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U.S. Sugar shareholder suit ends in \$15.9M settlement

01/05/2010

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Miami Herald, The
BY PAUL QUINLAN
Palm Beach Post

If there was any doubt that U.S. Sugar Corp. was worth as much as its brass claimed, those doubts dissipated in June 2008 when Gov. Charlie Crist unveiled his extraordinary, \$1.75 billion bid to buy the company and its land to restore the Everglades.

Besides thrilling environmentalists and gusting Crist's political sails, the state's blockbuster buyout offer had a less-noticed effect: It torpedoed the central argument of the lawsuit that about 5,000 employees had filed against the behemoth sugar producer five months earlier.

Two years after the suit was filed, a federal judge on Monday approved a \$15.9 million settlement in what amounts to a big victory for U.S. Sugar.

The suit had originally sought \$150 million.

The attorneys say they cannot discuss how they arrived at the figure because of confidentiality agreements. But they did say that the deciding factor was the size of the state's buyout offer.

The employees, who invested in the company through an employee stock ownership plan, alleged in the lawsuit that U.S. Sugar robbed them by concealing a lucrative, \$293-per-share buyout offer made in 2005 and renewed in 2007, while at the same time cashing retiring employees out of their shares for about \$200 per share.

U.S. Sugar countered that the Lawrences' offers were too small to be taken seriously and disclosed to employees, given the value of the company's assets.

More than six months of investigation and interviews with about two dozen current and former employees led the shareholders' attorneys to conclude that the Lawrences' was a generous offer -- a once-in-a-lifetime bid.

`` It would have made sense to sell," said Lewis Eidson, who also represented the shareholders. But the argument `` kind of became moot when the state came in and offered more than what the Lawrences had offered."

Judge approves settlement in US Sugar lawsuit

01/05/2010

Yahoo! News

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The lawsuit was filed in 2008 on behalf of more than 4,000 employees who claimed U.S. Sugar's board didn't inform them of two buy-out offers before rejecting the deals. U.S. Sugar, which did not admit wrongdoing, is a privately held company owned largely by employees.

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FL Sugar Lawsuit

01/05/2010

WCTV-TV - Online

Judge approves settlement in US Sugar lawsuit

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Man accused of using infant as a shield for a taser

01/05/2010

St. Petersburg Times - Online

Times wires

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A 39-year-old Deltona man is facing criminal charges after using an infant as a shield for a stun gun.

Jorge Garcia has been charged of child neglect without great harm and resisting an officer without violence.

According to a Sheriff's Office affidavit, Garcia was standing in the middle of a road where deputies were conducting a traffic stop early Friday.

He was yelling profanities and acting irrationally.

Deputies tried to arrest Garcia, but he refused to leave a vehicle. A deputy pulled out a stun gun, then Garcia held the infant in front of him and told authorities to "Tase the baby," deputies said.

WAUCHULA

Hardee investigates hanging of inmate

Authorities are investigating the death of an inmate at a central Florida jail.

The Hardee County Sheriff's Office says 26-year-old Romane Bernard Williams hanged himself Thursday night. The jail staff attempted to revive Williams until emergency crews arrived. Williams was pronounced dead at the scene.

Williams was being held on charges of burglary, petty larceny, sexual assault and kidnapping and false imprisonment.

WEST PALM BEACH

Judge approves deal for U.S. Sugar payout

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Associated Press

Judge approves settlement in US Sugar lawsuit

01/05/2010

Forbes - Online

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01/05/2010

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CNBC - Online

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BusinessWeek - Online

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U.S. Sugar Settlement Approved

01/05/2010

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South Florida Business Journal

A federal judge has approved a settlement in a class action lawsuit by shareholders and members of U.S. Sugar Corp.'s Employee Stock Ownership Plan for an \$8.4 million payment.

The settlement agreement had been announced earlier, but the judge's approval makes it final. The suit was filed after shareholders learned U.S. Sugar had entertained a buyout offer.

