

Bob Wilbur

From: "Ed Delahanty" <whshed@live.com>
Date: Wednesday, June 25, 2014 10:22 PM
To: <bbwilbur@broadstripe.net>; "Kurt S. Blankenship" <kblankenship@bluewilliams.com>; "Suzy Palmer" <suzyalmer1@me.com>; "chris hendrickson" <hendrickcj@gmail.com>; "Steven E Morrow" <stevem@broadstripe.net>; "Fred Salmon" <pheffy@aol.com>; "Dustin Frederick" <dustin@local519.org>
Subject: RE: A request/your thoughts?

Bob,

Thanks for understanding the situation the current Board is in. Plan B seems the best option for the Board and ACBC's membership.

From: bbwilbur@broadstripe.net
 To: kblankenship@bluewilliams.com; whshed@live.com; suzypalmer1@me.com; hendrickcj@gmail.com; stevem@broadstripe.net; pheffy@aol.com; dustin@local519.org
 Subject: Re: A request/your thoughts?
 Date: Wed, 25 Jun 2014 09:03:08 -0700

Morning Kurt,

Okay, and that of course is a paramount concern that must be avoided.

So scratch plan A and on with plan B. I will send Chris S an email explaining that. And will also let him know what my expectations/hopes are, and that if possible we should shoot for July 7 for a draft of the judgment. If they can meet that, and if it is wise and useful to meet to iron out whatever, then presumably you would be available for another week or so after that. Ed, unless you want, I'm on board with plan B and we need not chat this afternoon, but can if you want.

As long as all are assembled here, I had a thought yesterday that, given the extremely hyped up rhetoric over opening the pool this summer without ADA feasibility, and Dan Jones organizing a lawsuit, that perhaps it would be wise to not open the pool after all and let the emotions settle down so that when the declaratory does come out, it doesn't become the bomb dropped in the burning fire. And secondarily the turd could be slipped into their pocket – that there was so much acrimony created the board decided not to further enflame discord and will opt to not open this year. *The downside:* the "victory" might embolden them to set their sights on new targets of glory. Anyway, just some thoughts for the seven of you to ponder on.

Tallyho...Bob

From: [Kurt S. Blankenship](#)
Sent: Wednesday, June 25, 2014 8:21 AM
To: [Bob Wilbur](#) ; [Ed Delahanty](#) ; [Suzy Palmer](#) ; [chris hendrickson](#) ; [Steven E Morrow](#) ; [Fred Salmon](#) ; [Dustin Frederick](#)
Subject: RE: A request/your thoughts?

Bob: I hear you but I agree with Ed that the Board needs to be careful with this. At the end of the day, we want to be able to say that the Board relied on and acted on advice from the Board's attorney in bringing the litigation to a conclusion. We don't want to create any opportunity for the Critics to either reopen the litigation or file a new suit against the current Board. I'm sure you can understand our concerns. There's no question in my mind that we have the same goals as you. That being said, we will do everything possible to minimize the costs and time involved.

I will arrive on the Island the night of July 2nd and be staying until the 16th, so I'm available during that time frame to meet and discuss, or by telephone before.

Thanks.

From: Bob Wilbur [mailto:bbwilbur@broadstripe.net]
Sent: Wednesday, June 25, 2014 10:09 AM
To: Ed Delahanty; Kurt S. Blankenship; Suzy Palmer; chris hendrickson; Steven E Morrow; Fred Salmon; Dustin Frederick
Subject: Re: A request/your thoughts?

Hi Ed,
To flesh out a bit more my thinking in last night's email, dumbed-down by jet noise, was that rather than have our attorneys tell us what we want, it makes better sense to me to draft a declaratory that tells them what we would like to see in the way of a judgment and then have them figure out what will and won't fly, what we have missed, and how best to present it.

And I am reasonably sure the approach Chris Nye suggested would take more time, maybe considerably more, given their busy schedules and back and forth drafts of this and that and do-overs, nixes, etc. And time is money, and I have to try as best I can to hold down the now considerable costs for those who helped sponsor this effort.

