

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA

CLASS REPRESENTATION

IN RE: CITRUS CANKER LITIGATION

CASE NO. 00-18394 (08) CACE

This Document Relates to:
All Actions

FINAL JUDGMENT

On September 19, 2006, this Court granted Plaintiffs' Amended Motion for Partial Summary Judgment of Liability as to Count III of the Third Amended Complaint, finding Defendants liable for additional compensation under Fla. Stat. §581.1845. On February 21, 2008, following a non-jury trial on liability, this Court found Defendants liable in inverse condemnation under Count I of the Third Amended Complaint. Copies of the Court's September 19, 2006 and February 21, 2008 orders are attached as Exhibits 1 and 2, respectively. Plaintiffs abandoned the claim for declaratory judgment under Count II of the Third Amended Complaint based on this Court's rulings on Counts I and III and, therefore, Count II is moot.

On May 6, 2008, the jury empaneled to determine the amount of compensation rendered its Verdict, awarding aggregate compensation in the amount of Eleven Million Five Hundred Thirty-One Thousand Four Hundred Sixty-Three and 00/100 Dollars (\$11,531,463.00) to Plaintiffs and the Class.¹ The jury also granted the Defendants' set-offs,

¹ The Class is comprised of "[A]ll owners of citrus trees within Broward County, incorporated or otherwise, not used for commercial purposes, which were not determined by

representing the total amounts actually used by Plaintiffs and Class members on their WalMart gift cards, as well as \$55 statutory tree payments actually distributed to Plaintiffs and Class members. These set-offs total Seven Million One Hundred Ninety-Six Thousand Three Hundred Seventy and 00/100 Dollars (\$7,196,370.00). After deducting these set-offs, the principal amount of the Final Judgment will be Four Million Three Hundred Thirty-Five Thousand Ninety-Three and 00/100 Dollars (\$4,335,093.00), before adding prejudgment interest. A copy of the Verdict is attached as Exhibit 3.

On July 14, 2008 the Court denied Plaintiffs' and the Class' motion for a new trial and Defendants' motion for entry of a directed verdict in conformance with its motions for directed verdict. A copy of that Order is attached as Exhibit 4.

On October 3, 2008, this Court granted Plaintiffs' Motion for Prejudgment Interest, awarding prejudgment interest in the amount of Three Million Six Hundred Seventy-Five Thousand Eight Hundred Seventy-Six Dollars (\$3,675,876.00), with a simple interest *per diem* of One Thousand Three Hundred Two and 90/100 Dollars (\$1,302.90) thereafter. A copy of that Order is attached as Exhibit 5.

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

- a) Four Million Three Hundred Thirty-Five Thousand Ninety-Three and

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 has previously been filed with the Court.

00/100 Dollars (\$4,335,093.00) as compensation;

- b) Three Million Six Hundred Seventy-Five Thousand Eight Hundred Seventy-Six Dollars (\$3,675,876.00) as prejudgment interest through September 11, 2008; and
- c) Thirty-Two Thousand Five Hundred Seventy-Two and 50/100 Dollars (\$32,572.50) as prejudgment interest from September 12, 2008 through the date of this Final Judgment.

Based on the foregoing, it is **ORDERED** and **ADJUDGED** that Plaintiffs Toby and Robert Bogorff, Timothy Donald Farley, Beth and Roald Garcia and Robert and Barbara Pearce, individually and as class representatives, and the Class, whose address is c/o Robert C. Gilbert, Esq., 2525 Ponce de Leon Boulevard, Suite 700, Coral Gables, Florida 33134, shall recover from Defendants Florida Department of Agriculture and Consumer Services and its Commissioner, Charles Bronson, whose address is The Capitol, Tallahassee, Florida 32399, the total sum of Eight Million Forty-Three Thousand Five Hundred Forty-One and 50/100 Dollars (\$8,043,541.50), inclusive of prejudgment interest, which shall bear interest from and after this date at the statutory rate of 11% per year, for which let execution issue.

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 Fort Lauderdale, Broward County, Florida this _____ day of October, 2008.

RONALD J. ROTHSCHILD

OCT 0 6 2008

A TRUE COPY

Ronald J. Rothschild
Circuit Court Judge

Copies furnished to:

Robert C. Gilbert, Esq.
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