

STATE OF MINNESOTA
IN COURT OF APPEALS

FILED

March 5, 2014

**OFFICE OF
APPELLATE COURTS**

Doe 1,

Respondent,

vs.

Archdiocese of St. Paul and Minneapolis,

Petitioner,

Diocese of Winona, et al.,

Defendants.

ORDER

#A14-0264

Considered and decided by Cleary, Chief Judge; Peterson, Judge; and Hudson, Judge.

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

Petitioner seeks discretionary review of orders filed in the district court on December 3, 2013 and February 12, 2014. It appears that the petition is untimely as to the order filed in December 2013. *See* Minn. R. Civ. App. P. 105.01 (petition for discretionary review to be served and filed within 30 days after filing of challenged order). In addition, that order actually granted relief sought by petitioner. It appears that petitioner's challenge is limited to the portion of the December order that imposed a

continuing obligation to disclose specified information. Even if we were to determine that the petition was timely as to that provision, we would not grant review.

The order filed on February 12, 2014, granted petitioner the right to file certain information under seal, subject to further examination by the court. The order indicated that further proceedings would occur before the court or appointed neutrals and that the parties would have an opportunity to brief the standard to be applied, in the event that respondent seeks public disclosure of information filed under seal. The order further provides that any determination of good cause would include an evaluation of “whether accusations of child-sexual abuse lack sufficient merit to support public disclosure.” Because the district court has not been presented with a motion for public disclosure and the parties have not yet addressed the standard to be applied, discretionary review on those aspects of the order filed February 12, 2014 (and the related aspects of the December order), would be premature.

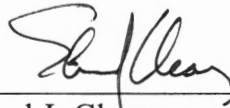
The issues presented in the petition for discretionary review focus on the relevance of the particular information to be disclosed under seal. The petition does not identify a legal issue of broad application. When deciding whether to grant discretionary review, this court may consider whether a challenged decision is one vested in the district court’s discretion, whether the ruling involves an unsettled area of the law, whether the challenged ruling has a significant impact on the parties ability to proceed with the underlying litigation, the importance of the legal issue presented, the desirability of developing a more complete record, and special circumstances that may apply to the

particular case. *See Gordon v. Microsoft Corp.*, 645 N.W.2d 393, 399-402 (Minn. 2002); *Doe v. Columbia Heights Sch. Dist. No. 13*, ___ N.W.2d ___, ___ 2014 WL 211369 at *8 (Minn. App. Jan. 21, 2014) (identifying additional criteria articulated in 2005 unpublished order by Minnesota Supreme Court). After considering all relevant factors, we conclude that petitioner has not established a compelling reason to grant discretionary review.

IT IS HEREBY ORDERED: The petition for discretionary review is denied.

Dated: March 5, 2014

BY THE COURT



Edward J. Cleary
Chief Judge