

### **Additional FWP settlements/attorney fees from 2007-2015**

#### **Paulson v. Monsanto and DFWP, 10th Judicial District Court, Fergus County, Cause No. DV-2004-08.**

DFWP, in the 60s and 70s painted Big Springs Trout Hatchery raceway walls and floors with PCB-laden paint which eventually contaminated the hatchery as well as the Big Springs Creek with PCBs. DFWP was sued in 2004 by riparian landowners downstream for personal injuries in the first phase of the lawsuit. **DFWP settled with the landowners for \$700,000.** Monsanto, the manufacturer of the paint, settled with the landowners as well. In the second phase of this lawsuit a settlement was made in DFWPs favor for \$5,000,000 with Monsanto in the cross claim made by DFWP for the contamination of raceway paint used at the Big Springs Trout hatchery with PCBs. DFWP demolished the hatchery and rebuilt a new one and is remediating Big Springs Creek under the supervision of the EPA.

#### **Taleff and Walsh v. DFWP, 8th Judicial District Ct., Cascade Cty., Cause No. DDV-060533.**

DFWP was gifted 10 acres on Lake Five for a fishing access site (FAS) by a woman in memory of her son. A group of landowners around Lake Five sued DFWP in 2006 over the claimed failure of DFWP to involve the public in its decision to acquire and develop the FAS on Lake Five. District Court Judge Sandefur issued a preliminary injunction prohibiting the development of the Lake Five FAS pending the outcome of the litigation. In a settlement agreement, DFWP agreed to redo the decision process with proper public involvement. After an independent consultant prepared an EA considering all potential sites, DFWP made a determination to develop the existing site and the adjoining landowners appealed the decision to the Director alleging that DFWP did not comply with the Good Neighbor Law among other things. A settlement was agreed to with the landowners and a Fishing Access Site was built with everyone's agreement. **(FWP paid \$15,000 in attorney fees).**