

RESOLUTION NO. 98-164

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SETTLEMENT OF THE LAWSUIT FILED AGAINST ST. JOHNS COUNTY BY WILLIAM D. MOCK AND SUSAN G. MOCK, CASE NO: CA-97-1874 IN THE CIRCUIT COURT IN AND FOR ST. JOHNS COUNTY.

WHEREAS, the Board of County Commissioners of St. Johns County, Florida (the "Board") has discussed and considered the range of facts and issues that pertain to the lawsuit filed against St. Johns County by William D. Mock and Susan G. Mock in Case No: CA-97-1874 in the Circuit Court in and for St. Johns County and has analyzed the County's potential liability and out of pocket damages, jury verdict exposure, claims bill exposure and reasonable ranges of settlement; and

WHEREAS, the Board's outside counsel, Stephen B. Gallagher of Marks, Gray, Conroy & Gibbs, P.A., has recommended that the Board approve the below described settlement and the Board's County Attorney, James G. Sisco, has advised the Board that he believes the settlement is reasonable.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA that the Board finds the following settlement to be reasonable and in the best interest of the County:

- The County will declare in writing that the County concurs with passage by the Florida Legislature of a claims bill in the amount of \$170,000. The claims bill will be presented to the Florida Legislature by the plaintiffs, their attorneys, or agents. The sole responsibility of St. Johns County, by and through its County Administrator, will be to declare in writing by signed affidavit the County's concurrence with passage of said bill. No County representative will undertake any effort to secure passage of said bill, other than providing the written concurrence noted above.
- FACT Risk Services Corporation will pay a total of \$190,000.00 to plaintiffs William D. Mock and Susan G. Mock, his wife. Of that amount, \$100,000.00 will be paid to William D. Mock in compensation for his injuries and damages, and \$90,000.00 will be paid to Susan G. Mock as compensation for her claim for loss of consortium.
- William D. and Susan G. Mock will sign a Full and Complete Release in substantially the form attached to this Resolution as Exhibit A, and will seek no more than \$170,000 in compensation from the Florida Legislature.
- William D. and Susan G. Mock will dismiss their lawsuit against the County with prejudice.

BE IT FURTHER RESOLVED that the County Administrator, when requested by the

Board's outside counsel, is hereby authorized and directed to execute and deliver on behalf of the County the aforesaid affidavit, release and/or a written settlement agreement with William D. Mock and Susan G. Mock that incorporates the settlement terms set forth above with such additional terms and provisions as the County Administrator and the County's outside counsel deem reasonable and appropriate, provided however, that if such affidavit, release and/or settlement agreement, as appropriate, have not been executed and delivered by the County and the Mocks on or prior to September 30, 1998 the findings, authorization and direction contained in this resolution shall automatically terminate and shall be of no force and effect.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 25 day of August, 1998.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Moses A. Floyd
Moses A. Floyd, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Patricia A. Strickland
Deputy Clerk

EXHIBIT "A"

FULL AND COMPLETE RELEASE

FOR THE SOLE CONSIDERATION OF ONE HUNDRED NINETY THOUSAND (\$190,000.00) DOLLARS, the receipt of which is hereby acknowledged, and additional valuable consideration as set forth below, the undersigned claimants, William D. Mock and Susan G. Mock, and each of them if more than one, do hereby **FULLY RELEASE AND DISCHARGE**:

**ST. JOHNS COUNTY, FLORIDA;
ST. JOHNS COUNTY, FLORIDA, BOARD OF COUNTY COMMISSIONERS;
FACT RISK SERVICES CORPORATION; and
THE FLORIDA ASSOCIATION OF COUNTIES TRUST**

