

CHAPTER 9800
WORKERS' COMPENSATION COURT OF APPEALS
RULES OF PROCEDURE

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9800.0100 DEFINITIONS.

Subpart 1. **Application.** For the purpose of parts 9800.0100 to 9800.1800, the following terms have the meanings given them.

Subp. 2. **Assistant administrator.** "Assistant administrator" means a judge or attorney designated by the chief judge of the court to receive and consider motions, requests for extension, and other miscellaneous matters filed with the court to assist the chief judge in the performance of administrative duties.

Subp. 3. **Appellant.** "Appellant" means the first party filing a notice of appeal.

Subp. 3a. **Cross appellant.** "Cross appellant" means any party filing a notice of appeal after the appellant.

Subp. 3b. **CAMPUS.** "CAMPUS" means the electronic case management system operated by the Department of Labor and Industry under Minnesota Statutes, section 176.2612.

Subp. 3c. **Case.** "Case" means the individual appeal or application to set aside an award before the Workers' Compensation Court of Appeals opened in the CAMPUS system.

Subp. 4. **Court.** "Court" means the Workers' Compensation Court of Appeals.

Subp. 4a. **Demonstrative aids.** "Demonstrative aids" includes video or audio files, PowerPoint presentations, and other visual or audio presentation aids.

Subp. 5. **Division.** "Division" means the Workers' Compensation Division of the Department of Labor and Industry.

Subp. 6. **Filed.** "Filed" means the receipt and stamping of a paper document by the court, division, or office, in conformity with Minnesota Statutes, section 176.275, or the receipt by the court of a document by facsimile according to part 9800.0320 or by electronic filing according to part 9800.0330.

Subp. 7. **Office.** "Office" means the state Office of Administrative Hearings.

Subp. 8. [Repealed, 49 SR 1107]

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *10 SR 698; 13 SR 981; 19 SR 1131; 49 SR 1107*

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9800.0110 COMPUTATION OF TIME.

Subpart 1. **Time computation; seven days or longer.** For the purposes of parts 9800.0100 to 9800.1800, a period of time that is seven days or longer shall exclude the day of the event triggering the period and count every day, including intermediate Saturdays, Sundays, and legal holidays. Where the final day of the period falls on a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

Subp. 2. **Time computation; fewer than seven days.** For the purposes of parts 9800.0100 to 9800.1800, a period of time that is fewer than seven days shall exclude the day of the event triggering the period and any intermediate Saturday, Sunday, and legal holiday.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *49 SR 1107*

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9800.0200 EXAMINATION OF DATA.

Inspection of any data regarding an employee that is in the custody of the court is subject to the requirements of Minnesota Statutes, sections 176.231, subdivisions 8 and 9, and 176.138, and parts 1415.0600 and 5220.2880.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *10 SR 698; 49 SR 1107*

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9800.0210 NOTICE OF REPRESENTATION; SUBSTITUTION OF ATTORNEY.

If a party was not previously represented by an attorney or changes attorneys for representation before the court, the attorney assuming representation must file a notice of representation or substitution of attorney with the court and serve a copy of the document on all other parties and the previous attorney, if any.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *49 SR 1107*

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9800.0300 FORM OF LEGAL DOCUMENTS.

Pleadings, briefs, and other legal documents filed with the court must be submitted in standard black print on white background in 8-1/2 by 11-inch format. Wherever possible, the documents must be typed and double spaced. All typed material, including headings and footnotes, must appear in at least 12-point font. All legal documents filed with the court must include the full caption of the case listing all parties and the file number assigned to the case by the court. Electronic documents must be in a format suitable for filing in the CAMPUS system pursuant to Minnesota Statutes, section 176.2612. Legal documents may be filed by email only with prior approval of the court.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *13 SR 981; 19 SR 1131; 49 SR 1107*

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9800.0310 SERVICE BY PARTIES.

