



KENAI PENINSULA BOROUGH

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Blaine Gilman, Assembly President
Joe Arness, President, Board of Education
Members, Kenai Peninsula Borough Assembly
Members, Kenai Peninsula Borough School District Board of Education

THRU: Mike Navarre, Borough Mayor *MN*

FROM: Colette Thompson, Borough Attorney *CT*

COPY: Risk Management Committee

DATE: October 13, 2016

SUBJECT: Litigation Status Report

Following is a summary of the non-routine litigation in which the borough and school district are involved. This list does not include the real property tax foreclosures and numerous standard tax collection cases pursued by the borough.

1. **Anderson v. Kenai Peninsula Borough School District and Todd Syverson.** Case No. 3KN-14-857 CI. Robert and Yvonne Anderson filed suit against the school district on October 2, 2014, claiming damages for the district's alleged failure to prevent purported harassment and bullying of their daughter by other students. The district and Mr. Syverson filed an answer denying their claims. Plaintiffs' attorney's motion to withdraw was granted by the court and trial has been re-scheduled for the week of July 18, 2016. The district and Mr. Syverson filed a motion for summary judgment on March 29, 2016, which the court granted. Final judgment was entered in favor of the school district and Mr. Syverson. Defendants' filed a motion for costs and attorney fees on June 20, 2016, which was granted on July 15, 2016.

2. **First Student, Inc. v. Kenai Peninsula Borough School District.** Case No. 3KN-16-479 CI. First Student, Inc. appealed the school district's decision to award the school bus transportation contract to Apple Bus Company. First Student filed a motion to stay the award which the district opposed and hearings were held on this motion. On July 18, 2016, the court entered an order denying First Student's motion to stay the award of the contract. The parties subsequently entered into a stipulation for dismissal with prejudice with each party to bear their own costs and fees. On August 2, 2016, the court entered an order approving the parties' stipulation for dismissal.
3. **King v. Kenai Peninsula Borough.** Case No. 3KN-14-310 CI. Latasha King filed suit against the borough on April 7, 2014, for damages allegedly sustained in a motor vehicle accident on a borough maintained road. The parties reached a settlement and stipulated to dismissal of the case with prejudice. The court entered an order approving the dismissal on August 2, 2016.
4. **Callahan v. Kenai Peninsula Borough -** Case No. 3KN-16-00574CI (BOE Appeal). Carter Callahan appealed the Board of Equalization's opinion regarding tax parcel numbers 13145401 and 13145501. Callahan missed his initial filing deadline for his brief/memorandum. The court has ordered that Mr. Callahan's appeal will be dismissed if he fails to file his brief/memorandum by October 19, 2016.
5. **Larrison v. Kenai Peninsula Borough,** Case No. 3KN-16-499 CI. Cledia Larrison filed this lawsuit against the borough for injuries allegedly sustained in an automobile accident on July 9, 2014. Settlement negotiations are in the process.