

IN THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA

JERRY L. SMITH

Plaintiff,

vs.

CASE NO. 03 CA 006153 AA

SCHOOL BOARD OF PALM
BEACH COUNTY,
JAMES P. KELLY, Individually, and
ROBERT K. THOMAS, Individually.

Defendants

STIPULATION OF THE PARTIES

Comes now Frederick W. Ford, as Attorney of Record for Plaintiff, JERRY L. SMITH and Steven A. Stinson, as Attorney of Record for the SCHOOL BOARD OF PALM BEACH COUNTY, JAMES P. KELLY, Individually, and ROBERT K. THOMAS, Individually, and with the written permission of their respective parties stipulate as follows:

1. Plaintiff, JERRY L. SMITH, does hereby dismiss with prejudice Counts II, III and IV of his Amended Complaint; said dismissal with prejudice also has the effect of dropping with prejudice Robert K. Thomas, Individually as a Party Defendant. All Defamation Counts and causes of action are thus dismissed with prejudice against all Defendants.
2. Defendants SCHOOL BOARD OF PALM BEACH COUNTY and JAMES P. KELLY for the purposes of this lawsuit only, admit liability under Count I of the Amended Complaint and that they failed to provide Plaintiff, JERRY L. SMITH, with a name clearing and thus are liable under the allegations of the 42 U.S.C.A. §

1983 cause of action, but they intend to strenuously defend on the issue of damages, if any, due JERRY L. SMITH and related issues.

- 3. The Parties may submit an appropriate Amended Pretrial Stipulation within 5 days of the filing of this Stipulation of the Parties.
- 4. The existence of this Stipulation of the Parties, per se, and of the fact that Defamation Counts and causes of action were formerly alleged, or that ROBERT K. THOMAS was formerly a Defendant, will not be brought to the attention of the fact finder, but all parties may represent to the fact finders that the SCHOOL BOARD OF PALM BEACH COUNTY and JAMES P. KELLY admit liability with respect to 42 U.S.C.A. § 1983.

DATED: 1/27/06

DATED: _____



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