

Cc: Storberg, Ann Marie (TREASURY) <StorbergA@michigan.gov>

Subject: RE: Professional Liability Insurance

Tom

I spoke to Meadowbrook and they are confident that they can find another carrier for Darnell. Their chief concern is that if Darnell is sued for an action taken as Flint EM, PA 436 governmental immunity no longer covers him--Section 20 (4) (5).

Fred is that your interpretation?

Also, insurance will cost approx. \$5,000 which, in their opinion, is probably less than it would cost the AG to defend him.

I talked to Darnell who really wants the additional protection and is discussing the matter further with Meadowbrook.

[http://www.legislature.mi.gov/\(S\(nojcl diedb45grz1rqeqbtvc\)\)/documents/mcl/pdf/mcl-141-1560.pdf](http://www.legislature.mi.gov/(S(nojcl diedb45grz1rqeqbtvc))/documents/mcl/pdf/mcl-141-1560.pdf)

From: Workman, Wayne (TREASURY)

Sent: Friday, October 30, 2015 12:52 PM

To: Connors, Paul (Treasury) <ConnorsP@michigan.gov>; Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>

Cc: Storberg, Ann Marie (TREASURY) <StorbergA@michigan.gov>

Subject: RE: Professional Liability Insurance

Should let Tom know also

From: Connors, Paul (Treasury)

Sent: Friday, October 30, 2015 12:38 PM

To: Workman, Wayne (TREASURY) <WorkmanW@michigan.gov>; Koryzno, Edward (Treasury) <KoryznoE@michigan.gov>

Cc: Storberg, Ann Marie (TREASURY) <StorbergA@michigan.gov>

Subject: FW: Professional Liability Insurance

I talked to Darnell and he wants Meadowbrook to find another carrier even though he knows as EM he has immunity. I think Ann makes some good points.

From: Storberg, Ann Marie (TREASURY)

Sent: Friday, October 30, 2015 12:36 PM

To: Connors, Paul (Treasury) <ConnorsP@michigan.gov>

Subject: RE: Professional Liability Insurance

He probably isn't trusting the state to back him up and wants added assurance of liability coverage, which is outlined in Sec. 20(4) of the statute. He also may not feel comfortable having the AG represent him and would again prefer to have the extra insurance coverage [which provide for legal defense if needed]. After reading Sec. 20(5) in the statute, there is reliance that the state treasurer will approve the legal expenses and determine that his actions fell within (5)(a)(b). I can see some possible holes in the statute that would make me feel uncomfortable, especially in light of all the legal threats being thrown his way.

From: Connors, Paul (Treasury)

Sent: Friday, October 30, 2015 12:20 PM

To: Storberg, Ann Marie (TREASURY) <StorbergA@michigan.gov>

Subject: RE: Professional Liability Insurance

Why is has immunity and AG representation?

From: Storberg, Ann Marie (TREASURY)

Sent: Friday, October 30, 2015 12:17 PM

To: Connors, Paul (Treasury) <ConnorsP@michigan.gov>

Subject: FW: Professional Liability Insurance

Interesting, but not surprising to hear that the prof liab insurance carrier doesn't want to renew coverage based on all of the negative media coverage. Since I worked at a med mal insurance co. for 10 years, I understand why an underwriter might have a difficult time assessing the risk for this coverage and would prefer to not be exposed to any "potential" risk going forward. Did the state provide coverage for Darnell? I was wondering why they would contact the state versus Darnell. I can also understand why Darnell would want to continue receiving this coverage. I would if I were in his shoes for a number of reasons.

The premiums on this coverage are sure to go up based on the potential risk, and that is if any carrier is willing to take on the risk.

From: Darnell Earley [mailto:darnell.earley@detroitk12.org]

Sent: Friday, October 30, 2015 11:58 AM

To: Connors, Paul (Treasury) <ConnorsP@michigan.gov>

Cc: Storberg, Ann Marie (TREASURY) <StorbergA@michigan.gov>; John Clark <jclark@gmhlaw.com>

Subject: Re: Professional Liability Insurance

Paul,

For any number of reasons, I want that coverage. I would ask that Meadowbrook identify a carrier. I am also curious as to why they didn't contact me. In any event, they should be asked to pursue this matter despite their concerns about media coverage of an event that clearly I was not liable for.

DE

Darnell Earley, ICMA-CM, MPA

Emergency Manager

Detroit Public Schools

From: Connors, Paul (Treasury) <ConnorsP@michigan.gov>

Sent: Friday, October 30, 2015 10:48 AM

To: Darnell Earley

Cc: Storberg, Ann Marie (TREASURY)

Subject: Professional Liability Insurance

Hi Darnell

I received an email today from Meadowbrook Insurance that ACE/Westchester gave notice that it will not renew your professional liability coverage. Meadowbrook is concerned that it will be difficult to find a new carrier because of a recent Freep article on Flint Water.