

STATE OF MINNESOTA
IN COURT OF APPEALS

FILED

September 10, 2014

OFFICE OF
APPELLATE COURTS

In re The Diocese of Winona,

ORDER

Petitioner

#A14-1456

Doe 1,

Respondent,

vs.

Archdiocese of St. Paul and Minneapolis,

Respondent,

Diocese of Winona,

Petitioner,

Thomas Adamson,

Respondent.

Considered and decided by Cleary, Chief Judge; Connolly, Judge; and Johnson, Judge.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE FOLLOWING REASONS:

Petitioner seeks a writ of mandamus to compel the district court to change venue. The motion to change venue was based on Minn. Stat. § 542.11(3) (2012), and the petitioner's assertion that an impartial trial cannot be obtained in Ramsey County. None

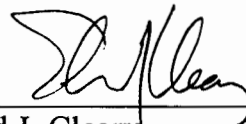
of the respondents joined in the motion to change venue. Respondent Doe 1 opposes the petition for mandamus.

Mandamus is the established remedy for challenging a pretrial venue ruling in this state. *Ebenezer Soc’y v. Minn. State Bd. of Health*, 301 Minn. 188, 193, 223 N.W.2d 385, 388 (1974). A writ of mandamus may issue if an appellate court concludes that “the uncontroverted facts in” a case require a finding “that it will be impossible to obtain a fair and impartial trial” in the county where the action was brought “because of local prejudices, feelings, and opinions.” *Castle v. Vill. of Baudette*, 267 Minn. 140, 145, 125 N.W.2d 416, 419 (1963). But the district court in this case made a factual finding that an impartial trial can be obtained in Ramsey County. In light of the factual record presented to the district court, the competing expert opinions considered, and the availability of procedures and “protocols” to ensure impartiality, we conclude that the district court’s factual finding is not clearly erroneous and the district court did not abuse its discretion in denying the motion.

IT IS HEREBY ORDERED: The petition for mandamus is denied.

Dated: September 9, 2014

BY THE COURT



Edward J. Cleary
Chief Judge