

MEMORANDUM

TO: Board of Trustees

FROM: Tim Callicrate
Board Chairman

SUBJECT: Case No. CV18-01564 Mark E. Smith v. IVGID

- (1) Review, discuss and possibly approve a payment in the amount of \$42,282.79 to Erickson, Thorpe & Swainston, Ltd.
- (2) Review, discuss and possibly approve a not-to-exceed amount of \$50,000 for legal services to achieve settlement of the above referenced case

DATE: April 27, 2020

I. RECOMMENDATION

- (1) That the Board of Trustees makes a motion to approve a payment in the amount of \$42,282.79 to Erickson, Thorpe & Swainston, Ltd.
- (2) That the Board of Trustees makes a motion to approve a not-to-exceed amount of \$50,000 for legal services to achieve settlement of the above referenced case

II. BACKGROUND

Presently, the District has an outstanding balance owed to Erickson, Thorpe & Swainston, Ltd. of \$42,282.79. This outstanding balance represents charges through April 1, 2020. The District received this lawsuit on August 23, 2018 and has made one payment in the amount of \$45,608.82 to Erickson, Thorpe & Swainston, Ltd.

The authority to pay is as follows:

Authority to pay: \$50,000 (under then District General Manager Pinkerton)
\$10,000 additional approved by the Board of Trustees on 6/19/19
\$ 7,500 additional approved by the Board of Trustees on 1/22/2020
Total authority to pay \$67,500

This case has a status conference scheduled for May 12, 2020. Anticipated legal services to get to settlement, without including any fees in the settlement agreement, is estimated at not-to-exceed \$50,000.