

**METROPOLITAN COUNCIL**  
**390 Robert Street North, St. Paul, Minnesota 55101**

**MINUTES OF THE MEETING OF THE**  
**LITIGATION REVIEW COMMITTEE**

**October 15, 2014**

Committee Members Present: Steven Chávez, Committee Chair  
Harry Melander, Committee Vice Chair  
Lona Schreiber, Council Member  
Gary Cunningham, Council Member

Also Present: Don Mueting, General Counsel  
Dan Abelson, Associate General Counsel  
James Brimeyer, Council Member  
Trina Harris, Recording Secretary

**CALL TO ORDER:**

**Committee Chair Chávez** called the meeting of the Council's Litigation Review Committee to order at approximately **3:00 p.m.** on **October 15, 2014.**

**APPROVAL OF AGENDA:**

It was moved by **Council Member Schreiber**, seconded by **Council Member Melander**, to approve the agenda for this meeting of the Litigation Review Committee. **The motion carried.**

**APPROVAL OF MINUTES:**

It was moved by **Council Member Melander**, seconded by **Council Member Schreiber**, to approve the minutes of the April 16, 2014 meeting of the Litigation Review Committee. **The motion carried.**

**MOTION TO CLOSE MEETING TO THE PUBLIC:**

It was moved by **Council Member Melander** seconded by **Council Member Schreiber**, to close this meeting to the public to discuss attorney-client privileged matters. **The motion carried.** In accordance with the motion, the meeting was closed to the public. The persons indicated above were in attendance during the closed portion of the committee meeting.

**BUSINESS (in closed meeting):**

- A. Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *State of MN, et al. v. 3M*.** Associate General Counsel Dan Abelson advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- B. Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Metropolitan Council v. Duke Realty*.** General Counsel Don Mueting advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- C. Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled: *Kimberly Perkins v. Metropolitan Council*.** General Counsel Don Mueting advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- D. Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled: *Lakes and Park Alliance of Minneapolis v. Federal Transit Administration, et al.*** General Counsel Don Mueting advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- E. Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *State Farm, et al. v. Metropolitan Council*.** Associate General Counsel Dan Abelson advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- F. Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Metropolitan Council v. Rasiar Ltd, et al.*** General Counsel Don Mueting advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- G. Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding Matters Entitled *Robert Burks v. Metropolitan Council and KSTP-TV Data Practice Challenge*.** General Counsel Don Mueting advised the committee members on the facts and issues regarding these matters and answered committee member questions. Committee members discussed the matters.
- H. Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Beverly Brown v. Metropolitan Council*.** General Counsel Don Mueting advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.

- I. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Erica Frizzell-Nelson v. Metropolitan Council*.** General Counsel Don Muetting advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- J. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Reliakor Services Inc. v. Metropolitan Council*.** General Counsel Don Muetting advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- K. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Metropolitan Council v. Jacobs US LLC*.** Associate General Counsel Dan Abelson advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- L. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding Matters Entitled *Michael Flowers v. Metropolitan Council* and *Robert Peterson v. Officer Michael Koop, et al.*** Associate General Counsel Dan Abelson advised the committee members on the facts and issues regarding these matters and answered committee member questions. Committee members discussed the matters.
- M. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding a Matter Entitled *Metropolitan Council v. VC Park LLC*.** General Counsel Don Muetting advised the committee members on the facts and issues regarding this matter and answered committee member questions. Committee members discussed the matter.
- N. **Discussion of Attorney-Client Privileged Matters and Litigation Issues Regarding the Matters of the *DPPA Lawsuits*.** Associate General Counsel Dan Abelson advised the committee members on the facts and issues regarding these matters and answered committee member questions. Committee members discussed the matters.

**MOTION TO OPEN MEETING TO THE PUBLIC:**

It was moved by **Council Member Cunningham** seconded by **Council Member Schreiber**, to reopen this meeting to the public. **The motion carried.** In accordance with the motion, the meeting was re-opened to the public.

**ADJOURNMENT:**

The meeting was declared adjourned by the Committee Chair at approximately **4:00 p.m.**

Respectfully submitted,

Trina Harris  
Recording Secretary