

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Claire Jean Lee,

Case No. 0:17-cv-02045-ADM-KMM

Plaintiff,

v.

ORDER

MSP Crossroads Apartments, LLC, and
Soderberg Apartment Specialists (SAS),

Defendants.

Claire Jean Lee, 10101 Lyndale Avenue South, Apartment 219, Bloomington, MN
55420

Bradley J. Lindeman, Jennifer M. Zwilling, and Margaret R. Ryan, Meagher & Geer,
PLLP; Christopher T. Kalla and Donna E. Hanberry, Hanberry & Turner, P.A.

This matter is before the Court on separate email requests received from the Plaintiff, Claire Lee. Specifically, Ms. Lee asks for an extension of time to respond to a pending motion to dismiss and for the Court to hold an evidentiary hearing and issue sanctions for events related to the parties' ongoing attempts to settle this litigation.

I. Plaintiff's Request for Extension of Time to Respond to Motion to Dismiss

On April 20, 2018, Ms. Lee sent an email to the undersigned requesting an extension of time to respond to the pending motion to dismiss filed by the Defendants Chris Kalla and the Law Firm of Hanbury and Turner. [Mot. to Dismiss,

ECF No. 28.] The motion was filed on March 27, 2018,¹ and a hearing was set on the motion for May 17, 2018. Ms. Lee also asked that the hearing on the motion to dismiss be continued. Ms. Lee requested at least three additional months to file her response to find the information she needs to oppose the motion to dismiss.

Ms. Lee's request for an extension is **GRANTED IN PART**. Because there have been ongoing efforts to settle this litigation, Ms. Lee is representing herself, and she has demonstrated that under the circumstances more time is needed to respond, the Court finds good cause for an extension of the response deadline. However, the Court will not extend the deadline to respond by a full three months from the date of Ms. Lee's April 20th email. Instead, the Court enters the following briefing schedule regarding the motion to dismiss.

1. Ms. Lee shall file a response to the motion to dismiss, **on or before June 4, 2018**.
2. The defendants shall file any reply **on or before June 18, 2018**.
3. The May 17, 2018 hearing on the motion to dismiss is **CANCELED**.
4. Upon receipt of the response and the reply concerning the motion to dismiss, a hearing on the motion will either be rescheduled or the motion will be taken under advisement based on the written submissions alone.

¹ Ordinarily a response to the motion to dismiss would be due 21 days after the motion was filed, which would have made Ms. Lee's response due on April 17, 2018. D. Minn. LR 7.1(c)(2).

II. Plaintiff's Request for Evidentiary Hearing and Sanctions

On April 24, 2018, Ms. Lee sent an email that relates to the ongoing efforts by the undersigned and the parties to resolve issues about the language and terms of a settlement agreement.² Ms. Lee asks the Court to hold an evidentiary hearing and to issue sanctions against defense counsel. She also asks the Court to require the appearance at the evidentiary hearing of class counsel from *Soderstrom et al. v. MSP Crossroads Apartments LLC, et al.*, 0:16-cv-233-ADM-KMM—the case from which Ms. Lee's individual claims in this action were severed. In her email, Ms. Lee also indicates her willingness to resolve her case with the Defendants.

The Court finds that no evidentiary hearing is required to address the issues raised in Ms. Lee's April 24, 2018 email. The parties have engaged in a significant amount of work to try and resolve this case. They are very close to wrapping up the litigation and moving on from this dispute. There is a strong policy in the federal courts for resolution of lawsuits through settlements because it saves the litigants' and the public's resources. That policy favors further efforts to see if this litigation can be resolved before the case gets back on the litigation track.

² The Court held a settlement conference on April 11, 2018, and the parties reached an agreement to resolve the litigation, placing terms on the record at the conclusion of the conference. However, disagreements have arisen about the execution of a written settlement agreement that memorializes the terms of the parties' agreement. This Order does not express any opinion about the enforceability of the settlement. No motion or request relating to that issue is currently before the Court and the parties have not presented any written arguments to that effect.

For the reasons stated above, **IT IS HEREBY ORDERED THAT:**

1. Ms. Lee's request for an evidentiary hearing is **DENIED**.
2. The Court will hold a status conference regarding the parties' efforts to finalize a settlement agreement **on May 7, 2018, at 1:30 p.m.** in Courtroom 8E, United States Courthouse, 300 South 4th Street, Minneapolis, MN 55415.
3. Counsel for the Defendants and Ms. Lee shall appear in person at the May 7, 2018 status conference.

Date: April 25, 2018

s/ Katherine Menendez _____
Katherine Menendez
United States Magistrate Judge