



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

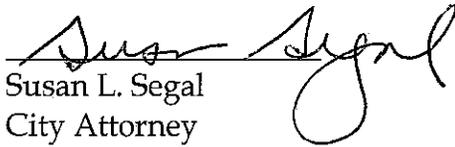
Date: November 13, 2012  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** *City of Minneapolis v. RW Farms (Master Express)*  
Court File No.: Case No. 27-CV-11-1410

**Recommendation:** That the City Council approve the settlement of this case by payment of \$7,500 payable to Trustee for the Estate of RW Farms and its attorneys, Richard Gerace and Jeffrey Butwinik, from Fund/Org. 6900 150 1500 145664 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

**Previous Directives:**

Prepared by: Tracey N. Fussy

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. 6900 150 1500 145664  
 Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact** City Goal(s): A City that Works.

**Background/Supporting Information**

In March 2009, the City jointly contracted with RW Farms and Organic Technologies, Inc., to compost and dispose of yard waste. Although the RW Farms and OTI were to split the work evenly, OTI processed more of the waste and consequently, earned a greater percentage of the contract funds.

RW Farms brought suit against the City claiming Tortious Interference with Contract and Breach of Contract.

After negotiations, the City and Master Express reached a proposed settlement of \$7,500. Public Works administration is in agreement and staff recommends approval of the settlement.

10-22848/TF