

STATE OF INDIANA ) IN THE LAWRENCE CIRCUIT COURT  
WHEREFORE, the Court grants its )  
COUNTY OF LAWRENCE ) CAUSE NO. 47C01-1203-PL-000351  
CITY OF MITCHELL,  
Plaintiff,

vs.

EVERETT FERREL,  
aka HENRY E. FERREL,  
Defendant.

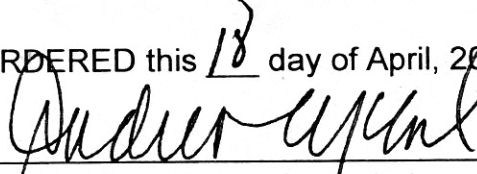
**ORDER FOR DECLARATORY JUDGMENT**

Come now the parties, Plaintiff City of Mitchell by its Authorized Representative and Special Counsel, and Defendant in Person, and submit to the court their Mediated Settlement Agreement, and the Court being duly advised and having reviewed the Complaint for Declaratory Judgment filed by Plaintiff and consented to by Defendant, now issues its Order for Declaratory Judgment as follows:

1. The court finds the allegations of Plaintiffs complaint are admitted and therefore true and binding on this court.
2. Everett Ferrel has served on the Mitchell City Council in good faith since his election in 2003, and no valid process has been undertaken to remove him once it was discovered that, contrary to precinct map and other authority that indicated otherwise, his residence was not then located in the City of Mitchell.
3. The City of Mitchell failed to pay to Everett Ferrel his duly owed councilman's salary in part or in whole for the years 2008 through 2011, as set forth in the Complaint for Declaratory Judgment filed by Plaintiff.
4. Everett Ferrel has informed the court that he waives any claim he might have to prejudgment or statutory interest, or additional damages under the wage payment statute.
5. The Court hereby finds that Ferrel is owed the total sum of \$12,250.00, exclusive of interest and costs.

WHEREFORE, the Court grants the Declaratory Judgment prayed for in Plaintiff's complaint, and hereby enters its Judgment that Ferrel served in good faith on the City of Mitchell Council, was never removed from said office, and is owed his unpaid salary.

SO ORDERED this 18 day of April, 2012.



Honorable Andrea K. McCord, Judge  
Lawrence Circuit Court

Distribution:

Christopher Burton

Everett Ferrel

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  )  
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CITY OF MITCHELL,  
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                  Defendant.

### **MEDIATED SETTLEMENT AGREEMENT**

As a result of a mediation conducted by Mediator Joseph O'Connor on Thursday, April 12, 2012, the parties, City of Mitchell ("City") and Everett Ferrel ("Ferrel") come to the following agreement:

1. City has filed a Complaint for Declaratory Judgment in the above-captioned cause on March 22, 2012.
2. Ferrel has reviewed said Complaint for Declaratory Judgment, and as the Defendant, admits the material allegations contained in each paragraph of said Complaint.
3. That the parties agree that the Court should issue its Declaratory Judgment in this matter, consistent with the admitted factual and legal allegations contained in the Complaint for Declaratory Judgment, and hereby submit to the Court a Order granting declaratory relief, which has been prepared as a result of said mediation and is hereby transmitted to the Court with this Mediated Settlement Agreement.
4. That each party shall be responsible for their own attorney's fees, and each shall pay one-half of the mediation expense.
5. Ferrel hereby agrees to waive any claim he has for prejudgment or statutory interest, or for any additional damages under the wage payment statute.

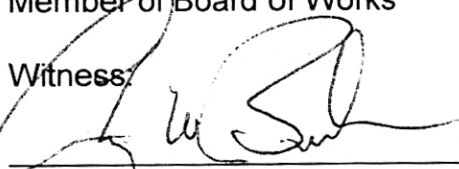
6. That the parties agree that this Mediated Settlement Agreement be filed with the Court and that attached to it as Exhibit "A" is the Order for Declaratory Judgment for the Court to review and enter in this matter.

7. That Gary Pruett, as Mayor of City of Mitchell, has authority and in addition has been authorized by the City of Mitchell Board of Works to hire Special Counsel Christopher Burton to pursue this declaratory judgment action, and has further been authorized to enter into this Mediated Settlement Agreement based on the advice of said Special Counsel.

  
\_\_\_\_\_  
City of Mitchell

By: Gary Pruett, Mayor and  
Member of Board of Works

  
\_\_\_\_\_  
Everett Ferrel

Witness:  
  
\_\_\_\_\_  
Christopher W. Burton, Special Counsel  
for the City of Mitchell