

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, WAIVING THE CITY'S RIGHT TO PURSUE ATTORNEY FEES AND COSTS IN THE CASE OF DAVID FERNANDEZ V. CITY OF KEY WEST (CASE NO. 2014-CA-1062-K) IN EXCHANGE FOR PLAINTIFF'S DISMISSAL OF ALL CLAIMS AND APPEALS; AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO EXECUTE NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West prevailed at the trial level in the case of David Fernandez v. City of Key West; and

WHEREAS, Fernandez has appealed the trial court's decision to the Third District Court of Appeal; and

WHEREAS, the City has a pending motion to determine its entitlement to attorney fees and costs against Fernandez; and

WHEREAS, Fernandez has offered to withdraw his appeal in exchange for the City waiving its claim to attorney fees and costs; and

WHEREAS, given the potential for protracted litigation, the uncertainty of the results and the likelihood for collection of any monetary judgment obtained, it is in the City's best interest to decline to pursue fees and costs in exchange for Plaintiff's dismissal of the appeal in this case.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the City agrees to forego its pursuit of fees and cost against the Plaintiff in David Fernandez v. City of Key West (2014-CA-1062-K) in exchange for Plaintiff's dismissal of all claims and appeals.

Section 2: That the City Manager and the City Attorney are authorized to execute all necessary documents.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held
this _____ day of _____, 2017.

Authenticated by the Presiding Officer and Clerk of the
Commission on _____ day of _____, 2017.

Filed with the Clerk on _____, 2017.

Mayor Craig Cates	_____
Vice Mayor Clayton Lopez	_____
Commissioner Sam Kaufman	_____
Commissioner Richard Payne	_____
Commissioner Margaret Romero	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK