STATE OF MINNESOTA

IN SUPREME COURT

ADM04-8001

ORDER ESTABLISHING DEADLINE FOR SUBMITTING COMMENTS ON PROPOSED AMENDMENTS TO THE RULES OF CIVIL PROCEDURE

The Supreme Court Advisory Committee on the Rules of Civil Procedure in a report dated and filed November 16, 2009 has recommended amendments to the Rules of Civil Procedure; and

This court will consider the proposed amendments without a hearing after soliciting and reviewing comments on the proposal;

IT IS HEREBY ORDERED that any individual wishing to provide statements in support or opposition to the proposed amendments shall submit twelve copies in writing addressed to Frederick K. Grittner, Clerk of the Appellate Courts, 25 Rev. Dr. Martin Luther King Jr. Blvd, St. Paul, Minnesota 55155, no later than February 10, 2010. A copy of the committee's report containing the proposed amendments is annexed to this order.

Dated: December 10, 2009

BY THE COURT:

Eric J. Magnuson
Chief Justice

ADM04-8001
STATE OF MINNESOTA
IN SUPREME COURT

In re:

Supreme Court Advisory Committee
on Rules of Civil Procedure

Recommendations of Minnesota Supreme Court Advisory Committee on Rules of Civil Procedure

Final Report
November 16, 2009

Hon. Francis J. Connolly
Chair

Hon. Christopher J. Dietzen
Liaison Justice

Stephanie A. Ball, Duluth
Paul A. Banker, Minneapolis
Kenneth H. Bayliss, III, St. Cloud
Charles A. Bird, Rochester
Leo I. Brisbois, Minneapolis
James P. Carey, Minneapolis
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Richard S. Slowes, Saint Paul
Michael W. Unger, Minneapolis
Hon. Galen Vaa, Moorhead
Mary R. Vasaly, Minneapolis

Michael B. Johnson, Saint Paul
Staff Attorney

David F. Herr, Minneapolis
Reporter

ADVISORY COMMITTEE ON RULES OF CIVIL PROCEDURE

Summary of Committee Recommendations

The committee met three times in 2009 to consider additional issues not addressed in the committee's previous report to the Court, dated October 15, 2007. These issues include consideration of the changes in timing rules that have been adopted in federal court and scheduled to take effect on December 1, 2009, as well as several ongoing issues in Minnesota practice, particularly relating to subpoena practice and taxation of costs.

The committee recommends that the Court should amend three rules to make them function better in practice, to curtail misuse of subpoenas, and to modernize the form of Summons used in the rules.

The committee's specific recommendations are briefly summarized as follows:

1. Rule 45 should be amended to make it clear that the rule should not be used for ex parte investigation or discovery.
2. The Court should amend Rule 54, to modify the procedure for seeking and assessing costs and disbursements.
3. The form of summons in the appendix of forms should be amended to modernize its language to make it more readily understood by recipients, particularly pro se litigants. The committee believes this will lead to fewer motions by unrepresented parties to vacate default judgments and free up scarce judicial time.

Recommendations Not Requiring Action

The committee considered several recommendations for rule changes that the committee concludes either should not be made, or should not be made at this time. These matters include the following:

1. **Use of E-mail for Court Notices.** The committee considered a suggestion by court administrators that the rules be amended to allow

for use of e-mail for providing of notice of orders, hearings, or other court events. The committee concluded that while this process works well in courts where comprehensive electronic filing systems have been adopted, such as the United States District Court for the District of Minnesota, it works well specifically because of its broad-based and universal adoption. The committee concluded that this means of giving notice should not be implemented until the district courts adopt electronic filing for all or most civil cases.

The committee is aware that a pilot project is underway in Hennepin County to implement electronic filing in that court and to evaluate it for use in other districts. Other districts are also studying this issue. The committee will work with the implementation committees for any such projects to develop rules that would work for those projects and potentially serve as models for state-wide adoption upon completion of the project.

