

STATE OF MINNESOTA
COUNTY OF HENNEPIN

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DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Christopher Roller,
Plaintiff(s),

BY _____ DEPUTY
HENN CO. DISTRICT
COURT ADMINISTRATOR

Case Type: Civil Other
Judge Susan N. Burke

v.

Wagner, Falconer & Judd, Ltd (WJF) via
Prepaid Legal c/o Dan Smith, Honorable Judge
Mark Boris via WJF and Bosley, State of
Minnesota, Attorney Alexander via Bosley,
Defendant(s).

**SCHEDULING ORDER,
REFERRAL TO MEDIATION,
AND TRIAL ORDER**

Court File No. 27-CV-09-22812

IT IS HEREBY ORDERED:

1. **ADDITIONAL PARTIES.** The deadline for joining additional parties to this action, by amendment or third-party practice, shall be **January 1, 2010**.
2. **ALTERNATIVE DISPUTE RESOLUTION.** This case has been ordered to mediation. Mediation shall be held no later than **January 31, 2010**. If the parties cannot agree upon a mediator, they shall notify the Court by **January 1, 2010**, and the Court will select a mediator. The parties are not permitted to stipulate to waive mediation.
3. **DISCOVERY.** All discovery shall be completed on or before **January 31, 2010**. No discovery dispute may be brought to the attention of the Court unless the parties have conferred and made a good faith effort to settle their dispute pursuant to Minn. R. Civ. P. 37.01 (b) and Minn. Gen. R. Prac. 115.10. The party raising an unresolved discovery issue shall first arrange a telephone conference with the Court to determine if the dispute can be resolved without a formal motion. *No motion papers or other submissions shall be filed prior to the telephone conference.*
4. **EXPERTS AND MEDICAL REPORTS.** Any request for an expert opinion pursuant to Minn. R. Civ. P. 26.02(e) must be made **at least 10 days before the Discovery deadline**. If there is a request, the party producing the expert opinion must respond by the **Discovery deadline**. Additionally, all independent medical examinations pursuant to Minn. R. Civ. P. 35.01 must be completed **at least 10 days before the Discovery deadline**. Any request for a report of the examination(s) under Minn. R. Civ. P. 35.02, or for copies of all medical reports previously or thereafter made by any treating or examining medical expert under Minn. R. Civ. P. 35.04, must be also be made **at least 10 days before the Discovery deadline**. If there is a request, the party producing the report must respond by the **Discovery deadline**. Failure to comply with these deadlines may result in the Court excluding expert testimony at trial.

5. **STATEMENT OF THE CASE.** A joint statement of the case shall be filed with the Court on or before **February 14, 2010**.
6. **DISPOSITIVE / NON-DISPOSITIVE MOTIONS.** All dispositive and non-dispositive motions (except discovery) shall be scheduled with the Court to be **heard** on or before **February 28, 2010**. **This date is fixed with respect to dispositive motions except under extraordinary circumstances.** Summary Judgment motions will not be heard until discovery is complete, absent permission from the Court. The scheduling of a dispositive motion hearing requires considerable advance notice (as much as three to four months) to the undersigned's clerk to get on the calendar. At the dispositive motion hearing, this Court will allow 30 minutes for the hearing.
7. **MOTION PAPERS.** One courtesy paper copy of **all motion papers** shall be submitted to chambers on the date of filing with the Court. Supporting affidavits of 30 pages or more shall be tabbed and bound. One courtesy electronic copy of any memorandum and/or proposed orders shall be sent, on the date of filing with the Court, to: **chris.jensen@courts.state.mn.us**. No briefs shall be submitted in any font size smaller than 12 or with margins less than one inch. **ALL DOCUMENTS FILED WITH THE COURT SHALL BE 2-HOLE PUNCHED AT THE TOP OF THE DOCUMENT.** (This excludes courtesy copies.)
8. **INTERPRETERS.** If an interpreter is needed for a motion, it shall be communicated to the Court **at the time the motion is scheduled**. If an interpreter is needed for trial, it shall be communicated to the Court no later than **one month prior to the scheduled trial block**.
9. **PRETRIAL SETTLEMENT CONFERENCE.** No pretrial settlement conference has been scheduled in this case.
10. **SETTLEMENT.** Plaintiff shall notify the Court in writing within 48 hours of settlement and by phone within 12 hours of settlement.
11. **TRIAL BLOCK.** The above-entitled case is scheduled for trial during the **June 1, 2010 through July 9, 2010** trial block before the Honorable Susan N. Burke, Judge of District Court, at the Hennepin County Government Center, Courts Tower, 300 South Sixth Street, Minneapolis, Minnesota, Courtroom 757. This trial block is fixed. Although this case is subject to being called for trial on **four-hours notice**, the Court will work with the parties to minimize the inconvenience to witnesses and counsel.
12. **TRIAL DOCUMENTS.** Parties shall serve one copy of the following documents on opposing parties and deliver one copy to chambers **no later than 14 days before the first day of the trial block**:
 - a. **ALL TRIALS**
 - i. **Witness Lists**: Parties shall exchange lists containing the names and addresses of all witnesses whom parties may call to testify at trial. Parties

