

Office of School Board Attorney  
Johnny Brown, Board Attorney

**SUBJECT: UNITED TEACHERS OF DADE, a labor organization, and ANNETTE KATZ v. MERRETT R. STIERHEIM, in his official capacity as Superintendent of Miami-Dade County Public Schools, and THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA - UNITED STATES DISTRICT COURT CASE NO. 02-21932 CIV-UNGARO-BENAGES**

The School Board was served with this lawsuit on July 1, 2002. Plaintiffs sought injunctive and declaratory relief as well as pecuniary damages under the First and Fourteenth Amendments to the Constitution. Plaintiffs alleged specific violations to their freedom of speech and press associated with Plaintiff Katz's ability to access the School Board press room.

On July 9, 2002, a preliminary injunction hearing was held before Federal District Court Judge Ursula Ungaro-Benages. After listening to the testimony of witnesses and reviewing the evidence presented by the parties, on July 10, 2002, the Court granted Plaintiffs a preliminary injunction and enjoined the School Board: "from preventing . . . plaintiff . . . or any other accredited *UTD Today* reporter, from using the School Board's press room or other press facilities on the same basis and to the same extent as other members of the news media."

Subsequently, on September 10, 2002, the parties negotiated a settlement with respect to the merits of the case and executed a Joint Stipulation and Motion for Entry of Consent Final Judgment. Accordingly, a Consent Final Judgment was entered by the Court on September 23, 2002, which recognized that as the prevailing party in this cause, the Plaintiffs were entitled to costs and reasonable attorney's fees. On October 14, 2002, Plaintiffs filed their Motion for Award of Attorney's Fees and Costs seeking an award of \$24,828.32 in attorney's fees and litigation expenses.

The parties conferred in an attempt to reach a settlement agreement on the issue of costs and attorney's fees, which was the only remaining issue in this case, and a settlement was reached which is being submitted for the School Board's approval. The settlement provides that the School Board will issue payment in the amount of \$19,500 to the Plaintiffs in resolution of Plaintiffs' Motion for Attorney's Fees and Costs. In accordance with this settlement, the case will be closed and the Plaintiffs will provide the School Board with a general release of liability for any and all claims related to this case, along with a release for any false arrest claims that may have been asserted in a threatened state lawsuit involving the individual plaintiff.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the settlement of the pending Motion for Award of Attorney's Fees and Costs in the case of United Teachers of Dade and Annette Katz v. Merrett R. Stierheim and the School Board of Miami-Dade County, U.S.D.C. Case No. 02-21932-CIV-UNGARO-BENAGES, for the sum of \$19,500. The settlement will release the School Board from all claims including future damages, and for any additional claims for attorney's fees and costs.