

STATE OF MINNESOTA

IN SUPREME COURT

CX-89-1863

IN RE SECOND JUDICIAL DISTRICT
PILOT PROJECT ON REDUCED COST
LITIGATION

ORDER

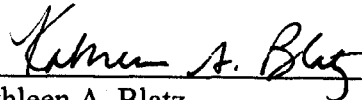
By order dated December 19, 2000, this Court approved the concept of a pilot project for a low-cost litigation alternative recommended in the October 6, 2000, Report of the Advisory Committee on the General Rules of Practice. The Second Judicial District has agreed to be a pilot site.

IT IS HEREBY ORDERED that:

1. The Second Judicial District is authorized to conduct a reduced cost litigation pilot project during the period of October 1, 2001, to September 30, 2003, in accordance with the attached Reduced Cost Litigation Pilot Project Rules.
2. The attached Pilot Project rules shall apply only to cases filed with the Second Judicial District on or after October 1, 2001. The attached Pilot Project rules shall not apply to cases pending with the Second Judicial District before October 1, 2001.
3. To the extent that the attached Pilot Project Rules are inconsistent with other rules of this court, the Pilot Project rules shall supersede those other rules during the time that a case is assigned to the pilot project.
4. Within sixty days following completion of the pilot project, the second judicial district shall submit to this Court a full report on the success of the project in meeting the goal of cost reduction, including the impact on, and perceptions of, participants—judges, lawyers, and parties—and those electing not to participate in the process

Dated: August 14, 2001

By the Court:



Kathleen A. Blatz
Chief Justice

OFFICE OF
APPELLATE COURTS

AUG 21 2001

FILED

REDUCED-COST LITIGATION PILOT PROJECT RULES

Rule 1. Consent; Scope and Nature of Pilot Project

(a) **Consent.** Subject to the exceptions listed in part (e) and subject to the availability of judicial resources as discussed in part (d), by consent of the parties expressed in their Gen. R. Prac. 111.02 Joint Informational Statement that a case be adjudicated in a reduced-cost fashion, the procedures in these pilot project rules shall apply.

(b) **Block Assignments.** Pilot project cases shall be assigned to a single judge for all purposes.

(c) **Management.** Pilot project cases should be managed to reduce the cost of hearings, motions, and any required conferences of counsel. Telephone and interactive video conferencing should be used where suitable.

(d) **Availability.** The pilot project will be administered on a first-come first-served basis, as resources are available. Cases in this program will have priority on the judge's trial calendar.

(e) **Excluded Case Types.** All civil cases filed during the pilot project period, are eligible for this experimental program, except family law matters under Gen. R. Prac. 301-375.

(f) **Alternative Dispute Resolution Unaffected.** Nothing in these pilot project rules shall preclude the use of alternative dispute resolution (ADR) or relieve the parties and the court from the requirements of Gen. R. Prac. 114.01-.14. If ADR is used and does not resolve the case, and the parties have consented to participate in the pilot project under Rule 1(a), upon completion of ADR the court shall notify the parties that the case will be adjudicated under these pilot project rules and the deadlines under these rules that are measured from the scheduling conference shall be measured from the date of the notice.

Rule 2. Scheduling Conference and Pre-Conference Meet and Confer

(a) **Conference with Court.** Within 30 days of the filing of a Joint Informational Statement requesting assignment to the reduced-cost litigation pilot project, the court shall hold a scheduling conference. At this conference, the parties shall agree to, or the court shall set by order, a discovery period not to exceed 75 days, including provisions

for expert discovery where necessary, a date for the pretrial conference under rule 6 of these pilot project rules, and a date for commencement of trial within 150 days.

(b) Meet and Confer. Prior to the scheduling conference, the parties and their attorneys shall meet and confer either in person or by telephone 1) to determine if the matter can be resolved by settlement and, 2) if not, to attempt to limit the matters at issue. The parties shall certify to the court, before the time of the scheduling conference, the results of this meeting including a description of the remaining issues to be adjudicated by the court.

Rule 3. Court's Authority to Transfer Case Out of Pilot Project

In all cases the court may at any time and in the interests of justice determine that the case should not be adjudicated pursuant to these pilot project rules.

