Plaintiff 1st caucus (Pao/Whitten) Defendant 1st caucus (Ryan & Peter)

|  |  |  |
| --- | --- | --- |
| Strengths | ∏s expert’s figures; ∆s figures similar  Whitten’s experience – a lot of time | Confident that nothing is owed on bonus  Wouldn’t have to pay attorney’s fees in ct   * No applicable law that would allow |
| Weaknesses | Embezzlement Issue $180K  ∆ experts of $!93 K for Sev | ∏ is owed Sev (193K v. 260K)  $180K sought, 9K allowed by bankruptcy court, might be stopped from bringing further claims on this (-) |
| Best Case Verdict | Settlement Tonight (-)  Satisfactory Amount to Live With  7 month litigation period (+)  $332K Ideal Starting Point (+) | No paying bonus or attorney’s fees  $300K or less (193K+ ∆ trial costs + interest)  Get it thrown out |
| Worse Case Verdict | Going to Trial and Taking Nothing | $742K ($260K attorney fees – not fly)  **$400K (742-bonus-P attorneys fees) most that they can get in court** |
| Prior Settlement Discussions | Original Sev $250K  ∏ Expert: Sev $256K, ∆Expert: $193K  Prior Mediation: $742,250 | Response to $742 🡪 $150K  Previous Final Offer $100K  Surprising raise from $175 🡪 $742 |
| New Demand or Offer | $260K attorney’s fees (collect costs when wrongfully withheld wages) (but employee as owner – not employee within statute), $150K interest (not available under state law) (-)  Revised: Sev $256K, Bonus $76K = $332K(-)  **1-$592+ (256K+260Kattorney+76Kbonus)(no interest)** | $742K – some of $180K  256K severance package  **1-$193K (expert figure on severance)**  **Confident that no bonus entitlement**  **No attorney’s fees and interest. Would release $180K claim.** |
| Costs of Litigation | $260K + $50-60K (7m) = $310-320K (+) | $340K + $50-60K = $390-400K |
| Subrogated Liens or Debts | n/a  Possibility of Bankruptcy if this goes forward  (-) | n/a |
| Insurance Coverage | N/A | n/a |
| **Confidential** |  |  |
| **Not Confidential** | **Cost of More Litigation (50-60) v. Bonus Amount (76K)**  **No Bonus (516K)** **Defer addtl costs**  **742 to 592 was a decent step. Move up to 193 too low.** |  |
| **General Notes** |  |  |