

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

DAVID MENDEZ and LILLIAN MENDEZ, on behalf
of themselves and all others similarly situated,

Plaintiffs,

vs.

FLORIDA DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES, et al.,

Defendants.

CASE NO. 02-13717 AJ

NOTICE OF PENDING CLASS ACTION

The purpose of this Notice is to advise you of your rights as a potential member of the Class defined as follows:

All owners of citrus trees within Palm Beach County, incorporated or otherwise, not used for commercial purposes, which were not determined by the Florida Department of Agriculture and Consumer Services to be infected with citrus canker and which were destroyed under the Citrus Canker Eradication Program from January 1, 2000 to the present (hereinafter the "Class").

Please read this Notice carefully. It describes a class action that may involve you. Your rights may be affected by the legal proceedings described below. This is not a solicitation. This is not a notice of a lawsuit against you.

I. Purpose of this Notice

You have been sent this Notice because you may be a member of the Class (as defined above) on whose behalf a claim is being asserted in this civil lawsuit (the "Action") pending before the Honorable Robin L. Rosenberg in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida (the "Court"). The purpose of this Notice is to advise you of: (a) the nature of the Action; (b) a description of the Action and the relief sought; (c) your choices as potential Class members; (d) how a judgment subsequently entered in the Action will affect you; and (e) how to exclude yourself from the Class if you do not desire to participate in the Action.

II. Background

The Action is based on the Florida Department of Agriculture and Consumer Services' (the "Department") destruction of citrus trees under the Citrus Canker Eradication Program ("CCEP") which were owned by members of the Class. Specifically, Plaintiffs allege that the Department's destruction of citrus trees under the CCEP which were owned by members of the Class obligates the Department to pay full and just compensation to the Class. Plaintiffs allege that full and just compensation for such trees exceeds the minimum compensation made available under Fla. Stat. § 581.1845 (the "Statute"), which provides that all eligible tree owners are entitled to receive a Shade Florida debit card with a face value of \$100 for the first citrus tree destroyed, and \$55 for each additional tree destroyed by the Department under the CCEP.

The Department denies these allegations. The Department maintains it was lawfully entitled to destroy all citrus trees located within 1900 feet of any citrus tree determined to be infected with citrus canker, that such trees had no marketable value and, therefore, that members of the Class did not suffer a compensable loss. Furthermore, the Department denies that the Class is entitled to recover any additional compensation for the destruction of their trees except as provided under the Statute.

III. Description of the Action and Relief Sought

This Action was originally commenced in November 2002 and has been extensively litigated for over four years. The following is an overview of the significant developments in the Action.

Plaintiffs' Second Amended Class Action Complaint (the "Complaint") asserts that the Department's destruction of the Class' trees constituted a compensable taking, requiring the Department to pay full and just compensation as determined in a court of law. The Court denied the Department's motion to dismiss the Complaint.

The Court granted Plaintiffs' motion to certify the Action to proceed as a class action on behalf of the Class. The Fourth District Court of Appeal of Florida affirmed the order granting Plaintiffs' motion for class certification of the Action. These rulings do not represent findings regarding the merits of the Action; they merely represent a determination that the Action may proceed in class action form.

The Court granted summary judgment of liability in favor of the Class on its claim for additional compensation under the Statute, but denied summary judgment of liability on the claim for inverse condemnation. The trial on the liability/taking phase of the Action is currently scheduled to begin on October 15, 2007 (subject to change without further notice). Damages will be determined during a subsequent trial.

IV. Choices for Class Members

If you are a member of the Class (as defined above), you may choose to remain a member of the Class prosecuting the Action and continue to be represented by the class representatives and Class Counsel appointed by the Court, who have prosecuted this Action for the past four years and are now preparing for the upcoming trial. If not, you may exclude yourself from the Class. **If you wish to remain a member of the Class bringing this Action, and participate in any benefits ultimately recovered for the benefit of the Class in this Action, you do not need to do anything.** If you wish to be excluded from the Class bringing this Action, you must complete the attached Request for Exclusion and send it by U.S. mail to:

In Re Citrus Canker Litigation – Palm Beach County
c/o Complete Claim Solutions, LLC
P.O. Box 24779
West Palm Beach, FL 33416

Your request must be postmarked no later than October 12, 2007. Only a Class member or the Class member's duly authorized representative may submit a request for exclusion. **Class members who exclude themselves from the Class will not be entitled to participate in any settlement or monetary judgment recovered for the benefit of the Class (or in favor of the Class), and will not be bound by any orders, rulings, judgments, or other legal acts, favorable or unfavorable, subsequently entered in this Action.** Your choice will have consequences that you should understand before making your decision. You may, of course, seek the advice and guidance of your own attorney at your expense.

