

Jack A. Gainer

From: Brian P. Gainer <gainerb@jbltd.com>
Sent: Friday, February 28, 2025 1:38 PM
To: Joel Flaxman; Jack A. Gainer; Lisa M. McElroy
Cc: Kenneth Flaxman
Subject: RE: Fears v. Agredano, 24-cv-5101: Document Disclosure

Joel, we will request any updates and will produce what we receive.

In additional to that, my thoughts are:

1. Regardless of these findings, Plaintiff's settlement demand is unreasonable because on the video of this incident, it is clear he is engaged in narcotics sales. The demand doesn't seem to be taking that into account. I am happy to discuss this further, but starting at 100K because that is the council limit isn't really helpful in my view.
2. Jack issued a Rule 37.2 letter a while back, and we have not hashed out those issues. One issue you raised in a previous email is an agreement that we would not ask Fears, at his deposition, about his Watts case. That is an unreasonable request. Exploring that case with him here is necessary to explore his bias and motivation for this suit, not to mention that the police reports here indicate that he told the officers in this case about the Watts lawsuit and his history with Watts. I don't know how we can avoid asking him about it given that.
3. An additional impediment to settlement is that we have no assurances from you and Mr. Fears that he won't to use any settlement here as evidence in the Watts case. For example, get a settlement here and use it as evidence of a long standing pattern of harassment by CPD. Curious about your thoughts on this.
4. I will respond in a separate email about the status report.

Let me know if/when you want to discuss further.

Brian Gainer

EXHIBIT
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