Filed in District Court

State of Minnesota

August 31, 2020

STATE OF MINNESOTA IN DISTRICT COURT

COUNTY OF OTTER TAIL SEVENTH JUDICIAL DISTRICT

Case No. 56-CV-20-794

Gregory P. Hammes and Stephanie C. Hammes,

Plaintiffs,

ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL DISCOVERY

Vs.

Terry Magnuson, Barb Magnuson,
Steven Larson, and Lakes & Plains Realty, Inc.
d/b/a/ Coldwell Banker at the Lakes

The above-entitled matter came on for a motion hearing using remote technology before the undersigned on July 27, 2020, at the Otter Tail County Courthouse, Fergus Falls, Minnesota. Attorney Joel Fremstad appeared on behalf of Plaintiffs Gregory and Stephanie Hammes. Attorney Natalie Walz appeared on behalf of Defendants Lakes & Plains Realty, Inc; Steven Larson; and Terry Magnuson. Attorney Patrick Bakken appeared on behalf of Defendant Barb Magnuson. Plaintiffs filed a motion to compel discovery based upon their allegation that Defendant Terry Magnuson failed to adequately respond to interrogatories.

Based upon the entire file, the applicable law, the arguments of the parties, and for the reasoning set forth in the attached Memorandum, IT IS HEREBY ORDERED THAT:

1. The Motion to Compel Discovery is **GRANTED**.
2. Defendant Terry Magnuson shall provide Answers to Plaintiff's interrogatories in accordance with the Minnesota Rules of Civil Procedure.
3. The attached Memorandum is incorporated herein.

Dated: 8/31/20

BY THE COURT:

Kevin M. Miller

Findings of Fact and Conclusions of Law

1. Rule 33.01 of the Minnesota Rules of Civil Procedure provides the process for serving and responding to interrogatories.
2. Plaintiffs served interrogatories upon Terry Magnuson and Barb Magnuson on March 30, 2020.
3. Defendant Barb Magnuson adequately responded to the interrogatories according to the Rules of Civil Procedure.
4. Defendant Terry Magnuson refused to respond to a number of the interrogatories on the basis that the interrogatories allegedly exceeded the 50 permitted by the Rules of Civil Procedure.
5. On Jul 2, 2020, the Plaintiff's filed a motion and accompanying documentation to compel discovery.
6. Defendant's refusal to respond to the interrogatories is in conflict with both the Minnesota Rules of Civil Procedure and the general principles of discovery.
7. The Court will not engage in the tedious task of explaining whether each interrogatory is appropriate on a line-by-line, question-by-question basis. The Court has reviewed the interrogatories and finds them to be appropriate. Therefore, the Court finds that Plaintiff's interrogatories do not exceed the permitted number because the "sub questions" are logically and factually related to the primary question.

8. Even if the subparts of the interrogatories were not factually related to the primary question, the Court finds that the discovery process is best accomplished by the liberal exchange of information. This process serves to both expedite the case at hand and to prevent a backlog of unnecessary litigation in the Courts. Therefore, assuming arguendo that Plaintiffs did exceed the 50 interrogatory limit, there was good cause to do so.
9. As a sanction for violating discovery rules, a court may require a party "to pay to the moving party the reasonable expenses incurred in making the motion, including attorney fees[.]" Minn. R. Civ. P. 37.01(d)(1).
10. The Court does not find that a grant of attorney's fees is appropriate at this time.

KMM

K.M.M.

MINNESOTA JUDICIAL BRANCH