

PETROLEUM TANK RELEASE COMPENSATION BOARD  
July 23, 2024  
MINUTES  
CASCADE COUNTY MEDIATION  
SUPREME COURT CASE DA 24-0362  
PAYMENT OF OUTSTANDING CLAIMS AND  
3<sup>RD</sup> PARTY DAMAGES FOR DIMINUTION OF PROPERTY  
  
IN-PERSON AND TELECONFERENCE HYBRID MEETING  
Doney Crowley, PC  
50 S Last Chance Gulch Street, 3<sup>rd</sup> Floor  
Helena, MT

Board members in attendance were John Monahan, Presiding Officer, Grant Jackson, with Curt Kelley, Calvin Wilson and Kristi Kline joining via Zoom. Also in attendance were Board Attorney, Aislinn Brown, Terry Wadsworth, Executive Director of PTRCB, Garnet Pirre Board staff and Mr. Mike Lilly, Mediator, Berg Lilly PC.

The meeting began at 12:01 pm.

The Board was seeking a full settlement with a global release of any current and future claims against the Board. There was discussion regarding Cascade Counties claim of 3<sup>rd</sup> party damages for diminution of property as assessed through a legal proceeding wherein Cascade County had been sued by a neighboring property to Cascade County Road and Bridge, Facility 07-05708, Release 3051. The Board did not receive notification of the litigation, was not notified of any claim by a third party, a demand for payment of damages by a third party, or negotiations with a third party who claimed to have been damaged by a release. In addition, the Board was not provided with any status reports or provided the opportunity to review the conduct of any lawsuit or claim as required by rule. The Board members discussed that it appeared that Cascade County's "offer" did not deviate from what the County was seeking from the Court and thus it did not appear to them that Cascade County came prepared to meaningfully participating in settlement discussions.

The Board made an offer that Cascade County rejected and countered with the option to settle without release and to settle with a global release. The Board rejected the counter offers and made a final offer which Cascade County rejected. Settlement failed.

The meeting concluded at 2:51 pm.



Signature – Presiding Officer    Date