

U.S. District Court District of Minnesota

Rules of Procedure for Expedited Trials

Effective July 2, 2001

1. Agreement.

Parties may agree to have existing or future disputes resolved under the Federal Rules of Civil Procedure, but with limited discovery and an expedited trial. Such agreements shall be in writing, and may be in the following form: “[This dispute] [All disputes arising out of this contract] shall be governed by the Rules of Procedure for Expedited Trials of the United States District Court for the District of Minnesota.” Copies of the parties’ written agreement shall be attached to the Complaint, or filed promptly after said agreement is reached as to an existing dispute.

Comment: The provisions of the Rule are voluntary. They can be invoked by pre-existing agreement to submit future disputes to this process, or after the action is commenced.

2. Applicable Rules.

All Federal Rules of Civil Procedure and Local Rules of this Court shall apply, except as set forth below.

3. Initial Disclosures.

In cases where the parties have already agreed to the procedures of this Rule, Plaintiff shall serve the disclosures required by Fed. R. Civ. P. 26(a) (1) (A), (C) and (D) with the Complaint, and Defendant shall serve said disclosures with the Answer/Counterclaim. In all other cases, these disclosures shall be exchanged within five days of the date of the filing of said agreement.

Comment: The expectation is that the provisions of Rule 26 (a) (1) will be more vigorously followed and enforced when the parties elect this process. (The document disclosures under Rule 26 (a) (1) (B) are covered by Rule 5.)

4. Pretrial Conference.

Immediately upon the filing of the agreement to follow the procedures of this Rule, Plaintiff shall contact the chambers of the Magistrate Judge assigned to the action and schedule a Pretrial Conference to occur within 30 days of the date the Complaint was served. Upon the request of any party, the Magistrate Judge shall permit counsel to appear at the Pretrial Conference by telephone. All Fed. R. Civ. P. 12 and pleading issues shall be resolved by the Magistrate Judge at the Pretrial Conference, except as provided in Paragraph 9 of this Rule.

Comment: The pretrial conference takes on added significance under this Rule. It must be held almost immediately. If a serious challenge to jurisdiction or other dispositive motion is desired, it will be the duty of the parties to proceed under paragraph 9 of the Rule.

5. Pretrial Order.

A Pretrial Order shall be issued by the Magistrate Judge at the Pretrial Conference. Unless otherwise ordered by the Magistrate Judge for good cause shown or by agreement of the parties, the Pretrial Order shall require the parties to exchange the documents described in Rule 26 (a) (1) (B) of the Federal Rules of Civil Procedure within 30 days of the date of the Pretrial Conference and shall require the parties to complete all discovery within 120 days of the date of the Pretrial Conference.

Comment: In Rules 5, 6 and 7, presumptive limits are specified, but the parties are encouraged to tailor these limits to their particular needs in the initial pretrial conference with the Magistrate Judge.

6. Discovery.

Discovery shall be limited to ten Interrogatories, five document requests, five requests for

admission, and two depositions per party, unless otherwise ordered by the Magistrate Judge for good cause shown, or by agreement of the parties. The parties may agree, or the Magistrate Judge may order, that the time for response to written discovery be shortened.

7. Expert Witnesses.

No party shall call more than one expert witness to testify, unless otherwise ordered by the Magistrate Judge for good cause shown or by agreement of the parties.

8. Non-Dispositive Motions.

If a party desires to make a non-dispositive Motion, it shall first apply for permission to do so in a telephone conference with the Magistrate Judge. If permission is granted, the Motion shall be brought by letter to the Magistrate Judge, and the Response shall be made within two days by letter to the Magistrate Judge. Each letter shall not exceed two pages, and a copy thereof shall be filed with the Clerk of Court. Unless the Magistrate Judge finds that extraordinary circumstances exist, there shall be no oral hearing, and costs shall be awarded to the prevailing party on the motion.

9. Dispositive Motions.

If a party desires to make a dispositive Motion, it shall first apply for permission to do so, by letter to the District Judge, not to exceed two pages. The party opposing permission may respond within two days, by letter to the District Judge, not to exceed two pages. If permission is granted, the District Judge will establish a prompt briefing schedule, limit the length of memoranda, and rule promptly on the Motion. Pendency of a dispositive motion shall not stay any other proceedings. Unless the District Judge finds that extraordinary circumstances exist, there shall be no oral hearing, and costs shall be awarded to the prevailing party on the motion.

10. Trial Date.

The case shall be called for trial no later than six months after the date of the Pretrial Conference. If the parties consent to trial before a Magistrate Judge, trial shall be held on a day certain within 120 days of the date of the Pretrial Conference.

11. Trial.

Each side shall be granted eight hours of trial time, for opening statements, direct examinations of its witnesses, cross examinations of other witnesses, and final argument. In multi-party trials, plaintiffs shall divide the eight hours among themselves, and defendants shall divide the eight hours among themselves. If the parties cannot agree to a division of trial time, the presiding Magistrate Judge or District Judge shall order a division, and, if appropriate, may increase the amount of trial time available per side to a maximum of 12 hours. In court trials, written witness statements may be offered in lieu of direct testimony.

Comment: As with other limits, the presumptive limits here are intended as a useful starting place for discussion at the pretrial conference. The last sentence permits the submission of direct testimony by written statement, a process frequently used in arbitration.

12. Judgment.

An Order for Judgment shall be entered within thirty days after the matter is submitted.

Comment: The intention is to assure parties that a prompt trial will be followed by a prompt decision.