

Rule 146. Complex Cases**146.01 Purpose; Principles**

The purposes of the Complex Case Program ("CCP") are to promote effective and efficient judicial management of complex cases in the district courts, avoid unnecessary burdens on the court, keep costs reasonable for the litigants and to promote effective decision making by the court, the parties and counsel.

The core principles that support the establishment of a mandatory CCP include:

- (a) Early and consistent judicial management promotes efficiency.
- (b) Mandatory disclosure of relevant information, rigorously enforced by the court, will result in disclosure of facts and information necessary to avoid unnecessary litigation procedures and discovery.
- (c) Blocking complex cases to a single judge from the inception of the case results in the best case management.
- (d) Firm trial dates result in better case management and more effective use of the parties' resources, with continuances granted only for good cause.
- (e) Education and training for both judges and court staff will assist with the management of complex cases.

146.02 Definition of a Complex Case

(a) Definition. A "complex case" is an action that requires exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel.

(b) Factors. In deciding whether an action is a complex case under (a), the court must consider, among other things, whether the action is likely to involve:

- (1) Numerous hearings, pretrial and dispositive motions raising difficult or novel legal issues that will be time-consuming to resolve;
- (2) Management of a large number of witnesses or a substantial amount of documentary evidence;
- (3) Management of a large number of separately represented parties;
- (4) Multiple expert witnesses;
- (5) Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court;
- (6) Substantial post judgment judicial supervision; or
- (7) Legal or technical issues of complexity.

(c) Provisional designation. An action is provisionally a complex case if it involves one or more of the following types of claims:

- (1) Antitrust or trade regulation claims;
- (2) Intellectual property matters, such as trade secrets, copyrights, patents, etc.;

- (3) Construction defect claims involving many parties or structures;
- (4) Securities claims or investment losses involving many parties;
- (5) Environmental or toxic tort claims involving many parties;
- (6) Product liability claims;
- (7) Claims involving mass torts;
- (8) Claims involving class actions;
- (9) Ownership or control of business claims; or
- (10) Insurance coverage claims arising out of any of the claims listed in (c)(1) through (c)(9).

(d) Parties' designation. In any action not enumerated above, the parties can agree to be governed by Rule 146 of these rules by filing a "CCP Election," in a form to be developed by the state court administrator and posted on the main state court website, to be filed along with the initial pleading.

(e) Motion to Exclude Complex Case Designation. A party objecting to the provisional assignment of a matter to the CCP must serve and file a motion setting forth the reasons that the matter should be removed from the CCP. The motion must be served and filed within 14 days of the date the moving party is served with the CCP Designation. The motion shall be heard during the Case Management Conference or at such other time as determined by the court. The factors that should be considered by the court in ruling on the motion include the factors set forth in Rule 146.02 (b) and (c) above.

(Amended effective July 1, 2015.)

146.03 Judge Assigned to Complex Cases

A single judge shall be assigned to all designated complex cases within 28 days of filing in accordance with Rule 113 of these rules. In making the assignment the assigning judge should consider, among other factors, the needs of the court, the judge's ability, interest, training, experience (including experience with complex cases) and willingness to participate in educational programs related to the management of complex cases.

(Amended effective January 1, 2020.)

146.04 Mandatory Case Management Conferences

(a) Within 28 days of assignment, the judge assigned to a complex case shall hold a mandatory case management conference. Counsel for all parties and all self-represented litigants shall attend the conference. At the conference, the court will discuss all aspects of the case as contemplated by Minn. R. Civ. P. 16.01.

(b) The court may hold such additional case management conferences, including a pretrial conference, as it deems appropriate.

(Amended effective July 1, 2015.)

146.05 Case Management Order and Scheduling Order

In all complex cases, the judge assigned to the case shall enter a Case Management Order and a Scheduling Order (together or separately) addressing the matters set forth in Minn. R. Civ. P. 16.02 and 16.03, and including without limitation the following:

- (a) The dates for subsequent Case Management Conferences in the case;
- (b) the deadline for the parties to meet and confer regarding discovery needs and the preservation and production of electronically stored information;
- (c) the deadline for joining other parties;
- (d) the deadline for amending the pleadings;
- (e) the deadline by which fact discovery will close and provisions for disclosure or discovery of electronically stored information;
- (f) the deadlines by which parties will make expert witness disclosures and deadlines for expert witness depositions;
- (g) the deadlines for non-dispositive and dispositive motions;
- (h) any modifications to the extent of required disclosures and discovery, such as, among other things, limits on:
 - (1) the number of fact depositions each party may take;
 - (2) the number of interrogatories each party may serve;
 - (3) the number of expert witnesses each party may call at trial;
 - (4) the number of expert witnesses each party may depose; and
- (i) a date certain for trial subject to continuation for good cause only, and a statement of whether the case will be tried to a jury or the bench and an estimate of the trial's duration.

(Added effective July 1, 2013.)