

**COMMISSIONERS' COURT ADJOURNED TO EXECUTIVE SESSION AT 10:55 A.M. ON TUESDAY, NOVEMBER 13, 2001.**

**AGENDA ITEM 23**

Discuss pending litigation: Martin DiCarlo v. Ed Richards, et al (EXECUTIVE SESSION REQUESTED as per VTCA 551.071 consultation with attorney)

No action was taken in Executive Session.

**COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 11:07 A.M. ON TUESDAY, NOVEMBER 13, 2001.**

**AGENDA ITEM 24**

Discuss and take any appropriate action on pending litigation: Martin DiCarlo v. Ed Richards, et al.

No action was taken on this agenda item.

< Attachment >

11/13/2001

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11/08/01 09:52 DIETZ & ASSOC PC → 512 930 3262

NO. 277 P002/003

**DIETZ & ASSOCIATES, P.C.**  
**Attorneys At Law**

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Round Rock, Texas 78664  
(512) 244-9314  
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R. Mark Dietz  
Melissa G. Dietz

J. Lee Jarrard, Jr.  
Douglas G. Cornwell

November 8, 2001

**ATTORNEY-CLIENT PRIVILEGED**

The Hon. John C. Doerfler  
Williamson County Judge  
Williamson County Courthouse  
710 Main Street, 2<sup>nd</sup> Floor  
Georgetown, Texas 78626

via FAX

RE: Civil Action No. A-01-CA-299 SS; *Martin DiCarlo v. Ed Richards, et al.*; In the  
United States District Court for the Western District of Texas, Austin Division

Dear John:

Please find enclosed a copy of correspondence which we received from David Brenner reflecting his client's offer to settle the case for \$180,000. As you may remember, we made an offer of judgment in the amount of \$140,000 and that offer expired on October 20, 2001. We have already selected a jury and we will start trial on Tuesday, November 13, 2001. We have expended a significant amount of resources in preparation for trial and based upon the facts as we now know them, I cannot recommend that the Commissioners Court accept this offer, however, that is the Court's determination. Any consideration of this will require an executive session of the Court and the next Commissioners Court meeting will be on Tuesday after trial has started.

I will follow this correspondence by a telephone call to discuss this and other issues relating to the trial. Please do not hesitate to contact me if you have any questions.

Sincerely yours,

  
R. Mark Dietz

RMD/ca

cc: Martha S. Dickie via Fax

11/08/01 09:52 DIETZ & ASSOC PC → 512 930 3262  
512 338 5363  
11/07/01 14:28 FAX 512 338 5363 BAJB LLP

NO.277 P003/003

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**BURNS ANDERSON JURY & BRENNER, L.L.P.**

Attorneys and Counselors of Law  
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From the Desk of:  
DAVID BRENNER

Board Certified, Personal Injury Trial Law.  
Texas Board of Legal Specialization

Certified, Civil Trial Law.  
National Board of Trial Advocacy

November 7, 2001

**Via Facsimile (512) 476-1315**

Martha Dickie  
Minton, Burton, Foster & Collins  
1100 Guadalupe Street  
Austin, Texas 78701

**Via Facsimile (512) 244-3766**

Mark Dietz  
Dietz & Associates, P.C.  
106 Fannin Ave. East  
Round Rock, Texas 78664

Re: Cause No. A-99-CA-053-SS; Martin DiCarlo v. Ed Richards, et al; Filed in the  
U.S. District Court, Western District of Texas  
Our File No. 999.13228

Dear Ms. Dickie and Mr. Dietz:

I have just had an extended conference with my client. At the conclusion of the conference he has authorized me to extend a settlement offer on his behalf. Mr. DiCarlo is willing to accept the sum of \$180,000.00, plus taxable costs of court to settle all of his claims against all of the Defendants in this matter.

I look forward to hearing from you regarding the above.  
Very truly yours,

BURNS ANDERSON JURY &amp; BRENNER, L.L.P.

  
David Brenner

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P.O. Box 26300, Austin, TX 78755-6300  
4807 Spicewood Springs Road, Bldg. 4  
Austin, Texas 78759

**AGENDA ITEM 25****Comments from commissioners.**

**Commissioner Hays** reported on the NASCO board meeting that he attended regarding the North American Superhighway Coalition. He stated that the new terrorism package includes funding for roads projects. He also mentioned that the NAFTA agreement would allow Mexican trucks to start using U.S. roads by the end of this year, and that there could be safety issues as well as possible terrorism issues involved, which could require safety measures and a new tracking system in the process of allowing them to cross the border.

**Commissioner Limmer** remarked that some of the district judges had voiced concerns about whether there are background checks conducted on members of the cleaning crews that clean the Justice Center. Purchasing agent Ginny Atkinson stated that background checks were included in the contract with Service Master for janitorial services.

**COMMISSIONERS' COURT ADJOURNED AT 11:14 A.M. ON TUESDAY, NOVEMBER 13, 2001.**