

**Bob Wilbur**

**From:** "Suzy Palmer" <suzyalmer1@me.com>  
**Date:** Tuesday, June 24, 2014 2:13 PM  
**To:** "Bob Wilbur" <bbwilbur@broadstripe.net>  
**Cc:** "Kurt S. Blankenship" <kblankenship@bluewilliams.com>; "Ed Delahanty" <whshed@live.com>; "Chris Hendrickson" <Hendrickcj@gmail.com>; "Steve Morrow" <stevem@broadstripe.net>; "Fred Salmon" <pheffy@aol.com>; "Dustin Frederick" <dustin@local519.org>  
**Subject:** Re: A request/your thoughts?

Great...I agree it would be best to have Ed, Steve and Kurt be a part of the discussion.  
 Suzy

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On Jun 24, 2014, at 12:46 PM, Bob Wilbur <bbwilbur@broadstripe.net> wrote:

Yes, that is what we need to do, so Suzy, rather than have the tail (the respective attorneys) wag the dog, since we are the parties that need to find concurrence, it will be faster and easier if we do it and then provide it to the attorneys to massage as needed and present to the judge.  
 Cheers...Bob

**From:** [Kurt S. Blankenship](#)  
**Sent:** Tuesday, June 24, 2014 12:11 PM  
**To:** [Suzy Palmer](#) ; [Bob Wilbur](#)  
**Cc:** [Ed Delahanty](#) ; [Chris Hendrickson](#) ; [Steve Morrow](#) ; [Fred Salmon](#) ; [Dustin Frederick](#)  
**Subject:** RE: A request/your thoughts?

I'm assuming what we are talking about is submitting a consent judgment, agreed to by both sides, that will make the preliminary injunction a permanent one and then the case will be over.

**Kurt S. Blankenship**  
 Partner



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**From:** Suzy Palmer [mailto:suzyalmer1@me.com]  
**Sent:** Tuesday, June 24, 2014 1:21 PM  
**To:** Bob Wilbur  
**Cc:** Ed Delahanty; Chris Hendrickson; Steve Morrow; Fred Salmon; Dustin Frederick; Kurt S. Blankenship  
**Subject:** Re: A request/your thoughts?

I don't have any experience with court requirements or how to anticipate what the next step may be to get this settled. My small understanding is that we need Judge Hancock to produce a written final judgement that supports the TRO. If that is the case let's meet with our lawyer and get this done as soon as possible. The contentiousness grows as we wait...  
 Suzy

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On Jun 23, 2014, at 05:57 PM, Bob Wilbur <[bbwilbur@broadstripe.net](mailto:bbwilbur@broadstripe.net)> wrote:

All,

I am increasingly concerned about the misinformation re the TRO and the now-frenetic dialog on ND about the lawsuit. Even the pool supporters are starting to get confused.

My attorney is out until June 30 and I leave June 30 for about a week, and I know Ed and Carol will be gone sometime in July, meaning schedules aren't too good.

So, I suggest we have a work session this week aimed at developing a mutually acceptable draft declaratory judgment to run past our respective attorneys, and then after tweaking and in full concurrence, to Hancock. Without concurrence I fear it is going to be very difficult to develop a robust solution to this quagmire.

I suggest a non-quorum of three Board members and I meet this week to see if we can put something viable together. The membership, if you think wise (and I do), should be informed via ND and/or the web site (probably just after the work session), with something along the following explanation:

- 1) The long delays due to attorney schedules and legal issues has prompted serious misinformation and the expansion of erroneous conclusions, the latest being that the lawsuit is over when in fact it is now down to one defendant (the current board) and the one plaintiff (i.e., moi).
- 2) Because this lawsuit has been delayed for far too long and given the judge has determined the plaintiff is likely to persevere in a trial, the Board has agreed to meet and work with the plaintiff to develop settlement conclusions consistent with Judge Hancock's findings of fact in the TRO and to then settle the lawsuit without additional strife, burdensome legal costs, and increased insurance rates.

I am really tiring of this, as I'm sure you are. It is time to put it to bed. That is, can't we get a leg up and get this thing moving across our attorneys' respective desks now, versus down the road sometime.

Cheers,

Bob

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