

Unsealed by Board of Commissioners 6/27/2011.

**SEALED MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MEETING – November 8, 2010**

Pursuant to NCGS 143-318.11 (a) (3) to consult with an attorney regarding potential litigation, Renee Crocker et. al. v. Transylvania County, et. al., 09 cvs 49, closed session was entered into at 8:45 p.m. Present were Chairman Chappell, Commissioners Bullock, Hawkins, Hogsed and Phillips, County Manager Artie Wilson, County Attorney David Neumann, and Clerk to the Board Trisha Hogan.

Attorney Don Barton represented Renee Crocker, Joy Waldrop, Julie Sprouse and Renee Roof in litigation against Carson Griffin, the Transylvania County Department of Social Services, and Transylvania County. In April 2009 Superior Court Judge A. Robinson Hassell dismissed the case. The case was appealed to the NC Court of Appeals and the dismissal was upheld in May, 2010. The case was appealed to the NC Supreme Court where the petition for discretionary review was denied. The Manager was notified Friday afternoon of the NC Supreme Court's decision.

Sean Perrin of Womble Carlyle Sandridge & Rice would like to know the Commissioners' position on going after attorney fees in the amount of \$26,000. There would be no cost to the County for this legal action nor would the County benefit from this action other than possibly deterring Mr. Barton from future legal action or frivolous lawsuits. The decision to proceed would be up to the insurance company; however the insurance company requested the Board's thoughts on the matter before moving forward.

The consensus of Commissioners was to allow the insurance company to seek attorney fees from Mr. Barton in the amount of \$26,000.

Chairman Chappell moved to leave closed session, seconded by Commissioner Phillips and unanimously carried.

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan
Clerk to the Board

11/08/2010