

Office of Superintendent of Schools
Board Meeting of December 13, 2000

November 29, 2000

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: EDWARD M. GHEZZI, P.A. V. SCHOOL BOARD OF DADE COUNTY, FLORIDA (WESTVIEW MIDDLE SCHOOL) CASE NO. 97-03278 CA 27 SETTLEMENT AGREEMENT

On February 12, 1997, Edward M. Ghezzi ("Ghezzi") filed suit against The School Board of Miami-Dade County, Florida ("School Board") for breach of contract; breach of duty to renegotiate the basic rate; breach of implied covenant of good faith; breach of implied covenant not to hinder performance; and for wrongful contract termination in connection with professional services regarding additions, renovations and remodeling of Westview Middle School. In keeping with the requirements of the Court, outside counsel handling the case on behalf of the Board entered into formal mediation with the plaintiff, which has resulted in the settlement agreement being recommended to the Board. The recommended settlement provides for the global resolution of all plaintiff's claims, totaling \$316,000, with the School Board paying \$85,000 to Ghezzi, which includes monies for additional services that have been recommended for payment by staff.

The settlement figure is recommended as advantageous to the School Board, considering the evaluation of evidence available, as provided to the Board under separate cover, the risks of trial and the continuing costs of attorneys for the School Board. The administrative staff and School Board Attorney are in agreement with the recommendation.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve and authorize the settlement and payment of \$85,000 to be paid to Edward M. Ghezzi, P.A. in the case of Edward M. Ghezzi, P.A. v. School Board of Dade County, Florida, Case No. 97-03278 CA-27.

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