

**STATE OF MINNESOTA**

**IN SUPREME COURT**

**SUPREME COURT CALENDAR**

**January 2010**

**(AMENDED – 12/15/09)**

**Court convenes at 9:00 a.m.**

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.**

**Attorneys in all cases scheduled for oral argument must check in with the Marshal 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 Eric J. Magnuson**

**Justice Alan C. Page**

**Justice Paul H. Anderson**

**Justice Helen M. Meyer**

**Justice G. Barry Anderson**

**Justice Lorie S. Gildea**

**Justice Christopher J. Dietzen**

**En Banc Oral**

|   | <b><u>Case Number</u></b> | <b><u>Date</u></b> | <b><u>Location</u></b>                  |
|---|---------------------------|--------------------|---|
| Bahr v. Capella University  | A08-1367                  | 1/05/10            | State Capitol Building,<br>Second Floor |
| Cargill, Incorporated, et al.<br>v. Ace American Ins. Co., et al.,<br>Liberty Mutual Ins. Company,<br>St. Paul Fire & Marine Insurance<br>Company, et al. | A08-1082                  | 1/06/10            | State Capitol Building,<br>Second Floor |
| Eagan Economic Development<br>Authority v. U-Haul Company<br>of Minnesota, et al.   | A08-767                   | 1/06/10            | State Capitol Building,<br>Second Floor |
| In re Discipline of Lyons   | A09-472                   | 1/13/10            | Judicial Center,<br>Courtroom 300       |
| In the Matter of the Application<br>of Sampair v. Lutz, et al. and<br>Simes, et al.   | A08-1494<br>A08-1505      | 1/12/10            | Judicial Center,<br>Courtroom 300       |
| In the Matter of the Welfare of<br>the Children of: J.B. and R.P.;<br>S.K.J. and J.N.T.; S.L.A.J. and B.J.T.,<br>Parents.                                 | A09-1146                  | 1/11/10            | Judicial Center,<br>Courtroom 300       |
| In the Matter of the Welfare of<br>the Child of: S.L.J., Parent.  | A09-80                    | 1/11/10            | Judicial Center,<br>Courtroom 300       |
| Kennedy v. Pepin Township<br>of Wabasha County  | A08-1921                  | 1/12/20            | Judicial Center,<br>Courtroom 300       |
| State v. Prtine   | A09-702                   | 1/05/10            | State Capitol Building,<br>Second Floor |
| State v. Stone  | A08-769                   | 1/07/10            | State Capitol Building,<br>Second Floor |
| Stewart v. Koenig   | A08-1209                  | 1/07/10            | State Capitol Building,<br>Second Floor |
| Zutz v. Nelson  | A08-1764                  | 1/13/10            | Judicial Center,<br>Courtroom 300       |

**Nonoral**

|                   |          |         |
|-------------------|----------|---------|
| Ferguson v. State | A09-1483 | 1/04/10 |
| Francis v. State  | A09-1466 | 1/04/10 |

**Monday, January 4, 2010**

**Nonoral**

Michael Calvin Francis, petitioner,  
Appellant,

Gary R. Wolf  
The Barristers Trust Building  
247 Third Avenue South  
Minneapolis, Minnesota 55415

vs. A09-1466

State of Minnesota,  
Respondent.

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

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

Order Hennepin County

[summary of issues](#)

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Jermaine Ferguson, petitioner,  
Appellant,

Jermaine Ferguson  
OID # 218993  
7600 525th Street  
Rush City, Minnesota 55069

vs. A09-1483

State of Minnesota,  
Respondent.

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

Michael O. Freeman  
Hennepin County Attorney  
Michael K. Walz  
Assistant Hennepin County Attorney  
C-2000 Government Center  
Minneapolis, Minnesota 55487

Order Hennepin County

[summary of issues](#)

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**SUPREME COURT COURTROOM, STATE CAPITOL**

**Tuesday, January 5, 2010**

**En Banc Oral**

State of Minnesota,  
Respondent,

Lori Swanson  
Minnesota Attorney General  
Peter R. Marker  
Assistant Attorney General  
445 Minnesota Street – Suite 1800  
St. Paul, Minnesota 55101-2134

Melanie S. Ford  
St. Louis County Attorney  
St. Louis County Courthouse  
100 North Fifth Avenue West  
Duluth, Minnesota 55802

vs. A09-702

Andy William Prtine,  
Appellant.

Office of the Minnesota State Public Defender  
Steven P. Russett  
Assistant State Public Defender  
540 Fairview Avenue North – Suite 300  
St. Paul, Minnesota 55104

Judgment St. Louis County

[summary of issues](#)

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Elen Bahr,  
Respondent,

Joni M. Thome  
Frances E. Baillon  
Halunen & Associates  
1650 IDS Center  
80 South Eighth Street  
Minneapolis, Minnesota 55402

vs. A08-1367

Capella University,  
Appellant.

