

**IN THE CIRCUIT COURT OF THE 16th JUDICIAL CIRCUIT
IN AND FOR MONROE COUNTY, FLORIDA**

BRIAN KOWALSKI,

Plaintiff,

vs.

CASE NO.: 2020-CA-79-K

CITY OF KEY WEST,

Defendant.

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MEDIATION AGREEMENT

WHEREAS, Brian Kowalski (hereinafter referred to as "Plaintiff") alleges in a Complaint for Damages filed in Monroe County, Florida that on or about December 14, 2016, Plaintiff fell off of his bicycle after he went over an alleged defect while travelling on Atlantic Blvd. in Key West, Florida; and,

WHEREAS, as a result of said fall, Plaintiff suffered personal injuries to his left heel resulting in an Open Reduction/Internal Fixation (ORIF) surgery with hardware; and,


WHEREAS, the parties agree to resolve the above captioned personal injury case without further litigation, and without either party admitting any fault or liability regarding the alleged personal injury; and,


WHEREAS, the Parties attended a mediation conducted by Wayne Miller on September 27, 2021; and,


NOW, THEREFORE, for good and valuable consideration acknowledged herein, the parties enter into this Settlement Agreement as described in detail below:


1. The City shall pay \$98,700.00 to Plaintiff to resolve his personal injury claim subject to approval by the City Commission for the City of Key West.

2. The Parties shall bear their own costs and fees and shall split the mediator fee of \$1,050.00
3. Plaintiff shall execute a Release of All Claims, signed the Plaintiff running to the benefit of the City of Key West and its insurance company, agents, and representatives. This Release shall be incorporated and made part of this Settlement Agreement forthwith.
4. Plaintiff agrees to execute a *Dismissal with Prejudice* of the above styled cause of action within 5 business days of receiving payment from the City of Key West, or its insurance company.
5. The parties agree that the amount in paragraph 1 represents good and valuable consideration for this Settlement Agreement.
6. Plaintiff understands that as a settlement with a public agency subject to the Florida Opens Meetings Law and the Public Records Law, certain health information regarding this claim may be made available to the City Commission at its meeting and Plaintiff hereby expressly consents to same.

 date 9/29/21
Brian Kowalski
(Plaintiff)

 date 9/29/21
Adam Rose, Esq.
(Counsel for Plaintiff)

 date 10/26/2021
Patti McLaughlin
(City Manager for the City of Key West)

 date 10/26/2021
Ronald Ramsingh, Esq.
(Counsel for City of Key West)