

AUG 11 2023

State of Minnesota

**Scheduling Order
ADR Mandated**

In Re: Scott Jensen vs Keith Ellison, Office of the Minnesota Attorney General

Based upon the information submitted by the parties pursuant to Rule 104 (b) of the Minnesota General Rules of Practice, this Order establishes the following deadlines or specific dates:

1. **Additional parties**

Joinder of additional parties, by amendment or third-party practice, shall be accomplished by **November 13, 2023**. Parties, including newly added parties, may submit a Civil Cover Sheet in accordance with Rule 104 of the Rules of General Practice. It is the responsibility of any newly added party to seek modification of an existing Order promptly upon their involvement in the case.

2. **Discovery**

Discovery shall comply with the parties' Discovery Plan as required by Rule 26.06 (b) of the Rules of Civil Procedure. Any party may request a discovery conference with the court. The Discovery Plan shall be filed with the court as required by the Rule. Discovery shall be completed (i.e., all depositions completed, all times for responses to interrogatories, requests for admissions, completed) on or before **November 13, 2023**. Completed discovery means that discovery has been propounded and answered within this period and discovery depositions are completed.

3. **Independent Medical Exams**

Independent Medical examinations (if applicable) shall be completed by **January 12, 2024**.

4. **Alternative Dispute Resolution (ADR)**

ADR shall be completed no later than **February 12, 2024**. Attorneys and parties with full authority to settle the case are required to participate in Alternative Dispute Resolution as defined in by Rule 114 of the General Rules of Practice for District Courts. The parties shall select an ADR method and provider on or before **January 12, 2024**.

A list of qualified ADR Neutrals may be found at:

http://www.mncourts.gov/apps/adr/adr_query.asp

5. **Motions**

- a. All non-dispositive motions shall be filed and heard by **February 12, 2024**.
- b. All dispositive motions shall be filed and heard by **December 13, 2023**.
- c. Motions in limine shall be served and filed by **February 27, 2024**.

The parties are encouraged to review the Expedited Informal Non-Dispositive Motion provided in Rule 115.04 (d) of the Rules of General Practice.

6. Pretrial Conference

A pretrial or settlement conference will be set by request. The Court may require a pretrial conference and/or settlement conference attended by person(s) with full settlement authority, as well as full authority to enter into binding agreements concerning facts and evidence that may be offered in the trial.

7. Complex Cases

The parties should immediately advise the court if the case is "Complex" as defined by Rule 146 of the Rules of General Practice for District Court by filing a CCP Election Form. The Court may, upon evaluating factors present in Rule 146.02 may provisionally designate a case as "Complex."

8. Trial Date

A trial by **Jury** in this matter shall begin on **March 12, 2024** at **8:30 AM** at:

Carver County District Court
604 East Fourth Street
Chaska Minnesota 55318

9. Trial Information

Joint Statement of the Case (Rule 112), instructions, verdict form, witness and exhibit lists and copies of their proposed exhibits shall be served and filed by **February 27, 2024**. The parties shall identify all expert witnesses and provide all parties copies of any expert witness reports by:

Plaintiff: **January 12, 2024**
All other parties: **February 12, 2024**

10. Settlement

Plaintiff shall notify the court **in writing** within 48 hours of settlement (pursuant to Rule 121) and by phone within 12 hours of the settlement.

11. Continuance

All requests for continuance must be made by formal motion before a presiding district court judge pursuant to Minnesota General Rules of Practice, Rule 122, except for stipulations reached by all parties to continue dates within this Scheduling Order. Before the Stipulation to continue is submitted, the parties must obtain a new trial date from Court Administration and all parties must agree on all dates in the Stipulation. In the event there is less than full agreement, the request must be brought by Motion—which may be heard telephonically, in some alternative remote form, or personal appearance.

12. Self-Represented Parties

If you are noted as Self-Represented, our records indicate that an attorney does not represent you. If this is incorrect, please notify your attorney of receipt of this notice. If you are representing yourself, you will be expected to comply with the Rules of Civil Procedure and the General Rules of Practice that apply to this proceeding and the Rules of Evidence. The "Self Help" portion of the Minnesota Judicial Branch Public Website (www.mncourts.gov/selfhelp) will help you understand your responsibilities regarding this matter and will provide information that may help you prepare for court appearances.

