

STATE OF MINNESOTA  
IN COURT OF APPEALS

-----  
In re Paul Stepnes, Chester Group, LLC,  
Chester House, LLC,

Petitioners.

Court of Appeals No. \_\_\_\_\_

In re Paul Stepnes, Chester Group, LLC,  
Chester House, LLC,

Fourth Jud. Dist. No. 27-cv-10-25884<sup>1</sup>

Plaintiffs,

**PETITION FOR WRIT OF  
PROHIBITION AND/OR  
MANDAMUS**

v.

All States Title, *et al*,

Defendants.  
-----

**PETITIONERS' APPENDIX**

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<sup>1</sup> As is further discussed below, it is Plaintiff-petitioners' position that this case was properly dismissed pursuant to Minn.R.Civ.P. 41(a)(1). However, Petitioners do not have any other case file number to reference, other than that district court file.



STATE OF MINNESOTA

FILED

DISTRICT COURT

COUNTY OF HENNEPIN

2011 FEB 24 PM 3:16

FOURTH JUDICIAL DISTRICT

BY \_\_\_\_\_ DEPUTY

HENNEPIN COUNTY DISTRICT  
COURT ADMINISTRATOR

Judge Robert A. Blaeser

Paul Stepnes, Chester Group LLC,  
Chester House LLC,

Plaintiffs,

ORDER AND  
MEMORANDUM

v.

All States Title Inc., Mickey J. Hagen,  
Old Republic National Title Insurance Co.,  
Steven R. Little, Coleman Hull & Van  
Vliet PLLP et. al.,

Court File No. 27CV10-25884

Defendants.

The above-entitled matter came before the Honorable Robert A. Blaeser, Chief Judge of the Civil Division, Hennepin County District Court, on February 24, 2011, for an Order to Show Cause Hearing. No one appeared for and on behalf of Plaintiffs. Katherine L. Wahlberg, Esq., appeared for and on behalf of Defendant Old Republic National Title Insurance Company. Erin D. Doran, Esq., appeared for and on behalf of Defendants Steven R. Little and Coleman Hull & Van Vliet PLLP. No one appeared for or on behalf of any other Defendants.

Based upon all files, records, and proceedings herein, together with the arguments of counsel and the parties,

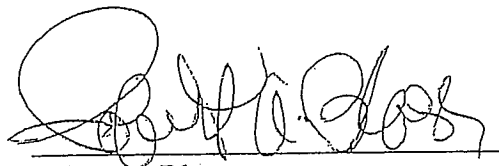
IT IS HEREBY ORDERED:

1. To the extent the case remains open, it is reassigned to Judge Lloyd B. Zimmerman. To the extent the case is dismissed without prejudice, should it be re-filed, the case will be blocked to the last assigned judge, Judge Lloyd B. Zimmerman, and the Plaintiffs have no remaining Rule 63.03 removal rights.
2. The attached memorandum is incorporated herein by reference.

IT IS SO ORDERED.

Dated:

2/24/2011



Robert A. Blaeser  
Chief Judge, Civil Division  
C-659 Government Center  
Minneapolis, MN 55487  
(612) 348-4964

## MEMORANDUM

On November 4, 2010, Plaintiffs Paul Stepnes and Chester Group LLC filed their Summons and Complaint requesting an injunction and alleging negligent misrepresentation, fraud and deceit. The case was assigned to Judge Chu on November 15. Defendants filed a Notice of Motion and Motion to Dismiss on November 24; the hearing was scheduled for January 25, 2011. Plaintiff Chester Group LLC removed Judge Chu on November 29, pursuant to Rule 63.03 of the Rules of Civil Procedure.

The case was reassigned to Judge Hedlund on November 30; she recused herself. The matter was reassigned to Judge Dickstein on December 6; he recused himself. The case was reassigned to Judge Daly on December 8; she also recused herself. The case was reassigned to Judge Susan Burke on December 15. Judge Burke issued a scheduling and trial order on December 23, setting the matter for a court trial beginning September 6, 2011. Defendant Steven R. Little filed a Rule 63.03 removal on Judge Burke on December 23. The case was reassigned to Judge Larson on December 23; he recused himself. The case was reassigned to Judge Peterson on January 6, 2011. Plaintiff Paul Stepnes filed a Rule 63.03 removal on Judge Peterson on January 18. The matter was reassigned to Judge Alton on January 19; she recused herself.

The case was reassigned to Judge Zimmerman on January 27. Judge Zimmerman issued an amended scheduling and trial order on February 1, setting the case for a court trial on September 26, 2011. Defendants filed an Amended Notice of Motion and Motion to Dismiss on February 4, for a hearing on March 16. Plaintiffs' counsel filed an Amended Summons and Amended Complaint on February 7, 2011 adding Green House LLC to the Summons as a Plaintiff, but adding Chester House LLC as the new Plaintiff on the Complaint. The Amended Summons and Complaint contain no substantive allegations about Green House LLC or Chester House LLC. The events alleged all occurred in 2006. Also on February 7, Plaintiff Chester House LLC filed a Rule 63.03 removal on Judge Zimmerman. As of February 7, Chester House LLC was either not a registered LLC with the Minnesota Secretary of State or was designated as inactive. Minnesota Statute Section 322B.105 states that an LLC only comes into being by filing articles of organization with the Secretary of State.

The case was reassigned to Judge Neville on February 8; she recused herself. The matter was reassigned to Judge Abrams on February 8. On February 16, the undersigned issued an Order to Show Cause directing Plaintiffs, through their counsel, to appear to show cause that the newly added Plaintiff, Chester House LLC, was a real entity because Plaintiffs would not have had any Rule 63.03 removals available without the addition of Chester House LLC as a Plaintiff. Later on February 16, counsel for Plaintiffs filed a Dismissal Without Prejudice dated February 15, 2011. The caption on the Dismissal does not include Chester House LLC as a Plaintiff. It is unclear whether all Defendants were served with the Dismissal.<sup>1</sup> The Dismissal was filed and

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<sup>1</sup> Katherine L. Wahlberg, Esq., indicated at the Order to Show Cause hearing on February 24, that Defendants Steven R. Little and Coleman Hull & Van Vliet PLLP were served with the Dismissal. However, counsel for Defendant Old Republic National Title Insurance Company, Thomas B. Olson, Esq., indicated to one of the undersigned's clerks, Ana Nelson, during a telephone call on February 23, that he had not received any Dismissal from Plaintiffs.

processed through civil filing rather than provided to the assigned judge. The case remains open and no order has been issued dismissing it. A hearing on Defendants' Motion to Dismiss is currently scheduled for March 23.

On February 23, counsel for Plaintiffs filed a "Limited Appearance to Object to Jurisdiction and Removal Without Cause" rather than appearing at the Order to Show Cause hearing scheduled for February 24. Exhibit B to the "Limited Appearance to Object to Jurisdiction and Removal Without Cause" shows that Chester House LLC was registered with the Minnesota Secretary of State *as of February 20 at 19:02*. Exhibit B shows Chester House LLC has an "entity type ID" of "LLI." According to the abbreviation key, "codes ending in I reflect that the business is inactive," and "LLI" refers to inactive "Limited Liability Companies."

Because there is no indication that Chester House LLC was an active LLC *on February 7*, the date it was added as a Plaintiff and filed a Rule 63.03 removal on Judge Zimmerman, and because there are no substantive allegations involving either Chester House LLC or Green House LLC in the Complaint or Amended Complaint and the events occurred over four years ago, Chester House LLC's Rule 63.03 removal of Judge Zimmerman is denied.

To the extent the case remains open, it is reassigned to Judge Lloyd B. Zimmerman. To the extent the case is dismissed without prejudice, should it be re-filed, the case will be blocked to the last assigned judge, Judge Lloyd B. Zimmerman, and the Plaintiffs have no remaining Rule 63.03 removal rights.

R.A.B.

BUSINESS ORGANIZATION INQUIRY



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ENTITY NAME : chester house, llc  
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<u>ORG ID</u>	<u>Name</u>	<u>Entity Type ID</u>	<u>City</u>	<u>State</u>	<u>Cross Reference</u>
1957114-2	CHESTER HOUSE HOLDING L.L.C.	LLI	Mpls	MN	XR
1482838-2	CHESTER HOUSE L.L.C.	LLI	Mpls	MN	
5I-579	Chester I. Hegstrom, D.D.S., P.A.	DC	Edina	MN	XR
5Z-972	Chester J. Yanik & Associates, Inc.	DC	Shorewood	MN	
K-997	Chester-Kent Incorporated	DC	St Paul	MN	XR
7706-AA	Chester-Kent, Incorporated	DCI	St Paul	MN	
7707-AA	Chesterland Stock Farm Company	DCI	Mpls	MN	
2596886-3	CHESTER LEE INVESTMENTS-2ND STREET QUAD LLC	LFC			
3090-LLC	CHESTER MATHWIG AND SONS, LLC	LLC	Waconia	MN	
2M-377	Chester Motors, Inc.	DCI	Chester	MN	
5L-246	Chester of Princeton, Inc.	DCI	Princeton	MN	
7708-AA	Chester Oil Company of Minnesota	DCI	Mpls	MN	
4-463	Chester Park Apartments, Inc.	DCI	St Paul	MN	
1C-365	Chester Park Building *Duluth, Inc.	DCI	Anoka	MN	
A-687	Chester Park Church of The Evangelical United	NP	Duluth	MN	XR
0355	CHESTER PARK LAUNDROMAT	AN	Duluth	MN	
145207-2	Chester Park Motors, LLC	LLC	Duluth	MN	
81847-2	Chester Park Motors LLP	DPI	Duluth	MN	
2320119-2	Chester Park Motors LLP	DPI	Duluth	MN	
20932	Chester Park Motors of Duluth	ANI	Duluth	MN	
1M-252	Chester Park Parent-Teacher Association (PTA)	NPI	Duluth	MN	
R-253	Chester Park Pharmacy, Incorporated	DCI	Duluth	MN	XR
1096791-2	Chester Park Sales And Service	AN	Duluth	MN	

ATT. B

BUSINESS ORGANIZATION INQUIRY

1-1137	Chester Park-UMD Area Community Club	NPJ	Duluth	MN
-687	Chester Park United Methodist Church	NP	Duluth	MN
UP-569	Chester Products, Inc.	FCI		
6683	Chester Properties	AN	Mpls	MN
48527-2	Chester Raguse Farms, Inc.	DC	Tintah	MN
4009-2	Chester Reinartz Construction, Inc.	DC	Adams	MN
44853-2	CHESTER ROW HOUSE L.L.C.	LLI	Mpls	MN
5	CHESTERS	TMI		
.633	Chester Sales Inc.	DCI	Savage	MN
981	Chester Self Storage	ANI	Rochester	MN
315	Chester Service Center, Inc.	DC	Rochester	MN
-772	Chester's Family Restaurants, Ltd., Inc.	DCI	Blmgtm	MN
-772	Chester's, Inc.	DCI	Blmgtm	MN XR
968	Chesters Inc.	DCI	Detroit La	MN
5890-2	Chester's Kitchen & Bar	AN	Rochester	MN
9870-2	Chester's Kitchen and Bar, LLC	LLC	Eden Prair	MN XR
9870-2	Chester's Kitchen & Bar, LLC	LLC	Eden Prair	MN

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### Abbreviations in Search List

AN	Assumed Names
DC	Domestic Corporations
NP	Non Profit Corporations
FC	Foreign Corporations
TM	Trademarks
BT	Business Trusts
FLP	Foreign Limited Partnerships
RN	Name Reservations
LP	Minnesota Limited Partnership
RLP	Reservation of Limited Partnership
LLC	Limited Liability Company
LFC	Foreign Limited Liability Company
DPL	Limited Liability Partnership
FPL	Foreign Limited Liability Partnership
XX	Special Information Screen
XR	Cross Reference

Codes ending in I reflect that the business is inactive

ANI	Assumed Names
DCI	Domestic Corporations
NPI	Non Profit Corporations
FCI	Foreign Corporations
TMI	Trademark
BTI	Business Trust
FLI	Foreign Limited Partnership
RNI	Name Reservation
LPI	Limited Partnership
REI	Reservation Limited Partnership
DPI	Limited Liability Partnership
FPI	Foreign Limited Liability Partnership
LLI	Limited Liability Companies



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Paul Stepnes and Chester Group, LLC,  
Chester House, LLC,

Case No. \_\_\_\_\_<sup>1</sup>

Plaintiffs,

LIMITED APPEARANCE TO  
OBJECT TO JURISDICTION

AND

REMOVAL WITHOUT CAUSE

v.

