



# News Release

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## **Arbitrator Denies Recovery of Attorneys' Fees to All Parties in Darley v. SDIBI Arbitration; Official Documents Posted in Arbitration Matter**

PIERRE, S.D. – The South Dakota Board of Regents was notified this week that a California arbitrator has denied recovery of attorneys' fees in an arbitration case involving the federal EB-5 immigrant visa program. Earlier this month, the arbitrator ruled there was no liability by the Board of Regents and denied all claims and counter-claims in a breach of contract case that involved marketing of EB-5 projects.

“After a positive resolution on the case’s merits, the Board of Regents earlier this month directed its attorneys to pursue recovery of attorney fees and costs,” said Jack Warner, the regents’ executive director and CEO. “The board felt strongly it should seek whatever reimbursement might be available to offset legal costs and expenses incurred by the state. However, the arbitrator has now denied all claims for recovery, which effectively closes out this case.”

As a result, legal documents in the Board’s possession that comprise the official record of evidence received by the arbitrator, including depositions given in the case, have now been posted to the Board of Regents’ homepage at [www.sdbor.edu](http://www.sdbor.edu) .

Unlike private litigants who voluntarily agree to abide by JAMS confidentiality rules during an arbitration proceeding, Warner noted that the Board of Regents was ordered to participate in this matter by a California trial court. JAMS is an acronym for Judicial Arbitration and Mediation Services Inc.

“This decision on legal fees brings the arbitration proceedings to final closure,” Warner said. Therefore, transcripts of depositions that were introduced into evidence and of hearing testimony have been posted online for public information, he said.