

**STATE OF MINNESOTA
IN SUPREME COURT**

**SUPREME COURT CALENDAR
SEPTEMBER 2015**

AMENDED 9-1-15

**Court convenes at 9:00 a.m.
(unless otherwise noted)**

Please note the following time allotments
for oral argument
unless otherwise ordered by the Court:
appellants are limited to 35 minutes and
respondents are limited to 25 minutes.

COURT CONVENES AT 9:00 A.M.
(unless otherwise noted)

NOTE: Attorneys who will be arguing cases on this calendar should complete and return the argument appearance form attached at the end of this calendar.

Attorneys in all cases scheduled for oral argument must check in with the Marshal in the courtroom no later than 8:40 a.m. Counsel should be present and be prepared to begin whenever their case is called.

Chief Justice Lorie S. Gildea
Justice G. Barry Anderson
Justice Christopher J. Dietzen
Justice David R. Stras
Justice Wilhelmina M. Wright
Justice David L. Lillehaug

En Banc Oral

	<u>Case Number</u>	<u>Date</u>	<u>Location</u>
328 Barry Avenue, LLC v. Nolan Properties Group, LLC v. Carciofini Company, et al.	A14-0724	9/3/15	Judicial Center, Courtroom 300
Boyd v. BNSF Railway Company	A14-0277	9/8/15	Judicial Center, Courtroom 300
In re Discipline of Kurzman.	A14-1416	8/31/15	Judicial Center, Courtroom 300
In re Discipline of Walsh.	A14-0213	9/2/15	Judicial Center, Courtroom 300
Inquiry into the Conduct of the Hon. Pendleton.	A14-1871	9/8/15	Judicial Center, Courtroom 300
Jackson v. State	A14-2060	8/31/15	Judicial Center, Courtroom 300
Pfeil v. St. Matthews Evangelical Lutheran Church, et al.	A14-0605	9/9/15	Judicial Center, Courtroom 300
State v. Hill	A13-1803	9/1/15	Judicial Center, Courtroom 300
State v. Peltier	A14-1452	9/1/15	Judicial Center, Courtroom 300
State v. Smith, State v. Smith	A14-0941, A15-0300	9/3/15	Judicial Center, Courtroom 300

Nonoral

Andersen v. State	A14-2210	9/9/15
Wayne v. State	A15-0426	9/2/15

COURTROOM 300, MINNESOTA JUDICIAL CENTER

Monday, August 31, 2015

En Banc Oral

Prentis Cordell Jackson, petitioner,
Appellant,

Benjamin J. Butler
Assistant State Public Defender
Office of the Minnesota State Public Defender
540 Fairview Avenue North – Suite 300
Saint Paul, Minnesota 55104

vs. A14-2060

State of Minnesota,
Respondent.

Lori Swanson
Minnesota Attorney General
445 Minnesota Street – Suite 1800
Saint Paul, Minnesota 55101

Michael O. Freeman
Hennepin County Attorney
Kelly O'Neill Moller
Assistant County Attorney
C-2000 Government Center
Minneapolis, Minnesota 55487

Order Hennepin County

[Summary of issues](#)

In re Petition for Disciplinary Action
against Marc G. Kurzman, a
Minnesota Attorney, Registration
No. 59080.

Martin A. Cole, Director
Kevin T. Slator
Senior Assistant Director
Office of Lawyers Professional Responsibility
1500 Landmark Towers
345 Saint Peter Street
Saint Paul, Minnesota 55102

Case No. A14-1416

Eric T. Cooperstein
Law Office of Eric T. Cooperstein, PLLC
2600 U.S. Bancorp Center
800 Nicollet Mall
Minneapolis, Minnesota 55402

Petition for Discipline

[Summary of issues](#)

COURTROOM 300, MINNESOTA JUDICIAL CENTER

Tuesday, September 1, 2015

En Banc Oral

State of Minnesota,

Respondent,

Lori Swanson
Minnesota Attorney General
445 Minnesota Street – Suite 1800
Saint Paul, Minnesota 55101

James C. Backstrom
Dakota County Attorney
G. Paul Beaumaster
Assistant County Attorney
Dakota County Judicial Center
1560 Highway 55
Hastings, Minnesota 55033

vs. A13-1803

Richard Ellis Hill,

Appellant.

