

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Criminal

State of Minnesota,

Plaintiff,

**NOTICE OF MOTION AND MOTION FOR
EXPERT DISCLOSURE DEADLINES**

vs.

Derek Michael Chauvin,

Court File No. 27-CR-20-12646

J Alexander Kueng,

Court File No. 27-CR-20-12953

Thomas Kiernan Lane,

Court File No. 27-CR-20-12951

Tou Thao,

Court File No. 27-CR-20-12949

Defendants.

TO: The Honorable Peter Cahill, Judge of District Court, and counsel for Defendants; Eric J. Nelson, Halberg Criminal Defense, 7900 Xerxes Avenue South, Suite 1700, Bloomington, MN 55431; Robert Paule, 920 Second Avenue South, Suite 975, Minneapolis, MN 55402; Earl Gray, 1st Bank Building, 332 Minnesota Street, Suite W1610, St. Paul, MN 55101; Thomas Plunkett, U.S. Bank Center, 101 East Fifth Street, Suite 1500, St. Paul, MN 55101.

Plaintiff, the State of Minnesota, by its attorney, Matthew Frank, Assistant Attorney General, hereby gives NOTICE that on September 11, 2020 at 9:00 a.m., the State will move the Court to impose deadlines for expert disclosures in the above-captioned cases, as set forth below.

MOTION

On June 30, 2020, the Court issued a scheduling order in the above-captioned matters, which does not specifically address expert disclosures. The discovery in this case is extensive, and the discovery process is ongoing. The State anticipates that both parties to each case may seek to present expert witnesses on multiple topics. The State has not yet received any Rule 9.02 disclosures from any defendant.

With respect to expert witnesses and potential defenses, the State requests the Court set the following additional deadlines for the State and all defendants:

1. **October 8, 2020—Notice of Defenses:** Deadline for defendants to provide notice of defenses as required by Minn. R. Crim. P. 9.02, subd. 1(5);
2. **December 8, 2020—Initial Expert Disclosures:** Deadline for prosecution and defense initial expert disclosures, to include names, CVs, and general subject matter of anticipated testimony;
3. **January 8, 2021—Full Expert Disclosures:** Deadline for prosecution and defense full expert disclosures, to include results or reports of “physical or mental examinations, scientific tests, experiments, or comparisons” that relate to the case, and/or written summaries of the subject matter of each expert’s testimony, along with any findings, opinions, or conclusions each expert will give, the basis for them, and the experts’ qualifications, as required by Minn. R. Crim. P. 9.01, subd. 1(4) and Minn. R. Crim. P. 9.02, subd. 1(2).

Dated: August 28, 2020

Respectfully submitted,

KEITH ELLISON
Attorney General
State of Minnesota

/s/ Matthew Frank
MATTHEW FRANK
Assistant Attorney General
Atty. Reg. No. 021940X
445 Minnesota Street, Suite 1400
St. Paul, Minnesota 55101-2131
(651) 757-1448 (Voice)
(651) 297-4348 (Fax)
matthew.frank@ag.state.mn.us

ATTORNEYS FOR PLAINTIFF