

**ADM10-8051  
STATE OF MINNESOTA  
IN SUPREME COURT**

**In re: Minnesota Supreme Court Civil Justice Reform Task Force**

---

**Recommendations of the  
Minnesota Supreme Court Civil Justice Reform Task Force**

**SUPPLEMENTAL REPORT  
May 22, 2012**

Honorable Louise Dovre Bjorkman  
Chair

Honorable Christopher Dietzen  
Liaison Justice

Honorable Jerome Abrams  
Honorable Robert Awsumb  
Jeanette Bazis  
Kathryn Bergstrom  
Gregory Bulinski  
James Carey  
Professor Brad Clary  
Sue Dosal  
Dyan Ebert  
Meredith Erickson  
Katherine Flom  
Ernest Grumbles  
Mark Hallberg  
David Herr

Daniel Heuel  
Honorable Eric Hylden  
Anna Lamb  
Honorable Susan Miles  
Thomas Marshall  
Richard Pemberton  
Douglas R. Peterson  
Tim Pramas  
Honorable Denise Reilly  
Susan Segal  
Christopher Shaheen  
Clay Taylor  
Dorinda Wider

Michael Johnson, Staff Attorney

## Contents

Introduction .....	2
Appendix A: Proposed changes to the Rules of Civil Procedure and the General Rules of Practice for the District Courts .....	3
Appendix B: Expedited Litigation Track Assignment Order .....	18
Appendix C: Expedited Litigation Track Case Management Order .....	19
Appendix D: Complex Case Program Election Form .....	20
Appendix E: Complex Case Program Sample Case Management Order .....	21

## Supplemental Report of the Civil Justice Task Force

### Introduction

In its December 23, 2011 report, the Civil Justice Reform Task Force recommended changes that will facilitate more effective and efficient case processing. To supplement the recommendations, the court directed the task force to prepare the following rules, case management orders, and forms:

1. **Appendix A:** Proposed changes to the Rules of Civil Procedure and the General Rules of Practice for the District Courts regarding:
  - a. Adopting A Proportionality Consideration Requirement for Discovery (R. Civ. P. 1, 26.01);
  - b. Continuing to Allow Commencement of Actions by Service, but with a One-Year Filing Requirement (R. Civ. P. 3.01, 5.04).
  - c. Adopting the Federal Court Automatic Disclosure Regime (R. Civ. P. 26.01);
  - d. Replace Informational Statement with New Civil Cover Sheet (Non-Family) (Gen. R. Prac. 104, 111.02, 111.03 and Form 104A);
  - e. Adopting an Expedited Procedure for Nondispositive Motions (Gen. R. Prac. 15.04);
2. **Appendix B:** Expedited Litigation Track assignment order;
3. **Appendix C:** Expedited Litigation Track case management order;
4. **Appendix D:** Complex Case Program Election Form; and
5. **Appendix E:** Complex Case Program Case Management Order.

A discussion of the proposed rule changes, Expedited Litigation Track, and Complex Case Program is set forth in the December 23, 2011, Task Force Report. Proposed rules for the Expedited Litigation Track and Complex Case Program are included as Appendices to the December 23, 2011 report.



\* \* \*

## **RULE 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

\* \* \*

### **Rule 5.04 Filing; Certificate of Service**

Any action that is not filed with the court within one year of commencement is deemed dismissed:

[alternative 1] with prejudice unless the parties within that year sign a stipulation to extend the filing period.

[alternative 2] without prejudice but filing with the court is required for reinstatement.

All papers after the complaint required to be served upon a party, together with a certificate of service, shall be filed with the court within a reasonable time after service, except expert disclosures and reports, depositions upon oral examination and interrogatories, requests for documents, requests for admission, and answers and responses thereto shall not be filed unless upon order of the court or for use in the proceeding.

The administrator shall not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by these rules or any local rules or practices.

\* \* \*

## **RULE 26. DUTY TO DISCLOSE; GENERAL PROVISIONS GOVERNING DISCOVERY**

### **26.01. ~~Discovery Methods~~Required Disclosures**

~~Parties may obtain discovery by one or more of the following methods: depositions by oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property; for inspection and other purposes; physical (including blood) and mental examinations; and requests for admission.~~

#### **(a) Initial Disclosure.**

65           (1) In General. Except as exempted by Rule 26.01(a)(2) or as otherwise  
66 stipulated or ordered by the court, a party must, without awaiting a discovery request,  
67 provide to the other parties:

68           (A) the name and, if known, the address and telephone number of each  
69 individual likely to have discoverable information—along with the subjects of  
70 that information—that the disclosing party may use to support its claims or  
71 defenses, unless the use would be solely for impeachment;

72           (B) a copy—or a description by category and location—of all documents,  
73 electronically stored information, and tangible things that the disclosing party has  
74 in its possession, custody, or control and may use to support its claims or  
75 defenses, unless the use would be solely for impeachment;

76           (C) a computation of each category of damages claimed by the disclosing  
77 party—who must also make available for inspection and copying as under Rule  
78 34 the documents or other evidentiary material, unless privileged or protected  
79 from disclosure, on which each computation is based, including materials bearing  
80 on the nature and extent of injuries suffered; and

81           (D) for inspection and copying as under Rule 34, any insurance agreement  
82 under which an insurance business may be liable to satisfy all or part of a possible  
83 judgment in the action or to indemnify or reimburse for payments made to satisfy  
84 the judgment.

85           (2) Proceedings Exempt from Initial Disclosure. The following proceedings are  
86 exempt from initial disclosure:

87           (A) an action for review on an administrative record;

88           (B) a forfeiture action in rem arising from a state statute;

89           (C) a petition for habeas corpus or any other proceeding to challenge a  
90 criminal conviction or sentence;

91           (D) an action brought without an attorney by a person in the custody of the  
92 United States, a state, or a state subdivision;

93           (E) an action to enforce or quash an administrative summons or subpoena;

94           (F) a proceeding ancillary to a proceeding in another court;

95           (G) an action to enforce an arbitration award;

96           (H) family court actions under Gen. R. Prac. 301 - 378;

97           (I) Torrens actions;

98                   (J) conciliation court appeals,

99                   (K) forfeitures,

100                  (L) removals from housing court to district court;

101                  (M) harassment proceedings;

102                  (N) name change proceedings;

103                  (O) default judgments;

104                  (P) actions to either docket a foreign judgment or re-docket a judgment  
105                  within the district

106                  (Q) appointment of trustee;

107                  (R) condemnation appeal;

108                  (S) confession of judgment;

109                  (T) implied consent;

110                  (U) restitution judgment; and

111                  (V) tax court filings.

