



To: Counsel and parties in civil cases pending in Hennepin County District Court  
From: Susan M. Robiner, Presiding Judge, Civil Division  
Re: Update on partial suspension of Civil Division court operations due to COVID-19  
Dated: January 8, 2021

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**Introduction:**

By Order dated November 20, 2020 Chief Justice Gildea suspended all jury trials until February 1, 2021 and ordered that all other hearings be held remotely during this time period. This plan describes how different types of civil proceedings will proceed during the present period.

The terms “remote,” “remotely” or the phrase “by remote means” mean appearance(s) by telephone, ZOOM, Skype, or other non in-person means that are accessible to all parties.

**Civil Jury Trials:**

Civil jury trials, like all jury trials, have been suspended from November 30, 2020 until February 1, 2021 or further order of the Chief Justice. There is an exception process but no civil jury trials have been approved for an exception or are expected to be. As a result, we are not currently conducting civil jury trials. We are, however, continuing to schedule civil jury trials to be held after February 1, 2021 or as permitted by further order of the Chief Justice.

**Pending and Future Motion Hearings and Telephonic Conferences:**

1. Informal Telephone Conferences. Each judge may continue to hold informal telephone conferences to address scheduling, discovery, and other non-dispositive issues. The judge may request counsel to initiate the telephone conference. *See* Minn. Gen. R. Prac. 115.09. Informal telephone conferences are not on the court record.

2. Motion Hearings. Remote oral argument or no oral argument will continue to be the presumptive means to address motions through February 1, 2021. The means of submission will be for each judge to decide, in consultation with the parties.

a. Parties may contact the judge’s clerk to schedule a hearing date. If no remote oral argument is going to be scheduled, the hearing date will establish briefing deadlines and the date when the matter will be taken under advisement.

b. ZOOM has been the primary remote technology and we anticipate that will remain the case.



c. If parties have a specific reason for seeking an in-person appearance at a motion hearing, they may seek an exception through the district's Chief Judge. However, no civil proceedings have been approved for an exception or are expected to be. In the absence of an exception, parties should be aware that any in-person hearing would require a hearing date past February 1, 2021 or as permitted by further order of the Chief Justice. In general, if a remote proceeding is feasible, a request for an in-person appearance should not be granted.

3. Default Motions or Motions/Petitions with Non-Appearing or Unrepresented Party: Judges schedule hearings on these types of motions under conditions that provide for remote appearance by the moving parties, and allow the responding parties to appear by whatever remote means may be feasible for them. The moving party will be required to provide additional notice to the other parties regarding how the court has determined that they may appear at the hearing.

### **Evidentiary Hearings, Court Trials**

1. Emergency Hearings: Remote hearings will continue to be permitted for residential housing/eviction matters when there is a showing of individual or public health or safety at risk, and for garnishment exemption hearings requested under Minn. Stat. § 571.914, subd. 1 (2018). For other emergency matters, including temporary restraining order hearings and temporary injunction hearings, the Court will consider whether an emergency exists and whether a remote hearing will be scheduled on a case-by-case basis.

2. Name Changes: Judges may schedule name change hearings to occur remotely. Arrangements must be made for copies of required documents to be submitted in advance of the hearing. If a name change applicant has no access to the technology required to allow a remote video appearance, the name change hearing may not be scheduled to occur until after February 1, 2021 or whenever in-person civil matters are permitted to proceed.

3. Implied Consent Hearings: Implied Consent Hearings resumed effective July 2020. All hearings will be conducted remotely until further notice.

4. Court Trials and Other Evidentiary Hearings: Court trials and other non-emergency evidentiary hearings may be scheduled for remote court appearances.

5. Housing Court: Until the peacetime emergency is lifted, Housing Court will hold hearings only when there is a showing of individual or public health, or safety, at risk and all such hearings will be by remote means. Matters considered high priority for a hearing include: Emergency Tenant Remedy Actions, Lockout Petitions, and Expedited Eviction Requests. Housing Court will continue to handle expungement requests administratively. When the peacetime emergency is lifted, Housing Court will schedule and hold hearings as follows:

- a. Previously scheduled trials and initial appearances.
- b. Newly filed initial appearances on cases not subject to the CARES Act.

c. Trials on newly filed cases.

6. Harassment Cases: Harassment hearings for initial appearances and evidentiary matters will continue to be heard and will be conducted remotely until further notice.

7. Conciliation Court Hearings: Conciliation Court calendars have resumed daily with remote hearings held by phone or Zoom. Cases are scheduled based on file date, with cases cancelled due to the Pandemic scheduled for hearings first.

### **Miscellaneous**

1. Email Preferred. Please contact the judge's clerks to address scheduling. Email is preferred. The judge's clerks will continue to work primarily from home, to the extent feasible.

2. Courtesy Copies. DO NOT deliver any papers to a judge's chambers without first confirming that someone will be there to receive them. If you have been requested by a judge to send hard copies of documents for motions, please check with the judge's clerks to confirm that someone will be present to receive documents before sending them to be delivered.

3. Unavailability: If, due to the COVID-19 pandemic and related closures, an attorney or party is unable to meet briefing deadlines for submissions in a scheduled motion, the judges will consider suspending or rescheduling motions, depending on individual circumstances.

4. Scheduling Orders: The Court has made significant progress in timely conducting all hearings, motions and conferences since the Chief Justice's May 15, 2020 Order. As a result, parties should no longer assume that requests for continuances will continue to be liberally granted. Instead, parties should presume that good cause will need to be demonstrated in order to obtain extensions or continuances

We are committed to safeguarding the safety of court users and personnel, while making our best efforts to move civil matters forward, within the parameters permitted by Chief Justice Gildea's orders. The situation we all face is fluid and subject to change. Like all of you, the Court and its personnel may be affected by closures or the spread of the virus. For general information about the Court's response to the pandemic, please refer to our COVID-19 Information Guide on the Fourth Judicial Court website for the most current version of the document, available via this link:

[http://www.mncourts.gov/mncourtsgov/media/fourth\\_district/documents/4thDist-COVID-19-Info-Guide.pdf](http://www.mncourts.gov/mncourtsgov/media/fourth_district/documents/4thDist-COVID-19-Info-Guide.pdf)

We hope that parties and counsel exercise patience with any delays encountered in responses to their inquiries to the Court.