

Rule 112. Joint Statement of the Case**Rule 112.01 When Required**

As a case progresses, the court may find it advisable to implement the scheduling order and procedures of Minn. Gen. R. Prac. 111 by requiring the parties to report on the status of the case. This report shall be made in the form entitled Joint Statement of the Case (see Form 112.01 appended to these rules). The court may also choose to direct the filing of separate statements of the case. If the parties are directed to file a joint statement of the case, the plaintiff shall initiate and schedule the meeting and shall be responsible for filing the Joint Statement of the Case within these time limits. If the plaintiff is unable to obtain the cooperation, after genuine efforts, of the other parties in preparing a Joint Statement of the Case, the plaintiff may file a separate statement together with an affidavit setting forth the efforts made and reasons why a joint statement could not be filed.

(Amended effective January 1, 1994.)

Rule 112.02 Contents

The Joint Statement of the Case shall contain the following information to the extent applicable:

(a) A statement that all parties have been served, that the case is at issue, and that all parties have joined in the filing of the Statement of the Case;

(b) An estimated trial time;

(c) Whether a jury trial has been requested, and if so, by which party;

(d) Counsels' opinion whether the case should be handled as an expedited, standard, or complex case (determination to be made by the court);

(e) A concise statement of the case indicating the facts that Plaintiff(s) intend to prove and the legal basis for all claims;

(f) A concise statement of the case indicating the facts that Defendant(s) intend to prove and the legal basis for all defenses and counterclaims; and

(g) Names and addresses of all witnesses known to the lawyer or client who may be called at the trial by each party, including expert witnesses and the particular area of expertise each expert will be addressing. If any witness or party is likely to require interpreter services, that fact and the nature of the required services (specifying language and, if known, particular dialect) shall be provided.

(Amended effective March 1, 2009.)

Advisory Committee Comment - 2008 Amendment

Rule 112.02 is amended to include a provision designed to foster earlier gathering of information about the potential need for interpreter services in a case, either for witnesses or for a party. See Minn. Gen. R. Prac. 8.13.

Rule 112.03 Contents-Personal Injury Actions

In cases involving personal injury, the Joint Statement of the Case shall also include a statement by each claimant, whether by complaint or counterclaim, setting forth the following:

(a) A detailed description of claimed injuries, including claims of permanent injury. If permanent injuries are claimed, the name of the doctor or doctors who will so testify;

(b) An itemized list of special damages to date including, but not limited to, auto vehicle damage and method of proof thereof; hospital bills, x-ray charges, and other doctor and medical bills to date; loss of earnings to date fully itemized; and

(c) Whether parties will exchange medical reports (See Minn. R. Civ. P. 35.04).

Rule 112.04 Contents-Vehicle Accidents

In cases involving vehicle accidents, the Joint Statement shall also include the following:

(a) A description of vehicles and other instrumentalities involved with information as to ownership or other relevant facts; and

(b) Name of insurance carriers involved, if any.

Rule 112.05 Hearing

If no Joint Statement has been timely filed, the court may set the matter for hearing.

Cross Reference: Minn. R. Civ. P. 16, 35.04; Minn. Civ. Trialbook, section 5.

Advisory Committee Comment - 1994 Amendment

This rule is new. The procedures implemented by this rule supplement the procedures of Rule 111.

The rule does not require that a Joint Statement of the Case be used. The court can direct the parties to file separate statements, although the same format should be followed for such separate statements of the case.

The requirement that the parties confer to prepare a statement does not require a face-to-face meeting; the conference can be by telephone if that is suited to the needs of the particular case.

The final sentence of Rule 112.01 is added to provide a mechanism for the plaintiff ordered to file a Joint Statement of the Case but unable to obtain cooperation of the opposing parties. Although the rule as originally drafted did not place an undue burden on the plaintiff, the trial courts have occasionally done so when the plaintiff's opposing parties have thwarted the preparation of the Statement of the Case and prevented its filing. The amendment allows the plaintiff to proceed individually in that circumstance.