112                  (3) Time for Initial Disclosures—In General. A party must make the initial  
113                  disclosures at or within 30 days after the original due date when an answer is required,  
114                  unless a different time is set by stipulation or court order, or unless a party objects during  
115                  the conference that initial disclosures are not appropriate in this action and states the  
116                  objection in the proposed discovery plan. In ruling on the objection, the court must  
117                  determine what disclosures, if any, are to be made and must set the time for disclosure.  
118                  In medical malpractice and other professional malpractice cases in which an expert  
119                  affidavit is required, a party must make initial disclosures within sixty (60) days of the  
120                  service of the expert affidavit.

121                  (4) Time for Initial Disclosures—For Parties Served or Joined Later. A party that  
122                  is first served or otherwise joined after the initial disclosures are due under rule  
123                  26.01(a)(3) must make the initial disclosures within 30 days after being served or joined,  
124                  unless a different time is set by stipulation or court order.

125                  (5) Basis for Initial Disclosure; Unacceptable Excuses. A party must make its  
126                  initial disclosures based on the information then reasonably available to it. A party is not  
127                  excused from making its disclosures because it has not fully investigated the case or  
128                  because it challenges the sufficiency of another party's disclosures or because another  
129                  party has not made its disclosures.

130                  **(b) Disclosure of Expert Testimony.**

131           (1) In General. In addition to the disclosures required by Rule 26.01(a), a party  
132 must disclose to the other parties the identity of any witness it may use at trial to present  
133 evidence under Minnesota Rule of Evidence 702, 703, or 705.

134           (2) Witnesses Who Must Provide a Written Report. Unless otherwise stipulated or  
135 ordered by the court, this disclosure must be accompanied by a written report—prepared  
136 and signed by the witness—if the witness is one retained or specially employed to  
137 provide expert testimony in the case or one whose duties as the party's employee  
138 regularly involve giving expert testimony. The report must contain:

139                   (A) a complete statement of all opinions the witness will express and the  
140 basis and reasons for them;

141                   (B) the facts or data considered by the witness in forming them;

142                   (C) any exhibits that will be used to summarize or support them;

143                   (D) the witness's qualifications, including a list of all publications  
144 authored in the previous 10 years;

145                   (E) a list of all other cases in which, during the previous 4 years, the  
146 witness testified as an expert at trial or by deposition; and

147                   (F) a statement of the compensation to be paid for the study and testimony  
148 in the case.

149           (3) Witnesses Who Do Not Provide a Written Report. Unless otherwise stipulated  
150 or ordered by the court, if the witness is not required to provide a written report, this  
151 disclosure must state:

152                   (A) the subject matter on which the witness is expected to present  
153 evidence under Minnesota Rule of Evidence 702, 703, or 705; and

154                   (B) a summary of the facts and opinions to which the witness is expected  
155 to testify.

156           (4) Time to Disclose Expert Testimony. A party must make these disclosures at  
157 the times and in the sequence that the court orders. Absent a stipulation or a court order,  
158 the disclosures must be made:

159                   (A) at least 90 days before the date set for trial or for the case to be ready  
160 for trial; or

161                   (B) if the evidence is intended solely to contradict or rebut evidence on the  
162 same subject matter identified by another party under Rule 26.01(a)(2) or (3),  
163 within 30 days after the other party's disclosure.

(5) Supplementing the Disclosure. The parties must supplement these disclosures when required under Rule 26.05.

**(c) Pretrial Disclosures.**

(1) In General. In addition to the disclosures required by Rule 26.01(a) and (b), a party must provide to the other parties and promptly file the following information about the evidence that it may present at trial other than solely for impeachment:

(A) the name and, if not previously provided, the address and telephone number of each witness—separately identifying those the party expects to present and those it may call if the need arises;

(B) the designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition; and

(C) an identification of each document or other exhibit, including summaries of other evidence—separately identifying those items the party expects to offer and those it may offer if the need arises.

(2) Time for Pretrial Disclosures; Objections. Unless the court orders otherwise, these disclosures must be made at least 30 days before trial. Within 14 days after they are made, unless the court sets a different time, a party may serve and promptly file a list of the following objections: any objections to the use under Rule 32.01 of a deposition designated by another party under Rule 26.01(c)(1)(B); and any objection, together with the grounds for it, that may be made to the admissibility of materials identified under Rule 26.01(c)(1)(C). An objection not so made—except for one under Minnesota Rule of Evidence 402 or 403—is waived unless excused by the court for good cause.

**(d) Form of Disclosures.** Unless the court orders otherwise, all disclosures under Rule 26.01 must be in writing, signed, and served.

**26.02. Discovery Methods, Scope and Limits**

Unless otherwise limited by order of the court in accordance with these rules, the methods and scope of discovery is as follows:

**(a) Methods.** Parties may obtain discovery by one or more of the following methods: depositions by oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property; for inspection and other purposes; physical (including blood) and mental examinations; and requests for admission.

**(b) In-General Scope and Limits.** Discovery must be limited to matters that would enable a party to prove or disprove a claim or defense or to impeach a witness and must comport with the factors of proportionality in rule 1, including the importance of the proposed discovery in resolving the issues, total costs and burdens of discovery compared

203 to the amount in controversy, and total costs and burdens of discovery compared to the  
204 resources of each party. Subject to these limitations, Parties may obtain discovery  
205 regarding any matter, not privileged, that is relevant to a claim or defense of any party,  
206 including the existence, description, nature, custody, condition and location of any books,  
207 documents, or other tangible things and the identity and location of persons having  
208 knowledge of any discoverable matter. Upon a showing of For-good cause and  
209 proportionality, the court may order discovery of any matter relevant to the subject matter  
210 involved in the action. Relevant information sought need not be admissible at the trial if  
211 discovery appears reasonably calculated to lead to the discovery of admissible evidence.

