

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

CASE NO.: CACE 15-000072

BRADLEY J. EDWARDS and PAUL G.
CASSELL,

Plaintiff,

vs.

ALAN M. DERSHOWITZ,

Defendant,

**PROPOSAL FOR SETTLEMENT PURSUANT TO
RULE 1.442, FLORIDA RULES OF CIVIL PROCEDURE
AND §768.79, FLORIDA STATUTES**

Plaintiff, Paul G. Cassell, by and through his undersigned counsel, states that at least ninety (90) days have passed since service of process on this Defendant, and there are at least forty-five (45) days remaining before the date set for trial or the first day of the docket on which this case is set for trial, whichever is earlier.

THEREFORE, Plaintiff hereby serves this proposal for settlement pursuant to Florida Rule of Civil Procedure 1.442 and F.S. 768.79. This proposal for settlement must be accepted in writing, within thirty (30) days or it shall be deemed rejected. The Proposal for Settlement is as follows:

1. **PARTY MAKING PROPOSAL: Paul G. Cassell.**
2. **PARTY TO WHOM THE PROPOSAL IS BEING MADE: Alan M. Dershowitz.**

3. **CLAIMS THE PROPOSAL ATTEMPTS TO RESOLVE:** All damages that would otherwise be awarded in a Final Judgment in this action between Plaintiff Cassell and Defendant including both Plaintiff Cassell's claim against the Defendant and Defendant's counterclaim against Plaintiff Cassell.

4. **TOTAL AMOUNT OF PROPOSAL: \$199,999.00** paid by the Defendant to the Plaintiff. Upon the Plaintiff's receipt of this amount, this action (including the counterclaim) will be voluntarily dismissed with prejudice between Plaintiff Cassell and this Defendant.

5. **PUNITIVE DAMAGES:** Cassell has no currently pending claim for punitive damages against the Defendant, but it is his intent to file one upon completion of the statutory prerequisites. *See* Complaint at p. 6 ("Plaintiffs reserve the right to assert claims for punitive damages upon satisfying the applicable statutory prerequisites."). Cassell believes that, as the case progresses, he will soon be able to complete the statutory prerequisites and file a claim for punitive damages based on the facts of the pending litigation. This proposal for settlement includes any other claims which Cassell might otherwise have or assert against Defendant based on the facts covered by the Complaint, including punitive damages (but not including any future unrelated cause of action or causes of action based on facts that have not yet occurred). Accordingly, Plaintiff is specifically offering to settle all of these claims (including the anticipated-soon-to-be-filed punitive damages claim) for \$199,999.

6. **ATTORNEY'S FEES:** Are not a part of the claims pending between the Plaintiff Cassell and the Defendant. Attorney's Fees are not included in this Proposal for Settlement. Each party shall bear its own attorneys' fees and costs.

7. **SERVICE AND FILING:** This proposal shall be served on the party to whom it is made through counsel, but shall not be filed unless necessary to enforce the provisions of Rule 1.442.

8. **WITHDRAWAL:** This proposal may be withdrawn in writing provided the written withdrawal is delivered before a written acceptance is delivered. Once withdrawn, this Proposal is void.

9. **ACCEPTANCE AND REJECTION:** This Proposal shall be deemed by the Plaintiff to be rejected unless accepted by delivery of a written notice of acceptance within thirty (30) days after service of the Proposal. No oral communications shall constitute an acceptance, rejection or counteroffer of this Proposal.

10. **CONSEQUENCES OF REJECTION:** In the event this proposal is rejected, the Defendant is subject to sanctions, including, but not limited to, those as outlined in Rules 1.442(g) and (h) of the Florida Rules of Civil Procedure, Fla. Stat. 768.79 and any other relief Plaintiff is entitled to as a matter of law and which the Court deems just and proper.

11. **GOOD-FAITH:** This Proposal is being submitted with the knowledge, understanding, and consent of the Plaintiff making this Proposal.

Edwards/Cassell vs. Dershowitz
Case No.: CACE 15-000072
Proposal for Settlement
Page 4 of 5

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve
to all Counsel on the attached list, this 9th day of Sept., 2015.



JACK SCAROLA

Florida Bar No.: 169440

Attorney E-Mail: [REDACTED] and
mep@s[REDACTED]

Primary E-Mail: [REDACTED]

Searcy Denney Scarola Barnhart & Shipley, [REDACTED]

2139 Palm Beach Lakes Boulevard

West Palm Beach, Florida 33409

Phone: (561) 686-6300

Fax: (561) 383-9451

Attorneys for Plaintiffs

COUNSEL LIST

Sigrid Stone McCawley, Esquire

[REDACTED];
[REDACTED];

Boies Schiller & Flexner, LLP
401 E Las Olas Boulevard., Suite 1200
Fort Lauderdale, FL 33301
Phone: (954)-356-0011

Thomas Emerson Scott, Jr., Esquire

[REDACTED];
[REDACTED];
[REDACTED];

Cole Scott & Kissane, LLP
9150 S Dadeland Boulevard, Suite 1400
Miami, FL 33156
Phone: (305)-350-5329
Fax: (305)-373-2294
Attorneys for Alan M. Dershowitz

Kenneth A. Sweder, Esquire

[REDACTED]

Sweder & Ross, LLP
131 Oliver Street
Boston, MA 02110
Phone: (617)-646-4466
Fax: (617)-646-4470
Attorneys for Alan M. Dershowitz

Ashley Eiler, Esquire

[REDACTED]

Mary E. Borja, Esquire

[REDACTED]

Richard A. Simpson, Esquire

[REDACTED]

Wiley Rein, LLP
1776 K Street NW
Washington, DC 20006
Phone: (202)-719-4252
Fax: (202)-719-7049