A party may serve documents through the CAMPUS system, by first-class mail, personal service, or, if agreed to by the recipient, facsimile or email. An employee who has not agreed to service through CAMPUS must be served through an alternative method. All documents filed with the court must be served by the filing party on all other parties on the case. Service on a party represented by an attorney must be made on that party's attorney of record. If required by Minnesota Statutes, chapter 176, service must be made on the party as well as the attorney. All documents filed with the court must be accompanied by an affidavit of service on all parties to the proceeding. For parties served by a method other than through the CAMPUS system, the affidavit of service must state the street or post office address, fax number, or email address to which the document was delivered.

The affidavit of service requirement is met by the automatically generated certificate of service in the CAMPUS system where that certificate accurately identifies each party served and the method by which the party was served along with locations for those served other than through the CAMPUS system.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *19 SR 1131; 49 SR 1107*

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9800.0315 SERVICE BY THE COURT.

A. The court must serve all notices, orders, decisions, or awards on the date the document was filed, upon all parties on the case through the CAMPUS system, by first-class mail at their addresses of record, or, if authorized by the recipient, by facsimile or email. An authorization from the employee permitting the court to serve documents through the CAMPUS system or email must be in writing and filed with the court. If the court has received notice that a party is represented by an attorney, the attorney must also be served.

B. All notices, orders, decisions, or awards issued by court staff authorized to sign the document may be signed by digitized signature pursuant to Minnesota Statutes, section 176.281. The signatory must either personally affix, or instruct another court staff to affix, a digitized signature to a document or group of documents. The signatory shall separately certify, in writing, the authenticity of any digitized signature that may be affixed to court documents. Each original certification shall be kept on file by the court and be made available to the public upon request.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *49 SR 1107*

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9800.0320 FACSIMILE TRANSMISSION.

Subpart 1. Documents accepted; date and time of filing.

A. A party is authorized to file, by facsimile transmission, any document not listed in subpart 2. Filing shall be deemed complete on the date and at the time that the facsimile transmission is received by the court. The filed facsimile will have the same force and effect as the original.

B. Within five days after the court has received the transmission, the party filing the document must electronically file, mail, or deliver the original signed document to the court. Upon failure to do so, the court may make such orders as are just, including dismissal of the motion or application to which the document filed by facsimile transmission relates.

Subp. 2. Documents not accepted. A party must not file any of the following documents by facsimile transmission:

A. a notice of appeal or cross appeal;

- B. a brief or memorandum of law;
- C. an application to set aside an award and grant a new hearing or any responsive pleadings thereto; or
- D. any other document exceeding 15 pages in length, including any attachments thereto.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *19 SR 1131; 49 SR 1107*

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9800.0330 ELECTRONIC FILING.

Subpart 1. **Documents accepted; date and time of filing; acknowledgment.** A party is authorized to file any document with the court pursuant to Minnesota Statutes, section 176.2612. Filing is complete on the date and at the time the filing is uploaded to the case through the CAMPUS system assigned by the court. The only acknowledgment of filing shall be provided by the CAMPUS system.

Subp. 2. **Filing format; how filed.** Documents filed through the CAMPUS system must be in a format compatible to the system and where possible in searchable portable document format (PDF). The filing party must ensure that documents submitted electronically are readable, contain all required information, and otherwise comply with court rules. When a document is electronically filed through the CAMPUS system, no duplicate of the filed document will be accepted, either in electronic or other formats.

Subp. 3. **Signature.** A document requiring a signature must bear a facsimile of the filer's signature or a typographical signature in the form of an "/s/ " block and the signatory's name; firm name and attorney license number, if applicable; postal address; and email address.

Subp. 4. **Email.** Where a party demonstrates an inability to file a document using the CAMPUS system and the party obtains prior approval from the court, the party may file documents with the court by email. A party granted permission from the court to use email must follow the directions of court staff to ensure that the document contains all required information and is in portable document format (PDF) prior to filing. In requesting to file by email, the party accepts the risk that the email may be blocked by the state email system and may not be considered timely filed if blocked. The filing party remains responsible for completing service on any party who must be served personally or by mail.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *49 SR 1107*

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9800.0400 [Renumbered 9800.0650]

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9800.0410 VERIFICATION OF RECORD.