shall file their original witness lists with Court Administration and send an *alterable* electronic copy (i.e. not a PDF) to: chris.jensen@courts.state.mn.us

- ii. Exhibit Lists: Parties shall file their original exhibit lists with Court Administration and send an *alterable* electronic copy (i.e. not a PDF) to: chris.jensen@courts.state.mn.us
- iii. Exhibits: Parties shall provide the Court with a paper copy of all trial exhibits. **Exhibits in document form more than one inch thick shall be tabbed and enclosed in a three-ring binder.**
 1. Objections: If parties cannot agree on the admissibility of an exhibit, the party objecting to the exhibit shall submit to the Court a list of the grounds for the objection with legal authority cited.
- iv. Depositions: If a party is offering a deposition, that party must provide the Court with a copy of the deposition transcript with any objections noted on the transcript.

b. **JURY TRIALS**

- i. Jury Instructions: Each party shall furnish the Court with proposed jury instructions and the legal authority for using the proposed instructions. A paper copy of the instructions shall be submitted to chambers and an *alterable* electronic copy (i.e. not a PDF) shall be sent to: chris.jensen@courts.state.mn.us
- ii. Proposed Verdict Form: The parties shall submit both a paper copy and an *alterable* electronic copy (i.e. not a PDF) of a proposed verdict form to the Court. Electronic copies shall be sent to: chris.jensen@courts.state.mn.us. If the parties do not agree on the format of the Verdict Form, legal authority shall be furnished to the Court by the proponent of the Verdict Form.

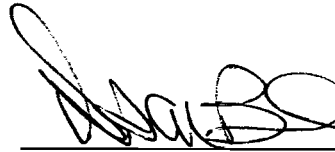
c. **COURT TRIALS**

- i. Findings of Fact, Conclusions of Law, and Order: The parties shall submit detailed proposed Findings of Fact, Conclusions of Law, and Orders by **May 17, 2010**. Parties shall submit one paper copy to chambers and an *alterable* electronic (i.e. not a PDF) copy to: chris.jensen@courts.state.mn.us

13. **OTHER TRIAL CONSIDERATIONS**. Absent written objection filed with this Court within 14 days of the date of this Order, all parties agree that:

- a. A 6/7 verdict may be returned after six hours from the time the jury retires to commence its deliberations, excluding any time required for meals or further instructions.
 - b. Entry of judgment on a general verdict or an order for judgment based on a special verdict may be stayed for 30 days from and after the date of the verdict.
 - c. Any other judge of Minnesota District Court may receive and accept the return of the verdict, if the presiding judge is unavailable for any reason.
14. Any deadlines set forth in this Order may only be amended by order of the Court.
 15. Failure to comply with any provisions of this Order will subject the party to appropriate sanctions, including dismissal of this case without prejudice.

BY THE COURT:



Susan N. Burke
Judge of District Court

Dated: November 9, 2009