



**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: August 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 Verizon to pay the Contra Costa County Fire Protection District \$58,590, 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 Verizon from claims that were raised or that could have been raised in the lawsuit.

**FISCAL IMPACT:**

The District will receive \$58,590 in settlement funds from Verizon. 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: **08/11/2020** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
 Candace Andersen, District II Supervisor  
 Diane Burgis, District III Supervisor  
 Karen Mitchoff, District IV Supervisor  
 Federal D. Glover, District V Supervisor

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: August 11, 2020

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

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

By: Stephanie Mello, 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 Verizon, billed public agencies more than they agreed to bill under multi-agency contracts for wireless services. The District participated in those contracts and paid Verizon approximately \$1,185,601 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 Verizon. This settlement will require Verizon to pay a total of \$68,231,673, plus attorney's fees, for its alleged unlawful conduct. The Court will consider giving final approval of the settlement with Verizon on September 24, 2020. If the Court approves the settlement, and if the District signs and returns a release form by September 17, 2020, the District will receive \$58,590 from the Verizon settlement funds. The release form will release Verizon 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 Verizon 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 \$52,731 in settlement funds.

## ATTACHMENTS

Notice of Settlement