

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF SCOTT

FIRST JUDICIAL DISTRICT

File No. **70-CV-16-13681**

Todd C. Gerlach and Kristen E. Gerlach,

ORDER

Plaintiffs,

v.

New Market Township, Raymond G.
Gifford, Francis Kala and Elaine Kala, as
Trustees of the Francis Kalal Revocable
Trust dated March 10, 2015, and Lillian
Thomas,

Defendants.

FILED
DEC 27 2016
SCOTT COUNTY COURTS

The above-entitled matter came before Rex D. Stacey, Judge of District Court, on December 20, 2016, at the Scott County Justice Center, Shakopee, Minnesota.

Tom Olson and Katie Wallburg appeared with Kristen E. Gerlach.

Michael Bruggeman appeared for Defendants.


Based upon the proceedings, this Court makes the following:

ORDER

1. Defendant New Market's motion to amend is denied.
2. The attached memorandum is part of this Order.

Dated: December 27, 2016

BY THE COURT:



Rex D. Stacey
Judge of District Court

MEMORANDUM

After admitting that 233rd Street is a public road, New Market now seeks to allege that the Gerlachs' driveway is public, too, but the Township offers no evidence that any member of the public used Plaintiffs' driveway continuously for six years. The motion must be denied. RDS