

1420.2800 CONTINUANCES.

Subpart 1. **Continuances not favored.** Requests for continuances are inconsistent with the requirement that workers' compensation proceedings be expeditious. Continuances are not favored and will be granted only upon a clear showing of good cause.

Subp. 2. **Request.** When a continuance is requested before the hearing date, the party requesting the continuance shall first contact all other parties to determine whether mutual agreement to the continuance can be reached and, if the continuance is granted, the availability of all parties for hearing at future specific dates. When all parties are in agreement with the request for continuance and have agreed to a date for a future hearing, which date has been approved by the office, and when the continuance request is made more than 30 days before the hearing date, the continuance will be granted.

Subp. 3. **Motion.** A request for continuance must be in writing in the form of a motion for continuance pursuant to part 1420.2250. Urgent requests may be made orally to the assigned judge. For urgent requests on cases that have not been assigned to a judge, the continuance request must be made to the telephone calendar line designated by the office for such requests.

Subp. 4. **Good cause.** Good cause does not include:

A. when a law firm, or an insurer with in-house counsel, consists of more than one attorney who practice in the field of workers' compensation law, and counsel assigned to the case is unavailable because of engagement in another court or otherwise, unless all counsel are committed elsewhere;

B. unavailability of a medical or other witness if the deposition of the witness could have been taken after receipt of the notice of hearing date and before the hearing; or

C. where the judge determines that the reason for the continuance was reasonably foreseeable and avoidable.

Statutory Authority: *MS s 14.51; 176.081; 176.155; 176.285; 176.312; 176.361; 176.83*

History: *29 SR 1446*

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