

STATE OF MINNESOTA
COUNTY OF ST. LOUIS - DULUTH

SIXTH JUDICIAL DISTRICT
CASE TYPE: HOUSING

Court File No.: 69DU-CV-20-1845; *consolidated file*

David Smith, et. al.
Plaintiffs,

v.

**Order Modifying
Emergency Order**

Temple Corp., Inc., et. al.

Defendants.

This matter came on for an evidentiary hearing before the Honorable John Schulte, Referee of District Court, on December 18, 2020. Plaintiffs were represented by Jude Schmit, Legal Aid Service of Northeastern Minnesota. Defendants Temple Corp., Inc. and Sandy Pavelka were represented by William Paul. Defendants Eric Ringsred and Miles Ringsred appeared *pro se*.

At the hearing, the parties agreed to continue the trial. The parties also stipulated to the continuation of hotel accommodations and arranged the logistics for the storage accommodation addressed in the Court Order entered on December 04, 2020. The parties also agreed to a briefing schedule. The issues in dispute included Plaintiffs' request that Defendants provide food and transportation accommodations. The Court ruled on these issues at the close of the hearing. These determinations are set forth below in addition to the stipulated modifications.

Therefore, based upon the evidence adduced and upon all the files, records, and proceedings herein, the court makes the following:

Order

1. The Orders in this file entered on November 18, 2020 and December 07, 2020 remain in full force and effect except as modified herein.
2. Paragraph 2 of Page 1 of the Order filed on December 07 shall be modified to extend the prepaid accommodations as follows:
 - a. Defendants shall provide hotel accommodations at (1) Willard Munger Inn for Plaintiffs Talia Bird, Shane Downs, and David Smith; (2) Superior Inn for Kelli Balduc and Robert Stanford; (3) Motel 6 for Mercedes McGee, Cheryl Olson, and Oshay Graves; and (4) AmericInn for Page Koski.
 - b. The issue of hotel accommodations will be readdressed at the hearing on January 04, 2021.

3. Paragraph 3 of page 1 of the Order filed on December 07 shall be modified to require Defendants to provide access to the St. Regis apartment for Plaintiffs who want to move their belongings to storage.
 - a. Defendants will be available to open the units on December 26, 2020 and January 02, 2021 from 9 a.m. to 1 p.m. The individual Plaintiffs must confirm times with Defendants on those days. Availability outside these two windows may be arranged between the parties.
4. Paragraph 6 of Page 2 of the Order filed on December 07 shall be modified to require Defendants provide transportation accommodations as follows:
 - a. Defendants shall provide \$60 gas cards to Defendants Shane Downs, David Smith, Kelli Balduc, Robert Stanford, and Page Koski.
 - b. Defendants shall provide two-week or month bus passes to Mercedes McGee, Oshay Graves, and Cheryl Olson.
 - c. The gas cards and bus passes shall be provided no later than the close of business on December 23, 2020.
5. Defendants shall provide food accommodations to Defendants as follows:
 - a. Defendants shall provide Plaintiffs Talia Bird, Shane Downs, David Smith, Kelli Balduc, Robert Stanford, Oshay Graves, and Cheryl Olson each with a \$100 food accommodation.
 - b. Defendants shall provide Mercedes McGee and Page Koski each with a \$150 food accommodation.
 - c. These payments shall be provided no later than the close of business on December 23, 2020.
6. Defendants shall serve Plaintiffs with a motion paperwork by December 23, 2020. Plaintiffs may submit a responsive brief by January 08, 2020.

RECOMMENDED BY:

01/05/2021 11:16:55 AM



Referee of District Court

By the Court:

01/05/2021 12:24:28 PM



Dated: _____

Judge of District Court