212  
213 **(b) Limitations.**  
214

215 (1) Authority to Limit Frequency and Extent. The court may establish or  
216 alter the limits on the number of depositions and interrogatories and may also  
217 limit the length of depositions under Rule 30 and the number of requests under  
218 Rule 36. The court may act upon its own initiative after reasonable notice or  
219 pursuant to a motion under Rule 26.03.  
220

221 (2) Limits on Electronically Stored Evidence for Undue Burden or Cost.  
222 A party need not provide discovery of electronically stored information from  
223 sources that the party identifies as not reasonably accessible because of undue  
224 burden or cost. On motion to compel discovery or for a protective order, the party  
225 from whom discovery is sought must show that the information is not reasonably  
226 accessible because of undue burden or cost. If that showing is made, the court  
227 may nonetheless order discovery from such sources if the requesting party shows  
228 good cause and proportionality, considering the limitations of Rule 26.02(b)(3).  
229 The court may specify conditions for the discovery.  
230

231 (3) Limits Required When Cumulative; Duplicative; More Convenient  
232 Alternative; and Ample Prior Opportunity. The frequency or extent of use of the  
233 discovery methods otherwise permitted under these rules shall be limited by the  
234 court if it determines that: (i) the discovery sought is unreasonably cumulative or  
235 duplicative, or is obtainable from some other source that is more convenient, less  
236 burdensome, or less expensive; or (ii) the party seeking discovery has had ample  
237 opportunity by discovery in the action to obtain the information sought; or (iii) the  
238 burden or expense of the proposed discovery outweighs its likely benefit, taking  
239 into account the needs of the case, the amount in controversy, the parties'  
240 resources, the importance of the issues at stake in the litigation, and the  
241 importance of the proposed discovery in resolving the issues. The court may act  
242 upon its own initiative after reasonable notice or pursuant to a motion under Rule  
243 26.03.  
244

245 (c) **Insurance Agreements.** In any action in which there is an insurance policy  
246 that may afford coverage, any party may require any other party to disclose the coverage  
247 and limits of such insurance and the amounts paid and payable thereunder and, pursuant  
248 to Rule 34, may obtain production of the insurance policy; provided, however, that this

provision will not permit such disclosed information to be introduced into evidence unless admissible on other grounds.

**(d) Trial Preparation: Materials.** Subject to the provisions of Rule 26.02(e) a party may obtain discovery of documents and tangible things otherwise discoverable pursuant to Rule 26.02(a) and prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative (including the other party's attorney, consultant, surety, indemnitor, insurer, or agent) only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of the party's case and that the party is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the court shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

A party may obtain without the required showing a statement concerning the action or its subject matter previously made by that party. Upon request, a party or other person may obtain without the required showing a statement concerning the action or its subject matter previously made by that person who is not a party. If the request is refused, the person may move for a court order. The provisions of Rule 37.01(d) apply to the award of expenses incurred in relation to the motion. For purposes of this paragraph, a statement previously made is (1) a written statement signed or otherwise adopted or approved by the person making it, or (2) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, that is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

**(e) Trial Preparation: Experts.** Discovery of facts known and opinions held by experts, otherwise discoverable pursuant to Rule 26.02(a) and acquired or developed in anticipation of litigation or for trial, may be obtained only as follows:

(1)(A) A party may through interrogatories require any other party to identify each person whom the other party expects to call as an expert witness at trial, to state the subject matter on which the expert is expected to testify, and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. (B) Upon motion, the court may order further discovery by other means, subject to such restrictions as to scope and such provisions, pursuant to Rule 26.02 (e)(3), concerning fees and expenses, as the court may deem appropriate.

(2) A party may discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial, only as provided in Rule 35.02 or upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(3) Unless manifest injustice would result, (A) the court shall require the party seeking discovery to pay the expert a reasonable fee for time spent in responding to discovery pursuant to Rules 26.02(e)(1)(B) and 26.02(e)(2); and (B) with respect to discovery obtained pursuant to Rule 26.02(e)(1)(B), the court may require, and with respect to discovery obtained pursuant to Rule 26.02(e)(2) the court shall require, the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert.

**(f) Claims of Privilege or Protection of Trial Preparation Materials.**

(1) When a party withholds information otherwise discoverable under these rules by claiming that it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.

(2) If information is produced in discovery that is subject to a claim of privilege or of protection as trial-preparation material, the party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The producing party must preserve the information until the claim is resolved.

**MINNESOTA GENERAL RULES OF PRACTICE**

**RULE 104. CIVIL COVER SHEET AND CERTIFICATE OF REPRESENTATION AND PARTIES**

Except as otherwise provided in these rules for specific types of cases and in cases where the action is commenced by filing by operation of statute, a party filing a civil case shall, at the time of filing, notify the court administrator in writing of:

(a) If the case is a family case or a civil case listed in rule 111.01 of this rule, the name, postal address, e-mail address, and telephone number of all counsel and unrepresented parties, if known, in a Certificate of Representation and Parties (see Form 104 promulgated by the state court administrator and published on the website [www.mncourts.gov](http://www.mncourts.gov) appended to these rules) or

(b) If the case is a non-family civil case other than those listed in rule 111.01, basic information about the case in a Civil Cover Sheet (see Form 104A promulgated by the state court

338 administrator and published on the website [www.mncourts.gov](http://www.mncourts.gov)) which shall also include the  
339 information required in part (a) of this rule.

340 If that information is not then known to the filing party, it shall be provided to the court  
341 administrator in writing by the filing party within seven days of learning it. Any party  
342 impleading additional parties shall provide the same information to the court administrator. The  
343 court administrator shall, upon receipt of the completed certificate, notify all parties or their  
344 lawyers, if represented by counsel, of the date of filing the action and the file number assigned.