All States Title, Inc., Mickey J. Hagen,  
Old Republic National Title Insurance Co.  
Steven R. Little, Coleman, Hull & Van Vliet,  
PLLP, John Does 1-2, and YXY Corporation,

*REQUEST FOR EMERGENCY  
PROCESSING*

Defendants.

Plaintiff Paul Stepnes hereby requests emergency processing of this limited appearance for the purpose of objecting to jurisdiction, and notice to remove without cause, because a judicial officer has demanded the presence of Plaintiffs in a Courtroom on Thursday, February 24, 2011.

<sup>1</sup> The Order to Show Cause, which lists Judge Blaeser at the top of the caption, lists Court file No. 27-cv-10-25884. But a contempt proceeding is a collateral and "new" proceeding, so that case needs a new number and likely a new caption. This does not appear to be an order issued in 27-cv-10-25884, because that case is assigned to Judge Abrams (not either Judge Bush or Blaeser). Further, 27-cv-10-25884 was dismissed without prejudice on February 16, 2011. In order to be timely, Plaintiff Paul Stepnes is filing this notice to remove before addressing the court file issue. For now, to prove filing, he will file this notice of removal within 27-cv-10-25884. When the new case file is opened, this notice can be filed in that case file, but Stepnes urges that it be filed as of February 23, 2011.

Although the Order to Show Cause was dated February 16, 2011, it was not delivered to Plaintiffs' attorney in 27-cv-10-25884's mailbox until Saturday, February 19, 2011, and no one was in the office that day. Given the long weekend, Plaintiffs were not fully apprised until late in the day on February 22, 2011. Plaintiffs have acted with dispatch, but they have not had the opportunity to prepare a full memorandum on these issues.

Objection to jurisdiction.

The Order to Show Cause was not served upon Plaintiffs by the Court Administrator or any process server, not personally served upon Plaintiffs, not personally served upon Plaintiffs' counsel in 27-cv-10-25884, and a contempt action has therefore not commenced.

It is clear from the face of the Order to Show Cause (Att. A) that this particular judge *sua sponte* performed outside research: there was no motion pending, this was not a judge on 27-cv-10-25884, and electronic research was performed on the Secretary of State website. A district judge may not act as investigator, prosecutor, judge and jury in a contempt action. This particular judge lacks jurisdiction over this particular proceeding.

Plaintiffs have not yet been able to retain an attorney(s) for this new proceeding. They have been consulting with attorneys, but no attorney that they would retain had Thursday, February 24, 2011 free on their calendar(s).

Plaintiffs include two corporations (which must appear by counsel). Further, because the Court lacks jurisdiction over Plaintiffs, the person of Paul Stepnes is hesitant to appear on Thursday, February 24, 2011, out of concern that somehow he, as a layperson, will inadvertently waive the jurisdictional objection. Plaintiffs need time to obtain counsel.

Plaintiffs have not retained Jill Clark, Esq. as counsel in this new proceeding. Jill Clark, Esq. appears in a limited capacity, as noted herein.

Request for disclosure.

Plaintiffs do not have information or knowledge about how Judges Bush and/or Blaeser became involved in a notice to remove Judge Zimmerman in 27-cv-10-25884. It appears that there must have been some communications, and Plaintiffs have a due process right to know what is occurring in their case, and to know all of the *facts* that anyone knows about their case, whether staff or judicial officer(s).

Notice of Removal.

Plaintiff Paul Stepnes hereby removes the Judicial Officer who issued the order in the Order to Show cause which commenced a collateral and "new" action. This notice of removal is filed less than 10 days from the date that Plaintiffs first became aware that Judge Bush and/or Blaeser was assigned to this action.

The Order to Show Cause has Judge Blaeser's name at the top of the caption, but it was signed by Judge Philip D. Bush. Plaintiffs cannot tell who would be present on the bench in the specified courtroom on Thursday, February 24, 2011. Therefore, Plaintiff Paul Stepnes styles this notice to remove without cause as removing whichever Judge commenced the contempt action.<sup>2</sup> If more than one Judge commenced this action, Plaintiffs respectfully request to be informed of that.

Plaintiffs seek notification from the District Court as to whether there are two judges on this matter. If so, Chester Group, LLC will be removing that second judge, but Plaintiffs do not wish to spend that strike unless absolutely necessary.

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<sup>2</sup> The Order to Show cause did not cite any judicial authority. Upon review and research, Plaintiffs have the belief that it must be a contempt action. With due respect, to the extent that Plaintiffs cannot tell what authority this is purportedly filed under, the Order lacks specificity and denies due process, and as such may not be pursued.

Plaintiff Paul Stepnes believes that he has the right to remove without cause. If that is not granted or is challenged, Plaintiff Paul Stepnes reserves the right to move to disqualify for cause. For example, it is clear from the face of the Order to Show Cause that the judge(s) performed electronic research, and came into possession of "facts" that were not proffered into evidence by the parties.<sup>3</sup> Without elaborating here, that research outside the presence of the parties, creates a basis to disqualify, including but not limited to the judge(s) being a fact witness in the proceeding. Plaintiffs reserve the right to fully brief these issues later, should that prove necessary.

Order is unlawful.

Respectfully, Plaintiffs must put forth the argument that the Order to Show Cause is unlawful, and therefore they are not required to obey it. With all due respect, the Order is based on an inaccurate factual assertion: that "the newly added Plaintiff, Chester House, LLC, is not a registered LLC on the Minnesota Secretary of State Website." Chester House, LLC is very much a "registered LLC on the Minnesota Secretary of State Website." (See Att. B). Because the only premise of the Order is that factual assertion, the Order is not a lawful demand to appear.

The Order does not cite any statute or case authorizing this proceeding.

Further, the Order is insufficient to give notice of the issue, and to prepare for the hearing. Plaintiffs are not yet in possession of all evidence in the possession of the investigator-judge.

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<sup>3</sup> Rule 2.10 Comment [1] To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge; and [6] The prohibition against a judge investigating the facts in a matter extends to information available in all mediums, including electronic.

This issue is likely moot.

This case was dismissed without prejudice on February 16, 2011. And, the factual premise upon which the Order was issued is not accurate.

The Order was never served by the Court Administrator or any personal service. Perhaps the Court has decided not to pursue it.

If this is re-set, Plaintiffs respectfully request that they be provided time and opportunity to: a) obtain counsel; b) remove without cause; and/or c) file a motion to disqualify for cause. Given that 27-cv-10-25884 has already been dismissed, Plaintiffs urge that time is *not* of the essence, and that this matter can proceed in an orderly fashion, providing due process rights to all concerned.

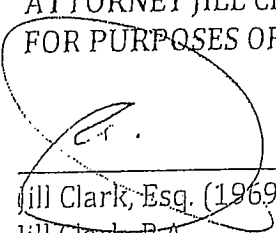
Reaching the Plaintiffs.

Jill Clark agrees to serve the purpose of a point of contact for Plaintiffs until they can obtain new counsel. Jill Clark is *not* giving any defense counsel or judicial officer permission to directly contact any Plaintiff.

Jill Clark, herself, is unavailable for any proceeding on February 24, 2011, due to another hearing, which has already been re-scheduled from a prior date, and really needs to go forward so that pending litigation can advance.

Dated: February 23, 2011

LIMITED APPEARANCE BY  
ATTORNEY JILL CLARK, ONLY  
FOR PURPOSES OF THIS FILING

  
\_\_\_\_\_  
Jill Clark, Esq. (196988)  
Jill Clark, P.A.  
2005 Aquila Avenue North  
Golden Valley, MN 55427  
Phone: (763) 417-9102

DUPLICATE  
ORIGINAL

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT

FILED FOURTH JUDICIAL DISTRICT

2011 FEB 16 AM 9:01

Paul Stepnes; Chester Group LLC,  
Chester House LLC,

BY \_\_\_\_\_ DEPUTY  
HENN CO. DISTRICT  
COURT ADMINISTRATOR

Judge Robert A. Blaeser

Plaintiffs,

ORDER TO  
SHOW CAUSE

vs.

All States Title Inc., Mickey J. Hagen,  
Old Republic National Title Insurance Co.,  
Steven R. Little, Coleman Hull &  
Van Vliet PLLP, et. al.,

Court File No. 27CV10-25884

Defendants.

WHEREAS the attorney for the above-named Plaintiffs filed a Rule 63.03 notice of removal on Judge Lloyd B. Zimmerman and on the same date added a new Plaintiff, Chester House LLC.

WHEREAS the above-named Plaintiffs would not have had any removals without cause available without the addition of Chester House LLC as a Plaintiff.

WHEREAS the newly added Plaintiff, Chester House LLC, is not a registered LLC on the Minnesota Secretary of State Website. Now therefore,

IT IS HEREBY ORDERED that the above-named Plaintiffs shall appear before this Court on Thursday, February 24, 2011 at 10:00 a.m. in Courtroom C-659 Hennepin County Government Center, 300 South Sixth Street, Minneapolis, Minnesota to show cause that the newly added Plaintiff, Chester House LLC, is a real entity and not a fictitious LLC.

Dated: *2/16/11*

BY THE COURT:

*Robert A. Blaeser*  
Robert A. Blaeser  
Presiding Judge of Civil Division

Refer questions to:  
Ana Nelson - Phone: (612) 348-5639  
Daniel Bernhard - Phone (612) 348-7140

ATT. *A*

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<u>ORG ID</u>	<u>Name</u>	<u>Entity Type ID</u>	<u>City</u>	<u>State</u>	<u>Cross Reference</u>
1957114-2	CHESTER HOUSE HOLDING L.L.C.	LLI	Mpls	MN	XR
1482838-2	CHESTER HOUSE L.L.C.	LLI	Mpls	MN	
5I-579	Chester I. Hegstrom, D.D.S., P.A.	DC	Edina	MN	XR
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3145207-2	Chester Park Motors, LLC	LLC	Duluth	MN	
581847-2	Chester Park Motors LLP	DPI	Duluth	MN	
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R-253	Chester Park Pharmacy, Incorporated	DCI	Duluth	MN	XR
1096791-2	Chester Park Sales And Service	AN	Duluth	MN	

ATT B

<u>U-1137</u>	Chester Park-UMD Area Community Club	NPI	Duluth	MN
<u>A-687</u>	Chester Park United Methodist Church	NP	Duluth	MN
<u>DUP-12569</u>	Chester Products, Inc.	FCI		
<u>256683</u>	Chester Properties	AN	Mpls	MN
<u>1648527-2</u>	Chester Raguse Farms, Inc.	DC	Tintah	MN
<u>544009-2</u>	Chester Reinartz Construction, Inc.	DC	Adams	MN
<u>2044853-2</u>	CHESTER ROW HOUSE L.L.C.	LLI	Mpls	MN
<u>5855</u>	CHESTERS	TMI		
<u>9T-633</u>	Chester Sales Inc.	DCI	Savage	MN
<u>161981</u>	Chester Self Storage	ANI	Rochester	MN
<u>3R-315</u>	Chester Service Center, Inc.	DC	Rochester	MN
<u>2W-772</u>	Chester's Family Restaurants, Ltd., Inc.	DCI	Blmgtm	MN
<u>2W-772</u>	Chester's, Inc.	DCI	Blmgtm	MN XR
<u>6Y-968</u>	Chesters Inc.	DCI	Detroit La	MN
<u>2346890-2</u>	Chester's Kitchen & Bar	AN	Rochester	MN
<u>2329870-2</u>	Chester's Kitchen and Bar, LLC	LLC	Eden Prair	MN XR
<u>2329870-2</u>	Chester's Kitchen & Bar, LLC	LLC	Eden Prair	MN

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**REGISTER OF ACTIONS**  
CASE NO. 27-CV-10-25884

Paul Stepnes, Chester Group LLC, Chester House LLC vs All States Title Inc, Mickey J Hagen, Old Republic National Title Insurance Co, Steven R Little, COLEMAN HULL & VAN VLIET PLLP et. al.

Case Type: Civil Other/Misc.  
Date Filed: 11/04/2010  
Location: - Hennepin Civil  
Judicial Officer: Abrams, Ronald L.