A news release from U.S. Sugar said the terms are as follows:

U.S. Sugar pays \$8.4 million settlement.

After plaintiffs' attorney's fees and expenses, about \$5.5 million is available to distribute to shareholders and ESOP participants. (This equates to about \$2.70 a share.)

Since the average plan participant has 175 shares, the average payment is about \$480.

The company had previously said that an additional payment of \$7.5 million, less plaintiffs' attorneys' fees, would be made if U.S. Sugar closes its pending land sale with the South Florida Water Management District. A spokeswoman for the company said that provision was also approved by the judge.

In October, the company said the settlement was reached without any party admitting any liability.

A claims administrator will handle disbursement. Payments to ESOP participants will be made to their retirement accounts.

Judge approves settlement in US Sugar lawsuit

01/04/2010

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Associated Press (AP)

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Judge approves settlement in US Sugar federal lawsuit in West Palm Beach

01/04/2010

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Baltimore Sun - Online

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Judge approves settlement in US Sugar lawsuit

01/04/2010

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Modesto Bee - Online, The

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Judge approves settlement in US Sugar lawsuit

01/04/2010

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News Chief - Online, The

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Ocala.com

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U.S. Sugar employees settle for \$16 million in shareholder suit

01/04/2010

Palm Beach Post

Quinlan, Paul

U.S. Sugar employees settle for \$16 million in shareholder suit 22 mins ago

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Palm Beach Post Staff Writer

WEST PALM BEACH — If there was any doubt that U.S. Sugar Corp. was worth as much as its brass claimed, those doubts dissipated in June 2008, when Gov. Charlie Crist unveiled his extraordinary, \$1.75 billion bid to buy the company and its land to restore the Everglades.

Besides thrilling environmentalists and gusting Crist's political sails, the state's blockbuster buyout offer had a less-noticed effect: it torpedoed the central argument of the lawsuit that about 5,000 employees had filed against the behemoth sugar producer five months earlier.

Two years after the suit was filed, a federal judge on Monday approved a \$15.9 million settlement in what amounts to a big victory for U.S. Sugar. The suit had originally sought \$150 million.

The attorneys say they cannot discuss how they arrived at the figure because of confidentiality agreements. But they did say that the deciding factor was the size of the state's startling buyout offer, which Crist and two U.S. Sugar lobbyists were secretly negotiating around the time that the suit was filed.

The deal's announcement in June struck like "a bolt out of the blue," said Curt Miner, one of the shareholders' attorneys.

The employees, who invested in the company through an employee stock ownership plan, alleged in the lawsuit that U.S. Sugar robbed them by concealing a lucrative, \$293-per-share buyout offer made in 2005 and renewed in 2007, while at the same time cashing retiring employees out of their shares for far less, about \$200 per share. Employees believed it was all part of a scheme on the part of company insiders -- descendants of industrialist and company founder Charles Stewart Mott — to boost their stake on the cheap.

But U.S. Sugar countered that the Lawrences' offers were too small to be taken seriously and disclosed to employees, given the value of the company's assets. Among them: 180,000 acres of farmland, a new, state-of-the-art sugar mill and a railroad. U.S. Sugar defended the \$200 cash-out value, saying that the figure was based on income flow.

More than six months of investigation and interviews with about two dozen current and former employees led the shareholders' attorneys to conclude that the Lawrences' was a generous offer — a once-in-a-lifetime bid made and renewed at the height of the real estate boom.

"It would have made sense to sell," said Lewis Eidson, who also represented the shareholders. But the argument "kind of became moot when the state came in and offered more than what the Lawrences had offered."

"Our case was substantially undermined when the state came in and made an offer like that," said Eidson.

U.S. Sugar spokeswoman Judy Sanchez said it didn't take a buyout offer from the state for executives to know that the company and its assets were worth more than what the Lawrences wanted to pay.

"Obviously we didn't believe that there was merit in the original suit anyway," said Sanchez. "The value of the company had been established much higher." But Crist's offer "certainly put a different value on the company," she said.

