

STATE OF MINNESOTA

FILED

DISTRICT COURT

COUNTY OF SCOTT

APR 02 2009 A
SCOTT COUNTY COURTS

FIRST JUDICIAL DISTRICT

File No. 70-CV-09- 17343

In re M.W. Johnson Construction, Inc.,
Mechanic's Lien Foreclosure Litigation.

**ORDER 3:
ORDER SETTING SCHEDULING
CONFERENCE AND STAYING
PROCEEDINGS**

Pursuant to the March 31, 2009, Order of the Minnesota Supreme Court (A09-454), the Honorable Jerome B. Abrams, Judge of the District Court, **HEREBY**

ORDERS:

1. All prior scheduling orders, hearings, motions, pretrial and trial dates as may be set forth in all cases currently pending in the Minnesota state district courts identified in Addendum A and in 84 Lumber Company v. M.W. Johnson Construction, Inc., et al., Court File Number 19-HA-CV-08-1269 are **VACATED**.
2. A Rule 16 conference shall be held to address subjects including but not limited to those identified in Minn. R. Civ. P. 16.03. In addition, counsel should be prepared to address the following:
 - a. Whether there is a sufficient commonality of interest to warrant appointment of liaison counsel;
 - b. Whether a case management order should issued to govern discovery issues;
 - c. Whether sequencing and possible phasing of discovery motions and/or trial should be considered;

- d. What alternative dispute resolution processes will be used; and
- e. Assignment of the undersigned to Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction, Inc., et al., Court File Number 70-CV-08-12697, and inclusion of that matter in the Court's handling of the matters assigned to it by the Minnesota Supreme Court.

At least one of the attorneys for each party participating in any conference before trial, including this one, shall have authority to enter into stipulations and to make admissions regarding all matters that the participants may reasonably anticipate may be discussed.

This hearing will be held in Courtroom 1 at the Scott County Courthouse, 200 Fourth Avenue West, Shakopee, Minnesota on Thursday, May 21, 2009, at 9:00 a.m.

Dated: April 1, 2009

BY THE COURT:



Jerome B. Abrams
Judge of District Court

ADDENDUM A

In Dakota County, First Judicial District

Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction, Inc., et al.
Court File No. 19HA-CV-08-1621

Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction, Inc., et al.
Court File No. 19HA-CV-08-1622

Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction, Inc., et al.
Court File No. 19HA-CV-08-1623

Stewart Plumbing, Inc. v. John S. Dwyer, et al.
Court File No. 19HA-CV-08-1880

Stewart Plumbing, Inc. v. Jacob C. Bursott, et al.
Consolidated Court File No. 19HA-CV-08-2205

Stewart Plumbing, Inc. v. Roy Carlstrom, et al.
Court File No. 19HA-CV-08-2206

Stewart Plumbing, Inc. v. Melissa Johnson, et al.
Court File No. 19HA-CV-08-2523

Ryan Contracting Company v. Sunrise Ponds, LLC, et al.
Court File No. 19HA-CV-08-5371

In Scott County, First Judicial District

Superior Masonry & Concrete, Inc. v. M.W. Construction, Inc., et al.
Consolidated Court File No. 70-CV-08-10431

Stewart Plumbing, Inc. v. Alex Hernandez, et al.
Court File No. 70-CV-08-12187

Stewart Plumbing, Inc. v. Eric Wegner, et al.
Court File No. 70-CV-08-12388

Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction, Inc., et al.
Court File No. 70-CV-08-12692

Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction Inc., et al.
Court File No. 70-CV-08-12696

Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction Inc.
Court File No. 70-CV-08-12698

Stewart Plumbing, Inc. v. Nicole Bruch, et al.
Court File No. 70-CV-08-14651

Stewart Plumbing, Inc. v. Hector and Yudi Revolorio, et al.
Court File No. 70-CV-08-14381

Stewart Plumbing, Inc. v. William H. Bursott, et al.
Court File No. 70-CV-08-15902

In Wright County, Tenth Judicial District:

Stewart Plumbing, Inc. v. Thomas R. Sansom, et al.
Court File No. 86-CV-08-5039

Stewart Plumbing, Inc. v. Dawn Cox, et al.
Court File No. 86-CV-08-5154

Automated Building Components, Inc. v. M.W. Johnson Construction, Inc.
Court File No. 86-CV-08-5529

Mechanical Energy Systems, Inc. v. James L. Bystrom, et al.
Court File No. 86-CV-08-7349

In Hennepin County, Fourth Judicial District

Stewart Plumbing, Inc. v. Peter A. Lucs, et al.
Court File No. 27-CV-08-22702

In Blue Earth County, Fifth Judicial District:

Wenzel Plumbing & Heating, Inc. v. Jared J. Kral, et al.
Court File No. 07-CV-08-1744

ADDENDUM B

M.W. Johnson Mechanics Lien Litigation

Service List

Stewart Plumbing:

Susanne M. Glasser, Esq.
Christensen & Laue, P.A.
5101 Vernon Ave. S.
Minneapolis, MN 55436

Wenzel Plumbing & Heating, Inc.:

Gary G. Fuchs, Esq.
Gary G. Fuchs Attorney at Law, P.A.
3440 Federal Drive – Suite 100
Eagan, MN 55122

84 Lumber Company

Rebecca J. Heltzer, Esq.
Johnson, Gulling, Heltzer & Burg, PLC
650 Traffic Zone Building
250 Third Avenue North
Minneapolis, MN 55401

M.W. Johnson Construction, Inc.:

Michael L. Meyer, Esq.
Ravich, Meyer, Kirkman, McGrath,
Nauman & Tansey, P.A.
4545 IDS Center
80 South Eighth Street
Minneapolis, MN 55402

Superior Masonry & Concrete, Inc.:

Reese E. Chezick, Esq.
Reese E. Chezick, P.A.
2219 Westview Drive
Hastings, MN 55033

Maureen and William Johnson:

Amy M. Sieben, Esq.
Thomas A. Flynn, Esq.
Foley & Mansfield
250 Marquette Avenue – Suite 1200
Minneapolis, MN 55401

*David Hyttel; Jon-Carl Parranto;
Washington Mutual Bank; Eric L. Wegner;
Jennifer Wegner; Wells Fargo Bank, N.A.:*
Bradley N. Beisel, Esq.
Beisel & Dunlevy, P.A.
282 US Trust Center
730 Second Avenue South
Minneapolis, MN 55402

Ryan Contracting:

Christopher J. Johnston, Esq.
Wilkerson & Hegna, P.L.L.P.
7300 Metro Boulevard – Suite 300
Edina, MN 55439-2301

Carl Hanson Drywall, Inc.:

Richard L. Muske, Esq.
7616 Currell Boulevard – Suite 200
Woodbury, MN 55125

Mechanical Energy Systems, Inc.:

Ryan J. Hatton, Esq.
Rinke Noonan
U.S. Bank Plaza – Suite 300
1015 W. St. Germain Street
P.O. Box 1497
St. Cloud, MN 56302