PARTY INFORMATION

Lead Attorneys

Defendant	All States Title Inc	
Defendant	COLEMAN HULL & VAN VLIET PLLP Minneapolis, MN 55437	MARK BLOOMQUIST <i>Retained</i> 612-338-0661(W)
Defendant	Hagen, Mickey J	
Defendant	Little, Steven R Minneapolis, MN 55437	MARK BLOOMQUIST <i>Retained</i> 612-338-0661(W)
Defendant	Old Republic National Title Insurance Co	THOMAS B OLSON <i>Retained</i> 952-224-3644(W)
Defendant	TFIC LLC	
Plaintiff	Chester Group LLC	JILL ELEANOR CLARK <i>Retained</i> 763-417-9102(W)
Plaintiff	Chester House LLC	JILL ELEANOR CLARK <i>Retained</i> 763-417-9102(W)
Plaintiff	Stepnes, Paul	JILL ELEANOR CLARK <i>Retained</i> 763-417-9102(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

11/04/2010	Summons and Complaint and Certificate of Representation
11/15/2010	Notice of Case Assignment (Judicial Officer: Chu, Regina M.)
11/24/2010	Notice of Motion and Motion
11/29/2010	Notice to Remove (Judicial Officer: Chu, Regina M.)
11/30/2010	Notice of Case Reassignment (Judicial Officer: Hedlund, Deborah)
12/06/2010	Order to Recuse (Judicial Officer: Hedlund, Deborah)
12/06/2010	Notice of Case Reassignment (Judicial Officer: Dickstein, Mel I.)

12/08/2010 Notice of Case Reassignment (Judicial Officer: Daly, Margaret A. )  
 12/13/2010 Order to Recuse (Judicial Officer: Daly, Margaret A. )  
 12/15/2010 Notice of Case Reassignment (Judicial Officer: Burke, Susan N. )  
 12/23/2010 Notice to Remove (Judicial Officer: Burke, Susan N. )  
 12/23/2010 Scheduling Order (Judicial Officer: Burke, Susan N. )  
 12/23/2010 Notice of Case Reassignment (Judicial Officer: Larson, Gary R. )  
 01/05/2011 Order to Recuse (Judicial Officer: Larson, Gary R. )  
 01/06/2011 Notice of Case Reassignment (Judicial Officer: Peterson, Bruce A. )  
 01/18/2011 Notice to Remove (Judicial Officer: Peterson, Bruce A. )  
 01/19/2011 Notice of Case Reassignment (Judicial Officer: Alton, Ann Leslie )  
 01/25/2011 CANCELED Motion Hearing (1:30 PM) (Judicial Officer Chu, Regina M.)  
     Other  
 01/26/2011 Order to Recuse (Judicial Officer: Alton, Ann Leslie )  
 01/27/2011 Notice of Case Reassignment (Judicial Officer: Zimmerman, Lloyd B. )  
 02/01/2011 Scheduling Order (Judicial Officer: Zimmerman, Lloyd B. )  
 02/04/2011 Notice of Motion and Motion  
 02/04/2011 Informational Statement  
 02/07/2011 Notice to Remove (Judicial Officer: Zimmerman, Lloyd B. )  
 02/07/2011 Summons and Complaint  
 02/08/2011 Notice of Case Reassignment (Judicial Officer: Neville, Cara Lee )  
 02/08/2011 Order to Recuse (Judicial Officer: Neville, Cara Lee )  
 02/08/2011 Notice of Case Reassignment (Judicial Officer: Abrams, Ronald L. )  
 02/16/2011 Other Document  
 02/16/2011 Order to Show Cause (Judicial Officer: Blaeser, Robert A. )  
 02/24/2011 Order to Show Cause Hearing (10:00 AM) (Judicial Officer Blaeser, Robert A.)  
 03/16/2011 CANCELED Motion Hearing (8:30 AM) (Judicial Officer Zimmerman, Lloyd B.)  
     Other  
 03/23/2011 Motion Hearing (9:00 AM) (Judicial Officer Abrams, Ronald L.)  
 09/06/2011 CANCELED Court Trial (4:30 PM) (Judicial Officer Burke, Susan N.)  
     Other  
 09/26/2011 CANCELED Court Trial (8:00 AM) (Judicial Officer Zimmerman, Lloyd B.)  
     Other

---

 FINANCIAL INFORMATION
 

---

	Defendant Little, Steven R			
	Total Financial Assessment			422.00
	Total Payments and Credits			422.00
	Balance Due as of 02/21/2011			0.00
11/24/2010	Transaction Assessment			422.00
11/24/2010	Mail Payment	Receipt # 1227-2010-41304	BLOOMQUIST, MARK	(422.00)
	Plaintiff Slepnes, Paul			
	Total Financial Assessment			447.00
	Total Payments and Credits			422.00
	Balance Due as of 02/21/2011			25.00
11/15/2010	Transaction Assessment			422.00
11/16/2010	Mail Payment	Receipt # 1227-2010-39927	CLARK, JILL ELEANOR	(422.00)
11/30/2010	Transaction Assessment			25.00

Logout My Account Search Menu New Civil Search Refine Search Back

Location : - Hennepin Civil Help

## REGISTER OF ACTIONS

CASE NO. 27-CV-10-25884

Paul Stepnes, Chester Group LLC, Chester House LLC vs All States  
 Title Inc, Mickey J Hagen, Old Republic National Title Insurance Co,  
 Steven R Little, COLEMAN HULL & VAN VLIET PLLP et. al.

§  
 §  
 §  
 §  
 §

Case Type: Civil Other/Misc.  
 Date Filed: 11/04/2010  
 Location: - Hennepin Civil  
 Judicial Officer: Zimmerman, Lloyd B.

## PARTY INFORMATION

	Lead Attorneys
Defendant All States Title Inc	
Defendant COLEMAN HULL & VAN VLIET PLLP Minneapolis, MN 55437	MARK BLOOMQUIST <i>Retained</i> 612-338-0661(W)
Defendant Hagen, Mickey J	
Defendant Little, Steven R Minneapolis, MN 55437	MARK BLOOMQUIST <i>Retained</i> 612-338-0661(W)
Defendant Old Republic National Title Insurance Co	THOMAS B OLSON <i>Retained</i> 952-224-3644(W)
Defendant TFIC LLC	
Plaintiff Chester Group LLC	JILL ELEANOR CLARK <i>Retained</i> 763-417-9102(W)
Plaintiff Chester House LLC	JILL ELEANOR CLARK <i>Retained</i> 763-417-9102(W)
Plaintiff Stepnes, Paul	JILL ELEANOR CLARK <i>Retained</i> 763-417-9102(W)

## EVENTS &amp; ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

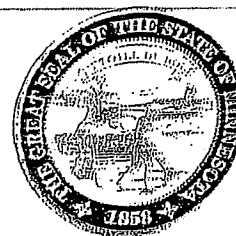
11/04/2010	Summons and Complaint and Certificate of Representation
11/15/2010	Notice of Case Assignment (Judicial Officer: Chu, Regina M. )
11/24/2010	Notice of Motion and Motion
11/29/2010	Notice to Remove (Judicial Officer: Chu, Regina M. )
11/30/2010	Notice of Case Reassignment (Judicial Officer: Hedlund, Deborah )
12/06/2010	Order to Recuse (Judicial Officer: Hedlund, Deborah )
12/06/2010	Notice of Case Reassignment (Judicial Officer: Dickstein, Mel I. )
12/08/2010	Order to Recuse (Judicial Officer: Dickstein, Mel I. )

12/08/2010 Notice of Case Reassignment (Judicial Officer: Daly, Margaret A.)  
 12/13/2010 Order to Recuse (Judicial Officer: Daly, Margaret A.)  
 12/15/2010 Notice of Case Reassignment (Judicial Officer: Burke, Susan N.)  
 12/23/2010 Notice to Remove (Judicial Officer: Burke, Susan N.)  
 12/23/2010 Scheduling Order (Judicial Officer: Burke, Susan N.)  
 12/23/2010 Notice of Case Reassignment (Judicial Officer: Larson, Gary R.)  
 01/05/2011 Order to Recuse (Judicial Officer: Larson, Gary R.)  
 01/06/2011 Notice of Case Reassignment (Judicial Officer: Peterson, Bruce A.)  
 01/18/2011 Notice to Remove (Judicial Officer: Peterson, Bruce A.)  
 01/19/2011 Notice of Case Reassignment (Judicial Officer: Alton, Ann Leslie)  
 01/25/2011 CANCELED Motion Hearing (1:30 PM) (Judicial Officer Chu, Regina M.)  
 Other  
 01/26/2011 Order to Recuse (Judicial Officer: Alton, Ann Leslie)  
 01/27/2011 Notice of Case Reassignment (Judicial Officer: Zimmerman, Lloyd B.)  
 02/01/2011 Scheduling Order (Judicial Officer: Zimmerman, Lloyd B.)  
 02/04/2011 Notice of Motion and Motion  
 02/04/2011 Informational Statement  
 02/07/2011 Notice to Remove (Judicial Officer: Zimmerman, Lloyd B.)  
 02/07/2011 Summons and Complaint  
 02/08/2011 Notice of Case Reassignment (Judicial Officer: Neville, Cara Lee)  
 02/08/2011 Order to Recuse (Judicial Officer: Neville, Cara Lee)  
 02/08/2011 Notice of Case Reassignment (Judicial Officer: Abrams, Ronald L.)  
 02/16/2011 Other Document  
 02/16/2011 Order to Show Cause (Judicial Officer: Blaeser, Robert A.)  
 02/23/2011 Other Document  
 02/24/2011 Order to Show Cause Hearing (10:00 AM) (Judicial Officer Blaeser, Robert A.)  
 Result: Held  
 02/24/2011 Order-Other (Judicial Officer: Blaeser, Robert A.)  
 03/16/2011 CANCELED Motion Hearing (8:30 AM) (Judicial Officer Zimmerman, Lloyd B.)  
 Other  
 03/23/2011 CANCELED Motion Hearing (9:00 AM) (Judicial Officer Abrams, Ronald L.)  
 Other  
 09/06/2011 CANCELED Court Trial (4:30 PM) (Judicial Officer Burke, Susan N.)  
 Other  
 09/26/2011 CANCELED Court Trial (8:00 AM) (Judicial Officer Zimmerman, Lloyd B.)  
 Other

FINANCIAL INFORMATION

	Defendant Little, Steven R		422.00
	Total Financial Assessment		422.00
	Total Payments and Credits		0.00
	Balance Due as of 02/27/2011		
11/24/2010	Transaction Assessment		422.00
11/24/2010	Mail Payment Receipt # 1227-2010-41304	BLOOMQUIST, MARK	(422.00)
	Plaintiff Stepnes, Paul		447.00
	Total Financial Assessment		422.00
	Total Payments and Credits		25.00
	Balance Due as of 02/27/2011		
11/15/2010	Transaction Assessment		422.00
11/16/2010	Mail Payment Receipt # 1227-2010-39927	CLARK, JILL ELEANOR	(422.00)
11/30/2010	Transaction Assessment		25.00

STATE OF MINNESOTA  
FOURTH JUDICIAL DISTRICT COURT



JAMES T. SWENSON  
CHIEF JUDGE  
HENNEPIN COUNTY GOVERNMENT CENTER  
MINNEAPOLIS, MINNESOTA 55467-0422  
(612) 348-2122  
FAX (612) 596-9144

February 24<sup>th</sup>, 2011

Jill Clark, Esq.  
2005 Aquila Avenue North  
Golden Valley, MN 55427

RE: 27Cv1025884

Dear Ms. Clark:

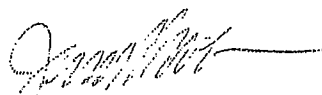
I am in receipt of your motion entitled "Limited Appearance to Object to Jurisdiction and Removal Without Cause." You contest Judge Blaeser's jurisdiction over the Order to Show Cause, decisions pertaining to a removal as of right, and the scheduling of the Order to Show Cause.

I do not function as an appellate judge with the authority to override or reverse decisions made by my trial court colleagues. That function has been reserved for the Court of Appeals and Supreme Court. Minn. Stat. §484.65 subd. 9.

Additionally, the removal as of right provisions contained in Minn. R. Gen. Prac. 106 and Minn. R. Civ. Pro. 63.02 and 63.03 do not include any indication that they are to be reconsidered by the chief judge. Nor am I aware of any other authority permitting me to hear removals as of right.

