

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Barry Sewall, Shamika Gregory, and Jerome
Gregory, each individually and on behalf of
all others similarly situated,

Court File No. 27-CV-22-10389

Plaintiffs,

and

Home Partners Holdings LLC, SFR
Acquisitions 1 LLC, and OPVHHJV LLC,
d/b/a Pathlight Property Management,

Defendants.

SIXTH AMENDED SCHEDULING ORDER AND ORDER FOR TRIAL

The above-entitled matter came duly before the Honorable Christian Sande, Judge of the above-named court, on Tuesday, November 14, 2023 at the Hennepin County Government Center, Minneapolis, Minnesota for a remote pretrial conference via Zoom[®] remote technology.

Anne Regan, Lindsey Larson, Susan Ellingstad, and Eura Chang, Attorneys at Law, appeared on behalf of the plaintiffs.

Michael Cockson, Nathan Brennaman, Diego Garcia, and Andrew Bloomer, Attorneys at Law, appeared on behalf of the defendants.

IT IS HEREBY ORDERED:

1. If the attorneys in this case have not already done so, all attorneys in this case must “attach themselves” as service contacts in this case in the Odyssey e-File and Serve system in order to receive court orders in this case.
2. All attorneys in this case shall review the following schedule and instructions, as well as the attached Civil Practice Pointers and References.

A. Case Schedule and Deadlines

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| 3. | Deadline for joining additional parties, whether by amendment or third-party practice | Monday, January 30, 2023 |
| 4. | All discovery shall be complete | Friday, May 17, 2024 |
| 5. | Dispositive and non-dispositive motions as to experts (testimony, admissibility, foundation, etc.) must be filed <i>and heard</i> by this date | Friday, August 9, 2024 |
| 6. | Joint Statement of the Case (for pretrial conference) must be filed | Tuesday, November 5, 2024 |
| 7. | Pretrial Settlement Conference with the Court (Hennepin County Government Center) | Tuesday, November 12, 2024, at 4:30 PM |
| 8. | Witness Lists and Exhibit Lists must be filed | 30 days before the first day of the trial block |
| 9. | Written designations of deposition testimony (if any) to be read into evidence at trial pursuant to Minn. R. Civ. P. 32.01(b) and (c) must be filed | 30 days before the first day of the trial block |
| 10. | Objections (if any) to witnesses or exhibits must be filed, citing legal authority for objection | 21 days before the first day of the trial block |
| 11. | Objections (if any) to designated deposition testimony must be filed. Any objections in designated deposition testimony shall be deemed withdrawn unless the objecting party files a list of the grounds for the objection, citing legal authority, by this date. | 21 days before the first day of the trial block |
| 12. | Motions in Limine (if any) must be filed | 21 days before the first day of the trial block |
| 13. | Responses (if any) to objections to witnesses or exhibits must be filed | 14 days before the first day of the trial block |
| 14. | Responses (if any) to motions in limine must be filed | 14 days before the first day of the trial block |

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| 15. | Jury instructions, proposed Special Verdict Form, and proposed Statement of the Case must be filed and emailed in MS Word® format to 4thJudgeSandeChambers@courts.state.mn.us | 7 days before the first day of the trial block |
| 16. | Deliver 3 copies of all exhibits to Judge Sande's chambers (12 th floor, Hennepin County Government Center) | 7 days before the first day of the trial block |
| 17. | Jury Trial Block | Monday, January 6, 2025, 9:00 AM |

B. General Instructions

18. Discovery. Discovery disputes do occur. However, no discovery dispute may be brought to the attention of the Court unless the parties have conferred and made a good faith effort to settle their dispute. The party raising an unresolved discovery issue shall first email the Court (4thJudgeSandeChambers@courts.state.mn.us) to request assistance and to determine whether the dispute can be resolved without a formal motion pursuant to Minn. Gen. R. Prac. 115.04(d).
19. Informal Motion Practice. For non-dispositive disputes in the case, counsel is strongly encouraged the Court to avail themselves of the Expedited, Informal Non-Dispositive Motion Process set forth in the Rule 115.04(d) of the General Rules of Practice for Minnesota District Courts. As to any expert testimony, admissibility, or foundation issues, however, the Court will hear those motions on the same schedule and in the same manner as a dispositive motion.
20. Formal Motion Practice.
- a. The scheduling of a dispositive motion requires considerable advance notice (as much as two to three months).
 - b. Cross-motions shall be heard on the same day.

