



**Request for City Council Committee Action  
From the City Attorney's Office**

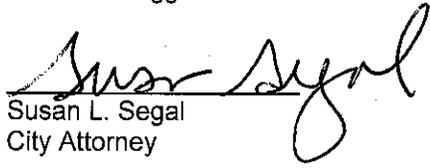
Date: February 12, 2013  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** Xccent, Inc. v. City of Minneapolis  
Hennepin County District Court File No. 27-CV-12-13703

**Recommendation:** That the City Council approve the settlement of all claims in this case by payment of \$28,000 to Xccent, Inc. from Fund/Org. 06900 1500100 145865 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

**Previous Directives:**

Prepared by: Darla J. Boggs & Andrea Naef Phone: 612-673-2180, 612-673-2429

Approved by:   
Susan L. Segal  
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

**Financial Impact** (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).  
 Action requires an appropriation increase to the \_\_\_\_\_ Capital Budget or \_\_\_\_\_ Operating Budget.  
 Action provides increased revenue for appropriation increase.  
 Action requires use of contingency or reserves.  
 Business Plan: \_\_\_\_\_ Action is within the plan. \_\_\_\_\_ Action requires a change to plan.  
 Other financial impact (Explain): Fund/Org. 06900 1500100 145400  
 Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact**

**Background/Supporting Information**

Plaintiff Xccent, Inc. brought a civil action alleging that the City of Minneapolis and its agents caused damage to its display due to a water leak in the roof of the Minneapolis Convention center on or about October 25 & 26, 2010, during an exposition hosted by the National Recreation and Park Association.

Assistant City Attorneys Darla J. Boggs and Andrea Naef entered into settlement discussions with Plaintiff's counsel, Richard Jenson, and reached a proposed settlement of all claims in the amount of \$28,000.00. This Office has had discussions with Jeff Johnson, Executive Director of the Minneapolis Convention Center, and he agrees that the proposed settlement is in the best interests of the City. We therefore recommend approval by this Committee and the City Council.