Dated: 8/11/23

DISTRICT COURT JUDGE



Filed in District Court

JUL 19 2023

STATE OF MINNESOTA
COUNTY OF CARVER

State of Minnesota

DISTRICT COURT
FIRST JUDICIAL DISTRICT

ALL CASE TYPES

In Re:

JUDICIAL STANDING ORDER

Exhibit Requirements

Effective September 1, 2023

IT IS HEREBY ORDERED:

1. Prior to a Contested Hearing, Evidentiary Hearing, Court Trial or Jury Trial in Carver County, the parties must exchange exhibit lists and copies of proposed exhibits in a timely manner as outlined by the Rules or any Court Order, and if not provided in the Rules or Order, no later than the day before the hearing.¹
2. All proposed digital exhibits (audio, visual, images, and documents) must be uploaded to the Minnesota Digital Exhibit System (MNDES) no later than the day before the Contested Hearing, Evidentiary Hearing, Court Trial, or Jury Trial, unless otherwise specified by way of Court Order. Information and training on how to use MNDES is available at: www.mncourts.gov/mndes.
3. Parties must share exhibit(s) through MNDES by selecting the “Share” function and enter an email address or cell phone number. The share function can be used for service if both parties agree.
4. Unless otherwise specified by Court Order, Exhibits shall be numbered as follows:
 - a. Plaintiff/Petitioner shall number their proposed exhibits, using the Exhibit Number field in MNDES, beginning with number 001 and through number 099.
 - b. Respondent/Defendant shall number their proposed exhibits, using the Exhibit Number field in MNDES, beginning with number 100 through 199.
 - c. Other parties shall number their proposed exhibits, using the Exhibit Number field in MNDES, beginning with number 200-299, 300-399, etc. as agreed upon by the parties.
 - d. If any party has more than 99 exhibits to upload, seek further direction on numbering from the Court.
5. When uploading the proposed exhibit in MNDES you must update the Exhibit Name field with the exhibit number and a clear description of the proposed exhibit so that the exhibit is easily identifiable during court, this information should be identical to the exhibit list filed with the court (e.g., “Ex. 001 Picture of rear passenger door”).
6. Exhibits uploaded to MNDES are not admitted as evidence upon upload, they are proposed exhibits. The offering party must specifically “offer” or ask the judge to allow proposed exhibits to be accepted as evidence in the case during the hearing. Exhibits will only be reviewed and considered by the judge after being offered on the record.

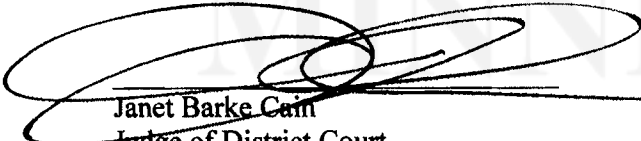
¹ Refer to Carver County Guidelines document for further information on exchanging, or sharing, exhibits through MNDES.

7. Unless the exhibit is classified as non-public or sealed, it is the responsibility of the offering party to display exhibits onto the courtroom display monitors during court. A personal computer or other device must be brought to the courtroom to display exhibits using the courtroom's technology (ClickShare or HDMI cables). If a party/attorney would like access to a courtroom prior to the hearing to test equipment, please contact court administration at 952-361-1420 to arrange access.
8. Unless otherwise specified by Court Order, for a Contested Hearing, Evidentiary Hearing, Court Trial, or Jury Trial, two certified² paper copies of visual, image, and document exhibits must be brought to court (1 copy for the Court and 1 copy for the witness stand which may be used in jury deliberation).
9. This order covers anticipated rebuttal exhibits as well. No other exhibits will be admitted in either party's case without a showing of good cause. In unforeseen circumstance, the Court may allow rebuttal exhibits to be submitted outside the MNDES system.
10. Until such time the necessary technology has been implemented and installed in the jury room(s) for audio and video exhibits to be securely viewed and reviewed in the jury room, any jury review of audio and video exhibits must occur in open court pursuant to Minn. R. Crim. P. 26.03, subd. 20(2)(b).
11. The Carver County Exhibit Guidelines, attached hereto, is incorporated by reference.


Date:

7/19/23

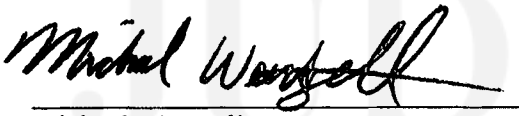
BY THE COURT:



Janet Barke Cain
Judge of District Court



Eric Braaten
Judge of District Court



Michael Wentzell
Judge of District Court



Martin Fallon
Judge of District Court

² Unless required by rule or statute, here, the attorneys and/or Self-Represented Litigants merely need to certify to the Court that the paper copies are a true and accurate copy of what has been uploaded to MNDES.

MINNESOTA DIGITAL EXHIBIT SYSTEM (MNDES) Carver County Guidelines

MNDES is an electronic system for submitting and processing exhibits. It provides a reliable and flexible solution for sharing, submitting, tracking, presenting, and storing exhibits. Below are guidelines to follow.

Resources:

1. MNDES is used to submit exhibits to the court and to provide access to uploaded exhibits to others, including opposing parties. Any court rules or court orders regarding exhibits also apply to exhibits submitted through MNDES and need to be followed (e.g., providing discovery and/or exhibits to opposing parties, etc.).
2. Information and training resources, such as quick reference guides and frequently asked questions, are available under the Evidence and Exhibits Help Topic at www.mncourts.gov/mndes.
3. If you do not yet have a MNDES account, one should be created prior to the hearing so that exhibits can be uploaded prior to the hearing and retrieved during the hearing. For assistance creating an account or for support with MNDES, select the Contact Us button at www.mncourts.gov/mndes or call (651) 413-8160 from the Twin Cities Metro, or (833) 707- 2791 from other locations.