Eidson called the settlement that U.S. District Judge Donald Middlebrooks approved Monday "fair, under all the circumstances."

"This was the most we were able to obtain," said Eidson.

Half of the settlement — \$8.4 million — is guaranteed to be paid out and divided among shareholders. The other half — \$7.9 million — will be paid only if the state deal closes.

Crist has twice downsized the original buyout, to what is now planned to be a \$536 million purchase of 73,000 acres, or about 40 percent of the company's farmland. Under the new land-only deal, the company plans to continue operating and employees will keep their shares, which Sanchez said should rise in value once the deal closes. Attorneys will keep 30 percent of what gets paid out.

Even in its diminished form, the U.S. Sugar deal would still represent the most expensive state conservation land deal in Florida history. It's expected to close in June, provided it survives a legal challenge now before the Florida Supreme Court that is being waged by Florida Crystals, U.S. Sugar's chief competitor, and the Miccosuckee Indians, who live on land in the Everglades.

The average participant in the employee stock ownership plan has 175 shares and an average payment per participant amounts to approximately \$480, the release said.

Judge approves settlement in US Sugar lawsuit

01/04/2010

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Rocky Mount Telegram, The

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Salon.com

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Sarasota Herald-Tribune - Online

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01/04/2010

Town Hall

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WBBH-TV - Online

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Ledger - Online, The

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Merced Sun-Star - Online

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01/04/2010

WTXL-TV - Online

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Judge approves settlement in US Sugar federal lawsuit in West Palm Beach

01/04/2010

WQAD-TV - Online

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Judge Approves Settlement In US Sugar Lawsuit

01/04/2010

WKRG-TV - Online

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01/04/2010

WEAR-TV

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EDITORIAL Seize the sunshine, save the land cf,gtm Faltering economy can be good for the environment

01/04/2010

WaterWorld

Jan. 4-- While the economic slump has had a negative effect on almost every aspect of life in South Florida, it has given our natural world a breather. State and local leaders should take advantage of the hiatus in development to protect more of Florida's wild places and make Floridians' lives greener.

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So far, they have gnashed their teeth over the lost property tax revenue from the tanked housing market and shown absolutely no inspiration in securing more undeveloped land to preserve for future generations. Instead, they should be making lemonade out of recessionary lemons.

For example, when the residential and commercial real-estate markets crashed, the push to move Miami-Dade County's Urban Development Boundary lost all credibility. Not that it had much to begin with, since the county's own planning staff found there's plenty of developable land east of the boundary. The Miami-Dade County Commission, however, stubbornly insists on encouraging proponents of UDB expansion to try yet again.

While new development is stalled, the Miami-Dade Commission -- and other local governments -- should stop bemoaning the drop in revenue and think more creatively. They can begin with a reexamination of their land use plans -- the blueprints for future growth. They should consider changes to the plans to promote sustainable development -- by conserving water, building up -- instead of out -- where practical, rewarding green projects and encouraging high-density redevelopment along transit corridors. These include the anticipated bullet train from Orlando to Miami and a proposed commuter train through coastal cities in Palm Beach, Broward and Miami-Dade counties.

The downturn also lowered the price of real estate, creating a big opportunity for state and local land conservation acquisition programs to buy tracts at fire-sale prices. The only problem is that the Legislature and Gov. Charlie Crist diverted the trust funds that pay for these programs in order to cover part of the state budget shortfall. State land purchases will come to a screeching halt in 2010 if these programs aren't refunded.

Legislators must restore funding to the land preservation trust funds. The money comes from a documentary stamp tax on real-estate transactions, which are picking up. To shirk this duty is to short-change Floridians' future quality of life.

Last year the state Senate approved a renewable-energy bill that would promote development of solar and wind power technology, but intense wrangling among major stakeholders made its passage in the House dicey. In the end, House leaders added a provision allowing oil and gas drilling off Florida's coast, and the measure appropriately died.

