

remedy. And that means you on your side have done certain things which will prevent you in justice from raising the issue that you're raising now. You created a hurtful situation to others and now you want to benefit from the hurtful situation you created. So even though the state might be bringing the action, the intent is to lose it. And I would argue if I were to be deprived of my benefits that the situation which is created now, which exists now, was created by the state through violation of the law. The state has put me and other similarly situated in a disadvantageous position. In addition, to have caused us all of the grief, the state now wants to benefit from the wrongful action it placed and the state should not be entitled to benefit. And then you will try to have the state estopped or prevented from going forth with this action. And it might be a way to cause the state to lose the action without taking as long or raising as many issues as are going to be raised under the action that the Legislature is seeking to have the Attorney General bring. I don't think there is any easy way out of this. But if I were the one making the legal decision, I believe that I could contrive a strategy which would ensure that what is just would be the result. In other words, the state would throw the fight and the state would throw it not by having a lawyer who is not going to vigorously advocate for the state, but the state's position would simply be untenable. The state's position could not go forward.

SENATOR CROSBY: One minute.

SENATOR CHAMBERS: And having brought this action and lost it, that would then create what they call res adjudicata or a thing already decided. And if the state didn't appeal it, the state could never bring or raise that issue again. And that's what they ought to do but they're not going to do it. I know they're not going to do it. The only thing probably that is available is the adoption of this resolution since that's what is before us. But based on some questions that Senator Beutler raised again and raised effectively, it's difficult for me to say exactly how I'm going to vote when time comes for us to cast a vote on this resolution.

SENATOR CROSBY: Thank you, Senator Chambers. Senator Witek.

SENATOR WITEK: Thank you, Madam Chairman, members of the Legislature. First, I want to clear up the impression that