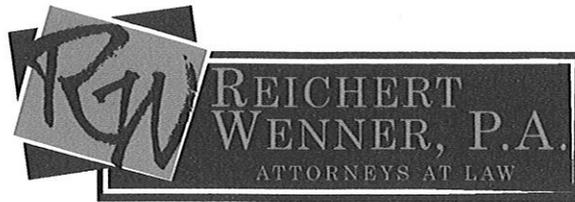


ROBERT H. WENNER ♦
LEANNE D. MILLER
SARAH R. JEWELL ♦
JOHN J. BABCOCK +▲
LYNNE M. RIDGWAY ♦
ANTHONY E. TOEPFER



616 ROOSEVELT ROAD, #100
P.O. BOX 1556
ST. CLOUD, MN 56302
TELEPHONE: (320) 252-7600
FACSIMILE: (320) 252-2678

EDWARD M. REICHERT, JR. (RETIRED)
THOMAS R. WENNER (RETIRED)

WWW.REICHERTWENNERLAW.COM

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VIA EMAIL

MnFedRules@mnd.uscourts.gov

To Whom It May Concern:

Thank you for the opportunity to comment on proposed Rule 5.6. In my practice, I file ERISA suits on behalf of insureds against insurance companies for breach of Long Term Disability contracts. The initial complaint usually has some exhibits attached, which contain private/ confidential information in the way of medical records, Plaintiff's full legal name and residential address, etc. After filing the complaint and receiving the summons from the court, we then serve the insurance company who in turn must obtain counsel.

Often times, before the Defendant/insurer is able to obtain counsel and file an answer to the complaint, the Plaintiff has already sought judicial approval to file certain exhibits (to the complaint) under seal, due to the impracticability of redaction. There are a number of medical records typically attached to the complaint, with several references per page to various kinds of personal and confidential information. Thus, the joint motion under Step 2 as described in the proposed rules may be a difficult, if not impossible, task for counsel to do together within 21 days, since the Defendant/insurer may not have retained counsel yet. I am not sure if this impacts other areas of practice, and perhaps this is the only area of practice affected in this manner. Typically, we submit a Waiver of Service to the Defendant. If the waiver is signed, the time to answer the complaint is extended. This could create another difficulty with complying with the new proposed Rule.

The proposed rule seems very well thought out and sound in all aspects. However, I thought it may be helpful to bring this perspective forward for your consideration as the joint motion may not be feasible within a 21 day window of the filing of an ERISA complaint under Section 1132 for breach of Long Term Disability benefits.

Thank you once again, for the opportunity to present a comment for consideration.

Respectfully submitted;

REICHERT WENNER, P.A.

Sarah R. Jewell
SRJ:bjm