Thus, I cannot intervene in your case in any way or change any decisions made by Judge Blaeser about the scheduling or merits of the Order to Show Cause issued in Court file no. 27-CV-10-25884.

Your concerns should be addressed to Judge Blaeser.

  
Sincerely,

The Honorable James T. Swenson  
Chief Judge of Hennepin County

STATE OF MINNESOTA  
FOURTH JUDICIAL DISTRICT COURT



JUDGE MEL I. DICKSTEIN  
HENNEPIN COUNTY GOVERNMENT CENTER  
MINNEAPOLIS, MINNESOTA 55487-0422  
(612) 596-8823  
FAX (612) 348-2131

December 7, 2010

Jill Clark, Esq.  
2005 Aquila Avenue North  
Golden Valley, MN 55427

Mark Bloomquist, Esq.  
33 South Sixth Street, Suite 4400  
Minneapolis, MN 55402

Thomas Olson, Esq.  
One Corporate Center I  
7401 Metro Boulevard, Suite 575  
Edina, MN 55439

Re: *Stepnes et. al. v. All States Title Inc. et. al.*  
Court File No. 27-CV-10-25884

Dear Counsel:

Erin Doran, my former law clerk, is listed on the pleadings as representing Defendants Steven R. Little and Coleman Hull Van Vliet, PLLP in the above-entitled matter. I have, therefore, recused myself from hearing this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mel I. Dickstein".

Mel I. Dickstein  
Judge of District Court

**MEAGHER & GEER**  
ATTORNEYS AT LAW PLLP

33 S. Sixth Street, Suite 4400  
Minneapolis, MN 55402  
PHONE: 612/338-0661  
FAX: 612/338-8384  
MEAGHER.COM

**FACSIMILE TRANSMITTAL – PLEASE DELIVER IMMEDIATELY**

To: Jill Clark  
Cc:

Fax #: 763-417-9112

From: Ivy Cavegn  
From Phone #: 612-338-0661

From Fax #: 612-338-8384

Date/Time: 11/24/2010 11:52:46 AM (CST)  
File #: 52144 / 00006

**MESSAGE:**

Sent on Behalf of Mark Bloomquist re: Stepnas and Chester Group,  
LLC v. All States Title, Inc.; Court File No. 27-CV-10-25884

IF YOU DO NOT RECEIVE ALL OF THIS TRANSMISSION,  
PLEASE CALL 612-338-0661 TO REQUEST ASSISTANCE.

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of this communication to other than the intended recipient is strictly prohibited. If you have received this communication in error, please notify us immediately.

# MEAGHER & GEER

ATTORNEYS AT LAW

PLLP

33 South Sixth Street, Suite 4400

Minneapolis, MN 55402

PHONE: 612/338-0661

FAX: 612/338-8384

MEAGHER.COM

Direct Dial: 612-337-1651

Direct Fax: 612-877-3120

E-Mail: [mbloomquist@meagher.com](mailto:mbloomquist@meagher.com)

VIA HAND DELIVERY

November 24, 2010

Hennepin County District Court Administrator  
Attn: Civil Filing  
300 South 6th Street  
Minneapolis, MN 55487-0332

Re: *Stepnes and Chester Group, LLC v. All States Title, Inc.*  
Our File No. 52144-00006  
Court File No. 27-CV-10-25884

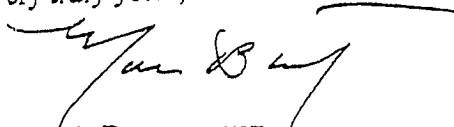
Dear Court Administrator:

Enclosed for filing in the above-referenced matter are the following:

1. Defendants Coleman, Hull, & Van Vliet PLLP and Steven R. Little's Notice of Motion and Motion to Dismiss
2. Affidavit of Service, and

Also enclosed is a check in the amount of \$422.00 for the initial filing fee and motion fee. A memorandum of law and any other supporting papers will be filed in accordance with Rule 115.03 of the Minnesota General Rules of Practice. By copy of this letter, the above documents are being served upon all parties.

Very truly yours,



MARK A. BLOOMQUIST

MAB/EDD/7608332.1

Enclosures

cc: Jill Clark, Esq. (via facsimile and U.S. Mail)  
Tom Olson, Esq. (via facsimile and U.S. Mail)



STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Paul Stepnes and Chester Group LLC,

Plaintiffs,

vs.

Old Republic National Title Insurance Co.  
Steven R. Little, Coleman, Hull & Van  
Vliet, PLLP, TFIC, LLC, and YXY  
Corporation,

Defendants.

Court File No. 10-CV-10-25884  
Hon. Regina Chu

NOTICE OF MOTION AND MOTION TO  
DISMISS PURSUANT TO MRCP 12.02(e)

TO: PLAINTIFFS, ABOVE NAMED, AND THEIR RESPECTIVE COUNSEL.

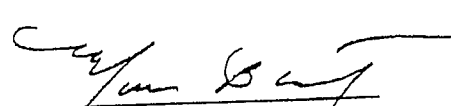
NOTICE OF MOTION

PLEASE TAKE NOTICE that Defendants Coleman Hull Van Vliet, PLLP and Steven R. Little (collectively the "Coleman Hull Defendants"), by and through their attorneys, will bring the following motion before the Honorable Regina Chu at the Hennepin County Courthouse, 300 South Sixth Street, Minneapolis, Minnesota 55487, on Tuesday, January 25, 2011 at 1:30 p.m.

MOTION

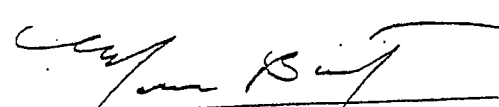
Pursuant to Rule 12.02(e) of the Minnesota Rules of Civil Procedure, the Coleman Hull Defendants hereby move the Court for an Order dismissing the Plaintiffs' claims against them, with prejudice and on the merits. Judgment in favor of the Coleman Hull Defendants, dismissing the Plaintiffs' claims as a matter of law, is warranted because Plaintiffs have failed to state a claim upon which relief can be granted. Plaintiffs' claims against the Coleman Hull Defendants are without merit and are an improper collateral attack on the judgment entered in the matter captioned *TCIF and Old Republic National Title Insurance Company v. Paul C. Stepnes; Chester Group, LLC; Union Bank and Trust Company; Robert L. Gustafson and Stephen J.*

*Hirsch, d/b/a Pennhurst Service Center; Building Assets Construction Company, Inc.; John Doe; Mary Roe; ABC Corporation and XYZ Partnership, whose true names are unknown to Plaintiff,*  
Hennepin County Court File 27-CV-07-2873. This motion is made upon Plaintiffs' Complaint, the records and proceedings herein, as well as the Coleman Hull Defendants's Memorandum of Law to be submitted in accordance with the Minnesota General Rules of Practice and the arguments of counsel.

Dated: November <u>14</u> , 2010	 <hr/> Mark A. Bloomquist (180388) Erin D. Doran (0388439) MEAGHER & GEER, P.L.L.P. 33 South Sixth Street, Ste. 4400 Minneapolis, MN 55402 (612) 337-9651 Attorney for Defendants <i>Steven R. Little and Coleman Hull Van Vliet, PLLP</i>
----------------------------------	---

ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. §549.211 to the party against whom the allegations in this pleading are asserted.


---

Mark A. Bloomquist (180388)  
Erin D. Doran (#0388439)

7602983.1

**MEAGHER & GEER**  
ATTORNEYS AT LAW PLLP

33 South Sixth Street, Suite 4400  
Minneapolis, MN 55402  
PHONE: 612/338-0663  
FAX: 612/338-8384  
MEAGHER.COM

Direct Dial: 612-337-1651  
Direct Fax: 612-877-3120  
E-Mail: [mbloomquist@meagher.com](mailto:mbloomquist@meagher.com)

VIA U.S MAIL

February 2, 2011

Hennepin County District Court Administrator  
Attn: Civil Filing  
300 South 6th Street  
Minneapolis, MN 55487-0332

Re: *Stepnes and Chester Group, LLC v. All States Title, Inc.*  
Our File No. 52144-00006  
Court File No. 27-CV-10-25884

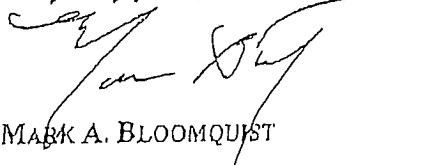
Dear Court Administrator:

Enclosed for filing in the above-referenced matter are the following:

1. Defendants Coleman, Hull, & Van Vliet PLLP and Steven R. Little's Amended Notice of Motion and Motion to Dismiss;
2. Informational Statement, and
3. Affidavit of Service.

A check in the amount of \$100.00 is enclosed for the jury fee. A memorandum of law and other supporting papers will be filed in accordance with Rule 115.03 of the Minnesota General Rules of Practice. By copy of this letter, the above documents are being served upon all parties.

Very truly yours,



MARK A. BLOOMQUIST

MAB/EDD/7732674.1  
Enclosures

cc: Jill Clark, Esq. (via facsimile and U.S. Mail)  
Tom Olson, Esq. (via facsimile and U.S. Mail)

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Paul Stepnes and Chester Group LLC,

Plaintiffs,

vs.

All States Title, Inc., Mickey J. Hagen,  
Old Republic National Title Insurance Co.  
Steven R. Little, Coleman, Hull & Van  
Vliet, PLLP, TFIC, LLC, and YXY  
Corporation,

Defendants.

Court File No. 10-CV-10-25884

AMENDED NOTICE OF MOTION AND  
MOTION TO DISMISS PURSUANT TO  
MRCP 12.02(e)

TO: PARTIES, ABOVE NAMED, AND THEIR RESPECTIVE COUNSEL.

NOTICE OF MOTION

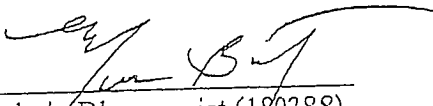
PLEASE TAKE NOTICE that Defendants Coleman Hull & Van Vliet, PLLP and Steven R. Little (collectively the "Coleman Hull Defendants"), by and through their attorneys, will bring the following motion before the Honorable Lloyd B. Zimmerman at the Hennepin County Government Center, Courtroom 1459, 300 South Sixth Street, Minneapolis, MN 55487 on Wednesday, March 16, 2011 at 8:30 a.m.

MOTION

Pursuant to Rule 12.02(e) of the Minnesota Rules of Civil Procedure, the Coleman Hull Defendants hereby move the Court for an Order dismissing the Plaintiffs' claims against them, with prejudice and on the merits. Judgment in favor of the Coleman Hull Defendants, dismissing the Plaintiffs' claims as a matter of law, is warranted because Plaintiffs have failed to state a claim upon which relief can be granted. Plaintiffs' claims against the Coleman Hull Defendants are without merit and are an improper collateral attack on the judgment entered in the matter

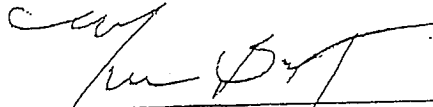
captioned *TCIF and Old Republic National Title Insurance Company v. Paul C. Stepanes; Chester Group, LLC; Union Bank and Trust Company; Robert L. Gustafson and Stephen J. Hirsch d/b/a Pennhurst Service Center; Building Assets Construction Company; John Doe; Mary Roe; ABC Corporation; and XYZ Partnership, whose true names are unknown to Plaintiff,* Hennepin County Court File 27-CV-07-2873. This motion is made upon Plaintiffs' Complaint, the records and proceedings herein, as well as the Coleman Hull Defendants' Memorandum of Law to be submitted in accordance with the Minnesota General Rules of Practice and the arguments of counsel.

Dated: February 2, 2011

  
Mark A. Bloomquist (180388)  
Erin D. Doran (0388439)  
MEAGHER & GEER, P.L.L.P.  
33 South Sixth Street, Ste. 4400  
Minneapolis, MN 55402  
(612) 337-9651  
*Attorney for Defendants Steven R. Little and  
Coleman Hull Van Vliet, PLLP*

#### ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. §549.211 to the party against whom the allegations in this pleading are asserted.

  
Mark A. Bloomquist (180388)  
Erin D. Doran (#0388439)

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Paul Stepnes,

Case No. 27-cv-10-25884

Plaintiff,

AFFIDAVIT OF SERVICE

v.

