



Kim Dawson &lt;kim.dawson@edcgov.us&gt;

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**Fwd: BOS calendar Item #4 on consent calendar**

1 message

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**Donald Ashton** <don.ashton@edcgov.us>

Mon, Sep 9, 2019 at 4:22 PM

To: Kim Dawson &lt;kim.dawson@edcgov.us&gt;, David Livingston &lt;david.livingston@edcgov.us&gt;, Sue Hennike &lt;sue.hennike@edcgov.us&gt;

FYI

----- Forwarded message -----

From: **Larry Weitzman** <larryb58tc@gmail.com>

Date: Mon, Sep 9, 2019 at 4:01 PM

Subject: BOS calendar Item #4 on consent calendar

To: &lt;bosone@edcgov.us&gt;, &lt;bostwo@edcgov.us&gt;, &lt;bosthree@edcgov.us&gt;, &lt;bosfour@edcgov.us&gt;, &lt;bosfive@edcgov.us&gt;, Donald Ashton &lt;don.ashton@edcgov.us&gt;, Lori Parlin - SBCGLOBAL &lt;loriparlin@sbcglobal.net&gt;, &lt;jim.mitrisin@edcgov.us&gt;

Gentlepersons, I am aware that the Court of Appeal is ready to render a decision on the matter of Austin vs. EDC, et al. The historical statistical probability of a reversal of the Superior Court judgement by the C of A is about 5%. Another words, about one in 20 cases that are appealed are reversed. That means, statistically the Austins have a 95% chance of prevailing and the Superior Court ruling on the demurrer will be upheld. There will be no county defenses after that and the trial court will issue after "briefing" or hearing a writ of mandate ordering the refund of perhaps as much as \$75 million dollars back to the property owners of record. The Walker case clearly said with no if and or buts if the Nexus studies are not timely five within

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