

Workman, Wayne (TREASURY)

From: Workman, Wayne (TREASURY)
Sent: Wednesday, September 30, 2015 10:19 AM
To: Byrne, Randall (Treasury)
Cc: Schafer, Suzanne K. (Treasury); Koryzno, Edward (Treasury); Cline, Richard (Treasury)
Subject: Re: Shears Preliminary Budget and timeline

Please add Tom to this loop. Whatever we do needs to be coordinated with any other water assistance. Let Natasha know we are reviewing in context of other Flint Demands.

Sent from my iPhone

On Sep 30, 2015, at 10:08 AM, Byrne, Randall (Treasury) <ByrneR1@michigan.gov> wrote:

Wayne and Suzanne:

This is the revised budget and timeline for hiring Miller Canfield on the Shears Case. In addition, they added more detail regarding their plan to defend the city. I asked that she send a copy to Fred as well. Natasha is hoping for a response soon. Please discuss.

Thanks,

Randy

From: Natasha Henderson [<mailto:nhenderson@cityofflint.com>]

Sent: Wednesday, September 30, 2015 9:41 AM

To: Byrne, Randall (Treasury) <ByrneR1@michigan.gov>; Cline, Richard (Treasury) <cliner1@michigan.gov>; Headen, Frederick (Treasury) <HeadenF@michigan.gov>

Subject: Fwd: Shears Preliminary Budget and timeline

Thanks,

Natasha L. Henderson, City Administrator
City of Flint, Michigan
@Samsung Galaxy Note 4

----- Forwarded message -----

From: "Trebilcock, Christopher M." <trebilcock@millercanfield.com>

Date: Sep 30, 2015 9:31 AM

Subject: Shears Preliminary Budget and timeline

To: "Natasha Henderson" <nhenderson@cityofflint.com>

Cc: "Trebilcock, Christopher M." <trebilcock@millercanfield.com>, "Peter Bade" <pbade@cityofflint.com>

Natasha:

Thanks for the follow-up call. We have been able to review the pleadings and procedural posture of the *Shears* case more closely. Given the work that has been done thus far, I think we can

revise our estimates favorably for the City. For your consideration, here is a summary of our revised estimated budget:

- 1) Motions and appearances before the Circuit Court, prior to trial on damages: \$35,000 - \$75,000
 - 2) Motions and briefs before the Court of Appeals: \$45,000 - \$65,000
 - 3) Motion and Briefs before the Supreme Court: \$25,000 - \$55,000
 - 4) Trial regarding damages before the Circuit Court (excluding experts): \$75,000 - \$105,000
 - 5) Appeals after trial on damages: \$65,000 - \$85,000
- Total: \$245,000 - \$385,000

Also, for your internal discussion, here is the additional detail on our immediate pleadings we would file in the next week:

- 1) We will file an appearance in *Shears* in GCCC on Wednesday (or upon engagement)
- 2) We will file a motion for 30-day adjournment in GCCC on Wednesday (or upon engagement)
- 3) If our Motion for a 30-day adjournment is denied, which is likely, we will immediately file the next day:
 - a) Supplemental brief on Motion to Change Venue based on fact that GCCC is member of the class
 - b) Motion to Recuse Hayman based on status of Chief Judge and that GCCC is member for the class.
- 4) File a Motion to Dissolve the TRO in GCCC based on federal court finding on Kincaid TRO (if supported after closer review of pleadings). This would be an Emergency Motion filed as soon as possible.
- 5) File a Motion to Consolidate Case with Kincaid in GCCC. Since the Kincaid Plaintiffs are also member of the class the more technically correct way to go is dismiss the Kincaid case, but the real point would be to keep the action before Judge Yiuule which apparently can't happen if he is conflicted (e.g., if he is a member of the class as a Flint resident). We would recommend filing this Motion in the next 7 days.
- 6) We will also look at the Kincaid Ct. App. decision and see if we can supplement the motion to dismiss with any law of the case argument (i.e., the pooling issue, the Emergency Manager's decision. We will also consider whether there are other arguments for dismissal by comparing the Kincaid state and federal pleadings and the Shear pleadings. We are still trying to figure out how Val got to file a second suit on the same claims in the same court; seems to go against every principle of judicial economy.

Once these are resolved, we will likely file Expedited Motions for Application to Leave to the Court of Appeals. This is especially true for the Motion to Consolidate. But would be for all the