

STATE OF MINNESOTA

IN SUPREME COURT

ORDER OF PROMULGATION OF AMENDMENTS TO THE RULES
OF CIVIL PROCEDURE IN THE MUNICIPAL COURTS OF
THE STATE OF MINNESOTA AND APPENDICES THERETO

WHEREAS the Advisory Committee appointed by the Supreme Court under Section 480.052 has recommended to the court that all amendments to the Rules of Civil Procedure for the District Courts be adopted for the Municipal Courts and that the Rules of Civil Procedure for the Municipal Courts be amended accordingly, so far as consistent with the jurisdiction of the Municipal Court, and;

WHEREAS the recommended amendments were published and distributed to members of the Bar prior to the submission of briefs and oral arguments which were heard on June 1, 1967, and whereas the court has considered said recommendations, and;

WHEREAS by the annexed order dated November 10, 1967 the court has adopted and promulgated amendments to the Rules of Civil Procedure for the District Court to be effective February 1, 1968;

NOW, THEREFORE, IT IS HEREBY ORDERED that said amendments to Rules of Civil Procedure for the District Court as set forth in the annexed order of November 10, 1967 be, and the same hereby are, promulgated as amendments to the Rules of Civil Procedure for Municipal Courts, so far as consistent with the jurisdiction of the Municipal Court and except as specifically hereinafter ordered;

IT IS FURTHER ORDERED that with reference to the following specific District Court Rules of Civil Procedure that the amendment to the corresponding Municipal Court Rule be made as set forth herein:

1. Rule 6.01 - In the first sentence of said Rule as amended, delete the words "District Court" and substitute in lieu thereof the words "Municipal Court".

2. Rule 38.02³ - In the first sentence of the Municipal Court Rule after the phrase "the names and addresses", add the phrase "and the telephone numbers". The Rule is not otherwise amended.

3. Rule 39 - Change the caption of Rule to read as follows:

"Trial By Jury Or By The Court"

Change the existing Municipal Court Rule to read as follows:

"39.01 - By Court"

"Issues of fact not submitted to a jury as provided in Rule 38 shall be tried by the court."

Change the designation of District Court Rule 39.03 to read "39.02" and set forth the text of the Rule as amended.

Change the designation of District Court Rule 39.04 to read "39.03" and set forth the text of the Rule as amended.

4. Rule 45.04 - The amendment made to the District Court Rule shall not be made to the corresponding Municipal Court Rule.

5. The amendments to District Court Rules 65.01, 65.02, and 65.03 are not to be included in the Municipal Court Rules.

6. The amendment to District Court Rule 81.01(2) shall not be made to the Municipal Court Rule.

IT IS FURTHER ORDERED that Municipal Court Rules 4.041, 12.01, 12.06, 15.01, 26.01, and 56.01 be amended by deleting reference in each of those rules to 10 days where the corresponding District Court Rule provides 20 days and that 20 days be added in its place and stead in each such place in each rule.

IT IS FURTHER ORDERED that the amendments to the Rules of Civil Procedure in the Municipal Courts as provided herein shall be effective on February 1, 1968. The inclusion of the Advisory Committee Notes is made for convenience and does not necessarily reflect court approval of the comments made in said notes.

Dated November 10, 1967.

BY THE COURT:



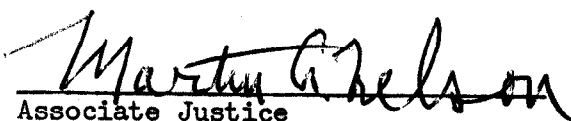
Chief Justice

November 10, 1967

The attached order promulgating amendments to the Rules of Civil Procedure for the Municipal Courts is approved.



Chief Justice



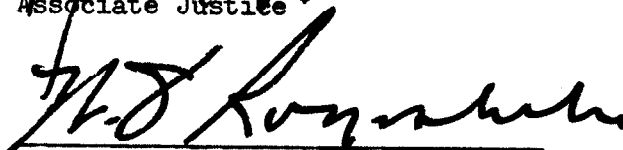
Associate Justice



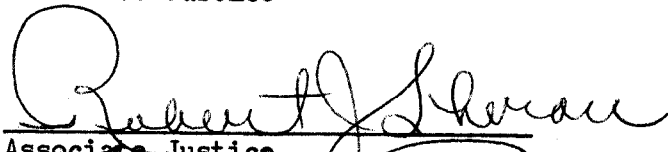
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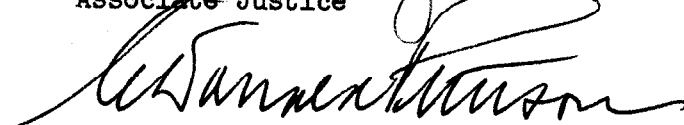
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Associate Justice



Associate Justice



Associate Justice



Associate Justice, Retired.