

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

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U.S. DISTRICT CT.
SOUTHERN DISTRICT OF FLORIDA - MIA

WOLF PRADO-STEIMAN, et al.,

Plaintiffs,

vs.

Case No.: 98-6496-CIV-SEITZ/BANDSTRA

JEB BUSH, et al.,

Defendants.

_____ /

**SETTLEMENT AGREEMENT ON
ATTORNEYS FEES AND LITIGATION EXPENSES**

The purpose of this agreement is to settle all claims by plaintiffs against defendants for attorneys' fees and litigation expenses incurred by plaintiffs during the pendency of this litigation from its inception to the present and which may be incurred or claimed in the future.

The parties enter into this agreement with benefit of counsel and aver that it was the result of an arms' length negotiation and that it is fair and reasonable.

Michelle Brantley, in her official capacity as the Director of the Agency for Persons with Disabilities¹

¹/On October 1, 2004, the Agency for Persons with Disabilities was created to provide services to persons with developmental disabilities. The authority and responsibilities once vested in the Department of Children and Family Services (DCF), with respect to individuals with developmental disabilities, will now exist in that new agency. Chap. 2004-267, §70, Laws of Florida.

Pursuant to §87(1) of Chapter 2004-267, Laws of Florida, the DCF Developmental Disabilities Program was transferred from DCF to the Agency for Persons with Disabilities in a "type two" transfer. Section 20.06(2), Florida Statutes (2003), describes the legal requirements for a type two transfer. Among other things, the program at issue "has all its

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statutory powers, duties, and functions, and its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, except those transferred elsewhere or abolished, transferred to the agency or department to which it is transferred, unless otherwise provided by law.” §20.06(2)(a), Fla. Stat. (2003).

, and Alan Levine, in his official capacity as Acting Secretary of the Agency for Health Care Administration for the State of Florida, agree to pay to the plaintiffs \$1,150,000 in full settlement of all claims for attorneys' fees and litigation expenses claimed in this litigation (the settlement amount). The defendants will use good faith efforts to pay the amount as expeditiously as possible, but no later than November 8, 2004. The settlement check shall be made payable to James K. Green, P.A., trust account.

In addition, Defendants will pay the charges for the mediator in this case, in full.

The plaintiffs agree to accept the settlement amount in satisfaction of all attorneys' fees and costs incurred in this litigation accruing or claimed at any time, including appellate fees and costs, all unclaimed amounts for time or costs not yet raised in any motion or petition, and any attorneys' fees which might have been claimed in the future, in the above-referenced case.

Upon receipt of the settlement amount, the plaintiffs will immediately notify the United States District Court for the Southern District of Florida, and dismiss any pending petitions for attorneys' fees and litigation expenses pending in this or any related matter, including appeals.

In consideration thereof, the named Plaintiffs hereby jointly and severally release and forever discharge each and every one of the Defendants, their heirs, predecessors, successors, assigns, personal representatives, executors, administrators, directors, officers, employees, representatives, agents, parents, subsidiaries or affiliates, persons employed or engaged by Defendants and anyone claiming by, through, or under them, whether past or present (collectively referred to as "Defendants"), of and from all claims for attorneys' fees and


litigation costs which Plaintiffs, their heirs, successors, assigns, personal representatives, executors, administrators, directors, officers, employees, representatives, agents, parents, subsidiaries or affiliates, persons employed or engaged by Plaintiffs and anyone claiming by, through, or under them (collectively referred to as "Plaintiffs"), have had, now have, or may have against the Defendants or any one or more of them, in the litigation styled, Wolf Prado-Steiman, by and through his mother and next friend, Laura Prado; Marlon Christie, by and through his mother and next friend, Opal Millwood; Lucy Adawi, by and through her mother and next friend, Vicky Adawi; Jennifer Bastidas; Daniel Lavin, by and through his father and next friend, Jose Lavin; Daniel Shell, by and through his parents and next friends, Carolyn and Donald Shell; Darryl Austin, by and through his mother and next friend, Virginia Austin; Shauna Boone, by and through her mother and next friend, Delauna Boone; Aimee Cartaya; Jennifer Daniels, by and through her mother and next friend Mary Daniels; Alberto Dominguez III, by and through his parents and next friend, Alberto Donimiguez II and Edelmira Dominguez; Tonita Knights, by and through her mother and next friend Maggie Knights; Millie Redmond; Marcos Salas-Guevera, by and through his mother and next friend, Eleanor Gibson; Kenneth Sapp, by and through his mother and next friend Carol Johnson; Kellieann Wallen, by and through her mother and next friend Karen Wallen; Michael Wargin, by and through his mother and next friend, Marie Wargin; Willard Webster, by and through his mother and next friend, Joan Webster, on behalf of themselves and all other persons similarly situated, and the Advocacy Center for Persons with Disabilities, Inc. v. Jeb Bush in his official capacity as Governor and Chief Executive of the State of Florida, Jerry Regier, in his official capacity as Secretary, Department of Children and Family Services, Michelle

Brantley, in her official capacity as the Director of the Department of Children and Family Services Developmental Disabilities Program, Jack L. Moss, in his official capacity as Department of Children and Family Services District Administrator, District 10, Alan Levine, in his official capacity as Acting Secretary of the Agency for Health Care Administration for the State of Florida, Steve Grigas, in his official capacity as acting Director of Florida Medicaid for the Agency for Health Care Administration, Case Number 98-6496-CIV-SEITZ, pending in the United States District Court for the Southern District of Florida.

Nothing in this Settlement Agreement should be construed as an admission of liability by Defendants, and cannot be used as an admission by either party in this or any other proceeding.

IN WITNESS WHEREOF, the Parties to this Settlement Agreement have executed the same as of the 11th day of October, 2004.


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