

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

)	
KENNETH E. ANDERSEN and)	CIVIL ACTION
DELL D. HOLM, on behalf of)	NO. 08-5687 (ADM/RLE)
themselves and all others)	
similarly situated,)	
)	
and)	
)	
WILLIAM K. BULMER, II, on)	
behalf of himself and all)	
others similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
THE COUNTY OF BECKER,)	
MINNESOTA; TIM GORDON, in his)	
capacity as Sheriff of Becker)	
County; and JOSEPH H. McARTHUR,)	
in his capacity as Captain in)	
the Becker County Sheriff's)	
Department,)	Courtroom 3
)	Monday, January 11, 2010
Defendants.)	St. Paul, Minnesota
)	

AUDIO DISC TRANSCRIPTION OF:

S E T T L E M E N T

BEFORE THE HONORABLE RAYMOND L. ERICKSON
CHIEF UNITED STATES MAGISTRATE JUDGE

AUDIO DISC TRANSCRIBED BY:

TIMOTHY J. WILLETTE, RDR, CRR, CBC, CCP
Official Court Reporter - United States District Court
1005 United States Courthouse - 300 South Fourth Street
Minneapolis, Minnesota 55415
612.664.5108

A P P E A R A N C E S:

For the Plaintiffs: **SPRENGER & LANG, PLLC**
By: BRYCE M. MILLER, ESQUIRE
1400 Eye Street, N.W. - Suite 500
Washington, D.C. 20005

For the Defendants: **IVERSON REUVERS, LLC**
By: JON K. IVERSON, ESQUIRE
SUSAN M. TINDAL, ESQUIRE
9321 Ensign Avenue South
Bloomington, Minnesota 55438

* * * * *

1 (2:50 p.m.)

2 **P R O C E E D I N G S**

3 **I N O P E N C O U R T**

4 THE COURT: The Court has before it this afternoon
5 the matter of Kenneth E. Andersen, Dell D. Holm, on behalf of
6 themselves and all others similarly situated, and William K.
7 Bulmer, II, on behalf of himself and all others similarly
8 situated, versus the County of Becker, Minnesota; Tim Gordon,
9 in his capacity as Sheriff of Becker County; and Joseph H.
10 McArthur, in his capacity as Captain in the Becker County
11 Sheriff's Department. It bears Civil File Number 08-5687.

12 Specifically, the parties advised they reached an
13 amicable resolution of their dispute and are desirous of
14 putting it on the record.

15 Would counsel note their appearances, please. We'll
16 start with counsel for the plaintiffs.

17 MR. MILLER: Bryce Miller from Sprenger & Lang for
18 the plaintiffs.

19 THE COURT: On behalf of the defendants?

20 MR. IVERSON: John Iverson and Susan Tindal on
21 behalf of the defendants.

22 THE COURT: Okay. I'd ask the attorneys, one or the
23 other, to recite the essential terms of the settlement on the
24 record, recognizing that it will be reduced to paper at some
25 point. I'd ask that everybody else listen in closely so if

1 they don't understand something they can ask a question of
2 their respective attorneys.

3 Following those recitations, if everybody is
4 satisfied that's the agreement in principle, then as is
5 usually the case, the plaintiffs' counsel will be making a
6 record with his clients.

7 MR. IVERSON: Thank you, your Honor.

8 The defendants have agreed to resolve all claims in
9 the captioned matter for the total sum of \$104,000, which will
10 be inclusive of all costs and attorneys' fees incurred in this
11 matter. It will be paid in a settlement check to Plaintiffs'
12 counsel's trust account subject to disbursement after all
13 appropriate releases are received.

14 We will need the Social Security numbers and tax ID
15 numbers of the respective parties to issue the check.

16 The check will be coming from the Minnesota Counties
17 Insurance -- or Intergovernmental Trust on behalf of Becker
18 County.

19 It is inclusive of all of the claims asserted in the
20 lawsuit in this matter. It is a resolution of all claims in
21 addition to the wiretap claims that have been remaining from
22 the summary judgment motion, but it also includes an agreement
23 that all of the claims initially disposed of are dismissed.