Thomas A. Harder  
Foley & Mansfield, PLLP  
250 Marquette Avenue – Suite 1200  
Minneapolis, Minnesota 55401

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctappub/0905/opa081367-0519.pdf>

[summary of issues](#)

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**SUPREME COURT COURTROOM, STATE CAPITOL**

**Wednesday, January 6, 2010**

**En Banc Oral**

Eagan Economic Development Authority,  
Appellant,

Robert B. Bauer  
Michael G. Dougherty  
Jessica L. Sanborn  
Severson, Sheldon, Dougherty & Molenda, P.A.  
7300 West 147th Street – Suite 600  
Apple Valley, Minnesota 55124

vs. A08-767

U-Haul Company of Minnesota a/k/a  
U-Haul Co. of Minnesota, et al.,  
Respondents,

Daniel L. Scott  
Paul Duggan Vraa  
Larson • King, LLP  
2800 Wells Fargo Place  
30 East Seventh Street  
St. Paul, Minnesota 55101

Randall J. Quam, et al.,  
Respondents,

Steven J. Quam  
Fredrickson & Byron, P.A.  
200 South Sixth Street – Suite 4000  
Minneapolis, Minnesota 55402

Larson Training Services, Inc. d/b/a Larson's  
Automotive Repair Services,  
Respondents,

Gary G. Fuchs  
Elizabeth E. Rein  
Gary G. Fuchs, P.A.  
3440 Federal Drive – Suite 100  
Eagan, Minnesota 55122

vs.

Minnesota's Credit Union, et al.,  
Respondents Below,

Irma L. Parranto, et al.,  
Respondents,

Jamal D. Ansari, et al.,  
Respondents Below.

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctappub/0905/opa080767-0519.pdf>

[summary of issues](#)

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**(Wednesday, January 6, 2010 continued on next page)**

(Wednesday, January 6, 2010 continued)

Cargill, Incorporated, et al.,  
Appellants,

Thomas C. Mielenhausen  
Christopher H. Yetka  
Lindquist & Vennum, P.L.L.P.  
4200 IDS Center  
80 South Eighth Street  
Minneapolis, Minnesota 55402

Paul L. Langer  
Proskauer Rose, LLP  
222 South Riverside Plaza – 29th Floor  
Chicago, Illinois 60606-5808

vs. A08-1082

Ace American Insurance Company,  
et al.,  
Respondents,

Liberty Mutual Insurance Company,  
Respondent,

Robert W. Kettering  
Theodore J. Smetak  
Paul E. D. Darsow  
Arthur, Chapman, Kettering, Smetak & Pikala, P.A.  
Young Quinlan Building  
81 South Ninth Street  
Minneapolis, Minnesota 55402-3214

Michael J. Cohen  
Meissner Tierney Fisher & Nichols, S.C.  
111 E. Kilbourn Avenue – 10th Floor  
Milwaukee, Wisconsin 53202

St. Paul Fire and Marine Insurance Company,  
et al.,  
Respondents.

Charles E. Spevacek  
Amy J. Woodworth  
Meagher & Geer, P.L.L.P.  
33 South Sixth Street – Suite 4400  
Minneapolis, Minnesota 55402

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctappub/0905/opa081082-0526.pdf>

[summary of issues](#)

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**SUPREME COURT COURTROOM, STATE CAPITOL**

**Thursday, January 7, 2010**

**En Banc Oral**

State of Minnesota,  
Respondent,

Lori Swanson  
Minnesota Attorney General  
James B. Early  
Assistant Attorney General  
445 Minnesota Street – Suite 1800  
St. Paul, Minnesota 55101-2134

Timothy R. Faver  
Beltrami County Attorney  
Beltrami County Judicial Center  
600 Minnesota Avenue – Suite 400  
Bemidji, Minnesota 56601-3037

vs. A08-769

Shane Scott Stone,  
Appellant.

Office of the Minnesota State Public Defender  
Benjamin J. Butler  
Assistant State Public Defender  
540 Fairview Avenue North – Suite 300  
St. Paul, Minnesota 55104

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctappub/0907/opa080769-0707.pdf>

[summary of issues](#)

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Patrick Brian Stewart,  
Respondent,

Peter C. Sandberg  
Sandberg & Sandberg, LLC  
4057 28th Street N.W. – Suite 300  
Rochester, Minnesota 55901

vs. A08-1209

Christopher Michael Koenig, et al.,  
Appellants.

Kay Nord Hunt  
Lommen, Abdo, Cole, King & Stageberg, P.A.  
2000 IDS Center  
80 South Eighth Street  
Minneapolis, Minnesota 55402

Angela C. Shackelford  
LaBore, Biuliani, Cosgriff & Viltoft, Ltd.  
10285 Yellow Circle Drive  
P.O. Box 70  
Hopkins, Minnesota 55343-0070

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctappub/0906/opa081209-0630.pdf>

[summary of issues](#)

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**COURTROOM 300, MINNESOTA JUDICIAL CENTER**

**Monday, January 11, 2010**

**En Banc Oral**

In the Matter of the Welfare of the Children of:  
J.B. and R.P.; S.K.J. and J.N.T.; S.L.A.J. and  
B.J.T., Parents.