Subpart 1. **Notice of record received.** Upon receipt of the transcript and record from the office, department, or collective bargaining agreement arbitrator, court staff must notify parties on the case that verification is requested. The parties must verify that the record entered into the case comprises the entire record of the proceeding or indicate what documents are improperly included or omitted. The parties must file a response no later than the end of the briefing period set out in part 9800.0900. Failure to respond to the notice of record received constitutes acceptance of the record as accurate and complete.

Subp. 2. **Resolution of disputes.** Where the parties disagree over the accuracy and completeness of the transcript or record, the court must assess the dispute. Where the court determines that the contents of the record is unclear, the court must require the office, department, or collective bargaining agreement arbitrator to clarify the record and resolve the dispute.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *49 SR 1107*

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9800.0450 COMMENCEMENT OF APPEALS.

Subpart 1. **Filing notice of appeal.** An appeal from a decision of a compensation judge is initiated by filing a notice of appeal containing the information required by Minnesota Statutes, section 176.421, subdivision 3, with the office. An appeal from a decision of a department mediator is initiated by filing a notice of appeal containing the information required by Minnesota Statutes, section 176.421, subdivision 3, with the commissioner. An appeal from a decision of a collective bargaining agreement arbitrator is initiated by filing a notice of appeal containing the information required by Minnesota Statutes, section 176.421, subdivision 3, with the court. The notice of appeal must be filed within 30 days of the filing of the decision being appealed. A single extension of up to 30 days may be obtained upon application to the court. The request for an extension must be filed within the 30-day period for filing the notice of appeal and must show good cause to grant the extension. A respondent may cross appeal within the same 30-day period or within 15 days after service of the notice of appeal on that respondent, whichever is later.

Subp. 1a. **Preparation of transcript.** A written transcript of the record must be prepared when required by Minnesota Statutes, section 176.421, subdivision 3, unless otherwise ordered by the court. An application for an order under this subpart must conform to the requirements of part 9800.1400.

Subp. 2. **Notice of receipt of transcript.**

A. The court shall notify the parties of the date that the transcript was received. The notice must also inquire whether the parties desire an oral argument and, if so, whether parties prefer oral argument before the entire court or a three member panel.

B. Parties must file a response within ten days after the notice is served on the parties. Failure to file a timely response is considered a waiver of oral argument.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *10 SR 698; 13 SR 981; 19 SR 1131; 49 SR 1107*

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9800.0500 Subpart 1. [Renumbered 9800.1000, subpart 2]

Subp. 2. [Repealed, 10 SR 698; 13 SR 981]

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9800.0510 [Renumbered 9800.1000, subpart 5]

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9800.0600 [Repealed, 10 SR 698; 13 SR 981]

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9800.0650 TEMPORARY ORDERS.

Petitions for temporary orders filed with the court must conform to Minnesota Statutes, section 176.191 and part 1420.2350.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *10 SR 698; 13 SR 981; 49 SR 1107*

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9800.0700 STIPULATIONS FOR SETTLEMENT.

Where a case is settled prior to the filing of the court's decision, the parties must notify the court that a settlement has been reached. Where the settlement requires approval for an award of benefits, the parties shall submit the stipulation for settlement to the office for approval by a compensation judge and request that further action on the appeal be stayed pending the compensation judge's review of the settlement. Within 14 days after a compensation judge's final approval or disapproval of the settlement, the parties must, in writing, notify the court of the compensation judge's action and request that the appeal be dismissed or reinstated. Where an award on stipulation was entered, the notification must include a copy of the settlement document and the award on stipulation. The parties must expressly state whether any issues remain for resolution by the court.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *10 SR 698; 49 SR 1107*

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9800.0800 REVIEW OF ATTORNEY FEES.

A party dissatisfied with an award of attorney fees may file an application for review with the court pursuant to Minnesota Statutes, section 176.081, subdivision 3. The application must state the reasons review is needed and whether or not oral argument is requested. Upon receipt of an application for review, the court must serve a copy of the application upon the attorney awarded the disputed fees and all known interested parties on the case.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *10 SR 698; 17 SR 1279; 19 SR 1131; 49 SR 1107*

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9800.0900 BRIEFS ON APPEAL.

