

Teacher's \$40 Million Lawsuit Against Virginia School Officials to Proceed



Judge Allows Lawsuit Over Failure to Prevent Shooting by 6-Year-Old Student

In a significant legal development, a judge has ruled that a teacher, Abigail Zwerner, who her 6-year-old student shot, can proceed with her \$40 million lawsuit against Virginia school officials. The lawsuit alleges negligence and refusal to act on prior warnings to prevent the shooting. This decision marks a substantial step in the pursuit of justice for the teacher who suffered life-altering injuries from the incident.

Judge Upholds Teacher's Right to Sue School Officials

The Newport News circuit court judge, Matthew Hoffman, ruled in favor of Abigail Zwerner's lawsuit, dismissing the school board's motion to have the case thrown out. The school board argued that Zwerner was only entitled to worker's compensation because her injuries "arose out of and in the course of her employment." Judge Hoffman, however, sided with Zwerner, highlighting that the risk of being shot by a student is not unique to a first-grade teacher's job.

This ruling opens the door for Zwerner to potentially receive compensation exceeding what she would have been entitled to under the Virginia Worker's Compensation Act, which includes ten years of pay and lifetime medical care.

Whether you're a recent law school grad or an experienced attorney, BCG Attorney Search has the job for you.

School Board's Disagreement with the Ruling

Anne Lahren, an attorney for the school board, expressed disagreement with the judge's decision, emphasizing that the risk of a teacher being injured by a student is regrettably common and increasing in frequency. The school board's stance sets the stage for a potentially contentious legal battle.

Shocking Incident and Legal Claims

The incident that led to this legal battle occurred in a Richneck Elementary School classroom in January. Zwerner was shot by a 6-year-old student with his mother's gun, which sent shockwaves throughout the world and drew heightened attention to the issue of guns in schools. The bullet passed through Zwerner's hand and entered her chest, requiring four surgeries and nearly two weeks of hospitalization. She resigned from her position in March.

In her lawsuit, Zwerner accused the school board of negligence, gross negligence, and reckless disregard for failing to immediately report the illegal presence of a firearm on school property. Zwerner claimed that multiple school employees and students had reported the boy's possession of a gun on the day of the shooting, but school officials did not search him or notify the police. A prior search of the boy's backpack earlier in the day had failed to uncover the weapon.

Stay up-to-date without the overwhelming noise. Subscribe to JDJournal for a curated selection of the most relevant legal news.

Mother's Guilty Plea and Child Neglect Charges

Deja Taylor, the mother of the child who shot Zwerner, pleaded guilty to felony child neglect in August, facing a potential six-month prison sentence. Taylor revealed that her son had behavioral issues and took medication for "obstructive defiance disorder." The school had mandated Taylor to accompany her son to school due to his behavioral problems, but the shooting occurred shortly after this policy ended.

Days before the shooting, the child had grabbed Zwerner's phone and smashed it on the ground. However, Taylor disputed the accounts of this incident, claiming it was an accident. Taylor also accepted a plea deal on separate federal gun charges related to her drug use while owning a firearm.

Child's Admission and Ongoing Legal Proceedings

The child admitted to stealing his mother's gun from her purse and expressed his intention to use it to harm his teacher on the day of the shooting. Police discovered no gun safety measures in Taylor's apartment during a subsequent search. A judge has delayed the hearing for Taylor's sentencing on child neglect charges until December 15.

This ongoing legal battle raises important questions about school safety, teacher protection, and the responsibilities of school officials in preventing tragic incidents like this one.

Don't be a silent ninja! Let us know your thoughts in the comment section below.

<https://www.jdjournal.com/>