

**PROGRESS REPORT IN THE YOUNG CASE
EFFECTIVE 9-18-01**

1. SETTLEMENTS AND PAYMENTS CONTINUE AND SLIGHTLY IMPROVE

As of this date, we have 1,875 open plaintiff files.

To date 1,623 affidavits have been completed and are being processed. That leaves 250 still missing. We have found that a number of plaintiffs have not received affidavits from OSRL when OSRL indicates that it mailed them to the plaintiffs. As indicated in last month's progress report, if you have not received an affidavit from OSRL, you must immediately contact OSRL and please contact this office.

We have settled 1,524 claims. Of those, 805 have been paid, 329 are awaiting payment, and 389 have been settled, but the State has not yet placed them in a list to be reduced to judgment.

This is a slight improvement over last month's figures and we expect to see more proposed judgment orders in the near future.

2. CLAIMS PENDING ARBITRATION

Twenty-seven claims are pending arbitration. One of these may have been settled. We wasted one day with a plaintiff in mediation where the Attorney General's office seemed to think that simply by going through mediation, hours would be taken off the claim in order to get it settled. This did not occur. As a result of this wasted day, the Attorney General's office is re-evaluating how often they will use mediation.

Meanwhile I lost an argument in front of the Court concerning the use of depositions. In traditional litigation, you do all discovery, including depositions, before mediation, if it is even utilized. However, the judge in this case indicated that if the Attorney General's office wanted to, it can request depositions after mediation fails. This is another step in prolonging the process. First the claim would be scheduled for mediation, then for deposition, and then for arbitration.

The Attorney General's office has made some hints that they will speed up in looking at these claims in an attempt to resolve them, but the proof will be as to what I can report in regards to this next month.

3. APPEALS

As indicated previously, I filed the opening brief in the next round of appeals. The Attorney General's brief is due at the end of the month. We'll see whether they get theirs in on time or request a postponement which they will automatically receive.

Sincerely,

John Hoag,
Attorney