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SCOTT COUNTY COURTS

STATE OF MINNESOTA

IN SUPREME COURT

A09-454

OFFICE OF
APPELLATE COURTS

MAR 31 2009

FILED

70-CV-09-7343

In re M.W. Johnson Construction, Inc.,
Mechanic's Lien Foreclosure Litigation.

FILED

APR 02 2009 A

ORDER

SCOTT COUNTY COURTS

Mesa Ty and 59 additional defendants have moved under Minn. R. Gen. Prac. 113.03 for assignment to a single judge of 23 mechanics lien foreclosure actions (listed in Addendum A) that arise from construction of single family homes by defendant M.W. Johnson Construction, Inc. These actions have been filed in four different districts: the First (17 cases), the Tenth (4 cases), the Fourth (1 case), and the Fifth (1 case). The plaintiffs in the actions have all recorded mechanic's lien against real property that is the subject of the foreclosure actions. The moving defendants either purchased or provided financing for the purchase of the subject properties. The moving defendants request that these actions be consolidated because they involve the same or similarly situated parties and common questions of law and fact. Four of the lien-holder plaintiffs have consented to the assignment, and one has stated that it does not object. Other plaintiffs have not filed any response to the motion.

The interests of the parties and the judiciary will be furthered by assignment of the 23 cases to a single judge, by eliminating duplicative litigation in different districts, preventing inconsistent rulings, conserving the resources of the parties, their counsel, and

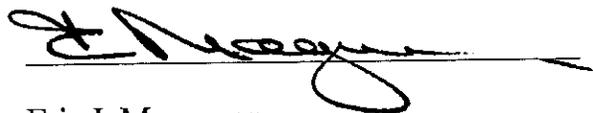
the judiciary, and facilitating resolution of the cases. The cases are therefore assigned to a single judge. A decision regarding consolidation of the cases for disposition on motion or at trial is left to the discretion of the assigned judge.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Pursuant to Minn. R. Gen. Prac. 113.03, the Honorable Jerome B. Abrams of the First Judicial District, having consented, is appointed to hear and decide all matters, including pretrial and trial proceedings, in the cases listed in the attached Addendum A.
2. To facilitate the identification and management of these cases, all documents served and filed from the date of this order shall, in addition to the individual case caption, bear the general case caption "In re M.W. Johnson Construction, Inc., Mechanic's Lien Foreclosure Litigation."
3. The Clerk of Appellate Courts shall mail a copy of this order to Judge Abrams, the chief judges and district administrators of the affected judicial districts, the court administrators for the district courts in which the individual actions listed in Addendum A are venued, and the moving defendants and the additional parties on the service list attached as Addendum B.

Dated: March 31, 2009



Eric J. Magnuson
Chief Justice

ADDENDUM A

In Dakota County, First Judicial District

Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction, Inc., et al.
Court File No. 19HA-CV-08-1621

Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction, Inc., et al.
Court File No. 19HA-CV-08-1622

Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction, Inc., et al.
Court File No. 19HA-CV-08-1623

Stewart Plumbing, Inc. v. John S. Dwyer, et al.
Court File No. 19HA-CV-08-1880

Stewart Plumbing, Inc. v. Jacob C. Bursott, et al.
Consolidated Court File No. 19HA-CV-08-2205

Stewart Plumbing, Inc. v. Roy Carlstrom, et al.
Court File No. 19HA-CV-08-2206

Stewart Plumbing, Inc. v. Melissa Johnson, et al.
Court File No. 19HA-CV-08-2523

Ryan Contracting Company v. Sunrise Ponds, LLC, et al.
Court File No. 19HA-CV-08-5371

In Scott County, First Judicial District

Superior Masonry & Concrete, Inc. v. M.W. Construction, Inc., et al.
Consolidated Court File No. 70-CV-08-10431

Stewart Plumbing, Inc. v. Alex Hernandez, et al.
Court File No. 70-CV-08-12187

Stewart Plumbing, Inc. v. Eric Wegner, et al.
Court File No. 70-CV-08-12388

Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction, Inc., et al.
Court File No. 70-CV-08-12692

Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction Inc., et al.
Court File No. 70-CV-08-12696

Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction Inc.
Court File No. 70-CV-08-12698

Stewart Plumbing, Inc. v. Nicole Bruch, et al.
Court File No. 70-CV-08-14651

Stewart Plumbing, Inc. v. Hector and Yudi Revolorio, et al.
Court File No. 70-CV-08-14381

Stewart Plumbing, Inc. v. William H. Bursott, et al.
Court File No. 70-CV-08-15902

In Wright County, Tenth Judicial District:

Stewart Plumbing, Inc. v. Thomas R. Sansom, et al.
Court File No. 86-CV-08-5039

Stewart Plumbing, Inc. v. Dawn Cox, et al.
Court File No. 86-CV-08-5154

Automated Building Components, Inc. v. M.W. Johnson Construction, Inc.
Court File No. 86-CV-08-5529

Mechanical Energy Systems, Inc. v. James L. Bystrom, et al.
Court File No. 86-CV-08-7349

In Hennepin County, Fourth Judicial District

Stewart Plumbing, Inc. v. Peter A. Lucs, et al.
Court File No. 27-CV-08-22702

In Blue Earth County, Fifth Judicial District:

Wenzel Plumbing & Heating, Inc. v. Jared J. Kral, et al.
Court File No. 07-CV-08-1744

ADDENDUM B

M.W. Johnson Mechanics Lien Litigation

Service List

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