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STATE OF MINNESOTA DISTRICT COURT

COUNTY OF OTTER TAIL SEVENTH JUDICIAL DISTRICT
CASE TYPE: Other Civil

Cecilie Schumacher-Cookman and DuWayne Cookman,

Plaintiffs,

v.

Lorene Schumacher,

Defendant.

Court File No. 56-CV-18-1954

PRE-TRIAL STIPULATION

Plaintiffs Cecilie Schumacher-Cookman and DuWayne Cookman, and Defendant Lorene Schumacher, through their counsel, hereby stipulate and agree as follows:

STIPULATION

1. Jury Waiver. Each Party has waived the right to a jury trial on the record. This matter will be submitted to the judge assigned to this matter for a bench trial.

2. Stipulated Exhibits. The parties have stipulated to foundation and authenticity of the following exhibits:

(a) Plaintiffs' Exhibits 001 – 0035.
(b) Defendant's Exhibits 101 – 104.

The parties shall prepare a joint exhibit list which references the foregoing stipulated exhibits as well as the parties' other exhibits that the parties may offer at trial.

3. Post-Trial Briefing. Unless otherwise directed by the Court, the parties shall prepare and file post-trial briefing to be submitted on the following schedule:

(a) Initial Briefs. Each Party shall file and serve an initial post-trial brief on **June 23, 2023**.

(b) Response Briefs. Each Party shall file and serve a response to the other Party's initial brief on **June 30, 2023**. The Court shall consider the record closed and take the matter under advisement on the date that the last Party timely serves its post-trial response brief.

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(c) Formatting; Page Limits. Each Party's initial post-trial brief and response brief shall not together exceed thirty-five (35) pages in length, exclusive of case caption and signature block.

(d) No Waiver. No Party shall be deemed to have waived an issue properly submitted or preserved at trial merely because the Party did not address the issue in that Party's post-trial briefing.

4. Proposed Findings Of Fact And Conclusions Of Law. Each Party shall submit proposed findings of fact and conclusions of law no later than **June 23, 2023**.

5. Remote (Zoom) Testimony. The Parties anticipate calling two witnesses via remote videoconference technology (Zoom): (a) Chris Heyer; and (b) Charlene Nelson. The Parties stipulate and agree that good cause exists to call these witnesses via Zoom and that no Party shall object to the testimony being taken in this manner. The Parties acknowledge that Chris Heyer shall appear from his home state of Hawaii, and as a result of the time difference, the Parties shall cooperate in setting a time certain for the testimony which may require the interruption and/or delay of other testimony. The Court shall reserve the discretion to make appropriate orders necessary to ensure the testimony is taken, and no Party shall object to such action by the Court when reasonably necessary to ensure the testimony is introduced. The Parties reserve the right to object to testimony pursuant to the Minnesota Rules of Evidence on grounds unrelated to the witnesses testifying by Zoom.

6. Other Matters Reserved. The parties stipulate that all matters not addressed by this Stipulation or by future stipulation or agreement are preserved and not waived by virtue of this Stipulation.

STIPULATED BY:

PEMBERTON LAW, P.L.L.P.

Dated: June 2, 2023.

By: /s/Ryan D. Fullerton
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ATTORNEYS FOR PLAINTIFFS

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WOLD JOHNSON, P.C.

Dated: June 2, 2023.

By: /s/ Brian P. Toay

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