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January 15, 2015

Robert H. Schwartz, Esquire
McIntosh Schwatz, P.L.
888 S.E. Third Avenue
Suite 500
Fort Lauderdale, FL 33316

Re: Florida Power & Light Company v. City of Margate and Ivan Rivera
Case No.: CACE 14-13432 (03)

Dear Mr. Schwartz:

As depositions of Mr. Flett and Mr. Rivera are now complete, my client will extend to your client one last opportunity to resolve this matter short of trial.

Liability is adverse to the City because this is a violent rear-end car accident where Mr. Flett was forced to undergo life-altering and dangerous neck fusion surgery because Mr. Rivera failed to keep the City vehicle under control. Due to that negligence of Mr. Rivera, who was admittedly in the scope and course of his employment with the City of Margate at the time of the accident, FPL paid out \$400,000 to compensate Mr. Flett for the damages caused by Mr. Rivera.

While the City may have some protections from owing FPL the entire \$400,000 paid out by FPL, it is clear that FPL is entitled to recover \$100,000 at a minimum from the at-fault party, the City of Margate. We are willing to incur the cost of trial to get return of these funds.

Although the City of Margate has made no offers and caused FPL to incur substantial costs and attorney's fees in securing the return of at least some of its money, FPL will give the City one last chance to avoid trial. FPL will extend an offer to settle this matter to your client of \$95,000 in exchange for a full release and a dismissal with prejudice. This represents a savings to the City of Margate of \$5,000, which it is truly not entitled to.

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Your client's prompt response is necessary. FPL will notice this matter for trial in 60 days.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'ERH', with a long horizontal stroke extending to the right.

ERIC R. HOECKER

ERH:ldc