

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

Doe 1,

File No.: 62-CV-13-4075

Plaintiff,

v.

**SUPPLEMENTAL PRETRIAL
ORDER**

Archdiocese of St. Paul and
Minneapolis, Diocese of Winona,
Thomas Adamson,

Defendants.

The captioned matter came before the Court for a pretrial conference on September 12, 2014, at the request of the undersigned judge. Issues addressed included whether Doe 1's nuisance and negligence claims should be tried separately; whether the predominantly equitable nuisance claim should be tried to the Court and the legal negligence claim to a jury; and whether the nuisance or the negligence claims should be tried first. The Court received pre-hearing submissions from the parties and heard oral argument from counsel. Jeffrey Anderson, Esq., Elin Lindstrom, Esq., and Michael Finnegan, Esq., appeared for Doe 1. Thomas Wieser, Esq., and Daniel Haws, Esq., appeared for the Archdiocese of St. Paul and Minneapolis. Christopher Coon, Esq., appeared for the Diocese.

The Court has considered the written and oral arguments of counsel and, being fully advised, makes the following:

ORDER

1. Doe 1's motion to dismiss Defendant Thomas Adamson and to have his name removed from the caption was taken under advisement

pending receipt of any objection by the Archdiocese and/or Diocese, which shall be submitted in writing by the close of business on Friday, September 19, 2014.

2. The trial shall be bifurcated, with the public nuisance issue tried as a bench trial before the undersigned commencing on November 3, 2014, at 9:00 a.m. Plaintiff shall have until 12:00 noon on Thursday, November 14, 2014, to present its case in chief. The Diocese and Archdiocese shall have no more than 13 days to present a defense (which days may be divided between them in any manner they choose). Rebuttal evidence and closing arguments will be heard on December 8 and 9, 2014.

3. Doe 1's negligence claims shall be tried to a jury, with jury selection commencing on January 5, 2015. Doe 1 shall have five days following conclusion of jury selection and opening statements within which to present its case in chief. The Diocese and Archdiocese shall have up to eight days within which to present their defense (with the time allocated between them in any manner they wish). Finally, Doe 1 shall have one day for rebuttal evidence.

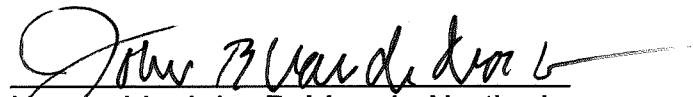
4. A final decision on what evidence, if any, from the nuisance trial may be presented to the jury in the negligence trial will be determined in conjunction with motions in limine heard prior to commencement of the negligence case.

5. A final pretrial conference will be held at 9:00 a.m. on October 22, 2014, to discuss implementation of the schedule described herein. The Court understands that the bifurcation of issues and separate trials ordered herein may impact dates established in the Court's earlier Pretrial Order of September 8, 2014. Accordingly, counsel shall meet and confer to reconcile the two orders. Any unresolved issues will be heard at the pretrial conference on October 22, 2014.

6. Copies of this Order will be served on counsel for the parties, as well as on Mr. David Marchetti, Manager of the Second Judicial District Jury Office, and upon Ms. Sharon Ellertson, the Court's Case Manager.

Dated: 9-15-14

BY THE COURT:



Honorable John B. Van de North, Jr.
Judge of the District Court
File No. 62-CV-13-4057