

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF JACKSON

FIFTH JUDICIAL DISTRICT

Case Type: Other Civil

Court File No. 32-CV-18-146

Hon. Darci J. Bentz

In re the Appeal from the Final Order
of the Heron Lake Watershed District, Acting as
Drainage Authority for County Ditch No. 3
Establishing Drainage Project, Adopting and Confirming
Viewers' Report of Improvement Benefits and Damages,
Authorizing the Application of Separable Maintenance,
and Directing Construction of the Project

APPELLANT'S INFORMATIONAL STATEMENT

1. All parties have been served with process.
2. All parties have not joined in the filing of this form.
3. Brief description of the case: Appellant has appealed under Minnesota Statutes Chapter 103 from an Order of the Heron Lake Watershed District, acting as the drainage authority for County Ditch No. 3, establishing a drainage project that affects Appellant's property. There are two aspects to the appeal, and Chapter 103E requires that they be bifurcated. Phase I is the establishment appeal brought pursuant to Minn. Stat. § 103E.095. Phase II is an appeal of benefits and damages brought under Minn. Stat. § 103E.091. Chapter 103E requires that the Phase I establishment appeal be tried before the Phase II benefits and damages appeal. Also, the District Court judgment rendered in the Phase I establishment appeal is appealable to the Court of Appeals. If either party were to appeal the District Court judgment entered in the Phase I establishment appeal, the Phase II trial of the benefits and damages appeal would have to await the outcome of the Phase I appeal.

In light of this, the Court and the parties should discuss whether the Court should enter a Scheduling Order that applies only to the Phase I establishment appeal at this time.

4. It is estimated that the discovery specified below can be completed within ten (10) months from the date of this form.
 - a. Factual Depositions No Yes , est. no. 6
 - b. Medical Evaluations No N/A Yes , est. no.
 - c. Experts Subject to Discovery No Yes , est. no. 3

5. Assignment as a standard case is requested.
6. The dates and deadlines specified below are suggested.
 - a. N/A Deadline for joining additional parties, whether by amendment or third party practice.
 - b. 09/01/2019 Deadline for bringing non-dispositive motions
 - c. 08/01/2019 Deadline for bringing dispositive motions.
 - d. N/A Deadline for submitting S11 to the court.
 - e. N/A Deadline for completing independent physical examination pursuant to Minn. R. Civ. P. 35.
 - f. N/A Date for formal discovery conference pursuant to Minn. R. Civ. P. 26.06.
 - g. 30 days before trial Date for pretrial conference pursuant to Minn. R. Civ. P. 16.
 - h. At pretrial Date for scheduling conference.
 - i. At pretrial Date for submission of a Joint Statement of the Case pursuant to Minn. Gen. R. Prac. 112.
 - j. Dec. 2019 Trial Date.
 - k. 2 weeks before trial Deadline for filing proposed instructions, verdicts, findings of fact, witness list and exhibit list.
 - l. N/A Deadline for _____
7. Estimated trial time: See Section 8.
8. The Establishment Appeal (Phase I) pursuant to Minn. Stat. § 103E.095 calls for a court trial. The estimated trial time for Phase I is two (2) days. The Benefits and Damages Appeal (Phase II) pursuant to Minn. Stat. § 103E.091 provides for a jury trial. Appellant requests a jury trial. The estimated trial time is two (2) days.
9.
 - a. Meeting: Counsel for the parties met on N/A to discuss case management issues.

- b. ADR Process: Appellant believes that ADR is appropriate and that mediation should be used. Appellant suggests a June 1, 2019, deadline to select a mediator and an August 1, 2019, deadline to complete mediation.
10. Please list any additional information which might be helpful to the court when scheduling this matter.

Dated this 19th day of September, 2018.

/s/ Jeff C. Braegelmann

Jeff C. Braegelmann #174701
GISLASON & HUNTER LLP
Attorneys for Appellant
2700 South Broadway
P. O. Box 458
New Ulm, MN 56073-0458
Phone: 507-354-3111
Fax: 507-354-8447