

State of Minnesota

In Supreme Court

C2-87-1853

ORDER ADOPTING CRITERIA  
FOR COURT OPERATED  
FACSIMILE EQUIPMENT

WHEREAS, by Order #C2-87-1853 dated November 21, 1988, this Court authorized the filing of papers and issuance of warrants and orders by use of facsimile transmission equipment that satisfies the published criteria of this Court; and

WHEREAS, the fair and efficient administration of justice requires the establishment of a uniform standard for facsimile transmission equipment operated by the courts of this state; and

WHEREAS, the International Telegraph and Telephone Consultative Committee (CCITT) of the International Telecommunications Union has established standards for facsimile transmission equipment, and

WHEREAS, facsimile transmission equipment that meets the standards established for the CCITT category "Group 3" provides the highest operating speed and image resolution available for use over the public telephone network;

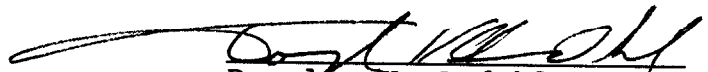
NOW, THEREFORE, IT IS HEREBY ORDERED that, until further order of this Court, facsimile transmission equipment operated by the courts of this state for the purposes of filing of papers and issuance of warrants and orders shall comply with the standards for Group 3 apparatus established by the CCITT [currently set forth in Recommendations T.4 and T.30, Vol. VII - Fascicle VII.3, CCITT Red Book; Malaga-Torremolinos 1984 (U.N. Bookstore Code ITU

6731)]]. At the discretion of the court or judicial district operating such equipment, such equipment may also be compatible with machines in CCITT Groups 1 and 2.

IT IS FURTHER ORDERED that it is the responsibility of persons desiring to file documents with the courts of this state by the use of facsimile transmission equipment to utilize facsimile transmission equipment that is compatible with facsimile transmission equipment operated by the courts of this state.

Dated: January 31, 1989

BY THE COURT:

  
Douglas K. Amdahl  
Chief Justice

OFFICE OF  
APPELLATE COURTS

JAN 31 1989

**FILED**

**Rule 5.03. Service: Numerous Defendants**

If the defendants are numerous, the court, upon motion or upon its own initiative, may order that service of the pleadings of the defendants and replies thereto need not be made as between the defendants and that any cross-claim, counterclaim, or matter constituting an avoidance or affirmative defense contained therein shall be deemed to be denied or avoided by all other parties and that the filing of any such pleading with the court and service thereof upon the plaintiff constitutes due notice of it to the parties. A copy of every such order shall be served upon the parties in such manner and form as the court directs.

**Rule 5.04. Filing**

Upon the filing of any paper with the court, all papers required to be served upon a party shall be filed with the court either before service or within a reasonable time thereafter; but unless filing is ordered by the court on motion or upon its own initiative, depositions, interrogatories, requests to admit, and requests for production and answers and responses thereto, shall not be filed.

**Rule 5.05. Facsimile Transmission**

Any paper may be filed with the court by facsimile transmission. Filing shall be deemed complete at the time that the facsimile transmission is received by the court and the filed facsimile shall have the same force and effect as the original. Only facsimile transmission equipment that satisfies the published criteria of the Supreme Court shall be used for filing in accordance with this rule.

Within 5 days after the court has received the transmission, the party filing the document shall forward the following to the court:

- (a) a \$5 transmission fee; and
- (b) the original signed document; and
- (c) the applicable filing fee, if any.

Upon failure to comply with the requirements of this rule, the court in which the action is pending may make such orders as are just, including but not limited to, an order striking pleadings or parts thereof, staying further proceedings until compliance is complete, or dismissing the action, proceeding, or any part thereof.

## **RULE 6. TIME**

### **Rule 6.01. Computation**

In computing any period of time prescribed or allowed by these rules, by the local rules of any district court, by order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

### **Rule 6.02. Enlargement**

When by statute, by these rules, by a notice given thereunder, or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may, at any time in its discretion, (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under Rules 4.043, 59.03, 59.05, and 60.02 except to the extent and under the conditions stated in them.

### **Rule 6.03. Unaffected by Expiration of Term**

The continued existence or the expiration of a term of court does not affect or limit