Charles F. Clippert
Assistant State Public Defender
Office of the Minnesota State Public Defender
540 Fairview Avenue North – Suite 300
Saint Paul, Minnesota 55104

Opinion Court of Appeals

<http://mn.gov/lawlib/archive/ctapun/2014/opa131803-112414.pdf>

[Summary of issues](#)

State of Minnesota,

Respondent,

Lori Swanson
Minnesota Attorney General
Michael Everson
Assistant Attorney General
445 Minnesota Street – Suite 1800
Saint Paul, Minnesota 55101

Neil Nelson
Pope County Attorney
605 South Lakeshore Drive – Suite 100
Glenwood, Minnesota 56334

vs. A14-1452

Amanda Lea Peltier,

Appellant.

Rochelle R. Winn
Assistant State Public Defender
Office of the Minnesota State Public Defender
540 Fairview Avenue North – Suite 300
Saint Paul, Minnesota 55104

Judgment Pope County

[Summary of issues](#)

COURTROOM 300, MINNESOTA JUDICIAL CENTER

Wednesday, September 2, 2015

En Banc Oral

In re Petition for Disciplinary Action
against Christopher Robert Walsh, a
Minnesota Attorney, Registration
No. 199813.

Case No. A14-0213

Martin A. Cole, Director
Timothy M. Burke
Senior Assistant Director
Office of Lawyers Professional Responsibility
1500 Landmark Towers
345 Saint Peter Street
Saint Paul, Minnesota 55102

John G. Westrick
Westrick and McDowall-Nix, PLLP
220 Exchange Building
26 Exchange Street
Saint Paul, Minnesota 55101

Petition for Discipline

[Summary of issues](#)

Nonoral

Michael Wayne, petitioner,
Appellant,

Michael Wayne
OID # 142128
Minnesota Correctional Facility – Moose Lake
1000 Lakeshore Drive
Moose Lake, Minnesota 55767

vs. A15-0426

State of Minnesota,
Respondent.

Lori Swanson
Minnesota Attorney General
Matthew Frank
Assistant Attorney General
445 Minnesota Street – Suite 1800
Saint Paul, Minnesota 55101

Brenda Miller
Waseca County Attorney
Waseca County Courthouse
307 North State Street
Waseca, Minnesota 56093

Order Waseca County

[Summary of issues](#)

COURTROOM 300, MINNESOTA JUDICIAL CENTER

Thursday, September 3, 2015

En Banc Oral

328 Barry Avenue, LLC, petitioner,
Appellant,

J. Robert Kenna
Joseph M. Barnett
Hellmuth and Johnson, PLLC
8050 West 78th Street
Edina, Minnesota 55439

vs. A14-0724

Nolan Properties Group, LLC,
defendant and third party plaintiff,
Respondent,

vs.

Carciofini Company,
third party defendant,
Respondent,

Cara C. Passaro
Timothy R. Murphy
Murphy and Passaro, PA
2297 Waters Drive
Mendota Heights, Minnesota 55120

Marvin Windows, Inc.,
third party defendant,
Respondent,

Minuti-Ogle Co., Inc.,
third party defendant,
Respondent,

Justin P. Short
Kerry C. Raymond
Best and Flanagan, LLP
225 South Sixth Street – Suite 4000
Minneapolis, Minnesota 55402

R.T.L. Construction, Inc.,
third party defendant,
Respondent,

Stellar Contractors, Inc. d/b/a Stellar
Concrete & Masonry, third party
defendant,
Respondent.

Opinion Court of Appeals
<http://mn.gov/lawlib/archive/ctapun/2015/opa140724-020215.pdf>

[Summary of issues](#)

(Thursday, September 3, 2015, continued on next page.)

(Thursday, September 3, 2015, continued from previous page.)

State of Minnesota,
Respondent (A14-0941),
Appellant (A15-0300),

Lori Swanson
Minnesota Attorney General
445 Minnesota Street – Suite 1800
Saint Paul, Minnesota 55101

Brian Middendorf
Morrison County Attorney
Peter J. Orput
Brent D. Wartner
Robin M. Wolpert
Special Assistant County Attorneys
Washington County Government Center
15015 - 62nd Street North, Post Office Box 6
Stillwater, Minnesota 55082

vs. A14-0941, A15-0300

Byron David Smith,
Appellant (A14-0941),
Respondent (A15-0300).