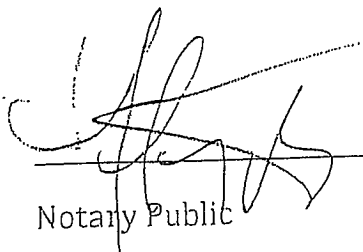
All States Title, *et al*

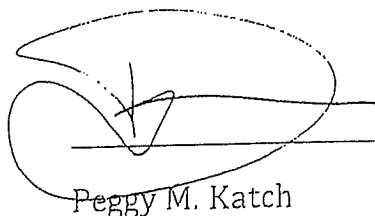
Defendants.

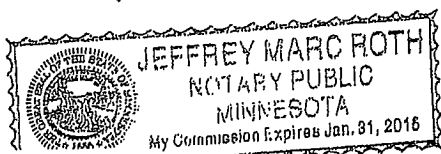
I, Peggy M. Katch, being first duly sworn, hereby depose and state that on February 16, 2011, I served Dismissal without Prejudice in the above captioned action on Mark A. Bloomquist, Esq., via facsimile by putting a true and correct copy in the fax to his direct fax number at 612/877-3120.

This ends my affidavit of one page.

Sworn and Signed before me  
this 16<sup>th</sup> day of February, 2011

  
Notary Public

  
Peggy M. Katch



STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Paul Stepnes,

Case No. 27-cv-10-25884

Plaintiff,

AFFIDAVIT OF FILING

v.

All States Title, *et al*

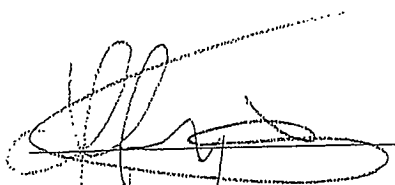
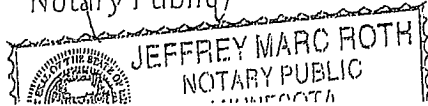
Defendants.

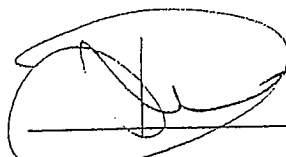
I, Peggy M. Katch, being first duly sworn, hereby depose and state that on February 16, 2011, I personally filed Dismissal without Prejudice in the above captioned action on Hennepin County District Court at the Civil Service counter on the second floor of the Hennepin County Government Center at around 11:30 am.

This ends my affidavit of one page.

Sworn and Signed before me

this 16<sup>th</sup> day of February, 2011

  
Notary Public/  
  
JEFFREY MARC ROTH  
NOTARY PUBLIC  
MINNESOTA

  
Peggy M. Katch

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

---

Paul Stepnes and Chester Group, LLC,

Court File No. 27-cv-10-25884

Plaintiff,

v.

DISMISSAL WITHOUT PREJUDICE

Old Republic National Title Ins. Co., *et al*,

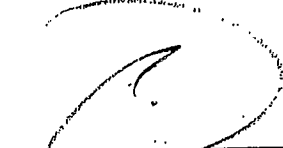
Defendant.

---

PLEASE TAKE NOTICE THAT Plaintiffs hereby dismiss their case without prejudice,  
pursuant to Minn.R.Civ.P. 41(a)(1).

Dated: February 15, 2011

ATTORNEYS FOR PLAINTIFFS



---

Jill Clark, Esq. (196988)  
Jill Clark, P.A.  
2005 Aquila Av. N.  
Golden Valley, MN 55427  
(763) 417-9102



OLSON & LUCAS, P.A.  
ATTORNEYS AT LAW

THOMAS B. OLSON  
952-224-3644, EXT. 2  
TOMO@OLSON-LAW.COM

ONE CORPORATE CENTER I  
7401 METRO BOULEVARD, SUITE 575  
MINNEAPOLIS (EDINA), MN 55439  
TELEPHONE (952) 224-3644  
FACSIMILE (952) 224-5879  
www.olson-law.com

December 2, 2010

VIA U.S. MAIL AND FACSIMILE

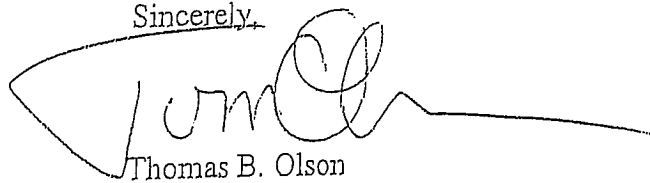
Jill Clark  
Jill Clark, P.A.  
2005 Aquila Ave. North  
Golden Valley, MN 55427  
FAX: 763-417-9112

Re: Paul Stepnes, Chester Group, LLC v. All States Title, Inc., Mickey J Hagen,  
Old Republic National Title Insurance Company, et al.  
Our File No.: 14161  
Case File No.: 27-CV-10-25884

Dear Ms. Clark:

Regarding the above-referenced matter please be advised that I have scheduled a Motion to Dismiss on behalf of my client Old Republic National Title Insurance Company, to be heard on January 25, 2011 at 1:30 PM. This Hearing will be held simultaneously with Defendants Steven Little and Coleman, Hull and van Vliet's Motion. We will timely serve you with our moving papers. Thank you.

Sincerely,



Thomas B. Olson

TBO/no

CC: Mark Bloomquist (via email only)  
Client

Jill Clark

---

From: Tom Olson [tomo@olson-law.com]  
Sent: Wednesday, November 17, 2010 3:28 PM  
To: Jill Clark  
Cc: 'Scott Lucas'  
Subject: STEPNES VS. ALL STATES TITLE; OLD REPUBLIC TITLE; STEVE LITTLE; COLEMAN, HULL VAN VLIET; ET AL.

Follow Up Flag: Follow up  
Flag Status: Flagged

Ms. Clark, in follow up to my voice mail, I represent Old Republic National Title Insurance Company in connection with the suit you are commencing for Paul Stepnes and Chester Group.

I am willing to make arrangements to accept service of this suit if you wish. Please contact me.

THOMAS B. OLSON  
OLSON & LUCAS, P.A.  
7401 METRO BOULEVARD, #575  
MINNEAPOLIS, MN 55439  
952-224-3644  
952-224-5879 (FAX)  
[tomo@olson-law.com](mailto:tomo@olson-law.com)  
[www.olson-law.com](http://www.olson-law.com)

Jill Clark

---

**From:** Tom Olson [tomo@olson-law.com]  
**Sent:** Friday, February 04, 2011 12:10 PM  
**To:** Jill Clark  
**Cc:** 'Mark Bloomquist'; 'Erin D. Doran'; 'NATHANIEL OLSON'; shaunr@olson-law.com  
**Subject:** RE: Stepnes v. All States Title, et. al -- Motion to Dismiss

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Regardless, do you want to arrange for service on Old Republic Title, or not? That is not a difficult question to answer. If you wish to simply dismiss my client before we seek sanctions, I need to know that as we are in process of the writing of a Motion and Memorandum of Law.

Thomas B. Olson

**Olson & Lucas**  
Attorneys at Law

One Corporate Center J  
7401 Metro Boulevard, Suite 575  
Edina, MN 55439  
[p] 952.224.3644 x2 | [f] 952.224.5879  
[www.olson-law.com](http://www.olson-law.com) | [tomo@olson-law.com](mailto:tomo@olson-law.com)

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I politely called you and let you know we have something in the works (I did not tell you what it was and I am not implying what it was) and would call you early next week.

I am not acknowledging any part of what you said, and my guess is that you will not find that attempts to bully me will be effective.

Jill Clark, Esq.  
Jill Clark, P.A.  
Telephone: 763/417-9102  
Fax: 763/417-9112  
[jill@jillclarkpa.com](mailto:jill@jillclarkpa.com)

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You are out of removals-it is apparent your sole intention is to delay these proceedings which you have brought.

In order to expedite this litigation, I reiterate our offer to admit service on Old Republic Title. Contact me if you wish.

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---

**From:** Jill Clark [mailto:jill@jillclarkpa.com]  
**Sent:** Thursday, February 03, 2011 5:32 PM  
**To:** Shaun Redford  
**Cc:** Tom Olson; Mark Bloomquist; Erin D. Doran  
**Subject:** RE: Stepnes v. All States Title, et. al -- Motion to Dismiss

And please be advised that we do not believe that this judge is going to stay on this file.

Jill Clark, Esq.  
Jill Clark, P.A.  
Telephone: 763/417-9102  
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[jill@jillclarkpa.com](mailto:jill@jillclarkpa.com)

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**From:** Shaun Redford [mailto:shaunr@olson-law.com]  
**Sent:** Thursday, February 03, 2011 5:30 PM  
**To:** Jill Clark  
**Cc:** 'Tom Olson'; 'Mark Bloomquist'; 'Erin D. Doran'  
**Subject:** Stepnes v. All States Title, et. al -- Motion to Dismiss

Ms. Clark:

As you know, this law firm represents Old Republic National Title Insurance Company in this action. Please be advised that we have obtained a hearing date for a motion to dismiss, currently scheduled for March 16 at 8:30 am. A formal Notice of Motion and Motion will follow.

Thank you,

Shaun D. Redford | Attorney

**Olson & Lucas**  
Attorneys At Law

One Corporate Center I

7401 Metro Boulevard, Suite 575

Edina, MN 55439

[p] 952.224.3644 x9 | [f] 952.224.5879

[www.olson-law.com](http://www.olson-law.com) | [shaunr@olson-law.com](mailto:shaunr@olson-law.com)

**\*\*\*ATTORNEY-CLIENT/WORK PRODUCT PRIVILEGED\*\*\***  
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Information from ESET NOD32 Antivirus, version of virus signature database 5844 (20110203)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Jill Clark

---

**From:** Jill Clark  
**Sent:** Friday, February 04, 2011 12:15 PM  
**To:** 'Tom Olson'  
**Cc:** 'Mark Bloomquist'; 'Erin D. Doran'; 'NATHANIEL OLSON'; shaunr@olson-law.com  
**Subject:** RE: Stepnes v. All States Title, et. al -- Motion to Dismiss

I am sorry, I thought you were Mr. Bloomquist. I called him yesterday.  
I see now he is a cc and you are the sender.

Stop threatening me, Tom. You are the one on shakey ground, scheduling a motion to dismiss by a non-party? If you want to discuss sanctions, let's discuss that.

Have a wonderful weekend.

Jill Clark, Esq.  
Jill Clark, P.A.  
Telephone: 763/417-9102  
Fax: 763/417-9112  
[jill@jillclarkpa.com](mailto:jill@jillclarkpa.com)

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Thank you,

Shaun D. Redford | Attorney

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\_\_\_\_\_ Information from ESET NOD32 Antivirus, version of virus signature database 5844 (20110203)

\_\_\_\_\_ The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>



STATE OF MINNESOTA

FILED PSL

DISTRICT COURT

COUNTY OF HENNEPIN

10 NOV -4 PM 1:30

BY: \_\_\_\_\_ DEPUTY FOURTH JUDICIAL DISTRICT  
HENN. CO. DISTRICT COURT ADMINISTRATOR Case Type: Other Civil

Paul Stepnes and Chester Group, LLC,

Case No.

Judge:

Plaintiffs,

SUMMONS

v.

All States Title, Inc., Mickey J. Hagen,  
Old Republic National Title Insurance Co.  
Steven R. Little, Coleman, Hull & Van Vliet,  
PLLP, TFIC, LLC, and YXY Corporation,

Defendants.

THE STATE OF MINNESOTA TO THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's Attorneys, an Answer to the Complaint which is herewith served upon you within TWENTY (20) days after service of this Summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Rule 114 of the Minnesota General Rules of Practice, provides information about alternative dispute resolution mechanisms (ADR) including but not limited to mediation, the Court's authority to order such ADR, and its impact on the case.

Dated: November 4, 2010

ATTORNEYS FOR PLAINTIFF

Jill Clark, Esq., Jill Clark, P.A. #196988  
2005 Aquila Avenue North  
Golden Valley, MN 55427  
Phone: (763) 417-9102

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
Case Type: Other Civil

Paul Stepnes and Chester Group, LLC,

Case No.  
Judge:

Plaintiffs,

COMPLAINT

v.

All States Title, Inc., Mickey J. Hagen,  
Old Republic National Title Insurance Co.  
Steven R. Little, Coleman, Hull & Van Vliet,  
PLLP, TFIC, LLC, and YXY Corporation,

Defendants.

