

Message

From: Christopher Hilton [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9A8FD0E5642745239C0C4E44FCBCA7FE-CDH7]
Sent: 2/8/2023 10:21:20 PM
To: Grant Dorfman [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=59f06e39145048888ea6cffa42a641c6-S4D]
CC: Brent Webster [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=47b2d01e6f744ed7b2594f40d8db3ec0-BEW2]; Aaron Reitz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=860bb8eea8ff4445b083ab2df6d753ef-AFR1]; Josh Reno [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0b53e8611d44729b97dee7e75bdf640-JTR3]; Ralph Molina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=397e82aa6e034aa5ab85760440e23de8-RMMA]
Subject: Re: Brickman v OAG; deal points

Grant,

As we've discussed, I agree fully. Including this non-substantive language in the recitals of an agreement on behalf of OAG in no way runs afoul of what the Attorney General has authorized. "Accepting" plaintiffs' representations regarding their subjective beliefs admits and concedes nothing about the correctness of those beliefs or their actions. And I agree that "apologizing" for calling them "rogues" in this context, for the sole purpose of advantageously settling this matter for the benefit of the Agency and the State, does not admit wrongdoing by anyone. Apologizing for using a particular word in a press release does not reflect at all on whether the word was accurately used.

I have no concerns about this non-monetary term running afoul of the parameters set by the Attorney General.

Thanks,
Chris

Christopher D. Hilton
Chief, General Litigation Division
Office of the Attorney General of Texas
(512) 475-4120

From: Grant Dorfman <Grant.Dorfman@oag.texas.gov>
Sent: Wednesday, February 8, 2023 7:35 PM
To: Christopher Hilton <Christopher.Hilton@oag.texas.gov>
Cc: Brent Webster <Brent.Webster@oag.texas.gov>; Aaron Reitz <Aaron.Reitz@oag.texas.gov>; Josh Reno <Josh.Reno@oag.texas.gov>; Ralph Molina <Ralph.Molina@oag.texas.gov>
Subject: RE: Brickman v OAG; deal points

Chris,

My reading of this is that the terms of this proposed settlement are consistent with the authority General Paxton has conferred on us to resolve this matter. In particular, the language that Brickman has demanded – specifically that **"Paxton accepts that plaintiffs acted in a manner that they thought was right and [Paxton] apologizes for referring to them as 'rogue employees'"** – does not, in my opinion, concede in any way that the plaintiffs *actually* acted "rightly" (only that they subjectively thought they were doing so) or that the AG was wrong, inaccurate, or incorrect in any way to refer to them as rogues. One can, of course, apologize for making a true and accurate statement.

In short, Brickman's settlement demand strikes me as something we can agree to, consistent with the parameters General Paxton has set, because it does not require that he agree that the plaintiffs acted correctly, nor does it require

him to admit any wrongdoing – which he didn't commit and has consistently denied (and which denials are supported by the facts found in our investigation).

Please let me know if you agree. If you prefer to discuss by phone, I'll be available until 8:00 or so; and then again from 9:30 pm-on.

-Grant

Grant Dorfman

Deputy First Assistant Attorney General

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From: Christopher Hilton <Christopher.Hilton@oag.texas.gov>

Sent: Wednesday, February 8, 2023 6:30 PM

To: Brent Webster <Brent.Webster@oag.texas.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Aaron Reitz <Aaron.Reitz@oag.texas.gov>; Josh Reno <Josh.Reno@oag.texas.gov>; Ralph Molina <Ralph.Molina@oag.texas.gov>

Subject: Fwd: Brickman v OAG; deal points

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From: Patrick Keel <patrick@patrickkeel.com>

Sent: Wednesday, February 8, 2023 6:20:46 PM

To: Christopher Hilton <Christopher.Hilton@oag.texas.gov>

Subject: Brickman v OAG; deal points

Chris,

Per our conversations today— all four plaintiffs' attorneys authorized me to send the attached, which are the definitive deal terms to which all four agree.

POK

Patrick Keel

Mediator-Arbitrator

patrick@patrickkeel.com

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(512) 293-0300 mb