

FORM 133 - STATEMENT OF THE CASE

STATE OF MINNESOTA
IN (SUPREME COURT
OR
IN COURT OF APPEALS)

CASE TITLE:

Appellant,

STATEMENT OF THE CASE OF
(APPELLANT) (RESPONDENT)

vs.

TRIAL COURT CASE NUMBER:

Respondent.

APPELLATE COURT CASE NUMBER:

1. Court or agency of case origination and name of judge or hearing officer who presided.

2. Jurisdictional statement.

(A) Appeal from district court.

Statute, rule or other authority authorizing appeal:

Date of entry of judgment or date of service of notice of filing of order from which appeal is taken:

Authority fixing time limit for filing notice of appeal (specify applicable rule or statute):

Date of filing any motion that tolls appeal time:

Date of filing of order deciding tolling motion and date of service of notice of filing:

(B) Certiorari appeal.

Statute, rule or other authority authorizing certiorari appeal:

Authority fixing time limit for obtaining certiorari review (cite statutory section and date of event triggering appeal time, e.g., mailing of decision, receipt of decision, or receipt of other notice):

(C) Other appellate proceedings.

Statute, rule or other authority authorizing appellate proceeding:

Authority fixing time limit for appellate review (cite statutory section and date of event triggering appeal time, e.g., mailing of decision, receipt of decision, or receipt of other notice):

(D) Finality of order or judgment.

Does the judgment or order to be reviewed dispose of all claims by and against all parties, including attorney fees? Yes () No ()

If no:

Did the district court order entry of a final partial judgment for immediate appeal pursuant to MINN.R.CIV.APP.P. 104.01? Yes () No () or

MINNESOTA COURT RULES

APPELLATE PROCEDURE

If yes, provide date of order:

If no, is the order or judgment appealed from reviewable under any exception to the finality rule? Yes () No ()

If yes, cite rule, statute, or other authority authorizing appeal:

(E) Criminal only.

Has a sentence been imposed or imposition of sentence stayed? Yes () No ()

If no, cite statute or rule authorizing interlocutory appeal:

(State whether appeal is from a judgment or order, including date of entry of judgment or filing of order. If appeal is from order, state date of service of written notice of filing thereof and which clause of RCAP 103.03 or which statute authorizes the appeal.)

3. State type of litigation and designate any statutes at issue.

(Example: marital dissolution - property distribution, Minnesota Statutes, section 518.58 (1982); spousal maintenance, Minnesota Statutes, section 518.552 (1982). Case designation shall be taken from the subject-matter index included in the appendix as Forms 133A and 133B.)

4. Brief description of claims, defenses, issues litigated and result below. For criminal cases, specify whether conviction was for a misdemeanor, gross misdemeanor, or felony offense.

5. List specific issues proposed to be raised on appeal.

6. Related appeals.

List all prior or pending appeals arising from the same action as this appeal. If none, so state.

List any known pending appeals in separate actions raising similar issues to this appeal. If none are known, so state.

7. Contents of record.

Is a transcript necessary to review the issues on appeal? Yes () No ()

If yes, full () or partial () transcript?

Has the transcript already been delivered to the parties and filed with the trial court administrator? Yes () No ()

If not, has it been ordered from the court reporter? Yes () No ()

If a transcript is unavailable, is a statement of the proceedings under Rule 110.03 necessary? Yes () No ()

In lieu of the record as defined in Rule 110.01, have the parties agreed to prepare a statement of the record pursuant to Rule 110.04? Yes () No ()

8. Is oral argument requested? Yes () No ()

If so, is argument requested at a location other than that provided in Rule 134.09, subd. 2? Yes () No ()

If yes, state where argument is requested:

9. Identify the type of brief to be filed.

Formal brief under Rule 128.02. ()

Informal brief under Rule 128.01, subd. 1 (must be accompanied by motion to accept unless submitted by claimant for reemployment benefits). ()

Trial memoranda, supplemented by a short letter argument, under Rule 128.01, subd. 2. ()

10. Names, addresses, zip codes and telephone numbers of attorney for appellant and respondent.

NAME, ADDRESS, ZIP CODE,
TELEPHONE NUMBER, AND
ATTORNEY REGISTRATION
LICENSE NUMBER OF
ATTORNEY(S) FOR (APPELLANT)
(RESPONDENT)

SIGNATURE

OR, IF NOT REPRESENTED BY COUNSEL:

NAME, ADDRESS, ZIP CODE AND
TELEPHONE NUMBER OF
(APPELLANT) (RESPONDENT)

SIGNATURE (OF APPELLANT)
(OF RESPONDENT)

Dated:

(The Statement of Case is not a jurisdictional document, but it is important to the proper and efficient processing of the appeal by the appellate courts. The "jurisdictional statement" section is intended to provide sufficient information for the appellate court to easily determine whether the order or judgment is appealable and if the appeal is timely. The nature of the proceedings below and the notice of appeal determine the jurisdiction of the appellate court. The sections requesting information about the issues litigated in the lower court or tribunal, and the issues proposed to be raised on appeal are for the court's information, and do not expand or limit the issues that might be addressed on appeal. Likewise, the section asking counsel to identify any prior or pending appeals from the same case, and any separate appeals that raise similar issues is intended to provide more information about the procedural history of the case and to ensure that the court has early notice of other pending related matters in case consolidate is appropriate.)

(Amended effective January 1, 1999.)