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FILED

**CX-89-1863**

**STATE OF MINNESOTA**

**IN SUPREME COURT**

**In re:**

**Supreme Court Advisory Committee  
on General Rules of Practice**

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**Recommendations of Minnesota Supreme Court  
Advisory Committee on General Rules of Practice**

**Supplemental Report  
November 9, 2005**

This Court's Advisory Committee submits the attached supplemental recommendation to deal with an issue that has come to the Committee's attention from the Supreme Court Commissioner following the submission of the original Report.

Respectfully submitted,

MINNESOTA SUPREME COURT  
ADVISORY COMMITTEE ON CIVIL  
RULES OF PROCEDURE

**Recommendation 1a: The Court should amend Rule 113 to clarify the procedures relating to assignment of multiple cases in multiple districts.**

**Introduction**

Rule 113.03 was adopted in 2000 to provide an express mechanism for invoking the Chief Justice’s authority, under Minn. Stat. §§ 480.16 & 2.724, to assign cases to a single judge when multiple related or similar cases are pending in several districts. The rule is working well, but does not provide enough guidance to litigants on how the rule is invoked, the form of the contemplated motion, the right to respond, and the effect of transfer. Accordingly, the Commissioner’s office is left to answer these questions when they arise. The committee believes the fairly simple amendment proposed here will resolve any of these questions, and permit the rule to be used with a minimum of uncertainty.

The rule does not do anything to change the infrequent availability of this relief.

**Specific Recommendation**

Rule 113.03 should be amended as follows:

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**RULE 113. ASSIGNMENT OF CASES  
TO A SINGLE JUDGE**

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**Rule 113.03. Consolidation Assignment of Cases in More than One  
District to a Single Judge**

**(a) Assignment by Chief Justice.** When two or more cases pending in more than one judicial district involve one or more common questions of fact or are otherwise related cases in which there is a special need for or desirability of central or coordinated judicial management, a motion by a party or a court’s request for assignment of the cases to a single judge may be made to the chief justice of the supreme court.

11 (b) Procedure. The motion shall identify by court, case title, case number, and  
12 judge assigned, if any, each case for which assignment to a single judge is requested. The  
13 motion shall also indicate the extent to which the movant anticipates that additional related  
14 cases may be filed. An original and two copies of the motion shall be filed with the clerk of  
15 appellate courts. A copy of the motion shall be served on other counsel and any  
16 unrepresented parties in all cases for which assignment is requested and the chief judge of  
17 each district in which such an action is pending. Any party may file and serve a response  
18 within 5 days after service of the motion. Any reply shall be filed and served within 2 days  
19 of service of the response. Except as otherwise provided in this rule, the motion and any  
20 response shall comply with the requirements of Minn. R. Civ. App. P. 127 and 132.02.

21 (c) Mechanics and Effect of Transfer. When such a motion is made, the chief  
22 justice may, after consultation with the chief judges of the affected districts and the state  
23 court administrator, assign the cases to a judge in one of the districts in which any of the  
24 cases is pending or in any other district. If the motion is to be granted, in selecting a  
25 judge the chief justice may consider, among other things, the scope of the cases and their  
26 possible impact on judicial resources, the availability of adequate judicial resources in the  
27 affected districts, and the ability, interests, training and experience of the available  
28 judges. As necessary, the chief justice may assign an alternate or back-up judge or  
29 judges to assist in the management and disposition of the cases. The assigned judge may  
30 refer any case to the chief judge of the district in which the case was pending for trial  
31 before a judge of that district selected by the chief judge.

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34 Advisory Committee Comment – 2006 Amendment

35 The amendments to Rule 113.03 are intended to provide more detailed  
36 guidance about the procedures to be followed in seeking transfer of cases under  
37 the rule. The rule clarifies the existing practice and specifically incorporates  
38 the normal procedures for handling motions in the appellate courts. Because  
39 the motion is made to the Chief Justice rather than the entire court, fewer  
40 copies are necessary, but other procedures of Minn. R. Civ. App. 127 and  
41 132.02 apply to these motions.  
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