



Alachua County Attorney's Office

Sylvia E. Torres
County Attorney

MEMORANDUM

TO: All Members, Board of County Commissioners

FROM: Office of the County Attorney

DATE: March 20, 2024

RE: Agenda item #24-00243
Settlement Agreement with Jessica Schwab and Justin Schwab

This is the case discussed previously in the Shade meeting.

The Plaintiffs are the Father and Mother of a minor who was 9 years old at the time of the injury. The minor was at the Jonesville facility for soccer practice. The County has been alleged to have been negligent, allowing a vehicle to drive on areas where traffic was not allowed, resulting in the minor being injured. Under Florida law, parents are entitled to bring their own claim for injuries to their children caused by the negligence of others.

We have gone through a good bit of discovery, although there is more to accomplish. The question at this point is, to what extent liability can be allocated between our soccer vendor (who has refused to defend or indemnify the County), the driver who hit the minor, and the County. This is something that would ultimately be done by a jury.

The Plaintiffs have made demands for settlement in this case. Each parent has demanded \$50,000. The effect of this is that, if a judgement against the County for these individuals is more than \$62,500 for either one, the County would be responsible for attorney's fees and costs. Given the uncertainty of the allocation of liability in this matter, and the advantage of settlement with the parents at this stage, the Board provided our office with guidance to accept the offers made by the parents, and the County Attorney seeks authorization to finalize the settlement.

This involves the payment of \$50,000 to Jessica Schwab and \$50,000 to Justin Schwab. This payment does not prevent us from seeking contractual damages from the soccer provider, including the amount being paid.