

**STATE OF MINNESOTA  
IN SUPREME COURT**

**SUPREME COURT CALENDAR  
December 2011  
(Amended)**

**Court convenes at 9:00 a.m.  
(unless otherwise noted)**

Please note the following time allotments  
for oral argument:  
unless otherwise ordered by the Court  
**appellants are limited to 35 minutes and**  
**respondents are limited to 25 minutes.**

**COURT CONVENES AT 9:00 A.M.**  
(unless otherwise noted)

**NOTE:** Attorneys who will be arguing cases on this calendar should complete and return the argument appearance form attached at the end of this calendar.

Attorneys in all cases scheduled for oral argument must check in with the Marshall in the courtroom no later than 8:40 a.m. Counsel should be present and be prepared to begin whenever their case is called.

**Chief Justice Lorie S. Gildea**  
**Justice Alan C. Page**  
**Justice Paul H. Anderson**  
**Justice Helen M. Meyer**  
**Justice G. Barry Anderson**  
**Justice Christopher J. Dietzen**  
**Justice David R. Stras**

**En Banc Oral**

	<b><u>Case Number</u></b>	<b><u>Date</u></b>	<b><u>Location</u></b>
Caldas v. Affordable Granite	A10-2173	11/29/11	State Capitol Building, Second Floor
Campos v. State	A10-1395	11/28/11	State Capitol Building, Second Floor
Fannie Mae v. Heather Apartments	A10-1336, A10-1505	11/28/11	State Capitol Building, Second Floor
Glorvigen v. Cirrus Design	A10-1242, A10-1243, A10-1246, A10-1247	12/6/11	Judicial Center Courtroom 300
In re Discipline of Lundeen <b>*Stricken from calendar</b>	A11-0896	12/6/11*	Judicial Center Courtroom 300
Mattson Ridge v. Clear Rock Title	A10-1483	12/5/11	Judicial Center Courtroom 300
Quade v. Secura Insurance	A10-0714	11/30/11	State Capitol Building, Second Floor
In Re: Source Code Evidentiary Hearings in Implied Consent Matters In Re: Source Code Evidentiary Hearings in Criminal Matters	A11-0560	12/1/11	State Capitol Building, Second Floor
State v. Brist	A10-0979	11/29/11	State Capitol Building, Second Floor
State v. Pratt	A09-2323	12/5/11	Judicial Center Courtroom 300
In re Discipline of Wolff	A11-1358	11/30/11	State Capitol Building, Second Floor

**Nonoral**

	<b><u>Case Number</u></b>	<b><u>Date</u></b>
Andersen v. State	A11-0541	12/6/11

**SUPREME COURT COURTROOM, STATE CAPITOL**

**Monday, November 28, 2011**

**En Banc Oral**

Fannie Mae,  
Appellant,  
vs. A10-1336, A10-1505  
Bruce Jones  
Charles F. Webber  
Faegre & Benson LLP  
90 South Seventh Street – Suite 2200  
Minneapolis, Minnesota 55402

Heather Apartments Limited Partnership  
d/b/a Vintage Lakes Apartments, et al.,  
Defendants,

Andrew Grossman,  
Respondent.  
Lewis A. Remele, Jr.  
Jessica Schulte Williams  
Bassford Remele  
33 South Sixth Street – Suite 3800  
Minneapolis, Minnesota 55402-3787

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctappub/1106/opa101336-0606.pdf>

[Summary of issues](#)

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Rene Reyes Campos,  
Respondent,  
vs. A10-1395  
Bruce D. Nestor  
DeLeon & Nestor, LLC  
3547 Cedar Avenue South  
Minneapolis, Minnesota 55407

State of Minnesota,  
Appellant.  
Lori Swanson  
Minnesota Attorney General  
445 Minnesota Street – Suite 1800  
Saint Paul, Minnesota 55101-2134

Michael O. Freeman  
Hennepin County Attorney  
Lee W. Barry  
Assistant County Attorney  
C-2000 Government Center  
300 South Sixth Street  
Minneapolis, Minnesota 55487

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctappub/1105/opa101395-0516.pdf>

[Summary of issues](#)

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**SUPREME COURT COURTROOM, STATE CAPITOL**

**Tuesday, November 29, 2011**

**En Banc Oral**

Oscar Caldas, et al.,

Appellants,

vs. A10-2173

Justin D. Cummins  
Brenden D. Cummins  
Miller O'Brien Cummins, PLLP  
One Financial Plaza – Suite 2400  
120 South Sixth Street  
Minneapolis, Minnesota 55402

Affordable Granite & Stone, Inc.,

Respondent,

Dean Soltis,

Defendant.

