

MICHELLE ANDREWIN vs. TOWN OF MANGONIA PARK

Docket No.: 03-81072; FJVR Reference No. 05:3-41

Verdict Date: **November** 19, 2004; Publication Date: **March** 2005

TOPIC: Defense Verdict - Municipalities & Government Entities - Employment - Termination - Retaliation Against Whistle-Blower

RESULT: For the Defendant. (verdict)

STATE: Florida

COUNTY: Palm Beach

JUDGE: James T. Hurley

PLAINTIFF PROFILE: Age: 48
Sex: Female
Occupation: Town Manager

PLAINTIFF ATTORNEY: Andrew DeGraffenreidt, III of Powers, McNalis & Torres, P.A., W. Palm Beach

DEFENDANT ATTORNEY: Daniel J. **Santaniello** and Melody E. Cobbe of **Luks, Santaniello**, et al., Ft. Lauderdale

CAUSE OF INJURY: On July 15, 2003, Defendant's Town Council of Mangonia Park terminated Plaintiff's employment. Plaintiff contended that she disclosed various violations of the Town Clerk, who happened to be married to the Mayor and a member of the Town Council. The Town Council voted to terminate the Clerk the day after the alleged disclosures. Plaintiff also claimed that Defendant breached the Town Manager Agreement. Plaintiff sought relief under the theories of breach of contract, declaratory relief, whistle-blower protection pursuant to the Florida Statutes, and denial of free speech pursuant to 42 U.S.C. § 1983. Defendant moved for summary judgment which was granted as to Plaintiff's claim for breach of contract and declaratory relief. The whistle-blower and constitutional claims were tried by jury. At trial, Defendant argued that Plaintiff's alleged complaints as to the Town Clerk did not rise to the level of constitutionally protected speech under the First Amendment of the United States Constitution. Defendant asserted that the allegations relating to the Town Clerk did not constitute violations of state or local laws rising to the level of creating a substantial and specific danger to the public's health, safety, and welfare such that Plaintiff enjoyed whistle-blower protection under the law. Defendant contended that Plaintiff was terminated for a legitimate and non-discriminatory reason.

NATURE OF INJURY: Financial loss; pain and suffering.

DEFENDANT'S ATTORNEY'S COMMENTS: Daniel **Santaniello**: Plaintiff's Motion for

New Trial was denied. Defendant's Motion to Tax Costs and Attorney's Fees is pending. Plaintiff's lowest offer was \$ 100,000.