

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA**

DARREL HARVEY,

Plaintiff,

v.

Case No.: 2022-CA-403

**WALTER McNEIL, in his Official Capacity
as Sheriff of Leon County, Florida,**

Defendant.

_____ /

DEFENDANT'S PROPOSAL FOR SETTLEMENT TO PLAINTIFF

Defendant, WALTER McNEIL, in his official capacity as Sheriff of Leon County, Florida ("Defendant" or "SHERIFF McNEIL"), by and through undersigned counsel, hereby serves his Proposal for Settlement in accordance with Section 768.79, Florida Statutes, and Rule 1.442, Florida Rules of Civil Procedure, to Plaintiff DARREL HARVEY as follows:

1. This Proposal for Settlement is made pursuant to Section 768.79, Florida Statutes, and Rule 1.442, Florida Rules of Civil Procedure.
2. Defendant, SHERIFF McNEIL, in his official capacity as Sheriff of Leon County, Florida, by and through undersigned counsel, makes this proposal to Plaintiff, DARREL HARVEY, in the above-entitled action.
3. This proposal is attempting to resolve all of Plaintiff's, DARREL HARVEY, claims and damages alleged in his Complaint that would otherwise be awarded or decided in a final judgment in this case against Defendant, SHERIFF McNEIL, in his official capacity as Sheriff of Leon County, Florida.

4. Defendant, SHERIFF McNEIL, in his official capacity as Sheriff of Leon County, Florida, hereby proposes to settle all of Plaintiff's, DARREL HARVEY, claims and damages for a total payment of Thirty-Five Thousand dollars and no cents (\$35,000.00). In exchange, Plaintiff, DARREL HARVEY, will voluntarily dismiss, with prejudice, all of his pending claims in the above-styled action against Defendant, SHERIFF McNEIL, in his official capacity as Sheriff of Leon County, Florida, and shall pay all of his own costs, expenses, and attorney's fees.

5. The total sum specified in this Proposal for Settlement includes all costs or other expenses and attorney's fees accrued to date, even though attorney's fees are not part of the pending legal claim of Plaintiff DARREL HARVEY.

6. Since punitive damages are not sought in this lawsuit, no amount of this proposal is proposed to settle a claim for punitive damages.

7. Acceptance of this proposal by Plaintiff shall be upon delivery to Defendant's undersigned counsel of a written notice of acceptance within thirty (30) days after service of this proposal. This Proposal for Settlement resolves all damages that would otherwise be awarded in a Final Judgment in the action between Plaintiff DARREL HARVEY and Defendant, SHERIFF McNEIL, in his official capacity as Sheriff of Leon County, Florida.

8. Unless this Proposal for Settlement is accepted as stated above within thirty (30) days of service, this proposal shall be deemed by Defendant, SHERIFF McNEIL, in his official capacity as Sheriff of Leon County, Florida, to be rejected by Plaintiff DARREL HARVEY. Oral communication shall not constitute an acceptance, rejection or counteroffer of this proposal.

Dated this 20th day of September, 2022.

Respectfully submitted,

/s/ Dawn P. Whitehurst

DAWN POMPEY WHITEHURST

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Attorneys for Defendant

Sheriff Walter McNeil

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of September, 2022, a true and correct copy of the foregoing document was served via electronic mail to the following counsel of record: **Kimberly Hogan**, Esquire (kimmy@fasigbrooks.com and tina@fasigbrooks.com), Attorney for Plaintiff, FASIG | BROOKS, 3522 Thomasville Road, Suite 200, Tallahassee, Florida 32309.

/s/ Dawn P. Whitehurst

DAWN POMPEY WHITEHURST