

JOHNSON, ANSELMO, MURDOCH, BURKE, PIPER & HOCHMAN, P.A.

A PROFESSIONAL ASSOCIATION

DAMIAN H. ALBERT, P.A.
SCOTT D. ALEXANDER, P.A.
CHRISTOPHER AMBROSIO
MICHAEL T. BURKE *†
HUDSON C. GILL
JEFFREY L. HOCHMAN, P.A.
E. BRUCE JOHNSON *
J. MARCOS MARTINEZ

2455 EAST SUNRISE BOULEVARD
SUITE 1000
FORT LAUDERDALE, FL 33304

(954) 463-0100 Broward
(305) 945-2000 Dade
(561) 640-7448 WPB

TELECOPIER (954) 463-2444

ROBERT E. MURDOCH
MICHAEL R. PIPER *
ANASTASIA PROTOPAPADAKIS
DAVID M. SCHWEIGER, P.A.
TAMARA M. SCRUDDEERS†
CHRISTOPHER L. SMITH
CHRISTOPHER J. STEARNS, P.A.

RETIRED:
RONALD P. ANSELMO
BURL F. GEORGE

* BOARD CERTIFIED CIVIL TRIAL LAWYERS
† BOARD CERTIFIED APPELLATE LAWYERS

November 5, 2010

Via E-mail

Shawn D. Smith, Esquire
CITY ATTORNEY
CITY OF KEY WEST
P.O. Box 1409
Key West, 33041-1409

Re: Suleyman and Adelaide Unuvar v. City of Key West and Officer Luis Sanchez
Case No. 2008-CA-1903-K, in the 16th Judicial Circuit in and for Monroe
County, Florida
Our File No.: 28-380 MTB

Dear Mr. Smith:

The Plaintiffs have agreed to accept the total sum of \$45,000 together with the satisfaction of a \$3,930.32 cost judgment the City obtained in a related federal lawsuit in full and complete settlement of all claims asserted against the City of Key West and Officer Luis Sanchez in the above-referenced matter. This case is set for jury trial before Circuit Judge David Audlin, on the Court's docket commencing January 10, 2011. I recommend approval of the proposed settlement and the following is a brief summary of the case.

On June 20, 2007, Officer Luis Sanchez approached Suleyman Unuvar's vehicle which was stopped in front of his home in the 2200 block of Flagler Avenue. Officer Sanchez removed Mr. Unuvar from the vehicle and subsequently placed him under arrest for obstructing a law enforcement officer without violence. During the course of the arrest, Mr. Unuvar was taken to the ground and he sustained a laceration to his forehead. The criminal charge together with a traffic infraction were subsequently dropped by State Attorney's Office and Mr. Unuvar filed an internal affairs complaint as well as a complaint with the Citizens Review Board. As you know, the camera in Officer Sanchez's police vehicle did not record the subject incident.

Shawn Smith, Esquire

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The above lawsuit seeks damages, costs and attorney's fees against the City of Key West and Luis Sanchez for a violation of Suleyman Unuvar's federal civil rights and state law tort claims based on wrongful arrest and excessive force. In my opinion, the jury will find that the arrest was not supported by probable cause and that Officer Sanchez used excessive force in effecting the arrest. Special damages at trial will consist of approximately \$15,000 for an emergency room visit, mental health counseling, and attorney's fees for the criminal matter which was dismissed. If Plaintiffs prevail, they will be able to prevail they will be able to recover attorney's fees of between \$40,000 and \$60,000 through trial of the action together with an additional \$10,000 to \$15,000 in taxable costs. The trial of the action will take three or four days, and additional defense costs will total between \$10,000 and \$15,000. Moreover, since relief is sought for a federal civil rights violation, the statutory cap on damages does not apply. In light of the above, I recommend approval of the described settlement.

Very truly yours,

/s/Michael T. Burke

Michael T. Burke

For the Firm

MTB/nw