

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Employment

Clifford L. Whitaker and  
Michael V. Mucci,  
on behalf of themselves  
and all others similarly situated,

Court File No. C4-04-12239

Plaintiffs,

**AMENDED NOTICE OF MOTION AND  
MOTION TO DISMISS OR EXCLUDE  
CERTAIN CLAIMS AND TO SEQUENCE  
DISCOVERY**

v.

3M Company,

Defendant.

TO: Plaintiffs and their attorney(s), Susan M. Coler, Esq., Sprenger & Lang, PLLC, 325  
Ridgewood Avenue, Minneapolis, MN 55403.

**PLEASE TAKE NOTICE** that on Tuesday, April 19, 2005 at 9:00 o'clock a.m., in  
Courtroom 1110, before the Honorable John T. Finley, Ramsey County District Court, 15 W.  
Kellogg Blvd., St. Paul, Minnesota 55102, Defendant 3M Company ("3M") will move for an  
Order granting its *Motion to Dismiss or Limit Certain Claims and to Sequence Discovery* in its  
entirety.

For reasons that will be set forth more fully in 3M's Memorandum of Law in Support of  
Motion to Dismiss or Limit Certain Claims and to Sequence Discovery<sup>1</sup> – and pursuant to the  
Court's clear authority under Minn. R. Civ. P. 12.02(e), 12.06, 16.03(a), and 16.03(f) – 3M  
respectfully moves the Court to:

1. Enforce the one-year statute of limitations period applicable to Minnesota Human  
Rights Act ("MHRA") claims and dismiss (or exclude) claims or allegations made by any

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<sup>1</sup> 3M's Memorandum will be filed timely and in accordance with Rule 115.03 of the General  
Rules of Practice, District Courts.

individual who separated from employment with 3M more than one year prior to May 10, 2004 (pursuant to Rules 12.02(e), 12.06, and 16.03(a));

2. Dismiss (or exclude) any claims or allegations of individuals who were not employed in Minnesota during the one-year limitations period, as the MHRA does not apply extraterritorially (pursuant to Rules 12.02(e) and 16.03(a));


3. Dismiss (or exclude) any claims or allegations of individuals who released MHRA claims upon their separation from 3M (pursuant to Rules 12.02(e) and 16.03(a)); and

4. Sequence discovery in this case such that discovery conducted up to the Court's consideration of the class certification issue shall be limited to the class elements set forth in Rule 23 and shall extend to the merits only with respect to the individual claims of the Named Plaintiffs (pursuant to Rule 16.03(f)).

This motion is further based upon all the files, records, and proceedings herein and upon argument of counsel.

Dated: February 10, 2005

**DORSEY & WHITNEY LLP**

By   
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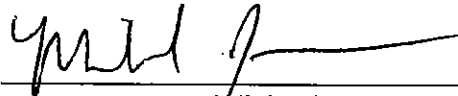
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**ACKNOWLEDGMENT**

The undersigned hereby acknowledges that sanctions may be imposed under Minn. Stat. § 549.211.

DORSEY & WHITNEY LLP

  
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Michael Iwan

