

**Appendix C: Sample Expedited Litigation Track Case Scheduling Order (No CMC)**

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

CASE TYPE: \_\_\_\_\_

File Number: \_\_\_\_\_

\_\_\_\_\_, Plaintiff

v.

**ELT Scheduling Order**

\_\_\_\_\_, Defendant

**Appearances:**

[Name], Title for the [Plaintiff]

[Name], [Title or Law Firm] for the [Defendant]

This case shall be governed by the Special Rules For a Pilot Expedited Civil Litigation Track ("ELT Rules") as modified herein. The parties are reminded that ELT Rule 2(a) requires initial automatic disclosures to be made within 60 days from the date of filing of the action or, where applicable, filing of the Assignment to ELT.

1. Joinder of additional parties, by amendment or third party practice, shall be accomplished on or before [plus 30 days].
2. Discovery shall be completed - that is, all depositions completed, all interrogatories answered, all requests for production responded to and all responsive documents produced, all requests for admission propounded and responded to, and any privilege logs exchanged - and all discovery-related motions shall be scheduled to be heard on or before [plus 60 days].
3. No discovery dispute may be brought before the court unless the parties have conferred and made a good faith effort to settle their dispute as contemplated by Minn. R. Civ. P. 37.01(b) and Minn. Gen. R. Prac. 115.10. The party raising an unresolved discovery issue shall first arrange a telephone conference with the court and the other party or parties to determine if the dispute can be resolved without a formal motion. In the event a telephone conference is scheduled, the party requesting the telephone conference may submit to the Court, seventy-two hours before the conference, a letter, no longer than two pages outlining with specificity the issues to be addressed with the Court. The other party or parties may submit a responsive letter subject to the same length and specificity conditions twenty-four hours before the conference. The correspondence must be filed with the Court as well as courtesy copied by email to [CLERK'S EMAIL HERE]. No motion or submission other than these letters shall be filed before the telephone conference. Only if the telephone conference does not resolve the dispute may a formal motion be scheduled.
4. All other non-dispositive motions (including motions to amend the pleadings) shall be scheduled to be heard on or before [plus 60 days].
5. Dispositive motions shall be scheduled with the Court's clerk to be heard on or before [plus 110 days]. The scheduling of a dispositive motion requires as much as two or three months advance notice to the Court's clerk.

6. All dispositive and non-dispositive motions are subject to the following requirements:
  - a. A copy of the memorandum (in pdf) and all exhibits (in pdf) shall be sent to the [CLERK'S EMAIL HERE]. If an exhibit exceeds the maximum allowable size for an attachment to email (currently 30MB), it shall be delivered on CD, DVD, or USB-Drive to the Court within three business days of filing. The hardware will not be returned. A copy of the proposed order, in word shall be sent to [CLERK'S EMAIL HERE].
  - b. A paper courtesy copy of each memorandum shall be delivered to the Court in person or by mail. The Court requires paper courtesy copies of exhibits only under the following circumstances: when the exhibits include color, photographs, oversized documents (like plans or schematics) or other material that is not suitably reproduced within the e-filing system, those specific exhibits should be delivered in person or by mail. The court may later request paper copies of exhibits, but parties should not provide them as a default unless they meet the exception just described.
  - c. The Court requires that, for any memorandum citing deposition testimony, the entire deposition transcript shall be courtesy copied to the Court in pdf format via email, USB-drive, or CD. Media will not be returned.
  - d. Nothing should ever be sent to the Court by fax.
  - e. No motion will be heard unless the parties have conferred either in person or by telephone in an attempt to resolve their difference before the scheduled hearing. The moving party shall initiate such communications. The moving party shall certify to the Court, before the time of the hearing, compliance with this order or any reason for not complying. Whenever any pending motion is settled, the moving party shall promptly advise the Court.
7. Any party that wishes to request a pre-trial or settlement conference (after the mediation date) may do so by making a written request, copying the other parties, to the Court's clerk.
8. The case will be considered ready for trial during the court's civil trial block [INSERT TRIAL DATE OR BLOCK 4-6 MONTHS FROM FILING]. An order for trial will follow closer to the trial date. **If an attorney or party** has a conflict which cannot be resolved during this period, it must be made known to the court and the other parties within 15 days of this order.

#### Other matters

9. The clerk for this case is [NAME, CLERK'S EMAIL HERE, (612) xxx-xxxx].
10. Counsel shall immediately notify the Court of any final disposition of this matter or any final disposition of this matter as to any party. A signed stipulation and a proposed order for dismissal shall follow as soon as possible.
11. All documents filed with the Court Administrator must be e-filed in accordance with Minnesota Supreme Court Order and rules adopted on May 24, 2012. **All attorneys representing a party in this matter are required** to add themselves immediately to the electronic Master Service list for this case. (Unrepresented parties are excluded from this requirement.) The Court will issue and distribute all orders in this matter electronically. The Court will not send attorneys or represented clients a hard-copy of documents filed by the Court. Questions regarding signing up for the electronic case service list may be directed to the District Court on its E-File Help Line at 651-227-2002.

12. In accordance with Rule 6.04(b) of the Minnesota Rules of Civil Procedure, weekend days and legal holidays shall be excluded when computing time periods of less than seven days. For example, in the case of a Monday motion hearing with no legal holiday during the preceding week, the reply memorandum is due on the preceding Wednesday.
13. Parties needing an interpreter for court hearings shall immediately, upon receipt of this Order, notify the Court of the need for an interpreter and of the language requested.
14. **No adjustments to this scheduling order** may be made by stipulation of the parties without approval of the Court. **No changes to this scheduling order may be sought** without filing a motion [WITHIN 30 DAYS OF THE DATE OF THIS ORDER]. The Court will not entertain requests to amend the scheduling order telephonically or by email. As with all motions, the non-moving party must be consulted before any such motion is filed. If there is an objection to the motion, the moving party shall so state in its moving papers. A motion which has been objected to must be served at least by email or fax on any other party in the case who is not registered to receive efilng notifications. **A party objecting to a motion to modify the scheduling order shall have three business days** to make its response. Requests for amendments to this scheduling order will be granted only for good cause.
15. If it appears by notice of motion and motion or otherwise that a party has failed to comply with a provision of this Order, the party will be subject to appropriate sanctions, including attorney's fees and costs, striking of pleadings, preclusion of evidence, default judgment, dismissal of the case, or any other relief deemed appropriate by the Court.
16. All corporate parties must be represented by an attorney.
17. Counsel and their clients are reminded of Minn. R. Civ. P. 1, as amended effective July 1, 2013, which reads as follows:

These rules govern the procedure in the district courts of the State of Minnesota in all suits of a civil nature, with the exceptions stated in Rule 81. They shall be construed and administered to secure the just, speedy, and inexpensive determination of every action. It is the responsibility of the court and the parties to examine each civil action to assure that the process and the costs are proportionate to the amount in controversy and the complexity and importance of the issues. The factors to be considered by the court in making a proportionality assessment include, without limitation: needs of the case, amount in controversy, parties' resources, and complexity and importance of the issues at stake in the litigation.

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
NAME, Judge of District Court

(Added effective January 1, 2016.)