A. Rights and Obligations of Class Members

By remaining a member of the Class, you agree to have determined in this Action any claim for compensation you may have against the Department arising from the Department's destruction of your citrus trees under the CCEP. You will be bound by any judgment on the claims asserted in the Complaint. You will not be allowed to present any such claims in a separate lawsuit.

The Court has appointed two individuals as class representatives and four law firms as Class Counsel to represent the Class in this Action. If you remain a member of the Class, the class representatives and Class Counsel will act as your representatives. All fees and expenses of Class Counsel will be paid based on any additional compensation or other relief recovered for the benefit of the Class. If the Class does not recover additional compensation or other relief, you will not have to pay any judgment, costs, fees or expenses to Class Counsel or to the Department.

If you wish, you may exclude yourself from the Class and bring your own lawsuit against the Department seeking compensation for the destruction of your trees under the CCEP. If you choose to exclude yourself from the Class and file your own lawsuit, you must do so through your own counsel at your own expense.

If you do not exclude yourself from the Class, your recovery, if any, will depend on the results of the Action. If the Class recovers additional compensation or other relief through trial or settlement, Class members will be entitled to share in that recovery or relief as determined by the Court. If the Class does not recover additional compensation or other relief, you will not recover any compensation except as provided under the Statute.

To ensure you receive future notices and are able to share in any future recovery, you should send notice of any corrections or changes in your name or address to Class Counsel. If you wish to communicate with Class Counsel as your representatives in this Action, you may do so by writing to:

Robert C. Gilbert, Esq.
Citrus Canker Litigation Counsel
P.O. Box 24779
West Palm Beach, FL 33416

B. Rights and Obligations of Non-Class Members

By choosing to be excluded from the Class, you will not be bound by any judgment in this Action, whether favorable to the Class or to the Department. In other words, you will not share in any recovery or relief that may be provided to the Class after trial or settlement of this Action, but you will also not be barred from filing your own lawsuit for compensation against the Department arising from the Department's destruction of your citrus trees under the CCEP. You may wish to seek the advice and guidance of your own attorney at your expense concerning whether to exclude yourself from the Class bringing this Action. **As a reminder, if you wish to be excluded from the Class bringing the Action, you must complete the attached Request for Exclusion and return it via U.S. mail postmarked no later than October 12, 2007.**

V. Additional Information

This Notice is only a summary of this Action. For a more detailed description, you may examine the pleadings and other records pertaining to this Action (Case No. 02-13717 AJ) on file in the Clerk's office during normal business hours, Monday through Friday, between 8:00 a.m. and 4:30 p.m., at the address listed below. For additional information, you may also contact the Notice Administrator at 1-800-760-5569 or visit the website – www.citruscankerlitigation.com.

Dated: August 22, 2007

Office of the Clerk, Civil Division, Palm Beach County Circuit Court
205 North Dixie Highway, West Palm Beach, FL 33401

USE THIS FORM TO EXCLUDE YOURSELF FROM THE CLASS

Official Use Only



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Plaintiffs,

vs.

CASE NO. 02-13717 AJ

FLORIDA DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES, et al.,

Defendants.

REQUEST FOR EXCLUSION

If you wish to be excluded from the Class bringing the Action, you must complete the following form and send it by U.S. mail, postmarked no later than October 12, 2007 to:

In Re Citrus Canker Litigation – Palm Beach County
c/o Complete Claim Solutions, LLC
P.O. Box 24779
West Palm Beach, FL 33416
Toll-Free Phone: 1-800-760-5569

A SEPARATE REQUEST FOR EXCLUSION MUST BE FILED BY EACH CLASS MEMBER ELECTING TO BE EXCLUDED FROM THE CLASS.

In order to be excluded from the Class, you must provide the following information:

Name of Class Member: _____

Class Member's Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: (_____) _____ Email: _____

Year Your Citrus Trees Were Destroyed: _____

Number of Citrus Trees Destroyed: _____

Signature: _____ Date: _____

The undersigned represents that he/she has the authority to sign and submit this Request for Exclusion on behalf of the above-named Class Member.

Name: _____

Legal Relationship to Class Member: _____

Contact/Telephone Number: (_____) _____