IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 02-13717 AJ

DAVID MENDEZ and LILLIAN MENDEZ, on behalf of themselves and all others similarly situated,

Plaintiffs,

vs.

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, et al.,

Defendants.

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FINAL JUDGMENT

On December 8, 2006, this Court entered an Order on Plaintiffs' Amended Motion for Partial Summary Judgment of Liability as to Counts I and III of Second Amended Class Action Complaint, finding Defendants liable for additional compensation under Count III, the statutory claim brought under Fla. Stat. §581.1845.

On December 7, 2007, following a two week non-jury trial on liability under Plaintiffs' claim for inverse condemnation in Count I of the Second Amended Class Action Complaint, this Court entered its Order on Liability Claims and Defenses, finding Defendants liable in inverse condemnation under Count I of the Second Amended Class Action Complaint.

Plaintiffs abandoned the claim for declaratory judgment under Count II of the Second Amended Complaint based on this Court's rulings on Counts I and III and, therefore, Count II is moot.

On March 8, 2011, the jury empanelled to determine the amount of compensation rendered its Verdict, awarding compensation in the amount of $210.00 per tree for each of the 66,493 trees owned by Plaintiffs and the Class.[1] The jury also granted the Defendants' set-offs, representing the (i) total amount of $55 statutory tree payments actually distributed to Plaintiffs and Class members, and (ii) Palm Beach County tree restoration grants. These set-offs total One Million Seven Hundred Fifty One Thousand Eight Hundred Twenty Six and 00/100 Dollars ($1,751,826.00). After deducting these set-offs, the principal amount of the Final Judgment will be Twelve Million Two Hundred Eleven Thousand Seven Hundred Four and 00/100 Dollars ($12,211,704.00), before adding prejudgment interest.

On August 3, 2011, the Court entered an Order Denying Defendants' Motion for Entry of Judgment in Accordance with Motion for Directed Verdict or in the Alternative for a New Trial.

On August 3, 2011, this Court entered an Order Granting Plaintiffs' Motion for Prejudgment Interest, awarding prejudgment interest in the amount of Seven Million Ten Thousand Seven Hundred Eighty Six and 52/100 Dollars ($7,010,786.52).

Based on the foregoing, Plaintiffs and the Class shall recover the following:

a) Twelve Million Two Hundred Eleven Thousand Seven Hundred Four and 00/100 Dollars ($12,211,704.00) as compensation; and

b) Seven Million Ten Thousand Seven Hundred Eighty Six and 52/100 Dollars ($7,010,786.52) as prejudgment interest.

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[1] The Class is comprised of "[A]ll owners of citrus trees within Palm Beach County, incorporated or otherwise, not used for commercial purposes, which were not determined by the Department to be infected with citrus canker and which were destroyed under the CCEP from January 1, 2000 to the present." All persons who properly and timely submitted Requests for Exclusion in accordance with this Court's pretrial orders are hereby excluded from the Class and are not bound by this Final Judgment. A list of those persons who timely excluded themselves from the Class was previously filed with the Court.

Based on the foregoing, it is **ORDERED** and **ADJUDGED** that Plaintiffs David and Lillian Mendez, as class representatives, and the Class, whose address is c/o Robert C. Gilbert, Esq., 2525 Ponce de Leon Boulevard, Suite 1150, Coral Gables, Florida 33134, shall recover from Defendants Florida Department of Agriculture and Consumer Services and its Commissioner in his official capacity, whose address is The Capitol, Tallahassee, Florida 32399, the total sum of Nineteen Million Two Hundred Twenty Two Thousand Four Hundred Ninety and 52/100 Dollars ($19,222,490.52), inclusive of prejudgment interest, which shall bear interest from and after this date at the statutory rate of six percent 6% per year. Execution shall not issue on this judgment absent further order of this Court.

This Court reserves jurisdiction to award attorney's fees and costs, to apportion the compensation awarded among Plaintiffs and the Class, to resolve any other matters arising from the taking of this property, as well as such other post-judgment matters as may be appropriate in this class action.

DONE and ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida this 3 day of August, 2011.

Janis Brustein Keyser for
Honorable Robin L. Rosenberg
Circuit Court Judge

Copies furnished to:
Robert C. Gilbert, Esq.
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