

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Carolyn Ansay, General Counsel

**DATE:** October 11, 2012

**SUBJECT: Action Required**  
Authorization to file suit against Morrison Pump Company for damages sustained by the District resulting from fifteen (15) faulty submersible pumps delivered to the District

### **Agenda Item Description**

This is a request to the Governing Board to authorize District Staff to file suit, pursue any appropriate damages or remedies, and take all appropriate action against Morrison Pump Company.

### **Background**

In 2006, the District purchased 15 horizontal axial flow submersible pumps from Morrison Pump Company to enable forward pumping out of Lake Okeechobee. The pumps failed. The District retained several experts to determine the cause of the failure of the pumps. These experts concluded that the design of the pumps was the cause of the failure. The District attempted to negotiate a settlement with Morrison Pump Company without success. Therefore, the District seeks authorization from the Governing Board to recover the damages it sustained as a result of the faulty pump design.

### **Funding Source**

This litigation will be handled by the District's Office of Counsel. Any costs associated with this litigation will be paid from budgeted ad valorem funds.

### **Staff Recommendation**

The Governing Board should approve this item to take the appropriate action including litigation against Morrison Pumps, Inc. If the District does not pursue this lawsuit, it will risk not being compensated for the damages it sustained.

If you have any questions, please do not hesitate to call Kirk Burns at ext. 6546.