MNDES Exhibit Submissions:

1. Uploading Exhibits
 - Exhibits should be numbered as detailed in the Carver County Judicial Standing Order
 - Exhibit descriptions should be detailed as reflected in the Carver County Judicial Standing Order
 - Exhibit list filed with the court should be identical to the MNDES Exhibit Name field description (e.g., Ex. 001 Picture of rear passenger door)
 - Exhibits should be uploaded in their native format - do not zip or compress an exhibit file
 - Exhibits should be uploaded individually so they are listed separately in MNDES - multiple exhibits should not be combined into a single uploaded file
 - If the exhibit is too large to be submitted in MNDES (size limit is over 100 GB), you must submit as a physical exhibit
 - An exhibit should be uploaded as “public”¹ unless it meets one of the following criteria:
 - Medical record admitted in Civil Commitment Case
 - Judicial Order restricting public access to exhibits
 - If an exhibit contains sensitive information that is not relevant or necessary to the case, you may redact that information before uploading the exhibit.
2. If you need to submit a certified copy for the purposes of authenticating that exhibit as an original copy, the certified original should be provided to the court as a physical exhibit.
3. Physical exhibits that cannot be digitized (e.g., weapons, drugs, etc.) should be brought into the courtroom. Once offered and accepted, court staff will label and upload a physical exhibit tracking sheet into MNDES.
4. You cannot upload exhibits in sealed cases. If the case is sealed, you must contact Court Administration at (952) 361-1420 to upload the exhibits on your behalf.
5. In-Camera Review exhibits are not uploaded to MNDES.

Viewing and Sharing Exhibits Submitted Through MNDES:

1. The person who submitted the exhibits can view their own public exhibits through MNDES, using the same sign on that was used when submitting.
2. The person who submitted the exhibits must share exhibit(s) through MNDES by selecting the “Share” function and entering an email or cell phone number. The share function can be used for service if both parties agree. A Quick Reference Guide-Sharing Exhibits is available under the MNDES Portal Training Materials at www.mncourts.gov/mndes.

¹ By Order of the Supreme Court, prehearing exhibits are non-public unless or until admitted as evidence in a public proceeding or designated as public by order of a Judicial Officer.

3. Prehearing exhibits are not accessible to the public unless or until admitted as evidence in a public proceeding.
4. The Rules of Public Access² provide that evidentiary exhibits are accessible to the public once admitted as evidence in a public proceeding. Exceptions include medical records in a Civil Commitment Case, an exhibit that is designated as non-public by a court order, or the evidence is no longer retained by the court under a court rule, order, or retention schedule. There is no remote access to public evidentiary exhibits.

Display of Exhibits at Hearing/Trial:

1. The offering party must “offer” or ask the judge to allow proposed exhibits to be accepted as evidence in the case during the hearing. Exhibits will only be reviewed and considered by the judicial officer after being offered on the record.
2. The offering party must display exhibits onto the courtroom display monitors during court, using one of the two options below:
 - a. Open the exhibit from the MNDES application on your own computer or personal device and display it during the hearing.
 - i. The benefit to this option is the exhibit being displayed is the one that becomes part of the official court record if it is admitted into evidence.
 - b. Open the exhibit saved on your own computer or personal device and display it during the hearing.
 - i. This option requires you to ensure, and state on the record, that the copy displayed is a true and correct copy of the exhibit that is uploaded in MNDES.
 - ii. This option is the only option available to you if the exhibit’s native format is zip. Zip formats are uploaded to MNDES, but stored in an alternative court folder, and therefore unable to be played directly from MNDES.
3. All courtrooms have ClickShare and/or HDMI cables which can be connected to your computer or personal device to allow you to display.
4. Court staff should only display exhibits onto the courtroom display monitors during court in the following scenarios:
 - a. If the exhibit is a 4K video and there is no HDMI cable in the courtroom.
 - b. If the exhibit is designated as non-public or sealed in MNDES.
 - c. If the offering party is having technical difficulties in the courtroom and the judicial officer directs court staff to display.
 - d. If a Self-Represented Litigant does not have a device in the courtroom and the judicial officer directs court staff to display.

Jury Trial Exhibits:

1. Access to MNDES for jurors is currently being piloted throughout the state. Until this goes live, you must bring a certified³ paper copy of all exhibits to Jury Trial for use in jury deliberation. If the jury requests access to audio or video during deliberation, the jury will be brought back to the courtroom to listen or view. Best practices will be updated once more information becomes available.

Exhibits for Witnesses Only:

1. Exhibit display monitors will be installed to the courtroom witness stands in the future. Until these are installed, you must bring two certified³ paper copies of any exhibits the witness will need to see during testimony to court. Best practices will be updated once display equipment is installed.

² Record Access Rule 8, subd. 5

³ Unless required by rule or statute, here, the attorneys and/or Self-Represented Litigants merely need to certify to the Court that the paper copies are a true and accurate copy of what has been uploaded to MNDES.