

No. 9-0604

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF SETTLING *HUSS* v.)
SPOKANE COUNTY, U.S. DISTRICT COURT) **RESOLUTION**
CAUSE NO. CV-05-180 FVS)

WHEREAS, pursuant to the provisions of the Revised Code of Washington, Section 36.32.120(6), the Board of County Commissioners of Spokane County has the care of County property and the management of County funds and business;

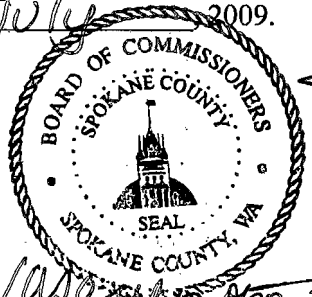
WHEREAS, Shawn Huss filed a Complaint for Violations of Civil Rights Class Action against Spokane County on June 13, 2005 in Cause No. CV-05-180 FVS. On July 14, 2005 Mr. Huss filed an Amended Complaint for Violations of Civil Rights and on December 21, 2005 Mr. Huss filed a Second Amended Complaint for Violations of Civil Right Class Action;

WHEREAS, following mediation, the Washington Counties Risk Pool, Spokane County Risk Manager and the Prosecuting Attorney's Office recommend the Board of County Commissioners fully settle and resolve this matter as set forth in the "Memorandum of Understanding Regarding Settlement" attached hereto as Attachment "A";

WHEREAS, the Board of County Commissioners concurs with this recommendation; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Spokane County that the Chairman of the Board or a majority of the Board authorizes and confirms settlement of the above captioned cause of action as recommended. This approval is only effective if approved by the U.S. District Court.

ADOPTED by the Board of County Commissioners of Spokane County, Washington this 7th day of July, 2009.



Todd Mielke

Todd Mielke, Chair

Mark Richard

Mark Richard, Vice-Chair

ATTEST:

Daniela Erickson

Daniela Erickson
Clerk of the Board

Bonnie Mager

Bonnie Mager, Commissioner

**PATTERSON BUCHANAN
FOBES LEITCH & KALZER, INC., P.S.**

2112 THIRD AVENUE, SUITE 500
SEATTLE, WASHINGTON 98121
MAIN (206) 462-6700 FAX (206) 462-6701

Michael A. Patterson
Patricia K. Buchanan
Duncan K. Fobes
Charles P.E. Leitch
Karen A. Kalzer

Yasmeen M. Abdullah
Mark A. Anderson
Donald F. Austin
Derek A. Bishop
Nicole M. Brodie
Daniel P. Crowner

Adam G. Cuff
Amy J. DeLisa
Paul Edwards-Kevin
Rhianna M. Fronapfel
Sarah E. Heineman
Scott H. Husbands

Sean D. Jackson
Scott I. Jamleson
Andrew S. Kamins
Kelly C. Kapanjie
Sarah S. Mack
Angela N. Marshallain

Keith A. Talbot
Bryan T. Terry
Monica T. Torrez
Katharine M. Tylee
Brendan Winslow-Nason

June 16, 2009

CONFIDENTIAL – PROTECTED BY EVIDENCE RULE 408

SENT VIA EMAIL

Mr. Breean L. Beggs
Chief Catalyst
Center for Justice
35 West Main, Suite 300
Spokane, WA 99201

Mr. Jeffrey K. Finer
Senior Litigator
Center for Justice
35 West Main, Suite 300
Spokane, WA 99201

Re: *Huss v. Spokane County Class Action Lawsuit* –

**MEMORANDUM OF UNDERSTANDING
REGARDING SETTLEMENT**

Dear Mr. Beggs and Mr. Finer:

This letter is to summarize the settlement agreement reached at mediation on June 11, 2009 with mediator, Chris Goelz, of the Ninth Circuit Court of Appeals. As you are aware, the parties have agreed to settle the class for a not-to-exceed gross amount of \$491,668.00. This gross amount will be divided into two payment categories as set forth below. The first payment category will be used to compensate non-convicted class members and to provide enhanced mental health services to inmates in the Spokane County Jail. The second payment category will be used to pay attorney fees and cost, compensate the class representative, and to make a donation to the Washington Legal Foundation to provide future legal services in Spokane County available to all class members.

The proposed settlement class includes the class of individuals as defined by Judge Van Sickle in his August 25, 2008 order. Recovery for class members shall be permitted as follows:

Spokane County will pay 137% of any un-refunded claims made by non-convicted class members. The County will pay 37% of previously refunded claims by non-convicted class members. Protocols for notification and claim disputes are to be negotiated by the parties. Total payments to non-convicted class members shall not exceed \$231,668.00. Any and all funds that remain of the \$231,668.00, after the time period expires to file a claim, shall go to Spokane County

Jail to be used for inmate mental health services. These funds must be dedicated to a new or enhanced program and not used to repay costs or expenses from existing mental health services.

Spokane County will also pay a total of \$260,000.00 to be used as follows: A portion of this fund may be used for attorney fees and costs, as determined by the court. Class counsel may allocate a portion of this fund to class representative, Shawn Huss. Any residual amount remaining in this fund will go to the Washington Legal Foundation to be spent in Spokane County on legal services to former jail inmates as agreed upon by the parties. For purposes of attorney fees, the court may consider fees based from the total of this settlement, which equals \$491,668.00. However, in no case will attorney fees and costs exceed \$260,000.00.

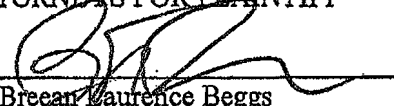
Spokane County will act as the trustee for settlement funds and administer the claims procedure in this matter. Spokane County will be subject to audit, while performing these duties, at the request of class counsel.

These settlement terms outlined above are subject to approval by the Spokane County Commissioners and by the district court. The parties agree to use their best efforts to finalize and execute a stipulation and agreement of settlement, schedule a fairness hearing, provide notice to the class, and obtain court approval of the settlement. The parties further agree to pursue the terms above in good faith.

Please confirm your agreement with the above terms.

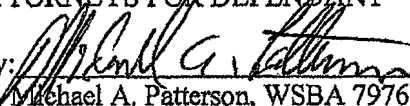
ATTORNEYS FOR PLAINTIFF

By:

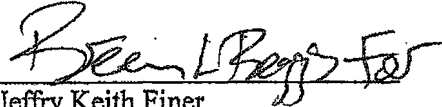

Breean Laurence Beggs
Center for Justice
35 West Main Street, Suite 300
Spokane, WA 99201
Phone: 509-747-4900
Email: breean@cforjustice.org

ATTORNEYS FOR DEFENDANT

By:


Michael A. Patterson, WSBA 7976
Patterson Buchanan Fobes Leitch & Kalzer, Inc.
2112 Third Avenue, Suite 500
Seattle, WA 98121
Phone: 206-462-6700
Email: map@pattersonbuchanan.com

By:


Jeffrey Keith Finer
Center for Justice
35 West Main Street, Suite 300
Spokane, WA 99201
Email: jeffry@finer-bering.com

By:

Class Representative, Shawn Huss