and all of their legal representatives, successors, agents, assigns, servants, and employees, and insurers, who might be liable (hereinafter referred to as said parties) of and from any and every claim, demand, or cause of action whatsoever which the undersigned and each of them now has, or may hereafter have, against any of said parties, or any third party related to said parties, including but not limited to any and every claim, demand or cause of action for, or on account of, injuries or damages to person or property, or both, loss of time, loss of services, society, or consortium, expenses, impairment or loss of any right, or any other loss, cost or damage of any nature whatsoever, sustained by or accruing to the undersigned, together with the undersigned's right to assert a claim against or recover from said parties for contribution or indemnity in any action by any party or third party for loss, damage or injury arising out of the occurrence hereafter described, whether now known or unknown, resulting from, or in any manner connected with or growing out of a collision between an ambulance operated by St. Johns County and a motorcycle operated by William D. Mock, occurring on or about March 29, 1997 at or near the intersection of State Road 41A and Ponte Vedra Lakes Boulevard, Ponte Vedra Beach, Florida, including but not limited to any and all claims which were brought or could have been brought in the case of *William D. Mock and Susan G. Mock v. St. Johns County*, Case No. CA97-1874, Division 36, in the Circuit Court, Seventh Judicial Circuit, St. Johns County, Florida.

As additional consideration for this Release, as referenced above, Defendant St. Johns County, by and its appropriate County Administrator, hereby agrees to declare in writing by signed affidavit, the County's concurrence with passage by the Florida Legislature of a claims bill in the amount of **ONE HUNDRED SEVENTY THOUSAND (\$170,000.00) DOLLARS**. The claims bill will be presented to the Florida Legislature through the undersigned claimants, their attorneys or agents. The undersigned claimants understand and agree that the sole responsibility of St. Johns County and its appropriate representatives is to declare in writing by signed affidavit the County's concurrence with passage of said bill, and that no County representative will play any additional role in securing or opposing passage of said bill.

This Release does not affect any group health insurance to which William D. Mock is or may be entitled.

For the above consideration, the undersigned further agree to seek no more than \$170,000 in compensation from the Florida Legislature, agree to file a notice of dismissal of the above-referenced case with prejudice, and agree to indemnify, protect, and save harmless all said parties from all judgments, costs, and expenses (including reasonable attorneys' fees) whatsoever arising on account of any action, claim or demand, including but not limited to, any brought by any person claiming to have been subrogated to a right or cause of action by having paid medical expenses or lost wages under a policy of insurance which anyone, including third parties, may hereafter bring or assert on account of

any of the above described injuries, losses, or damages resulting from the accident or occurrence described above on account of any services rendered which are, or may be, related to the above-referenced lawsuit. The undersigned will not indemnify St. Johns County for any costs to the County associated with passage of a claims bill.

IT IS AGREED and understood that no promise or agreement not expressed herein has been made; this release is not executed in reliance upon any statement or representation made by said parties, or any of them; or by any person employed by or representing them, or any of them; that said consideration is the sole and only consideration for this release and is accepted in full compromise, settlement and satisfaction of any and every such claim, demand or cause of action, including all claims, demands and causes of action for or on account of all injuries, damages and consequences thereof which may hereafter become known, develop or accrue, as well as those already known, developed or accrued; that the payment of said consideration is not to be construed as an admission of liability, all liability being expressly denied by said parties.

THE UNDERSIGNED, BEING FULLY REPRESENTED AND ADVISED BY COUNSEL IN THE CASE HEREIN, HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTAND IT.

EXECUTED this _____ day of _____, 1998.

WITNESSES:

_____	_____
_____	WILLIAM D. MOCK
_____	_____
_____	SUSAN G. MOCK
_____	_____

ST. JOHNS COUNTY, FLORIDA

By: _____
Benjamin W. Adams, County Administrator

STATE OF FLORIDA
COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____ 1998, by
WILLIAM D. MOCK.

Notary Public

Print Name
My Commission Expires: _____
Commission No. _____

Personally Known _____
Produced Identification _____
Type: _____

Sworn to and subscribed before me this _____ day of _____ 1998, by
SUSAN G. MOCK.

Notary Public

Print Name
My Commission Expires: _____
Commission No. _____

Personally Known _____
Produced Identification _____
Type: _____

Sworn to and subscribed before me this _____ day of _____ 1998, by
BENJAMIN W. ADAMS, as County Administrator, St. Johns County, Florida.

Notary Public

Print Name
My Commission Expires: _____
Commission No. _____

Personally Known _____
Produced Identification _____
Type: _____