

## **FBM Board Meeting Minutes**

**March 21, 2019 (1:30 pm - 2:00 pm)**

**Topic: Acceptance of Stipulated Judgment**

**Nevada County Courthouse, 201 Church Street, Nevada City**

**Attendees:** Susan Luhman (Secretary), Diana Abrell, Andrew Wilkinson (Treasurer & Vice President), Jeff Peach (Firewise Coordinator & Communications Director), Susan Sanders

**Apologies:** Ed Sylvester and Chuck Staetz (President)

Susan Sanders made the motion to authorize FBM's attorney, John Bilheimer and Jim Simon, to proceed with resolution of FBM v. Davis litigation in accordance with the Stipulated Judgment (attached). Jeff seconded, all approved.

The reasons for FBM to accept the proposed resolution are:

1. The Stipulated Judgment achieves the main goal of FBM's litigation, which is to establish a public easement on the Davises' property and restore public access to this portion of the Cascade Canal trail.
2. Proceeding with trial (and possibly an appeal) rather than accepting the Stipulated Judgment would have been far more expensive than the proposed settlement, so it is a prudent use of FBM funds to accept this resolution.
3. FBM's only significant compromise in accepting the Stipulated Judgment is that FBM loses the opportunity to request award of attorneys' fees. However, based on FBM's understanding of how attorneys' fees are awarded, that award would not have been guaranteed even with a successful trial outcome. Furthermore, if awarded it would take a long time to collect fees, and if the plaintiff declared bankruptcy, FBM might never collect them. So again, accepting the Stipulated Judgment is a prudent financial decision.

All board attendees agreed to:

- Prepare the sign to be affixed to the Cascade Canal trailhead gate, as described in the Stipulated Judgment. Susan Luhman agreed to oversee this task, and will work with Andrew in doing that.
- Send an email update to members to describe the resolution of the litigation, and update the gofundme page. Susan Sanders agreed to do this.

- Send thank you letters to the witnesses. Susan Sanders will get John Bilheimer's list of witnesses who were present on Wednesday and Thursday. Susan Sanders will prepare a draft thank you letter for review.

Andrew Wilkinson (Vice President) adjourned the meeting at 2:00 pm.