



Special Outside Counsel Committee – Board of Representatives

Jeff Curtis, Chair

Committee Report

Date: Tuesday, May 31, 2022
Time: 6:00 p.m.
Place: *Meeting was held remotely.*

The Special Outside Counsel Committee met as indicated above. In attendance were President Curtis and Committee Member Reps. Berns, Bewkes, de la Cruz, Fedeli, Miller, Nabel, and Sherwood. Rep. Stella was excused. Also present were Rep. Grunberger and Patricia Sullivan, Esq., Cohen and Wolf.

President Curtis called the meeting to order at 6:00 p.m.

Possibly in Executive Session:

Item No.	Description	Committee Action
1. OC31.001	REVIEW; Status of High Ridge Real Estate Owner, LLC v Board of Representatives . 05/04/22 – Submitted by President Curtis	Held 8-0-0

Ms. Sullivan reviewed the current status of the litigation. She explained that the case had been divided into two parts and the part regarding whether the Board could hear the petition was decided in the Board's favor. Now the court will be considering the substantive part – whether the decision of the Board was correct.

The parties had a status conference with Judge Budzik. Attorney Martin has filed a motion for discovery, which Attorney Sullivan has opposed. Discovery is not automatically given in an administrative appeal) and will continue to be briefed. Judge Budzik issued a scheduling order, and will hold another status conference at which he will issue his decision on the motion for discovery and a briefing schedule for the substantive issue.

In response to a question regarding the decision, Ms. Sullivan explained that the court decided that the petition had not been counted properly and that the Board of Representatives does not have the authority to determine if a petition is filed correctly.

A motion to go into executive session to discuss litigation strategy was made, seconded and approved by unanimous voice vote (Reps. Curtis, Berns, de la Cruz,

Fedeli, Miller, Nabel, and Sherwood in favor).

Committee members and Board members went into executive session with Ms. Sullivan at 6:24 p.m.

The Committee came out of executive session at 7:41 p.m. President Curtis stated that Rep. Bewkes joined the meeting during executive session and that no votes were taken during executive session.

A motion to hold Item No. 1 was made, seconded and approved by unanimous voice vote (Reps. Curtis, Bewkes, Berns, de la Cruz, Fedeli, Miller, Nabel, and Sherwood in favor)

President Curtis adjourned the meeting at 7:48 p.m.

Respectfully submitted,
Jeff Curtis, President

This meeting is on video ([Pt. 1](#) & [Pt. 2](#))