24 I did mention it includes all attorneys' fees under
25 the wiretap statute, as well as 42 U.S.C., Section 1988,

1 Minnesota Statute 549.21, I believe, and it is a dismissal of
2 all claims.

3 Counsel and I have discussed an appropriate release
4 will be prepared. Obviously, it's going to be an admission
5 without liability, and it's -- and I think that's it.

6 THE COURT: Mr. Miller.

7 MR. MILLER: You want me to put the plaintiffs on
8 the record as agreeing to this, I assume.

9 THE COURT: Yeah, if you want to come up to the
10 speakerphone.

11 MR. MILLER: Mr. Andersen?

12 MR. ANDERSEN: Yes.

13 MR. MILLER: Did you hear the agreement as it was
14 articulated by defense counsel?

15 MR. ANDERSEN: I couldn't hear a word he said.

16 MR. MILLER: Okay. The essential terms of the
17 agreement are that we are going to have a full and final
18 release of all the claims that are brought in the complaint,
19 both those that were dismissed at summary judgment and those
20 that did not, those wiretap statute claims, and that would be
21 inclusive of all forms of relief, both monetary for the
22 plaintiffs and also attorneys' fees and costs. And it was
23 \$104,000 that we settled this case for and they'll be making
24 that payment to your counsel, Sprenger & Lang, and then we'll
25 be disbursing that amount out as we discussed.

1 Do you agree to that settlement?

2 MR. ANDERSEN: Yes, sir.

3 MR. MILLER: Mr. Holm, did you hear what I just
4 said?

5 MR. HOLM: Yes, I did.

6 MR. MILLER: And do you agree to that settlement?

7 MR. HOLM: I do agree.

8 THE COURT: Okay.

9 MR. MILLER: And then we have Mr. Bulmer.

10 THE COURT: Oh, Mr. Bulmer. Up to the lectern would
11 be fine, Mr. Bulmer.

12 MR. BULMER: I've heard the agreement, your Honor.
13 I do agree.

14 THE COURT: Okay. The Court concludes that the
15 parties have reached an amicable resolution of the dispute.

16 The Court will send an e-mail to Judge Montgomery
17 advising her of that fact. In all likelihood she'll issue an
18 order of dismissal with prejudice, but reserve jurisdiction
19 for a period of 45 days in which you folks can submit your
20 closing documents.

21 Looking in from the outside, it is the Court's
22 judgment that the settlement that was reached is an exercise
23 of good business judgment by all concerned.

24 I ask that you all travel safely to where you're
25 going. We stand adjourned.

1 MR. IVERSON: Thank you, your Honor.

2 MS. TINDAL: Thank you, your Honor.

3 MR. MILLER: Thank you, your Honor.

4 MR. ANDERSEN: I have one question. Do we get
5 copies of what happened here today?

6 THE COURT: Ordinarily we don't make -- we have a
7 recording of it, but we don't make a transcript of it.

8 MR. ANDERSEN: And can I get a recording of -- how
9 do I go about just getting a recording of it?

10 THE COURT: You'll have to talk to my calendar
11 clerk.

12 MR. IVERSON: We will be issuing a release document
13 for signature and I've advised Counsel that the settlement
14 check will be forthcoming, within two weeks at the latest from
15 the date that we get the signed release documents, which will
16 recite the terms of this settlement agreement.

17 MR. MILLER: Kenny, we'll be sending a release to
18 you that will have everything we just talked about in it,
19 okay?

20 MR. ANDERSEN: All right.

21 MR. MILLER: And so after you receive that, if you
22 feel like there's something else you need, we can talk about
23 how you might go about getting that information.

24 MR. ANDERSEN: All right.

25 MR. MILLER: Great.

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THE COURT: Have a good one, guys.

MR. ANDERSEN: So we're done with this conversation?

THE COURT: We're done.

(Proceedings concluded at 3:00 p.m.)

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C E R T I F I C A T E

I, **TIMOTHY J. WILLETTE**, Official Court Reporter for the United States District Court, do hereby certify that the foregoing pages are a true and accurate transcription of an audio disc of proceedings taken in the aforementioned matter, to the best of my skill and ability.

/s/ Timothy J. Willette

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