

Sponsoring Federal Whistle-Blower Litigation and Termination of Water Use/Extraction as a Member of the ECHO Association

Q: What is a federal whistle-blower legal action?

Since the time of the American Civil War, a federal whistle-blower ("*qui tam* Relator") may sue on behalf of the federal Government if she/he has information that the United States has been defrauded. This provision was enacted by President Lincoln to protect federal monies and to offer an effective remedy for all too frequent governmental inaction and, in recent years, to enforce federal environmental standards.

Q: What is the ECHO Association and who are the members?

The Emigration Canyon Home Owners Association is a private organization formed in January 2014 to pool information and resources thereby providing a collective remedy for what the amended complaint alleges to be over three decades of gross mismanagement of scarce Canyon resources by EID trustees, managers and land-developers. Due to the high-dollar value of the case with alleged fines and penalties in excess of **\$547 million** and counting, all ECHO Association members are and will remain undisclosed to the fullest extent allowed by law in order to prevent acts of intimidation or retaliation.

Q: If EID had defrauded Emigration Canyon residents as alleged, why was legal action brought on behalf of the federal government and not individual property owners and residents?

While several other legal avenues were available to hold land-developers and EID defendants accountable for over **\$6.3 million** of federally-backed debt placed on the backs of Emigration Canyon residents and property owners, the federal whistleblower lawsuit was chosen because (i) it may afford federal witness protection to individuals willing to come forward with information and documents, (ii) it is the most effective tool for protecting the Canyon's pristine environment and habitat to the Bonneville Cutthroat Trout (a federally protected species), (iii) it provides for complete recovery of all reasonable attorney fees and costs (estimated to exceed **\$1 million** and counting upon successful conclusion of litigation), and (iv) it allows the disgorgement of all private profit and/or unjust enrichment.

Q: What is the primary objective of the federal lawsuit?

The primary objective of the present *qui tam* action is to hold publically elected officials such as **Fred A. Smolka, Michael Scott Hughes, Lynn Hales, Mark Stevens, David Bradford, and Brent Tippets** accountable for the expenditure of over \$14 million dollars of public funds by shining the brightest possible light on the business and personal relationships of EID management with land developers as alleged in the Third Amended Complaint.

Q: What does "Discovery" mean in the current legal action?

At the proper stage of the proceedings, **Relator Mark Christopher Tracy** will depose witnesses and defendants under criminal penalty of perjury, inspect every document, electronic mail and legal contract to include the collection (or waiver) of fees and the disbursement of every cent of public monies to the fullest extent allowed by law. Business and personal relationships between land developers and publicly elected officials (to include political donations) will be inspected and scrutinized.

Q: Why should I become an ECHO Association Member?

Upon successful conclusion of the present action, the intent is to relieve Canyon property owners over **\$6.3 million** of federally-backed debt. To date, ECHO Association members have incurred over **\$220,000.00** in legal expenses and we expect to raise an equal amount to continue prosecution of both the federal whistle-blower and potential water rights litigation before the deadline of **June 1, 2018**.

Q: If I decide to become an ECHO Association member, am I automatically subject to counter-suit by the defendants in the current federal whistleblower and pending water-rights litigation?

No. Relator Mark Christopher Tracy and the United States are the only plaintiffs in the FCA action. The ECHO Association will take no legal action to prohibit water use of any association member.

Q: Why would I want to financially support federal litigation if I live in Emigration Oaks?

Although EID defendants were obligated to observe stream flow and EID's own monitoring wells, it was discovered in August 2015 that they failed to do so for the past ten years. As EID continues to issue water letters for new land development, the likelihood of additional impairment of private wells with senior water increases dramatically. In short, every new domestic unit in the Canyon increases the probability of terminating the entire water system operated by EID. The ECHO Association will prevent further build-out thereby preserving both existing homes and the Emigration Canyon stream.

Q: Why would I want to financially support litigation if I want to build a home?

It is alleged that the Canyon's water resources are already far exceeded with the current buildout of circa **680** domestic units. Should a litigation sponsor wish to pursue individual legal action against The Boyer Company L.C., City Development Inc., Salt Lake County, the State of Utah or the current FCA defendants, a full-membership donation of **\$15,000.00** prior to the deadline will allow access not only to the best efforts of ECHO Association administration and documents but also confidential work product of water-right specialist **Jim Riley** and hydrologist **Dr. Hansen** considered the foremost experts in the state of Utah.

Q: Why would I want to financially support federal litigation if I do not live in Emigration Oaks?

All property owners in Emigration Canyon are taxed at the highest rate allowed by law since 2007 even though water service is provided by Salt Lake City or private wells. In short, the Third Amended Complaint alleges that all property owners are paying to fix and expand the defunct water system installed by The Boyer Company and City Development. The success of the current legal action will prevent the use of your tax dollars for that purpose.

Q: Is water supplied by EID safe to drink?

The Third Amended Complaint alleges that since 2003 only **Larry Hall** of defendant **Aqua Environmental Services, Inc.** has been allowed to collect EID water samples and EID trustees **Hughes, Bradford and Stevens** have expressly refused to allow an independent third party access to EID's water system located on land-developer Creamer's property due to "security concerns." During the July 2016 trustee meeting, EID refused to state if the Brigham Fork Well was contaminated with iron bacteria and failed to report the same in its annual Customer Confidence Report or tri-annual Sanitation Survey as mandated under the Safe Drinking Water Act of 1974.

Q: How do I become an ECHO Association Member?

After conflict of interest review involving property owners in Emigration Oaks, Snowberry Ridge, Young Oaks and Burr Fork PUD developments, the ECHO Association will accept new members up until the deadline of **June 1, 2018**. As all five (5) *qui tam* attorneys have agreed to work at greatly reduced rates (but share in the litigation award), the ECHO Association has ensured that every dollar is stretched as far as possible and will achieve the greatest possible result for Canyon property owners and the fragile Canyon eco-system.

It is Important to Note That Unlike Death and Taxes There is No Guarantee of Success in Either the Federal Whistleblower or Pending Water Rights Litigation.