Subpart 1. **Appellant brief; transcript required.** Appellants and cross appellants must file a written brief within 30 days after the court receives the transcript. The brief may address only issues raised in that party's notice of appeal. Issues raised in the notice of appeal but not addressed in the brief are deemed waived and will not be decided by the court. The brief must not exceed 65 pages in length, without leave of the court. Attachments to a brief are not permitted without leave of the court, except as required under part 9800.0910. The attachment permission request may accompany the filed brief.

Subp. 1a. **Duplicative filings.** A party must not provide the court physical copies of a brief or memorandum when the document is filed electronically through the CAMPUS system as provided in part 9800.0330. The document filed electronically in such an instance is the record document and the physical copy must be disposed of as duplicative.

Subp. 2. **Appellant brief; no transcript required.** Where no transcript of the proceedings is required, appellants and cross appellants must file a written brief within 30 days after the filing of the notice of appeal. The brief may address only issues raised in that party's notice of appeal. Issues raised in the notice of appeal but not addressed in the brief are deemed waived and will not be decided by the court. The brief must not exceed 65 pages in length without leave of the court. No attachments to a brief are permitted without leave of the court, except as required under part 9800.0910. The attachment permission request may accompany the filed brief.

Subp. 3. **Respondent brief.** Any respondent brief must be filed with the court within 30 days after the appellant or cross appellant brief is filed. The respondent brief may address only issues raised in the brief of the appellant or cross appellant. An appellant or cross appellant may combine an appellant or cross appellant brief and a respondent brief but must file the combined brief within the 30-day time limit required by this subpart and subpart 2. The brief must not exceed 65 pages in length, without leave of the court. Attachments to a brief are not permitted without leave of the court, except as required under part 9800.0910. The attachment permission request may accompany the filed brief.

Subp. 4. [Repealed, 13 SR 981]

Subp. 5. **Reply brief.** A reply brief must be filed within ten days after the last respondent brief is filed or the date that brief was otherwise due to be filed. The reply brief may address only issues addressed in the respondent brief. The reply brief must not exceed 40 pages in length, without leave of the court. No attachments to a brief are permitted without leave of the court. The attachment permission request may accompany the filed brief.

Subp. 5a. **Filing and service of briefs.** A brief setting out the party's position must be filed with the court in all cases. A brief filed under this part must be accompanied by an affidavit stating

that a copy of the brief has been served upon all other parties on the case, as provided in part 9800.0310.

Subp. 6. **Extension of time for briefs.** An extension of time for the filing of a brief shall be granted only for cause and if requested within the time for the filing of the brief. The failure of any party to timely file a brief under this part may result in the striking of that party's brief from consideration.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *10 SR 698; 13 SR 981; 19 SR 1131; 49 SR 1107*

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9800.0910 UNRETAINED DECISIONS.

Any decision of the court may be cited in a brief or at oral argument. When a decision is not otherwise available as a published decision or in the court's electronic archive of decisions and is cited in a brief, a copy of the decision cited must accompany the brief filed with the court and served on the other parties on the case. When a party intends to cite, at oral argument, a decision not noted in that party's brief and not otherwise available as a published decision or in the court's archive of decisions, copies of the decision must be provided to all other parties and the court at least five business days prior to oral argument.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *19 SR 1131; 49 SR 1107*

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9800.0920 BRIEF OF AMICUS CURIAE.

Subpart 1. **Filing.** A brief of amicus curiae may be filed with leave of the court. A request for leave to file an amicus brief must be filed with the court and served upon all parties prior to the time fixed for filing of the initial appellant or cross appellant briefs. A request for leave must identify whether the applicant's interest is public or private in nature and must state the reasons why an amicus brief would be beneficial to the court in resolving the issues.

Subp. 2. **Time limit.** An amicus brief must be filed within the time limits applicable to the party or parties whose position the amicus brief is intended to support and must conform with part 9800.0900, including brief length, filing, and service, unless the court directs otherwise.

Subp. 3. **Oral argument.** An amicus curiae may not participate in oral argument except with leave of the court.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *19 SR 1131; 49 SR 1107*

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9800.1000 ORAL ARGUMENTS ON APPEAL.