2. **Duplicate Filings When Facsimile Filing Is Used.** The committee was advised of the continuing practice of some lawyers to file a document by facsimile as allowed by Minn. R. Civ. P. 5.05 but nonetheless file the original as well. This is done despite the clear language of that rule ("If a paper is filed by facsimile, the sender's original must not be filed. . ."). This duplicate filing either imposes a burden on court administrators to return the offending document if they catch the error or imposes a burden on court files to have duplicate copies filed, indexed, and retained in court files. The committee does not believe the rule can be made clearer and doesn't favor the addition of specific sanctions in this rule. The committee concludes this is a matter that should be the subject of ongoing efforts for education of the bar.

3. **Uniform Unsworn Foreign Declarations Act.** The committee considered whether a uniform act to permit declarations under penalty of perjury where the declarant is located outside the United States should be adapted for adoption as a court rule. *See* UNIFORM UNSWORN FOREIGN DECLARATIONS ACT (2008), *available for download at* http://www.law.upenn.edu/bll/archives/ulc/cufda/2008final.pdf. The committee has mixed views about the relative value of the solemnity of formal notarization and the efficiency of mere declaration, but in any event, believes that any action on this front should be taken either by legislation or by court rule coordinated with appropriate statutory changes.

Hearing and Effective Date

The committee does not know of any expected controversy over the three rules amendments recommended for adoption in this report, but the changes are not insubstantial, and may have impacts both on litigants and court administrators. The committee does not have a specific recommendation as to the best effective date for these amendments.

Amendment of Timing Rules

The committee has considered the issue of whether the Minnesota rules should be amended to follow the changes made in the federal court rules regarding the calculation of time and deadlines. The committee recommends generally that the federal amendments are sensible and that there is significant advantage to having time counted by the same means in state and federal court. The committee further recommends that if the federal timing changes are adopted, they should be adopted uniformly across all court rules, and that appropriate review of Minnesota Statutes should be conducted to identify deadlines imposed by statute that should be adjusted at the same time the rules are amended.

The committee will submit a detailed report of recommended rule changes not later than April 1, 2010, and will recommend that the effective date of the timing rule amendments should probably be not earlier than July 1, 2010, in order that the Minnesota Legislature can address any legislative issues.

Style of Report

The specific recommendation as to the existing rule is depicted in traditional legislative format, completely ~~struck-through~~ because it is replaced in its entirety by a new rule. For ease of reading, underscoring of the new rule text is omitted.

Respectfully submitted,

MINNESOTA SUPREME COURT ADVISORY COMMITTEE ON RULES OF CIVIL PROCEDURE

Recommendation 1: **Rule 45 Should Be Amended to Create an Explicit Requirement to Prevent the Use of Court Process for Ex Parte Investigation or Discovery.**

Introduction

The committee continues to confront reports of misuse of subpoenas for ex parte discovery—issuance without notice to the other parties to the action or the rescheduling of noticed production in such a manner that other parties are deprived of any opportunity either to object to the discovery or to participate in the production. In some instances, parties obtained documents from non-parties by subpoena and have refused requests to make the documents available to other parties.

The committee believes Rule 45 should be amended to require expressly that the party issuing a subpoena is responsible to allow all parties to participate in any production that occurs after issuance of a subpoena to a non-party. If a production occurs as noticed in the subpoena, the parties may be expected to participate based on receipt of notice as require by Rule 45.01(e). If the party issuing the subpoena agrees to some other production—whether at a different time or with a different scope of production—the parties are entitled to notice of that change as well, and are still allowed to participate.

The amended rule also recognizes that it may be possible that the other parties to the litigation do not want to participate in a production from non-parties, but rather have a legitimate reason, often sounding in protection of privacy rights, to seek a protective order against the discovery occurring. The amended rule creates a seven-day period after service of a subpoena during which the production cannot take place.

