

KIMBERLY SCHOOL DISTRICT 414
KIMBERLY SCHOOL BOARD MEETING
March 6, 2023
12:00 p.m.

The meeting was called to order by Myron Nield at 12:03 p.m. In addition to Mr. Nield, in person was Mr. Allen, Mr. Kelsey, Mr. Ward and Mr. Giles attended via Zoom. Also in attendance were Mr. Schroeder, Superintendent; and Ms. Searby, Board Clerk; and Laurie Wirtz, Business Manager.

EXECUTIVE SESSION

Mr. Kelsey moved, and Mr. Allen seconded the motion to enter executive session at 12:03 p.m. as provided for in section IC 74-206(1)(f) *to communicate with legal counsel for the public agency to discuss the legal ramifications and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated*. Mr. Nield asked for a roll call; Mr. Nield – yes, Mr. Giles – yes, Mr. Kelsey – yes, and Mr. Ward – yes. Mr. Allen – yes.

Mr. Allen moved to exit Executive Session at 12:13 p.m., Mr. Kelsey seconded. The motion carried 5-0.

JUUL LAWSUIT RESOLUTION: Mr. Ward moved to approve the JUUL Lawsuit Resolution utilizing the following motion:

WHEREAS, the Board is a plaintiff in a pending multi-district litigation entitled In re JUUL Labs, Inc. (the “JUUL litigation”); and WHEREAS, the Board’s legal counsel in the JUUL Litigation has apprised the Board of a proposed partial settlement of the pending litigation, including the general terms and conditions of the proposed settlement; and WHEREAS, the Board’s legal counsel recommends the Board approve the proposed partial settlement, subject to final legal review and approval; and WHEREAS, the Board finds it is in the District’s interest to proceed with the proposed partial settlement of the JUUL Litigation against Juul Labs, Inc and its founders, directors and board members, while understanding that litigation remains ongoing against the additional Altria defendants and Philip Morris USA, Inc., in the pending litigation; NOW, THEREFORE, BE IT RESOLVED by the Board of Kimberly School District hereby approves the Settlement Agreement and will take all necessary steps to effectuate the Settlement Agreement. FURTHER BE IT RESOLVED that the Board hereby authorizes its legal counsel to consent to the proposed settlement on behalf of the Board and directs and grants authority to the School’s Superintendent to take all necessary actions, including signing of all necessary documentation, to perfect such settlement.

Mr. Kelsey seconded the motion. The motion carried 5-0.

APPROVE LIA TRAVEL TO OGDEN, UT: Mr. Kelsey moved to approve the request for LIA to travel to Ogden, UT on March 6, 2023. Mr. Giles seconded. The motion carried 5-0.

ADJOURNMENT: Mr. Allen moved to adjourn at 12:16 p.m. Mr. Kelsey seconded. The motion carried 5-0.

Myron Nield, Chairman

Cassandra Searby, District Clerk