

The April 3, 2015 fire at the Derby Enterprises (Derby) parts storage facility that Derby leased and operated in Building 6 at GE Appliance Park, the GE Appliances' (GEA) headquarters and manufacturing facility at 4000 Buechel Bank Road in Jefferson County, destroyed the building, caused some property damage and much inconvenience to neighboring residents.

The day after the fire began, GE, hoping to mitigate these impacts as much possible, instituted a claims program for residents of the neighborhoods surrounding AP6 affected by the fire.

Notwithstanding the success of the above claims resolution process, a class action lawsuit was filed on behalf of affected residents. Now, after two years of litigation, the parties have reached a proposed class settlement of all claims in the case.

During the class settlement negotiations in this case, GE Appliances proposed that any money remaining in the settlement common fund after payment of the class members' claims, class counsel's fees and expenses, and the settlement administrator's costs should be used to fund programs or projects that benefit the neighborhoods surrounding Appliance Park. The parties agreed to a *cy pres* award of up to \$100,000 to benefit the neighborhoods that were potentially impacted by the AP6 fire and that recipient(s) of the *cy pres* distribution will be determined through the joint consultation or approval of the parties to the lawsuit, members of the Louisville Metro Council, and the Court.

Thereafter, GE Appliances met with Council Member Barbara Shanklin and Council Member Madonna Flood who represent Districts 2 and 24, respectively. the districts in which substantially all the class members reside. As a result of discussions held on October 16 and 19, 2018, both council members agreed that installing a regulation-size soccer field onto a section of the football field in Newberg Park would provide a meaningful benefit to the community, which has seen a significant increase in soccer players among area residents in recent years.

Accordingly, Council Members Shanklin and Flood have requested that the \$100,000 *cy pres* award be paid to the City of Louisville to fund a new soccer field at Newberg Park. In the meantime, they have requested Jason Canuel, Director of Maintenance, Louisville Parks & Recreation, to include in the 2018-19 parks and recreation budget a provision accepting, on behalf of the City of Louisville, the \$100,000 *cy pres* award as a grant to be used with any city funds determined by Louisville Parks & Recreation as needed to support installation of the soccer field in Newberg Park.

## Tipton, Benjamin K.

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**From:** Canuel, Jason T  
**Sent:** Thursday, February 14, 2019 2:07 PM  
**To:** Tipton, Benjamin K.; Veeneman, Andrea R.  
**Subject:** FW: GE Newberg Soccer Field  
**Attachments:** Cy Pres info for Metro Lville.docx

**Importance:** High

Ben,

Attached is a letter from GE awarding \$100k to Parks for a soccer field in Petersburg Park. This is a direct result of court required mitigation after their big fire back in 2015. Is this enough to write up an ordinance for the Mayor to accept the funds and get it started in council?

Jason T. Canuel  
Assistant Director  
Louisville Parks and Recreation  
PO Box 37280  
Louisville, Kentucky 40233

502/574.6086 (office)  
502/439.7694 (cell)  
[jason.canuel@louisvilleky.gov](mailto:jason.canuel@louisvilleky.gov)



**LOUISVILLE  
PARKS  
AND RECREATION**



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**From:** Jones, Earl F (GE Appliances, Haier) <Earl.Jones@geappliances.com>  
**Sent:** Wednesday, February 6, 2019 6:07 PM  
**To:** Canuel, Jason T <Jason.Canuel@louisvilleky.gov>  
**Subject:** Newberg Soccer Field  
**Importance:** High

**Jason – please see attached document, the need for which we discussed with CMs Shanklin and Flood in October. Apologies for this taking longer to forward than ideal, but hopefully not too late for your budgeting process.**

I'd appreciate your giving me a call (287-7770, cell) after you have reviewed the attachment.

Thanks

Earl

**Executive Counsel, Public Policy &  
Industry Relations  
GE Appliances, a Haier company  
AP2-225**