I Scope of Rules-One Form of Action

Rule 1 Scope of Rules

- § 1:4 Scope of rules
- § 1:5 Construction of rules

Rule 2 One Form of Action

- § 2:2 Comparison to federal rule
- § 2:3 One form of action

II Commencement of the Action; Service of Process, Pleadings, Motions, and Orders

Rule 3 Commencement of the Action; Service of the Complaint; Filing of the Action

Rule 3.01 Commencement Of The Action

§ 3:3 Commencement of the action

Rule 3.02 Service Of Complaint

Rule 4 Process

- § 4:1 General comments
- Rule 4.01 Summons; Form
 - § 4:4 Form of summons
- Rule 4.02 By Whom Served
- Rule 4.03 Personal Service
 - § 4:6 Personal service generally
 - § 4:7 Minnesota long-arm statutes
 - § 4:8 Due process requirements
 - § 4:10 Service upon persons confined [Retitled]
 - § 4:10.30 Service upon judicial officers and judicial branch employees [New]
 - § 4:10.70 Service upon infants [New]
 - § 4:12 Service upon a corporation
 - § 4:14 Service upon public corporations
- Rule 4.04 Service By Publications; Personal Service Out Of State
- Rule 4.042 Service Of The Complaint
 - § 4:20 Service of the complaint after service of summons by publication
- Rule 4.05 Waiving Service of Summons [Retitled]
 - § 4:24 Waiving service

Rule 5 Service and Filing of Pleadings and Other

Documents

§ 5:1 General comments

Rule 5.01 Service; When Required; Appearance

§ 5:3 Service of orders and pleadings

Rule 5.02 Service; How Made

Rule 5.04 Filing; Certificate of Service

§ 5:6 Filing

Rule 5.05 Filing; Facsimile Transmission

Rule 5A Notice of Constitutional Challenge to a Statute

§ 5A:3 Notice to attorney general

Rule 6 Time

- § 6:1 General comments
- § 6:2 Comparison to federal rule

Rule 6.01 Computation

- § 6:3 Computation of time
- § 6:4 Counting of weekends and holidays
- § 6:4.30 Additional time after service by mail [New]
- § 6:4.70 Service late in day [New]

Rule 6.02 Enlargement

§ 6:5 Enlargement of time

Rule 6.04 For Motions; Affidavits

§ 6:7 Time for service of notice of motions and affidavits

Rule 6.05 [Abrogated] [Retitled]

§ 6:8 [Deleted]

§ 6:9 [Deleted]

III Pleadings and Motions

Rule 7 Pleadings Allowed; Form of Motions

Rule 7.01 Pleadings

Rule 7.02 Motion and Other Documents

Rule 8 General Rules of Pleading

§ 8:2 Comparison to federal rule

Rule 8.01 Claims for Relief

§ 8:3 Claims for relief

§ 8:4 Statement of the claim

Rule 8.03 Affirmative Defenses

§ 8:8 Affirmative defenses

Rule 8.05 Pleading to be Concise and Direct; Consistency

§ 8:11 Alternative and hypothetical pleadings

Rule 8.06 Construction of Pleadings

Rule 9 Pleading Special Matters

Rule 9.02 Fraud, Mistake, Condition of Mind

§ 9:4 Fraud and mistake Rule 9.03 Conditions Precedent

Rule 10 Form of Pleadings

Rule 10.01 Caption; Names of Parties [New]

§ 10:3 The caption

Rule 10.02 Paragraph; Separate Statements

§ 10:4 Paragraphing of complaint

Rule 10.03 Adoption by Reference; Exhibits

§ 10:6 Incorporation of exhibits

Rule 11 Signing of Pleadings, Motions, and Other Documents; Representations to Court; Sanctions

Rule 11.02 Representations to Court

- § 11:8 Certification
- § 11:9 Representations
- § 11:13 Attorney disciplinary actions

Rule 11.03 Sanctions

- § 11:20 Imposition on counsel or client
- § 11:24 Appeal of sanction order

Rule 12 Defenses and Objections; When and How Presented

§ 12:1 General comments

Rule 12.01 When Presented

§ 12:3 When presented

Rule 12.02 How Presented

- § 12:5 Motions to dismiss for lack of subject matter jurisdiction
- § 12:6 Motions to dismiss for lack of personal jurisdiction
- § 12:7 Motions to dismiss for insufficiency of process
- § 12:9 Motions to dismiss for failure to state a claim upon which relief may be granted

