

METROPOLITAN EXPOSITION-RECREATION COMMISSION

RESOLUTION NO. 94-59


Whereas, Sunset Productions Inc. has filed a lawsuit against Metro ERC and its Portland Center for the Performing Arts Director, Sunset Productions Inc. v. Metro ERC, Multnomah County Circuit Court No. 9406-04176; and

Whereas, Metro ERC wishes to authorize its legal counsel to take whatever actions are necessary to defend this case, including but not limited to the filing of any counterclaims which Metro ERC may have against Sunset Productions, Inc.;

THE METROPOLITAN EXPOSITION-RECREATION COMMISSION FINDS:


BE IT THEREFORE RESOLVED that Metro's Office of General Counsel is directed and authorized to take whatever actions it deems to be necessary in order to defend the case of Sunset Productions Inc. v. Metro ERC, including but not limited to the filing of any counterclaims which Metro ERC may have against Sunset Productions, Inc.

Passed by the Commission this 14 day of September, 1994.


Chairman


Secretary/Treasurer

APPROVED AS TO FORM:
Daniel B. Cooper, General Counsel


By: Mark B. Williams
Senior Assistant Counsel



METRO

Date: September 9, 1994

To: Pat LaCrosse, Metro ERC General Manager

From: Mark B. Williams, Senior Assistant Counsel *MB*

Regarding: AGENDA ITEM FOR SEPTEMBER 14, 1994 METRO ERC MEETING
Our file: 5.§8.1

I would like to add two short related items to the September 14, 1994 meeting:

1. "Executive Session Pursuant to ORS 192.660(1)(h) to consult with counsel concerning current litigation."

During the Executive Session, I will brief the Commission on Sennett's lawsuit, and request that they authorize me to take whatever action is deemed necessary, including the filing of counterclaims, to litigate the Barbara Sennett lawsuit. This is because I may wish to file a counterclaim for breach of contract against Sennett, alleging that she breached the implied covenant of good faith and fair dealing by failing to tell us that she had lost or never had the rights to South Pacific. It would be appropriate to have Commission approval to file a counterclaim.

Note however that the Commission cannot actually act or vote during the Executive Session; the Executive Session is only for consultation with legal counsel. The action takes place on the second item.

2. "Approval of Resolution No. _____, Authorizing Metro's Office of General Counsel to Take All Appropriate Measures to Defend Metro ERC in Sunset Productions, Inc. v. Metro ERC."

I have included an appropriate resolution for the Commission to approve. Note that there does not need to be any discussion whatsoever of this resolution in the public meeting. All that needs to take place is a motion, second, and vote. This will authorize me to file a counterclaim if that seems worthwhile.

Let me know if you have any questions or concerns.

gl1934 Attachment