

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

COURT FILE NO. 62-CV-24-360

Walters Recycling and Refuse, Inc.,
and ACE Solid Waste, Inc.,

Petitioners,

SCHEDULING ORDER

vs.

City of Mounds View, et al,

Respondents.

To Counsel and Parties in the above-captioned matter:

Upon the commencement of this action and review of the file and proceedings herein, this case is hereby placed on the **standard court** calendar. Pursuant to Minn. R. Gen. Prac. 111.03, IT IS HEREBY ORDERED:

1. **ADDITIONAL PARTIES:** The deadline for joinder of all parties, either by amendment or third-party practice is **June 27, 2024**.
2. **UNREPRESENTED PARTIES:** All parties who are not represented by an attorney must advise the Court of their most current mailing address, telephone number and e-mail address.
3. **AMENDMENT OF PLEADINGS:** The motion deadline for amendment to pleadings by leave of court is **June 27, 2024**.
4. **DISCOVERY:** The deadline for completion of discovery is **September 27, 2024**.
 - a. **Initial Disclosures.** Initial Disclosures shall be submitted pursuant to Minn. R. Civ. P. 26.01(a)(3).
 - b. **Expert Disclosures.** The deadline for initial expert disclosures pursuant to Minn. R. Civ. P. 26.01(b) is **July 29, 2024**. The deadline for responsive expert disclosures pursuant to Minn. R. Civ. P. 26.01(b) is **August 28, 2024**.

- c. **Discovery Disputes.** In the event the parties have conferred in good faith as required by Minn. R. Civ. P. 37.01(b) and Minn. R. Gen. Prac. 115.10 and are unable to resolve any discovery issue following such effort, the party raising an unresolved discovery issue shall arrange a telephone conference with all counsel and the Court to determine if the dispute can be resolved without formal motion. No formal motion papers shall be filed prior to the telephone conference. The party requesting the conference shall coordinate and initiate the telephone call. At least 48 hours prior to any scheduled telephone conference, the parties shall file and submit to the Court via email (2ndJudgeNelsonChambers@courts.state.mn.us) a letter no longer than two pages in length setting forth their respective positions. If, following the telephone conference, the discovery issue remains unresolved, the parties may schedule a formal motion hearing.
 - d. **Independent Medical Examinations.** The deadline for completion of Independent Medical Examinations is **N/A**. Upon notice of the scheduling of such examination pursuant to Minn. R. Civ. P. 35.01, the party to be examined shall report for such examination unless excused by the Court.
5. **MOTIONS:** The deadline for hearing all non-dispositive motions is **October 18, 2024**. The deadline for hearing all dispositive motions is **December 6, 2024**. All submissions must comply with Minn. R. Gen. Prac. 115. Any motion for default judgment must be served and filed at least 14 days before the hearing.
- a. **Courtesy Copy.** Parties shall email the court a PDF version of all motion documents at the time of e-filing. Please submit via email to 2ndJudgeNelsonChambers@courts.state.mn.us.
 - b. **Proposed Orders.** For all motions, the parties shall submit via email (2ndJudgeNelsonChambers@courts.state.mn.us) a proposed order setting forth with specificity the relief sought. In addition, for dispositive motions, the parties shall submit to the Court proposed findings of fact and conclusions of law.
 - c. **Motion Hearings.** Parties may schedule a motion hearing by contacting Sharon Ellertson at 651-266-8306 or Sharon.Ellertson@courts.state.mn.us . Pursuant to Minn. R. Gen. Prac. 115.02, parties shall provide contemporaneous notice of any motion hearing. Parties intending to move for dispositive relief shall secure a hearing date at least eight weeks prior to the applicable deadline set forth herein.
6. **MEDIATION:** The case is hereby referred to mediation. The deadline to complete mediation is **September 27, 2024**.
- a. **Selection of Neutral.** The parties may select their own mediator. The deadline to select a mediator and provide written notice to the Court of the identity of the mediator is **June 27, 2024**. In the event the parties are unable to agree on a mediator, the Court will select a mediator.

- b. **Attendance.** Mediation is mandatory. All attorneys who will try the case, the parties involved in the action and any and all other persons with authority to settle the case shall attend the mediation in person. Any questions regarding the identity of specific persons required to attend the mediation shall be directed to the mediator, who is delegated sole authority whether to excuse attendance and whose decision on this issue shall be final.
 - c. **Costs.** The parties shall equally share the costs of mediation.
 - d. **Notice.** At the conclusion of mediation, the parties shall notify the Court in writing of the results of mediation.
7. **CORRESPONDENCE:** The Court does not accept unsolicited correspondence from attorneys and/or parties except as provided by Rule or Statute. All unsolicited correspondence shall be returned or discarded.
 8. **INTERPRETERS:** Interpreters are available upon request by contacting Sharon Ellertson at 651-266-8306 or Sharon.Ellertson@courts.state.mn.us . Parties shall notify the Court as soon as possible as to the need for interpreter services.
 9. **FINAL SETTLEMENT:** Pursuant to Minn. R. Gen. Prac. 121, Plaintiff shall notify the Court within 48 hours of any settlement.
 10. **JOINT STATEMENT OF THE CASE:** Pursuant to Minn. R. Gen. Prac. 112.01, the deadline to file a Joint Statement of the Case is **December 31, 2024**. In the event the parties are unable to agree upon a Joint Statement, parties shall each file a separate Statement of the Case within the deadline set forth herein.
 11. **PRETRIAL/SETTLEMENT CONFERENCE:** On **January 14, 2025 at 9:00 a.m.**, the parties shall appear for Pretrial/Settlement Conference at Chambers 1170, Ramsey County Courthouse, 15 West Kellogg Boulevard, Saint Paul, MN 55102. All attorneys who will try the case, the parties involved in the action with authority to settle the case and any and all other persons with authority to settle the case shall attend the Pretrial/Settlement Conference in person.
 12. **TRIAL:** The case is scheduled for **court** trial during the following civil block: **March 31, 2025** through **April 18, 2025**. In the event the matter does not resolve at the conclusion of the Pretrial/Settlement Conference, the Court will issue a separate Trial Order.
 13. **AMENDMENTS TO SCHEDULING ORDER:** The parties may not amend this Order by agreement. Any party requesting amendment to this Order shall contact Sharon Ellertson at 651-266-8306 or Sharon.Ellertson@courts.state.mn.us for instructions as to the form of any request.

14. **SANCTIONS:** Failure to comply with any provision of this Order may subject counsel and the parties to sanctions, including but not limited to imposition of attorneys' fees and costs, the striking of pleadings in whole or in part, dismissal of the action in whole or in part, or the entry of judgment by default.

BY THE COURT:

Dated:

Laura E. Nelson
Judge of District Court