Rule 12.03 Motion for Judgment on the Pleadings

§ 12:12 Motion for judgment on the pleadings

Rule 12.05 Motion for More Definite Statement, for Paragraphing and for Separate Statement

§ 12:14 Motions for a more definite statement, paragraphing or separate statement

Rule 12.06 Motion to Strike

§ 12:15 Motions to strike pleadings

Rule 12.08 Waiver or Preservation of Certain Defenses

§ 12:17 Waiver of defenses

Rule 13 Counterclaim and Cross-Claim

Rule 13.01 Compulsory Counterclaims

Rule 13.02 Permissive Counterclaims

Rule 13.07 Cross-Claim against Co-Party

§ 13:10 Cross-claim against co-party

Rule 13.08 Joinder of Additional Parties

Rule 14 Third-Party Practice

- § 14:1 General comments
- § 14:2 Comparison to federal rule
- Rule 14.01 When a Defending Party May Bring in a Third Party [Retitled]
 - § 14:3 When may third-party action be commenced
 - § 14:4 Third-party practice pleading
- Rule 14.02 Third-Party Defendant's Claims and Defenses
 - § 14:5 Responsive pleadings
- Rule 14.03 Plaintiff's Claims Against Third-Party Defendant
- Rule 14.04 Motion to Strike, Sever, or Try Separately
- Rule 14.05 Third-Party Defendant's Claim Against a Nonparty
 - § 14:6 Fourth-party actions
- Rule 14.06 When a Plaintiff May Bring in a Third Party
 - § 14:7 Third-party actions by plaintiff
- Rule 14.07 Defending Against a Demand or Judgment for the Plaintiff
- Rule 14.08 Protective Orders for Parties and Prevention of Delay
 - § 14:8 Protective orders for parties in third-party practice

Rule 15 Amended and Supplemental Pleadings

- § 15:1 General comments
- Rule 15.01 Amendments
 - § 15:3 Amendments to pleadings
 - § 15:4 Amendment as a matter of course
 - § 15:5 Amendment upon leave of court
 - § 15:6 Response to amended pleadings
- Rule 15.02 Amendments to Conform to the Evidence
- Rule 15.03 Relation Back of Amendments
- Rule 15.04 Supplemental Pleadings

Rule 16 Pretrial Conferences; Scheduling; Management

- Rule 16.01 Pretrial Conferences; Objectives
- § 16:3 Purpose of pretrial conference
- Rule 16.02 Scheduling and Planning
- Rule 16.06 Sanctions

IV Parties

Rule 17 Parties Plaintiff and Defendant; Capacity

- § 17:1 General comments
- Rule 17.01 Real Party in Interest
- Rule 17.02 Infants or Incompetent Persons
 - § 17:6 Infants and incompetent persons

Rule 18 Joinder of Claims and Remedies

Rule 18.01 Joinder of Claims

Rule 19 Joinder of Persons Needed for Just Adjudication

§ 19:1 General comments

§ 19:2 Comparison to federal rule

Rule 19.01 Persons to Be Joined if Feasible

§ 19:3 Persons to be joined if feasible

Rule 19.02 Determination by Court Whenever Joinder not Feasible

§ 19:4 Action if joinder not feasible

Rule 20 Permissive Joinder of Parties

Rule 20.01 Permissive Joinder

Rule 21 Misjoinder and Nonjoinder of Parties

§ 21:3 Misjoinder

Rule 23 Class Actions

§ 23:2 Comparison to federal rule

Rule 23.01 Prerequisites to a Class Action

Rule 23.02 Class Actions Maintainable

§ 23:9 Class actions maintained under Rule 23.02(a)

Rule 23.03 Determining by Order Whether to Certify a Class Action; Appointing Class Counsel; Notice and Membership in Class; Judgment; Multiple Classes and Subclasses