David M. Wilk  
Paula D. Vraa  
Jennifer L. Young  
Larson King, LLP  
30 East Seventh Street – Suite 2800  
Saint Paul, Minnesota 55101

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctapun/1105/opa102173-0523.pdf>

[Summary of issues](#)

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State of Minnesota,

Respondent,

vs. A10-0979

Lori Swanson  
Minnesota Attorney General  
Joan M. Eichhorst  
Assistant Attorney General  
445 Minnesota Street – Suite 1800  
Saint Paul, Minnesota 55101-2134

David J. Hauser  
Otter Tail County Attorney  
Otter Tail County Courthouse  
121 Julius Avenue West – Suite 310  
Fergus Falls, Minnesota 56537

Amy Lynn Brist,

Appellant.

David W. Merchant  
Chief Appellate Public Defender  
Steven P. Russett  
Assistant State Public Defender  
540 Fairview Avenue North – Suite 300  
Saint Paul, Minnesota 55104

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctappub/1106/opa100979-0606.pdf>

[Summary of issues](#)

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**SUPREME COURT COURTROOM, STATE CAPITOL**

**Wednesday, November 30, 2011**

**En Banc Oral**

David Quade, et al.,

Respondents,

Richard D. Snyder

Fredrickson & Byron, P.A.

200 South Sixth Street – Suite 4000

Minneapolis, Minnesota 55402-1425

vs. A10-0714

Secura Insurance,

Appellant.

Andrea E. Reisbord

Dawn L. Gagne

Cousineau McGuire Chtd.

1550 Utica Avenue South – Suite 600

Minneapolis, Minnesota 55416

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctappub/1101/opa100714-0111.pdf>

[Summary of issues](#)

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In re Petition for Disciplinary Action  
against Erin Marie Wolff, a Minnesota  
Attorney, Registration No. 285766.

Case No. A11-1358

Office of Lawyers Professional Responsibility

Martin A. Cole

Director

Cassie B. Hanson

Senior Assistant Director

345 St. Peter Street – Suite 1500

Saint Paul, Minnesota 55102

Erin Marie Wolff

8590 Magnolia Trail – Suite 303

Eden Prairie, Minnesota 55344

Petition for Discipline

[Summary of issues](#)

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**SUPREME COURT COURTROOM, STATE CAPITOL**

**Thursday, December 1, 2011**

**En Banc Oral**

In Re: Source Code Evidentiary Hearings  
in Implied Consent Matters

In Re: Source Code Evidentiary Hearings  
in Criminal Matters

Case No. A11-0560

Jeffrey S. Sheridan  
Marsh J. Halberg  
Pamela King  
Derek A. Patrin  
Lee M. Orwig  
Source Code Coalition  
320 Eagandale Office Center  
1380 Corporate Center Curve  
Eagan, Minnesota 55121

Lori Swanson  
Minnesota Attorney General  
David S. Voight  
Deputy Attorney General  
Kristi Nielsen  
Assistant Attorney General  
445 Minnesota Street – Suite 1800  
Saint Paul, Minnesota 55101-2134

Mark J. Schneider  
Jeffrey D. Bores  
Chestnut Cambronne PA  
17 Washington Avenue North – Suite 300  
Minneapolis, Minnesota 55401-2048

Order Scott County

[Summary of issues](#)

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MINNESOTA JUDICIAL CENTER, COURTROOM 300

Monday, December 5, 2011

En Banc Oral

Mattson Ridge, LLC,

Respondent,

vs. A10-1483

John M. Koneck  
Brian S. McCool  
Grant D. Fairbairn  
Fredrickson & Byron, P.A.  
200 South Sixth Street – Suite 4000  
Minneapolis, Minnesota 55402-1425

Clear Rock Title, LLP, et al.,

Appellants.

Nell E. Mathews  
Christopher R. Sullivan  
Lindquist & Vennum, P.L.L.P.  
80 South Eighth Street – Suite 4200  
Minneapolis, Minnesota 55402

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctapun/1106/opa101483-0606.pdf>

[Summary of issues](#)

State of Minnesota,

Respondent,

vs. A09-2323

Lori Swanson  
Minnesota Attorney General  
445 Minnesota Street – Suite 1800  
Saint Paul, Minnesota 55101-2134

Michael O. Freeman  
Hennepin County Attorney  
Michael Richardson  
Assistant County Attorney  
C-2000 Government Center  
300 South Sixth Street  
Minneapolis, Minnesota 55487

Marlon Terrell Pratt,

Appellant.

