



Aaron Dean, Moss and Barnett

2022 Attorneys of the Year: Aaron Dean

By: Paul Nolan February 16, 2023

Don't tell Aaron Dean you can't fight City Hall. Or go ahead and tell him, and he'll prove you wrong.

In separate cases last year, Dean took on government employees in Buffalo and Faribault County on behalf of his clients and came out on top in both.

In the Buffalo battle, Dean defended the right of Jay Johnson, a headstrong construction contractor who flew a massive Donald Trump flag from a 150-foot-tall crane. Buffalo City Council members attempted to rescind Johnson's freedom of speech by amending a city ordinance to require a permit. The city imposed daily fines for Johnson's refusal to surrender to the city's demands.

In May, the Minnesota Court of Appeals sided with Johnson, who argued the city had amended and enforced the sign ordinance in a discriminatory manner. The court stated the city ordinance applied to commercial displays, which Johnson's was not, and the city allowed holiday displays larger than the size restrictions in its ordinance.

Also in May, a nine-person jury in Faribault County returned a unanimous verdict rejecting a \$2.62 million claim the county brought against Dean's client, Northern Line Contractors Inc. (NLC).

Dean said the contractor substantially completed work on a \$2.8 million contract to build a drainage system comprising more than 33,000 linear feet of drain tile and construction of a trapezoidal ditch to evacuate water from farmers' fields in and near Blue Earth.

The county applied for FEMA disaster relief funding for floods because significant rain during construction caused damage to farmers' fields and damaged work completed by NLC, but the county simultaneously blamed NLC for allegedly performing its work defectively. Faribault County terminated the NLC contract and filed a \$3 million performance bond claim to try to make the contractor's owner personally liable.

At trial, Dean held up a Betty Crocker cookbook and argued that NLC merely followed the engineer's "recipe" for the drainage system, which had been changed multiple times during construction. "When a county directs the contractor to use a recipe that requires constant tinkering during and after construction, the contractor is not responsible for deficiencies with the engineer's recipe and design," he said.

Dean said it is rewarding to represent contractors and private citizens for more than 25 years in lawsuits, arbitrations and regulatory matters against every layer of government. "There is no greater threat to your personal freedom than a government employee with power and a grudge, so the courts are a citizen's only opportunity for a fair resolution."

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