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FILED

STATE OF MINNESOTA  
IN SUPREME COURT  
CX-89-1863 and C4-94-1646

PROMULGATION OF AMENDMENTS  
TO THE MINNESOTA GENERAL RULES OF PRACTICE  
FOR THE DISTRICT COURTS AND SPECIAL RULES  
OF PROCEDURE GOVERNING PROCEEDINGS  
UNDER THE MINNESOTA COMMITMENT AND TREATMENT ACT

**ORDER**

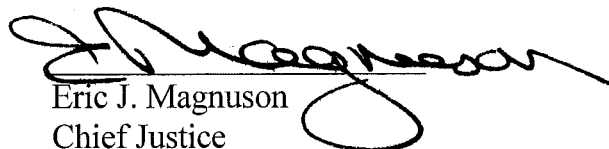
In its report filed August 31, 2009, the Supreme Court Advisory Committee on the General Rules of Practice recommended amendments to the General Rules of Practice for the District Courts and the Special Rules of Procedure Governing Proceedings under the Minnesota Commitment and Treatment Act. This court established a deadline of November 9, 2009, for submitting comments on the proposal. The court has reviewed the proposals and the submitted comments, and is fully advised in the premises.

IT IS HEREBY ORDERED THAT:

1. The attached amendments to the General Rules of Practice for the District Courts and the Special Rules of Procedure Governing Proceedings under the Minnesota Commitment and Treatment Act be, and the same are, prescribed and promulgated to be effective on January 1, 2010.
2. The attached amendments shall apply to all actions pending on the effective date and to those filed thereafter.
3. The inclusion of Advisory Committee comments is made for convenience and does not reflect court approval of the comments made therein.

Dated: November 19, 2009

BY THE COURT:

  
Eric J. Magnuson  
Chief Justice

**AMENDMENTS TO THE GENERAL RULES OF PRACTICE  
FOR THE DISTRICT COURTS**

[Note: new material is indicated by underscoring, except committee comments, which are all new; deleted material is indicated by strikethrough except that forms being transferred to the website are not indicated by strikethrough.]

1           **Forms Transfer to Website.** The following forms are deleted from the  
2 Rules and shall be maintained by State Court Administration on the court's  
3 website.

- 4           1.     Form 5, Pro Hac Vice
- 5           2.     Form 11.1, Confidential Information Form
- 6           3.     Form 11.2, Sealed Financial Source Documents Cover Sheet
- 7           4.     Form UCF-8 Statement of Claim and Summons
- 8           5.     Form UCF-9 Judgment and Notice of Judgment
- 9           6.     Form UCF-10 Defendant's Counterclaim
- 10          7.     Form UCF-22 Financial Disclosure Form
- 11          8.     Form 508.1 Conciliation Court Affidavit of Service

12           **RULE 11. SUBMISSION OF CONFIDENTIAL INFORMATION**

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14           **Rule 11.02. Restricted Identifiers**

15           (a)    Pleadings and Other Documents Submitted by a Party. No party  
16 shall submit restricted identifiers on any pleading or other document that is to be  
17 filed with the court except:

- 18           (i)    on a separate form entitled Confidential Information Form  
19           (see Form 11.1 ~~appended to these rules~~ as published by the

20 state court administrator) filed with the pleading or other  
21 document; or

22 (ii) on Sealed Financial Source Documents under Rule 11.03.

23 The parties are solely responsible for ensuring that restricted identifiers do not  
24 otherwise appear on the pleading or other document filed with the court. The  
25 court administrator will not review each pleading or document filed by a party for  
26 compliance with this rule. The Confidential Information Form shall not be  
27 accessible to the public.

28 (b) Records Generated by the Court. Restricted identifiers maintained  
29 by the court in its register of actions (i.e., activity summary or similar information  
30 that lists the title, origination, activities, proceedings and filings in each case),  
31 calendars, indexes, and judgment docket shall not be accessible to the public.  
32 Courts shall not include restricted identifiers on judgments, orders, decisions, and  
33 notices except on the Confidential Information Form (Form 11.1), which shall not  
34 be accessible to the public.

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### 36 **Rule 11.03. Sealing Financial Source Documents**

37 Financial source documents shall be submitted to the court under a cover  
38 sheet designated “Sealed Financial Source Documents” and substantially in the  
39 form set forth as Form 11.2 ~~appended to these rules~~ as published by the state court  
40 administrator. Financial source documents submitted with the required cover  
41 sheet are not accessible to the public except to the extent that they are admitted  
42 into evidence in a testimonial hearing or trial or as provided in Rule 11.05 of these  
43 rules. The cover sheet or copy of it shall be accessible to the public. Financial  
44 source documents that are not submitted with the required cover sheet and that  
45 contain restricted identifiers are accessible to the public, but the court may, upon  
46 motion or on its own initiative, order that any such financial source document be  
47 sealed.

