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Recommendation: Authorize cost of fee opposition and appeal costs.

e. Trial Cases

There are four cases currently with trial dates, Zimmerman (May 18), Zirpel (June 9) Menifee (July 6) and Marshall (July 20). The detail in Elyn's Letter of February 7, attached.

With the exception of Marshall, where the case is only against Alki's company, and for which a settlement offer of \$155K was made appear to be in a state where Alki has made them likely indefensible. The letter lays out the details. You asked me to comment try these cases, and whether she would agree to stick with the \$200K per case she agreed to for I believe Kahn and Reeves. The be a waste of money to defend these cases and the money in the aggregate might be enough to come close to a global settlement himself in these cases, and I am not sure Elyn wants to try them even if she is paid.

Cost: \$150K to settle Marshall, \$1.2M-\$1.4M to try the other three cases.

Recommendation: Speak with Alki about initiating global settlement efforts. If unsuccessful, determine whether the cost losing case is outweighed by the likelihood that plaintiffs are unlikely to be able to collect any judgment (which revisits t are protected).

I look forward to speaking with you and your colleagues tomorrow.

Fred

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