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Judge kicks GHS mold suit *Puts RISD on notice*

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RECORD STAFF WRITER

A District Court judge dismissed a lawsuit that accused Goddard High School officials of negligence, nearly two years after parents filed the suit that claimed a mold problem at the school made their daughter seriously ill.

Judge Thomas Rutledge dismissed the lawsuit by

the Paul Taylor family over an alleged mold infestation at GHS during a routine court hearing on Sept. 20. Rutledge told the family that since they were seeking an injunction for invasive testing at the school, and not seeking monetary damages for personal injuries, that their daughter, Paige Taylor, would be graduating by the time the court would issue its order,

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— Paul Taylor

if their suit were successful.

"By the nature of this suit, there is a finite period (of time)," said Rutledge,

during the proceedings.

The complaint was filed against the Roswell Independent School District in November 2008. Since

then, both sides have argued they have sound proof that lend to their cases. However, the judge's decision means the science and merits of the arguments won't be debated.

And although Rutledge put an end to the Taylor's legal tug-of-war, the judge handed down a warning to the school district.

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"I am going to inform the defendant that based upon the volumes of reports (and) depositions that have been received by this court, the Roswell Independent School District is on notice as to the probability of a problem existing at Goddard High School. There are other students (other) than Paige Taylor at Goddard High School (and) you can't all deal with them as Ms. Taylor has been dealt with, by moving her to Roswell High School, identifying the problem (and) getting a treatment going,"

Rutledge said.

"I have no doubt that there are numerous lawyers out there (and) numerous parents who will not be as altruistic as Mr. Taylor has been in taking the position from day one that this was not about money (or) about damages, it was about his daughter," he continued. "I suspect very strongly that any other lawsuit that might be brought would be about damages ... so you're under notice that you have a potential problem that in high probability will generate lawsuits."

Roswell school district officials say they plan to continue monitoring the

schools.

"RISD understands the Court's recent decision to dismiss the Paul Taylor lawsuit," reads a prepared statement by district officials. "The district remains committed to the on-going maintenance and review of all of its school facilities. The school board and superintendent will continue to work diligently with government officials and experts to provide a productive educational environment for the children of Chaves County."

Following the judge's decision, Paul Taylor said he wasn't disappointed with the outcome.

"I did the best I possibly

could. It was never about the money or winning the case. ... We got the word out and exposed the situation," he said. "I'm not upset. ... I feel I've done my job."

Taylor said his underlining objectives during the entire process were to make sure his daughter would get healthy and alert other students and teachers to an issue and protect their safety. His daughter's health has been progressing and others have been alerted, making the suit a success, he said.

"It's up to the public to decide if it's important enough to them to continue this effort," Taylor said.

RISD officials and its attorney declined comment, however, the defense attorney told the court during the proceedings, "Your honor, in light of the comments to the school district, one of the assurances that I know that the district wants to make to the court is that it remains vigilant, remains concerned (and) remains active in its review and ongoing remediation of Goddard High School," said Tony Ortiz, the district's attorney.

"There are some steps that the district will be reviewing to even move that to another level (and) to review funding options, to review systems, to

involve additional consultants, to find out what kind of additional government review can be done," Ortiz said. "Those are all things that are on the table, remain on the table and are going to be seriously looked at."

Rutledge responded by saying he respected what Ortiz had to say to the court.

"I appreciate ... your comments on behalf of the school district that they are going to go forward and not walk out of this courtroom going, 'Yay, it's over,' because it's not over," he said. "Our duty to our students (and) to our young people is a continuous duty."

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