Specific Recommendation

Rule 45 should be amended as follows:

RULE 45. SUBPOENA

Rule 45.01. Form; Issuance

* * *

(e) Notice to Parties, Rescheduling, Modification. Any ~~use of a~~ subpoena, other than to compel attendance at a trial, must be served on the subject of the subpoena and the parties to the action at least 7 days before any required production for inspection, copying, testing, or sampling of designated books, papers, documents, or electronically stored information, tangible things, or inspection of premises. It is improper to issue such a subpoena without prior notice to all parties to the action, ~~is improper~~ and doing so may subject the party or attorney issuing it, or on whose behalf it was issued, to sanctions. The party issuing such a subpoena shall make available to all parties any books, papers, documents or electronically stored information obtained from any person following issuance of a subpoena to that person. If production or inspection is made at a time or place, in a manner, or to an extent and scope, different from that commanded in the subpoena, the party issuing the subpoena must give notice to all parties to the action at least 7 days in advance of the rescheduled production. Any party may attend and participate in any noticed or rescheduled production or inspection and may also require production or inspection within the scope of the subpoena for inspection or copying.

Rule 45.03. Protection of Persons Subject to Subpoena

(a) Requirement to Avoid Undue Burden. A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction,

which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(b) Subpoena for Document Production Without Deposition.

(1) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents, or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing, or trial.

(2) Subject to Rule 45.04(b), a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

* * *

Rule 45.04. Duties in Responding to Subpoena

(a) Form of Production.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(3) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(4) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26.02(b)(3). The court may specify conditions for the discovery.

Advisory Committee Comment—2009 Amendment

Rule 45 is amended in several ways to prevent misuse of subpoenas. These amendments are consistent with the purpose of two provisions of the existing rule. Under Rule 45.01(e), notice of issuance of a subpoena is required in order that all parties have an opportunity to participate in the production and to curtail use of a subpoena for ex parte investigation. Rule 45.03(a) explicitly recognizes that the costs of discovery from non-parties should be borne, to the extent feasible, by the parties to the action and the burden on subpoenaed parties should be minimized. The amendment in 2009 adds the second sentence to Rule 45.01(e), and is intended to make the rule even more explicit on the proper use of a subpoena: to obtain information for litigation use by all parties to the litigation, and not for ex parte use by a single party. Once a subpoena is issued to a non-party, information produced or testimony by that non-party must be made available to all parties.

Rule 45.04(a)(1) is amended in 2009 to facilitate the orderly production of information. Rule 45 was amended in 2006 to permit use of subpoenas to require production of documents and other information from non-parties

without requiring a deposition to be scheduled and, indeed, without even requiring a personal appearance. *See* Rule 45.03(b). Where the non-party and party arranging for issuance a subpoena make alternative arrangements for production in response to the subpoena—which may be entirely proper—the potential exists that the production would occur without the knowledge of the other parties to the action. That production, without notice to the parties, is improper and essentially prevents participation by the parties who had received notice of another time of production. The amended rule places a duty on issuing the subpoena either to arrange production at a time agreeable to all parties and the non-party or to give notice to the other parties.

The amended rule is intended to create a streamlined process that minimizes the burdens of discovery on non-parties and reinforces the rights of all parties to participate in court-sanctioned discovery on an equal footing. There may still be circumstances where other parties will want to serve separate subpoenas to the same non-party, either to request additional documents or inspection or copying, or to obtain documents in a different format. Ideally, the parties will coordinate their efforts to minimize the costs and other burdens of production on the person receiving a subpoena.

Notice of the intention to comply with a subpoena in some manner other than noticed in the subpoena is important because one of the parties may have valid objections to the production taking place at all. Under the revised rule, no production can properly occur without all parties having at least seven days notice, providing any party the opportunity either to participate in the production or to seek a protective order to prevent the production from taking place.