Now comes the Plaintiff and for his cause of action alleges:

PARTIES

1. Paul Stepnes ("Stepnes") is an individual and a resident of Hennepin County, Minnesota.
2. Stepnes *never* lived at 1515 South Fourth Street, Apt. 505, Minneapolis, MN 55454-2101.
3. Chester Group, LLC ("Chester Group") is a Minnesota limited liability company with its principal place of business in Hennepin County, Minnesota.
4. All States Title, Inc. ("All States"), is upon information and belief, a Minnesota corporation with its principal place of business in Hennepin County, Minnesota.

---

5. Mickey J. Hagen ("Hagen") is an individual, who served for a time as President of All States and is upon information and belief a resident of Hennepin County, Minnesota.

6. Old Republic National Title Insurance Company ("Old Republic") is, upon information and belief, a foreign corporation, which does business in Minnesota and has sufficient contacts with Minnesota to sue and be sued here.

7. Steven R. Little ("Little") is an individual who is, upon information and belief, is an attorney licensed to practice in Minnesota and a resident of Hennepin County, Minnesota.

8. Coleman, Hull & Van Vliet, PLLP ("Coleman Hull") is a Minnesota professional limited liability partnership with its principal place of business in Hennepin County, Minnesota.

9. TCIF, LLC ("TCIF") is, upon information and belief, a Minnesota limited liability corporation with its principal place of business in Hennepin County, Minnesota.

10. XYZ Corporation is reserved for the corporation that is determined to be responsible for the fraudulent foreclosure lawsuit/proceedings against Plaintiffs.

#### FACTUAL STATEMENT

11. Prior to June 23, 2006 Stepnes applied for mortgage financing for his Chester Group project through a broker.

12. On June 23, 2006 Chester Group borrowed monies from Union Bank to complete renovation of a building at 3528 Irving Avenue South, "Lot 2, Hull-Berg Addition" ("The Property").

13. On June 23, 2006 Pennhurst obtained a mortgage on the Property to secure payment of a note to Pennhurst for improvements to the Property.

14. The mortgage to repay the loan from Union Bank was incorporated into a Promissory Note and Mortgage on the Property.

15. The Union Bank mortgage was recorded against the Property on June 27, 2006.

16. The Pennhurst mortgage was recorded on June 27, 2006.

17. On July 14, 2006, Fremont Investment & Loan ("Fremont") loaned Stepnes \$800,000. Upon information and belief, Fremont has assigned its interests to MERS.

18. However, the closing on the Fremont loan was faulty because All States used the wrong name for the closing and failed to properly research title to the Property.

19. All States did not give Stepnes signed copies of the closing documents as it had a duty to do.

20. Title Insurance as purchased for Fremont.

21. All States failed to promptly record the mortgage for Fremont.

22. In December 2006, All States and Hagen rushed over to Stepnes' home, and thrust a paper at him and demanded that Stepnes quickly sign it.

23. Hagen represented to Stepnes that he *had* to sign the paper *right away* and that if Stepnes refused he would be sued because Stepnes had signed a paper indicating that he would sign any documents necessary to effectuate or correct typos in the mortgage transaction.

24. Hagen failed to tell Stepnes that All States had made significant mistakes at the closing and that Stepnes did *not* have to sign the paper.

25. Hagen would not give Stepnes a signed copy of that paper at the time, and never mailed him a copy.

26. The document that Stepnes signed in December 2006 is fraudulent.

27. All States recorded the mortgage on December 19, 2006, based in large part upon the fraudulent document that All States and Hagen had forced Stepnes to quickly sign, and which Hagen had back-dated the notary block, a fraud to make it appear that Stepnes had signed the document on the same date as the closing (when it fact it was about 6 months later).

28. MERS as nominee for Fremont brought a lawsuit against Stepnes based on the fraudulent mortgage filed December 19, 2006.

29. Little and Coleman Hull represented both MERS and Fremont (and later represented TCIF, and Old Republic).

30. During the pendency of the litigation, Little informed the Court that TCIF, LLC was the assignee of the mortgage once owned by MERS, and that GMAC was "serving" the loan.

31. Upon information and belief, Little never disclosed the purchased price of the loan to TCIF.

32. Little and Coleman Hull deceived the Court and the parties by failing to disclose the truth about the closing, that the mortgage filed was based on a fraudulent mortgage and that Little and Coleman Hull's clients had failed to determine that there were three valid mortgages on the Property that had priority, and had created a fraudulent quit claim deed.

33. Little and Coleman Hull deceived the Court by presenting papers signed by them under Rule 11 of the Rules of Civil Procedure which mislead the Court and the parties but which Little and Coleman Hull knew or should have known were fraudulent.

34. Little and Coleman Hull presented the Court with an amended order for judgment on February 19 2008 that stated, "[i]n the event that TCIF, LLC pays any amounts to satisfy liens that are prior to Plaintiff's Mortgage, upon proper application for judgment of the Court, TCIF, LLC shall have personal judgment against Paul C. Stepnes in those amounts."

---

35. Little and Coleman Hull deceived the Court by failing to disclose that the *reason* that the three liens were superior, was due to negligence of Fremont and All States.

36. The negligence of Hagen and All States led to Old Republic Title Insurance Company paying for the senior liens.

37. In 2009, Little and Coleman Hull filed a motion for Old Republic to intervene in the action. However, Little and Coleman Hull again deceived the Court and the parties and failed to disclose the negligence and fraudulent acts of All States.

38. Little and Coleman Hull deceived the Court by implying that the amounts added to the prior judgment were for a deficiency from the Sheriff's sale, and that it was Stepnes' responsibility to reimburse the title insurance company for amounts that it had to pay for the negligence of All States.

39. Stepnes was not personally served with a copy of the motion for Old Republic to intervene. (An Affidavit of Service claims that Stepnes was served at 1515 South Fourth Street, Apt. 505, Minneapolis, MN 55454-2101, but he has never lived there.) Stepnes was not aware of the motion, or that there was a hearing. Little allegedly served Building Assets, through the Barna Guzy law firm, but they had withdrawn in January 2008. Building Assets, which is owned by a builder who has close ties with Stepnes, was also not served.

40. Stepnes was not present at the hearing, nor did he have any counsel there.

41. The Court signed an amended judgment granting the title insurance company a judgment against Stepnes.

42. In the summer of 2010, Little and Coleman Hull, representing Old Republic Title Insurance Company and TCIF, served a subpoena on Stepnes, attempting to execute on the amended judgment.

43. At no time has Little and Coleman Hull disclosed to the Court or the parties that Old Republic paid out monies because of the negligence and/or misconduct of All States.

44. It was not until August-September 2010 that Stepnes discovered the fraud.

#### COUNT I (NEGLIGENT MISREPRESENTATION)

45. Plaintiffs herein allege all prior allegations, and those in the remainder of the complaint, as if fully set forth in this count.

46. Defendants failed to disclose to Stepnes significant facts that he needed to be able to make a business decision as to whether he should sign the document thrust upon him in December 2006.

47. Stepnes was harmed by the misrepresentation and deceit of Defendants in an amount in excess of \$300,000, all of which is the responsibility of Old Republic.

48. Stepnes seeks judgment in an amount in excess of \$50, to be later proven at trial.



## COUNT II (Fraud)

49. Plaintiff herein alleges all prior allegations, and those in the remainder of the complaint, as if fully set forth in this count.

50. Hagen made a false statement (that Stepnes *had* to sign the paper she thrust upon him in December 2006), susceptible of knowledge and of a material fact. Hagen knew the representation was false and intended the other person to act upon it (in order to protect her or All States). Stepnes did act (he signed the paper).

51. Stepnes was damaged in an amount in excess of \$50,000, to be further proven at trial. Based on the foregoing, Stepnes is entitled to judgment against Defendants in an amount in excess of \$50,000.

## COUNT III (Deceit)

52. Plaintiff herein alleges all prior allegations, and those in the remainder of the complaint, as if fully set forth in this count.

53. Attorney Little engaged in deceit with respect to his statements to the Court: his failure to disclose that the reason that there were three senior lienholders was due to the negligence of MERS, Hagen and/or All States, and he failed to disclose that in December 2006, Hagen/All States had pressured Stepnes to sign a document that made the foreclosure action as designed by Little, possible.

54. Little's conduct violated the provisions of Minn. Stat. §481.07, and 071. Plaintiff was damaged by the deceit, in an amount to be further proven at trial.

Pursuant to Minn. Stat. §481.07/071, Plaintiff is entitled to recover treble damages.

**COUNT IV  
INJUNCTION**

55. Plaintiff herein alleges all prior allegations, and those in the remainder of the complaint, as if fully set forth in this count.

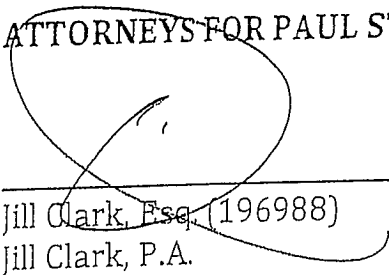
56. Plaintiffs seek an injunction to prohibit the above-complained about conduct from continuing in the future.

WHEREFORE, Plaintiff prays for relief in the form of a permanent injunction against Defendants, and each of them, and/or as follows:

1. Judgment in a reasonable amount in excess of \$50,000;
2. Interest on the aforesaid amounts;
3. Awarding to Plaintiff his reasonable attorney fees and costs and disbursements incurred herein; and
4. Issuing an injunction as set forth in Count IV.

Dated: November 4, 2010

~~ATTORNEYS FOR PAUL STEPNES~~

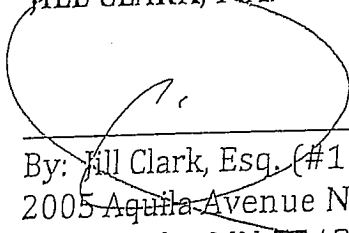
  
\_\_\_\_\_  
Jill Clark, Esq. (196988)  
Jill Clark, P.A.  
2005 Aquila Av. N.  
Golden Valley, MN 55427

ACKNOWLEDGEMENT

The undersigned hereby acknowledged that, pursuant to Minn. Stat. § 549.21, Subd. 2, costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party of parties in this litigation if the Court should find that the undersigned acted in bad faith, asserted a claim or defense that is frivolous and that is costly to the other party, asserted an unfounded position solely to delay the ordinary course of the proceedings or to harass, or committed a fraud upon the Court.

Dated: November 4, 2010

ATTORNEYS FOR PLAINTIFF  
~~HILL CLARK, P.A.~~

  
By: Jill Clark, Esq. (#196988)  
2005 Aquila Avenue North  
Minneapolis, MN 55427  
(763) 417-9102

OLSON & LUCAS, P.A.  
ATTORNEYS AT LAW

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December 2, 2010

VIA U.S. MAIL AND FACSIMILE

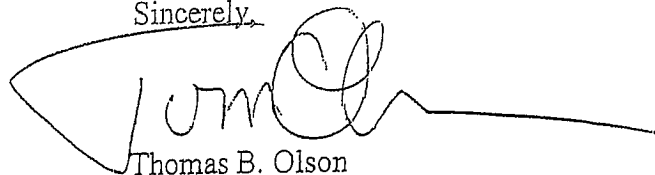
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Old Republic National Title Insurance Company, et al.  
Our File No.: 14161  
Case File No.: 27-CV-10-25884

Dear Ms. Clark:

Regarding the above-referenced matter please be advised that I have scheduled a Motion to Dismiss on behalf of my client Old Republic National Title Insurance Company, to be heard on January 25, 2011 at 1:30 PM. This Hearing will be held simultaneously with Defendants Steven Little and Coleman, Hull and van Vliet's Motion. We will timely serve you with our moving papers. Thank you.

Sincerely,



Thomas B. Olson

TBO/no

CC: Mark Bloomquist (via email only)  
Client



## FAX COVER SHEET

TO: Mark Bloomquist

FAX: 612/877-3120

FROM: Jill Clark, Esq., Jill Clark, P.A.