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**Advisory Committee Comment—2009 Amendment**

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Rule 11 is amended to remove Forms 11.1 and 11.2 from the rules and to correct the reference to the forms in the rule. This amendment will allow for the maintenance and publication of the form by the state court administrator. The form, together with other court forms, can be found at <http://www.mncourts.gov/>.

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Forms 11.1 and 11.2 should be deleted from the rules and maintained in the future on the court's website.

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59 **RULE 12. REQUIREMENT FOR COMPARABLE MEANS OF SERVICE**

60 In all cases, a party serving a paper on a party and filing the same paper  
61 with the court must select comparable means of service and filing so that the  
62 papers are delivered substantially contemporaneously. This rule does not apply to  
63 service of a summons or a subpoena. Pleadings and other papers need not be filed  
64 until required by Minn. R. Civ. P. 5.05 and motions for sanctions may not be filed  
65 before the time allowed by Minn. R. Civ. P. 11.03(a).

66 In emergency situations, where compliance with this rule is not possible,  
67 the facts of attempted compliance must be provided by affidavit.

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69 **Advisory Committee Comment—2009 Amendment**

70 Rule 12 is amended to add the last sentence of the first paragraph.  
71 The amendment is intended to clarify that the rule does not modify two facets  
72 of practice established before its adoption. It does not require that pleadings be  
73 filed before the time allowed under Rule 5.05, which generally makes it  
74 unnecessary to file pleadings until after a party files a pleading, thereby  
75 opening a court file. This rule is a part of Minnesota’s “hip-pocket” service  
76 regime as established by Minn. R. Civ. P. 3. Rule 11 of the Minnesota Rules of  
77 Civil Procedure contains a 21-day “safe harbor” provision, requiring service of  
78 a motion for sanctions but prohibiting filing of the motion for 21 days. The  
79 amendment to Rule 12 of the general rules was not intended to modify that  
80 important provision.  
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115 **RULE 111. SCHEDULING OF CASES**

116 **Rule 111.01. Scope**

117 The purpose of this rule is to provide a uniform system for scheduling  
118 matters for disposition and trial in civil cases, excluding only the following:

119 (a) Conciliation court actions and conciliation court appeals where no  
120 jury trial is demanded;

121 (b) Family court matters governed by Minn. Gen. R. Prac. 301 through  
122 312;

123 (c) Public assistance appeals under Minnesota Statutes, section 256.045,  
124 subdivision 7;

125 (d) Unlawful detainer actions pursuant to Minnesota Statutes, sections  
126 504B.281, et seq.;

127 (e) Implied consent proceedings pursuant to Minnesota Statutes, section  
128 169.123;

129 (f) Juvenile court proceedings;

130 (g) Civil commitment proceedings subject to the Special Rules of  
131 Procedure Governing Proceedings Under the Minnesota Commitment Act of  
132 1982;

133 (h) Probate court proceedings;

134 (i) Periodic trust accountings pursuant to Minn. Gen. R. Prac. 417;

135 (j) Proceedings under Minnesota Statutes, section 609.748 relating to  
136 harassment restraining orders;

137 (k) Proceedings for registration of land titles pursuant to Minnesota  
138 Statutes, chapter 508;

139 (l) Election contests pursuant to Minnesota Statutes, chapter 209; and

140 (m) Applications to compel or stay arbitration under Minnesota Statutes,  
141 chapter 572.;





160 **RULE 304. SCHEDULING OF CASES**

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162 **Rule 304.02. The Party’s Informational Statement**

163 (a) **Timing.** Within 60 days after filing an action or, if a temporary  
164 hearing is scheduled within 60 days of the filing of the action, then within 60 days  
165 after a temporary hearing is initially scheduled to occur, whichever is later, each  
166 party shall submit, on a form to be available from the court and developed by the  
167 state court administrator, the information needed by the court to manage and  
168 schedule the case.

169 (b) **Content.** The information provided shall include:

170 (1) Whether minor children are involved, and if so:

171 (i) Whether custody is in dispute; and

172 (ii) Whether the case involves any issues seriously  
173 affecting the welfare of the children;

174 (2) Whether the case involves complex evaluation issues, and/or  
175 marital and nonmarital property issues;

176 (3) Whether the case needs to be expedited, and if so, the specific  
177 supporting facts;

178 (4) Whether the case is complex, and if so, the specific  
179 supporting facts;

180 (5) Specific facts about the case which will affect readiness for  
181 trial;

182 (6) Recommended alternative dispute resolution process, the  
183 timing of the process, the identity of the neutral selected by the parties or, if  
184 the neutral has not yet been selected, the deadline for selection of the  
185 neutral. If ADR is believed to be inappropriate, a description of the reasons  
186 supporting this conclusion; and



201 **RULE 309. CONTEMPT**

202 **Rule 309.01. Initiation**

203 **(a) Moving Papers-Service; Notice.** Contempt proceedings shall may be  
204 initiated by notice of motion and motion or by an order to show cause served upon  
205 the person of the alleged contemnor together with motions accompanied by  
206 appropriate supporting affidavits.

207 The order to show cause shall direct the alleged contemnor to appear and  
208 show cause why he or she should not be held in contempt of court and why the  
209 moving party should not be granted the relief requested by the motion. If  
210 proceeding by notice of motion and motion, the motion may seek that relief  
211 directly.

212 The notice of motion and motion or the order to show cause shall contain at  
213 least the following:

- 214 (1) a reference to the specific order of the court alleged to have  
215 been violated and date of entry of the order;
- 216 (2) a quotation of the specific applicable provisions ordered; and
- 217 (3) the alleged failures to comply.

218 **(b) Affidavits.** The supportive affidavit of the moving party shall set  
219 forth each alleged violation of the order with particularity. Where the alleged  
220 violation is a failure to pay sums of money, the affidavit shall state the kind of  
221 payments in default and shall specifically set forth the payment dates and the  
222 amounts due, paid and unpaid for each failure.

223 The responsive affidavit shall set forth with particularity any defenses the  
224 alleged contemnor will present to the court. Where the alleged violation is a  
225 failure to pay sums of money, the affidavit shall set forth the nature, dates and  
226 amount of payments, if any.



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**RULE 503. COMPUTATION OF TIME**

**(a) General.** All time periods shall be measured by starting to count on the first day after any event happens which by these rules starts the running of a time period. If the last day of the time period is anything other than a working week day, then the last day is the next working week day.

**(b) Time Periods Less Than Seven Days.** When the time period is less than seven days, only working week days shall be counted.

**(c) Working Week Day.** A “working week day” means a day which is not a Saturday, Sunday or legal holiday. For purposes of this rule, a legal holiday includes all state level judicial branch holidays established pursuant to law and any other day on which county offices in the county in which the conciliation court is held are closed pursuant to law- or court order. With respect to service or filing by U. S. Mail, a day that the United States Mail does not operate is not a “working week day.”

**Advisory Committee Comment—2009 Amendment**

Rule 503(c) is amended to clarify that for service or filing by mail, if U. S. Postal Service offices are closed on a particular day, that day is not deemed a “working week day” for the purpose of the rule, effectively permitting the mailing to be made on the next day that is a “working week day.” This change conforms the rule to the time calculation provision of Minn. R. Civ. P. 6.01, which in turn was amended in 2008 to conform the rule to the Minnesota Supreme Court decision in *Commandeur LLC v. Howard Hartry, Inc.*, 724 N.W.2d 508 (Minn. 2006) (holding that where the last day of a time period occurred on Columbus Day, service by mail permitted by the rules was timely if mailed on the following day on which mail service was available).

274 **RULE 507. STATEMENT OF CLAIM AND COUNTERCLAIM;**  
275 **CONTENTS; VERIFICATION**

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277 **(b) Uniform Statement of Claim or Counterclaim; Acceptance by**  
278 **Court.** A statement of claim or counterclaim in the uniform form ~~prescribed in~~  
279 ~~the appendix to these rules as published by the state court administrator~~ shall be  
280 accepted by any conciliation court administrator when properly completed and  
281 filed with the applicable fees, if any.

282 **RULE 508. SUMMONS; TRIAL DATE**

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284 **(e) Proof of Service.** Service by first class mail or certified mail shall be  
285 proven by an affidavit of service in form substantially similar to that ~~contained in~~  
286 ~~Form 508.1~~ published by the state court administrator. Service may be  
287 alternatively proven, when made by the court administrator, by any appropriate  
288 notation in the court record of the date, time, method, and address used by the  
289 administrator to effect service.

290 **Advisory Committee Comment—2009 Amendment**

291 Rules 507, 508, and 518 are amended to remove Forms UCF-8, UCF-9,  
292 UCF-10, UCF-22, and 508.1 from the rules and to correct the reference to the  
293 forms in the rule. This amendment will allow for the maintenance and  
294 publication of the forms by the state court administrator. The forms, together  
295 with other court forms, can be found at <http://www.mncourts.gov/>.

296 Forms UCF-8, UCF-9, UCF-10, UCF-22, and 508.1 should be deleted  
297 from the rules and maintained in the future on the court's website.

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## RULE 517. PAYMENT OF JUDGMENT

### 300 **Rule 517. Payment of Judgment**

301 A nonprevailing party must make arrangements to pay the judgment  
302 directly to the prevailing party. In the event good faith efforts to pay the judgment  
303 are not successful or the prevailing party refuses to accept tendered payment, the  
304 nonprevailing party may bring a motion to allow payment into court. Upon order  
305 of the court, the nonprevailing party may then pay all or any part of the judgment  
306 to the court administrator for benefit of the prevailing party, or may pay the  
307 prevailing party directly.

308 The court administrator shall enter on the court's records any payment  
309 made to the administrator or to the prevailing party directly when satisfied that the  
310 direct payments have been made.

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#### Advisory Committee Comment—2009 Amendment

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Rule 517 is amended to modify the procedure for payment of a conciliation court judgment directly to the court administrator. As amended, the rule requires that payment be made directly by the nonprevailing party to the prevailing party, and permits payment into court only if reasonable attempts to make that payment are not successful or the prevailing party will not accept payment, in which case the nonprevailing party must bring a motion to allow payment into court.





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**Advisory Committee Comment—2009 Amendment**

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Rule 518 is amended to remove the automatic thirty-day stay following docketing of a judgment in district court and the commencement of discovery regarding the judgment. The thirty-day stay does not serve a useful purpose in court administration, and simply results in a thirty-day delay in resolution of these matters. Accordingly, the committee recommends that it be removed from Rule 518. This change also makes the rule consistent with statute. See MINN. STAT. § 491A.02, subd. 9.

359                   **RULE 707. TRANSCRIPTION OF PLEAS, SENTENCES,**  
360                                   **AND REVOCATION HEARINGS IN FELONY,**  
361                                   **GROSS MISDEMEANOR, AND EXTENDED JUVENILE**  
362                                   **JURISDICTION PROCEEDINGS,**  
363                                   **AND GRAND JURY PROCEEDINGS**

364           The following provisions relate to all pleas, sentences, and revocation  
365 hearings in all felony, gross misdemeanor, and extended juvenile jurisdiction  
366 proceedings, and all grand jury proceedings. Grand jury proceedings are secret as  
367 provided in Rule 18 of the Minnesota Rules of Criminal Procedure and this rule  
368 must be construed to maintain secrecy in accordance with that rule.

369           (a) Court reporters and operators of electronic recording equipment shall  
370 file the stenographic notes or tape recordings of guilty plea, or sentencing and  
371 revocation hearings with the court administrator within 90 days of sentencing, and  
372 the stenographic notes or tape recordings of grand jury proceedings shall be filed  
373 with the court administrator and maintained in a non-public portion of the file at  
374 the conclusion of grand jury hearings. The reporter or operator may retrieve the  
375 notes or recordings if necessary. Minn. Stat. § 486.03 (2002) is superceded to the  
376 extent that it conflicts with this procedure.

377           (b) All original grand jury transcripts shall be filed within 60 days of  
378 request by the court or prosecutor or receipt of an order from the appropriate court  
379 directing transcription and shall be made available to parties other than the court  
380 or prosecutor only in accordance with that court order. The court administrator  
381 must file and maintain all grand jury transcripts in a non-public portion of the file.  
382 The court may allow extension of this 60-day deadline upon a showing of good  
383 cause.

384           (b~~c~~) No charge may be assessed for preparation of a transcript for the  
385 district court's own use; any other person may ordering a transcript as allowed  
386 under the rules shall be at the expense of that person. Transcripts ordered by the  
387 defendant or defense counsel shall be prepaid except when the defendant is

388 represented by the public defender or assigned counsel, or when the defendant  
389 makes a sufficient affidavit of an inability to pay and the court orders that the  
390 defendant be supplied with the transcript at the expense of the appropriate  
391 governmental unit.

392 (d) If no district court file exists with respect to a grand jury proceeding,  
393 the administrator shall open a grand jury file upon the request of the prosecutor.

394 (ee) The maximum rate charged for the transcription of any proceeding  
395 shall be established, until July 1, 2005, by the Conference of Chief Judges, and  
396 thereafter by the Judicial Council. Minn. Stat. § 486.06 (2002) is superceded to  
397 the extent that it conflicts with this procedure.

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**Advisory Committee Comment—2009 Amendment**

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Grand jury proceedings in Minnesota are secret. See Minn. R. Crim. P. 18.08. The court and prosecutors may obtain access to grand jury records and may order a transcript; any other transcription may occur only pursuant to Minn. R. Crim. P. 18.05, subd. 1. Rule 707 is amended to provide the rules for filing and maintaining transcripts of grand jury proceedings in the limited circumstances where the transcription is permitted or ordered. The court may also enter a protective order to prohibit further disclosure of the grand jury transcript. Minn. R. Crim. P. 18.05, subd. 2.

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Rule 707(d) recognizes that there are circumstances where a grand jury is not separately convened for a particular case, and there is no separate file for that grand jury. This subdivision allows the prosecutor to request that a file be opened to serve as the repository for notes, records, or transcript from that proceeding.

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