

C.C. Kox  
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**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR MANATEE COUNTY, FLORIDA  
CIVIL DIVISION**

NANCY ALBERT, SUSAN ANDE-SMITH,  
PATRICIA ARAGON, CAROL CARTWRIGHT,  
BRANDON COLON, CAROLYN DUNCAN,  
LINDA HELTON, DENNIS HENZEN, WENDY  
HOOVER, ANNE MAGYAR, TAWNYA  
MATHIS, MARY MOORE, TRUDI MOORE,  
THOMAS MOORE, KATHLEEN MORASH,  
GWENDOLYN PALMATEER, JANIE SNYDER,  
MONICA RICE, KAREN ROGERS  
WASHINGTON, and ROBERT SCUTERI,  
Individually and On Behalf Of Other Persons  
Similarly Situated,

Plaintiffs,

v.

SCHOOL DISTRICT OF MANATEE COUNTY,

Defendant.

**NOTICE OF POTENTIAL LITIGATION  
AGAINST THE MANATEE COUNTY SCHOOL DISTRICT PURSUANT TO  
FLORIDA STATUTE 768.28(6)(a)**

TO: Dr. Diana Greene, Superintendent of Schools  
School District of Manatee County  
215 Manatee Avenue West  
Bradenton, Florida 34205  
Via Certified Mail Return Receipt # 7014 3490 0000 5382 3252

Jeff Atwater, Chief Financial Officer  
Florida Department of Financial Services  
200 East Gaines Street  
Tallahassee, Florida 32399-0300  
Via Certified Mail Return Receipt # 7014 3490 0000 5382 3269

*Pursuant to Florida Statute § 768.28, this Notice contains highly confidential and private information for Claimants, including Claimants' Social Security numbers.*

Pursuant to Florida Statute § 768.28, this letter will serve to notify you or otherwise place you on notice that Claimants, Nancy Albert, Susan Ande-Smith, Patricia Aragon, Carol Cartwright, Brandon Colon, Carolyn Duncan, Linda Helton, Dennis Henzen, Wendy Hoover, Anne Magyar, Tawnya Mathis, Mary Moore, Trudi Moore, Thomas Moore, Kathleen Morash, Gwendolyn Palmateer, Janie Snyder, Monica Rice, and Karen Rogers Washington, and Robert Scuteri, individually, and on behalf of all other individuals similarly situated, have placed you on notice of their intent to initiate litigation against a governmental entity, to wit:

**SCHOOL DISTRICT OF MANATEE COUNTY.**

1. Individual Claimant Information	
Claimant:	Nancy Jean Albert
Address:	6803 23 <sup>rd</sup> Ave West, Bradenton FL 34209
Date of Birth:	10/21/46
Place of Birth:	Lakewood, NJ
Social Security Number:	██████████
Prior adjudicated unpaid claims against Florida:	N/A

2. Individual Claimant Information	
Claimant:	Susan Ande-Smith
Address:	6914 32 <sup>nd</sup> Ave West, Bradenton FL 34209
Date of Birth:	05/27/59
Place of Birth:	Summit, NJ
Social Security Number:	██████████
Prior adjudicated unpaid claims against Florida:	N/A

3. Individual Claimant Information	
Claimant:	Patricia Lynn Aragon
Address:	9717 Santa Maria Ct., Bradenton FL 34210
Date of Birth:	09/19/49
Place of Birth:	Jacksonville, FL
Social Security Number:	██████████
Prior adjudicated unpaid claims against Florida:	N/A

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4. Individual Claimant Information	
Claimant:	Carol Lynn Cartwright
Address:	4011 14 <sup>th</sup> Ave West, Bradenton, FL 34205
Date of Birth:	4/11/1954
Place of Birth:	White Plains, NY
Social Security Number:	██████████
Prior adjudicated unpaid claims against Florida:	N/A

5. Individual Claimant Information	
Claimant:	Brandon Lee Colon
Address:	101 2A 60 <sup>th</sup> Ave Terrace W. Bradenton, FL
Date of Birth:	9/18/1992
Place of Birth:	Bradenton, FL
Social Security Number:	██████████
Prior adjudicated unpaid claims against Florida:	N/A

6. Individual Claimant Information	
Claimant:	Carolyn Lee Duncan
Address:	6133 Bonaventure Ct., Sarasota FL 34243
Date of Birth:	11/20/1949
Place of Birth:	Canton, OH
Social Security Number:	██████████
Prior adjudicated unpaid claims against Florida:	N/A

