

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

CASE TYPE: Other Civil

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Ethylon B "E.B." Brown, Benjamin E. Myers,  
Robert "Bob" Scott, Shannon Hartfiel, Robert  
Wilson, William J. Brown, Dokor Dejvongsa,  
et al.

Court File No.: 27-CV-09-2277

Plaintiffs,

v.

Jordan Area Community Council, as nominal  
defendant and defendant employer, Michael  
"Kip" Browne, P.J. Hubbard, Robert Hodson,  
Anne McCandless, et al.

Defendants.

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**AMENDED ORDER  
GRANTING PARTIAL JUDGMENT  
UNDER MINN. R. CIV. P. 54.02**

This matter came before the Court upon Stacy Sorenson's and Minneapolis Neighborhood Revitalization Project's ("NRP") motion to amend the Court's May 4, 2011 Order or, alternatively, for summary judgment. Jill Clark, Esq., appeared for Plaintiffs. David Schooler, Esq. appeared on behalf of Defendants Browne, Hodson, Hubbard, Sorenson, McCandless, Jordan Area Community Council ("JACC"), and Minneapolis Neighborhood Revitalization Project.

On December 8, 2011, Plaintiffs' voluntarily dismissed all claims against Sorenson. Moreover, no claims have been alleged against NRP in this lawsuit. Accordingly, judgment should be final as to Sorenson and the May 4 Order should be appropriately modified.

In the alternative, this Court ordered partial summary judgment for Defendants Browne, Hubbard, McCandlelss, Hodson, and JACC by order signed May 3, 2011, for the reasons stated in the order and attached memorandum. For the same reasons stated in the May 3 memorandum, summary judgment is also appropriate for Defendants Sorenson and Minneapolis Neighborhood Revitalization Project.

As a result of summary judgment, Plaintiffs' claims against the Defendants named below are entirely disposed of and Plaintiffs seek the opportunity to file an immediate appeal before proceeding to trial against the remaining defendants. Because an immediate appeal may advance the ultimate resolution of the entire litigation and avoid relitigation of issues, this Court has determined that there is no just reason to delay entry of judgment and therefore expressly directs the immediate entry of judgment.

Finally, Plaintiffs seek a stay of enforcement of the monetary judgment entered on April 29, 2011. The judgment is in the amount of \$40,887.37 for attorney fees, costs, and disbursements. Defendants do not oppose stay of enforcement pending appeal. The stay may be lifted upon application to this Court if the appeal is not taken, or the appeal is dismissed, or the appeal is concluded, or for other cause pursuant to applicable law.

Based upon a review of the files, records, and proceedings herein, the Court now makes the following :

**AMENDED ORDER**

**IT IS HEREBY ORDERED:**

1. Defendants' Motion for Summary Judgment is hereby GRANTED as follows: Plaintiffs' claims against Defendants Browne, Hodson, Hubbard, Sorenson, McCandless, Jordan Area Community Council ("JACC"), and Minneapolis Neighborhood Revitalization Project are hereby **DISMISSED WITH PREJUDICE**.
2. A stay of entry of the monetary judgment entered April 29, 2011 is granted and may be terminated upon application by any party.
3. The order granting partial summary judgment and the attached memorandum dated May 3, 2011 are hereby incorporated herein.

4. **THERE BEING NO JUST REASON FOR DELAY**, this Court expressly directs **IMMEDIATE** entry of final partial judgment pursuant to Minn. R. Civ. P. 54.02.  
**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: \_\_\_\_\_, 2011.

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Charles A. Porter  
Judge of District Court

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