Subpart 1. **Criteria considered in granting oral argument.** The court, in its discretion, may grant the parties permission to participate in oral argument. Factors considered in determining whether to grant oral argument include:

- A. whether the request for oral argument was timely under part 9800.0450, subpart 2;
- B. whether the resolution of the appealed issues would establish legal precedent; and
- C. whether oral argument would significantly aid the court in deciding the issues on appeal.

Subp. 2. **Continuances.** A continuance of an oral argument shall be granted only upon a showing of good cause. A request for a continuance must be made within five business days of service of the notice of oral argument. The court shall consider later requests only upon a showing that an earlier request could not have been made.

Subp. 3. **Time allotted for oral argument.** Unless otherwise authorized by the court, each party shall be allotted 15 minutes to make an argument to the court, including rebuttal and the use of any demonstrative aids.

Subp. 4. **Demonstrative aids.** The court and all other parties must be notified in writing of a party's intent to use a demonstrative aid at oral argument at least 30 days prior to the date set for oral argument. This notice must indicate the length of time necessary for the presentation. The party shall, in advance of oral argument, make arrangements for the setup, operation, and removal of any video projection, audio playback, or other equipment needed for the presentation of a demonstrative aid.

Subp. 5. **Nonappearance of counsel.** If counsel for a party fails to appear to present oral argument, the court may hear argument on behalf of a party whose counsel is present, and the case will be decided on the briefs and argument heard. If no counsel appear for any party, the case will be decided on the briefs unless the court otherwise orders.

Subp. 6. **Submission when member of court is not present.** Except in exigent circumstances, oral arguments shall be heard before the full panel to which the case has been assigned or before the entire court if the matter is of exceptional importance. When any member of the court is not present at oral argument, the case shall be deemed submitted to that member on the record and briefs. When there is a change of court personnel or a recusal, cases shall be deemed submitted to the new member, or to any other member of the court, as necessary to complete a panel, on the record and briefs.

Subp. 7. **Withdrawal of oral argument request.** Where a party has requested oral argument, that request may be withdrawn by written notice to the court, no later than the due date of the reply brief for that appeal.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *10 SR 698; 13 SR 981; 19 SR 1131; 49 SR 1107*

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9800.1050 REFERRAL FOR FACT-FINDING.

The court may refer any question of fact to the chief administrative law judge of the Office of Administrative Hearings for assignment to a compensation judge to hear evidence as needed, make findings of fact, and report them to the court, pursuant to Minnesota Statutes, section 176.381. The findings of fact from such a referral is an appealable order under Minnesota Statutes, section 176.421.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *19 SR 1131; 49 SR 1107*

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9800.1100 APPLICATION TO SET AWARD ASIDE.

Subpart 1. **Applications.** An application to set an award aside and grant a new hearing must include supporting affidavits, medical reports, other documentary evidence, and a memorandum of law. The memorandum of law must not exceed 65 pages in length without leave of court. The application must be filed with the court along with an affidavit of service on all parties to the award that the filing party seeks to set aside. A party seeking to file the application through the CAMPUS system must contact court staff to obtain a case for the proceeding.

Subp. 2. **Cause.** Each application must specifically state the basis upon which cause to vacate the award may be found pursuant to Minnesota Statutes, section 176.461, and the reasons why that basis exists. Where a prior application to vacate the award was denied by the court, the application must set out a concise statement as to the different circumstances supporting the current application. An application failing to meet the requirements of this part may be rejected under Minnesota Statutes, section 176.275, subdivision 1.

Subp. 3. **Responsive pleadings.** Responsive pleadings must be served upon all parties and filed with the court within 45 days after the filing of an application. All responsive pleadings must include supporting affidavits, medical reports, other documentary evidence, and a memorandum of law. The memorandum of law must not exceed 65 pages in length without leave of court.

Subp. 4. **Reply memoranda.** Reply memoranda, if any, must be served upon all parties and filed with the court within 15 days after the filing of a responsive pleading. A reply memorandum may address only issues raised in any responsive pleadings and must not exceed 40 pages in length without leave of court.

Subp. 5. **Hearing.** Any party to an application to set an award aside may be heard in oral argument. Any request for oral argument must be made by the conclusion of the time for filing a reply memorandum.