345 **Rule 111.02 The Party's Scheduling Input Informational Statement**

346 If no sufficient civil cover sheet has been filed as required by Rule 104, the  
347 court may direct that ~~Within 60 days after an action has been filed, each party shall~~  
348 ~~submit a civil cover sheet, on a form to be available from the court (see Form 111.02~~  
349 ~~appended to these rules), the information needed by the court to manage and schedule the~~  
350 ~~case. The information provided shall include:~~

351 ~~\_\_\_\_\_ (a) \_\_\_\_\_ The status of service of the action;~~

352 ~~\_\_\_\_\_ (b) \_\_\_\_\_ Whether the statement is jointly prepared;~~

353 ~~\_\_\_\_\_ (c) \_\_\_\_\_ Description of case;~~

354 ~~\_\_\_\_\_ (d) \_\_\_\_\_ Whether a jury trial is requested or waived;~~

355 ~~\_\_\_\_\_ (e) \_\_\_\_\_ Discovery contemplated and estimated completion date;~~

356 ~~\_\_\_\_\_ (f) \_\_\_\_\_ Whether assignment to an expedited, standard, or complex track is~~  
357 ~~requested;~~

358 ~~\_\_\_\_\_ (g) \_\_\_\_\_ The estimated trial time;~~

359 ~~\_\_\_\_\_ (h) \_\_\_\_\_ Any proposals for adding additional parties;~~

360 ~~\_\_\_\_\_ (i) \_\_\_\_\_ Other pertinent or unusual information that may affect the~~  
361 ~~scheduling or completion of pretrial proceedings;~~

362 ~~\_\_\_\_\_ (j) \_\_\_\_\_ Recommended alternative dispute resolution process, the timing of~~  
363 ~~the process, the identity of the neutral selected by the parties or, if the neutral has not yet~~  
364 ~~been selected, the deadline for selection of the neutral. If ADR is believed to be~~  
365 ~~inappropriate, a description of the reasons supporting this conclusion;~~

366 ~~\_\_\_\_\_ (k) \_\_\_\_\_ A proposal for establishing any of the deadlines or dates to be~~  
367 ~~included in a scheduling order pursuant to Minn. Gen. R. Prac. 111.03; and~~

~~(1) Identification of interpreter services (specifying language and, if known, particular dialect) any party anticipates will be required for any witness or party.~~

### **Rule 111.03 Scheduling Order**

(a) **When issued.** No sooner than the due date of a civil cover sheet under rules 104 and 111.02, 60 days and no longer than 90 days after an action has been filed, the court shall enter its scheduling order. The court may issue the order after either a telephone or in-court conference, or without a conference or hearing if none is needed.

\* \* \*

## **RULE 115. MOTION PRACTICE**

\* \* \*

### **Rule 115.04. Non-Dispositive Motions**

(a) No motion shall be heard until the moving party pays any required motion filing fee, serves a copy of the following documents on the other party or parties and files the original with the court administrator at least 14 days prior to the hearing:

(1) Notice of motion and motion;

(2) Proposed order;

(3) Any affidavits and exhibits to be submitted in conjunction with the motion;  
and

(4) Any memorandum of law the party intends to submit.

(b) The party responding to the motion shall serve a copy of the following documents on the moving party and other interested parties and shall file the original with the court administrator at least 7 days prior to the hearing:

(1) Any memorandum of law the party intends to submit; and

(2) Any relevant affidavits and exhibits.

(c) **Reply Memoranda.** The moving party may submit a reply memorandum, limited to new legal or factual matters raised by an opposing party's response to a motion, by serving a copy on opposing counsel and filing the original with the court administrator at least 3 days before the hearing.

397 (d) Expedited, Informal Non-Dispositive Motion Process. The moving party is  
398 encouraged to consider whether the motion can be informally resolved through a telephone  
399 conference with the judge. The moving party may invoke this informal resolution process by  
400 written notice to the other party and to the court. The moving party shall also contact the  
401 appropriate court administrative or judicial staff to schedule a phone conference. The parties may  
402 (but are not required to) submit short letters, with or without a limited number of documents  
403 attached (no briefs, declarations or sworn affidavits are to be filed), prior to the conference to set  
404 forth their respective positions. The Court will read the written submissions of the parties before  
405 the phone conference, hear arguments of counsel and unrepresented parties at the conference,  
406 and issue its decision at the conclusion of the phone conference or shortly after the conference.  
407 Depending on the nature of the dispute, the Court may or may not issue a written order. The  
408 court may also determine that the dispute must be presented to the Court via formal motion and  
409 hearing. Telephone conferences will not be recorded or transcribed.

410  
411 [NOTE: advisory comments should note that Gen. R. Prac. 115.01 indicates that  
412 this rule does not apply to family law cases.]  
413  
414

[NOTE: this form and form 104 would not be placed in the rules but would be promulgated by the state court administrator and posted on the main state court website ([www.mncourts.gov](http://www.mncourts.gov)). This form 104A is entirely new; underlining to show new language will be omitted throughout this form]

### **FORM 104A CIVIL COVER SHEET (Non-FAMILY)**

---

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

DISTRICT COURT  
JUDICIAL DISTRICT  
CASE NO. \_\_\_\_\_

### **CIVIL COVER SHEET (NON-FAMILY)**

**\*\* (UNLESS OTHERWISE ORDERED BY THE COURT, ONLY THE INITIAL FILING LAWYER/PARTY NEEDS TO COMPLETE THIS FORM) \*\***

Date Case Filed: \_\_\_\_\_

\_\_\_\_\_ vs. \_\_\_\_\_

This sheet must be filed pursuant to Rule 104 of the General Rules of Practice for the District Courts, which states: "Except as otherwise provided in these rules for specific types of cases and in cases where the action is commenced by filing by operation of statute, a party filing a civil case shall, at the time of filing, notify the court administrator in writing of:

(a) If the case is a family case or a civil case listed in rule 111.01 of this rule, the name, postal address, e-mail address, and telephone number of all counsel and unrepresented parties, if known, in a Certificate of Representation and Parties (see Form 104 promulgated by the state court administrator and published on the website [www.mncourts.gov](http://www.mncourts.gov) appended to these rules) or

(b) If the case is a non-family civil case other than those listed in rule 111.01, basic information about the case in a Civil Cover Sheet (see Form 104A promulgated by the state court administrator and published on the website [www.mncourts.gov](http://www.mncourts.gov)) which shall also include the information required in part (a) of this rule.

