

STATE OF MINNESOTA  
IN COURT OF APPEALS

**FILED**

March 5, 2014

OFFICE OF  
APPELLATE COURTS

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Doe 1,

Respondent,

**ORDER**

vs.

**A14-0255**

Archdiocese of St. Paul and Minneapolis,

Appellant,

Diocese of Winona,

Co-Appellant,

Thomas Adamson,

Defendant.

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

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

This appeal was filed on February 18, 2014. Appellant Archdiocese of St. Paul and Minneapolis (archdiocese) seeks review of orders filed on December 3, 2013, December 10, 2013, and February 12, 2014. Co-appellant Diocese of Winona (diocese) filed a notice of related appeal. This court questioned whether the interlocutory orders from which the direct appeal and notice of related appeal are taken are appealable. The archdiocese and respondent Doe 1 filed informal memoranda.

1.

An appeal may be taken from an order which grants, refuses, dissolves, or refuses to dissolve, an injunction. Minn. R. Civ. App. P. 103.03(b). The archdiocese argues that the orders filed on December 3, 2013, and February 12, 2014, are immediately appealable under Minn. R. Civ. App. P. 103.03(b) because they grant respondent's prayer for injunctive relief on the public-nuisance claim. Respondent argues that these orders are in the nature of nonappealable discovery orders. *See Ellingson & Assocs., Inc. v. Keefe*, 396 N.W.2d 694, 696 (Minn. App. 1986) (holding that discovery orders are interlocutory and not appealable as a matter of right), *review denied* (Minn. Jan. 21, 1987).

We agree with respondent that the December 3, 2013 order, as amended by the February 12, 2014 order, does not grant the injunctive relief requested in respondent's complaint. Instead, the February 12, 2014 amended order allows the archdiocese and the diocese to file the information regarding the credibly accused priests under seal. Because at this time the district court has not required the archdiocese and the diocese to publicly disclose information regarding the accused priests that is not already a matter of public record, the December 3, 2013, and February 12, 2014 orders are in the nature of discovery orders and are not immediately appealable as of right.

2.

Denials of motions to dismiss generally are not appealable. *Kokesh v. City of Hopkins*, 307 Minn. 159, 161, 238 N.W.2d 882, 884 (1976). The archdiocese acknowledges that the December 10, 2013 order denying the motions to dismiss the public-nuisance claim is not independently appealable, but contends that the order is

within this court's scope of review on appeal from the December 3, 2013, and February 12, 2014 orders. In view of our holding that the December 3, 2013, and February 12, 2014 orders are not appealable, we will also dismiss the appeal of the December 10, 2013 order.

**3.**


“After one party timely files a notice of appeal, any other party may seek review of a judgment or order in the same action by serving and filing a notice of related appeal.” Minn. R. Civ. App. P. 103.01, subd. 2. Because there is no jurisdictional basis for the interlocutory appeal by the archdiocese, we will also dismiss the notice of related appeal filed by the diocese.

**IT IS HEREBY ORDERED:**

1. The notice of appeal and notice of related appeal are dismissed as taken from interlocutory, nonappealable orders.
2. Appellant's motion for a stay is dismissed as moot.
3. The clerk of the appellate courts shall provide copies of this order to the Honorable John B. Van de North, Jr., to counsel of record, and to the district court administrator.

Dated: March 5, 2014

**BY THE COURT**

  
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Edward J. Cleary  
Chief Judge