

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Ira Latrell Toles,

Plaintiff,

TRIAL ORDER

vs

Judge Patrick D. Robben
Court File No. 27-CV-21-2978

Forest Recovery Homes, Inc.,

Defendant.

1. **TRIAL DATE:** The above-entitled matter is set for a three-hour date-certain court trial beginning on **Friday, March 4, 2022, at 1:30 p.m.**
2. **TRIAL TO BE HELD BY ZOOM:** This court trial will not be in person at the courthouse. The court trial will be held remotely via Zoom and appearances shall be by video unless otherwise directed. Each party **MUST:**

- Contact the Court by **February 25, 2022** to request technological accommodations to enable you to participate in the court trial by Zoom.
- Give the court a valid email address and telephone number a **minimum of 3 days before** the court trial date. The link to the Zoom court trial will be sent to the email address you provide. The court's contact information is below:
 - Phone: 612-348-0198
 - Email: 4thJudgeRobbenChambers@courts.state.mn.us
- Notify the court if your address, email, or phone number changes.
- Be fully prepared for the remote court trial.

The Court will email you additional instructions on how to join the remote court trial at least 1 day before the court trial. The Minnesota Judicial Branch uses strict security controls for all remote technology when conducting remote hearings. Visit our website at www.mncourts.gov/Remote-Hearings for more information on remote hearings.

3. **CONTINUANCES:** A continuance will not be granted except for the most extraordinary and unforeseeable events. If the case is not heard during the period set forth above, it will be scheduled during a subsequent civil block and a new order for trial will be sent.
4. **SETTLEMENT:** Counsel/*pro se* parties shall immediately notify the Court of any disposition of the case prior to trial.

5. **PRIOR TO TRIAL:** To assist the Court and parties in achieving a just, speedy, and economical disposition of the case, the parties shall proceed as follows:

a. **By Friday, February 18, 2022:**

- i. **Exhibits:** Parties shall file and serve exhibit lists and shall exchange copies of all exhibits. In accordance with Minn. R. Gen. Prac.130, exhibits must be pre-marked by counsel in a single series of Arabic numbers, without a designation of the party offering the exhibit (Plaintiffs: use exhibits 1–99; Defendant A: use exhibits 100–199; Defendant B: use exhibits 200–299, etc.). No other exhibits will be admitted in either party’s case in chief.
- ii. **Exhibit Format:** The parties may jointly agree to exchange exhibits as physical copies and/or electronic copies. If the parties cannot agree to a format for exhibits by this exchange due date, the parties shall exchange exhibits through physical copies. **All witnesses must be provided a copy of all exhibits to view independently at their own location during the Zoom court trial. The Court will not be displaying exhibits within the Zoom feed.**
- iii. **Witness Lists:** Parties shall file and serve witness lists disclosing the names and addresses of all prospective witnesses as well as a summary of the expected subject matter of the testimony.
- iv. **Deposition Testimony:** Parties shall exchange written designations of deposition testimony to be read into evidence at trial pursuant to Minn. R. Evid. 32.01, Subds. (b) and (c). One physical courtesy copy of the deposition designations shall be provided to the Court at the same time.
- v. **Proposed Order:** In a court trial, parties shall exchange detailed proposed Findings of Fact, Conclusions of Law, and Order for Judgment. A courtesy copy of the Findings of Fact, Conclusions of Law and Order for Judgment shall be provided to the Court electronically in Word-compatible format. Electronic courtesy copies should be sent to the Court’s law clerks at 4thJudgeRobbenChambers@courts.state.mn.us.

b. **By Friday, February 25, 2022:**

- i. **Motions in Limine:** Parties shall file and serve motions in limine with the Court. The motions in limine will be orally argued on the first day of trial. If parties believe they have large, substantive motions in limine, they may contact the Court to schedule a hearing date prior to trial. In that case, the motions will be treated as non-dispositive motions for the purpose of filing memoranda.
- ii. **Expert Reports:** In a court trial, the direct examination of all experts shall take place by verified pre-marked written report. Such reports shall be exchanged

and one physical copy provided to the Court at the same time. The party offering the expert testimony must produce the expert at trial for cross-examination.

- iii. **Joint Stipulation:** The parties shall stipulate as to all uncontested facts and matters not in controversy. A joint stipulation of uncontested facts shall be submitted to the Court.
- iv. **The parties shall provide an ELECTRONIC copy of all exhibits AND witness lists to the Court. The parties do NOT need to provide the Court with physical copies of the exhibits. The electronic copies may be sent to the Court via email at 4thJudgeRobbenChambers@courts.state.mn.us or by mailing a flash drive containing the exhibits to: Judge Patrick Robben, Fourth Judicial District Court, 300 South Sixth Street, Minneapolis, MN 55487-0422. Parties may contact the Court for alternative electronic exhibit transmission options if necessary.**

6. **REGARDING EXHIBITS:**

- a. The parties shall attempt to stipulate to the admissibility of exhibits. If the parties cannot agree on the admissibility of exhibits, the party objecting to the exhibits shall submit to the Court a list of the grounds for the objection with legal authority cited.

7. **MISCELLANEOUS:**

- a. If you anticipate a need for expedited or daily transcripts during trial, contact the Court Reporter Unit (phone: 612-348-4021) at least two weeks before the trial begins, to allow scheduling of the required personnel.
- b. Counsel/*pro se* parties shall be prepared to offer evidence in a timely manner. The Court will not grant a continuance to produce witnesses or evidence except in the most extraordinary circumstances. If counsel have concerns regarding the availability of witnesses at trial, depositions shall be taken for use at trial.
- c. Parties shall report to the Court on the day of trial ready to try the case. Commencement of trial will not be delayed to negotiate a settlement. The Court will make every effort to facilitate settlement prior to the first day of trial. Any party desiring a pretrial/settlement conference may contact the Court's law clerk for a conference call with all counsel at the number listed below.
- d. Pursuant to Minn. R. Civ. P. 43.07, the Court will provide an interpreter if necessary and upon timely request.

8. **SANCTIONS: FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN THE IMPOSITION OF SANCTIONS, WHICH MAY INCLUDE FINES OR THE ASSESSMENT OF COSTS AGAINST THE DELINQUENT PARTY, THE STRIKING OF PLEADINGS, REFUSAL TO ALLOW SUPPORT FOR OR**

OPPOSITION TO CERTAIN DESIGNATED CLAIMS OR DEFENSES, DISMISSAL OF THE ACTION, OR ENTRY OF A DEFAULT JUDGMENT. A FAILURE TO FURNISH INSTRUCTIONS AND/OR A PROPOSED SPECIAL VERDICT FORM MAY BE DEEMED A WAIVER BY THE PARTY AS TO THE PARTY'S RIGHT TO A TRIAL BY JURY ON THE ISSUE SO OMITTED. PURSUANT TO THE PROVISIONS OF RULE 49.01(a) OF THE MINNESOTA RULES OF CIVIL PROCEDURE, NO UNLISTED WITNESSES, INCLUDING IMPEACHMENT WITNESSES OR UNLISTED EXHIBITS WILL BE ALLOWED AT TRIAL EXCEPT UPON A SHOWING OF GOOD CAUSE, TO INCLUDE A SHOWING WHY THE WITNESS OR EXHIBIT WAS NOT LISTED.

BY THE COURT:

Patrick D. Robben
Judge of District Court

Refer Questions To:

Alexandra Willi
Law Clerk to Judge Patrick D. Robben
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Email: alexandra.willi@courts.state.mn.us

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