

STATE OF MINNESOTA
 DISTRICT COURT OF MINNESOTA
 FOURTH JUDICIAL DISTRICT
 HENNEPIN COUNTY DISTRICT COURT

FAX COVER SHEET

TO: ERICK KAARDAL _____
 FAX: 341-1076 _____

TO: STEVEN KNUTSON _____
 FAX: 651-225-0600 _____

FROM: ERIN DORAN, LAW CLERK
 THE HONORABLE MEL I. DICKSTEIN
 PHONE: 612-596-8824
 FAX: 612-596-7737

DATE: 6/5/08 _____

RE: SHOULTS V. OSSEO AREA SCHOOLS _____

NUMBER OF PAGES (INCLUDING THIS ONE): 4

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STATE OF MINNESOTA

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DISTRICT COURT

COUNTY OF HENNEPIN

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FOURTH JUDICIAL DISTRICT

Joe Shoults,

BY _____ DEPUTY
HENN CO. DISTRICT
COURT ADMINISTRATOR

ORDER RE: PLAINTIFF'S MOTION
FOR EXPEDITED RELIEF

Plaintiff,

vs.

File No. 27 CV 08-6981

Osseo Area Schools, District No. 279,

Defendant.

The above-entitled matter came on for hearing before the Honorable Mel I. Dickstein, Judge of the District Court, on June 3, 2008 at 8:45 a.m. on Plaintiff's Joe Shoults's Motion for Expedited Relief. Erick G. Kaardal, Esq. appeared on behalf of Joe Shoults. Steven M. Knutson. appeared on behalf of Osseo Area Schools, District Number 279.

Based upon the notice of motion and motion, supporting memoranda, argument of counsel, and all of files, records and proceedings herein, the Court makes the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. On February 11, 2008, Plaintiff made a request to obtain certain documents from Independent School District 279, a copy of which is attached as Exhibit 1.
2. By email dated February 29, 2008, Plaintiff identified what he considered were the "most critical" items in order, he said, to "provide more clarification and avoid confusion." A copy of this email is attached as Exhibit 2.

3. Plaintiff followed up with the school district and its representatives on numerous occasions in order to obtain production of the requested documents.
4. As of the hearing on the current motion on June 3, 2008, the school district has not yet produced any documents in response to Plaintiff's requests.
5. Minnesota Statutes section 13.03, subd. 3 (c) provides, in applicable part, that, "[i]f the responsible authority or designee is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible."
6. Although over three months have transpired, the school district has not produced a single document in response to the request. At the hearing on June 3, counsel for the school district represented that only eight percent of the documents have been reviewed for production, but even those documents have not yet been produced. Had the school district acted diligently in response to the request for documents, a substantial percentage of the documents could have been produced to date. The Court finds that the school district has not supplied documents, "as soon as reasonably possible."
7. After the hearing on June 3, 2008, the Court considered the affidavit of John Fredrickson, an assistant superintendant for the school district, which states, "it is anticipated that the school board will review and adopt the final budget for the 2008-09 school year at its regular meeting on June 17, 2008." The affidavit of Erick G. Kaardal, Esq. dated June 5, 2008 represents to this Court that on the evening of June 3, 2008, the Osseo School District voted on its 2008-09 budget. The next scheduled school board meeting is June 17, 2008.

8. The Court finds that documents responsive to Plaintiff's request for disclosure should be produced without further delay, prior to the next scheduled school board meeting of June 17, 2008. Had the school district acted in a diligent manner in responding to the requests at issue, the school board could have met this deadline without undue hardship. That the school district may now have to dedicate substantial resources in order to comply with this order has been brought about by the school district's failure to act diligently to date.
9. At the hearing on June 3, 2008, Defendant represented that the cost of producing the documents was not expected to exceed \$10,000 and Plaintiff represented that he was ready and able to reimburse the school district for up to that amount.

Now therefore,

IT IS ORDERED:

1. Documents responsive to Plaintiff's request for disclosure of February 11, 2008, as clarified in his email of February 29, 2008, shall be produced by 5:00 p.m. on June 15, 2008.
2. Plaintiff shall reimburse the school district for the cost of employee time for making, certifying, compiling, and electronically transmitting copies of the data. Minnesota Statutes § 13.03, subd. 3(c) (2008). The school district may not charge for separating public from nonpublic data. *Id.*

BY THE COURT:

Dated: June 5, 2008



Mel I. Dickstein
Judge of District Court