

position, however. We never said that in the end we would exercise that kind of sovereign immunity prerogative because we've always felt, in our own heart of hearts, that if a court of law was to say that you had to pay \$65 million that again in respect to the judicial processes we would appropriate the \$65 million. But we've always known that. In the Commonwealth report, I got it out this morning, there is that opinion in there that because of the doctrine of sovereign immunity, because we are the king, we could say, we're not going to pay a penny and it would be perfectly legal. So what I'm saying is this...so what we really came down to was this, we said how would a reasonable, reasonably prudent person look at a damage claim against the state, forgetting the sovereign immunity doctrine, forgetting the ability to totally walk away from it. How would a reasonably prudent person look at it? Well, you would ask yourself, initially, is there or is there not liability? The committee concluded there was not legal liability. But the committee also concluded that this was an area about which reasonable minds could differ, and there could be a dispute over legal liability, and the committee could be wrong, it could be wrong. So we evaluated that dispute at between 10 and 20 percent of the potential depositor losses, which we said, in terms of the 10 to 20 percent we said if the state was to settle for a sum between \$2.5 million and \$9.6 million that would then fall within that spread. So a reasonably prudent judgment would say, okay, if you settle between \$2.5 million and \$9.6 million, a disputed claim in this case, you are not squandering taxpayer dollars, you are not committing a grievous harm, you are acting proper. So when Senator Hannibal comes in with an amendment at \$10 million, frankly, he is doing the very thing that the committee suggested was the reasonably prudent thing to do. Now I, personally, signed LR 39, not at \$10 million but at \$20.5 million because I took the issue of reasonable prudence one step further and that is this, the State of Nebraska can settle the Commonwealth claim with the receiver for \$10 million. The receiver is the person who settles, not the depositors. The receiver settles, gets court approval. The court will undoubtedly approve a settlement along that line, based on the court's history of this case so far. But once that settlement is effected, the court still has, under its jurisdiction and control, all these Commonwealth assets, all this land that is sitting fallow in Lincoln, plus the money that is coming in on loans that are being paid, plus the \$10 million that we've just put into