

Bond Case Briefs

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SCHOOLS - FLORIDA

Mech v. School Bd. of Palm Beach County

United States District Court, S.D. Florida - February 7, 2014 - Slip Copy - 2014 WL 505163

David Benoit Mech provides a math tutoring service to students in the sixth grade and older under the fictitious bushiness name "The Happy/Fun Math Tutor." Mech had contracts with several middle school and a high school to place banners on the schools' fences to advertise The Happy/Fun Math Tutor.

HOWEVER, Mech has several other separate businesses, including Dave Pounder Productions LLC (DPP). In the past, DPP had produced explicit adult media. The School Board of Palm Beach County removed the banners and Mech sued on the grounds that the School Board breached the advertising contracts with him by removing the banners. The School Board went way out on a limb and argued that Mech's affiliation with DPP made it inappropriate for The Happy/Fun Math Tutor to advertise at the schools, and that these advertisements violated School Board Policy.

In response to the School Board's motion to dismiss, the district court found that Mech had indeed stated a claim for breach of contract, but dismissed his claims for declaratory and injunctive relief.