Case No. A09-1146

Donald F. Ryan  
Crow Wing County Attorney  
Crow Wing County Attorney's Office  
213 Laurel Street – Suite 31  
Brainerd, Minnesota 56401

Melanie Dotty  
P.O. Box 815  
Pequot Lakes, Minnesota 56472

William O'Hara  
O'Hara Law Office Ltd.  
417 Laurel Street  
P.O. Box 624  
Brainerd, Minnesota 56401

Charles J. Frey  
Frey Law Office, Ltd.  
417 Laurel Street  
P.O. Box 683  
Brainerd, Minnesota 56401

Petition for Accelerated Review

[summary of issues](#)

In the Matter of the Welfare of the Child of:  
S.L.J., Parent.

Case No. A09-80

G. Paul Beaumaster  
Rice County Attorney  
Benjamin Bejar  
Assistant Rice County Attorney  
Rice County Attorney's Office  
218 N.W. Third Street  
Faribault, Minnesota 55021

Grant D. Sanders  
Sanders & Co., Ltd.  
109 Central Avenue North  
Faribault, Minnesota 55021-5210

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctappub/0909/opa090080-0901.pdf>

[summary of issues](#)

**COURTROOM 300, MINNESOTA JUDICIAL CENTER**

**Tuesday, January 12, 2010**

**En Banc Oral**

In the Matter of the Application of Anthony  
E. Sampair and Laurie K. Sampair to register  
title to the following described real estate  
situated in Washington County, Minnesota,  
namely: Lots 1 and 2, Block 1, Lakewood  
Park Third Division, applicants,  
Respondents,

Mark E. Greene  
Sarah L. Krans  
Bernick, Lifson, Greenstein, Greene & Liszt, P.A.  
5500 Wayzata Boulevard – Suite 1200  
Minneapolis, Minnesota 55416

vs. A08-1494 and A08-1505

Village of Birchwood, et al.,  
Defendants,

Jeffrey Lutz, et al.,  
Appellants,

Wayne B. Holstad  
30 East Seventh Street – Suite 1690  
St. Paul, Minnesota 55101

Josephine Berg Simes, et al.,  
Appellants.

Frederic W. Knaak  
Jessica A. Johnson  
Greg T. Kryzer  
Knaak & Kryzer, P.A.  
3500 Willow Lake Boulevard – Suite 800  
Vadnais Heights, Minnesota 55110

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctapun/0906/opa081494-0609.pdf>

[summary of issues](#)

John Kennedy,  
Respondent,

Peter D. Ekstrand  
Ekstrand Law Office, PLC  
100 Main Street West  
Wabasha, Minnesota 55981

vs. A08-1921

Pepin Township of Wabasha County,  
Appellant.

Mary D. Tietjen  
Troy J. Gilchrist  
Kennedy & Graven, Chartered  
470 U.S. Bank Plaza  
200 South Sixth Street  
Minneapolis, Minnesota 55402

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctappub/0906/opa081921-0623.pdf>

[summary of issues](#)

**COURTROOM 300, MINNESOTA JUDICIAL CENTER**

**Wednesday, January 13, 2010**

**En Banc Oral**

Loren J. Zutz, et al,

Appellants,

Paul A. Sortland  
Sortland Law Office  
431 South Seventh Street – Suite 2440  
Minneapolis, Minnesota 55415

vs. A08-1764

John Nelson, et al.,

Respondents.

Lindsay G. Arthur, Jr.  
Beth Jenson Prouty  
Arthur, Chapman, Kettering, Smetak & Pikala, P.A.  
500 Young Quinlan Building  
81 South Ninth Street  
Minneapolis, Minnesota 55402-3214

Opinion Court of Appeals

<http://www.lawlibrary.state.mn.us/archive/ctapun/0906/opa081764-0623.pdf>

[summary of issues](#)

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In re Petition for Disciplinary Action against  
Thomas John Lyons, Jr., a Minnesota Attorney,  
Registration No. 249646.

Case No. A09-472

Office of Lawyers Professional Responsibility  
Martin A. Cole, Director  
Timothy M. Burke  
Senior Assistant Director  
1500 Landmark Towers  
345 St. Peter Street  
St. Paul, Minnesota 55102-1218

Eric T. Cooperstein  
Law Office of Eric T. Cooperstein, PLLC  
1700 U.S. Bank Plaza South  
220 South Sixth Street  
Minneapolis, Minnesota 55402

Petition for Disciplinary Action

[summary of issues](#)

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