

**UNIVERSITY OF MINNESOTA**

**BOARD OF REGENTS**

**Litigation Review Committee**

**February 9, 2005**

A non-public meeting of the Litigation Review Committee of the Board of Regents was held on Wednesday, February 9, 2005 at 3:05 p.m. in the William R. Peterson Conference Room, 600 McNamara Alumni Center.

Regents present: Frank Berman, presiding; David Metzen and Patricia Simmons.

Staff present: President Robert Bruininks, Vice Presidents Kathryn Brown and Kathleen O'Brien; and General Counsel Mark Rotenberg.

Others present: William Donohue, Keith Dunder, Carol Kraus, and Sandra Martell.

**RESOLUTION TO CONDUCT NON-PUBLIC MEETING  
OF THE LITIGATION REVIEW COMMITTEE**

A motion was made and seconded that the following resolution be approved:

WHEREAS, based on advice of the General Counsel, the Board of Regents Litigation Review Committee has balanced the purposes served by the Open Meeting Law and by the attorney-client privilege, and determined that there is a need for absolute confidentiality to discuss litigation strategy in particular matters involving the University of Minnesota;

NOW, THEREFORE, BE IT RESOLVED that in accordance with Minnesota State Statute Section 13D.01, Subd. 3; and 13D.05, Subd. 3(b), a non-public meeting of the Board of Regents Litigation Review Committee be held on Wednesday, February 9, 2005 at 3:00 p.m. in the William R. Peterson Conference Room, 600 McNamara Alumni Center, for the purpose of discussing attorney-client privileged matters including the following:

- 1) Claims regarding construction of Molecular Cellular Biology (MCB) Building;
- 2) Claims regarding Health Sciences Building and Jones Hall;
- 3) Claims regarding IRS Regulations on FICA for medical residents; and
- 4) Bielke v. Sestero and Regents of the University of Minnesota.

The committee voted unanimously to approve the resolution.

The public portion of the meeting adjourned at 3:06 p.m. and the non-public portion of the meeting adjourned at 4:17 p.m.

At 4:18 p.m. the committee reconvened in public session and General Counsel Rotenberg called upon Keith Dunder, Academic Health Center Counsel, who presented a brief report on Minnesota Statute 3.732, regarding limits on liability for State entities, and Minnesota Statute

604.02, regarding joint and several liability. The committee discussed the interplay between these two statutes, as it may effect the University's exposure in tort litigation.

The meeting adjourned at 4:29 p.m.

**ANN D. CIESLAK**  
**Executive Director and**  
**Corporate Secretary**