

**General Counsel Testimony: Budget Section December 11, 2013**

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My name is Christopher Wilson, and I am the General Counsel of North Dakota State University. I am here today to update the Budget Committee on the University's on-going efforts to recover its damages, expenses and costs resulting from the collapse of Minard Hall.

As I have previously reported, attorney Daniel Hull with the law firm of Anderson, Bottrell, Sanden & Thompson in Fargo represent NDSU in its recovery efforts. Through Mr. Hull's efforts, NDSU has commenced two different lawsuits pertaining to the Minard collapse. Both lawsuits are venued in the State District Court in Fargo (East Central Judicial District).

In the first litigation, NDSU brought suit against the North Dakota State Fire and Tornado Fund which provides property insurance to NDSU. After the collapse, the Fund denied that there was coverage for the collapse. As a result, NDSU commenced a declaratory judgment action against the Fund. NDSU is requesting a judgment that the Fund's insurance policy covers damages sustained by NDSU as a result of the collapse.

In the second lawsuit, the plaintiff is the State of North Dakota, by and through NDSU and the North Dakota State Board of Higher Education. The initial defendants were JLG Architects, Heyer Engineering and Northern Technologies, Inc., which were the project's architectural firm, the structural engineering firm and the geotechnical engineering firm. The lawsuit alleged, among other things, that the defendants:

- (1) failed to obtain, require or recommend sufficient soil testing and evaluation to properly design a deep basement and the associated excavation adjacent to the north end of Minard Hall;
- (2) provided a defective design for the excavation adjacent to the north end of Minard Hall; and
- (3) failed to determine that the excavation was defective prior to the collapse and take steps to prevent the collapse.

Earlier this year, two additional defendants were added to the second lawsuit. They are Meinecke-Johnson, the project's general contractor, and Earth Developers, the project's excavating contractor. The new claims are based upon, among other things, defective means and methods allegedly used in the construction of the excavation.

In both lawsuits, written discovery and depositions are ongoing, including five depositions which were taken in November of 2013. The trial in the lawsuit against the JLG and others is scheduled to commence on March 3, 2015. The Court has not yet set a trial date in the lawsuit against the State Fire and Tornado Fund.

That concludes our prepared statements, and we would be happy to answer any questions that you may have. Thank you.