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

Date: March 4, 2010
To: Ways & Means/Budget Committee
Referral to:

Subject: *Collins Electrical Systems Inc. vs. City of Minneapolis*
Hennepin County District Court, Case No. 27-CV-06-16731

Recommendation: That the City Council approve satisfaction of judgment in the amount of $350,161.24 payable to Collins Electrical Systems, Inc. from Fund/Org. 06900 1500100 145685 and authorize the City Attorney's Office to execute any documents necessary to effectuate the satisfaction.

Previous Directives: None.

Prepared by: Gregory P. Sautter Phone: (612) 673-2683

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.
_X_ Other financial impact (Explain): Payment from Fund/Org. 06900 1500100-145685
___Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Budget

Background/Supporting Information

This lawsuit involved collection against the City under the payment bond statute for electrical work done in support of the City's Stop-on-Red cameras. Collins was a subcontractor who was not paid. Collins sued the City for payment. After trial the Court issued a judgment in the amount of $163,516.48 against the City, and attorneys' fees and costs of $181,804.00 against the City. These judgments have already accrued significant interest and are due and owing. The City has negotiated total satisfaction of both judgments for $350,161.24 including accrued interest. Payment of these judgments is obligatory.

STATE OF MINNESOTA | DISTRICT COURT

COUNTY OF HENNEPIN | FOURTH JUDICIAL DISTRICT

FILED
JUL 06 2009
DIST. COURT ADMINISTRATOR
Deputy

Collins Electrical Systems, Inc.,
d/b/a Collisys,

Plaintiff,

vs.

Redflex Traffic Systems, Inc.,
and the City of Minneapolis,

Defendants.

Court File No. 27-CV-06-16731

ORDER AND MEMORANDUM
PLAINTIFF'S MOTION FOR
JUDGMENT AS A MATTER OF LAW

The above-entitled matter came on for a hearing before the undersigned Judge of District Court on June 11, 2009, on the motion of the Plaintiff Collins Electrical Systems, Inc., d/b/a Collisys ("Collisys"), for judgment as a matter of law or, in the alternative, for a new trial.

Appearances:
Christopher S. Hayhoe, Esq., appeared on behalf of Plaintiff Collisys.
Lisa M. Needham, Esq., appeared on behalf of Defendant City of Minneapolis.

Based upon all the files, records, and proceedings herein, including the arguments of counsel, the Court makes the following **ORDER:**

1. Plaintiff Collisys' motion for judgment as a matter of law is **GRANTED.**
2. Plaintiff is entitled to judgment against Defendant City of Minneapolis in the amount of $163,516.48.
3. The attached memorandum is incorporated herein as if set forth in full.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

DATED: July 6, 2009

John Q. McShane
Judge of District Court

STATE OF MINNESOTA | FILED | DISTRICT COURT

COUNTY OF HENNEPIN | 2009 SEP 30 PM 1:10 | FOURTH JUDICIAL DISTRICT

BY _____ DEPUTY
HENN CO. DISTRICT COURT ADMINISTRATOR

Collins Electrical Systems, Inc., d/b/a Collisys,

Plaintiff,

vs.

Redflex Traffic Systems, Inc., and the City of Minneapolis,

Defendants.

Court File No. 27-CV-06-16731

ORDER AND MEMORANDUM RE: PLAINTIFF'S REQUEST FOR ATTORNEYS' FEES AND COSTS

The above-entitled matter came on for a hearing before the undersigned Judge of District Court on August 24, 2009, on the motion of the Plaintiff Collins Electrical Systems, Inc., d/b/a Collisys ("Collisys"), for attorneys' fees and costs.

Appearances:
Christopher S. Hayhoe, Esq., appeared on behalf of Plaintiff Collisys.
Gregory Sautter, Esq., appeared on behalf of Defendant City of Minneapolis.

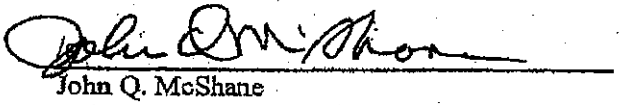
Based upon all the files, records, and proceedings herein, including the arguments of counsel, the Court makes the following **ORDER:**

1. Plaintiff Collisys' motion for attorneys' fees is **GRANTED.**
2. Plaintiff is entitled to judgment against Defendant City of Minneapolis in the amount of $175,777 for attorneys' fees and $6,027 for costs.
3. The attached memorandum is incorporated herein as if set forth in full.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

DATED: 9/29/2009



John Q. McShane
Judge of District Court