

## Alternative Two

O'Gara, Thomas <togara@taftlaw.com>

Mon 3/23/2020 9:51 PM

To: Lashbrook, April <alashbro@idem.IN.gov>

\*\*\*\* This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*\*

---

April,

I hope this email finds you and your family members all well. I am writing for two reasons. First, I'm not sure that the Agreed Judgment was successfully. When I checked my email to see if I had gotten a notice about it, the email notice mentioned some type of "technical error".

Second, in light of the COVID-19 crisis, a shutdown order earlier this month by the Mayor of South Bend, and today's announcement by Governor Holcomb, we would like to ask that IDEM consider modifying the dates on the Agreed Judgment by one month. While March was our "grace" month under the Agreed Judgment, that is now lost to Alternative Two, and it is certain to lose at least the first week of April and probably more than that based on everything the healthcare professionals and public health experts are saying. If the Agreed Judgment needs to be refiled, perhaps we could tweak it now to account for these developments or file an amendment once things begin to reopen.

Please advise as to your thoughts. We are certainly dealing with unprecedented issues. Alternative Two is doubly affected because Michigan has a similar shutdown order in place, and Deerpath is in Michigan.

Thank you for your and/or IDEM's consideration with respect to this request in light of these extraordinary circumstances.

Stay safe/healthy.

Regards,

Tom

**Taft /**

**Thomas F. O'Gara**

Partner

togara@taftlaw.com

Dir: 317.713.3610

Tel: 317.713.3500 | Fax: 317.713.3699

One Indiana Square, Suite 3500

Indianapolis, Indiana 46204-2023

**taftlaw.com**

To opt in to Taft's daily updates on COVID-19, please [subscribe here](#). For news and advice on coronavirus-related implications, please review our [Resource Toolkit](#) anytime.

This message may contain information that is attorney-client privileged, attorney work product or otherwise confidential. If you are not an intended recipient, use and disclosure of this message are prohibited. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

## Lashbrook, April

---

**From:** Lashbrook, April  
**Sent:** Wednesday, March 25, 2020 8:49 AM  
**To:** O'Gara, Thomas  
**Cc:** Filban Tislow, Erin  
**Subject:** Re: Alternative Two

Hi Tom. All is well, I hope for you as well.

I think the Agreed Judgment was filed but not yet signed by the judge.

IDEM is willing to extend the deadlines in the Agreed Judgment by one month. I've copied the new DAG, Erin Filban Tislow, so that we can discuss the best way to modify the Agreed Judgment to effectuate this change.

I hope to also send you shortly a revised Stipulation for the administrative revocation matter per our last email exchange.

Talk with you soon--

### **Coping with COVID-19:**

- **Indiana State Dept. of Health (ISDH) COVID-19 Call Center:** Call 877-826-0011 (open 24/7)
- **Anthem NurseLine:** Call 800-337-4770 or visit the Anthem NurseLine online for a FREE symptom screening. Available to anyone with an Anthem health plan (this includes State of IN employees)
- **Anthem Employee Assistance Program (EAP):** Available to ALL state employees and adults in household regardless of health plan participation. Call 800-223-7723 or visit [anthemeap.com](http://anthemeap.com) (enter State of Indiana) for crisis counseling, help finding child/elder care, legal/financial consultation and much more.

April D. Lashbrook  
Attorney,  
IDEM Office of Legal Counsel  
Teleworking March 17th-April 3rd  
Telework phone (317)286-3776

---

**From:** O'Gara, Thomas <togara@taftlaw.com>  
**Sent:** Monday, March 23, 2020 9:51 PM  
**To:** Lashbrook, April <alashbro@idem.IN.gov>  
**Subject:** Alternative Two

**\*\*\*\* This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*\***

---

April,

I hope this email finds you and your family members all well. I am writing for two reasons. First, I'm not sure that the Agreed Judgment was successful. When I checked my email to see if I had gotten a notice about it, the email notice mentioned some type of "technical error".

Second, in light of the COVID-19 crisis, a shutdown order earlier this month by the Mayor of South Bend, and today's announcement by Governor Holcomb, we would like to ask that IDEM consider modifying the dates on the Agreed Judgment by one month. While March was our "grace" month under the Agreed Judgment, that is now lost to Alternative Two, and it is certain to lose at least the first week of April and probably more than that based on everything the healthcare professionals and public health experts are saying. If the Agreed Judgment needs to be refiled, perhaps we could tweak it now to account for these developments or file an amendment once things begin to reopen.

Please advise as to your thoughts. We are certainly dealing with unprecedented issues. Alternative Two is doubly affected because Michigan has a similar shutdown order in place, and Deerpath is in Michigan.

Thank you for your and/or IDEM's consideration with respect to this request in light of these extraordinary circumstances.

Stay safe/healthy.

Regards,

Tom

**Taft /** **Thomas F. O'Gara**  
Partner  
togara@taftlaw.com  
**Dir:** 317.713.3610  
**Tel:** 317.713.3500 | **Fax:** 317.713.3699  
One Indiana Square, Suite 3500  
Indianapolis, Indiana 46204-2023

**taftlaw.com**

To opt in to Taft's daily updates on COVID-19, please [subscribe here](#). For news and advice on coronavirus-related implications, please review our [Resource Toolkit](#) anytime.

This message may contain information that is attorney-client privileged, attorney work product or otherwise confidential. If you are not an intended recipient, use and disclosure of this message are prohibited. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.