7. Individual Claimant Information	
Claimant:	Linda Carol Helton
Address:	5121 Wedge Court East, Bradenton FL 34203
Date of Birth:	9/20/1953
Place of Birth:	Rio de Janiero, Brazil
Social Security Number:	██████████
Prior adjudicated unpaid claims against Florida:	N/A

8. Individual Claimant Information	
Claimant:	Dennis Henzen
Address:	6128 Barnard Road, Bradenton FL 34207-4430
Date of Birth:	1/29/1951
Place of Birth:	Davenport, Iowa
Social Security Number:	██████████
Prior adjudicated unpaid claims against Florida:	N/A

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9. Individual Claimant Information	
Claimant:	Wendy Lyn Hoover
Address:	2524 6 <sup>th</sup> Ct. E Ellenton, FL 34222
Date of Birth:	10/23/1962
Place of Birth:	Clearfield, PA
Social Security Number:	██████████
Prior adjudicated unpaid claims against Florida:	N/A

10. Individual Claimant Information	
Claimant:	Anne Carolyn Magyar
Address:	4504 Summer Cove Dr. East # 214, Sarasota FL 34243
Date of Birth:	03/10/1964
Place of Birth:	Battle Creek, MI
Social Security Number:	██████████
Prior adjudicated unpaid claims against Florida:	N/A

11. Individual Claimant Information	
Claimant:	Tawnya Lynn Mathis
Address:	971 Fireside Drive Prattville, AL 36067
Date of Birth:	10/29/1965
Place of Birth:	Elyria, Ohio
Social Security Number:	██████████
Prior adjudicated unpaid claims against Florida:	N/A

12. Individual Claimant Information	
Claimant:	Mary Lee Moore
Address:	4634 50 <sup>th</sup> Avenue West, Bradenton FL 34210
Date of Birth:	7/30/1975
Place of Birth:	Greenville, SC
Social Security Number:	██████████
Prior adjudicated unpaid claims against Florida:	N/A

13. Individual Claimant Information	
Claimant:	Trudi Moore
Address:	4120 3 <sup>rd</sup> Ave N.E. Bradenton FL
Date of Birth:	6-18-1952
Place of Birth:	Annapolis, Maryland
Social Security Number:	██████████

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Prior adjudicated unpaid claims against Florida:	N/A
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14. Individual Claimant Information	
Claimant:	Thomas W. Moore
Address:	4634 50 <sup>th</sup> Avenue West, Bradenton FL 34210
Date of Birth:	2/9/1969
Place of Birth:	Mansfield, OH
Social Security Number:	██████████
Prior adjudicated unpaid claims against Florida:	N/A

15. Individual Claimant Information	
Claimant:	Kathleen Morash
Address:	4240 Ironwood Circle #601, Bradenton FL 34209
Date of Birth:	04/08/1969
Place of Birth:	Rockledge, FL
Social Security Number:	██████████
Prior adjudicated unpaid claims against Florida:	N/A

16. Individual Claimant Information	
Claimant:	Gwendolyn Annette Palmateer
Address:	8004 17 <sup>th</sup> Ave. N.W., Bradenton FL
Date of Birth:	8-8-1952
Place of Birth:	Elgin, IL
Social Security Number:	██████████
Prior adjudicated unpaid claims against Florida:	N/A

17. Individual Claimant Information	
Claimant:	Janie Allyn Snyder
Address:	3131 47 Ave. E. Bradenton, FL 34203
Date of Birth:	07-29-1951
Place of Birth:	Cleveland, OH
Social Security Number:	██████████
Prior adjudicated unpaid claims against Florida:	N/A

18. Individual Claimant Information	
Claimant:	Monica Rice
Address:	6310 Spyglass Lane, Bradenton FL 34202

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Date of Birth:	5/6/1953
Place of Birth:	Toledo, OH
Social Security Number:	[REDACTED]
Prior adjudicated unpaid claims against Florida:	N/A

19. Individual Claimant Information	
Claimant:	Karen Rogers Washington
Address:	25006 63 <sup>rd</sup> Ave. E., Myakka City FL 34251
Date of Birth:	12-30-1960
Place of Birth:	Valley Forge, PA
Social Security Number:	[REDACTED]
Prior adjudicated unpaid claims against Florida:	N/A

