



Legislation Text

File #: RES 20-542, **Version:** 1

Authorizing the proper City officials to enter into a Joint Investigation, Pursuit and Allocation Agreement with Traveler's Indemnity Company, and appointing Jessica Allen of Pfefferle Kane LLP as outside council for the pursuit of subrogation of the City's insurance deductible.

WHEREAS, Saint Paul City Charter § 5.02 permits the City, upon request of the City Attorney in the case of special or unusual circumstances or to prevent impermissible conflict of interest on the part of the City Attorney, to appoint outside counsel to represent the City; and

WHEREAS, a boiler fire occurred at the Como Zoo Hoof Stock Building on the night of November 15, 2019 where one boiler caught on fire and caused damage to a second boiler that was less than a foot away from it; and

WHEREAS, the boilers are under warranty as they were installed in February 2019; and

WHEREAS, the City might have subrogation rights against the contractor that installed the boilers; and

WHEREAS, the City of Saint Paul has in place a Property Insurance Policy with Traveler's Insurance under which the City pays a deductible; and

WHEREAS, the process of pursuing recovery of the City's deductible includes the need to work with multiple experts and a very involved investigation; and

WHEREAS, Traveler's has hired an attorney on their behalf to represent their interests in pursuing recovery from the liable party; and

WHEREAS, Traveler's and the City can enter into a Joint Pursuit Agreement under which the attorney and experts that Traveler's has hired to pursue recovery of its payments to the City under the policy will also pursue the City's interests in seeking recovery of the City's insurance deductible; and

WHEREAS, any costs necessary to be paid by the City for pursuit of the recovery will be subtracted from the City's deductible award if recovery is reached, and there will be no additional cost in excess of the City's deductible if recovery is not reached; and

WHEREAS, the use of a Joint Investigation, Pursuit and Allocation Agreement offers the benefit of shared costs with Traveler's and reduced litigation expenses; and

WHEREAS, the City Attorney requests and recommends entering into the Joint Pursuit Agreement and the appointment of outside counsel because of the above articulated need; now, therefore, be it

RESOLVED, that upon request and recommendation of the City Attorney, the Council of the City of Saint Paul does hereby appoint Jessica Allen of Pfefferle Kane LLP as special counsel and authorizes the proper city officials to enter into a Joint Investigation, Pursuit and Allocation Agreement with Traveler's Indemnity Company to pursue recovery of the City's deductible for the insurance claim that is a result of the Como Zoo Hoof Stock Fire.