

Rule 10. Form of Pleadings**10.01 Caption; Names of Parties**

Every pleading shall have a caption setting forth the name of the court and the county in which the action is brought, the title of the action, the court file number if one has been assigned, and a designation as in Rule 7, and, in the upper right-hand corner, the appropriate case type as set forth in the Case Type Index as published by the State Court Administrator and maintained on the state court website (www.mncourts.gov). If a case is assigned to a particular judge for all subsequent proceedings, the name of that judge shall be included in the caption and adjacent to the file number. In the complaint, the title of the action shall include the names of all the parties, but in other pleadings it is sufficient to state the first party on each side with an appropriate indication of other parties. A party may be identified by initials or pseudonym only where authorized by law or court order.

(Amended effective March 1, 1994; amended effective March 1, 2001; amended effective September 1, 2017; amended effective July 1, 2018.)

Advisory Committee Comment - 1993 Amendment

The only change made to this rule is to correct a typographical or grammatical error in the existing rule. No change in meaning or interpretation is intended.

Advisory Committee Comment - 2000 Amendment

Rule 10.01 is amended to facilitate case management and document management in cases where a judge has been assigned to the case. By placing the judge's name on the caption, it is often possible to expedite the delivery of filed documents to that judge. This provision is commonly required in federal court cases where all matters are assigned to a judge, including in the United States District Court for the District of Minnesota. See LR 5.1 (D. Minn.). The rule is also amended to require the inclusion of a court file number if one has been assigned.

Advisory Committee Comments - 2017 Amendments

Rule 10.01 is amended to move the list of required case types from Form 23 in the Appendix of Forms and to replace it with a Case Type Index to be maintained and available on the state court website. Case types have evolved over time, and this change will both bring the list up to date and provide a mechanism for it to be modified in the future without additional court orders. The case types on the Case Type Index should match those provided by drop-down menus in the district courts' e-filing system.

Advisory Committee Comment - 2018 Amendments

Rule 10.01 is amended to add the final sentence to clarify that, although actions must normally be brought in the name of the real party in interest (see Rule 17.01), in certain limited circumstances the court may allow a party to proceed anonymously. In actions brought pursuant to Minnesota Statutes, section 604.31, for the nonconsensual dissemination of private sexual images (so-called "revenge porn"), the party is entitled to an order allowing anonymity (such as by using the pseudonym "John Doe" or "Jane Doe" or a party's real or substituted initials), but a court order is still required. In other exceptional circumstances, a party must obtain leave of court to proceed either under a pseudonym or by initials, and that relief is governed by the court's discretion.

10.02 Paragraph; Separate Statements

All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon

a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

10.03 Adoption by Reference; Exhibits

Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part of the statement of claim or defense set forth in the pleading.

10.04 Failure to Comply

If a pleading, motion or other document fails to indicate the case type as required by Rule 10.01, it may be stricken by the court unless the appropriate case type indicator is communicated to the court administrator promptly after the omission is called to the attention of the pleader or movant.

(Amended effective July 1, 2015.)