

RESOLUTION 2000- 90

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
VALINDA BENNETT 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 Valinda Bennett in Case No: CA 98-430 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 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 take no action to oppose passage by the Florida Legislature of a claims bill in the amount of \$10,000. The claims bill will be presented to the Florida Legislature by the plaintiff, her attorney, or agents. The sole responsibility of St. Johns County, by and through its County Administrator, will be to take no action to oppose passage of said bill. No County representative will undertake any effort to secure passage of said bill.
- FACT Risk Services Corporation will pay a total of \$10,000 to plaintiff Valinda Bennett in compensation of her injuries and damages.
- Valinda Bennett will sign a Full and Complete Release in substantially the form attached to this Resolution as Exhibit A, and will seek no more than \$10,000 in claims bill compensation from the Florida Legislature.
- Valinda Bennett will dismiss her lawsuit against the County with prejudice.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 13th day of June, 2000.

BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS
COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Patricia DeGrande
Deputy Clerk

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
ST. JOHNS COUNTY, FLORIDA

CASE NO.: CA98-430
DIVISION: 55

VALINDA BENNETT,

Plaintiff,

vs.

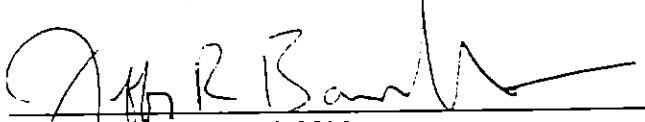
ST. JOHNS COUNTY BOARD OF COUNTY
COMMISSIONERS ,

Defendant.

NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE

Plaintiff, VALINDA BENNETT, pursuant to the applicable rules of civil procedures, hereby dismisses Defendant, St. Johns County Board of County Commissioners, in the above-styled action with prejudice. Plaintiffs and Defendants will bear their own costs and attorney's fees.

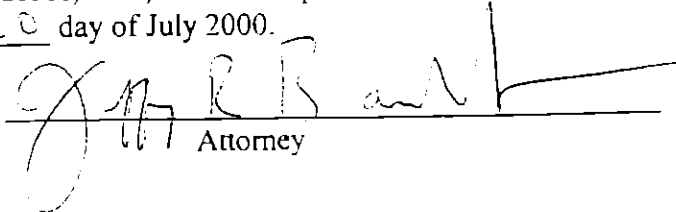
BUSCHMAN, AHERN, PERSONS & BANKSTON



JEFFREY R. BANKSTON
2215 South Third St., Suite 101
Jacksonville Beach, FL 32250
(904) 246-9994
Florida Bar No. 847992

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing has been furnished to Stephen B. Gallagher, Esquire, Marks, Gray, Conroy & Gibbs, P.A., 1200 Riverplace Boulevard, Suite 800, Jacksonville, FL 32207, by U.S. Mail this 20 day of July 2000.



Attorney

FULL AND COMPLETE RELEASE

FOR THE SOLE CONSIDERATION OF TEN THOUSAND (\$10,000.00) DOLLARS, the receipt of which is hereby acknowledged, and additional valuable consideration as set forth below, the undersigned claimant, Valinda Bennett does 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 John Evans, occurring on or about March 29, 1997 at or near the intersection of State Road A1A 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 *Valinda Bennett v. St. Johns County*, Case No. CA98-430, Division 56, 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 through its appropriate County Administrator, hereby agrees not to oppose passage by the Florida Legislature of a claims bill in an amount not greater than **TEN THOUSAND (\$10,000.00) DOLLARS**. Said claims bill will be presented to the Florida Legislature by the undersigned claimant, her attorneys or agents. The undersigned claimant understands and agrees that the sole responsibility of St. Johns County and its appropriate representatives is not to oppose passage of said bill, and that no County representative will play any role in securing passage of said bill.

For the above consideration, the undersigned further agrees to seek no more than \$10,000.00 in compensation from the Florida Legislature, agrees 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

EXHIBIT A

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.

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 _____, 2000.

WITNESSES:

VALINDA BENNETT

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Sworn to and subscribed before me this _____ day of _____ 2000, by

VALINDA BENNETT.

Notary Public

Print Name
My Commission Expires: _____
Commission No. _____

Personally Known _____
Produced Identification _____
Type: _____