

STATE OF MINNESOTA  
COUNTY OF ST. LOUIS

CASE TYPE: 14  
DISTRICT COURT  
SIXTH JUDICIAL DISTRICT  
File No. 69DU-CV-09-2866

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THE STATE OF MINNESOTA by Marilyn Campetti and Eric J. Ringsred;  
And Marilyn Campetti and Eric J Ringsred, individuals.

Plaintiffs,

Affidavit of Eric Ringsred

vs.

MOTION FOR PARTIAL  
SUMMARY JUDGEMENT  
FOR

CITY OF DULUTH, a municipal corporation.

February 17, 2010

Defendant.

PLAINTIFF'S REPLY  
MEMORANDUM

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I, Eric J. Ringsred, being duly sworn upon oath deposes and states as follows:

- 1) I attended the scheduling hearing pertaining to the above captioned matter, in Judge Hylden's chambers, on November 24, 2009.
- 2) Physically present at the hearing were myself, M. Allison Lutterman for Defendant City of Duluth, Judge Hylden, and by telephone Marilyn Campetti.
- 3) That among issues discussed was the Amendment of Complaint, to delete as Plaintiffs "Friends of Skyline Parkway" and "Friends of the Lakewalk".
- 4) All present concurred that such amendment was appropriate and desirable.
- 5) Judge Hylden directed Plaintiffs to proceed with such amendment.
- 6) At no time during the discussion of appropriate parties to this litigation did the City raise the issue of indispensable parties, or failure to join any party.
- 7) Immediately after the hearing, while exiting Judge Hylden's chambers,

Attorney Lutterman offered that she/the City would “take care of the paperwork” for the amendment, stating that “this will be easy for our office to do.”

8) After several weeks, the proffered assistance from the City was not forthcoming.

9) Since the December 15<sup>th</sup> deadline for amendment, set by Judge Hylden at the hearing, was closing in, Plaintiffs composed the amendment, and made sure it was filed with the Court, and served upon Defendant.

10) The amendment consists only of the original complaint, and deletion of two parties Plaintiff as directed by the Court, with no substantive changes.

11) As of this date Defendant has offered no reason why they failed to fulfill their commitment to assist with the Amended Complaint.

Further this affiant sayeth not.

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Eric Ringsred