Recommendation 2: **The Court Should Amend Rule 54 to Modify the Procedure for Seeking and Assessing Costs and Disbursements.**

Introduction

Rule 54.04 as it currently exists is not a model of clarity, and creates a procedure for taxation of costs that is not always workable or readily understood. The committee has undertaken to create a rule that establishes a procedure that should be readily understood by reading the rule. The committee also recommends that the State Court Administrator be charged with producing a standard form for taxation of costs and disbursements, much like the form used in the appellate courts, that allows the prevailing party to itemize the costs and disbursements sought, give notice to and prove service upon the non-prevailing party, and allows the administrator to act on the requested costs. The committee believes such a form will significantly streamline this process.

The committee believes that the current process is both confusing and unduly cumbersome. This information comes from judges, attorneys, and court administrators. It also inflexibly requires initial taxation of costs by the court administrator and then automatic, and in some cases essentially mandatory, review by a district court judge. Additionally, the current rules do not set any deadline for applying for the taxation of costs. Although this is not frequently problematic, there is no good reason not to have some established deadline, and because the pendency of a cost bill does not affect the finality of a judgment for appeal purposes, there is some efficiency to be gained by having costs determined reasonably promptly after the conclusion of other proceedings.

The revised process provides greater guidance on what has to be done, when it must be done, and how the taxation of costs should be handled by the court. The rule allows the filing of the bill of costs for decision, in the court's discretion, by either the administrator or district court judge. If the application is decided by a judge, the resulting decision is final in the trial court; if the

administrator decides the application, then an appeal may be taken to the district judge as is now allowed.

The committee recommends that Rule 127 of the Minnesota General Rules of Practice be modified. That rule limits the taxation of expert witness fees by the court administrator to $300 per day of testimony. Some courts have formally adopted the practice of allowing the administrator to tax up to $1,000 per day. The committee believes neither restriction serves a necessary role under the revised process. Either the administrator or judge may tax appropriate costs in the first instance, and in any event the issue can be decided by the district court judge. Under the current rules, many cost orders by administrators are nearly required to be appealed to the district court by the rule that says only the district court judge can award more than $300 per day.

Finally, the committee recommends that a revised form be developed by the State Court Administrator and made available on the judicial branch website. The committee has developed the broad outlines of a form that would be useful, modeled generally on the form used in Minnesota's appellate courts, containing sections for setting forth the amounts sought (with some structure as to the specific items that might properly be sought), notice to the parties of the amounts sought, of their right to respond, and for the administrator to allow or disallow particular items. That draft form is attached to this recommendation for information purposes and the Court's convenience.

Specific Recommendation

The committee recommends that

1. Rule 54.04 be amended as follows:

RULE 54. JUDGMENTS; COSTS

* * *

Rule 54.04. Costs

~~Costs and disbursements shall be allowed as provided by statute. Costs and disbursements may be taxed by the court administrator on two days' notice, and inserted in the judgment. The disbursements shall be stated in detail and verified by affidavit, which shall be filed, and a copy of such statement and affidavit shall be served with the notice. The party objecting to any item shall specify in writing the ground thereof; a party aggrieved by the action of the court administrator may file a notice of appeal with the court administrator who shall forthwith certify the matter to the court. The appeal shall be heard upon eight days' notice and determined upon the objections so certified.~~

This is an entirely new version of Rule 54.04, so underscoring is omitted in this draft of the report.

(a) Costs and disbursements allowed. Costs and disbursements shall be allowed as provided by law.

(b) Application for costs and disbursements. A party seeking to recover costs and disbursements must serve and file a detailed sworn application for taxation of costs and disbursements with the court administrator, substantially in the form as published by the state court administrator. The application must be served and filed not later than 45 days after entry of a final judgment as to the party seeking costs and disbursements. A party may, but is not required to, serve and file a memorandum of law with an application for taxation of costs and disbursements.

(c) Objections. Not later than 7 days after service of the application by any party, any other party may file a separate sworn application as in section (b), above, or may file written objections to the award of any costs or disbursements sought by any other party, specifying the grounds for each objection.