David W. Merchant  
Chief Appellate Public Defender  
Jessica Merz Godes  
Assistant State Public Defender  
540 Fairview Avenue North – Suite 300  
Saint Paul, Minnesota 55104

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctapun/1106/opa092323-0606.pdf>

[Summary of issues](#)



**MINNESOTA JUDICIAL CENTER, COURTROOM 300**

**Tuesday, December 6, 2011**

**En Banc Oral**

Rick Glorvigen, as Trustee for the  
next-of-kin of decedent James Kosak,  
Appellant/Cross-Respondent,

Philip Sieff  
Vincent J. Moccio  
Robins, Kaplan, Miller & Ciresi L.L.P.  
800 LaSalle Avenue – Suite 2800  
Minneapolis, Minnesota 55402

Thomas M. Gartland, as Trustee for the  
next-of-kin of decedent Gary R. Prokop,  
Appellant/Cross-Respondent,

Sam Hanson  
Diane B. Bratvold  
Briggs and Morgan, P.A.  
80 South Eighth Street – Suite 2200  
Minneapolis, Minnesota 55402

vs. A10-1242, A10-1243  
A10-1246, A10-1247

Edward J. Matonich  
Darrold E. Persson  
David Arndt  
Matonich & Persson, Chartered  
2031 Second Avenue East  
P.O. Box 127  
Hibbing, Minnesota 55746

Cirrus Design Corporation  
Respondent/Cross-Appellant,

Bruce Jones  
Daniel J. Connolly  
Daniel J. Herber  
Faegre & Benson LLP  
90 South Seventh Street–Suite 2200  
Minneapolis, Minnesota 55402

Patrick E. Bradley  
Reed Smith, LLP  
Princeton Forrestal Village  
136 Main Street – Suite 250  
Princeton, New Jersey 08540

Estate of Gary Prokop by and through  
Katherine Prokop  
as Personal Representative,  
Appellant/Cross-Respondent,

Timothy R. Schupp  
Robert W. Vaccaro  
Gaskins, Bennett, Birrell, Schupp, L.L.P.  
333 South Seventh Street – Suite 2900  
Minneapolis, Minnesota 55402

(Tuesday, December 6, 2011, continued on next page.)

(Tuesday, December 6, 2011, continued.)

University of North Dakota Aerospace  
Foundation,  
Respondent/Cross-Appellant.

Charles E. Lundberg  
Steven P. Aggergaard  
Bassford Remele, P.A.  
33 South Sixth Street – Suite 3800  
Minneapolis, Minnesota 55402

William J. Katt  
Leib & Katt, LLC  
River Bank Plaza – Suite 600  
740 North Plankinton Avenue  
Milwaukee, Wisconsin 53203

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctappub/1104/opa101242-0419.pdf>

[Summary of issues](#)

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In re Petition for Disciplinary Action  
against Steven Paul Lundeen, a Minnesota  
Attorney, Registration No. 273776.

Case No. A11-0896

**NOTE: Stricken from calendar by Nov.  
17, 2011, order. To be rescheduled on a  
future calendar.**

Office of Lawyers Professional Responsibility  
Martin A. Cole  
Director  
Cassie B. Hanson  
Senior Assistant Director  
345 St. Peter Street – Suite 1500  
Saint Paul, Minnesota 55102

Steven Paul Lundeen  
3960 Minnehaha Avenue South  
Minneapolis, Minnesota 55406

Petition for Discipline

[Summary of issues](#)

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(Tuesday, December 6, 2011, continued on next page.)

(Tuesday, December 6, 2011, continued.)

**Nonoral**

Kenneth Eugene Andersen, Jr.,  
petitioner,

Appellant,

vs. A11-0541

State of Minnesota,

Respondent.

Gary R. Wolf  
Commerce at the Crossings  
250 Second Avenue South – Suite 205  
Minneapolis, Minnesota 55401

Lori Swanson  
Minnesota Attorney General  
John B. Galus  
Assistant Attorney General  
445 Minnesota Street – Suite 1800  
Saint Paul, Minnesota 55101-2131

Michael D. Fritz  
Becker County Attorney  
Becker County Courthouse  
915 Lake Avenue  
P.O. Box 476  
Detroit Lakes, Minnesota 56501-0476

Judgment Becker County

[Summary of issues](#)

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**COUNSEL ARGUING CASES THIS MONTH  
MUST COMPLETE THIS FORM AND  
RETURN IT IMMEDIATELY TO:**

**Supreme Court Marshal  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul MN 55155**

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Case Title: \_\_\_\_\_

Case Number: \_\_\_\_\_

\_\_\_\_\_ representing \_\_\_\_\_

will argue this case before the Minnesota Supreme Court on \_\_\_\_\_.

Signed: \_\_\_\_\_

Phone number: \_\_\_\_\_

Note: If you are a person who uses a wheelchair or who is hearing impaired, please contact the  
Minnesota Supreme Court Marshal at 651-282-9931 or [kim.ghilardi@courts.state.mn.us](mailto:kim.ghilardi@courts.state.mn.us)  
to ensure disability accessible facilities.