

**Housing Court
Motion Practice and Arraignments**

I. Motion practice and arraignments:

A. What issues case be raised:

1. Dismissal v. summary judgment.
 - a. Claims with facts which are not in dispute.
 - b. No testimony, no witnesses.
 - c. Presenting facts to the court:
 - (1) Affidavit
 - (2) Certificates
 - (3) Certified public documents.
 - (4) Other exhibits.
 - (5) Verified pleading.
 - (6) Attorney summary.
2. Relief needed before trial:
 - a. Examples:
 - (1) Rent paid into court.
 - (2) Emergencies
 - (3) Restraining orders.
 - (4) Discovery.
 - b. Presentation to the court:
 - (1) Pleading.
 - (2) Attorney summary.

B. Expungement Hearings

1. Courts
 - a. Hennepin County , 8:45 am, going until around 11:00 am, Hennepin County Government Center C-300, 300 South 6th Street, Minneapolis, <http://www.mncourts.gov/district/4/?page=128>
 - b. Ramsey County: 1:30 pm, Ramsey County Courthouse, Room 131a, 15 West Kellogg Boulevard, Saint Paul, <http://www.mncourts.gov/district/2/?page=53>
2. Cover grounds for relief

- a. Plaintiff's case is sufficiently without basis in fact or law
 - (1) The most important factor
 - (2) Supporting cases
- b. Expungement is clearly in the interests of justice
- c. The interests of justice are not outweighed by the public's interest in knowing about the record

C. Eviction Arraignment

1. Courts

- a. Hennepin County: at 8:45 and 10:30 am. Monday and Wednesday through Friday, Hennepin County Government Center, C-300, 300 South 6th Street, Minneapolis,
<http://www.mncourts.gov/district/4/?page=128>
- b. Ramsey County: at 8:45 am, Monday through Friday, Ramsey County Courthouse, Room 131a, 15 West Kellogg Boulevard, Saint Paul, <http://www.mncourts.gov/district/2/?page=53>

2. Before the case is called:

- a. Meet client
- b. Check the docket at the Clerk's Office
- c. Serving the opposition (in unlawful detainer actions).
- d. Discussing settlement with the opposition.
- e. Doors open
- f. Roll call

3. Case call:

- a. Only the parties and counsel come to the counsel tables.
- b. Parties and counsel identify themselves.
- c. Court asks if there is a settlement, or time needed to discuss settlement.
- d. Counsel hand to the court pleadings or documents to be referenced which the court does not already have. "May I approach?"
- e. Plaintiff briefly summarizes the action and the relief needed that day.
- f. Defendant briefly summarizes the action and the relief needed that day.
- g. If case settled, present settlement to court, orally, in writing, or both ways.
- h. Court approves settlement, dismisses action, takes matter under advisement, or schedules trial.

II. Settlement discussions

- A. It's worth a try.
- B. The court will raise it if you do not.
- C. Mediators are available.
- D. Need to discuss settlement parameters with client before arraignment.
- E. Any proposal raised by the other side or a mediator needs to be discussed with the client in private, so we can discuss positive and negative aspects of the offer in the context of our assess of the case and the client's goals.