(d) Decision. Costs and disbursements may be taxed by the court administrator or a district court judge or at any time after all parties have been

allowed an opportunity to file applications and to object to the application of any other party as provided in this rule. The judge or court administrator may tax any costs and disbursements allowed by law.

(e) Review by Judge. If costs and disbursements are taxed by the court administrator, any party aggrieved by the action of the court administrator may serve and file a notice of appeal not later than 7 days after the court administrator serves notice of taxation on all parties. Any other party may file a response to the appeal not later than 7 days after the appeal is served. The appeal shall thereupon be decided by a district court judge and determined upon the record before the court administrator.

(f) Judgment for Costs. When costs and disbursements have been determined, whether by a district court judge or by the court administrator with no appeal taken to a district court judge, they shall promptly be inserted in the judgment.

Advisory Committee Comment—2009 Amendment

Rule 54.04 is amended both to clarify its operation and to improve the procedure for taxing costs by the court administrator and the review of those decisions by the district court judge. The amended process is commenced by filing an application on a form established by the State Court Administrator and made available on the Judicial Branch website (or in substantially the same form).

2. Rule 127 of the Minnesota General Rules of Practice should be modified to remove the $300 limit on the amounts allowed for expert witness fees.

Minnesota General Rules of Practice

RULE 127. EXPERT WITNESS FEES

~~On affidavit showing that a fee equaling or exceeding $300 per day has been billed, the court administrator may tax $300 per day for an expert witness fee~~

~~as a disbursement in a civil case, subject to increase or decrease by a judge.~~ The amount allowed for expert witness fees shall be in such amount as is deemed reasonable for such services in the community where the trial occurred and in the field of endeavor in which the witness has qualified as an expert. No allowance shall be made for time spent in preparation or in the conducting of experiments outside the courtroom by an expert.

Advisory Committee Comment—2009 Amendment

This rule is amended in 2009 to remove the $300 limit on expert fees contained in the former rule. This change is part of the new procedure established for taxation of expert costs established by amendment of Minn. R. Civ. P. 54.04 by amendment in 2009. The rule allows taxation of costs by either the court administrator or district court judge, and there is no reason to continue a rule that limits the amount the court administrator can order, thereby making a two-step taxation process inevitable. The $300 limit in the former rule also had not been changed for several decades, so was unduly miserly in the 21st century.

Task Force Comment—1991 Adoption

This rule is derived from Rule 11 of the Code of Rules for the District Courts.

3. The State Court Administrator should make a form available on the Judicial Branch website to facilitate the taxation of costs. A sample form (in rough outline form and undoubtedly requiring further development) is set forth below.

STATE OF MINNESOTA _____ COUNTY	DISTRICT COURT _____ JUDICIAL DISTRICT
Case Number: *Case Title:* *v.*	***Notice, Statement and Claim of Costs and Disbursements Incurred*** *Party applying for costs and disbursements:* _____ Plaintiff Defendant Other (specify)

I. COSTS AND DISBURSEMENTS

	Amount Claimed	Amount Allowed
Statutory Costs (Minn. Stat. § 549.02, subd.1)	$_____	$_____
Court Filing Fees	$_____	$_____
Motion Fees	$_____	$_____
Jury Fee	$_____	$_____
Medical Record Fees	$_____	$_____
Cost of Service	$_____	$_____
Subpoena Fees	$_____	$_____
Postage	$_____	$_____
Transcript	$_____	$_____
Pre-judgment Interest (attach calculation)	$_____	$_____
Experts (specify total amount sought and list in Attachment)	$_____	$_____
Reproduction of Exhibits	$_____	$_____
Other (specify or attach separate sheet in this form)	$_____	$_____
TOTAL CLAIMED:	$_____	
TOTAL ALLOWED:		$_____

This above bill of Costs and Disbursements taxed and allowed as indicated in the right-hand column, above.