Rule 23.05 Settlement, Voluntary Dismissal, or Compromise

Rule 23.06 Appeals

§ 23:21 Appeal of class certification decisions

Rule 23.08 Attorney Fees Award

§ 23:24 Review and award of attorney fees

Rule 23.09 Derivative Actions by Shareholders or Members

§ 23:25 Shareholders' derivative actions

Rule 24 Intervention

§ 24:2 Comparison to federal rule

Rule 24.01 Intervention of Right

§ 24:3 Intervention as a matter of right

Rule 24.02 Permissive Intervention

§ 24:7 Permissive intervention

Rule 24.03 Procedure

Rule 25 Substitution of Parties

§ 25:3 Procedure for seeking substitution

Rule 25.01 Death

Rule 25.04 Public Officers; Death or Separation from Office

Table of Laws and Rules

Table of Cases

V Depositions and Discovery

Rule 26 Duty to Disclose; General Provisions Governing Discovery

- § 26:1 General comments
- § 26:2 Comparison to federal rule

Rule 26.01 Required Disclosures

Rule 26.02 Discovery Methods, Scope and Limits

- § 26:5 Scope of discovery
- § 26:6 Relevancy
- § 26:8 Privilege
- § 26:12 Extent of discovery
- § 26:14 Trial preparation materials
- § 26:22 Noncompliance with expert disclosures requirements and discovery requests

Rule 26.03 Protective Orders

- § 26:23 Protective orders
- § 26:24 Order that discovery not be had
- § 26:25 Order for specific terms and conditions
- § 26:33 Modifications and fees

Rule 26.04 Timing and Sequence of Discovery

§ 26:35 Sequence and timing of discovery

Rule 26.05 Supplementation of Disclosures and Responses

§ 26:36 Supplementation of discovery responses

Rule 26.06 Discovery Conference and Discovery Plan

§ 26:37 Discovery conferences

Rule 26.07 Signing of Disclosure and Discovery Requests, Responses and Objections

§ 26:38 Signing of discovery documents

Rule 27 Depositions Before Action or Pending Appeal

§ 27:1 General comments

Rule 27.01 Before Action

§ 27:5 Notice and service

Rule 27.02 Pending Appeal

Rule 29 Stipulations Regarding Discovery Procedure

Rule 30 Depositions upon Oral Examination

Rule 30.02 Notice of Examination; General Requirements; Notice of Method of Recording; Additional Recording Method;

Production of Documents and Things; Deposition of Organization; Depositions by Remote Technology [Retitled]

- § 30:9 Notice of examination
- § 30:10 Reasonable notice
- § 30:13 Corporate and organization deponents
- § 30:15 Recording the deposition
- § 30:16 Video and audio depositions
- § 30:17 Telephone and electronically transmitted depositions
- § 30:19 Initial statement on the record

Rule 30.03 Examination and Cross-examination; Record of Examination; Oath; Objections

Rule 30.04 Schedule and Duration; Motion to Terminate or Limit Examination

Rule 30.05 Submission to Witness; Changes; Signing

Rule 32 Use of Depositions in Court Proceedings

- § 32:1 General comments
- § 32:2 Comparison to federal rule

Rule 32.01 Use of Depositions

Rule 32.04 Effect of Errors and Irregularities in Depositions

§ 32:20 Defects regarding written interrogatories

Rule 33 Interrogatories to Parties

Rule 33.01 Availability; Procedure for Use

- § 33:3 Use of interrogatories
- § 33:7 Responses to interrogatories

Rule 33.02 Scope; Use at Trial

Rule 33.03 Option to Produce Business Records

Rule 34 Production of Documents, Electronically Stored Information, and Things and Entry upon Land for Inspection and Other Purposes

§ 34:1 General comments

Rule 34.01 Scope

§ 34:3 Scope of requests

Rule 34.02 Procedure

- § 34:4 Request procedure
- § 34:6 Response to request for production
- § 34:7 Objections
- § 34:12 Electronically Stored Information (ESI)

Rule 34.03 Persons Not Parties

§ 34:13 Independent actions for production of documents and things

Rule 35 Physical, Mental and Blood Examination of Persons

§ 35:1 General comments

Rule 35.01 Order of Examinations

Rule 35.02 Report of Findings

§ 35:11 [Reserved]

