



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

FROM: Dylan Reingold, County Attorney 

DATE: February 8, 2018

SUBJECT: Environmental Liability Insurance Recovery

Eisenstein Malanchuk LLP and Nason Yeager Gerson White & Lioce, PA have approached the County Attorney's Office concerning an opportunity for environmental liability insurance recovery. As these firms have explained to the County Attorney's Office, insurance policies that are older than twenty-five years did not include modern environmental insurance exclusions. It is possible to recover for costs related to environmental contamination such as a landfill contamination plume, on old insurance policies. Thus, if Indian River County (the "County") has or has had environmental costs resulting from operations that occurred before 1986, the County may have an opportunity to recover costs under old insurance policies. The Risk Manager of the City of Orlando told the County's Risk Manager that the City of Orlando was able to obtain over \$300,000 with the help of Eisenstein Malanchuk LLP and Nason Yeager Gerson White & Lioce, PA.

Eisenstein Malanchuk LLP and Nason Yeager Gerson White & Lioce, PA have offered to do the investigation into the County's old insurance policies and the environmental costs that have been incurred by the County to determine if the County is eligible to receive monies from these old insurance policies. Although a contract has not been presented, Eisenstein Malanchuk LLP and Nason Yeager Gerson White & Lioce, PA have stated that they would perform such due diligence in exchange for receiving 30% of any potential proceeds.

RECOMMENDATION.

The County Attorney recommends that the Indian River County Board of County Commissioners authorize the County Attorney to enter into a contract with Eisenstein Malanchuk LLP and Nason Yeager Gerson White & Lioce, PA for their services in environmental liability insurance recovery with Eisenstein Malanchuk LLP and Nason Yeager Gerson White & Lioce, PA receiving 30 percent of any proceeds recovered.