

THE PENSACOLA JAIL EXPLOSION SETTLEMENT
ATTN: ED GENTLE, SETTLEMENT ADMINISTRATOR
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July 7, 2020

MEMORANDUM

TO: www.pensacolasettlement.com
FROM: Edgar C. Gentle, III, Esq.
RE: The Pensacola Jail Explosion - Update; Our File No. 6338-1 {B}

The purpose of this memorandum is to provide an update on the status of this case.

I. The Status of the Appeal: INCOMPLETE

On February 22, 2019, Judge Jan Shackelford of the Circuit Court of Escambia County (the "Court") entered two Orders, both of which can be found at our website, www.pensacolasettlement.com. The first Order was the Court's "Findings of Fact, Conclusions of Law, and Final Order Approving Settlement, Entering Permanent Injunction and Judgment of Dismissal." The second Order overruled (denied) the objections of 37 Class Members who had objected to how the Settlement Administrator scored them under the Claim Form and the Claimant Grid.

On March 6, 2019, three Class Member Objectors filed their Notice of Appeal to the First District Court of Appeals, appealing the above Orders entered on February 22, 2019. On March 25, 2019, Class Counsel and Counsel for Defendants filed a Motion for Sanctions with the First District Court of Appeals, alleging that the appeal filed by the three Objectors is frivolous and without substantiation. The Parties filed their briefs in support of their arguments along with their replies.

On June 29, 2020, the First District Court of Appeal for the State of Florida **affirmed** (upheld) Judge Shackelford's Orders. Please see the attached Order. The Objectors have fifteen (15) days, or until July 14, 2020, to file a motion for rehearing, clarification, certification or issuance of a written opinion.

II. Five Late-Filed Claims: INCOMPLETE

We have received inquiries or Claim Forms from 5 potential additional Claimants after the March 10, 2018 Claim Form filing deadline expired. Each of the five late Claimants was given a Category 1 score, for a total potential award for the 5 of \$7,650.

We have submitted to the Court, *In Camera*, a Request for Instructions, addressing these five

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late potential Claimants. Because their awards represent a small portion of the awards and would not materially financially impact the Settlement based upon the funds remaining in the Settlement, we have recommended that they be allowed to participate in the Settlement.

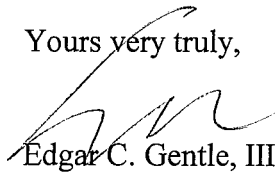
III. Lien Processing: INCOMPLETE

We have begun to process the Claimants' liens. This includes vetting the Claimants with Medicare and Medicaid, compiling all DHR and restitution liens, loading the data from the lien forms completed by the Claimants in completing their Claim Form packets, and related steps.

We are moving forward as quickly as possible with the lien vetting process, in order to pay the Claimants as soon as possible after the other necessary steps under the Settlement Agreement to pay a given Claimant are met.

Thank you for the opportunity to work with you in this Settlement. Please contact me should you have any questions or concerns.

Yours very truly,



Edgar C. Gentle, III
Settlement Administrator

ECGIII/jcs

Attachment

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D19-913

DAVID FRITZ, RUSSELL SCARRITT
and JASON FUTRAL,

Appellants,

v.

A.E. NEW, JR., INC., et al.,

Appellees.

On appeal from the Circuit Court for Escambia County.
Jan Shackelford, Judge.

June 29, 2020

PER CURIAM.

AFFIRMED.

LEWIS, WINOKUR, and M.K. THOMAS, JJ., concur.

*Not final until disposition of any timely and
authorized motion under Fla. R. App. P. 9.330 or
9.331.*

Jay D. Williams, III, Pensacola, and M. Shane Lucado of Shelby Roden, LLC, Birmingham, Alabama, for Appellants.

Charles V. Peppler, Deputy County Attorney, Pensacola, and J. Lawson Hester of Pettis, Barfield & Hester P.A., Jackson, Mississippi, for Appellee Escambia County.

David Jester of Galloway Johnson Tompkins Burr & Smith, Pensacola, for Appellee A.E. New, Jr., Inc.

Bruce Partington and Jason Peterson of Clark Partington, Pensacola, for Appellee Coin Laundry & Equipment Co., Inc.

Thomas B. Alleman of Dykema Gossett PLLC, Dallas, Texas, for Appellees Settling Insurers Bitco General Insurance Corp. and Bitco National Insurance Co.

Daniel J. Kissane of Cole, Scott & Kissane, Jacksonville, for Appellee Alliance Laundry Systems, LLC.

Robert A. Emmanuel and Adam J. White of Emmanuel, Sheppard & Condon, Pensacola, for Appellee Caldwell Associates Architects, Inc.

Lauren B. Dietzen of Plauché Maselli Parkerson L.L.P, New Orleans, Louisiana, for Appellee City of Pensacola d/b/a/ Pensacola Energy.

A. Grady "Bo" Williams IV and J. Breanne S. Zarzour of Phelps Dunbar LLP, Mobile, Alabama, for Appellee Futch Design Associates, Inc.

Vincent A. Noletto, Jr. and Faith A. Nixon of Carr Allison, Daphne, Alabama, for Appellee Premier Engineering Group, LLC.

Stuart C. Poage of Kubicki Draper, Tallahassee, for Appellee Rebol-Battle & Associates LLC.

Linda H. Wade of Wade, Palmer & Shoemaker, P.A., Pensacola, for Appellee Semco.