The Legislature should revisit renewable energy again this year. Florida is far behind other states, notably California, on developing renewable energy. It's the Sunshine State, after all, and it ought to be exploiting this by pushing for

more solar power grids. There are federal stimulus dollars for states that craft viable renewable energy programs, and while Florida interests have received several grants, the state should compete for more.

As to oil drilling off our coast, House leaders are again pushing it -- a foolhardy policy. Florida stands to lose more than any other state if global warming trends aren't reversed soon. Our coastline will be one soggy mess as the oceans steadily rise. We can say goodbye to much of our tourism industry and coastal living as we know and enjoy it. Hurricanes and their tidal surges will be worse than ever. We should be at the forefront of the movement to wean the nation off using energy from fossil fuels, which produce carbon dioxide, the worst of the greenhouse gases.

On the bright side of Florida's environmental picture, in 2009 the Obama administration funneled a half-billion dollars toward Everglades cleanup. The result is several groundbreaking on long-stalled projects vital to the massive project. Gov. Crist spearheaded a drive to purchase 73,000 acres from U.S. Sugar Corp. that will someday be converted into reservoirs and pollution treatment marshes.

The challenge now is to keep up the momentum between the cleanup's often contentious partners -- the state of Florida and the federal government.

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01/04/2010

Washington Examiner - Online

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The IRS plans to require tax preparers to pass a test and register with the government to better police a largely unregulated industry used by most taxpayers. Full story

Federal prosecutors have convened a grand jury to review Washington Wizards star Gilbert Arenas' locker room confrontation involving handguns, The Examiner has learned. The federal grand jury will weigh evidence of potential firearms violations that could lead to felony indictments, according to a source with knowledge of the case. Full story

Judge approves settlement in US Sugar lawsuit

01/04/2010

Waco Tribune-Herald

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U.S. Sugar to pay employees \$8.4 million in settlement

01/04/2010

Tampa Tribune - Online

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- Court upholds Moussaoui conviction in 9/11 attacks
- State emergency management chief resigns
- U.S. Sugar to pay employees \$8.4 million in settlement

Judge approves settlement in US Sugar federal lawsuit in West Palm Beach

01/04/2010

Sun Sentinel - Online

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4:58 p.m. EST, January 4, 2010

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Judge approves settlement in US Sugar lawsuit

01/04/2010

Summit Daily News

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01/04/2010

Silver City Sun-News

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Will 2010 be a better year for Gov. Crist?

01/04/2010

Sebastian Sun

BY STEVE BOUSQUET and MARC CAPUTO St. Petersburg TIMES/MIAMI HERALD

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Posted January 4, 2010 at 2:29 p.m.

TALLAHASSEE — Charlie Crist's final year as governor begins like no other: with perilous poll numbers, his optimism worn thin and his shell of political Teflon deeply scratched.

After two years of governing Florida by shrewdly gauging the prevailing political winds, Crist strayed off course as the economy spiraled downward in 2009, his nice-guy image no longer effective as a balm for frustrated Floridians.

He miscalculated the danger of his "man hug" with President Barack Obama in support of the Democrats' stimulus package. He signed a no-new taxes pledge only to raise taxes weeks later to balance the state budget. And the biggest contributor in his campaign for U.S. Senate, Fort Lauderdale lawyer Scott Rothstein, was charged in a \$1.2 billion Ponzi scheme.

By year's end, his Republican Senate rival, Marco Rubio, had gained ground as a conservative alternative.

"It's been a rough patch, and certainly some of it's self-inflicted. No question. I mean, that happens. Nobody's perfect," Crist said in an interview with the Times/Herald. "But you learn from that, I think."

Crist acknowledged "it's certainly possible" that his intense focus on raising millions of dollars as a Senate candidate diverted attention from his duties as chief executive of the nation's fourth-most populous state.

"I'm not always on my game. None of us are," Crist said. "But I feel very good about where I am now, and self-assured and confident about where we need to go and what Florida needs to do. I'm very confident in our administration. Things are going well at the office."