20. Individual Claimant Information	
Claimant:	Robert John Scuteri
Address:	4262 Dryden Circle, Sarasota FL 34241
Date of Birth:	3/25/1964
Place of Birth:	Flushing, NY
Social Security Number:	[REDACTED]
Prior adjudicated unpaid claims against Florida:	* pending speeding ticket/court date with ticket clinic

Class of Similarly Situated Claimants:

Each of the individual Claimants intend to seek relief in their individual capacities and as representatives of all others who are similarly situated. Pursuant to Florida Rules of Civil Procedure 1.220(a) (b)(2), and (b)(3), the Claimants intend to seek certification of a class initially defined as follows:

**All persons residing in Florida whose personal information was disclosed in the data breach affecting the School District of Manatee County in 2017 (the "Florida Class").**

Excluded from each of the above Classes are the School District of Manatee County, including any entity in which the School District of Manatee County has a controlling interest, as

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well as successors and assigns of the School District of Manatee County. Also excluded are the judges and court personnel in this case and any members of their immediate families.

Nature of Claim:

This claim arises out the School District of Manatee County's voluntary disclosure of current and former employees' W-2 tax forms to an unauthorized third party by School District of Manatee County employees. Falling for a well-known "phishing" or scam e-mail scheme, which human resources and accounting professionals have been warned about, the School District of Manatee County's payroll employees complied with an e-mail request to send unknown cyber criminals a PDF file that contained all 7,700 W-2s for any employee who worked in the district in 2016. The W-2s included names, mailing addresses, Social Security numbers, and wage and withholding information (the "Data Disclosure"). As a consequence, Claimants and class Members have suffered damages by taking measures to deter, detect and investigate identity theft. Class Members have been required to take the time, which they otherwise would have dedicated to other life demands (such as work), and effort to mitigate the actual and potential impact of the Data Disclosure on their lives including, inter alia; placing "freezes" and "alerts" with credit reporting agencies, contacting their financial institutions, closing or modifying financial accounts, scheduling and attending appointments with the IRS, closely reviewing and monitoring their credit reports and accounts for unauthorized activity, and filing police reports.

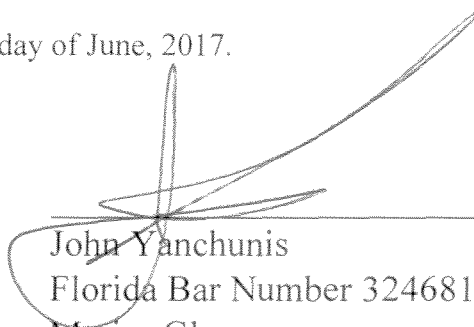
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Claimants bring this class action against the School District of Manatee County for its failure to take and implement adequate and reasonable measures to ensure that the data it stores was safeguarded, failing to take available steps to prevent the disclosure from happening, and failing to following applicable, required and appropriate protocols, policies and procedures regarding the encryption of data even for internal use. As the PII of Claimants was compromised and disclosed to an unknown and unauthorized party.

On information and belief, Claimants' and Class members' private information was improperly handled and stored, was unencrypted, and was not kept in accordance with applicable, required, and appropriate cyber-security protocols, policies, and procedures. As a result, Claimants' and Class members' private information was compromised and stolen, their privacy invaded, they have incurred or will incur out-of-pocket costs, and have otherwise suffered damages. As this same information remains stored in the School District of Manatee County's computer systems, Claimants' and Class members seek to ensure that their information is safe, and they seek entitlement to injunctive and other equitable relief.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the above named addressees, this 14<sup>th</sup> day of June, 2017.

Sincerely,



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John Yanchunis  
Florida Bar Number 324681  
Marisa Glassman  
Florida Bar Number 111991

**MORGAN & MORGAN COMPLEX  
LITIGATION GROUP**

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Jean Sutton Martin (*pro hac vice  
forthcoming*)

North Carolina Bar Number 25703

**LAW OFFICE OF JEAN SUTTON  
MARTIN PLLC**

2018 Eastwood Road, Suite 225

Wilmington, North Carolina

Telephone: (910) 292-6676

[jean@jsmlawoffice.com](mailto:jean@jsmlawoffice.com)

*Attorneys for Claimants and  
the Proposed Class*

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