

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

**ROBERT KOCHER
and JOAN KOCHER**
Plaintiffs,

CASE NO.: 2015-CA-305-K

vs.

CITY OF KEY WEST,
Defendant.

SETTLEMENT AGREEMENT

WHEREAS, Robert & Joan Kocher (hereinafter referred to as "Plaintiffs") allege in a Complaint for Negligence filed in Monroe County, Florida that on February 17, 2013, Mr. Kocher fell through a rotted plank on the boardwalk located at Little Hamaca Park in Key West, Florida; and,

WHEREAS, Joan Kocher has also filed a claim for a loss of consortium resulting from Mr. Kocher's injuries; and,

WHEREAS, as a result of said fall, Mr. Kocher suffered significant personal injuries to his right leg; and,

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

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 \$97,999.00 to Plaintiff Robert Kocher for his personal injury claim.
2. The City shall pay \$1.00 to Plaintiff Joan Kocher for her Loss of Consortium claim.

- 3. The Release of All Claims signed by both plaintiffs to the benefit of the City of Key West, as well as the terms of the Mediation Agreement dated September 2, 2016 shall be incorporated and made part of this Settlement Agreement forthwith.
- 4. Plaintiffs agree 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 amounts in paragraph 1 and 2 represents good and valuable consideration for this Settlement Agreement.

Robert Kocher date 09/09/2016
 Robert Kocher (Plaintiff)

Joan Kocher date 09/09/16
 Joan Kocher (Plaintiff)

Rachelle Bocksch date 9/9/16
 Rachelle Bocksch, Esq. (Attorney for Plaintiffs)

_____ date _____
 James Scholl (City Manager)

_____ date _____
 Ronald Ramsingh, Esq. (Attorney for City)