

Filed in District Court
State of Minnesota

STATE OF MINNESOTA

JUN 02 2021

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,
Plaintiff,Case Type: Felony
Judge Regina M. Chu

v.

Court File No. 27-CR-21-7460

Kimberly Ann Potter,
Defendant.**AMENDED
SCHEDULING ORDER**

The above-entitled matter came duly before the Honorable Regina M. Chu, Judge of District Court, for a Scheduling Conference on June 2, 2021 at 9:00 a.m. Keith Ellison, Minnesota Attorney General; Erin Eldridge, Assistant Minnesota Attorney General; and Matthew Frank, Assistant Minnesota Attorney General, appeared for and on behalf of the State of Minnesota. Attorney Earl Gray and Attorney Paul Engh appeared for and on behalf of Defendant, who was not present.

ORDER

1. **Trial.** A jury trial on this matter has been scheduled before this Court on **December 6, 2021 at 9:00 a.m.**
2. **Discovery.** All initial discovery required by Rule 9.01 or Rule 9.02 or Rule 9.03 shall be completed on or before **June 30, 2021**. Failure to comply with the discovery deadline without good cause may result in suppression of evidence.
3. **Omnibus Motion Schedule.** The briefing schedule for any omnibus motions (including dismissal for lack of probable cause or suppression) shall be as follows, unless previously or otherwise set by the Court:
 - a. No contested omnibus hearing has been set. If you need a contested omnibus hearing, please contact chambers. Please note, unless exceptional circumstances exist, the trial date will not be converted into a contested omnibus hearing.
4. **Media Coverage.** The briefing schedule for any media coverage motions shall be as follows, unless previously or otherwise set by the Court:
 - a. The State's motion shall be served and filed on or before **June 30, 2021**;
 - b. Defendant's response shall be served and filed on or before **July 16, 2021**.

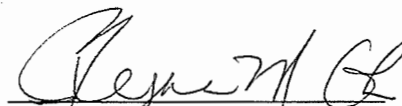
5. **Notice of Defenses.** Notice of any defenses shall be served and filed on or before **July 30, 2021**.
6. **Blakely Notice.** The State's notice of intent to seek an upward durational departure shall be served and filed on or before **July 30, 2021**.
7. **Initial Expert Disclosures.** The parties shall make initial expert disclosures regarding the identity of each expert, curricula vitae, and the general subject of each expert's proposed testimony on or before **September 17, 2021**. Rebuttal experts shall be disclosed on or before **October 1, 2021**.
8. **Proposed Jury Questionnaires.** The Court has provided counsel with a copy of the standard jury questionnaire. Counsel shall confer and submit proposed amendments or additions by **September 17, 2021**. Jury questionnaires should be submitted to the Court in PDF form.
9. **Expert Disclosures.** Pursuant to Rules 9.01, subd. 1(4) and 9.02, subd. 1(2), each party will disclose written reports and summaries of expected testimony by **October 15, 2021**. A party must disclose expert testimony intended solely to contradict or rebut evidence on the same subject matter offered by another party's expert within 30 days after the disclosure of the evidence to be contradicted or rebutted. Disclosure must include all findings, opinions, or conclusions to which each expert is expected to testify; the basis for the findings, opinions, or conclusions; and each expert's qualifications, if not already evident from curricula vitae.
10. **Pre-Trial Motion Schedule.** The briefing schedule for any motions *in limine* (including *Spreigl*, impeachment, *voir dire*, etc.) shall be as follows, unless previously or otherwise set by the Court:
 - a. Motions with supporting authorities shall be served and filed on or before **November 1, 2021**;
 - b. Responses shall be served and filed on or before **November 15, 2021**.
11. **Ten or more days before trial,** counsel shall, either in person or by electronic means, meet, confer, and exchange witness lists and discuss anticipated exhibits. Counsel shall attempt to identify issues which are not in dispute, evidence which may be submitted by stipulation, and any other procedures which may expedite the case. The parties shall inform the Court of any known evidentiary issues or expected substantive objections to exhibits.
12. **Seven or more days before trial,** the following shall be served and filed, with a copy to the Court:
 - a. Witness lists (copies for court reporter also required at trial); and
 - b. Proposed jury instructions, if any (may be referenced by CRIMJIG number).
13. **Audio/video recordings.** A party who wishes to use a transcript or partial transcript of an audio or video recorded statement at the trial must, prior to trial, timely prepare it and disclose it to opposing counsel. Court reporters are not responsible for reporting or

transcribing audio or video recorded statements played during trial.

- 14. Filing Documents.** All documents shall be e-filed pursuant to Hennepin County District Court procedure. All filed documents shall be properly titled with the case name, case file number, and descriptive caption. All filed documents shall be served by courtesy to copy to opposing counsel and the Court.
- 15. Resolution and Chambers Contact.** If the case is resolved prior to the next scheduled court date and the parties wish to appear for a plea hearing sooner than the scheduled date, please contact chambers using the email address 4thJudgeChuStaff@courts.state.mn.us or by calling one of Judge Chu's clerks: Zach Kraemer at 612-348-5086 or Jessica Bower at 612-348-7788.

Dated: 6/2/21

BY THE COURT:


Regina M. Chu
Judge of District Court