If that information is not then known to the filing party, it shall be provided to the court administrator in writing by the filing party within seven days of learning it. Any party impleading additional parties shall provide the same information to the court administrator. The court administrator shall, upon receipt of the completed certificate,

notify all parties or their lawyers, if represented by counsel, of the date of filing the action and the file number assigned. .”

1. LIST ALL LAWYERS/PRO SE PARTIES INVOLVED IN THIS CASE.

LAWYER FOR PLAINTIFF(S)

LAWYER FOR DEFENDANT(S)

(if not known, name party and address)

Name of Party

Name of Party

Atty Name (Not firm name)

Atty Name (Not firm name)

Postal Address

Postal Address

E-mail Address

E-mail Address

Phone Number

Phone Number

MN Atty ID No.

MN Atty ID No.

(Attach additional sheet for additional lawyers/parties).

2. Concise statement of the case including facts and legal basis:

3. For ELT (Expedited Litigation Track\*) Pilot Courts only:

\$ \_\_\_\_\_ amount in controversy

☐ ELT does not apply

☐ ELT applies (\*See Special Rules for Pilot ELT)

4. Estimated discovery completion within \_\_\_\_ months from the date of this form.

5. Proposed trial start date: \_\_\_\_\_

6. Estimated trial time: \_\_\_\_ days \_\_\_\_ hours (estimates less than a day must be stated in hours).

7. Jury trial is: ( ) waived by consent of \_\_\_\_\_ pursuant to R. Civ. P. 38.02.  
(specify party)

( ) requested by \_\_\_\_\_. (NOTE: Applicable fee must be enclosed.)

(specify party)

8. Independent physical examination pursuant to R. Civ. P. 35 required? ☐No ☐Yes

9. Identify any party or witness who will require interpreter services, and describe the services (specifying language and, if known, particular dialect) needed.

10. Issues in dispute: \_\_\_\_\_.

11. Case Type/Category: \_\_\_\_\_ (NOTE: select case type from Form 23, Subject Matter Index for Civil Cases, appended to the Minnesota Rules of Civil Procedure).

12. Recommended Alternative Dispute Resolution (ADR) mechanism\*: \_\_\_\_\_  
\*Note: select from list of ADR processes set forth in Minn. Gen. R. Prac. 114.02(a)  
Recommended ADR provider (known as a "neutral"): \_\_\_\_\_

Recommended ADR completion date: \_\_\_\_\_

If applicable, reasons why ADR not appropriate for this case: \_\_\_\_\_

By signing below, the attorney or party submitting this form certifies that the above information is true and correct.

Submitted by: \_\_\_\_\_

Attorney Reg. #: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date: \_\_\_\_\_

530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557

**Appendix B: Expedited Litigation Track Assignment Order**

STATE OF MINNESOTA DISTRICT COURT  
COUNTY OF \_\_\_\_\_ JUDICIAL DISTRICT  
CASE TYPE: \_\_\_\_\_  
\_\_\_\_\_, Plaintiff File Number: \_\_\_\_\_  
v. **ELT Assignment and Case**  
\_\_\_\_\_, Defendant **Management Conference Order**  
\_\_\_\_\_

- It is ORDERED:
1. This case is assigned to the pilot project (ELT Pilot”) under the Special Rules For a Pilot Expedited Civil Litigation Track (“ELT Rules”);
  2. A party objecting to this assignment must make a formal motion under ELT Rule 1, subds. 3 or 4, for removal from the ELT Pilot;
  3. Each party shall provide the Automatic Disclosure Of Information required under ELT Rule 2;
  4. A Case Management conference shall be held on : \_\_\_\_\_, and each party shall attend the conference prepared to discuss the subjects identified in ELT Rule 3; and
  5. The Limitations on Discovery set forth in ELT Rule 4 apply.

Dated: \_\_\_\_\_ BY THE COURT:  
\_\_\_\_\_  
Judge of District Court

**Appendix C: Expedited Litigation Track Case Management Order**

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

CASE TYPE: \_\_\_\_\_

\_\_\_\_\_, Plaintiff

File Number: \_\_\_\_\_

v.

**ELT Case Management Order**

\_\_\_\_\_, Defendant

It is ORDERED:

1. Each party shall provide the Automatic Disclosure Of Information required under Rule 2 of the Special Rules For a Pilot Expedited Civil Litigation Track ("ELT Rules")

2. ADR will/will not be used, and if used the deadline and form of ADR shall be: \_\_\_\_\_;

3. The Limitations on Discovery set forth in ELT Rule 4 apply;

4. All motions shall be heard by : \_\_\_\_\_;

5. The day or week certain for trial is: \_\_\_\_\_;

6. The deadline for submitting all trial documents, including witness lists, jury instructions, special verdict forms, trial briefs and motions in limine is: \_\_\_\_\_.

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
Judge of District Court

2

3

4 **Appendix D: Complex Case Program Election Form**

5

6 STATE OF MINNESOTA

7 COUNTY OF \_\_\_\_\_

DISTRICT COURT

\_\_\_\_\_ JUDICIAL DISTRICT

8 CASE TYPE: \_\_\_\_\_

9 \_\_\_\_\_, Plaintiff

File Number: \_\_\_\_\_

10 v.

**CCP Election**

11 \_\_\_\_\_, Defendant

12 \_\_\_\_\_

13 Each party who has signed this document has read and understands the Special Rules for a

14 Complex Case Program (CCP Rules”), and agrees that this case may be governed by the CCP

15 Rules.

16

17 \_\_\_\_\_

18 Name of Party

\_\_\_\_\_

Name of Party

19 \_\_\_\_\_

20 Atty Name (Not firm name)

\_\_\_\_\_

Atty Name (Not firm name)

21

22 \_\_\_\_\_

23 Postal Address

\_\_\_\_\_

Postal Address

24 \_\_\_\_\_

25 \_\_\_\_\_

26 \_\_\_\_\_

27 \_\_\_\_\_

28 Phone Number

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number

29 \_\_\_\_\_

30 MN Atty ID No.

\_\_\_\_\_

MN Atty ID No.

