

**MEMORANDUM**

May 16, 2005

TO: Chair and Members of The School Board of Miami-Dade County, Florida

Rudolph F. Crew, Ed.D., Superintendent of Schools

FROM: Johnny Brown, School Board Attorney



**SUBJECT: WITHDRAWAL OF AGENDA ITEM G-4 - APPROVAL OF SETTLEMENT  
CONSTANCE GILBERT and JAMES ROLLE, JR. v. MIAMI-DADE  
COUNTY SCHOOL BOARD, Circuit Court Case No. 04-8922-CA-04**

Agenda Item G-4 seeking the approval of the settlement agreement in the case of Constance Gilbert and James Rolle, Jr. v. Miami-Dade County School Board, Circuit Court Case No. 04-8922-CA-04 has been withdrawn from the May 18, 2005, School Board Agenda.

All the requirements of the proposed settlement agreement will not be fulfilled by the May 18, 2005, Board meeting. Accordingly, Item G-4 recommending settlement of this case is withdrawn in order to permit the parties sufficient time to meet all the requisite stipulations of the settlement agreement that must be completed before the settlement can be presented to the School Board. At such time as all the terms of the settlement are finalized, the proposed settlement agreement will be presented to the Board at a future meeting.

Should you have any questions regarding this matter, please contact me at 305-995-1304, at your earliest convenience.

LMG/dlp

Attachment

cc: Superintendent's Cabinet  
Luis M. Garcia, Esq.

Office of Superintendent of Schools  
Board Meeting of May 18, 2005

May 4, 2005

Office of School Board Attorney  
Johnny Brown, Board Attorney

**SUBJECT: APPROVAL OF SETTLEMENT**  
**CONSTANCE GILBERT and JAMES ROLLE, JR. v. MIAMI-DADE**  
**COUNTY SCHOOL BOARD, Circuit Court Case No. 04-8922-CA-04**

The School Board was served with this lawsuit on April 26, 2004. Plaintiffs are real property owners who alleged that the school district, for over a decade, unlawfully possessed their real property situated adjacent to Robert Russa Moton Elementary School. Plaintiffs sought ejectment of the School Board from the property, damages and attorney's fees and costs for the unlawful use and possession of the property. The School Board is currently occupying the property.

Pursuant to court ordered mediation, the parties agreed to settle this matter. As part of the settlement, the School Board will pay the Plaintiffs \$35,000 as full and final settlement of all claims. In exchange for payment of the settlement proceeds, the Plaintiffs will be required to convey to the School Board clear and unencumbered fee simple title to the property. A copy of the Settlement Agreement will be forwarded to the Board under separate cover. The Office of the School Board Attorney and administration recommend that the School Board authorize and approve the settlement as being in the best interest of the School Board.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the settlement of the case known as **Constance Gilbert and James Rolle, Jr. v. Miami-Dade County School Board, Circuit Court Case No. 04-8922-CA-04**, for the sum of \$35,000. The settlement will release the School Board from all claims including damages, attorney's fees and costs, and the School Board will receive fee simple title to the real property.

LMG/dlp

**WITHDRAWN**  
**(MAY 16, 2005)**

**G-4**