

David Ferleger
ATTORNEY

May 14, 2015

TO: [REDACTED]

FROM: David Ferleger
Court Monitor

SUBJECT: Your Letter of May 14, 2015

Thank you for your letter today requesting my communications with the Department of Human Services regarding billing for my service to the Court and parties as Court Monitor in Jensen. With this letter, I provide that information as well as the context for clarification.

I am aware of no current disagreement with DHS regarding any fees or expenses. The several questions raised within the last few weeks were all resolved amicably, with no objections filed by DHS to anything.

1. With one exception, your letter/email is correct in stating the history. The exception is that what you call “the budget” is actually a budget cap. Since appointed, the budget cap has never been reached; each re-set has always included and credited tens or hundreds of thousands of dollars which was not spent in the prior period. It is important to avoid misunderstanding that it be understood that the budget cap is an estimate, and that fees and expenses have always been far below the cap.
2. All my bills and all payments have always been in the hands of DHS and yourself. None have been objected to. And no bill or payment has been complained of through objection to the Court.
3. I was appointed by the Court as Court Monitor without objection by DHS or Plaintiff Class. My hourly rate, as you know, was set at one-half my usual hourly rate for 2012.
4. My work in this litigation is as “independent advisor and monitor” for the federal court in *Jensen*. I am a federal judicial adjunct. I am not a state employee or contractor.