

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - March 12, 2013

March 12, 2013 - Regular Meeting
Agenda Item #9

Subject

Defendant's Proposal for Settlement In re: Manatee County v. URS Corp. Southern, Inc.; Case No. 2012-CA-2451

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

James A. Minix, Chief Assistant County Attorney
Jo Ann C. Grace, Legal Assistant. Ext. 3750

Action Requested

Motion to reject URS Corporation Southern's proposal for settlement to Manatee County.

Enabling/Regulating Authority

Sections 125.01 and 768.28, Florida Statutes.

Background Discussion

In efforts to resolve this litigation amicably, on September 12, 2012 Manatee County went to mediation with URS Corp. The mediation resulted in an impasse. On October 11, 2012, Manatee County sent to URS Corp. its settlement offer which was approved by the Board of County Commissioners at its meeting October 9, 2012. URS Corp. rejected that offer. Now, in a proposal for settlement dated February 11, 2013, Plaintiff URS Corp. has offered to Manatee County a grand total of \$20,000.00 as settlement to this litigation. It is the County Attorney's Office recommendation that the Board reject the Plaintiff's offer of settlement.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

See Plaintiff's Proposal for Settlement.

Reviewing Attorney

N/A

Instructions to Board Records

Please return a fully approved electronic copy of this agenda memorandum with its supporting documents to:
joann.grace@mymanatee.org

Cost and Funds Source Account Number and Name

\$

Amount and Frequency of Recurring Costs

N/A

Attachment: [Proposal for Settlement.pdf](#)

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA
CIVIL DIVISION**

**MANATEE COUNTY, FLORIDA, a
public body, politic and corporate of the
State of Florida,**

Plaintiff,

v.

Case No.: 12 CA 02451

**URS CORPORATION SOUTHERN,
a foreign corporation,**

Defendant.

_____ /

**DEFENDANT, URS CORPORATION SOUTHERN'S PROPOSAL FOR SETTLEMENT
TO PLAINTIFF, MANATEE COUNTY, FLORIDA**

Defendant, URS CORPORATION SOUTHERN, by and through undersigned counsel, hereby serves this Proposal for Settlement ("Proposal") to Plaintiff, MANATEE COUNTY, FLORIDA, pursuant to Florida Rule of Civil Procedure 1.442 and Florida Statute § 768.79. The Proposal must be accepted in writing within 30 days of the date of its receipt or it shall be deemed rejected. The Proposal is as follows:

RELEVANT PARTIES

1. The party making the Proposal is Defendant, URS CORPORATION SOUTHERN ("URS"), and the party to whom the Proposal is made is Plaintiff, MANATEE COUNTY, FLORIDA ("MANATEE COUNTY").

CLAIMS

2. The Proposal offers and attempts to resolve all claims for damages asserted, or that could potentially be asserted, by MANATEE COUNTY against URS arising from or related to the

allegations made by MANATEE COUNTY in the matter styled MANATEE COUNTY, FLORIDA v. URS CORPORATION SOUTHERN, Case No. 12 CA 02451 in the Twelfth Judicial Circuit in and for Manatee County, Florida.

RELEVANT CONDITIONS

3. The conditions of this Proposal for Settlement are as follows:
 - a. If MANATEE COUNTY accepts this Proposal for Settlement, it shall voluntarily dismiss the above-styled case with prejudice, including all claims asserted therein against URS; and
 - b. There are no other non-monetary terms of this Proposal for Settlement except for relevant conditions stated in Paragraphs 4 and 5 of this Proposal for Settlement.

PROPOSAL AMOUNT AND TERMS

4. The total amount of this Proposal for Settlement is Twenty Thousand Dollars (\$20,000.00), which is attributable to URS and shall be made payable to MANATEE COUNTY.
5. The payment of the Twenty Thousand Dollars (\$20,000.00) referenced in this Paragraph will be made in full and final settlement of all claims pending in the above-styled cause by MANATEE COUNTY against URS.

PUNITIVE DAMAGES

6. MANATEE COUNTY does not seek punitive damages against URS. The amount of this Proposal for Settlement, however, includes any claim or potential claim for punitive damages MANATEE COUNTY may have against URS.

7. URS not made any claim for punitive damages against MANATEE COUNTY. However, the amount of this Proposal for Settlement includes any claim for punitive damages by URS against MANATEE COUNTY.


ATTORNEYS' FEES AND COSTS

8. MANATEE COUNTY has not made a claim for attorneys' fees against URS. MANATEE COUNTY has made a claim for costs against URS. The amount of this Proposal for Settlement includes all claims or potential claims by MANATEE COUNTY against URS for attorneys' fees and costs.
9. URS has not made a claim for attorneys' fees and costs against MANATEE COUNTY. The amount of this Proposal for Settlement includes all claims or potential claims for attorneys' fees and costs by URS against MANATEE COUNTY.

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing has been furnished by electronic mail to Robert H. Buesing, Esq., Trenam, Kemker, Scharf, Barkin, Frye, O'Neill & Mullis, P.A., 101 E. Kennedy Blvd., #2700, Tampa, FL 33602 (rbuesing@trenam.com); and James A. Minix, Esq., Manatee County Attorneys' Office, P. O. Box 1000, Bradenton, FL 34206 (jim.minix@mymanatee.org) on this the 11 day of February, 2013.

FORIZS & DOGALI, P.A.



Timothy D. Woodward
Fla. Bar No.: 0486868
James K. Hickman
Fla. Bar No.: 0893020
Jacqueline H. Palik
Fla. Bar No.: 42971
4301 Anchor Plaza Parkway, Suite 300
Tampa, FL 33634
(813) 289-0700; (813) 289-9435 - fax
Attorneys for URS Corporation Southern