So in a nutshell, while I respect both attorneys, I am concerned about delay and money with the approach you outlined, but let's do talk later today after I hear from Chris Skinner.

Cheers,
Bob

From: [Ed Delahanty](#)
Sent: Tuesday, June 24, 2014 10:05 PM
To: bbwilbur@broadstripe.net ; [Kurt S. Blankenship](#) ; [Suzy Palmer](#) ; [chris hendrickson](#) ; [Steven E Morrow](#) ; [Fred Salmon](#) ; [Dustin Frederick](#)
Subject: RE: A request/your thoughts?

Hi Bob,

I like the positive tone of your message to the "pool advocates". Hopefully we're nearing resolution of this issue to the satisfaction of all but a few.

I spent some time talking with Chris Nye today and came to the conclusion that it is probably best for the current Board to give the two attorneys a little more time to talk things over. It may result in a quick resolution that in effect turns the TRO into a permanent order based on Judge Hancock's findings of fact and conclusions of law as stated in his ruling of December 30, 2013. Based on the advice from Chris Nye, I'd like to hold off on meeting with you for the moment. I realize that Chris Skinner won't be available until early next week, but feel it's worth the short wait to give the attorneys a chance to see if they can come up with a resolution that minimizes grounds for any future law suit based on the outcome of the current one.

If this doesn't make sense to you, please call so we can discuss further.

Kind Regards,

Ed.

From: bbwilbur@broadstripe.net

To: kblankenship@bluewilliams.com; whshed@live.com; suzypalmer1@me.com; Hendrickcj@gmail.com; stevem@broadstripe.net; pheffy@aol.com; dustin@local519.org

Subject: Re: A request/your thoughts?

Date: Tue, 24 Jun 2014 07:42:15 -0700

Thanks Kurt. FYI I sent the following out to about 40 of our pool advocates group last night (excluding Board supporters). Just want you all to know they have been updated.

+

Pool supporters,

It has been a long time and I apologize, but I have held off until now thinking things since Thanksgiving would have proceeded at a much faster pace than they have. That they have not has been highly frustrating to me. Let's place that on councils' fanny for lack of a better doormat.

But the skinny, in spite of the constant rants on Next Door, is this. No, the lawsuit is not over, as Dan Jones has claimed. Rather, the individual defendants (all the members of the prior board) have been un-sued – i.e, released so they no longer have any sway or influence on the future of the lawsuit. That leaves the Board (collectively, not individuals) as the remaining defendant.

I am hoping to negotiate a settlement of the lawsuit with the Board that will enshrine and expand on the TRO regarding the future of the pool and correct the misconceptions about how ACBC is to be governed by its governing documents. More on that will follow as developments provide clarity.

Meanwhile, we have just shy of \$7000 in the bank, largely thanks to each of you and a \$10,000 check from the ACBC insurance. I can and will provide a full accounting separately. I hope our balance is sufficient but if a negotiated settlement producing a declaratory judgment fails, all of us will need to decide if we are up to supporting going into trial mode. Please do not respond on that, but just keep it in your question box.

If any of you have questions, do feel free to phone (360-678-4850) or email.

Thanks again to each and all,

Bob

From: [Kurt S. Blankenship](#)

Sent: Tuesday, June 24, 2014 6:29 AM

To: [Bob Wilbur](#) ; [Ed Delahanty](#) ; [Suzy Palmer](#) ; [Chris Hendrickson](#) ; [Steve Morrow](#) ; [Fred Salmon](#) ; [Dustin Frederick](#)

Subject: RE: A request/your thoughts?

I agree and would volunteer to be one of the Board participants, albeit by phone.

Kurt S. Blankenship

Partner

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From: **Bob Wilbur** [<mailto:bbwilbur@broadstripe.net>]

Sent: Monday, June 23, 2014 7:58 PM

To: **Ed Delahanty; Suzy Palmer; Chris Hendrickson; Steve Morrow; Fred Salmon; Dustin Frederick; Kurt S. Blankenship**

Subject: **A request/your thoughts?**

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