

STATE OF MINNESOTA
IN COURT OF APPEALS

FILED

March 5, 2014

OFFICE OF
APPELLATE COURTS

In re Archdiocese of St. Paul and Minneapolis,

ORDER

Petitioner (A14-0258),

#A14-0258

In re Diocese of Winona,

Petitioner (A14-0263).

Doe 1, Respondent,

vs.

Archdiocese of St. Paul and Minneapolis,

Petitioner (A14-0258),

Diocese of Winona, et al.,

Petitioner (A14-0263)

Thomas Adamson,

Defendant.

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

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

The Archdiocese of St. Paul and Minneapolis and the Diocese of Winona have filed petitions for prohibition, challenging discovery orders issued by the district court.

Those orders require the disclosure of certain information under seal and permit certain depositions to be taken. Both petitioners focus on the court's finding of relevance, arguing that information related to priests accused after 2004, and the deposition testimony sought, are not directly related to the alleged abuse that occurred in the case at issue.

Prohibition may be appropriate when the district court has ordered discovery that is clearly not permitted by law. *Mampel v. E. Heights State Bank of St. Paul*, 254 N.W.2d 375, 377 (Minn. 1977). But this case does not involve discovery by impermissible methods or an attempt to obtain information about the mental processes of an administrative decision-maker, whose decision is subject to a limited scope of judicial review. *Cf. Mampel*, 254 N.W.2d 375; *Ellingson & Assocs., Inc. v. Keefe*, 396 N.W.2d 694 (Minn. App. 1986), *review denied* (Minn. Jan. 21, 1987).

The record reflects that the district court concluded that the discovery sought is relevant to pending claims or reasonably likely to lead to admissible evidence. At this point in time, the district court has not yet ruled on respondent's claim of a continuing violation, which, if allowed to go forward, would toll the applicable statute of limitations. Petitioners failed to establish that the district court effectively decided the plaintiff's claims on the merits, ordered disclosure of information in a manner inconsistent with Minn. Stat. § 626.556 (Supp. 2013), or made a final decision regarding the application of any relevant statute of limitations. Further, given that there is no claim for punitive damages currently pending, it would be premature for this court to render an opinion as to

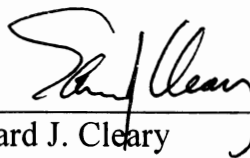
whether Minn. Stat. § 541.073 (Supp. 2013), which revived and extended the statute of limitations for child-sex-abuse claims, also revives a claim for punitive damages. Petitioners failed to establish that disclosure under seal, subject to further evaluation by the district court, results in injury for which petitioners have no adequate remedy. Accordingly, prohibition will not lie.

IT IS HEREBY ORDERED:

1. The petitions for prohibition are denied.
2. The motion by the Diocese of Winona for a stay is denied as moot.

Dated: March 5, 2014

BY THE COURT



Edward J. Cleary
Chief Judge