Date July 15, 2013

APPROVAL OF MICROSOFT-IOWA ANTI-TRUST SETTLEMENT BENEFIT IN THE AMOUNT OF $130,886 AND AUTHORIZING MAYOR AND IT DIRECTOR TO SUBMIT VOUCHER FOR SAME

WHEREAS, the City received notice of the class action of <u>Comes v. Microsoft Corp.</u>, a class action brought in Iowa District Court alleging violations of Iowa's antitrust and anti competition laws due to Microsoft overcharging customers for certain of its operating systems, word processing and spreadsheet software; and

WHEREAS, under such class action lawsuit, Iowa state and local governments who indirectly purchased a license for Microsoft Operating System software and/or Microsoft Applications software and did not purchase it for resale from July 1, 2002 through June 30, 2006 are entitled to claim settlement benefits; and

WHEREAS, the Information Technology Department submitted a claim in 2009 for qualifying Microsoft purchases; and

WHEREAS, the Court has granted final approval of the class action settlement and the court-appointed Claims Administrator has determined the City's award to be in the amount of $130,866.00, based on a specified dollar amount per qualifying product purchased by each claimant; and

WHEREAS, the City has received a Microsoft Antitrust Settlement Benefits Voucher in the amount of $130,886.00, which the City must submit with proof of purchase in order to receive its benefit payment; and

WHEREAS, such Voucher requires that the City release Microsoft from any further claims associated with the lawsuit; and

WHEREAS, the Information Technology Department can provide proof of purchase of qualifying Microsoft products by the City in order to use the $130,866 settlement benefit amount; and

WHEREAS, it is in the best interests of the City of Des Moines to accept such Voucher payment and terms.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the above described Microsoft-Iowa Anti-Trust Settlement Voucher in the amount of $130,886.00 is hereby approved and the Mayor is directed and authorized to execute said Voucher on behalf of the City of Des Moines.

BE IT FURTHER RESOLVED that the Information Technology Director is hereby authorized and directed to execute and submit any additional Voucher claims or other implementing documents on behalf of the City of Des Moines to enable the City to receive the full amount of such settlement benefits.

(Council Communication No. 13-*347*)

Moved by _____to adopt

Approved as to Form:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE
COWNIE					I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.
COLEMAN					
GRIESS					
HENSLEY					
MAHAFFEY					IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.
MEYER					
MOORE					
TOTAL					
MOTION CARRIED			APPROVED		

_____ Mayor

_____ City Clerk