FAX: 763/417-9112

PHONE: 763/417-9102

EMAIL: [jill@jillclarkpa.com](mailto:jill@jillclarkpa.com)

DATE: February 16, 2011

RE: TCIF, LLC and Old Republic National Title  
Ins. Co. v. Stepnes, *et al*  
File No. 27-CV-07-2873

PAGES (including this cover sheet): 2

MESSAGE:



February 16, 2011

VIA FACSIMILE

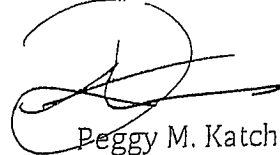
Mark Bloomquist, Esq.  
Meagher & Geer  
33 South 6<sup>th</sup> Street, #4400  
Minneapolis, MN 55402

Re: Stepnes, and Chester Group, LLC, v. Old Republic National Title Ins. Co., *et al*  
File No. 27-cv-10-25884

Dear Mr. Bloomquist:

Enclosed and served upon you please find Dismissal without Prejudice in the above-referenced action.

Sincerely,



Peggy M. Katch

JEC/PMK  
C: Client

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
Case Type: Other Civil

Paul Stepnes and Chester Group, LLC,  
Green House, LLC,

Case No. 27-cv-10-25884

Plaintiffs,

AMENDED SUMMONS:

v.

All States Title, Inc.; Mickey J. Hagen,  
Old Republic National Title Insurance Co.  
Steven R. Little, Coleman, Hull & Van Vliet,  
PLLP, John Does 1-2, and YXY Corporation(s),

Defendants.

THE STATE OF MINNESOTA TO THE ABOVE-NAMED DEFENDANTS:

THIS SUMMONS IS DIRECTED TO \_\_\_\_\_.

**1. YOU ARE BEING SUED.** The Plaintiffs have started a lawsuit against you.

The Plaintiffs' Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this Summons.

**2. YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this summons a written response called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at:

Jill Clark, P.A.  
2005 Aquila Av. N.  
Golden Valley, MN 55427

**3. YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiffs' Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiffs should not be given everything asked for in the Complaint, you must say so in your Answer.

**4. YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiffs everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond.

A default judgment can then be entered against you for the relief requested in the Complaint.

**5. LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.

**6. ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the



Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

7. THIS LAWSUIT MAY AFFECT OR BRING INTO QUESTION TITLE TO REAL PROPERTY located in Hennepin County, State of Minnesota, legally described as follows:

3528 Irving Avenue South: Lot 2, Hull-Berg Addition.

The object of this action is to compensate Plaintiffs for the fraud in procuring a foreclosure judgment and amended judgment (this is a summary, only).

Dated: February 7, 2011

ATTORNEYS FOR PLAINTIFF

---

Jill Clark, Esq. (#196988)  
Jill Clark, P.A.  
2005 Aquila Avenue North  
Golden Valley, MN 55427  
Phone: (763) 417-9102

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
Case Type: Other Civil

Paul Stepnes and Chester Group, LLC,  
Chester House, LLC,

Case No. 27-cv-10-25884

Plaintiffs,

FIRST AMENDED COMPLAINT

v.

All States Title, Inc., Mickey J. Hagen,  
Old Republic National Title Insurance Co.  
Steven R. Little, Coleman, Hull & Van Vliet,  
PLLP, John Does 1-2, and YXY Corporation(s),

Defendants.

Now comes the Plaintiff and for his cause of action alleges:

**PARTIES**

1. Paul Stepnes ("Stepnes") is an individual and a resident of Hennepin County, Minnesota.
2. Stepnes *never* lived at 1515 South Fourth Street, Apt. 505, Minneapolis, MN 55454-2101.
- 3A. Chester Group, LLC ("Chester Group") is a Minnesota limited liability company with its principal place of business in Hennepin County, Minnesota.
- 3B. Chester House, LLC ("Chester House") is a Minnesota limited liability company with its principal place of business in Hennepin County, Minnesota

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4. All States Title, Inc. ("All States"), is upon information and belief, a Minnesota corporation with its principal place of business in Hennepin County, Minnesota.

5. Mickey J. Hagen ("Hagen") is an individual, who served for a time as President of All States and is upon information and belief a resident of Hennepin County, Minnesota.

6. Old Republic National Title Insurance Company ("Old Republic") is, upon information and belief, a foreign corporation, which does business in Minnesota and has sufficient contacts with Minnesota to sue and be sued here.

7. Steven R. Little ("Little") is an individual who is, upon information and belief, is an attorney licensed to practice in Minnesota and a resident of Hennepin County, Minnesota.

8. Coleman, Hull & Van Vliet, PLLP ("Coleman Hull") is a Minnesota professional limited liability partnership with its principal place of business in Hennepin County, Minnesota.

9. John Does 1-2 is reserved for individuals identified who are determined to be responsible for claims in this action.

10. XYZ Corporation(s) is reserved for the corporation that is determined to be responsible for the fraudulent foreclosure lawsuit/proceedings against Plaintiffs.

## FACTUAL STATEMENT

11. Prior to June 23, 2006 Stepnes applied for mortgage financing for his Chester Group project through a broker.
12. On June 23, 2006 Chester Group borrowed monies from Union Bank to complete renovation of a building at 3528 Irving Avenue South, "Lot 2, Hull-Berg Addition" ("The Property").
13. On June 23, 2006 Pennhurst obtained a mortgage on the Property to secure payment of a note to Pennhurst for improvements to the Property.
14. The mortgage to repay the loan from Union Bank was incorporated into a Promissory Note and Mortgage on the Property.
15. The Union Bank mortgage was recorded against the Property on June 27, 2006.
16. The Pennhurst mortgage was recorded on June 27, 2006.
17. On July 14, 2006, Fremont Investment & Loan ("Fremont") loaned Stepnes \$800,000. Upon information and belief, Fremont has assigned its interests to MERS.
18. However, the closing on the Fremont loan was faulty because All States used the wrong name for the closing and failed to properly research title to the Property.
19. All States did not give Stepnes signed copies of the closing documents as it had a duty to do.

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20. Title Insurance as purchased for Fremont.

21. All States failed to promptly record the mortgage for Fremont.

22. In December 2006, All States and Hagen rushed over to Stepnes' home, and thrust a paper at him and demanded that Stepnes quickly sign it.

23. Hagen represented to Stepnes that he *had* to sign the paper *right away* and that if Stepnes refused he would be sued because Stepnes had signed a paper indicating that he would sign any documents necessary to effectuate or correct typos in the mortgage transaction.

24. Hagen failed to tell Stepnes that All States had made significant mistakes at the closing and that Stepnes did *not* have to sign the paper.

25. Hagen would not give Stepnes a signed copy of that paper at the time, and never mailed him a copy.

26. The document that Stepnes signed in December 2006 is fraudulent.

27. All States recorded the mortgage on December 19, 2006, based in large part upon the fraudulent document that All States and Hagen had forced Stepnes to quickly sign, and which Hagen had back-dated the notary block, a fraud to make it appear that Stepnes had signed the document on the same date as the closing (when it fact it was about 6 months later).

28. MERS as nominee for Fremont brought a lawsuit against Stepnes based on the fraudulent mortgage filed December 19, 2006.

29. Little and Coleman Hull represented both MERS and Fremont (and later represented TCIF, and Old Republic).

30. During the pendency of the litigation, Little informed the Court that TCIF, LLC was the assignee of the mortgage once owned by MERS, and that GMAC was "serving" the loan.

31. Upon information and belief, Little never disclosed the purchased price of the loan to TCIF.

32. Little and Coleman Hull deceived the Court and the parties by failing to disclose the truth about the closing, that the mortgage filed was based on a fraudulent mortgage and that Little and Coleman Hull's clients had failed to determine that there were three valid mortgages on the Property that had priority, and had created a fraudulent quit claim deed.

33. Little and Coleman Hull deceived the Court by presenting papers signed by them under Rule 11 of the Rules of Civil Procedure which mislead the Court and the parties but which Little and Coleman Hull knew or should have known were fraudulent.

3. Little and Coleman Hull presented the Court with an amended order for judgment on February 19 2008 that stated, "[i]n the event that TCIF, LLC pays any amounts to satisfy liens that are prior to Plaintiff's Mortgage, upon proper application for judgment of the Court, TCIF, LLC shall have personal judgment against Paul C. Stepnes in those amounts."

4. Little and Coleman Hull deceived the Court by failing to disclose that the *reason* that the three liens were superior, was due to negligence of Fremont and All States.

5. The negligence of Hagen and All States led to Old Republic Title Insurance Company paying for the senior liens.

6. In 2009, Little and Coleman Hull filed a motion for Old Republic to intervene in the action. However, Little and Coleman Hull again deceived the Court and the parties and failed to disclose the negligence and fraudulent acts of All States.

7. Little and Coleman Hull deceived the Court by implying that the amounts added to the prior judgment were for a deficiency from the Sheriff's sale, and that it was Stepnes' responsibility to reimburse the title insurance company for amounts that it had to pay for the negligence of All States.

8. Stepnes was not personally served with a copy of the motion for Old Republic to intervene. (An Affidavit of Service claims that Stepnes was served at 1515 South Fourth Street, Apt. 505, Minneapolis, MN 55454-2101, but he has never lived there.) Stepnes was not aware of the motion, or that there was a hearing. Little allegedly served Building Assets, through the Barna Guzy law firm, but they had withdrawn in January 2008. Building Assets, which is owned by a builder who has close ties with Stepnes, was also not served.

9. Stepnes was not present at the hearing, nor did he have any counsel there.

10. The Court signed an amended judgment granting the title insurance company a judgment against Stepnes.

11. In the summer of 2010, Little and Coleman Hull, representing Old Republic Title Insurance Company and TCIF, served a subpoena on Stepnes, attempting to execute on the amended judgment.

12. At no time has Little and Coleman Hull disclosed to the Court or the parties that Old Republic paid out monies because of the negligence and/or misconduct of All States.

13. It was not until August-September 2010 that Stepnes discovered the fraud.

#### **COUNT I (NEGLIGENT MISREPRESENTATION)**

14. Plaintiffs herein allege all prior allegations, and those in the remainder of the complaint, as if fully set forth in this count.

15. Defendants failed to disclose to Stepnes significant facts that he needed to be able to make a business decision as to whether he should sign the document thrust upon him in December 2006.

16. Stepnes was harmed by the misrepresentation and deceit of Defendants in an amount in excess of \$300,000, all of which is the responsibility of Old Republic.

17. Stepnes seeks judgment in an amount in excess of \$50, to be later proven at trial.



## COUNT II (Fraud)

18. Plaintiff herein alleges all prior allegations, and those in the remainder of the complaint, as if fully set forth in this count.

19. Hagen made a false statement (that Stepnes *had* to sign the paper she thrust upon him in December 2006), susceptible of knowledge and of a material fact. Hagen knew the representation was false and intended the other person to act upon it (in order to protect her or All States). Stepnes did act (he signed the paper).

20. Stepnes was damaged in an amount in excess of \$50,000, to be further proven at trial. Based on the foregoing, Stepnes is entitled to judgment against Defendants in an amount in excess of \$50,000.

## COUNT III (Deceit)

21. Plaintiff herein alleges all prior allegations, and those in the remainder of the complaint, as if fully set forth in this count.

22. Attorney Little engaged in deceit with respect to his statements to the Court: his failure to disclose that the reason that there were three senior lienholders was due to the negligence of MERS, Hagen and/or All States, and he failed to disclose that in December 2006, Hagen/All States had pressured Stepnes to sign a document that made the foreclosure action as designed by Little, possible.

23. Little's conduct violated the provisions of Minn. Stat. §481.07, and 071. Plaintiff was damaged by the deceit, in an amount to be further proven at trial.

Pursuant to Minn. Stat. §481.07/071, Plaintiff is entitled to recover treble damages.

**COUNT IV  
INJUNCTION**

24. Plaintiff herein alleges all prior allegations, and those in the remainder of the complaint, as if fully set forth in this count.

25. Plaintiffs seek an injunction to prohibit the above-complained about conduct from continuing in the future.

**WHEREFORE**, Plaintiff prays for relief in the form of a permanent injunction against Defendants, and each of them, and/or as follows:

1. Judgment in a reasonable amount in excess of \$50,000;
2. Interest on the aforesaid amounts;
3. Awarding to Plaintiff his reasonable attorney fees and costs and disbursements incurred herein; and
4. Issuing an injunction as set forth in Count IV.