_____ _____
Date Court Administrator or District Court Judge

_____ By _____
District Court Administrator Deputy Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

Being duly sworn, I the attorney for a party in the above-entitled action, state that the above is a true and correct statement of costs incurred and disbursements made and which that party is entitled to recover in this action.

Respectfully,

_____
Attorney's Name

_____
Address

_____
Signature

Notary Stamp, Signature and Date:

_____
Dated

NOTICE TO ATTORNEY FOR ADVERSE PARTY(S):

ADVERSE PARTY(S) BEING TAXED:

Costs and disbursements will be taxed pursuant to Rule 54.04 (Rules of Civil Procedure), objections hereto may be filed pursuant to Rule 54.04(c).

_____
Attorney

For _____
(Name of Party)

_____
Attorney

For _____
(Name of Party)

_____
Attorney

For _____
(Name of Party)

_____
Attorney

For _____
(Name of Party)

(use additional page to identify additional parties)

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

I, _____, of the City of _____, County of _____, State of Minnesota, being duly sworn, says that on the _____ day of _____, _____, (s)he served the Notice, Statement and Claim of Costs and Disbursements Incurred by Prevailing Party on _____, the attorney for _____, the _____ in this action, by mailing to him/her a copy thereof, enclosed in an envelope, postage prepaid, and by depositing the same in the post office at _____, directed to said attorney at the following address(es):

_____	_____
Name	Name
_____	_____
Address	Address
_____	_____
City, State, Zip	City, State, Zip

☐ and to the parties and counsel set forth on the attached list.
(Check if applicable)

The last known address(es) of said attorney(s).

_____

Subscribed and sworn to before me this ____
day of _____, 20____

_____
Notary Public

Recommendation 3: **The Form of Summons in the Appendix of Forms Should be Substantially Revised to Modernize Its Language and to Make it More Readily Understood by Recipients.**

Introduction

The committee considered requests that the form of summons included in the Appendix of Forms be modified to address several similar problems attributable, at least in part, to the language of the current summons. These problems include overall opacity of the language, due to its archaic phrasing, and the failure to address some of the issues a summons recipient may need to know.

The committee has reworked the summons to modernize its language and to expand the notice contained in the summons to address these issues. The archaic language is confusing. A particular problem is created by the fact that the summons is often issued by an attorney, and contains blanks for the court file number because the action is not filed, and won't necessarily ever be filed. It is not an isolated occurrence for a summoned defendant to call the court and be told that there is no such action on file, as Minnesota's rules do not require filing of the action in order to commence it. The revised form of summons attempts to make this clearer.

Many of the problems with the language of the summons, and particularly confusion over whether a lawsuit is even pending, result in the entry of default judgments. The committee believes that the changes recommended will reduce the number of default judgments that result from lack of understanding of the summons, and will therefore reduce the number of motions to vacate these default judgments and will therefore reduce wasted court time.

Specific Recommendation

Form 1 in the Appendix of Forms should be replaced in its entirety by the following:

FORM 1. SUMMONS

State of Minnesota **District Court**

County of _____ _____ **Judicial District**

_____,

Plaintiff,

vs.

_____,

Defendant.

Court File Number: _____

Case Type: _____

Summons

THIS SUMMONS IS DIRECTED TO _____.

1. **YOU ARE BEING SUED**. The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this summons.

2. **YOU MUST REPLY WITHIN 20* DAYS TO PROTECT YOUR RIGHTS**. You must give or mail to the person who signed this summons **a written response** called an Answer within 20* days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this summons located at:

_____.

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS. If you do not Answer within 20* days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

[7. To be included only if this lawsuit affects title to real property:

THIS LAWSUIT MAY AFFECT OR BRING INTO QUESTION TITLE TO REAL PROPERTY located in _____ County, State of Minnesota, legally described as follows:

[Insert legal description of property]

The object of this action is _____.]

_____ _____

Plaintiff's attorney Dated

Served on _____ _____

Date Name and title

* Use 20 days, except that in the exceptional situations where a different time is allowed by the court in which to answer, the different time should be inserted.