31

32 (Add additional signature blocks for additional lawyers/parties).

33

**Appendix E: Complex Case Program Sample Case Management Order**

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

CASE TYPE: \_\_\_\_\_

\_\_\_\_\_,

FILE NUMBER: \_\_\_\_\_

Judge \_\_\_\_\_

Plaintiff,

v.

**CASE MANAGEMENT  
ORDER**

\_\_\_\_\_,

Defendant.

**WHEREAS**, the Court has determined that this Case Management Order ("CMO") is appropriate and will be of assistance in the efficient management of this litigation:

**IT IS HEREBY ORDERED**, that this CMO is hereby entered as follows:

46     **1. Case Designation.** Every filing shall contain, in its caption, the Court File Number  
47     \_\_\_\_\_.

48     **2. Applicability of Order.** This CMO applies to all pretrial, trial, and post trial  
49     proceedings.

50     **3. Filing and Service of Papers**

51     **a. Master Service List.** Except as otherwise provided for herein, all papers or  
52     pleadings filed with the Court or served upon a party shall be served as described  
53     in this CMO on counsel for all parties to this action in accordance with the Master  
54     Service List, attached hereto as Exhibit A. For the purposes of economy it shall  
55     be sufficient to state in a certificate of service that the relevant document was  
56     served on counsel for all parties listed on the Master Service List current as of that  
57     date. The Master Service List may be incorporated by reference with express  
58     reference to the revised date thereof, and need not be attached to the certificate of  
59     service. The document served must be addressed to the individual attorney(s) on  
60     the Master Service List.

61     **b. Method and Timing of Service.** Service of all pleadings, motions, deposition  
62     notices, requests for discovery and other papers required to be served upon  
63     counsel for the parties (collectively “papers”) shall be effected upon the parties  
64     according to the Minnesota Rules of Civil Procedure. Parties may opt for pdf  
65     service of all pleadings.

66     **c. Filings.** The original of every pleading and motion shall be filed with this Court  
67     along with proof of service on all counsel, in accordance with the e-filing system  
68     or other system in the venued Court. No fax filings will be permitted. [Where  
69     desired by the court: A courtesy copy of every pleading, motion, or letter shall be  
70     clearly marked ‘courtesy copy’ and directed to Judge \_\_\_\_\_,  
71     C/O \_\_\_\_\_, Judicial Law Clerk.] The filing of discovery materials with  
72     this Court shall be governed by the Minnesota Rules of Civil Procedure, except  
73     that the original of all such papers which are not filed with this Court under such

rules shall be kept in the offices of counsel responsible for generating such pleading, motion or discovery.

**d. Correspondence.** All materials, such as correspondence, which are not due to be docketed, shall be sent directly to the chambers of Judge \_\_\_\_\_.

Correspondence and other materials will only be accepted if they are in regards to general administrative matters. The corresponding party shall contemporaneously forward a copy of all correspondence and other materials sent to Judge \_\_\_\_\_ to all counsel by electronic mail or regular mail, as may be necessary.

**e. Motions Requesting Emergency Relief.** Notwithstanding the foregoing, any motion genuinely requiring emergency relief may be filed with the Court via facsimile.

#### **4. Discovery**

**a. Document Requests.** The parties shall work diligently to abide by the terms of the scheduling order. Short extensions of time to respond to discovery between counsel shall not be unreasonably refused if reasonably required due to the voluminous number of documents being produced or other necessity associated with their document production.

**i. Place of Production and Procedures.** Unless otherwise agreed by the parties, parties shall produce documents for inspection and copying, to the extent practicable, in the form and manner in which the documents have been maintained in the ordinary course of business or in which they previously have been maintained for production in litigation. To distinguish effectively among the documents designated for copying by the parties, each page of each document copied by any party shall bear a unique document identification number, with a unique prefix which identifies the party producing the document (“Bates Stamps” or “Bates Label”). Where documents or portions of documents are withheld, the parties shall, either through the numbering system or as otherwise

provided in this Order, to the extent reasonably practicable, identify the number of pages withheld in a manner sufficient to indicate their location in the file being produced. Where part of a page is redacted, both the fact and location of the redaction, and the size or extent of the redaction shall be made clear on the face of the document.

Within a reasonable time before production, the producing party shall advise the inspecting party of the approximate volume of the documents and a general description of the types of files or other materials involved. Each party shall produce its documents at its option: (a) by production of originals as they are kept in the ordinary course of business; (b) by production of as legible as possible photocopies in the same format; or (c) by electronic means or other computerized storage. Notwithstanding these provisions, any party may request to inspect the original of any document, communication, or thing produced and the parties shall make arrangements for such inspection within ten (10) days of the request.

The location of the production shall be at the place where the documents are kept in the ordinary course of business, at the office of the producing attorney, or as otherwise agreed by the parties.

- ii. *Privilege Log.* If a party determines that a document responsive to a document request is subject to attorney/client privilege, attorney work product protection, or any other form of privileges or protection, the following method of handling the privileged or protected writing shall be followed. The producing party may withhold the privileged or protected document and must identify the withheld document on a privilege log which shall be provided to the requesting party and all other parties as soon as practicable, but no more than thirty (30) days following the date on which the producing party is due to commence physical production of the requested documents. If after completion of production pursuant to a particular demand for inspection the producing party discovers additional

responsive documents and determines any of them to be subject to attorney/client privilege, attorney work product protection, or any other form of privilege or protection, the producing party may withhold any such privileged or protected document and must identify the withheld document on a privilege log which shall be provided to the requesting party as soon as practicable, but in no case more than thirty (30) days after the documents are discovered. Likewise, to the extent any material within a document otherwise producible contains privileged or protected information, the document shall be produced subject to redaction of the subject privileged and protected material and shall be listed on the privilege log. All privilege logs shall identify each privileged document or work product by providing the Bates Label range, date, author(s), recipient(s), the subject matter of the document withheld or information redacted and the nature of the privilege or work product protection asserted. Nothing in this section shall preclude a party from challenging a claim of privilege.