- c. Please email a courtesy copy of the motion papers to 4thJudgeSandeChambers@courts.state.mn.us. Voluminous exhibits need not be emailed to chambers.
21. Notification of Settlement. The parties shall immediately notify the Court of any disposition of the case prior to trial so the Court may keep its calendar updated and make dates available for other cases.
22. Pretrial Settlement Conference. This is a mandatory conference and must be attended by the attorneys who will try the case, the parties involved in the litigation, and any other persons with authority to settle the case. All attorneys shall be prepared to discuss all aspects of the case. Appearing via telephone is not permitted without leave of Court. The Court will issue a separate Order in the event that the Pretrial Conference is to take place remotely via Zoom[®]. In addition to being prepared to discuss settlement, the attorneys shall be prepared to discuss trial submissions (see below) and trial logistics and management.
23. Trial. ***It is highly unlikely that the trial date for this case will be changed.*** A continuance will not be granted except for the most extraordinary and unforeseeable events. Request for a continuance and reasons must therefore be submitted in writing and to the undersigned within ten days from the date of this Order.
24. Trial Submissions.
- a. Witness and Exhibit Lists. The Court expects counsel to familiarize themselves with the proposed trial exhibits before the commencement of trial in order to eliminate the necessity of inspection and review of exhibits during trial.
- i. Witness Lists shall include the name, title, address, and brief summary of expected testimony for each witness that the party may call at trial.

- ii. All exhibits shall be marked in advance of trial. The Plaintiff shall use exhibit numbers 1-500; Defendant #1 shall use exhibit numbers 501-1,000, and so on. Exhibits consisting of more than one page shall be individually numbered (i.e., “Bates” numbered) on each page.
- iii. Because of the deadlines for objections to Witness and Exhibits Lists, Amended Witness and Exhibit Lists filed after the deadline set forth above that seek to add witnesses or exhibits are not permitted unless by stipulation of all counsel or solely for exhibits that may be used for impeachment.
- b. Objections to Witnesses or Exhibits. If an objection asserts no foundation, the party making the objection shall state where the foundation is lacking. If the objection is Minn. R. of Evid. 403, the party shall explain why the probative value is outweighed by the prejudicial effect.
- c. Motions in limine. A party may not file more than seven (7) motions in limine without leave of court. The parties should anticipate no oral argument on motion(s) in limine.
- d. Deposition Testimony. If any party intends to have deposition testimony read into evidence at trial pursuant to Minn. R. Civ. P. 32.01(b) and (c), they shall provide notice to the other party and the Court as forth in this Order. If any of the designated testimony contains objections, the objection shall be deemed withdrawn unless the objecting party files a list of the grounds for the objection, citing legal authority, as set forth in this Order.
- e. Jury Instructions. In addition to filing proposed jury instructions, each party shall email the Court at 4thJudgeSandeChambers@courts.state.mn.us with a MS Word

version of its proposed jury instructions, noting any non-standard instructions, and the legal authority for using the proposed non-standard instructions.

- f. Proposed Verdict Form. If the parties do not agree on the format of the verdict form, legal authority shall be furnished to the Court by the proponent of the verdict form. In addition to filing the proposed Special Verdict Form, each party shall email the Court at 4thJudgeSandeChambers@courts.state.mn.us with a MS Word[®] version of its proposed Special Verdict Form
- g. Statement of the Case. Prior to the trial, parties shall agree upon and provide the Court with a Statement of Case to be read to the Jury at the start of trial. In addition to filing the proposed Statement of the Case, the parties shall email a MS Word[®] version of the joint Statement of the Case to the Court at 4thJudgeSandeChambers@courts.state.mn.us.
- h. Delivering Exhibits to the Court. Three copies of all exhibits (one each for the Judge, Law Clerk, and Witness) shall be delivered to Judge Sande's chambers. Parties will not be afforded the opportunity to read exhibits offered into evidence at trial except in extraordinary circumstances.
- i. Stipulations. The parties shall stipulate as to all uncontested facts, exhibits and matters not in controversy. The parties shall inform the Court of the exhibits that are not stipulated to prior to trial.
- j. Jury Verdicts. Absent written objection filed with this Court within 14 days of the date of this Order, the Court shall determine all parties agree to the following:

- i. A 6/7 verdict may be returned after six (6) hours from the time the jury retires to commence its deliberations, excluding any time required for meals or further instructions.
 - ii. Entry of judgment on a general verdict or an order for judgment based on a special verdict may be stayed for 30 days from and after the date of the verdict.
 - iii. A sealed verdict may be returned in the event that the court is not in session.
 - iv. Any other judge of the Minnesota District Court may receive and accept the return of the verdict, if the presiding judge is unavailable for any reason.
 - v. Within 14 days after a favorable jury verdict, the prevailing party shall email their proposed Findings of Fact, Conclusions of Law and Order, with a copy sent to all counsel and pro se parties, in MS Word[®] format to 4thJudgeSandeChambers@courts.state.mn.us.
25. Notice. Failure to comply with this Order may subject parties to sanctions. Failure to appear at trial may result in this case being dismissed under Minn. R. Civ. P. 41.02(a) or entry of judgment by default under Minn. R. Civ. P. 55.
26. Prior Orders. All prior and consistent orders shall remain in full force and effect.
27. Service. Service of a copy of this order shall be made upon self-represented parties by first class U.S. mail at their address(es) last known to the Court Administrator, or to attorneys by e-service, which shall be due and proper service for all purposes.

Dated: November 20, 2023

IT IS SO ORDERED.



