

Sponsored by: City Attorney

CITY OF MARATHON, FLORIDA  
RESOLUTION 2004-044

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE JOINT STIPULATION OF SETTLEMENT IN THE LITIGATION STYLED: *JUAN BONACHEA, JR., vs. RANDY MEARNES, ET. AL*; CASE NO. CAM 04-0000113; PENDING BEFORE THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT, IN AND FOR MONROE COUNTY

**WHEREAS**, the City Council finds that the settlement of the litigation styled *Juan Bonachea, Jr. vs. Randy Mearns, et. al*, pending before the circuit court in and for Monroe County (the "Litigation") is in the best interest of the City; and

**WHEREAS**, the City Council has held a public hearing to discuss and consider the terms of the proposed settlement of the Litigation in accordance with law.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MARATHON, FLORIDA, THAT:**


**Section 1.** Settlement of the Litigation is hereby approved and the City Attorney is hereby authorized to execute the joint stipulation of settlement attached hereto as Exhibit "A."

**Section 2.** The City Manager and City Attorney are hereby authorized to take all action necessary to implement the joint stipulation of settlement and effectuate the purposes of this Resolution.

**Section 3.** This Resolution shall become effective immediately upon its adoption.

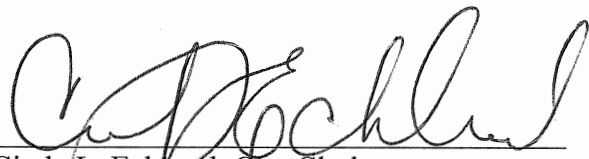
**PASSED AND APPROVED** by the City Council of the city of Marathon, Florida, this 11<sup>th</sup> day of May, 2004.

THE CITY OF MARATHON, FLORIDA

  
\_\_\_\_\_  
Jeffery M. Binkus, Mayor

AYES: Bartus, Bull, Mearns, Miller, Pinkus  
NOES: None  
ABSENT: None  
ABSTAIN: None

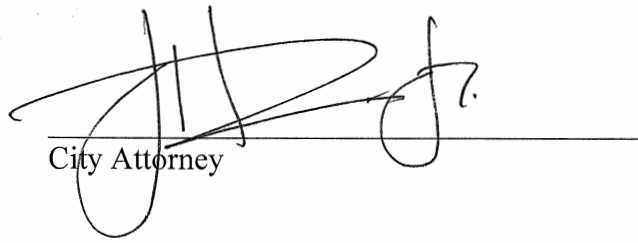
**ATTEST:**



Cindy L. Ecklund, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**



City Attorney

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

JUAN BONACHEA, JR.,

CASE NO. CAM 04-0000113

Plaintiff,

vs.

RANDY MEARNES, et al.

Defendants.

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**ORDER APPROVING SETTLEMENT**  
**AND DISMISSING CAUSE**

THIS CAUSE came on to be heard upon the joint motion of the parties to approve the Joint Stipulation of Settlement executed by the parties. The Court having reviewed the Joint Stipulation of Settlement, the remainder of the court file and being otherwise fully advised in the premises, it is,

ORDERED and ADJUDGED:

1. The parties joint motion to approve the settlement is GRANTED. The Joint Stipulation of Settlement is approved and this cause is dismissed with prejudice.
2. The Court will retain jurisdiction of this cause to enforce the terms of the Joint Settlement of Stipulation, as necessary.

CASE NO. CAM 04-0000113

DONE and ORDERED in chambers in Monroe County, Florida, this 10<sup>th</sup>  
day of June, 2004.

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CIRCUIT COURT JUDGE

Copies furnished to:

James Mattson, Esq.  
Edward G. Guedes, Esq.