Rule 35.04 Medical Disclosures and Depositions of Medical Experts

§ 35:14 Medical disclosures and expert depositions

Rule 36 Requests for Admission

Rule 36.01 Request for Admission

Rule 36.02 Effect of Admission

Rule 37 Failure to Make Disclosures or to Cooperate in Discovery: Sanctions

§ 37:1 General comments

Rule 37.01 Motion for Order Compelling Disclosure or Discovery

Rule 37.02 Failure to Comply with Order

§ 37:8 Sanctions imposable

§ 37:9 Selection of a sanction

Rule 37.03 Failure to Disclose, to Supplement an Earlier Response, or to Admit

Rule 37.04 Failure of Party to Attend at Own Deposition or Serve Answers

Rule 37.05 Electronically Stored Information

§ 37:13 "Safe Harbor" for Routine Loss of ESI

VI Trials

Rule 38 Jury Trial of Right

Rule 38.01 Right Preserved

Rule 38.02 Waiver

Rule 40 Assignment of Cases for Trial

§ 40:4 District rules

Rule 41 Dismissal of Actions

Rule 41.01 Voluntary Dismissal; Effect Thereof

§ 41:7 Stipulation of dismissal

Rule 41.02 Involuntary Dismissal; Effect Thereof

§ 41:15 Involuntary dismissal under other rules

§ 41:24 Appeal

Rule 42 Consolidation; Separate Trials

Rule 42.01 Consolidation

Rule 42.02 Separate Trials

Rule 43 Taking of Testimony

Rule 43.01 Form and Admissibility

Rule 43.05 Evidence and Motions

Rule 45 Subpoena

§ 45:1 General comments

Rule 45.02 Service

§ 45:7 Service of subpoenas

Rule 45.03 Protection of Persons Subject to Subpoenas

§ 45:8 Duty of person serving subpoena

Rule 45.04 Duties in Responding to Subpoena

§ 45:12 Responding to a subpoena

Rule 45.06 Interstate Depositions and Discovery

§ 45:15 Interstate Depositions

Rule 46 Exceptions Unnecessary

Rule 49 Special Verdicts and Interrogatories

Rule 49.01 Special Verdicts

Rule 50 Judgment as a Matter of Law In Jury Trials; Alternative Motion For New Trial; Conditional Rulings

Rule 50.01 Judgment as a Matter of Law During Trial

§ 50:3 Motion for judgment as a matter of law during trial

§ 50:9 Practical considerations

Rule 50.02 Making or Renewing Motion for Judgment After Trial; Alternative Motion for New Trial

§ 50:10 Judgment as a matter of law after verdict

§ 50:12 Practical considerations

Rule 50.03 Granting Motion for Judgment as a Matter of Law; Conditional Rulings; New Trial Motion

§ 50:17 Ruling options

Rule 50.04 Denial of Motion for Judgment as a Matter of Law

§ 50:19 Denial of judgment as a matter of law motion

Table of Laws and Rules

Table of Cases

VI. Trials (Continued)

Rule 51 Instructions to the Jury; Objections; Preserving a Claim of Error

Rule 51.02 Instructions

Rule 51.03 Objections

Rule 51.04 Assigning Error; Plain Error

Rule 52 Findings by the Court

Rule 52.01 Effect

§ 52.15 Review on appeal

Rule 52.02 Amendment

Rule 53 Masters

§ 53.1 General comments

Rule 53.01 Appointment

Rule 53.07 Action on Master's Order, Report, or Recommendations

§ 53.16 Objections by parties

Rule 53.08 Compensation

§ 53.19 [Reserved]

Rule 54 Judgments; Costs

Rule 54.01 Definition; Form

§ 54.8 Effect of judgment

Rule 54.02 Judgment upon Multiple Claims

§ 54.18 Timeliness of appeals

Rule 54.04 Costs

§ 54.23 Costs and disbursements

§ 54.28 Types of recoverable costs, disbursements, and fees

§ 54.29 Interest

§ 54.33 In forma pauperis

Rule 55 Default

§ 55.1 General comments

Rule 55.01 Judgment

§ 55.3 Default judgment and default situations

§ 55.15 Restrictions on default for non-resident defendants

Rule 56 Summary Judgment

§ 56.1 General comments

Rule 56.01 Motion for Summary Judgment or Partial Summary Judgment

- § 56.4 Types of actions
- § 56.5 Relationship to Rule 12 motions

Rule 56.02 Time to File a Motion

Rule 56.03 Procedures

- § 56.16 Notice of motion
- § 56.17 Affidavits
- § 56.18 Rule 56 evidence
- § 56.24 Inferences and credibility
- § 56.25 Judgment as matter of law
- § 56.26 Types of cases
- § 56.28 Appeals from the grant or denial of a summary judgment motion