Christian Sande
Judge of District Court

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Antonia Jacobse, Esq. (612-543-3577)
Law Clerk to The Honorable Christian Sande
4thJudgeSandeChambers@courts.state.mn.us

CIVIL PRACTICE POINTERS AND REFERENCES

Judge Christian Sande

A. Contact with Chambers

- The preferred method of contact with Judge Sande's chambers is by email copied to all counsel (4thJudgeSandeChambers@courts.state.mn.us). If a phone call is necessary, case numbers ending in an even number should call 612-543-3576, and cases ending in an odd number should call 612-543-3577.
- Email communications with chambers are not part of the Court record. As such, counsel should limit the content of emails to procedural issues and the like, and refrain from argument on the merits of the case. Unless specifically directed to do so, please do not copy the Court on communications between counsel.
- It is perfectly fine and appropriate to advise the Court of a person's preferred pronouns and how they would like to be addressed.

B. Motion Practice

- Counsel is strongly encouraged to request a telephone conference with the Court to resolve issues outside of motion practice.
- The parties must participate in a telephone conference with the Court before filing any discovery motion. No discovery dispute may be brought before the Court unless the parties have conferred and made a good faith effort to settle their dispute. See Minn. R. Civ. P. 37.01(b) and Minn. Gen. R. Prac. 115.10.
- The Court strongly encourages counsel to avail themselves of the expedited, informal, non-dispositive motion process set forth in Minn. Gen. R. Prac. 115.04(d).
- Parties should contact chambers to schedule a motion hearing, and then must promptly advise the opposing party of the hearing date and time (even if such notice is far in advance of the deadline for filing motion papers). See Minn. Gen. R. Prac. 115.02.
- Cross motions are to be heard on the same date.
- Please keep the Court apprised of any resolution of motions so that the Court may update its calendar and make space available for other cases.
- Counsel is strongly encouraged to read and be familiar with *Minneapolis Star & Tribune Co. v. Schumacher*, 392 N.W.2d 197 (Minn. 1986), prior to filing documents under seal. All protective orders must strictly comply with this case.
- Parties are encouraged to mutually agree on pre-trial continuances or other changes in the scheduling order prior to the date of trial. Counsel should contact chambers as soon as possible upon the agreement to any variation to the pre-trial dates set forth in the pre-trial scheduling order. If the parties request a new order setting forth the new dates, counsel is expected to provide a proposed order.
- It is highly unlikely that the trial date set forth in the Scheduling Order will be continued.
- In addition to e-filing written submissions for a motion, please email a courtesy copy to Judge Sande's chambers (4thJudgeSandeChambers@courts.state.mn.us). Voluminous exhibits need not be emailed.

C. In-Court Proceedings

- Please arrive fifteen minutes early for all hearings.
- Counsel may (but is not required to) stand at the podium to address the Court. In order to ensure a clear record, counsel should make sure they are always near a microphone when addressing the Court.
- Parties may bifurcate their oral argument as counsel sees fit.
- Judge Sande reads the written submissions and is familiar with the case file before oral argument. Counsel should not restate material from their written submissions during oral argument unless asked to do so. Rather, counsel should use in-court proceedings (i) to focus attention on key issues and controlling legal authority, (ii) to inform the Court of any relevant information that was omitted from the written submissions, and (iii) to respond to questions from the Court.
- If counsel intends to present new legal authority at oral argument, counsel must provide a copy of the case to the Court and opposing counsel at the hearing, and address why the authority was not included in written submissions.
- Counsel may use technology during motion hearings. Counsel should be prepared to set up and run the technology on their own and should not rely on Court staff.
- Whenever the blue square panel on the wall is illuminated, the Central Monitoring Room (CMR) court reporting system is engaged and recording audible statements in the courtroom. As such, discussions should occur away from microphones.

D. Pretrial Procedures

- Clients, as well as counsel, are expected to be present and ready to participate actively in the Pretrial Settlement Conference.
- The Scheduling Order sets out requirements and procedures for motions in limine, jury instructions, special verdict forms, witness lists, and exhibit lists. Parties should consult the Scheduling Order before contacting chambers.
- Motions in limine will be filed, briefed and decided before trial. The schedule for such motions is set out in the Scheduling Order.

E. Trial

- It is highly unlikely that the trial date set forth in the Scheduling Order will be changed.
- Counsel should be familiar with Judge Sande's Trial Ground Rules, which is available on Judge Sande's chambers website and attached to all orders for trial.
- Attorneys may call Judge Sande's court reporter at 612-596-2870 to request transcripts during trial. Daily transcripts will likely not be available.
- During voir dire, Judge Sande will ask the jury preliminary questions and any sensitive questions requested.
- The Court does not usually impose time limits on opening statements or closing arguments.
- A tentative verdict form and jury instructions will be formed prior to the commencement of trial, with the understanding that modifications will occur throughout the course of trial.
- Trials are from 9:00 AM to noon and 1:30 PM to 4:30 PM, with a morning and afternoon break of 15-20 minutes each. Motions during trial will be heard at 8:30 AM, 1:00 PM, and after 4:30 PM.