school district had yet to be served with the lawsuit Tuesday. Richard Withers, the school board's attorney, said he will likely respond with a motion to dismiss the suit. Court rules require an answer to the suit to be filed within 20 days after it was filed.

Withers said it will be difficult for the girl's attorneys to tie culpability to the School Board through Grotberg and Brown's actions. The law requires a plaintiff to prove not only that the board had a certain duty but that the duty was breached and it was the board itself that was responsible for that breach, Withers said.

"Unless you can find some kind of sanctioning of the activity by the School Board, it's awfully tough to substantiate a negligence complaint," Withers said.

Investigators said the school district had employed Grotberg since Aug. 17, 1999, and Brown

since Jan. 7, 2002. Both had passed background checks and neither has a local criminal record.

Grotberg is also charged with sexually assaulting a young relative of Brown. That case also is pending in Collier Circuit Court.

The lawsuit doesn't seek a specific amount of monetary damages. Gaeta said the girl has since been removed from public school and has been schooled at home. She remains under the care of a psychiatrist.

"It's been difficult for her," Gaeta said.

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