

*Rule 14.08 is new in number, but identical to the former Rule 14.03, except for the change of title. "Orders for Protection" is replaced with the more familiar "Protective Orders" for limitations on discovery. This change is made to avoid confusion with restraining orders to prevent personal abuse or harassment.*

## **RULE 23. CLASS ACTIONS**

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### **23.05. Settlement, Voluntary Dismissal, or Compromise**

#### **(a) Court Approval.**

- (1) A settlement, voluntary dismissal, or compromise of the claims, issues, or defenses of a certified class is effective only if approved by the court.
- (2) The court must direct notice in a reasonable manner to all class members who would be bound by a proposed settlement, voluntary dismissal, or compromise. The court shall also direct notice regarding the distribution of residual funds, if any, that remain after payment of all approved class member claims, expenses, litigation costs, attorney's fees, and other court-approved disbursements. This notice shall be provided to qualified legal services programs within the meaning of Minnesota Statutes § 480.24, subdivision 3, and any other potential recipient of residual funds identified by the parties or the court.
- (3) The court may approve a settlement, voluntary dismissal, or compromise that would bind class members only after a hearing and on finding that the settlement, voluntary dismissal, or compromise is fair, reasonable, and adequate. In approving the distribution or other disposition of residual funds, the district court shall consider all relevant factors, including the recommendations of the parties, the nexus between the nature, purpose, and objectives of the class action and the interests of the class members, and the interests of potential recipients of the residual funds.

- (b) Disclosure Required.** The parties seeking approval of a settlement, voluntary dismissal, or compromise under Rule 23.05(a) must file a statement identifying any agreement made in connection with the proposed settlement, voluntary dismissal, or compromise.

- (c) **Additional Opt-Out Period.** In an action previously certified as a class action under Rule 23.02(c), the court may refuse to approve a settlement unless it affords a new opportunity to request exclusion to individual class members who had an earlier opportunity to request exclusion but did not do so.
- (d) **Objection to Settlement.**
  - (1) Any class member may object to a proposed settlement, voluntary dismissal, or compromise that requires court approval under Rule 23.05(a)(1).
  - (2) An objection made under Rule 23.05(d)(1) may be withdrawn only with the court's approval.

**RULE 26. DUTY TO DISCLOSE;  
GENERAL PROVISIONS GOVERNING DISCOVERY**

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**26.02. Discovery Methods, Scope and Limits**

Unless otherwise limited by order of the court in accordance with these rules, the methods and scope of discovery are as follows:

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~~(b) **Scope and Limits.** Discovery must be limited to matters that would enable a party to prove or disprove a claim or defense or to impeach a witness and must comport with the factors of proportionality, including without limitation, the burden or expense of the proposed discovery weighed against its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues. Subject to these limitations, parties may obtain discovery regarding any matter, not privileged, that is relevant to a claim or defense of any party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. Upon a showing of good cause and proportionality, the court may order discovery of any matter relevant to the subject matter involved in the action. Relevant information sought need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.~~