

## Bittersweet Goodbyes

Longtime office administrator Barbara Martenson and longtime accounts manager Marlys Keeney have decided to take a well-earned retirement after dedicating many years to Madigan, Dahl & Harlan.

Barb had been with the firm since the very beginning, joining the law firm at its inception after being Mike Madigan's administrative assistant, and later paralegal, for many years. At Madigan, Dahl & Harlan, Barb wore two hats, serving not only as office administrator, but also as the Administrator of the Minnesota Beer Wholesalers Association. In this dual role, she excelled greatly and will sincerely be missed by the entire firm and the MBWA.

Marlys joined the firm in 2006 and immediately became a steady rock serving as the accounts manager. The firm will miss her calm demeanor and ever-present ability to keep everyone on task.

Although it will be difficult to no longer see their smiling faces on a daily basis, we wish Barb and Marlys the very best on this next chapter in their lives and look forward to hearing all about their new adventures.



**Katherine Hubbard Joins  
Madigan, Dahl & Harlan as  
Office Administrator**

Please join us in welcoming Kathy Hubbard as the firm's new office administrator. Kathy has over 25 years of experience in law firms, including nearly ten years as an office manager or administrator. Her wide range of administrative experience and operational oversight makes her the perfect addition to Madigan, Dahl & Harlan. In addition, Kathy serves on the Board of Directors of the ALAMN, the Minnesota Chapter of the Association of Legal Administrators and is currently the President-Elect.

The transition has been seamless, and we all look forward to many years of working together to grow as a law firm and advocate for our clients.



**Amanda Aldrich Becomes  
New Director of MBWA**

Madigan, Dahl & Harlan staff member Amanda Aldrich has become the new Director of Membership and Meetings for the Minnesota Beer Wholesalers Association. Amanda has worked directly with MBWA for many years and is looking forward to flourishing in this new challenge.



**Justin Seurer Joins Madigan,  
Dahl & Harlan, P.A.  
As Of Counsel**

Hopkins attorney Justin Seurer has joined Madigan, Dahl & Harlan "Of Counsel." Justin was the owner of Seurer Law, PLLC and practices primarily in the areas of business law and civil litigation. He has over ten years of experience and is a strong advocate for his clients. He is currently licensed to practice in Minnesota, Iowa, and South Dakota. We would like to extend a warm welcome to Justin.

**Associate Brandt Erwin Meets President Obama**



In late June, Associate Attorney Brandt Erwin, his wife, Lynnae, and son Otto were fortunate to receive tickets to attend President Barack Obama's speech at the Lake Harriet band shell in Minneapolis. After addressing the crowd, President Obama walked along the barricade, shaking hands with the public. He also decided to pick up Otto and have a short conversation with Brandt and Lynnae. Needless to say, all parties involved (especially Otto) were very excited for the opportunity to meet the President of the United States.

## Madigan, Dahl & Harlan Successful in Significant Asset Purchase Deal

Madigan, Dahl & Harlan recently completed a significant asset sale on behalf of Blue Star Media, the producers of "Discover the Dinosaurs," a traveling family entertainment show. Thanks to the hard work and team effort of Madigan, Dahl & Harlan, Blue Star was able to sell its assets to AUA Private Equity Partners, a New York-based private equity firm with investments in the consumer, media, and business sectors.



## Madigan, Dahl & Harlan Prevails in DPPA Case



Madigan, Dahl & Harlan recently won a dismissal with prejudice on behalf of their client in a recently publicized federal matter. In *Roschen et al. v. Wabasha County et al.*, multiple plaintiffs brought a civil action against various municipalities, police departments, and individuals, alleging violations of the federal Driver's Privacy Protection Act ("DPPA"). The claims were based on alleged inappropriate "look-ups" of the plaintiffs' motor vehicle records, including drivers' license information.

Madigan, Dahl & Harlan represented one of the police departments and had moved to dismiss their clients from the matter. United States District Judge Ann D. Montgomery granted the motion, based, in part, upon a finding that the plaintiffs had failed to allege facts that were specific and sufficient enough to avoid dismissal.

Specifically, plaintiffs failed to adequately connect the "look-ups" to an impermissible purpose under the DPPA. Rather, there was nothing to suggest that the police department's "look-ups" were done for any reason other than a law enforcement function.



### Public Contractors Face New Requirements

As the result of new legislation codified in Minnesota Statutes § 16C.285, Minnesota contractors that bid on public construction projects will face new requirements in the bidding process. Specifically, contractors and subcontractors soliciting contracts for, or working on projects in excess of \$50,000 from public entities, must now qualify as "responsible contractors."

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### Women's Economic Security Act Signed Into Law

On Mother's Day, May 11, 2014, Governor Dayton signed the Women's Economic Security Act ("WESA") into law. Although several provisions of WESA apply to both men and women, the majority of the law is to create or expand governmental protections for women in the workplace.

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### Changes to Minnesota Business Corporation Act

In our first quarterly newsletter of 2014, we explained that the Minnesota legislature was considering changes to Minnesota's limited liability company act. Rather than merely considering changes to the Minnesota Business Corporation Act ("MBCA"), on April 25, 2014, Governor Dayton signed a bill making a number of changes to the MBCA. These changes become effective August 1, 2014 and will apply to all for-profit corporations incorporated in Minnesota.

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### The Second Chance Expungement Law

The probability that criminal offenders may seal their existing criminal records has now been substantially increased. Under prior law, judges had the ability to seal criminal court records, but were generally prohibited from sealing records collected by other state agencies. As a result, even if records were ordered judicially expunged, they were still available through other channels.

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### Supreme Court Reaffirms Tribal Sovereign Immunity

On May 27, 2014, the United States Supreme Court reaffirmed the doctrine of tribal sovereign immunity by determining that sovereign immunity bars suits by states against Indian tribes and sovereign immunity extends to lawsuits arising out of commercial activity occurring outside of a tribe's Indian country.

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### National Labor Relations Board Decisions Deemed Invalid

Based upon a recent decision of the United States Supreme Court, all decision of the National Labor Relations Board ("NLRB") that occurred between January 4, 2012, and August 5, 2013, are invalid. On June 26, 2014, the Supreme Court determined that President Obama's January 4, 2012 appointments of three members of the NLRB violated the Recess Appointments Clause of the United States Constitution. As a result, over 700 decisions handed down by the NLRB during the timeframe when those members sat on the Board are void.

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Madigan, Dahl & Harlan, P.A.  
Campbell Mithun Tower  
Suite 3150  
222 South 9th Street  
Minneapolis, MN 55402  
Main: (612) 604-2000  
[email@mdh-law.com](mailto:email@mdh-law.com)  
[www.mdh-law.com](http://www.mdh-law.com)

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