

Steven Staubus,

Plaintiff,

***THIRD AMENDED  
SCHEDULING ORDER***

vs.

**Court File No. 27-CV-20-8546**

REGENTS OF UNIVERSITY OF MINNESOTA,

Defendant.

Patrick Hyatte, individually and on  
behalf of all others similarly situated,

Plaintiffs,

vs.

The University of Minnesota and The Board of  
Regents of the University of Minnesota,

Defendants.

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The Court enters the following Order pursuant to Minn. Gen. R. Prac. 111.02 (Gen. R. herein):

1. Joinder of additional parties, by amendment or third-party practice, shall be accomplished by **May 28, 2021**.

2. Discovery shall be completed (i.e., all depositions completed, interrogatories answered, all requests for production or admission fully answered or responded to, all documents produced) on or before **February 4, 2022**. The procedures set forth for initial disclosures in the revised Minn. R. Civ. P. 26.01(a) must be followed. Parties are expected to follow revised Minn. R. Civ. P. 26.06(a), and file their agreed upon discovery plan with the Court.

No discovery dispute may be brought to the judge unless the parties have conferred and made a good faith effort to settle their dispute pursuant to Minn. R. Civ. P. 37.01 (b) and Gen. R. 115.10. If the parties are unable to resolve the dispute after good faith efforts, the party raising the unresolved discovery dispute shall first arrange a telephone conference with Judge Miller before filing a formal motion. No filings on discovery matters will be considered by the Court until the Court has first considered the matter via conference call.

3. All Plaintiff's expert interrogatory answers, disclosures and reports shall be completed on or before **April 1, 2022**. All Defendant's IMEs, expert interrogatory answers, disclosures and reports shall be completed on or before **May 16, 2022**. All expert discovery shall be completed on or before **June 28, 2022**.

4. ADR shall be completed through mediation by **July 15, 2022**. The parties shall inform the judge of their choice of a mediator and the date of the mediation, or the reason mediation does not apply to this case, no later than **May 31, 2022**. If the parties are unable to agree on a mediator, the judge will provide a list of mediators and allow each party to strike one name. The parties shall inform the judge of the outcome of the mediation promptly.

Unless exempted, mediation is mandatory if the case is not resolved in advance of the mediation date. All mediation sessions shall be attended, in person, by the attorneys who will try the case, the parties involved in the litigation, claims adjusters, and any and all other persons who have the authority to negotiate and settle the case. If a person's approval is needed to settle the case, that person must attend the mediation.

Failure to attend the mediation with all the persons needed to reach settlement may result in reallocation of the costs of mediation (otherwise born equally or as negotiated) or sanctions pursuant to Gen. R. 114.07. Any questions regarding the identity of the specific persons who shall attend the mediation shall be directed to the mediator, who is delegated sole authority whether to excuse any person's attendance and whose decision on the issue shall be final.

The 4th Judicial District is currently offering two mediation pilot programs for parties that qualify or express interest:

- a. **Pro Bono (free) Mediation Pilot Program** - You may be eligible for free mediation services if your annual income before taxes is less than 300% of the federal poverty guidelines. If you believe you are eligible, please submit the enclosed affidavit for waiver of mediation fees within 10 days. The Court will issue a separate order if one of the parties qualifies for this program.
- b. **Flat Fee Mediation Pilot Program** - The neutrals at **ValueSolve ADR** offer mediation services at a flat rate of \$1,000 per case (i.e.: \$500 per party in a two-party case) for 4th Judicial District cases valued at \$250,000 or less. For a description of the Flat Fee Mediation Pilot Program and mediator information, see [www.ValueSolveADR.org/FlatFeePilot](http://www.ValueSolveADR.org/FlatFeePilot). **IF YOU DESIRE OR BELIEVE YOU ARE ELIGIBLE FOR THIS COURT PROGRAM, PLEASE LET THE COURT KNOW WITHIN 10 DAYS.** A separate order will be issued if this option is selected by the court or the parties (absent a court order, the flat rate is otherwise \$1,800).

5. All dispositive and non-dispositive motions shall be scheduled with the court's clerk to be heard on or before **August 29, 2022**.

No non-dispositive motions may be heard unless the parties have first conferred and made a good faith effort to settle their dispute, pursuant to revised Gen. R. 115.04. If the parties are unable to resolve the dispute after good faith efforts, the party raising the unresolved issue shall first arrange a telephone conference with Judge Miller before filing a formal motion or obtaining a motion hearing date. No filings on non-dispositive motions will be considered by the Court until the Court has first considered the matter via conference call.

6. This case shall be scheduled to be called for a **5 to 10-day jury trial** during the judge's **two-week** civil block **beginning June 5, 2023**. An order for trial will follow.

7. 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.

8. **E-Service:** Pursuant to Minn. Gen. R. Prac. 14.01(b) and 14.03(d), attorneys are required to use the eFile and Serve System (“eFS”) for electronic filing and service. All attorneys representing a party in the above-captioned matter are required to immediately add themselves for electronic service in this case. **Only one email address per party should be added from your “Firm’s Service Contacts”. If additional attorneys and administrative staff wish to receive service this may be accomplished using the “Administrative Copy” field within the eFS System, or the “Other Service Contacts” options.** Adding multiple service contacts to an individual party or parties impacts case processing and access to the public record.

The Court will distribute all courtesy copies in this file electronically. If an attorney does not sign up for electronic service in this case, the Court will not send that attorney or that attorney’s client a hard copy of documents filed by the Court parties. Unrepresented litigants are excluded from this requirement. For more information regarding signing up for the electronic case service list refer to the Registered User Filing Guide located at [www.mncourts.gov/efile](http://www.mncourts.gov/efile) and from the eCourtMN Support Center: telephone 651-227-2002 (metro) or 855-291-8246, and at [eCourtMN@courts.state.mn.us](mailto:eCourtMN@courts.state.mn.us) [www.mncourts.gov/efile](http://www.mncourts.gov/efile)

9. The scheduling of motions and a Rule 16 conference, if requested, must be arranged by calling the judge’s clerk. Motions shall be scheduled well in advance of the deadline (two to three months). One hard copy courtesy copy of the motion memoranda and affidavits shall be sent or delivered directly to Judge Miller’s chambers on the same day as e-filed with the court administrator.

10. If an interpreter is needed for a motion that shall be communicated to the Court’s clerk at least 10 days prior to the motion hearing. If an interpreter is needed for trial that shall be communicated to the judge’s clerk no later than one month before the scheduled trial week.

11. Counsel are directed to pay careful attention to all filing requirements of the Fourth Judicial District, including, but not limited to, all filing fee requirements for motions, memoranda, and faxes. The judge will not receive or read any motions, faxes, or memoranda where the filing requirements of the Court have not been met.

12. The above dates and deadlines may not be extended, even upon agreement of the parties, absent written order of this Court. Any request for such a continuance must be submitted in writing to the judge and a copy of the request furnished to the other attorneys of record and *pro se* parties. All requests must be made in a timely fashion and detail the specific reasons for the request. Likewise, any party opposing such a continuance shall submit their specific reasons for objecting, also in writing, within three days of the written request.

13. Failure to comply with any provision of this Order will subject a non-complying party to appropriate sanctions, including attorney’s fees and costs, preclusion of evidence, striking of pleadings, or dismissal of this case.

14. The plaintiff shall notify the judge’s clerk within 48 hours of settlement (Gen. R. 121). A signed stipulation and Proposed Order for Dismissal shall follow as soon as possible.

BY THE COURT:

DATED: January 30, 2023

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Laurie J. Miller  
Judge of District Court



MINNESOTA  
JUDICIAL  
BRANCH