

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

TAX COURT  
REGULAR DIVISION  
FOURTH JUDICIAL DISTRICT

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Archway Marketing Services,  
Petitioner,

**ORDER GRANTING MOTION  
TO COMPEL DISCOVERY**

vs.

File Nos. 27-CV-12-09900  
27-CV-13-08351  
27-CV-14-05112  
27-CV-15-07500

County of Hennepin,

Respondent.

Filed: January 13, 2016

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This matter came on for consideration before the Honorable Thomas G. Haluska, Judge of the Minnesota Tax Court.

Douglass E. Turner, Attorney at Law, represented petitioner Archway Marketing Services.

Jane N.B. Holzer, Assistant Hennepin County Attorney, and Thomas F. Pursell, Assistant Hennepin County Attorney, represented respondent County of Hennepin.

On December 8, 2015, the Respondent filed and served a Motion to Compel Discovery Responses. The Respondent also served a Notice of Motion that listed the hearing to occur on January 12, 2016, at 9:00 AM. As the Respondent did not file a response, we canceled the hearing on the motion and we consider the motion as unopposed. *See* Minn. R. 8610.0070, subp. 8 (2013) (“If responsive papers are not properly served and filed in a nondispositive motion, the tax court may consider the motion unopposed and may grant the relief requested without a hearing.”).

Based upon all of the files, records, and proceedings herein, the court now makes the following:

**ORDER**

1. Respondent's Motion to Compel Discovery is granted.
2. Petitioner is ordered to provide complete discovery responses to Respondent's Second Set of Interrogatories and Second Set of Document Requests no later January 20, 2016.
3. Failure by Petitioner to comply with this order may result in sanctions, as provided in Minn. R. Civ. P. 37.02(b).

IT IS SO ORDERED.

BY THE COURT,



A handwritten signature in blue ink, reading "Thomas G. Haluska".

Thomas G. Haluska, Judge  
MINNESOTA TAX COURT

DATED: January 13, 2016

**MEMORANDUM**

On October 6, 2015, the County served the Petitioner with its second set of interrogatories and document requests.<sup>1</sup> Responses were due by November 6, 2015. When the County did not receive a response, they sent a courtesy email to Archway on November 17, 2015

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<sup>1</sup> Affidavit of Jane Holzer ("Holzer Aff.") ¶ 2, filed December 8, 2015.

asking for responses to the interrogatories and document requests.<sup>2</sup> After having received no response from Archway, the County made this motion on December 8, 2015. The County further attests that they have not received any objections to the discovery sought.<sup>3</sup>

The County now moves to compel Archway to respond to its discovery requests without further delay.<sup>4</sup> Parties may obtain discovery through written interrogatories and requests for production of documents.<sup>5</sup> A party seeking discovery may move for an order compelling answers or production.<sup>6</sup> Based upon the evidence filed by the County, we grant the County's motion to compel, and order Archway to fully respond to the County's discovery requests by January 20, 2016.

T.G.H.

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2 *Id. at* ¶ 3.

3 *Id. at* ¶ 5.

4 Resp't's Mem. Law Supp. Mot. Compel Disc. 2.

5 Minn. R. Civ. P. 26.02(b).

6 Minn. R. Civ. P. 37.01(b)(2).