Crist's difficulties underscore the hazards of governing in volatile times, the fickleness of Florida's electorate and the perils of populism and bipartisanship.

Quick with a warm smile and warmer handshake, the 53-year-old Crist has led a charmed political life as a state senator, education commissioner, attorney general and now governor. In the early years, approval ratings for the Republican from St. Petersburg soared in the 70s.

But by October 2009, there was a stunning turnabout. A Times/Herald/Bay News 9 poll showed his job performance was viewed more negatively (55 percent) than positively (42 percent) by Floridians.

Just a year ago, Crist appeared politically invincible as he harbored ambitions of heading to Washington.

He had emerged as a national figure after making a surprise endorsement that helped John McCain win Florida's Republican primary and, ultimately, the party's nomination for president. A vice-presidential short-lister, Crist soaked up national media attention but remained far enough away from McCain's campaign to avoid major criticism when the Arizona senator became the first Republican to lose Florida in more than a decade.

Newly married to New York socialite and businesswoman Carole Rome, Crist spent the days just before 2009 hunting for Christmas gifts in the rural North Florida antique mecca of Havana. There Crist ran into a local who paid him such a compliment that he pulled a reporter aside and made her repeat it.

"I believe he's a closet Democrat," Shirley Aaron said.

"I'll take that as a compliment," Crist said. "We have, in Florida, Republicans and Democrats and independents, but we're all Floridians first."

Crist had a different response exactly a year later when asked to respond to someone calling him a closet Democrat.

"I'm a Republican. I think I'm a pragmatic conservative and a Republican," Crist said. "I hope we have a party that has sort of a Jack Kemp view that you need to have a big tent to be successful."

The most enduring moment of Crist's year came Feb. 10 when he appeared on stage with the president in Fort Myers to endorse and urge congressional approval of a \$787 billion stimulus package. The federal money was a must for

Crist and his fellow Republicans in the Legislature because it allowed the state to avoid unpopular tax increases or major spending decreases.

Crist stiffly embraced Obama on stage. The so-called "man hug" infuriated conservatives and could prove to be the defining image that costs Crist a seat in the U.S. Senate. Crist insists he showed the proper respect for Obama, visiting Florida for the first time as president.

"The Obama embrace was the worst 15 seconds of his political life," said Rick Hartley, the Republican state committeeman in Jacksonville's Duval County. "Northeast Florida is very conservative and people will just not let go of that. But they should. He did what he felt was necessary."

Under fire from Rubio, Crist waffled. He denied he endorsed and supported the stimulus plan, and later reversed his reversal. Crist also did an about-face on returning political contributions to the now-defunct Rothstein Rosenfeldt Adler law firm at the center of a Ponzi-scheme inquiry in Broward County.

Days before the Rothstein scandal broke, Crist called for a statewide grand jury to investigate corruption. Then his handpicked Republican Party chairman, Jim Greer, came under fire over allegations of mismanaging party money. And Miami Congressmen Lincoln and Mario Diaz-Balart unexpectedly withdrew their Senate endorsement of Crist with little explanation just three days before Christmas.

His position worsening, Crist recently began dialing back the optimism in favor of speaking negatively of Rubio. But Crist never says the name of the former House speaker from West Miami.

"It really doesn't matter to me what the scoring of political points might accomplish. I think that's very important to my opponent," Crist said.

"They want to run to the right of anybody in order to achieve a primary victory and I think they're missing the picture."

But Rubio's technique is working. He's rising in the polls as Crist falls, in part because of the legacy of the governor's plans to fight global warming or restore civil rights for some ex-cons — positions anathema to many conservatives.

"They're going through what every party goes through after a loss — a cleansing and purifying phase — and they're looking at him and saying, 'Who the hell are you?'" said Democratic strategist Steve Schale, who managed Obama's successful Florida campaign and is now advising state Sen. Dan Gelber, a Miami Beach Democrat running for attorney general.

