

FILED

December 8, 2011

**OFFICE OF
APPELLATE COURTS**

**STATE OF MINNESOTA
IN COURT OF APPEALS**

Jerry L. Moore,

Respondent,

vs.

John Hoff a/k/a Johnny Northside,

Appellant.

ORDER

#11-1923

Considered and decided by Johnson, Chief Judge; Klaphake, Judge; and Larkin, Judge.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE FOLLOWING REASONS:

Minnesota Pro Chapter, Society of Professional Journalists; The Reporters Committee for Freedom of the Press; and Silha Center for the Study of Media Ethics & Law move for leave to participate in this appeal as amici curiae. Respondent “does not oppose the concept of an amicus brief,” but objects to submissions made in the district court, asserts that the amicus brief is likely to repeat arguments made by appellant, and requests clarification of the briefing schedule.

The brief of an amicus curiae is due seven days after the deadline for the party with which the amicus curiae is most closely aligned. Minn. R. Civ. App. P. 129.02. The

respondent's brief is due 30 days after service of the appellant's brief. Minn. R. Civ. App. P. 131.01. Absent some showing that the appellant's brief will be filed substantially in advance of the ordinary deadline, respondent has not established good cause to adjust the briefing schedule and calculate the respondent's briefing deadline from service of the amicus brief.

The purpose of an amicus brief is to inform the court of facts or matters of law that may have escaped its consideration, not to repeat or emphasize arguments already put forth by a party. 3 Eric J. Magnuson et al., *Minnesota Practice* § 129.3 at 682 (2011). Respondent has not established that documents that were submitted in the district court or the possible content of a not-yet-filed amicus brief on appeal justifies denial of the request.

IT IS HEREBY ORDERED:

1. The motion to file a brief as amici curiae is granted.
2. The amicus brief shall not exceed 20 pages. Minn. R. Civ. App. P. 132.02, subd. 3. The amicus brief shall not be cumulative of the appellant's brief.
3. Appellant's brief remains due within 30 days after delivery of the transcript and the amicus brief shall be served and filed within seven days after the deadline for appellant's brief.

