



Smithsonian Institution

Smithsonian Institution Archives

Proceedings of the Board of Regents Meeting held on September 18, 1989

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7. United States v. Rogers Electric Company (counterclaim by subcontractor sued by the U.S. for improper storage/disposal of PCBs) - Filed in February 1989 in the U.S. District Court for the District of Maryland under the Comprehensive Environmental Response, Compensation, and Liability Act for reimbursement of or contribution to any costs for which the defendant may be held liable. Discovery is underway. No Smithsonian involvement has been identified to date.

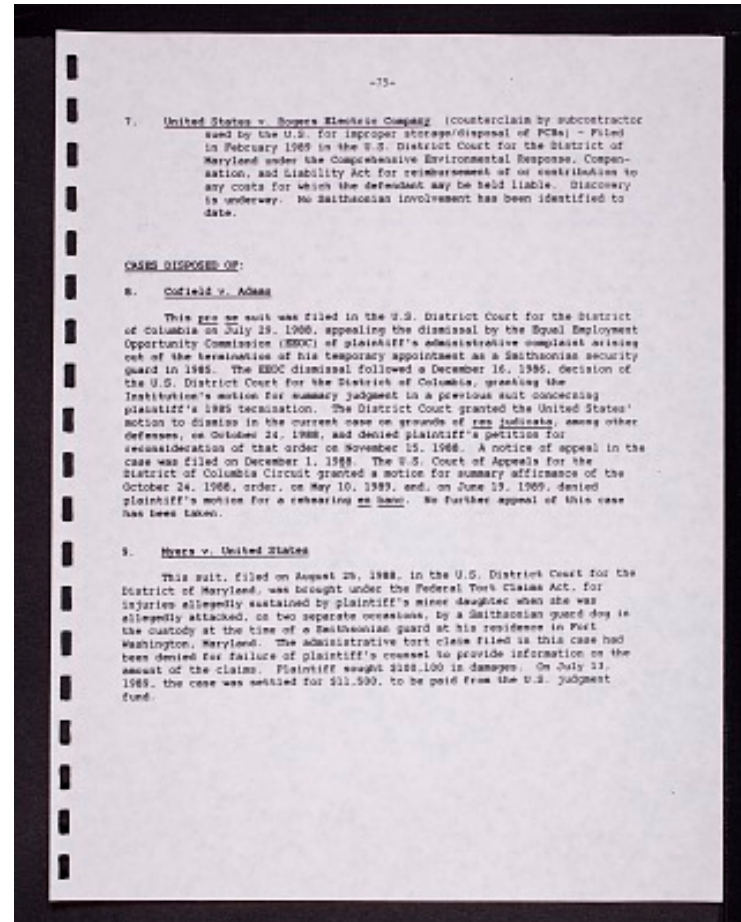
CASES DISPOSED OF:

8. Cofield v. Adams

This pro se suit was filed in the U.S. District Court for the District of Columbia on July 29, 1988, appealing the dismissal by the Equal Employment Opportunity Commission (EEOC) of plaintiff's administrative complaint arising out of the termination of his temporary appointment as a Smithsonian security guard in 1985. The EEOC dismissal followed a December 16, 1986, decision of the U.S. District Court for the District of Columbia, granting the Institution's motion for summary judgment, in a previous suit concerning plaintiff's 1985 termination. The District Court granted the United States' motion to dismiss in the current case on grounds of res judicata, among other defenses, on October 24, 1988, and denied plaintiff's petition for reconsideration of that order on November 15, 1988. A notice of appeal in the case was filed on December 1, 1988. The U.S. Court of Appeals for the District of Columbia Circuit granted a motion for summary affirmance of the October 24, 1988, order, on May 10, 1989, and, on June 19, 1989, denied plaintiff's motion for a rehearing en banc. No further appeal of this case has been taken.

9. Myers v. United States

This suit, filed on August 25, 1988, in the U.S. District Court for the District of Maryland, was brought under the Federal Tort Claims Act, for injuries allegedly sustained by plaintiff's minor daughter when she was allegedly attacked, on two separate occasions, by a Smithsonian guard dog in the custody at the time of a Smithsonian guard at his residence in Fort Washington, Maryland. The administrative tort claim filed in this case had been denied for failure of plaintiff's counsel to provide information on the amount of the claims. Plaintiff sought \$100,100 in damages. On July 13, 1989, the case was settled for \$11,500, to be paid from the U.S. judgment fund.



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