



**Contra
Costa
County**

To: Contra Costa County Fire Protection District Board of Directors
 From: Lewis T. Broschard III, Chief, Contra Costa Fire Protection District
 Date: February 11, 2020

Subject: Partial Settlement of State of California ex rel. OnTheGo Wireless, LLC v. Cellco Partnership d/b/a Verizon Wireless, et al.

RECOMMENDATION(S):

APPROVE and AUTHORIZE settlement with Nextel of California, Inc. (dba Sprint Nextel and Nextel Communications) and Sprint Solutions, Inc., (collectively, "Sprint") in the False Claims Act lawsuit *State of California ex rel. OnTheGo Wireless, LLC v. Cellco Partnership d/b/a Verizon Wireless, et al.* (Sacramento Superior Court Case No. 34-2012-00127517), requiring Sprint to pay the Contra Costa County Fire Protection District \$5,633.14, as recommended by the Fire Chief.

APPROVE and AUTHORIZE the Fire Chief to complete and return, on behalf of the Contra Costa County Fire Protection District, a consent and release for non-intervenors, to agree to the terms of settlement and to release Sprint from claims that were raised or that could have been raised in the lawsuit.

FISCAL IMPACT:

The District will receive \$5,633.13 in settlement funds from T-Mobile. Funds will be deposited in the Contra Costa County Fire Protection District General Fund.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/11/2020** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, Director
 Candace Andersen, Director
 Diane Burgis, Director
 Federal D. Glover, Director

ABSENT: Karen Mitchoff,
 Director

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 11, 2020

David Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Lewis Broschard, Fire Chief
 925-941-3300 x1100

By: June McHuen, Deputy

cc:

BACKGROUND:

This board order authorizes the Contra Costa County Fire Protection District (District) to participate in a settlement with Nextel of California, Inc. (dba Sprint Nextel and Nextel Communications) and Sprint Solutions, Inc., (collectively, "Sprint") in a False Claims Act lawsuit filed on behalf of the State of California and several public agencies against several wireless carriers. The lawsuit, *State of California ex rel. OnTheGo Wireless, LLC v. Cellco Partnership d/b/a Verizon Wireless, et al. (Sacramento Superior Court Case No. 34-2012-00127517)*, alleges that several wireless carriers, including Sprint, billed public agencies more than they agreed to bill under multi-agency contracts for wireless services. The District participated in those contracts and paid Sprint approximately \$161,608 for wireless services under the contract during the period covered by the lawsuit (2006-2012). The relator OnTheGo Wireless, LLC, ("Relator") litigated this lawsuit on behalf of the State of California, Contra Costa County, and several other cities, counties, and public agencies.

The District received a notice that the Relator has agreed to a settlement with Sprint. This settlement will require Sprint to pay a total of \$9,220,391, plus attorney's fees, for its alleged unlawful conduct. The Court will consider giving final approval of the settlement with Sprint on March 17, 2020. If the Court approves the settlement, and if the District signs and returns a release form by February 18, 2020, the District will receive \$5,633.14 from the Sprint settlement funds. The release form will release Sprint from all claims related to its alleged unlawful billing practices that were raised or could have been raised in this litigation. If the District does not sign and return a release form and the court approves the settlement, the District's settlement amount would be reduced by 10 percent.

The Fire Chief recommends approving the partial settlement with Sprint and authorizing the execution and return of a release form, to ensure that the District receives the full amount of its allocation of settlement funds.

CONSEQUENCE OF NEGATIVE ACTION:

If the District takes no action and the court approves the settlement, the District would only receive approximately \$5,069.82 in settlement funds.

ATTACHMENTS

Notice of Settlement