

FILED

February 24, 2021

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM09-8009

**ORDER PROMULGATING AMENDMENTS TO THE
GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS**

In a report filed September 8, 2020, the Advisory Committee for the Rules of Civil Procedure recommended amendments to those rules to update and clarify language in the rules. The committee also recommended that an amendment be made to Rule 115.01 of the General Rules of Practice for the District Courts, if the recommended amendments to the Rules of Civil Procedure are adopted. We agree, and in an order filed today, we have promulgated the recommended amendments to the Rules of Civil Procedure.

Based on all of the files, records, and proceedings herein,

IT IS HEREBY ORDERED that Rule 115.01 of the General Rules of Practice is amended as shown below. The amendments are effective as of July 1, 2021, and shall apply to all cases pending on, or filed on or after, the effective date. The Advisory Committee comments are included for convenience and do not reflect court approval of the comments.

Dated: February 24, 2021

BY THE COURT:



G. Barry Anderson
Associate Justice

AMENDMENTS TO THE GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS

[Note: In the following amendments, deletions are indicated by a line drawn through the words and additions are indicated by a line drawn under the words.]

TITLE II. RULES GOVERNING CIVIL ACTIONS

PART C. MOTIONS

RULE 115. MOTION PRACTICE

Rule 115.01 Scope and Application.

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(c) **Post-Trial Motions.** The timing provisions of sections 115.03 and 115.04 of this rule do not apply to post-trial motions. Except as limited by Minn. R. Civ. P. 59.03, on the request of any party, the procedures for bringing, briefing, and hearing post-trial motions shall be governed by order of the court in the action.

Advisory Committee Comments—2021 Amendments

Rule 115.01(c) is amended in conjunction with the amendment to Minn. R. Civ. P. 59.04 to clarify the procedure for scheduling and hearing post-trial motions. Rule 115 historically exempted post-trial motions from the detailed and structured scheduling for other motions. The amended rule provides the court flexibility to allow the motions to be submitted, briefed, and argued on a schedule suitable to the needs of the case. In some cases, the motion or motions can be filed quickly, briefed quickly, and heard at an early date. In other cases, the parties may want to obtain a partial transcript or for other reasons may need a longer briefing schedule. Similarly, the court may desire a reply brief in some cases but in many cases might view a reply brief as unnecessary.

The rule does not modify, however, the deadlines in Minn. R. Civ. P. 59.03 for bringing the motion itself and having the motion heard. The 30-day deadline for bringing a motion contained in Rule 59.03 should be viewed as absolute; the 60-day deadline for holding a hearing may be modified, but only upon a showing of good cause.