Steven J. Meshbesher
Adam T. Johnson
Meshbesher and Associates, PA
225 Lumber Exchange Building
10 South Fifth Street
Minneapolis, Minnesota 55402

Judgment Morrison County

[Summary of issues](#)

COURTROOM 300, MINNESOTA JUDICIAL CENTER

Tuesday, September 8, 2015

En Banc Oral

Terry Boyd,

Respondent,

Christopher J. Moreland
Bremseth Law Firm, PC
601 Carlson Parkway – Suite 995
Minnetonka, Minnesota 55305

vs. A14-0277

BNSF Railway Company,

Appellant.

Timothy R. Thornton
Jonathan P. Schmidt
Leah Cee O. Boomsma
Briggs and Morgan, PA
2200 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402

Timothy K. Masterson
R. John Wells
Sweeney and Masterson, PA
Degree of Honor Building – Suite 600
325 Cedar Street
Saint Paul, Minnesota 55101

Opinion Court of Appeals

<http://mn.gov/lawlib/archive/ctappub/2014/opa140277-122914.pdf>

[Summary of issues](#)

Inquiry into the Conduct of the
Honorable Alan F. Pendleton.

Case No. A14-1871

William J. Egan
Oppenheimer Wolff and Donnelly, LLP
Campbell Mithun Tower – Suite 2000
222 South Ninth Street
Minneapolis, Minnesota 55402

Douglas A. Kelley
Steven E. Wolter
Kelley, Wolter and Scott, PA
Centre Village Offices – Suite 2530
431 South Seventh Street
Minneapolis, Minnesota 55415

Petition for Discipline

[Summary of issues](#)

COURTROOM 300, MINNESOTA JUDICIAL CENTER

Wednesday, September 9, 2015

En Banc Oral

La Vonne Pfeil, Individually and as
Trustee for Heirs of Henry Pfeil,
deceased,

Petitioner,

Zorislav R. Leyderman
The Law Office of Zorislav R. Leyderman
222 South Ninth Street – Suite 1600
Minneapolis, Minnesota 55402

vs. A14-0605

St. Matthews Evangelical Lutheran
Church of the Unaltered Augsburg
Confession of Worthington,
Nobles County, Minnesota, et al.,

Respondents.

Timothy J. O'Connor
William L. Davidson
Lind Jensen Sullivan and Peterson, PA
1300 AT&T Tower
901 Marquette Avenue South
Minneapolis, Minnesota 55402

Ken D. Schueler
Jennifer M. Peterson
Dunlap and Seeger, PA
206 South Broadway – Suite 505
Post Office Box 549
Rochester, Minnesota 55903

Opinion Court of Appeals

<http://mn.gov/lawlib/archive/ctapun/2015/opa140605-011215.pdf>

[Summary of issues](#)

Nonoral

Kenneth E. Andersen, petitioner,

Appellant,

Kenneth E. Andersen
OID # 226526
Minnesota Correctional Facility – Rush City
7600 – 525th Street
Rush City, Minnesota 55069

vs. A14-2210

State of Minnesota,

Respondent.

Lori Swanson
Minnesota Attorney General
Angela Helseth Kiese
Assistant Attorney General
445 Minnesota Street – Suite 1800
Saint Paul, Minnesota 55101

Gretchen D. Thilmony
Becker County Attorney
Courthouse
915 Lake Avenue
Detroit Lakes, Minnesota 56501

Order Becker County

[Summary of issues](#)

NOTICE

COUNSEL ARGUING CASES THIS MONTH MUST COMPLETE THIS FORM AND IMMEDIATELY RETURN TO:

Supreme Court Marshal
305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul MN 55155

Case Title: _____

Case Number: _____

_____ representing _____

will argue this case before the Minnesota Supreme Court on _____.

Signed: _____

Phone number: _____

If you have an after-hours emergency related to an upcoming oral argument, please call or text 651-274-1840 to contact the Supreme Court Marshal.

Note: The Minnesota Judicial Branch is committed to providing all people with equal access to the courts. To this end, the Judicial Branch strives to make reasonable accommodations for court users with disabilities consistent with the requirements of the Americans with Disabilities Act (ADA) and Minnesota State Statute 363A.11.

If you or your client will be attending oral argument, have a disability, and anticipate needing an accommodation, please complete an [ADA Accommodation Request form \(PDF form\)](#) and submit it to kim.ghilardi@courts.state.mn.us