Rule 4. Reduced-Cost Discovery

(a) Initial Disclosures. Each party shall, within 30 days of the Gen. R. Prac. 111.03 Scheduling Conference, disclose:

- (1) the name and location of persons who likely possess knowledge relevant to the claims and defenses, identifying the subjects of the information;
- (2) a general description, including location, of documents, data, and compilations in the possession, custody and control of the party that are relevant to the claims or defenses;
- (3) a detailed computation of damages to which a party believes it is legally entitled; and
- (4) the existence and contents of any insurance agreement from which it is possible proceeds will be available to pay any potential judgment.

(b) Interrogatories. Once the case is assigned to the reduced-cost litigation pilot project by filing of a joint informational statement under rule 1(a), no further interrogatories may be served unless authorized by the court. Unless otherwise ordered by the court, a party must respond to any interrogatories that were served prior to the case being assigned to the project. Interrogatory answers may be used as in any other action.

(c) Production of Identified Documents. Within 10 days of the receipt of disclosures under Rule 4(a), the opposing party may request all or some of the documents, data and compilations identified by affidavit as relevant to the matter. If those documents, data and compilations have not already been produced in response to document requests propounded prior to the case being assigned to the reduced-cost

litigation pilot project, they shall be produced within 15 days of the request. No further requests for production of documents may be served.

(d) Depositions. At the scheduling conference, the court shall determine whether all necessary depositions have already been taken. If not, the parties, after exchange of the information provided for by Rule 4(a), and exchange of documents pursuant to Rule 4(c), if any, shall agree on the necessary depositions. Depositions shall be limited in number and length in advance. The parties shall make a good faith attempt to schedule depositions for the same day or days, at the same location. Any disagreements between the parties regarding the number or length of the depositions must be brought to the attention of the court immediately by joint letter, and the court shall issue a deposition order within 5 days of receipt of the letter. If there is no joint letter, then all other parties must submit a responsive letter within 5 days of service of the initial letter, and the court shall issue a determination within 5 days of receipt of the last letter.

(e) Requests for Relief. Any request for relief with regard to any discovery matter must be made under rule 5(b) of these pilot project rules within 10 days of the incident giving rise to the request.

Rule 5. Motion Practice

(a) Dispositive Motions. Dispositive motions must be served and filed prior to any deadline established under rule 2 of these pilot project rules. The response must be served and filed within 15 days after service and filing of the motion. There will be no oral argument unless requested by the court. If requested by the court, oral argument shall be scheduled within 10 days of the filing of the response. The court shall issue a ruling within 45 days of the filing of the motion, filing of the reply, or the date of oral argument, whichever is later.

(b) Non-dispositive Motions. Non-dispositive motions must be brought to the attention of the court and opposing parties in the form a request made prior to any deadline established under these pilot project rules. The request must contain a brief description of the relief sought, and shall not exceed 3 pages. A response to the request, not exceeding 3 pages, may be made within 5 days of service of the request. Within 15 days of filing of the request, the court shall either decide the matter or set an expedited schedule for filing memoranda of law and state page limits for the memoranda. There will be no oral argument unless requested by the court.

Rule 6. Pre-Trial/Evidentiary Conference

(a) Procedure. The court shall hold a Pre-Trial/Evidentiary Conference on the date specified under rule 2 of these pilot project rules. The parties shall exchange witness and exhibit lists 5 days prior to the conference. The parties shall attempt to stipulate to those facts about which there is no substantial controversy and to waive foundation and other evidentiary objections. All evidentiary matters, including matters traditionally brought upon a motion in limine or a motion to exclude, will be presented to the court at the conference.

(b) Determination of Issues. With regard to each evidentiary issue presented at the conference, the court shall either make a ruling or inform the parties that the issue will be addressed during the trial. The court shall also determine a maximum number of hours of testimony that each party will be allowed to present at trial. The court's determination should be made so as to shorten the trial as much as possible, and should be guided by the complexity of the matter.

(c) Settlement. Settlement possibilities shall be explored at the conference.

Rule 7. Modification of These Rules.

These rules will only be waived or modified for good cause shown.

Rule 8. Other Rules.

These rules apply to all cases assigned to the pilot program, and supersede conflicting provisions of the rules of civil procedure and the general rules of practice for these actions. As to subjects not addressed in these rules, the rules of civil procedure and general rules of practice apply.