

# CITY OF CORAL GABLES

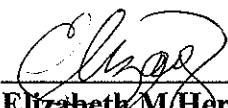
## OFFICE OF THE CITY ATTORNEY

### - MEMORANDUM -

**TO:** COMMISSIONERS

**DATE:** March 15, 2010

**FROM:**

  
Elizabeth M. Hernandez  
City Attorney

**SUBJECT:**

Recommendation of  
Settlement of Litigation  
Danilo Benedit v. City of  
Coral Gables

---

The City Attorney recommends the City Commission approve a settlement agreement negotiated between the parties in the below-described litigation.

City employee Danilo Benedit filed a lawsuit in federal court against the City alleging that he was subjected to adverse employment allegations as a result of engaging in activity protected by the First Amendment to the United States Constitution and Florida's Public Sector Whistle-blower Act. In order to avoid the cost and uncertainty of litigation, the parties have negotiated a settlement agreement whereby Mr. Benedit will resign from the City. The effective date of his resignation is March 5, 2010. Mr. Benedit will have no reemployment rights. The total amount of the settlement is \$150,000.00, inclusive of all attorneys' fees and costs. Of this amount, the City will only need to pay \$40,000.00 to \$45,000.00 and the remainder will be covered by insurance. In exchange for this amount, Mr. Benedit will dismiss his lawsuit and the City is receiving a full and general release of all claims.

The settlement also includes the following two provisions of which you must be aware:

- All media inquiries regarding the Agreement are to be referred to the City Attorney's Office
- There is a mutual non-disparagement clause. Neither Mr. Benedit nor the City (defined as the City Commission, the City Manager, and the City Attorney) will take any action that will embarrass, harass or adversely affect the other. This includes a prohibition on either side contacting the media or any entity that has a business relationship with the other in order to disparage the other's reputation or business practices.
- The City has agreed to provide a neutral employment reference.

Given the further substantial litigation costs to be incurred and the unavoidable uncertainties of litigation, the City Attorney concludes that this settlement is in the best interests of the City and recommends that it be approved.

EMH/zo