

STATE OF MINNESOTA

FILED

DISTRICT COURT

2011 OCT 19 PM 12:08

COUNTY OF HENNEPIN

BY _____ DEPUTY FOURTH JUDICIAL DISTRICT
HENN CO. DISTRICT
COURT ADMINISTRATOR

Ethylon B. "E.B." Brown, Benjamin E. Myers,
Robert "Bob" Scot, Shannon Hartfiel, Robert Wilson,
William J. Brown, Dokor Dejvongsa, Steve Jackson,
DeEte Davis, Tamara Hardy, Lafayette Butler, Jernel
McLane, Frank Essien, Kenya Weathers,
and Jerry Moore,

Plaintiffs,

v.

Michael "Kip" Browne, P.J. Hubbard, Robert
Hodson, Anne McCandless, Don Samuels (in
his individual and official capacities), Barbara
Johnson (in her individual and official capacities),
Michael Martin (in his individual and official
capacities), City of Minneapolis, Minnesota,
Stacy Sorenson, and Unknown Minneapolis
"City Attorney John Doe Defendant #1" and
John Does 2-5,

Defendants.

ORDER

27 CV 09 2277

The above-entitled matter came before Judge Charles A. Porter, Jr. on Defendant's Motion to Require Plaintiffs to Order Transcripts. Jill Clark, Esq. appeared for Plaintiffs. David Schooler, Esq. appeared for Defendants.

Based upon the evidence adduced, the argument of counsel, and all of the files, records, and proceedings herein, the Court makes the following

FINDINGS OF FACT:

1. This court previously granted partial summary judgment to Defendants Jordan Area Community Council ("JACC"), Michael Browne, John Hubbard, Robert Hodson and Anne McCandless, and that Order is now on appeal. As part of their appeal, Plaintiffs also raise the issues of the court's denial of Plaintiffs' motion for

a preliminary injunction and its award of attorneys' fees pursuant to Minn. Stat. § 317.751 and costs.

2. Defendants bring this motion seeking an order requiring Plaintiffs to order transcripts of certain proceedings in this court, including the preliminary injunction hearing held May 12, 13, 18, 19, 20, 22, 26, 27, and June 1, 2009; the summary judgment hearing held February 18, 2009; and, if available, the June 27, 2011 hearing to amend the Court's May 4, 2011 Order.
3. Defendants previously ordered transcripts of each day of the preliminary injunction hearing.
4. Plaintiffs have ordered transcripts from the February 18, 2009 Summary Judgment hearing and those portions are filed as affidavit exhibits.

CONCLUSIONS OF LAW:

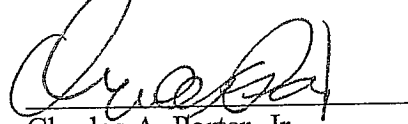
5. Under Rule 110.02 of the Minnesota Rules of Civil Appellate Procedure, within 10 days after filing notice of appeal, appellant must order transcripts of those parts of the proceedings not already part of the record which are deemed necessary for inclusion in the record; or file a notice of intend to proceed pursuant to Rule 110.03 or Rule 110.04; or notify respondent that no transcript or statement will be ordered or prepared. If the entire transcript is not to be included, appellant is to file and serve on respondent a description of the portions of the transcript intended to be included and a statement of the issues on appeal. If respondent deems a transcript of other parts of the proceeding to be necessary, within 10 days of being served with the description of the transcript, respondent shall order those other parts or file and serve a motion for an order requiring appellant to do so.
6. Rules do not require that Plaintiffs purchase transcripts of the preliminary injunction hearing since they were previously ordered.
7. Plaintiffs are not required to purchase transcripts of the Summary Judgment hearing as those transcripts are part of the record, having been filed as affidavit exhibits.
8. The transcript of the June 27, 2011 hearing to amend the Court's May 4, 2011 order is unnecessary for this appeal.

ORDER:

1. Defendants' Motion to Require Plaintiffs to Order Additional Transcript is hereby **denied.**

Dated: 10-19-11

BY THE COURT:



Charles A. Porter, Jr.
Judge of District Court

State of Minnesota
Hennepin County

District Court
Fourth Judicial District

Court File Number: **27-CV-09-2277**

Case Type: Civil Other/Misc.

Mailing Label

JILL ELEANOR CLARK
2005 AQUILA AVENUE NORTH
GOLDEN VALLEY MN 55427

Ethylon B Brown, Benjamin E Meyers, Robert Scott, Shannon Hartfiel, Robert Wilson et. al. vs John Hubbard, Robert Hodson, Ann McCandless, Don Samuels, Barbara Johnson et. al.

Please find enclosed, documents from Hennepin County Court Administration.

If you have any questions, please call 612-348-6302

Dated: **10/19/2011**

Mark S. Thompson
Court Administrator
Hennepin County District Court
300 South Sixth Street, C-3 Minneapolis
MN 55487-0332

cc: DAVID ARNOLD SCHOOLER