



Mark DeCoursey <mhdecoursey@gmail.com>

Re: Please let us know your intentions

1 message

Carol DeCoursey <cdecoursey@gmail.com>

Thu, Feb 24, 2011 at 10:18 AM

To: "Degginger, Grant" <DeggingerG@lanepowell.com>

Cc: "Gabel, Andrew J." <GabelA@lanepowell.com>, Mark DeCoursey <mhdecoursey@gmail.com>, "McBride, Ryan P." <McBrideR@lanepowell.com>

Grant--

Thank you for this nice letter. We are glad y'all still like us! Allow us to make a suggestion.

This state needs a real Consumer Protection Act. When a huge, predatory corporation like Windermere vitiates the CPA by litigation attrition warfare and loses, the plaintiffs' attorney fees should be paid by the predator. Those fees should not be deducted from the plaintiffs' damages award.

That's only fair and just. Ryan should not have had to deal with the pettifogging arguments concerning the apportionment of attorney fees. That is rubbish.

The purpose of the legal system is to dispense justice, not provide a gold mine for those who use pettifoggers' tricks to crush the good guys.

This state needs competent people who will stand up for the public good.

Lane Powell does pro bono work. Please consider taking on an aggressive CPA cross-petition to the Supreme Court, pro bono. (That is, no "in the alternative" language.)

There is no chance that the real estate business will be conducted honestly when the Dept. of Licensing holds that using unfair and deceptive practices is not a violation of the real estate laws. Have you seen that famous letter?

<http://renovationtrap.com/dol/081208-dol.pdf>

This is a social policy issue par excellence. Think about, guys. This state needs help. This country needs help.

Grant Degginger for Governor. In the alternative, Ryan McBride for Governor. In the alternative, Andrew Gabel for Governor.

:-)

Carol & Mark

On Thu, Feb 24, 2011 at 9:12 AM, Degginger, Grant <DeggingerG@lanepowell.com> wrote:

[Carol and Mark,](#)

[First, Mark, I wanted to express my condolences over your father's passing and I hope your family found strength by being together in Vancouver over the weekend.](#)

[Second, if we understand your email correctly, we are glad to see that you no longer intend to file the additional three pages of argument that we discussed last week. We continue to strongly believe that your](#)

highest priority should be to have the Supreme Court deny review and one of our takeaways from our call last week was that you agreed. However, what we understand your new alternative to be--adding a footnote or an additional sentence in the text requesting "in the alternative" that the Court grant review of the scope of attorneys fees and costs recovery if they grant review of Windemere's appeal--presents the same multiple dilemmas. First, it allows Windemere yet another opportunity to submit a brief in opposition to granting review of your issue. As we have said multiple times, giving Windemere the last word is not in your best interest. Second, the request itself is not legally viable--the reasons for which we discussed at length last week. Finally, merely "slipping it in" to the brief will be insufficient to have the Court give it serious consideration.

We do not wish to withdraw. The brief that Ryan wrote is excellent, and I believe you agree with that. We have thoroughly and seriously considered the points you raised last week. Our best professional judgment is that the brief should be filed as is. We have won at the trial court. We have won at the Court of Appeals. We have repeatedly demonstrated our commitment to your case. We are mindful that in litigation there are no guarantees, however, we have provided you with the best advice we have. We sincerely hope that over the last three years of work for you that we have earned your trust. At the end of the day, the final decision is yours. We ask that you authorize us to file Ryan's brief as it has been written.

I will be heading into a deposition for the better part of the day. Andrew is available if you would like to talk further. I can speak with you late in the day as well.

Grant

From: Carol DeCoursey [mailto:cdecoursey@gmail.com]

Sent: Wednesday, February 23, 2011 2:59 PM

To: McBride, Ryan P.; Gabel, Andrew J.; Degginger, Grant

Cc: Mark DeCoursey

Subject: Please let us known your intentions

Ryan, Andrew, Grant:

Concerning the February 28 deadline on our answer to Windemere's petition before the Supreme Court:

Is it your intention that Lane Powell withdraw as our counsel if we instruct you to broach the subject of Windemere's violation of the Consumer Protection Act through litigation attrition warfare?

As you know, we have suggested that we oppose a hearing by the Court of any of Windemere's issues, but that we add an "in the alternative" clause to the effect that if the Court decides to hear any of Windemere's issues, they hear the violation of the CPA through litigation attrition warfare issue.

We need to know where we sit.

We have no intention of firing y'all!

:-)

However, we need to know if you intend to quit, given instructions as above.

Could we have your answer by close of business, today, Wednesday?

Carol & Mark

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