Echoing Republican critics, Schale said Crist has been too much of a populist, basing too many policies on what was in vogue. He leapt from issue to issue, often without any clear focus beyond what he repeatedly says is a desire to look out for his "boss, the people."

As a result, Crist hasn't had a make-or-break issue that marked his tenure, the way education did for former Gov. Jeb Bush. Many of his proposals, from health care to the economy to property tax cuts, have been scaled back or remain unfinished. On climate change, he turned his back when it became unpopular in his party.

Critics on the right and left have cast Crist as a quitter, noting he is the first governor to not seek a second term since a state Constitutional change in 1968 allowed governors to do so.

"Charlie is a very likable, respectful friendly politician," said Barney Bishop, executive director of the business lobby Associated Industries of Florida. "But I think people wanted more than just cheerfulness. They want somebody who will change what's going on."

The governor's closest adviser and former chief of staff, U.S. Sen. George LeMieux, said it will take time for Crist's accomplishments to be fully appreciated. He cited the downsized purchase of U.S. Sugar land for Everglades restoration and high-speed and commuter rail projects.

"These are things that will take a long time to bear fruit," said LeMieux, whom Crist appointed to a U.S. Senate vacancy in August.

Crist is already promoting the rail package as a success. He also cites a decline in violent crime and takes credit for giving state universities the leeway to increase tuition as a way to retain faculty members.

But even LeMieux, whom Crist called his "maestro" for leading his successful 2006 governor's race in a year when

Republicans were clobbered nationally, might be a liability. By picking his friend to warm the coveted seat, Crist drew charges of cronyism from Democrats and Republicans alike.

When Crist took office in 2007, the unemployment rate was 3.3 percent — less than a third of what it is now as more than 1 million Floridians can't find work. One in every 705 Florida homes was in foreclosure when he took office. Now the foreclosure rate is 1 of 165, according to RealtyTrac data service.

Even Crist's staunchest critics say many of Florida's woes are largely beyond his control. But they question whether Crist did what he could when he could. When the economy deteriorated, Crist paid visits to regional unemployment centers and held roundtable discussions with veterans and real estate agents, but he didn't propose and implement specific policies to halt the tide of foreclosures and layoffs.

"It's nice to empathize and feel their pain, but people expect elected officials to do something and make their life better," said Bishop of Associated Industries, which opposes Crist's regulatory and insurance policies.

Facing uncertainty as he embarks upon his final year as governor, Crist still shows glimpses of his trademark optimism that once charmed Florida voters.

"All in all, I think it's been a good year — a good year in challenging times," Crist said. "These are tough times. It sure hasn't been dull, to say the least, by any stretch."

Judge approves settlement in US Sugar lawsuit

01/04/2010

Seattle Times - Online

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01/04/2010

Public Opinion

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MinyanVille

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Enquirer-Herald - Online

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Capital Press - Online

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U.S. Sugar settlement approved

01/04/2010

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Business Journal Serving Greater Milwaukee - Online

A federal judge has approved a settlement in a class action lawsuit by shareholders and members of U.S. Sugar Corp.'s Employee Stock Ownership Plan for an \$8.4 million payment.

The settlement agreement had been announced earlier, but the judge's approval makes it final. The suit was filed after shareholders learned U.S. Sugar had entertained a buyout offer.

U.S Sugar pays \$8.4 million settlement.

After plaintiffs' attorney's fees and expenses, about \$5.5 million is available to distribute to shareholders and ESOP participants. (This equates to about \$2.70 a share.)

Since the average plan participant has 175 shares, the average payment is about \$480.

The company had previously said that an additional payment of \$7.5 million, less plaintiffs' attorneys' fees, would be made if U.S. Sugar closes its pending land sale with the South Florida Water Management District. A spokeswoman for the company said that provision was also approved by the judge.

In October, the company said the settlement was reached without any party admitting any liability.

A claims administrator will handle disbursement. Payments to ESOP participants will be made to their retirement accounts.

Judge approves settlement in US Sugar lawsuit

01/04/2010

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Bradenton Herald - Online

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