**b. Stipulated Confidentiality Order.** All documents and other discovery materials and testimony produced or provided in this action maybe subject to the terms and provisions of a Stipulated Confidentiality Order, if requested and agreed by the parties or ordered by the Court.

**c. Inadvertent Production of Privileged Information.** If a party inadvertently produces information or documents that it considers privileged or protected material, in whole or in part, or learns of the production of its privileged or protected material by a third-party, the party may retrieve such information or documents or parts thereof memoranda and other material as follows:

- (1) Any assertion of inadvertent production shall be made as soon as practicable, but in any case within ten (10) days of the date the party discovers that it, its agents or attorneys, or a third-party has inadvertently produced the privileged document. The party asserting inadvertent production must provide written notice to all parties on the Master Service

List that the party claims the document, in whole or in part, to be privileged or protected material; in addition, such notice must state the nature of the privilege or protection and the factual basis for asserting it. No assertion of inadvertent production will be made less than thirty (30) days before trial or fourteen (14) days after service of a trial exhibit list, whichever comes later.

(2) Upon receipt of such notice, all parties who have received copies of the document shall, within five (5) days thereafter, confer with the producing party and discuss how to resolve the issue. If no agreement is reached, the producing party may request reasonable relief from the Court, including an order that all copies of inadvertently produced documents shall be returned to the producing party, destroyed or otherwise be made available for procurement by the requesting party. Parties who received copies of inadvertently produced documents may oppose the granting of such relief on any permissible basis, including requesting an order that the inadvertently produced documents are not privileged and do not constitute protected attorney work product.

(3) In the event that only part of a document is claimed to be privileged or protected, the party asserting inadvertent production shall furnish to all parties redacted copies of such document, removing only the part(s) thereof claimed to be privileged or protected, together with such written notice.

d. **Mutual Use of Discovery.** To help avoid redundancy, all interrogatories, document requests and requests to admit served by any party inure to the benefit of and are enforceable by any other party. The settlement, release or dismissal by any means of any party propounding such discovery will not in any way limit or extinguish any other party's obligation to comply with the discovery.

e. **Contention Interrogatories.** No party is precluded from asking so-called contention interrogatories which seek a responding party's contentions as to facts

or law but responding parties may reserve all rights to render objections and/or seek leave for protection from the Court.

**5. Master Exhibit Book.** The parties shall work together to create a Master Exhibit Book and submit a copy to the Court when appropriate. A party seeking to reference an exhibit found in the Master Exhibit Book shall reference the exhibit number. The parties shall not attach the exhibit to their submission if it is already in the Master Exhibit Book.

**6. Motion Practice.** Except as otherwise provided by the Court, pretrial motions in this litigation shall be governed by the Minnesota Rules of Civil Procedure and by the General Rules of Practice for the District Courts, provided that these rules are modified procedurally as follows:

(1) Motion hearing dates under Rule 115.02 shall be obtained directly from \_\_\_\_\_ Judicial Law Clerk, at ( ) \_\_\_\_-.\_\_\_\_. The Court expects the parties to promptly provide notice of the motion hearing date to all other parties as directed by Rule 115.02;

(2) Proposed orders for dispositive motions under Rule 115.03 shall not be submitted unless specifically requested by the Court;

(3) The moving party's certification under Rule 115.10 shall be in writing and shall be filed separately at least two (2) days prior to the hearing date.

Counsel shall attempt to coordinate a hearing date and the notice of motions for hearing on a date obtained from \_\_\_\_\_, Judicial Law Clerk.

Nothing shall restrict any party's right to apply to the Court for an order shortening or extending time or page limitations on a motion upon a showing of good cause, but only after making good faith efforts to resolve the issue among counsel.

**7. Coordination Amongst Parties.** The Court expects cooperation among the parties to coordinate motion practice, discovery, trial, or otherwise to minimize the expense in this litigation. The parties shall, to the maximum extent practicable, avoid duplicative motions, briefs and discovery ("filings") consistent with each party's individual interests.

Since many parties have a commonality of interest as to many issues in the actions, they may serve joint discovery and file joint submissions with the Court and/or adopt, join in or support any motion made or discovery propounded by another party simply by so noting in writing. If all Plaintiffs or all Defendants file joint submissions, the page limitations contained in Minnesota Rule of General Practice 115.05 will be extended by 15 pages, to a total of 50 pages.

## 8. Depositions

**a. Cooperation.** The parties shall use reasonable efforts to schedule depositions by agreement. Unless otherwise agreed, formal notice of depositions scheduled is required. Unless exigent circumstances exist, the parties will be advised of a deposition at least ten (10) calendar days before a deposition is scheduled to commence,

**b. Non-Party Depositions.** Counsel shall attempt to resolve with any non-party deponent the identification for production and subsequent production of any documents being subpoenaed. Whenever possible, this process shall be completed no later than seven (7) days before the date on which the deposition has been scheduled. All counsel shall be given notice of any documents identified for production pursuant to subpoena and shall have the right to inspect and copy, at each inspecting party's expense, whatever documents are produced by a non-party in response to a subpoena. Upon request, a party shall conduct a search of all records that may disclose the present address of any former employee and shall provide such information to the requesting party as soon as practicable. Nothing in this Order shall preclude any party, if it so chooses, from obtaining the attendance of any former employee or officer of another party for deposition by subpoena in the first instance.

**c. Stipulations.** Unless otherwise noted on the record, the following stipulations shall apply to all depositions in these actions:

- (1) Any objection by a single party shall be deemed an objection by each and every similarly situated party;

(2) Corrections to a deposition transcript shall be listed on an errata sheet, copies of which shall be served on all parties by counsel for the deponent or the deponent, within thirty (30) days following receipt of the deposition transcript;

(3) To the extent practicable, exhibits shall be attached to the original transcript. Where the form or volume of exhibits makes attachment to the transcript impractical, the custody of such exhibits shall be maintained at the office of the attorney taking the deposition or the court reporter and such exhibits shall, after reasonable notice, be subject to inspection and copying by any party during normal business hours or by appointment;

(4) The parties shall strive to select and retain court reporters that can produce transcripts in manuscript and computer-readable format and any other agreed format. The parties may stipulate to maintain an online repository for all depositions taken in these cases subject to limitations on accessibility as may be determined by the parties.