Rule 56.04 When Facts are Unavailable to the Nonmovant

Rule 56.05 Failing to Properly Support or Address a Fact

§ 56.37 Defense required

Rule 56.06 Judgment Independent of the Motion

§ 56.39 Judgment independent of the motion

Rule 56.07 Failing to Grant All the Requested Relief

Rule 56.08 Affidavit Submitted in Bad Faith

Rule 57 Declaratory Judgments

§ 57.2 Comparison to federal rule

Rule 58 Entry of Judgments; Stay

Rule 58.01 Entry

§ 58.4 Orders for judgments

Rule 58.02 Stay

§ 58.14 Relationship with statutes

Rule 59 New Trials

§ 59.1 General comments

Rule 59.01 Grounds

- § 59.3 Purpose of new trial motion
- § 59.4 Procedures
- § 59.16 Additur and remittitur
- § 59.17 Errors of law
- § 59.18 Verdict contrary to evidence or law

Rule 59.03 Time for Motion

§ 59.22 Timing of new trial motion

Rule 59.04 Time for Serving Affidavits

§ 59.26 Time for serving affidavits

Rule 59.05 On Initiative of Court

§ 59.27 Sua sponte orders for new trial

Table of Laws and Rules

Table of Cases

VI. Trials (Continued)

Rule 60 Relief from Judgment or Order

Rule 60.01 Clerical Mistakes

Rule 60.02 Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; Etc.

- § 60:9 Excluded and included cases
- § 60:10 Dissolution decrees
- § 60:27 Other reasons supporting relief

Rule 61 Harmless Error

Rule 62 Stay of Proceedings to Enforce a Judgment

Rule 62.02 Injunction Pending Appeal

Rule 62.03 Stay Upon Appeal

Rule 63 Disability or Disqualification of Judge; Notice to Remove; Assignment of a Judge

Rule 63.02 Interest or Bias

Rule 63.03 Notice to Remove

§ 63:13 Procedure and timing

VII Provisional and Final Remedies and Special Proceedings

Rule 65 Injunctions

Rule 65.01 Temporary Restraining Order; Notice; Hearing; Duration

- § 65:4 Irreparable injury
- § 65:8 TRO documents
- § 65:10 Duration of order

Rule 65.02 Temporary Injunction

- § 65:14 Temporary injunction grounds
- § 65:15 Temporary injunction documents
- § 65:18 Appeals

Rule 65.03 Security

Rule 66 Receivers

Rule 66 Receivers

Rule 67 Deposit in Court

Rule 67.01 In an Action

Rule 68 Offer of Judgment or Settlement

§ 68:1 General comments

Rule 68.01 Offer

- § 68:3 Offers of settlement or judgment
- § 68:5 Drafting offer of judgment
- § 68:6 Submission and timing of offer
- § 68:7 Duration of offer

Rule 68.02 Acceptance or Rejection of Offer

Authors' Comments

§ 68:9 Rejecting offer

Rule 68.03 Effect of Unaccepted Offer

§ 68:11 Prevailing party

Rule 68.04 Applicable Attorney Fees and Pre-Judgment Interest

§ 68:15 Appellate review

§ 68:16 Effect of unaccepted offer

Rule 69 Execution

Rule 69 Execution

VIII District Courts and Clerks

Rule 77 District Courts and Clerks

Rule 77.04 Notice of Orders or Judgments

Rule 81 Applicability; In General

Rule 81.01 Statutory and Other Procedures

Rule 82 Jurisdiction and Venue

Rule 82 Jurisdiction and Venue

Rule 83 Rules by District Courts

Rule 83 Rules by District Courts

Rule 84 Appendix of Forms

Rule 84 Appendix of Forms

Table of Laws and Rules

Table of Cases

Index