Dated: February 7, 2011

**ATTORNEYS FOR PAUL STEPNES**

\_\_\_\_\_  
Jill Clark, Esq. (196988)  
Jill Clark, P.A.  
2005 Aquila Av. N.  
Golden Valley, MN 55427

## ACKNOWLEDGEMENT

The undersigned hereby acknowledged that, pursuant to Minn. Stat. § 549.21, Subd. 2, costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party of parties in this litigation if the Court should find that the undersigned acted in bad faith, asserted a claim or defense that is frivolous and that is costly to the other party, asserted an unfounded position solely to delay the ordinary course of the proceedings or to harass, or committed a fraud upon the Court.

Dated: February 7, 2011

ATTORNEYS FOR PLAINTIFF  
JILL CLARK, P.A.

---

By: Jill Clark, Esq. (#196988)  
2005 Aquila Avenue North  
Minneapolis, MN 55427  
(763) 417-9102



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BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number: 87-LLP Entity Type: Limited Liability Partnership

Original Date of Filing: 11/4/1994 Entity Status: Inactive ← \*  
Entity Date to Expire: 12/31/2001 Chapter: 323 (Professional)

Good Standing: 2001  
(date of last annual filing)

Name: Coleman, Hull & van Vliet, PLLP  
Address: 8500 Normandale Lake Blvd #2110  
Mpls, MN, 55437  
Home State: MN

Registered Agent: No Agent Filed

[Additional Entity Detail](#) [Return to Search List](#) [New Search](#)

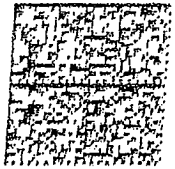
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JUDGE ROBERT A. BLAESER  
FOURTH JUDICIAL DISTRICT COURT  
HENNEPIN COUNTY GOVERNMENT CENTER  
MINNEAPOLIS, MINNESOTA 55437-0422

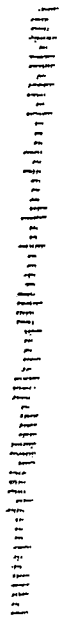
Hill E. Clark, Esq.  
2005 Aquila Avenue North  
Golden Valley, MN 55427

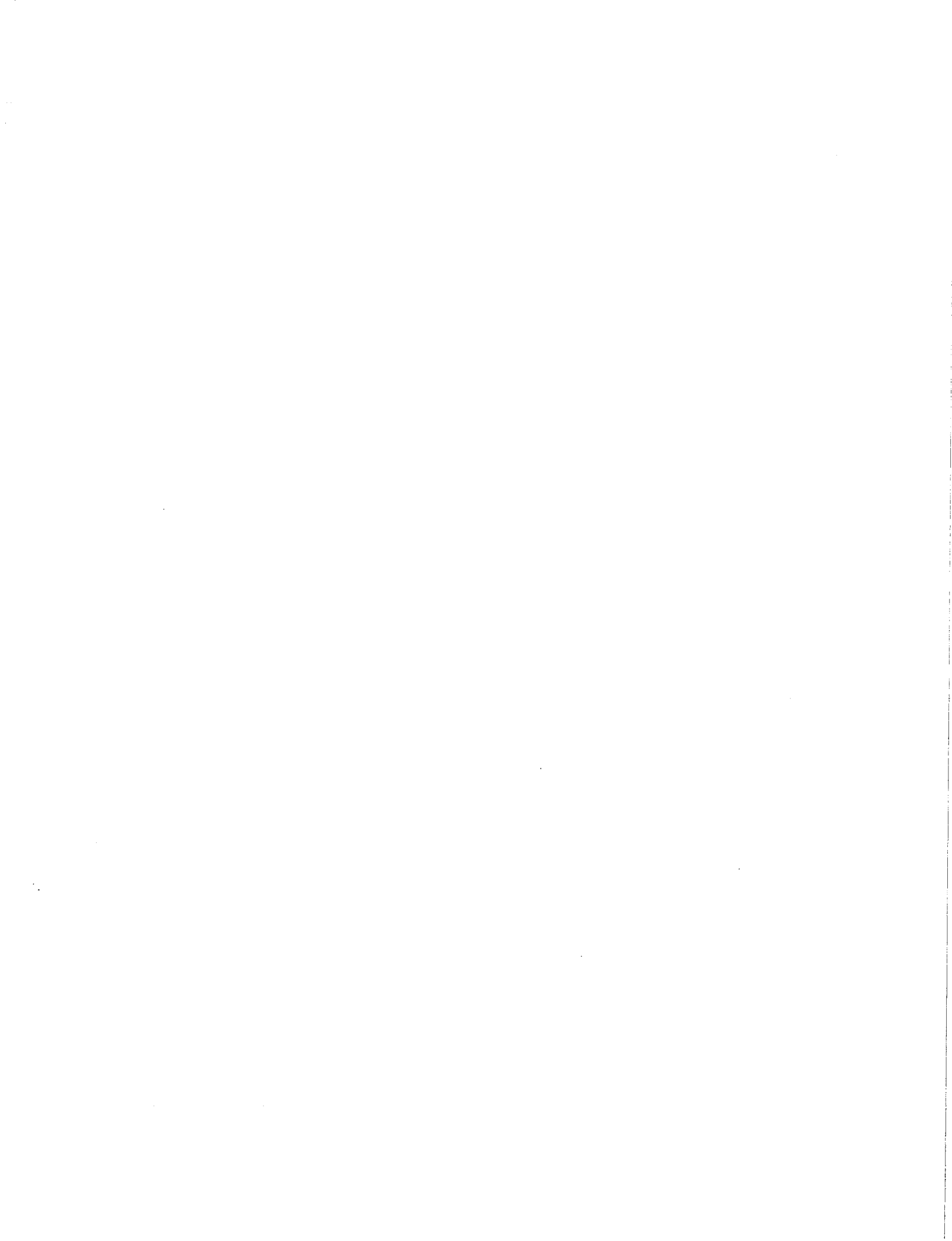
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Nelson, Ana

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From: Blaeser, Robert (Judge)  
Sent: Tuesday, February 15, 2011 2:52 PM  
To: Nelson, Ana  
Subject: FW: question

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From: Zimmerman, Lloyd (Judge)  
Sent: Tuesday, February 15, 2011 11:48 AM  
To: Blaeser, Robert (Judge)  
Subject: question

Hi Bob,

was removed last week in a recent civil action where the circumstances of a Rule 63.03 removal bother me. I stopped by to talk to Ron Abrams about how I might proceed (he has the case, at least for now), and he suggested that I contact you in your capacity as chief. I told Ron that I wanted to be careful not to raise concerns with him that go beyond the record. So far nothing has been raised before Judge Abrams by any of the parties.

This is a case where Jill Clark represents the plaintiff. (Paul Stepnes and Chester Group LLC and Chester House LLC v. All States Title et al, court file 27-CV-10-25884.) Many judges voluntarily removed themselves, and Ms. Clark had used up all of her Rule 63.03 removals. The case was randomly assigned to me on or about February 7 – just last week. On February 7, Ms. Clark filed a Rule 63.03 notice of removal on me, and on the same date, added a new plaintiff, Chester House LLC. Without this LLC she had no removals without cause left. I would not have recused myself.

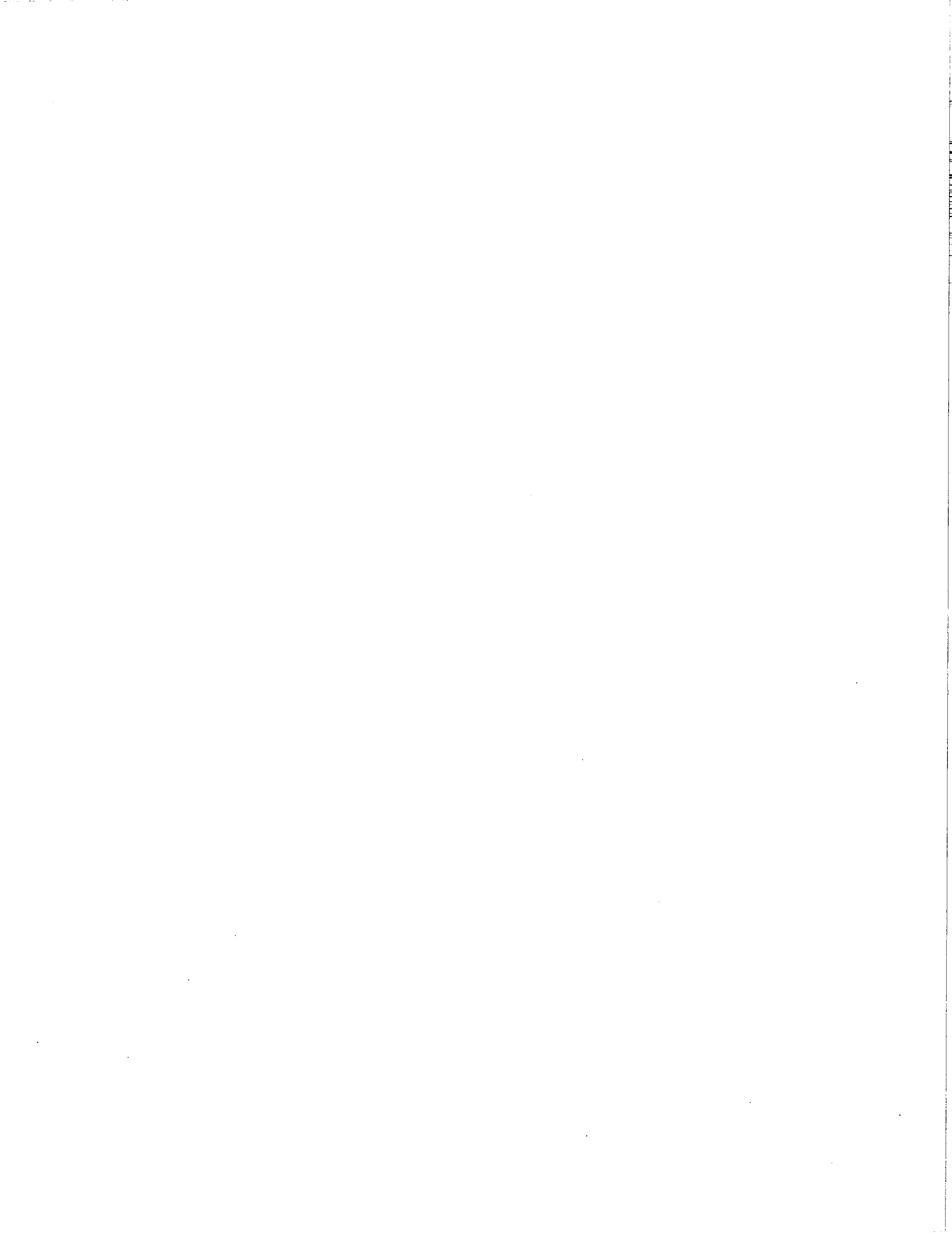
I do not have another pending case with Ms. Clark where she has been trying to remove me for cause. The Court of Appeals denied her motion for a writ of prohibition this morning (Veches et al v. Officer Sean Majewski, ) It would be obvious from reading her papers in that case that she does not want me to sit as a judge in any case where she is involved. But she was out of removals in the Stepnes case, where she added the new Plaintiff, Chester House LLC.

Stepnes lawsuit, including the amended complaint, has no substantive allegations about Chester House LLC, the entity she used to remove me. Her summons refers to this party as "Green House LLC, which is not an LLC either, and has no reference to Chester House LLC. The events alleged in the complaint all happened in 2006. There is no mention of Chester House LLC in the complaint. Chester House LLC, the entity she used for the removal, is not a registered LLC on the Minnesota Secretary of State web site. Minn. Stat. 322B.105 states an LLC only comes into being by filing articles of organization with the Secretary of State.

It is possible that Ms. Clark has LLC papers for Chester House which have not been filed, or some legitimate explanation for the curious timing of the addition of the new party and the removal of myself, or alternatively that she alleged the existence of Chester House LLC, as a fictitious LLC, in order to gain an extra removal. If she did so, it would be an affront to the integrity of the court system.

I am not sure how busy with other cases when this arose, and court administration honored the removal before I had fully considered the questionable circumstances of the removal. I might have issued a show cause order to demonstrate the validity of the removal closer to the removal, and made her show cause before honoring it. Now that the case has been reassigned, I am not sure how to proceed. I am not sure now whether it could be referred back to me for a determination of this issue, or if I have lost jurisdiction. As the presiding judge for the civil division, you can at least consider what might be appropriate, if anything.

Do you think?





Lloyd

