Rule 107. Procedure for Challenge for Having a Referee Hear a Matter

Any party objecting to having any referee hear a contested trial, hearing, motion or petition shall serve and file the objection within 14 days of notice of the assignment of a referee to hear any aspect of the case, but not later than the commencement of any hearing before a referee.

(Amended effective January 1, 2020.)

Cross Reference: Minn. R. Civ. P. 63.

Task Force Comment - 1991 Adoption

This rule serves to comply with the requirements of Minnesota Statutes 1990, section 484.70, subdivision 6, which provides:

> *No referee may hear a contested trial, hearing, motion or petition if a party or lawyer for a party objects in writing to the assignment of the referee to hear the matter. The court shall, by rule, specify the time within which an objection must be filed.*

This rule is intended to specify the procedure for filing this notice. The procedure and time limits are derived from the requirements of Minn. R. Civ. P. 63.03 for removing a judge by notice to remove. The Task Force believes it is desirable to use the same procedures, time limits, and time calculation rules for these different types of removal.

This rule should apply to all referee assignments with the exception of referees assigned in Housing Court in Ramsey and Hennepin Counties. These courts are governed by Rule 602 of these rules.