# Svendsen v. Fergus Falls HRA

Discovery and protective order (2026)

Minnesota District Court, Otter Tail County, Seventh Judicial District

56-CV-24-1426 | August 19, 2026

**IN THIS EDITION**

Complete court order and memorandum

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**STATE OF MINNESOTA** **IN DISTRICT COURT**

**COUNTY OF OTTER TAIL** **SEVENTH JUDICIAL DISTRICT**

Stephen Roy Svendsen,

Plaintiff, **ORDER AND MEMORANDUM**

vs.

Pamela J. Minten, Mikel B. Olson, Fergus Falls HRA, Chris Harig, and City of Fergus Falls,

Defendants. Court File No. 56-CV-24-1426

The above-entitled matter came before the Honorable Kevin M. Miller, Judge of District Court, for a motion hearing on May 22, 2026, at the Otter Tail County Courthouse, Fergus Falls, Minnesota. Plaintiff Stephen Svendsen appeared as a self-represented litigant. Jack Buck, Esq., appeared on behalf of Defendants Pamela J. Minten, Mikel B. Olson, Fergus Falls HRA, Chris Harig, and City of Fergus Falls.

Based on the motions, the arguments of the parties, and the applicable law, the Court makes the following:

## ORDER

1. Plaintiff's motion to stay enforcement of $999 Rule 37 expenses award pending reconsideration or appeal is hereby **denied**.

2. Plaintiff's motion for relief regarding Defendants' failure to disclose a responsive document is hereby **denied**.

3. Defendants' motion for a protective order is hereby **granted**. Defendant Mikel B. Olson shall not be required to answer Plaintiff's interrogatories. Defendant HRA shall not be required Source PDF page 2 to answer Plaintiff's set V interrogatories. Plaintiff shall only be allowed to obtain discovery directly related and proportional to his claim for $3,500 in damages for breach of contract.

4. Any motion not expressly addressed in this order and memorandum is hereby **denied**.

5. The attached memorandum is incorporated by this reference.

Dated: 8/19/26 BY THE COURT:

Kevin M. Miller

Judge of District Court

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## MEMORANDUM

On March 30, 2026, Plaintiff Stephen Svendsen filed a notice of motion and amended motion to stay enforcement of $999 Rule 37 expenses award pending reconsideration or appeal.

On April 8, 2026, Plaintiff filed a notice of motion and motion for relief regarding Defendants' failure to disclose a responsive document.

On April 30, 2026, Defendants filed a motion for a protective order, requesting that the Court limit Plaintiff's discovery to the proportional needs of this case considering the amount in controversy and that Defendants have already produced over 1,000 documents to Plaintiff. Defendants requested that the Court enter a protective order barring Plaintiff from seeking any further discovery, or, in the alternative, Mikel Olson, as a dismissed party, not be required to answer Plaintiff's interrogatories, Defendants not be required to answer Plaintiff's burdensome requests for admissions, and Plaintiff be limited to only obtain discovery related and proportional to his claim for $3,500 in damages for breach of contract.

### Analysis

#### I. Plaintiff's Motion to Stay Enforcement of the $999 Rule 37 Expenses Award

Plaintiff's request to stay enforcement of the $999.00 sanction pending reconsideration or appeal will be denied. Plaintiff was directed to pay $999.00 to Defendants in an order dated February 17, 2026. "The rules of civil procedure do not authorize a motion for reconsideration." *Johnson v. Johnson*, 563 N.W.2d 77, 8 (Minn. Ct. App. 1997) (citing *Welch v. Comm. of Pub. Safety*, 545 N.W.2d 692, 694 (Minn. Ct. App. 1996)). As a result, Plaintiff's motion for reconsideration must be denied.

#### II. Plaintiff's Motion for Relief Regarding Defendants' Failure to Disclose Responsive Document

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Plaintiff's motion for relief regarding Defendants' failure to disclose responsive document will be denied. Plaintiff has requested sanctions pursuant to Minnesota Rule of Civil Procedure 37.01 and 37.02 for Defendants' failure to comply with their disclosure obligations under Minnesota Rule of Civil Procedure 26.05. However, Defendants complied with their discovery obligations pursuant to Minnesota Rule of Civil Procedure 26. 05. Defendants supplemented their discovery with an additional email that was found and served the email on Plaintiff on November 7, 2025. The Court finds there is no prejudice to Plaintiff, as Plaintiff had had the email in his possession for six months at the time of the hearing, and sanctions against Defendants are not appropriate.

## III. Defendants' Motion for Protective Order

The Court will issue a protective order limiting discovery to protect Defendants from undue burden. Pursuant to Minnesota Rule of Civil Procedure 26.02, "Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit." Minn.R.Civ.Pro. 26.02(b). Minnesota Rule of Civil Procedure 26.02(b) also allows the scope of discovery to be limited by court order. *Id.*

Defendant Mikel Olson was dismissed as a party in this matter in an order dated March 6, 2025. As a result, the Court finds that Mr. Olson does not need to answer Plaintiff's current interrogatories, requests for production, or any other discovery requests in this matter. The March 6, 2025, order also limited Plaintiff to his claim for breach of contract based on Plaintiff's lease and limited the amount in controversy to $3,500. The Court finds that Plaintiff's 300 requests for Source PDF page 5 admissions served on Defendant HRA are unreasonable and an undue burden to Defendants. This is the fifth set of requests for admissions Plaintiff has served on Defendants, and as Plaintiff stated in his brief regarding the fifth set of requests for admissions, "These are not requests about the merits." *See* Plaintiff's Response Memorandum in Opposition to Defendant Fergus Falls HRA's Motion for Protective Order and Embedded Motion to Strike, p. 6. Therefore, Defendants do not need to answer this set of Plaintiff's requests for admissions. Based on the undue burden to Defendants and Plaintiff's admission that certain requests for admissions were not about the merits of his claim, the Court will only allow Plaintiff to obtain discovery directly related and proportional to his claim for $3,500 in damages for breach of contract.

For the above reasons, Plaintiff's motion to stay enforcement of the expenses award and motion for relief regarding Defendants' failure to disclose a responsive document are denied, and Defendants' motion for a protective order is granted.

KMM