



MINNESOTA JUDICIAL BRANCH

TENTH JUDICIAL DISTRICT

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May 17, 2010

Re: June 7, 2010 Review Hearing on Source Code Cases

Dear Counsel:

Your case is currently set for a review hearing regarding Intoxilyzer 5000EN Source Code issues in Washington County District Court on June 7, 2010. Please be advised that the Court does not expect you or your client to be present at the hearing. This calendar is only a placeholder for cases that have indicated that there are source code issues and may potentially be consolidated with Judge Abrams in Scott County.

In order to have your case consolidated in front of Judge Abrams, the parties in your case must take specific actions as set forth below, including submission to Judge Abrams of the *Written Notice of Consent to Assignment* before July 1st, 2010.

In order to be consolidated in front of Judge Abrams the following process must be followed:

- 1. Request discovery of the source code and have the request granted.**
- 2. A protective order issued.**
- 3. File nondisclosure agreements signed by the expert(s).**
- 4. Written consent of all parties to participate in the consolidation.**

Detailed information on the process to consolidate before Judge Abrams as well as a schedule and list of cases can be found on the Minnesota Judicial Branch website: <http://www.mncourts.gov/?page=3928>

The Written Notice of Consent to Assignment can be found on the above-referenced web page as Exhibit A of the document titled [Order 1 - Order Regarding Pending Source Code Cases Subject to Statewide Consolidation \(Feb. 24, 2010\)](#)

If you chose to have the source code issue in your case sent to Judge Abrams, please note that his Order Regarding Pending Source Code Cases, filed on February 24th, 2010 in Scott County, requires all non source code issues to be calendared and heard before September 7th, 2010 in the county of origin. We will work with the parties of all consolidated cases to accomplish this objective.

Those cases not consolidated with Judge Abrams by July 1, 2010 will be subject to further proceedings in Washington County District Court. Court Administration will be in contact with you regarding a future court hearing. If you have further questions, please contact Wayne Minske.

Very truly yours,

Richard C. Ilkka
Judge of District Court

Elizabeth H. Martin
Judge of District Court

Gregory G. Galler
Judge of District Court