**d. Deposition Schedule.** With respect to aged or infirm witnesses, counsel shall abide by the reasonable request of such witnesses with regard to timing and availability for deposition testimony. The parties will undertake all reasonable efforts to conduct depositions in an efficient, cost-effective and expedited manner.

**e. Attendance and Interrogation.** All parties shall be entitled to be represented at every deposition and to inquire of a deponent through their counsel. A former employee or officer may be represented at his or her deposition by counsel for the former employer. In order to facilitate necessary arrangements for attending counsel, not less than two (2) days prior to the commencement date of a deposition, any counsel intending to attend the deposition shall use its best efforts to notify the noticing party and counsel for the deponent.

**f. Time and Location of Depositions.** Depositions may be held Monday through Friday, and shall commence no earlier than 9:00 a.m., and conclude no later than 5:00 p.m. local time, unless otherwise agreed between counsel or ordered by the

277 Court. No deposition shall be scheduled for more than two (2) consecutive days  
278 absent agreement by the parties or order of the Court. A deposition may,  
279 however, proceed for a third consecutive day without agreement of the parties or  
280 order of the Court if there is at least eighteen (18) hours between the end of the  
281 second deposition day and the commencement of the third. To save expense and  
282 travel time, all sessions of the deposition of a single deponent shall, to the extent  
283 consistent with the witnesses' schedule and health and the deposition schedule,  
284 and unless otherwise agreed, proceed on successive weekdays and for the full  
285 deposition day until completion. Except as the parties may agree, no deposition  
286 shall be scheduled on the following dates: Court hearing dates, Martin Luther  
287 King, Jr.'s Birthday, President's Day, Good Friday, Passover (the first two days),  
288 Memorial Day, Independence Day (including the preceding Monday if it falls on  
289 a Tuesday or the following Friday if it falls on a Thursday), Labor Day, Rosh  
290 Hashanah (two days), Yom Kippur (two days), Columbus Day, Veterans Day,  
291 Thanksgiving (Wednesday, Thursday and Friday) Eid Ul Fitr (one day), and Eid  
292 Ul Adha (one day). Depositions of witnesses residing outside the United States  
293 shall not be scheduled on national holidays in the witness' home country. In  
294 addition, no depositions shall be scheduled between December 19 and January 3,  
295 except upon agreement of the parties.

296 **g. Exhibits.** To the extent practicable, all parties intending to question a witness at a  
297 deposition with respect to documents shall provide a reasonable number of copies  
298 of such documents for the use of the other parties in attendance at the deposition.  
299 Exhibit numbering shall be in accordance with Minn. Gen. R. Prac. 130.

300 **h. Objections.** The only objections that shall be raised at the deposition are those  
301 involving a privilege or other protection against disclosure or some matter that  
302 may be remedied at the time, such as to the form of the question, that the question  
303 has previously been asked and clearly answered, or the responsiveness of the  
304 answers. Objections on any other grounds shall be avoided and are not waived  
305 but preserved until trial. All objections shall be concise and must not suggest  
306 answers to the deponent. So called "speaking objections" are not permitted.

307 Except as to an objection on grounds of privilege, any objection made by one  
308 party reserves that objection for all other parties and duplicate objections shall not  
309 be made.

310 **i. Directions to Deponent Not to Answer.** Directions to a deponent not to answer  
311 are improper except on the grounds of privilege, confidentiality, or other  
312 protection, or to enable the party or deponent to present a motion to the Court for  
313 termination of the deposition or protection under Minnesota Rule of Civil  
314 Procedure 26.03. When privilege, confidentiality or other protection is claimed,  
315 the witness shall nevertheless answer questions relevant to the existence, extent or  
316 waiver of the privilege, confidentiality, or other protection.

317 **j. Immediate Presentation of Deposition Disputes.** Consistent with discovery  
318 concepts and objectives set forth above, if disputes arise during a deposition  
319 which the attorneys cannot resolve by agreement and which, if not promptly  
320 decided, will critically disrupt the discovery program or court-imposed schedules,  
321 the parties may submit the matter orally by telephone to the undersigned if  
322 available.

323 **9. Avoidance of Unnecessary Duplication.** Cooperation and communication among  
324 parties as ordered herein shall not constitute the waiver of any applicable privilege or be  
325 construed as evidence of wrongful conduct. In the event that any party is in genuine  
326 doubt about the legal effect of the communication and cooperation ordered herein, such  
327 party may seek the Court's clarification of the party's responsibilities before proceeding.

328 **10. No Waiver of Privilege Due to Joint Efforts.** Communications in connection with this  
329 case between and amongst counsel, including the exchange of documents and  
330 information, shall be deemed subject to the attorney/client privilege, work product  
331 protection, and any other applicable privilege or protection to the same extent as if the  
332 communication had taken place within one law firm or between one law firm and one  
333 client represented by that firm. Protection afforded by this Order will survive the  
334 conclusion of this litigation and the dismissal of any party from this action. If a party  
335 withdraws from any cooperative litigation efforts with other parties, previous

communications among the withdrawing party and such other parties and all work product shared by or with the withdrawing party with respect to this action, will remain subject to any attorney/client privilege, work product protection, or other privilege that attached at the time the communications were made or the work product was shared. Any such withdrawing party is under a duty not to reveal information obtained through such cooperative efforts.

**11. Rules and Procedures.** This CMO supersedes any provision of the Minnesota Rules of Civil Procedure and General Rules of Practice for the District Court to the extent they are in conflict with the provisions of this CMO.

**12. CMO Binding on Subsequently Added Parties.** Any party adding a new party to this action after the date the CMO is entered shall serve that new party with a copy of this CMO and any subsequent case management orders. Any such new party will be bound by this CMO and all other case management orders unless it files a motion for relief with the Court within ten (10) days after service of this CMO and any other case management order upon it. Upon the addition of any party to this action, the party adding the new party shall serve a copy of this CMO on counsel for the new party within five (5) days of the date of receiving notice of the identity of the new party's counsel.

BY THE COURT

Dated: \_\_\_\_\_

Judge of District Court