

MEMORANDUM

May 13, 2014

TO: Honorable Mayor and City Commissioners
FROM: Albert C. Galloway, Jr., City Attorney
VIA: Kenneth Fields, City Manager
SUBJECT: Lake Belle litigation - Mediated Settlements
SYNOPSIS: Consideration of Mediated Settlements in the Lake Belle litigation

RECOMMENDATION

That the City Commission approves the Mediated Settlements reached in the Court Ordered Mediation conducted on April 24 and 25, 2014, in the Ahern, Barron, and Findley actions. These actions were touched upon from a strategy standpoint in closed session on March 18, 2014, in accordance with the provisions of §286.011(8), Florida Statutes. Approval of the Mediated Settlements will resolve all but the remaining Ken and Patricia Smith portion of the Lake Belle litigation.

BACKGROUND

The action referred to as the Lake Belle litigation is styled Marcia Mudd, et. al., vs. City of Lake Wales. The action concerns flooding on Lake Belle following the Hurricanes of 2004 and the exceptional rainfall in 2005, which precipitated the flooding. The case was filed in 2006 and involved seven (7) different claimants. Three of the actions, Mudd, Long, and Rumsey, have been resolved by Agreements previously approved by the Commission. The Ahern, Barron, and Findley actions will be completely resolved upon approval of the Mediated Settlement Agreements. In the remaining action, Smith, Offers of Judgment have been filed by the Plaintiffs and the Defendant. A resolution may yet be reached, as the action has not been noticed for trial. The terms of the Mediated Settlement Agreements are confidential under the Florida Rules of Civil Procedure and cannot be divulged until considered by the City Commission in an open forum.

FISCAL IMPACT

Confidential unless the settlements are approved.

ALTERNATIVES

Continue to actively litigate the matter, which may lead to higher costs and attorney's fees, including the costs and fees of the Plaintiffs' experts and legal counsel.

ATTACHMENTS

None