

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

MICHAEL J. HERKOV, Ph.D.,

Plaintiff

vs.

CASE NO.:3:07-cv-113-J-25MCR

**THE CONSOLIDATED CITY
OF JACKSONVILLE,**

Defendant

GENERAL SETTLEMENT TERMS

1. Amend Ordinance to clarify application for permit process, with time frames, and review forum for all sites. Permits will be for one-year intervals.
2. Permit charge at cost only with indigency provision.
3. Amendment of the ordinance code to effect these changes: (a) a permit will be required to feed the homeless community, i.e., to simultaneously feed groups of 21 or more homeless persons, within city limits; and (b) there will be no requirement pertaining to proximity of available restroom facilities, either for toilets, sinks, or any other purpose. Current provisions relating to the proximity of open and available restroom facilities, either with regard to toilets or sinks, will be removed from the ordinance code, as it pertains to feeding the homeless for bona fide religious purposes.
4. Attorneys' fee compromise by Plaintiff of \$47,500.00 fee (rather than current lodestar fee of \$79,775.00) plus costs of \$1929.00, for a compromised attorneys' fees and costs amount of \$49,429.00. This compromised amount will be paid within five business days after the ordinance is enacted and dismissal is filed. Plaintiff's counsel will supply fee detail if required.
5. Counsel will jointly request a stay pending perfection of this settlement.

6. Time is of the essence and is an essential part of this settlement agreement. If settlement is not approved by counsel, and ordinance enacted by City Council within 90 days from June 9, 2008 (on or before Monday September 8, 2008) compromised fee and costs are withdrawn and an impasse will be declared and case will be re-set for trial.

Agreed to this 9th day of June, 2008, in Jacksonville, Florida.

Carol D. ..., Assistant General Counsel, City of Jacksonville
Name and Position:

Kerri Stewart, Deputy Chief Administrative Officer, City of Jacksonville
Name and Position:

Michael J. Herick, Plaintiff
Name and Position:

Scott Thomas Fortunes, Plaintiff's Attorney
Name and Position:

Terrence White, Mediator
Name and Position:

Name and Position: