

OFFICE OF
APPELLATE COURTS

DEC 1 1998

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FILED

FOURTH JUDICIAL DISTRICT

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Programmed Land, Inc., et al.,

Plaintiffs,

FINDINGS OF FACT AND

ORDER

v.

File No.: 98-10713

Patrick O'Connor, in his capacity as
Treasurer and Auditor for Hennepin
County; Hennepin County Bureau of
Commissioners; and Hennepin County,
Minnesota,

Defendants.

The above-entitled matter came on for hearing at the request
of the Court for an informal status conference.

Alan Kildow, for Larkin, Hoffman, Daly & Lindgren, appeared on
behalf of Plaintiffs. Robert T. Rudy, Hennepin County Attorney,
appeared on behalf of Defendants.

The purpose of the conference was for the Court to express its
desire that the parties Petition the Supreme Court for assignment
of all these cases before one judicial officer.

Having heard the arguments of Counsel, written motions, and on
the files and records herein, the Court makes the following:

FINDINGS OF FACT:

1. That the above-captioned matter is similar, if not
identical to numerous other suits filed in several different
district courts alleging property tax overpayments by commercial

property owners as a result of the alleged implementation of incorrect tax rates by Defendant counties.

2. That the Court is informed that several other cases are yet to be filed.

3. That the cases that the Court is aware of are attached in Exhibit A, along with their existing status.

4. That Defendants moved this Court for transfer of this action to the Minnesota tax court and has since moved or will move the Minnesota Supreme Court to assign all of the pending cases in the State of Minnesota to the tax court.

5. That Plaintiffs desire to have the cases heard in district court by jury trial.

6. That Plaintiffs are not opposed to having all of the cases assigned to one district court judge in the State of Minnesota.

7. That Plaintiffs have either petitioned the Supreme Court or will petition the Supreme Court for consolidation and/or combination of these cases before a single district court judge.

WHEREFORE, the Court hereby requests of the Chief Judge of the Minnesota Supreme Court, the Honorable Kathleen A. Blatz, or other presiding Judge of the Supreme Court as follows:

1. That the Supreme Court assign either one district court judge or one tax court judge to preside over all of the overpayment cases pursuant to Minn. Stat. Section 2.724 and 480.16.

2. That if the Supreme Court assigns all the cases to one district court judge, that that judge be empowered to decide

whether or not the cases should be heard in district court or in tax court.

BY THE COURT:

Dated:

4/16/98

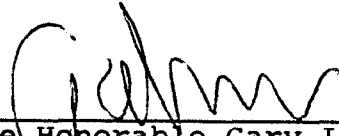

The Honorable Gary Larson
Judge of District Court

EXHIBIT A**CASES TO BE REASSIGNED**

Case Name and File No.	Court and Assigned Judge	Status of Case
LGSRG (Burkholder) - DC-97-567	Tax Court/Perez	Trial to be commenced May 3, 1999.
Programmed Land - DC-97-2321	Tax Court/Perez	Indefinite continuance pending outcome of LGSRG case.
Taco Bell - C-5-98-1013	Tax Court	To be assigned
Harold Christian - C-4-97-9320	1st District/McCarthy	Trial on Stipulated Facts; Plaintiff's Memorandum Filed 10/19/98; Defendants' Memorandum due 11/17/98
Klegstad - C-9-97-1465	Tax Court/Krause	Stipulated Order signed to stay further proceedings
Burkholder - C-5-97-6090	10th District/None	To be assigned
Multi-Tech Systems - C4-97-3732	Tax Court/Krause	No motions pending
Murray - C1-97-5261	Tax Court/Krause	No motions pending
Lange - 1997-16032	Tax Court/Krause	No motions pending
Zimmerman - C6-97-4440	10th District/None	Case transferred to District Court for trial if necessary; Stipulation to Stay Further Proceedings agreed to by the parties
Fehn - C3-97-3160	Tax Court/Krause	No motions pending
Gores - 98-002164	District Court/None	Motion to Transfer to Tax Court pending

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