



MEETING OF: July 8, 2014

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TITLE: To Approve Retention of Attorney(s) in Litigation (SY 2015)

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ITEM #: 11

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Information:

Study:

Action: X

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PURPOSE:

To approve the retention of its attorney, to authorize its attorney to take appropriate actions to represent the Board, assert the Board's positions, and protect the Board's interests in pending litigation. By this same action, the Board also ratifies and approves actions taken to date:

USDC Case No. CIV-14-778-TUC-CKJ (LAB), *Shoup v. TUSD*. Authorizing Donald Peder Johnson of Gallagher & Kennedy, 2575 E. Camelback Road, Phoenix, AZ.

Pima County Superior Court, CV 2014-0806, *Allen v. TUSD*, Authorizing Donald Peder Johnson of Gallagher & Kennedy, 2575 E. Camelback Road, Phoenix, AZ.

USDC Case No. CIV 14-01991-CKJ, *Newman v. TUSD*. Authorizing Donald Peder Johnson of Gallagher & Kennedy, 2575 E. Camelback Road, Phoenix, AZ.

Pima County Superior Court, C2014-2930, *Peckham v. TUSD*. Authorizing Matthew Wright of Holm Wright Hyde & Hays, PLC 10429 S. 51st Street Suite 285, Phoenix AZ 85044.

Pima County Superior Court, C2012-7515, *Papst v. TUSD*. Authorizing Chris Welker of Holm Wright Hyde & Hays, PLC 10429 S. 51st Street Suite 285, Phoenix AZ 85044.

Pima County Superior Court, 2014-2641, *Goldentyer v. TUSD*. Authorizing Thomas Langan of Udall Law Firm, 4801 E. Broadway Boulevard, Suite 400, Tucson AZ 85711

USDC Case No. CIV 14-02074-JGZ, *Saitta v. TUSD*, Authorizing Lisa Anne Smith, DeConcini McDonald, 2525 E. Broadway, Suite 200, Tucson AZ 85719.

Pima County Superior Court C2014-2226, *Corrales v. TUSD*, Authorizing Matthew Wright, Holm Wright Hyde & Hays, 10429 S. 51st Street # 285, Phoenix AZ 85044

Pre-litigation (Notice of Claim), *Pahl v. TUSD*, Authorizing Matthew Wright, Holm Wright Hyde & Hays, 10429 S. 51st Street # 285, Phoenix AZ 85044. Authorized for post-litigation if matter proceeds to suit.

Pima County Superior Court Case No. C20122425, *Panzer v. TUSD*, Authorizing Jerry Wilson of Miniat & Wilson, 550 West Ina Road, Suite B., Tucson, AZ 85704.

Pima County Superior Court Case No. C20132151, *Flanagan v. TUSD*, Authorizing Jerry Wilson of Miniat & Wilson, 550 West Ina Road, Suite B, Tucson, AZ 85704.

Pima County Justice Court Case No. CV13028583, *American Family Mutual Insurance/Holcomb v. TUSD*, Authorizing Jerry Wilson of Miniat & Wilson, 550 West Ina Road, Suite B, Tucson, AZ 85704.

Pre-litigation (Notice of Claim), *Barr v. TUSD*, Authorizing Jerry Wilson of Miniat & Wilson, 550 West Ina Road, Suite B, Tucson, AZ 85704. Authorized for post-litigation if matter proceeds to suit.

Pre-litigation (Notice of Claim), *Cramer v. TUSD*, Authorizing Jerry Wilson of Miniat & Wilson, 550 West Ina Road, Suite B, Tucson, AZ 85704. Authorized for post-litigation if matter proceeds to suit.

Pima County Superior Court Case No. C20136807, *Escobar v. TUSD*, Authorizing Jerry Wilson of Miniat & Wilson, 550 West Ina Road, Suite B, Tucson, AZ 85704.

Pima County Superior Court Case No. C20121176, *Gallagher v. TUSD*, Authorizing Jerry Wilson of Miniat & Wilson, 550 West Ina Road, Suite B, Tucson, AZ 85704.

Pima County Justice Court Case No. CV14003768, *Corona v. TUSD*, Authorizing Jerry Wilson of Miniat & Wilson, 550 West Ina Road, Suite B, Tucson, AZ 85704.

Pima County Superior Court Case No. C20134475, *Stutesman v. TUSD*, Authorizing Jerry Wilson of Miniat & Wilson, 550 West Ina Road, Suite B, Tucson, AZ 85704.

Pima County Superior Court Case No. C20112506, *Booth v. TUSD*, Authorizing Jerry Wilson of Miniat & Wilson, 550 West Ina Road, Suite B, Tucson, AZ 85704.

Pima County Superior Court Case No. C20125170, *Paz v. TUSD*, Authorizing Jerry Wilson of Miniat & Wilson, 550 West Ina Road, Suite B, Tucson, AZ 85704.

USDC Case No. 74-CV-90-TUC-DCB, Roy & Josie Fisher, et al v. Anita Lohr & Sidney Suttan, et al, Maria Mendoza, et al v. TUSD, Authorizing J. William Brammer, Jr., Patricia V. Waterkotte, Sarah J. Stanton and Katherine E. Scott of Rusing, Lopez & Lizardi, 6363 North Swan Road, Suite 151, Tucson, AZ 85718.

U.S. Court of Appeals - Ninth Circuit Case No. CV74-90-TUC-DCB, Roy & Josie Fisher et al, Maria Mendoza, et al. v. TUSD, Authorizing J. William Brammer, Jr., Patricia V. Waterkotte, Sarah J. Stanton, Katherine E. Scott and Michael J. Rusing of Rusing, Lopez & Lizardo, 6363 North Swan Road, Suite 151, Tucson, AZ 85718

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#### DESCRIPTION AND JUSTIFICATION:

Over the past six months or so, the Arizona School Risk Retention Trust has assigned counsel to represent TUSD in a variety of pending matters. One of them, Donald Peder Johnson, has requested formal board appointment out of an abundance of caution and as his recommended "best practices" approach. We intend to submit such representation for Board appointment on a forward going basis. Accordingly, each of the matters listed above is a pending employment or tort case. Most of them involve matters in which counsel are representing the District under the auspices of the Trust. A few of the older cases are matters were directly assigned by Risk Management to Jerry Wilson, who is on the District's approved counsel list pursuant to a previous RFP for legal services.

Julie Tolleson will be available to respond to questions.

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#### BOARD POLICY CONSIDERATIONS:

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#### LEGAL CONSIDERATIONS:

For all Intergovernmental Agreements (IGAs), Initiator of Agenda Item provides the name of the agency responsible for recording the Agreement after approval:

For amendments to current IGAs, Initiator provides original IGA recording number:

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Legal Advisor Signature (if applicable)

BUDGET CONSIDERATIONS:

_____	District Budget
_____	State/Federal Funds
_____	Other
<u>Budget Cost</u>	<u>Budget Code</u>

Budget Certification (for use by Office of Financial Services only):  
  
Date \_\_\_\_\_  
I certify that funds for this expenditure in the amount of \$ are available and may be:  
Authorized from current year budget  
Authorized with School Board approval  
Code:    Fund:

INITIATOR(S):

Julie C. Tolleson, General Counsel		06/16/14
Name	Title	Date

DOCUMENTS ATTACHED/ ON FILE IN BOARD OFFICE:

<u>ATTACHMENTS:</u>
<a href="#">Click to download</a>
No Attachments Available

TUCSON UNIFIED SCHOOL DISTRICT	BOARD AGENDA ITEM CONTINUATION SHEET
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