Subp. 6. [Repealed, 49 SR 1107]

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *10 SR 698; 13 SR 981; 19 SR 1131; 49 SR 1107*

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9800.1200 [Repealed, 19 SR 1131]

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9800.1300 [Repealed, 10 SR 698; 13 SR 981]

Published Electronically: *May 13, 1997*

9800.1400 APPLICATIONS, PETITIONS, AND MOTIONS.

Subpart 1. **Scope.** All applications, petitions, and motions for relief or consideration by the court, not otherwise provided for in parts 9800.0100 to 9800.1800, must be filed in accordance with this part and served in accordance with part 9800.0310.

Subp. 2. **Procedures for filing.** All requests for relief under this part must be in writing and accompanied by appropriate documentation. Requests must also state the relief sought and the basis for the relief and be accompanied by an affidavit of service upon all other parties to the action. All requests for relief must be served and filed as soon as practicable and no later than ten days after the date on which any responsive pleading is received. Any request for relief for which a case has not been opened may be electronically filed with the court after contacting court staff for the opening of the required case.

Subp. 3. **Responses.** Responding parties shall have five business days after a request for relief is filed within which to file a written response.

Subp. 4. **Replies.** A reply may be filed within three business days after the response is filed.

Subp. 5. **Oral argument not permitted.** Oral argument on applications, petitions, or motions shall not be permitted except upon order of the court.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *10 SR 698; 13 SR 981; 19 SR 1131; 49 SR 1107*

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9800.1500 INTERVENTION.

Subpart 1. **Scope.** Persons shall be permitted to intervene according to Minnesota Statutes, section 176.361, subdivision 1.

Subp. 2. **Potential intervenors.** Any person who may have an interest in a case must be served with written notice of the right to petition to intervene as prescribed by part 1415.1100, subparts 1 and 2. The potential intervenor must serve and file a motion or application to intervene within 60 days after the potential intervenor has been served with notice of a right to intervene.

Subp. 3. **Contents of motion.** The contents and format of the motion or application to intervene must conform to Minnesota Statutes, section 176.361, subdivision 2. Upon the filing of a timely motion to intervene, the potential intervenor is granted intervenor status without the need for an order. A written objection to the intervention may be filed with the court as provided in part 9800.1400, subpart 3.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *10 SR 698; 13 SR 981; 19 SR 1131; 49 SR 1107*

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9800.1600 [Renumbered 9800.0450]

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9800.1700 TAXATION OF DISBURSEMENTS.

The court may tax actual and necessary disbursements on appeal, as prescribed by Minnesota Statutes, section 176.511. A petition for taxation of disbursements must be filed within 45 days of the filing of the final appellate decision in the main action. The petitioning party shall serve the petition for taxation of disbursements on all other parties to the action. An objection to taxation must be served and filed within five days after the date of service of the petition on the objecting party.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *10 SR 698; 19 SR 1131; 49 SR 1107*

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9800.1710 DISMISSAL OF APPEAL.

A. If the appellant or cross appellant fails to file a brief within 30 days of the date the brief is due, any party may move this court for dismissal of the appeal. If the appellant or cross appellant is in default for more than 30 days and no party has moved for dismissal, the court may order the dismissal of the appeal or cross appeal without notice. Dismissals granted or ordered under this part are subject to a motion to reinstate.

B. A motion to reinstate the appeal or cross appeal will be granted only if the appellant or cross appellant can show good cause for failing to timely file a brief and can show that the appeal or cross appeal is meritorious and that reinstatement would not substantially prejudice the rights of any other party.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *13 SR 981; 19 SR 1131; 49 SR 1107*

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9800.1720 [Renumbered 9800.1000, subpart 6]

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9800.1800 SUSPENSION OF RULES.

Upon a clear showing of extraordinary circumstances not contemplated by parts 9800.0100 to 9800.1710, the court may, upon petition of a party or sua sponte five days after serving notice on the parties, suspend any requirements of parts 9800.0100 to 9800.1710. Rules implementing

requirements imposed by law shall not be suspended even upon a clear showing of extraordinary circumstances.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *10 SR 698; 13 SR 981; 49 SR 1107*

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